with gorilla operations and culminating in armed insurrection. Do you see that paragraph? --- I don't agree with it.

You don't agree with it. And then when it says here that that is the only way out for this country? --- No, it is certainly not the only way out in my opinion.

You don't agree that people should be warned that death and sacrifice are the possibilities in this struggle? --- That death and sacrifice are the?

Possibilities in the struggle for liberation? --- As I have stated before it is something that I shall always try to fight to avoid.

Yes, but I don't understand why you are so averse to violence when other measures failed?--- If and when such a situation does arize, I shall then have to be able to be in a better position to decide. What I am saying now is that at this stage I do not believe that it is necessary to resort to violence. I believe that there are so many other avenues open. Certainly not as many as there used to be, I agree, but there are certainly methods of peaceful struggle open.

Yes, but you moved in circles where there must have been people who held these views?--- Not while I was a member of the Congress of Democrats, I haven't heard those views expressed.

No, but in the last year or two?--- In the last year or two?

Yes, if we accept the evidence that was given in this Court that Accused Nos. 2, 3 and Mr. Fischer, were members of the central committee of the Communist Party, which issued this document, The revolutionary way out, you must have from time to time have met these people? --- I have met them, yes.

/And...

And must have heard these views expressed?---

No.

That's where I can't understand why a matter of such national importance would be withheld from you?--- You talk of the last two or three years?---

Yes? --- As I say that during the last two or three years I have hardly participated in any sort of activity of a political nature. I started travelling for the firm I worked for just at the time of my detention in 1962, and it was a very, very difficult job. I had to take over a round which was largely neglected, and had to be built up practically from scratch. I made it perfectly clear that I would not be available for any sort of work for quite some time, and I must say that I had found travelling very difficult, very tiring and I have been so exhausted when I come home in the evening that I just haven't been available for political work.

No, but you did take part in political activity? --- Yes, I took part in 1964.

And here was a problem which must have excited all of you, that suddenly on the South African peaceful seas one found outbreaks of sabotage?--- Yes, I don't agree with it.

Yes, but the point is that was a real problem that was discussed in all your circles, wasn't it? --- I really didn't mix in many circles at this particular time. As I tried to explain to His Worship I engaged in very little political activity, and really the only political activity I engaged in was of a fund raising nature.

Yes, that may be. Fund raising for sabotage? --- I have told His Worship what sort of fund raising activities I have been involved with. In 1963 and 1964 it was for dependants of political prisoners.

/And..

And some of those people were charged with sabotage?--- That is correct. Some of these people, but it didn't mean that their families had to suffer.

No, but the point is you must have found yourself in discussions at one time or another where the whys and wherefores of the acts of sabotage were being canvassed? --- Yes. I would say in the circles in which I moved it was condemned.

And yet you were seen to collect funds for the dependants?--- Families, most certainly.

On what basis did you do that, what was the reason for your interest?--- I don't think that that is so difficult to understand.

Well, I suggest it wasn't purely humanitarian, it must have had some political signification also?--- Political in what sense?

In the sense that you objected to the political trials, in the sense that you probably felt that the acts of sabotage were justified, that the people who had to commit them had no other alternative in the struggle in South Africa?--- I deny that. I absolutely deny that. I see no reason why if one man is committed or appears in a sabotage trial that his family and his dependants should suffer. Besides which, it wasn't only these people. We largely collected money for dependants of 90 day detainees.

Yes, but you concentrated only on those - the families whose members were members of the Congress Alliance? --- Of the Congress Alliance?

Yes? You wouldn't have worried about Poqo people. The P.A.C. people with their hot headed actions, I am sure you wouldn't have bothered about them?-- May I say that one of the chapters in the Freedom Charter is that all are equal, all should

/be..

be equal before the law. And irrespective of what political views one holds, I feel that every person who is on trial is entitled to have legal defence. If that's what you are getting at.

Yes, but that wasn't the overriding consideration? --- I may not agree with the...

The basic reason for your taking an interest in the defence of political offenders was because you were in favour of those political offenders?--- No, not at all. It doesn't follow at all.

Then if Sisulu and Mandela were charged you would naturally take an interest in their families because those were prominent members of the Congress Movement?--- It wasn't only Mandela and Sisulu who were charged, and it wasn't only Mandela and Sisulu who were held under days. There were many, many more people.

Yes, but the whole object of your interest was to do something about these restrictive measures that were being imposed on the Liberation Movement as a whole?--- I have explained my position.

And that where members of your organization were being detained under the 90 day clause?--- What do you mean by my organization?

The Congress Alliance? --- The Congress Alliance?

Yes, if people like S.A.C.T.U. members were detained, or Congress of Democrat members were detained? --- Yes.

Organizations which you supported? --- That is correct, but if a member of the P.A.C., and it has happened, has been placed under 90 day detention, there have been many, I see no reason why if a P.A.C. man is brought to trial, he should not have a legal representation, and why his family should not be

/looked...

looked after?

Yes, I don't deny that. What I say is that you wouldn't have interested yourself in those families whose members didn't support the struggle in the light that you saw it? --- I think that I have answered that. I said that P.A.C. men have been under 90 day detention; that some P.A.C. people have been brought to trial. I believe that just the same as members of the Congress Alliance should have legal representation, they also are entitled to it. And as far as I am concerned their families need looking after as well.

Yes, but be honest today and tell His Worship how much funds you raised for P.A.C. people?--- How much funds I raised for P.A.C. people?

Yes?--- I didn't specify where the money had to go to.

You did not raise a cent for them?--- When I raised money for dependants of 90 day detainees, I didn't specify that it has to go to this family or that family. I had nothing to dowith that.

But if you had known that the funds that you had collected were going towards the P.A.C. Movement, I am sure..? --- I would have had no objection.

You would have had objections?--- I would have had no objection.

You are not such a humanitarian? --- What would you say?

Your activities I suggest were always linked up with the achievement of your own personal goals, and you wouldn't have bothered in the least about organizations which could fend for themselves?--- I would say that I would have more sympathy with people belonging to the Congress Movement, but

/that...

that doesn't mean that I don't believe in defence of other people. If some where somebody said that I don't agree with your political view, but I will fight to defend it, and that is my view too.

Yes, you didn't have millionaires in your movement who had plenty of money and resources to throw around?--- No.

There weren't people who could really go and specialise in humanitarian acts of supporting any sort of movement and any sort of accused before the Court. Your sources were limited?--- Yes, our sources were always limited.

And your resources were confined to helping those people whose absence or whose restriction, whose prosecutions hampered your movement?--- Would you say that the Defence and Aid fund only defend Congress People?

That is what I would like to know from you?--- I don't think so.

What do they do?--- They defend all political prisoners, whether it is P.A.C....

But were you a member of the Defence and Aid?--- No, I wasn't, but I got their bulletin regularly. I used to receive their bulletin regularly.

Why do you introduce the defence and aid. Did you collect monies for defence and aid?--- Yes, I collected monies for defence and aid.

When did you collect monies?--- I can't remember specifically when, but I have on occasions.

During the treason trial the defence and aid certainly only supported the Congress Movement?--- The Defence and Aid supported the treason trial as far as defence was concerned, yes, that was the only political trial at that time if I remember correctly.

And the Defence and Aid supported the Rivonia

/trial...

trial people?--- I am not sure about that. Did they?

I am asking you?--- I don't know. As far as I know the Defence and Aid fund were very reluctant to take up sabotage cases. Whether, in fact, they gave support to Rivonia or not, I don't know.

THE COURT ADJOURNS.

THE COURT RESUMES - APPEARANCES AS BEFORE.

ESTHER BARSEL (Still under her former oath):

CROSS-EXAMINATION BY THE STATE PROSECUTOR (CONTD.):

We were discussing the fund raising before the adjournment, when You mentioned the Defence and Aid?-- Yes, that's right.

Did you raise monies for the Defence and Aid?--- Yes, I did from time to time raise money for Defence and Aid.

And to whom did you hand the money?--- To Mrs. Fischer.

What did she have to do with the Defence and Aid?

--- I understood that she was at their offices very frequently and was connected with the Defence and Aid.

I didn't hear your answer?--- I understood from Mrs. Fischer that she was connected with Defence and Aid.

From the earliest time?---I couldn't say.

Incidently, is Mrs. Fischer also a banned person?

-- Yes, she is a banned person.

She was a member of the old Communist Party?--- Yes, I think she was.

And was she banned from attending meetings?--- I think she was.

And from being a member of certain organizations?

--- Yes, I think that is correct.

And you say you used to hand monies to her?--- Yes.

What amounts?--- They were never very large amounts.

/How...

How many times?--- I am sorry, I can't remember how many times.

In what years? --- Well, over the whole period. I collected money from time to time. I some times went out with Mrs. Fischer to collect money.

Yes, but over what years would you say did you collect monies for the Defence and Aid?--- For Defence and Aid, I would say about 57/58.

And later than that? --- Yes, later than that.

How did you collect the monies? --- I went to see people and asked them for donations or we sometimes held jumble sales.

Were those the only techniques that you applied in raising monies?--- As far as Defence and Aid is concerned, or generally speaking?

Generally?--- No, generally speaking we often had functions, dinners for instance, where we managed to raise quite a fair amount of money. Tickets were sold and people attended these functions. In the cases of New Age and Guardian it was through bazaars, jumble sales and an annual function. One big function which they held.

Yes but now what techniques did you employ during the latter years when various organizations were banned, many people were placed under restriction?--- Well, the technique of going to people for donations, and of holding jumble sales. Donations I would say was the main source.

Yes, now apart from the Defence and Aid for what other bodies did you collect funds? --- Apart from Defence and Aid during the years that I mentioned?

No, over the whole period?--- The Congress of Democrats.

Yes? Well, let's dealwith the Congress of Democrats. Over what period did you concern yourself with

/collections..

collections for..? --- Congress of Democrats?

Yes? --- I would say from the time that I joined till about say towards the end of 1961, perhaps the beginning of 1962, but as I say when I started this new job, just about all my activity ceased.

And for what other bodies did you collect funds? --- Well, during my work in the F.S.U., of Course, I did quite a lot of fund raising.

Apart from that?---Apart from that in the - for depandants of 90 day detainees.

To whom did you hand monies that you collected in that fashion?--- Well, on the first occasion I actually usually used to hand it to Mrs. Fischer, but the first meeting that I referred to that I had with Mrs. Altman, I gave her the money.

When was that?--- That was in March or April of - no, actually we only met round about there. I would say towards the end of April.

Lastyear?--- Of 1964, yes.

When did you meet Mrs. Altman? --- It was either March or April.

When did you collect the money which you handed to her?--- During the month of April.

How much is that? --- It was very little. I don't think it was more than R30.00. I am not actually too sure.

What was she to do with the money?--- Well, as I explained, she had mentioned that several people, in fact, who had been detained under the 90 day clause and that their families were suffering extreme hardship.

Which families? --- Well, I remember two in particular. It was Mr. 'Gatsebe's" family and Mr. Maleka's. Those are the two I remember that she mentioned. I think Mr.

/Gatsebe...

Gatsebe at the time was placed under house arrest, and he had no means of earning a living.

And what other collections did you make?--- After that?

Yes?--- Well, after that I really didn't do anything until I was approached again by Mrs. Fischer.

In June?--- Some time in June , yes.

Now, I gathered from your evidence that you also felt that secrecy became of paramount importance in the Movement?--- Secrecy in the sense that abandoned named people could not come together?

Yes?--- To that extent, yes.

But you were quite prepared to contravene any banning orders ?--- Well, personally I didn't contravene any banning orders. I am not a unnamed or banned person.

Flout the orders?--- I begyour pardon?

You were prepared to flout the orders? --- It is not a question of flouting those orders. I don't agree with the bans imposed on people. I feel that it deprives them of their liberty.

Yes, but now Mrs. Fischer for instance was a banned person?--- Yes.

And do you realize that she was committing an offence by meeting you, or by having meetings with you? --- Yes, she was committing and offence.

And you were quite prepared to meet her in spite of those orders?--- Yes, I did meet her.

And you were also prepared to meet her sedretly? --- Well, the point was that I often used to go to Mrs. Fischer's house. Mrs. Fischer often used to come to my house. It was impossible to meet at my house, I have explained the circumstances

/why...

why. The other two people couldn't come to her house because it would constitute a gathering .

Why wouldn't it constitute a gathering when you met elsewhere?--- Because I presumed that the place we went to would not be under surveillance.

Purely because the police wouldn't know about it? -- Yes.

But the fact that you gathered was an offence?--- Yes, I admit that.

That is why I am putting to you that you were quite prepared to commit offences ?--- Well, I personally did not commit these offences.

No, but being party to the commission then of an offence?--- Yes, I was party to it.

To that extent you were quite prepared to flout these banning orders and restrictive laws ?--- Yes, to that extent I did.

But I want to go further. You seem to have shown considerable foresight in these matters?--- How do you mean?

Well, by finding suitable places for meetings long before the need arose? --- I explained to His Worship in my evidence-in-chief that a number of banned people had come to my house.

Who were they?--- Well, Mrs. Fischer, Mrs. Altman, Mr. Beyleveldt had been to my house. I am talking about over the years. I mean not specifically during a particular period. Mrs. Weinberg used to come to my house. I was associated with her in Congress of Democrats.

Was that Mr. Weinberg's wife?--- That was Mr. Weinberg's wife. She is now banned.

Yes, but is her name Violet?--- Her name is Violet, yes. Mrs. Benjamin used to come to my house. I worked with her

/in...

in the Congress of Democrats.

So did Mr. Benjamin?)--- I don't think so.

Why wouldn't he come there? --- I really don't know.

Weren't you friends of theirs?--- Yes, I was. But I know Mrs. Beñjamin attended meetings.

Yes? So then you say these people were coming to your house? --- Yes, I was associated with most of them in the Congress of Democrats.

Yes, but my question was that you showed a fair amount of forsight in finding a place to meet at the Meyersons? --- I don't understand that. How do you mean forsight?

It would have been must unusual for you to arrange any meeting at some-body else's house?--- To arrange a meeting at the house of one of the banned people?

At the house of the Meyersons? It is not the sort of thing that happens every day?--- To arrange a meeting at somebody elses house?

Yes?--- I don't think that that is unusual at all.

When those people didn't even take part in the meeting?--- The Meyersons?

Yes? ---No, it was clearly understood that they wouldn't.

Now to that extent I suggest it was a most extraordinary meeting?--- But it wasn't in any way extraordinary. I asked - I explained the position to Mr. Meyerson when I saw him.

Yes, but you first of all said to Mr. Meyerson that you wanted a place here you could meet friends of your family socially? --- No, I explained to Mr. Meyerson my husband's position, that he was a banned person. I also explained to Mr. Meyerson that I had friends who are banned people who come to the house. I explained that my husband had an additional job prior to his banning, and that I understood that the reason why permission was refused for him to go to Roodepoort was because

/banned...

banned people came to my house. People with whom I had worked.

Yes?--- And I said that I would very much like to meet some of my friends who are banned peopled. That is what I said to him.

Yes, but you gave the impression to the Meyersons that the meeting was to be a purely social one?--- I don't know that I specifically mentioned social, that may have been the impression he gathered, but all I said to him was that I would like to meet some of my friends who ware banned people.

Mrs. Meyerson told the Court that you said it was to be a purely friendly social visit. She actually set out some refreshments ? --- Yes, she did set out refreshments, that is perfectly true.

Yes, but the setting out of the refreshments confirms her understanding of the purpose of the meeting?--- On the contrary I don't know that it necessarily does. I mean when people meet together one has refreshments, whether it is political or social.

Yes, but the point is that it was put to the Meyersons that if they knew that there was anything political about the purpose of the visit, they would not have agreed. to the use of their house, which they accepted?--- I never considered, nor did my husband consider the Meyersons to be particularly political. In fact, we didn't think they were political at all. We merely thought that they were two very nice people.

No, that is not the question. The question is that your Counsel put it to the Meyersons that the purpose of the visit was purely social, purely friendly?--- It is possible that that is the way they...

And he went further, and he said to - he said that

/if...

if it was suggested that, the purpose of the meeting was ever suggested to them to be of a political nature, they would have refused permission?--- Quite frankly, I didn't consider either of these two meetings to be highly political as you put it.

You don't regard the discussions of a political nature?--- No, the fact that we discussed 90 day detainees.

And the propaganda to be disanimated in regard to that? --- In connection with 90 days, yes, possibly that might be considered to be of political nature.

And the movement in which you were where people were banned and detained under the 90 days, their dependants, their future, their education, were those purely private matters? --- I even don't consider that of a highly political nature. It is ordinary humanitarian grounds for collecting money for people who were in difficulties financially.

Did you apply any measures of secrecy in regard to the arrangement of those meetings? --- In what way secrecy? ---

In regard to meeting people at certain places, collecting them there and taking them in a roundabout secretive way to the rendesvous? --- It wasn't such a round-about secretive way, but in the first instance there were two banned people and naturally since their banning prohibited them from social gatherings it necessitated meeting them in a secret way.

In regard to the second meeting, it was Mr. Beyleveldt who was a banned person, and to that extent we were concerned about protecting him because he was, in fact, breeching his ban. Because he was restricted from social or other gatherings.

And Mr. Baker? --- Mr. Baker as far as I know is only a named person. He is not a banned person.

Did you ever come across this document called "Time for Reassessment?" --- No, not until this trial.

Because in this document the emphasis is placed on secrecy in theholding of meetings and so on?--- Yes, I have read it.

Did they never give you a copy of this?--- No.

Because in one of the tapes Miss Middelton seems to have had a discussion with Mrs. Bernstein about this very document, and suggested that Sandy had a copy?--- That is possible. I haven't gone through the tapes because I understood it didn't concern...

No, but if you were the person, Sandy, who was accepted in the Party as Sandy, then you must have been in possession of this document?--- I am not that person.

Yes, that is what you say?--- That is perfectly true.

You don't know who Sandy is?--- No, I am afraid not.

But you do admit that you were friendly with Miss Middelton? --- I was reasonably friendly with her.

And with Mrs. Bernstein?--- Not as friendly with Mrs. Bernstein. I knew her for several years.

You used to meet quite frequently?--- No.

Why not?--- There was no reason for me to meet her frequently.

You lived close to them?--- Nevertheless, she wasn't a person/friend of mine.

And you saw Miss Middelton at her flat?--- Yes, I had coffee with her one afternoon.

And you saw her at this meeting too?--- Which meeting?

The 16th of June? -- She was at the meeting, yes.

Did you see her at the other meetings? --- Yes, I have seen her at Congress of Democrats meetings.

/No...

No I am speaking of later meetings, secret meetings? --- No, that is the only time.

Before I go further, you mentioned something of the Congress of Democrats having based its policy on the declaration of human rights, accepted by the United Nations?--- No, I said that the Freedom Charter was based on the declaration of human rights.

The Congress of Democrats also initially started off with the declaration of human rights as its basic policy? --- It is possible.

It afterwards amended its constitution to include the Freedom Charter?--- That may be so.

But I want to suggest to you without going into details, that there is quite a vital difference between the declaration of Human rights and the Freedom Charter?--- I don't think so.

On economic questions?--- I don't think there is ...

There is no reference in the declaration of human rights to economic questions? --- To economic questions?

Yes, like the sharing of the countrey's wealth, and the redistribution of land?--- I am not sure. Perhaps we could get hold of a copy of the declaration.

Yes, I will show you a copy. But that I suggest to you makes all the difference between the Freedom Charter and the declaration of human rights? --- I mentioned in my evidence-in-chief, Mr. Berrange stopped me when I wanted to go further on that, but I find or I found at the time when I did read through the declaration that in many respects it went further than the Freedom Charter, but I would like to refer to it in order to point this out.

Now, I take it you know a lot about the history

/of...

of this Congress Movement from the time that you became a member? --- From the time I became a member?

Yes?--- I wouldn't say I know its whole history, because as I say there were times when I was not very active in it.

And you know when one paper was banned another one took its place? --- Are you now referring to Guardian and New Age?

Yes?--- Yes.

When one organization was banned another one took its place? --- Well, I wouldn't say in the same way as Guardain - as New Age replaced Guardian.

Yes, but perhaps in a different or a less prominent way. The idea was that the liberation struggle and liberation movement should go on?--- Could you give me a specific example of what you mean?

For instance if New Age went out of existence Spark took its place. If one body became banned another one took its place?-- I think that is perfectly in line with the policy that has been followed all along, that one wantsto work through legal channels.

If one person or one leader became banned another one took his place?--- Yes.

If the leaders like those charged in the Rivonia trial were imprisoned then others would come forward and carry on with the struggle? --- I presume so, I don't know.

And if others were detained under the 90 days clause or imprisoned, then others just stepped into the bridge? --- I suppose one reaches such a (?) point at some time.

Yes, but that is why I am suggesting to you that you might have started in a small modest way and developed rather into the limelight?--- I am afraid that is

/quite..

quite untrue. I started in a small modest way and I continued in the same way.

And the stage was reached in the situation where you became rather a key figure?--- I would say that the contrary is true. I would say that earlier on I was far more active than I was later on.

No, but these meetings that you held in Cyrildene rather suggests that you were a very important personality there? --- On the contrary it doesn't at all. I was standing in for Mrs. Fischer. Unfortunately Mrs. Fischer got killed in a motor accident. It was never the intention that I should be a member of this committee.

Yes, but you see, there too I have difficulty with your evidence because you were the first person to come and mention Mrs. Fischer's name in this Court?--- Do you mean in connection with the meeting of the 16th?

Yes? --- Yes, I think so.

You were the first one who suggested that you stood in for Mrs. Fischer at that meeting?-- But that is perfectly true.

That may be, but we never knew about Mrs. Fischer's part in relation to those meetings until you mentioned the fact? --- Yes.

But...? --- But who else could have given that information? She approached me.

Well, you mentioned Mr. Beyleveldt. You suggested that Mr. Beyleveldt had had a discussion with Mrs. Fischer and thereafter had a discussion with you?--- Who, Mr. Beyleveldt had a discussion with me?

Yes?--- That is perfectly true.

That is the sort of thing that was never canvassed with Mr. Beyleveldt?--- If I may say so, at the time when my Counsel came to see me, it was just shortly before our trial started. Our indictment, if you remember arrived very, very

/late..

late. Consultations at the Fort, as Mr. Berrange has said, has been extremely difficult. We have had very very short consultations, and Mr. Berrange asked me (a) whether I was a member of the Communist Party, whether I was a member of its area committee. I denied both. He asked me whether I attended a meeting on the 16th of June, I confirmed that I did. He asked me the purpose of the meeting and I told him what the purpose of the meeting was. He did not at that stage go into the whole background of how it started and so on. It was only afterwards when we were able to consult that he said "Now I want the whole story what led up to this meeting."

Yes, but unfortunately that was the time when Mr. Beyleveldt had given his evidence?--- Well, that is very unfortunate, but I was asked by my Counsel to tell them what happened on the 16th of June, which I did, and that was what was put to Mr. Beyleveldt by my Counsel.

Perhaps I should ask you this: Didn't you think that by taking banned persons like Mrs. Fischer and Mrs. Altman to the Meyersons house you might expose the Meyersons to unnecessary dangers?--- Well, the first meeting was certainly not under surveillance , and everything went off fine.

That is what you hoped?--- There was no - there was nothing to indicate this that anything should go wrong.

No, I am not suggesting that there was anything to indicate, I am...?--- If we had met at the houses of one of the banned people the houses would have been under surveillance.

No. On the second occasion,for instance, you were followed by the police? --- Apparently we were not followed by the police. I am not quite sure how or what happened. I know that Mr. Schutte was sitting outside the house.

No, you heard the evidence given in this Court that Miss Middelton told the party or the group - her group on the 4th of June that she was going to have an area committee meeting

/on..

on the 16th of June, and it is as a result of that I put it to you, that the police followed you people?--- Yes, so it would appear. But the meeting that we held at the Meyersons house had absolutely nothing to do with the Communist Party.

Yes, but can you under-stand or explain why Miss Middelton should refer to that meeting of the 16th of June as an area committee meeting? --- That Miss Middelton should?

Yes, that she referred to the meeting that she was going to have on the 16th of June as an area committee meeting?--- I think some where in this trial somebody said that Miss Middelton attended several meetings during...

Yes, no, I am talking..?--- It is possible that on the 16th of July she may have had another meeting. I don't know. All I know is that the meeting at the Meyersons was not a Communist Party meeting.

No, but we have two sources of information now against which we must get your evidence. Firstly, there was a statement by Miss Middelton on the 4th of June when she said that she was going to have an area committee meeting on the 16th of June?---Yes.

Then there was Beyleveldt's evidence to the effect that the meeting at the Mey rson's house was, in fact, an area committee meeting?--- Yes, I heard Mr. Beyleveldt's evidence on this. It is untrue.

Yes, but why would you - what I can't understand is why would you be left in the dark in regard to the purpose of the meeting, the nature of the meeting?--- The purpose of what meeting ? Our meeting on the 16th of June?

JYes? --- I am perfectly clear about the meeting on the 16th of June.

/That...

That it was an area committee meeting? --- Certainly not.

What is the meeting - under the auspices of which organization did you meet?--- It wasn't under the auspices of any organization. It was a meeting of a few people who would deal with different aspects.

And as I understood your evidence you said that on the first occasion you met Mrs Altman at some spot? --- In Yeoville.

Yes, some specially pre-arranged spot? --- That's right.

And then the two of you or the three of you pro...?--- The four of us.

The four of you proceeded to this place?--- That's correct.

On what day of the week did this meeting take place?--- I can't remember what day of the week it was. It is a long time ago. It is almost a year ago.

And Mrs. Altman wanted to discuss the question of fund raising in Israel?--- That is one of the things that she raised with us, yes. She wanted to collect information of the families of 90 day detainees with the intention of starting a branch similar to Defence and Aid in Israel.

Where was she going to get the information from?--- Well, she had asked Mrs. Fischer if she could collect some information. She had asked Mrs. Nokwe if she could.

BY THE COURT:

Mrs. Nokwe?--- Mrs. Nokwe.

Who is Mrs. Nokwe? --- Mrs. Nokwe is an African woman.

CROSS-EXAMINATION BY THE STATE PROSECUTOR (CONTD.):

She is the wife of the African Advocate Nokwe?

--- Of Advoate Nokwe, that is quite right.

I believe he fled the country, or did he leave..?

-- I know he is not in South Africa.

Oh, he also fled?--- It is possible. I know that he has left the country.

Like Mr. Bernstein and others?--- You may be right.

Now, I can't see what part you had to play at this meeting, why were you introduced?--- Well, as a matter of fact, I did say at the meeting that I was not in a position to collect that sort of information. Apparently Mrs. Altman thought that I would be able to do something in that connection, and I explained that I had been out of touch for a long time and couldn't do it. But what I had undertaken to do was to try and collect a little bit of money which would go to the families of these people.

No, but let's stop there. Mrs. Altman was under certain wrong impressions about you? --- That - certain wrong impressions?

That you could do something which you then explained you couldn't?--- Well, she introduced the topic. She said that - you know, there were several things. (a) That the families of these people had to be looked after, and she mentioned these two specific cases which I have mentioned, and this became an urgent need. And she also had hoped that I would be able to collect some information.

No, but you gathered together there to discuss details of dependants of political offenders. Mrs. Altman was under the impression that you were in a position to give some information?--- No, she merely asked whether we could all assist with that, and I said unfortunately I couldn't.

Well, now what made Mrs. Altman think that

/you...

you were in a position to assist?--- I really don't know.

As I see it you were really of no value at all on your evidence?--- Well, I collected the money.

BY THE COURT:

..... (incoherent)? --- Yes. That is on the first occasion when I met Mrs. Altman.

CROSS-EXAMINATION BY THE STATE PROSECUTOR (CONTD.):

From whom did you collect that money? --- From sympathisers and friends.

Who were they?--- I can't remember exactly who I got it from.

No, but this is rather important. You must be able to give us some information. Who were the people that contributed? --- Iam not sure. I really don't know. I think one of them was Mr.Zampatakis.

How much did you get from him?--- I can't remember. We also gave some money towards this. My husband and I.

Yes. I hope you didn't contribute to the bulk of the R30.00?--- No, I was not in a position to do so.

Well, now who did it?--- I really can't remember who else I collected from. Obviously people with whom I was friendly because I certainly didn't make and all out drive to collect this R30.00.

No, but you didn 't collect money every month? --- No, I didn't , nor did I make...

As I understand you, this is the first time after a lapse of about three years?--- For quite a long time, that is quite right.

So you must be in a position to say who the people were who contributed? --- It is nearly a year ago, I can't remember exactly who. I went to quite a few people.

/Where...

Where did you hand the money over to Mrs. Altman? --- I took it to her flat.

Where?--- In Von Brandis Heights.

Why did you go there? --- Where else could I take it to?

Did you think that you had to apply secretive methods again?--- Of taking the money to Mrs Altman?--

Yes?--- No. I went to her flat and gave it to her.

Well, why didn't you meet at Mrs. Altmans flat in the first instance?--- Because Mrs. Altman and Mrs. Fischer are banned people.

Yes, you could have slipped in there unobtrusively? --- Mrs. Altman told me that her place was under surveillance. Mrs. Fischer told me the same thing.

Yes, very well, then all the more reason why you were taking a tremendous risk to go there with the money? --- To go where, to Mrs. Altman?

To Mrs. Altman's flat?--- But I am not a banned person. I took no risk.

Yes, but then you were giving the police information about your association with Mrs. Altman?--- It seems to me that the police know me.

Yes. They have reason to know you?--- So it seems. Mr. Schutte when he gave his evidence said he clearly recognized me, so obviously our house must have been under surveillance, he must have seen me coming and going, and so on.

Yes, but he knows about your activity in the Congress of Democrats?--- I have never hidden my activities in the Congress of Democrats.

In this organization, the Communist Party? --- I

/don't...

don't and never did belong to the Communist Party.

So you didn't mind going to Mrs. Altman's flat to hand over the money to her?--- No, in the same way as I would go to Mrs. Fischer's place. I had no objection.

And what was Mrs. Altman to do with the money? --- What was she to do with the money?

Yes?--- It was specifically arranged that this would go to the two families.

And who was to pay it over?--- That I don't know. That was her concern. All I was concerned about was to get the money to her. What she did with it, how she got it to the families, I don't know.

That was another risk that she was taking to go and meet the people some where and hand over the money? --- She may have had means of doing it, I don't know. I didn't question her about it. It was no concern of mine.

Why didn't you do it? --- Why didn't I do what?

Why didn't you go and hand over the money?--- Because the arrangement was that I should hand it to Mrs. Altman, which I did.

Yes, but you were so concerned about secrecy, so concerned about avoiding police detection?--- But it was known that I associated with banned people. It was no secret.

You see, you take a lot of precautionary measures to meet Mrs. Altman in a house in Cyrildene purely to discuss the question of raising of funds, that is so?--- Yes, and also details that she wanted to take with her.

Then once you have collected some money, you go to her flat openly and hand it over? --- With respect, the meeting that was arranged at the Meyerson's was for the protection of Mrs. Altman and Mrs. Fischer who could not communicate. The fact that I went to Mrs. Altman's flat

/was...

was no breach of any security rules whatsoever, or any banning order whatsoever.

Yes, but the police might have intercepted ?

--- Intercepted what?

You. They might have stopped you at the door?

--- And what would they have found me with R30.00?

A lot of money there?--- R30.00?

Questi n you about the money, yes? --- It is possible. I wouldn't have denied what the money was collected for. It is perfectly legal work.

To say the least, you would have been involved in an enquiry again?--- Why?

Handing over money? --- Handing over money?

Handing over money there to a banned person? --- I just don't see that. I am sorry.

You don't see it?--- No, I don't.

You don't see anything wrong into your walking into Mrs. Altman's flat?--- No, in the same way that I was friendly with Mrs. Fischer.

