'I Shall Obey the Orders of My Leaders'

This chapter is an attempt to understand the development of the multi-racial political opposition between the Defiance Campaign of 1952 and the sabotage campaign that ended its open presence in South African politics. It is an attempt to argue, first, for the coherence of the political opposition in this period and, second, for the centrality, coherence and continuity of certain ideas of violence through this period of protest. Although the period is regularly split apart in 1960 – with the sudden increase in State violence, the banning of the African National Congress and the Pan-Africanist Congress, and the decision of both organisations to permit their members to act violently – this chapter is an attempt to consider the period as a whole. This is not to argue that the 'turn to violence' is of no importance; rather it is an attempt to reconsider it within its context.

First, this chapter will trace the development of a new form of political protest through this period. Beginning in 1949, a series of developments reshaped the norms of protest: for the first time in the history of black political opposition, a policy of active confrontation with the government and State was adopted. Extra-legal tactics became the norm; letter-writing became a matter of alerting the government to proposed actions rather than a matter of asking for consideration and change. The black political opposition to the Apartheid State thus began to assert an new form of agency through a new form of action: one that did not accept the limits on organisation and protest imposed by the State. This confrontational form of protest continued through the extra-legal Defiance Campaign of 1952, though into the illegal sabotage campaigns of the 1960s.

In addition, the nature of that political opposition changed to accommodate the increasing unwillingness of black activists to work within the framework imposed by the State: the African National Congress began to co-operate on multi-racial protests with other Congress movement in the country. These included, most notably, the South African Indian Congress, the white Congress of Democrats, the South African Coloured People's Organisation, and the South African Congress of Trade Unions. Although all institutions were required to only accept members from within their respective race-groups, the Congress alliance itself was multi-racial. Beyond sharing the term 'congress' these organisations all shared this vision of a multi-racial South Africa; they also shared a set of organisational and institutional assumptions that shaped certain elements of protest in this period. The most significant aspect of these institutional norms was the belief in ordered, disciplined, and obedient membership beneath an ordered, disciplined and enlightened leadership: the most visible form of this was the institution of volunteers. These were elite members of the organisations, selected for their disciplined willingness to obey the orders of their leaders – to risk their freedom and, sometimes, their lives.

This chapter thus uses the institution of volunteers within the Congress alliance – whether called the volunteer corps, Freedom Volunteers, or the National Volunteer Board – to trace the contours of this form of political organisation and protest. The instructions given to these volunteers, too, provide an entry into the second aspect of political opposition under consideration in the course of this chapter: that is, the contours of the shared ideas and understandings about the nature and limits of violence in this period.

This chapter will contend that these shared ideas and understandings were notably coherent and consistent throughout this period: that the instructions given to volunteers in the Defiance Campaign reveal the same understanding of the nature and limits of violence as the instructions given to cadres of Umkhonto weSizwe ten years later. In these instructions, violent action is depicted as something that can be chosen or rejected: one can choose to act violently or to refuse to act violently. Violence is containable within the limits of these instructions, so long as discipline and order is maintained. The targets of violence can be identified, for the cadres of Umkhonto, and only those target may be attacked: there is no possibility for violence to escape these bounds, to exceed the limits placed upon it by the leaders of the movement. Both violence and non-violence, in other words, were tools towards another end: neither could stand as an end in themselves.

Both of these aspects of political opposition and protest will be considered through a focussed narrative history of the period under study, beginning with the first movement of the Congresses toward a confrontational form of protest and concluding with a consideration of the intentional limits of the violence deployed in the sabotage campaign.

Confrontation and Defiance

The period after 1960 has been enshrined as the pivotal moment in the history of organised political opposition to the Apartheid State. It may be, though, that the decisive break with the relatively-genteel tradition of protests led by the African National Congress took place in 1949 when its newly-ascendant Youth League drew up a Programme of Action – and saw this Programme adopted by the national Congress.

The Youth League was founded in 1944, issuing a manifesto, a 'Trumpet Call to Youth', and a constitution. In this first period, the Youth League was closely associated with Africanist thought within the ANC – of its founding members, A.M. Lembede was active in this field although the others, including Sobukwe and Tambo, were seen as fellow-travellers.[1] By the time of the 1948 Basic Policy document issued by the League, however, it divided African Nationalism into 'two streams': an exclusive stream, centred around the slogan 'Africa for the Africans!' and another, now professed by the Youth League, that was 'moderate' and stressed that the purpose of winning 'National freedom for African people' was to create 'a people's free society where racial oppression and persecution will be outlawed'. This formulation did not explicitly call for joint action but – unlike in some earlier statements – acknowledged that Indians and Coloureds also suffered 'group oppression' and that they should not be regarded as either 'intruders or enemies'.[2] This was not an acceptance of co-operation, but did open the doors for it.

[1] Gail M. Gerhart, *Black Power in South Africa: The Evolution of an Ideology*, University of California Press, Berkeley and Los Angeles, 1978. See Chapter 3: Lembede and the ANC Youth League, 1943-1949.
[2] Thomas Karis and Gwendolyn M. Carter (series eds.), *From Protest to Challenge: A Documentary History of African Politics in South Africa, 1882-1990: Volume 2: Hope and Challenge, 1935-1952*. Thomas Karis. Hoover Institution Press, Stanford, 1973. Document 75. 'Basic Policy of Congress Youth League.' Manifesto issued by the National Executive Committee of the ANC Youth League, 1948. 323-330.

The ascendancy of the Youth League in the ANC's internal politics can be traced to this period of increasing moderation and, more specifically, to the 'Programme of Action' issued by the League early in 1949 and adopted at the ANC's annual conference in December of that year. This document laid the foundation for a new vision of protest: one that was not dependent on the goodwill of the government but sought, instead, to organise the mass of black South Africans. The Programme called for 'the abolition of all differential political institutions' and suggested that the 'following weapons' be employed: 'immediate and active boycott, strike, civil disobedience, non-co-operation and such other means as may bring about the accomplishment and realisation of our aspirations.'[3] This vision of political action was far removed for those of earlier generations within the ANC – confrontation was now recognised as the order of the day.

The adoption of this Programme of Action at the ANC's national conference suggested, as early as December 1949, that its central committees were already moving in this direction. In part, this was due to a change in the leadership of the ANC as many senior figures in the Youth League were elected to national leadership positions: most notably, Walter Sisulu became the secretary-general of the ANC at the same 1949 conference. Over the next two years, not only the African National Congress but also its allies in the South African Indian Congress and other congress movements adopted this new policy of confrontation. The most explicit sign of this process was the formation of a Joint Planning Council of the ANC and SAIC, delegated by both bodies to develop a shared programme of action based largely on the 1949 Youth League document. The principal aim of this process was to 'declare war on Pass Laws and Stock Limitation, the Group Areas Act, the Voter's Representation Act, the Suppression of Communism Act and the Bantu Authorities Act' and the Council's report was to contain a detailed and lengthy outline of the proposed means of doing so – not just a strategy, but also a set of tactics.[4]

The JPC, under the chairmanship of J.S. Moroka and with the participation of Y.M. Dadoo and Y. Cachalia of the SAIC and J.B. Marks and Walter Sisulu of the ANC, presented their report in November of 1951. This called for a campaign for the Defiance of Unjust Laws and, for the first time, set out a long-term strategy for such a campaign:

> *Three stages of Defiance of Unjust Laws:-*
> *(a) First Stage. Commencement of the struggle by calling upon selected and trained persons to go into action in the big centres, e.g., Johannesburg, Cape Town, Bloemfontein, Port Elizabeth and Durban.*
> *(b) Second Stage. Number of volunteer corps to be increased as well as the number of centres of operation.*
> *(c) Third Stage. This is the stage of mass action during which as far as possible, the struggle should broaden out on a country-wide scale and assume a*

[3] Karis and Carter, *From Protest to Challenge, Volume 2*. Document 60. 'Programme of Action.' Statement of Policy adopted at the ANC Annual Conference, December 17, 1949. 337-339.
[4] Karis and Carter, *From Protest to Challenge, Volume 2.* Document 86. Report of the Joint Planning Council of the ANC and the South African Indian Congress, signed by Dr J.S. Moroka, J.B. Marks, W.M. Sisulu, Dr Y.M. Dadoo, and Y. Cachalia, November 8, 1951. 458-465.

general mass character. For its success preparation on a mass scale to cover the people both in the urban and rural areas would be necessary.

