

... Riveting and sometimes  
painfully honest."

— *San Francisco Chronicle*

... as rich, compelling, thoughtful, and  
... written or likely to be written by a  
... politician on the world stage."

— *Book Page*

... as riveting as that glorious day in 1990  
... walked sedately out of jail to liberty and  
... leadership."

— *Cleveland Plain Dealer*

# LONG WALK TO FREEDOM

The Autobiography of

**NELSON  
MANDELA**



Little, Brown and Company

New York Boston

subsequently met Potlako Leballo and said, "Man, you chaps keep promising me your material, but no one has given it to me." He said, "Nelson, we have decided not to give it to you because we know you only want to use it to attack us." I disabused him of this notion, and he relented, giving me all that I had sought.

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IN 1959, Parliament passed the Promotion of Bantu Self Government Act, which created eight separate ethnic bantustans. This was the foundation of what the state called *groot* or grand apartheid. At roughly the same time, the government introduced the deceptively named Extension of University Education Act, another leg of grand apartheid, which barred nonwhites from racially "open" universities. In introducing the Bantu Self Government Act, De Wet Nel, the minister of Bantu Administration and Development, said that the welfare of every individual and population group could best be developed within its own national community. Africans, he said, could never be integrated into the white community.

The immorality of the bantustan policy, whereby 70 percent of the people would be apportioned only 13 percent of the land, was obvious. Under the new policy, even though two-thirds of Africans lived in so-called white areas, they could only have citizenship in their own "tribal homelands." The scheme gave us neither freedom in "white" areas nor independence in what they deemed "our" areas. Verwoerd said the creation of the bantustans would engender so much goodwill that they would never become the breeding grounds of rebellion.

In reality, it was quite the opposite. The rural areas were in turmoil. Few areas fought so stubbornly as Zeerust, where Chief Abram Moilwa (with the able assistance of advocate George Bizos) led his people to resist the so-called Bantu Authorities. Such areas were usually invisible to the press, and the government used their inaccessibility to veil the cruelty of the state's actions. Scores of innocent people were arrested, prosecuted, jailed, banished, beaten, tortured, and murdered. The people of Sekhukhuneland also revolted, and the paramount chief, Moroamotsho Sekhukhune, Godfrey Sekhukhune, and other counselors were banished or arrested.

A Sekhukhune chief, Kolane Kgoloko, who was perceived as a government lackey, was assassinated. By 1960, resistance in Sekhukhuneland had reached open defiance, and people were refusing to pay taxes.

In Zeerust and Sekhukhuneland, ANC branches played a prominent part in the protests. In spite of the severe repression, a number of new ANC branches sprang up in the Zeerust area, one of them having recruited about two thousand members. Sekhukhuneland and Zeerust were the first areas in South Africa where the ANC was banned by the government, evidence of our power in these remote areas.

Protest erupted in Eastern Pondoland, where government henchmen were assaulted and killed. Thembuland and Zululand fiercely resisted, and were among the last areas to yield. People were beaten, arrested, deported, and imprisoned. In Thembuland, resistance had been going on since 1955, with Sabata part of the forces of protest.

It was especially painful to me that in the Transkei, the wrath of the people was directed against my nephew and onetime mentor K. D. Matanzima. There was no doubt that Daliwonga was collaborating with the government. All the appeals I had made to him over the years had come to naught. There were reports that *impis* (traditional warriors) from Matanzima's headquarters had burned down villages that opposed him. There were several assassination attempts against him. Equally painful was the fact that Winnie's father was serving on Matanzima's council and was an unwavering supporter. This was terribly difficult for Winnie: her father and her husband were on opposite sides of the same issue. She loved her father, but she rejected his politics.

On a number of occasions, tribesmen and kinsmen from the Transkei visited me in Orlando to complain about chiefs collaborating with the government. Sabata was opposed to the Bantu Authorities and would not capitulate, but my visitors were afraid that Matanzima would depose him, which is eventually what happened. At one time, Daliwonga himself came to visit during the Treason Trial and I brought him with me to Pretoria. In the courtroom, Issy Maisels introduced him to the judges and they accorded him a seat of honor. But outside — among the accused — he was not treated so deferentially. He began aggressively to ask the various defendants, who regarded him as a sellout, why they objected to separate

development. Lilian Ngoyi remarked: "*Tyhini, uyadelela lo mntu*" (Gracious, this man is provocative).

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IT IS SAID that the mills of God grind exceedingly slowly, but even the Lord's machinations can't compete with those of the South African judicial system. On August 3, 1959, two years and eight months after our arrests, and after a full year of legal maneuvering, the actual trial commenced at the Old Synagogue in Pretoria. We were finally formally arraigned and all thirty of us pleaded not guilty.

Our defense team was once again led by Issy Maisels, and he was assisted by Sydney Kentridge, Bram Fischer, and Vernon Berrangé. This time, at long last, the trial was in earnest. During the first two months of the case, the Crown entered some two thousand documents into the record and called two hundred ten witnesses, two hundred of whom were members of the Special Branch. These detectives admitted to hiding in closets and under beds, posing as ANC members, perpetrating virtually any deception that would enable them to get information about our organization. Yet many of the documents the state submitted and the speeches they transcribed were public documents, public speeches, information available to all. As before, much of the Crown's evidence consisted of books, papers, and documents seized from the accused during numerous raids that took place between 1952 and 1956, as well as notes taken by the police at Congress meetings during this same period. As before, the reports by the Special Branch officers of our speeches were generally muddled. We used to joke that between the poor acoustics of the hall and the confused and inaccurate reports of the Special Branch detectives, we could be fined for what we did not say, imprisoned for what we could not hear, and hanged for what we did not do.

Each day at lunchtime we were permitted to sit outside in the spacious garden of a neighboring vicarage where we were supplied with a meal cooked by the redoubtable Mrs. Thayanagee Pillay and her friends. They prepared a spicy Indian lunch for us almost every day, and also tea, coffee, and sandwiches during the morning and afternoon breaks. These respites were like tiny vacations from court,

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and were a chance for us to discuss politics with each other. Those moments under the shade of the jacaranda trees on the vicarage lawn were the most pleasant of the trial, for in many ways the case was more a test of our endurance than a trial of justice.

On the morning of October 11, as we were preparing to go to court, we heard an announcement on the radio that the prosecutor, Oswald Pirow, had died suddenly from a stroke. His death was a severe setback to the government, and the effectiveness and aggressiveness of the Crown team diminished from that point on. In court that day, Judge Rumpff gave an emotional eulogy to Pirow, and praised his legal acumen and thoroughness. Although we would benefit from his absence, we did not rejoice at his death. We had developed a certain affection for our opponent, for despite Pirow's noxious political views, he was a humane man without the virulent personal racism of the government he was acting for. His habitual polite reference to us as "Africans" (even one of our own attorneys occasionally slipped and referred to us as "natives") contrasted with his supremacist political leanings. In a curious way, our small world inside the Old Synagogue seemed balanced when, each morning, we observed Pirow reading the right-wing *Nuwe Order* at his table and Bram Fischer reading the left-wing *New Age* at ours. His donation to us of the more than one hundred volumes of the preparatory examination free of charge was a generous gesture that saved the defense a great deal of money. Advocate De Vos became the new leader of the Crown's team and could not match the eloquence or acuity of his predecessor.

