

PREPARATORY EXAMINATION.

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF JOHANNESBURG
HELD IN JOHANNESBURG.

IN DIE MAGISTRAATSHOF VIR DIE AFDELING VAN JOHANNESBURG GE-
HOU TE JOHANNESBURG.

BEFORE MR.: F.C.A. WESSELS.
VOOR MNR.:

REGINA VERSUS: FARRID ADAMS AND OTHERS.
KONINGIN TEEN:

CHARGE: HIGH TREASON.
AANKLAG:

FOR THE CROWN: MR. J.C. VAN NIEKERK.
VIR DIE KROON: MR. LILBENBERG.

FOR THE DEFENCE: MR. V.C. BERRANGE
VIR DIE VERDEDIGING: MR. COAKER.
MR. WEINBERG.
MR. ROSENBERG Q.C.
MR. MAISELS Q.C.
MR. ZWARENSTEIN.

INTERPRETER:

TOLK:

VOLUME 11

PAGLS: 2001 — 2200

mean. This is what Mr. Tambo said: "As we have come here today we have come to speak about Mr. MacDonald Maseko who was chairman of the Orlando Branch." You are reporting his words, aren't you?-- Correct.

That is the way in which you made your notes?-- Correct.

When you came to Mr. Nokwe, you also reported his words?-- Correct.

Not your words?-- Not my words.

His words?-- His words.

And this is the way Mr. Nokwe, the advocate and the member of the Bar talks: "It's of no use to tell you again because since the Malan Government and Mr. Verwoerd had tried its almost best to oppress the Africans." That's what Mr. Nokwe, the Member of the Bar says?-- Correct,

This is what he also said, this educated man: "Today they have brought something that they call it the Bantu Education Act." That's what he said?-- Yes.

Those are his words?-- Yes.

"That Act it's very dangerous to Africans; it's going to teach them that they must know the Europeans are their superior is not what I say but it's what Verwoerd says." That's what he said?-- Correct.

And you remembered that?-- I do.

You remembered that when you made your notes?-- Correct.

His words, not your words?-- Yes.

With the Court's permission, I'm going to test this memory of yours. You will agree that the first speaker started speaking at least five and a half hours before you made your short notes?-- Correct.

I am going to read you out as if I was a speaker at a meeting and I'm not going to wait for five and a half hours for you to tell His Worship what I said, but I am only going to wait for ten minutes, and I am then going to ask you to

*Test see
2000*

tell His Worship what I have read out to you; so I want you to listen very carefully, as if you are going to report me to the Grays tomorrow morning -- do you understand?-- I do.

I am starting: "Afrika! There are many things that the A.N.C. must do, so every Sunday you must come to the square. You have heard what Chief Luthuli has said at the Cape Conference that people are wanted since freedom is wanted. So you should have come in your hundreds to hear what Luthuli has said. He has already told us to organise the people who would defend Sophiatown when the Government start moving it. It is the aim of the Congress to overthrow Malan and Luthuli must take his place. The Government Cabinet is afraid because Luthuli has appealed for volunteers. The Government has spent three months discussing the removal of the Western Areas and many Bills have been passed to enable Verwoerd to move the people at Sophiatown. You have seen the action of the Government when they raided our meetings at the Trades Hall last Sunday; the police were armed just to frighten the people. But the black giant of Africa will no longer be frightened by machine guns or anything. The Government may continue raiding our meetings, but by so doing they would be giving the Africans more power than ever. We want our Africa back, no matter what the circumstances may be. Dr. Njongwe has appealed at Port Elizabeth that 18 year Africans must become African National Congress members, because Dr. Malan also wants his 18 year Afrikaners to have the right to vote. Congress was formed after the Africans had been kicked out at the Peace of Vereeniging. In 1910, when Union was formed, the Africans were not included in the affairs of the Union. The Prime Minister was then General Botha. Many people were surprised what kind of Union was being formed when other races were not included. So the A.N.C. was formed to unite the people. In the first

Cabinet General Hertzog was included and he was not satisfied because he used to call the English people rooineks. General Botha appealed to General Hertzog to stop this trouble and asked him to resign from the Cabinet, and thereafter General Botha was forced to dissolve the Cabinet. General Hertzog went out to organise the people until he became the Prime Minister in 1924, and he used to preach Afrikaner Nationalism. He fought for the Afrikaner language in Parliament. He tried all he could to have the Afrikaner flag. He also tried to keep the Union out of Britain. Are the Afrikaners not satisfied when their language is spoken in every office? In 1933 when there was starvation Hertzog and Smuts formed the United Party. When Smuts was Prime Minister Hertzog was never satisfied. Hertzog was defeated by the Smuts supporters and then Smuts became Prime Minister. But during 1948 Dr. Malan took over the Government by surprise, but still the Nationalists were not satisfied. I want to tell those Europeans who hate the Africans that Congress will be the future Government of this country. We shall preach the African nationalism among our people till they come together under a Congress. The difference will be that with us there will be no racialist Government, but partnership, democracy will rule this country. Under Congress no colour bars will be implemented. And there is no reason why Malan should hate us. We are taking the same path. After all when Malan fought for the Afrikaner people he was not wrong. And when the English fought Julius Caesar of Italy they were not wrong. And when the Hollanders fought King Phillip of Spain they were not wrong. We do not want two states in South Africa but one state. Do you think that if South Africa is attacked and the people are not united, that South Africa will win that war. But if white and black are united they will fight shoulder to shoulder and defeat the enemy. And if the

police provoke the Africans then they must not retaliate. Since we African people know that we are Christians, we do nothing. After all, Jesus preached peace on earth, and brotherhood to man, and we want to warn our people not to be racialists not to hate other races; we are preaching harmony and peace in the four corners of the world. We want partnership with the whites in this country. The Indians are ruling India. Though we may be burnt like Shadrack, Mishack, and Ebednoch, we do not want the blood of anybody to flow. The black giant of Africa is wakening on the East; Malan is trembling. In South Africa we are not awakened since Malan is holding our legs. No matter whether they want to stop the education of the children they will not succeed. They do not want our children to know anything about history. We have doctors and professionals. We will educate our children and we will smuggle them outside the Union just as Sisulu left South Africa without a passport. We must preach the doctrine of solidarity. We must associate ourselves with everybody." Now, you heard that, did you?-- I did.

I've taken only ten minutes to read that out to you -- ten minutes speaking. Now tell me. When you got back to your house in Bertrams, where did you go and write your notes, your long notes, these notes?-- It was in the room.

Your room?-- Yes.

Were you sharing it with anybody at that time?-- I was alone.

How many rooms did you have in this house?-- Only one.

And you were living there alone?-- Yes.

This was in?-- 1954.

What date?-- On the 20th March.

Not the 20th June?-- No.

Where did you sit to write these notes?-- Sitting on the

chair.

At a table, the bed ?-- At a table.

What did you write the notes with ?-- With pencil.

Later on I wrote it down in ink.

Why ?-- As the pencil was too short and I couldn't sharpen it any longer, then I took a pen.

You ran out of pencil, not out of ink ?-- Yes.

Why didn't you start off in ink, this was going to be a report for The Grays ?-- I didn't know it was necessary to start in ink.

How short was your pencil when you started -- or how long was it ?-- It was about so long (witness indicates.) (about 2" - 3")

Do you carry a knife ?-- A small pocket knife, I do sometimes.

Did you have it with you that night ?-- No.

Left it at home ?-- Correct.

Well, if you left it at home why didn't you use it when you got home, if you wrote your notes at home ?-- Because it was too short; because if a pencil is too short you can't write like that.

Why did you start at all with a pencil, why not with a pen ?-- I didn't know that it was necessary to start off with ink.

I never said it was necessary -- if the pencil was too short, why didn't you start off with a pen ?-- Well, when I started to write the notes I found.... I just took out the pencil and write with it.

Out of your pocket ?-- Yes.

But why didn't you start with a pen if it was too short ?-- Well, I simply start with the pencil and later on I.....

So you just simply started with a pencil. So your notes are in pencil, and then you finished them up in ink ?-- Correct.

And then what did you do with the notes the next day ?-- The next day I submit the notes.

You submitted them to whom ?-- To The Grays Building.

To whom ?-- To the superior officer.

Who ?-- Det. Sgt. Von Papendorf.

And you say you think that your short notes were attached ?-- Yes.

What was the point of attaching your short notes -- if you have these long notes -- your proper report, why did you attach your short notes ?-- There are times when they need them.

What for ?-- I don't know, because at times they need the short notes.

You mean you have instructions that you have to hand in your short notes ?-- No.

Then what could they need them for if they've got long notes, if they've got full notes -- your long notes were much fuller than your short notes ?-- The short notes they check them with the report to see if they correspond.

