

## THE TRIAL TAKES SHAPE (II)

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DURING its second phase, the treason enquiry has been mainly concerned with evidence led by the Crown to show that the accused were connected with various incidents involving violence. Evidence has been led of the riots which took place in Kimberley, East London and Port Elizabeth in 1952, of the disturbances connected with the Evaton bus boycott in 1955 and 1956, and of attacks upon schools in the Eastern Cape at the time of the school boycott.

In the majority of cases, the Crown has not attempted to prove that the accused, as individuals, were involved in these incidents. The Crown case has been that the Congresses and allied organizations were responsible for the violence, and that the accused were thus responsible in their capacity as leaders of these bodies.

The Crown does allege, however, that one of the accused was directly implicated in the 'Cheesa-cheesa Army'.

During 1954 and 1955, a number of people in all parts of the Union received letters purporting to come from an organization called the Cheesa-cheesa Army. 'Cheesa' is a corruption of the Zulu word for 'burn', and the letters called upon the non-Europeans to embark upon a campaign of arson. "We tell you to burn the farms and property of the Dutchmen, especially Dutch schools in the small towns, also the Dutch churches, not the churches in the locations, but the D.R. Churches. Tell the people to burn the Dutchmen's cars and tractors, to set alight to the veld, and the tree plantations. Just drop a match late at night and run away. You must fight for your people or be a traitor." (*Extract from one of the letters, posted in Johannesburg on the 17th April, 1954.*)

The letters were not all identical in wording, but they were all to the same effect. They were mostly posted in Johannesburg and Cape Town. According to detectives who examined them, many were on a type of paper which is used in Government offices. Among the persons to whom the letters were addressed were the Governor-General, the Minister of Justice and the Mayor of Pretoria. Numerous letters were addressed to 'The Secretary, Native Advisory Board, Urban Location,' in various towns throughout the country. Most of these fell

straight into the hands of the police, since official correspondence addressed to Location Advisory Boards is usually opened by the Location Superintendent.

Whether anyone ever burned anything as a result of receiving a Cheesa-cheesa letter, nobody knows. The Crown led no evidence to show that anybody had.

What the Crown did allege was that one of these letters had been typed on a typewriter belonging to Dr. Letele, a leader of the African National Congress in Kimberley and one of the accused. The letter in question, Exhibit 1003, was received in February, 1954, by Dr. G. B. A. Gerdener, of the Theological College, Stellenbosch. Dr. Gerdener handed it to a Mr. Badenhorst, of the State Information Office, and he passed it on to Captain Joubert, of the Police. Captain Joubert sent it to Pretoria, where it lay for more than three years in the files of Captain Buys, of the Special Branch. In April, 1957, it was taken out of the file and sent to Sergeant von Papendorp, in Johannesburg, who was in charge of investigations into the Cheesa-cheesa Army and already had a large collection of the letters, from all parts of the Union. Sergeant von Papendorp said in evidence that he was surprized by the fact that this letter had not been sent immediately to him, as the others were.

Later in April, the letter was returned to Pretoria, where it was examined by Mr. Lubbe, an expert on the identification of typewriting. Mr. Lubbe also examined Dr. Letele's typewriter, and testified that the letter, but not the envelope in which it had been received, had been typed on that machine.

The typewriter was first seized from Dr. Letele on the 27th September, 1955. It remained in the offices of the Special Branch at Kimberley until December of the same year, when it was returned to Dr. Letele. On the 22nd March, 1957, it was seized again, and on the 24th, Detective Head Constable Scholtz and Detective Constable Markram set out for Johannesburg by car, with the typewriter. They arrived on the Rand the same evening, but did not go straight to Johannesburg. Constable Markham spent the night in Boksburg. Head Constable Scholtz, with the typewriter, went to Pretoria. He told Constable Markham that he was going to see his family there. He was not called as a witness, and the Court received no account of his evening in Pretoria.

On the 25th, the typewriter was handed to Sergeant von Papendorp in Johannesburg. It remained at the offices of the

Special Branch in Johannesburg for a short time (the exact period was not established) and was then taken to Mr. Lubbe, the expert, in Pretoria.

The defence lost no time in indicating its attitude to this evidence. Mr. V. C. Berrangé stated that the defence would set out to prove "not only that Dr. Letele had nothing whatsoever to do with the authorship of this particular exhibit . . . but also that the overwhelming probabilities will indicate that the attempt to link him with this letter is the result of as foul a conspiracy as has ever disgraced our Courts." The defence suggestion is that some person has replaced the original letter sent to Dr. Gerdener with a copy typed on Dr. Letele's typewriter.

Neither Dr. Gerdener, nor Mr. Badenhorst, nor Captain Joubert was able to say definitely that Exhibit 1003 is the same letter which they saw in 1954. Dr. Gerdener made some notes in his handwriting on the envelope, and can positively identify that. The envelope, however, was not typed on Dr. Letele's machine. Nobody made any identifying mark on the letter itself, and the witnesses can only say that Exhibit 1003 is very similar to the letter of 1954.

Exhibit 1003 bears a rubber stamp of the words 'Cheesa-cheesa Army.' Mr. Lubbe testified that this stamp is identical to that which appears on several other Cheesa-cheesa letters. He conceded, however, that it is a simple matter to make a rubber stamp to correspond exactly with the impression on a piece of paper.

The letter could, of course, only have been copied out on the typewriter if it can be shown that the letter and the typewriter were together in the same place at some time before they were both handed to Mr. Lubbe. It seems that both were in Pretoria on the night of 24th March, and that both were in Johannesburg for some days during April. Since neither Detective Head Constable Scholtz, who had custody of the typewriter in Pretoria on the 24th March, nor Detective Head Constable van Heerden, who brought the letter from Pretoria to Johannesburg during April, have been called to give evidence, it is as yet impossible to say whether there could have been a forgery on either of these occasions.

The enquiry has now been adjourned until January, when the defence is expected to lead evidence.