Shortly after Pirow's death, the prosecution concluded its submission of evidence. It was then that the prosecution began its examination of expert witnesses commencing with the long-suffering Professor Murray, its supposed expert in communism who had proved so inept in his subject during the preparatory examination. In a relentless cross-examination by Maisels, Murray admitted that the charter was in fact a humanitarian document that might well represent the natural reaction and aspirations of nonwhites to the harsh conditions in South Africa.

Murray was not the only Crown witness who did little to advance the state's case. Despite the voluminous amount of Crown evidence

and the pages and pages of testimony from their expert witnesses, the prosecution had not managed to produce any valid evidence that the ANC plotted violence, and they knew it. Then, in March, the prosecution displayed a new burst of confidence. They were about to release their most damning evidence. With great fanfare and a long drumroll in the press, the state played for the court a secretly recorded speech of Robert Resha's. The speech was given in his capacity as Transvaal Volunteer-in-Chief to a roomful of Freedom Volunteers in 1956, a few weeks before we were all to be arrested. The courtroom was very quiet, and despite the static of the recording and the background din, one could make out Robert's words very clearly.

When you are disciplined and you are told by the organization not to be violent, you must not be violent . . . but 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.

The prosecution believed it had sealed its case. Newspapers prominently featured Resha's words and echoed the sensibilities of the state. To the Crown, the speech revealed the ANC's true and secret intent, unmasking the ANC's public pretense of nonviolence. But in fact, Resha's words were an anomaly. Robert was an excellent if rather excitable platform speaker, and his choice of analogy was unfortunate. But as the defense would show, he was merely emphasizing the importance of discipline and that the volunteer must do whatever he is ordered, however unsavory. Over and over, our witnesses would show that Resha's speech was not only taken out of context but did not represent ANC policy.

The prosecution concluded its case on March 10, 1960, and we were to call our first witness for the defense four days later. We had been in the doldrums for months, but as we started to prepare ourselves for our testimony, we were eager to go on the offensive. We had been parrying the enemy's attacks for too long.

There had been much speculation in the press that our first witness would be Chief Luthuli. The Crown apparently believed that as well, for there was great consternation among the prosecution when, on March 14, our first witness was not Luthuli but Dr. Wilson Conco.

Conco was the son of a Zulu cattle farmer from the beautiful Ixopo district of Natal. In addition to being a practicing physician, he had been one of the founders of the Youth League, an active participant in the Defiance Campaign, and the treasurer of the ANC. As a preparation for his testimony, he was asked about his brilliant academic record at the University of the Witwatersrand, where he graduated first in his medical school class, ahead of all the sons and daughters of white privilege. As Conco's credentials were cited, I got the distinct impression that Justice Kennedy, who was also from Natal, seemed proud. Natalians are noted for their loyalty to their region, and these peculiar bonds of attachment can sometimes even transcend color. Indeed, many Natalians thought of themselves as white Zulus. Justice Kennedy had always seemed to be a fair-minded man, and I sensed that through Wilson Conco's example, he began to see us not as heedless rabble-rousers but men of worthy ambitions who could help their country if their country would only help them. At the end of Conco's testimony, when Conco was cited for some medical achievement, Kennedy said in Zulu, a language in which he was fluent, "*Sinjalo thina maZulu,*" which means, "We Zulus are like that." Dr. Conco proved a calm and articulate witness who reaffirmed the ANC's commitment to nonviolence.

Chief Luthuli was next. With his dignity and sincerity, he made a deep impression on the court. He was suffering from high blood pressure, and the court agreed to sit only in the mornings while he gave evidence. His evidence-in-chief lasted several days and he was cross-examined for nearly three weeks. He carefully outlined the evolution of the ANC's policy, putting things simply and clearly, and his former positions as teacher and chief imparted an added gravity and authority to his words. As a devout Christian, he was the perfect person to discuss how the ANC had sincerely strived for racial harmony.

The chief testified to his belief in the innate goodness of man and how moral persuasion plus economic pressure could well lead to a change of heart on the part of white South Africans. In discussing the ANC's policy of nonviolence, he emphasized that there was a difference between nonviolence and pacifism. Pacifists refused to defend themselves even when violently attacked, but that was not necessarily the case with those who espoused nonviolence.

Sometimes men and nations, even when nonviolent, had to defend themselves when they were attacked.

As I listened to Conco and Luthuli, I thought that here, probably for the first time in their lives, the judges were listening not to their domestic servants who said only what they knew their masters would like to hear, but to independent and articulate Africans spelling out their political beliefs and how they hoped to realize them.

The chief was cross-examined by Advocate Trengove, who doggedly attempted to get him to say the ANC was dominated by Communists and had a dual policy of nonviolence intended for the public and a secret plan of waging violent revolution. The chief steadfastly refuted the implications of what Trengove was suggesting. He himself was the soul of moderation, particularly as Trengove seemed to lose control. At one point, Trengove accused the chief of hypocrisy. The chief ignored Trengove's aspersion and calmly remarked to the bench, "My Lord, I think the Crown is running wild."

But on March 21, the chief's testimony was interrupted by a shattering event outside the courtroom. On that day, the country was rocked by an occurrence of such magnitude that when Chief Luthuli returned to testify a month later, the courtroom — and all of South Africa — was a different place.

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THE DECEMBER 1959 ANC annual conference was held in Durban during that city's dynamic antipass demonstrations. The conference unanimously voted to initiate a massive countrywide antipass campaign beginning March 31 and climaxing on June 26 with a great bonfire of passes.

The planning began immediately. On March 31, deputations were sent to local authorities. ANC officials toured the country, talking to the branches about the campaign. ANC field-workers spread the word in townships and factories. Leaflets, stickers, and posters were printed and circulated and posted in trains and buses.

The mood of the country was grim. The state was threatening to ban the organization, with cabinet ministers warning the ANC that it would soon be battered with "an ungloved fist." Elsewhere

in Africa, the freedom struggle was marching on: the emergence of the independent republic of Ghana in 1957 and its pan-Africanist, anti-apartheid leader, Kwame Nkrumah, had alarmed the Nationalists and made them even more intent on clamping down on dissent at home. In 1960, seventeen former colonies in Africa were scheduled to become independent states. In February, British Prime Minister Harold Macmillan visited South Africa and gave a speech before Parliament in which he talked of "winds of change" sweeping Africa.

The PAC at the time appeared lost; they were a leadership in search of followers, and they had yet to initiate any action that put them on the political map. They knew of the ANC's antipass campaign and had been invited to join, but instead of linking arms with the Congress movement, they sought to sabotage us. The PAC announced that it was launching its own antipass campaign on March 21, ten days before ours was to begin. No conference had been held by them to discuss the date, no organizational work of any significance had been undertaken. It was a blatant case of opportunism. Their actions were motivated more by a desire to eclipse the ANC than to defeat the enemy.