I see. So therefore I say you had instructions that you had to send your short notes in in order to see whether they correspond with the long notes ?-- Not at that time; there was no instruction at that time.

At that time there were no instructions ?-- No.

So that it wasn't necessary to hand in your short notes ?-- It wasn't necessary.

Then why did you -- why do you think you did ?-- I simply attached the notes to the report.

For no reason ?-- No reason.

BY THE COURT: Did you attach them, or do you only think so
?-- I think I have attached them. I am not sure.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

Now, with the Court's permission, I'm going to ask you to sit down and take this exercise book, take your time -- don't hurry yourself -- and just write out the speech that I delivered to you six minutes ago, not five and a half hours. If you like you can use a pencil, or I'll lend you a pen ?-- (Witness sits down to write a report.) (Handed to Mr. Berrange)

Before I refer to this, tell us, at this meeting you are giving evidence about, can you tell us who the speakers were, without referring to your notes now ?-- The speakers were Oliver Tambo, Walter Sisulu, Nokwe, Resha, Muamakwe

Is that all you can remember ?-- Correct.

Although you read out the names this morning, shortly before lunch, you can't remember what you read out, is that correct ?-- (No reply)

You do admit that you read out these names before lunch, did you not ?-- I did.

Now, after lunch, at 3.30 approximately, you can't remember what they were ?--

BY THE COURT: He cannot remember every name.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

You don't remember all the names ?-- Correct.

Can you remember the order in which these speakers addressed the meeting -- who was first, who was second, who was last, and so on ?-- I will not remember them all, but the Chairman was Oliver Tambo.

Yes, that we know -- can you remember the order in which they spoke ?-- No.

I would like you to take your notes of my speech, and just read out to the Court what you think I said in ten minutes -- you have written this down in 17 lines. ?--

This is not all what you said.

Read:

No, I know; I want to know what you have written; just tell us what you remember I said?-- "Afrika! The A.N.C. got many things to do. You will remember that when the police had raided the Trades Hall they were armed, and only tried to frighten the people. The black giant of Afrika was there. You will remember that Chief Luthuli said he need 5,000 volunteers. The people of India rule India. When Smuts was ruling the Nationalists were not satisfied. Sisulu went overseas without a passport." That is all what I could remember.

You are quite certain that you heard me say that Chief Luthuli wanted 5,000 volunteers?-- Correct.

No doubt about that?-- No.

I said that, did I?-- You did.

That Luthuli wanted 5,000 volunteers?-- Correct.

Not 3,000?-- I heard you say the 5,000.

BY THE COURT: What was the figure that you mentioned, was it 3 or 5?

BY MR. BERRANGE: None at all.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

You see, you are mixing this up with what you have heard at other meetings -- you've heard at other meetings that Chief Luthuli has asked for 5,000 volunteers. I never mentioned 5,000 volunteers. Why do you put in things that I never said?-- (No reply)

Don't let me worry you about it any more. Let me just put to you one very simple question. Is it possible that in reporting this meeting that we are talking about at the Western Native Township you may also put in some things that were not said?-- No.

Although you have put it in when you talk about my meeting?-- I only put in the report what I could remember; not all what was said.

But I never mentioned 5,000 volunteers?-- Well, that's a mistake, I don't know how did I get it.

I'll tell you how it came about; it's because you've heard that said at other meetings, not this meeting, isn't that so?-- It maybe.

You put nothing in there -- this is the important part of the whole thing -- you didn't remember my saying anything about the fact that there would be no racialist government under Congress, but that there would be partnership, about the fact that the democratic government will rule the country, about the fact that there is no reason why Malan should hate us, about the fact that I'm warning people not to be racialists, and not to hate other races, about the fact that I said we must preach harmony and peace in the four corners of the earth. About the fact that I said "We want partnership with the whites in this country" and that we do not want the blood of anyone to flow; none of those things did you remember, did you?-- No.

You didn't think they were important?-- I didn't remember that now.

Did you think they were important?-- They are important.

Why did you not remember them -- if they are important, how does it come about that you can't remember them; is it because your memory is bad?-- It isn't bad.

It's not bad; and yet these are important things?--
(No reply.)

Now, let me ask you one simple question; is it possible that at this meeting held at the Western Native Township that

similar things were said, to the things which I have just read out to you which you have forgotten to put down; is it possible that similar things were said?-- Which things?

You don't even remember now what they are -- that under Congress there would be no racist Government, but partnership and a democratic Government, that people should not be racials and shouldn't hate other races, and that they are preaching peace and harmony in the four corners of the earth, and that they want partnership with the whites, and that they don't want any blood to flow; is it possible that speakers may have said all or some of those things at this meeting?-- It is possible that the speakers have maybe said some of those.

Or all of them?-- I don't think all.

But it is possible that they may have said some of them, because this was a congress, wasn't it?-- Correct.

A conference?-- Correct.

A conference at which policy was decided?-- Correct.

(Notes handed to Mr. Berrange.) (Handed in as Exh. G.27 and G.28)

(No further questions)

MR. COAKER: NO QUESTIONS:

MR. SLOVO: NO QUESTIONS:

NO RE-EXAMINATION.

COURT ADJOURNS:

COURT RESUMES 6/3/1957:

MR. COAKER ADDRESSES COURT:

Accused No. 6, P. Beyleveld, and Accused No. 52, Lilian Ngoyi still absent.

Accused No. 55, L. Nkosi -- further certificate handed in,
Accused No. 138, Dr. Motala, -- certificate handed in.

BY THE COURT: I think I must say again, there have been quite a number of absences, in fact we have absences every day that the evidence has been typed -- I believe -- and any of the accused who desire so can read the evidence; the evidence is available. I don't know that I can do more than that, to say that the evidence is at their disposal.

JOHANNES MICHAEL STRYDOM, duly sworn. (Inter. P. Fourie.)

EXAMINED BY P.P. (MR. VAN NIEKERK)

Are you a detective constable S.A. Police, stationed at Johannesburg? -- Yes.

On the 4/7/54, did you attend a meeting of the African National Congress at the corner of Morris & Victoria Street, Sophiatown? -- Yes.

Did you take notes of some of the speakers, or one speaker at this meeting? -- I did.

Are these the notes you made at the time? -- These are the notes.

At this meeting were certain pamphlets issued? -- Yes, there were.

Will you have a look at the pamphlets before the Court? -- These are the pamphlets. (Exh. G.29).

Does that relate to a meeting on the 11th July? -- Yes, 11th July, 1954.

And at that meeting, did you also obtain a book that was being distributed at this meeting? -- I did.

Is that the book? -- Yes.

What is the title (Exh. G.30) ?-- "South Africa's Way Forward" by Moses Kotane,

Do you remember who was the chairman at this meeting ?-- I do not remember.

Do you remember who addressed this meeting ?-- Yes, I do. Who addressed this meeting ?-- The name I took down was Resha.

Can you identify him ?-- I can.

Do you know him well ?-- I know him well.

Is he one of the Accused ?-- He is. (Accused 63.)

You say you took these notes at the time of the meeting ?-- I did.

Would you tell the Court what the Accused Resha said when he addressed this meeting ?-- Yes, according to the notes.

What language did he speak ?-- English.

Did you take down the notes in English ?-- I did.

Will you please tell the Court what was said at this meeting ?-- "Today I bring to you greetings from Cape Town; last week I've been at Uitenhage, 50,000 volunteers at that meeting. Luthuli was there. Mr. Walter Sisulu was there. Dr. Njongwe was there, successor to Dr. Van Rhyne who knows nothing about medicine. That people must decide what to do about people in the removal scheme. There in Cape Town, going to fight as long as they live for you people in Newclare, Sophiatown and Martindale. Luthuli said we can give 100,000 volunteers. I saw their men and women dressed in khaki, walking up and down. I saw men and women going to town with badges of A.N.C. I met a minister of religion. He said he was preparing for weeks, church can wait. Hundreds of police in roofs and doors. Although all the hundreds of police with machine guns failed to stop the people from taking decision. It is the

same as the police and detectives who are here today. They go there to stop the people from attending, saying they have machine guns and search them. The police chief is not ashamed to say they are investigating a case of treason. When they want to arrest our leaders in the defiance campaign, they did not go to the mountains to hide from being arrested by police. They were here, they did not hide like Smuts in Parliament. It will be clear to you people that the leaders of the A.N.C. do not fear to be arrested. Let the Government of this country realise that the machine guns will not hold the people in slavery. In a civilised country a man sees a policeman, he does not fear, but in South African when an Indian sees a policeman he is not sure that he can pass that policeman. I can assure you that as he stands here you do not know if you are going to be arrested. I asked you to take this statement very seriously. What is said yesterday is meant, and he is going to do it. If they want to shoot, they must shoot and those of you here must realise that they take no chances. If the police decide to shoot they must shoot. I know a time comes when bullets cease to fire when a " Daar is die sin nie voltooi nie. They must also realise that a man like Luthuli and Sisulu decide to fight those bullets. I stand here with a small knife in my pocket and the men over there with guns. I'm not frightened. The things I'm telling you here are the things you're going to suffer tomorrow. Some of you of course was never arrested. You know what the Dutchmen do to you. When he's getting hold of you he cheeks you and you have to keep quiet. We of the A.N.C. believe that black and white can live happily together in this country. We are not prepared to be intimidated in this country of ours. Say we are going to fight for our freedom. It means that we are

not begging Swart's. Let them for treason case " Daar is die sin ook nie voltooi nie. " and arrest our leaders, but like Swarts arrested in 1914 he is today out and is Minister of Justice. Our leaders will also come out. Defiance Campaign carried on as long as the people constituted it decided to stop. It was not Swarts who crushed it."

