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Where's your studio? ---At my home.

Where? --- At 11 Plantation Road, Gardens.

Where is that? Is that in the northern suburbs? ---
The northern suburbs, yes.

Now, why had you to go and meet Emily in Berea to discuss the question of drafting a letter? ---Well, I found it increasingly more necessary to cover my tracks from police observation. I wasn't allowed to meet people any more, I was under a ban.

Well, wouldn't it have been easier just at your house? ---No.

Why not? ---My house is under observation ~~X~~
She could have come there as a visitor to a servant or something? ---Well, perhaps she could have, but she didn't.

Did you have an employee at home? ---Yes.
And it would have been the easiest matter to meet her there? Without arising any suspicion? --- Well, I don't know. I think this person is also known to the police.

Well, I'm suggesting to you again, you could have picked your time. But why make it so inconvenient, to go to the eighth floor of a building in Berea? ---I'm telling you why I made it. Because the police were, I was under police observation, I was restricted from attending gatherings, and I didn't want the police to know that I was doing this.

Yes, but all you really met this woman for was to, her supply the information so that you could draft the letter? ---Yes, but I was not allowed to do any of these things.

What was so important about that? - you say you were not allowed to meet people? ---Yes.

So now what was so important about drafting a letter? ---Well, it must have been important to her. She wanted me /to...

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to help her.

Yes, but why did you have to go to the trouble, - where was Mr. Meyerson, by the way? ---I don't know.

Where did you have to go and borrow the key? ---Yes, I made an appointment and I went and borrowed the key.

Where did you meet Meyerson? Where did you get the key from him? ---I think I went to his house.

Where? ---His house.

Where? --- 19 Isipingo Street.

Which suburb? ---Observatory.

That makes it even more complicated? ---Not at all, it's on my way.

You had to go to Observatory to get the key to a flat in Berea? ---Yes.

Then you had to go and meet the girl somewhere and take her to the flat? ---No, she came there. I asked her to come there.

Very well, she came on her own to the flat? ---Yes.

Where did you make the appointment with her? ---She sent a message to me that she wanted to see me and I sent a message back with a messenger.

Yes, but now, you didn't know that you would be able to get the key? ---Pardon?

How did you know that..? ---I had arranged that I could get the key.

Yes? Now tell us exactly what did you arrange? --- I beg your pardon?

What did you arrange? On what day of the week did you meet her? ---I can't remember what day of the week it was.

During the day or during the night? ---It was during the afternoon, I think.

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What did you arrange? On what day of the week did you meet her? ---I can't remember what day of the week it was.

During the day or during the night? ---It was during the afternoon, I think.

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And you were a person who were being followed by the police? ---Yes.

You would make it more obvious if you went into a building in Berea, if the police had been following you? --- Oh, I took precautions to see whether I was being followed or not.

But running all that risk? ---Well, I didn't know how important that letter was. I had a message that she wanted me to draft something for her and I agreed to draft it for her and I sent a message back to say 'would she come there' - I can't remember what time it was, it was in the afternoon, I know that, and bring it along with her and I will sit down and draft it.

You can't tell us what month it was, what day of the week it was? ---Well, I think it was either April or May, but I'm not very sure of that.

What was so important about this letter, that's also what I can't understand? ---I very frequently was asked to do things, I couldn't know in advance what I was doing. I was asked to translate, to draft things, to draft documents, to draft letters, replies to correspondence, because the officials of S.A.C.T.U, many of the officials of S.A.C.T.U., were banned; some of them could not attend at the office, were unable to go there and so that I frequently had to do things like that.

But can you give us some information about the contents of this letter that you drafted? ---I think it related to representations which had been made on a previous occasion, in connection with some wage representations, I think it was wages.

Wages for whom? ---It was a general discussion on wages. There was a new campaign going on at the time about increasing /wages...

wages for workers and to intensify the pressure for R2 a. day, because some employers had agreed - that's right, it comes back to me now - it was , after several groups of employers had agreed to it, to increase wages to R2 a day, the S.A.C.T.U. decided to make further representations to such employers who had not done this. And then they wrote to various bodies. They wrote to the Federate Chamber of Industries, to the Associated Chambers of Commerce, there was a whole lot of correspondence about that. That was roughly at the beginning of last year. Yes, I think at the beginning of last year. And then there were replies to some of these representations, some very curt replies, some more detailed and one had to follow that up and I was asked quite often to draft replies to these things, to follow these things up.

Was this woman an office bearer of S.A.C.T.U? ---I don't think so. I think she was working in the office, that's all.

And the letter was drafted on behalf of S.A.C.T.U?--- Yes.

And who was supposed to sign it? ---I don't know that.

But who were the office bearers? ---Well, I don't know. The position at the time was that many people had been banned. I think possibly this young lady was signing the letters.

No, but S.A.C.T.U. as such was not banned? --- S.A.C.T.U. was not banned.

And you can't tell us who the office bearers were? ---I think practically the whole of the management committee of S.A.C.T.U. were banned at that stage with the exception of perhaps one or two people. I'm not sure. But nearly all of them were banned. All that was left, I think, was some

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kind of office staff.

Was this a lengthy letter? ---No, it wasn't a lengthy letter.

Did you see it again? ---I don't think so.

I'm asking you again now, why did you have to go to those lengths of meeting this girl at Berea, when you could have done it much more in a simple way? ---I'm explaining that I was banned from attending any kind of gathering. I was banned from writing anything for publication. I had all kinds of banns. And I was taking precautions not to be caught.

I'm suggesting to you, that by making an appointment with this non-White girl, in a flat in Berea, you were running a much more, a greater risk of clashing with the law? ---

I don't think so.

What do you think would have happened if you had been caught there? ---Well, I took precautions not to be caught.

But do you appreciate the risk that you ran? ---
What risk?

The risk of being caught there with a non-White woman? ---And what risk is that?

I don't know, I'm asking you? ---Neither do I know?

You don't regard that as a risk? ---I don't regard that as a risk? Of course not?

You don't think that many people would have been suspicious if they had found you there? ---Suspicious of what?

Of your conduct? Suspicious of the purposes of your intentions? ---Of my conduct? I think people know me well enough to know about my conduct.

I'm talking of people now that were following you? ---
I made quite sure that people were not following me.

You say you were banned at the time? There was a real possibility or probability of your being followed? Then
you...

you run the risk of being caught there with a non-White woman in a flat? ---I made quite sure that I was not being followed. Incidentally, in the course of my trade union work I very often had to meet non-Europeans.

That may be so, but I suggest that you could have easily have met them at your house? And not in a flat where you didn't even stay? --- Well, I gave you my reasons why.

Yes. All right. Then, let's get to the next one. You say two persons that you didn't want to disclose, whose names you didn't want to reveal. When did you meet them? --- Sometime in September.

And what business did you discuss with them? ---The future of S.A.C.T.U.

And did you evolve some sort of policy there? ---Well, we didn't come to any definite conclusion.

What was the object of - you say you just came together to discuss the future of S.A.C.T.U? ---Well, because the organization was getting into severe difficulty because of the banns imposed on all officials. There was no management committee left any more. Every member of the management committee had been banned. And we got together to discuss what could be done about that. What steps could be taken.

Were they also non-Whites? ---Yes.

And did you also have to go through this laborious procedure of getting the key from Meyerson's house? ---I asked him for the key, yes. I made an appointment, I asked him for the key and I got the key.

And then, where did you meet these two gentlemen to tell them that you would have a meeting? ---I picked them up in my car and we drove down to that place.

Where did you pick them up? --- I think it was -
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Where did you pick them up? --- I think it was -
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No, please? ---It was on a street corner, I can't remember. They came up from town and I picked them up somewhere in the bottom of near Twist and Bree Streets.

Yes, then you had to travel up to Berea? --- That is correct.

With these two non-Whites in the car? --- That is correct.

Again running the risk of being seen by the police? ---Well, they didn't see me.

But I'm telling you, you were running the risk? Then going up to - what street? Abel Road? ---Yes, no, I didn't go to Abel Road.

Which road? ---I parked in a street at the back, Olivia Road.

But then the three of you had to get out of the car? --- The two got out first and they walked away; I told them in which direction to walk and I then got out of the car and I asked them to follow me and go where I was going. And I had given them the number of this flat.

And again they had to go up into the building, openly? ---Yes, they went in through the garage. There's an underground garage.

But again there was the risk of your being seen with these two non-Whites in that block, on that eighth floor? ---Well, I suppose there's always a risk, I don't know. But you have to take precautions against risks, for there was a risk, I have no doubt about it.

Yes, but there again I suggest to you that a much safe place would have been your own garage at home? ---No, that would not have been a safe place, because my house in

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my opinion was under constant surveillance.

And what prevented you from having a little meeting in your car as you were driving along? Why did you have to get out and go to a block of flats? ---No, we were going to have a fairly lengthy discussion and sitting in a car might have been risky.

A lengthy discussion which didn't even produce anything? ---Yes, it was a very difficult situation.

So what did you decide on? ---Well, we arrived at a decision to try and enroll more people from the existing unions, from the affiliated unions, to serve on the management committee.

Of S.A.C.T.U? ---Yes. We also decided to write to the Unions Affiliated with S.A.C.T.U. in other parts of the country, in Cape Town, and there was a local committee in Kimberley, Port Elizabeth, Durban and so on. We decided to write to all of these and ask them what suggestions they had and suggested that a conference should be called to elect a new management. A new national executive committee.

Did you decide on the holding of such a conference? ---I think that was the decision - no, we decided to consult them about the advisability of holding such a conference, or whether they could suggest other methods for getting a new management committee together.

Yes. How far did you get with that decision? ---Well, I don't know. After that I didn't see those men again and I was arrested.

Yes. Now, insofar as you interested yourself in the activities of S.A.C.T.U., I suggest you were indirectly furthering the objects of your own, viz., the objects of Communism? ---The only objects I was furthering was the objects of the South African Congress of Trade Unions.

/Yes...

Yes, but insofar as you were working towards the mobilization of - organization of the non-White workers, you were also furthering the cause of Communism? ---I was furthering the objects of the South African Congress of Trade Unions which were very dear to me.

Yes? ---Irrespective of whether it lead to Communism or not. It might , in the dim and distant future achieve Communism, but that has got nothing to do with it.

Yes, but the organization of the non-White workers, was --- Of the Trade Unions..

Yes, of the Trade Unions, was a very important part of the Communist activity? --- So it was of a number of Trade Unionists who were not members of the Communist Party.

Yes, but you told us yesterday that whatever you did in the field of trade union activity, was always directed towards the achievement of the ultimate objective? ---It was directed towards the achievement of higher wages and better conditions for the African Workers, organizing them in trade unions so that they should be able to make representations for themselves and so that they should be able to advance. That was the purpose of Trade Unions. That is the purpose of Trade Unions.

Yes. Indirectly, or directly, perhaps, succeeding in organizing the workers and as a spearhead in the liberatory struggle? --- Well, I believe that ultimately the Trade Unions will certainly play a part in liberatory struggle, yes.

But they, all along, I mean, in the terms of the theory, all along it was enjoined and workers to play a prominent part in the struggle for liberation? ---Yes.

The whole object is to organize the workers and to get them to take the leading role, play the leading role?---

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---Well, there too, it's a question of certain immediate objectives and certain others which may follow much, much later on? The immediate objectives, as far as I'm concerned, the programme of the South African Congress of Trade Unions is simple enough? It's to advance the progress of the workers, improve their conditions and to build up their trade union organizations.

Yes. But if we look at the organization of the Congress Movement as a whole, if you succeeded in organizing the workers, in the organization of the Congress of Trade unions , you succeeded in making them sufficiently politically conscious, and you succeed in getting them to a stage where they would be ready for action, then you've contributed you share in the ultimate struggle for ...? ---Yes, I agree with that, that is so.

Yes, your Trade Union work and the organization of the workers, is a very vital link in the whole , striving towards ... --- Towards socialism, towards the ultimate objective, sure.

Yes. Every little bit of activity , no matter how insignificant, in that field would serve towards furthering the cause of socialism, really? ---Yes.

And it can't be otherwise? ---That is so.

Yes. Now, I'm asking you whether you didn't appreciate that what you were doing there, was really to further the achievement of the ultimate goal? ---Yes, I have said all along, that I believe in Communism and I , whatever work I'd do, whatever political work I do, I have that in mind, I think of that.

Yes. And then, insofar as you were succeeding in making these people aware of their conditions, organizing /them...

them, preparing them mentally, politically, you would be assisting the Communist Party? ---I don't agree with that.

Why not? ---I can't make the Trade Unions assist the Communist Party?

No, I'm speaking now in general terms? That if the Communist Party were to aim at the organization of the masses, of non-Whites in South Africa, and you in your capacity as, say, an advisor of the Congress of Trade Unions, succeeded in playing your part in organizing the workers there? --- I would like to get this clear. Is it suggested that because I was engaged in organizing Trade Unions, I was assisting in the aims and objectives of the Communist Party? Is that what you are suggesting?

No, I say firstly that you were assisting in the achievement of ... ---I was assisting in wage negotiations, in drafting memoranda for industrial councils, for wage boards, correspondence, various representations, drafting lines of campaigns for R2 a day campaign, that is what I was assisting in. Those are not Communist objectives, those were objectives of the Trade Unions.

Yes, I know, but you have already conceded that those... --- What I had in my mind, my own view is that ultimately every advance of the workers comes and brings everything nearer to socialism. That is what I believe in, yes. But I can't say that because I negotiated an Industrial Council Agreement, for the Laundry Industry,, and got the workers some slightly higher wages, that therefore I am furthering Communism. That is not so? I'm furthering an extra few pence in the pockets of these workers.

Yes, but I'm speaking of the broad organization of the workers. That every bit of assistance that you can render, would ultimately serve the cause of Communism? ---

/You...

You see, you are asking me the sort of question which it is difficult to answer because if I said 'because I believe in Communism, therefore then it would be assumed that anybody who helped the Trade Unions in the future, therefore furthers the object of Communism'?

No, don't let's get confused. I've not suggested that. I'm speaking of you, in your capacity as a Communist, holding distinct Communist views. Now, I'm suggesting to you that you have a certain objective in mind which you wish to see achieved in South Africa? ---My objective in helping the Trade Unions was to advance the rights of the workers. If, in the process, in some distant future that would help to build up Trade Unions which would ultimately may become socialist in outlook, well and good. But it doesn't follow that that is so. And I can't say that I would by the mere fact that I'm negotiating a wage agreement of workers, further the aims of Communism. It might be the reverse? If I get increases of wages for the workers, they would be so contented with the system that they would not go towards Communism? I don't know?

No, let's take the one aspect. The political consciousness which is a very important requirement? ---Yes.

If you were to succeed in raising the level of the workers political consciences, then you would be making a valueable contribution towards the ultimate achievement? --- Well, that is the work of a political party.

Yes, but now, you, didn't you also see to that in the course of your work? ---In Trade Union work?

Yes? ---No, I did not. I told you what I did in trade union work.

You did not give the political activity a thought? - The political education? ---No, I did not conduct any

/political...

political education.

Didn't you give lectures or talk to people? ---I talked to people on trade union problems. In the trade union field.

Yes. Didn't you always link the problems to the political aspirations? ---Yes, sometimes, to the immediate political requirements as they were associated with trade union work. For instance, the relationship between the South African Trade Unions and the I.L.O.

Yes, but if we take - let's take an individual for instance. A person who is a worker, he has no knowledge but you succeed in teaching him, in educating him in the views of trade unionism and you also succeed in putting across a few Communist ideas to him, to raise the level of his political consciences ? ---Yes, I suppose so.

Yes, gradually you prepare him for a situation where he will be willing and ready to fight for a change to a new system? ---You can't make a man fight purely by ideas. You can only make a man fight when he wants to fight.

No, but you prepare him mentally? ---Of course, when I, I said all the time, I've always, I've never made any secret of my views. When people met with me and when we discussed things, I put forward my views.

Yes? --- Sometimes they were acceptable, more likely than not, they may not have been acceptable.

Yes, but wherever you succeeded in putting over your views successfully, there you would have succeeded in doing something towards the achievement of the ultimate object?--- Well, it's a very, very long way of thinking.

And insofar as other political bodies also aimed at the achievement of the same objectives, you would be , really

/be...

be co-operating with them? ---Well, I'm not a political body.

No, but as an individual you would be aiding them? That's simple arithmetic? ---I don't admit that at all. I don't admit that. I don't admit that there is any connotation there at all. My purpose in working in the Trade Union Movement was to help build the Trade Union Movement. That was my purpose. And I couldn't go any further than that.

No, but let me put it simply, this is about my last question. You in your field of Trade Unionism, were working towards socialism? ---I was working to secure higher wages and better conditions. If you say that that means working towards socialism, I don't agree with that. I don't think that that is working towards socialism at all. That is a temporary alleviation of the conditions of the workers.

No, I'm thinking of, there's a short term, there's a long term objective? ---Yes.

Now, let's confine ourselves with the long term objective? You, in your field, were working towards that long term objective of socialism? ---I deny that. I'm telling you what I was working for. I was limited in what was required of me to work. People asked me to draft memoranda, to draft wage board legislation, to draft wages board representations, industrial council agreements, that sort of thing. That is what I was working for. Nobody came to me and said 'will you please draft a programme of Communism for the South African Congress of Trade Unions', I never had anything to do with that sort of thing. Such a thing never arose.

Yes, but insofar as you succeeded in educating people, converting people in to the ideas of Communism. In that

/respect...

respect I suggest you were working towards the achievement of the ultimate... ---You mean by expressing my opinions?

Yes? ---Of course I expressed my opinions. Always. I have no hesitation in doing so. And I don't admit that that furthers the object of Communism.

Why do you evade my question? That is all I'm suggesting? ---I don't admit that? I don't admit that it furthers the objects of Communism. If I express my opinion a man might be disgusted with me. Men might prefer not to accept my view.

No, but that's not the point. It's what you have in mind by expressing your views? ---You mean that my thinking?

- Yes? ---Is it dangerous now to think? Is it illegal to think?

I'm asking you if that is what you have in mind? You are not talking to people just for the love of talking? ---What I had in mind was to express my opinions.

And the wish to express your opinion is to get the other man to agree with you, accept your views? ---Yes, sometimes they agreed and sometimes they don't agree?

That is neither here nor there. The idea is, you talk to them with a definite purpose? --- Well, is that a criminal offence?

I'm not suggesting now.. ---I think you are suggesting it, sir, because it is criminal to further the objects of Communism? And by expressing my opinions it doesn't follow that I further the objects of Communism.

Is that why you are so evasive? ---I'm not being evasive. You are trying to implicate me in a crime. You are trying to make myself to incriminate me, on an expression of opinion.

/Yes...

Yes, to propagate views which will further the aims of Communism, you know yourself is an offence, isn't it? To advocate the achievements of the objects of Communism? - is an offence, you know that? ---Yes, to advocate that, of course it is an offence.

And by talking to people, discussing the merits of Communism, you are in effect, advocating the achievements, aren't you? ---Well, it depends on the subject of discussion? I don't always immediately advocate the achievement of Communism. There are all kinds of discussions about Communism. I might have a discussion on the concept of dialectical materialism.

If you tell people 'socialism is a good system'? ---Yes.

And 'capitalism is a bad system'? ---Yes.

Are you furthering the objects of Communism? ---If I tell people that?

Yes? ---Well, I don't know. I don't really know because there are so many people who say these things who are not Communists. They are not furthering the objects of Communism?

(Your Worship, I'm not finished with this witness, but I see there are a number of cases here that have to be remanded?)

MR. BERRANGE: Before your Worship adjourns, it does occur to me in regard to my application that I made to your Worship, immediately after the luncheon interval, that there may be some mis-understanding on the part of one or other members of the Security Branch people. And I say that for this reason sir, yesterday, as your Worship knows, we asked for permission to consult with the Accused in the afternoon. Mr. Weinberg was brought along together with the rest of the

/body...

body of the accused and there was a member of the Security Branch present. And I told this member of the Security Branch that Mr. Weinberg should not be present at our consultation because he is a witness under cross-examination and as such it is not ethically correct for Counsel to consult with a witness under those circumstances.

This member of the Special Branch thanked me for having drawn his attention to that fact and took Mr. Weinberg away sir, so he wasn't present during this consultation.

Now, it may well be of course, sir, that a similar situation happened during the luncheon interval today and that the same or some other member of the Special Branch might have thought that it was incorrect for Mr. Weinberg to be together with the co-accused even when Counsel is not present. And if your Worship could make it clear that there is nothing wrong about that, or nothing ethically incorrect about that, then that might solve the situation.

COURT: You don't have any consultations during the luncheon interval?

MR. BERRANGE: Sometimes we do. But if we were to have a consultation, we would do what we did yesterday, during the lunch interval and that is, ask Mr. Weinberg not to be present. And I think that perhaps it's conceivable sir, that a misunderstanding has arisen in that regard.

COURT: It seems a very possible solution. I wonder if the State could find out what the position is and perhaps we could bring up the matter again tomorrow.

CASE REMANDED: 12/2/65.

Ek sertifiseer hiermee dat die voorafgaande 'n ware oorskrif is van die oorsprinklike getuienis meganies opgeneem in die saak van: Die Staat teen A. Fischer en ander.

(Blaaie van bande 209 - 216 ingesluit). Oorskryfster:

J. Parsons

APPEARANCES AS BEFORE.

COURT TO PROSECUTOR: Mr. Prosecutor, that question raised by Mr. Berrange regarding the accused being together at intervals, did you go into that question at all ?

MR. LIEBENBERG: Your Worship, I understand that some misunderstanding arose because my learned friend had indicated something to the police and they acted on that, but I will certainly see to it that something is done about this your Worship.

MR. BERRANGE: As long as it doesn't occur again.

ACCUSED NO. 3 (Still under affirmation):

CROSS-EXAMINATION BY PROSECUTOR (MR. LIEBENBERG):

Mr. Weinberg, this person, Julius Meyerson whose flat you used, is a good friend of yours ? --- I think so yes.

For how many years ? --- I think about 16 or 18 years. Something like that. He was in the National Union of Commercial Travellers when I was Secretary and that was quite a while ago.

Yes, he also has certain Leftist views has he ? --- Mr. Meyerson ?

Yes. --- Well, I think he is sympathetic to the Left - I am not sure. I know him as a good Trade Unionist.

Wasn't he also in the old Communist Party ? --- I don't think so. No, I didn't know him as a communist.

And was he in the South African Congress of Trade Unions ? --- No.

To which union did he belong ? --- The National Union of Commercial Travellers.

Is that sort of a sub-committee or sub-branch of the

Congress of Trade Unions ? --- No sir.

It is not a trade union ? --- It is a trade union yes. A registered trade union.

It is ~~affiliated~~ or was it affiliated to the South African Congress of Trade Unions ? --- No, it was not.

Why not ? --- I don't know why not. The South African Congress of Trade Unions came into being long after I had left the National Union of Commercial Travellers.

Now, what was the nature of the banning order that was served upon you ? --- Which one, sir ? There were several - there were three.

Yes, can you give us details of all of them ? --- Well, the first one in 1953 banned me from attending gatherings and ordered me to resign from the National Union of Commercial Travellers and from the South African Trades & Labour Council. I think the second one was a reference to attending gatherings as far as I remember.

COURT: The second one, when was that ? --- Well, I think 1955 or 1956.

From attending gatherings ? --- Banned me from attending gatherings yes.

PROSECUTOR: Did it enumerate the gatherings that you could not attend ? --- I'm afraid I can't remember, but it was one of those stereotype type of notices.

Yes, what I have in mind is, they gave you a list of organizations whose meetings you could not attend ? --- No sir.

Not ? --- No.

What did it say then ? --- It said that I was prohibited from attending gatherings. It may have detailed some gatherings but it did not ban me from any - I was only banned from two organizations, the South African Trade

and Labour Council and the National Union of Commercial Travellers.

And the second banning order prohibited you from attending gatherings ? --- Yes.

Any gathering ? --- I think so.

Political gatherings ? --- I think that is what it was meant yes.

Social gatherings ? --- No, I don't think it referred to social gatherings.

Because I think you had numerous parties at your house to which you invited your friends ? --- I had parties at my house yes.

I can almost say once a month or a few parties a year ? --- Well, I don't know whether there were so many. I had at the time teenage children and they were having parties, it's quite true.

No, I am not quarrelling, all I am saying is that I think right up to about '62/'63 ? --- No sir, I don't think so because after 1960, after the state of emergency I found it rather difficult to have any kind of parties at the house.

No, but take the position of no. 9 accused (Dr. Gazides), wasn't he at a party at your house in 1962 or 1963 ? --- I have no recollection of that sir. The only time I met Gazides was when he came to me to take his graduation photographs. That was about 1962 I took his photographs.

Yes, and wasn't there a party at your house where both he and no. 8 (Miss Nicholson) were present ? --- I don't remember that sir. I frankly don't think so but it is not impossible.

It is fair to say that you had numerous parties at

your house ? --- Yes.

Mixed parties ? --- Yes.

The point is that those kinds of gatherings were not prohibited ? --- No, they were not prohibited.

You were not restricted. If you wanted to meet your friends say of the South African Congress of Trade Unions at your house, you could have done so ? --- I did in fact. They used to come to the house.

It wasn't necessary to go and get a flat in Berea to have a little meeting ? --- It became necessary after the 1st of November 1963 when I received a new banning order which was far more extensive.

What did that one provide ? What did that order provide ? --- That banned me from attending social gatherings - any kind of gatherings. It detailed a whole series of them.

Yes, you say that you didn't attend any gatherings after that ? --- I don't say that.

And where was your studio ? --- At 11 Plantation Road, Gardens.

Your studio ? --- Yes, at my house.

At your house ? --- Yes.

Now, couldn't you meet your friends - your political friends at your studio ? --- When ? After November '63 ?

Yes. --- No sir, I didn't want to take the risk.

For instance if Emily came there for the purpose of having her photograph taken, you could have had a nice little discussion ? --- If who came ?

Emily. --- I think Emily was known as a Trade Unionist and I didn't want to take the risk of having her at the house.

If she had come there for the purpose of her photograph there would have been nothing irregular about it ?

--- I didn't want her at the house. I didn't want to take any risks. I didn't want to have her at the house.

I suggest you took a bigger risk by meeting her in Berea than at your house ? --- No sir, I think I did not. I think it was a place that was not known and therefore I considered it safer.

You were entitled to conduct your business ? --- I suppose so yes.

You did conduct your business ? --- Yes.

You had people supporting you from all races ? --- Yes.

Whites and non-Whites ? --- Yes, largely Whites.

It wouldn't have been an unusual occurrence for a non-White person to arrive there and ask for a photograph to be taken ? --- It wouldn't have been an unusual occurrence but it was a person who was known to the police and who was a Trade Unionist and I preferred not to have her at the house.

Now, did you tell Mr. Meyerson that you had given the key to Mrs. Bernstein ? --- I did not tell him that.

Would he have had any objections ? --- I don't know.

Would he have had objections if he knew that you were taking non-Europeans to his flat ? --- I don't really know. I didn't tell him and I didn't ask him. I told him I wanted the place to meet some people. I didn't tell him what kind of people.

But didn't you think it might involve him in some risk or other if you took non-Whites to his flat ? --- I don't think so.

If there had been some inquiry, if the police had followed you there, don't you think he would have been involved in some charge ? --- Well yes, he might have been involved but he would not have known anything about

it. He could have cleared himself very easily.

Yes, that's what you say, but supposing the police had held other views and he was supporting you? --- Well, that is one of the reasons why I didn't give him details of what I was doing.

But that is also one of the reasons why I suggest to you that you did not take these non-Whites there, but you went there on your own. --- No sir.

And that by taking non-Whites to his flat you were not only involving yourself but him as well, who was an innocent person? --- Well, I don't think he would have been involved. I mean he could say what I told him and that was all.

What do you think would have happened if the police had caught you and Emily in his flat? The police had made enquiries and discovered that this flat was rented by Meyerson? --- Yes. I don't know what would have happened or what could have happened.

The police would have established that you and Meyerson were friendly - were friends? --- Yes. Well, I might have been in trouble but Meyerson would not be in trouble surely.

If it was proved that you - or established that you were meeting there for the purpose of Trade Union affairs? --- Well, I mean there was nothing wrong with that in itself.

I am concerned about Mr. Meyerson? --- But he didn't know about it. I didn't tell him.

Mr. Meyerson assisting you to have illegal gatherings? --- He did not know about it.

That is a convenient way of stating it Mr. Weinberg. --- That is the way it is sir.

I suggest to you that you could have met your people

elsewhere more unobtrusively ? --- Well, I had very great difficulty in arranging meetings. In fact, as time went on the meetings became less and less for that reason. Those were the arrangements I tried to make in order to protect myself and it was the best I could do.

The meetings of the Trade Union or meetings to discuss Trade Union affairs weren't illegal really ? --- No, but I wasn't allowed to attend any gatherings.

And you were taking serious risks to have those meetings ? --- I realised that.

Yes, I suggest you would have taken these risks for the purpose of the Central Committee of the Communist Party ? --- I was not a member of the Central Committee of the Communist Party sir.

And for those lesser meetings you would have met them in the street, you could have met them in the street ? --- Well, this is the way I arranged it and this is the way I did it sir.

You could have discussed your affairs in a car with them ? --- I did discuss sometimes affairs in a car if I considered they wouldn't take long, if I didn't have to do any writing, if it was easy to dispose of it in a few minutes, but I considered that meetings in a car were risky.

