

than three hundred of our people have been killed, and there is the situation of Sharpville where innocent people were murdered coldbloodedly by this government,"

"So that when the government is accused or provoking a racial clash, it refers to a violent clash? --- Yes."

And then My Lords, he is referred to the article,

Sisulu's statement, in Advance, line 9 :

"Now Mr. Resha, I just want to put one other document to you, more or less the same kind, G. 1122," and that article is put to him, and he reads it, and the question then is :

"I want the first portion of this newspaper article,

Mr. Resha, Dangerous Signs that the Nationalist Government is in a state bordering on hysteria over the plan to raise 50,000 volunteers for mobilisation of"

that is put to him. And he is then asked, at page 16972,

"Do you agree that that was your view at that stage? ---

It was."

"That what the government was doing could lead to a bloodbath? --- Certainly".

"And that the government was inciting into the people in the Western Areas a mood for a bloodbath? --- That is so."

In this article, My Lords, Sisulu goes on to attack the statements of the Minister of Justice and Brigadier Rademeyer, and then at 16973, the question to him is :

"Mr. Resha, I want to put it to you that notwithstanding your accusation that the government wanted to create a bloodbath and force through this scheme by violence against the wishes of the people in the Western Areas, that one of the objects of your campaign was to force the government to do just that. One of the objects was

18942.

that you wanted to force the government to remove the people by intimidation and force? --- My Lords, that is absolutely incorrect and most unfounded."

"You wanted to provoke the government into using as much force as possible and resorting to what you call intimidation of the people? --- We never wanted to provoke the government at all. What we did want was to get rid of the government, but insofar as the Western Areas was concerned, our aim was to defeat the government from removing the people of the Western Areas, that was our express aim." Line 10. Now My Lords, just pausing therefor a moment, the African National Congress can tell its people, - the African National Congress can accuse the government of trying to provoke a bloodbath, Resha said that what the government was doing was provoking a bloodbath. But the African National Congress, My Lords, have never been prepared to face the accusation that they were creating a bloodbath, and that is what the Crown says, My Lords, that they were misrepresenting the position. That their accusation that the Government was trying to provoke a bloodbath was an accusation made to cover up their activities, because that is what they were doing, if anybody was trying to create a bloodbath.

CASE REMANDED TO THE 16TH NOVEMBER, 1960.

COURT ADJOURNS.

16/11/1960MR. TRENGOVE

MR. KENTRIDGE: My lords, the accused Lollen
apparently had 'flu rather badly; he is away to-day
and an affidavit will be obtained in due course. My
lord, the accused Tshunungwe is still away; we haven't
an affidavit yet but we have a doctor's certificate; I
wonder if in the meantime I could hand that into Court.

RUMPF J: He is still away, Tshunungwe?

MR. KENTRIDGE: Yes, he is still away. Now,
my lords, the accused Mandela is away to-day; we don't
know why, and we are making enquiries, and my lord, al-
though there are three accused away it does seem, sub-
ject to what your lordships have to say, that the case
might still continue in their absence.

RUMPF J: Yes.

MR. KENTRIDGE: My lord, there is one further
matter which I was asked to raise and approach your lord-
ships for direction; the accused Nkademeng has got a
subpoena to appear as a witness in the Supreme Court
Pretoria on the 18th November, that's I think on Friday,
- it's a subpoena for him to appear as a witness, and
my lords, we put it before your lordships; we would
like directions as to what he ought to do. I have the
subpoena here if your lordships would like to see it.

RUMPF J: What sort of case is he required to
give evidence in?

MR. KENTRIDGE: My lords, he is subpoenaed as
a witness in a case of armed robbery, in the Transvaal
Provincial Division, on the 18th November, 1960.

RUMPF J: Is that this Friday?

MR. KENTRIDGE: This Friday, my lord, yes.

RUMPFF J: Is it in the Supreme Court?

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MR. KENTRIDGE: Yes, my lord; I have the subpoena here.

RUMPFF J: In pretoria?

MR. KENTRIDGE: Yes, my lord, in Pretoria.

RUMPFF J: I don't know of any Criminal Sessions in Pretoria.

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MR. KENTRIDGE: My lord, may I hand up the subpoena; it's over your lordship's name.

RUMPFF J: The subpoena is probably in order, except that -- it may be a part heard case that has been specially set down.

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MR. KENTRIDGE: Well, my lord, possibly in due course your lordship could give some direction in the matter.

RUMPFF J: Yes; may we leave this matter over?

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MR. KENTRIDGE: Yes. My lords, the accused Mandela is now in Court. I am informed that he had car trouble this morning and he tenders his apologies for his late arrival.

RUMPFF J: Yes. Yes, well, we'll proceed in the absence of Lollen and Tshunungwe, and we'll consider this matter.

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MR. TRENGOVE: My lords, there was one matter that was raised yesterday in connection with the Defiance Campaign. The question put to me by his lordship the Presiding Judge as to whether the Crown's case is that when the Defiance Campaign was planned it was planned by that Defiance Campaign to overthrow the State by violence. Now, my lords, I have had perused the pleadings in the Indictment in this case; I have also com-

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sidered the evidence, my lords, and it will not be our case that the Defiance Campaign, when planned, was planned to overthrow the State by violence.

BEKKER J: And when it was conducted?

MR. TRENGOVE: No, my lords; we don't say that....

BEKKER J: You eliminate the Defiance Campaign completely?

MR. TRENGOVE: No, my lords; we say that the Defiance Campaign in terms of our Summary of Facts is one of the facts which your lordships must have regard to in considering whether the conspiracy as alleged in fact existed, and your lordships . . .

BEKKER J: What I don't understand is, the conspiracy as alleged was a conspiracy to overthrow the State by violence?

MR. TRENGOVE: Quite correct.

BEKKER J: Now if you delete, as far as the Defiance Campaign is concerned, to overthrow the State - there may be some other conspiracy.

MR. TRENGOVE: No, my lord; may I, my lords, at this stage clarify that matter?

BEKKER J: Yes.

MR. TRENGOVE: I said at the outset, my lords, that the existence of a conspiracy to overthrow the State will be inferred from a large number of facts; those facts are set out in our Summary of Facts. Included amongst those facts, my lords, are the facts that it was part of the policy of the organisations to hinder and hamper the State, to coerce the State - to hinder the State in the administration of its laws, directed against the State.

Those are all factors which the Court is entitled to take into consideration in arriving at the conclusion - was there a conspiracy to overthrow the State? Now we say one of the facts is that the two Congresses embarked on a campaign of this nature, a mass campaign defying laws - compelling the State, hindering and hampering the State in the administration of those laws, coercing the State by illegal and unconstitutional means to repeal those laws. That is together with all the other facts a fact which your lordships is entitled to take into regard because we say it is relevant as to the state of mind of these people and as to the programme, whether it was a programme directed at achieving a constitutional change at the ballot box, or not.