So there was no reason why you couldn't have walked into her flat the first time and have this little tat-a-tat about the fund raising?--- Except that if Mrs. Fischer and Mrs. Altman had been found together at a gathering, they could have been prosecuted.

So I see the position at this meeting Mrs. Fischer contributed pressures...? --- Mrs. Fischer? Oh, on the contrary Mrs. Fischer undertook to do quite a lot of research into the plight of these families.

No, but as far as the fund raising part was concerned, she did nothing?--- Well, she wasn't ask to specifically.

What could Mrs. Fischer do about collecting

/details...

tails?--- About collecting details?

Yes?--- I should imagine that she could do quite a lot. She was in contact with many non-Europeans.

Such as whom?--- I don't know specifically whom.

Did they come to the house?--- I don't know. I didn't ask Mrs. Fischer, but I do understand that the Fischers have always had open hearts from whoever came there. People of all races.

Did she have a convenient method of communicating with the non-Whites?--- She must have had, because she undertook to do this work. I didn't ask her how she was going to do it. She said that she was quite prepared to do it, and Mrs. Nokwe similarly.

Didn't you become a bit curious? --- Become curious?

Yes? --- No, there is no need...

To find out how she was able as a banned person to communicate with the Africans?--- No, I didn't ask her.

But why didn't you ask her?--- It was no concern of mine.

No, I don't understand, certain things you regard as important and others as unimportant?--- Yes, I certainly regard this as completely unimportant. She is a banned person. I saw no need for me to enquire how, where why she saw people.

But a banned person is able to collect details from the Africans. A banned person in the position of Mr. Fischer's wife?--- Yes. I didn't question it.

That didn't raise any suspicions ?--- Not at all. I really didn't ask her how and why and where. Mrs. Fischer was obviously in a position to do so, otherwise she wouldn't

/have...

have undertaken it.

What part did Mrs. Nokwe take at this discussion?--- Mrs. Nokwe also agreed that she would make extensive enquiries in the township.

And what had to be done with the particulars? --- To be given to Mrs Altman before she went to Israel.

Who was to collect the particulars?--- Well, as far as I understood it, at the meeting, it was only Mrs. Nokwe and Mrs. Fischer and Mrs. Altman did say that she would try and make some sort of contact with people in S.A.C.T.U. to get information from them as well.

And what sort of particulars had they to collect?--- Particulars about the plight of families, and particulars of 90 day detention.

So what did they want to collect statistics? --- Yes, she wanted that.

Of the number of people that were detained? --- Of the number of people, of individual cases of hardship. Allthat sort of information she wanted...

What did she want to..?--- So that if when she went to Israel that she could present facts.

Yes, I thought you said she was going to raise funds in Israel?--- That's right.

In order to be able to...?--- And in order to raise funds one must have the facts at one's disposal I should imagine.

And in order to be able to distribute the funds, one would have to have the addresses of the people? --- Of the people where?

The people who were suffering?--- I don't know what arrangements she made about how to get the money here.

/I...

I want to know what happened at this meeting?

--- We never discussed it.

Do you think that people in Israel would be content with a lot of statistics about so many people detained, so many people suffering hardships?--- Well, if people in England are content with that sort of information, I cant see any reason why the people in Israel shouldn't be.

If people were operating along the lines Mr. Schermbrucker told us here how the Amnesty committee worked, then they would want the particulars and the people's names, addresses and so on? --- I don't think that this had anything to do with the type of organization that Mr. Schermbrucker mentioned. It had nothing to do with Amnesty.

Well, I don't understand how this fund raising was going to benefit anybody?--- Why not?

What would she have to do in Israel then? --- Well, I understood from the way she spoke that she was going to try and contact some people in Israel. She wanted to hold meetings, explain (A) The Political situation in South Africa generally, and she would bring in the fact that the 90 day law had been opeating for some time. The people who were detained under the 90 day clause. The plight of the families.

That's what I can't understand..?--- And she would appeal for funds.

Yes, but now, what sort of particulars did she want ?--- She wanted individual cases. It is no use..

Now take the Gatsebe family, or whatever you call her. I didn't hear the name, Mrs. Gatsebe?--- Yes.

What sort of particulars would she want about the Gatsebe family?--- Well, she would want to know for instance was he detained under the 90 days clause.

/How..

How long was he detained for, when was he put under house arrest. What the state of the family is, or was at the time. Whether they had any money to live on. That sort of thing is fairly basic.

She would need the name of Gatsebe and his address? --- I really don't know. That I didn't ask, and I really don't know how she intended pursuing this matter. All I know is what she told me at the meeting.

No, but you see, you came together at this meeting as I understand it ostensibly to finalize your discussions and there and then agree on what sort of information had to be obtained?--- I have explained the sort of information that she wanted.

I am afraid I don't understand. I don't understand what sort of particulars she really needed? --- But I have explained the sort of particulars that she needed.

Yes, but I wanted to know about the identity of the people who were suffering, and you say you don't know?--- The identity?

Yes?--- I am giving you one person, and I have given you the other. The other man's name is (?) 'Maleka'.

It was the idea to collect the names of all these people, the names and the addressed?--- The names?

Yes?--- I should imagine so. I should imagine that if she got up and spoke, she would say this and this has happened to the Maleka family and this and this has happened to another family.

And would she run the risk of carting around with her a long list of names and addresses of people? --- I don't know. She may have made other arrangements of getting this information out of South Africa. I didn't

/ask..

ask her. It was no concern of mine.

But I suggest that - you see, you give the impression that this - what was discussed at this meeting was in such a vague uncertain form that I...?--- I don't think it was at all vague. I think it is perfectly clear.

It was important enough to have this meeting some where in the back parts of Cyrildene?--- Yes.

In the house of somebody else? --- All that part didn't present a difficulty.

And it was - people were picked up at various spots in order to through out...?--- I don't know about people being picked up at various spots, I know that I was picked up round the corner of my house, c/r of Kenmere Road and Dunbar Road - Kenmare Street I think it is called.

Incidently on the way back you were dropped at your house?--- No, I was not dropped right at my house.

So you said in your evidence-in-chief?--- At my house?

Yes, you said they took you home?--- They took me home but I didn't say that I was dropped at my house.

Is that now..?--- I was not dropped right outside my front door.

Where were you dropped?--- I was dropped about half a block away.

And when you came away from that meeting you were none the wiser as to its real purpose? --- I think I have made the purpose of the meeting perfectly clear.

Well, I am afraid I don't understand it?--- Well, perhaps my English is bad, I don't know.

And when did you agree to meet again?--- We hadn't agreed to meet again. Mrs. Fischer was to collect

information, Mrs. Nokwe was to collect information.

And some where you had to meet to discuss the information?--- No. Mrs. Fischer, I pr sume had made her own arrangements with Mrs. Altman, and Mrs.Nokwe had made her arrangements. My arrangement was merely to collect money and to bring it to Mrs. Altman's flat, which I did.

Why didn't you hand the money over to Mrs. Fischer?--- Because it was Mrs. Altman who was dealing with the cases. They were specifically SACTU cases, and Mrs. Altman had been working for S.A.CT.U. She knew these two people personally. She was very much concerned about the plight of their particular families. She mentioned other cases as well, other S.A.C.T.U. people, but I am afraid I don't know the S.A.C.T.U. people well. These are two that I can remember, and obviously Mrs. Altman had some sort of contact with S.A.C.T.U. I don't know how or where.

Why were you prepared to give financial support to people - banned people of S.A.C.T.U.?--- This was collected for their families.

Why were you prepared to support them?--- Because I don't like to see anybody starve.

Were these people in custody or detained under the 90 day clause?--- I know Mr. Maleka was detained under the 90 day clause. I think Mr. Gatsoba was, I am not absolutely sure, but at the time of our meeting Mr. Gatsoba was under house arrest. That I do know. That is what Mrs. Altman told us.

You see, again I suggest to you that you were prepared to assist these people financially purely and simply because they stood for the same ideals as you did? -- I don't know Mr. Maleka, I have never met him. I have

/Met...

met Mr. Gatsoba socially on one or two occasions. I knew from what Mrs. Altman said that they had been officials of S.A.C.T.U. S.A.C.T.U. as far as I am concerned is a member of the Congress Alliance, and as such, I am prepared to give it my support and have done so.

Yes, but if you had this type of view : S.A.C.T.U. - their fight is our fight, The Aparthoid State is going all out to crush the South African Congress of Trade Unions, the organization of South African workers." Did you also hold that view?--- I think that the South African Congress of Trade Unions,although it is not a banned organization, so many of its officials have been banned that I should imagine that they would virtually find it impossible to carry on. Although the organization itself is still legal.

This..... "When the top officials moved the Government moved in on the local executives. By the end of 1963 about 50 of S.A.C.T.U.'s officials had been gaoled or banned or put under house arrest." --- I don't know the figures, but it is probably correct.

"Some examples - John Gatsebe put under 24 hour house arrest. Order immediately on his release from gaol." --- Well, that is what I said, that he was under house arrest.

Yes, but now this article says that nearly every senior S.A.C.T.U. official has been arrested for 90 days, banned or sentenced to long terms of imprisonment by Verwoerd's rubber stamp corps?" --- By Verwoerd's?

"Rubber stamp corps?" -- I have never heard of that expression.

You don't share that view? --- No,I don't think so.

But do you agree with this that every - nearly every second senior S.A.C.T.U. official has been arrested

/under...

under the 90 day clause?--- I don't have personal knowledge of that, but I understand that it is correct, that S.A.C.T.U. has been hit very very badly through banning, arrests and so on.

S.A.C.T.U.'s former national president, Leon Levy, was arrested for 90 days?-- That is correct.

His successor, S. Dhlamini, of Natal was arrested for 90 days and subsequently kept in prison awaiting trial? -- I don't know Mr. Dhlamini, but I presume it is correct.

Vice president of S.A.C.T.U., Mrs. Viola Hasher, banned and confined to the area in which she lives? --- I don't know her either.

S.A.C.T.U'S assistant secretary, Mrs. Phyllis Altman served witha vicious banning order? --- Yes, that is correct. I said that.

Mark Shope, former general secretary banned and forded to resign from Trade Unions?--- Yes, I have never met Mr. Shope, I don't know him.

And then S.A.C.T.U's. assistant general secretary of only a few months, Mr. Edward Devo...?--- Yes, I read about him in the paper. I have never met him.

Yes, but it goes on here to say that in the political field this is what happened: "First the Communist Party was outlawed, then the attacks spread to all Liberal and Progressive Partics. First New Age was banned and Spark destroyed. Now they will silence all anti-apartheid papers. S.A.C.T.U. stands for free trade unions. S.A.CT.U. defends the unity of all workers. S.A.C.T.U. knows that only by non-racial united struggle can the people win better conditions. All people, all workers, all trade unionists should now rally to defend and assist S.A.C.T.U." Did you

/also...

also share that view? --- Well, as I say, I personally have not given ... to any assistance.

No, but by collecting funds for S.A.C.T.U. officials?--- It was not for the officials as I explained. It was for the families.

Indirectly?--- Indirectly, you mean because Mr. Gatsebe was under 24 hours house arrest?

Yes?--- Yes, I presume it would help him to buy food and so on.

I suggest this would be a very strong motive for supporting families if you supported the organization? --- I have no quarrel with that. S.A. Congress of Trade Unions was part of the Congress Movement, and as such, I have no quarrel with them.

Is that the reason why you went out of your way to assist Mrs. Altman?--- I have already explained why I assisted Mrs. Altman.

Is that the reason?--- Because I supported S.A.C.T.U.

Yes?--- It is not necessarily the only reason. If it had been two other families I would have done the same thing.

Yes, I suggest humanitarian reasons come - are separate?--- Why do they....

They are secondary. Your prime reason would be your interests, personal interests in the type of activity which these people were engaged in? --- I have a family of my own, and we have also been through some very difficult times, and I know how difficult it can be for African families, and I resent it when you say that it was not guided by humanitarian reasons. I am a human being. I do have human feelings. I do understand the hardships that families can endure, and do and

/have...

have endured.

I think we can simplify this, the text of this meeting on the - was it the 11th of June? The one on the 11th of June?--- The 11th of June, what was the 11th of June?

The one where you - No, I am sorry, I have got the date wrong. The one where you, Mrs. Altman and Mrs. Fischer met?--- No, that was March or April.

March/April?--- Yes.

All that you had to discuss at that meeting was that some sort of financial aid hat to be found for people like Gatsebe and Maleko? --- No, I explained that we also discussed Mrs. Altman leaving the country, going to Israel.

Yes those two things?--- Yes, we didn't meet for a long time.

Yes, now I am asking you again why you couldn't have a little discussion on the telephone about that?--- Have a discussion on the telephone with banned people?

Yes, very simple?--- But it was necessary for four people to get together, how can you have that sort of telephonic...

Why was it necessary to get together, why was - why couldn't Mrs. Altman telephone you and say to you "Look, there are two persons I want your assistance about. Firstly, the question of raising some funds for Gatsebe and Maleka, and secondly get certain particulars about detainees and.." --- I have been saying that Mrs. Altman is a banned person. She was not allowed to participate in any sort of activity whether it is social...

No, I am speaking of the telephone. Why couldn't she, she could have made three telephone calls? --- You mean to me, to Mrs. Fischer to Mrs. Nokwe?

To you, to Mrs. Fischer and to Mrs. Nokwe?--- She

/was...

was not allowed to communicate with Mrs. Fischer.

Why couldn't she 'phone Mrs. Fischer?--- She was not allowed to communicate with her, either directly or telephonically.

Who would know?--- Who would know?

Yes? --- I hate to suggest this, but if there is police surveillance of our homes it is not impossible that there would be telephone tackling.

Do you say that is the reason because you are afraid of your telephone being ta ped? --- I wasn t afraid. I wasn't the person who could get into trouble.

But did Mrs. Altman say that was the reason why she didn't...? --- No, she didn't. I am suggesting that that is a possible reason.

Why couldn't they write, why couldn't she write you a letter?--- But this was a meeting at which we all discussed the question. It wasn't a question of one person deciding what is to be done. Between the four of use we had a meeting and we discussed the whole question. You can't do that sort of thing telephonically.

What was there to discuss?--- I have explained what there was to be discussed.

I suggest there was nothing to discuss. All that was really put to you were two requests. Firstly, collect some funds for certain dependants of detainees. Secondly, to get some information about their families?--- Yes, but that wasn't something that was already decided before we got to the meeting. When we got to the meeting Mrs. Altman explained that she could not find a job in South Africa; that she was planning to leave, and that she would probably going to Israel. We discussed the whole thing, and various suggestions were put forward about the

/sort...

sort of thing she could do in Israel. One of the suggestions put forward was that she could speak at public meetings, she could try and raise funds. This all arises out of a discussion. It is not a decision by one person.

What is so complicated about the discussion, that is what I fail to see?-- There was nothing complicated about it.

The woman could have put to you those two propositions in simple language in a letter. Why did you have to go and resort to these devious ways of getting together and risking possibility of a prosecution?--- But there were things that had to be worked out. There were things that Mrs. Fischer undertook to do. There were things that Mrs. Nokwe undertook to do. There were things that I undertook to do. It wasn't Mrs. Altman who siad "Look, this has to be done and that has to be done." This arose out of a discussion at the meeting.

Do you mean that Mrs. Altman wasn't even definite about what she wanted from you people?--- Well, she knew that she was leaving the country or she intended leaving the country. She asked us for suggestions of what she could do, and one of the suggestions arising out of the meeting was that she should try and hold public meetings with the view to collecting money.

She didn't need your assistance for that? --- These sort of things arise out of discussions. That is what I am trying to explain.

Yes, but don't you agree with me that in order to decide - Mrs. Altman had to decide, she was going to leave the country, she needed funds, she needed particulars?--- Yes, Mrs. Altman also wanted our views on it, which we gave. In what way she could help for instance.

Very well, tell us now in what way did she suggest she would be able to help?--- I can't remember who made

/what...

what suggestions, because the discussion was amongst four of us, and one of the suggestions that was maddwas that she should hold meetings, and that she should try and collect money (a) For Defence and Aid, and (b) For families, dependants of political prisoners. It is as simple as that, but in order to arrive at such a thing - such a decision, it is necessary for people to discuss. I don't like taking a decision on my own. I like to discuss it with people. It is normal procedure.

The more you talk about this matter, the more obvious it becomes that you were quite a king-pin in this organization?--- Not at all. I don't think that it is at all obvious.

And that for that very reason you were being brought into these discussions?--- What are you suggesting that this meeting was?

I don't know. I am merely concerned about your association with these banned persons?--- But I have had associations with all sorts of people. Amongst them there happened to be banned people that is true.

Was Mrs. Altman also a member of the Communist Party? --- I really don't know. As far as I know she is a banned person.

For how long have you known her?--- I don't know her very well. I have met her quite often at social gatherings.

But now what sort of views did she have?--- Mrs. Altman? I really don't know. She is obviously a supporter of Congress, otherwise she wouldn't have worked in S.A.C.T.U.

Yes, but now for how many years have you known her? --- I haven't known her for very long.

How long would you say? --- I don't really know. It is difficult to say. I have met her at parties from time

/to...

to time.

BY THE COURT:

You don't know how long you have known Mrs. Altman? --- Not for very long.

What do you mean, a matter of years, months, weeks or? --- I would say a few years.

CROSS-EXAMINATION BY THE STATE PROSECUDR (CONTD.):

So you say this meeting took place in March? -- March or April, I am not sure.

What day of the week did it take place? -- I am not sure, I can't remember.

When did you hand the money over to Mrs. Altman? --- Some time towards the end of April.

Then we come to the meeting in June, the 16th Of June. Now, you told His Worship that on the 11th of June you had a discussion with Mr. Beyleveldt? --- That is the Rivonia judgment day, that is correct.

And that you have already agreed was not put to Mr. Beyleveldt ? --- What?

That you had a discussion with Mr. Beyleveldt on the 11th of June? --- Was not put to Mr. Beyleveldt?

To Mr. Beyleveldt? -- No, it probably wasn't. I have explained that when my Counsel came to see me they asked me three questions which I answered. (1) Whether I was a member of the Communist Party, whether I was a member of the area committee and what the meeting of the 16th of June was all about, and at the time that we had out at .... I answered those three questions. They didn't ask me at the time what led up to the meeting of the 16th.

No, but I am concerned now with Mr. Beyleveldt. He was not questioned about the fact that you had asked him

/What...

what he had decided with Mrs. Fischer?--- That I had asked him?

That you had asked him what had been decided between him and Mrs. Fischer?--- No, I don't think that that is correct.

You don't understand?--- No, perhaps I don't.

I say amongst the facts in your evidence which were not put to Mr. Beyleveldt, the following appeared, namely, the one I have put to you about the 11th of June? --- About the fact that I saw Mr. Beyleveldt on the 11th of June?

And the second one that you did not ask - that you asked Mr. Beyleveldt what was decided between him and Mrs. Fischer? --- I didn't ask Mr. Beyleveldt what was decided between him and Mrs. Fischer. Mr. Beyleveldt...

Did he volunteer it?--- Yes.

Did he volunteer that he had had discussions? --- Well, Mrs. Fischer had told me that she had had discussions with Mr. Beyleveldt about this, and that I was to see him about it. That was the arrangement.

But when you saw Mr. Beyleveldt on the 11th of June, you must have had some sort of discussion with him?--- Yes, Mr. Beyleveldt and I did have a discussion.

Yes, now did you ask Mr. Beyleveldt anything about what had transpired between him and Mrs. Fischer? -- No, apparently he and Mrs. Fischer had decided to ask me, and Mrs. Fischer came to tell me. Mrs. Fischer contacted me about it.

BY THE COURT:

Contacted you?--- Yes, she left a note at my house and asked me if I would call in and see her. This is a week prior to the time that I saw Mr. Beyleveldt, which I did. I got the note and over that week-end I went to see

/mrs...

Mrs. Escher at her home. She then explained to me that they were planning to have such a meeting, that she had discussed it with Mr. Beyleveldt, and that she was proceeding to Capetown and would not be able to attend this meeting, asked me if I would stand in for her and whether I would go and see Mr. Beyleveldt.

CROSS-EXAMINATION BY THE STATE PROSECUTOR (CONTD.):

What sort of meeting did she say was to take place?--- Well, she spoke in very general terms. She explained that it was to do with 90 day detention.

So Mrs. Fischer regarded you sufficiently important and capable to deputise to her?--- Yes, it was clearly understood that I would deputise only for this one meeting. As I have explained to His Worship before that Mrs. Fischer and I have worked together on numerous occasions in connection with fund raising activities.

And did Mrs. Beyleveldt ask you to make arrangements with your friends again for the use of their home?--- Yes, apparently Mrs. Fischer had told him that she had been with me to a house in Cyrildene and suggested that perhaps we could use the same house.

And did Mr. Beyleveldt say what the nature of the meeting was going to be?--- Yes, he did very briefly outline the nature of the meeting, because we discussed the people who would be there.

What did Mr. Beyleveldt say? --- Mr. Beyleveldt said very briefly that the Rivonia trial was now coming to an end. In fact, in only had one day to run; that it was very necessary for a few people to get together as soon as possible to discuss 90 day detention plight of the families and education,

/publicity...

publicity in connection with 90 days.

Yes, discuss all these things under the auspices of the Communist Party?--- No, it was not organized under anybody's auspices.

Why would you be so interested in these affairs? --- Because I had been all along.

Interested in education of the children? --- Well, education was not what I was to deal with. I explained that Mr. Beyleveldt had had discussions with Miss Middelton, so he told me, and that he had asked her if she would be prepared to come onto such a committee.

She was just a teacher? --- Miss Middelton according to Mr. Beyleveldt had had quite a lot of experience as far as publicity is concerned, and also she is a teacher.

And is Mr. Norman Levy a teacher?--- Mr. Norman Levy is Vice-Principal of a College.

THE CASE IS REMANDED TO 16/2/65.

Belt 234 ; Transcriber: Mrs. I. Parsons. Case No.G.375/64.
Date: 16/2/65.

State vs. A. Fischer and others.

ON RESUMPTION: 16/2/65.

ESTHER BARSEL: Sworn, States: Continues Evidence.

MR. LIEBENBERG: Cross Examines: Mrs. Barsel, you told his Worship on Friday that you were getting 'The Focus' publication through the post? ---Yes, that is correct.

And I think you also said you received the 'Freedom Fighter'? ---Through the post, yes.

You never received 'The African Communist'? ---No, I didn't.

But anyhow, 'The Focus' was a publication which devoted a lot of space to the 90 days detention Clause? --- Yes, that is correct.

And actually called for assistance in one form or another ..? ---I can't remember exactly what it was. I know it did deal quite a lot with 90 day detentions.

Yes. But The Focus seemed to support The Congress Alliance? ---I don't know.

Well, in vague terms? --- In vague terms.. it's such a long time since I received it, I can't really remember. But I do remember that it dealt with 90 day detentions. That I do remember.

Yes. What I want to put to you is that a lot of propaganda apparently was put out in connection with the 90 day? ---I don't know about a lot. I read for instance, in Focus about 90 days detentions; I think there were quite a lot of articles in the local papers.

Pamphlets, weren't there pamphlets? ---Pamphlets?

Yes, all sorts of pamphlets put out? ---Not that I can recall.

/Even...

Even Freedom Fighter dealt a lot with the 90 days detention? ---It may have done, I'm not sure.

While we are speaking of Freedom Fighter, how many issues were there? ---I really don't know.

When did they start issuing it? ---I can't remember when I first received it.

Was it a monthly publication? ---I don't know whether it was a monthly or what it was. I can only remember receiving about, I would say one or two copies at the most.

Yes, perhaps I should show you these, -I've got four issues of Freedom Fighter and I'd like you to look at them and tell me which you have received? They are not dated, they are just numbered 1, 2, 3, 4. ? --- These two are the same..

'No.1', you say there are two copies of No.1? ---Yes. I think that I seem to recall issues 2 and 3. I t remember this one about the Bantu Laws Amendment Bill. That one I remember , that article. And I remember this one dealing with the Bultfontein case. These two are familiar to me.

Now, is there any reason why you shouldn't have received the other two, Nos. 1 and 4? ---I have no idea.

Anyhow, we'll just put them aside for a while, for the time being. Did you ever attend a meeting where the distribution of 'Focus'was discussed? ---No, never.

And do you know that Accused Nos. 5 and 7 had a hand in the distribution of Focus? '---No.5 - Mr. Levy and Miss Middleton?

Yes? ---No.

Who distributed Focus in Johannesburg, as far as you know, ? ---Igot it through the post.

And you say you also received 'Forward?'---'Forward,' yes.

That is a paper which Mr. Ludi told the Court he

/ helped..

helped to write and he was supplied with leaflets by No.7, Miss Middleton? ---It's possible, I can't remember that.

Now, I want to come back to the meeting of the 16th of June? ---Yes?

The meeting which you say is, you didn't know which organization convened it? ---It was no particular organization. In fact, it wasn't an organization. It was merely a group of people who came together to discuss certain things.

Yes, they came together, according to you, to discuss the plight of detainees, educational matters, the defence in aid, propaganda against 90 days?---Yes.

Now, what was the reason for your having to discuss propaganda against the 90 days, when there was already so much literature in circulation on the very topic? ---On 90 days?

Yes? ---It was felt that there should be more publicity, about it. Mr. Beyleveld had explained that there were rumours that there were goingto be more 90 days arrests. I have no idea where he got this information from but this is what he told the meeting.

Was the idea to write articles in Freedom Fighter about it? ---Well, 'Freedom Fighter' was never mentioned.

Because I see in 'Freedom Fighter', there are details given from time to time about people detained? --- Yes, I think there is.

Yes, now, why wouldn't the 'Freedom Fighter' be mentioned there? ---Why wouldn't it be mentioned there?

Yes? ---I didn't know that any people there had anything to do with 'Freedom Fighter'.

Now, will you tell us who was supposed to prepare the propaganda against the 90 days clause? ---It was discussed in

/general...

general terms as far as publicity is concerned . I know that Miss Middleton had undertaken to do some of it and I cannot remember whether she was to work with Mr. Beyeleveld on this or with Mr. Levy. It was one or the other.

No, but I gathered from you that you assembled on the 16th of June, to discuss these urgent problems that had arisen? ---Yes.

The one being the 90 days clause propaganda? Now, who was to take charge, who was to take the initiative? Who was to do the writing? How was it to be done? Give us some details? ---Well, it wasn't discussed in detail. It was an initial meeting. I don't know if similar meetings had taken place before this. This is the only one that I had attended in connection with the matters which I had stated. I don't know that anybody was specifically delegated to do , you know, this sort of thing. I just know that we had decided amongst us that there was to be more publicity about 90 days.

How was the publicity or how was the propaganda to be prepared and published? ---It wasn't discussed in such detail. As I say, it wasn't a long meeting, it was discussed in general terms and neither Mr. Bajer nor I could do anything in this direction and as I say, the two people who had agreed to do this, were to go into the ways and means of publicising the 90 day detention.

Yes, but now, why introduce you people when you didn't have to take a part in it? ---If we didn't to have to take a part in publicising?

In publicising and propaganda? --- Well, I explained to you, to his Worship why I went to the meeting. And I also explained that a Mr. Baker came becauss he is a lawyer and we had hoped that he would give assistance to Defence in Aid.

Was it because you were to be the go-between , between

/Mr. Beyleveld...

Mr. Beyleveld and Mr. Matthews and in regard to the roneo-ing of stencils? ---Mr. Matthews had absolutely nothing to do with this as far as I'm concerned.

Mr. Matthews had a duplicating machine at his house? ---He had a duplicating machine at his house? I know nothing about that.

And didn't you hand over certain stencils to Matthews? ---I certainly did not.

Freedom Fighter stencils? ---No.

That you had got from Mr. Beyleveld? ---I had explained I had absolutely nothing to do with Freedom Fighter. I didn't even know who was issuing it.

Now, why was Mr. Beyleveld introducing you into that aspect of the case? ---I have no idea. That's quite untrue.

Yes. Do you know that Mr. Matthews used to do some duplicating work at his house? ---No.

Did your husband take some duplicating paper to Matthews? ---Did my husband take?

Yes? ---I have no idea. I know that Mr. Matthews on occasions helped my husband with F.S.U. work. Whether he helped him with duplicating work or not, I could not say.

Didn't your husband tell you anything about what had happened between him and Mr. Matthews? ---Yes, he said that Mr. Matthews gave him some assistance on the F.S.U.

Mr. Matthews was a member of the Friends of The Soviet Union.

Did Mr. Matthews duplicate? ---I don't know. He may have done.

Now, you say that you came together and you discussed in general terms propaganda against the 90 days clause? You can't give us details of the type of propaganda that you had in mind?---No, we didn't discuss it in detail.

You can't give details about the form that the propaganda had to take? ---No, I don't think that that was

/discussed....

discussed at all. Perhaps the other people at the meeting will remember something more about it. I personally, can't.

Yes, but you can't give us details as to who and where and how the propaganda had to be published?--- Well, as to who, I have said that it was either Miss Middleton together with Mr. Beyleveld or Miss Middleton together with Mr. Levy. I'm not sure which two people were to do this.

That also is a matter which I feel dubious about because to Beyleveld it was suggested in general terms that Miss Middleton could assist in educational matters?---Yes, Miss Middleton is a teacher.

Yes, but I'm concerned now about the publicity part, the propaganda part? ---I understood that she would be more concerned with the publicity side. But would assist Mr. Levy as far as education is concerned.

You can't solve my problem? My problem is that it was not put to Mr. Beyleveld that Miss Middleton was supposed to assist with the propaganda against the 90 days? ---Ithink it was.

It was put to him that she would be an ideal person or a natural person to assist with educational matters? --- Well, perhaps we could check the record. I think that it was put to Mr. Beyleveld because that is the information which I had given to my counsel.

Yes, now, what would Miss. Middleton have to do? --- Well, I've explained the meeting took place a long time ago, June of last year. I , as far as I can remember, it was not a long meeting, details were not gone into. I can remember what I was asked to do in connection with finance, which was to be my part in it. As far as the other people are concerned, I'm sorry, I am very vague about them.

Well, what had you to do about finance? ---Well, the

/meeting..

meeting had suggested that I should try and form a finance committee.

That's something new again? ---Oh no, that's what the meeting had suggested that I should do.

You had to form a finance committee? ---Yes. It was actually intended that I would work with Mrs. Fischer. And I'm sure had Mrs. Fischer been, at this meeting she would have been asked to do this.

And you had to form a finance committee consisting of which people? ---- Well, there were no suggestions made at the meeting. But they said that I should think about the problem and that I should think about people who I might be able to bring onto a finance committee. I explained to the meeting that it was extremely difficult for me to do that sort of work because I was busy with my own work and during the week I couldn't do anything about it , in fact, I only had week-ends in which to do it.

What had you to do?---I had to try and think of people who would come onto a finance committee.

What would this committee do? ---It was to specifically concern it^self with the plight of the families of 90day detainees.

Yes, now it started, it would start to concern itself with the plight and what would it do? How would it function? ---How would it function? It would try and collect money from people by either by direct donation, or possibly through jumble sales. Those were the suggestions made,direct donations, jumble sales, etc. The sort of normal way in which one used to collect money from people.

And was it ever discussed that you might get financial assistance from overseas? ---No.

That somebody would have to administer funds that came

/from..

from overseas? ---No, not at all.

I mean, you did know of the overseas committee, didn't you? ---Which one are you referring to?

Of an overseas committee?--- Which overseas committee.

Anti-Apartheid committee? --- Anti-Apartheid .. yes.

You knew of that body? ---Yes, I did know of that body.

You knew that that body concerned itself with the collection of funds for the struggle in South Africa? ---I think they concerned themselves mainly with Defence in Aid, to assist them. That's what I understood. I don't think that they had anything to do with the plight of the families.

To whom did they send money? ----I presume that they must have sent it directly to Defence and Aid.