At least two elements of this strategy are of particular interest: first, that despite the prominence of the Stock Limitation Act in the original list of laws to be defied, rural action remained very much an afterthought. In practice, the Congress movements were substantially based in the five centres listed and – instead of immediately embarking on an expansion of their membership – the Council decided to use the already-existing structures as the basis for the organisation of the Defiance Campaign. This limitation of scope was obviously practical and necessary, but did postpone the development of a true mass base until an undefined future moment in which the struggle would 'broaden out'.

The second notable element of this strategy likewise acted to limit the immediate potential of mass action: rather than pre-emptively expand the active membership of the Congress movements, an elite corps of volunteers was to be recruited from within the current membership. There is little apparent record of how the mass of volunteers were selected for the Defiance Campaign; for the slightly later institution of the Freedom Charter it is clear that volunteers put their names forward for consideration by branch chairmen and provincial authorities within the movements.[5] These volunteers would need to have a greater commitment to the organisations involved than ordinary members: they would be risking their freedom and, indeed, their bodily integrity by signing up for these protests. They would need to be disciplined and organised; they would need to be dedicated and devoted. They would need to see themselves as an elite – in part, because such a self-perception was necessary to encourage people to take these great risks.

Violence and the Volunteers (1): The Defiance Campaign

Given the close association between the Defiance Campaign and its non-violent methods of protest, the absence of any explicit statement of this association – or of any binding commitment to non-violent means of protest – from the Report of the Joint Planning Council is notable.[6] At no point in this document – whether in the sections immediately concerned with the first phase of the campaign and its volunteer corps, or in those concerned with the long-term strategy of a three-stage development of protest – does the concept of non-violent means of struggle occur. (Neither, of course, does the question of violent means of struggle.) Instead, the whole question of violence and non-violence is subsumed into a broader discourse on discipline, authority, obedience and leadership.

In the original Report, a full section was dedicated to outlining the organisational structure of the proposed Volunteer Corps: first, the corps were to be organised 'under the direction of the Joint Executives, a Provincial, Regional or where possible Local Council' – thus establishing their relationship under the existing political structures of the

[5] University of the Witwatersrand Historical Papers. Records of the Treason Trial. (AD 1812): Treason Trial Exhibits: Congress of the People, National Volunteer Board (Eg.3.1): 'Enrolment Form'.
[6] Leo Kuper, *Passive Resistance in South Africa*, Yale University Press, New Haven, 1957; Edward Feit, *African Opposition in South Africa: The Failure of Passive Resistance*, Hoover Institution Press, Stanford, 1967; Tom Lodge, *Black Politics in South Africa since 1945*, Ravan Press, Johannesburg, 1983.

various Congresses. From this point, the first task of these councils was to nominate 'a leader to be in charge of each volunteer corps for the maintenance of order and discipline in terms of the "code of discipline" and for leading the corps into action…' Further details were included: the corps were 'to consist of members of both sexes', they should wear 'the colours of the African National Congress' as emblems, and each unit of the Volunteer Corps should 'consist of members of the organisation to which they belong, viz., ANC, SAIC, FAC…' This last established not just the organisational, but also the racial, separation of the various volunteers from the various Congresses. In part this seems intended to preserve existing organisational structures. However, the final point read that: 'in certain cases, where a law or regulation to be defied applies commonly to all groups, a mixed unit may be allowed to be formed…'[7] As with the gradual moderation of the Youth League's original exclusive African Nationalism, this seems to have opened up the space for non-racial organisation – without necessarily starting it.

At the start of the Campaign, a Day of Volunteers was called for Sunday, 22 June 1952. Mass meetings were held in Port Elizabeth and Durban, amongst others. At these mass meetings, after prayers, the following pledge was apparently signed by the volunteers:

> *I, the undersigned, Volunteer of the National Volunteer Corps, do hereby solemnly pledge and bind myself to serve my country and my people in accordance with the directives of the National Volunteer Corps and to participate fully and without reservations to the best of my ability in the Campaign for the Defiance of Unjust Laws. I shall obey the orders of my leader under whom I shall be placed and strictly abide by the rules and regulations of the National Volunteer Corps framed from time to time. It shall be my duty to keep myself physically, mentally and morally fit.*[8]

Once again, there was no mention of violence or of non-violence: insofar as any such discourse existed in the meetings, for the volunteers it may have been assumed to follow as a consequence from the discipline of obedience and moral fitness that they pledged.

It is difficult to tell from the records of this period, however, whether non-violence was – at this early moment – a particular concern of either the leaders of the Campaign, or of its volunteers. Indeed, as Kuper suggests in *Passive Resistance in South Africa*, 'the choice of passive resistance as a form of struggle appears for have been governed by considerations of expediency rather than by the ethic of Satyagraha.'[9] Few of the various statements by leaders of the Congresses articulate any principled commitment – at this stage – to passive or non-violent resistance; in fact, some of the statements collected at public meetings seem to suggest the opposite, for example, in a speech given in June:

[7] Karis and Carter, *From Protest to Challenge, Volume 2*. Document 60. Op cit.
[8] Karis and Carter, *From Protest to Challenge, Volume 2.* 418.
[9] Kuper, *Passive Resistance.* 103.

> *If in this country violence is to come we shall not allow the white man to tell us where the battlefield will be. The white man will not choose the time. I say if violence must come, the African will choose the time and the battlefield.*[10]

The speaker finished his peroration on a marginally different note: 'But I repeat, violence is not contemplated. We say this campaign is going to be peaceful.' His first statements may have been unusually explicit, but there is no compelling reason to think that they were not commonly shared. The refusal to act violently – or, more precisely, to react violently – was not necessarily a moral act but rather a perhaps temporary tactical choice.

Indeed, much of the emphasis on the conduct of volunteers in the Defiance Campaign was predicated on the overall belief that – while some violence on the part of the police was to be expected – by and large, the law would work efficiently and effectively. Volunteers were to present themselves for arrest; they were to choose prison over fines; and they were to make the best use possible of the courtroom for articulating their understanding of the injustice of the very specific laws and acts which they had defied. For this tactic to work, the State and the police – as well as the volunteers – were expected to respect the conventions of the law. Any breakdown in this informal contract would lead to the collapse of the campaign: tactical non-violence may require such legal conventions. Without either the expectation of due process from the police and judicial bench or without an extreme commitment to self-sacrifice – to the point of laying one's life down, in Gandhian hyperbole – the tactics of non-violence are notably unattractive.

It may be that at this time the Congresses had not given much thought to violence at all: the absence of discussion and debate about violence, its limits and its potential causes is notable. So too is the extent to which the Congresses were unprepared for the violence which occurred in the course of the riots which broke out in Port Elizabeth, Kimberley and East London in October and November of 1952. In these riots alleged stone-throwing on the part of groups of black men were answered by live ammunition fired by the local police: according to official accounts of the riot in Port Elizabeth, three white men and seven black men were killed, with a further twenty-seven black casualties. Another three black men were killed at the Denver Native Hostel in PE, some weeks later, another twelve or thirteen in Kimberley, and a further eleven in East London. Unofficial estimates, according to Kuper, may have been 'appreciably higher'.[11] These incidents do not appear to have had any particular direct link to the Defiance Campaign.

Nonetheless, the government firmly blamed these riots on the Campaign – requiring, in effect, that its leaders answer for the violence which had occurred. A variety of different explanations arose from amongst the Congresses' leadership: first, in October, the local executive committee in Port Elizabeth deplored the violence as an 'ill-considered return to jungle law.'[12] Kuper lists a further two opinions: that of Dr W.F. Nkomo, quoted in

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[10] Kuper, *Passive Resistance.* 120

[11] Kuper, *Passive Resistance,* 135-138. Karis and Carter, *From Protest to Challenge, Volume 2*. 421-423.

[12] Karis and Carter, *From Protest to Challenge, Volume* 2. Document 93. Statement on violence in New Brighton, Port Elizabeth on October 18, by local ANC leaders, in the *Eastern Province Herald*, October 20, 1952. 484-485.