BEKKER J: Yes, well, I'm not clear on this. If the intention was not to overthrow the State, but if the intention was to get these laws repealed, that would not be High Treason I suppose?

MR. TRENGOVE: My lords, we made the submission - we quoted as an example that if your intention, your hostile intent - - now, my lords, I'm leaving aside now intention to overthrow the State by violence - - - we quoted as an example from the authorities a definition of High Treason. If it is your hostile intent, it can be inferred from the fact that you are organising a mass campaign directed against the State, to hinder and hamper the State in the administration of its laws.

BEKKER J: That may be High Treason on your argument.

MR. TRENGOVE: That may be High Treason, my lords.

MR. TRENGOVE

BEKKER J: What if the hostile intent is hostile intent vis-a-vis a particular act? Do you want that act withdrawn? 1

MR. TRENGOVE: If it's an intent vis-a-vis a particular act, and you commit it, my lords, with the intention antagonistic towards the State, coercing the State . . . 5

BEKKER J: May I ask you to pause there. It's not really against the State but it's against a particular Act; you're quite satisfied with the State but it's this particular act which you are objecting to, and you want that act withdrawn, and that's your intention underlying the campaign . . . 10

MR. TRENGOVE: If that is your only intention then, my lords, I'm not going to argue that that is High Treason. 15

BEKKER J: That wouldn't be the hostile intent in High Treason?

MR. TRENGOVE: I'm not arguing that, my lords. I say that it must be coupled with an intention- coerce the State as such. 20

BEKKER J: Yes.

MR. TRENGOVE: My lords, in connection with the Western Areas campaign I was dealing yesterday afternoon with the evidence of Resha where he said, my lords, that it was not their intention to compel the State to intimidate the people in the Western Areas. I was dealing, my lords, with a statement in his evidence at page 16973, line 23, where the question was put to him ("Q) You wanted to provoke the Government into using as much force as possible and resorting to what you call 25 30

the intimidation of the people?-- (A) We never wanted
to provoke the Government at all; we wanted to get
rid of the Government." "But insofar as the Western
Areas was concerned our aim was to defeat the Govern-
ment from removing the people from the Western Areas.
That was our express aim."

Then, my lords, he is referred to Exhibit
O.R.T.129, which was read out yesterday, where it says
"We wanted to foster a mental state of non-collaboration
in order to compel the people to intimidate the Government
- to intimidate the people - - compel the Government to
intimidate the people."

Then at page 16975, my lords, line 1, the
question is: ("Q) And you wanted to compel the Govern-
ment to intimidate?-- (A) Certainly."

His lordship Mr. Justice Bekker says:
"Certainly what?-- (A) To compel them to intimidate
the people."

("Q) In what way?-- (A) By forcing them to go;
by bringing the police and threatening the people, that
if they stuck to their rights they would be shot. That
is intimidation, my lords, by bringing 2,000 police."

Then line 10, my lords, the Crown: (Q) Then
why did you say just now, Mr. Resha, when I put it to
you that you wanted to secure the removal by intimidation
and force, that it was an absolutely unfounded statement
?-- (A) Well, in the manner it was put, I don't agree
with it." But he says, in fact, my lords, in reply to
your lordship: "We did want the Government - to compel
the Government to force and intimidate the people by
bringing along the police and by threatening the people

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that if they stuck to their rights they would be shot." 1

And, my lords, he continues with that and explains the position from line 15 to line 28 of that page, and he deals with the authorship of Exhibit A.162.

KENNEDY J: Mr. Trengove, may I interrupt you? 5
In your Policy Schedule at page 157, paragraph 3(a)
do you not place the Defiance Campaign under the Violence
Schedule?

MR. TRENGOVE: Yes.

KENNEDY J: You do? 10

MR. TRENGOVE: Yes, my lord.

KENNEDY J: Is that not contrary to what you
said a few moments ago?

MR. TRENGOVE: No, my lords.

KENNEDY J: Not? 15

MR. TRENGOVE: No; we say, my lords, that the 20
fact that they embarked on a Defiance Campaign and the
way in which the Defiance Campaign was conducted is a
relevant factor, taken with many others, in deciding
whether they had the policy of violence or not. Our
attitude, my lords, is that the conspiracy to overthrow
the State is to be inferred from a large number of facts
which taken by themselves might not constitute a con-
spiracy to overthrow the State. In the same way, my
lords, as the Western Areas campaign, or the Bantu Edu- 25
cation Campaign, or the Pass Campaign - we don't say,
my lords, that those campaigns per se - each of them
was directed, that that particular campaign would result
or was directed towards the overthrow of the State by
violence. 30

KENNEDY J: Yes, I understand you.

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MR. TRENGOVE: And, my lords, we say in our Policy Schedule that the Defiance Campaign is an example of extra-parliamentary unconstitutional and illegal action upon which this Congress embarked in terms of its Programme of Action in 1949.

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Now, my lords, then Resha is also questioned at page 16977, line 12, where arising out of certain questions his lordship Mr. Justice Bekker put it to him: ("Q) I'm asking you a simple question, Mr. Resha; did you want to compel the Government to use intimidation against the people?-- (A) I said yes long ago".

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And at page 16978 it was put to him: ("Q) But the Government were prepared to remove the people without bloodshed and violence?-- (A) The Government was never prepared to do that, sending 2,000 police armed - do you call that a preparation to remove people without bloodshed?"

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Line 11, ("Q) Do you regard that as a victory, that you compelled the Government to do that?-- (A) Yes, we regarded it as a victory, that they went away with their guns without shooting one person, because of our perfect organisation on that day - - that is what we call a victory on our side."

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Now, my lords, in addition to that I also refer your lordships to Vol.81, page 17051 to 17058, line 2, where certain questions were put to Resha by his lordship Mr. Justice Bekker. My lords, there Resha couldn't explain why he expressed the opinion that the Government would have failed to remove the people if they had only

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used a small force of police, and he also couldn't explain why the African National Congress wanted the Government to use force of 2,000 and even increase it to 4,000 and 5,000. My lords, the question put to Resha was: ("Q) If the people had to go as soon as the police arrived they didn't have to offer greater resistance; assuming the order had been obtained from the Magistrate, and a single policeman arrived to remove the particular family, he would have gone, and that single policeman, or a handful of policemen could have dealt with 150 families that day?-- (A) If the Government did that they would have failed. The A.N.C. wanted them to use 2,000 and even a greater number", and he couldn't explain, my lords, why, if it was merely a question of refusing up to a point and then complying with the Order, why the Government could have failed, or why they wanted 2,000 people - 2,000 police, there.

