Chapter Ten

> If most of us recognise the major landmarks of global or national history in our lifetime, it is not because all of us have experienced them, even though some of us may actually have done so or been aware at the time that they were landmarks. It is because we accept the consensus that they are landmarks. Eric Hobsbawm[1]

The Freedom Charter

Time for a Chartist Movement

The idea of the Freedom Charter and the Congress of the People (COP) from which it emanated, had so much potential that it was already seen as of historic importance before either the COP took place or the Freedom Charter was written. The South African Indian Congress described the Congress of the People "as of historic importance" in a letter to the South African Institute of Race Relations (SAIRR) early in 1954,[2] requesting the institute not to proceed with its proposal to hold a national conference to "analyse the position of the non-European people", as it might interfere with the ANC resolution on a similar theme taken in December 1953, at its annual conference in Queenstown.[3] At the conference, Professor Z.K. Matthews proposed the idea of a national convention which would be representative of all South Africa's inhabitants, whose task it would be "to draw up a blueprint for a free South Africa of the future".[4] Perhaps influenced by the decision of the SAIRR to call a convention, he had been mulling over the idea for a few months before the ANC met in December 1953. He had raised the matter at the annual provincial conference of the ANC in Cradock in August 1953, in words that have since been cited many times:

> Various groups in the country are as you know considering the idea of a national convention … I wonder whether the time has not come for the ANC to consider the question of convening a national convention, a congress of the people, representing all the people of this country irrespective of race or colour, to draw up a Freedom Charter for the democratic South Africa of the future.[5]

This was far more advanced in scope than the convention mooted by the SAIRR whose proposal did not include anything as inclusive as a congress of the people or as inspirational as the idea of a freedom charter. All that the institute had said, up to that

point, was that the proposed convention would analyse the position of the non-European peoples and that there might be a preliminary meeting to consider the desirability of an agenda for the proposal.[6] A conference about a conference. The context for these proposals was the state's assault on human rights since 1950, which had exacerbated the racial tensions in the country and made the need for an appropriate response urgent. The summary termination of the Defiance Campaign in 1953 in the wake of the Criminal Laws Amendment Act, and the continued presence on the statute books of the six specific acts against which the Defiance Campaign was mounted, required at the very least, an assertion of the demands for equal rights for all South Africans and a new call for the abolition of discriminatory legislation.

Interestingly, in July 1951 about two years before Z.K.'s intervention at Cradock, *The Guardian*, probably speaking at least for the Congress leadership and some members of the former Party (the SACP was not yet formed) wrote in an editorial entitled "Votes for All!":

> the time has come for a South African Chartist movement … There is nothing illegal or subversive about such a movement. Its aim is not to destroy parliament but to convert it into a true parliament of the people, not to restrict the vote to one section, but to open it to all.[7]

The editorial had little faith in the government undertaking any fundamental changes in the conditions of the black population:

> It was only the power of the organization of the non-European people themselves who would succeed in extracting the franchise from the ruling group … The father-child relationship between white and black in South Africa is played out. The wards have remained wards for three hundred years and are no nearer citizenship.[8]

The notion of a Chartist movement, however, was left in abeyance as the chosen course of action was civil disobedience. After the summary ending of that action, an analysis of its strengths and weaknesses prompted the congress leadership to mount a more all-embracing mass action which would, in its assessment, match the heightened political awareness that the Defiance Campaign had created. It was also important for the morale of its supporters that action be taken against the regime's punitive response to political protest. For all these reasons, the idea of a Congress of the People at which the delegates would adopt a Freedom Charter which would assert the demand for civil rights for all South Africans, seemed to be the appropriate next step. As it happened, it excited the

imagination of the masses and soon became a force with which the regime had to contend even more seriously than it had the Defiance Campaign.

As the Chartist movement took root, the leadership of the national movements added flesh to the original proposal and fine-tuned the concept of a charter, at the same time clarifying the proposal for a Congress of the People. It would not be "a mere get together of delegates" but the broadest representative assembly of direct representatives of ordinary people of all races ever held. It would reach out to the masses "whether or not they belonged to the [national] organizations" and unite with them in calling for such an assembly. The movement would enable all lovers of freedom "to go on the attack and sweep the country with a clear and limited call for freedom".[9] The leadership believed that this was an objective which ordinary people understood and about which "all levels of the congress membership were passionate". That this assessment was accurate was to some extent manifested in the intensity of our activity and the language of the campaign. This last, was essentially the genius of Rusty Bernstein who as the movement's "publicist", reached out to the masses with a quality of prose that matched the expectations of the occasion. Accordingly, the Freedom Charter helped to "mobilize the people up and down the land and awaken an echo [for freedom] in their hearts".

When the leaders of the national organizations met in March 1954, they elected a joint planning committee accountable to the National Action Council, an instrument that had already proved itself in developing the working unity of the congress organizations during the Defiance Campaign. Collectively the NAC gave some form to the campaign, which at that point was still a stimulating idea without shape or structure. Its first meeting was held in Stanger, Natal, near the home village of Chief Luthuli, who was restricted to that area. A number of important decisions were taken there that set the course for the COP, ensuring that it would be people-driven, decentralized and start immediately. Accordingly, local Peoples' Convention committees would be formed in every village and reserve; the same would be done in the cities and towns and in the rural areas throughout the country. Because their purpose was to mobilize and inspire the people, their first task was to call public meetings to hear what grievances people had and what they thought should be included in a freedom charter. The idea was that *they* should effectively participate in the drafting of such a document, the contents of which "will emerge from countless discussions among the people themselves … [and] be in every sense of the word the charter of the ordinary man and woman".[10] Interestingly, the form of that assembly and the election of the representatives to it, initially assumed the symbolic image of "a parliament of elected delegates of the people" and the act of electing the delegates, "a general election". To emphasize the point, *Advance* of 8 April 1954 referred to the assembly as "a new parliament", adding that the Cape Town parliament represented no-one but the white minority in South Africa. Accordingly it told its readers, "Let's elect a

new parliament – a peoples' parliament …" I was not on the COP working committee but Rusty Bernstein who was present at that first meeting, noted in his autobiography that as he listened to Professor Z.K. Matthews expounding his ideas, "a small internal voice was telling me that it sounded suspiciously like treason …".[11] At the time I thought of the various committees (approvingly) as a form of Soviet (Council) with shades of St Petersburg in 1917, and was not quite sure precisely what the next step would be.

In retrospect, I think it was the novelty of the approach to the campaign for the COP that appealed to the people's imagination; its emphasis on hearing rather than telling people what was important to them; the spontaneity of its style; its insistence that everything that touched their lives – whether it was education, employment, shelter or the ordinary freedoms associated with speech, movement, justice or equity – were human rights and proper subjects for a freedom charter. The idea of writing all this down and "telling it like it is" was in itself empowering and was at the same time an assertion of our rights, when these were being whittled away with scant regard for the people affected. The irony of a people feeling its way "towards the inspiring goal of a fully democratic state for all South Africa" when the country was faced with the stark alternative "of going completely fascist", did not escape Walter Sisulu who was encouraged by the favourable conditions "the work of the liberation movement" had created for the success of the Congress of the People.[12] The idea of the COP had captured his imagination no less than it had many in the leadership and activists in its ranks, including my own. He was excited by the possibilities it offered and thought the event would be the most significant in the country's history "for there for the first time would meet in a great assembly … the true representatives of the people". The elected delegates would come from diverse centres "carrying with them their resolutions, demands and grievances of all sorts from the people who sent them".[13]

This excitement was captured in "The Call to the Congress of the People", a passionate document in the format of a leaflet, drafted for the working committee by Rusty Bernstein under the imprint of the National Action Council of the Congress of the People. Rusty was obviously touched by the emotions that the idea of the COP had aroused. He was not by nature overtly passionate and but for a gifted facility to turn a phrase to the most compelling advantage, he was taciturn by temperament and usually set himself at a distance from others. When he wrote, reason supported by solid argument, usually prevailed over emotion.

"The Call" (the first of the major documents of the campaign) was an exception, an indication of the extent to which Bernstein was personally inspired by the egalitarian idealism of the action. Its stirring message reached out "to brothers without land and children without schooling"; to the farmers in the reserves; to the miners "in the dark shafts and cold compounds, far from their families"; and to the farm workers and workers

in the factories. It called on them to speak of long hours, housing and pass laws, of taxes and of cattle-culling and of famine, ending with the repetitive refrain:

> Let us speak together, all of us together – African and European, Indian and Coloured. Voter and voteless. Privileged and rightless. The happy and the homeless … Let us speak of freedom.[14]

The leaflet closed with an appeal to form committees to campaign for the Congress of the People and to gather in groups to send in their demands for the proposed freedom charter.

