

My Lord, I am the First Accused.

I hold a Bachelor's Degree in Arts and practised as an attorney in Johannesburg for a number of years in partnership with Mr. Oliver Tambo, a co-conspirator in this case. I am a convicted prisoner serving five years for leaving the country without a permit and for inciting people to go on strike at the end of May 1961.

I admit immediately that I was one of the persons who helped to form Umkhonto we Sizwe, and that I played a prominent role in its affairs until I was arrested in August 1962. In the statement which I am about to make, I shall correct certain false impressions which have been created by State witnesses; amongst other things I will demonstrate that certain of the acts referred to in the evidence were not, and could not have been committed by Umkhonto. I will also deal with the relationship between the African National Congress and with the part which I personally have played in the affairs of both organisations. I shall deal also with the part played by the Communist Party. In order to explain these matters properly, I will have to explain what Umkhonto set out to achieve; what methods it prescribed for the achievement of these objects, and why these methods were chosen. I will also have to explain how I came, I became involved in the activities of these organisations.

At the outset, I want to say that the suggestion made by the state in its opening that the struggle in South Africa is under the influence of foreigners or communists is wholly incorrect. I have done whatever I did, both as an individual and as a leader of my people, because of my experience in South Africa and my own proudly felt African background, and not because of what any outsider might have said.

In my youth in the Transkei I listened to the elders of my tribe telling stories of the old days. Amongst the tales they related to me were those of wars fought by our ancestors in defence of the fatherland. The names of Dingane and Bambatha, Hintsa and Makana, Squngathi and Dalasile, Moshoeshoe and Sekhukhune, were praised as the pride and the glory of the entire African nation. I hoped then that life might offer me the opportunity to serve my people and make my own humble contribution to their freedom struggle. This is what has motivated me in all that I have done in relation to the charges made against me in this case.

Having said this, I must deal immediately and at some length with the question of sabotage. Some of the things so far told to the Court are true and some are untrue. I do not however, deny that I planned sabotage. I did not plan it in a spirit of recklessness, nor because I have any love for violence. I planned it as a result of a calm and sober assessment of the political situation that had arisen after many years of tyranny, exploitation, and oppression of my people by the whites.

I deny that Umkhonto was responsible for a number of acts which clearly fell outside the policy of the organisation, but which have been charged in the indictment against us. I do not know what justification there was for these acts, or who committed them, but to demonstrate that they could not have been authorised or committed by Umkhonto, I want to refer briefly to the roots and policy of the organisation.

I have already mentioned that I was one of the persons who helped to form Umkhonto. I, and the others who started the organisation, did so for two reasons. Firstly, we believed that as a result of Government policy, violence by the African people had become inevitable, and that unless responsible leadership was given to canalise and control the feelings of our people,

there would be outbreaks of terrorism which would produce an intensity of bitterness and hostility between the various races of the country which is not produced even by war.

Secondly, we felt that without sabotage there would be no way open to the African people to succeed in their struggle against the principle of white supremacy. All lawful modes of expressing opposition to this principle had been closed by legislation, and we were placed in a position in which we had either to accept a permanent state of inferiority, or to defy the Government. We chose to defy the Government. We first broke the law in a way which avoided any recourse to violence; when this form was legislated against, and when the Government resorted to a show of force to crush opposition to its policies, only then did we decide to answer violence with violence.

But the violence which we chose to adopt was not terrorism. We who formed Umkhonto were all members of the African National Congress, and had behind us the ANC tradition of non-violence and negotiation as a means of solving political disputes. We believed that South Africa belonged to all the people who lived in it, and not to one group, be it black or white. We did not want an inter-racial war, and tried to avoid it to the last minute. If the Court is in doubt about this, it will be seen that the whole history of our organisation bears out what I have said, and what I will subsequently say, when I describe the tactics which Umkhonto decided to adopt. I want, therefore, to say something about the African National Congress.

The African National Congress was formed in 1912 to defend the rights of the African people which had been seriously curtailed by the South Africa Act, and which were then being threatened by the Native Land Act. For thirty-seven years – that is until 1949 – it adhered strictly to a constitutional struggle. It put forward demands and resolutions; it sent delegations to the Government in the belief that African grievances could be settled through peaceful discussion and that Africans could advance gradually to full political rights. But white governments remained unmoved, and the rights of Africans became less instead of becoming greater. In the words of my leader, Chief Luthuli, who became President of the ANC, and who was later awarded the Nobel Peace Prize, I quote:

"Who will deny that thirty years of my life have been spent knocking in vain, patiently, moderately, and modestly at a closed and barred door? What have been the fruits of moderation? The past thirty years have seen the greatest number of laws restricting our rights and progress, until today we have reached a stage where we have almost no rights at all", unquote.

Even after 1949, the ANC remained determined to avoid violence. At this time, however, there was a change from the strictly constitutional means of protest which had been employed in the past. The change was embodied in a decision which was taken to protest against apartheid legislation by peaceful, but unlawful, demonstrations against certain laws. Pursuant to this policy the ANC launched the Defiance Campaign, in which I was placed in charge of volunteers. This campaign was based on the principles of passive resistance. More than 8,500 people defied apartheid laws and went to jail. Yet there was not a single instance of violence in the course of this campaign. I, and nineteen colleagues, were convicted for the role and this conviction was under the Suppression of Communism Act although our campaign had nothing to do with communism, but our sentences were suspended, mainly because the Judge found that discipline and non-violence had been stressed throughout. This was the time when the volunteer section of the ANC was established, and when the word 'Amadelakufa' was first used; this was the time when the volunteers were asked to take a pledge to uphold certain

principles. Evidence dealing with volunteers and their pledges has been introduced into this case, but completely out of context. The volunteers were not, and are not, the soldiers of a Black army pledged to fight a civil war against whites. They were, and are, dedicated workers who are prepared to lead campaigns initiated by the ANC to distribute leaflets, to organise strikes, or to do whatever the particular campaign required. They are called volunteers because they volunteer to face the penalties of imprisonment and whipping which are now prescribed by the legislature for such acts.

During the Defiance Campaign, the Public Safety Act and the Criminal Law Amendment Act were passed. These statutes provided harsher penalties for offences committed by way of protests against laws. Despite this, the protests continued and the ANC adhered to its policy of non-violence.

In 1956, 156 leading members of the Congress Alliance, including myself, were arrested on a charge of High Treason and charges under the Suppression of Communism Act. The non-violent policy of the ANC was put in issue by the State, but when the Court gave judgement some five years later, it found that the ANC did not have a policy of violence. We were acquitted on all counts, which included a count that the ANC sought to set up a Communist State in place of the existing regime. The Government has always sought to libel, to label all its opponents as communists. This allegation has been repeated in the present case, but as I will show, the ANC is not, and never has been, a communist organisation.

In 1960 there was the shooting at Sharpeville, which resulted in the proclamation of a State of Emergency and the declaration of the ANC as an unlawful organisation. My colleagues and I, after careful consideration, decided that we would not obey this decree. The African people were not part of the Government and did not make the laws by which they were governed. We believed in the words of the Universal Declaration of Human Rights, that “the will of the people shall be the basis of authority of the Government”, and for us to accept the banning was equivalent to accepting the silencing of the African people for all time. The ANC refused to dissolve, but instead went underground. We believed it was our duty to preserve this organisation which had been built up with almost fifty years of unremitting toil. I have no doubt that no self-respecting white political organisation would disband itself if declared illegal by a government in which it had no say.