So you left this meeting really undecided about what form of activity you would have to engage in afterwards? ---I was fairly clear about my part of it. I just didn't know how successful I would be. I knew what was required of me.

And the educational question, or education question was this discussed? ---Yes, that was discussed.

That also produced precious little? ---Produced precious little?

Precious little, yes? ---No. No, Ithink that there were quite a few suggestions made about education . Again , I . was not asked to deal with this subject, I can't remember all the discussions. But I can remember that Mr. Levy had undertaken to see people in connection with getting school books for some ofthe children of people who had been detained. He would also try and make contact with parents to try and get school books. That was one aspect. The other aspect that we discussed was the problem of getting, of trying to get information for people who had been convicted in

/political..

political trials, as far as study is concerned. We understood from Mr. Beyleveld that they were experiencing a great deal of difficulty in studying, once they had been convicted.

That's also a new point that you raised? ---No, it's not a new point? I've mentioned this before. And one of the organizations, I remember that Mr. Levy was to approach, was NUSAS. There were other organizations mentioned, but unfortunately I cannot remember what they were.

I did not understand you to mention the question of study of political convicted persons, persons convicted of political offences? ---Yes, I gave that evidence when I was giving my Evidence-in-Chief?

Mr. Beyleveld says that questions of education were always discussed? --- That the question of education were always discussed?

Yes, at area committee meetings and so on? ---I know nothing of what was discussed at area committee meetings.

And what would be the need for discussing the education of children of detainees in the middle of the year? ---Well, I understand that certain children of the detainees, were leaving school a lot earlier than they would normally have done in order to supplement the income of the family. Which meant that one needed to provide them with school books so that they could study on a part-time basis.

Did Mr. Levy undertake to speak to his college authorities? ---I don't know about his college authorities, but he did say that he would contact teachers and parents.

To what college did he belong? ---He was vice-principal of Regis College.

That's a private college? ---I believe so, yes.

And I think they are pretty expensive with their fees, aren't they? ---I really don't know. Ihave no idea.

/They..

They rely purely on private fees? --- Well, I know that I went to Harvard College for instance, which was also a private college and it wasn't terribly expensive.

What sort of assistance do you think that the political offenders could get from that source? ---From that source? I think that possibly Mr. Levy would have been able to collect a certain amount of books. He may have been able to collect donations from them, I don't know.

A mere collection of books wouldn't solve the problem of education? --- Well, it would alleviate the position. It wouldn't solve it, I agree with you.

Give the children some books? ---But why not? That certainly does help them in their education.

That leaves them without the tuition? --- Without the tuition?

Yes? ---Lots of people study without tuition? One does it by all sorts of means, by correspondence?

Yes? What was then d cided about the education? Was any definite decision taken in regard to education there? --- Yes, the decision that I remember, that was taken, was that Mr. Levy would do this. And the other matter I mentioned was in connection with study for political prisoners.

What would he do in that direction? ---Well, as I say, as far as I can remember, he was asked to approach several organizations. The only one I can remember is NUSAS. National Union of Students.

What could a Union of Students do in regard to study and education of political offenders? ---Well, I think that if theywere sufficiently interested and I think they were, they could assist with funds, for instance. Also, they could help with enquiries of how people could study. I know for instance , since my detention, or rather, the time that I'd been awaiting trial, some of my co-accused had wanted to study,

/and...

and they had experienced tremendous difficulty with prison authorities about studying. And it would appear to me that the same thing must have arisen with other political prisoners. I can see that more clearly now than I saw it then.

Now, then you roped in Mr. Baker, brought him along to this meeting to come and offer assistance in regard to legal defence? ---Yes.

Was the idea to sound him on that score, try and find out whether he would be prepared to supplement a panel of lawyers? ---No, I had had quite a lot of discussions with Mr. Baker in the past and Iknew him to be interested in this sort of thing. It was I who suggested his name to Mr. Beyleveld and Mr. Beyleveld readily agreed that we should invite Mr. Baker to this meeting. And when I had lunch with him, on the 16th, I explained this to him and although he said that he was quite busy in his own practise, he would be only too pleased to assist in whatever way he could.

Yes, but as I understand your evidence, Mr. Baker up to that stage had not yet assisted in regard to political offenders ? ---He had not assisted in Johannesburg. But he had taken cases on the East Rand and I think in Pretoria. I'm not sure. But he had defended political prisoners.

At whose request? ---At whose request? I really don't know.

Defence in Aid? ---I don't know whether he, I don't think he had any connections with Defence in Aid at that stage. But I may be wrong, I don't know.

You approached him on the basis of his assisting with Defence in Aid? ---No, I approached him as I explained, because the panel was growing less and less as far as Defence in Aid was concerned, and that they needed more legal men to assist in political trials which were becoming

/more...

more and more . When I saw Mr. Baker on the 16th, Ispoke to him and he said that he would be only too pleased to assist where he could but his assistance would be very limited.

Yes, but surely you had to approach Mr. Baker on some definite basis. You had to say to him 'we come to you now, we want to , you to place your name on the panel of lawyers, which will be at the beck and call of Defence in Aid or some other organization?'---Defence in Aid. Yes, that was the intention, that he should offer his assistance to Defence in Aid. That was one of the things. The other thing that was discussed af far as Mr. Baker is concerned, was that he would try and get other legal men to offer their services to Defence in Aid .

Who authorised you to go and , go around looking for assistance for Defence in Aid? Who instructed you to do that? -- How do you mean 'instructed me'? I didn't need any instructions like that?

Who asked you ? ---But Mr. Beyleveld made it quite clear to me that Defence in Aid was struggling.

Did Mr. Beyleveld make it clear to you that Defence in Aid had asked him? ---Had asked Mr. Beyleveld?

Asked Mr. Beyleveld to get lawyers to assist? ---I don't think he said it in those words. But he must have had some connection with Defence in Aid to have made this statement.

And how did Mr. Beyleveld put it to you then? What had you to convey to Mr. Baker? ---He put it to me that Defence in Aid were very, very short of legal men who could take political trials. This was really quite an incidental part of our conversation and I don't think it was ever intended that , you know, this should be part of what was discussed. But when he mentioned this to me, I said, I suggested to Mr. Baker - at least, to Mr. Beyleveld, that

/Perhaps...

perhaps Mr. Baker would assist in Defence in Aid.

Yes, but now, you realise the implications? --- What implications?

I'll deal with them? ---Yes?

Mr. Baker has an office of his own? ---In Benoni, yes.

Benoni? ---Yes.

Where Mr. Beyleveld and anybody else , Defence in Aid included, could have gone and asked him officially and properly, whether he would be prepared to have his name put on the panel? ---Yes, I'm sure, except that Mr. Beyleveld was a banned person. He couldn't very well..

Defence in Aid could have done it themselves? ---Yes, but there were other matters that we discussed.

Defence in Aid didn't have to go to Mr. Beyleveld and ask him to try and get lawyers? Mr. Beyleveld running to you and getting you to approach Mr. Baker and then put Mr. Baker in a car and in a clandestine fashion take him to a room somewhere in Cyrildene at night time? ---May I also mention that one of the points that Mr. Beyleveld raised was the fact that Defence in Aid were very reluctant to touch sabotage cases.

But I don't see why an attorney who has proper powers and authority to act openly, should be taken into a car, taken to a , some house, that was obtained in a secretive manner, there to discuss perfectly open legal questions which could have been done on the 'phone? --- It was perfectly open legal questions except for the fact that Mr. Beyleveld is a banned person and he is unable to attend gatherings. It was a similar situation as had arisen with the first meeting that I attended with Mrs. Orsmond and Mrs. Fischer. And one doesn't..

Well, I put it to you .. ---I'm sorry sir? -

/I put...

I put it to you again, that why would you involve Mr. Baker in such a doubtful expedition , putting him in a car and taking him to a house in Cyrildene to discuss perfectly open things, just to involve him there with banned persons? ---We discussed all sorts of things. Again, I come back to what I said about the first meeting. One doesn't just take decisions, one has a meeting and one discusses things . There's nothing very clear, in my mind..

Yes, you discussed these things.. ---Yes, altogether. (At this stage Mr. Liebenberg and witness speaking at the same time?)

There was an association between the lot of you? --- That was the first time, that the five of us had got together at a meeting.

Yes? --- This was the first and only time.

And I suggest the type of discussion that you had there indicates that there was a clear association of a definite character? ----We all knew each other, if that is what you mean?

And the type of things that you were discussing there, indicates that you had come there for a definite common purpose? ---But I've indicated to you what the purpose of the meeting was?

Yes? Yes? But I put it to you again, that there was nothing to stop anybody from saying to Mr. Beyleveld: "Go and approach Mr. Baker at his office"? ---He could not.

Then there was nothing to stop Defence in Aid to go direct to Mr. Baker? --- There were various questions that were discussed at that meeting , as I explained before. One was with Mr. Baker to offer his assistance to Defence in Aid. When I spoke to Mr. Beyleveld there was nothing definite

/about...

about what, how Mr. Baker was going to help. But at the meeting, when we discussed it, it was agreed that Mr. Baker would, in a limited sense, assist Defence in Aid. He would also try and contact some of his colleagues in order to get them to offer their services to Defence in Aid. I might say, sir, that he expressed the view that he was very doubtful whether he would be able to get anybody. And those were things that we discussed at the meeting? Again, I come back to my first meeting when you said 'was it necessary to hold such a meeting?' I say that it is necessary that one needs to come together to discuss things.

Yes, you say it is necessary to involve Mr. Baker in a meeting with Mr. Beyleveld, a banned person? That is necessary? ---No, it wasn't involving Mr. Baker. The person who was committing an offence was Mr. Beyleveld. As I had said. And Mr. Beyleveld was in any case coming to the meeting.

Was it necessary to tempt Mr. Baker by bringing him together with Mr. Beyleveld? ---But we also went together with Mr. Beyleveld, it wasn't only Mr. Baker.

At the house of a stranger? --- As a matter of fact, when I saw Mr. Baker, he said to me 'you know Mr. Beyleveld is a banned person'? How can we meet?' - and so on. And I explained to Mr. Baker that I had found a place where we could get together. And that we were not meeting at any of our homes.

Yes? So you had to tell Mr. Baker that this meeting was to be a secret one? ---Mr. Baker was concerned about Mr. Beyleveld's position and quite rightly, so. Mr. Beyleveld was the only one who was committing an offence, by being at such a gathering.

And Mr. Baker was prepared to meet Mr. Beyleveld under those circumstances? ---Yes. He understood from what

/I...

I said, I made it perfectly clear-that as far as I was concerned, this meeting place that we had was perfectly all right. And but for a ghastly error,it would have been all right. The fact that the Security Branch thought that this was a Communist Party meeting,

Yes, because some of those people had spoken? --- Some of these people had spoken?

Yes? ---I don't know what had been said. But I can say here and now, again, what Irepeated a few minutes ago, the Security Branch had made a ghastly mistake about this meeting at the Meyerson's house. It was not..

Didn't Miss Middleton make a ghastly mistake by mentioning to her group that she was going to an area committee meeting on the 16th of June? ---I know nothing about that. I am not a member ofthe Communist..

You are drawing conclusions? I want to suggest to you that your conclusiors are improper and unjustified? --- Why? I know what the meeting of the 16th was? And it was not a Communist Party meeting?

You say that the Security Branch made a ghastly error? ---Yes.

I suggest to you that your judgment is defective? --- Why?

Because Miss Middleton had already indicated to members in her group that she was going to an area committee meeting on the 16th of June? ---Yes, it seems tome that that was the reason why our meeting seemed to take on such tremendous significance

And Mr. Beyleveld said the same? ---Mr. Beyleveld said the same.

Yes? ---Mr. Beyleveld was faced with the meeting of the 16th of June.

/Yes..

Yes, now how does the Security Branch come in there. How can you say they made a ghastly error? --- They have. They have unjustly detained me. And unjustly charged me in this Court.

And in the light of that evidence? ---In the light of any evidence I deny that the meeting of the 16th was a Communist Party meeting. It was not.

No, but let's argue like reasonable men, reasonable persons? ---I'm sorry, Iget very het-up and emotional about this, because..

Yes, I don't mind, you can get as emotional as you like, I don't mind in the least. But what I'm saying to you, is that there was a basis for the police conduct in regard to that meeting of the 16th of June?--- It was certainly mistaken.

There was a basis? ---I don't know? It would seem that perhaps there was a basis. I don't know.

Don't talk about the police having made a ghastly error? ---But they have.

Let's analyse this further. When did Mr. Baker tell you of this letter of his, that he got from his brother? --- When I saw him on the 16th. I had lunch with the Baker family.

Did he then mention to you that he received a letter from his brother? --- From Mr. Julius Baker, that is right.

About the Anti-Apartheid Conference? ---No, about the Sanctions.

About the Sanctions Conference? ---That is right.

In London.? ---In London.

Yes? And that I take it, was of interest tothe other people also? --- Yes, I suggested to Mr. Baker that if he comes to the meeting, he should bring it along.

That was just .. ---Incidental, yes.

/Purely....

Purely incidental,? ---Yes. Purely incidental. And it was of interest to people, most certainly.

Again a ghastly error on my part if I suggest to you that he was the link-up with his brother? ---In sofar as what is concerned?

Insofar as he was getting the information from his brother and conveying it to the people here in South Africa? ---Through Mr. Baker?

Through Mr. Baker? --- I have seen this one letter only. I don't know anything more than that. It's his brother, he corresponded with him regularly.

Yes, and his brother gave you to understand that he was taking an active part in the sanctions arrangements in London? --- That Mr. Julius Baker was taking an active part?

Yes? ---Yes, I understood that from the letter.

That he was engaged on that type of work full time? ---That I don't know. I mean, all the letter, I can't even remember the whole letter. All I can remember about it is, that Mr. Julius Baker said in it, that various prominent people had attended such a meeting. Members of the present Labour Cabinet, I think.

Did Mr. Louis Baker indicate to you that his brother was also the person who helped people on who were travelling to Russia, and so on? ---No.

You heard that evidence given here? ---Yes, I heard that evidence.

Have you any reason to think that there's no truth in that? ---I cannot comment, I don't know.

But you've known the Baker family for the last twenty years?---Yes, that's right. I knew Mr. Julius Baker when he was here in South Africa.

Now, what else did you hear from Mr. Baker in regard

/to..

to his brother's activities? - in London? ---We didn't really discuss his brother's activities. I always, whenever I saw Mr. Louis Baker, I always asked him how his family was, how Mr. Julius Baker , his wife, his children, are.

Had they left the country or fled the country? ---Yes, the whole family had left the country. Mr. Julius Baker, his wife and children.

Had they gone to settle in London? ---They had gone to settle in London.

Was he in business before? ---Yes.

When did he leave South Africa? --- I'm not sure. I think it could have been 1961. But I'm not absolutely sure about it.

Was he an attorney or what was his occupation? ---Yes, he was originally an attorney and then he went into, I think it was his father-in-law's business, some coal agency.

Coal? --- Coal.

Was he also a member of the old Communist Party? --- Of the old Communist Party, yes, I think he was. I think he is a named person.

So you then said to Mr. Baker, at lunch time on the 16th of June, that you thought it was an excellent idea that he should mention the contents of the letter to this meeting? ---Yes, I said that if he is able to come to the meeting, he should bring it along. I'm sure it would be of interest to the people there.

But how were you able to guess so well? --- Guess about what?

Guess that that letter would be of interest to the people at the meeting? ---To the people at the meeting?

Yes? ---Look, the people at the meeting were people with whom I had associated, before. I know that

20. Barsel.

Mr. Beyleveld for instance, was in favour of sanctions.

Yes? ---Miss Middleton is in favour of sanctions.

Yes? --- And Mr. Levy is in favour of sanctions. I'm in favour of sanctions.

And did you know that 'The time for re-assessment', issued by the central committee, seem to suggest that the overseas committee had to be supplied with information and so on? - to arrange the boycotts and sanctions against South Africa? ---'Time for re-assessment', I can't remember that. You may be right. It may be in it.

So you found yourself in good company here, thinking along the right lines? ---With respect, your Worship, it is not only members of the Communist Party who say this. Many people in South Africa say the sanctions..

Yes.. --- May I finish my answer, please? -

Yes? ---It was originally the African National Congress itself which suggested that there should be sanctions entailed. And as far as I'm concerned, the African people would be the people who would suffer most if sanctions and boycotts were introduced into South Africa. And if they are the people who called for it, the people who would suffer most, I fully support that view.

Did you know on the 16th of June, that the Communist Party in South Africa was concerned about arranging boycotts and sanctions against South Africa? ---No, I certainly did not.

So it was pure co-incidence on your part to decide that lunch-time on the 16th of June, that this letter, the contents of the letter should be mentioned at the meeting? ---As I said, it was purely incidental to the whole meeting. Nothing was spoken further about it, it was merely read out.

/A...

A very strange co-incidence? ---But why is it a strange co-incidence? Mr. Louis Baker corresponds regularly with his brother? This conference had only recently taken place in London.

But did Mr. Beyleveld ever indicate to you that the Communist Party was thinking in that direction, along those lines? ---I had no knowledge, that Mr. Beyleveld was a member of the Communist Party.

But how did Mr. Beyleveld come to mention the sanctions against South Africa, to you? ---Mr. Beyleveld didn't mention the question of sanctions when I saw him prior to this meeting.

How did you know then that Mr. Beyleveld was in favour of sanctions? --- That Mr. Beyleveld was in favour of sanctions? I think the whole Congress Movement, as far as I know, were in favour of sanctions.

How did you gather that from Mr. Beyleveld? ---But Mr. Beyleveld was a member of the Congress of Democrats. So it's quite obvious that he would certainly be in favour of sanctions.

Did the Congress of Democrats have a policy about sanctions? ---Yes. When the A.N.C. made it clear that they had called for sanctions, the whole Congress Movement supported it. It was part of Congress policy.

They would call for sanctions against South Africa? ---They supported it. I don't know that anything was done actively.

You, I take it, are also in favour of sanctions? --- Yes, I am.

And you are also in favour of the country being crippled? ---As I said before, as far as I'm concerned, the people who would suffer most under sanctions, would be the

African people and since it was the A.N.C. when it was legal, who called for sanctions, they are the people who had decided in favour of it, in spite of the hardships that they would suffer. They must have considered this very carefully, before reaching such a decision.

Yes, but I'm speaking now of your own position. You didn't mind the hardship and the suffering that would flow from the imposition of sanctions? - on yourself? You were thrown out of employment, your husband also? ---I agree that it's not a very pleasant thing; I again say, that it's not something that I would like to see. But the fact that I would suffer, my husband would suffer and other people would suffer is nothing compared to what the African people would suffer.

Yes, but your suffering would be part of the price you were prepared to pay for liberation in South Africa? --- That is part of a struggle for democratic rights. That is what I would call a legal way.

Yes, that is the sacrifice you were prepared to make? For full democracy? ---Yes, for full democracy, certainly.

Yes? --- But I agree that people would suffer for a while, but if democratic rights through sanctions and boycotts would come sooner, then certainly it is correct.

Yes. So then Mr. Baker, I take it, took the letter along? ---Yes, he brought it to the meeting.

And he read it out there with delight to these people? --- Ibeg your pardon?

He read it out to the delight of these other people at the meeting? --- To the delight?

Yes? ---We were pleased, yes.

Yes? Very delighted. You had a feeling of common..

/how..

how can we call it.. anyhow..

And was any decision taken on that occasion in regard to the overseas activity? ---No, it was no concern ofthat meeting. It was no concern of that meeting, that is not what we had gathered for.

Didn't the meeting then suggest to Mr. Baker that he should write to his brother, compliment him on the excellent work they were doing? ---I don't remember any such thing being said, no.

Didn't you gather then that Mr. Beyleveld, for instance, was very pleased with the developments? --- We were all pleased with developments, although none of us had taken any part in it.

Was each one pleased in his own different way? ---Yes, except that there were - there was a little discussion. Some people mentioned what you mentioned, for instance, that it would create a great deal of hardship. Particularly for the non-White people. Some were fully in favour in spite of the fact .

Did Mr. Beyleveld indicate that he was very pleased to see that they were at last showing some progress? --- Yes, I think so, I think he was.

'The time for re-assessment'seemed to indicate the same thing? ---I don't know about 'time for re-assessment'. The first time I saw 'Time for re-assessment'was when the indictment was served on me.

Yes, but that person 'Sandy' still puzzles me? --- It puzzles me as well.

Of course, you were a great friend of Miss Middleton? ---I wouldn't say a great friend . We were on friendly terms.

And Miss Middleton was a great friend of Mr. Beyleveld? ---Of Mr. Beyleveld?

/Yes?..

Yes? ---It's possible.

And you were also a great friend of Mrs. Bernstein? ---No, I wasn't a great friend of Mrs. Bernstein.

And then did you decide at this meeting when the next meeting was to take place?--- No, we said that we would gather in approximately within a month's time. We would all try and do what we could as far as our particular spheres were concerned.

Did you fix the date? ---No. No date was fixed.

Why didn't you? ---I really don't know. There was quite a lot of work arising out of this and first of all, we didn't even know about a venue, where we would meet and so on. And arising out of this we decided that we would just leave it for approximately in a month's time. The arrangement was that we would all go and tell Mr. Beyleveld what progress we have made with the exception of Mr. Baker. Mr. Baker would tell me when I came through to Benoni, if he had made any progress and I would tell Mr. Beyleveld. And on the basis of that we would agree and decide when we would meet again.

And I take it, Mr. Beyleveld was then in duty bound to communicate with the Defence in Aid to convey Mr. Baker's decision? ---I don't know that Mr. Beyleveld had said he would. I think Mr. Baker himself said that he would be contacting Defence in Aid.

Then I don't understand why Mr. Baker was brought to that meeting at all? --- Well, as I explained that the discussion took place between all of us.

Yes, you keep on saying 'the discussion took place' and you can't tell us the details? --- But, the conversation between Mr. Beyleveld and me on the first occasion when I saw him, on the 11th of June, as I said, it was quite

/incidental...

incidental that the question of Mr. Baker arose at all.

Mr. Beyleveld complained that Defence in Aid was finding the greatest difficulty in getting lawyers for legal defence.

Yes, that you have said? ---Yes, but nothing was, you know, Mr. Beyleveld didn't say to me when I suggested 'what about Mr. Baker', 'well go to Mr. Baker and tell him to go to Defence in Aid'. He said 'it would be a good idea if Mr. Baker came along as well. We could discuss legal defence".

But I don't understand, what you can't explain to me, is, why a lawyer who is practising on his own, couldn't be communicated with openly in broad day-light by telephone?--- By whom?

By Defence in Aid? ---Yes, but I had also said earlier that Defence in Aid were very reluctant to take sabotage cases.

Unless you wanted to link the Communist Party ? --- What do you mean, 'link the Communist Party?'

Mr. Baker, Mr. Beyleveld, link them with the Defence in Aid? --- I am not a member of the Communist Party. I don't know what the Communist Party did or are doing.

You agree with me that it would have been an easy matter for the Defence in Aid to send a brief to Mr. Baker? ---Yes, certainly. But that was not the only ..

And the Defence in Aid could have asked Mr. Baker openly, 'are you prepared to act for these people'? ---Yes. But I have mentioned also the question of sabotage cases.

Yes, and then Mr. Beyleveld could have told Defence in Aid that Mr. Baker is prepared to act in sabotage cases? ---You may be perfectly correct. We didn't do it that way. We asked Mr. Baker to come to the meeting, which he did. And Mr. Baker contributed to the meeting in the same way as each one of us did. You raised the same question with me,

/about..

about our first meeting? And I thought that I made it perfectly clear why it's necessary for people to meet.

So then, the real characteristic ofthis meeting was that Mr. Baker had to be brought in because sabotage cases were to be defended? --- That was one of the aspects that we discussed.

And was it then mentioned to Mr. Baker that the sabotage cases effected the Umkonto wê Zizee? ---I don't know whether he was specifically, you know, told that it involved Umkonto. We mentioned sabotage in general, sabotage cases.

There again I take it that you wouldn't have asked Mr. Baker to defend people like the P.A.C.? ---Why not? I've explained before in this Court that I think every person irrespective of what political views he held, is entitled to legal defence, whether I agree with his political points or not. He is entitled to it.

No, but you must try and judge from the point of view of Mr. Baker. Would Mr. Baker, as an old Communist, be inclined to support or defend people who didn't share the views that he once held? ---I think that's a question that you should put to Mr. Baker.

Yes? But you approached Mr. Baker to come and act in sabotage cases? ---As far as I'm concerned, I should imagine that Mr. Baker would feel the same way as I do. That every person is entitled to legal defence, irrespective of what his political views are. It's one of the aspects of the Freedom Charter.

But we have the situation in South Africa where sabotage was committed by two camps. The Congress Movement and the P.A.C. Movement? ---Yes.

Now, you, yourself, --- And the A.R.M.

/Yes...

Yes well, that's the third group? ---Yes.

So let's confine ourselves with the, to the sabotage committed by the Congress Movement? --- The Congress Movement, I don't like the term. I don't, I can't agree with you that..

How would you categorise the Umkonto? ---I explained yesterday that at the Rivonia Trial, Mr. Mandela made it perfectly clear that Umkonto was not a Congress organization. That it was independent of the Congress Movement.

That's just a convenient way of stating the thing, to try and keep it separately? ---I beg your pardon, that is how I understood it and Mr. Mandela, as far as I'm concerned, is a very honest man. I've known him and I know his views, prior to the starting of Umkonto.

Yes, but he is not a Jekyll and Hyde character? --- A Jekyll and Hyde character?

Yes? --- What do you mean?

He is not the type of person who could now officiate as a Congress Movement member and the next moment divorce himself from that and act as a member of Umkonto? ---But it's perfectly feasible that when people get together, they may belong to one organization and then get together and decide to form another. I don't dispute that.

Yes, and the policies of the two won't really clash? --- Not necessarily, It may. I don't know. I don't know where Umkonto drew it's support from, I cannot tell you.

I don't want to go into detail again, but the non-Whites who were charged with the Umkonto activities, were members of the A.N.C? ---I can't remember all the people but if you say so, it is possible.

Sisulu and Mandela..? --- Sisulu and Mandela, when the A.N.C. was legal, were leaders in the African National

/Congress...

Congress, that is perfectly correct.

Yes, and one has to look at the personalities who act in these organizations ? --- The personalities?

Yes? --- Meaning what?

Meaning that if you find that those people act in Umkonto are members ofthe other organizations then you draw inferences? ---You might draw inferences.

And you? ---Not necessarily.

You reckon a man can act in the Communist Party today and divorce himself of that tomorrow or shall I say, at the same time joining a body which is completely different and opposite to the Communist Party? ---It is possible that in the case of people like Mr. Mandela and Mr. Sisulu, they decided that the way in which the African National Congress had worked, was no longer a correct way of working. They might have felt that sabotage was the answer. The African National Congress might not have agreed with that view. There is nothing then to stop people like Mr. Mandela and Mr. Sisulu from breaking away from the A.N.C. and joining or starting an organization like Umkonto. I see nothing illogical about this.

But they didn't have to break away? ---They don't have to break away but I'm offering a possible explanation of what might have happened?

Merely separate their activities into political and a more militant activities? ---I do not know what happened and I really cannot tell you.

Have a little section which deals with propaganda and another section which deals with say, political aspects, and a third one dealing with the militant part? ---I have put forward what I consider may have happened. Lots of other things could have, you may be perfectly correct, I

/don't...

don't know.

No, Mrs. Barsel, I suggest to you that you knew more of what was going on than you are prepared to be honest enough to admit to the Court? ---I beg your pardon. That is quite untrue.

So you say you left the meeting on the night of the 16th of June, without having come to any final decision? --- About what?

About anything that you discussed there? ---No, I explained that we were all asked or agreed , we all agreed to deal with certain aspects. Mine was finance. And I remember that aspect best because that was what I undertook to do.

And whom, what body do you think you were really supporting, by agreeing to help with the finance of it? --- I was explaining and I had explained, that this meeting was not called by a specific organization. It was merely a group of people who had come together to discuss certain things.

A sort of ad hoc committee? ---A sort of ad hoc committee, yes.

Of the Congress Movement? ---Of the Congress Movement? No, not necessarily of the Congress Movement?

What sort of - what organization then? ---I'm saying that it was not called for the purpose - by any organization. It was a group of people who had come together to discuss certain pressing aspects.

A group of people who came together to discuss a few loose items without knowing exactly what they wanted to achieve by that? ---With respect, your Worship, I don't think these were loose issues. I think that they were pressing issues, they were issues that needed solutions and issues in which we wanted to do the best.

/Well,...

Well now, which is the dominating issue of these four or five that you say you discussed? ---I don't know that anything was a dominating issue. Each in it's own way was important.

Propaganda couldn't have been important? ---It couldn't have been important?

No? --- It was as important as the other aspects.

Propaganda was something that was being issued by the Focus,Freedom Fighter, other bodies were attending to that? Nothing that you could..? --- It was felt by the meeting that not enough publicity was given to it.

That not enough publicity was being issued? ---That is right, yes.

Now in what respect was the publicity lacking? ---I don't know in what respect. It was the view that we all held, that we felt that 90 days detention was such a vicious thing and having experienced it myself, I can tell you how vicious it really is.

Yes, well, if you will let me have those Freedom Fighters, I can show you that 'Freedom Fighter' was dealing with that aspect very effectively ? ---I have no idea of where Freedom Fighter came from, what it's circulation is, or who the people are it reached, whether the people at our meeting knew about Freedom Fighter, or didn't know about Freedom Fighter. I don't know the answers to these questions.

No, but except that you had read these Freedom Fighters? ---Yes.

And you could have said to these people 'look, I've seen this perfectly legal publication 'Freedom Fighter', which deals with this very question'? Couldn't you? --- There was one publication where I saw something about 90 day detaining.

/As....

As I said, I've never heard of Freedom Fighter before, I don't know what it's circulation is. I don't know who publishes it. As a matter of fact, I might say, that I wasn't very impressed with Freedom Fighter. I was much more impressed with Focus, than with Freedom Fighter.

Yes, but that's not my complaint. My complaint is that the Freedom Fighter certainly gave many details of people detained and their general plight, hardships and so on? ---I would say that no matter how much publicity the 90 day detention got, it would never have been enough.

If one has to assess the Freedom Fighter from the point of view of viciousness, I do not think there's any comparison between it and the Focus? ---No, that's what I say, that I felt far more inclined to read Focus than I did to read Freedom Fighter.

If you look at one of these, No.2, that you have seen, that you say you received, --- Do you have an extra copy there?

Unfortunately not, but I'll, you can read it..

"Vorster, you lie, the Minister of Injustice, Vorster told the Senate that the Spear of the Nation which had caused him a great deal of trouble and worry, had now been dealt with. Vorster is a loud mouthed liar, boaster and a fool" ---No, I'm afraid, that's not the sort of language I ...

Yes, but "He has not dealt with the Spear, nor can he ever deal with it. He can imprison, he can torture, he can do great harm but he cannot bring an end to the Spear because Umkonto exists among the mass of the people." And then on page 3 where copious details are given about people who were banned, people who were detained, people placed under 24 hours house arrest? ---Is that in No.2? It's in No.2 that you are reading?

Yes? --- Yes.

/So...

So I don't know in what respect you think the Freedom Fighter was lacking ...? ---I explained that I wasn't very impressed with Freedom Fighter. And you've read one article as an example. I must say that I don't agree with the language used, that's why I say that Focus impressed me much more.

Except, that one doesn't mind saying what one likes in a publication. But once one has to face a Court about it, it's a totally different story. You will agree with me on that point? ---I would have said this to anyone, whether I'm in Court or not in Court.

Yes, but I'm speaking generally now, if the authors of this document had to face this Court, I'm convinced they would not feel very happy about some of the statements they have made? ---I would very much like to know who did produce Freedom Fighter and who did make those statements.

Well, while I'm busy with the Freedom Fighter, you will agree with me that it is worded in very strong language? --- Yes. It is.