My lords, he cannot reply to those questions because the situation that they created in the Western Areas required 2,000 policemen for the safety and security of the State in order to effect that removal without incident, and the fact that incidents were not created didn't rebound to the credit of the African National Congress but to the fact that the police and other officials who removed them . . .

Now, my lords, we respectfully submit that the whole history of the Western Areas Campaign and my lords, particularly the approach of the African National Congress to that campaign - their state of mind as it emerges from their statements and their

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speeches and their documents, that shows very clearly, my lords, that the minds of the leaders in the African National Congress were not running along the lines of persuasion or legitimate pressure, or change of heart; their minds were running along unconstitutional action, illegal action, coercion, intimidation; the likelihood of a violent conflict, and the impression that that would make on the minds of the people and on the Government.

And, my lords, whereas we do not say that the Western Areas Campaign itself on that day was necessarily directed towards a revolution and the overthrow of the State, on that day - - we do say on their own showing it was the prelude to a struggle on a higher level, a higher level, my lords, both as to the form of action they would take and as to the scope of that action throughout the country. And in spite of their experience they were yet not satisfied that they had reached the extreme point; they were still prepared to conduct action on a more ruthless, on a more vicious, on a more dangerous scale.

And, my lords, Luthuli goes into the Box and tries to reconcile inconsistencies in his evidence with the statements, the official documents of the African National Congress; he tries to reconcile those by saying that the National Executive found it very difficult to get information. Luthuli says that unequivocally at vol. 59, page 11760, line 3. ("Q) Did the National Executive find it easy to obtain information about the state of affairs in Sophiatown itself?-- (A) It was very difficult, my lords." And this issue is taken up

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in cross examination at pages 13449 and 13550 and also
13556, and 13559, and my lords, we submit that it's
quite clear that what Luthuli said was not the truth;
there was absolutely - - in the first place there was
absolutely no reason why it should be difficult for
the National Executive to get information about the
Western Areas; the people that were involved in con-
ducting that campaign, and the people closest to that
campaign, my lords, were the Transvaal Executive of the
African National Congress; people like Resha and
Magothe and Nkademeng and Lilian Ngoyi. People in
direct touch with the day to day running of that cam-
paign., many of them from Sophiatown. So that it was
not a question of not having the information available,
but apart from that, my lords, I quoted yesterday from
the document T.E.T 46 where in November, 1954, the
African National Congress Executive met at Groutville
and Resha said so in evidence. Resha states that in
Vol.80, at pages 16978, 16979, where he is referred to
Exhibit T.E.T. 46, and 16982 and 83. He says they did
give a full report; he was at Groutville. Luthili was
there, Matthews was there, Conco was there, Moretsele
was there, Resha was there, Tshunungwe was there - - and
they gave a full report up to the November, 1954, of the
Defiance Campaign. And he says subsequently in December
that year the National Executive in Durban - he says the
Western Areas was again on the Agenda and was again dis-
cussed, and I showed your lordships that report yester-
day, A.37, which reports very fully on the Resist Apart-
heid campaign, and how it was set off in the Transvaal
with the anti-Apartheid meeting of the 26th June, 1954,

at Johannesburg. So, my lords, I would conclude by
saying that as far as the National Executive was con-
cerned there is no escape from the responsibility for
the Western Areas campaign; they knew what it was, and
after the campaign, after the first removal in 1952,
1955 rather, the campaign had still to be conducted on
a much more vigorous and much more relentless scale,
by the African National Congress.

My lords, I don't want to take this matter any
further, As far as the evidence is concerned, except
to invite the Court's attention to a number of exhibits
dealing with this campaign. My lords, I have already
referred your lordships to the 1955 report at Bloemfontein,
L.L.M.81; I also invite your lordships' attention to
Exhibit A.40 which was Moretsele's Presidential Address
in October, 1954; the portion read into the record
at page 304, which deals with the Western Areas Campaign;
Exhibit A.49, my lords, which is the Transvaal A.N.C.
Y.L Executive Report, and it deals, inter alia, with the
Western Areas Removal at page 312 to 313. Then, my
lords, there is Exhibit A.15, which is an A.N.C. Reso-
lution at the 1954 Conference, page 184. My lords,
A.24, which is a Natal A.N.C. Executive report, portion
read in at page 230. A.58, my lords, is a circular
letter to all branches and secretaries dated 1st January,
1955, dealing with the campaign, read into the record at
page 342. A.59, my lords, Minutes of the A.N.C. Exe-
cutive, Transvaal, of the 20th February, 1955, read
into the record at page 343, from which, my lords, we
submit it appears the Resist Apartheid Committee in the
Transvaal consisted of Nkademeng, inter alia, Magothe,

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Lilian Ngoyi and Resha; A.65, my lords, is a letter -
 A.N.C.Y.L. letter of April, 1955, read into the record
 at page 358. A.157, my lords, read into the record at
 page 791, is a pamphlet 'We shall not move' - - Resha
 said this was distributed amongst the people and on
 which he was questioned, my lords, as to why people
 who were prepared to go willingly were regarded as
 traitors. A.158, my lords, page 792, an African National
 Congress letter of the 6th January, 1955, read into the
 record at page 792. And then there is two documents
 just by way of reference, my lords, to be dealt with
 still under Tshume. T.T.30, an African National Con-
 gress Youth League letter from the head office in Johan-
 nesburg, to the Cape Youth League, 23rd January, 1955.
 and an African National Congress Youth League, New
 Brighton resolution dated the 10th February, 1955.
 That was read into the record at 3824. T.T.30 at
 page 4262, my lords. Then, my lords, Presidential
 Address by L. Ngoyi, 13th November, 1955; L.I.A.25
 read into the record at page 4389.

RUMFF J: What is the resolution Exhibit
 number?

MR. TRENGOVE: Resolution, my lord, Exhibit
 T.T.52 - the New Brighton Resolution. Then, my lords,
 a circular to the A.N.C. Cape branches, P.D.N. 91,
 alleged to have been found in the possession of Nokwe,
 page 2813.

KENNEDY J: What was the previous reference?

MR. TRENGOVE: L.I.N.25, my lords, was 4389.
 My lords, the next campaign was the campaign against

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passes. My lords, in this connection I want to refer
the Court in the first instance to Exhibit N.B.Y.13.
This document is the same as P.H.S.64 and it was read
into the record at page 4212. It is, my lords, a report
of the Executive Committee to the Special Conference
of the African National Congress, and, my lords, we
submit that as far as the African National Congress
is concerned this report sets forth clearly the light
in which the African National Congress saw the campaign
against Passes as part of the Liberatory struggle as a
whole.

