

FREEDOM, JUSTICE AND DIGNITY FOR ALL

' IN SOUTH AFRICA

Statements and articles by

Mr. Nelson Mandela

President of the African National Congress
of South Africa

Issued by the Centre against Apartheid.

Department of Political and Security Council Affairs

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BIOGRAPHICAL NOTE

.Mr. Nelson Rolihlahla Mandela was born in Umtata in 1918 in the Tembu Royal House. His father was a prominent chief who was a member of the Bunga and chief councillor to the Paramount Chief.

As a boy in his village he was fascinated by the elders' epic stories of Dingane and Bambata, Hintsa, Makana, Moshoeshe and Sekhukhuni, and took pride in a feeling of identity with his people's history and culture. The African past became a source of inspiration to him.

He matriculated at Healdtown Institute in the Ciskei, and went on to Fort Hare University College. He was described as a gay and lively-minded all-rounder who threw himself into a wide variety of activities outside the lecture rooms. He was vice-chairman of the Students' Athletic Union, and was particularly interested in boxing, an interest that he retained through later life.

He was drawn into student politics in his second year at Fort Hare, and was one of the leaders of the boycott of the elections to the Students' Representative Council in 1940.

He fled to Johannesburg at the beginning of 1941 to avoid an arranged tribal marriage in the royal household. He worked briefly as a mine policeman and a clerk. Then he happened to meet Mr. Walter Sisulu, who was well-known for the interest he took in the advancement of young Africans with intellectual ambitions. Mr. Sisulu introduced him to a legal firm to which he became articled.

In 1944, he joined the African National Congress and, along with Mr. Oliver Tambo and others, founded the militant Youth League of the ANC. He and Mr. Tambo had been at Fort Hare together and were articled to attorneys within a block of each other; they finally went into legal practice in 1945 as partners in their firm.

In 1952, Mr. Mandela became Transvaal President and Deputy National President of the ANC. He came into national prominence that year in the Campaign of Defiance of Unjust Laws as volunteer-in-chief leading the 8,500 volunteers who courted imprisonment. He received a suspended sentence and was soon served with banning orders preventing him from attending gatherings or leaving Johannesburg.

. He was again arrested in December 1956 and charged in the Treason Trial which dragged on until 1961, when all the accused were acquitted.

Soon after, Mr. Mandela joined with others in organizing the All-in African Convention in Pietermaritzburg, which called for a national convention of representatives of all the peoples of South Africa to work out a new democratic constitution. The banning orders on Mr. Mandela had expired on the eve of the convention, and he went into hiding to avoid being served with new orders. Making a surprise appearance at the convention, he was elected leader of the National Action Council to implement its decisions.

Immediately going underground, Mr. Mandela directed the organization of a nation-wide three-day strike on 29, 30 and 31 May 1961. The Government broke the strike with the arrests of thousands of Africans, and a massive show of military and police force.

Mr. Mandela and his colleagues then came to the conclusion that sole reliance on non-violent methods of struggle was no longer realistic. In June 1961, they decided to establish Umkonto We Sizwe, with Mr. Mandela as the leader. In December 1961, the Umkonto organized acts of sabotage that resulted, as planned, in material damage only, in Johannesburg, Durban and Pretoria.

Meanwhile, Mr. Mandela went abroad. He participated at a conference of the Pan African Freedom Movement of East, Central and Southern Africa (PAFMECSA) in Addis Ababa in January 1962, and visited a number of African countries and the United Kingdom. At the PAFMECSA Conference, he called for international economic sanctions against South Africa. Such pressures, he said, would give "a tremendous impetus to the freedom struggle inside South Africa." But, he added: "It would be fatal to create the illusion that external pressures make it unnecessary for us to trickle the enemy from within. The centre and cornerstone of the struggle....lies inside South Africa." Returning to South Africa, he evaded the police until August 1962 when he was captured and charged with inciting the strikes in 1961 and leaving South Africa illegally. In November 1962 he was sentenced to five years' imprisonment. He was again brought to court in the Rivonia Trial in October 1963 as accused number one. His statement from the dock, delivered on 20 April 1964, is contained in this issue;

Mr. Oliver Tambo, a close colleague of Mr. Mandela, wrote:

"He is the symbol of the self-sacrificing leadership our struggle has thrown up and our people need. He is unrelenting, yet capable of flexibility and delicate Judgement. He is an outstanding individual, but he knows that he derives his strength from the great masses of people who make up the freedom struggle in our country." h
Mr. Mandela has been in gaol since August 1962. During these sixteen years, his brother (Mr. Mayeza Gush Mandela), his mother (Mrs. Fanny Mandela) and his son (Mr. Thandekile Styles Mandela) have died. The Government has consistently refused him even permission to attend the funerals. His wife, Mrs. Winnie Mandela, a social worker, has faced constant harassment and persecution. They had married when Mr. Mandela was on trial for treason. A year after the marriage, in 1958, while pregnant, she was arrested for taking part in a demonstration against passes for African women. She spent a fortnight in gaol before being acquitted. Since 28 January 1963, she has been restricted under banning orders which have been made more and more stringent and now place her under house arrest at nights and weekends. She has had to obtain special permission even to attend her husband's trial and to visit him in prison. She was repeatedly arrested on charges of

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t From introduction to Nelson Mandela, No Easy Walk to Freedom
(London, Heinemann, 1965).

technical infringements of banning orders. She was held incommunicado in detention for 600 days in 1969-1970 under the Terrorism Act and brutally ill-treated despite a heart condition.

In August 1976, following the Soweto massacre of June 1976, Mrs. Mandela was arrested under the preventive detention clause of the Internal Security Act and detained for four months. When she was released in December, without being charged, she was placed under a five-year ban and confined first to the local area of Orlando in Soweto and, since May 1977, to a remote township of Brandfort. 9'

The following statements and articles by Mr. Nelson Mandela are published at the request of the Special Committee against Apartheid.

" See "Mrs. Winnie Mandela, profile in courage and defiance," in Notes and Documents, No. 1/78, published in February 1978 by the United Nations Centre against Apartheid.

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SPECTRE OF BELSEN AND BUCHENWALD:
LIFE UNDER APARTHEID

Zirticle written in October 19527

Rachel Mnsi is 53 years of age. She and her husband had lived in Krugersdorp for 32 years. Throughout this period, he had worked for the Krugersdorp municipality for \$7.10 a month. They had seven children ranging from 19 to 2 years of age. One was doing the final year of the Junior Certificate at the Krugersdorp "Bantu" High School and three were in primary schools, also in Krugersdorp. She had several convictions for brewing traditional African beer. Because of these convictions she was arrested as an undesirable person in terms of the provisions of the Native Urban Areas Act and brought before the Additional Native Commissioner of Krugersdorp. After the arrest but before her trial her husband collapsed suddenly and died. Thereafter, the Commissioner Judged her an undesirable person and ordered her deportation to Lichtenburg. Bereaved and broken-hearted, and with the responsibility of maintaining seven children weighing heavily on her shoulders, an aged woman was exiled from her home and forcibly separated from her children to fend for herself among strangers in a strange environment...

In June 1952, I and about 50 other friends were arrested in Johannesburg while taking part in a defiance campaign and removed to Marshall Square. As we were being Joatled into the drill yard one of our prisoners was pushed from behind by a young European constable BO violently that he fell down some steps and broke his ankle. I protested, whereupon the young warrior kicked me on the leg in cowboy style. We were indignant and started a demonstration. Senior police officers entered the yard to investigate. We drew their attention to the injured man and demanded medical attention. We were curtly told that we could repeat the request the next day. And so it was that Samuel Makae spent a frightful night in the cells reeling and groaning with pain, maliciously denied medical assistance by those who had deliberately crippled him and whose duty it is to preserve and uphold the law.

In 19hl an African lad appeared before the Native Commissioner in Johannesburg charged with failing to give a good and satisfactory account of himself in terms of the above Act. The previous year he had passed the Junior Certificate with a few distinctions. He had planned to study Metric in the Cape but, because of illness, on the advice of the family doctor he decided to spend the year at home in Alexandra Township. Called upon by the police to produce proof that he had sufficient honest means of earning his livelihood, he explained that he was still a student and was maintained by his parents. He was then arrested and ordered to work at Leeukap Farm Colony for six months as an idle and disorderly person. This order was subsequently set aside on review by the Supreme Court but only after the young man had languished in gaol for seven weeks, with serious repercussions to his poor health.....

