

struggle for this future bears the only guarantee for the achievement of workers rights, included in Section Seven of the Freedom Charter.

And on page 6 -

Conference further pledges Congress to educate and (5
organise all workers for a militant and fearless struggle
for the protection of their rights, and the achievements
of the aims and objects of the Freedom Charter. Whilst
S.A.C.T.U. will thus pursue its own independent struggle
for the workers rights, it pledges full support and co- (10
operation to all movements and organisations genuinely
struggling for the removal of Fascist tyranny, for the
elimination of all restrictive and oppressive legis-
lation, for the achievement of complete political
liberation. In particular S.A.C.T.U. declares its (15
adherence to and support of the programmes of the
African National Congress, the S.A. Indian Congress,
the S.A. Congress of Democrats and the S.A. Coloured
Peoples Organisation, as the organisations jointly res-
ponsible with us to struggle for the achievement of the (20
aims and objectives of the Freedom Charter.

This document appears in page 115, item 7, of the policy
schedule. AM.95, presidential address, to the first annual
conference of the S.A. Congress of Trade Unions, Cape Town,
1st, 2nd, 3rd and 4th March, 1956. This is the same as (25
portion of C.1005. AM.96, minutes of the national executive
Committee of the South African Congress of Trade Unions held
27th June, it doesn't give the year, Johannesburg. Present:
President, Bylveld,, Vice-Presidents....C. Sibande, General
Secretary, L. Massina, Treasurer, L. Levy, and national Exe- (30
cutive Committee members.... P.J. Mei, A. Mahlangu, B. Nair,

V.M. Pillay, C. Mayekiso. I am referring to page 3, the last paragraph -

Commenting on the reference to the merger between the Transvaal Council of non-European trade unions and the S.A. Congress of Trade Unions, the N.E.C. recorded its (5 approval of this action, and congratulated those responsible for bringing the two organisations together.

Page 4, international affiliations -

The President stated that it was important to recognise the role assumed by the W.F.T.U. and that our decision (10 to affiliate would be to our advantage.

And on a motion, seconded by Nkadimeng, it was agreed that the S.A. Congress of Trade Unions affiliate to the W.F.T.U. Page 5, Proposed Central Study School, and the draft syllabus which I referred to just now, and that the school should be (15 held in Johannesburg in September, 1955, and refers also to the bulletin Workers Unity, the bulletin of the S.A. Congress of Trade Unions. Page 6, Resolutions,

(2) The South African Congress of Trade Unions recognises the Freedom Charter adopted by the Congress of the People (20 as a document enshrining the aspirations of the majority of South African Citizens and firmly resolves to acquaint all workers with its contents.

AM.97. Constitution of the S.A. Congress of Trade Unions, and the last page, typed in the names of P. Byleveld, President, (25 and L. Massina, general secretary. AM.99. minutes of the management committee of the S.A. Congress of Trade Unions, 28th March, 1956, president, L. Levy, and general secretary, L. Massina. Committee members, A. Mahlangu..... Page 2 shows the election of a planning committee, L. Levy, L. Massina(30 A. Mahlangu and P. Byleveld, and election of representatives

to the National Consultative Committee, L. Levy and A. Mahlangu. And then on page 3, the campaign for training of new leaders, refers again to the classes which should be commenced in April 1956, and continue to August 1956, and that the plan outlined by the general secretary be accepted and the (5) planning committee immediately commence work on this plan for the training of new leaders. And pages 3 to 4, shows the affiliation, the unions that have affiliated with the S.A. Congress of Trade Unions, have applied for affiliation, the names are given, and they were accepted. And then page 5, (10) is just a reference to the bulletin, Workers Unity, to be printed in Cape Town. And then on page 6, it gives the names of the unions affiliated to the S.A. Congress of Trade Unions. AM.100, minutes of the Witwatersrand Local Committee of the S.A. Congress of Trade Unions, 15th May, 1956, present, (15) chairman, J. Nkadimeng, committee members, N. Sejake, A. Mahlangu, and president, L. Levy. The president's address -

Outlining the work of Local Committees he stated that Local Committees should - ...(g) Popularise the Freedom Charter by participating in the local consultative (20) committees, and actively participating as S.A.C.T.U. members in the work of the Congress movement.

Page 2 -

Local consultative committee requesting us to elect representatives. It was decided that the following (25) delegates and alternates be elected: Delegates, L. Friedman, alternate, N. Sejake; delegate J. Nkadimeng, alternate J. Anderson.

And then "Freedom Charter" it refers to the Freedom Charter, and again to the national training campaign, and that (30) persons should be sent to this training school which started

3404.

Kluyts
Exh. AM.100, AM.103 ...

26th May,
and them AM.103, S.A. Congress of Trade Unions, circular dated 31st December, 1955, shows L. Massina as general secretary. AM.104, S.A. Congress of Trade Unions, a circular dated 30th December, 1955, and signed by Leslie Massina (5 as general secretary, I am reading from page 3,

Important - Remember we have allies in all the truly democratic organisations, and we cannot expect to be victorious, if we do not unite with our allies in the fight against Fascism. In this vital fight for freedom (10 all activities wherever possible in this campaign, should be planned in conjunction with local consultative committees. The abovementioned directives are for your immediate attention, their implementation depends on you, and we therefore appeal to you to use all your resources and (15 determination to fulfil our tasks. We must defeat the I.C. Bill and through our energies win. Long Live the unity of the workers, Down with the I.C. Bill." With Trade Union Greetings etc.

Signed Leslie Masina. AM.105, is a circular, of the Witwatersrand, S.A. Congress of Trade Unions, 17th May, 1956, headed Witwatersrand Local Committee circular No. 3/56, and it is addressed to all affiliated trade unions. It refers to the national training campaign, and to a series of lectures which have been handed in under D.29 to 38. AM.106, is a roneod (25 draft for a pamphlet, on the native labour Act. I am going to read a few lines from page 1, and a few lines from page 5.

What is Apartheid About? Deep Down, all politics in South Africa are concerned mainly with one question: "What is the future of the African worker?" The native (30 policies of political parties such as the United Party,

the Nationalists, the Liberals, are only expressions of opinion about how the labour of the African workers can be used to the best advantage of capitalists in South Africa. Against this, the policies of the working-class political movement, and of the national liberation(5 movements, are concerned with winning for the people the right to decide for themselves how to use their own labour. Because the Nationalist Party is in power, its expression of opinion on the matter has become law. So we have the different laws bringing about apartheid. The policy of (10 apartheid has only one meaning and one purpose: to keep the African worker as a cheap source of labour. All the great theories (worked out only after the cry of apartheid had won the election in 1948) about development of their own areas, and so on, are but a screen to hide the (15 truth. The truth is that all apartheid laws aim at preventing the African worker from uniting against, or escaping from his exploitation as cheap labour. Thus "Bantu Authorities" ethnic grouping and the revival of tribalism aim at dividing the African workers and people (20 against themselves. Bantu education is "education for slavery," the prevention of the spread of knowledge that would lead to a demand for an end to cheap and forced labour. Group areas and separate amenities are aimed at creating hostility between races to prevent people of (25 different races from uniting for a free and democratic South Africa. The great number of laws which make us a police state are there to frighten us into taking things as they are, not to protest, not to struggle for freedom. Apartheid is the greatest enemy to progress and happiness(30 in our country. To the African worker it is the barrier

to his future, to a fuller and more free and prosperous life. That is why the African worker must lead the way in uniting all people of all races and language groups, and of different political views, who oppose apartheid in any respect. (5

Page 5 - Free Workers in a Free country.

The Strydom Government, like some evil Samson, is trying to pull down over our heads the ideal of a south African Nationhood. Men of all races are opposed to him and his kind. The workers' true place is at the head of all men(10 who seek a free South Africa for all to live in. Not the African workers but the Government (and all who aid and abet them) seek strife and dispute. The African workers seek peace, harmony and prosperity, for only then will they themselves come into their own rights, only then (15 will security and plenty come to them and their families. This ideal of a new and different South Africa the people have written in simple words in a great document: The Freedom Charter. In struggling against the Slave Labour Act, all good men are with us, and we are with them too. (20 In struggling against the Slave Labour Act we are for freedom as expressed by the will of the people in the Charter. The tyrants will be defeated. Freedom will come. And the working class will take its rightful place as the leaders of the nation. As each of us does his duty, so (25 does that day come sooner.