Bantu World in November, apparently stating that agents provocateurs were to blame – and '"not our own Natives".' Another option was that *tsotsis* and 'maladjusted juveniles' were at the root of otherwise aimless violence.[13] Finally, in a flyer issued by the ANC and the SAIC in November, the police and the government were accused of purposefully provoking the riots 'as a pretext for shooting and to incite and preach race hatred.'[14]

The range of responses suggests that the Congresses had little sense, at this time, of a settled position on the nature of violence – or of the nature of their own practices of protest. It seems to be only in response to these riots, then, that the majority of documents issued by the Congresses – and the majority of speeches made by their representatives – begin to replace the previous description of the Defiance Campaign as a 'campaign of mass action' with a new description: 'a non-violent struggle.' This is in the statement of 20 October; in the flyer issued in November, the following injunction was included: 'DO NOT be provoked – Do not listen to those who preach violence – Avoid rioting – Follow Congress lead – BE PEACEFUL, DISCIPLINED, NON-VIOLENT.'[15]

That November, too, Chief Albert Luthuli released his famous statement, "The Road to Freedom Is Via the Cross", in which he described the Defiance Campaign as using 'Non-Violent Passive Resistance' – which he defined as 'a non-revolutionary and, therefore, a most legitimate and humane political pressure technique…'[16] These statements of moral intent were too late to prevent the collapse of the Defiance Campaign, however. The final gesture of Defiance took place at the start of December, when a number of white volunteers were arrested in Germiston, on the Witwatersrand, and in Cape Town. No further acts of Defiance took place, and the Congresses began to reconsider their tactics.

Violence and the Volunteers (2) : The Freedom Volunteers

From this date onwards, the frequency of the term 'non-violent' in the mass of documents and speeches produced by the Congresses is notable – and throws its previous absence into relief. The overall framework set out by the Joint Planning Council remained loosely in place – and, in particular, the role of the Volunteer Corps remained central.

As the Congress of the People Campaign – a campaign to consult the broad base of South Africans of all races so as to draw up a shared Freedom Charter – replaced the Defiance Campaign, the nature of that Volunteer Corps changed. It remained an elite institution but rather than recruiting willing Defiers, the Freedom Volunteers were to be active organisers. They were to go out into the locations and the townships and rural villages to interview and consult the masses; they were to help organise transportation to the culminating meeting of the Congress of the People at Kliptown; they were to provide the

[13] Kuper, *Passive Resistance*. 138
[14] Karis and Carter, *From Protest to Challenge, Volume 2*. Document 94. 'Police Shootings Must Stop!' Flyer issued by the National Action Committee, ANC and South African Indian Congress, November 1952. 485-486.
[15] Karis and Carter, *From Protest to Challenge, Volume* 2. Document 93 and Document 94. Op cit.
[16] Karis and Carter, *From Protest to Challenge, Volume 2.* Document 95. 'The Road to Freedom Is Via the Cross.' Statement by Chief A.J. Lutuli, issued after the announcement on November 12, 1952l of his dismissal as chief [n.d.]. 486-489.

public face of the Campaign, and of the whole allied Congress movement. As their roles changed, so too did the instructions given – and in these, non-violence was emphasised. These instructions to act non-violently, however, continued to be inextricably bound up with the necessity of discipline and obedience – occasionally, to the point of confusion.

From the very start, the newly-recruited Freedom Volunteers were required to accept an order of discipline and obedience. In the enrolment form itself, the potential volunteer was required to state that: 'I hereby volunteer as a Freedom Volunteer for the Congress of the People and agree to abide by the discipline and decision of the Natal Midlands Regional Committee of the Congress of the People.'[17] Once accepted, the volunteer would then take the following pledge – interestingly similar to the earlier pledge:

> *Believing that I must fight until Apartheid is defeated, and that the voice of all who love Freedom must be heard at the great Congress of the People, I, the undersigned, Freedom volunteer, do hereby solemnly pledge and bind myself to serve my country and my people to the best of my ability, and in accordance with the policy and programme of my organisation.*
>
> *I shall be prepared at all times to carry out whatever tasks are required of me by my organisation.*
>
> *I shall at all times obey the orders of my Leaders and shall strictly abide by the rules and regulations of the National Volunteer Board.*[18]

As in the earlier pledge, non-violence was not seen as so central to the campaign as to be part of the pledge – but was rather subsumed again under the general rubric of obedience, in an almost identical formulation: I shall obey the orders of my Leaders. This time, however, these documents were supplemented by the Code of Discipline (which had originally been mentioned in the Report of the Joint Planning Council as detailing the authority of the volunteer leaders). The Code instructed volunteers to avoid violence in two forms: first, as a response to external provocation – 'Volunteers must never allow themselves to be provoked into violent action' – and second, as an expression of a personal weakness – 'They must at all times avoid drunkenness and hooliganism.'[19]

This second instruction came as part of a broader code: 'Volunteers must set an example to all by their appearance, bearing and conduct.' The requirements of a 'high standard of cleanliness' and an 'erect and alert' posture thus book-ended the instruction to avoid hooliganism. In interviews conducted for Suttner and Cronin's commemorative volume, *Thirty Years of the Freedom Charter*, various volunteers recollected the importance of these instruction: 'It was a policy of discipline. Volunteers were a group of disciplined people who, besides their campaign duties, must keep LAW and ORDER…' Their appearance was also related to the question of law, order and violence: 'Then volunteers

[17] Wits Historical Papers. AD 1812. Eg.3.1. 'Enrolment Form'.
[18] Wits Historical Papers. AD 1812. Eg.3.1. 'Freedom Volunteer Pledge'
[19] Wits Historical Papers. AD 1812. Eg.3.1. 'Code of Discipline'

were told about personal appearance. It must be a person who can be accepted by the people. Not a *tsotsi*, or that kind, you see…'[20] A khaki uniform was apparently standard.

Occasions on which the first instruction – to avoid being provoked – was relevant were relatively rare: the Congress of the People campaign, unlike the Defiance Campaign, did not ordinarily place its volunteers in illegal or confrontational positions. Volunteers remembered occasional arrests being made by the police, in at least one set of cases for defying curfew. None of the volunteers interviewed by Suttner and Cronin seem to have recalled moments in which groups of police threatened to attack groups of volunteers. These volunteers associated physical threats to their work with the rural areas – and, particularly, with white farmers trying to prevent them from interviewing and consulting with their labourers. Neither of these possibilities – of either the police or other whites provoking violence – are developed in any detail in the documents circulated by the National Volunteer Board. Instead, the emphasis in all these documents is not on external provocation but rather on the cultivation of self-discipline and obedience.

In a lengthy speech given in Durban in 1954, the President of the Natal Indian Congress, Dr G.M. Naicker, gave a detailed explanation of how volunteers could develop their innate self-discipline and learn obedience. Although this speech does not appear to have been widely circulated across the country, it provides an unusually clear sense of how the leaders of the various Congresses were thinking about these questions – and of the practical suggestions that they were making. Naicker explains that while 'in an army discipline is achieved by means of drill, regimentation and the strict obedience to regulations and superiors in rank' in a non-violent programme, such militarist rituals would not be practical. Instead, 'we can only think of a constructive programme which is full of deep interest that appeals to the imagination, mind and heart and is as absorbing as political or platform oratory.' Such a programme, he suggested, must consist largely of regular manual labour, in particular 'handicrafts' and 'gardening'. He admits that 'land tilling and the fruits of our labour might sound a bit far-fetched – but it could be done providing we are prepared to spare the time. Time will be spared if we know that the real task is to achieve freedom…' The overall purpose of all this work was simple:

> *Such manual activity would develop a sense of unity with others and a respect for order of thought and manners and co-operation for a common purpose. It would greatly assist to reduce mutual intolerance, misunderstanding, distrust, suspicion and hatred and would decrease national egotism.*[21]

The only serious test of this disciplined conduct came in the course of the Congress of the People itself. According to the official figures, 2 884 delegates attended the Congress at Kliptown – not counting spectators and other participants. The volunteers were present to ensure that the lengthy meeting was smoothly conducted: they were organised into five groups of night-watchmen and guards, a delegates reception group, catering staff,

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[20] Raymond Suttner and Jeremy Cronin, *30 Years of the Freedom Charter*, Ravan Press, Johannesburg, 1986. 14-15.