It is interesting that early understandings of the event were centred on the idea of a charter emerging *in situ* from the demands and grievances of the thousands of delegates present at the "great assembly".[15] Sisulu initially expressed this (as already noted) when he said, "there for the first time would meet in a great assembly … the true representatives of the people … carrying with them their resolutions, demands and grievances of all sorts from the people who sent them". The logistical implications of such a process, were it to have happened, would have been unimaginable and as events turned out a huge disaster, because the COP in its closing stages was surrounded by the police and the army, even as the Charter was being adopted. Fortunately the organization of the COP and ideas on the presentation of the Freedom Charter crystallised during the course of the eighteen month's campaign and in the end a draft document was presented to the "assembled" delegates largely compiled from the "demands" that had been submitted to the COP for adoption. The remarkable feat achieved (by Bernstein who drafted the Charter on behalf of the National Action Council) was that the document had the spontaneity of a peoples' charter and the resonance of the diverse demands for rights that were submitted over the many months of the campaign.

It was an age of charters. The localized, grassroots style of the COP campaign was taken up by women: ANC members, church congregants, trade unionists and housewives attended in large numbers at a conference in Johannesburg in April 1954, just as the campaign for the COP was getting under way. They adopted a charter of women's rights, resolutions embodying the demands of women "who came forward to tell of their hardships, their dreams and their aspirations".[16] Significantly, they also passed a resolution to form a federation of South African women's organizations, which gave rise to the Federation of South African Women (FEDSAW) and subsequently played a legendary role in mobilizing women for the struggle. There were two aspects of the conference that I recall quite clearly. The first was the identification of the local struggles of women with the international movement of women for equity at work and at home. The impact of this was to place this ordinary meeting of women from the smaller and larger towns and cities in South Africa on a world stage with women everywhere. This at

least was the impression I had, listening to the speeches on that occasion. There were 150 women delegates who seemed to come from all over South Africa, representing more than 230 000 women.[17] Hilda Watts Bernstein spoke of the struggle of women for peace; Fatima Meer addressed the meeting on the terrible disabilities of Indian women in South Africa; Ida Mtwana, fiery and militant as ever, on the struggles of African women as mothers, as wives and workers. Duma Nokwe, the only male on the platform, fresh from a trip abroad, spoke of the emancipation of women in China. He was dwarfed in height by Ray Alexander who stood next to him and reminded the delegates that they were not alone but were joined by working women throughout the world. What I remember most about the event was the new division of labour arising from the inversion of "traditional" tasks where the women were the delegates who made impressive presentations to the conference while the men provided the catering and rendered all the services. Paul Joseph captured this in an amusing piece in *Fighting Talk* where he wrote:

> A visit to the kitchen showed a hub of activity. You would find John Motsabi, banned secretary of the Transvaal ANC, and Youth Leaguer Harrison Motlana slicing ham …Young Faried Adams would be preparing biscuits and munching some at the same time. Leon would be washing lettuce while Norman would be preparing fruit.[18]

The conference took up much of my time and energy. I remember making several journeys in my battered car to meet the delegates at the old Johannesburg train station, transporting them to the various houses where they were to be accommodated and later ferrying them to the Trades Hall where the conference was held. After that, the catering was an easy task.

"A genuine parliament"

If there was anyone who could connect the national and international struggles it was Moses Kotane. Banned from public speaking and from the ANC, his Party outlawed under the Suppression of Communism Act, he was still able to make political interventions through the columns of *Advance*, the movement's feisty newspaper. It was not an open secret that he was the general secretary of the new Party (or even publicly known that he was a member of the SACP) but as the former general secretary of the CPSA, his interventions were treated seriously. Kotane placed South Africa in a world context. The current policy in South Africa had its origins in colonialism and the Empire; it was rooted in the basic structure of South Africa, based on cheap labour and the deprivation of democratic rights; it rested on the granting of concessions and monopolies in business, political representation and commercial opportunities as well as skills and

professions to the white middle class and the (white) working class in order to buy their support and sustain South Africa's top-heavy structure. "Only on such a soil could the vile doctrines of apartheid take root and flourish … The choice was between suffering an increasingly brutal dictatorship or emancipating the majority in a multi-racial democracy with equal rights for all."[19] The liberation movement, a serious opponent of fascism, he stressed, was the only major opposition to stand up to the government. The representatives of big business and the mine owners feared democracy more than dictatorship and sought a political compromise with the Nationalists under the guise of stability; in reality, this was for the protection of their investments.

Warming to the recent campaigns undertaken by the liberation movement, Kotane warned that a movement that failed to go forward would go backward. It was the absence of a great central task, common to all democrats, that was a retarding factor during the year between the ending of the Defiance Campaign and the COP. The Congress of the People was just the task to unite the great majority against fascism.

> It would be a great exaggeration to claim that any substantial section of the white population has yet granted the vital truths that the real alternative to a fascist republic is a genuine all-embracing democracy; that any real struggle against the autocratic Swart–Malan state is in allying with the Non-European majority. *It is in the field of race relations that the Nationalists must be met and defeated if any sort of harmonious development is to take place*.[20]

He concluded this part of his long statement with the seemingly gentle warning that those who were against the democratic majority "may preserve their freedom or their unscientific prejudices but they cannot preserve both".

Kotane displayed the same level of excitement at the idea of the COP as Sisulu, despite the former's cautious tendency to stand back and subject the movement's policies to rigorous scrutiny and analysis. The idea of millions of ordinary men and women electing their representatives to a "real" assembly and discussing "how South Africa should be governed, who should elect the men and women who make the laws, how these should be administered … at meetings great and small throughout South Africa", fired his political imagination and led him to conclude that the Freedom Charter "could become an historic document, guiding the way forward to a new and better life".[21] That is not to say that he did not have his own ideas on what the Charter should include. In his view it had to do more than express "pious hopes in words that mean all things to all men". It had at least to claim the four freedoms. These however were not the conventional freedoms of speech, assembly, movement and equality before the law that come to mind. What Kotane was saying was that unless "the rich farmlands were shared among their rightful owners" and "the mines and monopoly-owned industries become the property of the people" and

"workers were guaranteed the right to free trade unions … and wages were sufficient for a civilised life [which included the provision of houses schools and hospitals]" there could be no freedom. [22] These ideas clearly helped to set the tone for the Charter.

It was Bernstein's task to resolve the tension between the specificity of Kotane's characterization of the Charter, and the need for an open-ended document, acceptable to the "broad church" of the Congress Alliance. Kotane's significant "suggestions" regarding the contents of the Freedom Charter on the subjects of the land, mines, workers' wages, and social services (including education and health), were addressed later when the demands were sorted, catalogued and interpreted. All the topics he raised were important, but the most pressing questions at the time concerned the "who" and the "how" of the COP. For the moment, the joint executives of the four organizations and the NAC addressed themselves to matters of process and (for the sake of clarity) rehearsed their original proposals. The COP would be a mass assembly of delegates elected by people of all races, not only in the cities, but also in every village, mine, farm and kraal. As representatives of the people the delegates would consider detailed demands "incorporated and embodied in a Declaration".[23] This was an advance on previous thinking on how the charter would "emerge". Local COP committees would be set up on a provincial basis as well as in the towns, factories, suburbs and streets. As to the questions of who would be elected and how the people would vote for them, the directives were clear: delegates would be elected by direct vote and speak directly at the COP. (The NAC emphasized that the people had suffered enough from indirect representation in the all-white parliament and were fed up with the contempt with which government had treated the natives representatives in parliament and the members of the NRC, who were elected [indirectly] through electoral colleges). This assembly would be a genuine parliament. Anyone over the age of eighteen, without distinction of colour or sex could vote and election day would everywhere be an occasion for great political demonstration and rallies.

Meanwhile thousands of activists would be called upon to prepare for the COP "stage by stage". There was also (an overly optimistic) call for 50 000 volunteers to mobilise opinion, assist the COP and help organize the resistance to the Western Areas removal scheme.[24] The progress of the campaign and absorption of the leadership in ensuring its success, unnerved the government who in a moment of alarm acted punitively, banned the most prominent of the leaders, made dire threats that the various congresses were embarking "on a reign of terror and intimidation to create panic among Europeans to provoke a bloodbath" and followed this up with a wide range of police raids on our offices and homes, while at the same time threatening arrests. In July 1954, Brigadier C.I. Rademeyer (parroting the Minister of Justice) accused the members of the NAC of being "mainly named communists in contact with foreign envoys".[25] When

Sisulu denied this vigorously he was served with an order under the Suppression of Communism Act, forcing him to resign as secretary general of the ANC and from the organization within 30 days. At the same time, he was forbidden to attend gatherings for the next two years. This was not only a punitive measure against an outspoken high-ranking official but another putsch in which a new layer of leadership was silenced.

