

This newspaper advocated the holding of the C.O.P. and the acceptance of the Freedom Charter in its Editorial and other columns - and gives a full text of the Freedom Charter in the issue of the 30th June, 1955.

In this issues of the newspaper the following is prominent. That S.A. is a Police and Fascist State.

That only the complete change of state form can result in the people achieving their aims and as set out in the Freedom Charter.

The can only be achieved through extra parliamentary action.

The next periodical I wish to deal with, is the periodical called "Fighting Talk", which supported the Liberation Movement, C.O.P. and the Freedom Charter and i.a. contains the following:

Frame a Freedom Charter.

S.A. is a Fascist and Police State.

The U.P. divided is compromising more and more - the U.P. peters out - the opposition falters and declines.

It defends Russian Policy.

This is now an independent monthly review - edited and managed by an independent committee of supporters of the Congress Movement and members of the three congresses, A.N.C., S.A.I.C., and S.A. Congress of Democrats.

"Stalin is a leader of a new type - Stalin schooled in the ideas and ideals of changing society for the better - raised in the understanding of how to make that which Marxism gives:-

This is the generation which flings back the taunts, the invective and the slander of the western vultures which march forward.

In Poland people are happy - An object lesson. Brutus was bound by outmoded inappropriate bourgeois concepts. His inner fear of radical change tempted him to temporise."

Condemning N.A.T.O. and Western German Rearmament and

defends Russia in the Petrov enquiry.

"Britain and American Imperialists threaten the world".

"I saw socialism and how it works".

An exaltation of conditions in the socialist countries.  
"S.A.'s way forward by Moses Kotane should be in the hands of every congress members."

Malicious capitalist propaganda.

Western Germany is compared unfavourably with Eastern Germany.

Those who built on U.P. were building on quick sand.  
American war mongers.

Glorification of conditions in the Soviet Union and advocating the C.O.P.

To New Age (newspaper) we give our fullest support.

Formosa should be transferred to the Peoples Republic of China and any attempt to deny that basic truth can only result in war. Only the most superficial observers still imagine that the real opposition to the Nationalist Government is constituted by the United Party or any other Parliamentary Party. Real opposition in this country is the Anti-Fascist Liberation Movement headed by A.N.C. which is South Africa's leading opposition.

Blame for present world troubles (April 1955) America's, not the Soviet Union's. The Soviet Union strives to improve relations with U.S.A. U.S.A. is just the opposite.

Strike a blow now. White South Africa are beginning to learn something of the profound and bitter hatred from the people.

Fight against colonialism.

There is an air of fighting about the U.P.

S.A. an indispensable part of the war machine.

Freedom Charter is the alternative to the Rosenberg racialism of the enemies of South Africa.

Churchill and Truman responsible for the cold war.

Forward with Freedom Charter - we see in the Charter the end of exploitation and domination.

The people shall share in the country's wealth.

Exploitation of child labour.

S. A. is divided into two camps - the exploiters and the exploited.

The Liberal Party want new reforms - the Freedom Charter proposes new life.

The Freedom Charter decisive action carefully planned.

Can translate one section of the Freedom Charter - The pass laws shall be abolished.

Creates hostility between Europeans and Non-Europeans.

Peace is not American Policy - but war-blackmail and

The only firm upholders of the democratic processes of Government is to be found outside Parliament - In the Congress Movement whose aims are proclaimed in the Freedom Charter.

Nationalist Government is imperialist - bolstered and echoed every move of the most reactionary warmongers of the imperialist world.

Socialism a system which has the following of the majority of the worlds population. Socialism will be good for South Africa - full economic equality.

We see in the Charter in Fighting Talk, September, 1955, the end of their long established domination and exploitation. The Charter is a picture of the future South Africa in which oppression and exploitation shall be no more.

(MR. VAN NIEKERK HANDS OVER TO MR. LIEBENBERG TO CONTINUE:)

MR. LIEBENBERG: The next pamphlet I intend dealing with is the Liberation.

At meetings and in documents members were urged to buy and read the pamphlets, Liberation and Fighting Talk, and to assist in the distribution of these writings.

The pamphlet "Liberation" is a journal for democratic dis-

cussion and sponsored by the National Liberation Movement, the C.O.P. and Freedom Charter is quoted in its columns.

Expressing warm welcome to proposal made in Presidential address of A.N.C. (Cape) that congress should take the initiative in convoking a great assembly of the people.

Teachers should teach children in accordance with principles of the National Liberatory Movement aggression by the U.S.A. in Kenya, in Korea and it mentions the congress of the people. It also mentions the plan of forming a charter of the people and demands for freedom.

In the Soviet Union, there is no limit to man's endeavours.

The rulers of South Africa are greedy to preserve their profits and cheap labour.

Parliamentary opposition has repeatedly sounded the retreat... has become an abdication - decline of the U.P.

We can and must all enter around the glorious aims of the Freedom Charter.

The Freedom Charter has for the first time given the democratic movement a clearly defined common purpose and direction.

Often enough have we spoken and written of freedom and though perhaps each of us may have had a different concept of what we mean. Now, there is no room for any difference. The Freedom Charter is the peoples programme of action. To the Nationalists and their open and concealed supporters, the Freedom Charter is a trumpet of doom. To the Liberals, the Federals, the Covenanters, the Friedmansters and all who seek to walk the shady tightrope between the contending armies of freedom and oppression, it is an inescapable challenge - will you fight for the Freedom Charter?

Further colonialism and imperialism are condemned, and South Africa is a colonial and imperial state.

The Charter is more than a mere list of demands for democratic reforms - it is a revolutionary document, because the changes it envisages cannot be won without breaking up the economic and political set of present South Africa. Freedom Charter

strikes a fatal blow to monopolies and aims at the breaking up and democratisation of monopolies.

The action council of the C.O.P. issued three lectures:

- (a) The world we live in.
- (b) The country we live in.
- (c) Changes needed.

The lecture - The World we Live in - describes a divided world - divided by oppression - there the oppressed struggle against their oppressors- i.e. People in countries everywhere has been divided into two classes - Those who own the tools and instruments for producing man's needs, and those who own nothing save their own ability to work.

It refers to the slave system, the feudal system, and finally the capitalist system where the workers earn just enough to keep them alive. Their rights and freedom are few - only those that they have won for themselves in bitter struggles.

To understand the world we live in, the bitter struggles for freedom go on everywhere all the time. If we understand these struggles and learn how to direct them, we can direct the course of the future.

The system whereby one person the employer - the owner of the modes of production, factories, mines, lives on the work of others, is called exploitation. It explains that if such an employer makes a profit on the manufactured article it is the exploitation of the worker, because - so it states - the worker does not receive the full worth of the labour.

The division extends to nations viz. - the struggle of classes has led to the conquest and enslavement of some nations by others, and when capitalist nations in their search for cheaper labour and raw materials, exploited those countries i.e. these persons are doubly exploited - first as workers and second as inferior people. The exploitation is called colonialism and those who suffer from it, colonial people.

Imperialism has divided the world in (a) Imperialist countries, and (b) Colonial countries. With this division has come new struggles - The struggle and wars between the Imperialist countries for possession of the colonies and the right to exploit them and also the great unending struggle of the peoples of the colonial world against imperialism.

Twice in the last 50 years imperialism has caused world wars - Imperialism live by armed force and terror.

But the struggle of the peoples for their freedom cannot be held back by force or terror. In the age of imperialism the peoples struggle for their freedom has grown strong, strong enough for the whole sections of the world's peoples to break out of the net of colonial oppression and to achieve their national independence - strong enough for whole sections of the world peoples to burst out of the net of capitalist exploitation to overthrow the old system of private ownership of tools and machines and factories and to replace it with a new system. - we call socialism - where there are no masters, no exploited men, but where all the factories and farms and mines and machines are owned in common by all the people who work for their own benefit and are used not to make profit for the few.

The imperialist countries are England, America, France, Holland and Belgium where capitalists rule the exploited people and the section where the exploitation of man by man is being abolished, namely China, USSR, Poland, Hungary, Rumania and Czechoslovakia.