And you could have discussed the little problem with Emily on the telephone ? --- I didn't know what problem she wanted to discuss with me. She brought it to me there and then. She sent a message that she wanted to see me and I made arrangements to see her and then she brought that.

She obviously phoned you, didn't she ? --- No, she didn't phone me.

How did she contact you ? --- She sent a message

with a person.

COURT: To your house ? --- Yes sir.

PROSECUTOR: But she could have phoned you at the house if she wanted to ? --- I suppose she could have yes.

It would have been no trouble for her to phone you and discuss the question on the phone ? --- Yes well, I asked most people with whom I was connected not to phone me.

Now you get a message at Gardens, you have to proceed to Observatory then you have to get the key, then you have to get in touch with her and tell her now meet me at 82 Twickenham ? --- No sir, that wasn't the way it happened. When the messenger came to me, I sent back a message to say that - to ask her to meet me at a certain place and then that evening I went and arranged to fetch the key. I left a message to fetch the key the following day.

COURT: The following day ? --- Yes.

PROSECUTOR: Yes, now you still had to communicate with her to tell her where to meet you ? --- I sent a message back with the messenger.

To say that you would meet her at 82 Twickenham ? --- I asked her to go to 82 Twickenham.

And supposing Meyerson had needed the flat that day ? --- Well, then I would have gone to 82 Twickenham to stop her and to make some other arrangements.

Really Mr. Weinberg, why go to all that trouble ? --- Well, those were difficult things. I had to protect myself because I was committing obviously an offence.

I suggest you are lying, that's why you ... --- No sir, I am not lying.

You are having great difficulty with this problem Mr. Weinberg ? --- No sir, I am having no difficulty

whatsoever. This is the way it happened sir.

And as a matter of fact you haven't even told us about the third time that you had the use of this flat and the use of the key ? --- I beg your pardon ?

The third time that you used this key of Meyerson's flat, that you had the use of the flat, what was that for ? --- I met two Trade Unionists

That was the second time ? --- The second - yes, those were the only two occasions I used it.

Only two times ? --- Yes.

Not a third time ? --- No sir.

I am under the impression you spoke of three times. --- No, I borrowed the key three times.

And Meyerson spoke of about three, four times. --- I borrowed the key three times. If Meyerson says three, four times then he is not right.

When did you borrow the key the third time ? You have now mentioned two. --- The first time was when I met that woman, the second time I borrowed the key for Mrs. Bernstein and then the third time I met those two Trade Unionists.

For Mr. Bernstein ? --- Mrs. Bernstein.

When was that ? --- I think it was in June or thereabouts. Possibly the end of May, the beginning of June, something like that.

Now where did Mrs. Bernstein meet you when she asked you for the use of this flat ? --- Mrs. Bernstein came to my house and she asked me whether I could help her to find a place where she could have a meeting.

Where she could have meetings ? --- She said one meeting, she didn't say meetings.

Yes ? --- Then I went to - and then I said to her

well, I would try and get the key of this place for her, and I made some arrangements to get the key for her. I got it for her immediately.

Where did you hand her the key? --- I think I went to her house. I went to Meyerson, I got the key and I took it to her house because it is not far.

Again running a risk? --- What kind of risk sir? Of being seen in conversation with a banned person. --- I don't think Mrs. Bernstein was banned.

Wasn't she? --- I don't think so sir.

Why would she want a secret place for meetings? --- She told me she wanted to meet some members of the Women's Federation.

They were not banned, were they? --- She said they were banned.

Did she say who they were? --- No, she didn't tell me who they were.

So, she told you that she wanted a place to hold a meeting with banned persons? --- Yes.

Did she say how many banned persons there were? --- No, she didn't.

Why would she come to you Mr. Weinberg to ask you for assistance of that nature? --- Well, people were running around all over the place, looking for places to meet. She happened to ask me and I had a place.

She must have thought you were a very willing person or agreeable person? --- Yes, she must have.

That you would assist her whenever you could? --- Well, yes. My wife was a member of the Women's Federation. She might have thought that I would be prepared to help.

Oh, but she doesn't ask your wife, she asks you? --- Yes, because I was there and my wife wasn't there, and

she spoke to me about that.

And then you incurred the risk of getting Meyerson involved as far as Mrs. Bernstein was concerned with her banned friends ? --- Yes, but Meyerson didn't know about that. I didn't tell him that.

Yes, but Mr. Weinberg, from what you have been telling his Worship, you were certainly very anxious to assist these banned persons with all these activities of theirs ? --- I beg your pardon sir ?

I say you were certainly anxious to assist these banned persons in their activities ? --- Yes.

And it would have been an easy matter for you to have meeting there with Mrs. Bernstein yourself ? --- I didn't have a meeting there with Mrs. Bernstein.

It would have been easy ? --- It might have been easy but I didn't have a meeting with her.

It would have been less obtrusive ? --- But I didn't have to have a meeting with her.

(Question by Prosecutor inaudible.) --- I didn't have to have a meeting with her and therefore I didn't have a meeting with her.

Did Mrs. Bernstein tell you that she was also meeting non-White banned persons ? --- She didn't tell me whom she was meeting. She said certain people of the Women's Federation who were banned and whom she had difficulty in meeting otherwise.

I didn't ... --- I said, she said she wanted to meet representatives of the Women's Federation who were banned and whom she had difficulty in meeting openly somewhere. She wanted a quiet place, a safe place.

Did she say of what race they were ? --- She didn't mention the race. I didn't ask.

How far did she stay from you? --- About 6 or 7 minutes ride by car. Perhaps 10 minutes ride by car - something like that.

Then you say, did she return the key to you? --- Yes, she returned the key.

Did she say if they had their meeting? --- I didn't ask her.

What day of the week did they have the meeting? --- I don't know sir.

Now, did she also know Mr. Meyerson? --- I don't know.

Is it possible? --- I don't think so.

Possible? --- I don't know, I don't think so. I don't think she knew (?) at all.

Yes, but from what you knew about Mr. Meyerson, he was a fairly reliable person? --- He was a friend of mine.

Yes, he wouldn't have given you away if he had known that you were having illegal meetings in his flat, would he? --- But he didn't know, I didn't tell him. Why should I tell him? I owed a responsibility to him and I didn't want to do that.

I am asking you whether you think he would have given you away if he had known the true position? --- I don't know. He might have.

Why didn't you put Mrs. Bernstein in touch with him? --- I didn't want to.

Why not? --- Well, I didn't want to trouble Meyerson with any more people. I had an arrangement with him and I took advantage of that arrangement.

Why involve yourself in a matter that you could have stayed out of? --- I was prepared to help Mrs. Bernstein to that extent and I did that.

Yes, and the possibility was there that Mr. Meyerson would also be prepared to assist Mrs. Bernstein? ---

Well, he might have been or he might not have been, I don't know, but I didn't take that line.

But couldn't you have investigated, explored it? --- I didn't try sir. I didn't want to do that. I had an arrangement with Meyerson and as far as I was concerned I didn't want other people to be involved with him.

You see, I suggest that story doesn't ring true because you are prepared to take non-Whites to Mr. Meyerson's flat. Mrs. Bernstein was going there with white persons. Why wouldn't it be easy for you to tell Meyerson that these people were using the flat then? --- Well, I didn't look at it that way. I had my arrangements with Meyerson, I didn't want other people to be involved in this. I didn't want Meyerson to be involved with other people. I just made my own arrangements with him and not with anybody else.

Yes, but do you appreciate that if Mr. Meyerson had gone to his flat for some reason or other, and he found Mrs. Bernstein and other people there, that there would have been some sort of trouble if he were against this idea?

--- Well, there might have been but I think it was clearly understood between Meyerson and myself that when I was there he would not go to the flat.

Supposing he knew that you would only have the use of the flat for an hour or half an hour? --- Well, I didn't give him specific times. I think he would assume that as long as I had the key he would not go there.

Unless of course Mr. Meyerson wouldn't have had any objections to Mrs. Bernstein being in his flat? --- I can't tell you that sir. I don't know. He may have had objections,

he may not. I did not ask him.

These non-White persons that you took to the flat there, were they perhaps the persons that you were supposed to take to a meeting on one occasion which was referred to by Mr. Beyleveld ? --- No sir, I don't know anything about that.

I still don't understand where and why Mr. Beyleveld should introduce that bit of evidence that you were supposed to bring non-White members to the meeting on one occasion and you did not arrive. --- I don't know why he should introduce that evidence.

If Mr. Beyleveld - where could he have heard about it ? --- I'm sorry. Where could he have heard about what sir ?

That you had taken two non-Whites to Meyerson's flat ? --- I don't think he heard about it. I don't think he knew about it.

MR. BERRANGE: I don't think he said it either.

PROSECUTOR: No, I am not saying that Beyleveld said you took or you were supposed to take two non-Whites to that flat, I am talking of one of the Central Committee meetings. --- I am denying that I took any people to Central Committee meetings or anybody because I didn't went anywhere near those meetings.

Yes, that is why I am asking you, where would Beyleveld get the idea from that you were supposed to bring two non-White members to a meeting ? --- I don't know where he gets his ideas from.

Unless he was sucking it out of his thumb ? --- Maybe. What sort of business has Meyerson ? --- I think he runs a driving school.

He is always on the run ? --- Well, he is in and out

of the house. He makes appointments at the house, goes out and comes back and so on.

It would have been difficult to contact him too ?
--- Well, he usually gets home at about 6 o'clock and I had an arrangement with him that that was when I would see him.

Did you always meet him or contact him at 6 o'clock ?
--- Usually yes.

In the evening ? --- Yes, usually.

MR. BERRANGE: I wonder whether I might be allowed to interrupt sir. According to my note Mr. Beyleveld did not say that Mr. Weinberg was to bring non-White members to this particular flat.

PROSECUTOR: Please, I did not say it. I did not suggest it. I say he was supposed on one occasion to bring two non-White members and he didn't arrive at the meeting.

COURT: That is the position quite clearly.

MR. BERRANGE: And not to this flat ?

PROSECUTOR: No.

MR. BERRANGE: No, because it was to this empty house at the water tower that Mr. Beyleveld ...

COURT: Quite right.

PROSECUTOR: Yes, I am merely speaking of the idea of Beyleveld bringing two non-Whites to a meeting on one occasion. That was what I was asking.

Did you understand me wrongly ?

COURT: I think actually you put the question wrongly Mr. Prosecutor, as I understood it.

WITNESS: Well I mean Beyleveld had nothing to do with my arrangements with these two people. I don't know anything about it.

PROSECUTOR: Yes, I am putting a general question to you;

where Beyleveld would have got the idea from? --- I don't know sir, I can't tell you.

Now, you have told his Worship, I think on Wednesday, that you had no hesitation in propagating your views whenever Belt.218. you had the opportunity and any possibility that came your way, you used for that purpose? --- Well, I didn't go out of my way, but if people wanted to discuss my views with me, I would discuss them.

Yes, and your activities in the Trade Union were also directed in that direction as it were? --- Well, you put that to me yesterday. I can't deny that I am always thinking along communist lines.

I just wanted to make sure that you weren't trying yesterday to retract from your evidence on Wednesday. --- I was a bit worried that you might try to incriminate me sir and I am not sure of the legal position. I think I have incriminated myself, but that is just too bad.

So, you were afraid yesterday afternoon that you might get yourself in trouble and that's why you ... --- Well, I was worried that you were trying to do that yes.

Is that why you then suddenly decided to water down your evidence of Wednesday a bit? --- I didn't water down anything.

Yes, you did. You tried to say to me that the bit of activity that you took part in in the Trade Unions concerned wages and concerned a letter here and there. --- I still say that as far as Trade Union work was concerned, that was Trade Union work and it had nothing to do with communist activity, that I can't deny that my mind is usually directed along communist lines.

Did you read these extracts of the SACTU Lectures I gave you yesterday? --- Yes, I read those.

I just want to put a few passages to you just to see that you are in agreement about their policy or about your views so far as they compare with the Congress of Trade Unions.

MR. BERRANGE: I must interrupt. That these are SACTU lectures has not been established although my learned friend refers to them as SACTU lectures. If my learned friend wants to cross-examine upon what is contained in any of these documents of course he is perfectly at liberty to do so and he is entitled to do so, but unless he establishes either through the witness or somebody else that these in fact were SACTU lectures, a statement from the bar to the effect that they were SACTU lectures is not in my submission admissible.

PROSECUTOR: I am entitled to cross-examine on any source and my learned friend should know that your Worship.

MR. BERRANGE: Yes, I know that.

PROSECUTOR: Yes, then there is no need for you to interrupt me. I am entitled to cross-examine you and I want to know from you how you understood the SACTU policy Mr. Weinberg. That is all I am going to ask you.

Please sit down Mr.

(To witness): As you understand ...

MR. BERRANGE: Sir, I am .. (Mr. Berrange and the Prosecutor speaking at the same time.) When I am on my feet I am addressing your Worship, and I think I am entitled to address your Worship.

I have made only one submission to your Worship and that is that my learned friend is entitled to cross-examine but he is not entitled to attach a label to a document unless the witness says that this is a document as specified by my learned friend.

That is all I am saying sir. I think it is perfectly illegitimate that I should be told to sit down. I am not prepared to tolerate that type of language from my learned friend.

COURT: Will you put the question again Mr. Prosecutor. I am afraid I didn't hear the original question very clearly.

CROSS-EXAMINATION BY PROSECUTOR CONTINUED:

I want to know from you Mr. Weinberg, you were associated in one form or another with the South African Congress of Trade Unions for the last 10 - 11 years ?

--- For about 9 years.

Yes, and I take it that in the course of those 9 years you had ample discussions with leaders of the Congress of Trade Unions ? --- Yes.

Like Beyleveld, like Leon Levy ? --- That's right.

Like Aron Mhlangu ? --- I don't know Aron Mhlangu.

Who were the members of the Congress of Trade Unions ? --- There was Leslie Masina, Mrs. Altman and John Radebe. Those were the people.

Yes, now I want to know whether you reckon that after 9 years of association with prominent members of the Congress of Trade Unions, you were in a position to gauge the policy of that organization ? --- I think I am in a position to do so yes.

And am I unfair to you would I suggest that the Congress of Trade Unions in its policy endorsed the Freedom Charter ? --- That is correct.

Am I unfair to say that in endorsing the Freedom Charter the Congress of Trade Unions aimed at the establishment of a people's democracy in South Africa ? --- I think

they supported the establishment of that. They supported it in so far as it coincided with their own objectives of freedom of Trade Union Association, freedom to strike, freedom to negotiate directly with the employers and so on and so forth. In so far as the Freedom Charter laid these down, the Congress of Trade Unions supported the Freedom Charter.

Yes, and in the general political analysis the Congress of Trade Unions was following the Marxist-Leninist doctrine ? --- I don't agree with that sir.

Now I want to put these lectures to you on the basis that they were issued by the Congress of Trade Unions. --- Well, you showed me those lectures. I read them and it brings back a memory. I remember that they were brought up in one of the trials. I can't remember, I think it was the Treason Trial, when I saw them. In fact it was the first time I saw them then.

Yes ? --- Well, that is what I know of these lectures.

Yes, now my question relates to the Marxist-Leninist doctrine. --- Yes well, as I read through them they are, I would say working class, socialist lectures. The sort of lectures that are given for instance at the Trade Union School of the Trade Union Congress.

Yes, but it is following the Marxist-Leninist line ? --- Maybe. Well, I don't think so. Not altogether. They may have differences with the Marxist-Leninist line.

As you understood them, they were referring to - giving the whole history of the Marxism-Leninism, starting with the inaugural address and constitution which were drafted by Karl Marx at one of the earliest - I think the first or second International ? --- That is a portion of the lecture, I think, on the history of Trade Unionism.

That's it yes. Then it deals with the Second International which came into being in 1889, which was mainly a political movement of the workers with a programme of achieving a socialist form of society in place of the privately owned capitalist form of society? --- Yes, they were socialist lectures.

Yes, what I want to - I don't know why you should have difficulty suddenly this morning Mr. Weinberg. --- My point is, they weren't all socialist lectures. Some lectures there are purely on the question of how to organize trade unions.

I know. --- And some - one of them is on the history of the Trade Union movement, one is on the structure of society.

Yes, but when they say for instance: "The organized Labour Movement has to enter the political field to counteract anti-labour legislation and ultimately to aim at the social ownership of the means of production. Socialism which is the only way in the end to destroy the strangle hold of the capitalist class over the state machine"?

--- Well, that isn't necessarily a Marxist view only. Social Democrats hold that view. Trade Unionists in Britain and America hold that view too.

Yes, but we seem to be getting involved in all sorts of arguments again. If we start with our modern society and how it arose, clearly setting out the role of the working class and how it should - the workers should find that they cannot secure lasting improvements and security on the capitalist conditions of the doctrine, then they must themselves take over control of the means of production? --- That is a view that is close to the Marxist view but it is also a view that is held by many

other people.

Yes, but when they have these peculiarities of saying that: "It is clear from the above charter, the working class ... (inaudible). Its closest ally in this struggle is the peasantry." That, you will agree with me, is a typical Marxist-Leninist concept? --- It is a Marxist concept yes. Many other people hold that concept too, but it is a Marxist concept.

Yes, that is all I am asking. I don't know why you are having difficulty. I am suggesting to you that this is ... --- My difficulty sir, is that I can't accept that all these lectures were Marxist-Leninist lectures. Some portions of it were in a direct way of Marxist-Leninist, but some portions of it were not and even those portions that are Marxist-Leninist, those views are held by many other people.

Yes, but these passages that I have put to you here from certain of these lectures, certainly follow the Marxist-Leninist line? --- They seem to be close to the Marxist-Leninist line.

It's a question of argument Mr. Weinberg, but if one looks at the propagation of the Freedom Charter and the establishment of the People's Democracy in the light of these lectures, wouldn't you agree with me that the view that was propagated was the establishment of a People's Democracy along the lines of the Eastern European countries? along communist lines? --- I don't think these lectures did intend to do that but if you feel that is what they say, well it is your view of it. I can't quite agree with that.

No, no, I am not trying to express any view. --- I don't want to quibble over that. It doesn't mean a thing

to me. I don't think that that is a Marxist-Leninist document. That is my view. I don't think so. I think it is a sort of view that is held by many other people. I think Marxist-Leninists also hold that view. That is as far as I can go sir.

Yes, but what I want to find out from you is, from your discussions with leaders of the Trade Union Movement, you did not come to any definite conclusion as to what precisely they had in mind? --- Well, they had in mind the usual objects of Trade Unionism. These objects were set out in the constitution of the South African Congress of Trade Unions. They also had in mind sir, political objectives. They wanted franchise and they wanted certain rights which they regarded as necessary in order to further the objects of Trade Unionism, and that was their programme. The best way of establishing their programme would be to take the constitution of the South African Congress of Trade Unions. It is all set out here, the objectives are clear.

Did you attend meetings at Jack Unterhalter's house? --- I beg your pardon?

Did you attend meetings at Jack Unterhalter's house? --- No sir.

Now, come back to Beyleveld's evidence, you will agree with me that he attributed to you a very minor role in the activities of the Central Committee? --- I don't know.

For instance he did not say that you were a member of the secretariate? --- No, he did not say that.

Or that you were a member of the District or the Area Committees? --- No, he did not say that.

Or that you had any specific code name? --- He did not say that.

Things he could have invented if he had wanted to ?
--- I suppose he could have yes.

Now, do you agree with me that the following books are useful to study the basic Marxist-Leninist doctrine:

The works of Lenin ? --- Yes.

Of Marx and Engels ? --- Yes.

"Fundamentals of Marxism" ? --- That is the book you held in your hand, yes.

(?) books on dialectical materialism ? --- Yes.

Burns' "Introduction to Marxism" ? --- Yes.

What do you think of the "Essential Lift" ? This booklet that was produced here as evidence, containing "The State and Revolution" and extracts from "Lenin" and "Communist Manifesto". --- It's a publication that was printed in the United States. It contains works of Marx, Engels and ...

Yes. --- Yes well, Left books. Left publications.

Yes, and "The State and Revolution" I think, forms one portion of it ? --- I think so, I can't remember. I haven't read that book.

"State and Revolution" is one of those books - works of Lenin which advocates the need for a violent overthrow in rather strong language ? --- Yes, I suppose so. It does.

For how long have you known Mr. Schermbrucker (accused no. 2) ? --- I think for about 12 or 13 years. I think about 12 years.

Was he then associated with the "Advance", "The Guardian" ? --- With "The Guardian" yes.

Did you maintain your friendship with him all the years ? --- Well, yes. I did work for the same firm and we met quite often.

And accused no. 1 ? Well, Mr. Fischer ? --- Mr. Fischer is an old friend of mine.

For how many years have you known him ? --- Round about 20 years.

And Mrs. Barsel (accused 4) ? --- I know her but I don't know her very well.

For how many years have you known her ? --- I think about 10 or 12 years. Something like that.

And Mr. Barsel ? --- Yes, both of them.

I think at that time Mr. Barsel was connected with the Society for Peace and Friendship with the Soviet Union ?

--- Yes, I think he held some position in that organization.

And was Mrs. Barsel connected with the Peace Council ? --- I don't know. I know her from the association with her husband.

And accused 5 (Norman Levy) ? --- I knew his brother very well and got to know him too, but I don't know him very well.

When did you get to know him ? --- Largely through my association with his brother.

His brother was a prominent Trade Unionist ? --- Yes. Because at one stage he was Chairman of the South African Congress of Trade Unions ? --- President, yes.

Then he was Secretary ? --- Yes, I think that is correct.

Did accused 5 hold any office in the Congress of Trade Unions ? --- I don't think so.

And accused 6 (Mr. Baker) ? --- Yes, I know Mr. Baker.

For how many years ? --- Well, I used to know him in the Old Communist Party way back in the fifties or forties.

I take it my learned friend was referring to Advocate Unterhalter. --- Yes, I understood that.

Do you know him at all? --- I do. I know him well.

You never attended any meetings there? --- No sir, I didn't.

He is a prominent executive member of the Liberal Party? --- That is correct.

There are a few small points that I want to deal with in order to put it into its right perspective.

It has been suggested to you... (impossible to transcribe.)

COURT: Could you speak a little bit louder?

MR. BERRANGE: I beg your Worship's pardon.

(To witness): You know that section in the Freedom Charter Mr. Weinberg, dealing with the restriction on land ownership on a racial basis being abolished and the land being re-divided, and it was suggested to you that this meant expropriation. --- In some cases it might mean that.

What does expropriation mean to you? --- Well, it can take various forms. It can take a form of by compensation.

Yes, quite a lot of expropriation is taking place in this country by the Nationalist Government, of land from white farmers? --- Yes, and in South West Africa on a large scale at the moment.

For which they get paid? --- Yes.

Now, the two persons - the two non-Whites whom you met at Mr. Meyerson's flat, were all the persons that you met at Mr. Meyerson's flat. Were they Trade Unionists or working in Trade Unions? --- Yes.

Do you know whether they knew Mr. Beyleveld? --- I can't tell you sir, I don't know.

Mr. Beyleveld had held a prominent position in the South African Congress of Trade Unions? --- Oh yes, he did.

And you were asked whether you addressed public meetings when you were a member of the Communist Party before it dissolved in 1950, and you told his Worship that you addressed a number of meetings ? --- Yes.

You also told his Worship that you were a ... (inaudible) member of the Communist Party ? --- Yes.

That you may have attended (you can't remember) a District Committee meeting ? --- Your Worship, I may have attended more than one but I can't remember, and I can't remember whether I was an official. But if I was, I wouldn't deny it sir. It's possible. I don't think I was.

And this matter of addressing public meetings, and which you said you addressed many, was this a duty which the Communist Party usually envisaged upon all its members irrespective of the position that they held in the Party ? --- Oh yes. Yes, the Party could call on a member to carry out any kind of duty.

Was this part of their training ? --- Yes.

And perhaps underlining it, my learned friend suggested to you that after 1960 all the Communist organizations had been banned. I just want to make it quite clear the South African Council of Trade Unions had not been banned.

--- No, the South African Congress of Trade Unions, no. It is still not banned as far as I know.

Yes, but what has happened is that they have been - the Government attempts to emasculate it by banning most of its executive members ? --- That is correct.

And that is the difficulty that you found yourself up against ? --- That's right.

And you say that all your life you have - or nearly all your political life your speciality has been work amongst Trade Unionists ? --- Yes.

Was that before the Communist Party was banned and thereafter? --- That is so.

As a matter of fact these were your words in answer to my learned friend: "My purpose in working with Trade Unions was to help to build Trade Unions" ? --- Yes.

Was this work always regarded as being of the greatest importance to persons who held Marxist-Leninist or Communist views? --- Yes, it was regarded as very important.

Of great importance? --- Very important yes.

And in so far as SACTU was concerned, South African Congress of Trade Unions Mr. Weinberg, did you as a Communist - which you admitted that you are, regard it of the greatest importance to build up and to assist SACTU? --- Yes.

And to keep it functioning? --- Yes.

Despite or because of the banning of its membership? --- Yes.

And were you doing that sort of work right up to the time of your arrest? --- Yes, I tried to. It became very difficult sir.

When did the first real onslaught or the attack on SACTU commence in so far as the policy of banning its executive membership is concerned? --- I think it has been operating very intensively over the last two or three years.

Over the last two or three years? --- Yes.

Did you regard this with equanimity or did it concern you? --- It concerned me a great deal. I was very worried about that.

Now, you have told his Worship that nearly the whole of your political life had been devoted to Trade Union work. That's both when you were a member of the Communist Party and thereafter? --- Yes.

That you have never abandoned your ideas about Communism ? --- Yes.

And you have also told his Worship that had you joined the illegal Communist Party when asked to do so, you do not envisage that you would have been required to do any other work than the work that you were doing amongst Trade Unionists ?

--- I am sorry sir, I didn't quite follow your question.

When you were asked by Mr. Wolpe, you have told his Worship ... (impossible to transcribe) ... that when you were asked to join the Communist Party, you had a discussion with him ? --- Yes.

You argued it out ? --- Yes.

And that you did not envisage that you would be required to do any other work than the work which you had been doing for the last 20 or more years, namely work amongst Trade Unionists ? --- Yes, that is the work I had always been doing.

I take it you didn't think that they wanted you to come and address envelopes or to file mail or something of that sort ? --- No, I didn't think that.

No, you would have done Trade Union work and Trade Union work which is what you were doing at that time ?

--- Yes.

And you have also told his Worship that in the discussion which you had with Mr. Wolpe, you indicated to him that in doing the same sort of work by joining an underground organization you would have endangered not only yourself but the Trade Unions with whom you were in contact ? --- That is correct.

And it would have put a stop to the work which you were doing, which you thought was of great importance ? --- That is right.

And did Mr. Wolpe ultimately see your point of view after you had discussed this matter? --- Well, I can't really say. He left it at that and went away, but I think I persuaded - I think I convinced him of the correctness of my attitude.

Of your attitude? --- Yes.

Of course, incidentally to that you were also a married man and you were trying to build up a business or a profession as you said, at that time? --- Correct.

And that of course would also have been (?) of it? --- Yes, I had a family to support.

Talking about the question of risk by the way, there was no risk in your joining an illegal organization such as the Communist Party. That you could have joined the Communist Party . . . (see Next page.)

the Communist Party - my learned friend had suggested to you, and that you could have gone on with your Trade Union work. Do you agree that there would have been no risk in joining an illegal organization? --- I consider that there would have been a very grave risk.

With the consequences that you have already indicated to his Worship? --- Yes.

Tell me Mr. Weinberg, if there had been anything or something to be gained by taking such a risk, would you have done so? --- I think so.

In your view, was there anything to be gained? --- I don't think so. I would have continued doing Trade Union work and I was doing Trade Union work.

And it was suggested to you, or you were questioned in terms of some disbelief as to the fact that no one told you about the secret or illegal Communist Party after you had been approached by Mr. Wolpe, and you told us your reasons for not joining. Mr. Weinberg, if in fact you had joined or had been a member of a secret and illegal organization such as the Communist Party, would you have told your closest friend about it? --- No, certainly not.

And you were asked the question Mr. Weinberg, how it came about that Mr. Beyleveld came to the flat of which you had given Mrs. Hilda Bernstein the key. Do you remember? --- Yes, I was asked that.

Do you remember the evidence of Mr. Beyleveld to the effect that Mrs. Bernstein usually arranged the meetings of the Central Committee? --- Yes, I do remember that.

You of course are in no position to say whether she used the flat for the purpose that she indicated that she wanted it for, namely for a meeting of the Federation of Women, or whether she used it for any other purpose? ---

Well, I don't know. I took her on trust.

She may have used it for both? --- Possibly. I don't know.

Here is one small point Mr. Weinberg. You were asked in regard to publications like "The African Communist" and other publications which you candidly have admitted were received through the post by you, and you were asked in regard to it, how would people get your address. --- Well, I was a fairly well-known person.

Is your telephone-number in the telephone-book? --- Sure yes.

And the address? --- Yes.

Now, you were referred yesterday by my learned friend to this document called "The Revolutionary way out". Do you remember? --- Yes.

And you were asked and you admitted that "The Revolutionary way out" is theoretically in line with Communist thinking? --- Yes.

In line with Communist theory? --- Yes.

When did you for the first time in your life see this document? --- I saw it here. Yesterday as a matter of fact. I hadn't read it before.

You have also said that this doctrine did not in fact agree with some of the ideas expressed in this document or with some of the contents of this document. Do you remember saying that? --- Yes. What I feel is that it goes a little further than my own thinking. There seems to be a new trend.

