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ON RESUMING: 12. 5. 1961.

APPEARANCES AS BEFORE.

BY COURT:

Accused No. 39, are you calling your next witness?

MR. UNTERHALTER:

Your Wership, I wonder if I could just - I brought a witness down to prove certain photographs. He would just be about two minutes. May he...

BY COURT:

We'll hear him first.

MR. UNTERHALTER CALLS:

IAN GORDON BERRY s.s.:

EXAMINED BY MR. UNTERHALTER:

Mr. Berry, you are a photographer by profession, are you?---Yes.

And on the 21st of March of last year, were you in the vicinity of the Sharpeville Police Station?---Yes.

And there you took certain photographs, did you?---Yes.

Would you open the Exhibits please, and turn to Exhibit No. 41. Did you take that?---Yes.

And Exhibit 42?---Yes.

And Exhibit 43?

BY COURT:

Is this matter/^{is}going on record, talk into the microphone please. Try to face me, I'm sorry it is a bit awkward there for you, perhaps. Now we're dealing with Exhibits 41 and 42, these were taken by yourself?--Yes.

MR. UNTERHALTER:

And No. 43?---Yes.

No. 45?---Yes.

No. 46? ---Yes.

Then would you please turn to Exhibit 71. Was that taken/...

taken by you?—Yes.

And Exhibit 74 - I don't think that was taken by you?—No.

Exhibit No. 77?—Yes.

And Exhibit No. 79? —Yes.

The earlier Exhibits, that is 41, 42, 43, 45 and 46, could you tell His Worship where, in relation to the Police Station, you were situate at the time you took these photos. You might perhaps be assisted by looking at Exhibit 2, which is a photostatic copy of the map.

BY COURT:

Exhibit 11, I think, is it, of the Police Station itself may be...

MR. UNTERHALTER:

Exhibit 56, yes, perhaps Exhibit 56 might help.

BY COURT:

You couldn't have this worked out with the witness in my absence, perhaps. It is awkward for him there to handle the Exhibits and find the different spots. Let him sit down with you and work it out, let the Prosecutor be present, I've no objection, then the evidence can be recorded much more easily.

COURT ADJOURNS.

COURT RESUMES:

IAN GORDON BERRY s.u.o.

MR. UNTERHALTER:

Mr. Berry, you've had an opportunity of looking at Exhibit No. 56, to determine the approximate position at which you were situate when you took the photographs of the people in flight from the Police Station?—Yes.

Now, with the leave of the Court, could you mark it? Your Worship, I suggest the witness put the letter 'B' at the place. Would you mark it there with the letter 'B'. Mr.

Berry/...

Berry, while you were taking these photographs, could you describe what was happening?—Well, I saw people running towards me...

Will you talk towards His Worship? Yes?—And I took photographs of them as they ran.

Did you observe any bullets or can you give His Worship any description of what might have been occurring at that time as regards bullets?—Well, I could hear firing.

Anything near you? At your place?—A few, yes.

BY COURT:

A few what near you? A few people near you firing, or..?—No, there were a few bullets going past.

Perhaps I might just look at Exhibit 56 to see where the witness' mark is.

You were somewhere roughly North/ North-East of the Police Station?—That is right.

MR. UNTERHALTER:

Now Mr. Berry, the series of photographs, Nos. 71, 77 ...

BY COURT:

Would this refer to the photographs 41 to 46, with gaps in?

MR. UNTERHALTER:

With gaps, that is so.

BY COURT:

Taken from position 'B'?

MR. UNTERHALTER:

From position 'B', yes. Now, Exhibit 77, that of course was taken before the shooting?—Yes.

At that particular time, Mr. Berry, just prior to having taken that photograph, what were you doing? —Well, I'd walked up to this point from a point about 25 yards back along/...

along the road, so as to take these photographs.

Were they taken from outside the fence at the Police Station, or from within the grounds?—No, from outside.

Have you an approximate idea of what the time would be. Perhaps you could say to His Worship about how long before the firing would that photograph have been taken? — I suppose about 20 minutes.

What was the attitude of the crowd to you, as a European, when you moved to that point where you had come? —Well, I had no difficulty, I just walked up and took the photographs.

Were you molested in any way, or attacked or threatened?—No.

And the crowd, as you saw it at that stage, would you describe it as a wild and dangerous crowd?—Well, not to me. Talking gener

Talking generally, would you say that apart from you, they were behaving in a wild and dangerous way? —It didn't appear to be.

And Exhibit No. 71, approximately when was that taken? —At about the same time.