Pernicious face of aggrtheid

The breaking up of African homes and families and the forcible separation of children from mothers, the harsh treatment meted out to African prisoners, and the forcible detention of Africans in farm colonies for spurious statutory offences are a few examples of the actual workings of the hideous and pernicious doctrines of racial inequality. To these can be added scores of thousands of foul misdeeds committed against the people by the Government: the denial to the non-European people of the elementary rights of free citizenship; the expropriation of the people from their lands and homes to assuage the insatiable appetites of European land barons and industrialists; the flogging and calculated murder of African labourers by European farmers in the countryside for being "cheeky to the base"; the vicious manner in which African workers are beaten up by the police and flung into gaols when they down tools to win their demands; the fostering of contempt and hatred for non-Europeans, the tanning of racial prejudice between whites and non-whites, between the various non-white groups; the splitting of Africans into small hostile tribal units; the instigation of one group or tribe against another; the banning of active workers from the people's organizations, and their confinement into certain areas.

All these misdemeanours are weapons resorted to by the mining and farming cliques of this country to protect their interests and to prevent the rise of an all-powerful organized mass struggle. To them, the end justifies the means, and that end is the creation of a vast market of cheap labour for the farms. That is why homes are broken up and people are removed from cities to the countryside to ensure enough labour for the farms. That is why non-European political opponents of the Government are treated with such brutality. In such a set-up, African youth with distinguished scholastic careers are not a credit to the country, but a serious threat to the governing circles, for they may not like to descend to the bowels of the earth and cough their lungs out to enrich the mining magnates, nor will they elect to dig potatoes on farms for wretched rations.

Unite in struggle for liberation

Nevertheless, these methods are failing to achieve their objective. True enough they have scared and deterred certain groups and individuals, and at times even upset and temporarily dislocated our plans and schemes.

But they have not halted the growing struggle of the people for liberation. Capable fighters and organizers are arising from amongst the people. The people are increasingly becoming alive to the necessity of the solidarity of all democratic forces regardless of race, party affiliation, religious beliefs, and ideological conviction. Taking advantage of this situation, the people's organizations have embarked on a broad programme of mutual co-operation and closer relations. The Freedom Charter recently adopted by people of all races and from all walks of life now forms the ground-plan for future action.

However, the fascist regime that governs this country is not meeting this situation with arms folded.

Cabinet ministers are arming themselves with inquisitorial and arbitrary powers to destroy their opponents and hostile organizations. They are building a nonparty State, the essence of which is the identification of the Nationalist Party with State power. All opposition to the Nationalists has been deemed opposition to the State. Every facet of the national life is becoming subordinated to the overriding necessity of the party's retention of power. All constitutional safeguards are being thrown overboard and individual liberties are being ruthlessly suppressed. Lynchings and pogroms are the logical weapons to be resorted to, should the onward march of the liberation movement continue to manifest itself. The spectre of Bel36n and Buchenwald is haunting South Africa. It can only be repelled by the united strength of the people of South Africa. Every situation must be used to raise the people's level of understanding. If attacks on the people's organizations, if all discriminatory measures, be they the Industrial Conciliation Amendment Act, Bantu Education, or the classification of the Coloured people, are used as a rallying point around which a united front will be built, the spectre of Belsen and Buchenwald will i never descend upon us.

OUTLAW IN MY OWN LAND

Zietter.released on 26 June 1961 from underground headquartergi
The magnificent response to the call of the National Action Council for a three-day strike and the wonderful work done by our organizers and field workers throughout the country proves once again that no power on earth can stop an oppressed people determined to win freedom. Today is 26 June, a day known throughout the length and breadth of our country as Freedom Day. It is fit and proper that on this historic day I should speak to you and announce fresh plans for the opening of the second phase in the fight against the Verwoerd Republic, and for a National Convention. Non-collaboration is our weagon

You will remember that the Pietermaritzburg resolutions warned that if the Government did not call a National Convention before the end of May 1961, Africans, Coloureds, Indians, and European democrats would be asked not to collaborate with the Republic or any Government based on force. On several occasions since then the National Action Council explained that the last strike marked the beginning of a relentless mass struggle for the defeat of the Nationalist Government, and for a sovereign multiracial convention. We stressed that the strike would be followed by other forms of mass pressure to force the race maniacs who govern our beloved country to make way for a democratic government of the people, and for the people.