I am more concerned Mr. Weinberg about the way in which you regard the situation in South Africa in regard to which you gave evidence and on being questioned. All I want to know from you is this and I would like you to

tell his Worship whether in your view the authors have correctly and factually assessed the position and situation in South Africa as it presently exists ? --- I think so.

And in so far as the need for more merited(?) methods are concerned, you have said to his Worship that you don't go as far as that and you don't regard that as being an immediate necessity at all ? --- That is correct.

You have given evidence, indicating in some detail of the external and internal pressures which you think may well bring about a need - bring about a change in South Africa ? --- Yes.

Do you think that those, or that point of view in your view has been sufficiently stressed in this document, "The Revolutionary way out" ? --- I think it is referred to, but in my opinion perhaps more emphasis should be laid on that.

More emphasis should have been put on it ? --- Yes.

If you had had anything to do with the authorship of this document, would you have done that ? --- Yes, I would have stressed that portion more.

Would you have expressed the point of view that you have expressed to his Worship ? --- That is correct sir.

And so far as your bans were concerned - I am dealing with the questions that were directed towards you this morning Mr. Weinberg, you have told his Worship that you were not allowed to attend gatherings, but it is a fact is it not that not only were you not allowed to attend gatherings (correct me if I am wrong about this), but that you were also not allowed to participate in any Trade Union work ? --- No, that is not correct sir. I was allowed to. There was no restriction on my taking part in Trade Union work.

I see. I didn't know. I was trying to find out what the position was. --- No, there was no restriction on that at all.

You were not allowed to attend gatherings? --- Yes, and the only organizations from which I was banned, were the National Union of Commercial Travellers and the South African Trades and Labour Council. There were no other organizations from which I was banned.

And in your latest banning order you were banned from attending any gatherings whatsoever? --- Any kind of gathering.

So that effectively created the situation in which you really couldn't do Trade Union work effectively unless you did meet secretly? --- Yes, it became very, very difficult after that.

And I think I put this to you in chief but I am not sure so I hope his Worship will bear with me if I repeat myself. In so far as trying to obtain secret meeting places is concerned, was that something that was common right throughout the whole of the Progressive Movement? --- Oh yes, everybody was hunting around for places where to meet. Everybody was consulting everybody else about that sort of problem.

What was that due to? --- Due to bans, due to very strict police surveillance.

Well, the police surveillance would be as a result of the banning orders that had been issued on people? --- Yes. Largely due to the bans that were imposed on people.

Which prohibited people from meeting? --- That's correct.

Now, lastly in regard to these what my learned

friend has referred to as being lectures put out by the South African Congress of Trade Unions - SACTU lectures as he has called them. I don't know whether you know whether they are or are not lectures that were put out by SACTU. Do you know or don't you? --- I don't know sir.

NO FURTHER QUESTIONS BY MR. BERRANGE.

COURT: This is two questions that I have on my list.

I can't quite understand why you didn't ask Emily to send you these documents through the post for your perusal and for your reply? --- Your Worship, I didn't know what she wanted to consult me about. She sent a message and said that she wanted to see me.

You didn't think of giving her a ring and asking her? --- I did not sir. I sent a message back and made arrangements.

If so many people were running around looking for places to hold meetings, how is it that you only used Mr. Meyerson's flat three times in six months? --- Well sir, during that period contact with people became increasingly more difficult, and as a matter of fact I lost contact with many people and I just couldn't have meetings as often as I wanted to. Most of the people that I had been associated with were banned and some left Johannesburg and I just lost contact with a lot of people.

I understand you, your help and advice in these matters was given free of charge? --- Yes your Worship.

And mostly to non-European Trade Unionists? --- Yes your Worship.

I have a little difficulty in your evidence that you asked Mr. Meyerson whether you could use his home as a place for these interviews if your interviews were mostly with non-Europeans. --- I don't think he would have

objected sir.

Oh, you don't think he would have objected ? --- I don't think he would have objected.

But in fact he did object ? --- I beg your pardon sir ?

He did object though ? --- No, he said his wife might object to me having meetings at the house and he didn't think it was advisable.

Yes thank you, that is all.

FURTHER RE-EXAMINATION BY MR. BERRANGE:

In so far as Mr. Meyerson is concerned Mr. Weinberg, is he - let me put it quite bluntly; is he, so far as you know a multi-racialist ? --- I think so. Yes, he is sympathetic to non-Europeans.

NO FURTHER QUESTIONS BY MR. BERRANGE.

COURT ADJOURNS.

ON RESUMPTION:

ESTER BARSEL Sworn states:

MR. BERRANGE TO COURT: Sir, Mrs. Barsel is suffering from a cardiac complaint and I have indicated to her that your Worship will have no objection I'm sure, to her sitting down if and when she wants to do so.

COURT TO WITNESS: Yes, sit down whenever you feel like it and as long as you feel like it. --- Thank you your Worship.

EXAMINATION BY MR. BERRANGE: Mrs. Barsel, I believe you were born in 1924 in Lithuania, and your father came to South Africa, bringing you with him when you were about six months of age ? --- No sir my father came to South Africa when I was six months old.

Oh, I see. --- My mother and I followed him when I was about 3. That was in 1927.

In 1927 ? --- That is correct.

And in 1936 I understand the family - you with your family came to live in Johannesburg ? --- Yes.

Now, whilst you were at school I believe that you joined various Zionist societies ? --- That is correct.

And one of them being - forgive me if I don't pronounce it correctly, the "Huscherwere Hautsair", is that right ? --- That's right.

Which was in fact a Left-wing organization in these Zionist societies ? --- Yes.

And you matriculated at the Athlone High School in 1941 ? --- Yes.

And then you spent a year at a business college ? --- Yes.

And in 1943 you started work but you continued part-time studies at the college called C.I.S. ? - - Yes, for one year only.

You didn't complete your course there ? --- No.

Now, at Athlone did you meet many young people who had what is known as Progressive ideas ? Leftist or Progressive ideas ? --- Yes, I did.

And thereafter I think you found your first introduction to Leftist or Progressive politics or ideas by joining the Left Book Club ? --- No, it was actually called the Left Club.

The Left Club ? --- Yes.

I am being a bit out of date.

And you used to go to that on numbers of occasions ? --- Yes.

And after having come into contact with Africans and Indians on a social basis, did you become interested in the South African political situation ? --- That is correct.

You came into contact with non-Whites I take it, at the Left Club ? --- Yes.

And lectures used to be given at the Left Club in those days ? --- That is right.

And the lectures, from what ranks or organizations were they drawn ? --- They were drawn from various organizations.

PROSECUTOR: May I interrupt your Worship ? I understand the operator says nothing that the witness says is being recorded.

COURT: Is the record ...

MR. BERRANGE: Is it up to date ?

COURT: It is though. It is up to date but it is soft.

MR. BERRANGE TO WITNESS: Just try and speak a bit more loudly. --- I'll try. As far as I can remember there were people who lectured from the Labour Party, the South African Trades and Labour Council, the Friends of the Soviet Union. I am trying to think what other organizations. They were drawn from various ...

Various organizations ? --- Organizations yes.

I take it, also from the Communist Party ? --- I believe so yes.

Did you get interested in any dramatic society ? --- Yes, I was interested in a dramatic society.

Was that part of the Left Club activities ? --- Yes. There was also a musical society in which I was interested.

Now, I understand that you became at some stage unhappy in your employment and round about 1944 did you have a discussion with a certain Mr. Chris Meyer ? --- That is correct.

Who was he ? --- He was the Secretary of the Friends of the Soviet Union.

And he, I believe, had heard that you were looking for a job ? --- Yes, that's right.

And what did he ask you to do ? --- He asked me whether I would be interested in joining the staff of the Friends of the Soviet Union. He said that it was the intention of the organization to open branches of the Friends of the Soviet Union along the East Rand. That they had an East Rand organizer and he would need some assistance.

The East Rand organizer would need some assistance ? --- Would need assistance. I asked Mr. Meyer what type of assistance was required and he said it would be in the field of fund raising. I explained to Mr. Meyer that I had had absolutely no experience in this field at all and felt that I couldn't really cope with such a position. He then went on to say to me that perhaps I could spend a month in the Johannesburg office of the Friends of the Soviet Union to get an idea of the sort of activities..

Yes, anyway to get some experience ? --- To get some experience in the Johannesburg office.

At that time I believe the Friends of the Soviet Union was a very large organization which had a suite of offices in Shakespeare House, is it not ? --- That's right.

Are you in a position to tell us - can you still remember who some of the sponsors were of this organization, F.S.U., or don't you remember any more ? --- Yes, I remember some of them. I think the late Mr. Jan Hofmeyr who was the Minister of Finance in the Smuts Cabinet.

Yes ? --- I think he was a patron. Colonel Steyn.

Who ? --- Colonel Steyn.

Colin Steyn ? --- Colin Steyn, I am sorry.

He was the Minister of Justice was he not ? --- That's

right.

Yes ? --- Archbishop or Archdeacon (I can't remember) Erkard.

Archdeacon Erkard ? --- Yes.

Yes ? --- Bishop Lavis.

Yes ? --- The Reverend Eaton.

Usually known as Tubby Eaton ? --- Usually known as Tubby Eaton, that is correct.

Yes ? --- I think Mrs. Jessy McPherson.

Mrs. Jessy McPherson who was a City Councillor, was she not ? --- Yes.

A Labour City Councillor ? --- A Labour City Councillor. Possible Mr. Alex Hepple, I am not sure.

You are not sure about Mr. Alex Hepple ? --- I am not sure, but I do know that he gave extensive support.

I'm afraid I can't hear you. --- He gave extensive support.

COURT: May I suggest that when you give your evidence, imagine to yourself that you are addressing the people at the back of the Court and then the people nearer will be able to hear you. If you could just try something like that.

MR. BERRANGE: I don't know whether you have ever addressed any public meetings, but would you try and imagine that you are addressing ... --- I am afraid I haven't sir.

Try and imagine that you are addressing a public meeting today for the first time.

What about Mr. Walter Madeley, do you remember ? --- Yes, Mr. Walter Madeley was also a patron of the organization.

He was a Cabinet Minister too, was he not ? --- Correct.

And was it whilst you were in the Johannesburg office gaining this experience, that you met your present husband, Mr. Barsel ? --- That's right.

He was in fact the East Rand organizer ? --- Yes.

And he dealt on the East Rand as you have told us, with fund raising? --- Correct.

And later on in the year, in '44, the Benoni office was opened and later offices were opened all over the East Rand; in Springs and Germiston? --- In Springs and Germiston yes.

And do you remember there was an organization at that time called The Medical Aid for Russia? --- Oh yes, very well. I remember that.

That was a very large organization? --- Yes.

And that, I believe, had offices in the building opposite Shakespeare House, is it not? --- I think they had offices in His Majesty's Building.

In His Majesty's Building? --- Yes.

And did your organization, The Friends of the Soviet Union, and Medical Aid for Russia organize their fund raising functions together? --- Well, as a matter of fact during the time that I was employed at the F.S.U. most of the functions were run jointly with Medical Aid and we shared the proceeds.

You shared the proceeds? --- Yes.

Well, we know at that time it was still during the war, The Soviet Union was very popular. Concerts and functions and all sorts of things were arranged, artists were brought in and as a result of all your activities there, did you ultimately become somewhat expert or adept at fund raising? --- I suppose you could put it that way sir.

You got married to your husband, Mr. Hymie Barsel, at the end of 1945? --- That's right.

Now, this time the war was over? --- Yes.

Medical Aid for Russia was obviously winding up

its affairs, correct ? --- Correct.

But The Friends of the Soviet Union still consisted to function ? --- Yes, that's right.

But I understand that it reduced its staff and you left to go and work for a commercial firm ? --- Yes. I actually left when the East Rand Branches wound up its affairs. I left for a very short time to work for Immaculate Dry Cleaners. I was then asked to go back to The Friends of the Soviet Union. That was the time when Mr. Burkett was secretary of the F.S.U. And I continued working until some time in 1947. I was then pregnant and left the F.S.U.

That was when you had your first child ? --- I had my first child in January 1948, so I left some time in 1947.

You have a cardiac condition and I believe that with all your children you have had to take a long time off from work whenever you had your children ? --- I have taken approximately six months off.

COURT ADJOURNS FOR TEA.

ON RESUMPTION:

ESTER BARSEL (Still under oath) states:

COURT: As far as the cardiac condition

EXAMINATION BY MR. BERRANGE CONTINUED: I think that that was as a result of rheumatic fever which you had when you were about 10 years of age ? --- Yes

And you have had this condition ever since, have you not ? --- That's right.

You have three children and they were born in 1948, 1951 and then again in 1956 ? --- Yes.

Now, during the course of the years, I understand Mrs. Barsel, you concerned yourself a great deal with fund raising on behalf of various organizations ? --- Yes.

And various bodies which had as their main purpose the eradication of racialism in South Africa ? --- Yes.

Belt 220. How old were you Mrs. Barsel when you first began to be aware of racial attitudes ? --- I would say between about 17 - 18, something like that.

But even earlier did you live on a farm near Middelburg ? --- Oh, yes sir, I did.

And did you find any form of anti-Semitism there ? --- Yes sir, I am afraid I did. There were many people living around us. My father had owned a country store and I must say that as Jews we weren't very well accepted by the community there. As a matter of fact I can really only remember one family who were particularly friendly towards us and this particular family owned the shop that my father managed. He was Mr. George Robertson, the United Party Member of Parliament for that district and I must say that he showed us great kindness and he was very nice to us, but apart from that we found that we were never invited to any social function or anything like that. And as an only child I felt very, very lonely indeed.

Very lonely ? --- Yes.

Well, one knows how cruel children can be to children. --- Yes.

Were any anti-Semitic remarks customarily addressed towards you ? --- I am afraid they were sir.

And during the war Mrs. Barsel, what happened to your mother's family ? --- Well, my mother's family were

They are all Jews of course ? --- Yes. My mother's family were in Lithuania.

COURT: I'm sorry ? --- My mother comes from Lithuania and her whole family remained in Lithuania when she came to South Africa. She corresponded with them regularly and

during the war years she hadn't heard from them at all until one day I remember coming home from work and my mother had received a letter from somebody in Lithuania to say that her whole family had been killed by the Nazis. My father came originally from the Ukraine. He had three brothers and two sisters. Four members of the family were married and had families of their own, and he also corresponded regularly with them prior to the outbreak of war. And after the war my father tried repeatedly to establish some sort of contact with them. He tried through various channels. He tried through the Red Cross who made repeated efforts on his behalf and he has never heard from them since.

So, I take it Mrs. Barsel, you became filled with hatred towards Naziism ? --- Yes sir, I did.

And was that an expression of a racial attitude so far as you were concerned ? --- Well, I tried to understand apart from the personal implications and the personal loss.

Apart from the ? --- Personal loss that my family had sustained. I tried to understand what Naziism was, what it stood for - the Herrnfolk ideology.

The ? --- Herrnvolk. I am sorry, that is not really Herrnvolk, it is racial policy of Naziism. The superiority of one race over another. That there are such things as inferior races and superior races. And I could not accept this. To my mind there was something radically wrong with that sort of thing.

Did your work in The Friends of the Soviet Union help you to understand at all the whole question of this Nazi ideology ? In other words race superiority. --- Yes, it did.

And did you become to feel that the same type of

ideology was being adopted in this country ? --- I would say that it was along similar lines. The race hatred was there.

Yes ? --- The policy of the Nationalist Government to me would be in a similar vein to that practised in Nazi Germany.

In other words, you came to a conclusion that it is morally incorrect and completely wrong that there should be any form of racial superiority of one race over another ? --- That is right.

And you were originally of course a Zionist ? --- Actually I joined various Zionist organizations. The last one was the one you mentioned.

Did Zionism continue to have an appeal to you as a result of your development and growth ? --- No, it didn't. I felt that as a South African I should be interested in what was happening in my own country. I therefore took more and more of an interest in the local political scene.

And how did you react to the accepted policy in this country of Apartheid ? --- I hated it sir. To me one form of racialism or another is exactly the same whether it is practised or not in Germany or whether it is practised in South Africa or anywhere else in the world.

Now, you have told us that you did a lot of work and you came to do a lot of work in the sphere of fund raising. Had you yourself ever taken any particularly active part in politics other than the raising of funds for a Leftist or Progressive organization ? --- Yes, I became interested in Congress of Democrats.

And when was it that you joined The Congress of Democrats, can you remember ? --- I think it was in 1954, I am not sure.

Were you a particularly active member there or not ?

--- I am afraid not.

You have of course and you did of course read the Freedom Charter ? --- Yes, I have.

After it had been adopted at the Congress of the People ? --- Yes.

What impression did that document make on you ?

--- I felt that it expressed very well the aspirations of the non-White people in this country. I felt it was something very laudable and something towards which one should work for its achievement.

And in so far as you yourself were concerned, what did you think ? What did you feel you should do in regard to the implementation of the Freedom Charter ? --- I was interested in getting as many people as possible to read the Freedom Charter to understand what was contained in it. As a matter of fact, prior to the adoption of the Freedom Charter we had the Declaration of Human Rights adopted at the United Nations General Assembly.

Yes, can you remember when the Declaration of Human Rights was adopted at the United Nations ? --- Yes, I do. It was the 10th of December 1948. As a matter of fact the 10th of December is commemorated or celebrated in this country annually either by a meeting or a demonstration or something of that nature.

And did you feel that the Freedom Charter was very largely based upon this Declaration of Human Rights ? --- Very largely based on it. As a matter of fact, if I remember correctly, the Freedom Charter was actually based on the Declaration of Human Rights and I found many, many similarities between the two documents. In some respects in fact the Declaration I think goes further than the

Freedom Charter.

It seems to me that that which appealed to you mainly as a result of your own experiences and your family's experiences in the Freedom Charter was the desire to eliminate all forms of racialism? --- That is correct. In fact the Declaration, if I remember correctly, said that no people or no person should be subject to arbitrary arrest for instance. No person should be ...

Well, I don't think we need go through it. I just want to lay the foundation Mrs. Barsel for your views in regard to the manner in which you saw the situation in this country and the manner in which you yourself have tried to assist organizations which were against any form of racialism. --- I see.

By the way, while we are dealing with this aspect, are you a Marxist? --- No sir, I am not.

Do you know anything about Marxism? --- Very little indeed.

Have you made any study of Marxism or Marxist-Leninism? --- No sir, I have not.

Have you ever been a member of the Communist Party? --- No sir, definitely not. Neither the legal Communist Party nor the illegal Communist Party.

Now, you told his Worship that as time went on you devoted quite a lot of your time towards fund raising which became a speciality of yours in the work that you were doing on behalf of these organizations? --- Yes, I felt that that was my sphere and in that way I could make my best contributions.

You had had a great deal of experience as a result of your association with the Friends of the Soviet Union where you were first introduced to the necessity to raise

funds ? --- Yes.

I wonder whether you would give his Worship some idea of the sort of activities in which you involved yourself in the sphere of fund raising over the years. Let's take for instance first of all the newspaper "The Guardian" or "New Age". Did you assist this newspaper with the raising of funds ? --- "The Guardian" - I think it was "The Guardian" which held an annual function. It was a very large function - one very large function which they organized annually. I assisted in the selling of tickets and I assisted as far as the catering is concerned.

And I believe that "New Age" also used to have ... --- They used to have a bazaar later on and jumble sales.

And did you assist in that ? --- I did. I take it, by collecting jumble and disposing of jumble and holding jumble sales and that sort of thing ? --- That's right.

And what about the Congress of Democrats, did you assist them with raising funds ? --- Yes, I did. In a similar way by holding jumble sales, by holding dinners, by selling tickets for it and so on.

And what about the Jewish Workers' Club ? --- Yes, I was associated with the Jewish Workers' Club. I actually first got to know people in the Jewish Workers' Club while I was working for Friends of the Soviet Union. They were naturally interested in the work of the Friends of the Soviet Union, and ...

Well, just shortly Mrs. Barsel. Did you also assist in raising funds and in selling tickets and jumble and that sort of thing ? --- Yes, I did

Just generally ? --- Yes.

That became your speciality ? --- Yes.

Now I'd like you to deal with the accused. First of all, do you know Mr. Fischer? --- Yes sir, I do.

You have known him for several years, have you? --- I have known him for several years.

Have you visited him at his house? --- Yes, I have. And there were often multi-racial parties there, were there not? --- That's right.

Which you attended? --- I did. And how did you get to know Mr. Schermbrucker (no. 2 accused) and in what capacity did you know him? --- I got to know Mr. Schermbrucker through the paper. Throught "The Guardian" and "New Age".

In regard to which you have already told his Worship you used to assist in raising funds? --- That is right.

At jumble sales and bazaars and things of that sort? --- That is right.

Mr. Weinberg, do you know him? --- I know Mr. Weinberg. I have seen him at parties, but I have never had any political association with him at all and I don't know him very well.

You don't know him very well? --- No sir. But you have seen him at some multi-racial parties? --- Yes, I have.

What about Mr. Levy (no. 5 accused)? --- I was associated with Mr. Levy during the time that I was a member of Congress of Democrats.

And did you and he often, or did you and he ever co-operate in the collection of funds for Congress of Democrats? --- Yes, we did.

Now, what about Mr. Baker (no. 6 accused)? About him and his whole family? --- I have been associated with

the Baker family socially for a very long time. I would say something like possibly 20 years. And Mr. Lewis Baker is a personal friend of mine, as is his whole family.

I am going to deal with this aspect with more particularity later, but your husband was banned in July 1963 ? --- That is correct.

And at that time you were travelling for a firm, selling jewellery and fancy good, which took you all over the country including the East Rand ? --- Yes.

And when you did on the occasions of your business visits to various firms, have to come through the East Rand and through Benoni, was it your habit to call on Mr. Baker or on his family ? --- I used to have lunch with the Bakers.

What about Miss. Middleton (no. 7 accused) ? --- I don't know Miss. Middleton very well. I have met her socially, I have met her in the Congress of Democrats. She has visited me a few times.

And Miss. Nicholson, do you know her at all well ? --- I think I may have seen Miss. Nicholson once or twice at Congress of Democrat meetings.

Can you recall ever having spoken to her ? I mean of course prior to you being co-accused. --- I don't.

And Dr. Gazides, have you ever met him before your arrest in this trial ? --- No sir, the first time I met Dr. Gazides was when we were in this trial together.

And Mr. Trewhela ? --- The same as Dr. Gazides. I have not met him prior to this trial.

You haven't met him prior to this trial.

And Miss. Neame ? --- Miss Neame, as far as I can recall, I had met on one occasion only.

On one occasion ? --- Only.

Prior to your detention ? --- Prior to my /detention.

And Miss Duncan ? --- Miss. Duncan I have met socially.

Were you ever a close friend of hers ?--- She used to visit us. I used to go to her occasionally. I wouldn't say that she was ever a close friend of mine.

And Mrs. Doyle ? She is related to Mr. Fischer, is she not ? --- Yes.

Yes ? --- I met Mrs. Doyle once only. After Mrs. Fischer was killed in a motor accident, I went over to Mr. Fischer's house and I met Mrs. Doyle there.

Now, you have told his Worship that you were not particularly active politically other than in the sense of trying to raise funds and financially help organizations of the nature which you have named ? --- That is correct.

Has your house ever been raided ? --- Yes sir, it has.

When ? --- On several occasions. The first occasion I think may have been 1954 or 1955, I am not sure.

Yes ? --- It was raided in my husband's name.

I don't quite know what that means. I think I know what that means. --- Well, they weren't looking for anything from me. They specifically, you know, were interested in what sort of - in my husband's possessions. And as far as I can recall they were looking for F.S.U. stuff.

For ? --- F.S.U. material.

F.S.U. material ? --- Yes.

And what else can you tell his Worship about raids ? --- I think we had two or three other raids. The last time we were raided apart from the time when both my husband and I were detained for 90 days.

That's on the 3rd of July ? --- July.

Yes ? --- Was at the end of 1961. I think that was

the time that the first sabotage outbreaks occurred. Shortly after that we were raided.

And so far as you are concerned, have you ever been arrested ? --- No sir, the first time I was arrested was on the 3rd of July last year.

I believe at that time a typewriter was taken from your home but it had already been returned ? --- That is correct yes.

Now, would you be so good as to tell his Worship what your husband's occupation had been during the last few years ? --- He is a clerk and he works for a building firm.

Where ? --- In Jeppe.

Was your husband active in the Friends of the Soviet Union ? --- Yes sir, he was.

What was his position there ? --- He was secretary of the organization for some time.

Now, the Friends of the Soviet Union became less and less popular as the war years receded into the distance - into the past ? --- That is correct.

And so far as you were aware or are aware, did your husband continue with any political activities after 1962 ? --- No sir.

That is if you can call being a secretary of the F.S.U. a political activity. --- As far as I know the F.S.U. really died a natural death some time in 1962, and since then my husband has not taken part in any political activities.

But despite that fact you are aware that in July of 1963 your husband was served with a banning order, was he not ? --- That is correct.

Which, amongst other things restricted him to the

magisterial district of Johannesburg? --- Yes sir.

Did this occasion any surprise? --- Very much so.

I don't mean generally, but I mean so far as you and your husband were concerned? -- Yes sir, we were very surprised indeed.

Yes, because you have told us that your husband's real activities and probably the only activities that you know of, was his work as a secretary in the Friends of the Soviet Union? --- Yes sir.

And that of course was a completely legal organization? --- Correct.

And highly respectable? --- Yes.

Now, prior to his banning did your husband, in order to supplement your income, have any other occupation other than that of being a clerk in this building firm? --- Yes, he was offered a job - a part-time job as a bookmaker's clerk in Roodepoort. This mean that he went to Roodepoort on Saturdays and on public holidays, and this in fact helped us tremendously financially. It brought us in something like £20 to £25 extra per month.

It brought you in an extra £20 or £25 per month? --- Yes.

I take it that your husband's salary as a clerk with this building firm was not very much? --- He got £90 - he gets £90 a month.

Now, you do know of course - we'll prove this later on possibly through your husband, that in view of the restrictions placed upon your husband by the banning order that he made several representations to the Chief Magistrate of Johannesburg? --- Mr. Dekena yes.

For permission to work in Roodepoort on Saturdays and public holidays so that your income could be supple-

mented ? --- Yes sir.

This permission was refused on a number of occasions ?
--- Correct.

And did another gentleman by the name of Mr. Price also go and make representations to Mr. Dekenah ? --- Yes, he did.

Who is he ? --- He is my brother-in-law sir.

And did he seek an interview with Mr. Dekenah ? --- Yes, he did.

But nothing came of that in so far as relaxation of the ban was concerned ? --- I don't know whether it was as a result of Mr. Price going to see Mr. Dekenah or whether it was as a result of my husband going to see Mr. Dekenah, but he was granted permission to go to Roodepoort on one occasion only.

On one occasion only ? --- Yes. He had to on that occasion report before he left Johannesburg.

I don't think it is very important. He had to report ? --- Yes.

And in October 1963, did your husband apply again to Mr. Dekenah for some form of relaxation of this banning order ? --- Yes sir, I think it was about October.

Now, had you planned to go on holiday at the end of 1963 Mrs. Barsel ? --- Yes, we had

And did you, or did your husband endeavour to get permission to go away ? --- Yes. When my husband went to see Mr. Dekenah, he went to see him to find out whether he could continue his job in Roodepoort - to get permission to go and also to get permission for us to go on holiday.

Was that permission granted ? --- I'm afraid not sir. Both were refused. Both requests were refused.

I see. So, you couldn't go away for your holiday ?

--- No sir.

I take it you and your husband discussed this matter on a number of occasions ? You must obviously have been very worried about the situation. --- Yes, we did.

And I take it your husband reported to you what Mr. Dekenhah had said to him or told him ? --- Yes, he did.

And in view of the fact that your husband had not participated, as you say, in any form of political activity since 1962, did you and he come to certain conclusions ? --- Yes, we discussed it at length.

Did you come to any conclusion ? --- Yes, the conclusion we came to sir, was that possibly the Security Branch had an idea that banned and named people were in fact visiting my husband.

Speak to his Worship. --- I'm sorry.

COURT: The Security Branch had an idea that ? --- Banned and - let me put it differently your Worship. Banned and named people did actually come to our house.

MR. BERRANGE: You say that is a fact ? --- That is a fact. They came to see me and it seems to me that the Security Branch had believed that they were in fact seeing my husband.

And that was the conclusion you came to after you had discussed this matter ? --- Yes.

Now, this was the end of 1963 that we are talking about. Were you still interesting yourself in raising funds and in doing the type of work that you had been doing for so long ? --- Yes, I did.

And did that necessitate your meeting and coming into contact on occasions with banned and named people ? --- Yes sir, it did.

And as a result of this discussion which you and

your husband had in regard to what you thought were the possible reasons for these severe banning orders being imposed upon your husband, what did you and he decide that you should do in future ? --- Well, both my husband and I were keen that he should get his job back in Roodepoort, and we discussed it quite extensively. My husband then suggested that I should no longer meet banned and named people at our house.

In other words that they should not come to your house ? --- That is correct yes. And that if I wanted to see them for any reason, I should try and make some other arrangements to see them elsewhere.

Did you explain to him the difficulties that that would occasion to you if you wanted to continue with the fund raising ? --- Yes, certainly I did sir.

Now, in 1963 had a situation arisen in this country in which the raising of funds was becoming more and more imperative ? --- Yes, I would say that the fact that the 90-day clause had been implemented, the fact that many families of people who had been detained were severely handicapped as far as finances was concerned, and needed assistance very badly.