Every where in every land working people have banded together to fight with all their resources. It is congress movement with organises South Africans for this great democratic struggle. Our congress movement is part of great world brotherhood for liberty - we must understand our country - our lives - how a country's life changes and how we can best help it change.  
THE COURT ADJOURNS.

THE COURT RESUMES ON 21.12.56. APPEARANCES AS BEFORE.

MR. MAISELS, ON BEHALF OF THE DEFENCE AND THE ACCUSED, THANK THE CHIEF MAGISTRATE AND HIS STAFF, AS WELL AS THE POLICE FOR THEIR ACTION AND MANNER IN THE RELEASE OF THE ACCUSED ON BAIL.

MR. VAN NIEKERK CONTINUES: The second lecture which was issued is entitled "The country we live in" and describes the way of life of the people of South Africa, as having been shaped by imperialism.

Firstly there were slave traders, the imperialism followed and they did not search for slaves, but for workers at low wages to exploit the people and the natural riches of the land.

After the discovery of diamonds in South Africa, there was a new invasion - not with arms but by men seeking riches from exploiting the minerals and the people.

Imperialists made South Africa to suit themselves. They made it a place where labour is cheap, where natural riches of the country can be cheaply produced, a place where people are poor, oppressed and ruled by an iron hand. The system in S.A. suits the imperialists perfectly. The laws of the country has been passed to keep things this way for the benefit of imperialism. The laws of South Africa grow out of the needs of the rulers of the country. The Imperialists and their allies the big farmers.

Referring to town workers, this document goes on - This is the system imperialism has built to protect its high profits at the expense of the people of S.A. Such a system by which a small group of men grow rich at the cost of the misery, slavery, and poverty of many is always in danger of overthrow by the oppressed people and this is true of South Africa also.

Imperialism can only survive by the use of force and the one hand and by dividing the oppressed people.

We are entering the last stage in the history of imperialism - Fascism.

To challenge it there is need for a close unity of all the oppressed people together with all those democrats and liberty loving sections of the European people whose future is threatened by Fascism.

Such an alliance cannot hope to defeat fascism only by seeking to change the Government of the day. For fascism is not a particular body of men - it is something that grows out of the economic and social conditions produced by imperialism and can only be defeated by such sweeping radical changes in those conditions as will destroy for ever the breeding ground of fascism. Let us study what those changes should be if the alliance is to destroy fascism, before fascism destroys the people.

Now, the third lecture is entitled "A change is needed".

None of the parliamentary parties seek to make the type of changes that the national liberation movement used although they want to make changes. It is clear that the congress movement cannot be satisfied with the type of changes they seek to bring about - The congress movement must seek the kind of change in our way of life which will undermine and root out the systems these parties exist to uphold.

Every change that makes easier and closer the day when the whole imperialistic system will be overturned, is something to be worked for and valued.

For immediate changes we can find allies outside the congress movement to work with us for a short time.

THE SWEEPING CHANGE: Parliament has to be completely changed that the type of parliament we know today disappears and a new kind of parliament altogether replaces it. It must be a parliament freed from the South Africa Act - the so-called constitution.

Can such radical changes be made little by little? Such a rule cannot be set aside by minor concessions and reforms. In the end such as state apparatuses built up on the foundation of exploitation and oppression can never serve the ends of the



people and of the congress movement. The congress movement must build for itself a new kind of rule - a new kind of state - a state of peoples equality and liberty - that kind of state we call a peoples democracy.

How can such a great and sweeping change be brought about? Only by gathering all the oppressed and liberty loving people together in a single mighty camp which will work to win not for small concessions and reforms, but which will work also to overturn the very basis of imperialist oppression. This is the task for which congress movement exist. While organising the people in every little fight and struggle of their daily lives it must put forward to them a programme of sweeping changes which will unite all the different racial groups and classes for the greatest changes of all. The congress movement must find a way to explain to the people in words they can understand what a peoples democracy is. This task has been put before Congress movements and especially its national conferences.

Now, this lecture goes on with the question, "What is a people's democracy"? And it states, for South Africa it is suggested i.a. (1) The Police force and army must be replaced by a genuine peoples armed guard.

(2) The biggest imperialist monopolies and industries including mines and factories, must become the property of the people.

(3) The farming land of the country must be shared out on an equitable basis amongst all those who work on the land.

Such a sweeping radical programme is a programme for a South African Peoples Democratic State. It can only be achieved if the control and power of the state is taken out of the hands of the old ruling classes of exploiters, and held firmly by the workers and peasants, allied with all others who see that South Africa's future happiness cannot be won while the state is the property of the exploiters and oppressors.

To make such a sweeping change, needs a vigorous active congress movement, built up of militant courageous men and women whose lives have been dedicated to the greatest cause of the world - the cause of the liberation of mankind.

It will be alleged that at meetings held over the whole of the Union especially in Johannesburg, Cape Town, Port Elizabeth, Durban, Bloemfontein and Kimberley speakers in furtherance of the interests of these organisations, in furtherance of the campaign known as the Congress of the People, and in furtherance of the interests of the National Liberation Movement, speaking on behalf of these organisations:-

1. Advocated, propagated and preached the Marxist-Leninist ~~the~~ **account** of Society and the State;
2. Advocated, propagated or preached the Marxist-Leninist interpretations of historical and contemporary politics - national and international;
3. Advocating the establishment in S.A. of a so-called peoples democratic state based on the principles of the Soviet Union satellite countries or China;
4. Advocated or propagated the methods and tactics used by Communists to achieve their aims in the conditions prevailing in a particular country - with special reference to South Africa.
  - A. In that it teaches that a class struggle exists between the employer and workers in S.A. and instilling into the minds of the workers that the interests of the workers and employers are hostile to each other, and that the workers should be rallied as a class against the employers, and advocating the establishment of a classless society, according to Marxist theory in place of the existing state.
  - B. Teaching that the S.A. State has reached the stage wherein capitalist imperialism has developed or is developing into fascism is a police state is undemocratic in that the workers are not represented in parliament, but that the country is governed by financial magnates - oppresses the people and that

Parliament as it exists should be abolished - It is not reform which is aimed at but a complete change of state form i.e. a peoples democracy - where capitalists should have no say in the ruling of the country. Teaching also that freedom only exists in the Soviet Union, the satellite countries and China and that people in Western Europe, England, U.S.A. and South Africa are not free.

In world or international relations refer to the capitalist countries i.e. America, England, France, Belgium, Holland, S.A. etc. as the warmongering group - and to the Soviet Russia - The Peoples Democracies of Bulgaria, Albania, Hungary, Czechoslovakia etc. as peaceful. Condemning the formation of alliances like NATO, S.E.A.T.O. - the re-arming of Western Germany - and the American policy in Eastern Asia. Teach that imperialism and colonialism should be destroyed.

Advocates the holding of a congress of people and drawing up of a Freedom Charter as a basis for a future peoples democratic state in South Africa similar to the Peoples Democracies - Poland, Rumania, Bulgaria, etc.

Advocating the abolition of the courts, Police as these exist today and substitute these with a peoples court and peoples armed guard. That officers of the court and officials should not be appointed but elected.

That banks, industries, land and all modes of production and transport should be transferred to the ownership of the people as a whole; that under the capitalist system such as exists in S.A. the workers are exploited and advocating the creation of a revolutionary international and international solidarity of the working class.

On the 25th and 26th of June, 1955, the Congress of the People was held at Kliptown, in the District of Johannesburg. At that meeting a draft Freedom Charter was accepted (The Draft Freedom Charter is attached - The Draft Freedom Charter will be referred to so often in the proceedings and it will be dis-

cussed, so with your Worship's permission, I do not intend to read that.) At this particular conference, various speakers introduced separate sections of the draft Freedom Charter of which I am going to read a few extracts:

PATEL - a campaign with root, which spread fast because it is an expression of the will of the people for a change, for a struggle against this order of things and for freedom.