Will you read that sentence again please ?-- "Defiance Campaign carried on as long as the people who constituted it decided to stop. It was not Swarts who crushed it. What are those volunteers going to do, because when 10,000 volunteered Swarts did not know what to do. Detectives joined to find out. Detectives took notes to find out what we are going to do. They only found out when it was done. Congress is very intelligent. Next Sunday" there the sentence is also not completed. "It is the chance of the people to be arrested, then they can say 'Yes, it was Luthuli who arrested not by those people employed by Swarts.' Today we of the A.N.C. decided to move on and those who does not decide will get the boot of the Afrikaner. Today they want to take our property from here. They want to destroy us completely. They say we must be removed because we are near to the Afrikaners at Westdene and Newlands. The aims of the Bantu Education Bill is to bring down the pride of the Africans."

Does that conclude your notes ?-- Yes.

(No further questions)

CROSS-EXAMINED BY MR. BERRANGE:

Were you there for the duration of the meeting ?-- I was.

How many speakers addressed this meeting ?-- I can't remember how many there were.

Were you the only police officer at that meeting ?--
The only European policeman.

Do you know who the others were ?-- I can't remember their names any more.

Do you know how many there were ?-- I don't know how many there were.

Do you know what time the meeting started ?-- I can't say.

Nor what time it ended ?-- No.

Where was the meeting held actually, in the open, a hall, or where ?-- On an open stand.

Have you any idea how many speakers addressed this meeting, approximately ?-- I can't remember any more.

Can you give us any approximation ?-- I can't remember; I've got to confine myself to the notes.

You have no independent recollection of this meeting ?-- No, nothing apart from my notes.

Why did you take notes only of the one speaker ?-- At some of these meetings there are speakers who speak in native languages.

But I still don't understand why you only took the notes of one speaker ?-- It might have been that he was the only one who spoke in English.

When they speak in native languages, are the words of the speaker not interpreted ?-- I can't say as far as the meeting in question is concerned, but at some meetings they do speak in native languages.

You want there to take notes of what the speakers said if you were able to do so ?-- That is so.

If any of the speakers had spoken in a language which you understood you naturally would have made notes ?-- I would have.

So it therefore follows that Resha was the only speaker who spoke in English, otherwise you would have had a note ?--

That must be.

Besides making these notes, however, did you make a report based on these notes ?-- No. (Handed in, Exh. G.31)

(No further questions)

MR. COAKER: NO QUESTIONS:

MR. SLOVO: NO QUESTIONS:

NO RE-EXAMINATION:

FURTHER EXAMINATION BY P.P. (MR. VAN NIEKERK):

(Meeting 18/7/1954)

On the 18th July, 1954, did you attend a meeting of the African National Congress held at the corner of Morris Street and Victoria Road, Sophiatown, Johannesburg ?-- Yes, I did.

Were there pamphlets issued in connection with this meeting ?-- Yes, there were.

Will you have a look at the pamphlets before the Court ?-- This is the pamphlet. (Exh. G.32.)

Is that a pamphlet in connection with this very same meeting ?-- Yes, it is.

What does that pamphlet say ?-- "Luthuli's Call to Youth. 50,000 volunteers to mobilise the country against the removal of western areas, pass raids, Bantu Education, Youth Labour Camps. Come to mass meeting Freedom Square, corner Victoria and Morris Streets, Sophiatown. Come in your thousands and demonstrate your loyalty and confidence in the A.N.C. on Sunday 18th July, 1954, at 9.30 a.m. Join as volunteers now. Speakers, Duma Nokwe, H. Makgothi, R.M.Resha, issued by A.N.C. Youth League, West Rand."

Did you take notes of this meeting, at this meeting ?-- I did.

Are these the notes which you took ?-- Yes, these are the notes.

Could you tell the Court who addressed this meeting ?--

No. 1, Modise; No. 2, Mafate; D. Nokwe, ^(sb)Mokgothi; there was also a chairman, name unknown to me; Resha -- that is all I have on record.

You mentioned the names of Modise -- do you know Modise ⁽⁴⁾?-- I do not know him.

And Mafate, do you know him?-- I do not.

And Nokwe?-- I know him.

Do you know Makgothi? ⁽²⁾?-- I do not.

And Resha?-- I know Resha,

How well do you know Nokwe?-- I have known him for several years, and I would be able to identify him. (Witness identifies P.P.D. Nokwe, Accused No. 56.)

And you don't know Makgothi?-- No.

And Resha?-- Yes. (Witness identifies Accused No. 63.)

Will you tell the Court what happened at this meeting?-- Yes.

Did Modise open the meeting?-- I can't say; there was a chairman, however.

You can't remember who the chairman was?-- No.

Will you just tell the Court what happened at this meeting?-- Modise said: "Because of tyranny laws extended on us we will not be able to do so. This is the beginning of the worse. Think of your children, what condition are they to live. Some of us will tell you that they are with you, but they are not. Work is not in Parliament but every day. Look at the new laws today. The lousy policemen come in your home and demand your pass." Mafate: "Sons it is admitted that the future belongs to you. The young people has played a prominent part in your future, for example youth of Hitler played prominent part in enslaving the people of world. Today we notice same position European given a military training with purpose of keeping sons white. It is important if we speak of

youth; not to look down on youth. Some people say we cannot organise with youth because they are tsotsis. In first and second war youths were in the front. At this moment it is in Indo-China. Are we going to leave our people to say they are tsotsis. We must go from house to house and preach gospel of Congress. We must join A.N.C. Youth League, and undertake the task of our leaders ensure we will get freedom." The chairman: "Today Nationalist Party is in power because of youth."

D. Nokwe: "Freedom in our lifetime. Vryheid in onse leeftyd. The situation our people are in today is because the" there the sentence is not completed; ".....Out of every thousand babies born 500 are condemned at infancy. As you see us here, we are the accident who escaped at infancy. You find our children live in filth and mud because they are forced to live. Many children grow up without seeing the doctor because the parents cannot afford. Even if we escape death by not seeing a doctor and grow up we found that we are still hounded. Some of us going to school but the majority have not seen the doors of schools, not because there are not schools, but the Government builds gaols and not schools. Instead of training teachers they train policemen. In fact, today they take teachers and place them under government with handcuffs and train them as policemen. They are now starting concentration camps for youth. Dr. Van Rooyen said they are going to build compulsory labour camps.. Said very few African youths are employed and if they are unemployed it is their own fault.

Will you read that sentence again please ?-- "....Said very few African^s ~~are~~ unemployed, and if they are unemployed it is their own fault. We no longer get shot for such lies as published by Dr. Van Rooyen who said a few are unemployed but we know police are increased to arrest them who are unemployed. If so few are unemployed, why find so many section raids on

corners to arrest unemployed. Van Rooyen makes one of the
....." There is a word in this sentence which is obliterated
on account of pin marks, and the sentence is therefore not
completed. "..... of permission that" That sentence
is also not completed. ".....prohibited you from saying
things. The Labour Bureau say to so many youths to get out
away from their homes and go away from Johannesburg. Doctor
said that in this camp only youths with a good whose parents
say they are bad. That is a lie. The camp will contain each
youth found in the streets under the excuse that they will be
trained. There are not thousands of parents who will say they
do not know what to do with their children. The camp will be
in the rural areas, not in Sophiatown. Why are they taken to
rural areas. Is to give farmers more labour. There are no
European youth camps. Dr. Van Rooyen lies will deceive no-
body. We must also demonstrate to show African youths are in
the offensive. The Government has become a newspaper publish-
er. "Ngobese" published by N.A.D. and issued free at police
stations and N.A.D. It is written in Zulu and subject written
about the reference books. It says thousands of Africans are
rushing for reference books. It says reference books is not
a pass. I am trying to tell you which methods the Government
is taking to part you and confuse you. If you want evidence
of that you can see the police attending..... to tell you our
speeches are very intelligent and when we take over we can
show you the speeches which are held at Grays are very intelli-
gent. That is why I'm not speaking from notes because my
speeches are kept reserved at Grays. We claim Luthuli is
superior to Doctor Malan. We claimed and the whole world
claimed that Sisulu, Malele, Matthews, are superiors to
that made group the Cabinet."