[21] Wits Historical Papers. AD 1812. Eg.3.1. 'Self-Discipline for Volunteers of the Congress of the People' Speech by Dr G.M. Naicker, President of the South African Indian Congress, 5 September 1954, Durban.

collectors of money and distributors of literature, and general stewards. Each group had a different coloured armband to wear, and each group was under the direction of a Senior Volunteer.[22] The first day of the Congress – Saturday 25 June 1965 – went smoothly, with volunteers remembering with pride the efficiency and organisation displayed: they had even 'made provision for people who did not eat meat, soup with and without meat.'[23] On the second day, however, the South African Police arrived in force.

According to Dorothy Nyembe, 'Late in the afternoon on Sunday, when we look around, we see 300 police with their horses.' And according to Elliot Tshabangu, 'Late in the afternoon, two hundred mounted policemen came.' Others remembered that soon after the mounted police arrived, military vans and Saracens started arriving. According to Chetty, 'In military style the cops circulated the whole of the Kliptown ground. They stood with their sten guns. With military uniforms, camouflage uniforms, they circulated the whole thing.'[24] At this point, 'about 15 Special Branch detectives, escorted by a group of police armed with sten guns, mounted the platform.' They confiscated documents, cameras and rolls of film while searching all the representatives on the platform. 'It was announced that treason was suspected, and the names and addresses of every delegate were to be taken.'[25] The crowd was restless – according to Mary Benson, 'teetering on the very edge of violence'.[26] Chetty recollected that 'the crowd was just getting angry. They were prepared to retaliate and lose their lives in that place….'[27] Discipline and obedience prevailed, however: the leaders on the platform intervened and called upon the crowd to start singing, rather than respond to the obvious provocation of the police. A round of *Nkosi Sikelele* brought the moment to an end – and the Congress continued while the police watched, recording evidence for the coming Treason Trial.

The Treason Trial: A Reserve Army of Volunteers

A year after the Congress of the People – on 5 December 1956 – the Special Branch of the South African Police finally began to arrest the leaders of the Congresses: approximately 140 people were arrested on charges of high treason and other offences on this one day, while later arrests brought the total to 156. The Treason Trial that resulted from these arrests dragged on from late 1956 through until the final acquittal of all the accused in March 1961. In part the Trial was intended to hobble opposition protest: Karis and Carter interviewed Oswald Pirow, the chief prosecutor, and record him as telling them with satisfaction that there had been a general decline in agitation after the arrests

[22] Wits Historical Papers. AD 1812. Eg.3.1. 'Instructions and Duties for Volunteers at the Congress of the People'.
[23] Suttner and Cronin, *30 Years*. 91.
[24] Suttner and Cronin, *30 Years.* 98-103.
[25] *New Age*, June 30, 1955, quoted in Thomas Karis and Gwendolyn M. Carter (series eds.), *From Protest to Challenge: A Documentary History of African Politics in South Africa,1882-1990: Volume 3: Challenge and Violence, 1953-1964*. Thomas Karis and Gail M. Gerhart. Hoover Institution Press, Stanford, 1977. 70.
[26] Mary Benson, *The African Patriots: The story of the African National Congress of South Africa*, Faber and Faber, London, 1963. 216.
[27] Suttner and Cronin, *30* Years. 103

and a quiet period during the principal period of prosecution.[28] It would be difficult to fully accept Pirow's contention – as Karis and Carter make clear – as different types and forms of protest continued unabated throughout this period: bus boycotts involved more than 50,000 black workers in Johannesburg, while schools boycotts in the eastern Cape and East Rand in the previous year pointed towards further new forms of protests, as did several women's protest movements in the 1950s.[29] Pirow's statement was accurate, however, insofar the allied Congresses scaled back activity dramatically in these years, crippled by the preoccupation of their leadership with the ongoing and lengthy Trial.

To some extent, this may have been a consequence of the Congresses' adoption of a strictly hierarchical and structured form of organisation: although volunteers were encouraged to become self-reliant and self-confident they had also been strongly discouraged from acting without instructions from above. This structure had reaped the benefits of discipline and order during the Defiance and Congress of the People campaigns; it did, however, make the Congresses notably vulnerable to institutional decapitation. The protests that occurred in the lull left by the sudden reduction in Congress activity were less vulnerable to such rapid decapitation, being coordinated by a number of groups and associations rather than being centrally controlled and directed.

This did not, however, prevent the government from assuming that these protests had been organised by the African National Congress, despite the arrest of its main leaders. The government indeed seemed to be convinced of the revolutionary potential of the African National Congress, in particular, and the Congress alliance in general – and it was the fear of this potential, too, that directed the prosecution in the Treason Trial. Indeed, the core of the prosecution's argument was to outline the proposed vision of the future publicly professed by the Congresses and to suggest, from there, that this vision was so radically different from the current situation that it could only be achieved through revolutionary violence. Any suggestion otherwise was in their opinion disingenuous.[30] This presumption structured the entirety of the prosecution's case, including their argument that the Freedom Volunteers were intended to form the basis of an army, organised, disciplined, and kept in reserve for a coming bloody and violent revolution.

Much of this argument revolved around a single speech given by Robert Resha in the November of 1956. After introducing the context and his theme – the forcible suppression of opposition by the State and the necessity for the Freedom Volunteers to form the core of resistance – Resha continued to elaborate a new variation on the old theme of discipline:

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[28] Karis and Carter, *From Protest to Challenge, Volume 3*. 275.
[29] Lodge, *Black Politics*. See Chapter 5: The parents' school boycott; Chapter 6: Women's protest movements in the 1950s; Chapter 7: 'We are being punished because we are poor' and Chapter 8: Labour and Politics, 1955-1965 for a series of detailed overviews of the alternate forms of political organization.
[30] Wits Historical Papers. AD 1812. Court Records: A7: 'Opening Address of Prosecution, 10 August 1959'.

> *When you are disciplined and you are told by the organisation not to be violent, you must not be violent. If you are a true volunteer and you are called upon to be violent, you must be absolutely violent, you must murder! Murder! That is all.*[31]

For the prosecution in the Treason Trial, this was not simply an ill-judged piece of political hyperbole but, rather, a rare – but deeply typical – expression of a position commonly held in the Congress and other opposition groups. Resha denied this, arguing both that his willingness to use a violent rhetoric did not reflect Congress norms and also that – despite this – he was only making an extreme example of discipline. It was a purely hypothetical statement – although he might not disagree with its implications.

The Judges, on giving their final judgements, found that while Resha was an unreliable witness, there was no compelling reason to think that his speech was anything other than ill-advised and foolish. They rested their decision on the statistical insignificance of references to violent action in speeches given by Congress leaders: out of 'about fifteen thousand meetings' the prosecution only led evidence about two-hundred and twenty-five meetings. Only in eighty-five of these meetings 'it was suggested something was said from which violence could be inferred.' These meetings, according to the Judges, could not be said to be representative – and therefore the evidence gathered for the prosecution from these meetings must be dismissed.[32] Likewise, the evidence presented to suggest that the Volunteer Corps of the Congress alliance was intended to form the foundations of an armed liberation movement must also be dismissed, given that 'there was no evidence of parades, drilling, or any form of military exercise or any other feature from which violence might be inferred.' The volume of evidence, the Judges decided, which showed that 'to the public at large, and in the organisation itself' non-violence continually espoused suggested that – whatever the private intentions of some leaders, like Resha, might have been – the volunteers themselves were not aware of possessing any violent potential. 'Of course,' Justice Rumpff went on to conclude, at the end of his judgement:

> *Of course, a political organisation with members who are supposed to wear a type of uniform and who are liable to strict discipline and to the carrying out of orders without question, and who intend to bring the Government to its knees and to establish a new form of state through mass action, must not be surprised if it is regarded with suspicion by the State.*[33]

The last days of the Treason Trial

The State continued to look upon the activities of the Congress alliance and its volunteers with suspicion; it reserved its particular regard, however, for the African National Congress in this period. At the time of the judges' decision in the Treason Trial, however, the ANC was not the institution it had been at the start of the Trial: late in 1958 the Africanist group within the ANC had begun to split from the national Congress and, early in 1959, formed the Pan-Africanist Congress as an avowedly-popular alternative to

[31] Wits Historical Papers. AD 1812. Court Records. Volume 62. Testimony of Robert Resha.
[32] Wits Historical Papers. AD 1812. Court Records. A13: 'Reasons for Judgement, Rumpff, J.'
[33] ibid.

the older Congress. Although much of the rhetoric of the PAC revolved around the willingness of the ANC to work closely with representatives of other races – most notably in the other Congress movements, the South African Indian Congress and the (all white) Congress of Democrats in particular – a significant element of the appeal of the new movement came from its willingness to condemn the Congresses' caution.