I now want to deal, My Lord, with evidence which misrepresents the true position in this case. In some of the evidence the M-Plan has been completely misrepresented. It was nothing more than a method of organising planned in 1953, and put into operation with varying degrees of success thereafter. After April 1960 new methods had to be devised, for instance, by relying on smaller committees. The M-Plan was referred to in evidence at the Treason Trial but it had nothing whatsoever to do with sabotage or Umkhonto we Sizwe, and was never adopted by Umkhonto. The confusion, particularly by certain witnesses from the Eastern Cape is, I think, due to the use of the word or the phrase “High Command”. This term was coined in Port Elizabeth during the Emergency, when most of the ANC leaders were gaoled, and the Gaol Committee set up to deal with complaints, was called the High Command. After the Emergency this phrase stuck, and was used to describe certain of the ANC Committees in that area. Thus we have had witnesses talking about the West Bank High Command, and the Port Elizabeth High Command. These so-called “High Commands” came into existence before Umkhonto was formed, and were not concerned in any way with sabotage. In fact, as I will subsequently explain, Umkhonto, as an organisation, was, as far as possible, kept separate from the ANC. This explains, My Lord, why persons like Bennett

Mashiyane and Reginald Ndube heard nothing about sabotage at the meetings they attended. But, as has been mentioned the use of the phrase “High Command” caused some dissension in ANC circles in the Eastern Province.

I travelled there in 1961, because it was alleged that some of these so-called High Commands were using duress in order to enforce the new Plan. I did not find evidence of this but nevertheless forbade it, and also insisted that the term “High Command” should not be used to describe any ANC committee. My visit and the discussions which took place have been described by Zizi Njikelane, and I admit his evidence in so far as it relates to me. Although it does not seem to have much relevance, I deny that I was taken to the meeting by the taxi driver John Tshingane, and I also deny that I went to the sea with him.

My Lord, I would like now to deal with the immediate causes. In 1960 the government held a referendum which led to the establishment of the Republic. Africans, who constituted approximately 70 per cent of the population of South Africa, were not entitled to vote, and were not even consulted about the proposed constitutional change. All of us were apprehensive of our future under the proposed white republic, and a resolution was taken to hold an All-In African Conference to call for a National Convention, and to organise mass demonstrations on the eve of the unwanted Republic, if the Government failed to call the Convention. The conference was attended by Africans of various political persuasions. I was the Honorary Secretary of the Conference, and undertook to be responsible for organising the national stay-at-home which was subsequently called to coincide with the declaration of the Republic. As all strikes by Africans are illegal, the person organising such a strike must avoid arrest. I was chosen to be this person, and consequently I had to leave my home and my family and my practice and go into hiding to avoid arrest.

The stay-at-home, in accordance with ANC policy, was to be a peaceful demonstration. Careful instructions were given to organisers and members to avoid any recourse to violence. The Government's answer was to introduce new and harsher laws, to mobilize its armed forces, and to send Saracens, armed vehicles, and soldiers into the townships in a massive show of force designed to intimidate the people. This was an indication that the Government had decided to rule by force alone, and this decision was a milestone on the road to Umkhonto.

Some of this may appear irrelevant to this trial. In fact, I believe none of it is irrelevant because it will, I hope, enable the Court to appreciate the attitude towards Umkhonto eventually adopted by the various persons and bodies concerned in the National Liberation Movement. When I went to gaol in 1962, the dominant idea was that loss of life should be avoided. I now know that this was still so in 1963.

I must return however, My Lord to June 1961. What were we, the leaders of our people, to do? Were we to give in to the show of force and the implied threat against future action, or were we to fight it out and, if so, how?

We had no doubt that we had to continue the fight. Anything else would have been abject surrender. Our problem, My Lord, was not whether to fight, but was how to continue the fight. We of the ANC had always stood for a non-racial democracy, and we shrank from any action which might drive the races further apart than they already were. But the hard facts were that fifty years of non-violence had brought the African people nothing but more and more repressive legislation, and fewer and fewer rights.

It may not be easy for this Court to understand, but it is a fact that for a long time the people had been talking of violence – of the day when they would fight the white man and win back their country, and we, the leaders of the ANC, had nevertheless always prevailed upon them to avoid violence and to pursue peaceful methods. When some of us discussed this in June of 1961, it could not be denied that our policy to achieve a non-racial state by non-violence had achieved nothing, and that our followers were beginning to lose confidence in this policy and were developing disturbing ideas of terrorism.

It must not be forgotten, My Lord, that by this time violence had, in fact, become a feature of the South African political scene. There had been violence in 1957 when the women of Zeerust were ordered to carry passes; there was violence in 1958 with the enforcement of Bantu Authorities and cattle culling in Sekhukhuneland; there was violence in 1959 when the people of Cato Manor protested against pass raids; there was violence in 1960 when the Government attempted to impose Bantu Authorities in Pondoland. Thirty-nine Africans died in these Pondoland disturbances. In 1961 there had been riots in Warmbaths, and all this time, My Lord, the Transkei had been a seething mass of unrest. Each disturbance pointed clearly to the inevitable growth amongst Africans of the belief that violence was the only way out – it showed that a Government which uses force to maintain its rule teaches the oppressed to use force to oppose it. Already small groups had arisen in the urban areas and were spontaneously making plans for violent forms of political struggle. There now arose a danger that these groups would adopt terrorism against Africans, as well as whites, if not properly directed. Particularly disturbing was the type of violence engendered in places such as Zeerust, Sekhukhuneland, and Pondoland amongst Africans. It was increasingly taking the form, not of struggle against the Government – though this is what prompted it – but of civil strife between pro-government chiefs and those opposed to them conducted in such a way that it could not hope to achieve anything other than a loss of life, and bitterness.

At the beginning of June 1961, after a long and anxious assessment of the South African situation, I, and some colleagues, came to the conclusion that as violence [in this country – inaudible] was inevitable, it would be unrealistic and wrong for African leaders to continue preaching peace and non-violence at a time when the Government met our peaceful demands with force.

This conclusion, My Lord, was not easily arrived at. It was when all, only when all else had failed, when all channels of peaceful protest had been barred to us, that the decision was made to embark on violent forms of struggle, and to form Umkhonto we Sizwe. We did so not because we desired such a course, but solely because the Government had left us with no other choice. In the Manifesto of Umkhonto published on the 16<sup>th</sup> of December 61, which is Exhibit AD, we said, I quote:

"The time comes in the life of any nation when there remain only two choices – submit or fight. That time has now come to South Africa. We shall not submit and we have no choice but to hit back by all means in our power in defence of our people, our future, and our freedom", unquote

This was our feeling in June of 1961, when we decided to press for a change in the policy of the National Liberation Movement. I can only say that I felt morally obliged to do what I did.

We, who had taken this decision, started to consult leaders of various organisations, including the ANC. I will not say whom we spoke to, or what they said, but I wish to deal with the role

of the African National Congress in this phase of the struggle, and with the policy and objectives of Umkhonto we Sizwe.

As far as the ANC was concerned, it formed a clear view which can be summarised as follows:

- a) It was a mass political organisation with a political function to fulfil. Its members had joined on the express policy of non-violence.
- b) Because of all this, it could not and would not undertake violence. This must be stressed. One cannot turn such a body into the small, closely knit organisation required for sabotage. Nor would this be politically correct, because it would result in members ceasing to carry out this essential activity: political propaganda and organisation. Nor was it permissible to change the whole nature of the organisation.
- c) On the other hand, in view of this situation I have described, the ANC was prepared to depart from its fifty-year-old policy of non-violence to this extent that it would no longer disapprove of properly controlled sabotage. Hence members who undertook such activity would not be subject to disciplinary action by the ANC.

I say “properly controlled sabotage” because I made it clear that if I helped to form the organisation I would at all times subject it to the political guidance of the ANC and would not undertake any different form of activity from that contemplated without the consent of the ANC. And I shall now tell the Court how that form of violence came to be determined.