Would you say that these two photographs are typical of the behaviour of the crowd, or atypical, in other words not typical?—Yes, I would say they were typical, the crowd as I saw it.

That is Exhibits 71 and 77?—Yes.

MR. UFFENHALTER NO FURTHER QUESTIONS.

BY COURT:

Do they want to see these photographs, the undefended Accused?

ACCUSED Nos. 1, 4, 8, 39 and 39 NO QUESTIONS.

CROSS-EXAMINED BY P.P.:

Mr. Berry, were you a photographer, still are, I take it, on The Drum magazine?—Yes.

And/...

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Berry, while you were taking
describe what was happening
... answer me...
Will you talk to
took photographs of them
Did you observe
writing any description
at that time as regards
firing.
anything near you
BY COURT:
A few what near
...?—No, there were
Perhaps I might
the witness, mark it.
You were some
Police Station?—That
MR. UFFENHALTER:
New Mr. Berry
...
BY COURT:
Would this be
...
MR. UFFENHALTER:
With gaps,
BY COURT:
Taken from
MR. UFFENHALTER:
From behind
and saw taken
At that time
having taken that
I'd walked up to

And The Drum has a large African circulation?--Yes.

Now, your photographs which were taken, most of them by means of what is called a telephoto lens?--No, not all.

Weren't Exhibits 41, 42 and 43 taken with a telephoto lens?--No they weren't.

And 45 and 46? --They were taken with a lens of about 2.3 magnification.

That has the effect of shortening the perspective? --Yes.

And the other Exhibits, 71, 77 and 79? --No, as you can see from the perspective, they were the normal wide angle lens.

A wide angle lens? -- A 35 m.m. lens, yes.

Does that affect perspective at all?--Very slightly.

Could you explain to the Court what the effect is of using a wide angle lense - what does the term wide angle lens mean?-- It gives an illusion of greater depth and would make things further away - appear in fact further away than they actually are.

Now, did you actually process these prints yourself from the negatives of your camera?--No, I didn't make the prints.

Have a look at Exhibit 71 for the moment. That would appear to be a photograph torn in half?--Yes, it is.

And that doesn't display ^{all} that would be displayed on the negative of your film?--No.

There is a portion on that Exhibit 71, it looks almost as if there is an arm upraised?--Yes.

Can you recall today what the other portion of the print would show, from your negatives? -- ^{a bit more} ~~substantially~~ crowd, and as you can see, a little bit more in the background, the Police Station.
Police Station

BY COURT:

That missing portion, what does that show? ---It has more crowd and more of the background with the Police Station.

P.P.:

How many cameras did you have slung round your neck that day?---I had three with me altogether.

Did you have, apart from the cameras, anything to stamp you as a Pressman?--- I think I had a bag with me, a camera bag.

From the type of equipment that you were carrying, and the fact that you were in civilian clothes, I take it it would have been fairly obvious to the persons in that vicinity that you were somebody from the Press?---Oh yes.

Generally speaking, from your experience as a Pressman, have you ever had any hostility shown to you by people? ---Yes.

Apart from the police force, Mr. Berry?---Yes.

Now, I think at the commission - you gave evidence before the Commission?---Yes.

You mentioned that there were a large number of shouts of "Iswe Lethu" and "Africa" coming from the crowd?---Yes.

On page 1825 of the Commission, the question was put to you "Well then I must just ask you for your impression. You've said that this crowd shouted "Africa" and "Iswe Lethu". Did you gain the impression that this crowd was being abusive to the police". The Chairman interrupted, or interjected, and said "Now you must distinguish, if you can, between the crowd as a whole and the conduct of individuals? --Yes, I think the crowd as a whole were shouting these words at the Police pretty well continuously. It was impossible for me to see any individuals who were behaving differently". Would that be correct?---Yes.

What/...

What actually was your motive in taking photographs?

---Well, I was taking them for potential publication in the normal course of my job.

Anything of topical interest?---Quite.

Now after you'd taken the photographs, apparently from Zwane Street, showing the Police Station, that is where you moved through the crowd to the fence - that would be Exhibit ...

BY COURT:

Do you know which street is Zwane Street?

P.P.:

That is the one with the double carriage road?---Yes.

BY COURT:

South of the Police Station?---Yes.

P.P.:

Exhibit 77 - just check on that?---Yes.

That was taken from what we call Zwane Street. That is the one where you moved through the crowd to get to the fence to take it?---That is right.