Almost the entire NEC of the ANC was banned. Chief Luthuli and Oliver Tambo were prohibited from holding office or carrying out any activities in their organization, as were the Reverend James Calata from the ANC in the Eastern Cape; Isaac Moumakoe of the Council of Non-European Trade Unions; Rica Hodgson of the South African Congress of Democrats and Harold Wolpe for his work on the Peace Council. Sisulu's banning was not the only overtly punitive one. In the following month Joe Slovo, a member of the NEC of COD as well as its representative on the National Action Council of the COP was banned from attending gatherings and forbidden to participate in 35 organizations in which he was alleged to have been active. Ahmed Kathrada, then aged 25, a passive resister in 1946 and previously arrested during the Defiance Campaign in 1952, was banned from a long list of 38 organizations to which he was said to have been connected.

At the same time M.P. Naicker, the vice-president and organizing secretary of the Natal Indian Congress, was silenced for two years and ordered to resign from all organizations in which he was active. "M.P." as he was known, an articulate and affable person who died early, was feverishly active in the organization of the COP in the Natal region and the kingpin around much of the congress activity there. Just before his banning in October 1954, he had organized a highly successful rally in Natal at which Chief Luthuli was due to speak. Banned from attending the event, Luthuli sent an inspiring written address, posing the questions: "Shall it be freedom for all in our land or for whites only? Shall it be an indefinite continuation of the status quo or a marching together for freedom?" The roar from the crowded gathering as they listened attentively to his questions was an unmistakeable indication that they endorsed the suggestion of marching together for freedom. The success of the rally probably prompted the banning order that was served on Naicker.

Apart from an attempt to cripple the resistance to the regime and target the most prominent members of the various congresses, the proscription of the leadership from all political activity was intended to prevent the COP from happening. An inevitable target in this wave of repression was the movement's newspaper, *Advance*, which had so patently disseminated the information "week by week" about the COP campaign and had opened its columns to Kotane and Sisulu for their analytical contributions. Predictably, the newspaper's offices were raided under Section 7 of the Suppression of Communism Act, in tandem with the police raids nationally, and the paper was threatened with banning.

This occurred six weeks later, on 12 October 1954. The editor (Brian Bunting, now expelled from parliament and back at his desk) responded to the government's notice of closure by informing subscribers: "We regret to advise you that our paper *Advance* has been dictatorially suppressed by government and we are therefore unable to supply you with a copy in terms of your subscription with us". "However", he added matter-of-factly and obviously masking a great deal of pride, "we enclose herewith a copy of a *new* paper, which is now being published …".[26]

The paper was entitled *New Age*. Brian Bunting was again editor, as he had been with *The Guardian* and *The Clarion*. The first edition of *New Age* appeared sixteen days after the banning of the "old" paper and to all intents and purposes carried on the intrepid traditions of its predecessors, with a few changes in style and editorial presentation. The country's media generally ignored the paper's peremptory banning, leading Bunting to write in the first number of *New Age,* which appeared on 28 October 1954: "Where then are the editorials of the Opposition press condemning the suppression of *Advance* … Where are the protests of the political leaders to boost their stand for the preservation of Western democracy? … All is in silence." It seemed that however much the political opposition disagreed with the ugly thrust of the National Party government, the ranks closed around the "white" consensus whenever the crunch came. Kotane's insight was as pertinent as ever, that there was as yet no "substantial section of the white population that has granted the vital truths that the real alternative to a fascist republic [was] an all-embracing democracy".[27] Cooperation with the non-European majority was in his view all that could save them from fascism. This they resisted for a further five decades, during which there was a protracted armed struggle, an international crusade against apartheid and financial sanctions to make the white consensus accept the "vital truths" that Kotane saw so clearly in 1954. The alternative was the National Party's variant of fascism, which they clung to until the very end.

It was hard to believe that things could get worse. As Malan retired to make way for J.G. Strijdom, the ANC Working Committee warned in December 1954:

> The fully-fledged fascists have taken control of the Nationalist Party. We have never been under any illusion about the coming into being of the police state … The election of` Strijdom will mean a step forward in the direction of an Afrikaner republic … on the pattern of the Hitlerite Republic of Nazi Germany … We ask our people to prepare for darker days … under the leadership of a fascist prime minister.[28]

This was not to suggest that the premiership of Malan was bland. The editorials of *Advance* had already referred to Malan's six year's in office as the most disgraceful in South Africa's history. He had paved the way for the extremism of Strijdom by creating

the structure of a dictatorship based on repressive legislation to outlaw communism (a catchword for the suppression of all serious political opposition); stretched the rule of law and enacted draconian legislation against all manner of protest. He had also introduced labour legislation that was already more controlling than anywhere else in the world and "slammed the doors of learning in the face of the African people". His uninhibited racism had found expression in the creation of residential ghettoes and the extension of the *dompas* system (pass laws). Details of every individual's ethnic origin had to be recorded in identity documents for the purpose of racially segregating the population. In the case of all but white people, these were used to enforce regulatory controls on movement, property ownership, residence and basic services.[29] As if this was not the whole story, Malan's vision extended to legislation against racially mixed sexual unions and interracial marriages. Wryly the newspaper *Advance*, in its last breath of life, wrote that Malan's retirement "had given him the unenviable privilege of being able to read his own obituary notice".[30]

This was the context in which the Congress Alliance prepared for the COP. The irony was that we were planning for a democratic constitution of the future South Africa in the most open forum in our history at a time when we were literally fighting for the political space to exert any rights at all. The banning of the effective leadership of the liberation movement made working more difficult, covert and fraught with the anxiety of infringing the restrictive orders of the banned individuals with whom we met in committees, sometimes in short meetings and sometimes over tea cups which curiously contained no tea.

It also stretched the energy of those who were not yet restricted. I found myself campaigning for the COP as well as speaking out against the concept of Bantu Education and later in 1955 and 1956 applying my half-baked experience as a teacher in the creation of informal syllabi for the Cultural Clubs (formed in April 1955 to provide alternative education when the ANC called upon parents to withdraw their children from Verwoerd's schools). Then there were the clandestine meetings of the SACP and the "legal" activities in COD and of course, my school work. This took the last place in my scale of priorities as I wondered whether I would eventually be arrested in front of the pupils or whether they would read of it in the newspapers or find out through the whispered conversations of the unsuspecting school staff. As it happened, the reality was worse than any of these scenarios, yet like everyone else I carried on, notwithstanding the police raids and the ominous warnings of ministers of state that the axe was soon to fall. Treason was not, at that moment, in the forefront of my mind.

Yet it should have been. Exactly one year before the Freedom Charter was adopted on 26 June 1955, over 100 police armed with automatic weapons raided a 26 June freedom rally at the Trades Hall in Johannesburg. We'd had greetings from different

centres and a stirring message from Chief Luthuli on the significance of 26 June in the ANC's historical calendar. It was a day to be revered because it enshrined the determination of the oppressed people in South Africa to fight for liberation "and the realisation of a government of the people and for the people – and not Europeans only!"[31] It was a crowded rally with representatives from trade unions, the ANC and the other congresses and, as far as I could tell, a substantial number of other individuals for whom attending meetings was as commonplace as going to church. Banners carried congress slogans all around the hall which still hung framed pictures, fixtures from a previous era, of a bearded Marx and a whiskered Bill Andrews on the wall above the speakers' table. Speeches were, among others, about the Western Areas removal scheme, Bantu education, trade union legislation and the COP. The multiplicity of issues that the rally addressed were not for want of focus, but to link the COP with all the other campaigns that were simultaneously taking place.

The meeting had just agreed to raise 15 000 "Luthuli volunteers" when the police invaded the hall. We were accustomed to the presence of police at our meetings but it was unusual for them to disrupt the proceedings with a flourish of automatic weapons. They ordered us to sit down while they took our names and addresses, but the audience was quite undaunted by the police presence. Soon they started up a "struggle song" to pass the time and show their contempt for the police presence. As they ended one song they'd strike up another and then another and another. I'd chime in when I knew the words, but it was heartening enough just to sit and listen and be part of the scene. In hindsight, the audience was astonishingly cool, especially as the police were so heavily armed and patently there to find evidence for the government's intention to "investigate a case of treason".