[Unidentified voice says, ‘came to be determined’]

As a result of this decision, Umkhonto was formed in 1961, in November 1961. When we took this decision, and subsequently formulated our plans, the ANC heritage of non-violence and racial harmony was very much with us. We felt that the country was drifting towards a civil war in which blacks and whites would fight each other. [tape seems to jump] [We viewed] the situation with alarm. Civil war would mean the destruction of what the ANC stood for; with civil war, racial peace would be more difficult than ever to achieve. We already had examples in South African history of the results of war. It has taken more than fifty years for the scars of the South African War to disappear. How much longer would it take to eradicate the scars of inter-racial civil war, which could not be fought without a great loss of life on both sides?

The avoidance of civil war had dominated our thinking for many years, but when we decided to adopt sabotage as part of our policy, we realised that we might one day have to face the prospect of such a war. This had to be taken into account in formulating our plans. We required a plan which was flexible, and which permitted us to act in accordance with the needs of the times; above all, the plan had to be one which recognized civil war as the last resort, and left the decision on this question to the future. We did not want to be committed to civil war, but we wanted to be ready if it became inevitable.

Four forms of violence are possible. There is sabotage, there is guerrilla warfare, there is terrorism, and there is open revolution. We chose to adopt the first method and to test it fully before taking any other decision.

In the light of our political background the choice was a logical one. Sabotage did not involve loss of life, and it offered the best hope for future race relations. Bitterness would be kept to a

minimum and, if the policy bore fruit, democratic government could become a reality. This is what we felt at the time, and this is what we said in our Manifesto, Exhibit AD, I quote:

"We of Umkhonto we Sizwe have always sought to achieve liberation without bloodshed and civil clash. We hope, even at this late hour, that our first actions will awaken everyone to a realisation of the disastrous situation to which Nationalist policy is leading. We hope that we will bring the Government and its supporters to their senses before it is too late, so that both the Government and its policies can be changed before matters reach the desperate state of civil war", unquote

The initial plan was based on a careful analysis of the political and economic situation of our country. We believed that South Africa depended to a large extent on foreign capital and foreign trade. We felt that planned destruction of power plants, and interference with rail and telephone communications would tend to scare away capital from the country, make it more difficult for goods from the industrial areas to reach the seaports on schedule, and would in the long run be a heavy drain on the economic life of the country, thus compelling the voters of the country to reconsider their position.

Attacks on the economic life lines of the country were to be linked with sabotage on Government buildings and other symbols of apartheid. These attacks would serve as a source of inspiration to our people and encourage them to participate in non-violent mass action such as strikes. In addition, they would provide an outlet for those people who were urging the adoption of violent methods and would enable us to give concrete proof to our followers that we had adopted a stronger line, and we were fighting back against Government violence.

In addition, if mass action were successfully organised, and mass reprisals taken, we felt that sympathy for our cause would be roused in other countries, and that greater pressure would be brought to bear on the South African Government.

This then, My Lord was the plan. Umkhonto was to perform sabotage, and strict instructions were given to its members right from the start, that on no account were they to injure or kill people in planning or carrying out operations. These instructions have been referred to in the evidence of "X" and "Z".

The affairs of Umkhonto were controlled and directed by a National High Command, which had powers of co-optation and which could, and did, appoint Regional Commands. The High Command was the body which determined tactics and targets and was in charge of training and finance. Under the High Command there were Regional Commands which were responsible for the direction of the local sabotage groups. Within the framework of the policy laid down by the National High Command, the Regional Commands had authority to select the targets to be attacked. They had no authority whatsoever to go beyond the prescribed framework and thus had no authority to embark upon acts which endangered lives, or which did not fit into the overall plan of sabotage. For instance, Umkhonto members were forbidden ever to go armed into operation. Incidentally, the terms High Command and Regional Command were an importation from the Jewish national underground organization the Irgun Zvai Leumi, which operated in Israel between 1944 and 1948.

Umkhonto had its first operation on the 16<sup>th</sup> of December 1961, when Government buildings in Johannesburg, Port Elizabeth and Durban were attacked. The selection of targets is proof of the policy to which I have referred. Had we intended to attack life, we would have selected

targets where people congregated and not empty buildings and power stations. The sabotage which was committed before the 16<sup>th</sup> of December 1961 was the work of isolated groups and had no connection whatsoever with Umkhonto. In fact, My Lord, some of these and a number of later acts were claimed by other organisations.

Now My Lord, at this stage I would like to refer very briefly to a number of newspaper cuttings.

Justice De Wet: Yes well before you get there [inaudible] I will take the adjournment.

I was just about to refer Your Lordship to a number of newspaper cuttings. [Judge: Yes] It's not my intention, My Lord, to hand them in [Judge: Yes] but I merely wish to use them [Judge: Yes] to illustrate the point I had made, that before December 1961 it was common knowledge in the townships and throughout the country that there existed a number of bodies other than Umkhonto which planned and carried out acts of sabotage, and that some of the acts which took place during the period of the indictment were in fact claimed by some of these organisations.

The first newspaper cutting I wish to refer Your Lordship to is the *Rand Daily Mail* of the 22<sup>nd</sup> of December 1961. An article that appears on the front page – the caption, My Lord, reads as follows :

“We bombed two pylons, group claims”

And then I just wish to refer Your Lordship just to two passages:

“The bombing of two power pylons at Rembrandt Park, Johannesburg, on Wednesday night was claimed as the work of the National Committee for Liberation in a typewritten document on a sheet of common writing paper, put into the Rand Daily Mail Christmas Fund Jackpot box during Wednesday night or early yesterday.”

And then the penultimate passage in the article reads as follows:

“The statement said that the NCL was not aligned with [“the Assegai of the Nation” – inaudible] – I presume My Lord, that it is the Spear of the Nation, which is the translation of Umkhonto we Sizwe.

“The group claims responsibility for the bomb outrages during the weekend, although both supported the liberatory movement, the NCL was non-racial, it was stated.”

That's the first cutting I wish to refer to My Lord. Then the second one is also a copy of the *Rand Daily Mail* of 15<sup>th</sup> of April 1963, and the article I wish to refer to is on page 2. It's a very short article, My Lord, I will read it. The caption is:

“Forty-three held in petrol bomb incident. Forty-three Africans are now being held by Johannesburg police in connection with the petrol bomb attack last week on a store in Pritchard Street, Johannesburg. Most of the Africans were arrested in Johannesburg's South-Western townships. They were alleged to have threatened a watchman, after telling him they wanted to steal garments from the shop. Police said that five more Africans had been arrested in the vicinity of King William's Town after last week's attack on the town's police station.



This brings the total number of arrests to forty-one. Africans arrested after the two incidents are alleged members of the Poqo organisation. Although it is believed that a number of other Poqo members were arrested on the Reef and in other areas, no figures were available last night. The police [apparent jump in the recording] [are still continuing their investigation] and the final figure of the total number of Poqo suspects arrested yet so far cannot yet be given.”

Then the third one, My Lord, is again a copy of the *Rand Daily Mail* of the 9<sup>th</sup> November 1963. And the particular article appears, My Lord, on page ten. Your Lordship will probably remember this matter. It was referred to during the argument on the second application to quash the indictment. Reference was made, both the State and the defence, to the judgment of Mr Justice van Heerden of the Cape Provincial Division. The accused in this case, My Lord, were arrested on the 12<sup>th</sup> of July 1963, according to the report and presumable for acts which are, were alleged to have been committed during the period prior to the 12<sup>th</sup> of July 1963. And I assume that that will cover the period of the indictment. This relates to what is known as the Yu Chi Chan Guerilla Warfare Club. And according to this report, I will not read it My Lord, but just to mention that they were preparing a revolution and guerrilla warfare.