And it seems to slate the Minister, the police, everybody.. --- Yes, but I've already said that I didn't agree with the language of the Freedom Fighter.

Very scathing language? ---Yes, I agree. That is true.

Then they deal with liberations struggle, elsewhere in Africa, Angola, Algeria, and they seem to favour the type of struggle which is waged in Algeria? ---Favour the type of struggle that was waged in Algeria?

Yes? ---Yes, that may be so. Ican't remember.

Here in this one issue which you say you did not receive, they say 'we are up against a heavily armed State backed by the most advanced and modern industries, South Africa's freedom struggle cannot be compared with that of any

/other...

other African country except in some ways with that of Algeria. The State has not only put itself on a war-time footing spending ever increasing millions on the most modern weapons of war, but it is also arming and training every White man, woman and child who is reactionary enough, stupid enough, terrified enough to support White supremecy. They built up the Security Police, the hated Special Branch to great strength, given them complete powers to ban, deport, terrorise, arrest without charge, torture and even drive to insanity and to death, those who oppose apartheid and those who refused to become their tools and agents'? --- I don't like that language at all. As a matter of fact I may say that had Freedom Fighter had an address I would probably have written to them to ask them to not to send me any more copies.

Yes, but I'm sure you wouldn't disagree with this: 'Those facts make it necessary for the people to prepare the overthrow of this tiranny as a serious planned struggle'. That you won't quarrel with? ---Except that you are linking it with what went before and I'm not prepared to do so.

Insofar as the preceeding portion goes, you already admitted yesterday that strong feelings of hatred had been developing in this country? ---Yes, what I'm saying now, is that I wouldn't put it as strongly as that and I would certainly would not use that sort of language. And that is why I preferred Focus.

No, but you would agree with the sentiments expressed here, wouldn't you? ---I can only say that I most certainly wouldn't have put it that strongly. And I think that that document certainly goes very far. And I am not prepared to associate myself with it.

That makes me think, Mrs. Barsel, in this same passage it goes on to say that 'it requires people trained in every

possible skill? ---Meaning what?

It deals, it details the fields in which people requires skill. 'In political skill, in working with courage but with caution, in bringing more and more people into organized struggle, but in uncovering police agents and spies, in dropping the weak and these without sufficient - I suppose 'those' - without sufficient courage to withstand imprisonment and torture ' ? ---If you could interpret that? That was rather a long sentence?

The type of skill, they say 'in the political field the people require skill insofar as that they will have to act with courage and with caution'? --- Courage and caution?

Yes? ---Yes.

They will have to bring more and more people into the organized struggle?---Into the organized struggle. In other words, recruit more and more people..yes?

Yes, and then, 'unmask the agents and spies'? --- Agents and spies?

Yes? --- Well, we' had a spy in the Congress of Democrats at one stage and it was most certainly - I agree with that.

And to give the people some sort of encouragement, pep talk to withstand imprisonment and torture? --- Encouragement to withstand ?

Imprisonment and torture? ---Yes, I see nothing wrong with that.

Then it deals with the military skills? ---Military skills?

Yes? 'We have no more Sharpvilles, we cannot allow our people and our women and children as well to face the military might of the police and army, unarmed and helpless'? ---Meaning what? Does it go on further?

That's all. Perhaps you can extract some wisdom out

/of...

of that for me? ---I'm sorry, I can't.

'In underground skills, in learning to hide political workers'? ---I have no knowledge of any sort of underground work.

'To disguise people?'---I'm sorry..

'To counteract electronic listening devices'? ---The first time when I heard about that was when it was mentioned in this Court.

And counter-espionage against the Special Branch? ---Counter-espionage?

Yes? ---I know nothing about that.

Didn't you ever employ disguisers? --- Did I employ disguisers? No.

But you certainly acted very cautiously in going to rendezvous ..? ---If Yes, but there was a reason for it. They were banned people, I've explained that. They were running a risk.

Yes. But you haven't answered my question yet. In what respect was the Freedom Fighter lacking in it's propaganda against the 90 days clause? ---It's a long time since I received Freedom Fighter. As I explained to his Worship, I wasn't at all impressed with the sort of thing that Freedom Fighter wrote. Perhaps it was the language that I didn't like about it.

But not the details? ---No, I criticised some of the details as well. That's why I said..

Would you object to their giving details of individual hardships? ---Individual hardships? - No.

Details of the identity of people so detained? ---The identity of people detained under the 90 days clause?

Yes? ---No.

And even making an appeal for assistance to these

/people?..

people? ---No, I wouldn't object to that. But you read other passages which I had serious objection to.

You object to the strong language ..? ---No, it's not only the strong language. They talk there, I think you read something about underground activity? I had nothing to do with underground activity, at any time.

Yes, but I don't see.. ---You spoke about disguisers, I know nothing about that.

No, what I'm driving at is that here we have a publication which seems to deal not only with the actual hardships with also with the type of counter activity that would have to be engaged in, in order to succeed , in order to steel the people in the struggle, in order to build up an underground movement? ---I received two publications and one was Freedom Fighter, one was Focus. I am far more inclined to support Focus. I found it very easy to read, I found that it fitted in with many of my ideas and it wasn't couched in strong language the way the Freedom Fighter was.

Yes, but you see, here's a passage on page 4 of this fourth volume which .. --- Which I didn't receive.

Which fits in with your views, nevertheless. "The people of Algeria fought an armed struggle for seven long years." That's a fact? --- That is a fact.

"Then they won"? ---Yes.

"Let us prepare for our own long fight"? ---I don't know that I agree that our struggle should be along the lines of what happened in Algeria.

"One thing is absolutely certain, that we will win freedom for South Africans and in our life-time"? --- We hope so, yes. Idon't disagree with that.

In other words, not wanting to wait for seven long years? --- Well, seven years isn't a life-time?

/Yes...

37. Barsel.

Yes. As Mandela said in the same speech quoted on page 1, 'to overthrow oppression has been sanctioned by humanity and is the highest aspiration of every free man'? --- To overthrow oppression?

Yes? ---Yes.

'Without illusions, without false hopes of a quick victory, but with true courage and unlimited confidence, let us prepare ourselves for the triumph of justice and freedom in our land'. So you object to the revolutionary language in this document? ---I object to some of the things they say, yes, certainly. There are some things with which I agree.

Do you also regard the outcome of the Rivonia Trial as a triumph? ---As a triumph?

Yes? ---Oh, no. I would say that it's a severe set-back.

You don't agree with this statement expressed here "that the outcome, of the Rivonia Trial has become our victory?" ---I can't see how the Rivonia Trial could be a victory. As I said yesterday, I'm very sorry that people like Mandela and Sisulu had devoted themselves to sabotage and been convicted to life imprisonment. I think they would have served their people much better had they conducted the struggle along peaceful lines. But I'm not here to judge them? I feel that they were fully entitled to take that decision, it seems to me that they feel that they have taken the correct decision. I think that only history will tell whether that decision was in fact a correct one?

Yes, but you came together on the night of the 16th of June, to discuss the suitability of propaganda against the 90 days? --- The 90 days clause, certainly.

Now, I've pointed out to you in what respect the Freedom Fighter really served that cause? --- The 90 days,

/well...

well, the issues that you've read out, there's very little about 90 days.

In what respects do you think you could have improved on the Freedom Fighter? ---Well, I've never written articles, I'm certainly not good at that sort of thing.

No, but your meeting. This humanitarian gathering of yours? How did it think it could improve on the Freedom Fighter? --- By giving - I don't know about Freedom Fighter, the Freedom Fighter was not discussed at our meeting.

No, but you people knew about the Freedom Fighter? --- We knew that publicity was being made about 90 day detention, that's perfectly true. But we didn't discuss Freedom Fighter.

No, I accept that. Now, how did you .. ---Nor did we discuss Focus or anything else. All that was said was that there was not enough publicity on 90 day detention.

So what sort of publicity did you want to put up? --- I really don't know what was envisaged. Various suggestions were made but I cannot remember what they were. Perhaps people who had to deal with that aspect would be able to give you a clearer picture about that?

Did they say that they were not satisfied with the type of propaganda that was put out in Freedom Fighter and Focus? --- We did not discuss Freedom Fighter or Focus.

Yes, but I'm still not clear precisely what you had in mind. What sort of publicity you wanted to add to the already.. ---More publicity, that was the point. More publicity, what I said earlier was, that having been under 90 days detention myself, I feel that no matter how much publicity there had been on 90 days, it would not have been enough.

But you see, something that puzzles me about your evidence is that we find both Mr. Levy and Miss Middleton

/present...

present at a meeting where publicity against the 90 days was discussed? ---Yes.

And was it there stated that Nos.. that Mr. Levy and Miss Middleton should concentrate on this problem? ---On publicity?

Yes? ---I , as I said before, I cannot remember whether it was Miss Middleton and Mr. Levy or Miss Middleton and Mr. Beyleveld.. I know Miss Middleton, definitely.

But Mr. Beyleveld told the Court that an area committee decided to authorise those two persons to distribute Focus? ---Mr. Beyleveld told you that? I know nothing about that. I'm not a member of the Communist Party?

But if you accept Mr. Beyleveld's evidence for the moment..? ---I'm not prepared to accept any of Mr. Beyleveld's evidence. As far as I'm concerned, he's told a complete pack of lies and as far as any other evidence is concerned, I don't know.

But he told the Court that an area committee decided to authorise Miss Middleton and Mr. Levy to distribute Focus? ---I couldn't tell you. He may have said it, he may not have said it.

Yes, but you can't deny it? ---I can't deny it. I don't know? I was concerned about the evidence that Mr. Beyleveld was giving about me.

Yes, and saying that you were also on this area committee? ---That is correct, that's what he said, and I deny it.

According to Mr. Beyleveld, you were a very prominent member on the area committee? ---A prominent member? I don't care what Mr. Beyleveld said, I was not on the area committee.

Yes. Incidentally, it was never put to Mr. Beyleveld that you would deny that you were a member of the

/Communist...

Communist Party? --- That I would deny? I have certainly told my counsel that I'm not a member of the Communist Party. Or of any of it's various committees .

But it was never denied in clear unequivocal language that you would say that you were not a member? ---I think anything put to Mr. Beyleveld along those lines would certainly not have been acceptable. If my counsel had said to Mr. Beyleveld 'was Mrs. Barsel a member?' in line with all the other evidence that he gave, he would obviously have said that? I'm not a legal person, I don't know what has to be put to witnesses? But I'm sure if that question had been put to him he would have said 'yes'? He's involved me in an area committee of the Communist Party?

Yes. Except that I was under the impression that you would never deny that you were a member of the Communist Party? --- Well, if I may put you right , I have been denying that all along.

I've now been disillusioned? ---I'm very sorry sir, but that is the truth.

Did you leave the place, the house of Mr. Meyerson at the same time on the night of the 16th of June?--- The same time as what?

As you came? Did you leave together? ---At the same time, did we all leave together?

Did you all leave together? ---Well, we all went out of the front door together, we didn't all walk together.

Yes, but I just want to get the picture correct, did you all arrive in the same Volkswagen? ---Yes, we did.

The five of you? -- The five of us. It was very uncomfortable, but we arrived there.

But then how did you proceed from there? ---From there?

Yes? --- We got out of the Volkswagen, we walked

/towards....

towards No.20 Baynes Street, and we walked into the house.

No, I'm speaking now of the time that you left? --- The time that we left?

Yes? ---We all got back into the Volkswagen.

Who was the first person to be put off? ---The first person to be put off?

Yes? ---Mr. Baker was dropped at his car.

And then? ---..

Where was his car? ---His car was parked in Cyrildene. I know the one street is Mercia Street.

Would you say one mile away from the Meyerson's place, or..? ---Could be.

You see, now there too, I don't see why Mr. Baker should have been subjected to that risk? --- What risk?

Of leaving his car at one spot and then travelling very uncomfortably in another car, to go and discuss perfectly legal business? --- I'm sorry, I've explained as much as I could on this.

Yes. You can't explain why there was to be any secrecy? ---I have explained why there was to be secrecy. I've said it many times.

No, if I may make the suggestion to you, if Mr.Baker for instance had been told 'proceed to the Meyerson's house' openly and publicly, and parked his car there and entered the house and you people followed afterwards? ---If I may say, the Meyerson's house is an extremely difficult place to find. It is a very difficult place to find.

You could have directed him? ---I could have directed him but I still say that when I went the first time,when I went to see Mrs. Meyerson, I found it very, very difficult to find their house. And it was much easier, Mr. Baker doesn't know Johannesburg very well, and if I who have lived

/in..

in Johannesburg for so many years found it so difficult to get to the house, how much more difficult would it be for a person like Mr. Baker who doesn't know Johannesburg very well?

Yes, then he could have gone after you? ---He could have gone after us? What was the necessity of going in two cars?

More comfortable? ---Yes, I suppose you've got a point, maybe we should have, but we didn't?

And secondly, keep Mr. Beyleveld separate from Mr. Baker? ---Well, what was the point? We were going into the house, anyway.

But then you could have given the impression that Mr. Baker was there on purely legal business? ---No, I'm sorry, we didn't go into these details, but the fact remains that we did it this way.

No, you did it that way because you had some secret that you shared amongst yourselves? ---I just don't understand the reason for this question?

Yes. So you went and dropped Mr. Baker at his car? ---Yes, after the meeting.

Then you were the next to be dropped? ---I'm not sure in which order. I think I may have been the next one.

Then I take it Mr. Beyleveld would have gone and put off the other two persons? ---Yes, I can't remember whether he took Mr. Levy first , or me. I think I was taken first.

Yes. And when next did you see Mr. Beyleveld? --- Mr. Beyleveld?

Yes? ---I nver saw him again until he appeared in this Court.

And when next did you see Mr. Baker? ---Mr. Baker - I may have been on the East Rand again, I'm not absolutely sure. If I was in Benoni, I would normally have had lunch

/with..

with the Bakers.

Did you get some information from him? --- Well, I can't remember whether I went? I doubt it.

You were arrested on the 3rd of July? ---That is correct.

Now, you are not absolutely certain whether you saw Mr. Baker during that fortnight? ---No, I can't remember for sure, I may have. I mean, there was no sort of special date when I went to the East Rand.

Did you come to some sort of arrangement had he come to some sort of a decision? --- About?

About his rendering assistance to the Defence in Aid? ---I can't remember whether I saw him, I probably didn't see him. Because I have no recollection of seeing him.

Now, can we take it that you didn't see him? ---I probably didn't.

And No.5 Accused? ---No.5 Accused, Mr. Levy - I also never saw him until the case. From the time of the meeting on the 16th, I hadn't seen Mr. Levy until our case started.

And Miss Middleton? ---The same.

When did you see Miss Middleton again? ---When did I see her?

Yes? --- After the 16th?

Yes? ---I didn't. When we arrived at Pretoria, we were both detained under the 90 day clause, and I saw her in the exercise yard, on the 3rd or 4th of July, I don't know when. I don't think we went for exercise on the first day. On the second day when we went for exercise, I saw Miss Middleton.

For the first time after the 16th? ---That is correct.

Are you certain about that? ---I'm absolutely certain about that.

And do you know the Gigo Bioscope in Orange Grove?---

/The...

The what bioscope?

The Gigo? ---Gigo?

Yes? ---No.

And the Lido Cafe? - in Orange Grove? --- Do I know the Lido Cafe? Yes, I know the Lido Cafe.

Didn't you meet Miss Middleton there? ---No.

On the 1st of July? ---On the 1st of July?

Yes? ---No.

Didn't Miss Middleton come to your house on the 1st of July? ---Not that I can recall, no.

And then you carried on with her in a bus to the Lido Cafe in Orange Grove? ---No.

In the evening? ---No.

And you waited in the Lido Cafe with her for a while? ---No.

Then you went to the bus-stop? ---No.

And you went on your way back by bus? ---No, I have no recollection of such things.

If you wanted to go to the Lido Cafe, you could have gone there by car? ---If I wanted to go to the Lido Cafe?

Yes? --- But I never went there on that day.

Well, I mean, normally, you travel by car? ---Yes, except that I , as I say, that during the week, my car is loaded with samples and I don't usually use my car. It's really over week-ends, Friday nights and so on.

Yes, but now, if I put it to you that you were seen on the night of the 1st of July, going by bus with Miss Middleton from your house ? ---It's not true.

Let me describe the route to you. Miss Middleton arrived at your house about 6.50 ? --- 6.50?

No, I beg your pardon, she left her place - she arrived at your house after 7 o'clock in the evening? ---I have no recollection of this, whatsoever.

/And..

And you and Miss Middleton left your house at 20 to 8? ---No, it's not true.

On the 1st of July. You walked along in a westerly direction in Regents Street, then you turned north into Kenmere Street, then into Louis Botha Avenue? Then you walked in an easterly direction along Louis Botha Avenue, and you - just before you got to the Bedford Road, you waited at bus-stop No. 15? ---No, that is completely untrue.

You caught a bus at 5 to 8 and travelled towards Orange Grove and at stage 4 opposite the Gigo Bioscope you left the bus? ---I've never heard of the Gigo Bioscope.

And you crossed Osborne Road and you went to the Lido Cafe in Louis Botha Avenue? ---No. That is not so. There's no truth in this, whatsoever.

Yes. Do you know who says that? Who will say this? ---I have no idea who says this.

Warrant Officer Kruger, the man who gave evidence here? ---I know nothing about it.

He will say that he kept you under observation that evening? --- He must have been mistaken about the identity.

If he comes to Court and he gives this evidence, what will you say about that? ---I deny it. It didn't happen?

If he says that you stayed in the cafe for twenty minutes, then you crossed Louis Botha Avenue again and waited at the bus-stop? ---No. I have no recollection of this, whatsoever.

And later Beyleveld arrived and he and Miss Middleton then left together? ---He and Miss Middleton left- I know nothing about that.

You know nothing about it. Can you think of any reason why Det. Warrant Officer Kruger will make a false statement like that? ---I have no idea, unless he mistook me for somebody else.

/How...

How could he mistake you for somebody else? ---I don't know.

He has your address - I think you gave it yourself yesterday - Regent Street, isn't that where you live? ---Yes, that is where I live.

In Observatory? ---Yes, that is correct.

He would be a liar if he came to Court and give evidence along these lines? --- But it just didn't happen? I know nothing about the incident.

Except that if it is true that you are making another false statement? ---I'm not making a false statement.

That you are concealing something from the Court? --- I beg your pardon?

That you are concealing something from the Court? ---No, it is not true.

Does Mr. Kruger not know you?---I don't know who Mr. Kruger is. I can't remember him.

Sergeant Kruger , the man who was connected with the treason trial for many years? ---I can't remember him. The person I remember in this Court is Mr. Schutte who kept observation outside the house in Cyrildene. I can't remember who Mr. Kruger is.

The man who gave evidence here about having watched Miss Middleton and I think Miss Duncan painting slogans at the Fort? ---I can't remember him.

A darkish, tall, thick-set fellow? --- Is he the gentleman who was sitting in the audience at one stage?

I wouldn't know that. --- Because then I could, you know, identify him.

I suggest it's very unlikely? ---I beg your pardon?

I suggest it's very unlikely that he sat in the audience, because I would have seen him, in the gallery? ---

/Well..

Well, I saw somebody who gave evidence here, sitting in the gallery.

But to come back to this, can you suggest any reason why a man should make a statement like this? ---I have no idea.

This is a sort of statement that I thought would never be denied that there was a close association between you and these people? ---If it happened, I would not have denied it. If I had any recollection of it, I would not have denied it.

Yes. But we have it on the tape recordings of Miss Middleton, as complaining to somebody that she was suffering a lot of hardship as a result of having to catch a number of, numerous buses just to see contacts and so on? ---Is that on the tapes?

Yes? --- Then that is, I take it then that is true.

Do you know whether she was travelling a lot by bus? ---Well, I know she didn't have a car.

Yes. And did she complain to you that certain work that was entrusted to her should have been given to people who had cars? ---No. She did say she had a lot of work to do, but she didn't say what you have just said.

And to get to your place she had to catch how many buses? ---To my place?

Yes? ---I think one bus.

But she would have to walk a long way? ---I think there's a bus just outside her flat, a bus-stop.

No, but she would have had to walk up to Twist Street? ---I don't think so. There's a bus-stop outside the hospital.

Well, unless she wanted to shake off somebody following her? --- But why should she walk to Twist Street when there's a bus-stop right outside her flat?

Well, I don't know whether you can comment on this

at all, but Mr. Kruger will say that she walked in a northernly direction along Klein Street? --- Along Klein Street?

Yes? And then into Esselin Street? ---I really don't know about that.

Then she walked from there, she crossed over and she walked along Pretoria Street. From there she went further to Twist Street and again east in Kotze Street and there at bus-stop 11 she waited for a bus. Rather a long way from her house? ---Yes, it sounds very complicated.

Yes, and that is the type of complicated movements that people had to indulge in, if they wanted to keep their rendezvous secret? ---It seems like it from what you say, yes.

Yes, and at the end, that same person arrives at your house and the same tortuous road is followed to Orange Grove? --- This whole thing is not true?

Yes. You are putting up a gallant fight, Mrs. Barsel? ---With respect sir, I am putting up what I know to be the truth.

COURT ADJOURNS:

ON RESUMPTION: Appearances as before:

MRS. BARSEL: Still under Oath: Continues evidence.

MR. LIEBENBERG: XXD: Continues: According to this statement of Mr. Kruger, you and No.7, Miss Middleton were together for about 20 minutes - or perhaps I shouldn't say.. yes, yes, for about 20 minutes, from the time you travelled to Orange Grove. From the time you left your house together, that was 20 to 8, until the time that Beyleveld arrived at 20 past 8, you and Miss Middleton were together? ---No.

And you stayed on in this cafe for another 20 minutes before you left? ---No.

It may interest you to know that he made this statement on the 2nd of July, 1964? The day afterwards? ---Well, no

/such..

such a thing happened.

You deny that you were the person who arranged these various meetings? And the places for meetings? ---I don't deny the two meetings at the Meyerson's.

And the meeting at Wolpe's house?---Certainly not.

And this meeting at the Lido Cafe you also do not recall? ---No. I mean, I do deny it.

And if you do deny it, you do it only on the basis that there was something you were afraid of? --- They did not take place.

If that statement is true, it's Mr. Kruger's word against yours? --- I did not attend whatever it is that I was supposed to have attended. Miss Middleton did not come to my house and I did not go with her to the Lido Cafe.

But you will concede, if this statement is true, it's a serious reflection on your credibility? --- I know absolutely nothing about it.

If that statement is true, then it supports my comments that I made at the beginning of your evidence? --- Nevertheless, it is not true.

Now, when you had the little conversation with the Meyersons, from what I .. either Mr. or Mrs. Meyerson said that you mentioned the flight of Wolpe and Goldreich from the country? ---In Mr. Meyerson's evidence?

Yes? ---Yes.

Now, à propos of what did you mention the disappearance or departure of Wolpe and Goldreich? ---I cannot recollect saying anything like that.

And that the struggle would go on?---Well, I certainly had no knowledge of that sort of thing.

Yes, but as I understand your, the position , you wanted to be sure that the Meyerson's were friendly and

/sympathetically...

sympathetically inclined? --- Whok ? The Meyerson's?

Yes? ---No, I didn't consider the Meyersons political people at all? And I've had no political discussions with either Mr. or Mrs. Meyerson, apart from what I mentioned to them about my husband's ban.

Yes, but did you know that your husband was handing out some Communist literature to them? --- Communist literature?

Yes? 'Peking News' - ? ---I very much doubt whether it was Communist literature. He may have given them a pamphlet, I don't know.

'Peking News', is that not a Communist document? --- I don't know 'Peking News'?

You don't know that he gave Mr. Meyerson a 'Peking News' at the shop? ---No, I've heard Mr Meyerson's evidence in this connection. I really don't know what it is he is referring to. My husband got various publications.

Yes, but as I see the position, you know very little of what your husband was doing? ---Well, I don't know about 'very little', I knew that he was at that stage, at the stage when he saw Mr. Meyerson, he was completely inactive politically, as he told Mr. Dekenah. And that is the position.

Yes, but now, the fact that he was distributing pamphlets there? ---He wasn't distributing pamphlets. Pamphlets arrived at our home.

Yes, but why give Mr. Meyerson one? ---I think that is a question you must ask my husband. I don't know.

Yes, but .. ---I wasn't present.

You did involve yourself in a discussion of bannings and Government policies? ---Not Government policies? No. I explained to Mr. Meyerson my husband's position as a banned person. That is as far as any sort of discussion I had with him, went.

Did you gather from the Meyersons that they were sympathetic?...

/

sympathetic? ---I didn't have any political discussions with them.

That they were sympathetic to your position, your husband's plight? ---Yes, Mr. Meyerson indicated that he had no idea of the position of banned people. He actually said: 'named'. But my husband is not a named person. He is a banned person.

Were they so sympathetic that they might have tipped you off if the police had suddenly arrived and raided the house? ---If the police had suddenly arrived and raided their house? Tipped me off?

Yes, warn you? --- That the police had been to their house?

That the police were outside, that the police were ready to come in? ---I have no idea, I cannot say.

But you did not inform the Meyersons that your social gathering had suddenly assumed a semi-political complexion? ---No, I told Mr. Meyerson that I wanted to meet some friends who were banned people, and that they could not come to our house.

Yes, but did you ever think it was necessary to go and tell the Meyersons that your discussions or your meetings were now developing into semi-political ones? ---Well, had I considered the Meyersons political, I probably would have told them. In view of all that has happened, I very much regred that I had not told them.

You didn't think that there was a risk to them of arranging their house, allowing their house to be used by banned persons? ---I really didn't consider it any risk to them. Or that there was any risk to them. The only people who could be prosecuted were the banned people? ---

Yes, but the risk of the police questioning them?

/The...

The police interfering with them? ---I didn't think that that was a possibility.

If you were followed by the police? ---Yes, it could have happened.

Tell me something, did you have in mind the formation of a new party, new organization? - when you got together at the Meyersons? ---No.

Along the lines of the Congress Alliance? ---No, we didn't discuss that at all.

Re-grouping your forces? ---No, we didn't discuss that.

Try and save as much as you could from the wreck? --- No, I've explained the purpose of the meeting and that was certainly not discussed.

Yes, but now, you give the impression that you were merely standing in for Mrs. Fischer? ---Yes. That is correct.

You were not really equipped to cope with the problems? ---That is so.

I take it that Mrs. Fischer would have like somebody disciplined and trusted to stand in for her? ---You mean, to collect funds?

Well, and to take part in whatever the discussions..? ---As I explained to his Worship before, Mrs. Fischer and I had often worked together on fund raising..

Yes, that may be but you --- And it was only the intention that I should attend this one meeting.

Yes, but you were told to deputise for Mrs. Fischer? ---Yes, insofar as fund raising was concerned.

Without knowing for which organization the fund raising was to be? - to take place? --- Well, I knew it was in connection with the plight of families of 90 day detainees. Mrs. Fischer herself had told me that. And Mr. Beyleveld confirmed it.

/Without..

Without knowing who was to administer the funds? --- No, I didn't ask her that.

And as far as you knew, you could have found yourself in a very invidious position there? ---Why?

By having to meet a lot of members ofthe Communist Party? - suddenly finding that a Communist meeting was in progress? ---But it wasn't a Communist meeting.

But you were told just out of the blue to go and stand in for Mrs. Fischer? ---I don't think it was out of the blue. As I had explained to his Worship, Mrs. Fischer and I had often worked together.

Was it possible that some of those people could have gone there thinking it was a Communist Party meeting and you were in the dark about it? ---I can only speak for myself.

Have you any reason to thinkthat you might have been left in ignorance? ---I have no idea. I only know that I was told the purpose of the meeting and in fact that is what happened at the meeting.

Again I suggest to you that Mrs. Fischer wouldn't have approached you unless she thought you were a trusted person? --- I had been associated in fund raising activities over a number of years.

She trusted you?---Mrs. Fischer, apart from the fund raising activities in which we were involved, was a personal friend of mine?

Yes. And other people also trusted you? ---I don't know. I presume some of them did, yes.

And they were prepared to discuss questions there without risk of your exposing what they were saying? --- Such as what?

Such as, firstly, the fact that they were gathering together? --- Well, it was agreed that we would gather together.

/And...

And secondly, the question of the sanctions against the country? ---Sanctions was incidental. It had nothing to do with the purpose of the meeting.

The propaganda against the 90 days? ---Yes, that was discussed. That was one of the reasons why we had gathered together.

Couldn't they have thought that you might go and talk out of your turn? Mention that the meeting was being convened there, secretly? Discuss certain aspects of the affairs of the Congress Alliance? --- The matters discussed ath the meeting was not of a secret nature and as I have explained the only reason why we had to arrange it at a safe place, was because Mr. Beyleveld was a banned person and in his banning order he is unable to meet with people on a social basis, or on a political basis.

Mr. Beyleveld visited Miss Middleton's flat, frequently? ---That is possible, I don't know about Mr. Beyleveld..

And Mr. Levy visited Miss Middleton's flat, frequently? ---It is possible. I don't know.

Yes. They could have discussed those questions with ease at Miss Middleton's flat? --- At Miss Middleton's flat?

Yes? They didn't need you to arrange a meeting in Cyrildene for them? ---Except this, that as far as Miss Middleton is concerned, I gathered that she was a known person to the police and it would have again been extremely dangerous for say, Mr. Beyleveld , Mr. Levy and Mr. Baker and Myself to arrive at Miss Middleton's flat.

But it's a fact proved in evidence here that Mr. Levy visited her flat regularly or frequently? ---That you will have to ask Mr. Levy, I don't know?

No, no, I'm saying that it's a fact that Mr. Beyleveld went to that flat, frequently? ---I've heard it in evidence.

/So..

So if they were on such close visiting terms, it would have been an easy matter for them to convene a meeting there without going to the extent of running the risk? --- But it meant convening a meeting and it meant that if Miss. Middleton was under observation, Mr. Beyleveld would be subject to prosecution? - Because was breaking the banning order.

Yes, and what more, Miss Middleton and Mr. Levy worked together at Regis College?---Yes, that is correct.

And they could have discussed the educational matters, their aspirations and hopes about helping people from morning to night?--- I come back to what I said about our first meeting. That it is necessary to come together and discuss these matters. In the work that I have done, over the years, it has never been policy for people to decide that this has to be done and go ahead and do it. One discusses it as at any meeting

Well, I'm testing the probabilities of your story? --- But again, I couldn't see that it could have been done on any other basis except for us to get together and to discuss these various problems and to make suggestions about them. One doesn't do it on an individual basis that Mr. Beyleveld went to Miss Middleton and that Miss Middleton spoke to Mr. Levy. Here we were five people gathered together to discuss certain problems. And various recommendations were made by all the people present. And that is how one conducted one's affairs.

I don't want to go through the whole story, but there wasn't an issue which you discussed there, which couldn't have been dealt with effectively without the five of you having to be present? --- Then you are assuming that one person would decide on what has to be done?

Yes? ---I am saying that we had this meeting in order to make suggestions of how to carry out these various things.

/What..

What suggestion could you make about education? --- Well, suggestions were made about education. As I say, it was an aspect I was not asked to deal with.

No, but the people who could make suggestions about education were the people who could meet at Miss Middleton's flat?---But again, only on an individual basis. Two people.

And the people who could make suggestions about Defence in Aid, could have met at Mr. Baker's office? ---Who for instance could have met at Mr. Baker's office? Mr. Beyleveld couldn't have?

He could have spoken to them? Defence in Aid could have met Mr. Baker? ---I have explained that there were various matters raised in connection with Mr. Baker and one of them was the aspect of taking on sabotage trials. And this only arose out of the meeting. These are all matters that arose.

And fund raising could have been, and was discussed between Mr. Beyleveld and Mrs. Fischer? ---Yes, so I understood.

