Chapter Thirteen

Transition to Armed Struggle

The brief respite from the Treason Trial which ended on 29 March 1961 and the Rivonia arrests in July 1963 was a period of preparation for both sides, revealing nothing of the turmoil that was to follow. With some exceptions[1] we endured those times, not knowing from day to day who would be arrested and who might be forced into exile. Mandela had come into his own, more assertive, more combative towards the regime and immensely single-minded. By the end of the Rivonia Trial he was already an icon in the struggle – a phenomenon due as much to the circumstances of the moment as it was to his charisma and confidence in the role he had chosen to play.

Between the Treason Trial and the Rivonia arrests (1961–63) there was much covert activity and only a flicker of legal work. It started in 1961 with Mandela's visits to various parts of South Africa to prepare for an All-African Conference, which Chief Luthuli and other African leaders had proposed at a consultative gathering of African leaders in December 1960. It charted the way forward following the ANC and PAC's banning and the government's holding of a "fraudulent" whites-only referendum to proclaim a white republic, which the leaders said "would continue even more intensively the policies of racial oppression and political persecution already followed by the regime".[2] The consultative gathering elected a committee to oversee the proposed conference, but the members of that committee were promptly arrested.

Fortunately, this did not prevent the holding of the conference, which Mandela addressed with some acclaim. It was held on 25 and 26 March 1961 and attended by nearly 1 400 delegates, adopting some important resolutions, including the rejection of the proposed white republic and a demand (addressed to the government) "for a National Convention of elected representatives of all races" to decide on a new non-racial democratic constitution for South Africa – which Verwoerd ignored. However, the delegates had anticipated this and simultaneously resolved to stage countrywide demonstrations on 29–31 May 1961, the eve of the declaration of South Africa as a republic, to protest against the enabling act "should the minority government ignore this demand".

The protests took the form of a general strike, monitored by Mandela and members of the National Action Council, whose oversight of the action was confined to a safe house in Soweto. Unfortunately the strike was called off after the first day, due to an

apparent lack of support. Though not a disaster, the response was considered to be below the expectations of the monitoring group.[3] Their judgment was later disputed, but even if the action had been a great success, it is unlikely that the regime would have convened a national convention at that time.

After Sharpeville, the politics of achieving even moderate change through round table recommendations for reform was beyond realistic expectation. The "progress" which Mandela earlier referred to under cross-examination in the Treason Trial as an example of the kind of incentive Africans needed was long past. He was referring to the granting of minority representation in the legislature, a not too-distant promise of an extension of the franchise and a change in attitude by the government. This, he felt, would be a sign that African pleas for democratic change would not continue to be ignored. The above, he had suggested, would not be sufficient to assuage African aspirations, but would at least be an advance on the present gridlock.

The holding of an all-party convention had been the ANC's idea of the path to democratic reform since the organization's founding in 1912. It had repeated the demand in 1955 and now again in 1961, but by this time talking to the government was futile, especially after it had outlawed the ANC and introduced punishing legislation to curb likely covert activities. It would rather see the liberation movement crushed, no matter the cost, before it capitulated to African demands.

One of the lessons learnt 40 years later was that a national convention of the sort envisaged could occur only once the social fabric of the state had been shaken sufficiently – politically, economically, militarily and morally. This occurred in 1990 with the Convention for a Democratic South Africa (CODESA), an all-party convention that only became possible once support for the apartheid regime had been thoroughly undermined. In 1961 we were far from that point.

A Change in Strategy

Following the government's rejection of a national convention and the setback of the lukewarm "stayaway" the turn to arms, when it occurred, required a different resolve and new skills. The change in strategy was not entirely a clean break from "peaceful" struggle. The two co-existed until the structures of the Party and ANC – already stretched by the demands on its resources by a different mode of struggle – collapsed under the weight of the state's response to armed resistance. The banned leaders had in practice worked clandestinely for years. Now the ANC – despite the absence of serious organizational preparation for underground activity – publicly pledged not to submit to the ban and, after dissolving the Women's and Youth Leagues, decided to "carry on in its own name to give leadership and organization to [the] people until freedom had been won".[4] In the words of Mandela: "We believed it was our duty to preserve the

organization … I have no doubt that no self-respecting White political organization would disband itself if declared illegal by a government in which it had no say."[5] By silencing its opposition and creating cruel penalties for the contravention of the various restrictive measures in each new draconian act, the state had systematically edged the ANC towards armed struggle.[6]

Mandela, Marks, Sisulu, Kotane and Nokwe were delegated by the National Working Committee of the ANC to restructure the organization, but of the five, two were soon arrested and convicted in the Rivonia Trial and three went into exile before any serious restructuring could be done.[7] I do not remember any debate among the membership about the decision or the desirability of the new phase. The reasons were evident in the need for secrecy to safeguard activists and take responsible precautions against the security police gathering information of our every move. Argument about the desirability of the new course of action was accordingly given little emphasis; debate about process rather than policy seemed more pertinent than a discussion about alternative options. In the event the policy debate was for the most part confined to the leadership in the ANC's augmented National Working Committee or (on a few occasions) the National Executive Committees of the five congresses. Mandela, Sisulu, Nokwe, Kotane and Luthuli (his endorsement, whether implied or explicit, was essential) were the most prominent individuals privy to the "new course". The only whiff of opposition from senior figures, it seems, came initially from Kotane, who was unconvinced by Mandela's proposal to resort to armed struggle and accused him of being "out-manoeuvred and paralyzed" by the government's actions and was thus resorting in desperation to revolutionary rhetoric. "There is still room for the old methods if we are imaginative and determined enough," he stressed.[8] He believed that armed struggle "would be exposing innocent people to massacres by the enemy".[9]

It was on this point that Mandela chose to argue the case when the ANC's NEC met in June 1961 in Durban, where Chief Luthuli could attend. At the meeting Mandela argued that it "was wrong and immoral to subject our people to armed attacks by the state without offering them some kind of alternative". Taking the point that Sisulu later argued in his evidence at the Rivonia Trial, he said, "[the state] has given us no alternative to violence." He pointed out that this was already being adopted by various militant groups (he did not name them but he must have had in mind the PAC, Poqo and the National Committee of Liberation, later to become the African Resistance Movement) and the angry groups of "insurgents" behind the rural uprisings in Pondoland and Zeerust. His point was that violence would begin irrespective of who initiated it. It was common knowledge that small clusters of activists across the political spectrum were talking openly of taking up arms: "would it not be better to guide this violence ourselves

according to principles where we save lives by attacking symbols of oppression, and not people?" he argued.[10]

The NEC endorsed the proposal for a change in strategy, but Chief Luthuli's acceptance of it was tentative, though not disapproving. He cautiously advised that the armed movement, subsequently called Umkhonto we Sizwe (the Spear of the Nation) be autonomous, but linked to the ANC and that it should be "under [its] overall control". This formulation seemed to be a legal fiction that somehow satisfied the leadership and fortunately satisfied the judge when the Umkhonto (MK) leadership was brought to trial in 1963/4. In general the separation of the military and the internal political structures was maintained only with difficulty. All on the NEC agreed that armed resistance would be complementary to the "traditional" methods of struggle. The effects of its decision on the organization of the trade union movement and legal work in the other congresses do not appear to have been seen as insurmountable except initially by Kotane, who after further discussion either did not sustain his objections to the proposal or was mollified by the decision to keep the ANC and MK separate.