I wish to refer to a photostatic copy of the *Rand Daily Mail* of the 29<sup>th</sup> of November 1962. We couldn't get the actual copy of the *Mail* itself. And the article which I want to refer to appears on the first page. I just want to refer, again, just to two passages. The caption reads:

“Police put on strict guard after Rand blast. Security Police yesterday threw a light, tight cordon around an Eskom power pylon which was dynamited in the early hours of the morning disrupting train services in Germiston and Pretoria. A senior police spokesmen said, quote ‘there is no doubt it was sabotage’”, unquote.

Then the last paragraph read as follows:

“A woman telephoned the *Rand Daily Mail* last night and said, quote: “the explosion at Putfontein last night was the work of the National Committee of Liberation” unquote, then she put down the telephone”.

In other words, My Lord, there were a number of bodies which, during the period of indictment planned and carried out acts of sabotage.

Now My Lord the Manifesto of Umkhonto was issued on the day that operations commenced. The response to our actions and Manifesto among the white population was characteristically violent. The Government threatened to take strong action, and called upon its supporters to stand firm and to ignore the demands of the Africans. The whites failed to respond by suggesting change; they responded to our call by retreating behind the laager.

In contrast, the response of the Africans was one of encouragement. Suddenly there was hope again. Things were happening. People in the townships became eager for political news. A great deal of enthusiasm was generated by the initial successes, and people began to speculate on how soon freedom would be obtained.

But we in Umkhonto weighed up the whites' response with anxiety. The lines were being drawn. The whites and blacks were moving into separate camps, and the prospects of avoiding a civil war were diminishing. The white newspapers carried reports that sabotage

would be punished by death. If this was so, how could we continue to keep Africans away from terrorism?

I now wish, My Lord, to turn to the question of guerrilla warfare and how it came to be considered. By 1961 scores of Africans had died as a result of racial friction. In 1920 when the famous leader, Masabalala, was held in Port Elizabeth jail, twenty-four of a group of Africans who had gathered to demand his release were killed by the police and white civilians. More than one hundred Africans died in the Bulhoek affair. In 1924 over two hundred Africans were killed when the Administrator of South-West Africa led a force against a group which had rebelled against the imposition of dog tax. On the 1<sup>st</sup> of May 1950, eighteen Africans died as a result of police shootings during the strike. On the 21<sup>st</sup> of March 1960, sixty-nine unarmed Africans died at Sharpeville.

How many more Sharpevilles would there be in the history of our country? And how many more Sharpevilles could the country stand without violence and terror becoming the order of the day? And what would happen to our people when that stage was reached? In the long run we felt certain we must succeed, but at what cost to ourselves and the rest of the country? And if this happened, how could black and white ever live together again in peace and harmony? These were the problems that faced us, and these were our decisions.

Experience convinced us that rebellion would offer the Government limitless opportunities for the indiscriminate slaughter of our people. But it was precisely because the soil of South Africa is already drenched with the blood of innocent Africans that we felt it our duty to make preparations as a long-term undertaking to use force in order to defend ourselves against force. If war became inevitable, we wanted to be ready when the time came, and for the fight to be conducted on terms most favourable to our people. The fight which held out the best prospects for us and the least risk of life to both sides was guerrilla warfare. We decided, therefore, in our preparations for the future, to make provision for the possibility of guerrilla warfare.

All whites undergo compulsory military training, but no such training is given to Africans. It was in our view essential to build up a nucleus of trained men who would be able to provide the leadership which would be required if guerrilla warfare started. We had to prepare for such a situation before it became too late to make proper preparations. It was also necessary to build up a nucleus of men trained in civil administration and other professions, so that Africans would be equipped to participate in the government of this country as soon as they were allowed to do so.

At this stage, My Lord, the ANC decided that I should attend the Conference of the Pan-African Freedom Movement for Central, East, and Southern Africa, which was to be held in 1962 in Addis Ababa, and, it was also decided that, after the conference, I would undertake a tour of the African States with a view to soliciting support for our cause and obtaining scholarships for the higher education of matriculated Africans. At the same time the MK decided I should investigate whether facilities were available for the training of soldiers which was the first stage in the preparation for guerrilla warfare. Training in both fields would be necessary, even if changes in South Africa came about by peaceful means. As I have just explained, administrators would be necessary who would be willing and able to administer a non-racial state and so men, and so would men be necessary to control the army and police force of such a state.

It was on this note that I left South Africa to proceed to Addis Ababa as a delegate of the ANC. My tour was successful beyond all our hopes. Wherever I went I met sympathy for our cause and promises of help. All Africa was united against the stand of white South Africa, and even in London I was received with great sympathy by political leaders, such as the late Mr. Hugh Gaitskell and Mr. Grimond. In Africa I was promised support by such men as Julius Nyerere, now President of Tanganyika; Mr. Kawawa, then Prime Minister of Tanganyika; Emperor Haile Selassie of Ethiopia; General Abboud, President of the Sudan; Habib Bourguiba, President of Tunisia; Ben Bella, now President of Algeria; Modibo Keita, President of Mali; Leopold Senghor, President of Senegal; Sekou Toure, President of Guinea; President Tubman of Liberia; and Milton Obote, Prime Minister of Uganda and Kenneth Kaunda, now Prime Minister of Northern Rhodesia. It was Ben Bella who invited me to visit Oujda, the Headquarters of the Algerian Army of National Liberation, the visit which is described in my diary, one of the exhibits.

I had already started to make a study of the art of war and revolution and, whilst abroad, underwent a course in military training. If there was to be guerrilla warfare, I wanted to be able to stand and fight with my people and to share the hazards of war with them. Notes of lectures which I received in Ethiopia and Algeria<sup>1</sup> are contained in exhibits produced in evidence. Summaries of books on guerrilla warfare and military strategy have also been produced. I have already admitted that these documents are in my writing, and I acknowledge that I made these studies to equip myself for the role which I might have to play if the struggle drifted into guerrilla warfare. I approached this question as every African nationalist should do. I was completely objective. The Court will see that I attempted to examine all types of authority on the subject – from the East and from the West, going back to the classic work of Clausewitz, and covering such a variety as Mao Tse Tung, Che Guevara on the one hand, and the writings on the Anglo-Boer War on the other. Of course, these notes, My Lord, are merely summaries of the books I read and do not contain my personal views.

I also made arrangements for our recruits to undergo military training. But here, My Lord, it was impossible to organise any scheme without the co-operation of the ANC offices in Africa. I consequently obtained the permission of the ANC in South Africa to do this. To this extent then there was a departure from the original decision of the ANC that it would not take part in violent methods of struggle, but it applied outside South Africa only. The first batch of recruits actually arrived in Tanganyika when I was passing through that country on my way back to South Africa.

I returned to South Africa and reported to my colleagues on the results of my trip. On my return I found that there had been little alteration in the political scene save that the threat of a death penalty for sabotage had now become a fact. The attitude of my colleagues in Umkhonto was much the same as it had been before I left. They were feeling their way cautiously and felt that it would be a long time before the possibilities of sabotage were exhausted. The ANC had also not changed its attitude. In fact, My Lord, the view was expressed by some that the training of recruits was premature. This is recorded by me in the document which is Exhibit R14 which are very rough notes of comments made by others on my report back meeting after a full discussion, however, it was decided to go ahead with the plans for military training because of the fact that it would take many years to build up a

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<sup>1</sup> The Head Quarters of the Algerian Army of National Liberation was in Oujda in Morocco, this is what Mr Mandela is referring to when he says “Algeria”.

sufficient nucleus of trained soldiers to start a guerrilla campaign, and whatever happened the training would be of value.

I want to deal now with some of the evidence of the Witness "X". Immediately before my arrest in August 1962, I met members of the Regional Command in Durban. This meeting has been referred to in "X"'s evidence. Much of his account is substantially correct, but much of it is slanted and is distorted, and in some important respects untruthful. I want to deal with the evidence as briefly as possible.