(Witness repeats sentence at request of P.P.) "The A.N.C. is ours" There the sentence is also not completed.

"We say messages from people will have prosperity and not poverty in our lifetime. Finally, we hate Fascists maniac in which" There the sentence is also not completed.

"In our lifetime the country will have racial harmony and peace. The past youth chased the youth, will be used to transport food from farms to towns. Gaols will be changed into universities. Then there will be a small place for Swarts. We will give him a farm. We are not brutal. This is of course if Afrikaner, Jew, and Englishman follow the A.N.C. Following the A.N.C. so that we can push the big boat to freedom. Youth of Sophiatown to follow A.N.C. so that we can smash the Fascist monster." The next speaker is Makgothi: "You have listened to Mr. Nokwe today. The Government of today has ~~the guts~~ to ban our leaders. They do not point out correct way which Luthuli points out the way to follow. The path Congress has chosen is the difficult way because it is difficult way to freedom. We are proud today to be a member of the A.N.C. because the A.N.C. is just. It express the right desires of people. How we know Parliament expressed the right desires of ^{the} people. It is the policy of Congress which is the correct policy. Everyone of us belongs to Congress. He is a leader. Because we are leaders of the people. Policemen in that car" There the sentence is also not completed. "We are doing everything for his benefit." The clique of people gathering at Cape Town believe there is something wrong with the majority of people. We have showed Congress is the correct policy. Congress will be called 'The Congress of People.' I emphasise Congress stands for the people. It is clear the Government does not respect our people. If they do not respect the moral of the people how

can they expect to be a government. That is why Congress must be the Government of this country and will be the Government. It is our first duty as members of the Youth Congress to take the lead of the entire youth of country. This is why with this coming Congress it is important that we as a group of young Africans can sacrifice and fight for our freedom. Once the people have taken a decision it will be carried out." The next speaker is Resha. "Our leaders coming together to preach harmony. It is those uneducated police boys who go there and give wrong information on which our leaders are banned, but the more they ban our leaders new leaders are coming. I asked Mr. Nokwe to write down the correct version of my speech so that no wrong version could be given by police or Mr. Swarts, Minister of Justice. Head. Luthuli is coming to Sophiatown. He had sleepless nights because they are too ignorant. We know it is not the face of Luthuli but the message he has given. He wants 50,000 volunteers. Why does Government run mad when Luthuli mentions 50,000 volunteers. Because the idea still in" There the sentence is also not completed. "Luthuli when asking you to come to meeting is to ask you to volunteer to freeze South Africa in future."

BY THE COURT: To what ?-- "...to freeze, 'f-r-e-e-z-e' "

EXAMINATION BY P.P. CONTD.:

Read it again ?-- "...to ask you to volunteer to freeze South Africa in future." "We have taken a higher step. Volunteers to perform a higher task. They are not going to gaol. If you believe in leadership of A.N.C. it is far more intelligent than Malan's Government, that is why you must volunteer. One thing the police will not know is what volunteers are going to do. This country belongs to me and you and no white man will know what I am going to do for my country. We in Con-

gress have taken a resolution to free these white man. Just because these Dutch people are uneducated Swart sent them to be here and if we want to kill we must kill them and Swarts is some other place. If Swarts asks why Resha is agitating you must say it is the conditions that Resha is living under. The time has come to free ourselves. We are no longer" There the sentence is also not completed. "We must tell the Government that we will not send our children in concentration camps. We must see the police" This sentence is also not completed. "Swarts tell the police they must shoot and they must shoot. On Friday evening an African police was shot by two Europeans. That policeman, a man doing everything to the Government, was shot by two Afrikaners. His funeral will be this afternoon. The Dutch people today are afraid of the African people because they realise the time has come for the African people to be free. No other organisation in this country today is capable to free the people than the Congress. The Congress of Democrats, coloured organisation and the S.A. Indian Congress are backing us. Verwoerd want to send the African people to Meadowlands because he wants to give these houses for the Europeans. You can realise that the Government is afraid today because it sent Dutch people to write down at our meetings. I think the removal of Sophiatown will bring a clash between the forces of Congress and the forces of the Fascists. On Sunday you are invited to a Congress at Trades Hall. Trades Hall is the place where the police come from the roof, windows and doors. We are going there again. Not one police must come, but 500. On that Sunday we are going to decide what we are going to do to Dr. Malan. This afternoon at 2.30 p.m. we have another meeting at Trades Hall. Canon Collins will tell what he has seen. He said in Cape Town he has seen

nothing but dirt but he will say what he thinks about this Government. He can tell you because he is intelligent." I have added a footnote to this particular page, but I didn't mention who had said this at the time. "But don't think you with your black face can go and play golf at the Johannesburg Golf Course." There's one sentence at the bottom of the last page of these notes which is not in my handwriting.

(No further questions.)

CROSS-EXAMINED BY MR. COAKER:

Were you the only policeman at this meeting?-- The only European.

Were you the only person making notes?-- I don't know whether I was the only one who made notes, but there were native detectives who were there.

Now, were the speeches made in English or in other languages?-- In English, what I took down.

Can you remember that the speakers whom you took down spoke in English?-- I took down what was said in English only.

BY THE COURT: But it may be that a speech may have been interpreted into English from a native language -- did you take that down as well?-- It might be so.

You can't say that all these speeches that you recorded were made in English?-- No.

CROSS-EXAMINATION BY MR. COAKER CONTD.:

Did you write down correctly what the speakers said, or what you heard said?-- I did. Not everything.

Apart from the sentences which are incomplete, were there other things which were said which you were unable to take down?-- It is impossible for me to write down the whole speech.

But what you did write down, you wrote down correctly

?-- Yes.

And you therefore took down the exact words which were used by the speaker ?-- I did.

You know, I think you have said, the speaker Duma Nokwe ?-- I know him.

Do you know that he is an advocate and a well-educated man ?-- I know.

Did he say this, as you have recorded it: "we say messages from people will have prosperity and not poverty in our lifetime." ?-- It's according to my notes, if I can look at my notes, I'll be able to tell you.

If that appears in your notes then do you say.....

P.P. OBJECTS:

OVERRULED:

CROSS-EXAMINATION BY MR. COAKER CONTD.:

If that appears in your notes, then are those the words which the speaker actually used ?-- Yes.

If that sentence had been incomplete, you would have marked it as being incomplete ?-- Yes.

Will you please look at your notes and see if those words appear in them, in the speech of D. Nokwe ?-- It says here: "We will have prosperity and not poverty in our lifetime."

Where are you reading from ?-- Page 8.

Is that near the end of the speech -- what comes immediately before that. ?-- "The whole world claimed that Sisulu Malele, Matthews, are superior to that made group called the Cabinet."

Now, continue from there. ?-- "The A.N.C. is ours."

That's the end of a sentence, is it ?-- It is part of a sentence.

How does it continue ?-- There is another part of the sentence: "We say messages from people..." en dan begin "and

we will have prosperity and not poverty in our lifetime."

Will you read that again, I haven't had it correctly ?--

"We say messages from people....."

BY THE COURT: That sentence is not completed ?-- It is not.

And then the next sentence starts of ?-- "We will have prosperity and not poverty in our lifetime."

CROSS-EXAMINATION BY MR. COAKER CONTD.:

I may say that that is not how he read it last time, ~~but~~ that does seem to make better sense than what you read ?-- These sentences are not complete.

None of those sentences ?-- Three sentences are not complete. "The A.N.C. is ours....." and "we say messages from people...." that sentence is also not complete. There is also another portion left out before you get to these words "we will have prosperity and not poverty....."

As you listened to the speeches that were being made, did you understand them yourself ?-- I did.

Did the speeches make sense ?-- I can't reply to that question. I may understand it this way and they may mean something else.

(No further questions)

MR. BERRANGE: NO QUESTIONS

MR. SLOVO: NO QUESTIONS:

(notes handed in as G.33.)

NO RE-EXAMINATION:

SAMUEL KUNENE, duly sworn. (Interp: D.K. Januarie.)