The ANC, SAIC and COD endorsed this decision at a meeting of the joint executives of the congresses, with Luthuli present. Yusuf Cachalia, Dr Naicker and J.N. Singh (of the SAIC) had reservations (as Kotane had initially) that "the state would slaughter the whole liberation movement", but the legalistic formulation that the armed movement would be separate, but linked to the ANC and that "the [Congress] policy would still be that of non-violence", enabled a resolution to be passed in June 1961 instructing Mandela "to join with whomever [he] wanted" to form a military organization.[11]

Once given the green light, Mandela began to recruit personnel and form units which were technically autonomous of the ANC. In the course of this work he found expertise among the communists. The SACP had already moved some way towards armed struggle. The matter had been raised briefly at the SACP national conference in December 1960, when it discussed the change in the political situation caused by the outlawing of the ANC. Apparently there was little time for discussion on the subject at that conference (reports of the Sino-Soviet dispute from Michael Harmel, who had represented the SACP at the international meeting of Communist Parties and just returned from Moscow, took priority over further discussion of armed resistance). However, the conference agreed in the interim to establish specialist units (separate from the ordinary Party units though still integral to the Party) and quite detached from the Congress Alliance.[12] These cells would "familiarize themselves with the practice and techniques of forms of armed struggle".[13] No new organization was created by the SACP at that stage as, according to Slovo, with the exception of the ANC, the congresses were legal and "to have opened a dialogue with them about an illegal military organization would have jeopardized the secrecy of the

undertaking."[14] It would also have compromised them. The presence of leading members of the ANC at that conference would informally have kept the ANC in the loop. As it turned out, the members of COD and the ANC were not told of the new developments, but as seen above, the National Executives of each of the congresses were brought into the picture, if not for practical purposes and clarification of policy, as an act of trust.

In truth, we were not any more aware of the establishment of the technical specialist SACP units than we were of details of the other structures of the Party. The "need to know" principle was an essential ingredient of illegal work. Its downside was that it inhibited enquiry, but it was as important for our own security as it was for the Party's existence. We accepted the discipline completely and those of us who were not directly involved in the work of sabotage carried on "peacefully", looking on approvingly as we read the newspaper reports of bombs exploding and pylons collapsing in various parts of the country. I recall Michael Harmel's paper, written at the time, nostalgically entitled "What is to be Done?" It was presented to the SACP units as a "study document". The case for armed struggle was based on the assumption that the state's repressive strategies, especially its outlawing of the ANC had set the movement on an inexorable path to violence, leaving little space for peaceful struggle.[15]

I agreed with that in 1961. Few people would have disputed the security constraints under which we worked, but re-reading the document 50 years later, it seems to me to have underestimated the effect of armed struggle on the legal components of the movement and failed to consider Kotane's objection (stated above) that armed struggle "would be exposing innocent people to massacres by the enemy". I knew that there was talk of armed struggle; that there were references to the inspiring developments in Cuba, and anti-colonial struggles in Algeria and other parts of Africa, but there was no formal discussion of the pros and cons of armed struggle in the Party units or even privately in groups before the policy of armed struggle was adopted. Security constraints and the discipline of accepting the decisions of the Party leadership were well ingrained.

Umkhonto we Sizwe

Independent recruitment for the ANC and SACP streams of military preparation did not last long and the recruits were merged into a single organization well before the formal launch of the new organization in December 1961. There had been close cooperation from the beginning, starting with the ANC Working Committee's initial discussions on the subject of armed struggle, continuing into the establishment of specialist units of the SACP and the formation of "ANC" units. At this initial stage, expertise was shared and so were the technical personnel. The launch of Umkhonto we Sizwe (MK) formally took place on 16 December. It was an event in which all the members of the party – and probably the members of the five congresses – participated by clandestinely pasting

leaflets containing the text of MK's manifesto in public places. I remember the leafleting operation quite clearly, my yellow gloves, incredibly conspicuous for a covert operation, worn as much for protection against the residue of the glue on my hands, as against fingerprints. Each of us in the cell carried a pot of paste and a large brush to glue the leaflets to the factory doors and other public spaces. The pasting was done in an unlit industrial neighbourhood known as City and Suburban, close to the centre of Johannesburg.

The message the manifesto conveyed was matter-of-fact and its tone somewhat measured for an announcement promising "planned attacks against government installations". The founding of MK "was a break with the past", it said, adding reasonably:

> The government policy of force, repression and violence will no longer be met with non-violent resistance … The choice is not ours; it has been made by the Nationalist government which has rejected … every … peaceable demand … with force and yet more force!

The announcement ended with an appeal for "support and encouragement … from all those South Africans who seek the happiness and freedom of the people of this country".[16] Before this, 13 explosions were reported. Bafflingly, not all of them were caused by MK. One of them was the destruction of an electrical tower near Johannesburg, which was toppled by sawing off two outside legs of the steel structure.[17] Fortunately operations were to become more sophisticated later.

Mandela: Setting the Stage for Leadership; relations with the communists

The change that had been brought about by the banning of the ANC and the establishment of MK reflected a difference in style and leadership from anything previously experienced.[18] Ever since the Defiance Campaign of 1952/3 during which he was volunteer-in-chief, Mandela's qualities as a leader (already noticeable from the late 1940s) had become more apparent. After the Congress of the People and the adoption of the Freedom Charter he had begun to express his views in the theoretical journal *Liberation*, while his evidence in the Treason Trial was notable for its thoughtfulness and authoritative quality. As a protagonist of the establishment of MK, his arguments were persuasive in securing the acceptance of the armed struggle by the inner core of ANC's leaders.

He had publically announced that he was not giving himself up – a warrant had been out for his arrest since April 1961 – and that he would separate himself from his wife

and family and abandon his legal profession "to live as an outlaw". There was a symbolic shift from the collective to a more personalized image. His reading at this time was eclectic but soon focused on the strategy and tactics of the armed struggle. Biography, history, politics, military strategy, revolution and guerrilla warfare led him to Clausewitz, Mao and Che Guevara from whose works he made copious notes in his diary, later to become Exhibit R25 in the Rivonia Trial. In addition he read Liu Shao Chi's *How to be a Good Communist*, the standard text on Communist Party ethics, a thin volume published by the Foreign Language Press, Peking, which we in the SACP were all advised to read, despite its being regularly seized by the Special Branch during police raids on our bookshelves. [19]

Historians and others within the SACP have speculated about Mandela's relationship with the Communist Party.[20] I did not know the extent of his association with the party but assumed it was close. In any case, the identity of members was never disclosed as a matter of party principle. He may have been a member before 1960 as his friendships with Ismail Meer and Joe Slovo and Ruth First had stimulated his interest in Marxism. By the early 1950s, certainly during the Treason Trial, his youthful hostility towards communists had dissipated, possibly as a result of these friendships as well as the influence of Kotane, and his Marxist reading which would have drawn him even closer to the party. He wrote in his autobiography:[21]

> *I was far more certain those days of what I was against than what I was for. My long standing opposition to communism was breaking down. Moses Kotane, the General Secretary of the party and a member of the executive of the ANC, often came to my house late at night and we would debate until morning…"Nelson", he would say, what do you have against us? We are all fighting against the same enemy. We do not seek to dominate the ANC; we are working within the context of African Nationalism." In the end, I had no good response to his arguments.*

He admired communists such as JB Marks, Edwin Mafutsanyana, Dan Tloome, Moses Kotane – all of them party members within the ANC. "If I could not challenge their dedication" he wrote, " I could still question the philosophical and practical underpinnings of Marxism. But I had little knowledge of Marxism…I decided to remedy this."[22] He acquired the complete works of Marx, Engels, Lenin, Stalin and Mao Tse Tung; was "stimulated" by the *Communist Manifesto* and "exhausted" by *Das Kapital* while his reading of Dialectical Materialism offered him "both a searchlight illuminating the dark night of racial oppression and a tool that could be used to end it".[23]

Mandela was an early protagonist of the armed struggle and was aware of the SACP's exploratory steps in this direction. This was especially so as he had attended the SACP's national conference in Johannesburg in December 1960, at which the resolution to establish specialist units "to familiarise party cadres with the practices and techniques of forms of armed struggle" was adopted. Normally it would be inconceivable that the Party's leadership would be exposed to someone who was not a member. He was present among some twenty-five delegates brought together from Durban, Port Elizabeth and Cape Town under conditions of close security. Among them were Walter Sisulu, Govan Mbeki, MP Naicker, Fred Carneson, Moses Kotane, Bram Fischer, Joe Slovo, Rusty Bernstein, Michael Harmel, Dan Tloome and Raymond Mhlaba – all stalwarts in the CPSA. Two younger delegates, one, Ben Turok, now in his late eighties and another, John Nkadimeng, a Trade Unionist and General Secretary of the former SACTU in exile, were also present as well as Bob Hepple, now a distinguished academic and former adviser to Mandela's government on labour equity.

