

PRESS SUMMARY

This is the seventeenth issue of a regular bulletin giving a factual resume of the proceedings of the Treason Trial.

Period covered: 21st -25th September, 1959.

POSSESSION AND MEANING

On the resumption of the trial on 21st September, Defence Advocate Flewman questioned a police witness closely on his assertion that R. Resha, an accused, had claimed the documents taken from his home on 5th December 1956, and informed the Court that R. Resha would deny having claimed them. In reply to a question by Mr. Justice Rumpff, the witness stated that R. Resha had not pointed out any documents as not being his.

Formal evidence was then led relating to the printing of the weekly newspapers Advance and New Age, the journal Liberation and the pamphlets South Africa's Way Forward by Moses Kotane and New Life in China by Ruth First.

Among numerous documents taken from L. Masina, a prominent trade unionist amongst the accused, were the minutes of several Executive Committee and General Meetings of the African Laundering, Cleaning and Dyeing Workers' Union. Defence Advocate Fischer queried the relevance of this evidence when the Crown handed in the minutes of the inaugural conference.

Mr. Justice Rumpff: "What does the affiliation matter? It is not part of the case. What is the weight of this evidence?"

Crown Advocate van Niekerk: "The document shows attachment to the World Federation of Trade Unions, and that the accused L. Masina was interested in urging organisations to affiliate to S.A.C.T.U."

Mr. Justice Rumpff: "The document is put in therefore to meet any denial by the accused that he was interested in Trade Unions and S.A.C.T.U. matters."

Further documents handed in covered correspondence with the World Federation of Trade Unions, the African National Congress and other Congresses, the Transvaal Consultative Committee and a number of pamphlets both on South African topics and from the U.S.S.R.

Copies of Workers Unity, the S.A.C.T.U. journal, were handed in by the Crown and portions read from an editorial on the campaign for a million signatures for the Freedom Charter, linked with day to day issues. Other articles praised the W.F.T.U. work for peace and unity and for exposing the low wages and living conditions of millions of workers, and S.A.C.T.U. support for the liberation movement.

Old Documents about a New South Africa:

The Crown then read in portions of the National Executive Report to the 43rd Annual Conference of the African National Congress held in 1955,

alleging that this document proclaimed the aims of the liberatory movement in unmistakable terms. Inter alia, it said that the similarity of the Freedom Charter did not make it a document socialist in content. If people were to be free the present system must be destroyed. The peoples' struggle for liberation must be linked with every aspect, such as Bantu Education etc. The Freedom Charter was no patchwork of demands or jumble of reforms but the pattern of a new South Africa which must make a break with the present unjust system.

At this point Mr. Justice Rumpff protested that it was not necessary to read all that; the Crown would have to look a lot to find something new! "You just keep on reading the same stuff all over again". When Adv. van Niekerk explained that the document showed that the Freedom Charter was to be related to local issues, Mr. Justice Rumpff exclaimed "How often have we heard that!"

Another Set of Seized Papers:

Documents taken from O.R. Tambo, Secretary-General of the African National Congress, a co-conspirator, included A.N.C. correspondence, memoranda, reports, press statements, drafts of various documents, many of which had already been read in. Portions were read in of articles from the A.N.C. Youth League Bulletin, Lodestar of April 1953, including a message to the Youth League by R. Resha, an accused, calling for support of the A.N.C. A MS document approving the resistance to the Western Areas Removal Scheme and Bantu Education was read.

Advocate Fischer pointed out to the Court that it must not be taken that any of this document could be admissible against the accused - it was an article found in the possession of a co-conspirator.

A typed draft of "demands of the people" was read in which was stated to be a first draft of a general clause of rights and demands, to contrast with the present system. The Crown commented that it dealt with demands very similar to those adopted in the Freedom Charter at the Congress of the People. Another typed document read in dealt with the Bantu Education and the boycott of schools; yet another typed document claimed that it was because of the opposition which the Congress movement was organising to the removals from Johannesburg's Western Areas that the government had pushed forward the time of removals and had mobilised 2,000 armed police.