This was not the first time the word "treason" had been bandied about, but as ever, we chose not to hear it. In reporting the incident *New Age* struck a note of feigned outrage when it rejected the pending charges of treason: "Police officials", it asserted,

> had the incredible effrontery to say they had raided the Trades Hall in the course of investigating a case of treason … What year is this that armed bands stamp into the assemblies of the people to flourish guns in their faces? Is this 1933? Are we again seeing a kind of nightmare of history, the march of the Hitlerite jackboot against the very heart of liberty?[32]

I think we knew that the state was doing its utmost to present the campaign as treasonable, but we believed ours to be a peaceful protest in which there was no plan, either overt or covert to overthrow the state by force of violence. The idea that it was treasonable was simply scare-mongering. However, had the matter preoccupied our attention, the COP

may well have not occurred and the Freedom Charter not written. However, I doubt whether the possibility that either the campaign or the Charter were treasonable would have stopped us from campaigning for the COP. Where we were naïve was to think that the absence of evidence would prevent the state from proceeding with charges. It was a twilight moment for the rule of law**.**

Three Phases

The NAC had set out three stages for the holding of the COP, as it had with the Defiance Campaign earlier, and as it would later do with the campaigns against Bantu education and the Western Areas removal scheme. The neatness of the planning was admirable, but in the end turned out to be too inflexible to be followed sequentially or carried out to the letter. The three stages of the COP included a first phase which would encompass the recruitment of 5 000 volunteers and the creation of provincial committees to direct the campaign regionally, and (in the Transvaal) complete arrangements for the venue. The second and third stages ran into each other. Stage two provided for the establishment of local committees (about two thousand were thought to be appropriate). The purpose of these was to gather proposals for inclusion in the Freedom Charter; prepare detailed plans for the election procedure; and beef up the number of volunteer recruits from 5 000 to 50 000! Stage three involved the convening of the COP, drafting the Charter based on the demands that were submitted, and publicising the event. There was more precision in the rhetoric than in practice, but volunteers did in fact take their tasks seriously and the NAC kept fairly rigidly to its working schedule.

The Transvaal Provincial COP committee where I was most active, established itself in the province in July 1954 and initially organized a successful meeting to which trade unions, political organizations, religious, sporting, cultural and social bodies were invited. It is not clear how many delegates attended from the churches and political organizations but the hall was full and the meeting lively, especially the speech by Joe Slovo (banned a few months later) whose down-to-earth and practical approach – evident during the days of the YCL – singled him out from others. There was no intrusion of an armed posse of police on this occasion and the rule of law was for the moment upheld when members of the special branch of the police intruded and were successfully ejected from the meeting. This was possibly due to the intervention of Slovo, who together with two others obtained a provisional interdict from Judge Blackwell in Chambers. The judge's ruling was a victory for human rights and was maniacally cheered by the delegates when it was read to them. The preliminary interdict (to be argued in court later in the month) read: "The people have the right to assemble in this country to discuss matters of mutual interest and the police have no right to interfere …".[33]

For the moment the law had triumphed, but the police were conspicuously present at all our meetings after this, leading the ANC to respond with some sharpness that "in all matters affecting Africans today the police have a final say and the power of veto …".[34] In its report to the annual conference at the end of 1954, the ANC once more cynically reminded its members that due to the appointment of Strijdom as prime minister and the dismal record of the National Party government "we can now promise you nothing but greater hardship, more forced labour, bannings and deportation … a suspension of the rule of law and other manifestations of the principle of government by brutal force".[35]

With barely six months to go before the COP was due to be held, the careering pace of repression made the holding of the gathering increasingly imperative "not merely for the progressive movement but for the whole of oppressed South Africa".[36] So said the organizers of the COP in a call to the people to submit their demands for the Freedom Charter. It was (technically) the third stage of the campaign and demands were coming in at a gratifying rate, though time was running out. It was February 1955 and the National Action Council had set the dates for the COP elections. These would be held between March and 15 April, and for the actual meeting of the Congress of the People to take place not later than June 1955. Responding to pressures to speed up the submission of demands, groups of activist-volunteers urged workers everywhere to increase their efforts "to speak together of work, land, laws, food and governance … and … write it all down".[37]

The response was greater than we expected. "National Demands Day" was Sunday 20 February 1955, but proposals for inclusion in the Freedom Charter came flooding in from all over the country on all manner of topics until the very end of the campaign. It was only the whites who failed to respond, despite a leaflet we distributed on behalf of the COD, naively entitled "Is Everything Right in South Africa?" It asked:

> Are you content with the high cost of living? … Are you content with the interference with the right to speak freely … the right of the police to enter your homes on the flimsiest of pretexts … the threat to deprive African children of the right to a genuine education … the threat to the freedom of your newspaper?

Finally we asked (superfluously): "Why not add these to your demands on the Freedom Charter?"[38]

It was clearly right to make the appeal. The campaign was about raising consciousness and these were the issues that concerned everyone in the country. But before the white section of the population could believe that these too were their concerns, pigs would have to grow wings. The whites lived in a different country, impervious to Luthuli's appeals for change. He wrote in *New Age*:

> The future of the country appears dark and a great uncertainty has set in everywhere in the land ... No-one is sure of his home anymore; … people are being haunted by the Group Areas Act; they are being removed in the Western Areas of Johannesburg; threatened with removal in the Western Cape, Natal, the Transkei and other parts of the country … The political situation has never been so critical.[39]

He was speaking to all South Africans. But none of this seemed to concern the white minority. They were untouched by the Group Areas Act and oblivious of the havoc it caused. For them, the words *uncertainty*, *insecurity* and *crisis* were the cries of agitators and their meaning had no place in their sheltered world.

There was a blanket of silence on the COP from whites, while the mainstream media ignored the encouraging reports from the ANC that delegates from all over the country were expected to arrive en masse at the COP, now set for 26 June. They sent "demands" for inclusion in the Charter from their workplaces in the factories in the major cities; the gold mines on the East and West Rand and in the Free State; from remote districts in the four provinces – and from wherever the call had reached them. At midnight before the COP took place, the residents of Fordsburg and Vrededorp in Johannesburg were showered with square-shaped leaflets, showing the Congress Alliance wheel, bearing an explanation of what it meant and where the COP would be held.

Meanwhile, the diversity of the items for inclusion in the Charter defied classification as they arrived written on homespun strips of paper, on pieces of cardboard, envelopes and cigarette boxes. Some of the submissions were succinct (perhaps the size of the pieces of paper on which they were written had been a constraint; or possibly they were brief because of their basic nature). Other demands, longer and less elementary, were set out on foolscap sheets of paper or in a school exercise book, possibly written by a schoolboy scribe specially conscripted "to write it all down". Half a century later, I can still remember placing all these in my briefcase at the end of a meeting and taking them to the COP offices to be sifted into topics, sorted and classified. In the frenzy of this activity there was little time to think that this was history in the making, although a delegate at an NAC *indaba* in Durban reportedly said just that.[40]

Assembling the Charter

Classification was easy for those demands that dealt with a single subject, like "Police brutality must stop!" or "A good sports field for Kliptown!" But into which category was the demand for "A better life for shebeen-owners" to go? And how was one to interpret the longer, more philosophical contributions? The movement owes a large debt to Rusty Bernstein and the small team that assisted him in creating the Charter from these items of "history in the making" filed in rows all over the carpet of his living room and heaps more

lying in the wooden chest near the window, still to be sorted. Sometimes I thought Rusty had not moved from his chair in his busy living room. We met there for editorial board meetings of the journal *Fighting Talk* and for clandestine meetings of the SACP. I remember entering the room and carefully skirting around these early intimations of the country's future, the assorted submissions spread in apparent working order on the floor beside Rusty's chair. He looked under pressure at the time and I have no doubt that he was. Yet, he had time to write an article in *Fighting Talk* just before the Charter was finally drafted: "Somewhere in this campaign," he wrote,

> the idea has filtered through to the men and women in the shack towns and the backyards that *they* can make their future far more capably than all the politicians … [This] has shown itself in the calm, self-confident tone of the demands that have poured in.[41]

Normally detached and reticent, he was thoroughly captivated by "the quick understanding among unlettered working people" reflected in the demands.[42]

But when it came to the task of writing the Charter, he put sentiment aside and became the consummate pro while at the same time retaining the impassioned prose style he had adopted since the campaign began. Banned and isolated he took no visible part in the public functions of the working committee and in his own words concentrated on turning "our thousands of bits of paper into a draft Freedom Charter".[43]

He soon discovered that it was more than "just a writing job". The task had been left to the very end while the logistics of the COP itself were addressed and preparations for the meeting made. Each of the ten chapters that emerged from his labours would normally have needed weeks of discussion. For instance, in the debates at CODESA, the institution established after 1990 to negotiate the shape of South Africa's new Constitution, it took nearly four years before agreement was reached. Similarly, the White Paper on the transformation of the public service (prepared after Nelson Mandela became president in 1994) took at least eighteen months to consider. It was one thing to categorize the paper's contents, but another to assemble it in a framework that reflected the aims of the new democracy. As was the case then, it was the same in 1955 with the Freedom Charter. The "demands" could not be simply reproduced as a shopping list of grievances and peoples' needs supported by desires and dreams. If the document was to conceptualize a political democracy of the future South Africa, it had to be cast in a framework reflecting a particular order of social transformation.