A full-scale and country-wide campaign of non-co-operation with the Government will be leunehed immediately. The precise form of the contemplated actions, its scope and dimensions and duration, will be announced to you at the appropriate time. At the present moment it is sufficient to say that we plan to make government impossible. Those who are voteleae cannot be expected to continue paying taxes to a Government which is not responsible to them. People who live in poverty and starvation cannot be expected to pay exorbitant house rent: to the Government and local authorities. We furnish the sinewa of agriculture and industry. We produce the work of the gold mines, the diamonds and the coal, of the farms and industry, in return for miserable wages.

Why should we continue enriching those who steal the products of our sweat and blood? Those who exploit us and refuse us the rights to organize trade unions? Those who side with the Government when we-stage peaceful demonstrations to assert our claims and aspirations? How can Africans serve on school boards and committees which are part of "Bantu Education",e sinister scheme of the Nationalist Government to deprive the African people of real education in return forvtribal education? Can Africans be expected to be content with serving on advisory boards and Bantu Authorities when the demand all over the continent of Africa is for national independence and eelf-government? Is it not an affront to the African people that the Government should now seek to extend Bantu Authorities to the cities, when people in the rural areas have refused to accept the same system and fought against it tooth and nail? Which African does not burn with indignation when thousands of our people are sent to geol every month under cruel pass laws? Why should we continue carrying badges of slavery?

Non-collaboration is a dynamic weapon. We must refuse. We must use this weapon to send this Government to the grave. It must be used vigorously and without delay. The entire resources of the black people must be mobilized to withdraw all co-operation with the Nationalist Government. various forms of industrial and economic action will be employed to undermine the already tottering economy of the country. We will call upon the international bodies to expel South Africa and upon nations of the world to sever economic and diplomatic relations with the country.

The struggle is 2! life

I an informed that a warrant for my arrest has been issued, and that the police are looking for me. The National Action Council has given full and serious consideration to this question, and has sought advice of many trusted friends and bodies and they have advised me not to surrender myself. I have accepted this advice and will not give myself up to a Government I do not recognize. Any serious politician will realize that, under the preaent-day conditions in this country

to seek for cheap martyrdom by handing myself to the police is naive and criminal. We have an important programme before us and it is important to carry it out very seriously and without delay.

I have chosen this latter course which is more difficult and which entails more risk and hardship than sitting in 3301 I have had to separate myself from my dear wife and children, from my mother and sisters, to live as an outlaw in my own land. I have had to close my business, to abandon my profession, and to live in poverty and misery, as many of my people are doing. I will continue to act as the spokesman of the National Action Council during the phase that is unfolding and in the tough struggles that lie ahead.

I shall fight the Government side by side with you, inch by inch, and mile by mile, until victory is won.

What are you going to do? Will you come along with us, or are you to co-operate with the Government in its efforts to suppress the claims and aspirations of your own people? Or are you going to remain silent and neutral in a matter of life and death to my people, to our people?

For my part I have made the choice, I will not leave South Africa, nor will I surrender. Only through hardship, sacrifice and militant action can freedom be won. The struggle is my life. I will continue fighting for freedom until the end of my days.

BLACK MAN IN A WHITE COURT

statement to the court, November 1962 (extract);

Your Worship, I have elected to conduct my own defence. Some time during the progress of these proceedings, I hope to be able to indicate that this case is a trial of the aspirations of the African people, and because of that I thought it proper to conduct my own defence...

The point I wish to raise in my argument is based not on personal considerations, but on important questions that go beyond the scope of the present trial. I might also mention that in the course of this application I am frequently going to refer to the white man and the white people. I want at once to make it clear that I am no racist, and I detest racialism, because I regard it as a barbaric thing, whether it comes from a black man or from a white man. The terminology that I am going to employ will be compelled on me by the nature of the application I am making.

No equality before the law

I want to apply for Your Worship's recusal from this case. I challenge it because I fear that I will not be given a fair and proper trial. Secondly, I consider myself neither legally nor morally bound to obey laws made by a Parliament in which I have no representation.