And after that, where did you move? Did you move round the back of the Police Station to position 'B' where you eventually took the other photographs? ---Yes, the back, the opposite side to where these people are.

And were you seated in your motorcar with Mr. Tyler at that point?---That is right, yes.

And then, the question was put to you at page 1828 of the Commission: "As you were sitting there, did you hear something out of the ordinary, something other than the shouts of the crowd?---Shortly after we stepped, I heard a report. I think it sounded like a shot". "Was that a single report?---Yes". "Where did it appear to have come from? ---From the direction of the shops or beyond". And

then/...

then the general shooting broke out after that isolated shot, would that be correct?---Yes.

BY COURT:

The question is is that so?

P.P.:

The witness said yes.

BY COURT:

The witness said he said something to the Judge. I'm not concerned with what he said to the Judge, I want to know what he is saying to me?

P.P.:

Would that be correct? ---Yes.

And then you noticed the people running and you jumped out of your car and took the shots - I think you took three in all, in quick sequence?---That is right, yes.

Now, the bullets which you became aware of - have you been in action before, and experienced bullets...?---I have been shot at before, yes.

You have been shot at. And the sounds that these bullets were making, a ricochet makes a totally different sound from a bullet which hasn't struck an object and ricocheted off, if you follow what I mean?---Yes.

The sound of these bullets, were they the sound of ricochets perhaps, or of bullets which hadn't struck an object, they were being fired in your direction, in other words? ---I think I said before there was only a very short burst in my direction, and it sounded as though they were just going straight past.

Not ricochettes? ---No.

Did you have an opportunity at all, whilst you were taking your photographs, in the vicinity of the Police Station, what the position of the fence was?--- I honestly didn't notice the condition of the fence at the time.

If/...

er arrested, as the popular term is?---No, I didn't.

P.P. NO FURTHER QUESTIONS.

MR. UNTERHALTER NO RE-EXAMINATION.

BY COURT:

Do you know Exhibit 115 at all? --- No.

Thank you, you may stand down.

COURT ADJOURNS.

COURT RESUMES.

POTLAKE KITCHENER LEBALLO s.s.:

(ENGLISH).

EXAMINED BY ACCUSED No. 39:

Mr. Potlake, do you know of an organisation called the Pan Africanists Congress?---Yes.

Were you a member of that organisation? ---I am a member of that organisation.

What is your ...

BY COURT:

Just a moment, the question was whether you were a member. Now I'm not investigating the position as of today. Presumably I'm investigating the position up to the 21st of March, 1960. Were you a member at that time?---Up to now.

Up to now, since when?---From 1960 I have been a member.

Now listen, Mr. Leballo, you're still being indefinite, you're still saying 1960. Give me a date so that we can get on with the matter please?---I have been a member of that organisation from the 6th of April, 1959.

That is right, now we know.

BY ACCUSED No. 39:

Were you holding any portfolio in that organisation?

---Yes.

How old was the organisation before the 21st of March/...

March, 1960? --- About 11 months.

Were you in the National Executive of that organisation?---Yes, I was the National Secretary.

BY COURT:

Is that the National Secretary in the National Executive?---Yes.

What body comes immediately after the National Executive?---I beg your pardon?

What next body comes immediately after the National Executive? ---There is a Regional Executive.

What comes immediately after the Regional Executive? ---Branch.

BY COURT:

Branch what?---Branch Executive.

BY ACCUSED No. 39:

Can you describe, without entering too much into detail, the policy of the P.A.C.? ---The policy of the P.A.C. is based on the creed of African nationalism, and the philosophy of Pan Africanism.

BY COURT:

Just repeat that last part - and? ---And the philosophy of Pan Africanism, which embraces the whole Continent, from Cape to Cairo, Morocco to Madagascar, based on the ideal of Africa for the Africans, in a Government of the Africans by the Africans for the Africans, with everybody who owes loyalty only to Africa and who unequivocally accepts the democratic rule of an African majority, being regarded as an African, in the creation of a giant menelific state.

BY COURT:

Repeat that?---In the creation of a giant menelific state.

Guard - how do you spell that? ---A giant menelific State/...

A giant...?—A giant..

Monelistic?—Monelific state.

Yes? —Of the United States of Africa, whose system of Government is original in concept, Africanistic in orientation...

African...?—Africanistic in orientation, socialistic in content, democratic in form and creative in purpose. That shall be the pinnacle of a new Africa.

That shall be?—The pinnacle of a new Africa.

BY ACCUSED No. 39:

Mr. Leballo, what we mean by this "Africa for the Africans".