My lords, this document is in its content
very much the same as the document which was ultimately
drawn up by the National Consultative Committee which
was the co-ordinating committee of all the Congresses
after the Congress of the People, and, my lords, portions
of that exhibit - the National Consultative Committee's
report - were read into the record under Exhibit P.J.92.
That document 4212 says, my - - document M.B.Y.13,
my lords, which is the report of the Executive Committee
to the Special Conference, that states "In terms of the
decision of Conference the National Consultative Com-
mittee is charged with the task of planning and co-
ordinating, inter alia, the Pass struggle. Accordingly
the Planning Committee drew up and submitted a docu-
ment to the working committee of the Congresses. It
has been decided that this document should form the
basis of the struggle and be a guide to the delibera-
tions of the Conference.

MR. MAISELS: My lords, I'm not saying the
document doesn't say it, but it doesn't say it where

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my learned friend says it does. It's somewhere else, 1
it's not 4212; he's got the wrong reference, my lords,
as far as we are concerned.

RUMPF J: What is the page number of the re-
cord in which N.B.Y.13 is mentioned?

MR. TRENGOVE: My lords. N.B.Y.13 was handed 5
in at 4212.

MR. MAISELS: Yes, but it has nothing to do
with that; just look at page 4212.

MR. TRENGOVE: I'll give the exact reference
to the Court at a later stage, my lords. My lords, 10
this P.J.92, portions of that were read into the re-
cord at from pages 1450. Now that P.J. 92, my lords,
is the National Consultative Committee Report on the
struggle against Passes. We say, my lords, that from
the evidence it is clear that this report, that has to 15
be dealt with still when the National Consultative
Committee is dealt with - - this report is the basis
of the struggle against Passes adopted by the various
Congress movements.

And, my lords, it deals with the subject 20
of Passes in the following manner. ("Q) Is this a
new struggle", paragraph (1) 1450 - and "Then can
victory be won in a single battle, paragraph 2.
And it states, my lords, at the bottom of 1450 and
1451 - "In a long drawn out battle there will be 25
many minor victories, minor defeats, many advances,
many retreats, but the final victory of the people
means the end of the cheap labour system in South
Africa, can only be finally achieved by the over-
throw of the ruling class and by the winning of the 30

Freedom Charter as the ruling policy of South Africa." 1
So that the struggle against Passes, my lords, is connected with the overthrow of the ruling class and the achievement of the Freedom Charter.

Then it says, paragraph 3, "Is the present 5
struggle of any importance?". Paragraph 4 - "Is the struggle a struggle of women alone?", and paragraph 5, my lords, where they say "Is the slogan 'Women shall not carry passes' correct?" And then they deal with that question of whether one can only defeat the pass system merely by passive action such as refusing to 10
carry passes.

Then it states, my lords, after referring to that, "Nothing should therefore be done", 1452, line 20, "which will encourage such acts of defiance and passive resistance". It says "That is not the only way 15
to fight, not even the best way; even widespread acts of passive resistance alone cannot in the long run deter the Government from its course, if it is determined to use all its force, power and authority to enforce its will. That was one of the lessons taught 20
us by the Western Areas campaign which we cannot forget. We must not let our enthusiasm blind us to the prospect of overwhelming government force, mass deportations, ,,,,from jobs, evictions from homes, which can be 25
leashed against the passive resisters to break their resistance. Passive resistance is good, effective, valuable at the right time in the right circumstances, but it is not the only way, and those who hold it out in despair, and to their loss of confidence, in our 30
movement. And those who hold it out in despair and to

their loss of confidence in our movement...." that sentence is incomplete, my lords. Then it says: "What other slogans can we advance, if it's not merely a matter of passive resistance?"; it says: "There are other ways of struggle against the Pass Laws, each of which has its place. Pass Laws can be fought by demonstrations and strikes; by petitions and meetings, by boycotts and resistance, and disobedience, by active struggle as well as passive. Which of these ways is the best? This can only be perceived by precise circumstances in which we find ourselves." Then they refer to the Western Areas - Bantu Education, and say that they must not be rigid or tied to pre-conceived ideas about the only possible way to forms of action which do not fit the circumstances.

And then, my lords, finally, under paragraph 7, they deal with "How do we decide the precise action to take?" and they say, "We must rely on good sense and responsibility and flexibility. They must weigh up each and every stage of the campaign, what the stage of organisation and preparedness is; what are the people ready to do? What action will meet with the united support of the people and carry forward the struggle. There must be no militant sounding calls to action which are not attuned to the reactions and state of militancy of the people. We must beware of actions which do not lead all the people into the action but only serve to cut the militant vanguard off from the masses, but we must be active in organising and explaining, agitating and preparing for the struggle and we must be bold when the time for action comes.

"Mass agitation leading to struggle - that is the A.B.C. of Congress policy, of the Pass Laws". 1

My lords, this provides a very good example of why in certain cases they tell their people not to commit isolated acts of violence; why they tell their people to be disciplined. Because, my lords, whenever they engage on a mass struggle the extent to which they can go is the extent to which the masses are attuned to their policy, and they cannot, my lords, get from the masses any action which, as they say in this report - any reaction, which is not attuned to the state of the militancy of the masses on whom they rely, and therefore, my lords, they say "We must beware of calls to action which do not lead all the people into action, but serve only to cut the militant vanguard off from the masses. Now, how, my lords, in an ordinary struggle can militant vanguards be cut off from the masses? What does that mean? It only means, my lords, you mustn't give the oppressor the opportunity by your action - you mustn't precipitate untimely action on the part of the Government of the State. You must take that action which the united mass of the people . . . 5 10 15 20

BEKKER J: What is the date of this report?

MR. TRENGOVE: This report, my lord, is October 1956. Now, my lords, in this connection I would also refer your lordships to B.259 which has already been identified by Resha as the Transvaal Executive Report to which your lordships will remember was attached the document "A new world unfolds", and to which was also attached, my lords, a document called "The memorandum 25 30

on the anti-Pass campaign", and that was circulated at the Conference. Your lordships will find a reference to that at page 1340 of the record, of this memorandum which is part of B.259, my lords.

Then, my lords, we also invite your lordships' attention to Exhibit T.M.10 and T.M.11. T.M.11, my lords, is a circular dated 30th October, 1956 from the Secretary-General of the African National Congress which states that a memorandum on the Anti-Pass Campaign was drawn up by the African National Congress, and was submitted to the National Consultative Committee for consideration, and that that had been finally completed, and T.M.10, my lords, is a memorandum on the Anti-Pass campaign issued by the National Consultative Committee on the 25th October, 1956.