AM.107A, minutes of the Witwatersrand Local Committee of the S.A. Congress of Trade Unions, Tuesday 12th June, 1956, present, chairman, J. Nkadimeng, committee members, N.N. Sejake, A. Mahlangu. Page 1, refers again to the National (30 Training Campaigns, which we have referred to, and the Sunday

classes, and page 2, refers again to the Freedom Charter, and under "Correspondence" -

Volunteers: A letter from the Tvl. Consultative Committee re volunteers was read. The Chairman stressed the importance and magnitude of this task and suggested that copies(5 of the letter be circulated among all members of the local committee. The school was suggested as a source of volunteers. It was decided that the matter be fully discussed at the next meeting.

AM.108, minutes of meeting of the management committee of (10 the S.A. Congress of Trade Unions, 2nd May, 1956, Johannesburg. Present, L. Levy, President; L. Masina, General Secretary, and A. Mahlangu, committee member. Page 2, line 1 -

From S.A. Congress of Democrats, giving a copy of the resolution taken by their Conference on the I.C. Bill, (15 and suggesting that a pamphlet directed to white workers should be issued by S.A.C.T.U. on the I.C. Bill. After discussion, the Committee agreed that whilst it was in full agreement with the suggestion made by C.O.D. it was unable to carry out the suggestion to print a pamphlet(20 at this stage, due to lack of funds; the Secretary was therefore instructed to write to C.O.D. informing them of the position, and requesting that their organisation print the pamphlet, and S.A.C.T.U. would do everything possible to distribute it. (25

Then there is a further paragraph "Training of New Leaders," and the "Secretary reported that Lectures had been sent to all local committees." AM. 113, minutes, S.A. Congress of Trade Unions, national executive committee, 9th-10th June, 1956. This is the same as LLM.88. AM.116 is the preparatory committee(30 for a national peace convention, and it shows the convention

is being sponsored by the following organisations: S.A. Congress of Trade Unions. AM.118 is S.A. Congress of Trade Unions, circular, 3rd October, 1955, to all members of the Executive Committee, re 10th anniversary of the W.F.T.U., and on Saturday 15th October, 1955, the workers (5 throughout the world will be celebrating the 10th anniversary of the formation of the World Federation of Trade Unions. In this month's issue of Workers Unity, which will reach you shortly, there is an article dealing with W.F.T.U., and what it means to the (10 workers of the world. If there is no local committee in your area, perhaps you could arrange a meeting of the workers and speak to them on the subject of the World Federation of Trade Unions.

Signed by L. Masina, General Secretary. AM.123. minutes of (15 meeting of the management committee of the S.A. Congress of Trade Unions, 19th October, 1955. Present, P. Beyleveld, president, L. Masina Secretary, L. Levy Treasurer, Committee members, A. Mahlangu, J. Nkadimeng, and S.A.C.P.O. Conference - (20

The Conference due to be held on the 10th October has been postponed to the 19th. Comrade Ohlson and D. Mason were elected to attend as representatives of S.A.C.T.U.

And lower down the page - (25

Lift the ban campaign. After some discussion the committee agreed that the South African Congress of Trade Unions should write to the national consultative committee asking them to join S.A.C.T.U. in the anti-banning campaign. The following were elected as representatives of S.A.C.T.U. on the national committee : (30

L. Levy, M. Shope, alternative A. Mahlangu.
And AM.127, Second International Conference of Food,
Tobacco, Hotel, Cafe and Restaurant Workers, and it is an
appeal; schedule 4, column 3, from Sophia, September, 25th,
1955. That concludes the evidence of this witness. (5

CROSS-EXAMINATION RESERVED:

BY MR. TRENGROVE: May it please Your Lordships: The Crown now
proposes to hand in documents alleged to have been found in
the possession of O.R. Tambo, co-conspirator No. 76.

JACOBUS LUTTIG, duly sworn. (10

EXAMINATION BY MR. GRENGROVE: You are a detective sergeant
in the S.A. Police?-- I am.

Where are you stationed?-- At Brakpan.

Now, on the 5th December, 1956, did you search premises
at 37, 8th Street, Benoni Location?-- I did. (15

Now, what kind of premises are those -- is it a resi-
dence?-- Yes.

And on that date, do you know who was the occupier of
the premises?-- It was Minister, the Rev. Davies.

Now, you had a search warrant?-- Yes, Davey or Dewey (20
was the name.

You had a search warrant and you were looking for cer-
tain documents?-- Yes.

And in respect of whom was the search warrant made out
?-- O.R. Tambo. (25

Now, when you arrived at the premises at 37, 8th
Street, Benoni Location, who did you find there?-- I found
the occupants of the house there, and O.R. Tambo.

And on presentation of your search warrant, were you
taken to a certain room in the house?-- Yes. (30

By whom?-- By the Rev. Dewey.

And who did you find there ?-- I found O.R. Tambo in the room.

And that room that you found O.R. Tambo in, who is the occupier of that room ?-- He was the occupier.

Did you present your search warrant to him ?-- I did. (5

And then, what happened then ?-- I then searched the room in his presence.

And what did you find, did you find documents there ?-- I took possession of a number of documents.

And was that the only place where you found documents (10 on that occasion ?-- He also took me to a garage in the yard -- Tambo took me.

And did you search the garage ?-- I also searched the garage.

And did you take possession of anything there ?-- Yes. (15

What ?-- Also documents, papers.

Now, the documents that you took possession of on this occasion, from this room, which you say was occupied by Tambo, and the garage, did anybody claim those documents as being their documents ?-- Tambo claimed all the documents. (20

As being his ?-- As being his.

Now, at the preparatory examination, were you asked to identify anybody ?-- Yes.

Who was that ?-- Tambo.

And did you identify him at the preparatory examination ?-- (25 Yes.

As what ?-- He was one of the Accused at the preparatory examination.

Will you have a look at the documents before you, and I will read out the numbers of the documents: ORT.2, ORT.3, ORT.7, ORT.8, ORT.9, ORT.11, ORT.12, ORT.13, ORT.17, ORT.18, (30

ORT.19, ORT.21, ORT.23, ORT.25, ORT.27, ORT.30, ORT.33,
ORT.35, ORT.36, ORT.45 ?-- Yes.

Now, are you able to identify these documents ?-- I
identify all these documents.

As having been found where ?-- at 37, 8th Street, Benoni(5
Location.

On this occasion ?-- Yes.

And you say Tambo claimed these documents as being his
?-- Yes.

ORT.2. is a "Liberation," June, 1953; as much as will (10
be read in under WM.2 ORT 3 is "Liberation" of 19th June,
1956, as much as will be read in under G.1114. ORT.7. is
the bulletin, Viewpoints and Perspectives, Vol. 1 No. 3,
February 1954, and this is the same as document 1.JM.52.
The next is ORT.8. the bulletin Viewpoints and Perspectives (15
Vol. 1 No. 2, June 1953, it is the same as Exh. 1.JM.51.
The next is the bulletin of the World Peace Council, the
15th December, 1955. The next is ORT.11. an A.N.C. member-
ship card, Benoni Branch, Transvaal, with the name of O.
Tambo, for the year, 1956, and it is signed P. Mathole for (20
Treasurer-General. The next is ORT.12. a letter, the
African National Congress, 20th January, 1954, it is addressed
to Mr. O.R. Tambo, 204, Chancellor House, Johannesburg,
and it states that at a meeting of the 12th November, the
executive committee of the A.N.C. Transvaal appointed you (25
speaker of the house for the year 1954. It is signed J.P.
Motsabi, Provincial Secretary. ORT.13. is a roneod document,
A.N.C. Transvaal welcomes the President-General, Chief A.J.
Luthuli, 11th July, 1954, it states that the chairman of the
meeting is Mr. P.Q. Vundhla, the third speaker is Mr. S. (30
Tshiki, (Tyiki) chairman of the Sophiatown Branch of the

A.N.C. The fifth item on the programme is Mr. W.M. Sisulu, will speak on Congress membership. Then after the lunch-hour break, the 8th item, is the welcome of the President-General by Mr. P. Moretsele, the Provincial President, and the last item is the President-General, Chief A.J. Luthuli (5 addresses the people. The next document, ORT.17, it is a letter marked "Confidential, African National Congress, Natal, Durban, 8th June, 1956, it is addressed to Mr. Tambo, and it comes from A.J. Luthuli President-General of the African National Congress, and states as follows - (10

Dear Mr. Tambo, in connection with the question of my preliminary exploratory approach to the Hausa group for financial aid to launch our newspaper, you will note in his letter that Mr. Hausa raises, even in this early stage, the question of the editor. I suppose he wants to make sure that their money does not (15 help leftist ascendancy in the African National Congress. Whatever we may do internally by way of editing the paper, could we not for their purpose say you or I were editors. This would dispel American fears and suspicions. I do not like to raise this note sharply in my official (20 letter on the subject, especially because I seem to propose myself. But if you have no feeling against my suggestion, you could pass on the suggestion to the working committee.