BY COURT:

What do 'we' mean.

BY ACCUSED No. 39:

What do we mean by this "Africa for the Africans"?—It simply means that - a democratic rule of an African majority.

If a person wanted to join this organization, how was he to go about it, to be a full registered member of the P.A.C.?—He has to inquire for conditions and membership card from the branch secretary or an official of a branch.

Was it necessary for a person to take an oath before joining the organization? — Well, that - usually the regional secretary gives instructions to the branch under his administration.

How was a branch to be registered in this organization?—The branch was registered by the regional office.

BY COURT:

Repeat that - a branch? —A branch is registered by the regional office.

BY ACCUSED No. 39:

Did you have any foreign policy at all?

W/...

BY COURT:

Did you have a?

ACCUSED No. 39:

Foreign policy at all?—Yes.

Can you , in short, just describe it?

BY COURT:

Accused No. 39, what has that got to do with the case, the foreign policy of the P.A.C.?

ACCUSED No. 39:

I beg to withdraw the questions

BY COURT:

You withdraw that. I think we're concerned very much/what happened domestically here in Vereeniging.

ACCUSED No. 39:

There are certain pamphlets here in Court, and I'll refer them...

BY COURT:

All right, shew them to the witness. No.5. 6. 47, 48 and 49. Just have a look at these pamphlets first, Nos. 5, 6, 47, 48 and 49. Give the witness a chance to just glance at them, and then you can get on with the question. Very well, now what is it you want to put to the witness?

BY ACCUSED No. 39:

Do you know any of these pamphlets?—Yes, I have seen them.

BY COURT:

You have seen them before today? ---Yes.

ACCUSED No. 39:

Were they issued by the P.A.C.?—They were issued by the N.W.C. of the P.A.C.

BY COURT:

Now what does the N.W.C. stand for?—National Working Committee. It is an organ...

National/...

National Working Committee of the P.A.C.? ---It is an organ of the National Executive.

It is a sub-organ of the National Executive?---Yes.

Now we have it. Yes?

ACCUSED No. 39:

What was their purpose?

BY COURT:

The purpose of the pamphlets?

BY ACCUSED No. 39:

Of the pamphlets? --- The purpose of the pamphlets as stated in different pamphlets, were in fact to get the African people to launch an anti-pass campaign.

When was the first pamphlet issued?

BY COURT:

Of these? Or rather, don't you want to know when the first anti-pass campaign pamphlets were issued? Isn't that what you want to know?

BY ACCUSED No. 39:

Definitely?

BY COURT:

About when?---About the beginning of March.

BY ACCUSED No. 39:

By that, do you mean that no other pamphlets were distributed in connection with the anti-pass campaign before that time?---Not to my knowledge.

When was the last of these pamphlets issued?---On or about the 18th of March, 1960.

BY COURT:

1960?---Yes.

BY ACCUSED No. 39:

Were they to be given to the people so that they could know about the campaign? --- The last pamphlet was giving/..

giving the people the nature of the campaign.

Was it the duty of the branch to see that the pamphlets were delivered or the duty of somebody else? -- It was the duty of the members of the N.W.C. to see that pamphlets were distributed.

BY COURT:

To see that?--To see that pamphlets were distributed.

BY ACCUSED No. 39:

Were strict orders given in the last pamphlet that no...

BY COURT:

Please ask questions, don't tell the witness what to say.

BY ACCUSED No. 39:

Did the P.A.C. advocate for violence in any of these pamphlets? --No, it advocated non-violence.

Did the P.A.C. ever advocate for violence at any of its meetings?--Not to my knowledge.

How was this campaign to be conducted? --It was to be conducted on a peaceful basis.

Do you think, in your opinion, that the members of the organization, the branches in particular, knew about the distribution of these pamphlets?--They did not know.

What was to be done with the passes, as far as the campaign was concerned? --There were strict instructions for the people to leave their passes behind at home, and surrender themselves for arrest, to various Police Stations.

Do you think certain undisciplined elements could have sabotaged the campaign by way of preventing the people of getting to work or by any other means of violence?

BY COURT:

Just repeat that question?

BY ACCUSED No. 39:

Do you think that certain undisciplined elements, who/

who did not belong to this organisation, could have done anything else to sabotage the campaign by way of violence? --Yes, certainly. Enemies of African freedom, the Press, the A.N.C., the Masunje's, were in actual fact trying to confuse the people.

Who is this Josias Masunje?-- A little member of the Alexandra branch of the P.A.C.