This was not the only difficulty in drafting the Charter. The long-term perspective was to create a Freedom Charter for a democratic South Africa of the future, derived "from countless discussions among the people themselves" making it in every sense a charter of the ordinary man and woman.[44] But as Bernstein noted, many of the grievances

were immediate and carried the nuances of the leaflets and pamphlets that were circulated during the campaigns against the pass laws, Bantu education, forced removals and for the holding of the COP. The demands were not associated with any particular form of political philosophy. They called for freedom, justice and equality but these needed to be contextualized according to a democratic political philosophy reflecting the sensibilities of a people subjected to centuries of colonialism and the white consensus in South Africa. If the demands were to make political sense they had to be interpreted and prioritized in a context that was appropriate to these realities.

What made the Charter enduring was that it spoke to these concerns so directly. It was for almost 40 years an impressionistic template of the dispensation that would succeed apartheid. It appealed to African nationalists and socialists alike. For the Communist Party it reflected the content of a stage in the revolutionary process towards Socialism and for the ANC its guiding principles would help it to define its policies in exile and offer a vision of the future for activists internally. It would bring equity into the workplace, the economy and the polity and ultimately serve as a Bill of Rights in the new South Africa. It could have been a pedestrian document, a shopping list of demands, but its declaratory tone made it memorable and the extraordinary succinctness of its ten chapters, each of them encapsulated by an apposite chapter heading, “The People Shall Govern!”; “All Shall be Equal before the Law!”; “The People Shall Share in the Country’s Wealth!”; etc, reflected the vision of every constituency in the movement. Michael Harmel compared it to the rousing proclamations of the French and American revolutions and the United Nations Declaration of Human Rights.[45] At the same time it addressed the peoples’ grievances.

Bernstein was probably correct in thinking that there was little in the demands to justify the inclusion of clauses in the Freedom Charter that reflected his socialist bias – and at the same time – equally little to support any demands for a free market economy.[46] In the end, the Charter was an excellent compromise, satisfying non-communists that its contents were hospitable to the growth of capitalism, and communists that it would help to create the conditions for a future socialist society. The options before Rusty when he compiled the Charter were fairly clear. The early debates during the 1930s within the Communist Party concerning an “Independent Native Republic” were well known to him and the ideals of the National Democratic Revolution (NDR) envisaged in that slogan were pertinent when the Freedom Charter was written in 1955. Only the language had changed.[47] Many of the “demands” in the concept of the Native Republic and the NDR, (with the possible exception of the clause on the economy, which might have been more moderate when the NDR was initially conceived) would not have been out of place in the Freedom Charter. Objectivity in creating an entirely original road map for a democratic dispensation was a tall order for anyone. Bernstein had to deal with the heavy hand of past

debates and the current discussions in the SACP on the content of the national democratic revolution. He would have been privy to these on the Johannesburg district Committee of the SACP and the discussions of the Central Committee. Significantly, he must have got it right in their eyes for his formulation of South Africa's future democracy was subsequently incorporated in the Party's programme, entitled *The Road to Freedom*, approved in 1962.

Besides all this, Bernstein could hardly have drafted the Charter without reference to the seminal expectations of Kotane (the Party's general secretary) in whose view the document should assert that the rich farmlands were to be shared among their rightful owners; that the mines and monopoly-owned industries were to become the property of the people; that workers were to be guaranteed the right to free trade unions; and that wages were to be "sufficient" for a civilized life and include all the ingredients of a future Bill of Rights – such as effective housing, education and health care. Without these, there could be no democracy and no freedom.[48] Because Kotane insisted that the Freedom Charter should be unambiguous in its final form, it was not an easy document for Rusty to write. But he did his best to create a document that would faithfully include the major demands of the campaign and formulate them in such a way as to satisfy the many strands of thinking in the movement. Whether this was feasible without expressing "pious hopes in words that mean all things to all men", is debatable. But the tightrope he had to walk was formidable. The Charter remains a reference point for South Africa's future, although (for socialists) some of the social and economic items would have to await changes in (what they would refer to) as the "balance of class forces" before they could set the country on a different path of development. But this document would be the start of it all.

What was interesting is that Bernstein actually wrestled with the problem of objectivity, believing that it was in this instance a realizable ideal: "I would like to think that I was always perfectly balanced and objective in my reading [of the demands]", he noted, "but that must remain a matter of doubt. Although I tried".[49] He began to outline a skeleton Charter, but realized that the range was too wide and finally used only "those demands, which seemed to fit the concept [of the 'general flavour' of the submissions] … discarding those that did not."[50] In so doing, he had stumbled on a path that would give coherence to the document and a set of principles captured by the chapter headings of the Charter, often better remembered than the concepts they summarize. He was right when he doubted that he was, so to speak, drawing on a clean slate. The demands of the Charter had meaning only insofar as they were cast in a framework of equal rights and social and economic security as understood by the movement's leadership over three decades of debate. He encapsulated these in the four major chapter headings: The People Shall Govern!; All National Groups Shall Share in the Country's Wealth!; The Land Shall be Shared among Those Who Work It!; All Shall be Equal before the Law! He hastily added

a preamble and a stirring conclusion to the chapters, showed it to a few colleagues "whose judgement [he] valued" and made some amendments. According to him, from there it went to an augmented COP Working Committee. They "in turn, approved it without alteration only days before the great event itself".[51] There seems to have been some debate on the economic clauses, but as the document was printed for distribution at the COP on the eve of the Kliptown congress, it was not amended before its presentation to the assembled delegates. A resolution urging a stronger chapter on the economy was proposed by Turok and Nair at the COP, but whether the original draft was later amended is not altogether clear.[52]

Making History at Kliptown

The Charter proved to be ground-breaking and the Kliptown congress at which it was adopted, was a memorable occasion. The surge of delegates that gathered there from every major centre of South Africa was the first intimation I had that the event might fulfil our expectations and perhaps mark a turning point in the struggle. The idea of a peoples' parliament and the adoption of a Freedom Charter demonstrably inspired the participants as they converged on the makeshift square, marching and singing, bearing banners and ANC flags for the very purpose, it seemed, of making history. They came from all directions, many of the women in traditional dress, the youth in tee shirts and jeans, the older men in suits and their Sunday best. A brass band led one delegation; a troupe of pioneers another, and so it went. The children in the pioneer troupe were decked out in green shirts, black shorts and bright yellow scarves. They were the *Baputasela* – meaning literally "they show the way" – an ANC pioneer group largely from Orlando but including a few children of white supporters of the ANC from Yeoville. From the way their little legs moved in time to the beat from the band ahead of them, it was apparent that they sensed the significance of the day and perhaps heard from their parents that they "were the representatives of the future", the generation that would not carry a pass or bear the blight of Bantu education.

As they self-confidently entered the enclosure where I stood with others verifying the credentials of the delegates, it would never have crossed my mind that the struggle would be so protracted that the first beneficiaries of the Charter would not be these children but *their* children or grandchildren. Their parents, meanwhile, were more likely to become recruits of Umkhonto we Sizwe.[53] Yet freedom seemed so imminent on that day … The derelict space that marked the enclosure, previously full of black-jack and "khaki weeds" had overnight been converted into a viable conference square. One of the resolutions declared: "We proclaim that in this land, where most of the people own nothing and know only poverty and misery, this Charter will become the most treasured possession of all who are oppressed and of all who love liberty."[54]

Historically covenants are identified with the hallowed ground on which they are made. This site, virtually a field of thorns, was ours. On that day it was decorated with red banners with inscriptions, bright red on black (soon to be exhibits in the Treason Trial) which read “Down with Bantu Education!” and “Away with Passes!” Other banners (later the subjects of separate court proceedings) bore the aspirational chapter headings of the Charter. The platform, facing the tiers of seated delegates was decorated with a huge green and gold banner bearing the Congress wheel, the symbol of national unity. Trains ran intermittently from the railway tracks at the rear of the platform, drowning out the words of the speakers, causing Father Trevor Huddleston to remark in a moment of quiet that he had “never known the South African Railways to be so efficient” and attributed this to “a demonstration to this Congress by the Minister of Transport”. He also noted the symbolic presence of the Minister of Justice “who is quite well represented here in the background”. He was referring to the overt presence of the special branch and the armed police who later invaded the meeting. The “invasion” occurred only towards the end of the second day, when there was just sufficient light for the security police to conduct their searches and interrogate the delegates.

The first day of the Kliptown Congress was preoccupied with the reading of Chief Luthuli’s speech because the ANC president was banned from the gathering. Messages of international support were also read. Luthuli’s speech was prophetic: He wrote that 25 and 26 June:

> will go down in history as a significant landmark, a turning point for the better, in the struggle to make South Africa a paradise for freedom for all its peoples regardless of their geographical and racial origin. Generations to come, who I trust will be enjoying freedom will thank the Almighty for this occasion.[55]

The presentation of the Isitwalandlwe, a traditional honour for exceptional sacrifice followed a little later. The awards were presented to Chief Albert Luthuli, Dr Yusuf Dadoo and Father Trevor Huddleston (still too young to be part of the clerical hierarchy).[56] Only Trevor Huddleston could receive the award in person as the others were banned from attending gatherings. True to form, Huddleston, when told of the award a fortnight before the COP, considered it “a symbol of identification with those struggling for the ideals of freedom”.[57] He spoke for himself, but Luthuli and Dadoo would have agreed.