These two documents, my lords, were handed in at pages 2631 of the record.

My lords, in this connection, with the Passes, I also invite your lordships' attention to some further documents, F.D.N.81 which was handed in at page 2810, which is a letter from the African National Congress, Johannesburg, 16th July, 1956, in connection with a meeting of the National Executive - one of the items on the Agenda being the Anti-Pass Campaign. Also F.D.N. 116, my lords, at page 2819, which is a message to the Cape Conference of the A.N.C. That also deals with the Anti-Pass Campaign. P.D.N.77, at page 2810, contains information notes on Passes for Women. Then there is N.R.M. 43, at page 2875, an A.N.C. circular of 22nd May, 1956, dealing, inter alia, my lords, with the Winberg incident against Passes.

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And, my lords, N.R.M.30 which is an "Isizwe" of January, 1956 - a portion of which was read into the record at page 2867. Then, my lords, also in this connection I invite your lordships' attention to the evidence of Luthuli on the burning of Passes in Vol.60, pages 11947 to 11948, and 11950, lines 1 to 18, my lords. Your lordships will remember Luthuli said that he was against the burning of Passes in isolated instances, there had not yet been a mass burning of passes, and then at 11949 the certificate of merit issued by the African National Congress, signed by Luthuli and Nokwe, awarded to a certain woman for the burning of passes was presented to Luthuli - - that was in 1958 - - and he then said "Well, my lords, of course I forgot about that incident; they did in certain cases issue certificates of merit for burning of passes as part of their liberatory struggle."

Then, my lords, the next campaign is the Bantu Education Campaign, and here too, my lords, the meetings, the evidence on the meetings will indicate to what extent this was a nationwide campaign, and it falls in line with the other campaigns; and, my lords, it was not merely an ad hoc campaign; it was part, as I indicated yesterday, from A.37 - it was part of the Resist Apartheid Campaign, which was coupled with the campaign for the Congress of the People, and it was part and parcel of the Liberatory struggle. And that is a statement that was made in the official bulletin of the African National Congress, "The Congress Voice", Exhibit T.M.M.1 which is the same, my lords, as Exhibit G.1066 which was identified by Luthuli as their official bulletin.

and that bulletin, my lords, makes it quite clear that the fight against Bantu Education is inexplicably woven with the fight against the pass laws and other oppressive measures.

KENNEDY J: What page?

MR. TRENGOVE: T.M.M. 1, my lord- - I'll get the reference. Now, my lords, that idea, that approach that Bantu Education is part of the Liberatory struggle is found throughout the documents published by the Congress in connection with this campaign, and, my lords, they see the campaign against Bantu education as an attack by the Government on the liberatory struggle; they say the effect of the Bantu Education on the minds of the young Africans is that it was poisoning the minds of the Africans and it would weaken them in their liberatory struggle. They also say in their documents that the struggle against Bantu Education is really the sharpest point of conflict between the forces of oppression and the forces of liberation.

My lords, that appears from a number of documents; I may refer your lordships to Exhibit A.178 at page 776, a document headed "Suggested Programme", portions of which were read into the record. Now that document, my lords, "Suggested Programme" was also found in the possession of Mqota under Exhibit No. T.A.M. 3. And the Exhibit number T.A.M. 3, portion was read into the record at page 4004, and at page 4004 that portion of the document read in states: "The Bantu school structure system from top to top could sufficiently undermine to render the machinery of the Act unworkable. The Government in the face of such unrelenting

attitude on the part of the African people might be
 forced to beat a retreat. This is a definite possi-
 bility if we consider the fact that no ruling class
 in the world will tolerate a situation in which it
 does not educate some of the governed to assist in
 the task of government and administration." There
 their whole approach, my lords, in connection with
 Bantu Education is that the Government must be made to
 retreat; the Act must be undermined, it must be made
 unworkable. Because if the Act is carried out the
 Bantu Education has its way - the liberatory struggle
 will be effective.

My lords, the Exhibit T.M.M.1, portion of
 which I have referred your lordships, was read into
 the record at page 4366 to 4367.

My lords, we also refer in connection with
 the Bantu Education Campaign to Exhibit O.R.T.17, a
 document found in the possession of Tambo, read into
 the record at pages 3437 to 3439. We also rely, my
 lords, on Exhibit C.164 which is a copy of the bulletin
 Counter Attack. That publishes an African National
 Congress Report on Bantu Education, and that report
 says - the portion read into the record at page 1476
 - it says that the African National Congress has rightly
 seen Bantu Education as an attempt to destroy the aspira-
 tions of the people at their very source, the mind. It
 is... to destroy the very hope of the people at achiev-
 ing freedom. Looked at in this light the fight against
 Bantu Education is the sharpest point of conflict be-
 tween the forces of freedom and democracy and the forces
 of Fascism. The struggle against Bantu Education is

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not merely a struggle for better and improved education,
but a struggle for the very life of the liberation move-
ment."

1

We also refer, my lords, to . . .

KENNEDY J: Are you going to deal with the
merits of the bulletin "Counter Attack" in due course?

5

MR. TRENGOVE: My lord, that will be dealt
with under the Congress of Democrats, the Counter Attack.

KENNEDY J: Yes; it will be dealt with?

MR. TRENGOVE: It will be dealt with, my lords,
it's a Congress of Democrats bulletin.

10

KENNEDY J: Yes.

MR. TRENGOVE: My lords, we also refer to
Z.K.M. 6 which is the National Executive Report of the
A.N.C. to the Queenstown Conference, and it reports on
Bantu Education; the portion read into the record at
pages 4460 and 4461.

15

My lords, we also rely on Exhibit R.F.52,
which is the typed document found in the possession of
Ruth First and which was written by Tshume; it bears his
signature on behalf of the African National Congress
Youth League. He sent it as President of the African
National Congress Youth League, Cape; that will be
dealt with, my lords, when we get to Tshume's position,
and the portions read into the record were at pages
4355, to 4357.

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25

Then, my lords, there are a number of other
documents, A.101, Sisulu's message, which was read into
the record at page 689. My lords, A.167 which was a
memo on Bantu Education - portion read into the record

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at page 814 and 815. My lords, L.L.M. 120, read into the record at page 3374, which is a Bantu Education Boycott bulletin issued by the African National Congress Youth League, at page 3374, and my lords, N.R.M. 28(a) which is a Congress Voice of 1955, at page 2862 of the record.