Was he still a member up to the day the P.A.C. launched its campaign? --No, he was expelled on the 18th of March for indiscipline and collaborating with the enemies of P.A.C.

Was the Sharpeville branch a registered branch in the organisation?

BY COURT:

Was?

BY ACCUSED No. 39:

Was Sharpeville branch registered in the organisation? --According to the Regional Secretary's report, it was registered.

Was membership of the P.A.C. strictly for the Africans? --Yes, it was strictly open to Africans. No foreigners are allowed.

BY COURT:

No? --No foreigners are allowed to become members of the P.A.C.

BY ACCUSED No. 39:

But why were they not allowed? --They are not allowed because they benefit materially in the status quo and set-up of a domination.

BY COURT:

Please repeat these last few words. They benefit materially in the status quo and? --They benefit materially... Yes/...

Yes, I've got that? ---In the set-up.

In the set-up, yes? ---Of the status quo, white domination.

Yes?

ACCUSED No. 39:

What were the demands of the P.A.C.? ---The abolishing of the Pass Laws, one of them, the increment of African wages up to about £36 per month.

BY COURT:

You mean R.72 - you're not up to date.

BY ACCUSED 39:

Is that all?---Well, there are others, unless I have to refer to the pamphlets I can't...

BY COURT:

Oh well, there were other demands too?---There were other demands.

Accused No. 39, I hardly think we are concerned with other demands. After all, I'm trying this case, I'm not concerned with anything outside the boundaries of this case and they are wide enough as it is.

BY ACCUSED 39:

In all your meetings, did you tell your leaders what....

BY COURT:

No, no, what did you tell your leaders, not "Did you tell your leaders this, that and the other". What did you tell the leaders.

BY ACCUSED 39:

What did you tell your leaders in connection with the campaign? ---That the campaign should be conducted on a non-violence basis, and also, it should be a disciplined company.

Who did all the printing of the P.A.C.? ---Of what?

BY/...

BY COURT:

Yes, perhaps...?—The literature for the pamphlets or the whole literature of the P.A.C.?

BY ACCUSED No. 39:

The whole literature? —The N.W.C. was responsible for the printing of literature.

Was it never the responsibility of the branches to print anything without the knowledge of the National Executive or the Regional Executive?—The printing of pamphlets or any material belonging to the P.A.C. is solely the responsibility of the N.W.C.

ACCUSED No. 39 NO FURTHER QUESTIONS.

ACCUSED No. 1, 4, 8 and 38 NO QUESTIONS.

MR. UNTERHALTER NO QUESTIONS.

CROSS-EXAMINED BY P.P.:

The National Working Committee, that was a body established to implement the policy of the P.A.C. FOR convenience reasons? —During the interim period, not does that.

And were the Chairman of the various Regions ipse facto members of the N.W.C.?—No.

How were the members of the N.W.C. chosen?— The members of the N.W.C. contact the Regional Secretary, not the Chairman of the Regional Executives.

BY COURT:

Just repeat that?—The N.W.C. kept in contact with the Regional Secretaries, not with the Chairman of the Regional branches.

Yes, but I'm afraid that doesn't help the Prosecutor yet as to how is this N.W.C. constituted?—It is constituted from the members of the National Executive.

So it consist of certain members of the National Executive?—Yes.

D.P./...

P.P.:

And were you a member of the N.W.C.? --- No, not a member of the N.W.C.

You had enough to do as the National Secretary? --- I'm only concerned with administration of the organisation.

New, under which Region did the Sharpeville branch fall?---The Witwatersrand Region.

And who was the Chairman of the Witwatersrand Region as at the day of the campaign? ---The late George Siwisa.

And can you recall who the Executive was - the Regional Executive?---I can only remember the secretary of the Region.

Who was that?---It was a certain Mr. Kekana.

BY COURT:

What is his name? ---Kekana.

P.P.

Was this Moses Kekana? ---Moses Kekana.

And his address was 2267 Talake Street, Western Native Township?---No, he stayed at Alexandra Township.

Yes, but before he moved, he used to stay at 2267 Talake Street, Western Native Township?---He might have moved from that place but I'm not certain about that.

BY COURT:

Do you know what his address was originally?--- No, I don't know.

It was suggested to you by the Prosecutor, you can say yes I know or no, I don't know? ---I didn't know his address.

Did not know his address, or do you mean you do not now remember it?---I do not know his address.

P.P.:

Now, at the National Conference held at Orlando

on the 19th/20th of December, 1959, you were the Chairman - at least, not the chairman, but you organised the credentials committee, isn't that correct? There was you, Mangwa from Cape Town, and Tjejeane from Pretoria? ---Yes.