The second day of the COP was devoted exclusively to the adoption of the Charter. The speeches were not brilliant but the focus was on the adoption of the draft document. What was notable was a new wave of leaders on the platform taking the place of those who had been banned, many of them still very young and uneven in experience and

leadership quality. Moretsele, veteran of the ANC, whom I knew only for his convivial restaurant near Diagonal Street, welcomed the delegates as ANC chairman of the host province; Ronnie Press, an academic who had turned from science to trade unionism, read the international messages of solidarity; a young Bhengu read the Charter in three languages, Zulu, English and Sotho. Beyleveld, national chairman of COD, began with the stirring preamble – there were no speakers on this section and no discussion. N.T. Naicker, from the Natal Indian Congress, introduced the clause on the franchise and George Peake, a burgeoning national leader in SACPO, spoke on equal rights. While these cadres were new to the national stage they had been active locally. Similarly with most of the others: Ben Turok, from the Western Cape and Billy Nair from Durban, both of them in a very early stage of their careers. They spoke on the clause covering the economy. Dr Sader of the SAIC spoke on equality before the law; Sonia Bunting (COD) introduced the section on human rights; and Leslie Masina, a long-standing trade unionist, led the section on social security. According to the *New Age* report on the Congress of the People, "everybody wanted to speak and only a sprinkling could but they spoke for all the others …".[58]

The remaining scheduled speakers spoke under the pressure of the presence of the security police who first entered the confines of the conference site and then mounted the platform in force. Ezekiel Mphahlele, already a notable intellectual, later a prominent essayist and writer, spoke on education just before the police made their appearance in the conference arena in earnest. This however did not prevent him from sharing an absorbing parable with the delegates about a snake that disturbed a dove's nest and ate her young, only to be seized and killed by the united action of the animals in the forest. (The unity of the animals was self-explanatory, but what were the police to make of the killing of the snake? Fortunately he saw fit to explain that the story was only a metaphor for the importance of united action of the people against injustice).[59]

Helen Joseph followed Ezekiel Mphahlele, speaking on "housing, security and comfort". As she finished, the police entered the enclosure, encircled the meeting and mounted the platform in greater force. At that point, my brother Leon Levy, a trade unionist and secretary of the South African Peace Council, began his speech on the section of the Charter that dealt with "peace and friendship'. His contribution was concluded in time for Robert Resha to deliver the report on the credentials of the delegates, and for the chairman to put the Charter to the vote, for which the support was unanimous. This was the most astonishing achievement of the two days, because the Charter would not have been adopted but for the strategic blunder of the security police who had been present throughout the proceedings. Fortunately they were more intent on drumming up evidence for a charge of treason than preventing the Charter from being adopted. It was only in the final stages, late in the afternoon, that a large force of

policemen was suddenly rushed to the area in trucks. We ignored their presence and continued to listen to the speeches. Beyleveld, the chairman, took his cue from the delegates who were quite determined to complete the day's agenda, and let the meeting continue.

The specific purpose of the raid soon became clearer when about 15 special branch detectives, escorted by a group of police armed with sten guns, mounted the platform and announced that treason was suspected. Searches followed and every document in sight was confiscated while the names and addresses of all the delegates were noted down.[60] What the security police lacked in political strategy, the ordinary police made up for in the thoroughness of their operational planning. Mounted police sealed off the rear of the conference site near the railway line and a double cordon of armed constables surrounded the entire enclosure in order to prevent anyone from entering or leaving the site. They had allowed for a laborious process of name-taking and searching and erected hurricane lamps over two tables – one for black delegates and another for the whites – from which the security police recorded the names and addresses of those present until approximately 8 p.m. What lingers most in my memory, after 50 years, is the excitement, almost euphoria, at having adopted the Freedom Charter in the shadow of the presence of the security police. I recall the delegates' persistent singing while the detectives in plain clothes placed the documents found on each person in envelopes and photographed the white delegates (the crowd was too numerous for them to extend the privilege equally to all the black delegates). At last it was over and we filed out of the Kliptown site in a long line into the dark night. We may have been uncertain of the future, but we were in no doubt that history was being made.

Fiasco

There is always at least one near-fiasco at an event such as the COP and I was responsible for causing it. Shortly after Mphahlele's speech, the meeting was presented with the report of the credentials committee. It was my task to collate the information from the team of helpers who assiduously recorded the raw data supplied by the heads of delegations as they entered the conference site. This included the number of delegates, their province, city or town and their demographic and gender details. The credentials team was highly efficient, consisting mostly of volunteers from COD and the Indian youth who worked secretly at the south side of the conference square, recording this information.

My task was to take the data by car to Ruth First who lived in Roosevelt Park, some distance away, where we would assemble the information for presentation to the COP and also draft a resolution pledging members of the Congress Alliance to work towards the ideals of the Charter. Although the conference site was quite a distance from Ruth's

house, I knew the road intimately because as I had taken two temporary jobs near Kliptown before making up my mind to enter the teaching profession. These were at a brickworks near the Kliptown conference square and on a cattle farm near Roodepoort on the West Rand. All this was at the end of the 1940s. It was bizarre work, which involved a considerable amount of driving. Both firms were owned by the same employers who needed me to record the cattle they bought and sold to local dairy farmers on the West Rand and (on Fridays) drive along the Kliptown main road to pay the workers through the tiny window of a shed at the brickworks. As a result of this I knew the road well and could elude the security police if I was followed. All this I achieved without effort (as far as I could tell I was not being tailed) and I drove along at a good speed to Ruth's place, whistling the main themes of Beethoven's "seventh", something I had picked up from our Saturday night musical evenings at Percy Denton's in the late forties. Wolfie Kodesh, Joe Slovo and Hetty September – all of them in the CPSA – would often be there. On this occasion I revelled in the last movement of the symphony as I reflected on the success of the COP and the excitement that the Charter had generated.

Ruth met me at the door (I could see that there were visitors on the lawn, at the side of the house, but my coming was expected and did not bother her) and we sat down at a small desk near the front door and worked on the credentials report and a few resolutions. I conveyed to her the mood of the delegates, the ominous presence of the police and the scene at the venue. There were nearly 3 000 delegates and almost as many observers. In addition the delegates were from localities spread throughout the country. Ruth copied the details of the audit for the *New Age* report, which she would file later in the day, and I went on my way (driving confidently on auto pilot) back to Kliptown. Alas, as I was whistling my head off, I looked down and did not find the credentials report, which I thought I'd placed on the seat next to me. Either I had inadvertently left it at Ruth's house or conceivably thrown it in the waste paper basket under Ruth's desk with the other papers I had dumped there! There was no other course than for me to return to the Slovo's house and explain the problem.

Ruth's reaction to what she heard was uncharacteristically calm. Together we searched for the loose pages of the report and then, as the conference time was running out, quickly reconstructed the report from her notes and from the papers we'd disposed of in the wastepaper bin before I had left. If she thought I was an incompetent, she was too generous in that instance to say so. The trip back to Kliptown was hardly triumphant. The second movement of Beethoven's seventh symphony is a funeral march, which I did not whistle on that occasion, but felt as if I should have done. On my arrival at the conference site, I gave the report to Robert Resha whose charisma roused the 2 000 plus delegates to loud cheers and although I was thoroughly distraught at the loss of the information, Ruth and Robert had bailed me out.

In the article posted by Ruth First in *New Age*, she wrote:

> Beneath the great green four-spoked Freedom Wheel, the symbol of the COP campaign, 2 884 elected delegates of the people adopted the Freedom Charter … pledging to strive, sparing neither strength nor courage, to win the democratic changes set out in the Charter for all South Africans.

According to the credentials report the delegates came from "Natal, Sekhukuniland, Zululand, Transkei, the Ciskei as well as farms and Trust Lands, mines and factories".[61] They came from all sections of the population, the overwhelming proportion of them, African (2 186).[62] The numbers would have been greater, but for the many delegates who were turned back or arrested on their way to the COP. As Resha noted, "Some of the delegates [were left] voiceless by the actions of the police [but] their demands are here before us, even though they [the delegates] are not here".[63] Later, a *New Age* editorial commented: "Every effort was made to smash the Congress. All roads to Johannesburg were heavily guarded, and every vehicle was stopped which the police thought might conceivably be carrying delegates … But still they came …",[64] including 60 delegates travelling in two lorries from Beaufort West in the Cape; a lorry load from Standerton in the Transvaal, another from Durban and yet another from Claremont. It was the same story everywhere.