So it wasn't necessary to bring you in there at all? --- They discussed it in general terms but nothing was finalised.

Nothing was finalised and.. --- Between Mr. Beyleveld and Mrs. Fischer?

Yes? --- They discussed in general terms the necessity..

And nothing, no conclusion was reached? ---I don't know, I wasn't present there.

You were brought in and still no finality was reached? ---As far as fund raising was concerned?

Yes? ---I beg to differ. There was finality reached.

What was reached? ---Well, for instance, I was asked to form a finance committee.

You? ---I was asked to do it, yes. And I explained to the meeting that I felt very inadequate as far as this sort of task was concerned, I was certainly willing to assist.

/I..

I was very busy with my job..

Actually, I have difficulty, because if Mrs. Fischer was interested in creating a finance committee, then I fail to see why she should suddenly saddle you with the responsibility of standing in for her and .. ---Yes, it was the understanding that I would stand in for her at the one meeting only . That when she came back from Cape Town, I would get in touch with her and I would explain to her the decisions taken at this meeting . And together we would try and work out something. Now, one of the decisions was that we were to try and form a finance committee. Unfortunately, Mrs. Fischer was killed and I couldn't go to her. But if Mrs. Fischer were with us today after the meeting and after she had came back from Cape Town, I would have contacted her and we would have discussed these questions.

Yes. No reason why the meeting couldn't have been delayed until she came back? ---Until she came back?

Yes? ---Mr. Beyleveld felt that it was absolutely urgent that we get together that week.

It was so urgent that after that you had to adjourn for a month? - without achieving anything? ---No, I beg to differ there. It's not a question of not achieving anything, certain decisions were taken and we needed time to work out those decisions. Certain people had undertaken to do certain things.

You want to tell his Worship that all these various bodies of the Congress Alliance were still functioning, continuing, that you would now have to step in the bridge and take over matters which they could have done themselves? ---Congress of Democrats, the organization in which I worked, had been banned quite some time before then. The African National Congress had been banned as well.

Yes, and no reason why you couldn't have operated

under the name of S.A.C.T.U.? ---S.A.C.T.U?

Yes? ---I had never ever done Trade Union work before.

You could have asked the trade unions to take over these activities? ---I what way could I have assisted S.A.C.T.U I've had no trade union experience.

At this meeting? This humanitarian group could have asked S.A.C.T.U. to take over these questions? ---I would say that S.A.C.T.U. had enough problems of it's own to cope with.

Unless the Communist Party did it? --- Did what?

Unless the Communist Party concerned itself, interested itself in these questions of propaganda, education and Defence in Aid?---I'm not in a position to say whether the Communist Party interested itself or not . It may well have done so.

All the years you saw fit to work on an organizational level? --- What do you mean by that?

All the time, throughout the years, you worked in organizations? ---Yes, not many.

And organizations that undertook certain tasks? --- Yes.

Which were relevant to the struggle? ---Yes,

And now suddenly a group of isolated individuals should come together and try and take over that task? ---I'm sorry, I don't get the point of your question?

Propaganda, fund raising and education? ---I don't see anything wrong with this?

I suggest to you that it is so unlikely, that a few individuals would concern themselves about these questions when the organizations could have done it? --- What organizations?

The Communist Party? ---I don't know what the Communist Party did.

/Mr. Beyleveld..

Mr. Beyleveld - I'm sorry I have to mention his name again - ? --- So am I?

He says that he raised the question of getting all addresses of Europeans to whom the Freedom Fighter could be sent, that the addresses should be given to you? ---Yes, I remember him saying that. That is quite untrue.

That you had to give those addresses to Matthews? --- No. I never handled anything of this nature.

Matthews was the person who did the roneo-ing of Freedom Fighter? ---I don't know.

And you handed Matthews stencils which Beyleveld had given to you?---I certainly did not.

Also the stencil of 'Message of Rivonia'? ---I know nothing about it.

Don't you? ---No.

It was produced here in evidence? ---Yes, I've heard it in evidence. But I certainly didn't know anything about it prior to that?

Why not? ---I wasn't concerned in it.

Didn't you get it through the post? ---I don't remember receiving it in the post, no.

Wasn't Matthews instructed by you to roneo two thousand copies? --- Certainly not.

But he did have some duplicating machine? ---I don't know.

Weren't you there? ---Where?

At his place, his house? ---Yes. I visited his house.

And he has a workshop there? ---He has a workshop?

Yes? ---Yes, he has a workshop.

Yes, did your husband store some Communist literature there? ---Communist literature?

Yes? ---No. He did not.

The police found the stuff there, afterwards? ---No.

/Do..

Do you suggest it was Matthews' own property? ---No. It's possible that my husband gave him some F.S.U. literature to keep. I know that he helped my husband quite a lot as far as F.S.U. is concerned.

Was your husband a librarian? - the one custodian of all the Communist books? ---No.

Somebody had to be? ---I'm certain somebody had to be. My husband didn't.

And the books couldn't be stored in the library? --- What library?

The Municipal library? The University library? --- The Municipal library?

Yes? ---The S.S.U. books?

Communist books, yes? ---I don't know what happened to Communist books. I had no connection with this at all.

You say you know nothing about the message of Rivonia? ---No, not until we heard about it here.

It's strange that you were kept so in the dark about the 'Message of Rivonia'? ---Well, I'm afraid I know nothing about it.

About this slogan painting. Do you know anything about that? ---No.

Do you know that the area committee allowed Miss Middleton to use funds for buying paint? ---I am not a member of the area committee and I know nothing about it's activities.

Yes. But did you ever see slogans painted? ---Yes, I have.

How did you like that? ---I don't know. Some appealed to me, some didn't.

But did you think theywe were supporting the Congress Movement? ---Yes, some of them did support the Congress Movement.

/Stamped...

Stamped by the A.N.C. ..? --- Well, A.N.C. is an illegal organization? I have not participated in the activities of any illegal organizations.

Did you ever enquire who was responsible for the slogan painting? ---No, I did not.

But surely, you must have had your suspicions? --- It was no concern of mine. And I didn't make any enquiries. I saw slogans were put up, I didn't ask who put them up.

Why didn't you make enquiries? --- I wasn't interested in knowing who put up the slogans.

Slogans certainly supported the Congress Movement? ---But I also support the Congress Movement.

Yes, for that matter I suggest you would have liked to know who these people were who went about by night..? ---Not at all.

Past the buildings..? ---Not at all. I wasn't curious to know who put them up.

I suppose you are very surprised to hear today that your co-accused were responsible for some? ---I heard it said in evidence, yes.

Are you very surprised? ---I don't know that I'm surprised? I didn't ask who did it?

You hear today that Miss Middleton was one who sacrificed a lot to get up in the early hours of the morning to walk around the streets of Hillbrow to do some painting on buildings? --- I've heard it in evidence, yes.

Are you very surprised? ---I don't know that I should be surprised or otherwise? I merely heard it in evidence.

Yes. ---Somebody had to put up these slogans, somebody did it? I don't know who. Evidence was led in this Court that Miss Middleton did?

You didn't disapprove of it? ---Of the slogans?

/Yes?..

Yes? ---I approved of most of them, yes.

And I suppose if you knew and accept that Miss Middleton and the others , Miss Duncan and so on, were responsible, you would feel quite satisfied about the job? ---Well, as far as Congress slogans are concerned, as I've said, I support Congress and I could have no objection then to them.

Yes? But if Mr. Beyleveld says you actually authorised her to retain some money for the purposes of buying paint? ---He said that I authorised her?

The area committee? ---I was not a member of the area committee.

Yes. Now, I take it you were not present when your husband handed out pamphlets, Communist pamphlets, literature to people? --- My husband did not handle Communist pamphlets and Communist literature. My husband was secretary of the Friends of the Soviet Union and in that capacity he dealt with Soviet publications.

Yes, but did he post the issues that he received, to people? --- What issues?

If he received publications from Communist countries, did he post them to people or what did hedo with them? --- Do you mean pamphlets that he received?

Yes, pamphlets and things? ---No, I don't think it was posted.

What did he do with them? ---I really don't know. I think some people took them for sale or handed them out, free.

And your husband had some films about Russia, life in Russia?---There were some film shows, yes.

What did he do with those films?--- What did we do with them?

Yes? What did he do with the films? ---How do you mean, 'what did he do with them?' He showed them?

/Did..

Did he keep them at his house? ---Yes, we had some at our house.

No, in later years, did he hide them? ---Did he hide them?

Yes? At Matthews' workshop? ---He could have given some to Mr. Matthews, I don't know.

How many did he have? ---Oh, I couldn't say.

But he was the one who was mainly responsible for these film shows? ---Well, he was secretary of the Friends of the Soviet Union, in that capacity, yes.

Yes, what did he do with his equipment and his films and so on? ---Equipment? What sort of equipment?

Didn't he have a projector? ---No, he didn't have a projector.

Did he borrow one? Hire one? --- Well, he hired a projectionist.

And I take it he didn't keep any Communist books in his house? ---No.

He had to store these things somewhere? ---He didn't have any Communist books. I mentioned F.S.U. publications.

Yes, but I'm speaking now of general Communist literature like 'The Peking News' and pamphlets, periodicals? ---I know nothing about 'Peking News'. I do know that we've received various publications from overseas and mainly to do with F.S.U.

Wasn't he in a cell, Communist cell with Matthews? --- My husband and I had discussed Communism and to the best of my knowledge I am quite prepared to say here and now, that he is not and never was, a member of the Communist Party.

You are not claiming husband and wife privilege? --- Privilege?

Yes? ---No. You asked me a question, I answered it.

/But..

But you are entitled to claim privilege if you want to? ---That's very nice.

Do you want to avail yourself of your rights? ---Well, I've already made my view quite clear.

Are you prepared to answer questions about your husband about communications that he made to you? ---About communication

Yes? Discussions that you and your husband had?--- Such as what?

About political matters? --- Well, I certainly can't remember everything, every single discussion that I had with my husband.

Yes, but I'm asking you whether you are prepared to discuss those communications or those discussions you had? ---You mean, in a general line?

Yes, all sorts? ---All sorts of things?

Yes? ---I don't know what these questions are?

Your husband seemed to be quite keen to assist you in the arrangement of use of houses for meetings? ---Yes, insofar as it effected his own position.

Yes. But unfortunately he never benefitted? ---No, unfortunately, he didn't. He was detained under 90 days.

But he never had the use, or he never had the chance of you meeting friends at the house of the Meyersons? ---He never.

He never had the chance of meeting people at the Meyersons ? ---He himself?

Yes? ---He had never been to the Meyerson's house.

As a matter of fact, you rather slipped in quietly and left as quietly from this house? ---Well, that was the arrangement that we would arrive and the front door would be left open for us and we would go out when we had finished.

Yes, you didn't think it was necessary for you to

/introduce...

introduce your friends to the Meyerson's? --- The Meyerson's didn't display any interest in my friends.

No, but you were arriving with people like Mrs.Fischer, Mrs. Altman at the Meyerson's house? ---Yes.

Didn't you think it was necessary to introduce them? ---No, Mr. Meyerson said to me "You wouldn't be requiring us, would you?" And I said : "No, it is not at all necessary".

The second occasion when you had a rather large number of people..? ---- They were not interested. As I said, Mr. Meyerson said to me : "You won't be requiring us, will you?" And I said : "No, not at all."

Yes, but they were so interested that they put out refreshments for you? ---Yes, they did. They very kindly put out refreshments for us.

And in order to know how much refreshments to put out, I take it, they were interested in knowing how many people there would be? ---Yes, that is correct. As a matter of fact, I had told them that there wouldn't be more than six people. In fact, that was the arrangement.

But the fact is , you did not introduce a single friend of yours to the Meyersons? ---No, I did not. The Meyersons were not there when we arrived. Had they been in the lounge, at the time, I would have introduced them.

You didn't think it would have been good manners to call them out and say:"Let me introduce you to my friends here"? ---They displayed no interest in my friends. And as I say, had they been around, had they been in the lounge when we arrived, I would most certainly have introduced them?

Anyhow, your husband was the first person to speak to the Meyersons at the shop about theus use of the house? --- No, he actually didn't. He w explained, you know, after we had discussed this, my husband suggested that perhaps

Mr. Meyerson would be prepared to allow the use of his house. And in January, 1964, when both my husband and I were on leave, we went to see Mr. Meyerson. And I spoke to Mr. Meyerson.

Yes, but it was arranged between you and your husband? ---That is correct. Initially it was arranged between me and my husband, that we would approach Mr. Meyerson. But I actually made the approach.

For the use of their house? ---Yes.

For some indefinite occasion?---No definite date was given. There was no necessity of that.

And no precise event was mentioned? ---Oh no, certainly not. I merely mentioned to Mr. Meyerson, the fact that my husband was a banned person, that from time to time I meet with banned people, that I was friendly with them on a social basis as well, and that it's impossible for them to come to my house and I experienced great difficulty in meeting with such people.

Well, I suggest that you showed a lot of foresight ? -- Why?

By getting the use of their house? --- Well, as a matter of fact, I didn't pursue the matter, until it became necessary to have such a meeting.

Yes, I mean, here your husband by chance met people who seemed to be sympathetic? ---Not by chance? Mr. Meyerson had his shop on the way to my husband's work, and he went in to buy some clothes, that is how he first met him .

Yes, just met him there and then you thought 'this was a good chance of getting the use of their house'? --- He's known him for quite a few months before that.

Yes? ---As a matter of fact, he mentioned what a very nice person he was.

How many other people did you approach in the same

/fashion?...

fashion? ---I didn't approach anybody else.

Only the Meyersons? ---Only the Meyersons.

Your action to me suggests that you were always on the alert , on the look-out for possible places ? ---My husband was banned in July, 1963. The conversation with Mr. Dekenah was towards the end of the year.

Yes? --- And my husband was very keen to get his job back in Roodepoort and it was only then that the necessity arose that we had this discussion.

Yes? And you didn't worry to sever connections with banned people to improve these chances of getting employment? ---I certainly did?

COURT: Repeat that please?

MR. LIEBENBERG: I say, you didn't take any steps to sever connections with banned persons in order to improve your husband's chances of getting his job?---I didn't take any steps to sever connections, but I made it as widely known as possible that I did not want banned people to come to my house.

COURT: How did you proceed to do that? --- Well, as far as personal friends were concerned, I went to them and I explained the position to them and I asked them - I must say, this was extremely difficult to do - but I asked them not to come to my house. I said that I would visit them from time to time. As far as any sort of political association was concerned, like the time that Mrs. Altman came to me, I couldn't anticipate that sort of thing. And as it happened, Mrs. Altman did come to my home. But as far as possible, I tried to avoid banned people coming to my house. I admit that I wasn't a hundred percent successful, obviously. Because I could not anticipate everybody who might be likely to come. But to the best of my ability, I made that fact known.

Your political work, your meeting of banned people

/was...

was more important to you than your husband's work.

Why do you say that? ---Because you continued your connection with, your association with banned persons? --- Except that I stopped meeting them at my house.

Although you shared that your husband was being inconvenienced and handicapped? ---Well, as a matter of fact, my husband applied again to Mr. Dekenah for permission to go to Roodepoort. And it would appear to me that it was quite effective, because Mr. Dekenah had given my husband permission to go to Roodepoort on the 4th of July for the Durban July Handicap. Unfortunately he was arrested on the 3rd and couldn't go on the 4th.

And even the arrangement of the use of the Meyerson's house wasn't for your husband's benefit, it was for the benefit of the banned people? ---Well, it served a double purpose.

It didn't serve a double purpose? ---Yes, first of all, banned people didn't come to my house and on the other occasion Mr. Beyleveld was being protected.

No, but I'm speaking of your husband? Your husband wasn't benefitted in the least by the meeting at the Meyerson's house? ---No, but he benefitted by the fact that banned people stopped coming to our house. And in fact, it is borne out by the fact that Mr. Dekenah granted him permission to go to Roodepoort.

Your husband also accompanied you to the Meyerson's house when you went to see them? ---No, he did not.

Did you go on your own? ---I went on my own.

I'm not speaking now of the meetings. I'm speaking now of the arrangements? ---Yes, I went on my own.

Preliminary arrangements? ---Yes. My husband has never been to the Meyerson's house.

He wasn't there when you discussed Wolpe and Goldreich?

--- /I ...

---I can't remember discussing Wolpe and Goldreich.

When did Wolpe and Goldreich leave the country? --- I can't remember.

Wasn't it in the early part of 1963? ---It could have been. I don't remember.

In August, 1963?---In August, 1963, they left the country

Yes? ---You could be right.

They were people who were wanted in connection with the Rivonia Case? ---Yes. And there was extensive publicity given to the whole thing, I remember.

Yes. Did you know those two gentlemen?---Did I know them?

Yes? ---I knew them but I never worked with them, politically.

Was there some publicity given to their disappearance in the paper, which you discussed with the Meyersons? ---Yes, quite a lot of publicity was given.

Such as what? --- Well, the fact that they escaped from gaol, the police were looking for them. They then , I think they went to Swaziland, it was in the paper quite a lot.

They were dressed as priests? --- ..

So you say it's possible that you discussed them with the Meyerson's? ---I cannot recall it, but it could well have arisen out of the newspaper articles.

Yes. But then that significant bit of evidence which Mr. Meyerson gives tothe effect that you said that although they had left the country, the struggle would still go on? ---I certainly did not say that.

You can't explain why Mr. Meyerson should add that bit of 'the struggle going on'? ---No. I just cannot imagine, because as I said before, I never considered the Meyersons to be political people.

/Yes...

Yes, they say so too? ---Well, that is so.

But they say, or rather, Mr. Meyerson says he remembers the reference to these two gentlemen? ---Yes. As I say, you know, I - he himself may have made reference to it, as far as the newspaper article is concerned. I personally don't remember any such thing mentioned.

Yes, but now, what I can't understand, is why would these two gentlemen be mentioned in the context in which you approached the Meyersons for the use of their house for a friendly gathering? ---I can only say that like myself, Mr. Meyerson was also very unfortunately detained under the 90 day clause. And it is possible that in the same way as the Special Branch have made suggestions to me and to other members, my other co-accused, they may well have made such a suggestion to Mr. Meyerson? I don't know? But I cannot remember saying such a thing to him. I couldn't imagine why I would say such a thing.

Do you know this gentleman Cyril Jones? ---Cyril Jones, yes, I know him

What do you know of him? --- Well, I've met him socially and our children go to the same school.

Where does he live? ---He lives in Cyrildene. And as a matter of fact, I think it's two years ago, when my daughter went on holiday to Cape Town, Mrs. Ray Jones kindly offered to look after her and she travelled together with them.

Was he also in the Congress Alliance? ---Not that I know - no. Not at all.

Did you meet him at meetings? ---No, I met him socially.

At which places? ---It's a long time ago. I'm trying to think where I met him. I'm not sure, at which place I met him.

At your place? ---No.

At the places of banned people? ---It could have been, I'm not sure.

Such as which places? ---I hesitate to commit myself because I am not sure.

Were there so many mixed , so many social functions? --- Oh yes, there were many.

At? --- At various people's places. Some were small functions, some were large functions.

Is that the way how you kept in touch with these members banned people? --- They were social gatherings. Some were for the purpose of fund raising and some were merely social gatherings.

Yes, but at the same time it served the useful function of getting together, to share views? ---I'm sure that people discussed things, yes.

Encourage one another? ---Encourage one another?

Encourage one another in the struggle? --- Well, all I want to say is that when I went to social functions I wanted to enjoy myself.

And create a bit of solidarity? ---It is possible, I don't know, you may be right.

And what was the association between your husband and Cyril Jones? ---Also on a social basis.

Did he also store some books there? ---Who? My husband?

Yes? ---Not to my knowledge.

If he did so, then you must have been left really in the dark about his movements? ---I don't think he did.

Do you know that your husband was very - shall I say, very friendly with Michael Harmel? ---Very friendly?

Yes? --- Both Mr. And Mrs. Harmel were :: friends of ours, yes.

/And...

And Jack Hodgson? ---No.

Why not? ---We were just not friendly with them. I can't tell you why?

And the Benjamin's? ---The Benjamin's, yes. As a matter of fact, during Mrs. Benjamin's detention, - not detention, when she served a sentence, I helped Mr. Benjamin quite a lot as far as looking after the children are concerned.

Did you also meet the Benjamin's at political meetings? ---Yes, Mrs. Benjamin.

In what organization was she in?---In the Congress of Democrats.

And Mr. Benjamin? ---No.

NO FURTHER QUESTIONS: MR. LIEBENBERG:

MR. BERRANGE : RE EXAMINES: Mrs. Barsel, your cross-examination started on the note which dealt with the question of religion? ---Yes, that is correct.

You have told his Worship in your Evidence-in-Chief that you were formerly a Zionist? ---Yes.

And that as time went on, you found that Zionism didn't have the answer to what you conceived were the people's problems? ---That is right.

What is your attitude towards religion? ---I have nothing against religion as such. I believe with the Freedom Charter that there should be freedom of worship, that there should be no restrictions imposed on people who wish to worship in whichever way they want to .

Yes? ---I, personally, have had a lot of association with clergymen who I have found to be extremely nice , honest and sincere people. They have done a great deal in the sphere of welfare work, particularly as far as the non-European people are concerned.

And although you no longer are a Zionist, are you

/prepared...

prepared or , to impose your views upon other people in the field of religion? ---No, certainly not. I feel that every person should decide for themselves .

Everybody should decide for themselves? --- For themselves.

What about your children? ---Well, as far as my children are concerned, I have never ever imposed my ideas on them. In fact, they attend synagogue fairly regularly. And I have no objection whatsoever. I feel that as they grow older they must decide for themselves whether they want to be religious or otherwise,

You have also told us of how you feel about war and the effects of war and you also indicated how you and your own family have suffered as a result of war?---Yes.

You were asked the question :"How could you support an organization such as the Friends of the Soviet Union? What could be gained from belonging to the Soviet Union?" And your answer was: "Friendship and understanding"? ---Yes.

What in your view, would that lead to insofar as the question of war is concerned? ---Well, certainly , if one country understands what is happening in another country, it would lessen the possibility of a war. There was a great deal of propaganda about the cold war and I feel that if there is friendship and understanding between one country and another, the possibility of war must of necessity be lessened.

I see. And as such you were prepared to support the Friends of the Soviet Union? ---Yes.

As an organization? ---Certainly.

Because of it's aims and objects? ---Yes. As did many other people.

Yes, well, we have already been told that there's

/prominent...

prominent and other people who have from time to time supported this organization. I don't think we need labour that point.

You were questioned at some length about this document 'The Revolutionary way out'. Do you remember? ---Yes.

And I'm not quite sure how it was put to you, but I think the suggestion was made that 'The revolutionary way out' is a document which in fact condemned terrorist activities of the Pan-African Congress type? ---Yes.

But appears to approve of organized violence, I think. I think the suggestion was put in that way to you? ---Yes, I think so.

Do you agree with either - with, would you agree with such a view? ---Whether it be organized or un-organized?

Yes? ---No.

What is your view on the matter?---On the..

On the question of violence? ---The question of violence generally?

Whether it be organized or whether it be of a terrorist type? --- I do not support either views. I believe that changes can come about in South Africa through internal and external pressures.

Yes, well, you've told us that quite often, I don't think I need labour that either? ---Yes.

Mention was made of 'The declaration of human rights'? ---Yes.

And you indicated that the Freedom Charter was to a large extent based upon that? ---Yes.

Do you know insofar as 'The declaration of Human rights' was concerned, how many countries inthe world support this declaration? ---Well, I know that it was signed at the United Nations General Assembly.

/Yes?...

Yes? ---I don't know how many nations are represented on it.

Well, let me put it to you in reverse. Do you know which countries have not signified their acceptance of 'The declaration of human rights'? --- I'm not sure about South Africa as a matter of fact. The declaration was signed on the 10th of December, 1948, when the Nationalist Party were already in power.

Yes. ---I'm not quite sure whether they were represented there or not.

In any event , this is a matter of historic knowledge, it can always be established. As a matter of fact, the only two countries in the world that haven't signified their acceptance are The Republic of South Africa and the U.S.S.R.? ---I see. Well, I wasn't sure about the Union of South Africa.

Now, in cross-examination, in regard to the first meeting that was held at the Meyerson's house - this is the one which Mrs. Altman asked you to attend, a great deal of cross-examination was directed specifically to the question of collecting funds for the two families that you mentioned? ---Yes.

But was that the major or the main reason for the meeting or was that purely incidental? ---No, that was one of the things that Mrs. Altman mentioned to me when she came to see me originally.

Yes. ---But I would say that the main purpose of the meeting was really to discuss Mrs. Altman's trip to Israel.

Her trip to Israel? ---Yes. And what she could do in connection with publicising. The whole political situation and in particular to try and establish a Defence in Aid, committee.

/I see...

I see. To establish a Defence in Aid committee in Israel? ---Yes.

There are Defence in Aid committees in other countries, by that I mean, other countries than the Republic of South Africa? ---Yes.

There's one in the United Kingdom? ---Yes.

And you say that one of the major topics , or the major reasons for this discussion was the fact that Mrs. Altman was going to Israel? ---Well, she had planned to go to Israel, yes.

And she had planned to see whether she could establish a Defence in Aid organization in Israel? --- That is right.

And what did she need for that purpose? --- She needed a great deal of information.

Yes? ---Some of which she could get direct from Defence in Aid, some of which she couldn't.

Yes? And it was put to you that Mrs. Fischer undertook to do quite a lot? ---Yes.

And your reply to that was 'she kept open house'? ---Yes

Would Mrs. Fischer be a person who would be of assistance in helping Mrs. Altman in doing what she wanted to do? ---Yes, I would say she would be the very obvious person.

The very obvious person? ---Yes.

We've been told this before and I just want to confirm it with you, that the Fischer's house is a meeting place for people of all races? ---That is correct. Always have been.

And Mrs. Fischer, I think, held periodic jumble sales there of a large nature where very large amounts of money were collected? ---That is correct.

And insofar as assisting the dependants of families or assisting the families of persons who had been imprisoned

/or...

imprisoned or detained or who are under trial. I may be doing my learned friend an injustice, he rather seems to scoff at the idea, but had you yourself got personal experience of the difficulties that families encounter when the bread-winner has been charged or is standing trial, personal experience?--- Yes, my husband was involved in the treason trial

And what did it mean to you? --- Well, it meant immediately that I had to worry about trying to make up the difference, although he maintained his job on a part-time basis it meant that I had to try and supplement the difference between what he was actually getting and what we were originally getting. And what I did, was, that was the time that I was working in an office, in a commercial office, and I decided then and there that I would leave to do a travelling job. But, it's not the same job that I referred to earlier. And I sold things on a commission basis from door to door. Books.

From door to door? --- From door to door, from office to office.

Did you find it a very trying time for yourself? --- Terribly trying time. But I did manage in that way to some extent, to supplement our income.

Yes? This journal 'Forward' that has been referred to, that is an old Labour Party journal that has been functioning..? ---For many years.

Since the year ... almost?---Yes, that is right.

And it has only just recently gone out of existence through lack of support, lack of funds? ---Yes. I believe so.

I think within the last few weeks? ---I think - yes, that is possible.

Do you know whether Mr. Alex Hepple had any connection with it? ---Yes, he did. He was the editor.

/And..

And will you tell his Worship who Mr. Alex Hepple is? ---Yes, Mr. Alex Hepple was a Labour Member of Parliament.

Yes? ---He is also connected with Defence in Aid.

Yes? ---I don't know what other information?

Well, the first is all I wanted. I wanted you to place him in the social strata ? ---Yes, he was a member of the Labour Party.

Yes. And a Member of Parliament? --- And a Member of Parliament.

Now, I don't know whether you are in a position to answer this question because you have been under detention since the 3rd of July, and I take it that you had been getting news through? ---From time to time, yes.

Do you know that in fact NUSAS. that is, the National Union of South African Students, has, during, or did, during the last few months of 1964, initiated a scheme for assisting prisoners in order to study? ---Yes. I did know that. I read it in the paper.

Yes. And that money has been collected by them for courses with the University of South Africa and the I.C.S.? ---That is correct.

What is the I.C.S.? ---I only know about NUSAS. I don't know about I.C.S.

Yes. Well, you know about the University of South Africa? ---Yes.

And arrangements have been made with them through NUSAS? --- Through NUSAS.

Yes. And that was after this meeting of the 16th of July? ---Yes, it was very recently, that I saw it.

Now, insofar as this remark is concerned, that you are alleged to have passed to Mr. Meyerson in regard to Goldreich and Wolpe, you've told his Worship that you have no

/recollection..

recollection ofitit, but that in fact the papers were full of the exploits of these two individuals? ---Yes.

And I understood you to indicate that it may have come up in discussion? ---It could have.

But what I do want to know from you is this - would you ever think of having a political discussion with the Meyersons ? ---No, it hadn't occurred to me to have.

You have heard the Meyersons themselves say that they were completely disinterested in politics? --- That is correct. And I understood that to be the position.

Yes. As a matter of fact, you went on to say in your evidence that had you considered the Meyersons to be politically interested, you would have told them what the meeting was to be about? ---Yes. That is correct.

I must say this is a new one to me. I don't know how new it is to you but have you ever heard of a journal called 'Peking News'? ---No, I have not. We did receive some pictorial pamphlets. But I've never heard of Peking News.

Do you know whether there is in fact such a journal in existence? ---Not to my knowledge.

No. You have told his Worship that you were not a member of the Communist Party? --- That is correct.

That you are not a Communist? ---Yes, I'm not a Communist.

You indicated to his Worship - I think this was under cross-examination, that there were numbers of things which shook your faith very severely -to use your words - insofar as the U.S.S.R. is concerned? ---Yes, that is correct.

And you mentioned them in your evidence under cross-examination. I'm afraid I must keep you a little bit longer in the witness-box if you will forgive me. But I'm afraid I must do quite a bit of reading.

COURT ADJOURNS:

/ON RESUMPTION...

ON RESUMPTION: Appearances as before:

MRS. BARSEL : Still under Oath : Continues Evidence:

MR. BERRANGE: RE:XD: Continues: Mrs. Barsel, you will recollect that during your cross-examination it was suggested to you that your defence was both a fabrication and an after-thought? ---Yes, I do recollect that.

And you will recollect that you told his Worship at the time that Beyleveld was giving evidence, - was to give evidence, what it was that your legal advisors asked you and what it was that you told them? ---Yes.

You will recollect that you told his Worship that you were asked whether or not you were not a member of the Communist Party? --- That is correct.

You were asked whether or not the meeting that you held at the Meyersons house, was a meeting of the Communist Party? ---Yes, of the area committee.

And you were asked what the meeting was about and why you met ? --- That is correct.

Now, I am going to read to you a number of questions together with the answers that were given to them, put to Mr. Beylevend during his evidence, for the purpose of asking you as we go along, whether these were consistent with the instructions that you had given to your legal advisors? --Yes.

Do you remember that Mr. Beyleveld was asked about the necessity for secrecy in holding meetings of this nature? ---Yes.

I'm reading from page 129 now - the question was as follows: "Well, I wasn't talking at any stage, I said 'you are a banned and listed person' "? -- "That is correct". "And if such a person as you wanted to meet people in other organizations or even persons just sympathetic to the Anti-Apartheid movement, it would be a dangerous thing to do

/because...

because you were not allowed to talk with and meet people of that type or with anybody at all" - the reply was: "I was at that stage not allowed to go to gatherings " - "And it would be very dangerous therefore, for you to meet people who belonged to other organizations with whom you would want to make contact?" - "Correct". "And any such meetings which you wanted to hold, would necessarily have to be held in secrecy" - "Correct". "And of course, so far as the Communist Party is concerned, members of the Communist Party often has meetings and discussions with members and officials in other organizations which were sympathetic to the Anti-Apartheid movement. All these persons generally opposed to the anti-apartheid policy" - the reply was : "Yes, I don't know, I suppose so. I can't, really can't"

Then you will recollect that Mr. Beyleveld was cross-examined for the purpose of establishing, that as the district committee meeting to which he had made reference, had been abandoned, there was no necessity to hold an area meeting to which he had testified and which he said this meeting at the Meyersons house was? ---Yes.