The next document is ORT.18, it is a document headed "Minutes(25 of the National Consultative Committee meeting." It states that present are the A.N.C., the S.A.C.P.O., the S.A.I.C., the S.A.C.T.U., and the S.A.C.O.D., and on the agenda there are firstly the Evaton bus boycott, and the third item is the Women's Protest to Pretoria, stating that an extensive campaign(30 is being undertaken by the Transvaal, which would culminate on

3413.

Luttig.
Exh. ORT.18

the 19th by the Mass Women's Demonstrations to Pretoria. And at the bottom "A copy has been despatched to the Chief." And this is dated 10th July, 1956. The next document, is ORT.19. it is a letter dated 26th August, 1955, it is addressed to "Dear O.R." and it is signed "Yours for Africa, Joe." And in (5 the third paragraph, it states -

In the last five years the A.N.C. has been relentlessly struggling against the tide of fascist Nationalist tyranny. The men most closely associated with the struggle have suffered privations, exiles, imprisonment (10 and prescription of liberty. You yourself are a victim of such tyranny and I think you could not have attended this memorial even if it had been under more respectable political sponsorship.

And then it deals with a letter written by a certain Mr. (15 Peter Tsele. I proceed to the last paragraph in which it states -

Although I doubt the value of conducting a written exchange between Peter Tsele and the Acting Secretary of the A.N.C. via the Bantu World, I do think that in (20 some way this thing must be exposed for what it is, preferably by the youth leaders, such as Duma Nokwe, etc. What is happening in Orlando

and then it states that an official branch should be formed, and it states - (25

I am still waiting for a copy of the final draft constitution which I requested from Mandela.

It is signed "Joe."

COURT ADJOURNS:

COURT RESUMES ON THE 22ND SEPTEMBER, 1959.APPEARANCES AS BEFORE.

JACOBUS LUTTIG, under former oath;

EXAMINATION BY MR. TRENGOVE CONTINUED :

My Lord, at the adjournment I was reading from Exhibit O.R.T. 19, just for the purposes of identification My Lord, I just want to give the address given on this letter. It is Box 3206, Port Elizabeth.

O.R.T. 21, the next document, My Lord, is a roneod document, African National Congress, Transvaal, Resolutions adopted by the 41st Annual Conference of the African National Congress held at Queenstown on the 18th-20th December, 1953. This has been read in under N.R.M. 12(e). 5 10

O.R.T. 23 is the bulletin, "The African Lodestar", official organ of the African National Congress Youth League, Transvaal, April, 1953. My Lords, at the top of page 3, there is a passage, the first three lines :

"This is the first of a series of articles written by Mr. W. M. Sisulu, Secretary-General, African National Congress, in which he gives a scientific analysis of the Struggle for African Liberation in Southern Africa." 15

And then the article follows, My Lord. 20
Then at page 5 there is an article "Kenya in Perspective" by H. G. Makgothi. At the bottom of page 5 there is a passage - after dealing with the question, the difficulty in Kenya, the writer states :

"The root of the trouble in Kenya is the question of land. The Kenyan replica of the South African Land Act 1913, is the Crown Land Ordinance of the early thirties. By this law, land was given to Europeans 25

at 1d per acre, so that today the Kikuyu people and other Africans who had lived on the Highlands - the most productive areas, have been squeezed out to make room for the European settlers who live on farms in size ranging from anything between 1,000 and 3,000 acres. As in South Africa, to pursue the analogy further, this ordinance gives rise to protest delegations which achieved nothing. In 1931, the Kivarandos lost their land and the Tugoni Kikuyu followed the same fate in 1937." 5 10

Then the article continues on page 6, and I quote from the second paragraph on that page :

"The policy of the Kenya Europeans is clearly to keep the Africans poor so that, like the governments of South Africa, they may perpetually reflect (and thereby salve their consciences, if any)'on the barbarous nature of the native.' 15

Kenya today provides an object lesson for White South African politicians. For it is possible that if instead of treating the leaders of African opinion in Kenya like irreclaimable criminals, they had paid heed to their surprisingly modest demands, then things might very conceivably, not have come to such a pass, and a situation created wherein elements less patient and longsuffering, attempt to solve their difficulties in a manner which they deem fit." 25

Then on page 6, My Lord, there is an article "Trade Unions and the Youth" by D. Tloome, and My Lords, on page 7 in the notes there is a reference to a paragraph on page 7, and that, My Lord, I am omitting, and I turn to page 10 where there is a "Message to the Youth", 30

alleged to be from Robert M. Resha, President,
A.N.C.Y.L. Transvaal. Paragraph 1 states :
"Sons and daughters of Afrika, on behalf of the
struggling youth of the Transvaal, and I know this
expresses the sentiment and aspirations of the toiling 5
masses of our country, under the banner of the
African National Congress, I salute you - MAYIBUYE!

Today the dark cloud that has been hanging over
our Motherland has come much nearer, it is now hang-
ing over our heads like the sword of Damocles. The 10
herrenvolk elections are over and the Europeans of
South Africa who constitute one sixth of the South
African population, and who have arrogated to them-
selves and to themselves only, the right to rule our
country have returned to power the Nationalist Party 15
with increased majority.

The White people of this country know the fundamen-
tal teaching of history that once an oppressed com-
munity has been aroused by suffering into action,
not even the greatest tyranny can halt them. They 20
know that one day whether they like it or not, with
or without their assistance, the struggling masses
of Afrika will free themselves. It is this knowledge
which has made them to reject the imaginary middle
course pursued by the nigh-defunct United Party, 25
and choose the Apartheid Policy of the Nats. At
least, they hope, it will delay the day of emanci-
pation of the non-European peoples of this country.

Let it be abundantly clear to every son and
daughter of the soil and to every right thinking 30
European youth that the struggle in South Africa is
Democracy versus Fascism. The liberatory movement

therefore becomes the only opposition to the
 racialist policies of the Malan Government."

I omit the next paragraph, and the next paragraph the
 writer calls upon the youth to support the A.N.C. in its
 struggle for freedom, and then in the second last para-

5

graph it is stated :

"The youth must not only treat with contempt and
 suspicion, but must regard as a traitor and an enemy
 of the people any person who preaches anti-Congress
 and anti-Youth League propaganda.

10

Sons and daughters of Afrika, our task is mighty
 indeed, but I have abundant faith in our ability
 to reply to the challenge posed by the situation.
 Afrika's Cause Must Triumph!

Freedom in our Life-time!

15

Mayibuye Afrika!

Robert M. Resha."

The next document, My Lord. is O.R.T. 25, it is "South
 Africans for Peace" bulletin, October, 1953, for possession
 only, My Lords.

20

The next, My Lords, a document O.R.T. 27, and it is
 headed "Minutes of the Meeting of the National Executive
 Committee of the African National Congress held in Durban
 on the 30th July, 1955".

"Present : Chief A.J. Luthuli, Prof. Z.K. Matthews;
 Dr. W. Z. Conco," then two other names which I am
 omitting, "Mr. R. Resha, Mr. L. Masina and Mr.
 A. Hutchinson."

25

Then My Lords there is a portion deleted by the Crown
 which I am omitting, and then on page 2 there is a sub-
 paragraph dealing with the Congress of the People, and it
 states that the Report of the National Action Council

30

of the Congress of the People to the Joint Executives of these organisations was read, and the question was discussed as to how the Charter should be made popular.

Then on page 3 there is a paragraph dealing with the boycott, the boycott of Bantu Education for Schools, 5

and My Lords then under "Correspondence" there is a paragraph 6, page 3, which deals with the report from the Secretary of the Cape Western Region of the A.N.C. and it deals with the report received from a Mr.

Tshunungwa in a dual capacity as Secretary for the Cape 10 and as National Organiser of the African National Congress. Then there is a paragraph dealing with the Freedom Charter and a pamphlet to be issued to make the Charter attractive.