In a political trial such as this one, which involves a clash of the aspirations of the African people and those of the whites, the country's courts, as presently constituted, cannot be impartial and fair. In such cases, whites are interested parties. To have a white Judicial officer presiding, however high his esteem, and however strong his sense of fairness and Justice, is to make whites Judges in their own case. It is improper and against the elementary principles of Justice to entrust whites with cases involving the denial by them of basic human rights to the African people.

What sort of Justice is this that enables the aggrieved to sit in Judgement over those against whom they have laid a charge? A . Judiciary controlled entirely by whites and enforcing laws enacted by a white Parliament in which Africans have no representation - laws which in most cases are passed in the face of unanimous opposition from Africans....

lfhere the magistrate interruptei;7

In its proper meaning equality before the law means the right to participate in the making of the laws by which one is governed, a constitution which guarantees democratic rights to all sections of the population, the right to approach the court for protection or relief in the case of the violation of rights guaranteed in the constitution, and the right to take part in the administration of Justice as Judges, magistrates, attorneys-general, law advisers, and similar positions.

In the absence of these safeguards the phrase "equality before the law", in so far as it is intended to apply to us, is meaningless and misleading. All the rights and privileges to which I have referred are monopolized by whites, and we enjoy none of them. The white man makes all the laws, he drags us before his courts and accuses us, and he sits in Judgement over us.

It is fit and proper to raise the question sharply, what is this rigid colour-bar in the administration of Justice? Why is it that in this courtroom to face a white magistrate, confronted by a white prosecutor, and escorted into the dock by a white orderly? Can anyone honestly and seriously suggest that in this type of atmosphere the scales of Justice are evenly balanced?

Why is it that no African in the history of this country has ever had the honour of being tried by his own kith and kin, by his own flesh and blood?

I will tell Your Worship why: the real purpose of this rigid colour-bar is to ensure that the Justice dispensed by the courts should conform to the policy of the country, however much that policy might be in conflict with the norms of Justice accepted in Judiciaries throughout the civilized world.

I feel oppressed by the atmosphere of white domination that lurks all round in this courtroom. Somehow this atmosphere calls to mind the inhuman injustices caused to my people outside this courtroom by this white domination. It reminds me that I am voteless because there is a Parliament in this country that is white-controlled. I am without land because the white minority has taken a lion's share of my country and forced me to occupy poverty-stricken Reserves, over-populated and over-stocked. We are ravaged by starvation and disease...

LInterruption by the Magistrate?

How can I be expected to believe that this same race discrimination, which has been the cause of so much injustice and suffering right through the years, should now operate here to give me a fair and proper trial? Is there no danger that an African may regard these courts, not as impartial tribunal dispensing Justice without fear or favour, but as instruments used by the white man to punish those among us who clamour for deliverance from the fiery furnace of white rule?

I have grave fears that this system of Justice may enable the guilty to drag the innocent before the courts. It enables the unjust to prosecute and demand vengeance against the Just. This is the first ground of my objection: I will not be given a fair and proper trial. The second ground of my objection is that I consider myself neither morally nor legally obliged to obey laws made by a Parliament in which I am not represented...

I hate race discrimination most intensely and in all its manifestations. I have fought it all during my life; I fight it now, and will do so until the end of my days...I detest most violently the set-up that surrounds me here. It makes me feel that I'm a black man in a white man's court. This should not be. I should feel perfectly at ease and at home with the assurance that I am being tried by a fellow South African who does not regard me as an inferior entitled to a special type of Justice...

Struggle against racism and for freedom is our highest morality

I have yet another difficulty... Broadly speaking, Africans and whites in this country have no common standard of fairness, morality and ethics, and it would be very difficult to determine on my part what standard of fairness and Justice Your Worship has in mind. In their relationship with us, South African whites regard it as fair thd Just to pursue policies which have outraged the conscience of mankind and of honest and upright men throughout the civilized world. They suppress our aspirations, bar our way to freedom and deny us opportunities to promote our moral and material progress, to secure ourselves from fear and want. All the good things of life are reserved for the white folk and we blacks are expected to be content to nourish our bodies with such pieces of goods as drop from the tables of men with white skins. This is the white man's standard of Justice and fairness.

Herein lies his conception of ethics. Whatever he himself may say in his defence, the white man's moral standards in this country must be judged by the extent to which he has condemned the vast majority of its inhabitants to serfdom and inferiority.