Mandela, Hepple recalls, sat in the back row, listened to the proceedings and did not say a great deal, "an indication that he regarded himself as an 'observer', not a delegate."[24] He was not one of the eight delegates from the Johannesburg District Committee and Hepple, who was a member of both the Johannesburg District Committee and the Central Committee at the time, does not remember the latter committee being asked to invite him to the conference: "it must have been a unilateral decision by Harmel, Slovo, Sisulu, etc,[25] he said. Hepple acted as a scrutineer for the elections to the CC and does not remember Mandela's name among the candidates nominated for the Central Committee, again an indication, that although close he was not eligible for nomination and as such not subject to the discipline of the party. Hepple who also organised the conference, described the severe security constraints under which the gathering was held:[26]

> *I rented a furnished house in the suburb of Emmarentia*
> *and lived in it for a few weeks so as to give the appearance*
> *of a normal occupancy. The house was in a secluded garden*
> *in which I put a marquee because the house was not large*
> *enough for all to sleep indoors. I hired a closed van,*
> *picked up the delegates at various points in the city and took*
> *them in and out of the grounds by night…The conference lasted*

for two days…

The risks in attending the conference were particularly high in view of the large number of people present, but attendance at many other meetings, whether communist or "Congress" were also hazardous. Hepple often transported Mandela to meetings, only one of which he remembers as being a gathering of the Johannesburg District Committee, "the others were not connected with the SACP". He and Mandela worked closely together, but Hepple notes "… he has always denied actual membership…Maybe this was for tactical reasons. But so far as I am concerned the evidence that he was a member is circumstantial. I am not sure that there is anything to be gained by speculation."[27] Mandela's response to Sydney Kentridge, his defence counsel, during the Treason Trial in which he was still an accused when the SACP's national conference took place in 1960, was instructive. Asked whether he had become a communist, Mandela separated the idea of membership of the Party from sharing its Marxist ideology. Asked if he had become a communist, Mandela (famously) replied:[28]

> *Well, I don't know if I did become a communist. If by communist you mean a member of the Communist Party and a person who believes in the theory of Marx, Engels, Lenin and Stalin and who adheres strictly to the discipline of the party, I did not become a communist."*

However, his presence as an observer remains enigmatic, but his rejection of the idea of strict adherence to the discipline of the party was clear. Tom Lodge's assessment that "[p]arty member or not, Mandela remained an independent personality, fundamentally resistant to the rigidities of organisational 'discipline'" was essentially correct, insofar as it concerned the democratic centralism of the Communist Party.[29]

Hepple supported Mandela throughout the time he worked underground and before he left the country in early January 1962 to represent the ANC at the first conference of the Pan African Freedom Movement for East, Central and Southern Africa (PAFMECSA). The conference, the forerunner of the Organization of African Unity, was held in Ethiopia on 3 February 1962. Mandela had never before been outside the country and was probably quite unknown to the heads of state in the newly independent countries in Africa to whom he introduced himself as a proud "representative of Luthuli." The details of his tour are now history, but not much was known until the Rivonia Trial began.

After visiting Chief Luthuli in Natal, he left South Africa for Lobatsi on 11 January 1962, had discussions with Nyerere and other leaders in Tanzania (then Tanganyika) and continued to Addis Ababa, via Lagos. His address at the PAFMECSA Conference was recorded in his diary (an exhibit at the Rivonia Trial) and the text of the

speech he delivered was published in full in the Ethiopian Press. After outlining the history of the ANC's long, non-violent struggle against successive oppressive governments, he reiterated the ANC's rationale for embracing the armed struggle, arguing persuasively that:

> *All opportunities for peaceful agitation and struggle have been closed. Africans no longer have the freedom even to stay peacefully in their houses in protest against the oppressive policies of the government … A crisis is developing in earnest in South Africa. However no High Command ever announces beforehand what its strategy and tactics will be to meet a situation … But a leadership commits a crime against its own people if it hesitates to sharpen its political weapons when they … have become less effective.*[30]

His goodwill visits continued after the PAFMECSA Conference, when he met more of Africa's post-independence leaders and also underwent military training. This he may have done as a member of the High Command of MK (although he may not have divulged this to all his hosts). According to his diary, between January and July 1961, he met Julius Nyerere the Tanzanian leader; Kenneth Kaunda of Zambia; President Bourghiba of Tunisia; and the king of Morocco. From Bourghiba and the Moroccan king he received generous promises of money for the purchase of weapons for MK. His meeting with Hourari Boumedienne of Algeria gave him the benefit of gaining instruction in the use of weapons and learning the lessons of the Algerian war. He was then able to spend three days in Oujda in Morocco, a short distance across the border. He also met the two philosopher kings of Africa, President Leopold Senghor of Senegal and Sekou Toure of Guinea.[31]

In mid-June, Mandela met South African exiles in London, notably Yusuf Dadoo, chairman of the SACP as well as prominent individuals in the Labour and Liberal Parties. He successfully put the ANC's case before influential newspaper editors in London and renewed his 1954 association with Canon John Collins of St Paul's Cathedral, founder of Christian Action (forerunner of the IDAF), the organization which provided most of the funds for the Treason Trial and the legal defence of political detainees and their dependants until 1990. Before his departure from London for South Africa at the end of June 1962, he returned to Ethiopia where he was given military instruction, including field-drill and demolitions demonstrations on advanced weaponry. This is well documented in his autobiography and personal diary; the more rigorous the routine, the more he seemed to enjoy it. A message from Sisulu to come home interrupted his programme of training and he returned to Johannesburg to report to the ANC's National Working Committee on his experiences in Africa and the UK.

He told them of some of the negative African perceptions he had encountered in regard to the ANC's cooperation with communists and its multi-racial inclusiveness of the white and Indian minorities. At his trial he said he had not become a communist, but his relationship with the SACP was implicit in his statement to the Court, and his praise for the party, fulsome.[32] I was not aware of the minutiae of his tour, but reports from him did reach us, in which he stated that the ANC's emphasis on cooperation with whites was seen as "insensitive", and that Congress was perceived as "a communist-dominated organization". There was a lingering concern, he noted, that the ANC was soft on whites and susceptible to communist domination.[33] The result was that future pronouncements of the ANC were more carefully nuanced than previously but did not reflect any discernible change in the organisation's multi-racial stance. Anyway, in Mandela's thinking, it was not a change of policy that was needed but a change in image.[34] I don't recall any warm acceptance of the view attributed to him that the ANC "must regard itself as the vanguard of the Pan African movement in South Africa", but we became more conscious of the concept of Pan-Africanism, which at that early stage I interpreted as meaning anti-colonialism and African self-assertion. It was clear, however, that the new wave of African nationalism on the continent had a profound effect on Mandela.

After his secret return to South Africa, Mandela stayed at Liliesleaf Farm in Rivonia, a peri-urban area on the outskirts of Johannesburg. The "farm" had been bought by the SACP in order to provide a safe haven for an increasing number of its leading individuals who had begun to function as full time underground workers – "professional revolutionaries" – some of them in hiding from the security police. It was also at times a meeting place for the members of the National High Command. Mandela spent his days there, reading, reflecting, studying the theory, strategy and tactics of armed struggle, "regularly leaving in the evenings in disguise under cover of dark to meet the ANC leaders and members in different places".[35] He lived in one of the small outhouses of the farm with Sisulu, Kathrada and others, including Raymond Mhlaba and from time to time Govan Mbeki. Unfortunately, security was poor and it was only a matter of time before their "safe" cover would be blown and the premises revealed to the special branch by spies in the organization or by 90-day detainees forced to make statements under torture.