Four days before the scheduled demonstration, Sobukwe invited us to join with the PAC. Sobukwe's offer was not a gesture of unity but a tactical move to prevent the PAC from being criticized for not including us. He made the offer at the eleventh hour, and we declined to participate. On the morning of March 21, Sobukwe and his executive walked to the Orlando police station to turn themselves in for arrest. The tens of thousands of people going to work ignored the PAC men. In the magistrate's court, Sobukwe announced the PAC would not attempt to defend itself, in accordance with their slogan "No bail, no defense, no fine." They believed the defiers would receive sentences of a few weeks. But Sobukwe was sentenced not to three weeks' but to three years' imprisonment without the option of a fine.

The response to the PAC's call in Johannesburg was minimal. No demonstrations at all took place in Durban, Port Elizabeth, or East London. But in Evaton, Z. B. Molete, ably assisted by Joe Molefi and Vusumuzi Make, mustered the support of the entire township as several hundred men presented themselves for arrest without passes. Cape Town saw one of the biggest antipass demonstrations in the history of the city. In Langa township, outside

Cape Town, some thirty thousand people, led by the young student Philip Kgosana, gathered and were spurred to rioting by a police baton-charge. Two people were killed. But the last of the areas where demonstrations took place was the most calamitous and the one whose name still echoes with tragedy: Sharpeville.

Sharpeville was a small township about thirty-five miles south of Johannesburg in the grim industrial complex around Vereeniging. PAC activists had done an excellent job of organizing the area. In the early afternoon, a crowd of several thousand surrounded the police station. The demonstrators were controlled and unarmed. The police force of seventy-five was greatly outnumbered and panicky. No one heard warning shots or an order to shoot, but suddenly, the police opened fire on the crowd and continued to shoot as the demonstrators turned and ran in fear. When the area had cleared, sixty-nine Africans lay dead, most of them shot in the back as they were fleeing. All told, more than seven hundred shots had been fired into the crowd, wounding more than four hundred people, including dozens of women and children. It was a massacre, and the next day press photos displayed the savagery on front pages around the world.

The shootings at Sharpeville provoked national turmoil and a government crisis. Outraged protests came in from across the globe, including one from the American State Department. For the first time, the U.N. Security Council intervened in South African affairs, blaming the government for the shootings and urging it to initiate measures to bring about racial equality. The Johannesburg stock exchange plunged and capital started to flow out of the country. South African whites began making plans to emigrate. Liberals urged Verwoerd to offer concessions to Africans. The government insisted Sharpeville was the result of a Communist conspiracy.

The massacre at Sharpeville created a new situation in the country. In spite of the amateurishness and opportunism of their leaders, the PAC rank and file displayed great courage and fortitude in their demonstrations at Sharpeville and Langa. In just one day, they had moved to the front lines of the struggle, and Robert Sobukwe was being hailed inside and outside the country as the savior of the liberation movement. We in the ANC had to make rapid adjustments to this new situation, and we did so.

A small group of us — Walter, Duma Nokwe, Joe Slovo, and

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myself — held an all-night meeting in Johannesburg to plan a response. We knew we had to acknowledge the events in some way and give the people an outlet for their anger and grief. We conveyed our plans to Chief Luthuli, and he readily accepted them. On March 26, in Pretoria, the chief publicly burned his pass, calling on others to do the same. He announced a nationwide stay-at-home on March 28, a national Day of Mourning and protest for the atrocities at Sharpeville. In Orlando, Duma Nokwe and I then burned our passes before hundreds of people and dozens of press photographers.

Two days later, on the twenty-eighth, the country responded magnificently as several hundred thousand Africans observed the chief's call. Only a truly mass organization could coordinate such activities, and the ANC did so. In Cape Town a crowd of fifty thousand met in Langa township to protest the shootings. Rioting broke out in many areas. The government declared a State of Emergency, suspending habeas corpus and assuming sweeping powers to act against all forms of subversion. South Africa was now under martial law.

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AT 1:30 IN THE MORNING, on March 30, I was awakened by sharp, unfriendly knocks at my door, the unmistakable signature of the police. "The time has come," I said to myself as I opened the door to find half-a-dozen armed security policemen. They turned the house upside down, taking virtually every piece of paper they could find, including the transcripts I had recently been making of my mother's recollections of family history and tribal fables. I was never to see them again. I was then arrested without a warrant, and given no opportunity to call my lawyer. They refused to inform my wife as to where I was to be taken. I simply nodded at Winnie; it was no time for words of comfort.

Thirty minutes later we arrived at Newlands police station, which was familiar to me from the many occasions when I had visited clients there. The station was located in Sophiatown, or rather, what was left of it, for the once bustling township was now a ruin of bulldozed buildings and vacant lots. Inside I found a number of my colleagues who had been similarly rousted out of bed, and over the

course of the night, more arrived; by morning we totaled forty in all. We were put in a cramped yard with only the sky as a roof and a dim bulb for light, a space so small and dank that we remained standing all night.

At 7:15, we were taken into a tiny cell with a single drainage hole in the floor which could be flushed only from the outside. We were given no blankets, no food, no mats, and no toilet paper. The hole regularly became blocked and the stench in the room was insufferable. We issued numerous protests, among them the demand to be fed. These were met with surly rejoinders, and we resolved that the next time the door opened, we would surge out into the adjacent courtyard and refuse to return to the cell until we had been fed. The young policeman on duty took fright and left as we stampeded through the door. A few minutes later, a burly no-nonsense sergeant entered the courtyard and commanded us to return to the cell. "Go inside!" he yelled. "If you don't, I'll bring in fifty men with batons and we'll break your skulls!" After the horrors of Sharpeville, the threat did not seem empty.

The station commander approached the gate of the courtyard to observe us, and then came over and berated me for standing with my hands in my pockets. "Is that the way you act around an officer?" he yelled. "Take your bloody hands out of your pockets!" I kept my hands firmly rooted in my pockets as if I were taking a walk on a chilly day. I told him that I might condescend to remove my hands if we were fed.

At 3 P.M., more than twelve hours after most of us had arrived, we were delivered a container of thin mealie pap and no utensils. Normally, I would have considered this unfit for consumption, but we reached in with our unwashed hands and ate as though we had been provided with the most delicious delicacies under the sun. After our meal, we elected a committee to represent us, which included Duma Nokwe and Z. B. Molete, the publicity secretary of the Pan Africanist Congress, and me. I was elected spokesman. We immediately drew up a petition protesting the unfit conditions and demanding our immediate release on the grounds that our detention was illegal.

At six o'clock we received sleeping mats and blankets. I do not think words can do justice to a description of the foulness and filthiness of this bedding. The blankets were encrusted with dried

blood and vomit, ridden with lice, vermin, and cockroaches, and reeked with a stench that actually competed with the odiousness of the drain.

Near midnight, we were told we were to be called out, but for what we did not know. Some of the men smiled at the expectation of release. Others knew better. I was the first to be called and I was ushered over to the front gate of the prison where I was briefly released in front of a group of police officers. But before I could move, an officer shouted.

“Name!”

“Mandela,” I said.

“Nelson Mandela,” the officer said, “I arrest you under the powers vested in me by the Emergency Regulations.” We were not to be released at all, but rearrested under the terms of what we only then discovered was a State of Emergency. Each of us in turn was released for mere seconds, and then rearrested. We had been arrested illegally before the State of Emergency; now we were being properly arrested under the State of Emergency that came into force at midnight. We drafted a memorandum to the commander asking to know our rights.