In Gerhart's estimation, the PAC offered its support 'something the ANC could not, or would not, offer: an opportunity to give full and unrestrained vent to political emotion.'[34] For many young urban black men and women the Congress movement appeared too willing to wait until the circumstances in South Africa changed to become more open to a political transition. The partial removal of the Congresses' leadership from the public arena during the Treason Trial, too, had robbed these movements of much of their profile. Without these figures, and without a new programme of action or campaign, the ANC and its allies seemed to be buying time and avoiding action; the PAC, in very explicit contrast, promised action – although it was often vague about what form that might take.

In December 1959 both the ANC and the PAC held their national conferences – the PAC's first and last such conference. The ANC – galvanised, in part, by the split and, in part, by the anti-pass demonstrations by black women in Natal – announced that it would launch an anti-pass campaign on 31 March 1960. At the same time, the PAC, reluctant to let their thunder be stolen, officially endorsed their executive's plans for an anti-pass campaign. There were some notable – and perhaps typical – differences in strategy and tactics: the ANC indeed to begin its campaign by sending deputations to local authorities and Bantu Affairs commissioners to demand the end of the pass system.[35] The PAC decided to embark on a form of mass action, announcing that: 'in every city, town and village the men must leave their passes at home' on the appointed day.[36] The PAC thus sought to leap straight to the last stage of action envisaged at the start of this period of confrontational protest: rather than rely on a elite group of volunteers – or even on a larger group of members – the PAC was attempting to incorporate ordinary men into their political programme and to transform the norms of political protest in the last decade.

On 16 March 1960, Robert Sobukwe – the head of the PAC – wrote to the Commissioner of Police, informing him that a 'sustained, disciplined, non-violent campaign against the Pass Laws' would begin on Monday 21 March. Although this phrase was reminiscent of the language used by the Congress Alliance, little else in his letter was: he suggested that the police were 'sadistic bullies' and said that while protesters would disperse if given proper instructions, nonetheless:

> *…we cannot be expected to run helter-skelter because a trigger-happy, African-hating young white police officer has given thousands or even hundreds of people*

[34] Gerhart, *Black Power*. 215.
[35] Karis and Carter, *From Protest to Challenge, Volume 3*. 331.
[36] Karis and Carter, *From Protest to Challenge, Volume 3*. Document 47. 'Calling the Nation! No Bail! No Defence!! No Fine!!!' Flyer announcing the launching of the anti-pass campaign on March 21, issued by R.M. Sobukwe, [n.d.]. 564-565.

three minutes within which to remove their bodies from his immediate environment.[37]

On 21 March, crowds gathered at Sharpeville and at Vanderbijlpark just south of Johannesburg and in the townships of Langa and Nyanga in Cape Town. Other regions were notably quiet: only 150 volunteers presented themselves for arrest for refusing to carry a pass in Orlando, alongside Sobukwe and Leballo and other members of the PAC executive.[38] No demonstrations took place in Durban, East London or Port Elizabeth – suggesting that the PAC's support base was geographically limited. In those areas where large crowds did gather, however, violence soon erupted – most notably and most famously at Sharpeville, although many people were killed in Langa on the same day. Over sixty people were killed at Sharpeville, and almost two hundred more injured.[39] Ian Berry – a staff photographer for *Drum* magazine – was there during the shootings and captured scenes of men and women running, panicked, as the police shot at them; Berry's photographs of the shooting and its immediate aftermath were printed across the world the next morning, prompting an instant wave of condemnation from outside the country.

Inside, the government's reactions were twofold: first, on 26 March it ordered that the police cease to arrest people for pass infringements and then, on 30 March, the government declared a national state of emergency and banned both the ANC and PAC. The emergency regulations suspended many of the usual norms of police conduct: on 1 April police opened fire at thousands of demonstrators in Durban, killing three. The Cape Town townships of Langa and Nyanga were cordoned off by the police and military. House-to-house raids were common. The leadership of the African National Congress – still under trial for Treason – were re-arrested and returned to prison cells. Approximately 2,000 other political activists of all parties were also arrested and detained under the new regulations. And by mid-April the Pass Laws were being enforced again.

Meanwhile, the Congress movement had to come to terms with the banning of the two most prominent parties for black politics. The ANC announced that it would not accept the banning, and would continue to 'give leadership and organisation' to the people – but, as Karis and Carter make clear, the Congress was not in fact prepared to deal with the government's onslaught in these months. Simple survival was as much as could be hoped for.[40] And still – throughout these months – the Treason Trial continued, and while the majority of the original defendants had since been acquitted or dropped from the indictment a large proportion of the ANC's leaders were still caught up in the Trial.

The Treason Trial eventually ended on 29 March 1961 when the presiding judges found that – contrary to the prosecution's contention – there was no evidence that the ANC had

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[37] Karis and Carter, *From Protest to Challenge, Volume 3.* Document 48. Letter announcing the launching of the anti-pass campaign, from R.M. Sobukwe, to Major-General Rademeyer, Commissioner of Police, March 16, 1960. 565-566.
[38] Karis and Carter, *From Protest to Challenge, Volume 3*. 333-335/.
[39] See Ambrose Reeves, *Shooting At Sharpeville: The Agony of South Africa*, London, 1960; Philip Frankel, *An Ordinary Atrocity: Sharpeville and its Massacre*, University of the Witwatersrand Press, Johannesburg, 2001. Sharpeville and its aftermath will be dealt with at much greater length in the following chapter.
[40] Karis and Carter, *From Protest to Challenge, Volume 3.* 341.

'acquired or adopted a policy to overthrow the State by violence' in the period of the indictment.[41] Despite this contention, however, the circumstances in South Africa had changed so dramatically in the last year of the trial that this finding was soon to become obsolete. Violence was becoming the norm in the country: not just violence by the state against protestors, as in Sharpeville and elsewhere, but also a pre-emptive violence by its opponents. The first sign of this may have been the rural protests in Sekhukhuneland and Pondoland – the latter culminating in the occupation of the region by sections of the riot police and South African army.[42] In the middle months of 1961, immediately after the end of the Treason Trial, the executive of the African National Congress met to discuss these events and these changes – and to decide on whether or not to use violent tactics.

Despite many difficulties in communication – the organisation remained banned, many of its leaders were either imprisoned or banned or restricted to their home districts – the executive was able to come to a working decision. The African National Congress would not yet renounce non-violence as its policy; however, it would no longer hold its members to that and would, in fact, instruct Mandela and others to begin to create a sibling organisation, Umkhonto weSizwe, which would adopt violent tactics within the political and strategic framework laid out by the ANC and its long-term Programme of Action.[43] While not all members of the Congress executive may have agreed with the planned action, none were willing to publicly condemn it. In these early years, at least, the distinction between the non-violent ANC and the violent tactics of Umkhonto was kept clear: only in 1963 did any official statement link the ANC with its 'armed wing'.[44]

Leballo? No!

Meanwhile, the PAC's leaders – notably Sobukwe and Leballo – were subjected to the same regime of banning, imprisonment and exile as the leaders of the African National Congress. Sobukwe was to remain imprisoned until 1969, at which point he was 'released' into house arrest until his death. Leballo was released in 1962, after two years imprisonment, and was able to make use of his rights of citizenship in Basutoland (where he had been born) to escape into exile; once in Maseru he took over the leadership of the Pan-Africanist Congress, asserting his roles as national secretary and acting president.[45] In the early years of the 1960s, however, the PAC may have been even more affected by the banning orders of the government than the ANC – in part, this was a consequence of the relative novelty of the organisation and its relatively thin layer of experienced leaders.

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[41] Wits Historical Papers. AD 1812. Court Records. A13: 'Reasons for Judgement, Rumpff, J.'

[42] See Karis and Carter, *From Protest to Challenge, Volume 3*. 352-353 for a brief survey of the Pondoland rebellion. Peter Delius, *A Lion Amongst the Cattle*, University of Witwatersrand Press, Johannesburg, 1996, contains a detailed study of the Sekhukhuneland rebellion.