Following a brief period at the farm, Mandela travelled to Natal to report to Chief Luthuli on his experiences abroad. The Chief's response to the African leaders' criticism of the ANC's co-operation with whites - and other minority sections of the population - was "that the ANC should not weaken its public commitment on non-racialism merely to suit a few foreign leaders". While in Durban, Mandela spent a short time with the leaders of the Durban Regional Command, sharing the lessons learnt from his overseas

discussions with African leaders in Natal. One of the leaders present at this meeting on 4 August 1962 was Bruno Mtolo, whose presence subsequently had great significance in the Rivonia Trial.[36] The next day (5 August 1962), on Mandela's return journey to Johannesburg, he was arrested in the small town of Howick and ordered to appear before the magistrate's court in Pietermaritzburg early the next morning. Mulling over the events in his prison cell that night, he reflected on the laxness of his security and realized that either too many people had known of his visit to Natal or there was an informer in the organization. He suspected that it was the latter. Someone had "tipped off" the police about his journey back to Johannesburg; it was a set-up.[37]

The trial was formally remanded to Johannesburg and the hearing subsequently moved to the familiar Old Synagogue (converted into a courtroom) in Pretoria, further away from the ANC's support base. Mandela was charged with leaving the country without a passport and inciting workers to strike during the March 1961 stay-at-home. The tone of the statements he made at this trial was wholly different from the measured evidence he gave 17 months earlier in the same courtroom before Justice Rumpff in the Treason Trial. It signalled an outspoken aversion to the injustices of white power, not heard before by an ANC defendant in a "white" court. For the first time the "legal discipline" so long applied by counsel in the courts was challenged. What might have been a dreary, formal hearing became an historic event reflecting the defiant anti-colonialist feelings that pervaded the African continent and was now making itself felt in South Africa.

Although he spoke in the first person, his remarks were intended for all those without basic political rights. Conducting his own defence[38] - a decision he made quite deliberately - he turned the proceedings into a trial of the aspirations of the African people. Though he referred to "the white man" and the "white people", he detested racism but was compelled to use this terminology by the nature of the application he was making. He declared that he was "neither legally nor morally bound to obey laws made by a parliament in which he had no representation". Nor could he accept a white presiding officer, "however high his esteem, and however strong his sense of … justice". To do so, "was to make whites judges in their own case". In the absence of the right to participate in the making of laws or to seek the protection of the constitution in the courts – or to take part in the administration of justice as judges, magistrates, attorneys general and the like – "the phrase 'equality before the law'", insofar as it was intended to apply to the majority of the population, was meaningless. As he put it:

> *The White man makes all the laws, he drags us before his courts … and he sits in judgement over us … Why is it in this courtroom I face a White magistrate, [am]*

confronted by a White prosecutor, and escorted into the dock by a White orderly?[39]

Politically the situation was equally dire: "I am voteless because there is a parliament in this country which is White-controlled. I am without land because the White minority has taken a lion's share of my country …". The presence of white domination was everywhere, he said. "I detest most violently the set-up that surrounds me here. It makes me feel that I am a Black man in a White man's court". His "defence" was wide-ranging and assertive in style and content, ending with a reference to the conference in Addis Ababa, which had clearly made a great impression upon him. "For the first time in my life I was a free man, free from white oppression, from the idiocy of apartheid and racial arrogance … from humiliation and indignity. Wherever I went I was treated like a human being." He had no doubt that posterity would pronounce him innocent and that the real criminals were the members of the Verwoerd government who should have been brought before the court.

The magistrate appeared to be listening, interrupted him frequently and finally found him guilty on both of the counts for which he was charged, sentencing him to five years in prison. This was his first introduction to incarceration on Robben Island. In the course of time he would become the symbol of resistance, the interface between the masses and the liberation movement and pre-eminent among his peers. Intellectually his earlier influences had enriched him. By 1962, his position as a national leader was boosted by his tour of the independent African states and by his court appearances although he was not then singled out as the foremost African leader: Walter Sisulu undeniably enjoyed that position for his perspicacity and Chief Luthuli for his honesty, humanity and courage.[40] In South Africa, he was one leader among many, although his status as a leader had grown enormously and his name was becoming a household word.

Creating an Army

During Mandela's trip abroad and the first year of his incarceration, MK's expansion exceeded expectations. The organization – embracing the merged Mandela units and the Special Units of the SACP – soon took shape. The National High Command was the supreme body overseeing the activities of the four regional structures. Mandela was initially the commander-in-chief and Joe Slovo his chief-of-staff.[41] It was a new military establishment, whose structures and activities were mostly unknown to those of us who were not involved in MK. According to Slovo, an equal number of leaders were drawn

from the ANC and SACP between 1961 and 1963, but after that "with the virtually complete destruction of [the] internal structures [of the ANC and SACP] MK was to come almost exclusively under the direction of the ANC's external mission, and Party involvement in its affairs was negligible".[42] This was true only in a technical sense: SACP leaders (as Slovo explains) "did play a prominent role in the ANC's external mission", but strictly speaking, the leadership was not part of a Party collective, as before.[43]

Slovo's reference to the "virtually complete destruction" of the internal leadership structures of the ANC and SACP may be correct, although the reconstituted High Command, formed after the Rivonia arrests in 1963, had for a short time been quite successful in partly rebuilding MK's structures (1963–64), and enabling further MK activity for a year or two.[44] Many of the recruits sent for training were members of the SACP, but by no means all of them. On their return they were deployed across the four regions of the country, some of them having little opportunity to apply their skills. Among the first to return was Raymond Mhlaba, a member of the SACP, a trade unionist and a protégé of Govan Mbeki. He was installed briefly as head of MK during Mandela's incarceration, but soon had to join the other defendants in the Rivonia Trial.

A number of cadres who trained abroad and became members of the regional command structures were tragically murdered by the state. Looksmart Ngudle (Western Cape Regional Command) died in detention, probably at the hands of the security police and Washington Bongco, a trade unionist who served on the Western Cape Border Regional Command, was hanged following his arrest in 1963. Vuyisile Mini, also a trade-union activist and a key cadre in MK, went to the gallows singing one of the many songs he'd composed. A popular hero, "Vuyi" Mini was one of the 156 accused at the preparatory examination of the Treason Trial; a mild man and a talented musician whom I remember clearly. He was sentenced for the murder of an informer and 17 acts of sabotage and hanged in November 1964 while I was still on trial for contravening the Suppression of Communism Act. In honour of his memory we stood in silence in the prison exercise yard at the Fort where we were "awaiting trial" prisoners. Two other MK cadres, Wilson Khayingo and Zinikile Mkhaba, whom I did not know, similarly went to the gallows in those early years, for their part in MK. Both of them served in the Eastern Cape Regional Command.

It had become quite apparent to those of us in the SACP who were "outside" MK that leading cadres were no longer "available" for work in the ordinary way. Umkhonto had begun to assume a momentum of its own, an indication of the movement's concentration of resources on the armed struggle. Many of the ANC's cadres had been recruited to MK and soon after their recruitment, left for overseas training. We sensed that this was where they had disappeared to, but did not know it – or we simply believed that they had "gone underground'. Most activists were engaged in MK activities. It was tacitly

accepted by the officials in the SACTU unions that committee structures were convenient venues for MK meetings in the work place.[45] Their zeal was evident from the start. Within a year of its formation the new, MK units had carried out 134 acts of sabotage, minor and amateurish at first, but the potential for sophistication was there.[46]

By the time of the arrests at Rivonia in July 1963, the number of these acts (according to the prosecution in the Rivonia Trial) had risen to 235, but as the defence team pointed out, these could not all be attributed to MK. In all cases, the targets were "soft" meaning strategically selected to avoid loss of life, although there may have been maverick cases where this instruction was not observed. Invariably we learnt of the various acts of sabotage and theft of explosives through the newspapers. Throughout 1962 and until mid-July in 1963, bombs exploded in administration offices and telephone wires were cut in the major cities; dynamite was stolen from quarries; and in one case, a bomb was thrown into the house of a detective in the Port Elizabeth area.[47] There were no reports of fatalities on that occasion, but loss of life was against Congress policy. A single death occurred in December 1960 at the launch of Umkhonto, when an MK cadre was accidentally killed by a defective explosive he was handling. Except for the government, which acted quickly in enacting more punitive legislation than it ever had before, the whites remained silent and in denial of the grim era of repression the country was about to enter.