O.R.T. 30 is a journal, "Afrika", a journal of the African 15 National Congress Youth League, and it has been read in My Lords, as B. 18.

O.R.T. 33, a roneod document, it is "Political Organisation". My Lords, it is the same as B. 25 which has already been read in. 20

Then there is a "Counter Attack", bulletin of the South African Congress of Democrats, November, 1953, that is O.R.T. 35, and it is the same as C. 160, My Lords.

The next is a booklet, O.R.T. 36, and it is the Constitution and Programme of the Communist Party of South Africa, 25 and it contains the Constitution, Rules and Programme which were adopted by the National Conference of the C.P.S.A. in Johannesburg in 1944. My Lords, I am not reading any passages of this document at the moment.

It will be dealt with at a later stage. 30

O.R.T. 45 I am omitting.

NO FURTHER QUESTIONS.

CROSS-EXAMINATION RESERVED.

DANIEL JACOBUS GROBLER, duly sworn;

EXAMINED BY MR. TRENGOVE :

You are a Detective Sergeant in the South African Police, and where are you stationed at the moment? --- At Kliptown. 5

On the 27th of September, 1955, did you under a search warrant search certain rooms in a building known as Chancellor House, Fox Street, Johannesburg? --- That is correct, My Lord.

What were the rooms that you searched there? 10
--- 204 and 205.

And what are these rooms? Who were they occupied by? --- The Offices of Attorneys Tambo and Mandela.

When you searched the rooms 204 and 205, was 15
anybody present? --- Tambo was present.

Were you asked to identify this person at the preparatory examination? --- I was, My Lord.

And did you do so? --- Yes, My Lord.

And was he an accused at the Preparatory 20
Examination? --- He was, My Lord.

This office that you searched, whose office was that? --- It was Tambo's personal office, My Lord.

How do you know that? --- He was behind his desk there. 25

And the documents that you took, where did you find those? --- I found them in the drawers of his table, My Lord.

And the documents that you removed there, did you show them to Tambo? --- Yes, My Lord. 30

And did he make any comment? --- No, My Lord.

Did he disclaim any knowledge of the documents?

--- No, My Lord.

Did he make any request to you as to documents which you shouldn't search? --- Yes, his personal files of his clients.

And where were those? --- They were on a shelf 5
in the office.

And those you didn't go through? --- I just
paged through, I didn't go into the files, My Lord, I
just looked through them, and in them I found another
file belonging to Mr. Tambo, "Personal Matters" is was 10
marked.

And did you make out a list and give that to
Mr. Tambo? --- I did, My Lord.

Was anybody with you when you conducted the
search? --- Yes, My Lord, Detective Joubert was with me. 15

Will you look at those documents and I want
to read out the identification numbers on the documents,
the exhibit numbers and will you just, as I read through
them, satisfy yourself that you know those documents.
O.R.T. 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 20
60, 62, 63, 68, 69, 70, 71, 74, 76, 77 and 78? --- That
is correct, My Lord.

These documents to which I have just refer-
red, where did you find those? --- In the office of
Tambo, My Lord. 25

On this occasion? --- Yes, My Lord.

The first document, My Lords, is O.R.T. 49,
it is this roneod document, "The World we Live In", the
same as A. 84.
O.R.T. 50 is an African Lodestar, official organ of the 30
A.N.C. Y.L. and it is the same as W.S. 17. It has the
name "Mr. O. R. Tambo" and his address, Chancellor House,

3421. (D.J. GROBLER)
(O.R.T. 50)

25 Fox Street, City, on the cover page.

The next, My Lords, is a manuscript document, O.R.T. 51, with a typed portion attached to it. The first page of this document reads as follows - it deals with the Bantu Education Act and it states :

5

"The correctness of the lead given by the A.N.C. to the people of South Africa by calling upon them to resist the Uprooting.." then the word 'removal' is written in above that - "... of the people from their homes in the Western Areas and elsewhere in the country to reject the Bantu Education, most barbarous Act of the Nationalist Government cannot be open to any doubt.

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We contend that the fall of the Nationalist government is mainly rooted in these two measures. In them the decline of the Nationalist rule begin. They can no longer go forward and must therefore go backwards.

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The political awakening of the African people, which is now beginning - which is now being shown in the increasing militancy, is due to the Congress influence, which is now noticeable everywhere in the land. This growing power of the A.N.C. and the growth of the liberatory forces has also as your paper rightly points out, created very difficult problems in the increasing counter measure of the Nationalist Government. Even assuming that the difficulties were not as great as they are, A.N.C. cannot claim to be above mistakes. But the greatness of the organisation lies not so much in the defence of such mistakes but rather in correcting them. Before we examine some of your questions, we

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want briefly to give the background to the decision to fight Bantu Education by methods which include the boycott of schools by children and the boards and committees...."

And then it deals, My Lord, with the question of the Bantu Education boycott. Then My Lords, at the page marked 5, the second half of the page.....

BY MR. FISCHER :

My Lords, may I interrupt my learned friend just for one moment. It mustn't be taken that the Defence will admit that any of this is admissible against any of the Accused, when from its contents it appears to have been written by someone else entirely. This, judging from what I have heard, is some sort of an article, which is in possession of one of the co-conspirators, but it doesn't necessarily follow that anyone is affected by its possession in any way.

BY MR. TRENGOVE :

At the page marked 5, My Lord, the article states :

"If all this means as suggested in your last issue, asking whether Congress is yellow, then we give an unequivocal no and that there is no justification whatsoever for such a question. Not only is Congress not yellow but that Congress is one of the most militant organisation you have in the country and that Congress only with its allies is capable of defeating the Nationalist and replace it by an able democratic government in the interest of all. It is the A.N.C. which has already shaken the roots of the Nationalist regime. But to maintain its position it must consistently refuse to panic

but on the other hand to learn from the people and lead them at the same time."

O.R.T. 52, My Lord, the next document is a letter headed African National Congress, Office of the Treasurer-General at Durban. It is addressed to the Secretary-General, P. O. Box 9207, Johannesburg, and it comes from W. Z. Concoq, the acting Treasurer-General on the 10th May, 1955. 5

The next, My Lords, is a letter from the African National Congress, Natal, dated the 21st June, 1955, from A.J. Luthuli, President-General of the A.N.C to O. Tambo, acting Secretary-General of the A.N.C., P. O. Box 9207, Johannesburg, introducing a certain man from Natal to the Congress of the People. 10

The next is a letter from the A.N.C. Natal, O.R.T. 54, also dated the 21st June, 1955, from A.J. Luthuli, to O.R. Tambo, acting Secretary of the African National Congress, Johannesburg, sending a joint message - inter alia a joint message with Mr. Yengwa to the Congress of the People. 15 20

O.R.T. 55, My Lords, is a document headed "Joint Message to the Congress of the People of South Africa: Meeting in Kliptown, Johannesburg on June 25-26, 1955, by A.J. Luthuli, President, African National Congress, Natal Province and M. B. Yengwa, Secretary of the African National Congress, Natal Province." My Lords, at page 4 it contains two signatures, A.J. Luthuli, President A.N.C. Natal Province, and M. B. Yengwa, Secretary, A.N.C. Natal Province. My Lords, it supports the Congress of the People and the drafting of the Freedom Charter. 25 30

At page 3, the message states ;

"May we in closing our message make our call to the

delegates of this great congress and the people of South Africa, in the spirit of the Freedom Charter that will be formulated at this historic gathering, to rally even more than ever before, in the spirit of sacrifice, for the attainment of the liberty in our land. The people must with one voice reject the wooings of the Nationalist Government to have the people of South Africa embrace the disruptive police of Apartheid and Baasskap." 5

And then it deals with a large number of Acts against which 10
propaganda is being made.

O.R.T. 56, My Lords is the "Message to the Congress of the People", June 25-26th, 1955, from A.J. Luthuli, President-General of the A.N.C. My Lords, this is the same as C.M.43. We are handing in this document because it is the 15
original with the signature.