And needed assistance you say ? --- Very badly.

Yes ? --- Irrespective of what the political views held by these people's families in my opinion needed assistance and needed to be looked after.

And did you feel that you were doing - you were contributing - that you were doing a useful job of work yourself ? --- Certainly.

In doing what you could to raise funds ? --- Most certainly.

And you had this difficulty then Mrs. Barsel, that

if these people who were some banned and listed people or named people came to your house, it would reflect upon your husband in so far as in the eyes of the Special Branch ?

--- Yes.

Now, at that time - this is in December, had your husband made any report to you in regard to Mr. Meyerson ?

--- Yes sir, he had.

That was the gentleman, you remember, who gave evidence here ? --- Mr. Harry Meyerson.

Yes, he lives in Cyrildene ? --- That is correct.

And did he indicate to you that he had become friendly with him ? --- Yes, he had.

And when did you have your leave ? --- Towards the end of December and part of January.

Of 1964 ? --- 1963/64 Yes.

And as a result of a discussion which you and your husband had, did you decide to do anything so far as Mr. Meyerson was concerned, who you heard had now become friendly with your husband ? --- Yes, I suggested to my husband that perhaps Mr. Meyerson would be kind enough to let me use his lounge.

For what purpose ? --- For the purpose of meeting banned people who could not come to my house. Or rather, who we had decided should not come to our house.

Who you had decided should not come to your house ? --- Yes.

And in the result did you - whilst your husband was on leave during your holiday, did you go along with your husband one day to Mr. Meyerson's shop ? --- Yes, I did.

I believe your husband made some purchases there on that occasion ? --- Yes sir, he did. He bought some shirts I think.

And whilst he was making these purchases did you take Mr. Meyerson aside ? --- Yes sir, I did.

I take it your husband had introduced you to him ? --- Correct.

And you put your problem to him ? --- Yes, I did.

And what did you ask him ? --- I told him that - he already knew I think, that my husband was a banned person.

Yes ? --- I told him that I had many friends who were named and banned, that I wanted from time to time to meet them and I wondered whether he would allow me to see them at his place from time to time.

If the need arose ? --- If the need arose.

How did Mr. Meyerson react to this request ? --- He was rather surprised sir, but he said that he would think about it and that he would ask his wife.

He would what ? --- He would consult with his wife, he would ask her.

He would consult his wife ? --- Yes.

Did he make any suggestion to you as to what you should do ? --- Yes, he suggested that I should come round and speak to his wife.

About this request ? --- And discuss the matter with her.

Now, you say this was early January ? --- This was early January yes.

Was the matter left in abeyance for some time or did you act immediately in regard to the matter ? --- No, I didn't act immediately. There was really no need to go immediately first of all. Secondly, I had started work again and I had quite a lot to do.

Now, I don't know how well you are able to remember dates, but as much as you are able to do so please indicate

to his Worship the dates upon which these various events took place. --- I'll try.

Do you know a Mrs. Altman - Phyllis Altman ? --- Yes, I did.

Who is she ? --- She was associated with the South African Congress of Trade Unions.

Yes ? --- She became banned. A very severe ban was served on her. She was no longer able to communicate with banned and listed people. She lost her job in the South African Congress of Trade Unions.

Amongst other things she is also an authoress is she not ? --- That is correct.

She has written a book ? --- Yes.

Or more than one book ? --- Yes, something about vultures(?)

And did she come and see you one day ? --- Yes sir, she did.

Can you remember more or less when this was ? --- I think sir it was in March 1964.

About March '64 ? --- I think so.

Did she come to your house ? --- She came to my house yes.

Well, now here you had the classic example of a banned, named, listed person - I don't know what it was - coming to your house ? --- Yes.

Was your husband at home ? --- Yes, he was.

How did he react to her presence ? --- He was very upset and in fact I caught his glance.

You caught what ? --- I caught his glance sir.

You caught his glance ? --- Yes.

Yes ? --- And I explained the position to Mrs. Altman when she came into the house.

That you didn't want banned people coming to your house ? --- That is correct.

And did she leave ? --- Well, she suggested that she had something to discuss with me and asked me if I would walk with her to her car.

I see. So, she left the house and you walked to the car with her ? --- That is correct.

And did she tell you what it was that she wanted to discuss with you ? --- Yes, she told me that - I don't know whether she had actually seen Mrs. Nokwe, I think that is what she said.

COURT: Whether she had actually seen who ? --- Mrs. Nokwe. And that she - I think that is what she said, that she and Mrs. Nokwe were very concerned about the plight of the families of some people, particularly two families whose husbands had been detained. The two people in question were officials of SACTU I think.

Officials of SACTU yes. --- I think so. I am not quite sure but I think so.

Now, did she say what she wanted you to do ? --- Yes, she said that she would like me to come to a meeting of a few people to discuss what could be done in regard to the plight of these families.

Of just these two families or families generally ? --- I remember these two specifically sir, but it is possible that she meant others as well. I think that we discussed the problem in general.

In general terms ? --- That's right.

Well, did you agree to come to such a meeting ? --- Yes, I did.

Then I suppose the problem arose as to where you were to meet ? --- I'm afraid it did sir, yes.

Mrs. Altman yet.

So, what did you say you would do about the date ?

--- As a matter of fact it was not - it was Mrs. Meyerson herself who said, would you let me know a few days before ?

A few days before ? --- Before, when you want the house. Or a day or two before. I can't remember exactly but she did want some notice.

Yes, she wanted a little notice ? --- Yes.

And thereafter did you see Mrs. Altman again ? --- Yes, I saw Mrs. Altman again.

And did you arrange upon a date ? --- Yes.

Or I should say agree upon a date ? --- Yes.

Arrange for a date ? --- Yes.

And what did you ask your husband to do ? --- Once we agreed to the date I asked my husband whether he could on his way to work stop at Mr. Meyerson's shop and ask him whether this date would be convenient.

Whether the date would be convenient ? --- Yes.

Mr. Meyerson's shop is on the way to work ? On the way to the place in which your husband works ? --- Yes. My husband normally used to walk to work and I believe he walked right past his shop, so it was really on his way to work.

And later on did your husband make a report to you ?

--- Yes, he had seen Mr. Meyerson and Mr. Meyerson had agreed to the date.

And where did you arrange to meet Mrs. Altman and whoever else was to attend this meeting ? --- Well, I had to go back to Mrs. Altman of course to confirm the date, which I did, and I arranged to meet her on that night. I think it was about quarter past 8 that we arranged to meet. It was quite near my house, just round the corner.

And did you discuss a date or make a tentative arrangement as to date? --- No, we didn't. Mrs. Altman asked me if I had a place where we could meet, and I said briefly that I had spoken to somebody. I wasn't sure whether I could get this particular place or not.

Who did you have in mind? --- I had the Meyersons in mind.

You had the Meyersons in mind, yes? --- I didn't know of any other place where we could go to and Mrs. Altman herself had no suggestion to make. So I told her that I would go to these people and find out whether they had agreed to me bringing a few friends to their home.

Did you thereafter go and see Mrs. Meyerson at her house? --- Yes, I did.

That was in Cyrildene? --- That was in Cyrildene.

And did you have a discussion with her? --- It was a very brief discussion. It seemed to me - well, Mrs. Meyerson said that they were in the midst of organizing some social function, and obviously I arrived at a very inopportune moment.

Did she appear to know what you had mentioned to her husband on the earlier occasion in January? --- Yes, she did. It seemed to me that he had discussed it with her.

They had discussed it? --- Yes.

And you told her what you wanted, namely, you wanted to know whether she would allow you to use their lounge? --- Yes.

What did she say in regard thereto? --- She said that we could have the house - that I could have it.

Did you arrange a date with her on that occasion? --- No, I didn't because I hadn't arranged a date with

Mrs. Altman yet.

So, what did you say you would do about the date ?

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I think at Kenmere and Dunbar Streets.

Yes ? --- She said that I would be picked up there.

And did you keep your appointment ? --- Yes, I did.

And when you arrived at the meeting place, who did you find waiting there ? --- When I arrived at the meeting place, Mrs. Fischer was driving a Volkswagen and Mrs. Altman and Mrs. Nokwe were in the car.

Mrs. Altman and Mrs. Nokwe were in the car ? ---
Correct.

And did you go to the Meyerson's at Cyrildene ?
--- Yes sir, we did.

Now, we understand that you used the lounge which had been left for you ? --- Yes.

And did Mrs. Altman then explain what it was in more detail what she had in mind ? --- Yes, she again raised the question of the plight of the families. She also said that in view of her ban which was pretty vicious, she had made repeated efforts to find employment and those efforts had failed. She decided that she could no longer remain in South Africa.

And where was she intending to go ? --- She told me that she was going to Israel. Apparently both Mrs. Fischer and Mrs. Nokwe had known of this before. I must say it came as quite a shock to me and I was very upset to hear that she was leaving the country.

Did she indicate to you whether she intended to do anything in Israel in regard to conditions in this country ?

--- Yes, she did. She said that she would try and hold public meetings, she said she would try and raise money, she would try, if possible, to organize something along the lines of Defence and Aid in this country. In other words a branch.

A branch of Defence and Aid in this country ? ---

Yes.

She would try and establish in Israel ? --- That is right. And for that she required quite a lot of material.

COURT: Quite a lot of material ? --- Material. Specific cases of hardship, people who you know, families which were left destitute and so on. And if she had this material of course she would put it forward at the meetings which she attended. Mrs. Fischer and Mrs. Nokwe agreed that of course this would be a very good thing and agreed that they would try and collect this sort of material for her. I said that unfortunately I was not in a position to do this sort of work. I had been out of touch with non-White organizations for a long time, but I would try and raise some funds for specific cases which she mentioned.

MR. BERRANGE: She mentioned some specific cases in regard to which there was an urgent need ? --- An urgent need yes.

Did you people remain long there Mrs. Barsel ? --- No sir, we didn't remain long.

About how long ? --- I don't think we were there for longer than an hour.

And then you left ? --- Then we left.

All of you left ? --- Yes.

Did she drive you home ? --- Yes. I may say sir that we did have refreshments at they Meyersons. They had provided us with tea and...

Yes well, I don't think that is important Mrs. Barsel.

Now Mrs. Fischer, I think you had known her for quite a long time ? --- Yes sir, I have.

Had you done any work together ? --- Very frequently.

What sort of work had the two of you been jointly concerned in? --- Only in so far as fund raising was concerned. We often worked together, we often went out to collect money and we often worked together on jumble sales, bazaars, dinners and so on.

I understand the position that she very often had jumble sales in her house which were very widely advertised and attended by many people? --- Yes, not only jumble sales, she had held bazaars at her house as well.

And you had been closely associated with her in the raising of funds? --- Yes sir, I had.

Now, did you meet Mrs. Fischer shortly before the Rivonia Trial came to its end? --- Yes, I did.

That would then have been in what month - which month? --- June last year.

And did she have a discussion with you? --- Yes.

What did she discuss with you? --- Well, she said that she had spoken to Mr. Beyleveld. That the two of them had decided that there was again an urgent need to set up some sort of committee to deal with various matters.

PROSECUTOR OBJECTS: Is this not hearsay your Worship?

MR. BERRANGE: Well, we'll let you bring it out. It is hearsay of course sir. I just wanted to - I didn't think my learned friend would object to this. I take it he will have to ask the question.

(To witness): Anyway, she had a discussion with you? --- Yes.

In regard to the plight of dependants at that time? --- Yes.

And was she intending to go anywhere? --- Yes, she told me that ...

No, you don't tell us what she told you. Was she

intending to go anywhere ? --- Yes, to Cape Town.

And did she make a request of you ? --- Yes, she did.

And as a result of that request did you go and see - did you meet Mr. Beyleveld ? --- Yes sir, I did.

And was anything decided upon between you and Mr. Beyleveld ? --- Well, we discussed several matters. The Rivonia judgment was given on that day.

Well, now let's get this clear. Rivonia judgment was given on that day, that would be the Thursday the 11th of June ? --- That is correct yes. That's when I saw Mr. Beyleveld.

This was as a result of the discussion that you had had with Mrs. Fischer ? --- Yes sir.

And did Mr. Beyleveld make any suggestions to you or make a request ? --- Yes, he again told me what Mrs. Fischer had in fact said.

So, he confirmed in fact what it was that you had discussed with Mrs. Fischer ? --- Yes sir.

Now that you can tell us. What was it that he confirmed and what was it that he and you discussed ? --- Mr. Beyleveld confirmed that he wished to have such a meeting in the very near future.

Concerning what ? --- Concerning several matters, one of which was the plight of families of 90-day detainees. The other matter he said, concerned education of the children of these families.

Now, was that education of the children only of the families of detainees or other people as well ? --- I think he had in mind those particular families. He also said that the people who had been convicted in political cases, had had some difficulty with study. Many of them apparently

wanted to study when they were convicted, and that possibly we could do something in that direction. He said that he had spoken to Miss Middleton about the question of publicising 90-day detention..

Making propaganda about it ? --- That is correct.

Yes ? --- And he would be very - he would very much like Miss Middleton to come on to such a committee for that reason. And according to Mr. Beyleveld she readily agreed. He suggested that as far as education is concerned and the problem of study for political prisoners, Mr. Norman Levy would be ...

Who is an educationalist ? --- That is correct.

Yes ? --- Would be a good person.

Was Mr. Baker discussed at all ? --- What happened was this; Mr. Beyleveld said that Defence and Aid were so hampered by the fact that they were so short of people who could take political trials, who could defend political prisoners, and he wondered whether I could think of somebody who would be able to assist in this direction. It was in this context sir that I mentioned that Mr. Baker may be a good person.

I see, you suggested it ? --- I suggested that yes.

Because you knew him very well ? --- Yes, and as far as I knew Mr. Baker had only concerned himself with cases on the East Rand and possibly in Pretoria. I don't think that he had done anything as far as Johannesburg is concerned.

At that time Mrs. Barsel, was the tempo, the incidence of political prosecution becoming greater and greater ? --- That is correct. The incidence of political trials were increasing and the panel of lawyers which Defence and Aid could call on, were becoming smaller and

smaller.

Was there any discussion between you and Mr. Beyleveld in regard to the ability of Defence and Aid to cope with the situation ? --- Well, Mr. Beyleveld said that he found that Defence and Aid were really struggling and finding it extremely difficult to supply defence.

Now, you have indicated that in this discussion he confirmed a lot of what had been discussed between you and Mrs. Fischer ? --- Yes.

Was it apparent therefore that he had spoken to Mrs. Fischer or Mrs. Fischer had spoken to him about these topics ? --- Yes.

Was there any discussion then between you and Mr. Beyleveld in regard to the venue of such a meeting ? --- Yes, apparently again Mrs. Fischer had told him that she had been to a previous meeting with me, and suggested that he should ask me whether I could get the same venue.

The same place ? --- The same place for such a meeting.

By the way, was it intended that Mrs. Fischer should come to this meeting ? --- Yes sir, apparently it was.

And when Mrs. Fischer spoke to you, was it still after she had spoken to you, that is before you spoke to Mr. Beyleveld, was it still - I'm sorry I've got to put these questions in this round about way, but objection has been made about hearsay evidence.

Was it still intended that Mrs. Fischer should attend this meeting ? --- As I understood it sir, Mrs. Fischer was to go to this meeting originally, but in view of the fact that she was going to Cape Town shortly, she asked me whether I would stand in for her.

Anyway, it was arranged that you should stand in for her? --- That is right. And that when she came back from Cape Town, she would give me every assistance.

She would assist you? --- Yes. In fact it would probably have been the other way around.

Now, was any date arranged for this meeting? --- Mr. Beyleveld said that it was urgent that we meet soon, and he suggested early the following week. He suggested that we meet either on the Tuesday or the Wednesday of the following week.

And what arrangements did you make about letting him know as to whether the dates would be suitable so far as the Meyersons were concerned? --- I saw him on the Thursday. I told him that I would know probably on Friday or Saturday, having in mind that my husband would again pass Mr. Meyerson's shop and ask him whether either Tuesday or Wednesday would be suitable. I told Mr. Beyleveld that if it was the Tuesday he must take it that, you know, all arrangements are in order.

That if arrangements could be made for the Tuesday yes? --- That I wouldn't contact him again. That he would then advise Miss Middleton who he said, could advise Mr. Levy. And I would make arrangements with Mr. Baker if he could come. If the Tuesday was not in order I said I would contact Mr. Beyleveld and let him know. So that, if he didn't hear from me over that week-end he would know that the Tuesday was allright.

Did you thereafter ask your husband to do something for you? --- Yes, I did. I asked him if he could find out from Mr. Meyerson whether we could use his lounge on Tuesday. If Tuesday was not suitable then Wednesday would do.

And as a result of that did you receive a report from your husband thereafter ? --- Yes sir, my husband said he had seen Mr. Meyerson.

No, you can't tell us what he said. You received a report from your husband thereafter ? --- Yes.

And as a result of that it became unnecessary for you to contact Mr. Beyleveld ? --- Correct.

So, the date of the meeting then was for the 16th, was it ? --- Yes.

Now, you have told his Worship that you did a lot of travelling on the East Rand ? --- Yes sir.

Were you intending at the time that you were approached to go to the East Rand in any event on your business during the following week - the succeeding week ? --- Yes sir.

On what day was it your intention originally to go there ? --- I had hoped to go on Monday.

That would have been the 15th ? --- That would have been the 15th.

Were you able to go there ? --- No sir, I only went on the 16th, on the Tuesday.

You are looking very tired Mrs. Barsel. Don't you want to sit down ? --- No, it's allright sir.

And did you see Mr. Baker on the 16th ? --- Yes, I did.

Did you have a discussion with him ? --- Yes.

And, you can't tell us everything that was discussed between the two of you but as a result of this discussion did he agree to do anything ? --- He said that of course ...

No, you can't tell us what he said, but did you come to an agreement ? That is quite enough. --- Yes sir.

Did you make an arrangement to meet ? --- Well sir, Mr. Baker wasn't sure whether he would be able to come.

Yes ? --- I had made an arrangement to meet if he could come.

COURT: You had made an arrangement ? --- To meet him if he could come. I said we could wait for him for five minutes or so at a particular place.

MR. BERRANGE: At a particular spot which you had arranged ? --- That's right.

Yes ? --- If he wasn't there we would assume that he couldn't come.

The notice you had given him was somewhat short wasn't it ? --- Very short I am afraid.

He has a brother, has he not Mrs. Barsel ? --- Yes sir.

By the name of Julius ? --- Correct

Who used to be a businessman in Johannesburg and is now living in London ? --- Yes.

And was any mention made when you saw Mr. Baker, about his brother Julius ? --- Well, I always used to ask Mr. Lewis Baker how his brother was, how the family was and so on.

And did he make a report to you on this occasion, on the 16th, in regard to his brother ? --- Yes, he said that he had recently

You can't tell us what he said unfortunately. --- Oh dear, I'm sorry.

He made a report to you about his brother ? --- Yes sir, he did.

And in consequence of that did he undertake to bring anything along with him to this meeting if he could come ? --- Yes sir, he did.

And what was it that he said he would bring along ?

--- Well, he had received a letter from his brother.

And in fact did you ultimately get to know the contents of this letter at a later stage ? --- Yes, I did.

And what did the letter deal with ? --- The letter dealt with a sanctions conference which was held in London, at which various prominent people were present.

A sanctions conference, does that mean a conference that was held in London for the purpose of discussing the advisability and the possibility of other countries imposing sanctions against South Africa in terms of the United Nation resolution ? --- That is correct.

Now, on the evening of the 16th of June, did you and Mr. Beyleveld, Miss Middleton and Mr. Levy duly come together and meet ? --- Yes sir, we did.

And did you proceed towards Cyrildene ? --- Yes, that is correct.

Did you go to the meeting place that had been arranged between you and Mr. Baker in the event of his being able to attend this meeting ? --- Yes, we did.

Did you find Mr. Baker there or not ? --- He was waiting.

And thereafter you went to no. 20 Bayne Avenue ? --- Yes sir.

That is the Meyerson's house ? --- Yes sir.

Now of course Mr. Beyleveld was a banned person, was he not ? --- Yes sir, he was.

And that was generally known ? --- Yes.

And of course it was a very risky thing to meet under those circumstances ? --- Yes sir.

Where did you park your car ? --- Mr. Beyleveld parked his car a few houses away from no. 20.

I see. Was that done with any particular object ?

--- Presumably that people should not know where we were.

When you arrived at the Meyerson's house, did you find the door open as has been stated ? --- Yes sir, we did.

And you walked into the lounge ? --- Yes.

And there you had your discussions ? --- Yes sir.

COURT ADJOURS FOR LUNCH.

COURT RESUMES AT 2.15 P.M.

ESTER BARSEL (Still under oath) states:

EXAMINATION BY MR. BERRANGE CONTINUED: Now I think Mrs. Barsel we got to the stage in which your party of people met one another at the Meyersons. Did you find the door open as before ? --- Yes.

And I might ask you this: As before, did you park or was the car parked some little distance away from the house ? --- Yes.

For the same reason that it was done on the first occasion ? --- Yes.

And when you got inside, did Mr. Beyleveld indicate why you people had been asked to come together ? --- Yes sir, he did.

He had already indicated to you earlier as you have told us, what the purpose and the necessity for meeting appeared to be ? --- Yes.

What did he tell - as far as you can remember. I take it you can't remember everything that was said on this occasion ? --- No sir, I can't I'm afraid, but more or less what I said this morning is what Mr. Beyleveld said at that meeting.

I'm afraid I can't hear you. --- What I have told his Worship this morning had been discussed between Mr.

Beyleveld and myself, he outlined to the people present at that meeting. He mentioned the plight of the 90-day detainees. The Rivonia Trial had ended at that stage.

Yes ? --- There were very many families who were finding themselves in financial difficulties. He indicated the necessity of educating children of these families.

That is of political prisoners ? --- The families of political prisoners yes.

And detainees ? --- And detainees.

Yes ? --- He also mentioned at this meeting, if I remember correctly, that there was a possibility of further 90-day arrests and that more and more families would be requiring assistance. He also mentioned the question of study for political prisoners.

You mean whilst they were in gaol ? --- Yes.

Yes ? --- And the other matter which I mentioned this morning in connection with legal defence.

Now, I take it that thereafter there was a general discussion between all of you ? --- Yes, that is correct.

Now I don't suppose you can remember what each and every individual contributed to this discussion ? --- No, I am afraid not.

But in so far as finance and collection of finance was concerned, was anything proposed in regard thereto ? --- Yes sir, there was.

You have told his Worship that you had originally been asked to stand in for Mrs. Fischer because she was going away ? --- Yes.

Do you know where she was going to and why she was going away at the time that she spoke to you ? --- Well, she told me that she was going to Cape Town.

Alone or with somebody ? --- Well, she said that if

the Rivonia Trial would end by that week-end, she and her husband would be going to Cape Town to celebrate her daughter's 21st birthday.

That is Ilse ? --- Ilse Fischer.

Ilse Fischer was studying in Cape Town, was she not ? --- Yes, I believe so.

Yes ? --- On the other hand she said I think that if the Rivonia Trial had not yet ended, she would go on her own.

Now, as you have said you were standing in for her. Unfortunately as you know she was killed in a motor accident on the 12th of June - that was on a Saturday ? --- Saturday.

The 13th was it ? --- The 12th or 13th, I am not sure.

Oh yes, I beg your pardon. It was the 13th on the Saturday.

I take it that all of you were terribly upset about this ? --- Yes sir, as a matter of fact we did discuss Molly Fischer's death before we commenced with our meeting.

And had she not been so tragically killed and had she come back, what would you have done in relation to the matters that were discussed, because you said you were standing in for her ? --- I would naturally have discussed this with Mrs. Fischer and in fact sir, I presume that Mrs. Fischer would have continued on this committee and that I would no longer have been required to serve on it.

You at that time were travelling, were you not ? --- Yes sir.

And your travels took you out of town nearly every day ? --- Quite a lot at the time.

Did you yourself really have any time at that particular time to attend to any of the matters that Mrs. Fischer

would have attended to had she lived? --- I am afraid not sir, because this was a full-time job and a pretty trying job at that. Also my car was not available during the week. It was loaded with samples and I didn't unload at night.

Now, what was suggested should be done in regard to the financial aspect? That was raising money for the purposes that you have told us about. --- As far as I remember I was required to try and form a finance committee consisting of five or six people, specifically to raise funds for the families of 90-day detainees and families of people who were convicted in the Rivonia Trial. I was also asked to approach firms who may be sympathetic, for groceries and clothing for these families. Various fund raising suggestions were made such as holding jumble sales, going to people for direct donations and so on.

Now, as you say that when you went to this meeting you were standing in for Mrs. Fischer and this is the sort of work that you would have reported, I understand you to say, to Mrs. Fischer? --- Yes sir.

At this meeting did you indicate whether or not you would be able to carry out the tasks immediately which had now fallen onto your shoulders as the result of Mrs. Fischer's death? --- I explained to the people present that it would be very difficult for me to do this sort of work. I certainly wasn't prepared to carry out all those tasks. As I have said before, I was pretty busy with my job. I couldn't see people during the day, nor could I do any work in the evenings during the week. In fact, the only time I had to do anything was over week-ends when my samples were offloaded.

Now, from the point of view of - you also said that

the question of study and education was one of the things that Mr. Beyleveld had indicated was something that urgently needed to be dealt with ? --- Yes sir.

Or needed to be dealt with urgently. Who were the obvious people to deal with this aspect ? --- As I said previously, Mr. Levy and Miss Middleton were invited to this meeting and it seemed obvious to all of us that they would be the people capable of dealing with this aspect.

You knew Mr. Levy was principal at a private school, did you not ? --- Yes, I did.

And what were Miss Middleton's qualifications for this sort of thing ? --- Miss Middleton indicated to the meeting that she was rather busy and felt that she couldn't serve as a permanent member of the committee. But she said she was fully prepared to give Mr. Levy every assistance.

And can you still remember some of the things that it was suggested that Mr. Levy assisted by Miss Middleton should do ? --- I think the question of publicity arose. I don't know whether Miss Middleton was to have worked with Mr. Levy on this or with Mr. Beyleveld. It was one or the other. I think also Mr. Levy undertook to see several teachers and parents.

For what purpose ? --- For the purpose of trying to collect books and material to hand to the children.

School books ? --- School books for their education. I think he also undertook to see organizations like Nusas in an endeavour to get some sort of assistance as far as study was concerned for political prisoners. I think he also undertook to see various other bodies, but I can't remember who they were.

You can't remember ? --- No.

What about the - you mentioned earlier in your

evidence this morning about propaganda being made in regard to the plight of 90-day detainees? --- Yes.

Can you remember who undertook to deal with that aspect? --- I think I answered that question. It was either Miss Middleton and Mr. Levy or Miss Middleton and Mr. Beyleveld.

You don't remember? --- I don't remember sir.

What was the position about Mr. Baker? Was his position discussed at this meeting at all? --- Yes sir, it was. The way Mr. Beyleveld outlined it to me...

Well, I want you to tell us what he outlined at the meeting actually. --- I see. Well, he explained to the meeting that the political trials were increasing, that the panel of lawyers on which Defence and Aid could call on, were diminishing.

Who explained this? --- Mr. Beyleveld.

Mr. Beyleveld, yes? --- And that they would very much - he said, Mr. Beyleveld said that Defence and Aid would be very pleased if they could get someone like Mr. Baker to assist Defence and Aid. I think Mr. Baker was also asked whether he could think of any other lawyers who would be able to assist.

You mean to put them on Defence and Aid panel? --- That's right yes.

And did Mr. Baker offer his services in any respect? --- Yes, Mr. Baker said that he has a one-man practice in Benoni, that it took up a great deal of his time. I think he also said that he had to do his own books and that he had in fact very little time to devote to this sort of thing, but he was fully in agreement that it was necessary and wherever possible he would be prepared to give his assistance.

Was anything spoken about approaching legal practi-

tioners on the East Rand? --- Yes sir, that was discussed. Mr. Baker said that he would try and contact some of his colleagues on the East Rand, but doubted whether he would have much success.

I see. Did he feel that they weren't very sympathetic? --- No, apparently not.

Now, you did mention in an oblique manner - it had to be oblique because of the rules of hearsay, a certain letter that had been received by Mr. Lewis Baker from his brother, Mr. Julius Baker? --- That is correct.

Was there any discussion in regard to this letter? --- There wasn't very much discussion. Mr. Baker read out the letter to all of us. We did discuss it and we were very pleased to hear that Mr. Baker was doing this type of work. Some people expressed opinions for, some people expressed opinions against the advisability of sanctions.

Now, when you say some people expressed opinions for and against, do you mean people at the Meyersons' house or do you mean the letter referred to this? --- No, I mean that they people at the Meyersons' house. I don't know whether that was their own personal opinions. I think that it was opinions expressed generally outside of our particular meeting. There had been various opinions.

What did the letter itself deal with? That is what I am trying to find out. --- The letter itself only dealt with the London Conference.

With the? --- London Conference.

It reported a London conference? --- That's right. On sanctions? --- Yes.

Which had taken place? --- That is correct.

Did it report who had attended this sanctions conference, or can't you remember? --- I think it did

sir, but I cannot remember who.

And before you broke up, was any agreement reached as to whether, and if so, when you would meet again? --- We decided that we would meet again in approximately a month's time.

Now, some general questions Mrs. Barsel. You remember Mr. Beyleveld said that you were a member not only of the Communist Party, but that you were also on the Area Committee and in contact with a certain group of the Communist Party? --- That is completely untrue.