DOCUMENTS GALORE - "YOU PAYS YOUR MONEY AND YOU
TAKES YOUR PICK"

Cross examination of several witnesses followed, in which the Defence read in portions of documents omitted by the Crown, showing, inter alia, the concern of the Food and Canning Workers' Union, the African Laundering, Cleaning and Dyeing Workers' Union and of S.A.C.T.U. with all practical day-to-day trade union matters.

When the Crown objected to Advocate Flewman's cross examination of a witness on the contents of these trade union minutes, Mr. Justice Rumpff said: "The Crown has read in a number of passages to show the links of these trade unions through people with the other organisations. You want to show the normal activities of the trade unions?"

Reading in articles and extracts from articles from the journal "Liberation" took up the best part of one day; many of the articles were listed in the crown schedule of articles alleged to show violence against the State as the policy of the organisations.

In an article The Constitutional Fallacy published in November 1953, Ruth First pointed out the necessity for the recognition that democracy could be saved only by the joint political action of both European and non-European forcees, using what parliamentary pressurres remained to be democrat and mobilising the extra-parliamentary support of the people aswell.

Oppression has become too painful for such never-ending patience".

Acid Drops

An article on the National Union of S.A. Students drew forth a question from Mr. Justice Rumpff: "How are we interested in N.U.S.A.S.?"

Crown Adv. Hoexter: "The International Union of Students is one of the world front Communist organisations. There is also the suggestion that the acid test for the students will be their willingness to participate in the Congress of the People."

Mr. Justice Rumpff: "Am I interested in whether it is an acid test? That is a matter for the students."

Adv. Hoexter: "The Crown too is indifferent -".

Mr. Justice Bekker: "If the Crown is indifferent, why worry about it?"

Adv. Hoexter: "But the Crown is not indifferent to the presence of the article in the journal."

Extracts read in from the Liberation editorial in November 1956 "The International Scene", linking the Suez Canal crisis with the imperialists' desire to seize the canal. Also whatever action had been taken by the Soviet Union in Hungary, its policy here was as different from imperialist policy towards colonial countries as night from day.

An article in the issue of October 1955 "Can the C.O.D. win mass support?" suggested that some of the anti-Nationalist Whites were beginning to look for a new political home and becoming conscious of the futility of a purely electoral and parliamentary fight.

The African National Congress Conference in 1955 was the subject of another article from which lengthy portions were read in: in view of the unleashing of the government reign of terror the need was to rally millions of Africans in a militant struggle against apartheid. A departure was needed from "revolutionary phrases and petty squabbles". The Conference should adopt the Freedom Charter and treat it as a programme of action.

"In Our Lifetime?"

Almost the whole of a 4-page article by accused Nelson Mandela, "In our Lifetime", was read in. Portions of this article appeared also in one of the Schedules of the indictment. It described the Freedom Charter as "more than a mere list of demands for democratic reforms. It is a revolutionary document precisely because the changes it envisages cannot be won without breaking up the economic and political set up of present South Africa. To win the demands calls for the organisation, launching and development of mass struggles on the widest scale.... it is by no means a blue print for a socialist state, but a programme for the unification of various classes and grouping among the people on a democratic basis...."

Liberals and Others

Another article by Nelson Mandela, Searchlight on the Liberal Party, read in by the Crown, analysed the political situation in 1953 after the Nationalists' re-election and assessed the significance of the newly formed Liberal Party in terms of their effort to strike a middle course. The Liberal Party had limited itself to "only democratic and constitutional means of struggle, but it was impossible to win political freedom by sitting with folded arms and waiting for rights to be given. The Liberal Party, in fact, stood not for the freedom of the people, but for the retention of the cheap labour system, and class interests identical

with those of the Nationalists.

The Old and The Young:

When the handing in of copies of Liberation was ended, cross examination of witness who had seized documents from O.R. Tambo was resumed. Mr. Trengrove for the Crown read in extracts from two further documents, the 1912 Constitution of the African National Congress, in which there was no reference to the A.N.C. as a liberatory movement, but as the medium for the constitutional education of Parliament and other bodies concerning the aspirations and requirements of the African people. There should be united action pressing for election to all administrative bodies, but the A.N.C. should not be identified with any political parties or sections. The second document related to the A.N.C. Youth League, which aimed at rallying the youth into one united front, based on African nationalism. "African nationalism is a dynamic liberatory creed. The African people must build a powerful liberatory movement, to be led by the Africans themselves."