O.R.T. 57 is a Press Statement issued by the African National Congress and it is headed "Reply to Verwoerd's Statement in Parliament". Paragraph 1 deals with the question of the Bantu Education Act, and the last para- 20
graph on the page states :

"Dr. Verwoerd's reply is a well-deserved rebuff for those people who in their blind belief in the policy of appeasement, have forgotten that there is no middle course in the present struggle for Freedom and Democracy. Not satisfied with their 25
declared disapproval of the boycotting of schools, Dr. Verwoerd is demanding of them to betray their future and the future of all oppressed and freedom loving by joining his forces in an open campaign 30
for the destruction of the much-feared African National Congress. In so far as Dr. Verwoerd is

is giving a rebuff to the weak and undecided, the African National Congress supports him. The time has come for the people of South Africa to take their positions behind fascism or democracy in a conflict which will determine the future of this 5 country for many centuries to come. The African National Congress will oppose, without compromise, not only the Government's Bantu Education, but all the ghastly policies of the Nationalists in the full confidence that the forces of progress must in 10 the end secure a crushing victory over every form of reaction." Typed in, "O.R. Tambo".

O.R.T. 58 is a letter from the Federation of South African Women, Cape Town, to the Secretary of the African National Congress. It deals with the part that women have played 15 in building a national liberatory movement and the trade unions.

O.R.T. 59 is handed in for possession only, it is a roneod document, Draft Constitution of the Federation of South African Women. 20

O.R.T. 60 is an African Lodestar, official organ of the A.N.C.Y.L. Transvaal, Volume 6, No. 1. It is the same My Lords, as has been read in under A. 205.

O.R.T. 62 is a typed copy of the document "Change is Needed", which My Lord, is the same as was read in 25 under A.86.

O.R.T. 63 is for possession only. It is a typed document, Draft Constitution of the African National Congress.

O.R.T. 68 is the Congress of the People, Special Pictorial Issue of "Call". This is handed in for possession 30 only.

O.R.T. 69, is a "Liberation", February, 1954, as much as

will be read in under G. 1150.

O.R.T. 70 is the bulletin, "The Threatened People", as much as has been read in under F.A. 22.

O.R.T. 71 is "Fighting Talk", volume 2, No. 7, September, 1955, handed in for possession only. 5

O.R.T. 74 is a roneod document, "Report on my Visit to the Cape Western Region, A.N.C. Branches". On page 5, My Lord, it contains in type and the signature in roneod form, "T. E. Tshunungwa, National Organiser of the A.N.C. and the C.O.P." It says on page 1, the portion not deleted : 10

"On the 16th January, 1955 there was a regional Conference of A.N.C. Branches of the Western Province to which Conference I was invited. I had also wished to attend and further visit our Branches in that area on important matters." 15

And then it contains this report of the Secretary. Then on page 2 at the top of the page, the report states :

"Really, those of the African people who heard him addressing..." I am sorry, My Lords, I omit the first two lines. Then it says : 20

"We both spoke at a very big meeting at Paarl which was held in the dark. Despite our sudden visit to Paarl with the purpose of a Committee meeting of C.O.P. we managed a Branch meeting and instructed the Volunteers to round up the people from house to house, informing them about our visit. The reponse to this call was a very good one. Another speaker worth mentioning at this Paarl meeting was Mr. September, of S.A.C.P.O. who spoke very well, expressing the views of the Coloured people who have joined hands with us in C.O.P." 25 30

Then on page 3, My Lords, there is a paragraph 9, and paragraph 10, which I read : - it refers to the programme of action, paragraph 9 :

"Programme of Action, 1949 - This was made very clear to the Conference and that A.N.C. has resolved to reaffirm this Programme of Action. No member of A.N.C. will participate in any way or another in dummy institutions and Parliamentary elections. As this was a resolution of the Provincial Conference held at Uitenhage last June, members of A.N.C. in the Western Cape who participated in the last elections have violated the solemn decision of this Province."

Paragraph 10 deals with the Congress of the People and a statement made by New Age. Then on page 4, My Lords, it contains the signature of the person who drew up this report, T. M. Tshunungwa.

O.R.T. 76 is a letter, African National Congress, Natal, dated the 31st January, 1955. It comes from the Secretariat on whose behalf P. H. Simelane signs, and it is addressed to The Secretariat of the African National Congress, Johannesburg. In the paragraph marked 1 on the first page, it deals with the implementation of the Congress decisions in connection with the Western Areas Removal Scheme, and the decision on Bantu Education. At the foot of the page, the last two paragraphs it says :

"The President would appreciate it if Resha would be sent down or somebody to brief him (President) on these matters..." referring to the scheme of the Bantu Education Act, - "... he adds that the calling of the National Executive should precede all these.

In the last note the President rededicates himself to the struggle and National Liberation."

O.R.T. 77, My Lords, is the bulletin "Inyaniso" No. 1 of 1955. It is the Cape A.N.C. Newsletter, and has already been dealt with under A. 210. 5

O.R.T. 78, My Lords, is a manuscript document, headed Transvaal Resolution, 13.3.55 on Bantu Education. It refers to the decision to withdraw the children from school on April 1st.

NO FURTHER QUESTIONS. 10

CROSS-EXAMINATION RESERVED.

BAREND JACOBUS JOUBERT, duly sworn; 15

EXAMINED BY MR. TRENGOVE :

In September, 1955, you were a Detective Constable in the South Africa Police at Norwood, Johannesburg? --- Correct, My Lord.

Are you still in the Police Force? --- I am. 20

Where are you stationed? --- At Harrismith.

On the 27th September, 1955, did you proceed to the offices in the building Chancellor House, Fox Street, Johannesburg? --- I did.

Did you accompany anybody? --- Yes, Detective Head Constable Grobler, the previous witness. 25

Did you conduct a search in any of the offices in that building? --- I did.

What office was that? --- An office in Chancellor House, the offices of O. R. Tambo. 30

Was there anybody present in the office when you conducted your search? --- Yes, the man mentioned,

O. R. Tambo, he was present.

At the Preparatory Examination, were you asked to identify anybody as O. R. Tambo? -- Yes, My Lord.

Did you do that? --- I did. 5

Was this person an accused at the Preparatory Examination? --- He was, My Lord.

When you conducted the search, you say it was in the presence of O. R. Tambo? --- Correct, My Lord.

Did you take any documents there? --- I took 10 possession of documents there.

In that office? --- In that office.

And were these shown to O. R. Tambo? --- They were.

Did he make any comment? --- No, My Lord. 15

Did he disclaim any knowledge of the documents? --- No, he did not.

And a receipt in respect of the documents, was that given to him? --- A receipt was issued, yes.

Will you have a look at the documents in 20 that file, O.R.T. 89, 90, 91, 98, 102, 103, 104, 106, 107, 115, 116, 117, 119, 120, 126, 127, 129, 130, 131, 132, and 136? --- Yes, My Lord.

These documents to which I have just referred, can you identify them? --- Yes, My Lord. 25

Where did you find them? --- In the office of O.R. Tambo.

On this occasion? --- Yes, My Lord.

The first document O.R.T. 89 is a printed document issued by the South African Congress of Democrats. 30 "This is an Invitation to the Congress of the People". It has been dealt with under C. 68, My Lords, and it

3430.

(B.J. JOUBERT)
(O.R.T. 89)

refers to the gathering of the people who - to draw up the Freedom Charter of human rights.

O.R.T. 90 is a roneod letter, the African National Congress, Cape Headquarters, P. O. Box 3052, Queenstown. It is signed Enoch Tshunungwa, Provincial Secretary, and it is addressed to Mr. O. R. Tambo, and it refers to the Annual Provincial Conference to be held on the 18th-19th June, 1955 and it asks the addressee to send a message of fraternal greetings. It states that the Cape A.N.C. will be making preparations at this conference to send delegates to the historic Congress of the People to be held in Johannesburg on the 25th and 26th June, 1955.

O.R.T. 91, My Lord, is a document headed The African National Congress, Cape Headquarters. It is typed in, it comes from T. E. Tshunungwa, Provincial Secretary, and also written in, the signature Enoch Tshunungwa. It is addressed to Mr. O. R. Tambo, Acting Secretary-General, National Headquarters, P. O. Box 9207, Johannesburg. My Lords, in the fourth paragraph on the first page it deals with the extent to which the campaign against Bantu Education has been enforced, and it gives figures of the children who stayed away from school..

"The position at Kirkwood is that out of about 650 children attending school, about 400 children are out of the school. This figure is collective - from all the schools in that area".

And then it gives various other places, :

"Mistkraal, Kirkwood, only 6 children attended school out of 70";

At the other branch, Malmaison Branch, Kirkwood, :

"This location has a Std IV school and about 140 children with 3 teachers. All the children went out

of school when the campaign started on the 23rd
May.