You have already told his Worship earlier that you are not a Marxist? --- Correct.

Or a Leninist, that you have never made any study of Marxism or Leninism or Socialism? --- That is correct sir.

And that you were never in the Communist Party; either the old party or the illegal party? --- That is correct.

Do you know this place that was mentioned, I think by Mr. Beyleveld, namely Herholdt House? --- No sir, I am afraid not.

Have you ever been there? --- No.

Have you had anything to do with hiring a room there? --- No sir.

And in regard to literature, have you from time to time receive literature through the post? --- Yes, I have.

What sort of literature have you received from time to time? --- We used to receive a lot of literature in connection with the F.S.U. Those were mainly pamphlets and things like that. I used to receive things like "Jewish Opinion".

Like? --- "Jewish Opinion" which is a local

publication. I have received "Freedom Fighter".

Is that a legal publication? --- I am afraid sir, I know nothing about it.

Yes well, I think we have already established that it was. Yes, go on. You don't know whether it was or not. --- "Freedom Fighter"?

Yes. --- I know nothing about it. Mr. Beyleveld I believe, in his evidence said that Mrs. Bernstein edited the publication.

Yes. --- I have no idea about it at all.

Anything else? "Focus"? --- Yes, I received "Focus". I received "Forward" through the post.

Yes, did you receive anything in regard to Section 17 - 90 days' detention? --- Yes, I think I did.

During that time there was a general - there was a great degree of publicity in regard to 90-days, was there not? --- Yes, that is correct.

NO FURTHER QUESTIONS BY MR. BERRANGE.

NO QUESTIONS BY MESSRS. MOHAMED AND KUNY.

CROSS-EXAMINATION BY PROSECUTOR (MR. LIEBENBERG):

You believe in telling the truth? --- I certainly do sir.

Is telling the truth one of your principles? --- That certainly is.

Are you prepared to practise a bit of deception when it suits you? --- It has never suited me to do so.

In all your activities with various people, did you always speak the truth? --- I believe I have.

And when people say that you said anything different to what you say today, what will you say about it? --- If you are referring to Mr. Beyleveld's evidence sir, that his evidence is completely untrue with regard to me.

Yes, I am concerned about your principles. --- I have principles and I am prepared to tell the truth about my principles.

Yes, and when you severed your connections with the Zionist Society did you also sever your connections with the principles of truth ? --- Not at all.

Oh, what are your principles Mrs. Barsel ? --- In regard to what ?

In regard to telling the truth. --- Simply that I had sworn to tell the truth and I am telling the truth.

And do you attend church ? --- Church ?

Do you believe in religion ? --- No, I am not religious.

And I mean an oath means absolutely nothing to you ? --- It was required of me to take an oath when standing here. Whether I take the oath or not sir, I am telling the truth.

Well, I am saying to you that by taking the oath here and you don't believe in religion, you are practising another fraud on the Court. --- I don't believe in that sir. (Inaudible remark by Mr. Berrange).

PROSECUTOR TO MR. BERRANGE: Please keep quiet.

MR. BERRANGE: I am objecting and do not tell me to keep quiet when I make an objection to you.

PROSECUTOR: My learned friend has no right to interfere when I am cross-examining.

MR. BERRANGE: I have the right to address his Worship.

Sir, could I be allowed to address you ?

COURT: Yes.

MR. BERRANGE ADDRESSES COURT: I submit sir that that question put by my learned friend is not a legitimate question to put to the witness.

COURT: What have you got against the question ?

MR. BERRANGE: It is not a fair question.

COURT: In what way ?

MR. BERRANGE: It is not a fair question in the sense sir that this witness has told your Worship over and over again that she is telling the truth. This witness is required to take the oath - she took the oath. She has told your Worship in answer to my learned friend when my learned friend put the question to her, that although she does not believe in religion but as she is required to take the oath, she took the oath. For my learned friend thereafter to suggest that this was a fraud on the Court, in my submission sir is uncalled for and objectionable and should not be allowed by your Worship.

COURT: I allow the question.

CROSS-EXAMINATION BY PROSECUTOR CONTINUED: I put it to you again that religion means nothing to you ? --- I am not a religious person.

So, religious principles mean nothing to you ? --- I wouldn't say that. I have come into contact with a lot of religious people who have principles.

I am speaking of your own principles. --- I am not a religious person sir, I have said it.

Yes, now why do you take the oath then ? --- Your Worship, I am sure that there are many, many people who appear in the Courts of our country, who are not religious and who take the oath. It was required of me in this Court to take the oath.

Who told you that it was required of you ? --- I understand that that is the general procedure.

Who gave you to understand that ? --- I understand it like anybody who is fairly well-informed about Court procedure, that it is required of me to take the oath.

Therefore I did.

Did you know what Mr. Weinberg did ? --- Yes, I do know what Mr. Weinberg did.

What did he do ? --- He affirmed that he was going to tell the truth.

Now, did anybody tell him that it was required of him to take the oath ? --- I didn't ask him.

I am asking you. --- I didn't ask him sir.

I am asking you, why do you say that it was required of you to take the oath ? --- Mr. Weinberg chose not to take the oath. I am not so violently anti-religious.

The truth of the matter is that you didn't want to reveal your religious or your non-belief in religion ? --- I am quite prepared to state my views on religion sir if you wish me to do so.

Yes, but by taking the oath you are giving the impression that you are not really a Marxist, you don't adhere to the atheistic doctrine of Marxism ? --- Your Worship, I fully expected that the State would ask me whether I am religious or not, in spite of the fact that I have taken the oath.

What ? You fully expect ? --- I fully expected to be asked whether I am religious or not.

Yes, I am pleased you anticipate my questions. --- No, I don't anticipate all your questions, not by any means, but this is certainly a question which I did expect to be asked.

Yes, and then in spite of expecting to be asked the question you persisted in taking the oath ? --- Yes.

Simply because you wanted to deceive somebody ? Try to deceive somebody ? --- I beg your pardon your Worship. I had not intended deceiving anybody.

I want to suggest to you Mrs. Barsel that your evidence is a concoction from start to finish. --- I deny that sir.

And I want to suggest to you that this defence of yours was kept fluid deliberately up to a very late stage in this trial ? --- I beg your pardon sir, I don't understand that.

That this defence of yours was kept in a state of fluidity to a very late stage in this trial ? --- What are you suggesting ?

I am suggesting that this story that you are making up about Mrs. Fischer, about the various people at that Area Committee meeting is a concocted story. --- I have been consulted by my counsel early on in this trial. They have asked me what my political views are. The evidence was given by Mr. Beyleveld, evidence was given by Mr. and Mrs. Meyerson. The defence asked me what happened in these cases and I have written out exactly what happened and that is the evidence that I have given to this Court.

And a few days ago in this very Court Capt. Schutte was being made out to be a liar because of his observations at the Meyersons' house and about the position of the car ?

MR. BERRANGE OBJECTS: That is not so. And again at the risk of my being told to sit down by my learned friend, I am objecting sir.

Your Worship will recollect that when I cross-examined Capt. Schutte, I said, I made it completely clear and I said categorically that I am not cross-examining Capt. Schutte for the purpose of indicating that Mr. Baker was not present at this meeting. Your Worship will recollect I said that before I started cross -

examining him and I told your Worship that I would indicate in argument at a later stage the reason for my putting the questions which I did put to Capt. Schutte.

COURT: I think that is the position Mr. Prosecutor.

MR. BERRANGE: And I said not only was I doing this on the basis that I would not deny that Mr. Baker was present, but that anybody who is alleged to have been present, was there.

COURT: I think that is the position as I remember it.

PROSECUTOR: As your Worship pleases.

(To witness): Was it ever put to Mr. Beyleveld that no. 5 (Levy) who attended that meeting at Meyerson's house for the purpose of discussing educational problems ? --- I believe it was sir.

It was ? --- I believe it was.

Were you in this Court ? You say it was put ?
--- Mr. Berrange cross-examined ...

Then I suggest to you that you didn't hear properly.
--- As far as I can remember, something to that effect was put to Beyleveld.

Was it put to Mr. Beyleveld that Mrs. Fischer and he had agreed to hold a meeting to discuss the plight of 90-day detainees ? Was Mrs. Fischer's name ever mentioned in this Court ? --- It was mentioned in this Court. I can't remember in what relation.

In that sense was it ever mentioned ? --- I can't remember sir.

You can't remember, or is that a convenient loss of memory now ? --- Sir, I can't remember. It probably wasn't.

It probably was not ? --- In that connection it may not have been.

Yes, and was it mentioned to Beyleveld that Miss Middleton attended this meeting for the purpose of discussing the propaganda aspect of the 90-day detention ? --- I think so.

You think so ? --- Yes.

And if we checked the record ? --- I would be very pleased if you did.

You'll find that that was not so ? --- I would be pleased if you would check the record.

And was it ever mentioned that Mr. Baker was being brought in for the purpose of discussing the Defence and Aid ? --- Yes, I think it was.

You think it was, and again I put it to you that you are wrong. --- Well, I would like to hear the record sir.

Those are the things that were never put to Mr. Beyleveld. --- Well, if I see the record or hear it played back then I would know.

Now, you dealt with the - your relation with the Friends of the Soviet Union and you were emphasising your fund raising activity all the time ? --- Yes sir.

Yes, and you were raising funds. I take it you were not raising funds for the Soviet Union ? --- No, I was raising funds for the organization and for medical aid.

And what did the Union need that money for ? --- The Friends of the Soviet Union ?

Yes. --- The Friends of the Soviet Union was a cultural organization established specifically for the purpose of establishing friendly relations between South Africa and the Soviet Union. The sort of organization like the Friends of the Soviet Union sir, exists all over

the world. In London the organization is called The British Soviet Society and its members are drawn from all walks of life.

Yes, and how much do you understand of conditions in Russia ? --- During the war I, like many others, admired the Soviet Union for its stand against Fascism.

Yes ? --- The pamphlets and publications put out by The Friends of the Soviet Union at the time when I was associated with it, were popular pamphlets dealing with life in the Soviet Union.

Yes ? --- That is all.

What sort of idea have you of conditions in Russia ? --- I'm afraid not as clear as I would like them to be. I would personally one day like to visit the Soviet Union to see for myself what conditions are like.

Did you ever bother to find out ? --- I read some of these pamphlets yes. I read about agriculture in the Soviet Union.

What do you understand of the economic situation in Russia ? --- I'm not clear on exactly how it does work, but one thing I am clear on is that there is full employment and full employment in the Soviet Union.

What sort of system operates in Russia ? --- It's a Communist system as I understand it.

What do you think are the merits of the Communist system ? --- I don't know sir. I don't know anything about Communism.

Then I am afraid I don't understand why you could support an organization when you don't know what you were supporting ? --- Yes, I was supporting an organization which was supported by many people of many political and non-political views. It stated quite clearly on the letter-

head of the Friends of the Soviet Union that it was a non-party political organization. I mentioned this morning some of the patrons of the organization.

Yes, but what did you want to achieve by promoting friendship with Russia ? --- I wanted to achieve understanding.

For what purpose ? --- For the purpose of understanding what is happening in the Soviet Union.

To achieve what ? --- Merely understanding sir.

Just to understand ? --- Yes, there was a great deal of propaganda in the local Press.

Yes, and what did you want to achieve by getting people to understand Russia ? --- Sir, it was a friendly organization, it was not a political organization. I was not concerned with the politics or the political side.

Why wouldn't you be concerned with the politics ? --- During the time that I worked for The Friends of the Soviet Union, it had the mass support of people all over, not only in this country.

Yes, don't side-step the issue. --- What do you want to know ?

Wasn't the idea - the whole idea of the propaganda of The Friends of the Soviet Union to give a complete picture of Russia ? All its conditions, living conditions, political conditions, political situation, everything ? All the merits, even the climate. It was giving descriptions of what the weather was like in Russia ? --- I don't think that the F.S.U. concerned itself with the political or economic system in the Soviet Union.

Why wouldn't it concern itself with that ? That's what I can't understand. --- I didn't sir.

Do you remember the literature that was issued by

this society from time to time ? --- I remember only the literature that was issued during the time that I was associated with it.

And do you know that this organization was turning somersaults to justify all the activities of Russia in International spheres ? --- Which, The Friends of the Soviet Union ?

Yes. --- No sir.

Justifying the invasion of Hungary in 1956 by Russia ? --- In 1956, I must say sir, I was working in Congress of Democrats. I of course knew about what was happening in Russia very vaguely. I also knew about the Stalin era and I am afraid that that shook my ideas very much about the Soviet Union.

Why did it shake your ideas ? --- Because I didn't like the idea of what they called the cult of the individual. I didn't like the idea.

What was wrong with that cult of the individual ? --- I don't like it sir.

What are your reasons ? --- It smacks of dictatorship and I don't like dictatorship.

Who acted as a dictator in Russia ? --- Well, I understand that people like Stalin and people like Beria and people who worked with him, acted as dictators.

As dictators ? --- Yes.

And how were they able to act as dictators ? --- They eliminated large numbers of people and I understand large numbers of innocent people. At the time, I must say that I was very confused about what was happening in the Soviet Union, and I have recently read books written by Mr. Elia Ehrenberg where he describes in fairly great detail of what has been happening and what has

happened during the Stalin era. And I must say that I wasn't very happy about it. It didn't make me feel that it was the sort of system that I would support.

So you have an objection against the Communist system by reason of the one error in regard to the cult of the individual? --- I think it was a very big error sir.

Any other errors? --- I hear mentioned here in this Court a great deal about the dictatorship of the proletariat.

What is your objection to that? --- I don't like the word dictatorship sir, in any form.

Why not? --- I don't like it. It means government by one or a few people. I believe in universal franchise. I believe that all the people should have a say in the government of their country.

Yes? --- And as far as the proletariat is concerned I presume that means the workers.

Yes? --- I am not in agreement. I think that everybody, irrespective of whether they are workers, businessmen or professional men, should have a say in the government of their country.

Wasn't there a dictatorship over the proletariat in Russia? --- It is possible that there was.

From 1917 onwards? --- It is possible, and perhaps there were reasons for it, I don't know sir. I don't know the history of the Communist Party.

The only objection you could have to that was that because one individual, Stalin, had allocated to himself certain rights? --- Sir, I don't like the word dictatorship, I said before, I don't like it.

Yes, but I want to know what else you object to, apart from the dictatorship? --- Apart from the dictatorship

I am not well versed in Communist theory at all sir. I have never ever made a scientific study of Communism, and I have never considered myself an academic person. I find great difficulty in understanding Marxist language. I, on one occasion picked up a book by Lenin - I can't even remember what it was, and I (?) myself reading a paragraph over and over and over again.

I am not concerned with that, I am concerned with this organization that you were supporting. This Friends of the Soviet Union. --- We did not deal with Marxism sir.

You did not deal with ? --- With Marxism or Communism or the system.

But, now how could you support an organization which ostensibly was promoting good relations with a country whose policy and whose system you didn't even understand ? --- How could a person like Jan Hofmeyr support such an organization ?

That was during the war Mrs. Barsel. --- That was the time when I was ...

That was a matter of convenience during the war. --- That was the time when I was associated ...

I don't know why you keep on roping those people's names here. That was the time when Russia and South Africa and all of them were fighting together in the war, wasn't it ? --- Sir, that was the time during which I was associated with The Friends of the Soviet Union - from 1944 to 1947.

But I don't think you suggest that after the war those people were supporting the Friends of the Soviet Union still ? --- I am afraid I don't know very much about what happened. I do know that public opinion waned, I do know that the Friends of the Soviet Union lost a great deal

of support.

Yes ? --- I did not participate in its activities.

But you carried on with your fund raising activities up to 1962 ? --- Yes, but then I joined other organizations.

No, but I am concerned with this organization. In 1950 the Communist Party was banned ? --- That is correct.

And from 1950 onwards everything that savoured of Communism was being prosecuted in this country, or shall we say opposed ? --- Yes.

Yes, and you continued with this organization which seemed to promote good feelings, good relations with the very source of origin of Communism ? --- If I may say so sir, I never at any time was a member of the committee of the Friends of the Soviet Union, either as far as the financial aspect is concerned, or any other of its sub-committees. The only time that I was engaged in fund raising for the Friends of the Soviet Union was during the time that I worked full-time on the East Rand and for a portion of the time in the Johannesburg office.

I understood you to say that you collected funds for them until 1962 ? --- Oh no sir, I certainly did not say that.

What did you say ? --- I said that I assisted in fund raising activities of other things and other organizations.

Well, now please don't misunderstand me. I was dealing with the fund raising on behalf of the Friends of the Soviet Union. --- Yes. I was not on the committee or the fund raising committee.

Over what period did you assist with fund raising for the Friends of the Soviet Union ? --- I would say at the time that I left the organization. In 1948 my first

child was born and for several years - my second child was born in 1951 - in fact I took hardly any ...

(Court intervenes): I wonder if you would mind replying to the question.

Up till what time did you carry on collecting funds for the Friends of the Soviet Union ? --- I would say at the time that I left the organization.

And when was that ? --- 1947.

PROSECUTOR: And your husband continued to be an office-bearer of this organization until 1962 ? --- That is correct.

I take it you weren't really in the dark as to what was happening to this organization ? --- It is true that I was not completely in the dark, but I would like to explain that my husband, while continuing his work in the Friends of the Soviet Union, I participated in other things.

Yes ? --- I think perhaps I should explain to his Worship that when one has children it is awfully difficult to be associated in the same organization. One has problems of baby sitting and all sorts of things, and I joined the Congress of Democrats. I helped them, I helped "The Guardian", I helped "New Age". I think, on occasions I helped "Fighting Talk". Those were the sort of fund raising activities in which I was engaged. As far as Friends of the Soviet Union is concerned I may have helped my husband here and there, but I was not on any finance committee and what I do remember very clearly is on occasion helping with typing. And that was the sole extent of my activities in the Friends of the Soviet Union.

I understood you to say this morning that after your children were born you continued with your fund raising activities for this Friends of the Soviet Union ? --- I did not say that sir.

Or is that what you say now ? So, have you said it this morning ? --- No, I did not say that in the morning. Mr. Berrange put to me a question that I was engaged in fund raising activities. He did not say specifically Friends of the Soviet Union, and I replied to clarify.

Then you came back later to the question of the fund raising of the Friends of the Soviet Union and then you proceeded to enumerate certain other bodies for which you collected funds ? --- That is correct.

It certainly gave the impression that you were concerned with the fund raising for the Friends of the Soviet Union until 1962 when it sort of died a natural death. --- Your Worship, if I gave that impression I am sorry. It is not the correct position.

But then I suggest to you that you knew very well by reason of your husband's association what was happening in regard to this organization ? --- Your Worship, I had been a very busy person. I had a full-time job in addition to which my health has never been very good. I find it terribly difficult to be interested in a hundred and one different organizations. I know that my husband himself has battled very hard with the Friends of the Soviet Union. My activity was directed in other spheres. I became active in other things. My activity was in Congress of Democrats, my activity was in assisting papers like "Guardian", "New Age".

You had plenty of time to assist those bodies ? --- I did not have plenty of time sir, but the time that I had available I devoted to those activities.

And the organization with which your own husband was concerned, you neglected ? --- I didn't have the time sir. I couldn't cut myself in half. There was a limit to the

amount of work that I could do.

Why didn't you assist your husband with the F.S.U. activities ? --- Because sir, I felt that the South African political situation merited my support more than the Friends of the Soviet Union.

Or is it because you today want to try and get away as much as you possibly can from anything that savours of Communism ? --- If I may make a point sir, you keep referring back to Communism and Communism all the time. I realize that this is the subject of this trial. I would like to say here and now that during the time when I was associated with the friends of the Soviet Union, the Communist Party was not interested in the organization. It came to its functions true enough. Its office-bearers were not Communists, members of the committee were not Communists and I must say quite frankly that I was quite surprised to find that the Communist Party and its members were not interested in the organization, Friends of the Soviet Union.

I see you were always at these annual events ? --- Not all of them, but many of them.

You were there in '55, in '56, in '58 ? --- I was not there in '55.

In '55 you were at the meeting of this society on the 13th of September. --- 13th of September ?

Of September 1955. --- Could you refresh my memory what sort of meeting it was ?

I can give you the papers if you want to see them. --- Yes, I would like to.

You were at such a meeting according to my information, and the one of the 7th of November 1956 was obviously one

where the October Revolution was celebrated ? --- The 7th of November 1956. Could you tell me where this function took place ?

In Johannesburg. --- Could you tell me where ?

In the Gandhi Hall. --- In the Gandhi Hall ?

Yes. --- A Saturday afternoon ? Was it a Saturday afternoon ?

I don't know. It was the 7th of November. --- It is possible that I was there. It's possible.

What is your recollection of what speakers said at those functions ? --- I'm sorry sir, it's 8 or 9 years ago, I cannot even recollect who the speakers were.

Can you remember that they adopted an entirely non-committal attitude ? --- I am sorry sir, I don't remember it at all.

Are you suggesting that you can't remember or that you don't want to say it or what ? --- Sir, it's 8 years ago. I cannot remember the contents or what was said.

Did speakers there condemn Russia and Russia's system ? --- If they were speaking on behalf of the Friends of the Soviet Union, I should imagine they wouldn't have condemned.

If I suggest to you that on all these occasions they never condemned Russia but spoke favourably all the time ? --- I would agree with you.

And in 1956 on the 7th of November, that was about the time when Hungary was invaded, speakers were doing their best to try and justify Russia's action, to show how the remnants of Imperialism and Capitalism in Hungary were really causing the trouble and that Russia had to intervene there in order to ensure the continued existence of the Socialist achievements ? --- Now that you mention

Hungary, this meeting comes back to my mind very clearly.

Yes ? --- In fact there were a lot of Hungarians at this meeting and it was a Saturday afternoon.

Yes ? --- And the Hungarians at that meeting started a fight. I remember it very clearly.

Yes ? --- And a lot of people were hurt. That was certainly not -- there was no provocation on the part of the people who attended.

No, I am saying that the speakers were trying to justify Russia's conduct there and that is why these Hungarians reacted so violently.

COURT: Would you mind repeating that last question Mr. Prosecutor ?

PROSECUTOR: I say it's because the speakers spoke in favour of Russia - speakers were justifying Russia's conduct in invading Hungary, that these Hungarian immigrants reacted so violently ? --- It is possible that you may be correct, but my recollection of this meeting quite frankly and the only clear picture I have in my mind of this meeting is this terrific fiasco when the Hungarians started throwing bottles and things at people in the audience, and I really cannot remember what the speakers said. You may be right, I am not denying it. It's possible.

But your husband continued as secretary of this organization although it became obvious to you that the reactions to this movement were rather strong ? --- Yes, my husband continued and in fact got very little support I might say.

And he continued in spite of the numerous police raids ? --- That is correct, but as I have said before, societies like the Friends of the Soviet Union exist all over the world. Why shouldn't it exist in South Africa ?

Belonging to a certain organization, you have got to decide for yourself on those questions ? --- Well, I should imagine that the same thing applies to similar societies all over the world. What does the British Soviet Society gain by it.

What did you and your husband hope to gain from his continued association with this body ? --- Friendship sir. Cultural relation and understanding between two countries.

Yes ? --- That is all.

Although it meant persecution and trouble to you all the time ? --- Well, eventually it petered out and my husband gave up the struggle.

Your husband was the person who received all the propaganda, all the literature from Russia ? He had to distribute the stuff ? --- Yes, I think so.

And it mean clashing with the police all the time ? --- Yes, it did.

Now, what was it worth to you ? That's what I can't understand. --- To me it was worth nothing. I had lots of arguments with my husband over it. I don't know why he devoted so much attention to it. He got very little assistance from people.

It was suggested this morning that there was some measure of victimisation of him ? --- Yes, that is correct.

I couldn't understand what you were saying about certain Security Branch people having got the wrong impression about him. What did you say about some incident ? --- What incident was this ?

Yes, you were talking about your brother-in-law who had made certain representations to the Chief Magistrate and had asked for an interview, and then you say that the Security Branch had the idea that banned people were coming

to your house. --- Yes.

Now, that is what I can't understand. --- I would like to explain that if I may.

Yes ? --- I don't know if this is hearsay or not, but I would like to report what my husband told me what transpired between him and Mr. Deknah.

Yes. --- Mr. Deknah gave him to understand that the police had information that he was engaged in subversive activities, that he was meeting with named and banned people. My husband absolutely denied it. He told Mr. Deknah that he had ceased his political activities which were in any case of a legal nature. He asked Mr. Deknah to give him information which Mr. Deknah of course did not do. It is on that basis sir that I had a discussion with my husband. It is true that named and banned people had come to our house. I have said that this morning. But they had come to see me, they had not come to see my husband.

Are you suggesting that you drew conclusions that the police had the idea that banned people were coming to see your husband and not you, or what ? --- It would appear to me sir that from time to time our house must have been under police observation. That's the only thing I could think of.

Yes, now we come back to this question. Is your husband very much in favour of Communism ? --- Not as far as I know, certainly not.

Can you understand his conduct ? --- Yes, I can sir. I can. I have explained time and time again that all sorts of people are interested in such an organization. The fact that very little interest was shown in this country I find hard to believe. And as I say, eventually he gave up the uneven struggle.

Yes, but let's try and assess your position in the whole political set-up in South Africa. You know what is always referred to as a Congress Alliance ? --- I do.

Consisting of the Congress of Democrats, the A.N.C. and the other bodies ? --- Yes sir, I do.

And I think you would place yourself in that camp, wouldn't you ? --- As part - as supporting the Congress Movement ?

Yes. --- Certainly.

And so would your husband ? --- I think so.

And broadly speaking your objectives run along the Freedom Charter and its achievements ? --- Mine do, certainly.

Yes, and the propaganda of the F.O.S.U. certainly aided the ultimate achievement of Socialism ? --- How sir ? In what way ?

To show people how in a practical way Socialism was achieved in Russia and how in the same way people in South Africa could achieve a change of system ? --- As far as I can recollect that was not the function of the F.S.U. It might have been the function of the Communist Party, I don't know, but it was not the function of the F.S.U. to spread Marxism or Communism in South Africa. It was never ever the function of the F.S.U. to do that. The sort of publications that the F.S.U. brought out were of a popular nature. It did not at any time as far as I know - my husband may have other information, I don't know, to the best of my knowledge it never ever supported Marxism or Communism.

No, but I am speaking of the support for Russia Mrs. Barsel. --- Yes, I am also...

The propaganda that was put out by this society, always praised Russia, justified Russia in the international

field, didn't it? --- I believe so yes. Not always. I think ...

And condemned the Western powers? --- Condemned the Western powers where it was necessary yes.

In regard to the encirclement of Russia by establishment of military bases in regard to colonial countries, struggles in colonial countries and so on? --- On the other hand, as far as I can see sir, the Soviet Union's foreign policy has changed quite a lot. You yourself read out a document dealing with Khrushchev's speech of people...

Oh, that was just a convenient change Mrs. Barsel.

--- I don't know sir. I am not prepared to quarrel with you about that. As far as I am concerned it is something that is a fact. It's the sort of propaganda that the F.S.U. brought out.

Yes, but the point that - it was always underlined that propaganda. For instance if you take that Khrushchev's speech you will find that it is always directed at the achievement of Socialism. --- It's possible.

And he was merely dealing with the possibility of a peaceful transition in certain given circumstances?

--- That is possible.

Yes. But I mean the object of putting out, (?) that type of propaganda certainly served the cause of Communism? --- No sir, I wouldn't say that. I wouldn't say that any of the societies that I have mentioned throughout the world furthered the aims of Communism.

Well then, let me try and come a bit down to the earth. Do you say that in South Africa the workers suffer under all sorts of inequalities, hardships, suppression, exploitation? --- I would say sir that the non-White people suffer from discrimination.

Yes, and is it also your view that some sort of system should be evolved which will do away with that type of inequality? --- Yes, along the lines of the Freedom Charter, certainly.

And do you agree that by achieving a measure of Socialism the exploitation will be possible to be eliminated? --- I don't know sir. That is for the people to decide when the aims of the Freedom Charter have been achieved.

Yes, they may decide it but I am asking you about your own views. --- I haven't any decided views about Communism. I have told his Worship that.

Yes well, leave the word Communism then out. Let's not discuss the word Communism. Let's confine ourselves to the idea of a change of system. --- Yes.

A type of system where all forms of inequalities will be rooted out --- Yes.

A type of system where exploitation of man by man will be a thing of the past. --- Where universal franchise in other words is given to all people?

Yes. --- That is what I would consider a primary consideration.

Yes, and that if you then put across propaganda to people in which you hold up the achievements of in-Russia and it said that there the people have succeeded in doing away with inequalities and exploitation, aren't you then furthering that cause? --- I wonder if you would repeat the question please sir.

If you put out propaganda in which you say that there is a country in the world where exploitation has been ended? --- What organization are you referring to?

Aren't you furthering the cause of Communism? ---

I don't say that.

Speaking of the organization. If the organization puts out propaganda of that kind? --- Which organization?

The F.O.S.U. --- The F.S.U. hasn't put out such propaganda.

The F.O.S.U. constantly sold the booklets, the publications, the speeches of the Soviet leaders Mrs. Barsel. --- Mr. Liebenberg, perhaps my husband would be in a better position to tell you to what extent the Soviet literature was distributed amongst the non-White people. Unfortunately I am not in a position to give any figures like that, but I do know one thing, that the number was very, very small.