The next morning, I was called to the commander’s office, where I found my colleague Robert Resha, who had been arrested and was being interrogated by the station commander. When I walked into the room, Resha asked the commander why he had erupted at me the previous night. His answer was that of the typical white *baas*: “Mandela was cheeky.” I responded, “I’m not bound to take my hands out of my pockets for the likes of you, then or now.” The commander jumped out of his chair, but was restrained by other officers. At this moment, Special Branch Detective Sergeant Helberg entered the office and said, “Hello, Nelson!” in a pleasant way. To which I shot back, “I am not Nelson to you, I am Mr. Mandela.” The room was on the brink of becoming a full-scale battle when we were informed that we had to leave to attend the Treason Trial in Pretoria. I did not know whether to laugh or despair, but in the midst of this thirty-six hours of mistreatment and the declaration of a State of Emergency, the government still saw fit to bring us back to Pretoria to continue their desperate and now seemingly outdated case against us. We were taken straight to Pretoria Local Prison, where we were detained.

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IN THE MEANTIME, court resumed, in our absence, on March 31, but the witness box was conspicuously empty. Those who did attend were the accused whom the police had failed to pick up under the State of Emergency. Chief Luthuli had been in the middle of his evidence, and Judge Rumpff asked for an explanation for his absence. He was informed that the chief had been taken into custody the night before. Judge Rumpff expressed irritation with the explanation and said he did not see why the State of Emergency should stand in the way of his trial. He demanded that the police bring the chief to court so that he could resume his testimony, and court was adjourned.

Later we discovered that after the chief's arrest, he had been assaulted. He had been walking up some stairs when he was jostled by a warder, causing his hat to fall to the floor. As he bent to pick it up, he was smacked across the head and face. This was hard for us to take. A man of immense dignity and achievement, a lifelong devout Christian, and a man with a dangerous heart condition, was treated like a barnyard animal by men who were not fit to tie his shoes.

When we were called back into session that morning, Judge Rumpff was informed that the police refused to bring the chief to court. The judge then adjourned court for the day, and we expected to go home. But as they were leaving the court grounds to find transportation, we were all once again rearrested.

But the police, with their usual disorganized overzealousness, made a comical mistake. Wilton Mkwazi, one of the accused and a longtime union leader and ANC man, had traveled to Pretoria for the trial from Port Elizabeth. Somehow he had gotten separated from his colleagues and when he approached the gate and saw the commotion of his fellow accused being arrested, he asked a policeman what was going on. The policeman ordered him to leave. Wilton stood there. The policeman again ordered him to leave, whereupon Wilton informed the officer he was one of the accused. The officer called him a liar, and threatened to arrest him for obstruction of justice. The officer then angrily ordered him to leave

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the area. Wilton shrugged his shoulders, walked out of the gate, and that was the last anyone saw of Wilton in court. He went underground for the next two months, successfully evading arrest, and then was smuggled out of the country, soon emerging as a foreign representative for the Congress of Trade Unions and later going for military training in China.

That night, we were joined by detainees from other parts of the Transvaal. The countrywide police raid had led to the detention without trial of more than two thousand people. These men and women belonged to all races and all anti-apartheid parties. A call-up of soldiers had been announced, and units of the army had been mobilized and stationed in strategic areas around the country. On April 8, both the ANC and the PAC were declared illegal organizations, under the Suppression of Communism Act. Overnight, being a member of the ANC had become a felony punishable by a term in jail and a fine. The penalty for furthering the aims of the ANC was imprisonment for up to ten years. Now even nonviolent law-abiding protests under the auspices of the ANC were illegal. The struggle had entered a new phase. We were now, all of us, outlaws.

For the duration of the State of Emergency we stayed at Pretoria Local, where the conditions were as bad as those at Newlands. Groups of five prisoners were pressed into cells measuring nine feet by seven feet; the cells were filthy, with poor lighting and worse ventilation. We had a single sanitary pail with a loose lid and vermin-infested blankets. We were allowed outside for an hour a day.

On our second day in Pretoria, we sent a deputation to complain about the conditions to the prison's commanding officer, Colonel Snyman. The colonel's response was rude and abrupt. He demanded that we produce evidence, calling our complaints lies. "You have brought the vermin into my prison from your filthy homes," he sneered.

I said we also required a room that was quiet and well lit so that we could prepare for our case. The colonel was again contemptuous: "Government regulations do not require prisoners to read books, if you can read at all." Despite the colonel's disdainful attitude, the cells were soon painted and fumigated and we were supplied with fresh blankets and sanitary pails. We were permitted to stay out in the yard for much of the day, while those of us involved in the

Treason Trial were provided with a large cell for consultations, in which we were also permitted to keep legal books.

Pretoria Local would be our home for the foreseeable future. We would leave for the trial in the morning and return to the prison in the afternoon. The prison, according to apartheid dictates, separated detainees by color. We were of course already separated from our white colleagues, but the separation from our Indian and Coloured comrades within the same non-White facility seemed like madness. We demanded to be accommodated together, and were given all sorts of absurd explanations why this was impossible. When the proverbial inflexibility of red tape is combined with the petty small-mindedness of racism, the result can be mind-boggling. But the authorities eventually yielded, allowing the Treason Trialists to be kept together.

Although we were kept together, our diet was fixed according to race. For breakfast, Africans, Indians, and Coloureds received the same quantities, except that Indians and Coloureds received a half-teaspoonful of sugar, which we did not. For supper, the diets were the same, except that Indians and Coloureds received four ounces of bread while we received none. This latter distinction was made on the curious premise that Africans did not naturally like bread, which was a more sophisticated or "Western" taste. The diet for white detainees was far superior to that for Africans. So color-conscious were the authorities that even the type of sugar and bread supplied to whites and nonwhites differed: white prisoners received white sugar and white bread, while Coloured and Indian prisoners were given brown sugar and brown bread.

We complained vociferously about the inferior quality of the food, and as a result, our advocate Sydney Kentridge made a formal complaint in court. I stated that the food was unfit for human consumption. Judge Rumpff agreed to sample the food himself and that day went out to do so. Samp and beans was the best meal that the prison prepared, and in this case, the authorities put in more beans and gravy than usual. Judge Rumpff ate a few spoonfuls and pronounced the food well cooked and tasty. He did allow that it should be served warm. We laughed among ourselves at the idea of "warm" jail food; it was a contradiction in terms. Eventually, the authorities supplied the detainees with what they called an Improved

Diet: Africans received bread, while Indians and Coloureds received the same food provided to white prisoners.

I enjoyed one extraordinary privilege during our detention: weekend trips to Johannesburg. These were not a vacation from prison but a busman's holiday. Shortly before the State of Emergency, Oliver left South Africa on the instructions of the ANC. We had long suspected a clamp-down was coming, and the Congress decided that certain members needed to leave the country to strengthen the organization abroad in anticipation of the time it would be banned entirely.