I visited Kliptown five decades later, on 26 June 2005, to celebrate the half centenary of the COP. The celebration was officially hosted by the government of Gauteng, which was in the process of transforming the Kliptown site into a "forum for peace and democracy". The place was a living memorial to the liberation struggle, and a monument to Walter Sisulu, whose death had occurred a little earlier that year.[65] Many of us, now 50 years older, had not met since the COP in 1955. We talked excitedly all the way to Kliptown, travelling in ten buses, one for each province, led through the busy thoroughfares of Gauteng to the Kliptown Square by a squad of official cars, blue lights flashing, sirens blaring, marshals signalling us through red traffic lights and carrying on as if any other kind of display of respect for us would not do. We all talked at the same time, behaving less like the old men and women we were, than the young activists we had been. Only now the sirens we heard were not those of the police ushering us back to jail, but the howl of the escort-cars leading us at break-neck speed to the scene of the "people's parliament" that had been created 50 years before. A session of the National Assembly had been held the previous day in one of the halls of the new building, and now as if in contrast, the proceedings at the COP were vividly projected on to the wide screens, and the contents of the Charter recited over loudspeakers for the benefit of veterans. But the events scarcely needed recounting to that audience, for the COP was very much a part of our generation's folk memory.

***

Postscript

Controversy: Africanism, Democracy and Socialism

After the COP, controversy followed. The Freedom Charter was endorsed by the NEC's of each member organization of the Congress Alliance between 1956 and 1958, and a few years later by the SACP in its 1962 Programme.[66] The ANC, at the insistence of Chief Luthuli discussed and accepted the Charter in each of the provinces and adopted it at a special conference at Orlando, Johannesburg, on 1 April 1956. But the preamble was unexpectedly controversial and as one prominent historian put it: "for 'African nationalists' within the Youth League and elsewhere in Congress, the inclusion of the racial minorities in a broad notion of South African citizenship was unacceptable."[67] For the most part the debate was about ownership of the land, identity and pride. The African people have an "inalienable" right to the land, they proclaimed. "Do stolen goods belong to a thief and not to [their] owner?"[68] This last was the query of an unidentified contributor to the *Africanist*, journal of the African nationalist youth. The writer could have been Mda, Roboroko or Robert Sobukwe – all of them outstanding nationalists, professionals and intellectuals, and all of them of the view that dispossession from the land was the African people's most common grievance. As the rightful owners of the land, they argued, it should be returned to them.

The preamble to the Charter clashed with this in expressing the multiracial approach that Chief Luthuli championed and which the ANC had adopted. However, while the Charter was being written, new winds were blowing in Africa, stronger in the assertion of African pride and selfhood than those expressed in the language of the ANC. Four months before the Freedom Charter was compiled, Eugene du Bois, already in his mid-eighties and a veteran civil rights leader in the US, had written an inspiring Freedom Charter for Africa. This was published in full in *New Age*, which in its assertion that people of all races were "welcome to Africa", may have influenced Bernstein in his choice of preamble to the Freedom Charter and the tone of some of the specific chapters of the draft itself. But du Bois' understanding of who were Africans was just as problematic for the ANC's critics as Bernstein's rendering of an inclusive multiracial South Africa. Du Bois' Charter for Africa read as follows:

> The people of Africa – black and white, brown and yellow – have a right to freedom and self- government, to food and shelter, education and health.
>
> We hereby warn the world that no longer can Africa be regarded as pawn, slave or property of Europeans, Americans or any other people.

> Africa is for the Africans – its land and labour; its natural resources; its mountains, lakes and rivers; its culture and its soul.
>
> Hereafter it will no longer be ruled by might nor power; by invading armies nor police; but by the spirit of all its gods and the wisdom of its prophets.
>
> Men of all races are welcome to Africa if they obey its law, seek its interests and love their neighbours as themselves, doing unto others as they would that others should do unto them. But the white bigots of South Africa and Kenya, the exploiters of the Rhodesias, the Congo, West, North, and South West and South East Africa, are solemnly warned that they cannot win. We will be free …
>
> Our wealth and labour belongs to us,
>
> The earth of Africa is for its people,
>
> Its wealth is for the poor and not for the rich,
>
> Peace on earth, no more war,
>
> All Hail Africa![69]

Du Bois was a spiritual giant of the new wave of Africanism on the continent. But among the Africanists in the ANC, his tolerance of "'men' of all races," provoked a mixed response, as did Bernstein's phrase, "South Africa belongs to all who live in it, black and white". The main opposition came from the Orlando East branch of the ANC Youth League. In all, sixteen former members of this branch attended the special conference held to adopt the Charter in April 1956, where they vociferously argued their case. They had been expelled from the Youth League the previous year, but remained in the ANC to press their point of view. According to a report in *New Age* by Ruth First, it was the women at the conference who were most angered by the dissenting youth, led by Potlako Kitchener Leballo. He was described by Fatima Meer as a "blunt, rash and … fierce public speaker with a haranguing style directed at the raw emotion of the audience".[70]

According to Ruth First's report, about ten of the women marched to his seat and were on the point of physically ejecting him, when congress officials intervened.[71] After this the Africanist youth left in a body. The rift soon widened when the Pan Africanist Congress emerged from the Africanist faction of the ANC in 1958–1959. Leballo was the faction's most vocal leader and carried a number of ANC members with him.[72] The Charter precipitated the split but was probably more the occasion for the rupture than its cause. Despite the Africanist objection to sections of the Charter, the ANC proudly defended the document and went on to affirm its adoption at its annual conference in December 1956, making it the basic policy and programme of action of the organization. "While the government regards this document as a dangerous one", it noted, "the twelve million peoples of this country welcome and see through it the attainment of racial

harmony and the establishment of a true democratic South Africa".[73] It opened up a vision of the new life that would replace "all that is rotten and oppressive in the present system".[74] It was also seen to be unique because the people had taken ownership of it; felt that it belonged to them and optimistically treated it as a political programme to be seen though "to the end of struggle".

There were, nonetheless, cautionary statements in deference to the Africanist opposition that there was a long journey ahead of us before freedom could be won. "Enthusiasm for the Charter", wrote *New Age*, "must be born not of blind obedience to its aims, but of the understanding that taken together, these aims are the only possible way out of the present impasse and towards the formation of a people's government founded on justice and equality".[75] The words could have been Kotane's or Sisulu's or Brian Bunting's, but they reflected the general view at the time.

A second controversy concerned the debate on whether the path to a peoples' government, as suggested in the Freedom Charter, was feasible under a capitalist system. This was later the subject of legal debate during the Treason Trial, although it was extensively aired in *New Age* about three months after the COP took place.

The major question then was whether the key clauses of the Charter concerning the franchise, the land question, the economy and work, were attainable only within a socialist society. It was felt at the time that these seminal clauses would need to be linked together if the Charter's aims were to be realized. The initial debates within the movement showed an awareness of the need for the state and capital to "loosen their grip" before the transformation that the Charter envisaged was possible, but the proponents of this view refrained from saying that the document's aims were attainable only under a socialist system. On the other hand, Inkululeko (possibly a pseudonym for Kotane or Michael Harmel) writing in *New Age* in 1955, insisted that "the Charter does not propose merely a reform of the present system … but a complete change of state form".[76] The article argued that a reformist attitude was ahistorical for it ignored the reason why there was colour discrimination in South Africa in the first instance. It was not primarily the inhumanity of whites towards non-whites or a question of "re-education in the spirit of justice" or a sudden change of heart that was required, but an understanding that the real roots of white supremacy were in the low cost labour needs of the mining, manufacturing and farming barons of the country. "It would be a dream to pretend that the changes of the Charter could be realisable if their economic grip was not loosened".[77]

Migrant labour and the compound system, the argument went, were incompatible with equal pay for equal work and the workers' rights of organization.

> If tomorrow every discriminatory law on the statute book were repealed but the mineral wealth, monopoly industry and financial empires were not transferred to

> the ownership of the people as a whole, the system of white supremacy would in its basic essentials be perpetuated for many generations.

Quite presciently for the transitional process after 1994, the writer concluded: "if it was left to the present dominant groups, the new state will with a great deal of justification be able to say it cannot 'afford' to provide education or do away with slum conditions and so on …"[78] Despite the logic of this position, it was argued by Congress that the Charter was not a socialist document. Nationalisation and Socialism were not synonymous and the Charter did not advocate the abolition of private enterprise or the total nationalization of industry.