NAICKER: All bodies of minority rule.... and authorities shall be replaced by democratic organs of self-Government. These people who have political rights in South Africa and are now going to have these rights snatched away from them will have to choose between the forces of democracy and the forces which are heading towards a dictatorship.

T. MSULI: The Fascist Nationalist Government. It is now time that the people should take over (the rule of South Africa). The people who are not allowed to bring out their own views on the government of South Africa.

ISAAC MADULA: For the last 300 years we have been governed by a government which is prepared only to oppress the people of South Africa.

B. TUROK: In Johannesburg the exploitation of the workers have gone hand in hand with their oppression. In Johannesburg you find the most oppressed worker. The gold mines mean the robbery of the people, it is nothing but the thieving of the labour of the people, and we say this must come to an end.

Not only the gold mines are a curse - but also the monopoly industry, also the big factories. Where you find big factories you find many workers.... low wages... and a fat boss, a rich boss, ... who oppresses you. The whole system of the big factories and the gold mines in this country are the enemies of the people. Let us see an end to the big factories and an end to the big great mines which give profits to the rich only. The freedom charter says the ownership of the mines will be transferred to the ownership of the people and it says wherever

there is a gold mine, there will be a committee of workers to run the gold mine. We also say that the workers will take over and run the factories - in other words the ownership of the factories will come into the hands of the people.

Let the banks come back to the people. Let us have a peoples committee to run the banks..

BILLY NAIR: The biggest difficulty we are facing in South Africa is that one of Capitalism in all its oppressive measures versus the ordinary people - the ordinary workers in the country. We find... the means of production - the factories, the lands, the industries and everything possible is owned by a small group of people who are the capitalists in this country. They skin the people, they live on the fat of the workers and make them work. and in exploitation they oppress in order to keep their slaves in the land of their birth. A very important demand in the Freedom Charter - Now we would like to see a South Africa where the industries, the lands, the big businesses and the mines and everything that is owned by a small group of people in this country must be owned by all the people in this country - That is what we demand ... what we fight for.... and until we have achieved that we must not rest.

PETER SELEPE: My African people who are objected to oppressive laws in this country. The African people are the only nation which the Government in this country fears... we have the struggle to drive the enemy away from us. Mr. Strydom is the last S.A. Government as far as we are concerned. If the white man is not prepared to co-operate with the Africans let them go back. I must tell you... that a white man came to this country to rob us.

DR. SADER: The courts shall be representative of all the people We know these laws are made to oppress the people....converting the country into a police state. The united stand of the people of South Africa can and must stem the tide of reaction.

XABA: Anybody who is a foreigner has the right to rule this country, and such a country will never be progressive.

SONIA BUNTING: The Freedom Charter will be our basis for action

MARGARET CASTLE: The policy of the Government is condemned by all democratic peoples/over the world.

JESSOP: We youth shall fight until the things in the charter have been achieved.

MASINA: Speaking on behalf of the S.A. Congress of Trade Unions:

Another speaker said "Let me tell you that although we are cheap labour we will see that our labour will not be cheap any longer, but as expensive as the work we put out. We the people that work in the mines, in the factories, let us look to the end of nationalising all industry in this country.

MPAHLELE: Here we shall have nationalism in a democratic form. The white man has made a mess of everything. The white man has given you the Bible to cheat you... whilst you are reading, he robs you of your country. We shall have one movement.

Now, at this congress of the people, the Freedom Charter was adopted. It will be alleged that the holding of the C.O.P. and the adoption of the Freedom Charter are a step in the direction of the establishment of a communistic state, and a necessary prelude to the revolution.

Subsequent to the holding of the Conference at Kliptwon and the adoption of the Freedom Charter, meetings were held and conferences at which the Freedom Charter and the Congress of the People were discussed.

At the Natal Provincial Conference, A.N.C. 28 - 29 July, 1956, held at Edendale in Natal, the report states: Co-operation of allied organisations in Liberatory Movement - This co-operation has resulted in the formation of permanent National consultation committee at all National and Provincial levels.

To co-ordinate activities in Liberatory Movement.

C.O.P. most effective rallying call. Ratification of

Freedom Charter at the forthcoming extended conference of the A.N.C. which was postponed from Bloemfontein on the 19th December 1955 to 30th March, 1956.

At the National Conference A.N.C. at Bloemfontein, 1955, certain messages were received i.a. - one from S.A. Congress of Democrats which states: There is an unhampered forward march of the forces of oppression and tyranny towards their Police State Government.

C.O.P. of clear indication of the future development Policy of Government, it has eliminated the parliamentary opposition, Liberation Movement only effective opposition to Nationalist Government and the Freedom Charter should be South Africa's future policy.

To mobilise and lead the people towards the realisation of their objectives as embodied in the Freedom Charter.

It is a struggle for the achievement of the objectives of the Freedom Charter. Struggle cannot be divided into separate compartments assist with the formation of cultural clubs.

Now, the Federation of S.A. Women, at a meeting of this organisation it refers to the mighty congress of the people.

LITHULI: Freedom Charter as basis for our struggle now and in the future, strengthening of disciplinary control.

REPORT OF NATIONAL EXECUTIVE: Savage wars have been unleashed against the people of Kenya, Malaya and Vietnam. Colonialism will be overthrown. Bandung marked a new era. With the greater enthusiasm we greet the achievements of the Bandung Conference which will inspire colonial people everywhere to redouble their efforts for freedom.

Co-existence.

He who fights for freedom, fights for peace.

Moses Kotane ... the report goes on to state that Moses Kotane and Maulvi Cachalia are attending the conference at Bandung and that Kotane spoke at that Conference.

The Charter must be related to the struggle, it must be illustrated by life itself, including agitation against the Bantu Education, the Bantu authorities, passes for women, the overall demands of the Freedom Charter must be related to the peoples needs.

.... and widen the field at present covered by New Age. Fighting Talk and Liberation. Youth is the vanguard of the struggle. The Freedom Charter was ratified at the National A.N.C. conference held at Orlando on the 31st March, 1956, and the 1st April, 1956.

The various organisations undertook to work for the implementation of the Freedom Charter and agitated against existing legislation such as the Bantu Authorities Act, the Bantu Education Act, the Population Registration, the Group Areas Act and these agitations were followed up by mass demonstrations.

The Evaton bus boycott was exploited to an extent where violence was used - and it was stated that the Bus Boycott was a preliminary to the revolution and implementation of the Freedom Charter.

There was a country wide campaign against the Western Areas Removal Scheme, 50,000 volunteers were called for to assist in the prevention of the Western Areas removal and persons incited to cause violence and bloodshed in this prevention.

All the facts point to an insurrection having been averted by the anticipation of the date of removal and the security measures taken by the Police.

On the 31st March, 1956 and the 1st April, 1956, the S.A. Congress of Democrats held its national conference in Johannesburg.

The National Executive submitted i.a. the following resolutions for consideration:

(1) POLICY: Deeply conscious that the urgent strategic needs of the Peoples struggle to defeat the Nationalist party and its



fascist programme require the mobilisation of all sections of the population for an extra parliamentary struggle to replace the Nationalist Government with a Peoples Democratic Government and to replace the present denial of social economic and political rights with a constitution guaranteeing to all the rights embodied in the Freedom Charter.

The Freedom Charter is the true alternative to the Nationalist Government.

The military pacts of the Nationalist Government ostensibly for the defence of Southern Africa have committed South Africa to a policy of war and aggression. Conference condemns the introduction of militaristic legislation to modernise the defence system and to establish Civilian Protection services, to strengthen Active Citizen Force and place members of the Defence Force under oath to perform services against an enemy anywhere in or outside South Africa.

Legislation aimed at democratic and liberation movements. Pledges itself to oppose this legislation and to strengthen the forces of peace and democracy for South Africa.

Peace and International situation.

Realising that a lasting peace is impossible while imperialistic exploitation continues, Conference expresses its solidarity with the colonial and subject peoples in their struggle for freedom, independence and peace. Conference would welcome further conferences for peace against colonialism particularly in the Continent of Africa.

Conference moreover realises that the recent statement of the Minister of Defence regarding closer ties with America and Britain is actually an offer to act as policemen in Africa for the Imperialistic Powers under the guidance of "Defending Africa against Communism".