Legislative Terror

The regime made no attempt to manage the crisis it had created after Sharpeville; it made no political concessions. Under the cover of legislating against sabotage, it introduced further restrictive legislation that effectively eliminated legal political activity. The so-called "Sabotage Act", passed in 1962, was a sweeping piece of legislation so wide-ranging that its administrative restrictions extended to furthering the objects of communism, house arrest and prohibiting banned persons from publishing statements. A large part of the act dealt with the further silencing of peaceful protest and very little directly with sabotage.

The Sabotage Act provided for a minimum sentence of five years' imprisonment and a maximum of the death penalty for persons committing sabotage. In a further amendment to the act (also passed in 1962) it criminalized the writing of slogans on public walls or poster-pasting, making potential offenders liable to a maximum of six months imprisonment.[48] The effect of the legislation was to make our simple activities of slogan painting and leafleting as difficult as possible. Amazingly we continued these "operations" – at what emotional cost, it is difficult to say. We were not always lucky enough to escape detection. In the latter part of 1962, Eve Hall, Mary Turok, Molly Anderson and Pixie Benjamin – young activists in the Congress of Democrats – were

sentenced to six months in gaol for this minor offence. Others were charged and acquitted. Jean Middleton, who was one of the 13 comrades accused with me in the Fischer Trial captures the discipline and the danger of these intense underground activities:

> In the earlier days, the evenings when we put up posters and stickers, and painted slogans, had been light-hearted and sociable … In the early sixties, the Sabotage Act changed all that, for though it was directed more specifically against organizations engaged in armed struggle, it affected all forms of political activity, including this one.[49]

Each repressive act prompted another: it was not a matter of special pleading when Mandela and Sisulu stated in court that the movement was *driven* to armed struggle.

Tighter Security Laws

Harsh legislation and a more rigid security regime followed. The intelligence services were reorganized and the frequency of surveillance and spying on political activists increased. The institution of Military Intelligence (MI), negligible until Sharpeville, was reactivated in 1960 and placed under senior military personnel. With the passing of the Sabotage Act in 1962, MI was made a sub-section in the Department of the Chief of Defence. The department's budget was substantially increased – one never knew by how much as "there was always a secret vote inside the open vote" – and as armed attacks intensified, a new intelligence organization (known as Republican Intelligence – RI), under Hendrik van den Berg was secretly established without the knowledge of the personnel then employed in the special branch of the South African Police.

Alongside the newly enacted legislation, this was by far the most substantive response to the liberation movement's turn to armed struggle. Van den Bergh was the protégé of John Balthasar Vorster, the Minister of Justice, who in 1941–43 was a fellow inmate of Van den Bergh's at Koffiefontein, one of the war-time internment camps for Nazi sympathizers (see chapters 2 and 17). The minister had been a general in the Ossewa Brandwag and Van den Berg had served in the Stormjaers, a sabotage grouping close to the Nazi Robey Leibbrandt's National Socialist Rebels, an organization even more extreme than the Ossewa Brandwag.[50] Vorster found Van den Bergh, an ex-policeman, to be an appropriate person to head the new intelligence establishment and it was him that he entrusted with the creation of RI.

Van den Bergh's mission in 1963 was to turn the sluggish intelligence services around. For this, he concentrated on drafting appropriate personnel and making the RI effective, exchanging information with foreign powers (possibly on individuals,

organizations and techniques of torture); training African spies; and recruiting journalists to feed him with information. It was a long haul. Anticipating the capture of ANC, SACP and Umkhonto activists and unravelling the layers of the movement's structures, Van den Bergh badly needed analysts, always a scarce resource. Colonel At Spengler, a relatively genial policeman, who had previously headed the security police and for years spied on Congress and the Communist Party, was deployed to recruit young policeman appropriate for the new force.[51] Recruits normally came through the ranks of the police service but as the RI was established in secrecy, the new RI operatives were acquired under the pretence of their "resigning" from the force and then being secretly re-recruited as members of RI. Colonel Spengler for example, had resigned from the force in order to make himself available for the new covert security structure. Like some of the common criminals I met in prison, who hired offices to conceal their real activities, he established a small suite of rooms in Johannesburg's Commissioner Street, pretending to be a private recruiting agency, to give his clandestine project an air of authenticity.

Spengler proceeded to appoint personnel to serve in the new intelligence structures and then deployed them in "front" companies in the corporate sector to provide them with cover. Two notable exceptions to this practice were the appointments of Gordon Winter and Gerard Ludi, both of them working journalists.[52] Ludi at some point infiltrated the Communist Party and was instrumental in the arrest and conviction of all the members of an SACP cell. In addition, he reported the date of a Regional Committee meeting of the SACP that was due to take place the following week, and in so doing, succeeded in securing my arrest and conviction along with the other members of the Committee. Bram Fischer was included in the swoop. The other recruit who was not formerly in the service (Gordon Winter), provided the police with the hurtful information on SACP activists he collected as a journalist. In an effort to retrieve his integrity, he later shared this information with the individuals he spinelessly fingered, in a book entitled *Inside BOSS: South Africa's Secret Police*.[53] BOSS (the Bureau for Secret Service) was the organization that succeeded RI and this new body was also headed by Van den Bergh.

The refurbishing of the intelligence establishment clearly contributed to the state's success in smashing the structures of the liberation movement, but without the regime's abandonment of the rule of law, the damage would not have been as extensive or as brutal. The "Ninety-Day Law", passed under the bland title of the General Laws Amendment Act (1963) was the blunt instrument to do this. It allowed a police officer (without warrant) to arrest anybody he suspected of having committed an offence – or of intending to commit an offence – and detain that person for up to 90 days in any place for interrogation. Only a magistrate could have access to that individual and no court had jurisdiction to order his or her release. The selection of magistrates for this particular line of duty could not have taxed the mind of the lowest official in the Justice Department for

very long. The magistrates chosen to perform the task must have been the most docile and least intelligent judicial officers in the country. The complaints, questions, requests or protests the detainees addressed to them were mindlessly recorded in a large black book and answers to our queries were never, ever given. They were magistrates in Wonderland. This was my frustrating experience and everyone else's too.

If the 90- day clause was heartless, the section of the act that referred to persons who advocated political, economic or social change by forcible means was lethal.[54] This section of the act provided for the death penalty for any person who since 1950 advocated such change. This last was aimed more directly at MK, and targeted individuals who had undergone training outside South Africa – or (more impressionistically) "obtained any information from a source outside the Republic which would be of use in furthering the aims of communism".

The new legislation helped to destabilize the Party, the ANC and MK and enabled the state to confront the wave of sabotage that had shaken the country since 1961. It also inflicted incalculable suffering on its victims. The new legislation savaged the legal principal of habeas corpus and allowed the state to keep activists in gaol by renewing their detention again and again, if they had been sentenced under either the Sabotage Act, the Public Safety Act or the Suppression of Communism Act, or indeed any other substantive law/s suppressing political opposition since 1952.