Another full day was occupied by the reading in of news items, and articles taken from the newspaper Advance, from its first appearance in October 1953 to its final issue before its banning in October 1954. The passages read in covered a wide field, but laid emphasis on reports on visits to the Soviet Union and China by Walter Sisulu, Ruth First and Duma Nokwe, on the Trade Union column contributed by Ray Alexander, on parliamentary articles criticising the United Party, on articles condemning American imperialism, and on news items relating to preparations for the Congress of the People.

Hearsay and Propaganda:

Advocate Fischer for the Defence protested at the reading of a report of a journey to the Bucharest Youth Festival by Walter Sisulu, on the grounds that this could only be tendered for the truth of the contents and was clearly hearsay!

Mr. Justice Rumpff: "Couldn't it be linked with the policy alleged by the Crown?"

Adv. Fischer: "Yes, if the Crown would point out the policy."

Mr. Justice Rumpff: then asked the Crown to read out this description of a journey; the description included a reference to the people of different nationalities and races living together in perfect fraternity, and Mr. van Niekerk for the Crown indicated that the document was not tendered for proof of facts, but as containing propaganda. Mr. Justice Rumpff then ruled that the Defence objection fell away.

In reply to a vehement protest from Mr. Justice Rumpff at one stage "What are you reading all this for?" Advocate Hoexter replied "The Crown argument will be that this paper follows the same trend as the organisations."

DOWN TO THE SEA IN DOCUMENTS

On the following day, September 24th, detectives from Natal handed in documents taken in raids on the offices in Durban of the Natal Indian Congress, the Natal offices of the African National Congress, the New Age offices and the houses and offices of various co-conspirators. Many of the documents had already been handed in by other witnesses during the preceding weeks and included administrative correspondence and Conference reports. Many other documents relating to opposition to the Group Areas Act and the disabilities of the Indian people, and to preparations for the Congress of the People.

Portions of a typescript speech By Dr. M.M. Notala, a co-conspirator, were read in, dealing with the organisational aspects of the Congress of the People. "We must build up the spirit of self denial and sacrifice... Lest there be confusion, the task of the volunteers is not to defy laws, but they have an important task."

In the Presidential Address to the 9th Annual Conference of the Natal Indian Congress, the President, Dr. Naicker, spoke of the historic mission of the Natal Indian Congress "We have a clear, unambiguous policy in international affairs. We belong to the camp of world peace." Reference was made to the attempt of the imperialists to dig themselves into Africa.

Documents relating to a summer school organised by the A.N.C. Youth League in Natal were read in. A set of Notes for lectures on political economy referred to capitalism, wages under capitalism, unemployment, imperialism, the rise of the working class and revolutionary capitalism.

Some further extracts were read in from the lecture "African Nationalism Today" prepared by J.S. Matthews which had already been read in at an earlier stage.

Defence Advocate Fischer then cross-examined Head Constable Truter, who had been in the Security Branch in Natal for 8 years, and established that the objects and the activities of the Natal Indian Congress were of the widest possible nature. The witness agreed that Dr. Naicker, the President of the S.A. Indian Congress was greatly influenced by Gandhi and his writing, that there was no violence in any of the campaigns and that non-violence was frequently spoken of, not only by Dr. Naicker but by other Indian Congress leaders. Further extracts were read in from the Presidential address to the 9th conference of the Natal Indian Congress. "Conference knows my fervid belief in non-violence and my horror of violence."

Asked whether he regarded Dr. Naicker as a sincere man, the witness replied with emphasis "I certainly did!" A portion omitted by the Crown was read in of a report of a speech by A.J. Luthuli on the first Conference of the Congress of the People in September 1954. "It is interesting to observe how fear gives the police unnecessary sleepless nights over my call for 50,000 freedom volunteers - a harmless army of non-violent organisers for the Congress of the People."