EXAMINED BY P.P. (MR. VAN NIEKERK):

Are you a native constable in the South African Police stationed at Fordsburg ?-- Yes, at Fordsburg Radio Station, the Flying Squad.

On 25th July, 1954, did you attend a meeting at the cor--

ner of Bree -- at the Patidar Hall, Terrace Road, Fordsburg
?-- Yes.

Did you make notes at this meeting ?-- I did not make
notes of that meeting. I kept mental notes.

What did you do after the meeting ?-- After the meeting
terminated I then wrote a report.

How long after the meeting had terminated ?-- It was
very shortly after the meeting had terminated, about two hours,
when I got home and sat down and wrote it.

Will you have a look at this report ?-- This is the
report.

Have you any recollection of this meeting, apart from
your report ?-- I have.

Can you still remember the meeting without referring to
your report ?-- I can remember.

Can you say by whom this meeting was held, by what
organisation ?-- It was held by the Indian Congress.

Only the Indian Congress ?-- They had invited some of
the other branches.

What was the occasion of this meeting ?-- It was a
farewell of the Assistant Commissioner of India.

BY MR. SLOVO: I may, in fact, indicate that the witness is now
referring to his notes.

EXAMINATION BY P.P. CONTD.:

Without referring to your report, can you still today
remember the occasion of that meeting ?-- I can still remember.

Without referring to the notes now -- put them aside --
?-- It was a farewell given by the Indian Congress for the
Assistant Commissioner of India, Mr. Mahoutra, or something
like that.

Can you without referring to your notes, remember who
addressed this meeting ?-- I remember very well. Oliver Tambo.

He opened the meeting.

Did anybody else address this meeting ?-- Eventually some were just called upon by the chairman.

Without referring to your report can you remember who they were ?-- If I remember, some they were produced from the platform.

Yes, but do you remember today without referring to your notes ?-- I am not referring to the notes as I am speaking.

I am asking you whether you can remember who addressed this meeting without referring to your report ?-- I can remember.

Now, who were they ?-- Oliver Tambo, Yengwa, and there was an elderly Indian as chairman. I don't remember his surname, and Patel.

DISCUSSION BETWEEN MAGISTRATE & P.P.:

BY THE COURT: Can you remember everything ?-- Not everything. But I remember some of the things, as I have mentioned now.

DISCUSSION BETWEEN MAGISTRATE AND P.P. AND MR. BERRANGE:

EXAMINATION BY P.P. CONTD.:

Can you remember the details, what was said at this meeting, without referring to your notes ?-- I cannot remember.

When you made these notes, you say it was shortly after the conclusion of this meeting ?-- Correct.

Were the facts still fresh in your mind when you wrote down the report ?-- The facts were still fresh in my mind.

Now, referring to your report, will you tell the Court what happened at this meeting ?-- "A farewell meeting, Patidar Hall, Bree Street and Kenneth Roads, Fordsburg. I attended the abovenamed meeting organised by the Indian Congress and the African National Congress, held at Patidar Hall, Sunday 25th July, 1954, at 8 p.m. The Chairman Mr. Dakotra. Opening speech by O. Tambo. On behalf of the African National Congress

Transvaal I wish to bid you farewell to you for the five years stay in South Africa. We have appreciated your work and your assistance in our struggle for freedom. Today India is an independent country. It started the same way as we are today. It has won its battle. Tell the people of India that we need their support and we will fight until freedom is won. I wish you a happy return to India and we are looking forward to your assistance in our struggle. Although many of our leaders are banned we will carry on until freedom is achieved. It is indeed a disappointing state of affairs....."

Will you please just say where a person's speech ends and who the next speaker is ?-- Tambo's speech ended at "..... until freedom is achieved. Speech by Yengwa: "It is...

Did you describe Yengwa in your notes ?-- I did, after the Chairman had introduced him I then knew that he was Yengwa.

What else -- what have you got in your report after Yengwa ?-- It is very difficult to describe there because.....

What have you got in your report after the word 'Yengwa' ?-- If I'm to answer that, I would say if he had a certain suit.....

Please let me see your report (handed to P.P.) ?--
Yes.

You have written in your report something after the word 'Yengwa' -- what is that after you have written after the word 'Yengwa' ?-- (Notes back to witness) Sorry. "Yengwa, Secretary, A.N.C., Natal."

Do you know this person Yengwa -- did you know him at the time ?-- I did not know him; it was the first time for me to see him at that meeting.

Can you recollect where you got this information from, writing 'Secretary, A.N.C., Natal.' ?-- This was announced from the Chairman.

What did he say ?-- "It is indeed a disappointing state of affairs to part with a man of your calibre, but through unfairness of the South African Government we are losing a man of your good thought. I wish to say to you, Sir, convey our appeal to the Government of India and the people to assist us to fight the obstacle in front of us and be a mighty South Africans for Afrika. I have the great hope that India will assist us in our struggle supported by people in the house saying 'Afrika.' "

Who was the next speaker ?-- Mr. Slovo.

What did Mr. Slovo say ?-- "I have the greatest pleasure to say good-bye to you, your assistance during the short stay in South Africa will be remembered by this Congress and the people of South Africa. I would also say to you, Sir, that tell the people of India that we are on our feet and we seek their help in our struggle, and I can assure them with the unity of the Indian Congress the African National Congress and other organisations jointly. We will appoint until freedom is achieved. I hope, Sir, one day you come to South Africa you will find Africans managing their affairs for Africans in Africa." That ends his speech.

The next speaker ?-- The next speaker is Mr. Patel. "It is with regret to tell you we were not allowed a hall to cater for the people as a tradition, that on a farewell occasion we are accustomed to serve people with tea and drinks. However, I must thank you all for the good spirit you have shown in attending this farewell meeting to give a farewell to the Assistant Secretary, the Commissioner of India in South Africa. The office of the Commissioner of India in South Africa has been seized down by the Government of South Africa on behalf of the Indian Congress.

Please repeat that ?-- "The office of the Commissioner of India in South Africa has been seized down by the Government of South Africa....."

Look at that word again where you read "seized" ?-- In other words, it means it has been stopped, there is no more office of India in South Africa.

But what is the word ?-- I'm sorry, it is "closed.""...closed down by the Government of South Africa. On behalf of the Indian Congress I bid a farewell to you." That ends the speech.

Who was the next speaker ?-- The Chairman, Mr. Mahoutra, No, the Assistant Commissioner, Mr. Mahoutra, Assistant Secretary of the High Commissioner of India in South Africa.

What did he say ?-- "I am happy to see you all here this evening to come and bid a farewell to me. This Government has closed our office. The reason being as follows: As you all know that India is an independent country we are said to interfere with the domestic affairs of South Africa, and that my country is an independent country. I happily accept your message to the Government of India as well as to the people of India. I will appeal to you to unite and stand together and fight for your rights in your country, South Africa. You have well thought people in South Africa, as example, like people who have devoted....."

No, please read again from 'example' ?-- "...example, like Dr. Dadoo, people who have devoted their love over people of South Africa. You have people like Chief Luthuli who have love over the African people and for the love over his country. I am bidding farewell to you Africa." The meeting was attended by more than 200 people, of all races and sexes. The meeting terminated at 10.45 p.m.

Do you know, and can you identify Mr. Tambo ?-- I can identify him.

Can you identify Mr. Slovo ?-- I can identify Mr. Slovo;

Can you identify Mr. Patel ?-- I cannot identify him; it was the first time to see Patel that night.

Can you identify Mr. Yengwa ?-- Likewise, Mr. Yengwa. I cannot identify him.

Will you please identify Mr. Tambo and Mr. Slovo -- step down ?-- (Witness leaves box.) I cannot see him, but I know him very well; he has an office at Chamellor House which I very often visit.

Will you go down and take the row from the front and walk down every row and inbetween the rows ?-- (Witness leaves box -- identifies Accused O. Tambo, No. 74.)

And Mr. Slovo ?-- Mr. Slovo is a very popular man in Johannesburg. (Indicates Mr. Slovo, Accused No. 72.)

BY THE COURT: Perhaps the witness might explain his last remark; you say he is a very popular man in Johannesburg ?-- He is a very popular man.

What do you mean by that ?-- I mean every African, we always talk about him. He is of great assistance to the Africans.

I think when the witness gave his report of Mr. Slovo's speech, he said Mr. Slovo was very pleased to see the last of the guest of honour, or words to that effect -- is that what you said; what did Mr. Slovo say about the Assistant Commissioner ?-- "I have the greatest pleasure to say good-bye to you....."

(No further questions)

MR. BERRANGE: NO QUESTIONS:

MR. SLOVO: NO QUESTIONS:

(Report handed in as G.34.)

ISAAC SHARP, duly sworn,

(Meeting 1/8/1954.)