- a) I did say that I had left the country early in the year to attend the PAFMECSA Conference, that the Conference was opened by the Emperor Haile Selassie who attacked the racial policies of the South African government, and who pledged support to the African people in this country. I also informed them of the unanimous resolution condemning the ill treatment of the African people here and promising support. I did tell them that the Emperor sent his warmest felicitations to my leader Chief Luthuli.
- b) But I never told them of any comparison made between Ghanaians and South African recruits, and could not have done so for very simple reasons. By the time I left Ethiopia the first South African recruits had not yet reached that country. And Ghanaian soldiers, as far as I am aware, received training in the United Kingdom. This being the fact and my understanding I could not possibly have thought of telling the Regional Command that the Emperor of Ethiopia thought our trainees were better than the Ghanaians.
- c) These statements, therefore, are sheer invention unless they were suggested to "X" by someone wishing to create a false picture.
- d) I did tell them of financial support received in Ethiopia and in other parts of Africa. I certainly did not tell him that certain African states had promised us one percent of their budgets. These suggestions of donating one percent never arose during my visit. It arose for the first time, as far as I am aware, at the Conference in May 1963 by which time I had been in jail for ten months.
- e) Despite "X"'s alleged failure to remember this I did speak of scholarships promised in Ethiopia. Such general education of our people has always, as I have pointed out, been an important aspect of our plan.
- f) I did tell them I had travelled through Africa and had been received by a number of Heads of State, mentioned them all by name. I also told them of President Ben Bella's invitation to me to go to Oujda where I met officers of the Algerian army including their Commander in Chief Colonel Boumediene. I also said that Algerians had promised assistance with training and arms. But I certainly did not say they must hide the fact that they were communists because I did not know whether they were communists or not. What I did say was that no communist should use his position in Umkhonto for communist propaganda, neither in South Africa nor beyond the borders because unity of purpose was essential for achieving freedom. What we aimed at was the vote for all and on this basis we could appeal to all social groups in South Africa, and expect the maximum support from the African states. "X" denies that I could not have suggested any other than the true objective nor could there have been any possible reason for hiding it.
- g) It was in this context that I discussed *New Age* and its criticism of the Egyptian government. In speaking of my visit to Egypt, I said that my visit had coincided with that of Marshal Tito, and that I had not been able to wait until General Nasser was free to interview me. I said that the officials whom I had seen had expressed criticism

of articles appearing in *New Age* which had dealt with General Nasser's attacks on communism. But that I told them that *New Age* did not necessarily express the policy of our movement, and that I will take up this complaint with *New Age* and try and use my influence to change their line because it was not our duty to say in what manner any state should achieve its freedom.

- h) I told the Regional Committee that I had not visited Cuba but that I had met that country's ambassadors in Egypt, Morocco and Ghana. I spoke of the warm affection with which I was received at these embassies. And that we were offered all forms of assistance including scholarships for our youth. In dealing with the question of white and Asian recruits, I did say that as Cuba was a multi-racial country, it would be logical to send such persons to this country as these recruits would fit in more easily there than with black soldiers in African states.
- i) But I never discussed Eric Mtshali at the meeting for the simple reason that I did not know him until I heard his name mentioned by "X" in this case. On my return to Tanganyika after touring the African continent I met about thirty South African young men, who were on their way to Ethiopia for training. I addressed them on discipline and good behaviour while abroad. Eric Mtshali may have been amongst these young men, but in any event, if he was, this must have been before he visited any African state other than Tanganyika. And in Tanganyika he would not have starved or been in difficulties since our office there would have looked after him. It would be absurd to suggest that the South African office in Dar es Salaam would discriminate against him on the ground that he was a communist.
- j) Of course, I referred to Umkhonto we Sizwe, but it cannot be true to say that they heard from me for the first time that this was the name or that it was the military wing of the ANC – a phrase much used by the State in this trial. A proclamation had been issued by Umkhonto on the 16<sup>th</sup> December 1961 announcing the existence of the body and its name had been known for seven months before the time of this meeting. And I had certainly never referred to it as the military wing of the ANC. I always regarded it as a separate organisation and endeavoured to keep it as such.
- k) I did tell them that the activities of Umkhonto might go through two phases, namely: acts of sabotage and possible guerrilla warfare, if that became necessary. I dealt with the problems relating to each phase but I did not say that people were scouting out areas suitable for guerrilla warfare because no such thing was being done at the time, at that time. I stressed, just as he said, that the most important thing was to study our history – our own history and our own situation. We must of course, study the experiences of other countries also. And in doing so we must study not only the cases where revolutions were victorious but also cases where revolutions were defeated. But I did not discuss the training of people in East Germany as testified by "X".

i) – I did not produce any photograph in *Spark* or *New Age* as testified to by "X". These photos were only published on the 21st of February 1963 after I was in jail. While referring to "X"'s evidence there is one other fact that I want to mention, "X" said that the sabotage which was committed on the 15<sup>th</sup> of October 1962 was in protest against my conviction and that the decision to commit such sabotage had been taken between the date of conviction and the date of sentence. He also said that the sabotage was held over for a few days because it was thought that the police would be on their watch on the day that I was sentenced. All this must be untrue. I was convicted, My Lord, on the 7<sup>th</sup> of November 1962, and was sentenced on the same day to five years imprisonment with hard labour. The sabotage in October 1962 could therefore not have had anything to do with my conviction and sentence.

My Lord, I wish now to turn to certain general allegations made in this case by the State. But before doing so, I wish to revert to certain occurrences said by witnesses to have happened in Port Elizabeth and East London. I am referring to the bombing of private houses of pro-government persons during December, during September, October and November 1962. I do not know what justification there was for these acts, nor what provocation had been given. But if what I have said already is accepted, then it is clear that these acts had nothing to do with the carrying out of the policy of Umkhonto.

One of the chief allegations in the indictment is that the ANC was a party to a general conspiracy to commit sabotage. I have already explained why this is incorrect but how externally there was a departure from the original principle laid down by the ANC. There have, of course, My Lord, been overlapping of functions internally as well because there is a difference between a resolution adopted in the atmosphere of a committee room and the complete difficulties that arise in the field of practical activity. At a later stage the position was further affected by bannings and house arrests and by persons leaving the country to take up political work abroad. This led to individuals having to do work in different capacities. But though this may have blurred the distinction between Umkhonto and the ANC, it by no means abolished that distinction. Great care was taken to keep the activities of the two organisations in South Africa distinct. The ANC remained a mass political body of Africans only carrying on the type of political work they have conducted prior to 1961. Umkhonto remained a small organisation recruiting its members from different races and organisations, and trying to achieve its own particular objectives. The fact that members of Umkhonto recruited from the ANC, and the fact that persons served both organisations, like Solomon Mbanjwa, did not in our view change the nature of the ANC or give it a policy of violence. This overlapping of officers, however, was more the exception than the rule. This is why, My Lord, persons such as "X" and "Z" who were on the Regional Command of their respective areas did not participate in any of the ANC committees or activities, and why people such as Bennett Mashiyane and Reginald Ndube did not hear of sabotage at their ANC meetings.

Another of the allegations in the indictment is that Rivonia was the headquarters of Umkhonto. This is not true of the time when I was there. I was told, of course, and knew that certain of the activities of the Communist Party were carried on there. But this was no reason, as I shall presently explain, why I should not use the place.