Rooidraai Branch, Kirkwood: Out of a total of 200
children only 60 went to school.

Bontrug Branch Kirkwood : Out of a total of 100 chil- 5
dren only 30 went to school."

Then My Lords, on the second page of the letter the third
paragraph it states :

"The position at New Brighton, Korsten and Despatch is
that there are nearly a thousand children out of 10
school. The campaign is getting momentum. From
that joint Executive meeting w3 had on Sunday morning
till early afternoon, we had to go to themasses at
Veeplaats where we had over a thousand people present.
It was a very good meeting indeed, and I addressed the 15
gathering on the necessity to intensify the campaign
against Bantu Education Act. My presence there
cleared many things which were definitely causing a
rift in the organisation. The Regional Conference
that decided to start with the boycott - with the 20
campaign of boycotting the schools was reported to
me as very rowdy and that the resolution to start
the bo cott was not unanimous, hence centres like
Uitenhage, Grahamstown, Alicedale and Port Alfred
which are in the same Eastern Cape Region did not 25
start. But, I feel aftermy visit these centres
that have already started have received now the
support of both the Provincial and National
Authorities. I could never say that they should
stop it. Mayibuye!" Signed Enoch Tshunungwa. 30

O.R.T. 98 is a letter headed "Transvaal African National
Congress Youth League," dated the 18th May, 1955,

Johannesburg, and it is addressed to Mr. O. R. Tambo.
It comes from - typed in the signature, P. Nthite, Provincial Secretary, per H. Makgothi, the latter's signature being in manuscript. It refers to the A.N.C.Y.L. meeting to be held on the 29th May, 1955. The second paragraph states :

"This Conference, we hope, will be an important landmark in the history of our organisation, not only from the point of view of the prevailing anti-democratic situation created by the reactionary Nationalist Party, but also from the viewpoint of the theme of the Conference. For the important problem which the delegates will attempt to solve is how to broaden the unity of the Youth of our country in the struggle for Peace and Democracy led by the African National Congress, and to place the organisation of the League in the Transvaal on a higher level.

I am writing to invite your message of goodwill and encouragement to the Conference."

O.R.T. 102 is a roneod copy, the document "The World We Live In", the same as A. 84. 20

O.R.T. 103, roneod copy of "The Country We Live In", the same as A. 85.

O.R.T. 104, is a roneod copy of the lecture "Change is Needed", the same as A.86. My Lords, on Schedule No. 25

4, page 55, this document is not included and I ask that that schedule be amended to include O.R.T 104. My Lords, this Schedule 4 is the schedule in which we set out against each accused and co-conspirator the documents found in his possession on which the Crown wishes to rely, and your Lordship will find it is page 55, in connection with O.R. Tambo. The Exhibit 30

numbers of the documents are set forth.

BY MR. FISCHER :

My Lord, although I suppose that the prejudice will be cured before the end of the case arrives, I nevertheless on principle will oppose any amendment to any further documents. 5

BY MR. JUSTICE RUMPF :

Well, it does seem that there will be sufficient time for any prejudice to be cured. The amendment is allowed. 10

EXAMINATION BY MR. TRENGOVE CONTINUED :

My Lord, the next document is O.R.T. 106, a typed document headed "Press Statement. Issued by the Working Committee of the African National Congress." Attached to this press statement, starting on page 2, there is a portion of the document which has not been deleted by the Crown. My Lord, it deals with the Congress of the People. I'll just read the heading of that first paragraph on that page : 15

"At this moment - the opening of the Congress of the People - which has been awaited by millions of people throughout our unhappy land, I sit 400 miles away. I am only one of your leaders whose mouth has been sealed and movement has been curtailed, but I speak for all of us when I say that though absent from this Assembly, we are with you today." 20 25

And then, My Lords, it deals with the purpose of the Congress of the People and the drawing up of the Freedom Charter. At the bottom of that page the article goes on, after referring to the actions of the police : 30

"These are the actions of people who are frightened,

of a government which knows that the policeman's boot, his gun and his baton, will not stop the movement of the people for liberty. Leaders may be banned, and obstacles placed in our way, but they will have forgotten the lessons of history if they believe that in this way they can ever stop the achievement of the just aims of the people. 5

Only yesterday the Parliament of South Africa concluded its 1955 session - one of the grimmest and most crippling in our history, for each chapter of Nationalist misrule brings us nearer to the darkness of full fascism." 10

Then the article continues, My Lords and at page 3, the last - the two paragraphs on the bottom, which state in reply to the question : 15

, "Why is the Congress of the People an assembly of a different kind, and the Freedom Charter which it will adopt the document which will make new history in South Africa?"

"It is because, above all, the Charter of Freedom which will emerge will not be a document drawn up by a few leaders, but one which was born in the minds of the ordinary people of all races who are treated with contempt today but who will be the rulers tomorrow. 25

In the long history of heroic struggle by the people of South Africa there have been many political calls and many assemblies. But there comes a time in the history of struggle of every people when new heights are scaled - when the struggle leaps forward with a new urgency among the people. 30

We are now living through such a period. The Congress in which you are taking part is not just another meeting. The document which you will draw up is not just another resolution.

However successful the campaign for the Congress of the People, the adoption of the Freedom Charter cannot of itself mark the goal of our struggle. It can however be a turning point in the history of South Africa and I am confident that when that history is re-written those of you who are here today will earn a special place as the authors of a new and democratic South Africa.

Long Live Our National Organisations!

Forward to Freedom!

Mayibuy' i-Afrika!"

The next document, O.R.T. 107, My Lords, is a statement - it is a document headed, - typed document, headed "Statement to the Branches: re Request Question". Then it deals with the increased rents at Orlando, and the second paragraph states :

"We want to emphasise the need for a united action and to link the Rent Question with other oppressive measures to put the people on the alert against any tendency of thinking that the Rent Question has been done away with. The Government and local authorities will not rest until they have devised a methods of re-imposing the rents. In supporting the legal action we made it clear and we want to make it still clearer that it is the mass action on which we depend. We must therefore prepare and use all our resources to defeat the Government once more on its cruel measures."

The next document is O.R.T. 115, and it is a printed -
it is a typed document and it is headed "The Demands of
the People", and then (a), "The establishment of a
People's Democratic Republic", and numerous demands under
that heading. "(b) Agrarian Reform", and numerous demands 5
under that heading. "(c) Economic Reforms" and (d), a
chapter dealing with human rights.

O.R.T. 116 is a document entitled "General Remarks",
and the opening paragraph of this document states :

"This is only a first draft: no time to tie up some 10
ends.

I have in each section drafted a general clause of
rights, followed by the more particular detailed
demands.

The demands are framed in such a way as not only to 15
demand the positive (e.g. 'We demand freedom of
movement'), but also to contrast this with the
present hated system ('the pass laws must be
abolished').

The order of the demands is not yet the best - some 20
should be re-arranged.

More Details is necessary under some sections."

And then, My Lords, it deals with demands and comments
on the left hand side of the page typed in. The first
demand is : 25

"We South Africans hold that the will of the people
shall be the basis of the authority of our govern-
ment."

And numerous matters set out under that heading, and it
then deals with demands, My Lord, which are very similar 30
to those contained in the Freedom Charter which was
ultimately adopted at the Congress of the People.

The next document, My Lord, O.R.T. 117 is a typed document and it deals with the Bantu Education, and the first sentence reads :

"The present situation of boycott of schools has created a special situation in the Transvaal in which 5 the Transvaal Executive is called upon to guide its branches and the people of the Transvaal in General. First we endorse the statement of the Working Committee of the African National Congress, which has called upon to demonstrate their protest by withdrawing 10 their children from schools as a prelude to a permanent boycott which is our objective."

Paragraph 2 :

"We can therefore understand the position of the areas which find themselves yet not able to cope up 15 with the great task; by that we mean the people of any given area, not just the African National Congress Executive or the African National Congress Officials. But we cannot understand nor appreciate the efforts of those who make it their task to campaign for 20 going back to school. We must therefore uncompromisingly attack the efforts of those who go cap in hand to the arrogant Native Affairs Department begging them to re-open the schools. To us the battle has begun. The fury of Verwoerd will be answered 25 by the fury of the people. We must intensify the struggle of the Bantu Education as well as in other fields."