Particularly, it was put to him, in regard to this attendance, risks were involved in doing so? --- Yes, I remember that.

You will recollect that Mr. Beyleveld was cross-examined to establish at the plight of 90 day detainees and of their families, the need to publicise the effect of 90 days detention; the need to obtain financial assistance for the dependants of 90 day detainees, political prisoners; the need to provide it with educational facilities for prisoners and their children; and the need to obtain the services of more lawyers to defend in political cases, were urgent and

/burning.....

because you were not allowed to talk with and meet people of that type or with anybody at all" - the reply was: "I was at that stage not allowed to go to gatherings " - "And it would be very dangerous therefore, for you to meet people who belonged to other organizations with whom you would want to make contact?" - "Correct". "And any such meetings which you wanted to hold, would necessarily have to be held in secrecy" - "Correct". "And of course, so far as the Communist Party is concerned, members of the Communist Party often has meetings and discussions with members and officials in other organizations which were sympathetic to the Anti-Apartheid movement. All these persons generally opposed to the anti-apartheid policy" - the reply was : "Yes, I don't know, I suppose so. I can't, really can't"

Then you will recollect that Mr. Beyleveld was cross-examined for the purpose of establishing, that as the district committee meeting to which he had made reference, had been abandoned, there was no necessity to hold an area meeting to which he had testified and which he said this meeting at the Meyersons house was? ---Yes.

Particularly, it was put to him, in regard to this attendance, risks were involved in doing so? --- Yes, I remember that.

You will recollect that Mr. Beyleveld was cross-examined to establish at the plight of 90 day detainees and of their families, the need to publicise the effect of 90 days detention; the need to obtain financial assistance for the dependants of 90 day detainees, political prisoners; the need to provide it with educational facilities for prisoners and their children; and the need to obtain the services of more lawyers to defend in political cases, were urgent and

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burning issues and problems? ---Yes.

And do you remember that he was cross-examined to establish, to establish the above, that's namely, the things that I've already indicated to you?---Yes.

Were amongst the matters that were discussed at the Meyersons house? - on the night of the 16th?--- That is correct.

And also, the letter from Mr. Julius Baker, reporting the overseas meetings on sacctions? ---Yes.

And do you remember that he was cross-examined to establish that the persons who met at the Meyersons house were the right sort of people called upon for assistance to try to solve some of the above problems? ---Yes. I remember that very well.

Do you recollect that finally he was cross-examined and it was put to him that the meeting at the Meyersons was not a meeting of the Communist Party? ---Yes.

But a meeting called for the purposes set out? ---Yes.

Earlier. And that he deliberately and falsely called it a meeting of the Communist Party? ---Yes.

When it fact, it was nothing of the sort? ---That is right.

Now then, I just want to refer to this, at page 141, start there: "You see Mr. Beyleleld, I want to suggest to you that the decision that you came to , that was the decision to make a statement and involved the various people that he has done , was a decision whereby you were going to protect as much as you possibly could , the true members of the party, particularly those in the higher organs of the party. That is the decision you came to even though it meant, that in doing so, your having to give evidence against persons who were not implicated, that was a very difficult decision to come to". - "I deny that, emphatically". Do

/you...

you remember that? ---Yes, I do.

We'll come back to that aspect a little bit later. And you remember he was cross-examined, this was in regard to the reason why he didn't cancel the so-called area meeting seeing that the district committee meeting had been called off and there was nothing to talk about and it was put to him at page 172: "So you would rather take the danger of meeting unnecessarily?" "I did it in this particular case". "I beg your pardon?" - "Idid take the chance." "You think, what?" -"I say,I did take the chance of meeting". "Unnecessarily?" - "In this particular case, yes". "But you could have called it off, if you tried hard enought?" - "I could have"? ---I remember that, yes.

And then again at page 174, it was then put to him why he, even if he hadn't cancelled the meeting earlier, why he couldn't have cancelled it when he met the people who he said were members of the area committee. The question was put: "So when you picked up Mr. Levy, and when you picked up Mrs. Barsel, and picked up whoever else you may have picked up, you could then have cancelled them meeting if you had wanted to, couldn't you?" - "That is correct, we could have cancelled it"? ---Yes.

"You could have cancelled it before you arrived at the house?" - "We did not." "You did not?" - "No." "I want to suggest to you that the reason why you didn't - 'didn't' means, 'didn't cancel' - was because you knew perfectly well that it was not a Communist Party meeting? ---Yes, I remember that.

The reply is: "No, that was not correct". "It was a meeting for the purpose that I have already suggested to you". The reply is: "I have already said that the purpose

/that....

that Mr. Berrange has suggested to me, was things that happened over a number of meetings to that one, not specifically at that one."

And then at page 155: "There were a number of problems arising from these political trials" - "yes". "One of the problems I should imagine, was that seeing that so many trials were being held, was that of finding people who, sympathetically inclined to the anti-apartheid movement, would be able to defend persons who were being tried all over the country"? - "Yes, I knew about that." "That was a burning problem?" - "Correct".

On the next page, "A burning issue, a big problem? And another burning issue was the fact that as a result of the trials, hundreds of dependants had been left destitute and that also must have been a matter of discussion in your organization"? --Yes.

Reply was: "Correct". "They were being left destitute not only as a result of - I don't know, this must be a misprint" - 'the power of themselves' - but as a result of arrest under 90 days , under Section 17, and as a result of conviction?" - "Yes, that is correct." "And a further problem that was presenting itself to your organization, was the question of the children of the parents, the question of education for these children and looking after these children?" - reply:"Correct". ---Yes.

"And it was a mttter I take it, that was discussed often as to what steps should be taken for the purposes of seeing that these children don't suffer,from the point of education?" - Reply: "I know it was discussed, I wasn't concerned with any sort of organizational committee who looked after that." - "I didn't ask you that". - Reply:

"I knew that it was discussed and it was a problem." "It was a problem, it was one of the issues that arose during that time?" Reply: "Correct." "And of course, something that I'm sure must have been discussed over and over again, was the question of what outside help was being organized in the struggle against the Govemment"? ---Yes.

Reply was: "Yes." "I mean to say, I suppose you people were desperately anxious to ascertain what amount of assistance could be coming from outside". - The reply was: "Correct". "And that steps were being taken by organizations outside to assist you people?" - the reply was: "Correct". "And to bring pressure onto the present Government?" - Reply: "Correct". "And the type of pressures that I take it were discussed, were matters of great interest to you?" -"They were pressures such as boycotts, sanctions and those sort of things? " - Reply: "Correct".

"And also, I take it, that it was of concern, was the question of what finance could be obtained from outside for the purpose of assisting both for the defence of the people who are being charged and also for the assistance to be given to dependants" - Reply: "Correct".

And at page 159 - I then started questioning him about why he had said to the police that this was a meeting of the 16th of June - do you remember? - I put it to him that the first thing that the police mentioned was their observation that they had made of his being seen at the Meyersons house,? ---Yes.

So is your evidence this that you have told us on a number of occasions,"you told his Worship a number of occasions that the police had mentioned to you meetings that they knew about and the only meeting that you can remember now, is this one meeting of the 16th of June?" - "Reply: "That is correct." "You can't remember any of the other meetings

/that...

that they mentioned that they spoke to you about?" - The reply was: "No."

And at page 163 dealing with the people who has met at the Meyersons house, it was put to him : "Now, you have told us that you have known these people who were there for a long time?" Reply: "That is correct." "And you also knew a great deal about their political affiliations and what their political activities are?" "That is correct." "You had been - (I interrupted myself) - "You know of course Mr. Levy, the vice -principal at a certain college? ---Yes, I knew that.

"And you also knew that Mr. Levy was very sympathetically disposed towards organizations and movements, that had as their main objective, getting rid of the apartheid policy of this Government?" - "Yes, Mr. Levy and I had been on the same organization for many years." "And Mrs. Barsel you have known for a long time? " - "That is correct." "And you have also known her to have the same form or type of sympathy for people opposed to the racial policies of the Government as you have mentioned in regard to Mr. Baker and Mr. Levy?" - reply : "Correct". ---Yes.

At page 164: "And you also know that she is, one of the things that she is very, very good at is in the organization of collecting of funds, fund raising? She is very well known for that,?" - the reply was: "Yes, correct." "And Mr. Baker of course is, I hope you won't mind my terming him that - he is a left-wing attorney. His sympathies are, as with Mr. Levy, as with Mrs. Barsel, with organizations and actions which are trying to get rid of the Government?" - reply: "Correct." "And he is also a man who has, to your knowledge, appeared in a number of trials of political nature? " - "Yes, Iknow about that. " "In

/which...

"It was the last meeting that I attended of the area committee, the European area committee of the Communist Party." - "You need only admit or deny, I didn't ask you whether it was the first or the last or the second meeting. These matters that I have already suggested to you, which you agreed, were burning issues at that time, were the matters that were discussed, I want to put it to you at that meeting on the 16th?" - Reply: "No."

"And let us start off now one by one. Just prior to this meeting of the 16th, you will remember that a sanctions conference was called in London, and if I remember correctly, it was called by Mr. Segal"? - Reply: "Yes, I know about the conference." "That was a matter of great interest to people such as you?" "It was some time prior to that, it was two or three weeks prior to that?" - "That may be, I'm not sure of the date". "And that was a matter of great interest to people such as you or to people such as those who attended the Meyersons house on the 16th of June? It would necessarily be, wouldn't it?" - Reply: "Yes, correct." "And you know of course that Mr. Julius Baker, that is the brother of Mr. Louis Baker ?" - "Yes, I know him" - "Was in London"? ---"Correct." "And you know of course that he was very active in doing what he could do in the anti-apartheid movement?" - "That is what I understood."

"And one of the things that was discussed during the social evening which you had that evening, was the fact that he had sent a message to his brother Mr. Louis Baker in regard to what activities were being carried out in London in regard to sanctions and boycotts and the raising of funds. Do you remember that? " - "No , I don't remember that. I know that a report was received from London, from the people in London, either parties, setting out their participation

/or...

participation or their co-operation in calling this particular conference which were circulated to members. And that was one of the things that was of great interest to you people at that time, wasn't it?" "Correct, we circulated the report".

"And one of the things that were discussed too, was the question of how to provide for the relief and the assistance of the dependants which was also a burning issue at the time." -"That was often discussed". "I didn't ask you whether it was often discussed , I was putting a specific question to you as to whether that was discussed on the 16th of June, 1964, in the Meyersons house?" - "No, I can't remember that that was specifically discussed on that particular occasion." - "I want to put it to you that that is, and the other topics which I have already mentioned to you, is a reason for your having got these people together to this house because these were the very sort of people who could do this sort of work that you would like or that the party would like to have had done." - "I deny that that was specifically the reason for this meeting." - "Can you?" - Reply: "Yes." "And I want to put it to you, the question of the education of children was discussed that night?" - "No, I don't remember that." "And I want to put it to you that the question of how one could get more lawyers, sympathetic and interested, so as to enable them, so as to enable them to secure their services in need for political trials" - "That is one of the things that was discussed." "There again I don't remember."

"You don't remember that? The only thing you can remember that was discussed that night, was the fact that you came along to say that the district committee meeting hadn't been able to meet and that therefore there was no point in holding a meeting?" - "That is correct." "And after that

/you...

you sat for an hour in this room in the Meyerson's house and you can't remember what you spoke about?" - "We talked, we may very well have talked about some of those issues that you have mentioned."

And further on at page 169: "I want to put it to you , one of the things that was suggested was that Mr. Levy, Mr.Norman Levy , regard being had to his contacts at the University, should make contact with fellow students there in order to attend, to try and get a group to raise funds to attend to education and to publicity. That was discussed at the meeting some months prior to that one, that you can remember?" - The reply was :"Yes." "That you can remember, but you say it wasn't discussed that night?" - "No, I don't remember it being discussed that particular night, I don't think it was." "Because he would be the natural person to go to this meeting for the purpose of doing that sort of thing, if you wanted to, wouldn't he?" - "Yes." "And Mrs. Barsel would be the natural person to get to this meeting for the purpose of organizing and collecting funds and conducting a fund raising campaign. Wouldn't she?" - "Yes." "They would be natural persons?" "She would be the natural person" . "And Mr. Baker would be the natural person to get to this sort of meeting if you wanted to get more legal assistance. If you wanted to get some-one to interest more attorneys and more lawyers in your cause?" - "Yes, but it was discussed at meetings prior to that one, also." "These were the very people that you would get for that purpose, wasn't it?" "It is discussions that have taken place over months at this particular meeting." "And this was five days after Rivionia that this meeting was held, wasn't it?" "No." "Five days after the conclusion of the Rivonia - and I was

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interrupted - this was during 1964, it was a year after Rivonia." "Im talking about five days after the conclusion of the Rivonia Trial. Five days after that, when this was a burning issue, there were dependants of the accused there, there were also the dependants of a number of accused in other parts of the country who had all been arrested and tried." "I agree that all these things were discussed. I say they were discussed over a period of meetings prior tothat one." "This was a critical period, five days after Rivonia, when all the other trials were still pending, wasn't it?" - "All these things were critical over a period of months. It didn't become critical all of a sudden in the middle of July." "And became even more so then. Do you suggest there was no discussion about this?" "There may well have been, I don't specifically remember it in relation to that meeting. I remember all these things in relation to a number of meetings. It took place over a couple of months".

"Now, I want to suggest to you that that is the reason why you got these people together because you wanted to co-ordinate your efforts and you wanted to get something really going at that time?" - "I deny that".

"And it was also at a time shortly after this conference in London had been held, the sanctions conference, do you deny that?" - "I'm not denying it was at that time.

"Mr. Beyleveld, it was dangerous for people like you to meet the way in which you say you did meet. Wasn't it?" --"It was."

And at page 175, I put it to him : I've already read read out this part where I pointed out to him that they could have cancelled this meeting if in fact it was an area meeting, if he had wanted to and he said "We could have cancelled it."

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I then put it to hii : "I want to suggest to you the reason why you didn't was because you knew perfectly well that it was not a Communist Party meeting and again I put it to him, and he said : "No, that is not correct. That was a meeting for the purposes that I have alreadys suggested to you " . And "These were the right sort of people, were they not, to do the sort of work which I suggested were the burning issues at that time? - immediatly after Rivonia, they were the right sort of people, werman't they? ---Reply: "Correct." "To have there?" - "Correct".

"And Miss Middleton, she was a teacher and also an educationalist?" - "Yes".

"She could play her part there too, could she not?" - "Correct".

"And doing the sort of thing that I suggest was required, was the education of the children, and the dependants, in attending to that sort of thing?" - Reply: "Yes."

And then I put to him again and asked him why he didn't cancel the meeting if it was a Communist Party meeting, he says: "I didn't cancel it."

"You would rather take a chance in being observed as you were observed?" - "We did, unfortunately".

And at the bottom of page 175: "You were a banned person, you were not allowed to talk to any of these people, were you?" - "I wasn't allowed to attend a gathering".

"Yes well, this was a gathering?" - "Correct." "It was a gathering, so therefore, there wasa great need for secrecy?" - Reply: "Correct."

"And that's why it was necessary to engage a room in the way in which it was engaged at which you could meet in secrecy even though it was an innocent meeting and not a

/party...

party meeting"? --- Reply: "Correct."

"It all falls into the picture, doesn't it?" - Reply: "Yes."

"And so you have again given evidence, or you can again give evidence - (I don't know how it should read) - of having attended the meeting with these people, evidence which would be as I have already suggested to you once before, nearly completely correct, 99% correct. And all you have to do in order to bring your evidence in the ambit of the indictment, is say that it was an area meeting, if you wanted to?" "If I wanted to, possibly, but that is not the correct position."

Yes. That's all you need to do, isn't it? To add one little thing and say 'this was an area meeting." "No, I think that is over-simplifying things".

And 177 - "In any event, come back to my question, that is this: "In order to a make your evidence consistent with the allegations in the charge-sheet, knowing that the police had observed this meeting, because that was the first thing that they ever mentioned to you when they first questioned you, all you had to do is to add one little bit and say, 'this is a meeting of the area committee'. That is all you had to do wasn't it?"- "I merely had to state the facts once I made a statement. I didn't add little things here and there as is suggested."

And page 179, which I have already read to this Court, to, I think it was Mr. Schermbrucker - I said to him: "Again I want to put it to you, just to put your evidence in issue, that within the general scope of my client's plea of not guilty, that your evidence in regard to my client is untrue?" - "I deny that."

"Again, we have to regard you as a loyal member of the

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Communist Party, and I'm suggesting to you that you are still a loyal member and that if you substituted the names of members of the central committee or you substituted the names of other members as being members of the central committee, and some of the members of the area and the district committee, and if you said that this meeting of the 16th of June was an area committee meeting when in fact it was something else, you would be telling a story which would be 90% true only with the substitution of the content of the meeting and the substitution of the names". Do you remember that? ---Yes, I do.

"Such an easy thing to do, wouldn't it, if you wanted to? " - "If I wanted to, yes, but I deny that I did."

"And it would then leave your evidence intact, and it would also leave the true leadership of the Communist Party intact, and you would get your indemnity?" - "I deny that." "And the leadership of the Communist Party would still be left to function ". - "I deny any such.." (he was going to say 'any such thing'.)

Now, were those questions that I put to the witness, consistent with the instructions that you gave me? ---Yes, they are.

And one last thing that I want to ask you about, you were cross-examined at some length by Mr. Liebenberg , who suggested to you that the type of thing that you wanted to discuss and attend to, viz., the question of education for prisoners, the education for children, the question of legal assistance, the question of assistance for dependants and forthe families of political prisoners and all the matters that you have spoken about, could very well and very easily have been done on the telephone. And you have

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already told his Worship that it's inceivable to suggest that this sort of thing could be done on a telephone because, as you have told his Worship, it's necessary to discuss these things and to try and find out what type of constructive suggestion would be forthcoming and then to decide what should or could be done about it? ---Yes.

But leave that part aside. What have you to say about the advisability of having any conversation on the telephone? ---Well, I have already said that first of all, there had been police surveillance and it is not unlikely that telephones had been tapped.

Do you think there was a single person in the organizations which were opposed to the Government policy, who is not satisfied that telephone conversations are recorded, and that it must have been done for years? ---It has been generally accepted.

Generally accepted? ---Yes.

Throughout the years? ---Yes.

NO FURTHER QUESTIONS: MR. BERRANGE:

COURT: I have a few difficulties, you might be able to help me with them. They may be due to my misunderstanding your evidence or my notes being wrong. Don't hesitate to contradict me if I am wrong.

Do I understand you correctly that during 1963, you had a full-time job and a very difficult job and that you had to give up fund raising over that period? ---To a very large extent. I did very little. Actually, 1962, is when I started the job.

1962? ---In 1962, yes. And I think I explained to your Worship that I had taken over a round that had been neglected and that I had a great deal of work to do in order

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to work it up into any sort of remunerative job.

I find it a little bit difficult to understand why, when Mrs. Altman came to see you, why you didn't explain to her that you hadn't been able to do any fund raising and that she should rather go to see Mrs. Fischer about her problems? ---About fund raising?

Well, about the problems of these two detainees? --- Yes, may I explain that in the course of my job, I started in 1962, and I had worked up quite a reasonable connection. And there were times when we were not terribly busy. Our particularly busy period is over Christmas time and it started, I would say, about September, October when I was almost completely incapacitated as far as political work is concerned. When Mrs. Altman came to see me it was in March, 1964 , which is not in a very busy period in my employment. And I did say to Mrs. Altman that I thought I could possibly help in this connection. But again, as I explained earlier, Mrs. Altman said that it was necessary for a few people to get together to discuss not only fund raising but also this problem about Israel.

Mrs. Fischer had been engaged on this type of work? --- On fund raising?

Yes? --- That is correct.

The question of dependants of detainees was nothing new, that law had been in force for some time, there must have been plenty more dependants of detainees who had to be assisted. How did you know that Mrs. Fischer didn't already have a fund going for these people? ---That Mrs. Fischer hadn't?

Yes? --- I understand that Mrs. Fischer didn't have a fund going but that she had worked with various people in

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order to collect funds for dependants. In fact, as I said, I have on numerous occasions been out with Mrs. Fischer.

Well, it seems to me under those circumstances, normally you would have either sent Mrs. Altman to see Mrs. Fischer, or else given Mrs. Fischer a ring and asked whether any funds were available in these two particular cases? --- Well, actually as it happened when we arrived at the meeting, it..

No, I'm talking about the visit of Mrs. Altman to your house? ---It was such a short visit, it was five minutes.. as I explained, when she came into my house my husband was very upset about the fact that another banned person had come in and I walked with Mrs. Altman to the car and there was very, very little discussion, I don't think that we discussed it for more than five minutes. And it was then agreed that it was impossible to discuss it in this manner. It was then that she suggested that we should have a meeting.

Well, wasn't that all the more reason why you should refer her to Mrs. Fischer then, who was the most suitable person to organize such a meeting? --- To organize such a meeting?

Yes? ---But when I actually arrived at the meeting, and as I explained earlier, the main purpose of the meeting was not so much the fund raising aspect, but more the aspect of collecting information which would assist Mrs. Altman when she goes to Israel. Actually, the discussion finished much more around that and Mrs. Fischer herself had undertaken to collect information . And I explained to the meeting that I was not in a position to collect this sort of information -

Yes, excuse me interrupting, but you are rather going off at a tangent at the moment. I'm concerned with the

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visit of Mrs. Altman to your house? ---Yes?

And as I say, I find it difficult to understand why under circumstances, you didn't take the easiest and obvious course of asking her to go round and see Mrs. Fischer who would have been able to give her the most up to date information' ---Well, in the five minutes that I had with her, we didn't discuss all these problems . And I didn't know.. it's the second time I saw Mrs. Altman . You remember sir, that I had to first get the place, which I did, from the Meyersons, I then went to...

Yes , but might just as well have had that meeting at Mrs. Fischer's place, if you had referred Mrs. Altman to Mrs. Fischer? ---No. Because Mrs. Fischer and Mrs. Altman could not meet together. They were both banned people.

But they did meet? Mrs. Fischer used to have the jumble sale..? ---Yes, but not with banned people.

She was banned herself? ---Yes, but she wasn't banned all the time. At the time when Mrs. Fischer was banned, she was not allowed to associate with other banned people. So that I don't know in what way Mrs. Altman contacted Mrs. Fischer, she may have sent a message to her.

If Mrs. Altman wasq quite prepared to take the risk of coming to see you, why shouldn't she take the risk of going to see Mrs. Fischer? ---I'm not a banned person.

But she is banned? ---Yes, but Mrs. Altman is allowed to speak to me. I'm not a banned person. But she is not allowed to communicate with other banned people. That is the position. The thing is, that my husband is a banned person but she hadn't come to see him, she had come to see me. And I'm neither named nor banned.

Yes, I do appreciate that. ? --- So it was perfectly

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in order for Mrs. Altman to come to my house. But not in order for Mrs. Altman to go to Mrs. Fischer. So how she contacted her, I don't know.

So then you arranged forthis meeting, for yourself, Mrs. Altman, Mrs. Nokwe and then you found Mrs. Fischer was also in the party? ---Yes. I actually didN't even know whether Mrs. Nokwe would be at the meeting. It was purely an arrangement that Mrs. Altman had made.

Mrs. Altman told you about Mrs. Nokwe, that Mrs. Nokwe had been to see her? --- That is correct. But I didn't know that Mrs. Nokwe would be at the meeting until I saw her, until I met with the people. And all I do remember saying to Mrs. Altman was, in line with what I promised the Meyersons, is that there should not be more than six people. In fact, we were four.

It was the first time that you had ever known Mrs. Meyerson, your visit to her? ---Yes, that was the one and only occasion.

What made you think that she'd be prepared to accept a multi-racial party at her house? ---I had no indication that she would or wouldn't. It is quite possible that she may have had objection. But I didn't know that Mrs. Nokwe would be there and Mrs. Altman didn't tell me.

Then after this meeting you collected R30? --- About R30.

And that was the first money you had collected for a couple of years, I understood your evidence? ---No, it wasn't actually the first amount. I collected odd bits here and there which I used to take to Mrs. Fischer or I'd collect some jumble and take it to her. But for this specific thing, that was so. Again over the Christmas period of 1963, I did absolutely nothing, say from about September to

/December...

December, I was completely out of any sort of political work. And it was in fact January, 1964, that I went to see Mr. Meyerson when we had a fairly slack period.

Now after that Mrs. Fischer apparently decided to start some committee and she interviewed you and she also interviewed this Mr. Beyleveld? ---Yes, she originally had discussions with Mr. Beyleveld, she told me.

Now, I find it difficult to understand why Mrs. Fischer instead of calling a meeting, of say, herself, her husband, a representative of legal aid, and having a meeting at which she was present, should first interview Mr. Beyleveld, and then interview you and asked you two to put your heads together and hold a meeting in her absence? ---May I explain that? As far as Mr. Fischer was concerned, he was very much involved in the Rivonia Trial and he was busy from morning till night , in fact when I went to Mrs. Fischer's house, nobody was allowed to see Mr. Fischer, he was so busy with the Rivonia trial. And as soon as the Rivonia trial ended, she and her husband left for Cape Town. That is the one point. The other point about Defence in Aid - it's not Legal Aid - it's called 'Defence in Aid', is that they were concerned with legal defence. Our meeting was concerned with raising funds for families of political detainees, and political prisoners.

And for Aid in Defence. That is why Mr. Baker was asked? ---Yes, partly. It was partly to be of assistance to Defence in Aid and partly to ask him whether he would be prepared to undertake sabotage cases, which Defence in Aid did not deal with.

I can't understand how you can overlook Aid in Defence and not ask them to send a representative to your meeting?---

/To...

To ask Defence in Aid to send someone?

Yes? --- Well, I understood that Defence in Aid were asking people all over the show to try and do whatever they could to assist Defence in Aid. Mr. Beyleveld himself was associated with Defence in Aid and knew their problems. And Defence in Aid was so busy and so involved in their own organizations, and I understood that they were only too happy and they in fact asked people if they would form separate committees apart from Defence in Aid itself. In order to raise funds. And in fact, I understand that several of these committees are functioning.

But I can't understand why Mrs. Nokwe had been left out of this second meeting, seeing she was one of the sponsors of the first meeting? --- What purpose would she have served?

What purpose could she serve at the first meeting? --- Well, at the first meeting she was asked and she agreed to collect information about various peoples who had been imprisoned and about their families and so on. That was not the purpose of the second meeting. The purpose of the second meeting was certainly, as far as I was concerned, was fund raising where Mrs. Nokwe couldn't help. I know that Mrs. Nokwe had done herself what she could do in the line of providing groceries and clothing and so on. But really what we wanted was something much better than that. It's very difficult for an African woman to collect large sums of money.

I'm not quite sure why you arranged to use Mr. Meyersons premises if you at the time, had so little time for fund raising, for your fund raising activities?--- No, in June it was all right.

But you made this arrangement in January? ---You mean, originally made arrangements in January?

/Yes?..

Yes? ---Yes. As far as I was concerned, I could do quite a bit of work say, between January and almost say up to September. But from September to December, it is my busy period.

But all you did , and between January and June, was to hold one meeting which was fortuitous in view of the fact that Mrs. Altman approached you, and you attended a second meeting only because Mrs. Fischer was not able to attend? That seems to have been the sum total of your fund-raising activities or meetings for the first six months of the year? ---No. I would say that had Mrs. Fischer attended the meeting in my place, I am almost certain that she would have asked me to serve on such a fund-raising committee, on a finance committee, rather.

You were then nearing your busy time again.. ---I had the rest of June, I had July, I had August, which was quite a period. And I did from time to time collect money, it wasn't that I didn't do anything at all. But it was extemely limited, and whatever monies I did have, I used to hand over to Mrs. Fischer. I often used to sell jumble out of hand, the jumble that I had at home and whatever money I raised from that, I used to take to Mrs. Fischer.

Then Mrs. Altman was in fact, really the only customer you had, if I may put it that way, to as-regards fund-raising for those six months? ---The only customer?

Yes? ---No, well, the only time that we arranged a meeting, that is correct. But outside of meetings I always used to collect. I mean, I didn't have to really have a meeting for every occasion when I went out to collect donations I knew that the need was there and whenever I could, over week-ends, which was then really the time that I had at my disposal, I used to go round to people to collect money.

/But..

But I do admit, sir, that it was on a very limited scale. Whatever I had I used to hand over to Mrs. Fischer.

Another point that gives me a little bit of trouble, is this, you say that the Meyersons house was to be used for meetings with banned people in connection with raising of funds? --- That's what it was in fact.

I can't quite see how banned people can very much help as far as bazaars, jumble sales, dinners and things like that is concerned? ---No, that evidence referred to a long period prior to that . Dinners and bazaars. I mentioned that evidence in connection with New Age and Guardian.

What sort of help did you want from these banned people which you wished to interview in Mr. Meyersons house? ---Well, I wasn't the convenor of either meeting. The first meeting was at the request of Mrs. Altman.

I agree to that, but why then ask Mr. Meyerson whether you can use his premises in order to meet banned people if you weren't going to use these banned people in any way? --- Well, Mrs. Fischer was going to give them work in this connectio - she was going to collect information.

But you used to visit Mrs. Fischer very, very frequently? --- No, but I was not the convenor, it was Mrs. Altman who wanted to have this meeting, it was her problem. And she could not contact Mrs. Fischer.

I'm talking about the original request to the Meyersons, as to whether you could use their premises to interview banned people for the purposes of fund raising. What help did you expect from banned people in fund-raising when you approached the Meyersons in the first instance? --- When I approached the Meyersons in the first instance, it was merely a sort of general thing. It was not related to anything specific . As I mentioned to your Worship

/earlier...

earlier, banned people used to come to my house.

Did you arrange with those banned people that you in future would go and see them instead of them coming to see you? ---Yes. That is perfectly correct. But I couldn't anticipate that every banned person would come to my house. For instance, I didn't anticipate Mrs. Altman's visit. Mrs. Fischer didn't come to my house after that? Because I had asked her specifically not to, She happened to be a personal friend of mine. But Mrs. Altman did come and obviously it hadn't got round to Mrs. Altman that we didn't want banned and named people to come to our house.

I still don't understand very clearly why you ever took the trouble to arrange for the use of these premises in January? What d id you anticipate using them for? ---I anticipated the necessity,that the necessity would arise at some stage where I would need to meet more than one banned person and the necessity had arisen. Because it often happens that more than one banned person for instance, would come to our house. Now say, two or three banned people came into the house it would already constitute a gathering, it would be terribly dangerous. One might come for one reason and another might come for another reason. But already they were not only endangering my husband, but themselves,were endangering themselves? And that sort of thing did go on.

The question of study by prisoners and detainees? --- Yes?

The big problem there would involve money for books and correspondence courses. The problem was really one of finance rather than anything else? ---No, apparently it wasn't only the problem of finance. As I've explained, since I have been at the Fort, some of my co-accused have wanted to study and there has been objection by the prison authorities. Now,

/it..

it seems to me that other political prisoners had similar problems. So on the one hand it was finance, on the other hand it was the question of permission to study , the courses that they would do and so on. And it was with that in mind, that we discussed this whole question. It wasn't really only the financial aspect which I admit is quite a big thing.

Who actually suggested Mr. Levy as a member? ---Mr.Levy?

Yes? --- When I went to see Mr. Beyleveld, he said that he had discussed it with Miss Middleton and that they thought that Mr. Levy was a good person. So where the original suggestion came from, I don't know.

One would normally think that if they were working at the same place, there would be an overlapping there and you would take either one or the other? ---At Regis College?

Yes? ---In - an overlapping in the sense of..?