Oliver's departure was one of the most well-planned and fortunate actions ever taken by the movement. At the time we hardly suspected how absolutely vital the external wing would become. With his wisdom and calmness, his patience and organizational skills, his ability to lead and inspire without stepping on toes, Oliver was the perfect choice for this assignment.

Before leaving, Oliver had retained a mutual friend of ours, Hymie Davidoff, a local attorney, to close up our office and wind up our practice. Davidoff made a special request to Colonel Prinsloo to permit me to come to Johannesburg on weekends to help him put things in order. In a fit of generosity, Colonel Prinsloo agreed, allowing me to be driven to Johannesburg on Friday afternoons to work in the office all weekend and then be driven back to the trial on Monday morning. Sergeant Kruger and I would leave after court adjourned at one o'clock on Friday, and after arriving at my office, I would work with Davidoff and our accountant Nathan Marcus. I would spend the nights in Marshall Square prison and the days at the office.

Sergeant Kruger was a tall and imposing fellow who treated us with fairness. On the way from Pretoria to Johannesburg, he would often stop the car and leave me inside while he went into a shop to buy biltong, oranges, and chocolate for both of us. I thought about jumping out of the car, especially on Fridays, when the sidewalks and streets were busy and one could get lost in a crowd.

While at the office, I could walk downstairs to the ground-floor café to buy incidentals, and he turned his head aside on one or two occasions when Winnie came to visit me. We had a kind of

gentleman's code between us: I would not escape and thereby get him into trouble, while he permitted me a degree of freedom.

## 36

ON APRIL 25, the day before the trial was to resume, Issy Maisels called us together to discuss the grave effect the State of Emergency was having on the conduct of the trial. Because of the Emergency Regulations, consultations between the accused and our lawyers had become virtually impossible. Our lawyers, who were based in Johannesburg, had trouble seeing us in prison and were unable to prepare our case. They would often drive up and be informed that we were not available. Even when we were able to see them, consultations were harassed and cut short. More important, Maisels explained that under the Emergency Regulations, those already in detention would be exposing themselves to further detention merely by testifying, for they would inevitably make statements regarded as "subversive," thereby subjecting themselves to greater penalties. Defense witnesses who were not imprisoned now risked detainment if they testified.

The defense team proposed that they withdraw from the case in protest. Maisels explained the serious implications of such a withdrawal and the consequences of our conducting our own defense in a capital case. Under the hostile atmosphere at the time, he said, the judges might see fit to give us longer terms of imprisonment. We discussed the proposal among ourselves, and each of the twenty-nine accused — we were now minus Wilton Mkwayi — was able to express his opinion. The resolution was unanimously endorsed, and it was agreed that Duma Nokwe and I would help in preparing the case in the absence of our lawyers. I was in favor of this dramatic gesture, for it highlighted the iniquities of the State of Emergency.

On April 26, Duma Nokwe, the first African advocate in the Transvaal, rose in court and made the sensational announcement that the accused were instructing defense counsel to withdraw from the case. Maisels then said simply, "We have no further mandate and we will consequently not trouble Your Lordships any further," after which the defense team silently filed out of the synagogue. This shocked the three-judge panel, who warned us in direst terms

about the dangers of conducting our own defense. But we were angry and eager to take on the state. For the next five months, until the virtual end of the Emergency, we conducted our own defense.

Our strategy was simple and defensive in nature: to drag out the case until the State of Emergency was lifted and our lawyers could return. The case had gone on so long already that it did not seem to matter if we stretched it out even further. In practice, this strategy became rather comical. Under the law, each one of us was now entitled to conduct his own defense and was able to call as a witness each of the other accused; and each of the accused was entitled to cross-examine each witness. We were arranged in alphabetical order according to the docket and accused number one was Farid Adams, of the Transvaal Indian Youth Congress. Farid would open his case by calling accused number two, Helen Joseph, as his first witness. After being examined by Farid, Helen would then be cross-examined by the twenty-seven other co-accused. She would then be cross-examined by the Crown and reexamined by accused number one. Adams would then proceed to call accused number three, and so on, and the whole procedure would duplicate itself until every accused was called in this fashion. At that rate, we would be at trial until the millennium.

It is never easy to prepare a case from prison, and in this instance we were hampered by the customary apartheid barriers. All of the accused needed to be able to meet together but prison regulations prohibited meetings between male and female prisoners, and between black and white, so we were not permitted to consult with Helen Joseph, Leon Levy, Lilian Ngoyi, and Bertha Mashaba.

Helen, as the first witness to be called, needed to prepare her evidence in the presence of Duma, myself, and Farid Adams, who would be examining her. After protracted negotiations with the prison authorities, we were permitted to have consultations under very strict conditions. Helen Joseph, Lilian, Leon, and Bertha were to be brought from their various prisons and sections (separated by race and gender) to the African men's prison. The first stipulation was that there could be no physical contact between white and black prisoners, and between male and female prisoners. The authorities erected an iron grille to separate Helen and Leon (as whites) from us and a second partition to separate them from Lilian, who was

also participating in the preparations. Even a master architect would have had trouble designing such a structure. In prison we were separated from each other by this elaborate metal contraption, while in court we all mingled freely.

We first needed to coach Farid in the art of courtroom etiquette, and rehearse Helen's testimony. To help Helen, I was playing the role that Farid would play in court. I assumed the proper courtroom manner and began the examination.

"Name?" I said.

"Helen Joseph," she replied.

"Age?"

Silence. I repeated, "Age?"

Helen pursed her lips and waited. Then, after some moments, she scowled at me and said sharply, "What has my age to do with this case, Nelson?"

Helen was as charming as she was courageous, but she also had an imperious side. She was a woman of a certain age, and sensitive about it. I explained that it was customary to note down the witness's particulars, such as name, age, address, and place of birth. A witness's age helps the court to weigh her testimony and influences sentencing.

I continued: "Age?"

Helen stiffened. "Nelson," she said, "I will cross that bridge when I come to it in court, but not until then. Let us move on."

I then asked her a series of questions that she might expect from the Crown in a manner perhaps too realistic for her, because at one point Helen turned to me and said, "Are you Mandela or are you the prosecutor?"

There were other light moments, some of which were quite encouraging.

I was permitted to visit Helen Joseph on weekends and bring her records of the proceedings. On these occasions I met other women detainees and consulted with them as possible witnesses. I was always very cordial with the white wardresses, and I noticed that my visits caused considerable interest. The wardresses had never known there was even such a species as an African lawyer or doctor, and regarded me as an exotic creature. But as I became more familiar they became more friendly and at ease, and I joked with them that I would handle any of their legal problems. Seeing prominent and educated white women discussing serious matters with a black man

on the basis of perfect equality could only lead to the weakening of the wardresses' apartheid assumptions.

Once during a long interview with Helen, I turned to the wardress who was required to sit in on our conversation and said, "I'm sorry to bore you with this endless consultation." "No," she said, "you are not boring me at all, I am enjoying it." I could see she was following our conversation, and once or twice she even offered small suggestions. I saw this as one of the side benefits of the trial. Most of these wardresses had no idea why we were in prison, and gradually began to discover what we were fighting for and why we were willing to risk jail in the first place.