Then attached to this document, My Lords, at page 3, typed on some other paper there is a further document 30 dealing with the Bantu Education Act in which the following statement is made :

"The actions of the Minister of Native Affairs, Dr. Verwoerd, in ordering the expulsion of 4,000 children from the schools, and the dismissal of teachers, as well as the threat to banish African leaders from their homes are brutal reprisals which we cannot . 5
too strongly condemn. No democrat in South Africa can permit these things to go unchallenged.

To attempt to penalise the children for a lifetime - for that is what this action is intended to achieve - is the outrageous act of a barbarous government. 10

The Bantu Education Act was imposed on the African people without their having a say in their own future, and in the face of their deep opposition. Then, when the people take one of the few means of protest they have against this education 15
for servitude, the Minister hits back with savage fury.

These acts, far from breaking the determination of the people to resist Bantu Education with all the means in their power, serves only to strengthen their 20
will to fight the Government."

The I omit the next paragraph and I conclude by reading the following paragraph :

"African teachers must see themselves as part of the African liberation movement, and we call on them 25
not to capitulate to the principles of Bantu Education but to place service to their community and allegiance to the common cause of defeating the Nationalists first."

On the next page, the last paragraph : 30

"There are few threats the Minister has not used, but even the banishment and deportation of leaders

will not break the struggle. New leaders spring from the people when they are needed, and the very conditions of oppression of the people create their organisations and their leadership. Those who fight for freedom today are not deterred, even by the methods of the Nationalists. Each new repressive measure of the government sharpens the conflict with the people and brings nearer the break in their tyrannical hold."

5

O.R.T. 119 is a booklet, "Thirty Years of the Communist Party of China", by H-Cheo-Mu, Foreign Languages Press, Peking, published in 1952. And the writer is the Vice-Director of Propaganda Department, Central Committee, Communist Party of China.

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O.R.T. 120 is a book "On Contradiction" by Mao-Tse-Tung, for possession only, My Lord, Foreign Languages Press, Peking, 1953.

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O.R.T. 126, My Lords, I am omitting.

O.R.T. 127 is a letter dated the 26th January, 1954, to members of the National Executive, and it deals with an Executive Meeting to take place on the 27th and 28th January, and it is signed W.M. Sisulu, Secretary-General.

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O.R.T. 129 My Lords, is an examination book with a typed document in the book. The typed document bears no heading, My Lords, but it deals with the Western Areas Removal Scheme, and the decision of the Government to anticipate the date. The first sentence on the first page says :

25

"It is incorrect to say that Congress allowed itself to be taken unawares. In the first place, the Government had announced that the removal would commence on the 12th February and this was the most suitable date for mass action. It was, however,

30

contemplated that the government might endeavour to frustrate these plans by anticipating the removal date."

And then it continues with what happened on that particular date. I read only, My Lords, the last paragraph on page 2 which stat@s as follows :

"To begin with, it is wrong to imagine that the African National Congress could have defeated the Government on this single local issue of the removal of the people of the Western Areas. The Government will be defeated by the entire people of South Africa on the general policy of apartheid. The objective of the campaign against removal was to foster a mental attitude of non-corroboration with the Government and to compel it to secure the removal of the people by intimidation and the employment of force. This objective was achieved by the Congress, the mobilisation of 2,000 policemen by the Government was the most emphasised recognition by them of the united opposition of the people to the Removal Scheme. Congress is the only militant organisation that is ceaseingly challenging the reactionary policy of the government and is superiorly confident and it will achieve ultimate victory."

My Lords, I am - the next, My Lords, is O.R.T. 130, and it is a roneod document in a similar examination pad book, and it is a roneod document headed "Resolution Adopted by the National Executive Committee of the African National Congress on Bantu Education". I hand that in for possession only, My Lord.

O.R.T. 131 is a New Age, dated 28th April, 1955, for possession only, My Lords.

O.R.T. 132 is the bulletin "Educating for Ignorance", published by the South African Congress of Democrats, and it is handed in for possession only.

O.R.T. 136 is a typed document, My Lords, and it is headed in quotes "People Are Asking Why Congress Allowed Itself 5
to be Taken Unawares By the Government When It Could Have Got Its Plans Ready to Allow For Contingencies". My Lords, then it also deals with the Western Areas Removal Scheme, and I quote only from the second page :

"If people are genuinely interested in the South 10
African situation of which they and the Congress are integral parts, then they will see the issue of the Western Areas in its true perspective if they ask, not why Congress allowed itself to be taken unawares - which is in any event incorrect, but rather, why the 15
Government suddenly found it essential to avoid Saturday the 12th February, which was the fixed date of removal; and furthermore, why the Government thought it necessary to mobilise 2,000 armed men to secure the removal of a handful of families. It was in 20
fact the Congress which induced this behaviour, and it must surely be admitted that by its conduct the Government furnished the strongest proof of the power of the Congress and the effectiveness of its opposition to the Western Areas Removal Scheme. The 25
Government, in effect, admitted the failure of apartheid and Verwoerdism and conceded the strength and unity of the men and women of all races who stand resolved to resist all forms of aggression on fundamental human rights. The fact was also demon- 30
strated to the country that if the present Government cannot fill the heads of the people of South

Africa with its own ideas it will not hesitate to fill them with bullets. The Congress, with its friends and allies, is engaged in a bitter struggle for the reversal of this Hitler-inspired policy and the establishment of true and full democracy in South Africa." 5

NO FURTHER QUESTIONS.

CROSS-EXAMINATION RESERVED.

JOHANNES JACOBUS KLUYTS, under former oath;

CROSS-EXAMINED BY MR. FISCHER : 10

There are a few matters I want to put to you Mr. Kluyts. You remember at the Preparatory, - I am reading from page 6, - from volume 6, page 1131, you were asked about this office at 63 Progress Buildings. You were asked whether there was anything to indicate whether the office belonged to any organisation and you said "No, apart from the correspondence found, which was that of the Canning Workers Union"? --- That is correct. 15

And I think it is clear that a great deal of material was left there belonging to the Food and Canning Workers' Union? --- That is correct, My Lord. 20

~~Correspondence, minutes, documents etc.?~~ --- That is correct, My Lord.

And do you remember that there was also a great deal of material left there which belonged to the African Laundry Workers'? --- I cannot be sure of that, My Lord. 25

Might I tell you something that may remind you, and that is that at some stage - I am not sure whether it was when you were present - it was pointed out

that Union documents should not be removed or it was suggested that they should not be removed? --- I don't particularly remember that, My Lord.

Then don't worry, in any case it is clear from your recollection that this was an office of the Food and Canning Workers' Union? --- That is correct, My Lord.

I might just remind you about some of the things in the file which were not put in-- it may assist you too. I don't want to put any of these in. There was a good deal of material which you took which hasn't been put in? --- That is correct, My Lord.

Such as publication by Christian Action, South African Institute of Race Relations, and of the Africa Bureau in London? --- If my signature is on it, then that is correct, My Lord.

Yes, it is there. Then, there are also - there is a lot of material relating to the Interdenominational African Ministers' Federation, correspondence between them and the - actually African Food and Canning Workers' Union. I don't want to go into details. In the other file which is also here, there is a good deal of documents - a fair proportion of documents relating to the South African Trades and Labour Council and its new constitution; also the constitution of the Chemical Workers' Union, various other trade unions? --- I can't recall all the documents, My Lord, but if my signature is on it, then that is correct.

It is. Now I just want to deal briefly with some of the documents which you actually put in. A.M.5 are the Minutes of a meeting of a - of the National Consultative Committee held on Monday, November 1st, 1956. Certain portions of this were read, and I would

just like to make it clear to you that in addition the meeting dealt with a memorandum on the anti-Group Areas Campaign, on the South African Indian Congress Resolution on a Cultural Boycott, on the situation in the Middle East, on the holding of public meetings, on the starting of a Solidarity Fund and on some other matters? --- Yes, My Lord. 5

The next I want to refer to is A.M. 32.