We, on the other hand, regard the struggle against colour discrimination and for the pursuit of freedom and happiness as the highest aspiration of all men. Through bitter experience, we have learnt to regard the white man as a harsh and merciless type of human being whose contempt for our rights, and whose utter indifference to the promotion of our welfare, makes his assurances to us absolutely meaningless and hypocritical.

I have the hope and confidence that Your Worship will not hear this objection lightly nor regard it as frivolous. I have decided to speak frankly and honestly because the injustice I have referred to contains the seeds of an extremely dangerous situation for our country and people. I make no threat when I say that unless these wrongs are remedied without delay, we might well find that even plain talk before the country's courts is too timid a method to draw the attention of the country to our political demands...

Eh: I joined the liberation struggle

I am charged with inciting the people to commit an offence by way of protest against the law, a law which neither I nor any of my people had any say in preparing. The law against which the protest was directed is the law which established a Republic in the Union of South Africa. I am also charged with leaving the country without a passport. This Court has found that I am guilty of incitement to commit an offence in opposition to this law as well as of leaving the country. But in weighing up the decision as to the sentence which is to be imposed for such an offence, the Court must take into account the question of responsibility, whether it is I who is responsible or whether, in fact, a large measure of the responsibility does not lie on the shoulders of the Government which promulgated that law, knowing that my people, who constitute the majority of the population of this country, were opposed to that law, and knowing further that every legal means of demonstrating that opposition had been closed to them by prior legislation, and by Government administrative action...

The Court is aware of the fact that I am an attorney by profession and no doubt the question will be asked why I, as an attorney who is bound, as part of my code of behaviour, to observe the laws of the country and to respect its customs and traditions, should willingly lend myself to a campaign whose ultimate aim was to bring about a strike against the proclaimed policy of the Government of this country.

In order that the Court shall understand the frame of mind which leads me to action such as this, it is necessary for me to try to make this Court aware of the factors which influenced me in deciding to act as I did.

Many years ago, when I was a boy brought up in my village in the Transkei, I listened to the elders of the tribe telling stories about the good old days, before the arrival of the white man. Then our people lived peacefully, under the democratic rule of their kings and their "amapakati". and moved freely and confidently up and down the country without let or hindrance. Then the country was ours, in our own name and right. We occupied the land, the forests, the rivers; we extracted the mineral wealth beneath the soil and all the riches of this beautiful country. We set up and operated our own Government, we controlled our own armies and we organized our own trade and commerce. The elders would tell tales of the wars fought by our ancestors in defence of the fatherland, as well as the acts of valour performed by generals and soldiers during those epic days. The names of Dingane and Bambata, among the Zulus, of Hintsa, Makana and Ndlambe of the Amakhosa, of Sekhukhuni and others in the north, were mentioned as the pride and glory of the entire African nation. I hoped and vowed then that, among the treasures that life might offer me would be the opportunity to serve my people and make my own humble contribution to their freedom struggles.

The structure and organization of early African societies in this country fascinated me very much and greatly influenced the evolution of my political outlook. The land, then the main means of production, belonged to the whole tribe, and there was no individual ownership whatsoever. There were no classes, no rich or poor and no exploitation of man by man. All men were free and equal and this was the foundation of the government. Recognition of this general principle found expression in the constitution of the council, variously called Imbizo, or Pitso, or Kgotla, which governed the affairs of the tribe. The council was so completely democratic that all members of the tribe could participate in its deliberations. Chief and subject, warrior and medicine man, all took part and endeavoured to influence its decisions. It was so weighty and influential a body that no step of any importance could ever be taken by the tribe without reference to it.

There was much in such a society that was primitive and insecure and it certainly could never measure up to the demands of the present epoch. But in such a society are contained the seeds of revolutionary democracy in which none will be held in slavery or servitude, and in which poverty, want and insecurity shall be no more. This is the inspiration which, even today, inspires me and my colleagues in our political struggle.

When I reached adult stature, I became a member of the African National Congress. That was in 1918 and I have followed its policy, supported it, and believed in its aims and outlook for 18 years.

Its policy was one which appealed to my deepest inner convictions. It sought for the unity of all Africans, overriding tribal differences among them. It sought the acquisition of political power for Africans in the land of their birth. The African National Congress further believed that all people, irrespective of the national groups to which they may belong, and irrespective of the colour of their skins, all people whose home is South Africa and who believe in the principles of democracy and of the equality of men should be treated as Africans; that all South Africans are entitled to live a free life on the basis of fullest equality of the rights and opportunities in every field, of full democratic rights, with a direct say in the affairs of the Government.