I came there in the following manner:

a) As already indicated, early in April 1961 I went underground to organise the May general strike. My work entailed travelling throughout the country, living now in African townships, then in country villages and again in cities. During the second half of the year I started visiting the Parktown home of Mr. Arthur Goldreich, where I used to meet my family privately. Although I had no direct political association with him, I had known Mr. Goldreich socially since 1958.

b) In October, Mr. Goldreich informed me that he was moving out of town and offered me a hiding place there. A few days thereafter, he arranged for Mr. Michael Harmel, another co-conspirator in this case, to take me to Rivonia. I naturally found Rivonia an ideal place for the man who lived the life of an outlaw. Up to that time I had been compelled to live indoors during the daytime and could only venture out under cover of darkness. But at Liliesleaf I could live differently and work far more efficiently.

c) For obvious reasons, I had to disguise myself and I assumed the fictitious name of David. In December, Mr. Goldreich and his family also moved in. I stayed there, My Lord, until I went abroad on the 11<sup>th</sup> January 1962. As already indicated, I returned in July 1962 and was arrested in Natal on the 5<sup>th</sup> August.

d) Up to the time of my arrest, Liliesleaf farm was the headquarters of neither the African National Congress nor Umkhonto. With the exception of myself, none of the officials or members of these bodies lived there, no meetings of the governing bodies were ever held there, and no activities connected with them were either organised or directed from there. On numerous occasions during my stay at Liliesleaf farm I met both the Executive Committee of the ANC, as well as the National High Command, but such meetings were held elsewhere and not on the farm.

e) Whilst staying at Liliesleaf farm, I frequently visited Mr. Goldreich in the main house and he also paid me visits in my room. We had numerous political discussions covering a variety of subjects. We discussed ideological and practical questions, the Congress Alliance, Umkhonto and its activities generally, and his experiences as a soldier in the Palmach, the military wing of the Haganah. Haganah was the political authority of the Jewish National Movement in Palestine.

f) Because of what I had got to know of Mr. Goldreich, I recommended on my return to South Africa that he should be recruited to Umkhonto. I do not know, of my personal knowledge whether this was done.

g) Before I went on my tour of Africa, I lived in the room marked twelve on Exhibit A. On my return in July 1962 I lived in the thatched cottage. The evidence of Joseph Mashefane that I lived in room number twelve during the period that he was there, at the farm, is incorrect.

Another of the allegations made by the State is that the aims and objects of the ANC and the Communist Party are the same. I wish to deal with this and with my own political position. The allegation as to the ANC is false. This is an old allegation which was disproved at the Treason Trial, and which has again reared its head. But since the allegation had been made again I shall deal with it as well as with the relationship between the ANC and the Communist Party and Umkhonto and that Party.

The ideological creed of the ANC is, and always has been, the creed of African Nationalism. It is not the concept of African Nationalism expressed in the cry, 'Drive the White man into the sea'. The African Nationalism for which the ANC stands is the concept of freedom and fulfilment for the African people in their own land. The most important political document ever adopted by the ANC is the Freedom Charter. It is by no means a blueprint for a socialist state. It calls for redistribution, but not nationalisation, of land; it provides for nationalisation of mines, banks, and monopoly industry, because monopolies, big monopolies are owned by one race only, and without such nationalisation racial domination would be perpetuated despite the spread of political power. It would be a hollow gesture to repeal the Gold Law prohibitions against Africans when all gold mines are owned by European companies. In this respect the ANC's policy corresponds with the old policy of the present Nationalist Party which, for many years, had as part of its programme the nationalisation of the gold mines which, at that time, were controlled by foreign capital. Under the Freedom Charter, nationalisation would take place in an economy based on private enterprise. The realisation of the Freedom Charter would open up fresh fields for a prosperous African population of all

classes, including the middle class. The ANC has never at any period of its history advocated a revolutionary change in the economic structure of the country, nor has it, to the best of my recollection, ever condemned capitalist society.

As far as the Communist Party is concerned, and if I understand its policy correctly, it stands for the establishment of a State based on the principles of Marxism. Although it is prepared to work for the Freedom Charter, as a short term solution to the problems created by white supremacy, it regards the Freedom Charter as the beginning, and not the end, of its programme.

The ANC, unlike the Communist Party, admitted Africans only as members. Its chief goal was, and is, for the African people to win unity and full political rights. The Communist Party's main aim, on the other hand, was to remove the capitalists and to replace them with a working-class government. The Communist Party sought to emphasise class distinctions whilst the ANC seeks to harmonise them. This is, My Lord, a vital distinction.

It is true that there has often been close co-operation between the ANC and the Communist Party. But co-operation is merely proof of a common goal – in this case the removal of white supremacy – and is not proof of a complete community of interests.

My Lord, the history of the world is full of similar examples. Perhaps the most striking illustration is to be found in the co-operation between Great Britain, the United States of America, and the Soviet Union in the fight against Hitler. Nobody but Hitler would have dared to suggest that such co-operation turned Churchill or Roosevelt into communists or communist tools, or that Britain and America were working to bring about a communist world.

My Lord, I give these illustrations because they are relevant to the allegation that our sabotage was a communist plot or the work of so-called agitators. Because, My Lord, another instance of such co-operation is to be found precisely in Umkhonto. Shortly after Umkhonto was constituted, I was informed by some of its members that the Communist Party would support Umkhonto, and this then occurred. At a later stage the support was made openly.

I believe that communists have always played an active role in the fight by colonial countries for their freedom, because the short-term objects of communism would always correspond with the long-term objects of freedom movements. Thus communists, My Lord, have played an important role in the freedom struggles fought in countries such as Malaya, Algeria, and Indonesia, yet none of these states today are communist countries. Similarly in the underground resistance movements which sprung up in Europe during the last World War, communists played an important role. Even General Chiang Kai-Shek, today one of the bitterest enemies of communism, fought together with the communists against the ruling class in the struggle which led to his assumption of power in China in the 1930s.

This pattern of co-operation between communists and non-communists has been repeated in the National Liberation Movement of South Africa. Prior to the banning of the Communist Party, joint campaigns involving the Communist Party and the Congress movements were accepted practice. African communists could, and did, become members of the ANC, and some served on the National, Provincial, and local committees. Amongst those who served on the National Executive are Albert Nzula, a former Secretary of the Communist Party, another



former Secretary, Edwin Mofutsanyana and J. B. Marks, a former member of the Central Committee of the Communist Party.

I joined the ANC in 1944, and in 1952 I became Transvaal President and Deputy National President.

I joined the ANC in 1944, and in 1952 I became Transvaal President and Deputy National President. In my younger days I held the view that the policy of admitting communists to the ANC, and the close co-operation which existed at times on specific issues between the ANC and the Communist Party, would lead to a watering down of the concept of African Nationalism. At that stage I was a member of the African National Congress Youth League, and was one of a group which moved for the expulsion of communists from the ANC. This proposal was heavily defeated, and amongst those who voted against the proposal were some of the most conservative sections of African political opinion. They defended the policy on the ground that from its inception the ANC was formed and built up, not as a political party with one school of political thought, but as a Parliament of the African people accommodating people of various political views –convictions, all united by the common goal of national liberation. I was eventually won over to this point of view and I have upheld it ever since.

It is perhaps difficult for white South Africans, with an ingrained prejudice against communism, to understand why experienced African politicians so readily accept communists as their friends. But to us the reason is obvious. Theoretical differences, amongst those fighting against oppression, is a luxury which cannot be afforded. What is more, for many decades communists were the only political group in South Africa who were prepared to treat Africans as human beings and as their equals; who were prepared to eat with us; talk with us, live with us, and work with us. They were the only political group which was prepared to work with the Africans for the attainment of political rights and a stake in society. Because of this, there are many Africans who today tend to equate freedom with communism. They are supported in this belief by a legislature which brands all exponents of democratic government and African freedom as communists and banned many of them, who are not communists, under the Suppression of Communism Act. Although My Lord I am not a communist and I have never been a member of the Communist Party, I myself have been banned, have been named under that pernicious Act because of the role I played in the Defiance Campaign. I have also been banned and convicted under that Act.