Number of what? --- The number of non-White people who received F.S.U. publications. In other words, what I am trying to say is that if your argument is true, and I don't concede that it is, then the F.S.U. should have bombarded the non-White people with propaganda. It never did. It never had the organization to do it and it was not its function to do that.

No, but it certainly distributed these pamphlets and booklets. --- On a very, very small scale.

When you say on a small scale? --- That's what I say.

How many hundreds? --- I am afraid I am not in a position ...

How many thousands? --- I certainly don't think it ran to thousands. I wonder if it even ran to hundreds.

How frequently did your husband get this literature? --- I am sorry, I really don't know.

To what address was the stuff sent to him? --- I think that the F.S.U. had a box. I think they had a box.

But didn't you ever visit the offices ? --- Yes, when they had offices in Shakespeare House, certainly.

Didn't you see that they got large quantities, parcels ? --- Yes, during 1944-'47 they certainly were large quantities.

When did you last visit that office ? --- I think the offices closed round about '46 or so, I am not absolutely sure.

And after that how did your husband get the literature ? --- I really don't know sir. I think that the box was continued.

Did he have to go and collect the parcels at the post office ? --- Very often at the post office and very often from the collector of customs which is just behind where he works. He used to tell me that he got slips of paper - I think it is the collector of customs, I am not absolutely sure.

Yes, you are quite right. I happened to see parcels in 1956 - big parcels of these. --- And a great many of them were released by the customs.

Yes, the point is that those big parcels came and they were taken charge of by the customs for some reason that I don't know. --- I have never seen such fantastic quantities though.

How did your husband set about getting rid of this literature ? --- I think they had a committee with whom he worked. I really don't know. I didn't handle any of it.

(To Court): Your Worship, I understand that there are a number of cases that have to be remanded. It would perhaps be convenient then to adjourn this case.

WITNESS STANDS DOWN.

REMANDED TO 15/2/1965.

ESTHER BARSEL, SWORN, STATES
ON 15/2/65 - CASE RESUMED.

APPEARANCES AS BEFORE.

ESTHER BARSEL, Sworn, states:

CROSS-EXAMINED BY THE STATE PROSECUTOR:

As I understand the position, the Congress Movement became united in the course of the years? --- Yes, there was a Congress Alliance.

Consisting of the A.N.C., the Indian Congress, the Congress of Democrats, the Congress of Trade Unions? --- That is correct.

And I take it in the course of the years that as the Government opposition became more intense, their unity also increased? -- I don't quite understand what you mean by their unity increased.

There was a greater sense of solidarity, and a greater sense of oneness than ever before? --- It was always understood that the Congress Alliance was that one, yes.

And for instance when a person in the Congress of Trade Unions became banned, it was a matter of vital interest to all the other bodies? --- Yes, I would say...

Yes, because they were all linked together in this struggle for liberation? --- Yes, for democratic rights.

And I take it that there was really no difference of views or policy between the Congress Alliance and the Communist Party? --- I don't know. The Communist Party...

In the nature of the campaign or struggle against the Government policies, there was really no need /to...

to worry about differences? --- I can only speak about the Congress Alliance, I cannot speak about the Communist Party. It is an illegal organization, has been for some time, and

....

THE COURT INTERVENES:

Are you talking about the Congress Party or the Communist Party? --- No, I am talking about the Communist Party.

Yes? --- I understand from evidence given here that the Communist Party did support to a limited extent the aims of the Congress Movement. I am not in a position to either agree or disagree with that. I don't know.

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

Yes, but what I find strange is that here was a body which seemed, not seemed, which actually supported the Congress Movement, and you seem to be unaware of its existence, the nature of its activities and so on? --- I was unaware of the nature of its activities.

In spite of the fact that probably many members of the Congress Alliance belonged to the Communist Party? --- There were some who belonged to the legal Communist Party.

When did you first become aware of the existence of the present Communist Party? --- I saw a press statement.

Yes, but in what year? --- I am not quite sure what year. It was some where in the sixties. I think it may have been 1961, I am not sure.

In which press did you see it? --- I saw it in one of the daily papers, it was either The Star or the Mail, I am not sure which.

What was the gist of the report that you saw? --- It is quite some time ago, I can't remember the gist of it, but I can remember that it said that the Communist Party

/had...

had emerged as an organization. Up till then I knew nothing of its existence.

Did you proceed to make enquiries? --- I wasn't terribly interested in making enquiries.

Why not? --- Because I did not consider that Communism was relevant to the struggle in South Africa.

That Communism was? --- Not relevant to the struggle in South Africa.

No, but in so far as the Communist Party would probably support the struggle for liberation conducted by the Congress Alliance, I take it you would have been interested? --- How do you mean?

I think so far as the Communist Party would be prepared to assist the struggle for liberation as conducted by the Congress Alliance, wouldn't you be interested? --- The Congress Alliance have always thought allied to its cause. It has asked various bodies for support and, in fact, has welcomed all organizations, all individuals, to support its policy, and if the Communist Party supported its policy, I am sure that it too would have welcomed its assistance.

Yes. And in so far as the Congress Alliance would have welcomed the support of the Communist Party, didn't you think it was your business to find out what sort of assistance you could expect from the Communist Party? --- No, the Communist Party was an illegal organization. It was not a part of the Alliance as far as I am concerned.

Yes, but the fact that it was illegal didn't mean that it couldn't function, that it couldn't contribute its share? --- If I remember correctly, there were consultative bodies at the time, and only the legal organizations were represented on these consultative bodies. So I cannot see how the Communist Party, being an illegal organization,

/could...

could have been formally represented at these consultative - on these consultative bodies.

The Communist Party could issue literature for instance? --- I am sure it could, yes.

And in that way it could support? --- I don't know anything about that. I never saw any literature issued by the Communist Party.

Who were the people that you knew to be members of the present party, Communist Party? --- Of the present Party?

Yes? --- I am afraid I know nobody in the present party.

But you said a while ago that some of the members of the Congress Alliance belonged to the Communist Party? -- I was talking of the legal Communist Party, prior to its banning in 1950.

But then there was no talk yet of a Congress Alliance? --- Well, that is what I meant when I said that.

So you can't mention a single person who belonged to the present Communist Party that you knew? --- No, I am afraid not.

Have you read the Communist Party programme? --- I haven't seen it until it became an exhibit in the Court.

I take it you have read it here? -- I have tried to read it, but I have found that one requires quite a lot of background knowledge to understand such a document.

That may be, but I take it you have no difficulty in understanding the policy of the Communist Party in supporting the Congress Alliance? --- I saw the part that said it supported the Freedom Charter.

Yes? --- And to that extent it meant support, it said in the programme.

Now, has the struggle developed throughout

the...

the years restrictions became more severe on the leaders of the Congress Alliance?-- Yes, that is true.

And various bodies were outlawed, or declared unlawful?--- Correct.

And I take it it became largely a question of opposing the Government and the Government's policies?--- Yes, that is true.

And to that extent you wouldn't go and ask what any organizations policies were as long as it supported the general liberation struggle?--- I have indicated before that the Congress Alliance has tried to broaden its activities, and to broaden it in such a way as to include various other anti-apartheid bodies. In fact, it has made repeated appeals to several organizations, to church bodies and so on, to join it in its fight against the present Government, against its apartheid laws.

Yes, but am I safe to say that the Congress Alliance has committed to extra parliamentary struggle for instance?--- Yes, it necessarily has to do so, the African National Congress when it was a legal organization for many years had no representation at all in parliament and the only source of activities that it could engage in would necessarily be extra parliamentary.

Yes, I think that applies for all these - the Congress of Democrats?--- Well, the Congress of Democrats was a European organization. Well all had the franchise.

Yes, but except that the Congress of Democrats declared these policy statements from time to time that it was committed to an extra parliamentary struggle?--- Yes, I would agree with that.

That is from the very, from 1953?--- That is

/right...

right.

Now, did you hold office in the Congress of Democrats? --- No.

What was your position? --- I was an ordinary member of the Congress of Democrats.

But were you fairly active in the Congress of Democrats? --- With limitations. There were times when I was more active. There were times when I was completely inactive.

And I think you were - were you a member of the Peace Council? --- As far as I remember the Peace Council never really had a membership. I can't ever remember paying subscription to the Peace Council.

How did it work then? --- I think it had a mailing list, and it sent out a bulletin from time to time. It also helped functions to raise funds in order to pay for the issuing of this bulletin.

Yes, but wasn't your husband secretary of the Peace Council? --- No.

The South African Peace Council? --- No, he wasn't. He was secretary of the Friends of the Soviet Union.

Yes, but Rev. Thompson was Chairman of both these organizations? --- But that doesn't make my husband secretary of both.

No, I am trying to refresh my own memory about these persons. Your husband worked very closely with Rev. Thompson in the F.O.S.U.? --- Yes, Rev. Thompson was the chairman and my husband was the secretary.

But you will agree with me that in many of these organizations you found that members who belonged to the one also belonged to the other? --- Well, could you give

/me...

me examples; I don't know what you mean.

Good examples would be Leon Levy, Piet Beyleveldt, belonging to the Congress of Democrats and also belonging to the Congress of Trade Unions? --- That makes him a member of two organizations, that is correct.

Yes. And then people like Mandela, Sisulu, members of the N.C. also belonging to the F.O.S.U.? --- I really don't know whether they were members of the F.S.U.

And supporting the Peace Council? --- It is possible, I don't know.

Did you attend many meetings of these organizations throughout the years? --- Of which organizations?

Say of the Congress of Democrats? --- I attended a fair number of meetings, yes.

And the Congress of Trade Unions when ever they had meetings? --- No, I didn't. I was not at all active in that organization.

Yes, but I don't think I am putting it too highly if I say that, or suggest to you, that there was quite an inter relation, or mutual support by members of one organization for the other organization? --- To a certain extent, yes. You mentioned some cases. I have agreed with you as far as I know that Mr. Beyleveldt, for instance, you said was a member of ^{the} Congress of Democrats, and also of the South African Congress of Trade Unions. That is two organizations out of four in the Congress Alliance.

Yes, and then all those people really came together to support the Congress of the People and the adoption of the Freedom Charter? --- Yes, there were four organizations that sponsored the Congress of the People.

And those organizations formed consultative

/committees...

committees in order to co-ordinate their activities..?--- Yes, that is correct.

In regard to the Freedom Charter?--- Correct.

The idea being to make sure that all their policies, all their activities were...)? --- Co-ordinated.

Co-ordinated. And that unity was achieved when the Freedom Charter was adopted in 1955? --- Yes.

After that, I take it, you know of no rift of difference of opinion or difference in policies between these various bodies?--- I was never on consultative level. As far as I know they did agree. There was no difference.

Yes, but I am not speaking now of the break away of the P.A.C. from the A.N.C. I am speaking of the A.N.C and the other organizations. They supported one another in all major activities - pass laws, pass campaigns and other campaigns that were organized throughout the years?--- Yes, that is correct.

And they were all working together in an endeavour to achieve victory by extra parliamentary action?--- Not only extra parliamentary action. I would say that quite a lot of its activities was done through parliamentary activities. For instance, it was common policy to advise members of parliament of the various activities that the Congress Movement were planning. It was common knowledge. There was nothing secret about this sort of activities that they were claiming.

Yes, but what I am driving at is that they had no real representation in parliament?--- They had no representation in parliament for many years.

So where, the type of work that could be done through parliamentary means was negligible?--- Yes, it was negligible.

/Now....

Now you say the primary concern of all these organizations was to achieve a form of Government based on the Freedom Charter? --- Yes.

And in so far as the Communist Party was prepared to co-operate with the Congress Movement in achieving the Freedom Charter's objectives, you would have had no objection to working with the Communist Party? --- Except that it was an illegal organization and the Congress Alliance was composed of legal organizations.

Yes, but the time came when the A.N.C. for instance was declared unlawful? --- That is correct.

In 19? --- I think it was the time of the emergency that they were declared illegal.

1960? --- I think so.

And when was the Congress of Democrats declared unlawful? --- I think it was somewhere towards the end of 1962.

And the Congress of Trade Unions? --- The Congress of Trade Unions is still a legal organization today.

And so is the Indian Congress? --- And so is the Indian Congress.

But what restrictions were imposed on those two bodies? --- That they were to cease their activities.

No, but I mean, do you know of any restrictions that were imposed on them, or on their office bearers? --- How do you mean?

Legal restrictions, banning? -- Yes, several people were banned from participating in any sort of activities, social or otherwise.

And did you think that the Congress of Trade Unions was able to function properly still after all

/the...

the banning? --- I should imagine that they would find it extremely difficult to function properly.

So I take it the of all these measures was to achieve quite a substantial amount of unity in the ranks of those bodies which opposed the Government? --- Yes.

And am I overstating it if I say their feelings of resentment and hatred also ran high as a result of tall the actions? --- I could well imagine that that would happen.

And from time to time they expressed themselves in rather strong language, condemning the Government and the policies of the Government and the police activities, especially the Security Branch activities? --- Yes.

I think they even went so far as to condemn political trials? --- Political trials?

Yes, these trials of political offenders? --- I don't know. You may be right.

And even condemned or criticized the officials? --- Of?

State Officials connected with these political trials? --- I don't know what you mean by State Officials connected with these trials.

Prosecutors in general terms? --- I am sorry, I don't understand your question.

I say the general feeling was one of resentment? --- Yes, I agree.

After all the restrictions, all the banning? --- Yes.

All the prosecutions? --- Yes.

The endless long trials were constantly condemned? --- I should imagine so, yes.

Police were criticized? --- I suppose so, yes.

And I say even the State representatives were

/criticized...

criticized?--- What specifically do you mean by State representatives?

People representing the State in these political trials?--- Do you mean like yourself?

Yes?--- I don't know. I have never heard it expressed like that.

They went so far as to criticize the Courts? --- Yes, that is possible.

Criticize the degree or measure of justice that was being meted out in these political trials? --- But one of the aspects of the Freedom Charter is that all shall be equal before the law. It is possible that people felt that in some political trials they may not have got a fair hearing. I don't know.

Yes, but from your own views, I am more concerned about your own attitude in these matters. Do you think that these people were getting fair trials? --- Well, there have been various laws passed in this country, legal laws to do with the laws - to do with political activities and so on. In my opinion a legal act doesn't necessarily make it a moral act.

Yes?--- And I do feel that there are many laws that have been enacted by this Government which is a complete (?) of democracy.

Yes, but that is one aspect. But once the Law is on the Statute book and the administration of it is passed, how do you feel, was it applied justly, fairly? --- I wouldn't care to comment on that.

Now, do you know who was Sandy? --- No.

And later Jumpy? --- I am afraid not.

Fraser? --- No.

Bentley? --- No.

Jan? --- No.

Smitthy? --- No.

Don't you know these code names? --- No, these names are absolutely meaningless to me.

Did you ever have occasion to make use of code names? --- No.

You did have to resort to secretive measures in meeting people and arranging meetings? --- Yes, in meeting banned people.

You had to take all sorts of precautionary measures to avoid police detection? --- That is so.

Why wouldn't you make use of code names in order to conceal the identify of these people? --- What was the point in it?

You might be speaking to somebody over the phone. You might be speaking to somebody else about somebody? --- I never found it necessary, nor did the people I worked with find it necessary to use code names.

Do you suggest the introduction of the use of code names is something - it is a fig of the imagination of these witnesses, or what? --- Not at all. It is quite likely that organizations did use code names. I only know that in the organizations in which I worked, the people with whom I worked - I have never used code names.

But you see, the astounding thing to me is that you found yourself for instance in a meeting with a number of people who have been described here as having the code names of Bentley, Jan, Smitthy, Clara? --- I have heard that evidence.

And you were the only person out? --- I can only speak for myself.

/You...

You were the only odd person out? --- How do you mean odd person out?

Who didn't seem to be one of that inner circle? --- I had no code name at any time.

Why does Mr. Beyleveldt attribute to you these two names, Sandy and later Juny? --- I really couldn't say.

I take it you never had any trouble with him? --- How do you mean trouble?

Any personal clashes, differences of opinion?

Well, in general - generally speaking I don't think that one can say that in any organization one never has clashes, one very often does.

Yes, but can I put it this way that on the whole you worked satisfactorily with Mr. Beyleveldt? --- Yes, I worked with him in the Congress of Democrats. I think he was the national president. I didn't come into very great contact with him. He was a national executive member, and he didn't often attend our branch meetings, but I did from time to time work with him. He assisted in the raising of finance and so on. He occasionally attended C.O.D. meetings, and gave us a talk and so on.

And did you find him an able organisor? --- To the extent that I came into contact with him. I would say so, yes.

What was the reason for his election as national president of the Congress of Democrats? --- I really don't know. I didn't join the Congress of Democrats when it was first formed.

Was he so outstanding? --- I couldn't say. I really don't know.

Was it more a question of his having had more time for this type of work? --- I am sorry, I can't answer that question. I don't know.

Now, you were telling His Worship about your /activities...

activities in regard to fund raising?--- Yes.

Now, when last had you been engaged in fund raising?--- Well, at our meeting of the 16th of June I was asked to collect some money. I was asked to do certain things. I explained to the meeting at the time that I was rather busy, and for several weeks I wouldn't be able to do very much. In fact, all I could do after that meeting was to sell a little bit of jumble.

No, I am concerned with the occasion when you last actually had collected funds?--- How do you mean collected funds? This was collecting.

This last meeting that you are referring to was a meeting where you had a discussion about the raising of funds?

-- Yes.

Now I am concerned with the actual physical collection of funds? --- After the meeting I had with Mrs. Altman I collected a little bit of money. It was very little, but I had collected some.

What was your way of collecting funds? --- I went to people I knew.

You were, of course, an agent or representative? --- I don't like the word agent.

Representative, what do you call yourself, a travelling..?--- Oh, I see, my employment. Yes, I was a traveller.

So did you have to go round to businesses and collect orders?--- Yes. My area was within a 50 mile radius of Johannesburg. I worked in Johannesburg and I worked out of Johannesburg as well.

So you had quite a wide range to cover?--- Yes, I did.

And I take it in the course of your travelling /it...

it would have been an easy matter for you to meet people that you felt like meeting?--- Except that I was out of Johannesburg most of the time.

Yes, but if you had to meet somebody, say in Krugersdorp, it wouldn't have been difficult?--- It wouldn't have been difficult, but I didn't know anybody in Krugersdorp, or Springs.

No, I am not concerned now with whether you knew anybody, I am concerned with your ability, your opportunity of meeting people?--- Yes, except that I had a great deal of work to do, and very often I didn't manage to finish my rounds by the end of the month.

Is that the reason why you were assigned the duty of arranging meetings? --- Assigned the duty of arranging meetings?

Yes? --- As what?

Meetings that had to be held?--- I arranged two meetings. I arranged one with Mrs. Altman, and the other one on the 16th of June. There wasn't a great deal of organization required for such meetings.

No, but you had to convey messages to various people that had to attend those meetings?--- No, I didn't. I had to only contact one person. On the first occasion all I had to do was contact Mrs. Altman.

Yes?--- And on the second occasion the arrangement was...

No, you had to meet two people. You had to communicate with the Meyersons and then with Mrs. Altman? --- Yes, on the first occasion I went to see Mrs. Meyerson, that is perfectly correct.

On the second occasion you had to meet the Meyersons, get their permission to use their house, and then? --- That is not correct. If I may just tell you what happened.

/My....

My husband passed Mr. Meyersons house regularly on his way to work, and I merely asked my husband to confirm whether the date would suit the Meyersons.

Yes. Nevertheless, it was your responsibility?

--- But it didn't entail any work on my part.

I am not concerned about that now. You had to arrange the use of the house, whether you could do it by 'phone, or by asking your husband to make a request doesn't matter? --- It is a very simple matter.

Yes, and I think we have got some evidence here that in - you once had to arrange a meeting at Wolpe's house?

--- At Wolpe's house?

Harold Wolpe's house? --- No, not that I know of.

Piet Beyleveldt's evidence? --- Piet Beyleveldt's evidence that I had to arrange a meeting at Wolpe's house?

--- Yes, that you did arrange? --- That I did arrange a meeting at Wolpe's house?

Yes? --- Completely untrue.

Do you know Harold Wolpe? --- I have met him personally.

Do you know that he was a member of the Communist Party? --- I heard Mr. Weinberg say that he was a member of the Communist Party.

Did you belong to any organization of which he was a member? --- I think he was at one stage connected with Congress of Democrats, but I have never worked with him politically.

I think he was also very active in the Peace Council? --- That may be so. I have never worked with him.

I think he was the secretary at one time of the Peace Council? -- You may be right. I really don't know.

He and Mrs. Bernstein? --- You may be right.

/I...

I don't know.

Yes, but did you ever attend meetings with Harold Wolpe? --- No, I didn't.

Of course, the evidence that you were a member of the area committee with Harold Wolpe is untrue? --- That I was a member of the area committee with Harold Wolpe?

Yes? --- I know nothing about that.

And that you were the contact of the area on the district committee also is untrue? --- Certainly.

And that you served on the area committee with Vivian Esra? --- I certainly did not.

Did you have meetings with Vivian Esra? --- No.

Did you know him? --- Yes, I know him.

Did he belong to any organization of which you were a member? --- I originally met Mr. Esra through his wife. I went to school with her, and I later met Mr. Esra at the Jewish Workers Club, of which he was a member.

Did he live far away from you? --- I have been to his house once or twice. I can't remember the suburb he lived in. I think it is Sydenham, I am not sure.

Did you live in Observatory? --- No, we lived in Yeoville. We live in Yeoville.

Do you know anybody who lived in Observatory? --- The Bernsteins.

In Regents Street? --- We also lived in Regents Street, yes, but we are in Yeoville.

Matthews? --- Yes, I know Mr. Matthews.

He also lived in Regent Street? --- Mr. Matthews? Yes? --- No.

Where did he live? --- He lived in Observatory round the curve some where.

But who lived at 39 Regents Street Observatory? ---

/That...

That is my address.

I thought you said you lived in..?--- I said I lived in Yeoville in Regent Street. Regent Street goes through to Observatory as well. It passes through Bellevue and through to Observatory.

I take it you know nothing about the need that arose for reorganizing the various races as a result of all the dislocations and disruptions in the organization?--- At what period are you talking about?

In the last two, three years? --- No.

The need to reorganize the Europeans, the Indians, the Africans, purpose of the formation of the area committee, you know nothing about that? --- No.

Now, how many years have you known Mrs. Hilda Bernstein? --- I have known her for a long time. I would say for the last 20 years.

For?--- About 20 years probably, perhaps a little less.

And - yes, you were associated with her in the Friends of the Soviet Union?--- No, I wasn't.

Not?--- No.

Wasn't she an office bearer of the F.O.S.U.? --- Mrs. Bernstein?

Yes? --- Not to my knowledge.

Well, now what political associations did you have with her? --- The only time I worked with Mrs. Bernstein was in the Peace Councils, not on a committee basis.

Is that the time when she was secretary, or what? --- I can't remember whether she was secretary, but I know that she had been associated with the Peace Council for many years.

Yes, I don't want to go into too many details,

/but....

but the Peace Council consisted of local bodies, Cape Town Peace Council, and Durban Peace Council, Transvaal Peace Council? --- I should imagine so.

In '53 there was a general reorganization when all these bodies became affiliated to the South African Peace Council? --- It is possible, I don't know.

And Mrs. Bernstein was one of the sponsors, or organizers of that conference? --- I really don't know the internal workings of the Peace Council. I was never on any committee with Peace Council members.

Didn't you see those documents that they issued, Problems of Organization, and "One Peace Movement," and the "Liberation Movement"? --- I don't remember seeing anything like that.

The Peace Council also supported the Freedom Charter? --- The Peace Council as far as I know was not a member of the Alliance.

No, but I am saying the Peace Council supported the Freedom Charter? --- I really don't know. It is possible.

The Peace Council was represented at the Congress of the People? --- Yes, I think likely the F.S.U., they sent paternal delegates.

I think there is some clause in the Freedom Charter dealing with peace? --- There is something about peace, yes.

But there is no clause in the Charter dealing with Friendship with the Soviet Union? --- No.

Now, this evidence of Beyleveldt that Mrs. Bernstein at one time replaced you as the contact on the district committee, is that not true? --- I was never a member of the Communist Party or of any of its committees. I know

/absolutely...

absolutely nothing about that.

Do you know Accused No. 2, Mr. Schermbrucker?

--- Yes, I do.

Where was he, under what circumstances did you meet him? --- I know Mr. Schermbrucker as manager of Guardian and New Age.

As a member of any organization? --- He said that he was a member of the Friends of the Soviet Union. I don't remember, he is probably correct.

Mr. Weinberg? --- I hardly know Mr. Weinberg.

Mr. Norman Levy? --- Yes, I was associated with Mr. Norman Levy in the Congress of Democrats.

Was he an office bearer? --- I really couldn't say. I can't remember.

And you have told His Worship about your friendship with Mr. Baker, Accused No. 6? --- Yes, that is correct.

I think you said you have known him for the last 20 years? -- Yes, that's right.

And he was a great friend of yours? --- Yes.

Did he ever tell you that he was serving on the area committee of the Communist Party? --- No, he didn't.

Did he never tell you he was a member of the Communist Party? --- No.

Or that the whole party was revived, and that he was now a member? --- No, he didn't.

Why wouldn't he tell you? if he had belonged to this Party? --- I don't know that he did belong to this party. He personally didn't tell me anything.

But by reason of your long friendship would it have been an easy matter for him to tell you that they had now decided to resuscitate the whole party? -- You may be right, he never told me.

/Did...

Did you bring him to the meeting that night? --- No, the arrangement was that we should meet him in Cyrildene. if he was able to come.

You have no idea why he is called Smitthy? --- No, I am afraid not.

Why Beyleveldt refers to him as Smitthy? --- No, I don't.

And Accused No. 7, Miss Middelton? --- I have met Miss Middelton socially several times. I have been associated with her in the Congress of Democrats.

Did you see her frequently? --- No, not ~~every~~ often.

Did you ever go to her flat? --- Yes, I have been to her flat once.

What is the name of the flat? --- I know it is opposite the hospital. It has been mentioned frequently enough. Santa Barbara.

For what reason did you go to her flat? --- I attend Cardiac Clinic fairly regularly, about every three months or so, and it was after attending Cardiac Clinic when I had come out, it was pretty late, I was very tired, and I just decided to go up and have a cup of coffee with Miss Middelton.

But how many times have you been to her flat? --- That is the only time.

But then she also visited you a few times? --- Yes, she had lunch with us a few times. I have often invited Miss Middelton. She some times came over to have a meal with us, but not very often. I would say possibly twice altogether.

And did you ever meet Mr. Beyleveldt socially? --- Yes, certainly.

Did he ever come to your house? --- Yes, he sometimes did come to my house.

/Did...

Did you go to his? --- I have been to his, yes.

And Mr. Fischer? --- Yes, I know Mr. Fischer.

Did you know him to be a member of the old Party?

--- Yes.

Did he ever make a secret of his views? --- During the time that he was in the old party?

During the time that you have known him? --- Of his views on Communism? --

Yes? --- I have never really discussed it with him, but I should imagine that he is the sort of person who would not make a secret of his views.

Did he strike you as a leading member of the Congress Alliance? --- In the Congress Alliance, no. I wouldn't say that.

Why not? --- I don't know. I think that he was a member of the Congress of Democrats for a short while. I think he may possibly have been banned shortly after that. I don't know what happened, but I cannot remember him taking a leading part in it.

And do you share his views that he expressed that there was a risk of bloodshed in this country? --- Share his views that there was a risk of bloodshed?

He wrote a letter, the letter was written out - I haven't got the exact text now? --- Well, I would say that there is always a risk, but I am quite confident that it can be avoided.

Yes, but how do you feel about the risk. Are you confident that it can be avoided, but if it can't be avoided, what is going to be your feeling about it? --- I find it very difficult to express my feelings about it because I am certainly not personally involved in this sort of thing.

/ No....

No, but let's be realistic about the position if one reads all the literature that was put before the Court, one gets the impression that the people are saying that there seems to be a hardening of the Government in regard to the whole liberation movement?--- A hardening?

Yes, it becomes more implacable and less inclined to yield, to make confessions?--- Yes, well, many organizations are banned, people get banned and so on, and it is perfectly true, it becomes more and more difficult to work.

Do you detect any sign of weakening?--- Any sign of weakening on the part of?

Of the Government, the application of its policies? --- I would say that it is not as confident as it was when ...

In what respect do you see any weakening?--- I think that if there is more pressure put on it, on the Government, both internally and externally...

No, that is not what I am after. I am - have you seen any relenting in its policies in so far as it has decided to repeal laws, or to downbreak the freedom? --- I would say that as far as job reservation is concerned, the Government is finding itself in quite a great deal of difficulty.

That may be. But has it expressed a definite change in its policies?--- As far as I know it has allowed certain non-White people to enter some semi skilled industries, and I am hoping that it will completely repeal this law.

Yes, but job reservation is not the answer to all the problems?--- No, I am not suggesting that it is.

Now, you say in its attitude in regard to job reservation you detect that they have changed in policy?--- I think so. I don't know how definite it is, or to what extent they will be prepared to go. My own feeling is that if job reservation were removed, the boom that everybody is

/talking...

talking about would be tremendous.

Yes, but I am concerned about the policy of the Government as a whole. Can you seriously say that there has been a change - has been a retraction from its line? --- No, as far as that is concerned I would say there has been a hardening.

I want to take this document, "The Revolutionary way out," Exhibit 6 before the Court. Now forget for a moment that this was issued by the Communist Party, by the central committee of the Communist Party? --- Do you perhaps have a copy available?