[43] Wits Historical Papers. Records of the Rivonia Trial. (AD 1844) Court Records. Statement by Nelson R.M Mandela.

[44] Karis and Carter, *From Protest to Challenge, Volume 3*. Document 69. 'The People Accept the Challenge of the Nationalists.' Statements 'issued by the National Executive of the ANC,' April 6, 1963. 746-754.

[45] Gerhart, *Black Power*. See Chapters 6: The Pan-Africanist Congress, 1959-1960 and 7: Sharpeville and Quiescence. 167-251.

In the absence of its leadership, however, the members and young cadres of the PAC were left to their own devices. The official underground structures appear to have been fraught with conflict: Lodge describes a period of fighting between different factions within the underground movement and competitive recruitment of volunteers into cells.[46] It seems that a consequence of this process may have been the apparent levels of disconnection between the various regional branches of this underground: there seems to be little evidence the PAC in exile had any regular control over the underground structures, or that the underground in the Transvaal was communicating with the underground in the western Cape. It is difficult, however, to be certain about this. Nonetheless, it is certain that it was in the western Cape and nowhere else that a group of young men – previously members of the PAC, prior to its institutional collapse – came together to form a violent organisation under the name 'Poqo'. Meaning 'pure' in Xhosa, the word had been used to identify the PAC in the region in the period just before this.[47]

Poqo – according to Karis and Carter - 'had no hierarchical structure, no identifiable mass leaders, and no public statement of aims or ideology other than a reputation of generalized support for Sobukwe and the PAC…'[48] Langa – in the Western Cape – was apparently regarded by other Poqo groups as the local headquarters and as the origin of the movement. The membership was notably young – most cadres were in their late teens and early twenties – and notably urbanised; they were also notably committed to an extremely violent attempt to overthrow white power in South Africa. Their message, according to Lodge, quoting *Contact*, was simple and direct:

> *The white people shall suffer, the black people will rule. Freedom comes after bloodshed. Poqo has started. It needs a real man. The Youth has weapons so you need not be afraid. The PAC says this.*[49]

Lodge finds evidence that while members of Poqo could repeat elements of PAC phrases and slogans from prior to 1960 in the propaganda, 'many of the distinctive attributes of PAC speeches given at a popular level had disappeared'. Most notably, Poqo cadres made no mention of Pan-Africanism, communism or socialism; nor did they discuss the complexities of the PAC's approach to the position of minorities in the country post-independence. Lodge suggests that it was, in part, the absence of a political theory – 'the brutal simplicity of its catchphrases' – that gave it its local force and attraction.[50] Unlike either the Congress or Umkhonto, Poqo did not trade in medium- or long-term plans. Instead, it was a call for instant action – and, specifically, for a massive violent campaign.

The violence carried out by members of Poqo included murders of suspected informers and policemen, apparently-indiscriminate terrorist killings of whites and assassination attempts aimed Transkeian chiefly authorities. These forms of violence were all restricted to the western Cape region, centred around Langa and Paarl. There was also an

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[46] Lodge, *Black Politics*. 241-247.
[47] Lodge, *Black Politics*. 241.
[48] Karis and Carter, *From Protest to Challenge, Volume 3*. 669.
[49] *Cape Times*, 28 June 1962, quoted in Lodge, *Black Politics.* 243.
[50] Lodge, *Black Politics.* 244.

abortive general uprising planned in collaboration with the PAC exile leadership – but this came later, in 1963. A number of these early killings struck a deep chord in South African public consciousness in the early 1960s: at the end of 1962, for example, two whites were killed and three others almost killed in November, and early the next year, five whites sleeping at a roadside camp in the Transkei were crudely hacked to death. According to Karis and Carter, these two incidents in particular raised fears of a Mau-Mau like rebellion in the Cape – and provided the government with more than sufficient ammunition to continue their legislative and practical crackdown on political opposition.[51]

Meanwhile, in the May of 1962, Leballo was released from prison and went into exile. In Maseru he rapidly asserted his authority over the PAC-in-exile and assumed his old role of national secretary and, now, acting president of the Congress. Although there is little evidence of any contact between the PAC in Maseru and Poqo cadres in the western Cape and the Transvaal, Leballo rapidly began to claim credit for the existence and actions of Poqo. In Gerhart's words he was 'unable to control an urge to boast about his grandiose plans for revolution' and announced at a press conference late in March 1963 that the PAC was on the verge of a violent 'launching' throughout the country.[52] By the end of the year, he suggested, revolution would have occurred, and South Africa would be free.

The government launched an immediate effort to destroy Poqo and the PAC in South Africa: alerted by the press conference, the police were able to arrest two of Leballo's couriers and to obtain evidence apparently listing well over a thousand names of Poqo and PAC members. On 1 May 1963 the so-called '90-Day' act was passed through the legislature and the final planks of the post-1960 clampdown on opposition were laid. For the rest of this period, the PAC seemed a spent force: Poqo was crushed and no further hopes of a violent revolution could be entertained; Leballo was discredited as a leader; and the PAC turned to rebuilding its political network in exile, with limited success.

The government, however, was not the only body to condemn the actions of Poqo and the plans announced by Leballo: the ANC, too, considered it necessary to issue notice of its disapproval. In a leaflet issued in May 1963, Congress announced that 'the ANC Spearheads Revolution' and then went on to ask and answer a singular question: 'Leballo? No!' The leaflet was detailed in its condemnation of the hasty, reckless, boastful, 'vain, squabbling, and confused' Leballo, going on to declare that:

> *Young men, brave and impatient for freedom have joined PAC and POQO. The nation needs brave men! We are all impatient, thirsty for freedom. But impatience leads to recklessness, and recklessness can lose us the battle. The Leballo way is useless, worse than useless*.[53]

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[51] Karis and Carter, *From Protest to Challenge, Volume 3*. 669.
[52] Gerhart, *Black Power*. 252.
[53] Wits Historical Papers. Records of the Rivonia Trial. (AD 1844). Exhibit CS, WW, and AE. Also – Karis and Carter, *From Protest to Challenge, Volume 3*. Document 70. 'The ANC Spearheads Revolution.' Leaflet issued by the ANC, May 1963.

The essence of the message conveyed was simple: 'War needs careful plans. War is not a gesture of defiance.' The haste and tactical inability of Leballo and Poqo was – in the eyes of the ANC – not merely foolish, but actively dangerous. It would set back the cause of revolution; it was premature and would encourage the State to respond overwhelmingly; and it would attract the youth to Poqo rather than to Umkhonto.

The leaflet continued on to spell out the ANC's alternative to the recklessness of Poqo. Instead of seeing the State's power written into the bodies of all its white citizens, the ANC argued that the 'instruments of white power' were 'the army, the mines, the railways, the docks, the factories, the farms, the police, the whole administration'. These were valid and meaningful targets – and not human bodies. This decision was not entirely moral – at least in this document, at this time in the sabotage campaign. The refusal to countenance individual killings was also pragmatic:

> *Poqo is said to have killed five White road-builders in the Transkei recently. There are more effective ways of busting the White supremacy state. A few road-builders make no difference to the revolution. Instead, smashed railway lines, damaged pylons carrying electricity across the country, bombed-out petrol dumps cut Verwoerd off from his power and leave him helpless…*

This, the ANC argued, needed coordination, organisation and discipline on behalf of its cadres:

> *The leaders must have control over their soldiers. The soldiers must know what the leaders want. The freedom forces of South Africa must be coordinated – cell with cell, branch with branch, region with region – in revolution. There must be strong discipline – no actions going off half-cock.*[54]

The leaflet continued on to strike many familiar chords in the ANC's rhetorical arsenal: 'It is a misuse of manpower to send out all men on every job, as if enough followers could make up for too little leadership'; 'Umkhonto is organised: Our organisation is nation-wide'; 'Umkhonto has a planned strategy'; 'Umkhonto has leadership'; 'Genuine freedom-fighters must find a way to fight together, in UNITY…'

Unity, leadership, strategy, discipline, training and organisation continued to be the principal elements in the ANC's public statements – these elements remained constant whether the statement discussed an explicitly non-violent form of protest or – as in this case – an explicitly violent form. After 1961, however, these elements were valorised as part of what set Umkhonto apart from other revolutionary organisations such as Poqo. These elements were central to Umkhonto's identity: although it might not boast of the numbers of its adherents, or the violence of its activities, it could boast of its order, organisation and discipline. It was – unlike Poqo – a real army, with real leadership.