Duplication, two people from the same source? --- Except that it was explained to us that at the meeting, by Miss Middleton, that she wouldn't be able to attend any more meetings of this nature because she was committed to various other things. And that she would give assistance where she could, either to Mr. Levy or to Mr. Beyleveld. Really what Miss Middleton was to deal with, was with publicity more than the question of education, as I understood it.

Publicity is merely fund raising, isn't it? ---I beg your pardon?

I say, publicity in this instance, would merely mean fund raising? ---No, not at all. It would mean doing the publicity for 90 days.

Oh, the 90 days publicity? ---Yes.

I'm a bit curious to know as to why you found it necessary to collect funds to assist the New Age and the

/Guardian..

Guardian. What was your interest in the New Age and in The Guardian?--- As far as the New Age and the Guardian is concerned, it was about the only paper which gave me news about the Congress Movement. That was really my concern in New Age. As far as international news is concerned, pictorials and that sort of thing, I wasn't so interested. But when I read New Age, I got information about what was happening with A.N.C. for instance in Port Elizabeth or Durban or wherever it was, and it gave me a better picture of what.. Why collect funds for them?
- Why not just buy their paper? --- Well, I supported it in that respect. Because I felt that it was answering a need. It was, I think Mr. Schermbrucker said that it had a tremendous circulation and it was a paper that was very widely read. And the sort of Congress news that I got in it, I supported. And I wanted it to go on, I wanted other people to read it.

Did you actually start this committee after the meeting on the 16th of June, 1964? ---No, I'm afraid I didn't. I was detained on the 3rd of July.

Yes, that I do appreciate but..? ---I had given it some thought. But as I have mentioned to your Worship, the only time I was able to do any work at all, was over week-ends and in fact, the only constructive work I did as far as that is concerned, was to sell a bit of jumble and the money I raised from that, I had on me at the time of my detention.

Yes, thank you, that is all I wanted to ask you.

CASE REMANDED: 17/2/65.

I, the undersigned, hereby certify that the aforegoing is a true and correct transcript of evidence recorded mechanically in the case of: State vs. A. Fischer and others.
(Belts 234 to 241 incl.)

Transcriber: G. Parsons

APPEARANCES AS BEFORE.

NORMAN LEVY Sworn states:

EXAMINATION BY MR. BERRANGE: Mr. Levy, are you or have you ever been a member of the Communist Party ? --- No your Worship.

Are you a Communist ? --- No your Worship.

Do you believe in Communism ? --- No.

If you are asked, are you prepared to give reasons why you do not believe in Communism ? --- Yes, most definitely sir.

At the time of your arrest I believe you were the principal of St. Regis Private School ? --- I was the vice-principal or co-principal of Regis College.

Regis College, I'm sorry. --- Yes.

And for most of your adult life you have always been in the field of education ? --- That is so sir.

COURT TO MR. BERRANGE: I'm sorry, would you mind speaking a little bit louder please ? --- Yes, I am sorry sir.

EXAMINATION BY MR. BERRANGE CONTINUED: You are an educationalist and you have been for most of your life ? --- That is so sir.

You formerly and for a number of years were in the Transvaal Education Department ? --- Yes sir.

How old are you ? --- I am 35 years.

You are a married man ? --- Yes.

Have you children ? --- Yes sir, three children.

And in latter years I think you have also been in contact with the University of the Witwatersrand ? --- That is so sir.

I think you were doing a course there on a bursary ? --- That is so sir.

And I also understand that for a number of years you have been active in the Anti-Apartheid Movement ? --- That is so sir.

When did you first become active ? --- I would say in the early fifties, round about 1953/1954.

And it is correct is it not that you have always been implacably opposed to the Government's Apartheid policies and racialist ideology ? --- Yes sir.

And you are also prepared if asked to give reasons for your beliefs ? --- Yes.

And for your opposition to the Government's policy ? --- That is so.

And I take it that you will also be prepared to give full details of your anti-Government and anti-Apartheid activities if either the Prosecutor or his Worship is interested in inquiring from you ? --- I would be most willing to do so.

Do you know the witness Mr. Pieter Beyleveldt ? --- Yes, I worked with him for a long time.

And I think that prior to your arrest you and he were friendly ? --- Yes, there was a long background of friendship and work with Mr. Beyleveldt. I knew Mr. Beyleveldt from my membership of the Congress of Democrats late in 1953 until its dissolution right up to the end of 1962. I was a friend of the family, I coached his son for his entrance exam. to the St. Martins School.

I don't think we need go into any details, I just want to establish that you have been very friendly. And by the way, so far as the Congress of Democrats is concerned you have heard evidence here that - it has been suggested I should say, that after the Congress of Democrats was banned it continued to function underground ? --- Yes, I

have heard that evidence sir.

Is there any truth in that ? --- No sir, there is no truth in that at all.

Would you just tell his Worship shortly what happened in so far as its dissolution was concerned ? --- Your Worship, towards the beginning of 1962 the Minister of Justice had mentioned in Parliament and outside Parliament that - he had indicated that he wanted to ban the Congress of Democrats. The Congress of Democrats had discussed this very frequently and I think it was somewhere around July, decided ...

July of which year ? --- July 1962.

Yes ? --- ... that it would no longer continue to exist, that if the Minister did ban the organization it would dissolve and advise its members accordingly, and it did so.

Were there any dissentients to this suggestion or resolution ? --- The National Executive Committee of the Congress of Democrats heard the views of the members of its various regions in Durban, Cape Town and Johannesburg. The majority viewpoint of the membership was that the Congress of Democrats should dissolve. There were some people who felt that that was wrong. The National Executive Committee discussed it and decided that - it accepted the viewpoint of the majority of the members of the Congress of Democrats and made its decision to dissolve and communicated that decision to its regions.

And it did in fact dissolve ? --- It did in fact dissolve.

Now, I believe that at the beginning of June last year you were involved in a motor accident ? --- That is so sir.

And your motor-car was out of commission ?

I understand it was your wife who was involved.

--- That is so sir.

I'm sorry. And your motor-car was out of commission for quite some time ? --- Yes, as a matter of fact for a very long time.

On the 16th of June, was it still out of order - out of commission ? --- Yes, the accident took place at the beginning of June sir, and it was a complete write-off. The motor-car was a complete write-off.

Now, during the two weeks prior to the 16th of June, did you see Mr. Beyleveldt during that period ? --- Yes your Worship.

How did you get home during those two weeks, from your work ? --- Mr. Beyleveldt on occasions gave me lifts home, my employer would give me a lift home or I would have to take the bus.

All I want to establish is that Mr. Beyleveld gave you numerous lifts home ? --- Yes your Worship, over a long period Mr. Beyleveldt had often given me lifts home.

Your duties at St. Regis, did they involve your remaining late at the college ? --- Very often sir, I worked late. I worked till 7 or 8 in the evenings and sometimes much later.

Now, coming to this meeting of the 16th of June, you have heard Mrs. Barsel's evidence as to the reason for the meeting ? --- Yes sir.

The nature thereof and the type of thing that was discussed ? --- Yes your Worship.

Is there anything with which you care to disagree in regard to what she said ? --- No sir, in the main I think that she described very accurately what had taken

place at that meeting.

Are you in a position to remember everything that was said and in the order that it was said, or are you only in a position to be able to give a general picture ? --- Only a general picture your Worship - it was a long time ago.

Now, you as an educationalist, I understand, were asked to undertake certain tasks ? --- That is so your Worship.

And after the 16th of June, did you in fact busy yourself with doing some of the things that you were asked to do ? --- Yes.

We have been told that one of the problems that confronted you people at that time was the question of education not only for the children of dependants but also education for convicted persons ? --- Yes your Worship.

Now, did you make any inquiries in regard to what could be done in this direction ? --- Yes your Worship, I made quite a number of inquiries. Shall I tell his Worship of the inquiries ?

Yes. First of all, in regard to education, for the purpose of implementing the position, what was required in so far as materials were concerned ? --- Your Worship, largely the problem was of books, funds, bursaries and finance.

I see yes. Do you know this organization called Defence and Aid ? --- Yes your Worship.

That - I don't know whether your Worship is aware of the matter, that is why I am leading the witness on this matter.

COURT: I know nothing at all about Defence and Aid.

MR. BERRANGE: Yes, Defence and Aid has got nothing what-

soever to do with the Legal Aid Society ? --- No sir, not as far as I know and I don't think it has.

This was an organization which was set up primarily for the purpose of assisting political prisoners and their families ? --- That is so.

And from time to time they used to issue bulletins ? --- Yes.

And can you give us some of the names of the persons who were on this committee which ran Defence and Aid ? --- I don't recall many of the names. I know that Dr. Koch or Mrs. Ellen Helman was one of the persons connected with Defence and Aid.

Well, that's the same person. It's Dr. Ellen Helman ? --- Yes, that's right.

Mrs. Koch ? --- That's correct.

Her husband is a physician specialist ? --- That is right yes.

Dr. Ellen Helman sir. She is a very well-known person in this country, is she not ? --- That is so yes.

Mr. Alex Hepple ? --- Yes, he too was on that committee.

We are told that he was a former member of the Labour Party ? --- Yes, he was a Member of Parliament for a long time.

And what about Mrs. McPherson, do you know her ? --- I know of her.

Was she on the committee ? --- Mrs. McPherson may have been on the committee. Yes, she was a member of the committee.

She was a former Johannesburg City Councillor ? --- I think she was actually the Mayoress of Johannesburg at one time.

And she was the Mayoress at one time ? --- Yes.

And Miss Hayman ? --- Yes.

She is an attorney ? --- That is so.

And Mrs. Jaff ? --- I don't recall the name sir.

Mr. Borkum, do you recall him ? --- Yes, I know Mr. Borkum. He is related to me.

What is he ? --- He is my brother's father-in-law.

I know, but what is his occupation ? --- Oh, he is an attorney.

And Mrs. Davidoff ? --- I know of Mrs. Davidoff.

Was she on the committee ? --- Yes.

And who and what is her husband ? --- Her husband was formerly a Member of Parliament. I don't think he is at the moment - he isn't at the moment.

You know you are dropping your voice all the time and I am finding it difficult to hear, and I am sure his Worship is also. --- I'll try and speak up.

What did you say about Mr. Davidoff ? --- He was a Member of Parliament for some time.

And a number of other people ? --- Yes. I don't know all their names.

You say that Defence and Aid used to issue a number of bulletins or news letters from time to time ? --- Yes sir.

Now, in June of 1964, did Defence and Aid, so far as you are aware, find itself in difficulties in so far as providing for the defence of various people concerned ? --- Yes your Worship, at that time they were in tremendous financial difficulty. I understood that for the first time in their history they were turning away cases.

Yes, I have a bulletin here which I shall put in through you, dated June 1964 and headed: "Defence and Aid

Fund News Letter", which starts off: "Defence and Aid Fund is turning away cases for the first time in its short history. At the time of the last issue of our bulletin the Defence and Aid Fund had never turned away any case falling within the scope of the Fund's constitution. Now the Fund lacks money to finance all those who seek its help." --- Yes.

"Cases which merit assistance are continually coming before the court throughout South Africa and the Fund has been forced to turn them down. Because there is no money, cases which may entail long-term imprisonment are going undefended."

And it points out: "This is not because the Fund pays high fees to lawyers."

And this bulletin - I don't want to read it all out - deals generally with the number of people that they have defended, the number of people who have been charged, the number of people against whom charges have been withdrawn, the number of people who have been acquitted, and in regard to 90-day detentions it says: "Following upon the introduction of the 90-day detention clause hundreds of detainees were held in solitary confinement. Many of them for more than one period of 90 days. For two reasons the question of legal assistance for detainees did not arise; The purpose of the clause is to obtain information which was rather to suspect the detainees might have, and 2. Communication with any one including lawyers is forbidden.

Still the Fund was able to help may distraught relatives to trace fathers, mothers, husbands, sons and daughters who had 'vanished' following arrest." --- Yes.

"Families of non-White detainees have often sought

their relatives from gaol to gaol. People who had originally been 90-day detainees began to appear before the courts in November 1963."

And then it deals with the number of cases which the Fund had handled since 1963, and it gives cases of specific hardships in regard to individual families. And it also deals with its Cape Town office of the Fund. It obviously had an office in Cape Town. Did you know that ? --- I think I had heard that it had an office in Cape Town.

And it deals with the question of the Fund being drained of resources, with political apathy, and it ends up with an appeal, saying: "We dare not forget. We ask you most urgently to help us." --- Yes your Worship.

COURT: May I have a look at that ?

Exhibit 61.

MR. BERRANGE: I regret the underlining sir. It was done by somebody in the defence team in order to take out the salient and the essential points.

(To witness): So, I understand that you were asked to attend to the educational side and do what you could in regard thereto ? --- That is so your Worship.

Now first of all, did you contact Defence and Aid in regard to this aspect ? --- Yes sir, I contacted Defence and Aid.

Did you get certain information from them ? --- Yes.

And unless you are asked by a representative for the State I am afraid it is hearsay and you can't tell his Worship what information was given to you, but in so far as education is concerned, did Defence and Aid - was that one of their tasks ? Did they undertake anything in regard to education ? --- Not the Defence and Aid committee as such.

Did you ascertain from Defence and Aid any information in regard to the number of people who were serving sentences and who were on trial ? --- Yes, I did your Worship.

Now, what about the Quaker Service ? --- I made inquiries about the Quaker Service too.

Yes, what did you find out ? Were they able to give any assistance ? --- I found out that the Quaker Service did offer an educational service as well as a welfare service.

An educational as well as a welfare service ? --- Yes.

How were they off for funds ? --- The Quaker Service had very little funds as far as I could understand.

Did you ascertain anything in regard to any bursaries that they might have or bursary funds ? --- Yes, I did sir, and discovered that they had very few bursaries available and what they had was committed.

What they had was ? --- The number of bursaries that they had were committed.

Were committed ? --- Yes.

And they couldn't absorb any more ? --- That is so your Worship.

How many families did they cater for, do you know, at that time ? Did you ascertain ? --- Yes, I did find out how many families they did cater for. If I remember correctly they gave books and school fees to about 130 or 160 families.

They provided books and school fees ? --- That is so.

COURT: To families of detainees ? --- Those were families of detainees yes. Detainees and/or convicted prisoners. They weren't only detainees.

MR. BERRANGE: Detainees or ? --- Or dependants of convicted prisoners.

Now what about charches ? Did you make any inquiries from any of the churches - the religious bodies ? --- I made inquiries from the Research Department of the Race Relations in regard to bursaries offered by the churches and I ...

Wait a moment. The Race Relations, that is the South African Institute for Race Relations ? --- That is so.

That is a completely non-political body which is purely a fact finding organization ? --- Yes.

And what did you discover in so far as bursaries are concerned in relation to the churches ? --- I discovered that there were very few bursaries available from religious orders. I asked of the - specifically the Roman Catholic, the Anglican and the Methodist churches and I was told that the bursaries that these churches did offer were largely local and were limited and committed.

Were local, limited and committed ? --- Yes.

Now, you have already told his Worship that you had connections with Nusas ? --- Yes.

Actually you didn't. You said you had connections with the university which, I take it, also ... --- Automatically made me a member of the National Union of South African Students.

Did you talk to members of this organization in regard to your needs ? --- Yes sir.

And in fact you will recollect that it was brought out in evidence yesterday, they have set up a committee, have they not ? --- Yes, I heard that, but in so far as the assistance of political prisoners and others with study.

And ? --- Political prisoners and non-political prisoners with study.

For study ? --- Yes.

And of course it is not so easy Mr. Levy to make arrangements for convicted prisoners to carry on their studies because after all Prison Regulations enter into that aspect ? --- That is right sir.

What did you do about that ? --- I made inquiries from Nusas to what the problem was - what the facilities were at the various gaols for study, and although they were vague about the problem they had gone into it and from what I gathered it was again a problem of finance. Shall I go into the detail of that your Worship ?

Please. --- The problem there was that books could not be sent direct to the convicted prisoner but permission had to be granted by the Commanding Officer of the particular gaol, and study regulations differed from gaol to gaol. And what had to be done was that the prisoner himself had to make application through the Commanding Officer for permission to study. The Commanding Officer would then make the inquiries at an approved university or at a college for books or for study material, and the prisoner would be responsible for the financing.

At that time was Nusas doing anything to assist in so far as study facilities for political prisoners is concerned ? --- As far as I remember, Nusas said they had a Defence and Aid Committee from some way back which dealt with legal defence of students on political charges, but they had not got very far in assisting convicted prisoners in gaol with their studies. They had a committee I think that had been established to go into the matter. I think Nusas was thinking on the lines of providing courses for

political prisoners in gaol, but they had come up against the problem of the Prison Regulations and I don't think they quite knew how ....

Have you any idea or did you ascertain at that time how many people were being catered for by Nusas in this way ? --- I did ask them. I think it was under 20 sir. I don't remember the exact figure.

And did you do anything about the University of South Africa in order to see what you could do in that direction ? --- Yes, I obtained a copy of the University of South Africa's calender and found a detailed list of the courses that they had available. There were many but it seemed if the university was - the courses were very expensive.

They were ? --- The courses were very expensive but there were very many available to prisoners who wanted to follow them.

You were arrested when ? --- On the 3rd of July 1964.

If you had not been arrested, would you have pursued your investigations and done what you could ? --- Yes sir.

And lastly Mr. Levy, Mr. Pieter Beyleveldt says that not only were you in the Communist Party and on the Area Committee, but that you attended certain meetings which he specified as Communist Party meetings. What do you say about that ? --- That is entirely untrue sir.

NO FURTHER QUESTIONS BY MR. BERRANGE.

CROSS-EXAMINATION BY PROSECUTOR (MR. LIEBENBERG):

Mr. Levy, do you always speak the truth ? --- Yes your Worship, I think so.

You never tell lies ? --- No sir, I try to tell the truth.

You have principles have you ? --- Yes sir.

Are you a Jew ? --- I am, sir.

Are you a visitor or a frequenter of the synagogue ? --- I was up to the time of my marriage your Worship. When I married an Anglican I no longer went to synagogue but I have always given religious instructions at school, always attended religious instruction and believe in God.

So, you say you attach some value to the oath ? --- Yes sir.

Belt 243.

You never tell lies when it suits you ? --- No sir.

Of which you are ashamed today ? --- I may have told a white lie sir in my life, but I don't think I...

Have you ever written anything of which you are ashamed today ? --- Not at all sir.

Never taken part in any activity of which you are today ashamed ? --- If you are referring to my activity in the Congress of Democrats sir, I am proud of it. If you are referring to my activity in the Congress of Democrats sir, the answer is I am not ashamed and I am proud of it.

No, but you are an educationalist Mr. Levy ? --- Yes sir.

You have high principles in the educational field ? You don't for instance believe the is a clamour today to keep education out of politics ? --- I would say sir that education is one of the liberal fields. I don't see that education and politics have anything to do with each other in the classroom, but they are not entirely unrelated.

But you don't object to introducing politics into the classroom ? --- I do object to introducing politics in the classroom. I object to indoctrination in any way.

You object to that ? --- Yes sir.

Why do you object to that ? --- Because I feel that people should judge for themselves, that children need to have the facts put before them and they should be left free

to make their own decisions. They don't need to be indoctrinated or to be preached to. Their function is to be taught by teachers.

Wasn't education just a means of earning a living for you ? --- No sir, I would say that I earned a very good living and sometimes a very poor living as a teacher, but I enjoyed teaching and was rather idealistic.

Yes, I think I must get on to this topic straight away while we are talking of your high principles.

Look at this book. Is that your signature there ? --- Yes sir.

And it bears the stamp of the St. Regis - Regis College ? --- Yes.

That is a book of a student of the St. Regis College ? --- That is a book of Regis College yes.

And I see you made notes - marginal notes where ... --- I have not had a chance to look through them but I did make marginal notes yes.

Yes, and on a few places you put the stamp of the school ? --- Yes. I would not say that was one of the neatest books sir.

No, but this book belongs to a child of form III, English ? --- May I look at the book again sir.

Form III, what class is that ? What is form III ? What is the equivalent ? --- Standard VIII your Worship.

Do you know that individual ? --- I know this individual your Worship. I think this needs a little explanation. The book is of a girl who was a student at this college. I think she was a student up to the end of last year. She was in Std. VIII at the time of this - obviously in Std. VIII from the label and the cover of the book.

Will you speak into the microphone please ? --- She was in Std. VIII from what I see from the cover and label of the book. It was my task to look at all books of all teachers from all students in the college. As it happens she was not a student of mine: This particular teacher was, I think, Mrs. Marsh, and this was her pupil and the signature attached to the book is an indication that I had seen the child's book, that I had noticed that the teacher had marked the book, I had looked at the progress that was being made by the child, and the comments - the marginal notes on the left-hand side of the page are not mine, but of Mrs. Marsh, the teacher of this child.

And I take it you examined the comments of the .... --- Your Worship, I examined the comments of the book at the time. I remember the teacher concerned. It was not my function to cross out any comments made in a book of a child - any teachers' comments made in a book. Any discussion that I had, would be with the teacher and not through the medium of the child via the book.

Yes, but this child wrote what I regard as a fair essay here on the future of South Africa, and she says: "The eyes of the world are on South Africa. Every move we make is front page." Then there is a note: "Not quite." --- Your Worship, this essay was written for another teacher. The views expressed in the margin are the teacher's views.

Yes. --- The teacher made views about the comments of the child, she would be doing one of two things; either the child had been illogical in her approach to the essay or in her discussion of the subject, or if the teacher was expressing her own view on the subject, I would take the matter up with the teacher.

Now the essay continues: "We have many problems but if we all stand together it can be overcome." Forget the grammatical errors. Now, then there is a note: "Who? Black and White ?" --- Yes.

It goes on: "Given time, everything will be solved. We have always had it in this country." Oh, I should read the preceding sentence. "One of our greatest problems is Apartheid. Given time, everything will be solved. We have always had it in this country." Then there is a note: "This is absolute nonsense Clara." --- Your Worship, I would say that I wouldn't have made those comments in the child's book. I must read the essay again to have a look at the child's logic.

Yes, you can read it again. --- Firstly, and I had nothing to do with that sir.

But you initialled it ? --- I initialled the book sir, because I initialled all books that I had seen, but it wasn't my function to comment in the child's book unless the child had been sloppy in his or her work or had not been doing her work or her book was untidy. That was the purpose of my seeing it. You should keep the teacher on her toes and keep the child on his toes.

You initialled this book four days after the child had written this essay ? --- This is possible sir.

On the 13th ? --- I was trying to do that as much as I could.

Then the child makes what I regard as a constructive statement. She says that we are no longer dependent on other countries for our petrol and oil refining. She deals with Sasol and the efforts to produce oil in this country. Then there is a marginal note again: "Incorrect. For a very, very small proportion of our needs." --- Your

Worship, if you took some of the history books of my students, I think that the comments there would be interesting to you. I have never let a child get away with a bald statement. The child had to make a reason for it. That isn't one of my students.

She says: "In the near future we hope to have our own oil", and there is a note: "Very little hope". --- Those aren't my notes your Worship. And as I have said, I could talk to the teacher but not to the child.

Then: "As the immigrants are saying, we do not have to go overseas to see other countries because we have everything if not more here." Then there is a note: "A very narrow view." Then in the end there is something I can't read and then: "Yes, you have some good points but you completely ignore possible dangers to South Africa, or don't you realize them ? "

Now, is this not introducing a bit of politics into the educational field ? --- Your Worship, I would say that all teachers - not all teachers but many teachers may try to introduce politics into the classroom. It was never my policy to encourage teachers to introduce politics into the classroom. I myself never introduced politics into the classroom and I don't believe indoctrinating children and I wouldn't have made those remarks on the side of the page there, or all those remarks.

But these remarks strangely enough seem to coincide with your views ? --- Your Worship, they may coincide with my views, I don't say that they do. I would not have taken them at that level with that child and it was not my function to discuss my views sir.

Are you suggesting that none of these notes was made by you ? --- Your Worship, I'll have to have another

look at the book to see whether there were any notes made by me, but the book was the book of a student of another teacher.

No, look at that essay now. --- I'll look at all these here.

I'm concerned about that essay, I put to you now: "The future of South Africa". --- Your Worship, there are no comments of mine here in my writing.

But the strange thing is that you signed your name in red and thosed comments are all made in red ink also. --- The comments - I'll just get the - first of all your Worship ...

Look at the essay "The future of South Africa", don't page through the book Mr. Levy. We haven't got all day. --- I'm looking for the page where the date stamp..

Yes, I have directed your attention to that one essay "The future of South Africa" and you keep on paging through the book from beginning to end. --- Well, I have lost it again sir.

Can you let me have the book please ? --- What I was looking for sir, was to see whether the date stamp was before that essay or after it. It seems to me that the date stamp was before that essay, but perhaps I had mixed the pages up.

Yes, just look at it please as it stands now. That date stamp is immediately following that essay. --- Yes sir.

And it relates to that essay ? --- Your Worship, the date stamp does - is stamped on the same page as the essay but it is merely an indication sir that I had seen the child's work and that I had seen the book and I had

seen that it had been marked. It did not reflect anything of my view of the child's talents or her essay sir.

You can see for yourself that that article or those notes seem to discourage the child's positive thinking ? --- Your Worship, I had that girl again in - not again ...

COURT: Start off again please ? --- At that time this child was in std. VIII. I had her in my class in std. X, in matric, and I think that I tried to encourage her as much as possible. She was a very promising student. I think she got a first class for her J.C. I don't know that she got it in English, but during the period that she spent with me in the matric class she was very promising and I think I gave her as much encouragement as possible. If you could produce one of those books, I might be able to indicate to you.

PROSECUTOR:

I am referring you to that. Why do you side-step the question ? --- Because sir, that wasn't my book. It wasn't my student.

Those comments there, those comments in relation to that essay certainly did not encourage positive thinking on the part of the child ? --- Your Worship, I could not write in that book, Mrs. Marsh you have written these remarks.

No, no, I am dealing with this - the practice of this Regis College Mr. Levy, and it's interesting to know or to hear from you that another teacher made these comments. So I want to ask you whether this is the type of policy that the Regis College followed ? --- No your Worship, that was not the policy that the college followed.

And the principal endorsing those comments ? --- Your Worship, I did not endorse the comments. I endorsed the teacher's work and the child's work.

And when the child says there that: "Given time, we can solve the problems in this country" then the teacher says: "You are talking absolute nonsense" ? --- Your Worship, the teacher may have been attacking the child's logic, I don't know the essay but it was not my student and it was not my acceptance of the child's work.

Yes, and when the child indicates the sort of optimistic approach to the conditions in this country, then you finish off by saying: "Do you realize the possible dangers to South Africa ?" --- I have explained my attitude to that sir.

And you signed this. You must have read these notes ? --- Your Worship, I would get a pile of books from each teacher for each subject right throughout the school. There were possibly 20 subjects, there were probably over a dozen teachers. I would look at the book, skim through it. Occasionally I would have an opportunity of reading the essay through if for one reason or other I needed to, and make a comment in the child's book.

My question is that you were so violently anti-Government in your outlook on the conditions in this country that you wouldn't have objected to anything like that happening at your school ? --- Your Worship, I object to indoctrination. If it had come to my notice that a teacher was indoctrinating in a classroom, I would take steps with the teacher. I could not obviously do it through a pupil.

And if this teacher in a very subtle makes remarks here, wouldn't you agree that she was trying to direct the mind of the child in a certain direction ? --- Your Worship, I would not approve of the remarks that were made there, but I would definitely not be able to say anything

in the child's book.

No, that is not the question. The question is that in a very subtle way this teacher was directing the child's mind in a certain direction ? --- I oppose that sir and I would object to it.

Yes, no, but do you agree that these remarks, these comments here seem to suggest to the child that she should think in a certain direction ? --- Your Worship, I don't know. I haven't had an opportunity of looking at that thoroughly. I wouldn't have made those remarks. I wouldn't be able to answer your questions to say whether the teacher was trying to direct the child's mind to other channels. She may have planted her logic, she may have asked her to consider other views, she may have asked her to look at the problem more broadly. I can't say sir that she was trying specifically to direct the child's mind into a specific way of thinking. I should think sir that if the child had written an essay that was opposed to the policies of the Government and that the views put forward were reasoned and logical and well-written stylistically, grammatically, that her teacher would not have made - could not possibly have had anything to criticise her for. She may not have agreed with her views, but she would certainly have to credit her for what she had said.

When she says that we have everything in this country if not more, then her insular outlook is criticised ? --- Could you repeat that sir ?

When she says we have everything in this country if not more, I say then her insular outlook is criticised ? "Very narrow view". --- As I say your Worship, I didn't write those views. If she wrote them I don't know what she had in her mind. I know that I woulan't have made a

statement like that and I wouldn't have encouraged anyone to criticise a reasonable view that was put forward.

Why did you sign this ? --- Your Worship, I have explained to you that what I find was that I had seen the child's book, that the teacher had marked the essay and that work was being done and that the child did not need to be reprimanded for laziness or indifference or a poor attitude to her work. It was checking on the staff and it was checking on the children.

You and this teacher would have felt very happy if this poor child had written that Apartheid is a menace to this country and that we are on the brink of disaster ? Then you would have felt very happy ? --- It might have pleased my views your Worship, but if she had written it badly and her logic was unreasonable, I would have been very critical. And your Worship, I would say that when a child puts forward a view that might please me, I always made the child think about it. I taught history right through the school from std. VI to matric and whenever problems that made children think, arose, I always made them think of all sides and if here were any books before the Court that could prove that, that would certainly be shown.

I am concerned with your view which coincided with this Mr. Levy. In your Congress of Democrats propaganda you were always putting this alternative to the Government policies: South Africa drifting towards - heading for a clash which on one side the forces of reaction and on the other side the forces of Fascism ? --- Your Worship, I think you are being unfair. I did not endorse those views, I did not criticise those views, I didn't write those comments on the side of the book, I didn't encourage the teacher

to make those views. If the child had come to me and said politics is being spoken in the classroom, I would have spoken to the teacher. If I had any complaint to make against the teacher, I made that complaint but I think it's unfair to me to suggest that I am responsible for that child's work or those comments in that book.

I suggest that you as a vice-principal having signed this, must take the blame Mr. Levy. --- Your Worship, I don't know whether I spoke to the teacher about that particular book. I don't remember it at all. It could very well be that I had done, but I don't, I don't remember. I could not indicate to you whether I had done through the book, I could not make any notes blaming the teacher or criticising the teacher on a child's note-book.

Why didn't you ? --- Well your Worship, I think that would undermine discipline. It would undermine the authority of the teacher.

Is this one of the teachers that you had got into Regis College ? --- I don't follow that question sir.

This Miss Marsh or Mrs. Marsh, did she get there through your instrumentality ? --- No, she didn't sir. I don't understand what you are aiming at.

And Miss Middleton, did she come there through your influence ? --- Mrs. Marsh applied for a position at Regis College. She was interviewed by myself and the co-principal and the proprietor of the college, and she was accepted onto the staff. Miss Middleton made application to Regis College. She was interviewed by myself and the co-principal and proprietor and she was accepted onto the staff. No one was engineered onto the staff. People were taken there for their professional qualifications.

You tested their political views too ? --- No sir.

Why not ? --- Because a staff was appointed for its competence in the educational and teaching field, not on its political views.

No, but you are such a dedicated anti-Apartheid exponent Mr. Levy, and an idealist educationalist, why wouldn't you get people on that staff there who could foster this very ideal that you had in mind ? --- Your Worship, it wasn't a political school or a - they weren't political classes that I was running. I was conducting a school that catered for children from std.VI to matric. They followed a syllabus, they were there to receive educational instruction and that is what they got sir.

This is a purely private school ? --- Yes.

Financed how ? --- Your Worship, it was a private school registered with the Union Education Department and with the Transvaal Education Department, and it was open to the inspection, both of the inspectorate of the Transvaal Education Department and of the Union Education Department.