And what was the purpose - was the purpose of the credentials committee to receive all the delegates and to find out their names and their branch and how many delegates there were from the branch? ---To organize delegates and also to find how many delegates are entitled for a certain branch.

The formula for representation at the National Congress was one delegate for every 15 members?---That is consistent with the position.

Now will you agree with me if I tell you that, according to the credentials that were presented to you at that meeting, Sharpeville had 149 members and 9 members - delegates, attending the conference? ---No, I will not agree.

Can you give me the figure?---I do not know how much was the figure, but it could not have been that much.

And Alexandra Township, for example, had a membership of 208 and there were 10 delegates. Does that perhaps refresh your memory?---Yes, Alexandra is entitled to a much bigger delegation, as far as I know.

And Windmere, for example, had 223 members and six delegates. Does that ring a bell in your memory?---No, I cannot remember that.

Anyway, do you recall meeting the Chairman of the Sharpeville branch at this meeting, Job Tsolo? ---Which meeting?

I'm talking about the Orlando National Conference - I shouldn't have called it a meeting, it was a conference?

---No.

And/...

And can you recall meeting the accused who interviewed you here this morning, at that conference?—No, not one of them I have seen at that conference.

You state that positively?—Positively. I never saw them at that conference.

If they had been there, you would have noticed them? Or might they - it is so long ago, it might have slipped your memory by now?—No, I wouldn't have known them because actually delegates came in in numbers, according to their presentation. I'm not supposed to know what their names are.

I don't want to be unfair to you. What you are saying to the Court is this, that they may have been there and they may not have been there, is that it?—No, but they were not there.

They were not there. You can say that positively?—Yes, they were not there.

BY COURT:

Did you know all the delegates who came there? — All the delegates?

Did you know all the delegates that came there, or can you remember them from that day onwards?—Yes, I could remember their faces if I were to see them, yes.

And therefore you say that the accused were not any of the delegates, they were not there, not one of the accused?—Not one of the accused was there, not one of the accused.

Could you give me the names, for example, of the Aliwal North delegates who were there?—There were delegates from Aliwal North.

Would you be able to identify them if they were here in Court today?—I would be able to identify the delegates from Aliwal North.

And/...

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on the 15th of Decem
- at least, not the chair
credentials committee
Mangus from Cape Town, a
and what was the
credentials committee for
find out their names and
states there were from the
and also to find how many
certain branch.
The formula for
Gress was one delegate
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of Sharpeville branch
meeting?
I'm talki
and I shouldn't have
No.

And from George Goch, for example, would you be able to identify the delegates from George Goch? ---Yes.

Because there were something like 38 branches represented there, with delegates ranging from 2 to 10. Would that be correct?--- 38 branches?

Yes?---No, that is not correct.

Did you have more than that? ---I had more than that number.

Well I'm giving you a quote. You had more than 38, and would you be able to identify all the delegates who were present at that conference?---I will identify delegates who were present at the conference.

All the delegates who were present?---Yes, I would be able, because I was there with the delegates throughout the two days of the conference.

Are you denying the total absence, or the total presence of any of these accused before Court at that national conference? ---Yes, the total number is too high here.

No, any of the accused. For example, let's just take the first row, do you deny that they were ever at that National Conference? ---None of them.

And the second row? ---No.

And the third row?---No.

And the fourth row? --- No.

Of a branch, any branch, who would be the persons most likely to attend as delegates - the branch executives, surely?---No, an ordinary member of the branch could be elected by..

BY COURT:

Listen, you have not listened to the question. The Prosecutor says who would, in the ordinary course, be the most likely delegates?---It is unlikely to be a member of

And from George Goch, for example, would you be able to identify the delegates from George Goch? ---Yes.

Because there were something like 38 branches represented there, with delegates ranging from 2 to 10. Would that be correct?--- 38 branches?

Yes?---No, that is not correct.

Did you have more than that? ---I had more than that number.

Well I'm giving you a quote. You had more than 38, and would you be able to identify all the delegates who were present at that conference?---I will identify delegates who were present at the conference.

All the delegates who were present?---Yes, I would be able, because $\frac{1}{4}$ was there with the delegates throughout the two days of the conference.

Are you denying the total absence, or the total presence of any of these accused before Court at that national conference? ---Yes, the total number is too high here.

No, any of the accused. For example, let's just take the first row, do you deny that they were ever at that National Conference? ---None of them.