I am sure I was not alone in thinking that a mere loosening of capital's grip on the economy would not take the country in the direction of the Freedom Charter. However this was apparently debatable. What did it mean that "the mineral wealth, monopoly industry and financial empires" should be transferred to the ownership of the people as a whole? Socialists assumed it meant a change in the property relations and the extension of the public sector and this was how I understood it. I realize now that the concept of social ownership is a technical one, in which the state (which now includes the entire population and not whites only) owns the nation's wealth on behalf of its citizens and manages, alienates, or controls it according to its lights. Socialization and nationalization are not the same thing and do not necessarily involve a change in property relations. In 1962 the SACP believed that the implementation of the Freedom Charter was a precondition for Socialism and not the other way round. It had taken some time to come to this conclusion, but it was quite clear by then that it believed unambiguously that "the main aims of the South African democratic revolution were defined in the Freedom Charter [which was] not a programme for Socialism."[79]

During the closing stages of the formal struggle for national liberation in 1989 (when unity in action of all the democratic forces was seen as a powerful revolutionary instrument) anything that would weaken that unity such as the "placing of the attainment of Socialism on the immediate agenda", was thought likely to "… postpone the very attainment of the socialist transformation".[80] What I did not appreciate then was that the full realization of the aims of the Freedom Charter was something towards which we would aspire for decades after the establishment of the democratic state. The creation of representative popular institutions of government, votes for all, and adopting a constitution that contained a Bill of Rights of the kind that did full justice to the sentiments of the Freedom Charter, was the easy part of the process. It would take years to raise the living standards and enable the formerly disadvantaged sections of the population to enter the economy, let alone gain access to its commanding heights. The process of transformation was not an even one and its progress depended on which forces

led it. There was some debate about this at the time, but it was momentarily overtaken by the government's assault on civil liberties.

Chapter 10

1 Hobsbawm, *On History*, p. 303.

2 *Advance*, 7.01.1954. The SAIRR conference mooted late in 1953 was to "to review and analyse the position of the non-European peoples".

3 *Advance*, 31.12.1953.

4 *Advance*, 31.12.1953.

5 Matthews, *Freedom for My People*, p. 173.

6 *Advance*, 07.01.1954. The idea of a national convention was not new, especially regarding "native legislation". The All African Convention, held in the Orange Free State city of Bloemfontein in December 1935, started out life as a resolution of the ANC calling for a national convention to discuss African grievances and the Hertzog Bills. The convention was apparently a spirited affair of African professional, trade union and church leaders and represented a spectrum of political opinion. Its immediate membership included the Communist Party, the ANC and the trade union movement represented by the ICU.

7 *The Guardian*, 12.07.1951.

8 *The Guardian*, 12.07.1951.

9 *Advance*, 21.01.1954.

10 *Advance*, 25.03.1954.

11 Bernstein, *Memory against Forgetting*, p. 142.

12 *Advance*, 29.04.1954.

13 *Advance*, 29.04.1954. This appeared in the same long article by Sisulu, recently forced to resign as ANC secretary general in terms of his banning.

14 Cited in T. Karis and G.M. Gerhart eds, *From Protest to Challenge: A Documentary History of African Politics in South Africa, 1882–1964, Volume 3*: *Challenge and Violence, 1953–1964* (Hoover Institution Press, Stanford, 1977), Document 9, pp. 180–182.

15 *Advance*, 29.04.1954.

16 *Advance*, 29.04.1994.

17 *Advance*, 29.04.1954.

18 *Fighting Talk*, 10, 4 (May 1954).

19 *Advance*, 29.04.1954.

20 *Advance*, 29.04.2004 and 06.05.1954 (my emphasis).

21 *Advance*, 13.05.1954.

22 *Advance*, 13.05.1954.

23 Karis and Gerhart eds, *From Protest to Challenge, Volume 3*, Document 7c, pp. 161–66. See also *Advance*, 08.07.1954, citing National Action Council on COP process.

24 *Advance*, 08.07.1954.

25 *Advance*, 08.07.1954.

26 Notice to *Advance* subscribers, 28.10.1954 (my italics).

27 Cited in *Advance*, 06.05.1954 (see text and note 17 above).

28 Cited in *New Age*, 9.12.1954.

29 *Advance*, 14.10.1954.

30 *Advance*, 21.10.1954.

31 *Advance*, 24.06.1854.

32 *New Age*, 01.07.1954.

33 *New Age*, 29.07.1954.

34 *New Age*, 23.12.1954. Assessment of state of the organization, Resolution on organizational structure of ANC, Annual Conference, 23.12.1954.

35 *New Age*, 23.12.1954.

36 *New Age*, 30.12.1954.

37 *New Age*, 03.02.1955. Call signed by the Organizers of COP in the SAIC, SACOD, ANC and SACPO: "If you could Make the Laws".

38 *New Age*, 21.04.1955.

39 *New Age*, 19.05.1955. Article by Chief Albert Luthuli.

40 *Advance*, 26.08.1954.

41 *Fighting Talk*, June 1955.

42 *Fighting Talk*, June 1955.

43 Bernstein, *Memory against Forgetting*, p. 153.

44 *Advance*, 25.03.1954.

45 Harmel, *Fifty Fighting Years*, p. 90.

46 Bernstein, *Memory against Forgetting*, pp. 154–155.

47 The concept was highly contentious at the time and created tensions and expulsions within the Party. It originated in the Executive Committee of the Communist International in 1928 and was adopted by the CPSA, causing it to pursue a struggle for a national democratic revolution and support of the national struggles within the country, rather than concentrate on a proletarian revolution. The debate went to the heart of the ideological approaches to the national and colonial question and the primacy of class struggles. For the resolution of the ECCI, see *South African Communists Speak*, p. 91, Document 42. A useful publication on the subject is Davidson et al eds, *South Africa and the Communist International, Volume 1*, pp. 160–194. See also Allison Drew, *Discordant Comrades* (UNISA Press, Pretoria, 2002), chapter 6.

48 Some of these are now contained in the Bill of Rights of the Constitution of the Republic of South Africa, 1996.

49 Bernstein, *Memory against Forgetting*, p. 155.

50 Bernstein, *Memory against Forgetting*, p. 155.

51 Bernstein, *Memory against Forgetting*, p. 155.

52 Bernstein is explicit about this in his autobiography, see pp. 155–156. Ben Turok, a delegate to the COP from Cape Town notes that he moved an amendment to the Charter on the economic clause, seconded by Billy Nair, a trade unionist delegate from Durban. See Ben Turok, *Nothing but the Truth: Behind the ANC's Struggle Politics* (Jonathan Ball, Johannesburg, 2003), p. 59.

53 The armed struggle was declared in 1961 when Umkhonto we Sizwe, the armed wing of the ANC was formed.

54 Resolution adopted at the COP, 26 June 1955, cited in *New Age*, 30.06.1955.

55 *New Age*, 30.06.1955.

56 The Isitwalandlwe, the highest honour, was an award for sacrifice and leadership in battle.

57 *New Age*, 09.06.1955.

58 *New Age*, 30.06.1955.

59 See Karis and Gerhart eds, *From Protest to Challenge, Volume 3*, Document 10, p. 204 on the proceedings of COP.

60 See also *New Age*, 30.06.1955. For an excellent description by Alfred Hutchinson on the COP see *Fighting Talk*, July, 1955.

61 Karis and Gerhart eds, *From Protest to Challenge, Volume 3*, Document 10, on the proceedings of COP.

62 See *New Age*, 30.06.1955, and Karis and Gerhart eds, *From Protest to Challenge, Volume 3*, Document 10, on the proceedings of COP.

63 Karis and Gerhart eds, *From Protest to Challenge, Volume 3*, Document 10, on the proceedings of COP.

64 *New Age*, 30.06.1955.

65 The site was formally named the Walter Sisulu Square in 2006.

66 Harmel, *Fifty Fighting Years*, p. 90.

67 Tom Lodge, *Mandela: A Critical Life* (Oxford University Press, Oxford, 2006), p. 66.

68 Gail M. Gerhart, *Black Power in South Africa: The Evolution of an Ideology* (University of California Press, Berkeley, 1979), p. 147.

69 Cited in *New Age*, 19.05.1955.

70 Fatima Meer, *Higher than Hope: The Authorised Biography of Nelson Mandela* (Hamish Hamiliton, London, 1988), p. 89.

71 *New Age*, 5.04.1956.

72 He was strongly influenced by Anton Lembede, and A.P. Mda, both of them profound Africanist thinkers. For their profiles see Karis and Carter eds, *From Protest to Challenge, Volume 4*, pp. 54, 55 and 85.

73 *New Age*, 20.12.1956.

74 *New Age*, 17.11.1955.

75 *New Age*, 17.11.1955 (my italics).

76 *New Age*, 17.11.1955.

77 *New Age*, 17.11.1955.

78 *New Age*, 17.11.1955.

79 "The Road to South African Freedom", programme of the South African Communist Party, adopted at the fifth national conference of the Party in 1962. Cited in *South African Communists Speak*, p. 314. See also *The Path to Power: Programme of the SACP*, published in Johannesburg by the SACP, September 1990, p. 33.

80 *The Path to Power*, p. 36.

Chapter 11