No, I am concerned about the finance. Now you tell me about the Education Department again. I am asking you about the finance. --- It was a purely independent school.

Who financed it ? --- It was financed by proprietor.

Yes, now answer the question. --- The name of the person was Miss Leibinson. It was a company sir.

COURT: The name of the person ? --- The proprietor was Miss Leibinson. She was the sole director.

PROSECUTOR: Was this a strong company ? --- You mean ?

Financially ? --- Financially, no sir. As a matter of fact the school has had tremendous difficulties. I

understand now that they have decided that it was no longer possible for them to continue running it.

Did your salaries compare favourably with those of the Education Department ? --- Yes, I should say very favourably.

About the same or better ? --- I would say that on the whole they were far better than the salaries of the Transvaal Education Department.

Did you support Miss Middleton's application for a post at this college ? --- Yes, I knew Miss Middleton to have been a very good teacher at the school that she was previously.

Yes, and you also knew her as a Congress of Democrats member ? --- That was incidental sir. If I knew her to be a poor teacher, I would not have supported her application.

No, unless you had some ulterior motive in your education Mr. Levy ? --- Your Worship, I had no ulterior motive in indoctrinating children. Miss Middleton's subject was to teach English literature and she did that. If Miss Middleton went into a classroom and indoctrinated those children, I would have been highly surprised and I would have criticised her and dismissed her if she continued to do it. That was not the purpose of the school and it wasn't the function of teachers.

And I suppose you encouraged the children to hand their work to their parents to show their parents what sort of work they were doing at school ? --- Yes your Worship.

Then the parents could read these lovely comments here and start thinking about them ? --- Yes your Worship, if the parents - if the child showed the book to the parents and the parents felt that the child was being

unjustly dealt with, the parents could quite easily have contacted me and I would have had no hesitation in discussing the matter with the teacher.

But didn't the parent contact you ? --- No sir.

I understand this parent was furious ? --- Your Worship, this parent did not contact me.

That is why he went to the police with this book ? --- Your Worship, I have no knowledge of this parent contacting me at all. This parent may have contacted Miss Leibinson who, as I said, was the proprietor of the school and the co-principal of the school, and she could very well have had that discussion with her, but I am quite sure that Miss Leibinson would have contacted me immediately had the parent come to her with this, and showed it to me. Otherwise there would have been no means of correcting the matter.

So, does this come as a surprise to you then ? --- Your Worship, I had not read that essay. The comments in that book as far as I can remember, I am most surprised to see it.

No, but is today the first time that you hear that there has been objection about the comments ? --- In this book, yes your Worship.

But you signed most of these essays. Why wouldn't they approach you ? --- Your Worship, the parent could contact either my co-principal or the teacher concerned. It is possible that the parent contacted the teacher and I didn't know about it. In which case it was wrong of the teacher not to tell me. I would be surprised to hear that my co-principal was contacted and that I wasn't spoken to about it.

Then if the parent had gone to complain to the

officials at this college and you were not told about it, then I suggest it was because this college accepted this line as natural in its outlook on education ? --- Your Worship, I can't see that that construction can be lent to that. The logical thing for a parent to do if she doesn't agree with - if she feels that her child has been unjustly dealt with, is to see the principal, to see the teacher and to remedy it.

Yes, and if they had seen the principal and you weren't told about it ? --- If they had seen the principal and I wasn't told about it ?

Yes. --- Again sir, I would be ignorant of it, but I would be surprised to hear that I would not be told about it and that someone - that a complaint had been made about a teacher of which I was unaware.

I suggest that you wouldn't be told about it because that fitted in with the policy of the school ? --- No sir, the proprietor and co-principal of the school is completely uninvolved in politics. The teachers of the school are not members - were never members of the Congress of Democrats as far as I know, except for Miss Middleton. They had no decided political views and it was never the policy of the college to employ teachers for their political point of view. They were appointed because of their qualifications and for their competency.

Do you agree with me that these remarks "Absolute nonsense" in relation to the Apartheid policy having existed in this country always ? --- Your Worship, I think I don't agree with the comments put there. I wouldn't have made those comments myself, but I think it unfair to charge me with it. Particularly since I

am not responsible for the - I wasn not responsible.

But you had a dual duty Mr. Levy. You had to see that the teacher did his work properly and that the child's work was correctly marked ? --- Yes your Worship, I saw that that was conscientiously marked. I don't know that my eyes struck all the comments that were made. What I wanted to see was that the child - that there was work in the child's book, that the work was fairly regular, that the teacher was marking the book and that there were no complaints about the child. My function was that sir, not to examine piece by piece what the child had written. If the teacher was aware that the progress of the students were being watched, the teacher would be on her toes. If the child was aware that his progress was being watched, he too would be on his toes. That was the function of my signing it.

Your function was to check on the teacher as well

Belt.244. as on the child ? --- That is so your Worship.

Yes, and if the teacher made such strong remarks as "Absolute nonsense" in regard to a mild statement, you don't think that is improper ? --- Your Worship, I think that improper.

On the teacher's part ? --- I think it improper on the teacher's part. I would not make such remarks myself but my function would be to deal with the teacher and not to write counter-remarks on the child's book. It may very well have been, if those remarks had been pointed out to me or if the parent had complained, that I would have spoken to the teacher about it. But as it happened, none of that took place.

The parent couldn't get redress at this college and had to go to the police for ... --- Your Worship, I

say that that is so wrong and so unjust and an untruth sir.

What is unjust? --- That the parent couldn't get redress at the school because she felt that her child was being unjustly dealt with. I say sir that the parent never contacted me. The parent probably didn't contact the proprietor of the school, otherwise I would have been contacted by the proprietor and I would have been told about it. But I think it would be untrue to say that the school was conducting a political education of young people and that it was its prime object.

You will agree with me that these remarks are very strong justification for such a view ? --- Your Worship, I think that that possibly is an isolated instance in thousands of books that I saw.

These remarks are a strong justification ? --- Your Worship, I can't comment on that.

Why not ? --- I have given my views. Because I feel sir that if the teacher had made those remarks and they had been pointed out to me, I would have addressed myself to the teacher very strongly.

But don't you - you have just said that you didn't agree with these views ? --- No, I would not accept the remarks made by the teacher.

Yes, but now if these remarks are accepted at their face value, they indicate one thing and that is that politics were introduced into the education ? --- Your Worship, that title "The future of South Africa" is a title taken from one of the standard public exam papers. I expect that that was quite obviously given to the students as an essay topic and they were asked to give their views on it. It was wrong for the teacher to put her particular views. I don't know whether she was referring

to the child's logic. I know only sir that I wouldn't have made remarks like "Absolute nonsense" on the child's book unless the logic was completely impertinent.

She is not referring to the logic. When she speaks of the possible dangers to South Africa that this child was overlooking, and when she was condemning that statement about apartheid having been in this country all the time, she is not dealing with the logic only, she is dealing with the political aspect. --- Your Worship, I think that the teacher had no right to make such a comment, but it can't be laid at my door sir.

Yes, but again I put it to you that these remarks and this very outlook this person who made these notes seems to have had, agreed very strangely with yours ? --- Your Worship, that may be so. I don't know that Mrs. Marsh's views and my views were at one and they probably are not, but in all the subjects that I taught, I would always encourage a many-sided viewpoint and I would never make remarks like that. I would always encourage the utmost thought amongst all my students.

Yes Mr. Levy, that is what you say today. --- Your Worship, it would be on record on any set of books that you look at.

When it comes to questions of apartheid and policies of this Government, you are not going to tell me that you would have tolerated any opposite view. --- Your Worship, if I was given a chance I could quite easily obtain a set of books that would indicate my attitude to the students and to teachers.

I suggest that where you were dealing with these immature children you thought this was a good chance of indoctrinating them ? --- I think that would be unfair

and cruel.

Why would it be unfair when your whole life ambition is to see the abolition of apartheid in this country ? --- Your Worship, I don't think that that has anything to do with the matter you have put to me. My political attitude towards racial oppression has got nothing to do with the indoctrination of young children. I oppose indoctrination of young children and I oppose racial hatred. The two are not connected.

You had to find some way of putting across your point of view Mr. Levy ? --- Your Worship, I did not put across my view to 13-year-olds and 16-year-olds, nor was it my function to make political comments or political speeches in the classroom.

You could have done it ? --- My object at school was to teach and I did.

Yes, you could have done it. This was a private school. --- Your Worship, it made no difference to me whether it was a school of the Transvaal Education Department or a private school. I have always held that a teacher has a responsibility and I always accepted that responsibility and carried it out.

And if education was an excellent means of making contact with people and putting across your views, why wouldn't you make use of it ? --- Your Worship, I don't believe that that is my function as an educationalist to put forward the views of the Congress of Democrats or put forward any views that I might hold. My object was to teach according to the syllabus and according to the schedule of work and I did that to the best of my ability with no introduction of political thought.

Now let's analyse your activity in the Nusas or

on the Wits campus. Did you indulge in political activity there ? --- No your Worship.

Did you speak to students about politics there ? --- No your Worship.

Were you supposed to form a little committee to revive the Congress of Democrats ?/--- No your Worship.

Were you supposed to contact youth there in order to interest them in politics ? --- Your Worship, I was never active on the campus at the Witwatersrand University. I left the Transvaal Education Department in 1960. I took up a position at this private college in 1961. As a matter of fact sir, I left the Transvaal Education Department in 1960. I joined the Transvaal Education Department after leaving the University in 1960 for economic reasons and stayed with the Education Department until the end of 1960. In 1961 I took up a bursary at the University of the Witwatersrand. I joined the private college where I taught and spent very little time at the university and I was at the university from 1961 throught 1962, '63 and 1964 for a very little time of the day. I did not participate in student activities. Not sir, because I thought it was wrong to or because I didn't want to, it was because I neither had - I never had the time to do so.

Did you meet some of these accused there ? --- At the university ?

Yes. --- Possible your Worship I might have seen Miss Neame at the university, otherwise I don't think any of them were ...

She was in the same group with you ? --- She was never in any group at all with me. I don't know what your Worship ...

She was placed there at the instigation of the

Area Committee ? --- No your Worship.

Transferred to your group ? --- Your Worship, I know nothing about that. I do not know what you are referring to.

And she was called Rosy ? --- No your Worship.

And you were called Bentley ? --- I deny that.

All these are fictitious names ? --- Yes your Worship.

Introduced here into this Court. --- As far as I am concerned sir, I know nothing about it.

And what bursary was this that you had got for study ? --- It was a University of the Witwatersrand bursary given by its bursary committee.

To study what ? --- It was a Bachelor's degree sir.

What degrees incidentally did you have ? What qualifications ? --- I was - I had graduated from the College of Education in 1954 and I joined the University of the Witwatersrand in 1960 and again in 1961 for a Bachelor of Arts degree, and I wrote my final exam in Political Philosophy and Political Science at the end of 1963.

Are you a Bachelor of Arts ? --- Yes.

Now, you say you wrote that in 19... ? --- The end of 1963.

End of 1963. ---- So your Worship, as you can see that my activity at the school where I was very busy, very preoccupied and any activity on the campus of the university was completely incompatible. It was not possible for me to do that.

Why couldn't you do it in the evenings over week-ends ? --- On the campus of the university ?

Yes, and meet the students, talk to them ? --- For two reasons your Worship. The one reason was a very

practical one and that is that with so little time at the university it was necessary for me to devote as much as possible to my studies, to my marking, to administrative work of the college and of course the university isn't open over the week-ends.

Didn't you try to emulate Joe Slovo ? --- In what way your Worship ?

To revive the activity at the Wits campus as Mr. Fischer used to say: "Regretted those wonderful glorious days when Joe Slovo was still active at Wits". There was such a revival there ? Weren't you trying to infuse new life into the students there ? --- No sir, I played no part in that. I didn't see that particular life in the students.

Now, your brother Leon Levy was as active as you were in the political fields, wasn't he ? --- I would say so yes.

Your twin-brother actually ? --- Yes.

He is now out of the country ? --- That is so your Worship.

He has fled the country ? --- He went on an exit permit from 90-day detention.

Yes, he was a very prominent member in the SACTU, Congress of Trade Unions ? --- That is so your Worship. He was president of SACTU.

I think at one time he was also the chairman of the Congress of Democrats ? --- No sir.

Yes, and he used to walk around with Lenin's "What is to be done" in the days when he was active in Trade Union work ? --- Your Worship, I don't know about that.

Did you never see that book of Lenin "What is to be

done" ? --- I have seen the book sir, but I have never seen him walking around with it.

You never saw it ? --- I have seen the book sir.

Did you ever read it ? --- No, as a matter of fact I hadn't sir.

Why not ? --- I had not read direct books of Lenin. I have read about Marxism but I have not read"What is to be done".

Have you not read, studied Communism Mr. Levy ? --- Your Worship, I did a Political Science course at university. I did three years of Political Science and I had done much reading before. I read about many political philosophies including Marxism, including Communism.

Yes, and I take it in the course of the years you had plenty of discussions on Communist ideology ? --- That is so sir.

I mean with Leon Levy, with your brother ? --- My brother, as far as I know sir, and I think I do know, was not a Communist.

But he certainly interested himself ? --- Your Worship, I don't see that that made him a Communist or makes anyone a Communist.

But did you and he often discuss the Communist principles and its application ? --- Yes, my views on Communism were very well known to him and very well known to many people. My views on many things were well known. We discussed much, we argued much.

Is it just incidental that you moved in the Communist circles ? --- I don't say sir that I moved in the Communist circles at all.

Weren't you a friend of Joe Slovo and Ruth Slovo ? --- I worked with Mrs. Slovo on the "Fighting Talk"

committee. I did see her on occasions socially.

The Bernsteins ? --- I worked with Mr. Bernstein on the "Fighting Talk" committee, but I worked with others too.

Yes, and the Fischers ? --- I only went to some of the parties that were held at Mr. Fischer's house for fund raising, but I was not a personal friend of Mr. Fischer.

And the Hodgsons - Jack and Rica Hodgson ? --- Again your Worship, I had seeh them at social functions but I was not a personal friend of theirs.

Those are all confirmed Communists ? --- Yes your Worship, but I had many other colleagues and many other acquaintances besides these people.

You were always with these people - these Communists ? --- No your Worship, I think that is unfair. I wasn't always with these people. Over the years I have seen them a lot and worked with them a lot.

How many of these Communists were there in the Congress of Democrats ? --- How many of these Communists ?

Yes. --- A lot of them your Worship. Those people who were known to be members of the legal Communist Party were in the Congress of Democrats.

Yes, who were they ? --- I think Mr. Slovo was, Mrs. Slovo, Mr. Bernstein originally, Mr. Fischer. I do not know a whole long list of them, but they fell out with the Congress of Democrats towards I would say 1955, 1954, as they were banned and deprived of being members of that organization.

Yes, but they were the driving force in the Congress of Democrats, those people ? --- They were the finding members of the Congress of Democrats and they did a lot

for the Congress of Democrats..

Yes. --- After they were banned, other people went onto the leading committees of the Congress of Democrats and decided its policy.

Was it then that the new Communist Party came into being ? --- I beg your pardon sir ?

Was it then that the new Communist Party came into being ? --- Was it when sir ?

When those Communists were banned ? --- No sir, as fas as I know the new Communist Party came into being in 1961. I think it was published as being a public body in 1961. I do not know when it came into being precisely, but these people were banned from the Congress of Democrats in 1954/55. I do not know whether that was when the new Communist Party was formed.

And you had no objection to working with the Communists in the Congress of Democrats ? --- Your Worship no, I did not.

I mean, for that matter there was no objection in the whole Congress Alliance to working with the Communists ? --- No sir, the Congress of Democrats had a very defined programme. It wasn't a Communist programme and if the Communists were working in a common programme with people - with other people, there was no need to reject them. We worked with them and we worked together.

The whole idea was to achieve the change of Government ? --- The object of the Congress Movement your Worship and of the Congress of Democrats was to achieve the aims of the Freedom Charter.

Yes, namely the overthrow of the present system and the establishment of full democracy in South Africa ? --- It was for the establishment of full democracy, a change of

Government certainly.

Yes, and in that respect all these grips and elements combined their efforts to work for the overthrow of the ... --- Your Worship, I don't know what you are suggesting. I can only say that the object of the Congress of Democrats was to establish the aims of the Freedom Charter. Its policy was to establish and to promote peace and harmony, to oppose racial hatred and to achieve a radical change of Government by peaceful means. That was the object of the Congress of Democrats and it did as much as it could to achieve that aim.

And it certainly made its object clear that the means of struggle would have to be by extra-parliamentary methods ? --- The Congress of Democrats ?

Yes. --- Yes your Worship, the Congress of Democrats was not a political party in the sense that the Liberal Party was or the Progressive Party, it was part of the Congress Movement. Its activity was outside of Parliament but all political parties use extra-parliamentary methods of putting their propaganda.

No, but the Congress of Democrats was unique. --- It was unique sir, in doing that.

It was unique in the sense that it never bothered about parliamentary representation ? --- Your Worship, the Congress of Democrats' attitude was that it wasn't (?) as a white body to put forward itself as an alternative government to the present government of South Africa. Its attitude was a multi-racial one and its work was largely extra-parliamentary and it wasn't alone in using extra-parliamentary means. All political parties use extra-parliamentary means. All members of the Congress Alliance used extra-parliamentary means.

And in the course of the years the Congress of Democrats suffered all the persecution with the Congress Alliance ? --- That is so your Worship.

And they endured all the hardships and all the restrictions which the government imposed on them from time to time ? --- Yes, there were many restrictions, there were many hardships.

And nevertheless the Congress of Democrats galloped along with the other organizations ? --- I wouldn't say sir that it galloped along with them. It had a common programme with them, it worked very harmoniously with them.

It did certainly. --It didn't run after them, it didn't gallop after them. It put its policy very squarely and never retreated from it.

Yes, it certainly did. It actually guided them I think with ... --- No your Worship, it was always accepted that the most prominent member of the Congress Alliance was the African National Congress.

Mr. Levy, the most intellectual group was the Congress of Democrats ? --- I wouldn't say that your Worship.

Those were the people who possessed a theory, who possessed a definite objective, who knew how to formulate plans and schemes ? --- Your Worship, the Congress of Democrats never had an ideology, it never had a theory, it never had a philosophy behind it. It was committed to the Freedom Charter which was on open democracy with fundamental basic human rights. That was the total extent of its aims. It never was a party that subscribed to any theory or philosophy.

But its members had the philosophy ? --- Your Worship,

its members have many philosophies, its members have no particular - there is no sole philosophy which one might say is the aim of the Congress of Democrats other than what is contained in the Freedom Charter which is a statement of aim.

Mr. Levy, when the Communist Party was banned in 1950, it would have been very dangerous for any Communist to walk around in South Africa an propagate out and out Communist views ? --- That might be so sir.

Yes, it would have been sheer stupidity to go and formulate any policy for any organization along the lines of Communism ? --- Yes.

But if those people wanted to remain active they could merely propagate their views in the course of discussion, in the course of association with other people without formulating it on paper ? --- People could propagate views but the Congress of Democrats had a constitution that had a political aim and anyone who joined the Congress of Democrats joined it on the basis of its political aim.

You see, the Congress of Democrats had a very opportunistic policy. It merely stated a broad objective of full democracy ? --- Your Worship, I wouldn't say that was an opportunistic policy. It was a policy based on the United Nations' Declaration of Human Rights which had its roots in the Declaration of Man and the Declaration of Independence. It was, I would say, an aim of fundamental freedom common all over the world.

No, but in its constitution, if you could call it that - a constitution I think of one or two pages. --- Its constitution sir, initially was in acceptance of the United Nations' Declaration of Human Rights. When the Freedom Charter was passed and was adopted by the Congresses

in 1955, it changed its constitution and accepted the Freedom Charter which was basically much the same.

Yes, but throughout that time the policy or the constitution merely said that they were working against apartheid and against all forms of discrimination in this country ? It's a general,very general, vague sort of policy. Don't you agree ? --- Your Worship, the Congress of Democrats was opposed to racial injustice and where legislation was racially injust or was an affront to the beliefs of the Congress of Democrats, it opposed that legislation and it campaigned against it openly.

Yes, but its constitution was coached in general terms ? --- Your Worship, its constitution was open, it was public, it was a public document, the methods of the Congress of Democrats were by argument and persuasion, by propaganda and protest. It never met behind closed doors, it never concealed its policy from the people, it never followed an opportunistic line, it was always very, very forward in putting forward its policy.

Only on this political basis of full democracy ? --- Well, I think your Worship that is a very broad basis.

And no other specific points were mentioned ? --- Your Worship, the basis was one - is very broad and the Freedom Charter deals with perhaps a half a dozen or more of the most basic elements of the country's problems, and the Congress of Democrats addressed itself to the people on those subjects frequently. It went into detail, it criticised, it gave its points of view.

You don't understand. I say the original constitution of the Congress of Democrats was coached in general language ? --- Your Worship, its language was very clear. It was the Declaration of Human Rights which was perfectly

understandable to all people.

It didn't set out any forms of struggle, it didn't set out precisely what its views on given aspects were ? --- Your Worship, I think it was very clear in the Declaration of Human Rights precisely what it stood for and so many things; economically, politically .... Pardon ?

It didn't deal with any economic aspects at all. --- The Declaration of Human Rights ?

Yes. --- That is so your Worship.

And so was the constitution of the Congress of Democrats ? --- The constitution of the Congress of Democrats at its inception followed that of the Declaration of Human Rights and as far as I know sir, that declaration was very close to the Freedon Charter.

Yes, and that I suggest to you, was just a camouflage Mr. Levy ? --- Camouflage for what sir ?

Oh, to conceal the real activity of the Communists behind the scene. --- But sir, Communists have a philosophy. Communists have a doctrine.

Yes. --- A doctrine was never put forward in the Congress of Democrats. A doctrine was never put forward in its constitution. People joined the Congress of Democrats because of their approval of the Declaration of Human Rights, not because of a Communist doctrine or a Marxist philosophy.

No, but the constitution was just the window dressing, just the camouflage. Once you had got the people in then you started indoctrinating them into the real issues ? --- No your Worship, I don't accept that.

You don't accept it ? --- No your Worship.

But what would prevent or what would have prevented the Slovos and the Bernsteins from indoctrinating people

once they had joined the Congress of Democrats ? --- People were free to say anything they liked sir, but provided they did not contravene the principles of the Congress of Democrats. They were free to say anything. No one could voice any disapproval. To the best of my knowledge sir, they never propagated the views of the Communist Party or the Marxist philosophy in the Congress of Democrats. That would have been quite incompatible with their membership and with the aims of the Congress of Democrats.

No, but they could have done it privately ? --- Not to my knowledge sir.

They could have done it all over the place, at all the parties that were held from time to time ? --- Not to my knowledge.

Even at the study circles that you held ? --- The Congress of Democrats your Worship, had no fixed ideology. People could discuss many problems, but to the best of my knowledge I know nothing and of no instance where the Slovos or the Bernsteins or any members of the Communist Party put forward a Communist point of view.

At the discussion clubs ? --- Discussion clubs ? There were several discussion clubs sir. There was one that ran for a long time, which dealt with cultural and political and economic questions. All sorts of views were put forward.

But you were connected with which discussion club ? --- I attended a discussion club in Observatory, of which my brother was the secretary for a number of years. That is the only one that I ...

Were there other clubs at Kensington, at Bellevue ? --- There was one in Kensington actually.

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Also at Bellevue ? --- The Observatory and Bellevue one is the same. I'm referring to the Bellevue one. And there was one for a short while in Kensington, which I was connected with too, but that did not run for a long time.

There people like Lionel Bernstein .... --- I don't remember Lionel Bernstein in Kensington. I don't know that he did discuss - did attend the discussion club in Bellevue, but your Worship, he could quite easily have done so. He could have been invited to talk in the same way as members of ...

The same as Eddy Roux ? --- Your Worship, I think that university professors were invited to the discussion club and came. People in the United Party were invited

Belt 245. to the discussion club to come. It was a multi-racial discussion club. It was a very broad discussion club, it was by no means a Communist forum.

Yes, but now did you listen to discussions there on Communist theory or various aspects ? --- No sir, I think that if a person was asked to speak, he would be given a topic and that person would put his views forward on that topic. I cannot remember the topics now, or what they were or what people said, and people were free to argue with them, debate them and listen to them.

Yes, but the point is, did you attend discussion clubs where Communist theory was discussed ? --- No sir.

Never ? --- Never.

You don't know that that ever happened ? --- I never discussed any clubs - I never went to any study groups or discussion clubs devoted to Communist theory. I attended the Kensington Discussion Club, the Bellevue and Observatory Discussion Club which was a many-sided

club, discussing many points of view, not one devoted Communist theory.

And you say, at the discussion clubs that you attended, everything except Communism was discussed ? --- No, I didn't say that your Worship. Communism as such was never discussed as far as I know because one cannot - I suppose, it would have been impossible to say that someone is coming to talk on Communism - that would have contravened the Suppression of Communism Act, but people would have been asked to talk about different topics. The nature of the club was to take a topic that was of current interest, either politically or socially or culturally or economically, and various people came to the discussion club, they put forward their views and those views were discussed by the members of the club. It was as broad as one could make it.

Yes. And did you get involved in arguments, discussions on Communist theory ? --- Your Worship, I did discuss Communist theory, I discussed all sorts of theories. I would have given my views on all of them.

Did you get involved ? --- Yes, I would have done.

In serious discussions with Communists ? --- Yes your Worship. During the Treason Trial I was originally charged in 1956 in the Treason Trial, but I was discharged I think before the end of the preparatory examination. During that period I met with Bernstein and Slovo and many people who never concealed the fact that they were members of the Communist Party. We would often have discussions. I would often put forward my point of view. They knew I was not a Communist, that I was very challenging in my attitude, and we would debate and argue and from time to time I have argued and discussed.

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Yes, but now as you understood the Communist theory, there is really no difference between the Communists and the - or shall we say their policy or their outlook and that of the Congress Alliance ? --- No your Worship, I can't say that. As far as I know and from my reading, Communists are committed to a Marxist philosophy - a materialist philosophy, to economic philosophy, the labour theory of value. They are committed to an ideology. The Congress Movement had no ideology. It was broadly based. They were like chalk and cheese. The one was an ideological. The Communists based their attitude on philosophy, the Congress of Democrats and the Congress Movement based it on the aims of the Freedom Charter which was not an ideology.

Basically there was no difference between the Congress Alliance and the Communists in regard to the theory of oppression ? --- Theory of oppression ? Oppression is a fact sir.

Yes, and in regard to the relationship between the worker and the employer ? --- I think that there is a relationship between the worker and the employer. Communists might see that relationship as morely sharply defined than non-Communists might do, but one can't deny a relationship between worker and employer or ...

No, but in the sense that that relationship results in a conflict between the two, in the sense that the one exploits the other ? In that sense there is a relationship ? --- I think that Communists would sharply - would have a very strong view that workers are exploited by employers, but that view wouldn't be the sole property of Communists.

No, but the point is ... --- It wouldn't be. If I

could just finish this point ? The Communists have a strong view that workers are exploited by employers. Non-Communists share that view, perhaps to a lesser degree, perhaps in the same way.

Yes, but throughout the Congress Alliance that idea was pervading all the time of the oppression of the workers by the capitalists ? --- No your Worship, I think that that concept is wrong. The Congress Movement was a broadly based mass movement, not made up of workers entirely. It consisted of intellectuals, of workers, of traders, of middle class people. It had no defined philosophy. It concentrated its activity and its aims on achieving the Freedom Charter. Communists don't work that way. Communists have a defined philosophy. Communists don't draw into their ranks intellectuals and capitalists and middle class men, they are a working class body, a nucleus people.

No, but they do. They do make short-term alliances with intellectuals and the petite bourgeoisie ? --- No your Worship, I am trying to draw the distinction that you did, between Communists and the Congress. The Congress is a broad mass movement, Communists are - the Communists would be a working class movement with a Marxist philosophy.

In so far as both shared the view of oppression of the workers, they were at idem ? --- Pardon ?

They were at idem in so far as they both shared the view that the workers were oppressed ? --- Except that the Congress Movement didn't confine its attitude to the working class only. The believed that there was tremendous room for a raising of wage levels, of trade union rights, of working class rights. They would have been at one there

but that wouldn't have been the sum total of their views. That wouldn't be the end of their views.

Look Mr. Levy, the Congress Alliance propagated the view all the time that the masses and the masses of workers were being oppressed ? Always in all their literature. Do you deny that ? --- No your Worship, I wouldn't deny that.

Yes, now that's all I am putting to you. On this broad basis these two agreed ? And you keep on rambling about higher wages and you go off at a tangent. --- No your Worship, because I think these things are - they are abstruse, they are very often concepts that need explanation.

To the broad masses of the people that you were dealing with, it didn't matter really whether you sided with the Communist Party or whether you sided with the Congress Alliance in your exposition of the theory of oppression of the masses ? --- The fact of the matter is sir that there was the Congress of Democrats, the Congress Movement. It had a very defined aim of achieving what was in the Freedom Charter and it strove towards that end.

Yes. --- That is what it did and that is what it said.

Yes, but I am putting it to you again that as far as the broad masses are concerned it didn't matter who was really propagating that view because provided you could succeed in getting them to agree with you ? --- To agree with the principles and programme of the Congress Movement ?

Yes, and with the theory of oppression. That they were being oppressed, that they were being exploited ? That was the way that you promoted the resistance, feelings of hostility and so on ? --- I don't think feelings of

hostility were raised that way or at all. I believe that were something was unjust and was wrong, the facts were put to the people and they were asked to consider them. They were asked to support the Congress Movement.

It wouldn't matter in the propaganda for full democracy whether it was advocated by the Communist Party or the Congress Alliance ? --- It was advocated by the Congress of Democrats and the other congresses. In fact I cannot say what the position would have been if there was a Communist Party advocating the same. It's very likely your Worship that if they had the same views they may have been accepted into the Congress Alliance or worked with them, but as the facts were, that was not the case.

And let's get closer to yourself. If somebody had put forward the Freedom Charter, it wouldn't have mattered to you whether it was the Communist Party or the Congress Alliance which did it ? --- What was important your Worship, was what was being put forward. I would say to that yes. It was what one wanted to do and what aimed at what I was concerned with.

Yes, that is my whole point all morning. I am trying to show you that in so far as the propaganda of these two bodies was concerned, it didn't really matter who put it forward. As long as the appeal was there, as long as the chance of response was there. --- I can only speak on the facts and that is that the Congress Movement had its Freedom Charter and it put it forward. There was no Communist Party to put forward those facts. The Communist Party was banned in 1950. The whole history of the Congress Alliance from 1950 too was one with the absence of the Communist Party and what it did, it did on

its own and not with the assistance of the Communist Party.

On a broader basis still your view was that the masses of non-Whites were being oppressed in this country ? --- Yes your Worship.

And that there were all sorts of discriminatory laws operating against them ? --- Yes.

They were suffering untold hardships of all descriptions; Pass Laws, all the restrictive measures imposed upon them ? Those were your views and now a liberation movement started in this country which had as its aim the overthrow of this vicious system ? --- Yes.

And again the people who were affected or thought they were affected by this unjust system would co-operate in the overthrow of the system ? --- Your Worship, the object of the Congress Movement was to achieve its aims by national consent, by a convention of all the people of South Africa to decide on the sort of government ...

You are talking now of methods. I am talking purely of the objective. --- Its objective was to obtain the Freedom Charter.

Yes, and in so far as placing an objective in front of the people, it didn't matter really who put it forward ? What was important was that such an objective was advanced ? --- I think it does matter who puts it forward your Worship. The congresses had tremendous popularity and tremendous support in the country and they had earned it. And the fact that they were putting that - they were putting their point of view forward was of its belief and of its intentions, and I think that people supported it very often because of its past history and because it could be trusted.

Are you suggesting that the Communist Party made itself guilty of opportunistic action in appropriating to