And the second row? ---No.

And the third row?---No.

And the fourth row? --- No.

Of a branch, any branch, who would be the persons most likely to attend as delegates - the branch executives, surely?---No, an ordinary member of the branch could be elected by..

BY COURT:

Listen, you have not listened to the question. The Prosecutor says who would, in the ordinary course, be the most likely delegates?---It is unlikely to be a member of

the Executive, because...

Delegates are unlikely to be members of the Executive? ---Delegates to conference are not necessarily members of the Executive.

That is another matter, they are not necessarily, but are they unlikely to be - that's what you've said. Is that right?---That is correct.

P.P.:

Why would a member of the Executive branch be unlikely to be a delegate? --- Because there are also other members of the branch who must have the opportunity to attend conference and to learn procedure.

Isn't it correct that the branch Executive is usually elected by members of the branch, because they are the most competent people for the positions for which they are elected? ---That is not the position with our organization. We do not encourage the 'cult' of the individual.

No, you misunderstand that. For example, if you have, say, five candidates for election as chairman, and No. 3 candidate is the most capable, he can perform all the tasks, he has the right personality and he is efficient, you would naturally vote for him as chairman, rather than vote for him because he is a friend of yours? ---No, they elect from the ordinary members, and the branch Executive members usually attend as ex officio members, without having to shoulder the task of delegation.

Let's put it to you this way. What sort of attributes do you look for in a man when you go to elect him as chairman of a branch. If you're an ordinary member and you've got five people there, how would you - what sort of standard would you adopt in your mind for a chairman? What would you want from the man? Would you vote for him because he is a friend of yours?---No, only on the basis of the

.../...

fact that he understands the policy of the organisation, and he has some ability to administer the affairs of the branch.

That is right, he has a knowledge of the policy, and he is efficient?—Yes.

In other words, your organisation is like any other organisation, you don't vote for favouritism, you vote for efficiency?—No, but our organisation, to conference, the members...

Forget about the conference. I'm talking merely about the branch executive. You vote for a man because of his efficiency, not because of favouritism?—Because he understands the policy and he is efficient.

Now, will it be more likely that the delegate would be an efficient man, and a man who understands the policy of the P.A.C.? —It will have to be an efficient man and one who understands the policy of the P.A.C. from the ordinary members for the purpose of delegation to conference.

So was branch executives then totally barred from becoming a delegate to the conference?—It is the practice not barred by constitution.

But that is a custom?—It is the practice.

BY COURT:

But what is the practice? — It is the practice to elect from the ordinary members for delegation to National conference.

P.P.:

Now, at the National Conference, this particular one at Orlando, certain resolutions were taken, Mr. Sebukwe has told us what these resolutions were, not so?—Yes.

Now these delegates there, at the National Conferences, would be expected to go back to their branches and they would be expected to tell the branch members what had taken place at the conference, what the resolutions were/

were that had been adopted and how the policy was to be furthered, not so? ---They had to report to their branch executives.

Now why is the practice that the branch executives does not attend as delegates at the national conference?--- It is the practice because they want to give other members of the branch a chance to learn the procedure and to learn how conference is run, because these men in the executive are not there permanently.

This conference at Orlando in December, 1959, that was the first annual conference and one of the most important conferences?---It was the first after the national convention.

So it would be important to have somebody there as a delegate who would be able to return and report accurately on what had taken place?---It is always important and it would have been important at the time to have such a man.

It is not the sort of conference you would use as a training centre for prospective branch executive members, was it? ---No, it is for the general members, and it is important for any other member who is elected, to do his duty correctly by reporting back to the branch executive, not to the branch members.

Now when you refer to membership of the P.A.C. as being confined solely to Africans, I take it you are referring to the indigenous people of Africa, who are commonly called today - they've been called natives and they've been called bantu. Are these the people you mean? ---Bantus and natives are meaningless terms. We...

No, I'm not concerned with that. You know what I am referring to...?---We refer to our factors, these who originated from the soil they inhabit.

Mr. Leballo, I'm not interested in embarking on a political discussion with you. Do you know that when I

refer/...

refer to natives...

BY COURT:

You answer the questions now please, and let us get on with this case.

P.P.:

Do you know who I'm referring to when I refer to people as Africans, bantu and natives?---I'm not referring to bantus. If you are referring to bantus I can't answer that question because I don't understand the term bantus, it is meaningless to me. I'm referring to Africans.

BY COURT:

Just a moment, who are the Africans who may be members of the P.A.C.? ---The indigenous founders of...