It is not only in internal politics that we count communists as amongst those who support our cause. In the international field, communist countries have always come to our aid. In the United Nations and other Councils of the world the communist bloc has supported the Afro-Asian struggle against colonialism and often seems to be more sympathetic to our plight than some of the Western powers. Although there is a universal condemnation of apartheid, the communist bloc speaks out against it with a louder voice than most of the western world. In these circumstances, it would take a brash young politician, such as I was in 1949, to proclaim that the Communists are our enemies.

Judge: Well Mandela it is time for the court to adjourn.

My Lord, I wish now to turn to my own position. I have denied that I am a communist, and I think in the circumstances I am obliged to state exactly what my political beliefs are in order to explain what my position in Umkhonto was, and what my attitude towards the use of force is.

I have always regarded myself, in the first place, as an African patriot. After all, I was born in Umtata, forty-six years ago. My guardian was my cousin, who was the acting paramount chief of Thembuland, and I am related both to Sabata Dalindyebo, the present paramount chief, and to Kaiser Matanzima, the Chief Minister for the Transkei.

Today I am attracted by the idea of a classless society, an attraction which springs in part from Marxist reading and, in part, from my admiration of the structure and organisation of early African societies in this country. The land, then the main means of production, belonged to the tribe. There was no rich or poor and there was no exploitation.

It is true, as I have already stated that I have been influenced by Marxist thought. But this is also true of many of the leaders of the new independent states. Such widely different persons as Gandhi, Nehru, Nkrumah, and Nasser all acknowledge this fact. We all accept the need for some form of socialism to enable our people to catch up with the advanced countries of the world and to overcome their legacy of extreme poverty. But this does not mean we are Marxists.

Indeed, My Lord, for my own part, I believe it is open to debate whether the Communist Party has any specific role to play at this particular stage of our political struggle. The basic task at the present moment is the removal of race discrimination and the attainment of democratic rights on the basis of the Freedom Charter, and a struggle which can best be led by a strong ANC. In so far, My Lord, as that Party furthers this task, I welcome its assistance. I realise that it is one of the main means by which people of all races can be drawn into our struggle.

But from my reading of Marxist literature and from conversations with Marxists, I have gained the impression that communists regard the parliamentary system of the work - of the West as undemocratic and reactionary. But, on the contrary, I am an admirer of such a system.

The Magna Carta, the Petition of Rights, the Bill of Rights are documents which are held in veneration by democrats throughout the world.

I have great respect for British political institutions, and for the country's system of justice. I regard the British Parliament as the most democratic institution in the world, and the independence and impartiality of its judiciary never fail to arouse my admiration.

The American Congress, that country's doctrine of separation of powers, as well as the independence of its judiciary, arouse in me similar sentiments.

I have been influenced in my thinking by both West and East. All this has led me to feel that in my search for a political formula, I should be absolutely impartial and objective. I should tie myself to no particular system of society other than that of socialism. I must leave myself free to borrow the best from West and from the East.

I wish now to deal with some of the exhibits. Many of the exhibits are in my handwriting. It has always been my custom to reduce to writing the material which I have been studying.

Exhibits R20, 21 and 22 are lectures drafted in my own hand but they are not my original work. They came to be written in the following circumstances:

For several years an old friend [unidentified person coughs] whom I worked very closely on ANC matters and who occupied senior positions both in the ANC and the Communist Party had been trying to get me to join the Communist Party. I had had many debates with him on the role the Communist Party can play at this stage of our struggle. And I advanced to him the same views in regard to my political beliefs which I have described earlier in my statement. In order to convince me that I should join the Communist Party, she from time to time gave me Marxist literature to read, thought I did not have – always find time to do this. Each of us always stuck to our guns in our arguments as to whether I should join the Communist Party. She [sic] e maintained that on achieving freedom we would be unable to solve our problems of poverty and inequality without establishing a communist state and we would require trained Marxists to do this. I maintained my attitude that no ideological differences should be introduced until freedom had been achieved. I saw him on several occasions at Liliesleaf farm, and on one of the last of these occasions he was busy writing with books around him. When I asked him what he was doing he told me that he was busy writing lectures for use in the Communist Party, and suggested that I should read them. There were several lectures in draft form. After I had done so I told him that they seemed far too complicated for the ordinary reader.

Judge: I didn't catch the name – who do you say this man is you were talking to?

Mandela: I beg your pardon, My Lord

Judge: Who is the man you are referring to?

Mandela: My Lord, as a matter of principle

Judge: No, I thought you had mentioned his name

Mandela: I didn't mention his name

Judge: Well go on then Mandela: and that was done

Judge: Yes

Mandela: deliberately

Judge: Yes

Mandela: I was saying, My Lord, after I had read I told him that they seemed far too complicated for the ordinary reader in that the language was obtuse and they were full of usual communistic clichés and jargon. If the court will look at some of the standard works of Marxism, my point will be demonstrated. He said it was impossible to simplify the language

without losing the effect of what the author was trying to stress. I disagreed with him and then he asked me to see whether I could redraft the lectures in the simplified form suggested by me. I agreed to help him and set to work in an endeavour to do this but I never finished the task as I later became occupied with other practical work which was more important. I never again saw the unfinished manuscript until it was produced at this trial. I wish to state that it is not my handwriting which appears on Exhibit R23 which was obviously drafted by the person who prepared the lectures.

My Lord, there are certain exhibits which suggest that we received financial support from abroad, and I wish now to deal with this question. [audio interference throughout the previous sentence]

[audio interference] Our political struggle has always been financed from internal sources – from funds raised by our own people and by our own supporters. Whenever we had a special campaign or an important political case we received financial assistance from sympathetic individuals and organisations in the Western countries. We have never felt it necessary to go beyond these sources.

But when in 1961 the Umkhonto was formed, and a new phase of struggle introduced, we realised that these events would make a heavy call on our slender resources, and that the scale of our activities would be hampered by lack of funds. One of my instructions, as I went abroad in January 1962, was to raise funds from the African states.

I must add that whilst abroad, I had discussions with leaders of political movements in Africa and discovered that almost every single one of them, in areas which had still not attained independence, had received all forms of assistance from the socialist countries, as well as from the West, including that of financial support. I also discovered that some well-known African states, all of them non-communists, and even anti-communists, had received similar assistance.

On my return to the Republic, I made a strong recommendation to the ANC that we should not confine ourselves to Africa and the Western countries, but that we should also send a mission to the socialist countries to raise the funds which we so urgently needed.

I have been told that after I was convicted such a mission was sent.

As I understand the State case, and in particular the evidence of “X”, Umkhonto was the inspiration of the Communist Party which sought, by playing upon imaginary grievances, to enrol the African people into an army which ostensibly was to fight for African freedom, but in reality was fighting for a communist state. Nothing could be further from the truth. In fact the suggestion is preposterous. Umkhonto was formed by Africans to further their struggle for freedom. Communists and others supported the movement, and we only wish that more sections of the community would join us.

Our fight is against real and not imaginary hardships or, to use the language of the State Prosecutor, 'so-called hardships'. Basically, My Lord, we fight against two features which are the hallmarks of African life in South Africa and which are entrenched by legislation which we seek to have repealed. These features are poverty and lack of human dignity, and we do not need communists or so-called 'agitators' to teach us about these things.

South Africa is the richest country in Africa, and could be one of the richest countries in the world. But it is a land of extremes and remarkable contrasts. [audio interference] The whites enjoy what may well be the highest standard of living in the world, whilst Africans live in poverty and misery. Forty per cent of the Africans live in hopelessly overcrowded and, in some cases, drought-stricken reserves, where soil erosion and the overworking of the soil makes it impossible for them to live properly off the land. Thirty per cent are labourers, labour tenants, and squatters on white farms and work and live under conditions similar to those of the serfs of the Middle Ages. The other thirty per cent live in towns where they have developed economic and social habits which bring them closer in many respects to white standards. Yet most Africans, even in this group, are impoverished by low incomes and the high cost of living.