Demands - Recognition of the Peoples Republic of China e  
Closing Chinese Nationalist Consulate.

Amendment to constitution by adding:

"And shall specifically work for realisation of the aims and objectives adopted at the Congress of the People at Kliptown, 25th and 26th June, 1955" and that the whole of the Freedom Charter should be inserted in their constitution.

I am referring to NEW AGE (This is still S.A.C.D. conference) Instructs all branches to give active support to financial campaign organised by New Age for funds.

Take steps to increase circulation - raise money and donate for the £10,000 appeal by the paper for funds.

Internal Bulletin No. 3 of C.O.D. - 31 March, 1956. refers to the Public Safety Act with its spell of Parliamentary Fascism.

Docility of the U.P.

Nationalist Fascism.

Reactionary policy of Nationalist Government towards the working class.

Report of Executive Committee, referring to "Fighting Talk" that is to be sold by Bellevue and Youth Branches in the Cape Western Areas.

Liberation - To be read by most C.O.D. members and that the C.O.D. members sell New Age.

Then there is a last item, Study Circles - the world we live in was tackled by some branches.

It is the aim to accomplish this, i.e. the state which these organisations have in mind - by constitutional means - or by reform. The evidence will be that no alternative Government under the existing constitution (The S.A. Act) by any other political party is acceptable - e.g. in the statements made, they say:

The U.P. died in 1948.

The Parliament there is no opposition - We cannot depend on the United Party.

The A.N.C. is the only opposition to the Government.

The so-called opposition is dead.

Parliamentary opposition is ineffective.

The Nationalists have not been halted by the feeble and half-hearted opposition they have met in Parliament - Viewing these elements of the political scene - they began to feel hopeless and abandoned resistance to fascism.

The contemptible cowardice and lack of principle shown by the U.P. has resulted in widespread disillusionment.

The parliamentary opposition has withered away.

The docility of the U.P.

The U.P. has played a dispicable role under the Nationalist Party - diverting its parth as opposition and crossing the floor of parliament to vote for a Malan-Swart Dictatorship - For that betrayal it is now paying with its own disintegration and collapse.

The parliamentary opposition has become an abdication.

Here, in the Freedom Charter, for the first time, there is a widely accepted inspiring programme of the Liberation Movement - Just such a programme is lacking in the parliamentary opposition, and whose lack is causing their undoing U.P. spineless, the U.P. in decay.

It is not reform which is aimed at but a complete change of state form, and a change of system or society (Political economic and social) i.e. abolition of the present state form e.g. our struggle is against the system imposed upon us.

The congress movement cannot be satisfied with the type of changes the parliamentary parties seek to bring about. The Congress Movement which works to end all racial oppression and all discrimination amongst nations must seek the kind of changes in our way of life which will undermine and root out the system these parties exist to uphold.

Parliament is an exclusive club for the imperialists the farmers and their hangers-on. This is obviously something

that has to be changed if oppression is to be ended. But changed how? Clearly it has to be so completely changed that the type of parliament we know today disappears and a new kind of parliament altogether replaces it.

It must be a parliament freed from the S.A. Act - the so-called constitution .... It must be a parliament which starts off not with all the old oppression and discriminatory laws behind it, to be amended one by one.

Can such radical sweeping changes be made little by little, by one reform after another, by a long period of small concessions?

The answer given is in the negative what is aimed at is not reform but a complete change of state form . Here follow some of the extracts from speeches and documents which will be presented in evidence:

Our struggle is against the system imposed upon us.

Need for a change for a new society to plan the destruction of the old and the creation of a new system.

When basic colour bar structure of S.A. has been abolished and replaced by a peoples democratic state.

Charter proclaims that only a complete change of state form can result in the people obtaining their aims.

A campaign (C.O.P.) took root which spread fast because it is an expression of the will of the people for a change, for struggle against this order of things and for freedom.

The militant workers inspired by the Russian Revolution demanded immediate action and organisation of the workers - not merely for concessions - but for taking over state power.

We have seen the dead end to which this type of reformist organisation has led Europeans.

For a new S.A. from the ground upwards, a rule as exists in S.A. cannot be set aside by minor concessions and reforms - In the end such a state apparatus built up on the foundation of

oppression and exploitation can never serve the ends of the people and of the congress movement. The congress movement must build for itself a new kind of rule, a new kind of state - a state of peoples equality and liberty - That kind of state we call a peoples democracy.

The evidence will therefore be that the existing state and stateform cannot be altered by concessions and reforms. The objects of the Liberation Movement cannot be achieved through Parliament and therefore:-

Extra parliamentary and unconstitutional action is advocated - viz. Our future doesn't lie with these parties in Parliament - our future lies in our own hands. The alternative to the Nationalist Party is not the U.P. The place to kick out nats not in Parliament but here on the parade.

We still got time to chuck Malan out - not Liberal or U.P. but A.N.C. only.

The oppressors must be fought outside Parliament.

We must realise that if nationalist menace is to be removed once and for all, it cannot be done inside Parliament. neither can it be done by Strauss' U.P. Hepple's Labour Party or Ballinger's Liberals.

The menace can only be halted by extra-parliamentary action by united concerted struggle of all the people of S.A. led by the Congress Movement.

Fascism can only be defeated by the defeat of the nationalists, and the Nationalist Government can only be defeated by extra-parliamentary action involving the masses of the people.

The historic task of making S.A. free lies in extra-parliamentary forces.

The liberation of our country must of necessity come from forces which are today engaged in extra-parliamentary struggle - hence the significance of the congress movement in S.A. We of A.N.C. have adopted unconstitutional methods.

These aims can be achieved by the forcible overthrow of existing conditions, by militant action, subversion, support of every revolutionary movement against existing social order and any where, and that the coming change over must be by revolution and this involves Treason.

One of the objects of communism is revolution to quote from a few authorities:-

With us (Communists) it is not a matter of ~~amelioration~~ of existing society but of establishing a new one.

It is not reform which is aimed at but a complete change of state form.

Our teaching is not a dogma but a guide to action.

Proletariat is a Revolutionary class, whose aim is the forcible overthrow of the existing social and political order.

Communist regard parliamentary democracy (as found in England, America and South Africa as a dictatorship of the Bourgeoisie. This must be smashed, broken up and substituted by the proletariat because the working class cannot simply lay hold of the state machine and wield it for its own purposes - It must break up smash ready made state machinery and not confine itself merely by laying hold of it.

The oppressors, the exploiters, that is the (Capitalist and the state is referred to as an oppressor) must be crushed in order to free humanity from wage slavery. Their resistance must be broken by force.

Duality of authority must be created.

The communist declare that their ends can be achieved only by a forcible overthrow of all existing social conditions. Let the ruling classes tremble at a communist revolution. Communism rejects parliamentarianism - its fixed aim is to destroy parliamentarianism.

The establishment of the Proletarian state in the place of a Bourgeois state is impossible without a violent revolu-

tion.

The aim of Communists is a revolution - The evidence will be that in speeches and in documents the Accused acting in common purpose in advocating their aims of establishing a so-called peoples democracy in place of the existing state - Not only advocated that the revolutionary change-over is desirable, inevitable or imminent, but also actively created unrest amongst the people of the Union of S.A. encouraging hostility between the European and non-European races and inciting members to revolt against the existing authority, by way of insurrection and rebellion by force and violence.

Calls were made to members to become freedom volunteers. who were urged to take an oath whereby they pledged themselves to obey instructions from the executive of the organisations - This oath reads as follows: I hereby agree to fight the apartheid. I take the oath that I shall die fighting as a volunteer and prepare to serve my people and country - even prepared to take action at all times as instructed by my superiors. At all times under the guidance of our leaders. Examples of incitement to the revolution are as follows:

The forces of liberation are moving all over. Sophiatown will be moved over our dead body.

We must fight the nationalist in the sea- or land and in the air.

The A.N.C. is at war with the Government of S.A.

The Nationalist Government is really at war.