The indigenous inhabitants of the continent of Africa, is that it?---The true sons of the soil, those who originated from the soil, they inhabit the soil...

P.P.:

There are worms in some of the soil, Mr. Leballo. Let's get things in proper perspective?---Yes, but I must give my own interpretation. You can't put words into my mouth.

What do you mean by indigenous?---Sons of the soil, those who originated from the soil they inhabit, not foreigner or who came as a result of foreign power.

I just want to make sure on that point. In other words - I'll put it to you in another way. Indians and Europeans were totally excluded from joining the P.A.C.? ---Completely, they are foreigners.

What do you mean by non-lific? --- One single United States of Africa.

Now the fact that a man has a membership card, a P.A.C. membership card, that would mean that he is a

member/

P.P.:

I've got portion of one, Sir. I'll show you one...

BY COURT:

I don't know, we don't want to burden the record further with Exhibits...

P.P.:

No, I'm not going to hand it in. It is this type of document?—That is the dempas.

BY COURT:

Why is it called by that name? —These who are responsible for this, I think that is the name they have given it. I have known it by that name. I don't know any other name.

Whilst we are about it, what is a 'slim pas' then? I'm asking you a question, what does a 'slim pas' look like, if that is a "dempas"? —A 'slim pas'? Well, I'm not conversant with passes, except those who believe in slavery of possessing passes in this country, can be that explanation

P.P.:

How were the leaders in the outlying districts away from Johannesburg, how were the leaders know when this campaign was going to be launched? —They would have the circulars up to the last one, distributed by members of the N.W.C.

So would the N.W.C. make sure that the branch executives received circulars so that obviously they could elect their leaders for that day? —They would make sure that the regional executives are certain that the area in which the branches are situated, these areas have been distributed with the pamphlets.

And obviously the first people who would receive the pamphlets would be the branch executive and the members of the branch, from the regional people? —No.

Or were they just disbursed and handed out all over the country without any regard to whom they were being handed to? —The N.W.C. members are responsible for distributing the circulars, not the branch executive members.

BY COURT:

The N.W.C. has to do what? —Yes, member.

Has to do what?—Are responsible for seeing that the circulars are distributed.

Distributed to whom?—To the people in that area.

How could the N.W.C. be responsible for the distribution of circulars as such in places so far apart as, say, Johannesburg and Cape Town?—We have members of the N.W.C. who are sent to different places.

P.P.:

So then we can take it that a member of the N.W.C. came to Vereeniging to distribute pamphlets?—That is so.

Now when that man, or the person from the N.W.C. came to Vereeniging to distribute pamphlets, would he distribute the pamphlets to the branch executive and the branch members or would he just indiscriminately put them in letter boxes throughout the township?—He applies his own methods by personally getting some small boys or some other people or employ them, but he has to see that the circulars are distributed.

He would have to take steps, of course, that the people whom he chose to assist him in distributing the pamphlets, weren't going to sabotage his movement by taking the pamphlets and destroying them. He would have to choose somebody he could trust, wouldn't that be correct?—He has to get people, that is, sometimes he has to pay them, to see that they do the job he moves around with these, not necessarily the members of the branch.

But it would be logical that the people whom he could/..

could trust, would be the members of his branch and the branch executives? Of the local branch? ---He doesn't know them in most cases, he knows the Regional...

BY COURT:

Why aren't you trying to answer the question?--- Therefore it can't be the members of the branch because he doesn't know them.

P.P.:

Wouldn't it be reasonable to suppose that a member of the N.W.C. who came here to distribute pamphlets, would go to somebody whom he could trust, and people whom he could trust would be the branch executive and the members of the branch in the area in which he intended to distribute the pamphlets. Wouldn't that be reasonable to suppose that he would do that?---No, these are not our methods.

You see, your organization which professes to be so efficient, if based on this type of method, is based on a pyramid. At the bottom you have the ordinary members. 15 members elect a branch executive, don't they?---Yes.

The branch executive is superseded by a regional executive which controls so many branches in a region, and right up at the top you have the national conference, just below the president and the national executive, in other words, instructions come right from the top of this big pyramid and so it goes and get spread throughout the organization, isn't that so?---That is so.

Now that is a very efficient type of cell movement, isn't it?--- It is so.

And it was obviously organized like that so that control could be kept to see that the policy of the P.A.C. was properly carried out, not so?---Yes, but in the case of distributing pamphlets it is entirely the methods and the tactics to be used by the N.W.C. members, not to, in fact, involve...