[54] Ibid.

The Rivonia Trial

This particular question was to prove central in the Rivonia trial, held between October 1963 and June 1964. The trial was immediately prompted by a police raid on a farm in Rivonia, in Johannesburg, on 11 June: here, Sisulu was meeting with Govan Mbeki, Raymond Mhlaba, Ahmed Kathrada, and Lionel Bernstein, among others. They were said to be meeting to discuss a proposed plan for a long-term strategy of guerrilla warfare in South Africa: 'Operation Mayibuye'.

After the arrests, Mandela was brought out of prison to head the list of accused; other figures were brought into the indictment, including Arthur Goldreich, Harold Wolpe, James Kantor, Dennis Goldberg, Elias Motsoaledi and Andrew Mlangeni. After some excitement – Goldreich, Wolpe and two other detained escape from jail and fled the country in a notably dramatic escape – the list of accused settled at ten names.[55] They were all charged with recruiting cadres for guerrilla training and potential warfare, conspiring to commit acts of sabotage and violence, acting to further the objects of communism and soliciting money for these acts from foreign sources. At its end, Bernstein was acquitted on all charges and Kathrada on all but a charge of conspiracy: the other accused were found guilty on all charges and sentenced to life imprisonment.[56]

The legal defence in the case immediately acknowledged that several of the accused were indeed attempting to overthrow the government through the strategic use of violence. However, there were two caveats: first, none of the accused accepted the claims of 'moral responsibility' levied against them by the prosecution and so would not plead guilty to the charges, although they did not dispute their basic facts. And second – and more importantly – the defence argued that since Umkhonto and the ANC were formally separate organisations, only those of the accused who were members of Umkhonto could be considered responsible for its actions. Several of the accused – including Bernstein, Kathrada and Mhlaba – were members of the Congress of Democrats, South African Indian Congress or African National Congress without being members of Umkhonto weSizwe. They had thus had no part in any actual incidents of sabotage and could have had no part in any conspiracy – as they had never been privy to the work of Umkhonto.[57]

In response, the prosecution set out to prove that the organisations were in fact identical, and that Umkhonto was – in a phrase that was not yet familiar – 'the armed wing' of the African National Congress and the Congress Alliance. It relied on a number of arguments and inferences to make this case: the members of Umkhonto were all simultaneously members of one of the Congresses, the printing presses on which Umkhonto and Congress flyers were printed were the same machines, the same individuals led both organisations. The prosecution also made the argument that the Congress movement had long been preparing for this moment for over a decade: the order and organisation of Umkhonto was a product of years of preparation and planning and derived directly from the earlier institutions of the National Volunteer Board.

[55] Wits Historical Papers. AD 1844. Indictment.
[56] Wits Historical Papers. AD 1844. Volume 31. Judgement.
[57] Wits Historical Papers. AD 1844 Heads of Argument: Defence.

In the prosecutor, Percy Yutar's, cross-examination of Raymond Mhlaba this argument was made most explicit: Yutar began by quoting one of the prosecution's witnesses, saying, 'We had to take an oath to carry out the directives from seniors, especially the Volunteer-in-Chief' and then proceeded to question Mhlaba on the role played by volunteers within the ANC. Once it was established that they had been founded to carry out organisational work for the Congress, he went on to ask, 'Were the volunteers also known as Amadela-Kufa? ... the Despisers of Death?' Mhlaba again answered by relating something of the history of the volunteers: this term was used and originated in the course of the 1952 Defiance Campaign. Yutar reacted with splenetic disbelief: 'But where did death come in. You go to jail, you pay your fine, you defy the laws. "Despiser of Death" What death?' Mhlaba attempted to explain that it was 'just a mere pamphlet' phrase and shouldn't be taken too seriously. Yutar continued on, however, bulldozing past this caution:

> *Weren't these soldiers that were sent overseas for training and known as the Amadela-Kufa Despisers of Death. Isn't that so, Mhlaba? … did they not wear special uniforms? … to single them out as the "Despisers of Death"?*[58]

Mhlaba denied that the volunteers were soldiers, or that the volunteers' uniform was intended to single them out as anything other than volunteers. Yutar, however, was uninterested in these details. Instead, he turned to the second theme running through his attempt to identify the soldiers of Umkhonto with the volunteers of the Defiance Campaign, asking: 'Who by the way was the chief volunteer? Who was the chief volunteer?' After some fruitless exchanges in which Mhlaba attempted to point out that each region, district and province had their own chief volunteers, Yutar finally attempted to drive his point home: 'By the way, the National [Chief] Volunteer was, as you say, Accused No. 1?' Accused No. 1 was Nelson Mandela who had been the National Chief Volunteer at the time of the Defiance Campaign, and was largely credited with the organisation and running of that campaign.[59] Although Mhlaba did not dispute Mandela's continued role in the Volunteer Corps it was – nonetheless – more complicated than a simple continuation: at the end of the Defiance Campaign and at the start of the Congress of the People Campaign Luthuli had been declared to be the National Chief Volunteer of the Freedom Volunteers.[60] Unsurprisingly, Yutar did not choose to dwell on this transition, as Luthuli's later career did not allow him to make the following connection:

> *And did he [Mandela] go over to Algeria to receive military training there in order to come back and distribute pamphlets?*[61]

Yutar's argument around the role of the volunteers in the formation and maintenance of Umkhonto weSizwe was a notably-faithful echo of the argument made by Pirow and the

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[58] Wits Historical Papers. AD 1844 Court Records. Volume 25. Testimony of Raymond Mhlaba.
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[60] Wits Historical Papers. AD 1812. Eg.3.1. 'Welcome Volunteers'
[61] Wits Historical Papers. AD 1844. Court Records. Volume 25. Testimony of Raymond Mhlaba.

other prosecutors in the course of the Treason Trial: in each case, the discipline and order of the volunteer corps – along with the oath of obedience that the volunteers swore and their khaki uniforms – was seen by outsiders as evidence of a military intention. In the Treason Trial it was used to attempt to show that the ANC and the Congress alliance were preparing for a violent insurrection; in the Rivonia Trial the same facts were used to attempt to show that the ANC and the Congress alliance had in fact been prepared for the violent path that they had taken – and that therefore Umkhonto was part and parcel of the Congresses' internal organisation. The volunteers were the same people as the soldiers.

As in the Treason Trial, the presiding judge did not accept the contention of the prosecution that the organisations were fundamentally linked. Nor did he dwell on the role played by the volunteer corps in the organisation of Umkhonto weSizwe. He accepted that Mhlaba and Kathrada had never been part of Umkhonto weSizwe: nonetheless he did find both guilty on the charge of conspiring to organise a national campaign of sabotage. In Mhlaba's particular case, the judge made the finding that since he had admitted to being active in organising the African National Congress in this period he could not claim to be innocent of the organisation of Umkhonto: 'it is clear that the main need for organization work during October/November 1961 was to establish regional commands and units and to train persons to manufacture and use explosives.'[62] Mhlaba, in other words, may have claimed to be organising volunteers for the ANC's political – and non-violent – underground organisations, but it was impossible for the judge to believe that any such volunteers would now be expected to remain non-violent.

In this, the oath or pledge of obedience previously taken by the volunteers was again useful to the prosecutor's case: Yutar read out the text of an oath which had been found in the pockets of Mhlaba's overalls. (The overalls played an important role in the trial, with the defence contending that Mhlaba had borrowed them from someone else on the farm and was only wearing them to lend credibility to his disguise as a workman. He did not, therefore, know what was in their pockets and could not necessarily say that he had read any document found there.) Yutar read the oath line by line, questioning Mhlaba along the way. The oath, in full, would read:

> *Today in the presence of you all I swear to place my life at the service of my people. I will uphold the policy and follow the leadership of the National Liberation Movement. I will guard the lives and rights of my people and respect their person and their property. I know the duties of a scout in the people's struggle: to obey the orders of my appointed leaders without hesitation, to guard their secret whatever the cost to me, to defend the rights of my comrades as though they were my own. I swear to carry out these duties for all time until the liberation of the people has been won, and therefore I claim today the title of scout in the people's army*.[63]

The defence's attorney established that Mhlaba had never seen this oath before, and attempted to get him to say that it was 'completely different' to the pledge sworn by the

[62] Wits Historical Papers. AD 1844. Judgement.
[63] Wits Historical Papers. AD 1844. Court Records. Volume 25. Testimony of Raymond Mhlaba.

volunteers in the Defiance Campaign and the Freedom Volunteers. Mhlaba, however, would only commit to the fact that it was simply 'different'– not completely different.