We had expected the government to retaliate sharply when the strategy of armed struggle was adopted, but had not given sufficient attention to the likely consequences of that policy for the open activity of legal opposition. Nor had we anticipated the regime's unashamed dismissal of the rule of law; and we were ignorant of the effects of the new system of physical and psychological torture that the state had learnt from foreign intelligence agencies. RI and later BOSS, used these coercive techniques to uncover SACP and MK units under the blanket powers given to them under the "90-Day Detention Law". Their itinerary of torture, which I personally experienced, included isolation, solitary confinement and a range of methods of physical and mental mistreatment to wear-down, demoralize and disorient political prisoners. But despite these coercive strategies, the state seemed to have had no intimation of the plans for guerrilla warfare until the Rivonia raid, when a copy of the document outlining the plans for Operation Mayibuye, was found.

Operation Mayibuye

The rationale for guerrilla warfare had been outlined in a draft document entitled "Operation Mayibuye", meaning literally "Operation for the Return of Africa". Mandela was abroad when the proposal was drafted and in jail when the matter was due to be discussed at Rivonia. During the trial the prosecution accepted the draft as policy,

although the document was still under discussion internally by the ANC and the SACP's Central Committee. It was on the agenda for discussion at the meeting on 11 July 1963, which the police interrupted, and although that discussion had not taken place, it seems that active steps towards the implementation of some of its aspects had already been taken. (See chapter 14). It is possible that the High Command had adopted it, but the evidence for this is not conclusive. The thrust of the document was that the white state, "armed to the teeth", had abandoned any pretence of democratic rule and presented the people with only one choice and that was "to overthrow it by force and violence". [55] Some of this had been said in the poster-sized leaflet we pasted on the walls of public places on the eve of the launch of MK in December 1961. At that time the objective of MK was sabotage and it had not yet moved on to consider the viability of guerrilla warfare.

The desirability of this military strategy was probably promoted by contemporary events in Cuba, the daring, though unsuccessful attack by Castro's guerrillas on the Moncada Barracks in 1953; and in the ousting of Batista's dictatorship, six years later. Castro and Che Guevara provided the most important sources of inspiration for the move towards guerrilla warfare. A general uprising in South Africa would be "sparked off by organized and well prepared guerrilla operations during the course of which the masses of the people will be drawn in and armed".[56] The war might be protracted and the struggle fraught with difficulties, especially as South Africa was a powerfully armed and well-resourced modern state, solidly supported "for the moment", by three million whites. But this, the document argued, was counterbalanced by South Africa's isolation and the hostility towards it by the community of nations, the countries of the African continent and the Socialist world. The plan envisaged

> a massive onslaught on pre-selected targets which [would] create maximum havoc and confusion in the enemy camp and which would inject into the masses of the people and other friendly forces a feeling of confidence that here at last is an army of liberation capable of leading them to liberation.[57]

The failure to interrogate the weak links of the plan and the confusion on whether or not it had been adopted, says much of the conditions under which the High Command and the SACP could meet. South Africa was hardly comparable to Cuba. It had been acknowledged that South Africa was a heavily armed state with the most sophisticated infrastructure on the African continent. Yet the rationale for rejecting this reality was impressionistic and speculative. For instance, there was no guarantee that the regime would be thrown into confusion by a surprise guerrilla assault in one or two rural areas, and except for a few instances where there had been rural uprisings in the early 1960s, there was no certainty that the rural masses – with no acquaintance of automatic weapons and much police harassment – were ready or willing to be drawn into a guerrilla war of

liberation. Such was the level of surveillance that only the boldest individual would welcome guerrilla forces unknown to the local population with the feeling that "here at last is an army … capable of leading me to liberation". It is not clear whether the High Command had a solid basis for this assumption or that the trio of leaders who conceived the plan could sufficiently separate themselves from the enthusiasm of Che Guevara to think twice before conceding that simulating a revolutionary consciousness (where there was no objective evidence that such consciousness existed), was speculative in the extreme.

Goldreich, (Govan) Mbeki and Slovo were greatly inspired by the contemporary events in Cuba and they were the chief architects of the plan.[58] At the time, was in jail but before his arrest he had made elaborate notes on reading Che Guevara. There was some resonance of the daring of the Cubans in the detailed plans for guerrilla warfare in the document "Operation Mayibuye" (found by the police in the unlit stove at Rivonia) which elaborated a strategy for an initial attack to be mounted in the Eastern and Western Cape, the Northern Transvaal and Northern Natal. There would be simultaneous landings on pre-selected targets by ship or air, accompanied by arms and other war material to arm the local populations. Strategic roads, railways, power stations major industrial installations – not people – would be the targets. Auxiliary guerrilla units would be formed in the regions infiltrated. A political authority, which would ultimately develop into a revolutionary government, would be set up in secrecy in a friendly territory prior to this.[59]

A separate report on procurements set out the production requirements for the manufacture of explosives.[60] This report showed that the procurements envisaged indicated an extensive and lengthy operation. According to the prosecution they were sufficient "to blow up a city the size of Johannesburg". One would have expected the prosecution to have said that, but the items listed were of staggering proportions and included many thousands of anti-personnel mines, time devices for bombs and tons of ammonium nitrate, aluminium and black powder.[61] It was Denis Goldberg's responsibility to oversee the munitions aspect of the operation and his understanding of it was that it called for the high level of procurement he had listed, if the resistance contemplated was to be sustained. In a survey report, written for the Logistics Committee of the High Command, he suggested methods to be adopted in setting up the explosive devices and proposed that this should be done under secret cover of some legitimate business such as poultry farming. He had already purchased a small-holding on behalf of MK in the district of Travellyn, near Johannesburg, where presumably the munitions would be housed. According to the trial record, about "twenty witnesses, factory owners, wholesale distributors and machinery merchants … [testified] that the fans, the furnace, tools and other equipment required … had all been the subject of enquiries by Goldberg." [62] (See chapter 14). Denis said nothing of this to me during the relatively short time I was in

prison with him, but he recounts the story without embellishment in his poignant autobiography, published as this memoir was being written.[63]

The main criticism of Operation Mayibuye was that it did not provide an adequate context for an informed debate on the matter. If there was a reluctance to participate in orthodox political struggles for fear of state reprisals (which was apparently the case) logically one might assume that there might also be an unwillingness to support an armed struggle, where the likelihood of government reprisals was even stronger.

On a more positive note, there may have been an indication of willingness to undertake a guerilla struggle if sufficient time and work were done to mobilize support and select recruits in the countryside for military training. Extravagant plans for a "next phase" of the armed struggle were possibly premature and there is merit in the argument that there might have been room for the development of "indigenous" methods of sabotage followed by more sophisticated practices more suited to our resources and designed to draw in an increasing number of the population, urban and rural, before more advanced plans were adopted. The pace of the guerrilla war (as outlined in Operation Mayibuye) was obviously too swift and without proper regard for the objective conditions in the country. As one critic noted it may have taken years, but if it were a feasible plan with "a hard-nosed assessment of the difficulties facing the movement in a revolutionary war with the government", it might have been more deserving of the leadership.[64] Guerrilla warfare as such, was not beyond consideration. All the material conditions may not have been present for undertaking this strategy, but there were views that supported the belief that it was possible for this to happen even before the objective conditions for it existed. According to Joe Matthews, Joe Slovo believed it could. "[He] got that from … Che Guevara's book of guerrilla warfare [which] suggested that a leadership could create a climate in which eventually armed struggle could flourish even before the conditions existed for such an armed struggle." Echoing an earlier view of Bram Fischer's that no Marxist would accept the argument as it had been outlined in Operation Mayibuye, Matthews remarked that, "from a materialist point of view, you cannot have a subjective feeling which is not based on … an objective condition … That, of course, is an idealist position".[65]

In his autobiography, Mandela is disapproving of the document: "As far as I was concerned," he wrote in 1994, "'Operation Mayibuye' was a draft document that was not only not approved, but was entirely unrealistic in its goals and in its plans. I did not believe that guerrilla warfare was a viable option at that stage".[66] Bob Hepple (a member of the Secretariat of the SACP) noted in his memoir, which he reconstructed from his notes made in 1964, that he shared the misgivings expressed by Bram and Rusty Bernstein. "I thought it was a crazy plan which would provoke brutal repression … A military operation of the kind envisaged had no hope of success, and would entail untold

suffering."[67] Rusty Bernstein, writing in 1999, remembers that his opinion at the time was that the document lacked political depth – it was based on military and logistical problems "rather than a social or political programme which also encompassed military force". It was military thinking "at its worst"; a "simplistic military assessment of the logistical problems " and was insufficiently cognisant of the strengths and weaknesses on both sides. Some 35 years later he said he did not know how he would feel about the plan now. Instead, he compared its contents to military thinking in general, saying that it reduced everything to cold calculation and ignored human "consciousness, morale and ideas".[68] He had drawn up a list of his objections, which were to be discussed at the Rivonia meeting, but that discussion was not to be.