Time for speech is past - All over the world we read of revolution - all over in Indonesia, Malaya, Kenya and Gold Coast, people are fighting the cause. These people have shown us the way.

We are ready for action.

We must smash this fascist monster. We call upon Government of South Africa to bring our country back before there is a

riot in this country. The young blood of the African people has been boiling.

The motto of every African must be to die like a man in the struggle - we must eradicate fascism in this country.

Congress wants money to buy machine guns for self-defence.

The fight is on - give us money for buying ammunition so that we can fight our oppressors.

Such a charter can galvanise the people of South Africa <sup>fighting</sup> into action and make them go over to this offensive ~~instead of~~ rearguard actions all the time.

Revolutionary activity on the part of the mass of the people.

One must be prepared to clash with the servants of the state - even with armed forces of the country - there must be blood in Sophiatown.

We have come here to discuss shedding of blood of Africans. We want to show these dutch people that we have come to a very important stage in our struggle, when we fear neither gaol not death.

The oppressed people all over the world are on the march to crush tyranny - to crush oppression.

When you want to achieve your freedom, there must be a stream of tears and a flow of blood.

As julle hierdie wapens opneem, sal julle groot betaljane kry van Alexandra en elders wat julle sal help in die stryd. Julle moet bereid wees om te sterf vir julle vryheid.

We are prepared to die - we are non-violent but I said blood must be shed. The guns will be ours not theirs.

There is no freedom unless you shed blood.

The Dutch must be killed. This country belongs to us, and we must kill the African Police before we get our freedom.

50,000 volunteers are required and they must be ready for the removal of the Western Areas.



The Israelites, the Egyptians, Cipriots, and all over the world, people fight for their freedom. Why can't we? It does not matter how you die. No nation has obtained liberation without bloodshed.

We must make the Western Areas battle the Waterloo of the Nationalist party.

It was suggested in several speeches that if the masses go over to action against the ruling class of S.A., assistance from outside countries will be forthcoming - Several of the Accused had visited the countries overseas - especially the Iron Curtain and the Bandung Conference in April, 1955.

The basis of the high treason charge will be the incitement and preparation for the overthrow of the existing state by revolutionary methods involving violence - and the establishment of a so-called Peoples Democracy on the basis of the Eastern European Communist Sattelite states and China.

THE COURT ADJOURNS TO 9.1.57.

COURT RESUMES 9/1/57.

BY THE P.P.: May it please Your Worship, I call the case of Rex vs. Adams and others. I just want to have it recorded that the following persons have been joined: H.M. Moosa, Accused No. 145; S. Nkalife, No. 116; A. Ngcobo, No. 143; further, that all the Accused who have been allowed out on bail are in Court this morning.

BY MR. ROSENBERG: May it please Your Worship: With regard to representation for the Accused, Your Worship may observe that some of my learned friends who were here before the adjournment are not appearing today. It does not mean that they have withdrawn from the case; they are still in the case, but with regard to representation, if Your Worship will be pleased to note that I and my learned friend Mr. Conker now appear; in addition to the list that I handed in to Your Worship at the last hearing, we take over and appear for the accused formerly represented by my learned friend Mr. Franks. Then, as far as my learned friend, Mr. Berrange, is concerned, he now appears with Mr. Conker, and in addition to the clients that he formerly appeared for, he now appears for the clients who were represented by my learned friend, Mr. Maisels, and also the one client represented by Mr. Zwarantsein. Now, the next matter I want to refer to: One of the Accused, Mr. Adv. Slovo, wishes to appear in person, and as this case is one of some complexity, we ask Your Worship's indulgence that he be permitted to sit at counsel's table, as it will be necessary for him to take notes of the proceedings, and there is precedence for that. Now, the next thing I want to

refer to is this: Your Worship will appreciate from the opening by my learned friend for the Crown, and we are indebted to him for the lengthy and comprehensive opening in which he indicated what the evidence broadly for the Crown would be. But that opening **reveals** that the case is one of considerable difficulty and complexity, and a case which involves both wide and diverse ramifications. For that reason, Your Worship will appreciate, it would be quite impossible for counsel -- at any rate for myself -- to have sufficient knowledge until the case has developed to some extent to cross-examine witnesses; and there we ask Your Worship's indulgence to reserve -- I don't think my learned friend for the Crown will object -- cross-examination. I don't mean indefinitely, or until the conclusion of the preparatory, but for some time, until counsel is sufficiently instructed and has sufficient knowledge. That will make, also, for a saving of time. Then, lastly, there is a matter of great importance, and that is Your Worship will appreciate that the seating, the access, may I put it that way, to the public in this hall is very limited. We have seen a Press announcement, and accepting that as being correct -- it is said that the authorities, I think it is the Public Works Department, has not been able to raise more than, I think, 150 chairs. Accepting that as a fact, Your Worship will appreciate that the Accused number 152, and merely making allowance for their relatives, and those closely connected with them, it is quite apparent that accommodation for 150 people is totally inadequate. I am instructed to state that the

accused, or friends of the Accused, are prepared to provide immediately, additional chairs -- I appreciate Your Worship's ruling that people should not stand -- up to 500, and it does appear to me that there is quite a lot of vacant space in this hall in which chairs could be placed. This is a matter of importance, and we ask for the assistance both of Your Worship and the Crown in that regard.

BY THE COURT: Mr. Prosecutor, is there anything you wish to say with regard to these representations?

BY THE P.P.: Yes, Your Worship. With regard to the cross-examination, the right to reserve cross-examination: I fully appreciate my learned friend's difficulty regarding cross-examination at this stage. There is only one difficulty and that is when we get to the evidence of meetings, when witnesses will come from all over the Union. We would appreciate if cross-examination of such witnesses can take place immediately after they have given their evidence.

BY MR. ROSENBERG: We will meet my learned friend there. I should have indicated that.

BY THE P.P.: That is all I have to say. As regards accommodation, Your Worship, I have nothing to say about that at all.

BY THE COURT: And in regard to Advocate Slovo?

BY THE P.P.: I have no objection.

BY THE COURT: The Court gives permission then for Advocate Slovo then to take his seat here at the table with defending counsel. In regard to the Defence's

reservation of cross-examination, that is granted, provided at a later stage there is no unnecessary dislocation, and we have Mr. Rosenberg's assurance that that will not take place. In so far as the last point is concerned, i.e., the seating accommodation, I have indicated earlier in the proceedings that it will create an almost intolerable position if I were to allow the Court room to be crowded out. This Court room is improvised, it is going to be exceedingly hot on a hot day -- one can feel the heat already -- and if the hall were to be crowded, then I'm afraid it is going to make the position for everybody very difficult. The position was gone into yesterday by myself and the control magistrate at Johannesburg, and the general feeling was that the accommodation provided now should suffice. Actually, I was told that there is seating accommodation for the public up to 180. If it is possible to extend the seating accommodation further, where is the line to be drawn. I appreciate that there is more space available if one were to fill up the room; it wouldn't be difficult to add another 100 or 200 to the number inside the hall; but I'm afraid at the present moment I can't see my way clear to agree to that. But I undertake to give the matter further consideration.

BY MR. BERRANGE: May it please Your Worship. Before my learned friend proceeds to open his case by producing evidence in support thereof, I would like to be given on behalf of the Defence, an opportunity of replying very shortly to my learned friend's opening, which occupied, as Your Worship will realise, two or three days of the previous hearing. I do this, Sir, because it seems to me

that from what I have been able to gather of the Crown's case, there are a number of allegations made by the Crown which will be readily conceded by the Accused, and it might therefore be of assistance both to the Court and to the Crown to know which and what these concessions are. There are a number of allegations, of course, naturally made by the Crown which will be contested. And again I think it would be in the interests both of the Crown and the Court to know what issues will be contested by the Defence; what issues raised by the Crown in its opening will be contested by the Defence. In this preparatory examination, unlike what is usually the policy in preparatory examinations, as Your Worship will have gathered from what my learned friend, Mr. Rosenberg, has said, it is the intention of the Defence, to contest the proceedings throughout the preparatory examination, and that being so, it would appear to me that if we were at this stage very shortly to be able to indicate to Your Worship, what the issues are, as between Crown and Defence, it will assist both the Court and the Crown, and it will enable the Court also to have some appreciation of the line of cross-examination which will be conducted by various counsel for the Defence. So, with Your Worship's permission, I would like very shortly to indicate to the Court what the Defence's answer is to those allegations that have already been adduced by my learned friend for the Crown.