These principles have been embodied in the Freedom Charter, which none in this country will dare challenge for its place as the most democratic programme of political principles ever enunciated by any political party or organization in this country. It was for me a matter of Joy and pride to be a member of an organization which has proclaimed so democratic a policy and which campaigned for it militantly and fearlessly. The principles enumerated in the Charter have not been those of African people alone, for whom the African National Congress has always been the spokesman. Those principles have been adopted as well by -the Indian people and the South African Indian Congress; by a section of the Coloured people, through the South African Coloured People's Congress; and also by a far-sighted, forward-looking section of the European population, whose organization in days gone by was the South African Congress of Democrats. All these organizations, like the African National Congress, supported completely the demand for one man, one vote...

The law versus our conscience

Your Worship, I would say that the whole life of any thinking African in this country drives him continuously to a conflict between his conscience on the one hand and the law on the other...The law as it is applied, the law as it has been developed over a long period of history, and especially the law as it is written and designed by the Nationalist Government, is a law which, in our view, is immoral, unjust and intolerable. Our consciences dictate that we must protest against it, that we must oppose it, and that we must attempt to alter it...

Throughout its 50 years of existence the African National Congress has done everything possible to bring its demands to the attention of successive South African Governments. It has sought at all times peaceful solutions for all the country's ills and problems. The history of the ANC is filled with instances where deputations were sent to South African Governments either on specific issues or on the general political demands of our people.....

This statesmanlike and correct behaviour on the part of the leader . of the majority of the South African population did not find an appropriate answer from the leader of the South African Government... In a civilized country one would be outraged by the failure of the head of Government even to acknowledge receipt of a letter, or to consider such a reasonable request put to him by a broadly representative collection of important

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personalities and leaders of the most important community of the country. Once again, Government standards in dealing with my people fell below what the civilized world would expect. No reply, no response whatsoever, was received to our letter, no indication was even given that it had received any consideration whatsoever.

Here we, the African people, and especially we of the National Action Council, who had been entrusted with the tremendous responsibility of safeguarding the interests of the African people, were faced with the conflict between the law and our conscience. In the face of the complete failure of the Government to heed, to consider, or even to respond to our seriously proposed objections and our solutions to the forthcoming Republic, what were we to do? Were we to allow the law which states that you shall not commit an offence by way of protest to take its course and thus betray our conscience and our belief? Were we to uphold our conscience and our beliefs to strive for what we believe is right, not Just for us, but for all the people who live in this country, both the present generation and for generations to come, and thus transgress against the law? This is the dilemma which faced us and, in such a dilemma, men of honesty, men of purpose, and men of public morality and of conscience can only have one answer. They must follow the dictates of their conscience irrespective of the consequences which might overtake them for it. We of the Action Council, and I particularly as Secretary, followed our conscience.

If I have my time over I would do the same again, so would any man who dares call himself a man. We went ahead with our campaign as instructed by the conference and in accordance with its decisions....

We were inspired by the idea of bringing into being a democratic republic where all South Africans will enjoy human rights without the slightest discrimination; where African and non-African would be able to live together in peace, sharing a common nationality and a common loyalty to this country, which is our homeland. For these reasons we were opposed to the type of republic proposed by the Nationalist Party Government, Just as we had been opposed previously to the constitutional basis of the Union of South Africa as part of the British Empire. We were not prepared to accept, at a time when constitutional changes were being made, that these constitutional changes should not affect the real basis of a South African constitution, white supremacy and white domination, the very basis which has brought South Africa and its constitution into contempt. and disrepute throughout the world....

03; straggle will not be deterred

I wish again to return to the question of why people like me knowing all this, knowing in advance that this Government is incapable of progressive democratic moves, so far as our people are concerned; knowing that this Government is incapable of reacting towards us in any way other than by the use of overwhelming brute force, why I, and people like me, nevertheless, decide to go ahead to do what we must.

We have been conditioned to our attitudes by the history of white Governments in this country to accept the fact that Africans, when they make their demands strongly and powerfully enough to have some chance of success, will be met by force and terror on the part of the Government.