The highest-paid and the most prosperous section of urban African life is in Johannesburg. Yet their actual position is desperate. The latest figures were given on the 25<sup>th</sup> of March 1964 by Mr. Carr, Manager of the Johannesburg Non-European Affairs Department. The poverty datum line for the average African family in Johannesburg, according to Mr. Carr's department, is R42.84 per month. He showed that the average monthly wage is R32.24 and that forty-six per cent of all African families in Johannesburg do not earn enough to keep them going.

Poverty goes hand in hand with malnutrition and disease. The incidence of malnutrition and deficiency diseases is very high amongst Africans. Tuberculosis, pellagra, kwashiorkor, gastro-enteritis, and scurvy bring death and destruction of health. The incidence of infant mortality is one of the highest in the world. According to the Medical Officer of Health for Pretoria, it is estimated that tuberculosis kills forty people a day, almost all Africans, and in 1961 there were 58,491 new cases reported. These diseases, My Lord, not only destroy the vital organs of the body, but they result in retarded mental conditions and lack of initiative, and reduce powers of concentration. The secondary results of such conditions affect the whole community and the standard of work performed by Africans.

The complaint of Africans, however, is not only that they are poor and whites are rich, but that the laws which are made by the whites are designed to preserve this situation.

There are two ways to break out of poverty. The first is by formal education, and the second is by the worker acquiring a greater skill at his work and thus higher wages. As far as Africans are concerned, both these avenues of advancement are deliberately curtailed by legislation.

I ask the Court to remember that the present Government has always sought to hamper Africans in their search for education. One of their early acts, after coming into power, was to stop subsidies for African school feeding. Many African children who attended schools depended on this supplement to their diet. This was a cruel act.

There is compulsory education for all white children at virtually no cost to their parents, be they rich or poor. Similar facilities are not provided for the African children, though there are some who receive such assistance. African children, however, generally have to pay more for their schooling than whites. According to figures quoted by the South African Institute of Race Relations in its 1963 journal, approximately forty per cent of African children in the age

group between seven and fourteen do not attend school. For those who do attend school, the standards are vastly different from those afforded to white children. In 1960-61 the per capita Government spending [someone coughs] on African students at State-aided schools was estimated at R12.46. In the same years, the per capita spending on white children in the Cape Province (which are the only figures available to me) was R144.57. Although there are no figures available to me, it can be stated, without doubt, that the white children on whom R144.57 per head was being spent all came from wealthier homes than African children on whom R12.46 per head was being spent.

The quality of education is also different. According to the Bantu Educational Journal, only 5,660 African children in the whole of South Africa passed their Junior Certificate in 1962, and in that year only 362 passed matric. This is presumably consistent with the policy of Bantu Education about which the present Prime Minister said, during the debate on the Bantu Education Bill in 1953 when he was Minister of Native Affairs, I quote:

"When I have control of Native Education I will reform it so that Natives will be taught from childhood to realise that equality with Europeans is not for them. People who believe in equality are not desirable teachers for Natives. When my Department [audio interference] controls Native education it will know for what class of higher education a Native is fitted, and whether he will have a chance in life to use his knowledge," unquote.

The other main obstacle to the economic advancement of the African is the Industrial Colour Bar under which all the better paid, better jobs of industry are reserved for whites only. Moreover, [audio interference] Africans in the unskilled and semi-skilled occupations which are open to them are not allowed to form trade unions which have recognition under the Industrial Conciliation Act. This means that strikes of African workers are illegal, and that they are denied the right of collective bargaining which is permitted to the better-paid white workers. The discrimination in the policy of successive South African Governments towards African workers is demonstrated by the so-called 'civilized labour policy' under which sheltered, unskilled Government jobs are found for those white workers who cannot make the grade in industry, at wages far, which far exceed the earnings of the average African employee in industry.

The Government often answers its critics by saying that Africans in South Africa are economically better off than the inhabitants of the other countries in Africa. I do not know whether this statement is true and doubt whether any comparison can be made without having regard to the cost-of-living index in such countries. But even if it is true, as far as African people are concerned, it is irrelevant. Our complaint is not that we are poor by comparison with people in other countries, but that we are poor by comparison with white people in our own country, and that we are prevented by legislation from altering this imbalance.

The lack of human dignity experienced by Africans is the direct result of the policy of white supremacy. White supremacy implies black inferiority. Legislation designed to preserve white supremacy entrenches this notion. Menial tasks in South Africa are invariably performed by Africans. When anything has to be carried or cleaned the white man will look around for an African to do it for him, whether the African is employed by him or not. Because of this sort of attitude, whites tend to regard Africans as a separate breed. They do not look upon them as people with families of their own; they do not realise that we have emotions - that we fall in love like white people do; that we want to be with their wives and children like white people want to be with theirs; that we want to earn money, enough money

to support our families properly, to feed and clothe them and send them to school. And what 'house-boy' or 'garden-boy' or labourer can ever hope to do this?

Pass laws, which to the Africans are among the most hated bits of legislation in South Africa, render any African liable to police surveillance at any time. I doubt whether there is a single African male in South Africa who has not at some stage had a brush with the police over his pass. Hundreds and thousands of Africans are thrown into jail each year under pass laws. Even worse than this is the fact that pass laws keep husband and wife apart and lead to the breakdown of family life.

Poverty and the breakdown of family life have secondary effects. Children wander about the streets of the townships because they have no schools to go to, or no money to enable them to go to school, or no parents at home to see that they go to school, because both parents, if there be two, have to work to keep the family alive. This leads to a breakdown in moral standards, to an alarming rise in illegitimacy, and to growing violence which erupts not only politically, but everywhere. Life in the townships is dangerous. There is not a day that goes by without somebody being stabbed or assaulted. And violence is carried out of the townships into the white living areas. People are afraid to walk alone in the streets after dark. Housebreakings and robberies are increasing, despite the fact that the death sentence can now be imposed for such offences. Death sentences cannot cure the festering sore.

The only cure is to alter the conditions under which Africans are forced to live and to meet their legitimate grievances. Africans want to be paid a living wage. Africans want to perform work which they are capable of doing, and not work which the Government declares them to be capable of. We want to be allowed to live where we obtain work, and not be endorsed out of an area because we were not born there. We want to be allowed and not to be obliged to live in rented houses which we can never call our own. We want to be part of the general population, and not confined to living in our ghettos. African men want to have their wives and children to live with them where they work, and not to be forced into an unnatural existence in men's hostels. Our women want to be with their men folk and not to be left permanently widowed in the reserves. We want to be allowed out after eleven o'clock at night and not to be confined to our rooms like little children. We want to be allowed to travel in our own country and to seek work where we want to, where we want to and not where the Labour Bureau tells us to. We want a just share in the whole of South Africa; we want security and a stake in society.

Above all, My Lord, we want equal political rights, because without them our disabilities will be permanent. I know this sounds revolutionary to the whites in this country, because the majority of voters will be Africans. This makes the white man fear democracy.

But this fear cannot be allowed to stand in the way of the only solution which will guarantee racial harmony and freedom for all. It is not true that the enfranchisement of all will result in racial domination. Political division, based on colour, is entirely artificial and, when it disappears, so will the domination of one colour group by another. The ANC has spent half a century fighting against racialism. When it triumphs as it certainly must, it will not change that policy.

This then is what the ANC is fighting. Our struggle is a truly national one. It is a struggle of the African people, inspired by our own suffering and our own experience. It is a struggle for the right to live. [someone coughs]

During my lifetime I have dedicated my life to this struggle of the African people. I have fought against white domination, and I have fought against black domination. I have cherished the ideal of a democratic and free society in which all persons will live together in harmony and with equal opportunities. It is an ideal for which I hope to live for and to see realised. But, My Lord, if it needs be, it is an ideal for which I am prepared to die.