3 I have tried to analyse the opening address by the Crown Prosecutor, in an endeavour to ascertain what the Crown proposes to prove, and it would appear in

general terms, that the following allegations are made by the Crown. First, that the various organisations mentioned by the Crown Prosecutor, which are alleged to constitute the National Liberation Movement -- I don't need to mention them again -- by resolutions taken, decisions made, and by the conduct of their office bearers, and followers, jointly decided to associate themselves in convening a congress. The purpose thereof was to adopt and thereafter implement a Charter, which has been referred to as the Freedom Charter. This was a Charter which was intended for the Union of South Africa, in which, it is alleged by the Crown, provision is made for a new form of Government and State apparatus, differing radically from that which is now in operation. I think that fairly sums up that aspect of the Crown's allegations. Secondly, the Crown alleges, if I understand it correctly, that in so preparing for such a Congress, speeches were made by some of the Accused and other members of these organisations, resolutions were taken, propaganda was put out, lectures were given, which the Crown alleges indicates that the alleged form of Government envisaged in the Freedom Charter would be brought about by force and violence, and by violent revolutionary methods. Thirdly, it would appear, that in so endeavouring to bring about these ends, or bring about these changes in the political, industrial, social or economic spheres, guidance, and/or assistance, the Crown alleges, would be sought and would be forthcoming from outside countries or institutions whose object -- and this must necessarily be alleged and proved by the Crown -- is to establish a system of Govern-

ment, in the Union, based on the dictatorship of a proletariat, with a one party system of Government. Fourthly, if UI understand the Crown correctly, it is alleged that the Accused, in advocating the establishment of a different and new form of Government, thereby encouraged hostility between the black and white races of this country. Now, the Defence, when it comes to deal with the Freedom Charter, and its aims and objects, will first of all strenuously repudiate any suggestion that the terms of the Charter are treasonable or criminal. On the contrary, the Defence will contend that the ideas and beliefs which are expressed in this Charter, although repugnant to the policy of the present Government, are such as are shared by the overwhelming majority of mankind of all races, and all colours, and also by the overwhelming majority of the citizens of this country; and are, we will suggest, in any event unexceptionable, both in the criminal and in the social and ethical sense. But it will readily be conceded, Sir, that the implementation of those aspirations and ideals, which are expressed in the Freedom Charter, is the aim and object of the Congress organisation. They will not, and they do not, apologise for this aim. On the contrary, they declare it. We will endeavour, in other words, to show that what are on trial here are not just 153, or 159 -- I forget how many it is now -- individuals, but the ideas which they and thousands of others in our country have openly espoused and expressed. And I stress the word "openly."



Evidence will also be adduced by the Defence for the purpose of proving that it has at no time been the aim either of the so-called Liberation Movement, and the organisations which allegedly comprise it, to bring about changes in the Government by subversive means, or by force and violence. We will establish, I hope, to the satisfaction of this Court, that the advocacy of the use of extra-parliamentary methods to bring about desired changes, does not mean that force and violence and subversion were intended, or understood to be the essential agreement of such methods. In due course, we will indicate what is intended and what was intended, by the use of the term "extra-parliamentary methods." And may I say, that if indeed any statements advocating the use of force and violence are proven by the Crown to have been made by any of the Accused, or by any other person outside the ranks of the Accused, then we will submit that such allegation or such statement, is not indicative of the policy of the organisations named by the Crown, cannot be laid at their door, and do not and cannot criminally implicate those accused persons who took no part nor associated themselves with the utterance thereof. Your Worship will recollect that towards the end of his address, my learned friend for the Crown, quoted a certain statement -- in which, I don't want to go through it in full, but Your Worship will recollect the extract in which, inter alia, a call was made for money to buy machine guns, and suggestions were made that there would be blood in Sophiatown, and that the "Dutch" must be

killed. All I can say about that at this stage is that it is significant no individual is cited as being the author of these sentiments, and the time and place of their utterance was withheld. And that being so, Sir, it makes it impossible, of course, for the Defence at this stage to deal with this aspect of the Crown's allegations, other than to state that if these were the views of the speaker, then they do not represent the views of the body of the Accused, nor of the organisations which they represent. We shall, of course, during the course of these proceedings, challenge the Crown to prove anything to the contrary. In reply to the suggestion made by my learned friend, that assistance was being sought from countries outside the Union to bring about the changes envisaged, I don't want at this stage to say more than that the extracts taken from the documents or speeches, which have already been referred to by my learned friend, have been inaccurately taken out of their context, and as a result of not being fully quoted, bear a meaning which is not justified. I would like shortly to give Your Worship an example of the sort of thing I mean. Your Worship will recollect that my learned friend in quoting, quoted the following passage. It read as follows :-

"The people of Africa are making determined efforts to overthrow the shackles of bondage. China is with us; India espouses our cause; people and organisations all over the world are with us....."

And then there was something which unfortunately we were

unable to pick up on our tape, but something was mentioned about assistance being forthcoming from all the democratic forces of the world. And he went on to say that the speaker said :-

"....we must mobilise our peoples' to support the great international movement of peace...."

which is not really relevant to that to which I want to draw Your Worship's attention. But we will indicate to the Court that in this, as in many other instances, the result of the full statement, not having been quoted, it puts a completely different complexion upon that which is alleged by my learned friend to have been intended. This passage, referred to by my learned friend, is a passage which is taken from the 21st Congress of the S.A. Indian Congress held in Durban on the 9th, 10th and 11th July, 1954., and the minutes record the following as having been stated -- I'm not reading it in fully; it is merely in order to give Your Worship the sense of the extract :-

"From Egypt in the North to the Cape in the South the people of South Africa are making determined efforts to overthrow the shackles of bondage. We, in South Africa, in common with many peoples of our Continent, have geared ourselves to meet this situation. We have allies and supporters in this common struggle against race discrimination, which has its roots in Imperialism in all parts of the world. Mai Tse Tung, the beloved leader

of the heroic people of China, is with us.

Pandit Nehru, the leader of the masses in India espouses our cause."

Now, Your Worship, sees, we are getting the same language and the same terminology.

"...Not only are the people of Asia and Africa at one with us, but the peoples and organisations in all parts of the world, even in the metropolis and citadels of Imperialism."

Then follow two more paragraphs, which I won't quote to Your Worship, but coming to paragraph 25, thereof, we have the following statement:

"We welcome and appreciate the interest and sympathy shown to us by millions of friends and well-wishers abroad. At the same time, we know full well, that the salvation of the people of South Africa lies in their own hands. If we have appealed to India and to the United Nations, it is not because we expect them to carry out the task which it is our duty and our purpose to fulfil, that is to emancipate South Africa. It is because we know in the crucial struggles which lie ahead, we shall be fortified by the goodwill of the freedom loving peoples beyond our boundaries. It is for us in company with our fellow South Africans, to fulfil this honourable obligation. Let us go forward fearlessly."