And, my lords, this document A.102 which I mentioned, "People on the March to Freedom", which deals inter alia, with Bantu Education - portion read into the record at pages 703 to 705. My lords, yestersay A.102 was mentioned as a document found in the possession of the African National Congress; my lords, it is a roneoed document, and copies of that document, "People on the march to freedom" were also found in the possession of J.D. Matlou, handed into the record as J.D.M.23, and also L.L.M. 97, in possession of Masina according to the evidence; it was taken from him on the 5th December, 1956. Now, A.102, my lords, is a typed document, these are roneoed copies of that document.

My lords, again in the case of Bantu Education we are not making the point that there may not be legitimate and valid criticism of Bantu Education; in the same way, my lords, we don't argue that one may not criticise the Removal in the Western Areas, but the point that we make, my lords, is that the African National Congress was using the campaign against the Acts not only, my lords, to get the repeal of the Acts themselves, but using it as part of the Liberatory struggle.

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They went much further, my lords, than a legitimate criticism of the Acts, or legitimate measures to influence public opinion to repeal the Acts. 1

My lords, I turn now to the next subject; that is the Freedom Volunteers. Paragraph 4(b)(ii) of the Indictment alleges that one of the means employed to achieve the overthrow of the State, to make preparations for its overthrow, was by recruiting, enlisting and preparing for acts of violence a special corps of Freedom volunteers, and we set out that this was a steady, military and disciplined body whose members were obliged to take a pledge to carry out instructions, legal or illegal. 5 10

In paragraph 3(b) of the Policy Schedule, my lords, at page 27 of the Policy Schedule, or page 161 - the re-numbered pages, my lords - the Crown sets out further facts in connection with the Freedom Volunteers and it says that the African National Congress implemented its policy of making use of extra-parliamentary and unconstitutional and illegal action by recruiting, enlisting and preparing for actions of violence a special corps of Freedom Volunteers, and we repeat the allegations in connection with the oath. 15 20

My lords, then an admission was made, paragraph 11 of the Admissions, read into the record at page 642, paragraph 4, where it's admitted that the Congress Movement, during the period 1954 to 1956, recruited or supported the recruitment of a body of persons known as Freedom Volunteers. 25

Then at paragraph 14 in the second list of admissions read into the record at page 1399, my lords, 30

an admission is made that Chief Luthuli called for Freedom Volunteers, and other organisations supported the appeal.

Now, my lords, certain statements, submissions have been made to your lordships as regards Freedom Volunteers, the Congress Movement as a whole - insofar as that was affected by the National Action Council of the Congress of the People, and the National Volunteer Board. In order to avoid duplication of argument, my lords, I want to confine myself at the moment to the attitude of the African National Congress in connection with the Freedom Volunteer Corps.

Now, my lords, we have already seen from Exhibit A.37, page 274 of the record, that Luthuli some time in 1954 made a clarion call to the nations, it was said, for 50,000 volunteers, both for the Western Areas Campaign and the Congress of the People, and right from the outset, my lords, in the documents, the evidence is clear that the African National Congress were going to regard this Freedom Volunteer Corps as the top brigade in its non-violent army of liberation, and the existence of such a Corps was regarded as essential to the success of the Liberatory struggle; they were to be in the vanguard of the struggle.

Now that appears, my lords, for instance from Exhibit A.40, the Presidential Address to the African National Congress, Transvaal, where the statement is made in connection with the volunteers, under the heading "Our Tasks", read into the record at page 304. It also appears, my lords, from Exhibit A.55, which is Luthuli's Pre-Conference Presidential Call made just prior to the

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National Conference in Durban in 1954. Portions of 1
 that whole address was read in, my lords - the portions
 that I am referring to at the moment appear on pages
 334 to 337 of the record. Luthuli deals with the tasks
 of the volunteers and he says that as far as the Congress
 of the People are concerned they want them for organising 5
 the Congress of the People and to propagate the Congress
 of the People, to enroll people and to prepare them, and
 my lords, he says that they are also required for the
 "Resist Apartheid Campaign". And at page 337 he says:
 "In order to do this effectively a house to house, 10
 factory to factory, street to street, village to village,
 campaign
 /has to be carried out in order to create and co-ordinate
 opposition to these specific measures, and so our Free-
 dom Volunteers, in addition to working under the banner
 of the Congress of the People, have to work also under 15
 the banner of the "Resist Apartheid", so those were the
 two primary duties, these two inter-related tasks, of the
 Congress of the People.

And your lordships will remember he concludes
 that message by referring to the theme that throughout 20
 History freedom doesn't come to people without blood
 and tears.

Now, my lords, shortly after Luthuli's
 clarion call for volunteers, the Joint Executive of
 the Congresses met at Fraser Station on the 15th August, 25
 1954; the reference in Luthuli's evidence is at page
 11831, and in Conco's evidence at page 10950, and your
 lordships will remember the evidence is that important
 Congress personalities, such as J. Slovo, Resha, Luthuli,
 Beyleveld, Naicker, Moretsele, Vundla, Patel, Mathole, 30

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Yengwa, Tshunungwe, were there; that meeting was interrupted by the police and amongst the documents taken on that occasion was Exhibit G.478. That exhibit was read into the record as B.35 at page 1198, and your lordships will remember that that document is the Report of the National Volunteer Board.

Now, my lords, there is some uncertainty as to whether the National Volunteer Board ever existed. Resha said it didn't, but I'll deal with that presently. Be that as it may, my lords, this Report, G.478, to which was attached the pledge and the code of discipline, this was the Report which formed the basis of the organisation of volunteers. And the Report starts with a preamble which says: "We call for a great Nationwide campaign to rouse the people against Apartheid, and to prepare them for decisive steps to defeat it and root it out from the seat of power. We call for 50,000 volunteers to volunteer for active and intensive work in our campaigns to mobilise the spirit of resistance to Apartheid." And it says: "It must be defeated . . ." - the preamble says "The volunteers must rise to new heights, greater even than the heights to which they rose during the Defiance Campaign."

And the Report states, my lords, "That our volunteers must meet the reckless violence and the reliance on force on the Nationalist Government with discipline and a refusal to be provoked and a determination to carry on their struggle till our liberty is won."

That, my lords, is the preamble to what according to the document is a call for volunteers by

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Luthuli. 1

Now, my lords, just one comment here. Your lordships see that the volunteers are being drawn in as part and parcel of the Liberatory struggle of the African National Congress. They, my lords, are going to be in the vanguard of the struggle which is going to defeat the Government in connection with a number of laws mentioned in the "Resist Apartheid Campaign"; they are also the people who are going to educate the masses and prepare them for the Congress of the People Campaign. 5

Then it sets out, my lords, the organisation. 10

BEKKER J: What do you say about the words "Refusal to be provoked" . . .