Kathrada objected to the plan in principle and is the most explicit of all in his memoir, published in 2004. Here he recalls:

> Day after day, I listened to comrades excitedly formulating the plan, and as the deliberations proceeded, it dawned on me … how isolated one can become in one's thinking … Were my comrades living on a different planet? They were certainly living in a world of their own completely divorced from reality … but the problem was they sincerely believed in what they were writing and planning.[69]

On Robben Island a little later, he expressed the view that "had the plan been implemented, we would almost certainly have gone to the gallows".

The objective truth however, was that the movement was bleeding. Dadoo, Kotane, Marks, Tambo, Slovo among the leadership, and many others besides, had gone into exile carrying out various missions abroad. When Walter Sisulu said in his evidence that "opinion was divided" over Operation Mayibuye and that it was still under debate and had yet to be adopted by the ANC and other bodies in the movement, it was more than a "story" for a credible legal defence. There were quite vehement opinions on the subject at the time and even more in the 40 years since Rivonia. The critique has ranged from the plan being unviable, unrealistic, unMarxist, idealistic, impracticable; to a contingency plan in case all else failed; a piece of phantasmagorical creative writing; and a proposal still on the drawing board, not officially adopted by the ANC. While Sisulu (at the trial) believed the latter to be the case and that the National High Command had decided to seek the views of other bodies (the ANC and the SACP), Govan Mbeki (privately) was adamant that the proposal had indeed been adopted by both organizations.

In the circumstances, the ambiguities on when and where decisions were made were not uncommon. Decisions often had to be made by a few people; many of the leaders were incommunicado and a meeting in a secure place with all the leaders present was something of a luxury. But in view of the importance of the proposal and it being a

departure from existing policy,[70] an attempt was made to obtain consensus at an augmented meeting of the National High Command, the Secretariat of the SACP's Central Committee and the ANC. This was quite a difficult proposition when some of the leaders wore "hats" from all three organizations and did not agree with the majority decisions. Notwithstanding this, the matter was on the agenda for the fateful meeting of 11 July when the entire leadership that was still within the country was arrested.

The main protagonists of the proposal were Mbeki , Slovo, Goldreich and possibly Harold Wolpe, who was close to Slovo and Goldreich and involved in MK. Officially the task of drafting the document was assigned to Slovo and Mbeki, but clearly there were other contributors too.[71] Among the protagonists, only Mbeki was at the meeting in July: Goldreich and Wolpe, who were not members of the NHC, were not expected to attend the gathering. Slovo had gone into exile, but was "allowed" by the Central Committee to take the document abroad with him and canvass the opinion of the leadership in exile – on the understanding (according to Ahmed Kathrada) that its status was that of a proposal, a draft plan.[72] Bram Fischer, who opposed the document, was unable to attend the meeting. Had he and those who had gone into exile been present, they would all have been arrested at Rivonia on that critical afternoon.

Chapter 13

1 Four ANC comrades were sent to the gallows in 1961.

2 http:/www.anc.org.za/ancdocs/history/allin.html

3 Lodge, *Mandela: A Critical Life*, p. 86, notes that as Mandela and the National Action Council members were isolated from SACTU and the ANC in a safe house in Soweto during the nights of 28 and 29 May and relied on SABC and press reports, they underestimated the strength of the response. According to journalists the level of absenteeism on the first day was 50% in Johannesburg and higher in Port Elizabeth. This may have been the case, but it was below the expectations of the organizers nationally and in Johannesburg.

4 Karis and Gerhart eds, *From Protest to Challenge*, *Volume 3*, Document 51, p. 572; See also Anthony Sampson, *Mandela: The Authorised Biography*, p. 138; Gerhart, *Black Power in South Africa*, pp. 249–250. The PAC and Poqo were in disarray: Their leaders were arrested after the 21 March massacre at Sharpeville: Sobukwe, Laballo and scores of others were in jail.

5 http:/historyplace.com/speeches/Mandela.httm, p. 3.

6 The organization had barely been proscribed when, on 1 April 1960, its Emergency Committee issued a statement refusing to recognize the validity of its banning under a law enacted "by a parliament which does not contain a single African."

7 Lodge, *Mandela: A Critical Life*, p. 82.

8 Mandela, *Long Walk to Freedom*, p. 236.

9 Mandela, *Long Walk to Freedom*, p. 236.

10 Mandela, *Long Walk to Freedom*, p. 237.

11 Mandela, *Long Walk to Freedom*, p. 238.

12 On the conference see p 270 below.

13 Bernstein, *Memory against Forgetting*, pp. 226–227.

14 Slovo, *The Unfinished Autobiography*, p. 151.

15 See Lodge, *Mandela, A Critical Life*, p. 88.

16 *South African Communists Speak*, Document 111, pp. 274, 275. It is no longer a secret that its editor is Brian Bunting.

17 H.H. de Villiers, *Rivonia: Operation Mayibuye* , Afrikaanse Pers Boekhandel, Johannesburg, 1964 p. 75. De Villiers was a judge in the Eastern Cape and sentenced Strachan to six years, commuted to three. His data is taken from the record of the Rivonia trial, press reports and probably from police files.

18 The change in style and organization as well as access to the leadership was abrupt. On this see Raymond Suttner, *The ANC Underground in South Africa to 1976* (Jacana, Johannesburg, 2008), pp. 32–33.

19 Lodge, *Mandela A Critical Life*, Oxford University Press, UK, p93; The work by Liu Shao Chi is also referred to in Bernstein Rusty, *Memory Against Forgetting*, Viking 1999, London, UK, p.229

20 Bob Hepple, *Notes on the Underground 1960-63, Part One (*unpublished) p8 in Norman Levy Special Collection. This is the most direct source but there are also references to Mandela's SACP membership by Hilda Bernstein, Joe Matthews, Dan Tloome (in an interview with the author) and references in the Jack and Ray Simons' papers at the University of Cape Town which include reminiscences made by John Pule Motshabi at a meeting of the Central Committee of the SACP in Lusaka in 1982 . See also two important articles:w.w.w.opendemocracy.net/stephen-ellis/Mandela-communism-and-south-africa 25.07.2011; historymatters.co.za/Mandela-and-communism-two-articles-from saho

21 Madela, *Long Walk to Freedom* 1994 p104

22 Mandela, *Long Walk to Freedom*, 1994 p104,105

23 Mandela, *Long Walk to Freedom*, 1994, p104

24 Correspondence between Bob Hepple and the author,12 May 2012

25 Correspondence between Bob Hepple and the author 12 May 2012

26 Bob Hepple, *Notes on the Underground 1960-63*, p 7,8. On the 1960 national conference of the SACP.

See also Bernstein, Rusty 1999, p226 - 227.

27 Correspondence, Bob Hepple and the author, 12 May, 2012

28 Anthony Sampsom, Mandela, The Authorised Biography, pp136,137, Jonathan Ball,1999. See also citations from Treason Trial transcript pp16,143;16,149; 16112-13;15,772

29 See:w.w.w.opendemocracy.net/ Mandela-communism-and-south-africa 25.07.2011; historymatters.co.za/Mandela-and-communism-two-articles-from saho

30 De Villiers, *Rivonia: Operation Mayibuye*, p. 83. Judge De Villiers was "a safe pair of hands" for the government. It is likely, from Mandela's diary and autobiography that this is probably an accurate translation of the press report.