So, Your Worship sees immediately that when it is suggested by my learned friend -- which suggestions appear to be supported by quotations made by him -- that it was

the aim and object to obtain assistance outside this country, that that very extract which I have read to Your Worship, in itself, indicates the inaccuracy of such a suggestion. I am of course convinced, and may I say this immediately, that my learned friend for the Crown, in so garbling the original text, did so without true knowledge of the true contents of the document, and I say this on the assumption that his attention was never directed to the original and that in all good faith he was reading what had been prepared for him by somebody else. I am not for one moment suggesting that my learned friend has garbled the text deliberately. Now, many other documents and statements/<sup>which</sup> will be alleged by the Defence, will similarly negative the allegations made by the Crown, and negative the falsity of these allegations. For some reason which was not quite clear, to me at any rate, it was stated that several of the Accused had visited countries behind the so-called Iron Curtain, and the Bandoeng Conference. It is quite true that certain of the Accused have visited such countries, and -- I have not had any instructions on this -- but I take it there will be no denial thereof. But it is also true that they visited countries in Western Europe, and as far as I am aware, it has not yet become a crime in our country to make visits to such countries overseas. And that is why I say, Sir, that the reason for this statement being made by my learned friend for the Crown, is not clear to me, unless of course,, it is going to be said in evidence, that the reason for these visits was to secure assistance and aid

of overseas countries. All I want to say in that respect is this, that if that be the Crown case, then it needed to be said by the Prosecutor in his opening. If that is not his case, then I can find no justification, nor any relevance, in his reference to these visits. It seems to have been clearly implied that there is something sinister in the fact that some of the Accused have travelled abroad and have visited countries such as China, the U.S.S.R., and other places in Eastern Europe. Stress seems to have been laid upon that by the Crown. Well, I want to say this, that this is a matter of public record; the Defence will show that no attempt was made to conceal these visits, nor will any apology be made for such visits. The Crown need concern itself very much with its effort to prove very much in that regard. My clients, believe and believed, that friendly closer relations between the people of all countries in order to preserve world peace, and the Defence will show that in the period covered by this trial, they have acted in the light of these beliefs. Now, the Crown also alleged that the Accused have put forward a scheme, or advocated a system, which aims at the encouragement of hostility between the black and white races of this country. Now, this too is an averment which the Accused will show to be false. It has at all times been the policy of all the organisations mentioned by the Crown Prosecutor, to advance along the road which they have chosen, in a body in which all races, all beliefs and all creeds

are united. Where certain persons may have sought a solution to their feelings of frustration and desperation by advocating a policy of narrow nationalism, the leaders in the organisations affected have been very speedy and vocal in their repudiation thereof, and we shall establish that. My clients have one and all adopted and advanced a policy of racial unity in their struggle for democratic rights and freedom, and indeed the text of the Freedom Charter, in itself, is sufficient corroboration of this statement. Evidence will be led by the Defence, to establish that the Accused and the organisations have at all times done all that is in their power to draw the various racial groups together, and not to separate them; to make each group understand that its interests cannot be furthered where a spirit of racial antagonism exists; to make each group appreciate the needs of the other, and not only its own, and in short to create race harmony and mutual assistance and co-operation. That will be the aim of the Defence, to establish that. And whilst I am on this point, because of the nature of some of the organisations that are involved in these proceedings, I would like to say this, that not only did my clients and the organisations to which they belong preach race harmony, but they went further and assiduously sought for world peace and the settlement of all disputes by negotiation and not by war. And if this is treasonable or criminal, then I can only say that my clients already stand convicted. It has been alleged also by my learned friend for the Crown, that the holding of the Congress of the People, and the adoption

of the Freedom Charter, were steps taken in the direction of the establishment of a Communist State, and these were a necessary prelude to a revolution. I think I am quoting my learned friend's words there. Now, again, Sir, how the Crown proposes to prove this, has not been made clear to us; certainly it is not clear to me from a very close perusal of his opening address. And until we are told what evidence is alleged to be probative thereof, we cannot comment on this statement, other than to give it a flat denial immediately. This is not the time, of course, for entering into an argument as to the meaning of such words as "Communism" and "Democracy" and "Revolution", but one thought immediately occurs to one if one has regard to that which fell from my learned friend's lips: How does the Crown make consistent its suggestion that it was intended to establish a Communist State, with the statement which alleges that it was the aim of the Accused to encourage hostility between the black and white races? After all, the Crown Prosecutor himself states that the Communist credo is based on the antagonism between classes, and not between races. This is a contradiction which I am afraid we will have to leave the Crown to solve. The Crown may know better, and we shall have to see how the Crown disposes of this conflict in its presentation of the case. At this stage I desire to say no more as to which allegations made by the Crown will be disputed and repudiated by the Defence. As far as possible I have endeavoured to cover them. But I may as well make it clear now, Your Worship, that the Accused



don't really propose to defend themselves against the allegations made by the Crown. They will not only endeavour to establish their innocence, but they will assert, and in due course ask the Court to hold that they are the victims of political kite-flying on the part of those responsible for these prosecutions. We are going to endeavour to show that these prosecutions and the manner of their presentation are for the purpose only of testing the political breezes, in order to ascertain how far the originators thereof can go in their endeavours to stifle free speech, criticism of the policies of the Government, and everything, in fact, that the Accused believe is implicit in the definition of the oft misused word "Democracy." That this is no ordinary trial, of course, can be gathered from the fact that the Accused are themselves no ordinary persons, the type of person that will ordinarily be found in a criminal court. They constitute a cross-section of the members of our population. In their ranks are to be found Members of Parliament, clergymen, lawyers, journalists, students, clerical workers, labourers, and what-have-you. They come of all races, but they hold one thing in common: Despite the fact -- and this is important -- that they have different and differing political affiliations, -- at least they believe in the brotherhood of man and the desire to work for his betterment and towards his ultimate freedom. That they do believe. And I might say, Sir, whilst I am referring to the nature of this trial, that it is no ordinary trial when one has regard to the crude, and what I would call the

jackboot manner in which the arrests were effected here. Evidence will also be led to show that this is no ordinary trial, by reason of the manner in which it has been set in motion. Many months ago the Minister of Justice in a debate in the House of Assembly was prophesying the arrest of 200 persons on charges of treason. But we will show, in the course of these proceedings, that preparations for the fulfilment of this prophecy were made even before, and they were made by the security police. We will establish that even before the Freedom Charter was drafted, or the Congress of the People was held, the then Chief of Police, Brigadier Rademeyer, was reported in the Natal Press as saying that the very idea of a Freedom Charter was treasonable. We will show that he, in the newspaper which published these remarks, retracted quickly enough when a demand for damages was made by some of my clients. And we will endeavour to show, that as a prelude to these proceedings, and for the purpose of creating favourable conditions, the Security Police set out deliberately to create a fantastic atmosphere of treason around everything that the Accused have worked for. They did this by endeavouring to intimidate the public with their attendances at open and legitimate meetings; by conducting mass raids and countrywide searches; by flourishing Sten guns and fixed bayonets and truncheons at ordinary meetings; and I made reference to this once before, the most fantastic allegations of plots to poison water supplies and bomb power stations has been made by Ministers of the Crown which we will allege were made to provide a certain justification for the activities of the

police, and to quieten the public alarm caused thereby. I would like to conclude by saying that a battle of ideals has indeed been started in our country, a battle on the one side, the Accused will allege, are poised those ideas which seek freedom of opportunity for, and freedom of thought and expression by all groups and all races and creeds. And on the other side, those which deny to all but the few the riches of life, both material and spiritual which the Accused aver should be common to all, and the Defence will allege that this trial has been instituted in an attempt to silence and outlaw the ideas held by the Accused and the thousands whom they represent. They will show that their political activities, the views they hold, the ideas they have expressed, are all matters of public record, and that no attempt has ever been made to conceal their aims from the world, or the manner in which they have hoped to achieve them. The Defence will therefore contend that this case arises out of a political plot of the type which characterised the period of the Inquisition and the Reichstag Fire Trial. We believe, that in the result, this trial will be answered in the right way by history. I would like to indicate that I have adopted the somewhat unusual course, of addressing Your Worship in these terms and at this stage, because we for the Defence conceived it necessary to indicate to Your Worship exactly how and in what manner the Defence will conduct these proceedings. It will enable the Court to see how the various pieces of evidence which will be led by the Defence, and in regard to which the Crown will be cross-examined, fit in like a

jig-saw puzzle in advancing that case which I have already indicated to Your Worship. I am authorised to state that my learned friends, Mr. Rosenberg, and Mr. Coaker, who appear for others of the Accused, associate themselves with the remarks made by me in regard to the prosecution.

BY THE COURT: Do any of the other defending counsel wish to offer any remarks? (Negative reply)

BY MR. VAN NIEKERK: I have nothing to say, Your Worship.