Yes, I can let you have G.L. 10, and in the meantime I can start reading certain passages to you until the original - I will start in the begining on the general lines. "Things are coming to a head in South Africa. We are very fast coming to a big crisis in our history." --- I would say that is debatable.

"The Nationalist Government is tightening the screws and driving Apartheid and oppression to the limits of the people's endurance?" --- I wouldn't have put it as strongly as that, but that may be correct.

"People are fighting back as one after another the Government stops legal and peaceful channels of protest and resistance. The oppressed masses are turning to methods that are illegal and non-peaceful?" --- I don't know if it is correct to say that the masses are turning to those sort of methods.

Are they being directed in that direction? --- I don't know.

But, surely, you also know of the outbreaks of sabotage that we have had over the last few years? --- Yes, certainly.

And you were also referring to those outbreaks

/of ...

violence - well, I take it, the people responsible weren't Government supporters? --- The people responsible for?

For sabotage? --- I shouldn't imagine so.

So I take it we can take it that the oppressed masses must have been responsible? --- I don't know. Are you referring to Umkonto We Siswe?

Yes? - - I don't know whether it is a mass movement or not.

No, but in general language, wouldn't you describe the outbreaks of sabotage as the acts of the general masses? --- I don't know that it is the general masses.

Would you agree then that it must have been members of the general masses? --- I don't know where Umkonto drew its members from. I do remember that at the Rivonia trial Mr. Mandela said that although he himself was engaged in sabotage, it was not a movement that was supported by the A.N.C. as such.

Court here another Yes, no, I know that, but another/Judge found differently? -- That is possible, I don't know. I know what was said at the Rivonia trial.

It was only last month, or rather in December a Judge of the Supreme Court found that there was relationship between the Umkonto and the Communist Party? --- I don't know about that.

But I am - I don't know why you are having difficulty with this that the oppressed masses are turning to methods that are illegal and non-peaceful? --- Because I am not convinced that the masses of people are turning to these methods.

Very well. Let's read on. "They are looking to illegal organizations like the African National Congress and the Communist Party for leadership and liberation?" Would

/that...

that not be correct? --- I would say that they are looking to the African National Congress for leadership, yes. I have known and worked with people during the time that the African National Congress was a legal organization. I know many of the views held by people in the African National Congress. I have certainly never heard them express views on violence.

No, let's deal purely with this question of leadership. "They are looking to illegal organizations like the A.N.C. and the Communist Party for leadership?" --- I don't know about the Communist Party, nor do I know about the A.N.C. now since it has become illegal.

Yes, but now if the Communist Party was supporting the liberation struggle, why wouldn't the masses feel inclined to support it? --- Because I don't know whether it is a mass movement.

If it has a policy which is in favour of the liberation of the masses, in favour of universal franchise, why wouldn't the masses support it? --- As I said, I don't know what sort of following it has got, nor do I know what sort of following the A.N.C. has got now since it has been underground.

The following is irrelevant. It is the policy which the organization propagates which is of importance? --- I would still say that the masses of people in South Africa should find peaceful methods of struggle, and that is quite possible to do so through legal channels.

Yes. That is not what I am asking you. I am asking you about the general leadership. Would you think that it would be a good thing for the non-White masses to look to the A.N.C. for leadership? --- I don't know. I am not in a position to express an opinion on that.

Would you wish them to look to the A.N.C. for leadership? --- Well, since the banning of the A.N.C., I don't know..

know what its policy is. If its policy is the same as it was prior to its banning, in other words, ^{if} its policy then was peaceful means of struggle, then I would say definitely yes.

And if there was a risk of the non-Whites being split into two camps by reason of the existence of the A.N.C. and the P.A.C, which would you favour? --- Well, I again can only speak of when both these organizations were legal. At the time when they were both legal I certainly supported A.N.C. in preference to P.A.C. Nevertheless, I think that even people in P.A.C. , if they were prepared to assist in the winning of democratic rights, should be welcomed as part of the Congress Alliance, as part of a general movement for liberation.

Surely, you know that the A.N.C. is really the only body which favours co-operation with the Whites? P.A.C. stands purely Nationalistic?--- That is correct. But when you are working towards an objective and your objective is one of winning democratic rights ~~when~~ there are certain organizations that are prepared to work with you, you accept them, but on a limited programme only, and that limited programme is the achievement of democratic rights. At the time of Congress of the People I remember that letters were written to all sorts of organizations. A letter was written to the Liberal Party, a letter was written to religious bodies. A letter was even written to the United Party to come to the Congress of the People and to try and formulate some sort of policy whereby all these bodies could work together for a common purpose, and that common purpose was the achievement of democratic rights for the non-White people of this country.

The non-Whites in this country form the biggest proportion of the population?--- That is so, yes.

And it would be vital to the Congress Alliance /that...

that the leadership of the non-Whites ~~was~~ is the right hands?

--- Was in the right hands?

Yes, people who had the same - shared the same views as the Congress Alliance, surely? --- But, surely, in any organization its members have a say as to who their leaders should be.

What would you wish them to have, would you prefer them to have the A.N.C. as the leader? --- Would I wish them to have the A.N.C. as their leader?

Yes? --- Yes.

Because - and she was one of the Congress Alliance? --- Yes.

Now I came back to my point that this statement is made here that the masses are looking to the A.N.C. for leadership, they might be quite correct - the statement might be quite correct? --- Yes, except that I don't know what support the illegal A.N.C. has got. I should imagine that it would be quite different to the support it had while it was legal. As you have said yourself, Government pressures have become more and more aggravated, more and more intensified.

Yes, but I don't understand in the times when the A.N.C. was still functioning openly, it was common cause that it was enjoying a large measure of support from the non-Whites? --- Yes, that is so.

And it was really the main body, as far as membership went, it was the main body in the whole liberations movement? --- Yes, that is correct.

And you as a member or supporter of the Congress Alliance would welcome the A.N.C. to retain its leadership? --- I would welcome the A.N.C. to be again a legal organization and to continue with the policies it had before.

/ And...

And if the Communist Party identified itself
not
with the objects of the A.N.C., you would/have any qualms
about supporting the Communist Party?--- You yourself have
pointed out that the Communist Party in its programme says
it supports the Freedom Charter, which means that to that
extent it supports the Congress Movement.

Yes, and I mean to the extent that the
A.N.C. supported the Congress Alliance and the Freedom
Charter and the A.N.C. was supported by the Communist Party,
you would have no objections to supporting the Communist
Party?--- I don't support the Communist Party. I accept
what you have said..

No, I am speaking now of your mental state,
your mental attitude in regard to these bodies which work
for the liberation of the non-Whites in this country?---
If you say that they support the Congress Alliance I see no
objection why apart of that Alliance, the Communist Party
should also not participate if it agrees with its objective.

Yes, but you see...? --- Unfortunately both
the A.N.C. and the Communist Party are illegal and I just
don't see how they could possibly participate in an a
Alliance.

You see, you are creating the impression,
I hope I don't misunderstand you, that you are dismally
ignorant about the Communist Party, and it's existence
and it's policies? -- You are correct. I know nothing
about the Communist Party.

That is the part that I can't understand?
--- Why not?

I can't understand that you should know such
a lot about the various sectors of the Congress Alliance

/and...

and yet you should be so hopelessly misinformed about a body, which according to the evidence, was very much in favour of the liberation of the non-Whites? --- The Congress Alliance was open and legal, and at that time I supported it as did many others. I worked closely in this organization. I haven't worked in the Communist Party. I don't know about the Communist Party. Evidence has been led in this Court that it is a highly secret organization. I presume that that is correct, and if, in fact, that is so, I don't see why on earth I should have heard about it.

And if your husband ~~were~~ a member of the party, I take it he would have told you about it? --- If my husband were a member I can't possibly see how it could happen, because neither of us are Communists, but if, and you are putting a hypothetical case to me, again, I have heard evidence in this Court of it being a highly secret organization where one member is not to tell anybody else of its association with this organization. It is possible that if my husband were a Communist he would not tell me, but I happen to know that he is not a Communist.

Also from what he told you? --- From what he told me, from discussions we have had, certainly, and he knows the same about me.

You are not suggesting that you were perhaps a ...?.. in the hands of the Communists? --- Not that I know of, I can't see how I could have been.

That you were merely being used as a convenience in regard to the meeting of the 16th of June? --- How could I have been? I was at the meeting of the 16th of June.

No, but I suggest that you are sufficiently intelligent, sufficiently assertive in order not to be bamboozled into a situation that you didn't realize implications

/of....

of? --- I have never participated in the activities of an illegal organization, nor to the best of my knowledge have I given it any sort of assistance either directly or indirectly.

No, but I am suggesting that you have a good measure of intelligence. I don't think I am wrong there?

--- I don't know.

And I am suggesting that you are an assertive person, that you have an assertive personality. You are not going to be directed and bullied around - shunted around, to use a colloquial phrase, by other people? --- I don't think anybody likes to be bullied around.

I suggest to you that you would be the very first one to take serious objection? --- I don't think that I would be the first one, I would be one of many who would object.

Yes, but you definitely would object? --- To be bullied, yes, I would.

Now to come back to this statement, it says that violent outbreaks of one sort or another are becoming more and more common. That is just an objective statement?

--- Yes.

That I don't suppose you deny? --- There have been violent outbreaks. That is correct.

Then it goes on to say that some times as the case of the operations of Umkonto We Siswe these outbreaks are purposeful, effective and carefully planned on a nation wide level? --- Yes.

Do you agree with that statement? --- I don't know how Umkonto goes about organizing its activities. I can't comment.

"But very often as (?) persecution and police /terror...

terror drive one section of the people after another to desperation, we find unplanned spontaneous acts of resistance and retaliation taking place on a local level, and the development of bodies like Poqo with its outlook of blind revenge on Whites?"

--- That I take it refers to acts of terrorism?

Yes?--- Yes.

And describing the acts of violence committed by the Poqo as one of blind revenge on the Whites?--- That may be so, yes, it is an opinion expressed.

Then it goes on "Former leaders of the break-away Pan Africanist Congress are now living in exile such as Leballo and in his recent notorious Maseru ... have attempted to claim the Poqo movement as a part of their organization. Well that is just narration. "This claim is made for the purpose of boosting the fallen prestige of P.A.C. which no longer exists as an organized force in South Africa itself?" --- Well, that is a statement which....

Yes, it does not bear serious examination. Then it goes on "P.A.C. may well have given rise to Poqo by spreading the concept that spontaneous outburst of people, violence, are a suitable means of struggle and by whipping up anti-Whites, 'showinism' among African patriots." Do you have that? --- I don't quite understand it.

What does the word mean Anti-White 'showinism'? --- I don't know. I am just trying to figure it out myself.

An old Communist phrase?--- Is it?

'Showinism,' yes? --- What does it mean?

I want assistance from you. "But having produced the atmosphere in which Poqo has grown, neither P.A.C. nor anyone else can claim to control or to lead it, for Poqo is in essence an uncontrolled violent reaction to oppression,

/not...

not an organized political movement with an ideology and long term policy accepted by all its adherents." Do you accept that view? --- It may possibly be correct. I don't know.

"Outbreaks ascribed to Poqo such as those at Paarl and the Bashi River were not planned by P.A.C. or any other national organization. They were semi-spontaneous reactions of men oppressed beyond endurance, inspired to action by rudimentally political aims of the Poqo movement?"

--- Yes, well, obviously these people had more information than I had on the subject.

I am sure this word must be "rudimentary political aims?" --- Yes, it is difficult to read. The tops are cut off.

Do you agree with that view? --- It is possibly correct. I don't know.

Then I think we can skip the next paragraph which deals with Leballo's wild claims, and describing it as irresponsible P.A.C. talk? --- Yes, that's right.

And then it goes on "The reaction of the Nationalist Government is two-fold. On the one hand it steps up and makes harsher its innumeral acts of ~~tyranny~~ and oppression. On the other, it is openly preparing to crush by force the resistance and the rebellions which these acts must inevitably ... force." That is the reaction of the Government in relation to the Leballo or the P.A.C. activities? --- I see.

Well, let us go a stage further. I think on page 2 you will find the following: "Verwoerd and Vorster are steadily turning the country into an armed camp ruled by decree and Marshall law. They are heading for civil war." In capital letters? --- Yes, I see that.

Would you agree with that statement? --- It is a view expressed which I suppose many people hold. Again I say that with the provocation that the non-White people

/have...

have had over these years I find it very difficult to say that they are right or they are wrong in feeling the way they do. I personally, as I have stated before, sincerely hoped, and have always worked for, a peaceful solution to our problems.

Yes, but do you agree with this view that the Government is turning the country into an armed camp, and that it is heading for civil war? --- No, I wouldn't go as far as that.

What do you find wrong in that statement? --- I don't think things have really reached that stage in this country. It may one day do so, I don't know. I sincerely hope that we never ever reach that stage.

No, but this is 'Cowdstein's' - the continuous tense as it were. "They are steadily turning the country into an armed camp, and they are heading for civil war?" --- Well, I don't think that they are heading for civil war.

They seem to be describing a process that is evolving, the country is steadily developing or turned into an armed camp and heading for civil war? --- Yes, it is a view expressed in this document. I don't hold this view.

But you see, you are in a better position by reason of your active association in the Congress Alliance to tell us of the reactions of people of the direction of the processes of thought, the attitudes in regard to Government policies? --- Yes, I am.

Now why do you find fault with this? --- Because, as I have said before, during the time that I was associated with the Congress Movement, its policy, its statement, its leaders, I have always heard people speak of a peaceful settlement to our solution. I have personally met people like

/Chief...

Chief Lethuli who was up till the time of his banning its National President.. I was most impressed with Chief Lethuli. He is a very wise and intelligent man. He has time and time again stated that the non-Whites in this country must not resort to violence; that for as long as it is possible and until the eleventh hours the non-White people must struggle peacefully in whatever way is possible, and in whatever way is open to them. At the time when I met people like Nelson Mandela and Walter Sisulu, they held the same view, and that is the time I am speaking of when the African National Congress was a legal organization. I might add that I myself had been surprised at the restraint and the continuous stress of peaceful means of struggle by people who have been tremendously oppressed.

That may be, but what I don't understand is that those very people were convicted of preparation for sabotage and Gorilla warfare in the Rivonia trial? --- Yes, that is true, and I...

So they couldn't have been so peaceful in their activities?--- I would like to say that during the time that I knew them this is the line that they adopted all the time.

Yes, up to a stage?--- And I would also like to add, if I may finish, that I very deeply regret that people like Mandela and Sisulu have turned to sabotage as a solution to our problems. These people have got life imprisonment. They have been convicted and sent to Robin Island for life imprisonment. I feel that if people of the calibre of Walter Sisulu, Nelson Mandela and the others had turned their attention to peaceful means of struggle, they would still have been with us today, and they would have been able to lead the people in peaceful struggle.

/Yes..

Yes, well now let's analyse that statement. What forms of peaceful struggle were left for Mandela and Sisulu to indulge in? --- Well, I don't know much about underground work. In fact, I know nothing about it. I have not been associated in any sort of underground activity, but I should imagine that like banned people, like named people, they could meet with present leaders of the African National Congress. They could guide the sort of activities into peaceful channels.

Just to be talking all the time? ---

Demonstration.

How could they organize demonstrations? --- They could do it peacefully. They could send petitions both to local bodies in South Africa.

Do you reckon that would make an impact? --- I think that there are many White South Africans who are changing their views on race policies and on race discrimination just generally. I think that the fact that we have today a Progressive Party is a very important step forward in the thinking of White South Africans.

So you think it is surprising or it is inadvisable of people to resort to preparation for sabotage?

--- No, I am not saying that it is surprising, I said earlier that I have wondered at the patience of people who under extreme provocation have always advocated peaceful means of struggle. I have also said that I am sorry that people have turned to sabotage as a means of struggle.

Yes, but up to a stage people were still allowed to operate openly? --- Yes.

When those rights were denied them, I suggest there was only one way, and that was the strong arm methods?

--- I can't agree with you. I can't agree with you at all.

/And...

And whilst remaining a mere talking shop? --- No, not a talking shop. I have already indicated that I think that the opinions of White South Africans are changing towards the Government's race policy, that is one aspect. There is also pressure from outside.

Yes, but I want to test your judgment? --- My judgment may be completely wrong. It is my opinion which I am expressing.

But let us look at it further. "Without doubt these ruthless measures of the ruling class born of panic and desperation have taken a heavy toll of all who in the past have had the courage to stand up publically for the people's rights. They have greatly narrowed any hope of a peaceful change to a free South Africa. They have succeeded in intimidating some opponents of the Nationalists and causing them to waiver in their faith in the victory of the people over the oppressors." Don't you agree that the ruthless measures have succeeded in narrowing the hope of a peaceful change in South Africa? --- It would appear that some people think so.

The majority of the Congress Alliance? --- The Congress Alliance is no longer legal, the whole Congress Alliance as I knew it.

The A.N.C. leaders certainly thought so? --- The A.N.C. leaders at the time when the A.N.C. was legal?

At the time when the preparations for the Rivonia acts or sabotage were made? --- That apparently was their judgment of the situation, I think, yes.

And if we take this document, as having been published in the early parts of '63? --- Is that when it was published?

Yes, April - June '63, March/April? --- I take your word for it, I don't know.

Did you ever receive the African Communist? --- No, /I...

I didn't.

Why not?--- I don't know why not.

I am surprised that - weren't you inundated with all sorts of literature, Communist or non-Communist?

-- No, I didn't get any Communist literature.

Do you share this view: "That the great mass of our people, particularly the African workers and peasants are not intimidated. They are determined to win their freedom whatever it may cost, and they know what freedom will be - that freedom will be won. The White minority dictatorship cannot last, whether it is looked at in relation to the rest of Africa and the outside world, or in relation to the balance of long term forces in South Africa itself. The position of the Verwoerd Government is hopeless." Do you share that view?--- I share part of that view. I do say I agree that the policy of this Government or the Government as it is now cannot last. That I agree with, but I differ on how it is going to change. I differ very strongly about how it is going to change.

Yes, but would you be averse to the A.N.C. and the non-Whites adopting violent methods?--- At this stage, yes. Quite definitely.

Well, say at a later stage?--- I cannot speak for at a later stage. It is an academic question.

No, but it is a question of approval or disapproval of methods of struggle?--- At this stage I most certainly disapprove of such methods.

Because you say at this stage there is still a chance of a peaceful change? -- Most certainly. I firmly believe that.

And you sincerely hope that the change can /come...

come about by peaceful means?--- Yes.

But when the position becomes more aggravated, then there might be no possibility of a peaceful change?--- You are asking me to comment on a hypothetical case, and I find it extremely difficult to say today what my views might be in say a year's time or five year's time or whatever it is. At this particular stage I am opposed to violence and I say as I have said before that I think there are still ways open to all of us to struggle peacefully for democratic rights.

I think you spoke about moral principles earlier this morning?--- Yes, I spoke of moral principles.

Now from, say your moral point of view, do you think that the oppression of the non-Whites has not yet become very bad, that there is still breathing space for them? --- On the contrary, it has been bad for a very long time.

Do you think that from a moral point of view - again I say from your point of view, the non-Whites are justified in taking action to end the oppression? --- I find that very difficult to answer. I have stated my point of view very clearly. It is the non-Whites in this country who are being oppressed, and it is the non-Whites who must take such decision. I have expressed my personal point of view, but I certainly would never impose my view on a person who is being oppressed. I am expressing a personal view. I feel that at this stage...

Yes, that is fair enough, but would you sympathise with them if they do resort to violent action?--- I would try to understand why they have resorted to violent action, and I may say that I am certainly not alone in thinking this way.

I have heard Mrs. Helen Suzman express a similar point of view, and I have heard many White South Africans. I have

/seen...

seen newspaper articles in the daily papers where people have said and where articles have stated that they can understand how it is possible for people under these circumstances to turn to violent forms of struggle.

Isn't it also a case of fanning the flames a bit?--- No, I have stated quite clearly that I myself am opposed to it, and I have also explained that I am not the one who is oppressed, I am not an African, I don't suffer the indignity which an African suffers in this country.

I will give you an idea, I think during the - about 1955/56, some delegates of the A.N.C. and the Congress of Democrats or the Federation of South African Women were going around the country addressing gatherings on the question of the passes for women?--- Yes, I remember that.

There was quite a country wide campaign?--- That is correct.

And that had substantial success?--- Yes.

And the success was largely due to the efforts of the leaders of the Federation of South African Women?--- I would say the Federation took a lead in that, yes. The Federation as such.

Yes, Mrs. Joseph Robert Geshe?--- Yes.

Leon Levy, Bertha Moshabo, they were quite 'percifious'?--- I think so, yes.

And as I say, they achieved substantial results with the non-White women?--- Yes.

That is why I am suggesting to you that it is one thing to stand entirely fascist in regard to these struggles and it is another thing to try and take the hand, to try and guide the struggle in a certain direction?--- But I don't quite see the relevance of that question. Do you mean that I should

/take..

take a lead in a movement composed of Africans like the A.N.C.
Is that what you..

No, you can't really become a member of the
A.N.C., can you? --- No, I can't.

No, but by your support of the Congress Alliance,
by your support of all the activities of the Congress Alliance
you are supporting the ultimate objectives? --- Yes, but I can-
not say today that I will agree with their policy in the future.
You referred a little earlier to the anti-pass campaign organized
by the Federation.

Yes? --- It was a perfectly legitimate thing.
I fully supported the struggle against passes for African women.

Yes, and then the outbreaks of violence that
followed? --- Where were there outbreaks of violence?

At Lichtenburg and other places? --- I deeply
regret such things. I do remember them happening. I do not
think that it inevitably follows that if one organizes an
anti-pass campaign that there need be bloodshed, and I am
quite sure that the people who led the struggle didn't
anticipate violence or bloodshed.

Yes, but now take the defiance campaign in 1952?
--- Yes, I remember it vaguely.

The basic idea was one of non-collaboration?
--- It was the defiance of unjust laws.

Yes. But the basic mode of struggle was non-
collaboration? --- Non-collaboration?

Yes, just not to carry out the - disobedience,
civil disobedience? --- You may be right. I am not quite sure.
That is a long time ago.

But that was a country wide campaign also? ---
It was a big campaign, yes. Several people were....

And various anti-Apartheid laws were selected
/as...

as focal points? --- Yes, could you mention a few, I am afraid I have forgotten all about them?

Like the - going into the station and sitting on the benches, places set apart for Whites? --- Oh, in other words, they went into places that were reserved for Europeans?

Yes, that sort of thing? --- Yes, it is coming back to me, that's right.

Now throughout the country this large scale campaign was in progress? --- A very peaceful campaign if I remember correctly.

Except for the incidents in Port Elizabeth and East London where the nuns were burnt to death in a car, do you remember? --- Where a nun was burnt to death in a car?

In a car in East London in the Location? --- Was that during the defiance campaign?

Yes? --- I do remember such an incident, but I cannot remember what led up to it.

In '52 when the bioscope was burnt down in Port Elizabeth? --- I am just trying to think of this incident with the nun that you mentioned.

Where an A.N.C. meeting was banned, that particular day? --- But what did it have to do with the defiance campaign?

That is the time the defiance campaign was being conducted throughout the country? --- I just don't see the relevance.

I am trying to make it clear to you that in the course of organising the defiance campaign ..? --- There was some form of violence somewhere, yes.

Yes. A strong measure of solidarity was developing amongst the non-Whites. I am not suggesting now that the leaders actually told them to go and burn the nun, or to stone the car. I am not suggesting that. I am saying that because of this

/terrific...

terrific degree of political consciousness that was developing?

--- Yes.

This strong anti-Government or anti-White feeling that was going? -- Yes.

This type of violent outbreak was inevitable? -- It did happen from time to time, yes. Regretably so.

Yes. Now my question is this: That in organizing the non-White masses you must necessarily contemplate the possibility of their acting rashly and unpremeditatedly at certain times? --- It could happen, yes, I don't deny that. I am just saying that I am not...

You might find that you started prairie fire that you can't control? --- Yes, and I would say that that is one of the strong reasons that I would put forward for still trying to find peaceful ways of struggle. It is perfectly true what you say that something can start in a small way and flare up and...

Yes, in this same article some where it mentions the fact - perhaps I should get it now. Yes, on page 7. About in the middle there is a paragraph in bold letters? --- Yes.

It reads as follows: "This does not, of course, mean that the workers and their trade union leader should not undertake strikes and other actions, whether legal or illegal in a single industry or even in a single factory where the need arises and the workers understand and are prepared for the consequences, they will take industrial action, and they will be correct to do so for a single victory, even a small one in a single strike may be enough to spark off and inspire a whole series of similar actions among other workers, a process which the authorities may be unable to subdue." Do you agree with that statement? --- I agree that workers are certainly entitled

/to...

to take industrial action.

"And if they do start with a single act, it may spark off such a chain reaction which will create a situation which the authorities will be unable to subdue?" --- I am sorry that such a statement is made here. You put it to me and I agreed that it could happen, and possibly this is what this paragraph is aiming at, that it is possible that it could happen.

This paragraph seems to suggest - well, it doesn't seem, it actually in my reading advocates this type of action? --- No, I would not advocate it. Not in this way, certainly not.

No, but do you agree with me this passage advocates it when it says "And they will be correct to do so for a single victory may be enough to spark off our series of actions?" --- I am not so sure that I do agree with that interpretation. I think that it could perhaps have another interpretation.

Well, the Court will interpret it. I don't want to worry you about interpreting it for us. All I am saying is that where it says here "And they will be correct to do so," they seem to advocate some sort of action in that direction? --- Some sort of strike action?

Yes, single strike at the right time? --- I am not against strike action. It is a normal trade union principle throughout the world.

Yes, but do you agree that in a given set of circumstances, a single act may be sufficiently inflammable to cause a spread? --- Yes, it could happen I suppose.

Yes, now my difficulty with the Congress Alliance is this: That it never did anything positively and constructively to prevent the outbreak of violence? --- In what respect.

Throughout the years. I am talking now of the

/last...

last, say from 1955 on?--- I think that if you look at pictures made by it's leaders, if you take those, and I am sure that you must have plenty of them on hand, you will find that time and time again during the time that the African National Congress was legal, it continually stressed non violent, non violent, non violent. This was it's policy all the time.

Yes, but many..?--- It was dictated by its leaders, it was made in public statements. The leaflets which it issued stressed this point all the time, and I am sure you could produce many such leaflets.

Yes. But that is not what I am complaining about. I am complaining about the other amount of violent speeches. For instance a man like Robert Geshe I remember very well made very strong violent speeches in all the years, and never was any action taken against him. Never was he condemned?--- What did he say?

He advocated clear violent action?--- During the time that the A.N.C. was legal?

Yes? --- Well, it is purely and surely the opinion of one man.

No, but that is not the point?--- But it wasn't the policy of the organization.

Geshe was a prominent member in the A.N.C.? --- Yes, but nevertheless...

And his violent speeches were never condemned by fellow members?--- I personally haven't heard him make...

A.N.C. never took action against him?-- Well, as I say, I have never personally heard him make violent speeches. I remember Robert Geshe once addressing the Congress of Democrats, and he certainly didn't make a speech

/of...

of that nature.

But there it might have been out of place?--- I don't know. That is just what I am saying that I have never heard him make such a speech. I am not denying that he did so.

You don't suggest that he would have told a group of White people that they must now resort to violent action?--- Well, he came to the Congress of Democrats' meeting, and I am telling His Worship that I can certainly not remember him making any such a statement.

But never as far as you know was any disciplinary action taken against members for making violent speeches? --- No.

That element of hot headedness, impulsiveness, was never restrained? --- I think perhaps, was this not a time when the A.N.C. and the P.A.C. people were having their fight, and when the P.A.C. members broke away from A.N.C. I am not suggesting that Robert Geshe is a member of P.A.C. I don't think he is. I think he is still a member of the A.N.C., but I do know that at the time when these elements were in - you know, altogether in the one organization that such speeches were made, and perhaps this is what you are referring to. Perhaps this was the time that the break came between the A.N.C. and the P.A.C.

But I think we can cut a long argument short. You are concerned, or you were concerned with the Congress Alliance?--- Yes, I was.

Which had committed itself to extra parliamentary forms of struggle?--- Yes.

And in that process violence was bound to happen from time to time?--- Yes, violence did.

And..?--- This doesn't mean that we approved of it.

Yes, but you were dealing with an inflammable

/situation..

situation really?--- No, I wouldn't say that that is really inflammable.

But don't you agree that as far as the non-White masses are concerned, they might be suffering from very strong feelings of hatred, resentment against the system in this country? --- No doubt they do.

You can always compare them to dry wood, the country being littered with dry wood?--- Dry wood?

Yes, dry grass for that matter. Wouldn't you agree?--- I don't know what reference. Do you mean..?

The pass laws?--- In other words, if a match was put to the dry wood or the dry grass it could...

Yes?--- I don't know that the analogy is really there. What I would like to tell His Worship is that strike action for instance, industrial action as it is called, here, is the sort of action that is taken the world over. Workers are entitled to strike for higher wages, for better conditions, and very often when this sort of action is taken, and I am now not talking about South Africa, I am now talking about other countries. Take England for instance, there have been clashes with the police. In that form, yes, they have been violent. People have been hurt, Nevertheless, in the process workers have won higher wages and better conditions. That is what I would call a normal part of a struggle, a normal Trade Union activity.

That may be, but..?--- That is the sort of thing that has happened here too.