[31] Mandela, *Long Walk to Freedom*,1994 p. 261. He was provided with a suitcase-full of banknotes in Guinean currency – worthless outside Guinea – but he managed to change them at the Czech embassy through a friend of Tambo's!

[32] See Mandela, an Epic Address in Ch. 14 below. See also, Anthony Samson, *Mandela, The Authorised Biography*, Jonathan Ball, Johannesburg, 1999 pp 236,137 and 220.

[33] Lodge, *Mandela: A Critical Life*, p. 100.

[34] Mandela, *Long Walk to Freedom*, p. 264.

[35] Bernstein, *Memory against Forgetting*, p. 229.

[36] See Joel Joffe,The Rivonia Story, Mayibuye Books – UWC, Cape Town,1995, pp 76,77. The Defence Counsel admitted Mtolo's presence at the August 4th meeting.

[37] Mandela, *Long Walk to Freedom*, pp. 314, 315. Rusty Bernstein, in his autobiography, *Memory against Forgetting*, p. 240, attributed his capture to the CIA who informed the special branch of Mandela's movements. Mtolo may, however, have been the police informant, if not the CIA.

[38] At the same time he requested Bob Hepple to act as his legal adviser, an indication of the trust developed between them while he worked underground.

[39] All citations are from Nelson Mandela, *No Easy Walk to Freedom*: *Articles, Speeches and Trial Addresses* (Heinemann, London, 1965), pp. 125–161.

[40] See South African Communists Speak, pp 334; 335. Sisulu is projected as one of the foremost leaders; Mandela is not mentioned although an editorial note comments that Mandela had not yet been "joined" with the others on trial. He was in prison and not at Liliesleaf Farm when the arrests were made.

41 Details of the structures are now well known. For contemporary references to the development of MK, see Bernstein, *Memory against Forgetting*, pp. 230–231; and Slovo, *The Unfinished Autobiography*, pp. 151, 152. Maharaj, Kasrils and Barrell, all cited in this chapter, have similarly written about these early structures.

42 Slovo, *The Unfinished Autobiography*, p. 152.

43 Slovo, *The Unfinished Autobiography*, p. 152. See also SADET, *The Road to Democracy in South Africa, Volume 1 (1960–1970)* (Zebra Press, Cape Town, 2004), p. 602. In the latter work, Slovo's reference to the "virtually complete destruction of the internal leadership of [MK and the SACP]" is contested and thought not to take into consideration the work of the reconstituted post-Rivonia NHC as well as MK activity between 1963 and 1966, when the ANC external mission assumed direct control of MK's internal activity.

44 See SADET, *The Road to Democracy, Volume 1*, pp. 602– 641, which details MK activities in the mid-sixties and later. By 1964, however , the organization's leadership was inchoate due to arrests, sentences and speedy exits from the country to avoid capture.

45 See Norman Levy, Special Collection: Mss iv, Norman and Leon Levy, "Twin Conversations", 1987, Unpublished questions and interviews.

46 Howard Barrell , *MK: the ANC's armed struggle* (Penguin Forum Series, London, 1990), p. 11.

47 See Mhlaba, *Reminiscing*, p. 116.

48 Bunting, *The Rise of the South African Reich*, p. 217.

49 Jean Middleton, *Convictions: A Woman Political Prisoner Remembers* (Ravan Press, Randburg, 1998), p. 6. See also chapters 2 and 3.

50 See Hans Strydom, *For Volk and Führer: Robey Leibbrandt and Operation Weissdorn* (Jonathan Ball, Johannesburg, 1982), for the relationship between Leibbrandt's Nasionaalsocialistiese Rebelle and the Stormjaers.

51 See James Sanders, *Apartheid Friends: The Rise and Fall of South Africa's Secret Service* (James Murray, London, 2006), pp. 20, 21.

52 Sanders, *Apartheid Friends*, p. 20.

53 Gordon Winter, *Inside BOSS*: *South Africa's Secret Police* (Penguin Books, London, 1981). This book is only one of three or four works he wrote on this subject.

54 For a full description of the legislation see Bunting, *The Rise of the South African Reich*, pp. 224, 225. In addition to the above, the General Laws Amendment Act (1963) also provided for the death penalty for persons accused before 1950, when the so-called offences committed were not yet crimes and legitimated the SB's well-worn practice of opening mail. It also enabled the state president to deem any organization which existed after 7 April 1960 (the date on which the PAC and ANC were banned) an unlawful organization. In this instance Poqo was their target.

55 For the citations from "O.M" see Part 1 of the document in Karis and Gerhart eds, *From Protest to Challenge, Volume 3*, Document 73, Operation Mayibuye, Part 1, p. 761.

56 Operation Mayibuye, Part 1, cited in De Villiers, *Rivonia: Operation Mayibuye*, pp. 66–69. For the full document see www.anc.org.za also www.bellum.nu./literatuyre/ANC 005html-22k

57 See Part 1 of the document in Karis and Gerhart eds, *From Protest to Challenge, Volume 3*, Document 73, Operation Mayibuye, Part 1, p. 761.

58 See Mandela, *Long Walk to Freedom*, p. 245; Sampson, *Mandela, The Authorised Biography*, p. 184 and the trial evidence against Goldreich, including his sketches of munitions found at Liliesleaf Farm.

59 Operation Mayibuye, Part 1. cited in De Villiers, *Rivonia: Operation Mayibuye*, p. 70; see also SADET, *The Road to Democracy, Volume 1*, pp. 139–145, which cites interviews with Mbeki, Bernstein, Mkwayi and Joe Matthews on the status of the document as well as disagreements over the analysis of "O.M.".

60 See Joffe, *The Rivonia Story*, p. 180. The report was an exhibit at the Rivonia Trial.

61 De Villiers, *Rivonia: Operation Mayibuye*, p. 71; www.ANC,org.za;www.Hartford –hwp.com

62 For the evidence against Dennis Goldberg, see Joffe, *The Rivonia Story*, pp. 179–181. For some details of the procurements needed, see Goldberg's memoir, *The Mission: A Life for Freedom in South Africa* (STE Publishers, Johannesburg, 2010). pp. 106–107.

63 Goldberg, *The Mission*, p. 106.

64 Padraig O'Malley, *Shades of Difference: Mac Maharaj and the Struggle for South Africa* (Viking, New York, 2007), p. 99. In this critique the author describes O.M. as a piece of "phantasmagorical creative writing".

65 See SADET, *The Road to Democracy, Volume 1*, p. 141. Matthews was inconsistent in saying this because he had written in *Sechaba*, 1, 9 (September 1967), p. 1, taking an opposite position.

66 Mandela, *Long Walk to Freedom*, p. 313.

67 Centre for African Studies, University of Cape Town, Bob Hepple, "Rivonia: The Story of Accused No. 11", Unpublished and reconstructed in 1999 from his notes made in 1964, p. 6. Hepple's story has since

been published, virtually unchanged, in *Social Dynamics*, 30, 1 (2004), pp. 193–217. All references in my text refer to the unpublished Mss.

68 Bernstein, *Memory against Forgetting*, pp. 251–252.

69 Ahmed Kathrada, *Memoirs* (Zebra Press, Cape Town, 2004), p. 159.

70 The emphasis was to shift policy from sabotage to guerilla warfare; from an urban base to the countryside and to the amassing of more technically sophisticated weapons than the "indigenous" ones advocated in the Chinese training programmes.

71 Bernstein, *Memory against Forgetting*, p. 250 affirms its committee authorship and names Slovo, Mbeki and Goldreich as its "main proponents".

72 On this point see Kathrada, *Memoirs*, p. 157.