EXAMINED BY P.P. (MR. VAN NIEKERK):

Are you a detective sergeant, S.A. Police, stationed at Johannesburg ?-- Correct.

On 1st August, 1954, did you attend a meeting of the African National Congress, at the corner of Hamilton and Griffiths Roads, Newclare, Johannesburg ?-- Correct.

Did you take notes at this meeting ?-- I did.

Did you on the 31st July, obtain a notice advertising this meeting -- will you have a look at that ?-- Correct, 31st July, 1954. (G.35.)

Is that the meeting that you refer to as having attended as having attended on 1/8/1954 ?-- Correct.

Does that notice purport to be issued by some specific organisation ?-- The notice is issued by the A.N.C., Western Region.

Is that a roneoed document ?-- Yes.

Will you have a look at this note -- your notes ?-- Yes.

Are they the notes which you took at that meeting ?-- These are the notes that I took at this particular meeting. 1/8/54.

What time did the meeting started ?-- The meeting started at 11.5 a.m. and concluded at 2 p.m.

Looking at your notes, can you say who was the chairman of this meeting ?-- The Chairman was S. Tyiki.

Can you tell the Court what happened at that meeting ?-- The Chairman said "The meeting has been opened, we know our work. Owing to our troubles it is necessary that every-

body should join the A.N.C. Even the ministers of religion, teachers, even the police should join the A.N.C. You see my fellow African people who believe in the same ideas. We are grateful to you for having accepted the arrangements

Are you still reading from the same page ?-- I am reading now from the other side of the page.

Will you just see that you've got your pages right ?-- Yes, but there's 121 and it is continued on 122.

Read again from ?-- "You see my fellow Africans who believe in some ideas we are grateful to you"

What page are you reading now ?-- 121.

But that is now 122 ?-- Well, it's put down here, I don't know who marked it. (Notes handed to P.P.)

You are starting on page 122 ?-- Yes.

Read from the bottom of page 122 ?-- "The meeting has been opened. We know our work. Owing to our troubles it is necessary that everybody should join the A.N.C. Even the ministers of religion, teachers, even the police should join the A.N.C. You see, my fellow Africans, is going to help us from the Boers is to join the A.N.C. We are calling all the people in Africa. If we could help it we should call the mine workers to become because they are children will only be liberated by this national organisation. It would appear that there is no truth within us as yet similar to those who were It would appear that there is no truth within us yet similar to those who were" There is a word I can't make out there. "... for the faith's sake."

Just read again from 'yet' ?-- "Similar to those who were" I can't make that word out, it appears that it is "m-a-t-y-s-a-d" "for the faith's sake, and others were exiled for the truth. Africans when we speak to you about the Bible even"

Will you read that again please, after 'faith's sake' ?-- "And others were exiled for the truth. Africans when the we speak to you about the Bible even" there is a word I can't make out "even if..." I think it is 'but'

What is that after the word you can't make out ?-- I cannot make it out; it may be 'but' but I'm not sure of that. "We say the same because it is only the truth will help me. It would appear that the rulers of this country do not want to hear the truth. They can exile us but we wherever we are we are going to tell the truth. Nothing will stop us. As Shadrack Abadneh and Mishack said "We are not going to worship these idols, but God only." As the spies of Babylon went to the king that there are three men who are not worshipping the image were thrown into the fire, but the fire did not consume them. Listen to us. Listen to the call of your leaders, Luthuli calling for volunteers. You see, today you leaders are being exiled. The Government thinks that is going to frighten you by this. Malan is getting shaky....." The sentence seems not to be complete here. "Who are you when you go against your leaders....."

Will you start again from 'your leaders are being exiled' ?-- "Your leaders are being exiled and the Government thinks that is going to frighten you by this. Malan is getting shocked. Who you are when you go against your leaders. Even Churchill is shaking. Africans, there are the Boers behind, they are trying to frighten"

What is the word after 'frighten' ?-- "Frighten me. I am no longer afraid of the Flying Squad. We are going to ride the Flying Squad for freedom's sake. Africans we are asking for volunteers to go to churches and ask Ministers to allow them to address their congregations. Africans of Newclare lead people and follow Congress people. Are nothing"

Let us do as the Boer did when they took this country they killed any ox and made a braaivleis and the kaffirs started to be uneasy. Africans let us look for a way how to pray. Africans, leave the beer halls, the beer alone and parties and fight for your country. One of our speakers in today 's meeting, Robert Resha, we hear that he has been arrested at Newlands." This concludes the speech of this speaker. Then we come to the second speaker: Shadrack Nhlapo. He said "We are being ruled by the boers since they came in this country. When they see Africans with nice things they deprive them of their things. They want all the black people to slave. This nation which calls itself Christians. They build beer halls for Africans. They say/like Africans but we say they hate us, We see that a Boer gets salary of £40 per month and Africans of £4 per month. Can you say that that man loves you. We are complaining. We are hungry. When you go to the countryside, you will find that one European owns large stretch of land..."

Please read again from 'They build beer halls for the Africans.' ?-- "They build beer halls for Africans. They say they like Africans but we say they hate us. We see that a Boer gets salary of £40 per month. Africans £4 per month. Can you say that that man loves you. We are complaining. We are hungry. When you go to the countryside, you will find that one European owns large stretch of land and African only a small piece of ground. This is done for the people that Africans should always be under the white man. They don't read the Bible. They only read Romans Chapter XIII, which says, that the white man shall always be the overlord of the black man; according to God's command a nation divided will always be a peoples where other nations plays on with it. Let us unite and listen to our leaders. If you do that you are going to

defeat the Boer. Don't be frightened by arrest of your leaders. This must happen. Carry the message of your leaders to those who are not able to attend meetings, and those who are not taking heed to this, will be kept under always as some Africans seem to be pleased about living in municipal houses. The Boer are going to put people to a place where even when they cry nobody will hear them. The Bantu Education Act lays down that Africans are no longer to be taught geography, so that you won't even know where is the place Free State situated in Africa. I was very much disappointed when I read 'The Star' where Verwoerd said he respects Africans; respects them where? He only respects the native chiefs that is all, because he has increased their allowance. We like our chiefs, but we have never asked the Government to pay them. We want the chiefs to tell Verwoerd that they want to fight the Government. We don't want our chiefs to be made police. Verwoerd told Luthuli that he must not side with the people but to convey to the people Government's orders only. I am going to end by saying that the African National Congress is for unity." This concludes the address of the speaker. The Chairman's comments: "Only the policemen will not say 'Afrika.' We are not being led by the native chiefs' Acts. All open their eyes. The last speaker told things which made us feel pain in our hearts. Africans repent and leave those things which are useless. How can you be seen by the Boers that you are a good man, not your people. The Boer says: 'Daar kom die skepsel en daardie skepsel is baie goed.' Africans, don't laugh....."

What page are you reading from now ?-- Page 131.

What was the page before that ?-- Page 130.

What is the last sentence on page 130 ?-- The last sentence is that "man will not say Afrika." That is the chairman.

"Only the policemen will not say 'Afrika' " -- page 130. Now page 131: "And we are not being led by the native chiefs." "The last speaker told us things which made us feel pain in our hearts."

Please start again with the Chairman and read it ?--

"Only the policemen will not say 'Afrika.' And we are not being led by the native chiefs at all. Open their eyes. The last speaker spoke things which made us feel pain in our hearts. Africans repent and leave those things which are useless. How can you be seen by the Boers that you are a good man, not your people. The Boer says: 'Daar kom die skepsel en daardie skepsel is baie goed.' Africans don't laugh. This is a painful. These detectives who are writing what we are saying, we are exiled through their actions. God will punish them. You must not be frightened. When I am arrested you must know that I am arrested for the truth. We want to live in this country with the Boer. We don't want their wives. I hate the Boers. I can be killed but my bones will talk. I am leading the African people, the A.N.C. says 'Make friendship with the coloured people, leave the Boer alone.' The Europeans want to divide us so that we fight each other every day, because they are devils. Africans, I am determined to die for freedom of the African people. Even if the white man likes me or not we are going to attain freedom." This concludes the comments of the Chairman. Now we come to the third speaker, Mokoana. "Africans, we are meeting at a difficult time. We are meeting to fight for our freedom. Africans, we are prepared to live in this country peacefully with all the nations, except Verwoerd who is not prepared. We are all determined that our children should get good education but not the rubbish called the Bantu Education. If Verwoerd likes us he should have already visited us in our homes. What Verwoerd wants is to op-