MR. TRENGOVE: Yes, my lords, I say this about that: this is the recurring theme "That you are going to meet a Government which is reckless, violent, and which relies on force, and you must not allow yourself to be provoked; you must be disciplined in your contact with that reckless, violent government," and we say, my lords, of course that must be necessary because you cannot allow the vanguard to be cut off from the masses before the time is ripe. That is what they say, my lords, in that document on the Passes which I have just indicated. They cannot, my lords, allow a situation to develop in which, from their point of view, this reckless violent government is given an opportunity of hitting at them before the situation, before the time is ready. And that, my lords, is the whole basis of their campaign; they are going to collect 50,000 people; they are going to recruit 50,000 volunteers. Now obviously, my lords, one cannot tell these volunteers 15 20 25 30

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you cannot say to them, "You are going to be violent
 at public meetings. We want an organisation to conduct
 a campaign of violence against the Government." My
 lords, if you conduct a mass campaign, and if your appeal
 is going to be directed against the masses, it's impos-
 sible to conduct a campaign on the basis of telling the
 people that they must join because they are required for
 active violence. Their attitude is "We are asking you
 to join a non-violent campaign". They know, my lords,
 they know that when the time is ripe, and when the clash
 occurs, that it will be a violent clash; it cannot be
 otherwise - the African National Congress.

My lords, one can - - this is no laughing matter
 -- one can approach this problem from the point of view
 that you have a State which at any time and without any
 justification is always prepared to commit acts of viol-
 ence, and in those circumstances you can say "I'm always
 on the defensive", "Whenever I do anything it's in self
 defence". One can have that view of the State, that the
 State is the machinery of oppression, and the State com-
 mits violence at any and every occasion, with or without
 provocation, and if that is your attitude, my lords, then
 everything that the National African Congress does falls
 in line - but we are asking your lordships, we are asking
 your lordships to find if that is the correct approach,
 if that is the approach towards the State which enforces
 laws, towards the State in this country, that a respon-
 sible Government without provocation and at every occa-
 sion is prepared to crush everything by force and violence.

Now, my lords, this document also sets forth
 the organisation of volunteers, Freedom Volunteers, Volunteer

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Boards, Volunteers-in-Chief, Provincial Volunteer Boards, 1
 Provincial Volunteers-in-chief. Now we know, my lords,
 that the volunteers were organised on that basis, that
 in every Province there was a Provincial Volunteer in-
 chief; we know that Luthuli was the National Volunteer-
 in-chief. We also know, my lords, that the procedure 5
 for enrolment was as set out in paragraph 5, that they
 had to sign an application form, that they had to sign
 and take a special pledge; there is some dispute, my
 lords, as to whether the pledge had to be taken twice
 but we'll still deal with the question of the pledge. 10
 It says the pledge had to be taken at a special meeting
 and also at a public meeting. We know that at public
 and at private meetings these pledges were administered.

This document, my lords, provides for the
 organisation of volunteers into units, it provides for 15
 arm bands and badges, and my lords, in paragraph 9 it
 deals with study classes and also with discipline.

My lords, on the question of study classes it
 states that "It is of the highest importance that all
 volunteers should be given intensive study classes on all 20
 aspects of South African political and economic life.
 Lessons are being prepared and will be made available
 shortly. And then the Code of Discipline is set forth.
 And the evidence is, my lords, that that Code of Disci-
 pline was applied. 25

Now, my lords, on this question of discipline...

MR. MAISELS: You read out something about
 study classes; where is that in the record?

MR. TRENGOVE: Then the tasks of volunteers,
 my lords..... 30

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MR. MAISELS: My lords, my learned friend referred
and read something about study classes.

RUMPF J: Would you like to know the page where
it appears?

MR. MAISELS: I would like to know the page where
that is read in, my lords.

RUMPF J: Study classes? Yes. Have you got
the reference?

MR. TRENGOVE: I'll give that to my learned
friend in due course, my lord. Then, my lords, under
the tasks of volunteers this document states that they
had to take regular and intensive work in mobilising and
in connection with the resistance to the Apartheid
policy of the Nationalist Government.

Now, my lords, Resha says of this Report that
this Report was going to be -- that this Report was pre-
pared by the National Action Council of the Congress of
the People, that it was to have been discussed by the
National Volunteer Board at Fraser Station; he says that
that Report was never adopted by the National Volunteer
Board because as a body that Board didn't come into exist-
ence. That is Resha's evidence at page 17070 of the re -
cord, my lords.

Now, my lords, we are not concerned at the
moment with whether the National Volunteer Board came into
existence or not; our submission on the evidence of
Luthuli, Conco and Resha, is that one can summarise the
tasks of the volunteers as follows: There either was a
National Volunteer Board which functioned under the
National Action Council of the Congress of the People,

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and co-ordinated the tasks, duties and functions of all
volunteers in the Congress Movement; or we say alter-
natively, my lords, if there wasn't a distinct Board
as such, the tasks of co-ordinating the organisation of
volunteers was carried out by the National Action Council
of the Congress of the People through its Provincial
Action Councils. We say, my lords, that is clear from
the evidence of Luthuli at pages 11830 to 11831, and of
Conco at page 10950 to 10952.

We also say, my lords, that from their evi-
dence it is clear that Luthuli was the Volunteer-in-Chief
- Resha was the Provincial Volunteer-in-Chief - Yengwa
was . . .

RUMPF J: Transvaal.

MR. TRENGOVE: Transvaal, yes, my lords.
Yengwa was the Volunteer-in-Chief of Natal. It appears
from the evidence of Conco at page 10950 to 10952. Now
Resha, my lords, on his own admission, was Volunteer-in-
Chief of the Transvaal for 1954, and he was appointed
by the Transvaal Executive to that task, and his function
was to organise and supervise the organisation of the
A.N.C. volunteer corps in the Transvaal. He also said
in his evidence, my lords, that there was a Joint Volunteer
Board but that this, which consisted of the National
Volunteers in Chief - - he said that Board never met.
In the Transvaal he says there was a Joint Provincial
Volunteer Board on which he represented the African
National Congress. Kathrada represented the Transvaal
on this Board: Shall represented the African National
Congress, and there was a man by the name of Nefdt who
was also on the Board as representing the S.A. Coloured

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Peoples Organisation. 1

My lords, I refer to the evidence of Resha at page 15627 and 15644 to 14645, and also, my lords, to Resha's evidence on Exhibit M.M.139 in Vol.80 of the record at pages 16926 to 12967, and 16959 to 15963.