This is precisely why the National Party was violently opposed to all forms of integration. Only a white electorate indoctrinated with the idea of the black threat, ignorant of African ideas and policies, could support the monstrous racist philosophy of the National Party. Familiarity, in this case, would not breed contempt, but understanding, and even, eventually, harmony.

The light moments in prison could not make up for the low ones. Winnie was allowed to visit on a number of occasions while I was in Pretoria, and each time she brought Zenani, who was then beginning to walk and talk. I would hold her and kiss her if the guards permitted me, and toward the end of the interview, hand her back to Winnie. As Winnie was saying good-bye, and the guards were ushering them out, Zeni would often motion for me to come with them, and I could see on her small puzzled face that she did not understand why I could not.

In court, Farid Adams deftly led Helen through her evidence-in-chief. He argued frequently and fairly competently with the judges. We were now energized: no longer was anyone doing crossword puzzles to pass the time. As the accused took turns cross-examining the witnesses, the Crown and the prosecution began to get a sense for the first time of the true caliber of the men and women on trial.

According to South African law, since we were in the Supreme Court, Duma, as an advocate, was the only one permitted to address the judges directly. I, as an attorney, could instruct him, but I was not technically permitted to address the court, and neither were any of the other defendants. We dismissed our advocates under the correct assumption that an accused, in the absence of representation,

would be permitted to address the court. I addressed the court and Justice Rumpff, trying to frustrate us, interrupted me. "You appreciate the fact, Mr. Mandela," he said, "that Mr. Nokwe, as an advocate, is the only lawyer who is permitted to address the court." To which I replied, "Very well, My Lord, I believe we are all prepared to abide by that as long as you are prepared to pay Mr. Nokwe his fees." From then on no one objected to any of the accused addressing the court.

While Farid was questioning Helen and the subsequent witnesses, Duma and I sat on either side of him, supplying him with questions, helping him to deal with legal issues as they arose. In general, he did not need much prompting. But one day, when we were under constant pressure, we were whispering suggestions to him every few seconds. Farid seemed weary, and Duma and I were running out of material. Then, without consulting us, Farid suddenly asked the judges for a postponement, saying he was fatigued. The judges refused his application, saying it was not sufficient reason for a postponement and reiterating the warning they gave us the day our lawyers withdrew.

That afternoon there was no singing as we returned to prison, and everyone sat with sullen faces. A crisis was brewing among the accused. Upon our arrival in prison, a handful of the accused demanded a meeting. I called all the men together, and J. Nkampeni, a businessman from Port Elizabeth who had helped out the families of defiers during the Defiance Campaign, led what turned out to be an attack.

"Madiba," he said, using my clan name as a sign of respect, "I want you to tell us why you drove away our lawyers." I reminded him that the lawyers were not released by any one individual; their withdrawal had been approved by all, including himself. "But what did we know about court procedure, Madiba?" he said. "We relied on you lawyers."

A substantial number of men shared Nkampeni's misgivings. I warned them against the dangers of being disheartened and insisted we were doing quite well. I said that today was a minor setback, and that we would face worse difficulties. Our case was far more than a trial of legal issues between the Crown and a group of people charged with breaking the law. It was a trial of strength, a test of the power of a moral idea versus an immoral one, and I said we

needed to worry about more than just the legal technique of our advocates. The protest abated.

After Helen Joseph had been cross-examined and reexamined, accused number three, Ahmed Kathrada, opened his case. It was during the testimony of Kathy's second witness, accused number four, Stanley Lollan, a member of the executive of the Coloured People's Congress, that Prime Minister Verwoerd announced that the State of Emergency would soon be lifted. The Emergency had never been intended to be permanent, and the government believed that it had successfully stifled the liberation struggle. At this point, our defense lawyers returned, to the general relief of all of us, though we remained in prison for another few weeks. We had been kept in detention and had functioned without our lawyers for more than five months.

My own testimony began on August 3. I felt well prepared through my preparation of the others. After three years of silence, banning, and internal exile, I looked forward to the chance to speak out before the people attempting to judge me. During my evidence-in-chief I preached moderation and reaffirmed the ANC's commitment to nonviolent struggle. In answer to a question as to whether democracy could be achieved through gradual reforms, I suggested it could.

We demand universal adult franchise and we are prepared to exert economic pressure to attain our demands. We will launch defiance campaigns, stay-at-homes, either singly or together, until the Government should say, "Gentlemen, we cannot have this state of affairs, laws being defied, and this whole situation created by stay-at-homes. Let's talk." In my own view I would say, "Yes, let us talk" and the Government would say, "We think that the Europeans at present are not ready for a type of government where they might be dominated by non-Europeans. We think we should give you 60 seats. The African population to elect 60 Africans to represent them in Parliament. We will leave the matter over for five years and we will review it at the end of five years." In my view, that would be a victory, My Lords; we would have taken a significant step toward the attainment of universal adult suffrage for Africans, and we would then for the five years say, We will suspend civil disobedience.

The state was determined to prove that I was a dangerous, violence-spouting Communist. While I was not a Communist or a

member of the party, I did not want to be seen as distancing myself from my Communist allies. Although I could have been sent back to jail for voicing such views, I did not hesitate to reaffirm the tremendous support the Communists had given us. At one point, the bench posed the question as to whether or not I thought a one-party state was a viable option for South Africa.

NM: My Lord, it is not a question of form, it is a question of democracy.

If democracy would be best expressed by a one-party system then I would examine the proposition very carefully. But if a democracy could best be expressed by a multiparty system then I would examine that carefully. In this country, for example, we have a multiparty system at present, but so far as the non-Europeans are concerned this is the most vicious despotism that you could think of.

I became testy with Judge Rumpff when he fell into the same mistake made by so many white South Africans about the idea of a universal franchise. Their notion was that to exercise this responsibility, voters must be "educated." To a narrow-thinking person, it is hard to explain that to be "educated" does not only mean being literate and having a B.A., and that an illiterate man can be a far more "educated" voter than someone with an advanced degree.

JUSTICE RUMPF: What is the value of participation in the Government of a state of people who know nothing?

NM: My Lord, what happens when illiterate whites vote . . .

JUSTICE RUMPF: Are they not subject as much to the influence of election leaders as children would be?

NM: No, My Lord, this is what happens in practice. A man stands up to contest a seat in a particular area; he draws up a manifesto, and he says, "These are the ideas for which I stand"; it is a rural area and he says, "I am against stock limitation"; then, listening to the policy of this person, you decide whether this man will advance your interests if you return him to Parliament, and on that basis you vote for a candidate. It has nothing to do with education.

JUSTICE RUMPF: He only looks to his own interests?

NM: No, a man looks at a man who will be able to best present his point of view and votes for that man.

I told the court that we believed we could achieve our demands without violence, through our numerical superiority.

We had in mind that in the foreseeable future it will be possible for us to achieve these demands, and we worked on the basis that Europeans themselves in spite of the wall of prejudice and hostility which we encountered, that they can never remain indifferent indefinitely to our demands, because we are hitting them in the stomach with our policy of economic pressure. The Europeans dare not look at it with indifference. They would have to respond to it and indeed, My Lord, they are responding to it.

