

'Prepared to Die' speech

Not Mandela's first speech from the dock

On Monday 20 April 1964, wearing what a newspaper described as 'a blue suit of a smart cut', Nelson Mandela stood in the dock of the Palace of Justice in Pretoria and made a now iconic speech.

He told the court and the world that he was 'prepared to die' for his beliefs in a non-racial democratic South Africa.

It was the first day of the defence case in the Rivonia Trial in which he and nine others remained on trial for sabotage. Charges against James Kantor and Bob Hepple had earlier been withdrawn. Sabotage carried the death sentence.

Mandela had decided not to testify in his defence but instead to deliver a speech from the dock. It meant he could speak without fear of cross-examination for as long as he chose. His choice was to make a political statement which later was judged one of the greatest speeches of the 20th century.

It became known as his *Prepared to Die* speech because it ended with the words, 'I am prepared to die'. But it was not his first speech from the dock. He used this strategy, first in his 1962 trial. And he used it there twice.

As he stood in the dock in the Rivonia Trial Mandela was already convicted prisoner serving a five-year prison sentence for leaving the country without a passport and inciting workers to strike. Less than two months later, he and seven of his co-accused were convicted of sabotage and sentenced to life in prison. Lionel 'Rusty' Bernstein was acquitted.

On 22 October 1962, the first day of evidence in the trial that sent him to jail for five years, Mandela made his first speech from the dock. In what became known as the *Black Man in a White Man's Court* speech he called for the Magistrate Mr W A Van Hedsingen to recuse

himself, but it was in reality a political statement. The second, also a political statement, was on the day of his conviction and sentencing, 7 November 1962. It was not what is known as 'evidence in mitigation of sentence' as Mandela was not trying to get his sentence reduced according to Bob Hepple, a comrade who served as Mandela's legal advisor in the 1962 trial.

Mandela's first speech from the dock "was a political strategy rather than a legal one because he knew he had no defence on the two charges," said Hepple. "His attitude was, 'I must turn this as a trial of white supremacy'. He just turned it on its head in the classic way of many of the famous political trials of the past and he wanted the magistrate to recuse himself on the grounds that he couldn't get justice in a white man's court."

Hepple was also held as an accused in the Rivonia trial. He fled the country after convincing the prosecution he would turn state witness. He became a law professor at Cambridge University in England.

Hepple said that if Mandela had given evidence under oath it, "would have opened him to cross-examination and one thing he was worried about was he didn't know how much the government knew about his recent trip to Africa where he had actually been discussing support for the armed struggle in various countries and getting military training," said Hepple.

George Bizos, who was part of the defence team in the Rivonia Trial, noted that speeches from the dock are no longer permitted in our courts.

Recalling the process around Mandela's speech in the Rivonia Trial he said, "The factor that really influenced them and us, the lawyers unanimously, was that we needed a composite document of what the struggle was about, what steps the predecessors involved in the struggle had taken in order to open the door which had been knocked [on] for decades and remained closed because the government of the past had not responded in any sort of a way that there would be sort of fundamental change. And it was a given that a comprehensive uninterrupted statement from the dock was very

important in order to contradict the propaganda of the government that equated the African National Congress and Umkhonto we Sizwe.”

Mandela himself later recounted the ‘tremendous impact’ of the speech, particularly the last paragraph which he recited from memory. “When I came to that paragraph I closed the document and I put it on the table. And then faced the judge, looked at the judge straight and made that statement ... the judge never looked at me again. That whole day you see, [he] didn’t look at me,” he said chuckling.

“He tried to weaken the effect of that statement. I read that document a little after four o’clock and the court would adjourn at four-o’clock but they continued, you see, with the evidence so that people should forget, it should not be the last thing during the day, but he couldn’t help it.”

Ron Anderson, a retired journalist who covered both trials for the Johannesburg-based *Star* newspaper said of the 20 April 1964, “I remember leaving the court and the *Star* had an office the other side of Church Square, walking past [Paul] Kruger’s statue and I said to myself, ‘I’ve heard something memorable, historical’ you know, this great speech from the dock.”

“Mandela just stood there quietly and deliberately and without any theatricals or anything he just you know, even the famous statement at the end, he just said ‘this is something I’m prepared to die for’ you know? He didn’t wave his arms or anything he just delivered it in a measured tone,” said Anderson.

The next time Mandela was to make a speech in public was on Sunday 11 February 1990 within hours of his release from prison. He had been in custody for 27 years, six months and six days.

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