Certainly, the similarities between this oath and the earlier pledges are perhaps more notable than the differences: as in the earlier ones, there is no mention or either violence or non-violence in this oath, and all questions are subsumed under the general rubric of obedience to 'appointed leaders'. There is a different emphasis in this document – property, for example, had never been mentioned before, nor had secrets – but the core remains the same: to follow the leaders of the movement without hesitation, and without thought of personal cost, until the rights of the people had been won and their liberation achieved. Despite the prosecutor's contention these core similarities do not provide proof that the volunteers in the earlier campaigns automatically became the cadres and soldiers of Umkhonto in its sabotage campaign; they do, however, suggest that – for the leadership of the Congresses and Umkhonto – the requirements of soldiers and volunteers were the almost the same. Both institutions existed in the same frame of reference: both required the same things from their leaders and from their core members.

Controlled Violence: Umkhonto's Sabotage Campaign

Indeed, the sabotage campaign proposed and carried out by Umkhonto weSizwe was meant to occur within a notably coherent framework. This frame bore a series of notable resemblances to the framework within which the Defiance and Congress of the People campaigns took place: not just in terms of the requirements made of the volunteers in those campaigns and Umkhonto's cadres, but also in terms the attempts of both sets of campaigns to establish a national simultaneity in action, and of the limitation and containment of potential targets for protest or sabotage. These similarities arose from a shared set of assumptions about the nature of violence that did not change in this decade.

The requirements made of the cadres of Umkhonto have already been touched upon: obedience, discipline, unity and restraint were demanded of its members, as was a willingness to sacrifice oneself for the liberation struggle. New members of Umkhonto were meant to be sent for training overseas – in Algeria, in Egypt, and other newly-independent African states. Between January and June 1962 Mandela had been sent first to the conference of the Pan-African Freedom Movements for East and Central Africa in Addis Ababa, and later to other sites in Africa. In the course of this conference he approached these states for aid – both for immediate finances and, in the longer term, for military training of Umkhonto cadres. This trip was not entirely successful: many of the new states were suspicious of the ANC's multi-racialism and apparent willingness to consider compromises over the future form of the state. In this arena, at least, the PAC's more radical espousal of Africanist nationalism and Pan-Africanism was more appealing. Nonetheless, Mandela returned with several contacts put in place and a new education and set of readings in sabotage, guerrilla warfare, and the planning of an insurrection.[64]

The sabotage campaign had already begun by the time of his return: the first acts of sabotage were intended to take place in December 1961 and were intended to take place

[64] Wits Historical Papers. AD 1844. Evidence. Exhibit R13.

simultaneously, across the country's main urban centres. These bombings were to take place on 16 December 1961 in Durban, Johannesburg and Port Elizabeth and the targets were symbols of the Apartheid State's most hated policies: a Bantu Administration Department office, a Resettlement Board headquarters, a Bantu Affairs Commissioner office. In addition to these, electrical transformers were named as targets in this raid. The aim was to demonstrate the potential power and reach of Umkhonto by coordinating simultaneous attacks across the country: in practice, however, this proved more difficult than expected and the Durban bombs went off a day early, on the 15 December.[65]

These first bombings were supported by a public statement released by the Umkhonto command on 16 December. Although this statement makes no specific mention of sabotage tactics – perhaps as a precaution against its premature discovery and release – it is explicit on the limits and constraints on the use of violence envisaged by Umkhonto at this foundational stage in the campaign:

> *We of Umkhonto We Sizwe have always sought – as the liberation movement has sought – to achieve liberation without bloodshed and civil clash. We do so still. We hope – even at this late hour – that our first actions will awaken everyone to a realisation of the disastrous situation… so that both government and its policies can be changes [sic] before matters reach the desperate stage of civil war…*[66]

It alluded to the purpose of sabotage in its final lines, saying that its actions were 'a blow against the Nationalist preparations for civil war and military rule.' Instead of attacking the army, for example, Umkhonto set out to attack the infrastructure that allowed the military and the state to govern and to impose its own force on the population at large. An analysis of the acts of sabotage listed in the Rivonia trial indictment produces a list of 72 minor acts of sabotage – targets including letter boxes, electrical cables, etc – a further 95 incendiary bomb attacks on public buildings and pylons, and a final seven attempts to dynamite and destroy railway signals systems, electrical installations and so forth.[67] These choice of these particular targets was made more explicit in the leaflet circulated in response to Poqo: 'smashed railway-lines, damaged pylons carrying electricity across the country, [and] bombed out petrol dumps cut Verwoerd off from his power...'[68]

The extent to which this constituted a coherent choice can be gauged from a paragraph defining sabotage – again, implicitly in contrast to Poqo's chosen tactics – circulated in May 1963: 'Sabotage is an important revolutionary means but it should be distinguished from terrorism. Indiscriminate terrorism against groups of ordinary people is inefficient and can provoke massive retaliation…'[69] (This was in an edition of the underground periodical *Assegai*, and found by the police under the cover of a collection of short stories issued by 'The Detective Magazine Club'.) The important distinction being drawn here

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[65] See Edward Feit, *Urban Revolt in South Africa, 1960-1964: A Case Study*, Northwestern University Press, Chicago, 1971.
[66] Wits Historical Papers. AD 1844. Evidence. Exhibit AD
[67] Lodge, *Black Politics*, 236. Wits Historical Papers. AD 1844. Indictment.
[68] Op cit
[69] Wits Historical Papers. AD 1844. Evidence. Exhibit DJ

was between the focussed, contained and controlled violence of the sabotage campaign being led by Umkhonto and the 'indiscriminate' and ill-disciplined use of terrorist violence by Poqo. This form of violence would provoke a different kind of retaliation than sabotage - a retaliation that could not be predicted and planned for in the same way.

Umkhonto's leadership thus appear to have prided themselves on their abilities to control the types and forms of violence used by the cadres, and to control the consequences of those violent acts. Over and again, in testimonies at the Rivonia trial, the leaders of Umkhonto stated that no instructions were ever given to attack targets other than these pylons, railway-tracks, and other symbols of the Apartheid State. No instructions were ever given to harm persons. All efforts were taken, in fact, to ensure that no one was ever injured or killed in the process of sabotaging and bombing these targets. When challenged by the prosecutor as to whether he felt any responsibility for the death of a 'poor bantu girl' in Port Elizabeth, Mbeki responded bluntly: 'I did not give instructions that that should take place.' And when challenged as to whether he felt responsible for the accidental death of one of the Umkhonto cadres who had been caught in a premature explosion: 'I should not feel any more morally guilty than a driver of a car would feel morally guilty for being involved in an accident…'[70] Although this may have been an exaggeration for the purposes of the Trial, it does demonstrate the significance attached to the details and limits of the instructions given to cadres: they were only to act against those targets, and never allow any other violence. The leadership of Umkhonto thus possessed a notable faith in their discipline and control: they believed that the cadres would never act outside of the constraints of their orders – and that the training, weapons and other equipment given to those cadres would never be used outside of that context.

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In this faith, the leaders of Umkhonto showed that they were the same men who had led volunteers in the Defiance Campaign, ten years earlier: in that campaign the volunteers were expected to refrain from either acting or reacting violently or in any ways outside of the constraints placed upon them by their leaders. They were distinguished from ordinary members of the Congresses by their self-discipline and obedience: they could be relied on not to act inappropriately or excessively in any circumstance. So too could the cadres of Umkhonto – unlike the cadres of Poqo – be relied on not to exceed the limits of their orders. They could be expected never to react unnecessarily: they would restrain themselves, and ensure that violence never exceeded the bounds set by their leaders.

[70] Wits Historical Papers. AD 1844. Court Records. Volume 28. Testimony of Govan Mbeki.