press us because of our colour. We are determined to fight all bad laws of Verwoerd. Swart and Verwoerd must know this that we are so many, we like grass. He can shoot us, that won't help. We all determined to learn so that we can fight the bad laws and the white man until the white man will get fed-up and leave this country. We say that Verwoerd is not worthy to govern us, only Luthuli is worthy to govern us. It would appear that I am playing when I say that one day you will hear that Kenyatta is ruling Kenya. Africans, I don't want to waste time. I say, fight for your freedom." This concludes the address of this speaker. Then the Chairman's comments: "Africans, even when we have our troubles and we are hungry, let us not allow ourselves to be employed by Malan." At this stage a child was put on the platform. The Chairman said: "You see this child. This child is going to rule the white man. You have been sleeping. Malan has wakened you up. You are ruled by few people, when you are millions in Africa. Luthuli wants people to live in peaceful in this country. All the nations love Luthuli. They say he is the king in Africa. Africans, if the speeches made to you have gone in your mind you will do this by giving your shillings. I want you to understand that the meaning of this song, which says, 'Xosa, Msutu and Zulu unite', if it is carried into your lives there will be no fights among us, but fight the enemy. Those Flying Squad are bought with your money, costing about £1,000; some costing £1,700. These cars should be used by the people." There is a word here ... "Repent, and leave everything in Europeans and love the nation. Leave everything European and love your nation." £2.2.7 should appear that the Africans still do not understand what is freedom. Why give pennies as if it is church service collection. Make us

a laughing stock among the Boers." This concludes the Chairman's comments. The fourth speaker, Bennet Seitsibiro: "Mr. Chairman and the gathering. I speak to you this morning: Africans, this meeting is called by the A.N.C. Before beginning with my speech I have a letter from the leader of the Youth League, saying that the meeting will be held on Tuesday. I have another letter from a member of Newclare Branch sending 2/6, saying he is unable to come. This member is Wilson Lekale. All should do the same, when they can't come. The manner of arresting of the people this is done by Malan to frighten Congress members. We want to tell Swart that the people who are being exiled, they are not Congress, but they were elected by Congress. You, Verwoerd, must know that we will give you your own medicine. Swart gets his information from the police who write in our meetings. The police frighten the Government by their reports. They influence Swart to ban the people. The police last Sunday were banned too. They shouted badly. When we deport them we will send them overseas. We want to go to Parliament and make laws for ourselves. Dr. Verwoerd likens the people like oxen and asses. Notes are not taken at Nationalist meetings. When Africans see a white person they say that is our enemy. In the Congress of the People all the nations are supporting us." This concludes the address of this speaker. Then the Chairman: "Do you all agree that you Africans show me how you agree. Do you all agree that your king is Chief Luthuli, although the Government has banned, and that Sisulu in spite of his arrest is still your secretary. The European seems to be restless, have a restless time. They can't sleep. The time is coming when their guns will discharge water instead of bullets. I know what I am saying. I want to warn you that you must beware of the Boer. No matter how humble he shows himself, beware of him. The

P.T.O.

white man is your enemy always. He is only the friend of the kaffir chiefs. What are the chiefs doing for you? The chiefs sell the people to the white people. Who is a Swazi here? What Sibusa has done for you? We are being arrested and killed. What are the chiefs doing for us." This concludes the meeting at 2 p.m.

Did you make a note of the persons who attended this meeting ?-- I did, but I don't find it here. I made a note on a slip of paper.

There is a slip of paper there ?-- I've got it here.

Is that your handwriting ?-- Yes. The persons who were present at that meeting, among the others, were Frank Madiba, Andries Chamila, Robert Tunzi, William Ngwendu.

Is that a note that you made at the time ?-- No. This is not the original notes.

You don't know where the original note is ?-- The original note is in the docket.

Where did you make the original notes of the persons present ?-- I made these original notes at the meeting, at the same time when I made these notes.

That slip of paper that you just read from now ?-- This I copied from the docket, because I could not find it appears here, a meeting which is not concerned in the evidence I am now giving to the Court, and I think one of the pages must have been put away with the other notes, of a different meeting.

These people who spoke, Simon Tyiki, do you know him ?-- I do.

Bennet Seitshero ?-- I do.

Do you know these two people well ?-- I know them well.

Can you identify them ?-- Yes, I can.

Are they amongst the Accused ?-- They are. (Accused No. 64, Seitshiro; Tyiki, Accused No. 75.)

Now, if you will refer to your notes on page 141, it would appear that you ended the notes of this one meeting, and then immediately after that you started with the notes of a meeting held on 8/8/1954. Will you just verify that ?-- That is correct. I started immediately after this meeting with the meeting of the 8th August, 1954.

Can you recollect whether you made notes of the persons who had attended this meeting at the time, the meeting of 1/8/54 ?-- I made a note of the people known to me who attended this meeting, but on a different piece of paper, not on the notes itself, and I destroyed the piece of paper after compiling my report.

Did you in your report include the names of the persons that you had on your notes ?-- I did.

Will you have a look at this report ?-- Yes, of the 1st August, 1954.

When was that report compiled ?-- The report was compiled on 2/8/54.

When you compiled that report, did you use your notes ?-- I used my notes compiling this report.

Did you also use the notes on which you had written the names of the persons attending that meeting ?-- I did.

Did you when writing down the names of the persons who had attended that meeting, were they correct -- could you still remember them at the time when you wrote down that report ?-- Correct. I had them on a piece of paper.

And who are these persons according to your report who had attended this meeting ?-- People seen at this meeting:
(1) Frank Madiba, (2) Andries Chamile

No. 9 -- who is that ?-- Robert Tunzi on my list,
Then the last man on your list ?-- William Samba
Ngwendu.

I think you said that you know Simon Tyiki well ?-- I
do.

As well as Bennet Sietshero ?-- I do.

And that you can identify them ?-- Yes.

Do you know Frank Madiba ?-- I do.

Andries Chamile ?-- I do.

Robert Tunzi ?-- I do.

And William Zamba Ngwendu ?-- I do know these.

Can you identify these people ?-- I can identify them.

Are they amongst the Accused ?-- They are.

(Frank Madiba, No. 23; Andries Chamile No. 8; Robert Tunzi
No. 76, and W.S. Ngwendu, No. 53.)

(No further questions)

CROSS-EXAMINATION TO STAND OVER:

(Notes handed in Exh. G.36; Report G.37.)

FURTHER EXAMINATION BY P.P. (MR. VAN NIEKERK) (Meeting 15/8/54)

We now proceed to the meeting of 15/8/1954. Did you
on that attend a meeting of the African National Congress at
the corner of Bevan & Hamilton Avenues, Newclare Johannesburg
?-- I did. The Chairman was Swart Siwisa. The meeting
commenced at 11.30 a.m..

Will you have a look at this document before the Court;
a publication, 'The African Lodestar.' ?-- Yes, these were
sold at the meeting.

And did you buy one of those ?-- I did.

What is that document, what is it entitled ?-- The
document is 'The African Lodestar.' Vo. VI, No. 7. July 1954.
Official organ of 'the African National Congress Youth League;

Transvaal. (Exh. G.38.) I hand that in.

You say this meeting started at 11.30 a.m. and the Chairman was Swart Siwisa ?-- Yes.

Did you make these notes at the time of the meeting ?-- I did.

Will you from those notes tell the Court what happened at that meeting, who were the speakers and what was said ?-- The Chairman said "Africans you have heard me when I said the time to open the meeting has come. The time for freedom is also coming. We are meeting to discuss many things which troubles us. We should search our minds as to why have we gathered here this morning? What have we lost. We always say Africa must come back. What has happened to Africa? When we say it must come back I am going to explain to you what we mean, when we say Africa must come back. We know the manner Africa was taken from us, but we did not give it to anybody. We know that Africa was taken from us because we were in darkness. The time has come to see in what manner was Africa taken from us. Speakers are going to address you how to defend your homes and your freedom." This concludes the open remarks of the Chairman. The second speaker is Simon Tyiki. He said: "I can see from the back that is going to delight me to speak to you today. I want you to tell you that it is this our meeting. There is nothing we are afraid of, even the devil will come we won't be afraid of him. We have called this meeting here at Newclare because it would appear that the people keep away from meetings by certain things which dwell in their minds. Africans, tell everybody that the A.N.C. is now on the march forward. We want the police to join the national organisation, because this organisation will free their children.