Yes, but are you in favour of a type of struggle which achieves a measure of success on this limited issue. Another bit of success on another issue, and another bit of success on another issue, or are you in favour of the type of

/action...

action which this author envisages may start with strike action in one factory but gradually develops into a country wide thing which the authorities can't subdue?--- I don't know. One type of action, he may be talking here for instance of Trade Union action. That it may start in one factory, it may go to another factory.

Yes, but remember now your view is that the whole liberatory struggle must aim at the ultimate achievements of full democracy in South Africa?--- Yes.

And that full democracy can only be achieved in South Africa by the overthrow of the present system?--- By the replacement of the system, by a more diplomatic form of government, that is correct.

Yes, and limited confessions that you obtain here and there of ... rize and wages won't solve the problem?--- No, I agree with you, I agree that it is necessary either for the present Government to change it's race policy or for the present Government to be replaced by a Government which would be a democratic type of Government, which would give the franchise to all the people in the country, that is what I struggle for.

Yes, but the Congress of Democrats used to put out this type of policy statement, if I can refresh your memory. They used to say that you must not concentrate only on one issue. You must always link that issue with the ultimate objective?--- The ultimate objective being the achievement of the Freedom Charter.

Yes. In other words, you must always try - aim at the achievement of the full democracy?--- Yes, that is correct, full democracy.

If you agitate against Bantu ^(education) cludatón, you mustn't regard that as a means of - as an aim in itself. You /must...

must...?--- Yes, Bantu education is only one aspect of legislation passed in this country, that is perfectly correct.

So that every bit of activity must always be joined with the ultimate goal, namely full democracy?--- Yes.

And in that respect I suggest that what this author said here was something which fitted the policy of the Congress of Democrats, and which also express or reflect your views?--- But again it is a question of how you interpret it. I have not interpreted it that way.

THE COURT ADJOURNS.

THE COURT RESUMES - APPEARANCES AS BEFORE.

ESTHER BARSEL, (still under her former oath):

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

What I was putting to you before the adjournment was that there was a grave risk in dealing with this inflammable mass, or with the inflammable masses in this country?--- I don't know...

Let me give you a few more examples. Do you remember the time when the Bantu education campaign was launched? When people were saying that the Bantu education ... aimed at keeping the non-Whites in a state of perpetual slavery and so on? --- Yes.

And there was a general agitation throughout the country that the Bantu schools should be boycotted?--- Yes.

And the upshot was that numerous Bantu schools were burnt down? --- Bantu schools were burnt down?

Yes? - I don't remember that. It is possible.

People were going too far?--- I don't remember that.

No, but what I mean is did you hear of the schools that were burnt down? --- No, I can't say that I remember it.

/You...

You may be right.

Yes, but you can take it from me that schools were burnt down, and I take it that was not in accordance with the policy of the Congress Movement, was it, that schools should be destroyed. Public buildings should be damaged?--- I remember the time that Bantu education became a law. I remember personally opposing it. I would like to say that education to me is education. I don't see...

No, I am not concerned with the merits of the edu - that system now, I am concerned with the action of the non-Whites?--- Well again, if that was done, and I take it as you say it was, it was something that the A.N.C. had decided to do.

Yes, but was it the A.N.C. who told these people to burn down schools?--- I have no idea. I have no idea at all.

Because I am suggesting to you that once you start agitating amongst the masses, once you start getting them moving in a certain direction, you are running a serious risk of their overstepping the mark, and doing much more than you require of them?--- I should imagine one always would run that risk, yes.

The same with the pass laws, when you start telling them to burn the passes, they might go to the other extreme and start to run riots?--- Except that I have explained that in movements throughout the world, I am not taking South Africa as a specific example, when there is any sort of objection or campaign run against certain laws, or against certain actions, by a particular Government, or if one takes Trade Union activity I think I made it perfectly clear that in a country like Britain for instance, where the workers drive all the time, where the Trade Unions drive for higher wages, for better working conditions, it is always possible that a clash with the police can take place and has taken place, and that is the only

/explanation...

explanation I can give.

Yes but now if you support a campaign against passes in South Africa, you tell the non-Whites that they must not carry passes, then don't you feel morally responsible for outbreaks of violence and ...? --- I certainly didn't tell the non-White people, I am sorry.

No, I am speaking now of the Movement as a whole, would you think that the Movement as a whole should accept the measure of moral responsibility for the results of campaigns which they have supported? --- That is difficult to say. I should imagine that before a campaign is embarked upon it is thoroughly discussed, its merits, its demerits, and so on, and as far as I am concerned that any campaign the A.N.C. has embarked upon during the time that it was a legal organization was certainly not with the intention of causing any sort of flare up. I agree with you that it has happened that there have been flare ups.

Yes, but now all I am concerned with is that you wouldn't feel morally that you were responsible in some measure for flare ups? --- Well, then the alternative would be to do nothing.

Yes, you are right? --- Which I don't agree.

Yes, so therefore you are in favour of the flare ups? --- I am not in favour of the flare ups. I think that it is a terrible thing when it does happen.

But you - do you agree with me that the organization which launches campaigns which result in flare ups must take the blame for those results? --- Well again, I can only put forward the example that I have put forward before. If Trade Union actions for instance or an anti-pass campaign for instance is embarked upon, it is sincerely embarked upon

/not...

not with the idea of causing flare ups, but it does happen in a struggle, in any sort of struggle for any sort of rights, that the possibility does exist, but one hopes that it can be avoided.

On page 4 the second paragraph I want to put to you - still that "Revolutionary way out," Exhibit 6. The second paragraph? --- The one we dealt with earlier?

Yes? --- The one in heavy type?

I don't think we have dealt with that one. Actually I want to take you to page 3? -- Yes.

The heavily typed paragraph which reads "The minority however heavily armed cannot prevail over the great majority of the people when the majority is organized, determined and clear in its purpose. Every new act of tyranny and oppression by the Government calls forth acts of revolutionary protest and resistance by the masses. Often such acts may be unplanned, desperate and unsuccessful. They may be answered by heavy and costly reprizes, but in the process the forces of liberation are being forged. They are becoming more steeled in their determination, they are building effective and indestructable organizations. They are achieving ever greater clarity of purpose and direction." I take it you don't object to that paragraph? --- I don't know.

Where it says that a minority although heavily armed cannot prevail over the great majority of people when the majority is organized? --- Yes.

And that every new act of tyranny an oppression calls forth acts of revolutionary protest and resistance by the masses? --- Well, I wonder what revolutionary protest and resistance by the masses means here.

/How...

How do you understand it?--- I am not sure. I am not at all sure. Revolutionary protest can mean a peaceful protest, I think.

And the resistance by the masses?--- Resistance by the masses can be by peaceful means.

How do you resist by peaceful means?--- By non collaboration for instance. By condemning various acts of the Government, by saying that pass laws is bad for instance, that Bantu education is bad, and so on. That I would call a resistance to laws in this country.

Yes. Then we go on to the next paragraph, "The violent clashes which have occurred in the Cape and elsewhere are signs of the growing revolutionary upheaval in our country?" --- I don't know what they refer to here.

Well, I think the meaning of the word "revolution" will become clear to you later on, but in the meantime..?--- Is that the Poqo operation? It goes on to say the so-called Poqo operations?

Yes. So that one can take the Poqo operations as an indication of the growing revolutionary upheaval in the country? --- Is that what this says?

I am asking you? It says "The violent clashes which have occurred in the Cape are signs of the growing revolutionary upheaval." Equating violent clashes with the growing revolutionary upheaval? --- Except that I have never - I take it that Poqo is part of P.A.C?

Yes?--- I have never considered the Pan Africanist Congress...

No, don't let's get confused. I am merely concerned here with the violent clashes, the violent outbreaks in the Cape?--- Yes, there have been such outbreaks.

Yes, and the paper says here that they are /signs...

signs of a growing revolutionary upheaval?--- No, I wouldn't agree with that.

It is the first paragraph, the first sentence?--- Yes, I don't agree with it.

You say you don't agree that they are the first signs or they are signs...?--- I do agree that there have been various acts of terrorism.

Yes, but don't you agree that they are signs of a revolutionary spirit in the country?--- No, not necessarily.

If you look at the next paragraph "From these defeats the people are drawing the conclusion not that resistance is futile, but that it should be planned purposeful and principled?" --- I agree that it should be planned purposeful and principled, yes.

And it goes on: "The leaders of the African Liberation Movement have not merely taken a negative or critical attitude towards the Poqo type outbreaks. They have acknowledged that exclusively non-violent methods are no longer of use?" --- Yes, that is the Pan Africanist Congress have acknowledged. That is how I understand it.

Yes? --- Yes, I agree with that.

But the next paragraph "Such statements and the increasing activities of Umkonto itself show that the African people and the leaders are rapidly absorbing/lessons of the abortive Poqo outbreaks. That they understand the duty of experienced and responsible leaders; that they do not in any way seek to dampen or discourage/revolutionary spirit abroad among the youth, the workers and the peasants and the oppressed people generally, Instead, they aim to harness that spirit not to reckless adventure, but to effective planned action. Only such a dynamic and militant policy can avoid

/repetition..

repetition of fruitless acts of violence instigated by desperate organizations of the Poqo type." Now in this paragraph he also suggests that the revolutionary spirit amongst the masses should not be dampened, but it should be controlled, it should be ~~harnessed~~ for more effective planned action?" --- For more effective planned action, yes. I see in this paragraph here that it condemns the terrorism of acts performed by the Pan Africanist, - in fact, the State by Poqo.

Yes, we go on to page 4. The top of the page, which is also in thick type. "Another important lesson which the oppressed people are fast learning from the present is the present crucial phase of our history is that every attempt to redress or rectify a local or partial grievance is necessarily connected with and can only/won by the defeat of the Nationalist Government itself, and the ending of white minority rules. Where every protest and every demand is lit merely by bloody suppression by the State, it becomes clear to one section of the people after another that the State itself is the obstacle to any sort of advance and that no sort of happy or tolerable future is possible without removal of this tyrannical State and its replacement by one which embodies the will of the majority of the people." Do you agree with that?--- I agree with it to the extent where it says that its replacement by one - it talks of the State being replaced by one which embodies the will of the majority of the people.

Yes?--- I certainly agree with that.

The whole object being the removal of the State and its replacement by one embodying the majority will of the people?--- A replacement or a change of heart, I would say.

Yes. Now in the next paragraph it analyses this

/very....

very question that I put to you this morning. Whether it would be wrong to campaign on any sort of local issue of partial grievance? --- Are you reading? /

No, I am just paraphrasing it, but perhaps I should read it to you? --- No, it is not necessary.

"Does this mean that it is useless to campaign on any sort of local issue of partial grievance and that the time has come to get without fuss immediate questions, and speak only in general terms of freedom. That would be wrong, such a conclusion could only be reached by palour politicians who live in isolation from the people, and their daily needs and problems. Real liberation leaders who are close to and part of the masses cannot escape their duty to take part in their every day struggles for higher wages, against pass laws, group areas and mass evictions, against Bantu authorities and Bantustans, whether these struggles are on a local or a national, but it does mean that in future every local struggle will more and more tend to broaden into a nation wide struggle. It means that where the police and military attempt suppress strikes and demonstrations by force and violence, the people are more and more going to be organized and prepared to defend themselves and strike back." I take it you agree with that view? --- I agree with the first paragraph which you read out, the struggles for higher wages, against pass laws, group areas and so on, all these things, evictions, against Bantu authority, Bantustans, that I agree with.

Yes, but they seem to suggest here is that the local - every local struggle will gradually broaden out in to a nation wide struggle? --- Yes.

And that they are getting more and more organized to strike, defend and strike back? --- Yes, well, I don't know

//what...//

what they mean by strike back .

Well, any sort of resistance, any kind of resistance? --- Resistance, you mean demonstrations, you mean petitions, that sort of thing?

Yes?--- Yes, I agree.

This publications of pamphlets does not condemn the outbreaks of violence. What it does condemn is the isolated outbreaks of violence?--- Yes, it would appear so.

The type of unorganized rioting or terrorism of the Poqo type ..?--- They condemn here.

Yes, which enables the authorities to clamp down and root them out as it were?--- Yes.

But this document seems to say is you must not dampen the revolutionary spirit, you must harness it and you must work for that nation wide uprise? --- But I would take that as a normal part of organization.

Yes, but you see, I think you will agree with me that the real difference which this author draws between the Poqo type of activity and the Umkonto type is that the Poqo is a sort of unorganized wild act which serves no purpose?--- Yes, I think so.

But the type of activity which should be engaged in, that should be prepared for is that organized nation wide purposeful type of activity?--- I have no quarrel with you there. I think that it should be organized on a nation wide ...

And then it goes on to say that the best guarantee of the speedy victory of the South African revolution is that the seasoned and devoted leaders of the most representative and influential liberation organization, the African National Congress, have grasped the essentials

/of...

of this situation and courageously advanced a correct policy?"

--- Yes, a correct policy of organization. It does not..

Yes. And then it ends up by saying that in this hard task the A.N.C. can count on the unqualified support of our party and all its members?--- Yes, it says that.

Now, on page 5 the passage in thick type says: "Events are forcing the people into struggle against the pass laws. They cannot do other than resist, but unless the people see this resistance as a whole, as an inseparable part of the general struggle of the oppressed people for freedom, serious mistakes may be made." The very point that I was putting to you?--- In other words, that the struggle as a whole should be taken into account?

Yes?--- That no one section should be taken in isolation without the general picture?

Yes?--- Yes, I agree with that.

"Even though conditions are desperate responsible leaders cannot merely follow the policies of desperate and impatient men who grow reckless and clamor for any sort of action regardless of the consequences. Serious revolutionaries cannot engage in desperate adventures without thought to the future." --- I would say not only serious revolutionaries, but anybody who is engaged in the fight for democratic rights cannot engage in desperate adventures, or should not engage in desperate adventures.

I don't want to go through this lengthy document, but at the bottom of page 5 it says "Revolutionaries fight against and oppose such ideas and tactics, not because they are violent, but because they are wrong." That is again the Pogo type of activity of riots and programs which can only lead to massive State retaliation." I ought to put to you that second half of the previous paragraph which says:

/Riots...

"Riots and Pogroms." Just about 4 lines from the bot-tom of the second last paragraph? --- Where it says "Riots and Pogroms can only lead to massive State retaliation?"

"And serious political set back for our cause and its prestige at home and abroad, and the crushing defeat of the people." -- In other words, I would say that this means that whoever drew up this document had in mind the condemnation of acts of terrorism?

Yes, but merely the type of act which they authorities can control? --- How do you mean?

Which they can stamp out? --- I think the authorities to date have been able to stamp out any form of violence that has arisen. I don't think that there has been any difficulty.

Except that this pamphlet seems to envisage a situation where the struggle develops on such a country wide level that the authorities will be powerless? --- I can't see that myself.

Well, anyhow, let's go on then. It says - at the bottom of page 5 it says: "Revolutionaries fight against and oppose such ideas and tactics not because they are violent, but because they are wrong, because they aren't principled, because they aim only to produce terror for the sake of terror. People of this country will not roused to struggle by such actions which hold out no prospects of the overthrow of the state of oppression but only prospects of wide scaled blood.... Instead of, people will be driven into inactivity. The answer to Government terror is not wild rioting, but organized and planned mass self-defence and resistance?" --- I don't quite know what is meant by this, "Mass self-defence and resistance."

Yes, but perhaps I should stop here for a while and you will agree with me that in the time of the passes for women campaign? --- The anti-pass campaign?

/Yes...

Belt 229/JvS.

Yes. That very idea was also propagated, that you must not resort to isolated acts of resistance which can easily be suppressed by the authorities? --- Yes, but all that ^{that} ans to me is that one looks at the picture as a whole, that one doesn't..

No, I don't know whether you follow my question?
--- No, perhaps I don't.

What the suggestion was is that you shouldn't resort to resistance, say, in Lichtenburg, which will enable the authorities there and then to clamp down, arrest all the people who participated in the movement, arrest them, lock them up, and so put the whole resistance campaign out of action then? --- I don't know. I think that if the women in Lichtenburg felt very strongly about passes, which obviously they did, they took some action about it, and they didn't consult with what was happening in the rest of the country, I think they are perfectly entitled to do so.

No, I don't think you understand me. My question is this plainly and simply: The Federation of the S.A. Women used to say to the people "Don't resort to resistance, acts of resistance in one place at one time, but wait for a country wide organization when you can resist in hundred and two-hundred different places at the same time, which will put the authorities in a dilemma?" --- I don't know that I agree with that theory at all.

You don't? --- I don't think so.

I suggest to you that is just what this paragraph 7 means? --- It may well mean that, yes.

That you start off, you must not - well, I suggest the whole document up to page 7 ...? --- Well, I haven't read the whole document. I mean you are just taking out bits and pieces.

Would you like to read it? --- Not particularly.

/Because...

Because I will give you an opportunity if you want to? --- I find it extremely difficult. There are passages here that I really find difficult to understand.

Yes, but what ...? --- To interpret.

No, but in the light of our experience in the Congress Alliance? --- Yes.

I suggest this is the type of fundamental principle in the tactics and methods of struggle which was constantly discussed? --- You mean that there shouldn't be isolated acts?

Yes, you mustn't have isolated acts, you must have organized acts - at least organized efforts throughout the country. You mustn't just have a ~~flare~~ or outbreak shall we say, or an uprise in this location or in that one. Those are useless acts. They only produce State retaliation? --- But, in fact, it has happened so often. I can quite understand that the Congress Movement wished to organize on a national basis. I don't find any fault with that.

Yes, but now, you appoint leaders, don't you? --- They are appointed by the members, yes.

Yes, now the idea is to organize the people in the various centres? --- Yes.

And then the idea is that at a given time - at a given moment where the organization has become effective throughout the country instructions for resistance will be given? --- You may be right, I wouldn't quarrel with you on that, but I would like to...

No, but isn't that your understanding of the let say the western areas removal campaign? --- I would say that there is quite a difference between what one would like to see theoretically and what actually happens practically. Practically we see isolated outbreaks here and there.

No, but take the western areas removal scheme? --- Yes.

/In..

In 1954. There was country wide agitation in - supporting the resistance against the western areas removal?

--- Yes ,was that the campaign that Rev. Huddleston was...

Yes, and the "D" date if I can call it, was the date of removal? --- "D" date?

Yes, when all the people, all the masses whoever they may be who were supporting the western areas removal, will do some or commit some positive action?--- I can't remember that any positive action was planned for that.

You don't know?--- Not that I know of, no, but you may be right. I don't know.

Well, I don't understand. If you were in the Congress of Democrats, in the Congress Alliance, that you would not have been told how the struggle was to develop, what precisely, what form it would take precisely ? --- If I may say, I was an ordinary member of the Congress of Democrats. I never served on any of its committees apart from finance. I was never on any consultative level as far as the other congresses are concerned, and I really must say that I don't know all these details. You may be quite correct, I don't know.

You see, on page 8 - the fourth paragraph seems to support my view, and I am asking you whether you understand this paragraph as representing the outlook of the Congress Alliance. "The struggles of rural people against local oppression and on a local basis cannot by itself bring about the collapse of the Bantu authorities system. For this what is needed is a united nation wide fight by the people of the country and the towns together to overthrowbut these local struggles are a starting point which can ignite the S.A. revolution. They inspire the country and show that the powerful joint of apartheid can be resisted and checked where men are ready organized

/and..

and united, and where there is fight back. Today the Nationalist Government has a great advantage in arms, and the organized State machine, but the people are stronger in numbers, and conviction in the rightness of their cause. In the course of struggle they will gain also the organization that is necessary for victory." There the same view is expressed that local struggles can become the starting point for the ignition of the S.A. Revolution?

--- Yes, but this is a Communist Party document I understand.

Yes, I know. But I was trying to suggest to you all morning that you have reached the stage in the struggle in this country where there is practically no deviding line between the Congress Alliance and the Communist Party? --- I certainly reject that suggestion.

Well, now, will you then tell me where -what is the difference between the Congress Alliance and the Communist Party? --- I can only say what the Congress Movement stood for. It stood for the achievement of the Freedom Charter. And in standing for the achievement of the Freedom Charter it had as its objective the enfranchisement of all South Africans. That was its primary aim, plus all the other aspects of the Freedom Charter.

But doesn't the programme of the Communist Party also say that? --- Yes, it does. You have said so here, and somebody else has confirmed, and I have seen it in the programme. To that extent it is correct that the Communist Party and the Congress Alliance had the same object. The Communist Party as far as I can understand goes a lot further, but I know so little about it, that I would hesitate to give you an opinion. As far as the Congress Alliance is concerned, of which I certainly have knowledge, I would like to say that it is made up of all sorts of people. It is not concerned with workers only. Its leaders, the leaders of the African National Congress, were composed of Chief Lethuli,

/professional...

professional men, intellectuals and business men. Those were the leaders of the African National Congress. I am not denying that in its ranks it had workers, but as far as the workers were concerned their organization was the South African Congress of Trade Unions, with which I was never really associated.

No, but how do you bring this into the difference between the Communist Party and the Congress Alliance? --- We dealt on Friday with the dictatorship of the proletariat, and I said I didn't agree with it. The Congress Movement has no such purpose or no such lines. The Congress Movement is a fairly loose organization, as I say, composed of all different sections of the population, and in dealing with the African National Congress, I am saying that it's leaders, and I don't think that we disagree on this, that it's leaders were people who were professional men, who were intellectuals, and traders. I am not against private enterprize when the franchise has been won.

what

No, but I am suggesting to you is this: That in so far as both the Communist Party and the Congress Alliance aim at the achievement of full democracy, there is no difference? --- It would appear to be...

In so far as they both support the Freedom Charter? --- Apparently there is no...

In so far as both bodies support the extra parliamentary type of action to achieve a change of ^(Government) Government? --- I should imagine that the Communist Party would co-operate.

In so far as they both support the liberation movement, ^{they're} virtually both integral parts of the liberation movement? --- But I have understood from the evidence in this Court that the Communist Party wants to go very much further than that.

But that is after the first revolution, yes? ---

/Well...

Well, I am concerned with the objectives of the Congress Movement.

Yes. You say there is a difference between the Communist Party and the Congress Alliance only in so far as the objectives after the Freedom Charter..? --- I don't know. I have heard evidence in this Court, and I have seen it in the programme, that the Communist Party supports the Freedom Charter.

Yes? -- Well, if it says so, I suppose it does.

Yes, now the vital thing, concern of the whole Congress Alliance and the Communist Party today is the overthrow of the present system and the obtainment of full universal franchise? --- You are putting it very strongly.. I don't know whether it necessarily needs to be overthrown, change, yes.

Let's stick to the word change. Now both - I say it is a matter of vital concern to both bodies that the present system should be changed? --- It would seem so from the evidence I have heard, yes.

And the real difference between the two will arise/when the present change has been achieved? --- You may be right, yes.

In regard to the road which will be followed after that? --- It seems so, yes.

The Communist Party might be strong enough, might be persuasive enough to induce the whole Congress Alliance to follow suit? --- To follow suit?

To follow in the direction of socialism, why not? --- The whole Congress Alliance?

Yes? --- That is not for me to say. That question can only, surely, be answered when there is full democracy in South African.

That question is really academic at this stage?

--- It is academic, I would say so, yes.

/At...

At the present stage the main concern is a change?

--- The achievement of the Freedom Charter.

Yes, and in so far as this change must be effected there is really no deviding line between the Congress Alliance and the Communist Party? --- Well, as I said, it would appear from the evidence given here that there isn't. On the other hand, I wonder if there isn't perhaps a difference of method.

Of method? --- Yes, of how to achieve.

As far as method is concerned I suggest there is no difference either? --- I don't know.

Because both bodies have committed themselves to extra parliamentary forms of action? --- Extra parliamentary, yes.

Yes, I mean you don't suggest that the Communist Party was trying to get representation in Parliament? --- I suppose if it could it would.

It's out of the question. So that all of them are united in so far as they have to confine themselves to extra parliamentary action? --- Yes.

So then when I take it even the Congress Alliance in saying, or would have said that it was in favour of peaceful change-over? --- That it is what?

In favour of a peaceful change-over? --- The Congress Alliance?

Yes? --- If it said it was in favour?

Yes? --- Which, in fact, it did.

It did say so? --- Yes.

But if conditions forced other solutions and other methods of struggle onto it, it wouldn't have had any alternative but to resctr to them? --- I would say again it is an academic question. It has in my mind not yet arizen.

We are concerned now purely with the type of method which theory really these bodies accepted? --- Which method of change?

/Yes...

Yes? --- Which method of achieving the objects of the Freedom Charter?

Yes? --- I don't know what the A.N.C.'s policy today is in that relation.

What happened in the Rivonia trial? --- Yes, but people who stood trial in the Rivonia trial were not convicted because they were members of the African National Congress.

No, but weren't they non-Whites, people who were members of the A.N.C.? --- Yes, when the African National Congress was legal, they were members of the A.N.C.

And weren't they committing those acts in their capacity as office bearers or officials of the A.N.C.? --- That is not how I understood it.

How did you understand it? --- Well, I understood from what happened at the Rivonia Trial - you are now talking about Umkonto, I presume?

Yes? --- That Umkonto had nothing to do with A.N.C. as such.

Do you mean that Umkonto was a separate body? --- That is how I understood it, yes.

Separate from the A.N.C.? --- Separate from the A.N.C.

But the A.N.C. leaders were connected with it? --- Nelson Mandela and Walter Sisulu were leaders of the African National Congress while it was legal.

And the others too, I think all the others, all the non-Whites? --- I don't know the others. I have met Walter Sisulu and I have met Nelson Mandela.

Yes, but as far as method, if one accepts that the A.N.C. leaders had expressed themselves in favour of sabotage? --- But you see again we are perhaps talking at cross

/purposes...

purposes, they didn't. Chief Sithuli is also a leader of the African National Congress.

Yes, let's talk about Mandela, what did he say in 1961? --- Was that the time when he called for a national convention?

Yes? --- I can't remember all the things he said, but I certainly support a national convention.

But didn't he say then that the Government was forcing the use of violent methods, violent forms of struggle onto the people? --- I don't remember that. You may be right.

Yes, but I want to suggest to you, to cut a long argument short, that both the Congress Alliance and the Communist Party favour the same type of method? --- I can only talk of my experience when I worked in the Congress of Democrats, and at the time that I worked in the Congress of Democrats emphasis was always placed on peaceful means.

You see on page 9 on this same document, the second last paragraph the document says the following: "Certainly there is a large area of agreement between the Communist Party and the A.N.C. on policy and strategy."

--- Yes, the Communist Party is saying it.

"This is certainly not because either organization controls the other, it is because like the A.N.C. we are the S.A.C.P. As stated in our programme regard as our immediate and foremost task a united front of national liberation to destroy White domination and achieve a national democratic revolution, whose main content will be a national liberation of the African people. It is not remarkable that the policy of our party should coincide with the aims and aspirations of the majority of the people and their organizations. Indeed, this is a tribute to the correctness of Marxist/Leninist.

/theory...

theory and its application by our Party to the realities of the South African situation?" --- Yes.

You see, that is why I say there is no difference really on questions of policy, strategy between the Communist Party and the whole liberation movement, Congress Alliance? --- I say again with the immediate objective of attaining the object of the Freedom Charter. That is all I can say. To that extent, as I have heard in Court, the Communist Party supports the Congress Movement, and as I said earlier the Congress Movement called for support from all sections of the population, the National Convention which Mr. Mandela called for.

Can I put a hypothetical question to you? If all these Congress Movements or bodies, sections of the Congress Movement were banned, but the only body today, the present set-up in South Africa were allowed to function openly? --- Which organization is that?

The Communist Party were to be allowed today to function openly, but all the other bodies were suppressed, banned by the Government, and on the basis of your being in favour of the Freedom Charter, would you have any objections to supporting the Communist Party? --- With respect, it is such a hypothetical question, and highly unlikely to arise.

Yes, but why wouldn't you - purely on the remote possibility, why wouldn't you support the Communist Party if it were allowed to function openly and as you know it to have endorsed the Freedom Charter? --- As I said before, it is such a hypothetical question. It is highly unlikely that the Communist Party, which from the evidence I have heard here, is an extreme organization.

Yes, that is not the question? --- May I finish my answer please?

That is not the question? --- May I just finish it?

/That...

That the Communist Party would be legal and the African National Congress with a far broader policy should be illegal. I just can't see that happening, but I am quite prepared to answer your question. It is, as I say, something that I find so hypothetical and so unlikely that if that were the case, I still would not join the Communist Party.

Why not?--- Because I don't agree with the Communist Party.

But in so far as the Communist Party was in favour of the Freedom Charter, in favour of a full democracy, why wouldn't you support it? --- Because it goes too far for me.

Then after the full democracy...?--- My views go up to the Freedom Charter, the achievement of it. I don't support the other policies of the Communist Party.

But why wouldn't you be prepared to support the Communist Party up to the stage when the Freedom Charter is ...?--- No, because it would involve me agreeing with all the other things that the Communist Party stands for. I can understand the situation where the Communist Party becomes a part of Congress Alliance, assuming that all the organizations are legal. I can understand that, but I cannot possibly see the reverse happening.

"I think we can round off our discussion of this document where it says that the only way out of the misery and bloodshed of Nationalist rule and White domination is the revolutionary way out." On the last page, practically the second last paragraph, page 11? --- Would you read it again, please?

That last chapter "Forward to victory," this document sets out numbers of action, struggle, getting more bitter and bloody and fresh outbreaks of sabotage and violence will develop into full scale civil war beginning /with...