The Emergency was lifted on the last day of August. We would be going home for the first time in five months. When people in Johannesburg heard about the end of the Emergency, they drove up on the chance that we might be released; when we were let go, we were met with a jubilant reception from friends and family. Winnie had gotten a ride to Pretoria and our reunion was joyous. I had not held my wife in five months or seen her smile with joy. For the first time in five months, I slept in my own bed that night.

After one has been in prison, it is the small things that one appreciates: being able to take a walk whenever one wants, going into a shop and buying a newspaper, speaking or choosing to remain silent. The simple act of being able to control one's person.

Even after the end of the Emergency, the trial continued for another nine months until March 29, 1961. In many ways, these were the glory days for the accused, for our own people were on the stand fearlessly enunciating ANC policy. Robert Resha forcefully disputed the government's absurd contention that the ANC wanted to induce the government to use violence so we could use violence in return. Gert Sibande eloquently told the court of the miseries of African farmworkers. Venerable Isaac Behndy of Ladysmith, eighty-one years old, a lay preacher of the African Native Mission Church, explained why we opted for stay-at-homes instead of strikes.

In October, the redoubtable Professor Matthews was called as our final witness. He was imperturbable on the witness stand and treated the prosecutors as though they were errant students who needed stern admonishment. Often he would reply to the overmastered prosecutor with some version of the following: "What you really want me to say is that the speech which you allege is violent represents the policy of my organization. First, your contention is incorrect and second, I am not going to say that."

He explained in beautiful language that the African people knew that a nonviolent struggle would entail suffering but had chosen it because they prized freedom above all else. People, he said, will willingly undergo the severest suffering in order to free themselves from oppression. With Professor Matthews in the dock, the defense ended on a high note. After he finished testifying, Justice Kennedy shook his hand and expressed the hope that they would meet again under better circumstances.

## 37

AFTER THE LIFTING of the Emergency, the National Executive Committee met secretly in September to discuss the future. We had had discussions in jail during the trial, but this was our first formal session. The state was arming itself not for an external threat but an internal one. We would not disband but carry on from underground. We would have to depart from the democratic procedures, outlined in the ANC's constitution, of holding conferences, branch meetings, and public gatherings. New structures had to be created for communication with unbanned Congress organizations. But all of these new structures were illegal and would subject the participants to arrest and imprisonment. The executive committee and its subordinate structures would have to be severely streamlined to adapt to illegal conditions. Of necessity, we dissolved the ANC Youth League and Women's League. Some fiercely resisted these changes; but the fact was that we were now an illegal organization. For those who would continue to participate, politics went from being a risky occupation to a truly perilous one.

Though Mandela and Tambo had closed its doors and settled its remaining accounts, I continued to do whatever legal work I could. Numerous colleagues readily made their offices, staff, and phone facilities available to me, but most of the time I preferred to work from Ahmed Kathrada's flat, number 13 Kholvad House. Although my practice had dissolved, my reputation as a lawyer was undimmed. Soon, the lounge of number 13 and the hallway outside were crammed with clients. Kathy would return home and discover to his dismay that the only room in which he could be alone was his kitchen.

During this period, I hardly had time for meals and saw very little of my family. I would stay late in Pretoria preparing for our case, or rush back to handle another case. When I could actually sit down to supper with my family, the telephone would ring and I would be called away. Winnie was pregnant again and infinitely patient. She was hoping her husband might actually be at the hospital when she gave birth. But it was not to be.

During the Christmas adjournment in 1960, I learned that Makgatho was ill in the Transkei where he was at school and I violated my banning orders and went down to see him. I drove the entire night, stopping only for petrol. Makgatho required surgery, and I decided to bring him back with me to Johannesburg. I again drove all night, and took Makgatho to his mother's place while I went to arrange for his surgery. When I returned, I learned that Winnie had already gone into labor. I rushed to the non-European wing of Bridgman Memorial Hospital to find that mother and daughter were already in residence. The newborn girl was fine, but Winnie was very weak.

We named our new daughter Zindziswa, after the daughter of the poet laureate of the Xhosa people, Samuel Mqhayi, who had inspired me so many years before at Healdtown. The poet returned home after a very long trip to find that his wife had given birth to a daughter. He had not known that she was pregnant and assumed that the child had been fathered by another man. In our culture, when a woman gives birth, the husband does not enter the house where she is confined for ten days. In this case, the poet was too enraged to observe this custom, and he stormed into the house with an assegai, ready to stab both mother and daughter. But when he looked at the baby girl and saw that she was the image of himself, he stepped back, and said, "*u zindzile*," which means, "You are well established." He named her Zindziswa, the feminine version of what he had said.

## 38

THE CROWN took over a month to do its summing up, which was often interrupted by interjections from the bench pointing out lapses in the argument. In March, it was our turn. Issy Maisels

categorically refuted the charges of violence. "We admit that there is a question of noncooperation and passive resistance," he said. "We shall say quite frankly that if noncooperation and passive resistance constitute high treason, then we are guilty. But these are plainly not encompassed in the law of treason."

Maisels's argument was continued by Bram Fischer, but on March 23, the bench cut short Bram's concluding argument. We still had weeks of argument ahead, but the judges asked for a week's adjournment. This was irregular, but we regarded it as a hopeful sign, for it suggested the judges had already formed their opinion. We were to return to court six days later for what we presumed would be the verdict. In the meantime, I had work to do.

My bans were due to expire two days after the adjournment. I was almost certain that the police would not be aware of this, as they rarely kept track of when bans ended. It would be the first time in nearly five years that I would be free to leave Johannesburg, free to attend a meeting. That weekend was the long-planned All-in Conference in Pietermaritzburg. Its aim was to agitate for a national constitutional convention for all South Africans. I was secretly scheduled to be the main speaker at the conference. I would make the three-hundred-mile drive down to Pietermaritzburg the night before I was scheduled to speak.

The day before I was to leave, the National Working Committee met secretly to discuss strategy. After many meetings in prison and outside, we had decided that we would work from underground, adopting a strategy along the lines of the M-Plan. The organization would survive clandestinely. It was decided that if we were not convicted I would go underground to travel about the country organizing the proposed national convention. Only someone operating full-time from underground would be free from the paralyzing restrictions imposed by the enemy. It was decided that I would surface at certain events, hoping for a maximum of publicity, to show that the ANC was still fighting. It was not a proposal that came as a surprise to me, nor was it one I particularly relished, but it was something I knew I had to do. This would be a hazardous life, and I would be apart from my family, but when a man is denied the right to live the life he believes in, he has no choice but to become an outlaw.

When I returned home from the meeting it was as if Winnie

could read my thoughts. Seeing my face, she knew that I was about to embark on a life that neither of us wanted. I explained what had transpired and that I would be leaving the next day. She took this stoically, as if she had expected it all along. She understood what I had to do, but that did not make it any easier for her. I asked her to pack a small suitcase for me. I told her that friends and relatives would look after her while I was gone. I did not tell her how long I would be gone and she did not ask. It was just as well, because I did not know the answer. I would return to Pretoria for what would probably be the verdict on Monday. No matter the result, I would not be returning home: if we were convicted, I would go directly to prison; if we were discharged, I would immediately go underground.