Let them leave this bad work of following people all the time. They like the devil. Other thing they must not report. They must not report it because it should all be private what we are discussing with them. These are things which are going to free themselves too. You Africans you have been called to this meeting to make up your minds and bring Africa back which was taken from you by the white people. Let us leave the white man" It seems to be: "Let us love a white man who is a Christian, and who is not Satan. Thinking about what the Chairman said about how we lost Africa. God said 'I am going to reveal myself to the foolish and hide myself to the wise.' Meetings are called at Newclare but the people of Newclare stays behind while their children are being sold at Bethal. Africans come forward to free your children. From 12 years upwards the children are forced to carry passes. You don't want to free yourselves, but others like in Churches you allow a Boer to preach to you about God when we know about Him. These people who are writing what I am saying so that they can tell Swart I am prepared to suffer the consequences of my beliefs. Africa is coming back to us. Let us persevere. Even the pass question can be solved if we want to solve it. Swart will find himself in a difficult position in the same way the volunteers put him in a difficult position. They are afraid to relent their rule, because they know that we will never have any friendships with them for what they have done to us. Tell the white man that there is nothing wrong with us. We want only to live with him in peace. I want to bring this to the notice of the people of Newclare. Let us stop fighting each other while the white man....." it would appear that it is short for 'oppressing'. It reads: "Let us stop fighting each other while the white man is oppressing us. The police entering our homes by night while we are in bed with our wives.

And say 'Staan op Kaffir.' He says this because he doesn't regard you as a human being. This is done for pass sake. What is the pass after all? Africans let us tell everybody that beerhalls are bad place. When other Europeans say: 'Let us free the Africans' others say they are not right. What right?" This concludes the speech of this speaker. The Chairman comments: "Africans, I believe you have heard Mr. ~~Tyiki~~ telling you about your troubles. I want to make a brief comment on Mr. Tyiki's speech. Mr. Tyiki spoke about the present time and also about those who are disputing position. There is no position to be disputed in Congress. You are all leaders in Congress. It is the first time I appear in Newclare, but if I knew that there was a dispute here I would long ago appeared here." That concludes the comments of the Chairman. Now, the third speaker, Isram Mololele.

Leave that one out, and go to the fourth speaker?-- The Chairman commented after the speech of Isram Mololele: "Africans I said when I was opening this meeting that we are gathered for the things that Africa must be returned to us. What we want, we want our property, not something not ours." The fourth speaker was Jonas Matlou. He said: "Mr. Chairman, Sons and Daughters of Africa: I am going to speak to you this afternoon about what is called 'Bantu National Congress.' I want you to make a distinction between the Bantu National Congress and the African National Congress. That the Bantu National Congress is not A.N.C. The Bantu National Congress is fighting for ~~the~~ perpetual slavery of the Africans. Let us leave this 18th century; let us come to 1952 when the Defiance Campaign, the Europeans were made to shiver. I want to make you clear so that when I come to speak about the circular you will understand what I am saying to you. This is a

warning to those who are working with the Government, trying to destroy the liberatory movement. I want to point out to you how the A.N.C. for noble cause, compared with the Bantu National Congress. This circular is printed by the Afrikaans Pers Beperk so from this you can see the Association of this organisation and the Government. In fact, this is the Government organisation. Can any organisation which works with the Government do anything for the Africans? What appears on this circular is the Nationalist Party programme, the Group Areas Act, want to move all to Meadowlands. I am going to read to you from the Bantu National Congress about the Group Areas Act." He then at this stage read from a circular. "Do you know why there are Boers who are working with one Ngobane. The answer is simply because Luthuli has asked for volunteers. The police are sending spies to find what the volunteers are going to do, but we have developed high standards that they cannot find out what is our intention. The Government legislates in accordance to our wishes, because we do a thing then the Government decides to amend the Act, like the Suppression of Communism Act after we have done the Act. When will the young Africans realise that we must take action against the oppression." This ends the speech of this speaker. The Chairman's comments: "Africans, briefly I want to inform you that the money you gave is £2.2.9. Mr. Matlou told you about the Bantu National Congress. The A.N.C., we are not Bantu, but Africans." That concludes the comments of the Chairman, and then the fifth speaker, J.P. Mane:

You can leave Mane, but go to the end of your notes, the chairman's remarks after the sixth speaker?-- Yes, the chairman said "Before closing the meeting I want you to come forward and join Congress. All those who haven't membership tickets come forward. On Sunday 22/8/54 women's conference at

Western Native Township. On Sunday next Regional meeting will be held at Sophiatown. On Tuesday youth are asked to attend this very important meeting. If you don't know the strength of the man you can never defeat him. We know the strength of the Government. The Government can't do us anything." The meeting concluded at 2.10 p.m.

Did you note down on your notes persons seen at this meeting ?-- I did.

Will you just read them out ?-- People seen at this meeting, (1) Frank Madibe, (2) Bennet Seitshiro, (3) David Majilwa, (4) Shadrack Mhlape, (5) Franz Ndebele, (6) W.S. Ngwendu, (7) N. Rumata,

Do you know this person, Swart Siwisa ?-- I know him, but he is not in Court.

Do you know what position he held at that date ?-- He is the chairman of the regional committee of the Western Areas.

What regional committee ?-- The African National Congress regional committee.

Do you know Simon Tyiki ?-- I do.

And Jonas Matlou ?-- I do.

Frank Madiba ?-- I do.

Bennet Seitshiro ?-- I do.

W.S. Ngwendu ?-- I know him.

Can you identify them ?-- I can.

Are they amongst the Accused ?-- They are all amongst the Accused. (Simon Tyiki Accused No. 75, Jonas Matlou Accused No. 38; Frank Madiba Accused 23; Bennet Seitshiro Accused No. 64; W.S. Ngwendu, Accused No. 53.)

(No further questions.)

(Notes handed in as G.36, and G.39; Report G.37.)

CROSS-EXAMINATION BY MR. BERRANGE:

I see that on the notes of the meeting held on 15/8/54 you have put a lot of names down, seven names, at the end of the notes ?-- Correct.

What have you done that for ?-- It is part of my duty.

What is part of your duty ?-- To report.

To report what ?-- People who attend the particular meeting I attend.

Do you mean it is part of your duty to put in your notes the names of people who you know attended that meeting ?-- That is correct.

And that is why you always write those at the end of the meeting ?-- Correct.

You are quite sure that the meeting which you attended on the 1st August was a meeting at which you made notes whilst the meeting was in progress ?-- Yes.

And then you went away from the meeting, and the next day you compiled your report ?-- Correct.

And these notes, I take it, were obviously in a sort of book, were they ?-- A notebook.

And then having compiled your report on 2nd August, did you tear these notes out of the notebook and attach them to the report and hand them in to your superior officer ?-- That is quite correct.

That must have been on the 2nd or 3rd August ?-- On the day that appears on my report, 2nd August.

That was the day you handed your notes and your report to your superior officer ?-- Yes.

You didn't get these notes back again until you came to give evidence in this case ?-- Correct.

Tell me, why did you in regard to the meeting of the 1st August put the names of the persons whom you recognised

See 89057

on a separate piece of paper?-- I had no time at the time to put them in my notes, and I put them on a piece of paper.

Did it take you any longer or shorter to put them on a piece of paper than to put them on your notes?-- Well, at the time I had to do this at the end of the meeting.

Just answer my question; did it take you any shorter period of time to write these names on a piece of paper?-- Not actually shorter time.

So the question of time doesn't enter into the matter at all, does it?-- Not at all.

No, then why did you say that you have no time -- let's have a bit of frankness from you?-- At the time when I was taking notes I couldn't take them, so I had to take them at the end of the meeting.

You couldn't take what?-- The names of the persons seen at this meeting.

You couldn't take them at the meeting?-- At the time when I was writing my notes.

Then you went home?-- No, I took them there and write them on a piece of paper.

At the meeting?-- Yes.

Why couldn't you write them in your notebook?-- I put my notebook in my book

Why couldn't you write them on your notebook?-- At times things are not so pleasant at the end of a meeting, I just put my notes in my pocket.

Why did you have to do that?-- To protect my notes.

But you didn't have to do that on the meeting of the 15th August?-- No, it depends on the circumstances surrounding that meeting.

Just tell His Worship will you, what prevented you from writing the names of the persons whom you recognised in your notebook at the meeting, instead of writing them on a separate

Collection: 1956 Treason Trial
Collection number: AD1812

PUBLISHER:

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

Location:- Johannesburg

©2011

LEGAL NOTICES:

Copyright Notice: All materials on the Historical Papers website are protected by South African copyright law and may not be reproduced, distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

Disclaimer and Terms of Use: Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

People using these records relating to the archives of Historical Papers, The Library, University of the Witwatersrand, Johannesburg, are reminded that such records sometimes contain material which is uncorroborated, inaccurate, distorted or untrue. While these digital records are true facsimiles of paper documents and the information contained herein is obtained from sources believed to be accurate and reliable, Historical Papers, University of the Witwatersrand has not independently verified their content. Consequently, the University is not responsible for any errors or omissions and excludes any and all liability for any errors in or omissions from the information on the website or any related information on third party websites accessible from this website.