CROWN CALLS:

EDOLF EDEL EDWARD MOELLER, duly sworn,

EXAMINED BY P.P.:

Are you a detective sergeant in the S.A. Police, attached to Divisional Headquarters, Johannesburg?-- I am.

On the 27th September, 1955, did you search the offices of the African National Congress, at 26 Barclay Arcade, 38 Market Arcade, Johannesburg?-- I did.

Under the authority of a search warrant?-- Yes.

Was the Secretary of the African National Congress in the office when you arrived?-- No, he was not there when I arrived; he accompanied me to the office.

Who was he?-- Accused Robert Kasha, No. 63.

Was he present while the search was on in the office?-- He was.

Did you also search his person ?-- I did.

Did you take from him certain documents ?-- I did.

Which you now hand in ?-- Yes.

"A.1" is that an A.N.C. Membership Card for 1955,  
in the name of R.Resha ?-- In the name of R.M. Resha,  
41 Birkett Street, Sophiatown.

Is Exh. A.2, an envelope addressed to Selto Nonyana  
Newclare ?-- Selto Nonyana.

Does it contain a roneod circular ?-- It does,

Will you read that out ?-- (Witness quotes)

"YOUR SIGNATURE FOR THE FREEDOM CHARTER:"

'We pledge that when we return from here to our  
homes, we will at once make known to all our neigh-  
bours and workmates what we have done here, and we  
will win support for the Freedom Charter.'

Extract from resolution at Congress of the people at  
Kliptown.

The Transvaal Consultative Committee of the A.N.C.,  
T.I.C., and S.A.C.P.O. and C.O.D. calls you to a  
mass conference.

Mass Conference,  
No. 3 Trades Hall,  
Kerk Street,  
Johannesburg,

at 10 a.m.

18th September, 1955.

to launch the signature campaign for the Freedom  
Charter.

The Transvaal must collect signatures of 450,000  
people. Put your shoulder to the wheel!

We ask you to undertake the following tasks :-

- 1) Popularise the Freedom Charter
- 2) Get signatures of the people pledging themselves for the Freedom Charter.
- 3) Send your completed forms to your local Congress branch or local Consultative Committee or to 37 West Street, Johannesburg.
- 4) Distribute the Charter as widely as possible and obtain more copies from your local Congress branch or 37 West Street, Johannesburg.
- 5) Organise the people with the Congresses behind the Freedom Charter.

COME TO THE TRADES HALL ON THE 118th SEPTEMBER

A PLEDGE FOR THE CHARTER IS A PLEDGE FOR FREEDOM!

MAYIBUTI AFRIKA!

LONG LIVE THE CONGRESSES!

for TRANSVAAL CONSULTATIVE COMMITTEE

Is there also another document ?-- Yes, it reads as follows :-

"ONE MILLION SIGNATURES FOR FREEDOM CHARTER!

We, the people of South Africa -- Black and White, declare for all our country and the world to know that we pledge ourselves to strive together until the democratic changes set out in the FREEDOM CHARTER have been won.

1. THE PEOPLE SHALL GOVERN!
2. ALL NATIONAL GROUPS SHALL HAVE EQUAL RIGHTS!
3. THE PEOPLE SHALL SHARE IN THE COUNTRY'S WEALTH!
4. THE LAND SHALL BE SHARED AMONG THOSE WHO WORK IT!
5. ALL SHALL BE EQUAL BEFORE THE LAW!

6. ALL SHALL ENJOY EQUAL HUMAN RIGHTS!
7. THERE SHALL BE WORK AND SECURITY!
8. THE DOORS OF LEARNING AND OF CULTURE SHALL BE OPENED!
9. THERE SHALL BE HOUSES, SECURITY AND COMFORT!
10. THERE SHALL BE PEACE AND FRIENDSHIP!

This document is signed by a number of persons.

Is there any other name on that list ?-- There are several names here, there are 17 names all told.

I am referring to the top ?-- Sina Kitseng.

You had those documents in ?-- Yes.

Then we come to A.3; is that a pro-forma circular headed "NOW OR NEVER" ?-- That is so.

Will you read that ?-- It reads :

"HANDS OFF THE COLOURED:-

The long vicious hand of the Pass Laws is being extended to the coloured community. Thousands of them are being rounded up and subjected to racial tests, which have resulted in a number being classified as Africans.

WHAT IS THE AIM OF THIS ATTACK:

THE AIM IS to turn the million coloured people into a cheap labour force which has been the lot of the African in this country since time immemorial.

To restrict their freedom of movement and assembly.

To deny them the right to do skilled work.

To restrict their right of freedom of association and the right to collective bargaining.

If the Pass Laws are no good for the Africans, then they are good for NO SECTION of the population.

The attack on the coloured people is equally an attack on the African people.

It is an attack on the oppressed people of South Africa.

The coloured people have decided to fight against this vicious attack, and the AFRICAN NATIONAL CONGRESS has decided to support them. Let us build up a mighty unity in action.

NOW OR NEVER."

By whom was that circular issued ?-- No, it is not signed.

Did you also take possession of documents in possession of one Janet Mashile ?-- In the offices I found a brief case which was later claimed by Janet Mashile.

What position did she occupy in the A.N.C. offices -- do you know ?-- She was a typist-clerk there.

Now, A.4 is the first document ?-- Yes. The document appears to be a circular letter on the letter-head of the African National Congress Youth League, Transvaal, dated 26th August, 1955, from 26, Barkly Arcade, 38 Market Street, Johannesburg.

Will you read that letter ?-- (Witness reads) :-

"Dear Son/Daughter of Afrika,

As per our decision with regard to the C.O.P., I hereby inform you that a meeting has been arranged for Tuesday 30th August, 1955, at Mylur House, (cor. Jeppe and Sauer Streets) at 5.15 p.m.



I would also like to draw your attention to the underlying views as expressed by the Executive.

1. That the A.N.C.Y.L. did not participate as an organisation in the C.O.P.
2. The task that the A.N.C. had with relation to the C.O.P. were not clearly defined and, therefore, the A.N.C.Y.L. was not well informed.
3. That the C.O.P. campaign should have spread over a longer period.
4. That the campaign was untimely.
5. That the campaign had given us a wrong impression in that some members thought it was a matter not run by the A.N.C., but other allied organisations.
6. That the Freedom Charter represented a minority and not a majority.
7. That in order to have clarity and objectives attempts should be made to establish Study Circles when matters of this nature are raised.
8. The fact that the A.N.C.Y.L. has no office of its own, made it quite difficult for this Executive to carry out some aspect of the work.

Kindly bring your copies along.

Yours for freedom,

(signature illegible)

Adm. Secretary."

On behalf of what organisation was that issued. ?--  
By the African National Congress Youth League (Transvaal).

The next one, A.5,, is that a letter dated 23/9/55  
?-- Yes, that is a letter, together with a draft, also on  
the letterhead of the African National Congress Youth

League (Transvaal ), same address, 23rd September, 1955. It reads as follows :-

"Dear Sir/Madam,

This serves to introduce the African National Congress Youth League history. The African National Congress Youth League was established in 1943 on the occasion of the 30th Annual Conference of the African National Congress which was held at Bloemfontein. The sponsors and founders of the African National Congress Youth League were such leading personalities as the late A.M. Lambede, W.M. Sisulu, A.P. Mdu. There was a general feeling at the time, particularly among the youthful members of the African National Congress that the liberatory movement required a more militant spirit which could be acquired by the organised participation of the youth of our Motherland. Therefore the African National Congress Youth League was formed on the basis of the Ideology of African Nationalism, to provide a militant programme of action and raise the political consciousness of the African Youth.

The correctness of the view of the founders of the African National Congress Youth League has been demonstrated by the subsequent history of the Freedom struggle in general, and the African National Congress in particular. For since then, the African National Congress has led all the democratic forces of our country to oppose the mounting oppression of our people, as in the Campaign for the Defiance of

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**Collection number: AD1812**

***PUBLISHER:***

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

*Location:- Johannesburg*

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