My elder son, Thembi, was in school in the Transkei, so I could not say good-bye to him, but that afternoon I fetched Makgatho and my daughter Makaziwe from their mother in Orlando East. We spent some hours together, walking on the veld outside town, talking and playing. I said good-bye to them, not knowing when I would see them again. The children of a freedom fighter also learn not to ask their father too many questions, and I could see in their eyes that they understood that something serious was occurring.

At home, I kissed the two girls good-bye and they waved as I got in the car with Wilson Conco and began the long drive to Natal.

Fourteen hundred delegates from all over the country representing one hundred fifty different religious, social, cultural, and political bodies converged on Pietermaritzburg for the All-in Conference. When I walked out onstage on Saturday evening, March 25, in front of this loyal and enthusiastic audience, it had been nearly five years since I had been free to give a speech on a public platform. I was met with a joyous reaction. I had almost forgotten the intensity of the experience of addressing a crowd.

In my speech I called for a national convention in which all South Africans, black and white, Indian and Coloured, would sit down in brotherhood and create a constitution that mirrored the aspirations of the country as a whole. I called for unity, and said we would be invincible if we spoke with one voice.

The All-in Conference called for a national convention of elected representatives of all adult men and women on an equal basis to

determine a new nonracial democratic constitution for South Africa. A National Action Council was elected, with myself as honorary secretary, to communicate this demand to the government. If the government failed to call such a convention, we would call a countrywide three-day stay-away beginning on May 29 to coincide with the declaration of South Africa as a republic. I had no illusions that the state would agree to our proposal.

In October 1960, the government had held an all-white referendum on whether South Africa should become a republic. This was one of the long-cherished dreams of Afrikaner nationalism, to cast off ties to the country they had fought against in the Anglo-Boer War. The pro-republic sentiment won with 52 percent of the vote, and the proclamation of the republic was set for May 31, 1961. We set our stay-at-home on the date of the proclamation to indicate that such a change for us was merely cosmetic.

Directly after the conference I sent Prime Minister Verwoerd a letter in which I formally enjoined him to call a national constitutional convention. I warned him that if he failed to call the convention we would stage the country's most massive three-day strike ever, beginning on May 29. "We have no illusions about the countermeasures your government might take," I wrote. "During the last twelve months we have gone through a period of grim dictatorship." I also issued press statements affirming that the strike was a peaceful and nonviolent stay-at-home. Verwoerd did not reply, except to describe my letter in Parliament as "arrogant." The government instead began to mount one of the most intimidating displays of force ever assembled in the country's history.

## 39

EVEN BEFORE the doors of the Old Synagogue opened on the morning of March 29, 1961, the day of the long-anticipated verdict in the Treason Trial, a crowd of supporters and press people jostled to get inside. Hundreds were turned away. When the judges brought the court to order, the visitors' gallery and the press bench were packed. Moments after Justice Rumpff pounded his gavel, the Crown made an extraordinary application to change the indictment. This was the fifty-ninth minute of the eleventh hour, and it was two

years too late. The court rebuffed the prosecution and the gallery murmured its approval.

“Silence in the court!” the orderly yelled, and Judge Rumpff announced that the three-judge panel had reached a verdict. Silence now reigned. In his deep, even voice, Judge Rumpff reviewed the court’s conclusions. Yes, the African National Congress had been working to replace the government with a “radically and fundamentally different form of state”; yes, the African National Congress had used illegal means of protest during the Defiance Campaign; yes, certain ANC leaders had made speeches advocating violence; and yes, there was a strong left-wing tendency in the ANC that was revealed in its anti-imperialist, anti-West, pro-Soviet attitudes, but —

On all the evidence presented to this court and on our finding of fact it is impossible for this court to come to the conclusion that the African National Congress had acquired or adopted a policy to overthrow the state by violence, that is, in the sense that the masses had to be prepared or conditioned to commit direct acts of violence against the state.

The court said the prosecution had failed to prove that the ANC was a Communist organization or that the Freedom Charter envisioned a Communist state. After speaking for forty minutes, Justice Rumpff said, “The accused are accordingly found not guilty and are discharged.”

The spectators’ gallery erupted in cheers. We stood and hugged each other, and waved to the happy courtroom. All of us then paraded into the courtyard, smiling, laughing, crying. The crowd yelled and chanted as we emerged. A number of us hoisted our defense counsels on our shoulders, which was no easy task in the case of Issy Maisels, for he was such a large man. Flashbulbs were popping all around us. We looked around for friends, wives, relatives. Winnie had come up and I hugged her in joy, though I knew that while I might be free for this moment, I would not be able to savor that freedom. When we were all outside together, the Treason Trialists and the crowd all began to sing “*Nkosi Sikelel’ iAfrika.*”

After more than four years in court and dozens of prosecutors, thousands of documents and tens of thousands of pages of testimony, the state had failed in its mission. The verdict was an embarrassment to the government, both at home and abroad. Yet the

result only embittered the state against us even further. The lesson they took away was not that we had legitimate grievances but that they needed to be far more ruthless.

I did not regard the verdict as a vindication of the legal system or evidence that a black man could get a fair trial in a white man's court. It was the right verdict and a just one, but it was largely as a result of a superior defense team and the fair-mindedness of the panel of these particular judges.

The court system, however, was perhaps the only place in South Africa where an African could possibly receive a fair hearing and where the rule of law might still apply. This was particularly true in courts presided over by enlightened judges who had been appointed by the United Party. Many of these men still stood by the rule of law.

As a student, I had been taught that South Africa was a place where the rule of law was paramount and applied to all persons, regardless of their social status or official position. I sincerely believed this and planned my life based on that assumption. But my career as a lawyer and activist removed the scales from my eyes. I saw that there was a wide difference between what I had been taught in the lecture room and what I learned in the courtroom. I went from having an idealistic view of the law as a sword of justice to a perception of the law as a tool used by the ruling class to shape society in a way favorable to itself. I never expected justice in court, however much I fought for it, and though I sometimes received it.

In the case of the Treason Trial, the three judges rose above their prejudices, their education, and their background. There is a streak of goodness in men that can be buried or hidden and then emerge unexpectedly. Justice Rumpff, with his aloof manner, gave the impression throughout the proceedings that he shared the point of view of the ruling white minority. Yet in the end, an essential fairness dominated his judgment. Kennedy was less conservative than his colleagues and seemed attracted by the idea of equality. Once, for example, he and Duma Nokwe flew on the same plane from Durban to Johannesburg, and when the airline bus to town refused to take Duma, Kennedy refused to ride in it as well. Judge Bekker always struck me as open-minded and seemed aware that the accused before him had suffered a great deal at the hands of the state. I commended

these three men as individuals, not as representatives of the court or of the state or even of their race, but as exemplars of human decency under adversity.

Judge Bekker's wife was a person sensitive to the needs of others. During the State of Emergency, she collected goods which she brought to the accused.

But the consequence of the government's humiliating defeat was that the state decided never to let it happen again. From that day forth they were not going to rely on judges whom they had not themselves appointed. They were not going to observe what they considered the legal niceties that protected terrorists or permitted convicted prisoners certain rights in jail. During the Treason Trial, there were no examples of individuals being isolated, beaten, and tortured in order to elicit information. All of those things became commonplace shortly thereafter.