This is not something we have taught the African people, this is something the African people have learned from their own bitter experience. We learned it from each successive Government. We learned it from the Government of General Smuts at the time of two massacres of our people: the 1921 massacre in Bulhoek when more than 100 men, women and children were killed; and from the 1923 massacre - the Bondelswar massacre in South West Africa, in which some 200 Africans were killed. We have continued to learn it from every successive Government.

Government violence can do only one thing and that is to breed counter-violence! We have warned repeatedly that the Government, by resorting continually to violence, will breed, in this country, counter-violence amongst the people till ultimately - if there is no dawning of sanity on the part of the Government - ultimately, the dispute between the Government and my people will finish up by being settled in violence and by force.

Already there are indications in this country that people, my people, Africans, are turning to deliberate acts of violence and of force against the Government, in order to persuade the Government in the only language which this Government shows, by its own behaviour, that it understands.

i Elsewhere in the world, a court would say to me, "You should have made representations to the Government". This Court, I am confident, will not say so. Representations have been made, by people who have gone before me, time and time again. Representations were made in this case by me; I do not want again to repeat the experience of those representations. The Court cannot expect a respect for the processes of representation and negotiation to grow amongst the African people, when the Government shows every day, by its conduct, that it despises such processes and frowns upon them and will not indulge in them. Nor will the Court, I believe, say that, under the circumstances, my people are condemned forever to say nothing and to do nothing. If this Court says that, or believes it, I think it is mistaken and deceiving itself. Men are not capable of doing nothing, of saying nothing, of not reacting to injustice, of not protesting against oppression, of not striving for the good society and the good life in the ways they see it. Nor will they do so in this country...

I do not believe, Your Worship, that this Court, in inflicting penalties on me for the crimes for which I am convicted, should be moved by the belief that penalties deter men from the course that they believe is right. History shows that penalties do not deter men when their conscience is aroused, nor will they deter my people or the colleagues with whom I have worked before.

I am prepared to pay the penalty even though I know how bitter and desperate is the situation of an African in the prisons of this country. I have been in these prisons and I know how gross is the discrimination, even behind the prison walls, against Africans, how much worse is the treatment meted out to African prisoners than that accorded to whites.

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Nevertheless, these considerations do not sway me from the path that I have taken, nor will they sway others like me. For, to men, freedom in their own land is the pinnacle of their ambitions, from which nothing can turn men of conviction aside.

More powerful than my fear of the dreadful conditions to which I might be subjected is my hatred for the dreadful conditions to which my people are subjected outside prison throughout this country. I hate the practice of race discrimination, and in my hatred I am sustained by the fact that the overwhelming majority of mankind hate it equally. I hate the systematic inculcation of children with colour prejudice, and I am sustained in that hatred by the fact the the overwhelming majority of mankind, here and abroad, are with me in that. I hate the racial arrogance which decrees that the good things in life shall be retained as the exclusive right of a minority of the population, and which reduces the majority of the population to a position of subservience and inferiority and maintains them as voteless chattels to work where they are told and behave as they are told by the ruling minority. I am sustained in that hatred by the fact that overwhelming majority of mankind both in this country and abroad are with me.

Nothing that this Court can do to me will change in any way that hatred in me, which can only be removed by the removal of the injustice and inhumanity which I have sought to remove from the political, social and economic life of this country. Whatever sentence Your Worship sees fit to impose upon me for the crime for which I have been convicted before this Court, may it rest assured that when my sentence has been completed, I will still be moved, as men are always moved, by my conscience; I will still be moved by my dislike of the race discrimination against my people when I come out from serving my sentence, to take up again, as best I can, the struggle for the removal of those injustices until they are finally abolished once and for all...

I AM PREPARED TO DIE

iTStatement from the dock during the Rivonia Trial, 20 April 196h.;7

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The Rivonia Trial

I am the gifst accused. ////

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I hold a Bachelor's Degree in Arts practised as an attorney in Johanhenhrg for a number of years in p nership with Oliver Tambo. I am a convicted prisoner serving five years for leaving the counthy/without a permit and for inciting people to go/on strike at the end gf/May 1961.

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At the outset, I want to say that the suggestion miae by the State in its opening address that the struggle in South Africa is under the influence of foreigners or communists is wholly incorrect. I have done whatever I did,