I have already submitted, my lords, that the evidence shows that the volunteers in the African National Congress were organised on the lines set forth in Exhibit B.G.748. I rely, my lords, inter alia, on the evidence of Luthuli at page 1711 to 1714; evidence at page 11718, and the evidence of Conco at 11229, my lords. 5 10

My lords, we also submit that it was conceded by the Defence witnesses that political training was one of the most important aspects of the training for volunteers, and we say, my lords, that the African National Congress, not only relying now on Exhibit B.35, but the African National Congress from its own documents regarded the training of volunteers as vital, and the only difference, my lords, amongst the Defence witnesses was how this important duty was carried out, and what material has been used for this purpose. My lords, Conco in his evidence, after much hedging, after a lot of evasive replies, admitted that in Natal the three lectures, Exhibits A.84 to A.86, were used for political instruction so as to enable them to give the correct lead to the masses. Reference could be had, my lords, to Conco's evidence at page 10947 to 10948, to page 11110 to 11116 and page 11119 to 11220. Conco himself said that Congress of the Peoples' bulletins issued by the National Action Council of the Congress of the People 15 20 25 30

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were used for the framing of volunteers, but, my lords,
 he covered himself by saying that he didn't lecture along
 the lines as set forth in Exhibits A.84 to A.86, but he
 couldn't really, my lords, give a direct reply as to
 what the material was that was discussed.

(COURT ADJOURNED FOR 15 MINUTES)

ON THE COURT RESUMING:

MR. MAISELS: My lords, before my learned friend
 continues, the accused Nokwe wants to say something.

RUMPF J: Yes.

MR. NOKWE: May it please your lordships, the
 last portion of Mr. Trengove's argument has been rather
 difficult to follow because Mr. Trengove has been referring
 to a number of Exhibits, merely mentioning the Exhibit
 number: we have been trying to get them down, my lords,
 but as far as I am concerned I haven't got a copy of the
 record and it's very difficult to follow, my lords.
 Your lordships, if Mr. Trengove could continue - - I appre-
 ciate the fact that he is trying to shorten the proceedings
 but if there could be a copy of the record made available
 to me I'd appreciate it, my lords.

RUMPF J: Yes, well, we'll see what we can do.

MR. TRENGOVE: My lords, I was dealing with
 G.478 or B.35, on the basis that the whole document was
 in. I wasn't referring to any particular page. My learned
 friend Mr. Maisels drew my attention to the fact that on
 his information paragraph 9 had not been read into the
 re

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record, my lords on that page. Now, I wasn't at that
stage referring - intending to refer to a particular
page, but, my lords, I can put my learned friend's mind
at ease, by referring him, inter alia, to page 13644 of
the record - the cross examination of Luthuli, paragraph
9, where Luthuli is asked, referring to this document,
G.478 - - it's quoted to him, my lords, - - "It is
of the highest importance that all volunteers should be
given intensive study classes on all aspects of South
African political and economic life; lectures are being
prepared and will be available". That part of the docu-
ment was quoted to Luthuli, my lords, and he was asked
("Q) Now you say you can only give evidence in a general
way as to what the political indoctrination of volunteers
was going to be."

MR. MAISELS: Where are you reading from now?

MR. TRENGOVE: My lords, I'm reading from the
evidence of Luthuli in Vol. 64 at page 13644. Now, my
lords, I refer your lordships to Conco's own evidence in
this connection at page 10960 and also the passage that
I have already referred to at page 11119 to 11120; also
the evidence of Conco at page 11031 to 11033. That was
Conco's evidence, my lords. He eventually was prepared
to accept that A.84 to A.86 were being used, my lords.

Luthuli in his evidence, my lords, - I refer
to the passage quoted a minute ago - - the effect of his
evidence is that he agrees that political instruction
of volunteers would fall within the ambit of A.N.C. policy,
and that it would cover topics such as the laws under
which the African people suffer, and the Liberatory
struggle of other people. Luthuli wasn't sure, however,

as to who was going to prepare the lectures for the volunteers, but, my lords, eventually when pressed he was prepared to concede that Exhibit A.84 to A.86 were published by the National Action Council of the Congress of the People. 11788 to 11835 to 11836, and he admitted, my lords, that that type of material could be used as educational material for volunteers and for members, and, my lords, we submit that the effect of his evidence is that he conceded that the lectures were in fact used by the A.N.C. for the education of their people. Page 11869 to 11871, my lords, and 11181 to 11882, my lords.

He was also asked about the political education of the people, of his members, and he admitted that that was regarded as an important function by the African National Congress. He also said, my lords, that for this purpose lectures were prepared at the Provincial level, page 11787, and he agreed for instance, my lords, with a resolution adopted at the 1955 Conference of the A.N.C. Transvaal - Resolution A.M.52, to the effect that Executive officials and Freedom volunteers should get political training. And he also agrees, my lords, that the A.N.C. actually conducted study classes and published lectures for this purpose, page 11851 to 11852, and 11868. And he also agreed, my lords, that the National Executive Report, A.37, stressed the need for political education and mentioned the fact that lectures were being prepared, page 11869. And he says, my lords, that it was the function of the Working Committee -- they would get people to prepare lectures and they would circulate them after having approved of them, considered them, page 11869 to 11871, my lords. And he also, my lords,

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- in our submission the effect of his evidence at page 1
11871 also is that Luthuli was prepared to concede the
object of the lectures would be part of the mental pre-
paration of the people in this Liberatory struggle with
a definite object and a definite purpose.

My lords, we submit that he agreed in his evi- 5
dence that publications such as "Indonesia", "Liberation"
"Fighting Talk", "New Age", "No Easy Walk to Freedom" -
could have been used. He, of course, says in connection
with "New Age" and "Fighting Talk" that they didn't neces-
sarily express the views of the African National Congress. 10
Pages 11876 to 11878, my lords.

BEKKER J: What do you say about that?

MR. TRENGOVE: About what, my lord?

BEKKER J: That they do not necessarily express
the views of the African National Congress. 15

MR. TRENGOVE: "Fighting Talk", "New Age" and
"Advance"?

BEKKER J: Yes.

MR. TRENGOVE: My lords, our contention there
will be, when we deal with that specifically, is that 20
the African National Congress told their people to use
and read and study those bulletins without any qualifica-
tion at all. There was no instruction to the people
to read those bulletins insofar as they published only
African National Congress views; those bulletins were 25
being used and propagated as part of their political
training. And, my lords, we will submit in due course
that those bulletins formed a very important part of
the evidence from which the aims, objects and policies
of the Congress Movement could be inferred. 30

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