This is a copy of a bulletin called "Forward to Freedom" of the Transvaal Consultative Committee. I want to 10

I am sorry, My Lord, I have made a mistake. A.M. 32 is the Transvaal Consultative Committee letter or circular from which certain extracts were read. I just want to make certain that the date is recorded as the 11th June, 1956. This letter referred to certain Volunteers and their tasks, and it appears that these Volunteers were asked to perform certain tasks in June, 1956, were not the Volunteers who had worked for the Congress of the People. They were asked to do different tasks, such as attending meetings regularly and winning five new signatures for the Charter, selling literature, etc. Now, Exhibit A.M. 36 from which certain passages were read is a manuscript which is undated and unsigned and written in two different kinds of ink, green and red. 15

A.M. 45 was referred to as being a Report on the Activities of the Local Committees. It was referred to for the signature of Masina at the foot of it. I wish to read the first two paragraphs which say that : 25

"Since the holding of the First Annual National Conference in Cape Town in March, 1956, Local Committees have not on the whole been in close contact with Head Office. 30

Numerous letters and circulars are sent to Local Committees, but apart from bare acknowledgments, little information is received by Head Office on the carrying out of directives."

A.M. 47 is the bulletin No. 2, "Mayibuye i'Afrika", 5
published by the A.N.C. Natal, and the Crown read from pages 10 and 11, from an article above which the name of Dr. Conco appears. It omitted a passage - this is an article entitled "The Struggle for Liberation", and the first two paragraphs were read, and then follows the third 10
paragraph which states the following - My Lord, I am reading this rather fully, because it may be that the Crown will prove that Dr. Conco occupies an important office in Congress :

"African nationalism as we conceive it today, means 15
the welding of a great multi-racial African nation. We are those - We have thus moved from a narrow tribalism to a broader nationalism. Before dealing with African nationalism as propounded by the African National Congress we might mention two or three 20
types of nationalism from which it must be constantly distinguished."

Then he sets out in the second column on page 2 :

"(a), There is the very narrow nationalism of 25
Hiferite Germany, Franco's Spain and Fascist Italy. This Nationalism was based on the doctrine of blood relationship and superiority of one race over all others. This is fascism."

Then he says we certainly have a replica of blended fascism in South Africa and then in paragraph (b) the 30
writer says :

"Then there is the imperialistic nationalism of the

British, French, Belgians etc. This is characterised by a belief in the destiny of these nations to rule over and civilise the backward peoples. South Africa has also a shade of this nationalism, as shown by the Nationalist clamour to incorporate the Protectorates." 5

And then in the third paragraph (c), the writer states :

"Finally, we have the nationalism that teaches love of one's country, people, language and culture.

African nationalism is a development of this latter type of nationalism. Its aim is to instigate in African people love of Africa, its peoples, languages and culture. It is based on the ideal of complete unification of all the different tribes and peoples of Africa into a single nation within a single Pan- 10

African State." This is further discussed, and it is 15

at the end of this discussion that the second passage occurs which was read by the Crown in which the writer, as the Crown pointed out, referred to "our methods in South Africa, as we have indicated to the world, is non-violent and without bitterness". I want to refer very briefly to A.M. 49 which seems to be four or five different - different documents, it included a syllabus for trade unionists and a circular and a passage was read from page 4 and another from page 5. At page 4, I wish just to make clear, is a description of the origin and significance of May Day. It begins by giving the history of May Day which was first decided upon in the eighties of the last century. It is a day of celebration for workers. Then, on page 5, two demands, two pledges were read out, namely the support for the Freedom Charter and peace and friendship between all nations. Those two were 20 25 30

preceded by four others which pledged people to rally the forces of workers for a better future, and then :

- "1. For powerful well organised trade unions embracing all workers, irrespective of race or colour on a basis of common interests; 5
2. For the defeat of the Industrial Conciliation Bill, which threatens to kill the independence, unity and strength of the trade union movement.
3. For higher wages and better conditions for all.
4. For unemployment insurance, workmen's compensation, old age pensions, assistance for working mothers, etc." 10

A number of minutes were put in of the Management Committee of the South African Congress of Trade Unions and other meetings of the South African Congress of Trade Unions. I just want you to indicate that apart from the passages read which dealt mostly with support for a Congress or a particular meeting or the Freedom Charter, many items were dealt with which ranged from such topics as the fishing industry, organisation at Kimberley, South African Labour Party Conference, to problems of - special problems in the Cape and Natal. That appears from A.M. 79 and A.M. 81, merely as an illustration. Just one thing, I have noticed that everyone of the documents, both here and in the file which purport to be letters from the South African Congress of Trade Unions, are addressed from 30 Progress Buildings, 136 Commission Street. I don't know if you would just like to have a look at that? --- I would like to have a look at that, My Lord. 25 30

As far as the exhibits are concerned, it would appear from that which is A.M. 79 and also from

A.M. 104? --- Yes, My Lord, these documents do refer to 30 Progress Buildings, 136 Commissioner Street.

And that the covering note on that exhibit is signed by Leslie Masina, Secretary? --- That is correct, My Lord, General-Secretary. 5

I next refer to A.M. 93, entitled a "Statement of Policy submitted to the First Annual Conference of S.A.C.T.U." From this the Crown read certain passages on page 4, and 6, relating to educating the workers for - through the process of struggle, and to pledging Congress to educate and organise workers for militant and fearless struggle. Just not have to - Just not to have these passages out of their context, may I point out through you that the preamble to this statement discussed the attacks which have been made on the working class, 15 and this preamble quotes the speech of the Minister of Labour, Mr. Schoeman at that time, who spoke of "maintaining a definite quota for Europeans and non-Europeans" and spoke of the responsibility of the State to control the wage system and not to allow it to be determined by 20 free collective bargaining. On page 4, immediately after the first passage read by my learned friend, the following appears :

"The South African Congress of Trade Unions must vigorously pursue a policy of placing the interests 25 of the workers in the forefront of its struggle. We must boldly organise all workers for higher wages, better conditions of life and labour. The elementary human rights of the masses of the workers in factories and workshops must be our 30 foremost concern. Such issues as full and equal benefits for working mothers, guaranteed annual

leave for - on full pay for all workers; full equal
workmen's compensation; unemployment insurance for
all workers, the right of every worker to engage in
skilled occupations and to advancement in industry.
Those issues are basic demands of the movement which 5
the South African Congress of Trade Unions will
relentlessly strive to achieve."

Just one further matter. I think I mentioned that Exhibit
A.M. 118 which is a circular letter from the South African
Congress of Trade Unions to all members of the Executive 10
Committee was one of those documents which showed the
address of the South African Congress of Trade Unions to
be 30 Progress Buildings. This block of buildings,
Progress Buildings, I think it a block consisting of a
ground floor and four storeys? --- I am not sure, but 15
there are a number of storeys there.

Approximately that? --- Yes, My Lord.

And 63, the office which you investigated
was an office on the fourth floor? --- I am not sure of
that either, My Lord. 20

Fairly high up? --- Fairly high up in the
building, My Lord.

I am instructed that No. 30 was an office
on the second floor? --- That would be about right.

It is quite a large building, I think, with 25
about three wings? --- It is a fairly large building,
My Lord.

NO FURTHER QUESTIONS.

NO RE-EXAMINATION BY THE CROWN.

30

BY MR. PLEWMAN :

My Lord, there is one document which was

handed in by the previous witness, White, from the series L.L.m. 20, with the consent of the Crown we released Sergeant White yesterday before we had seen this part. If I might just refer to one passage in the document to which I wish to draw the Court's attention. The Exhibit 5 Number, My Lord, is L.L.M. 20 and it was taken by Sergeant White on the 27th September, 1955, at Dube Township. The Crown read in the first, third, fourth and fifth paragraphs. I just wish to read the second paragraph. A letter dated the 7th July, 1955 from 63 Progress Buildings, to the Secretary of the African National Congress, 10 and it is signed L. Masina, and it says :

"The South Western Region of the African National Congress (that is Pimville, Orlando, Albertynsville, Moroka, Jabavu and Dube), previously a model 15 and well organised region which set an example to the people of the Transvaal, has now suffered a severe decline in activity."

And what the Crown read in follows on the words "decline in activity" - just to put it in its context. 20

THOMAS FREDERICK COETZER, under former oath;

CROSS-EXAMINED BY MR. PLEWMAN :

The search which you have testified to, I take it having perused your list and looked at the remaining documents here, it seems obvious that this 25 is the case, that there were a large number of documents found and taken by you which have not been handed into Court here? --- That is so, My Lord.

And that included those - and those documents included various trade union bulletins, bulletins of 30 different trade unions, Textile Workers, Laundry Workers,

Collection: 1956 Treason Trial
Collection number: AD1812

PUBLISHER:

Publisher:- Historical Papers, The Library, University of the Witwatersrand

Location:- Johannesburg

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