27th November, 1954 at Groutville. Under Present, there appears the names of the following:

"Chief A.J. Luthuli, (in the Chair), Professor Z.K. Matthews, Dr. W.Z. Conco, Messrs. R. Resha, E. Moreteale, P. Simelane and T. E. Tshunungwa".

Then My Lords, at page 2, paragraph 3 it is stated:

"Mr. Resha reported on his personal visit to the deported leaders and felt that upon what he discovered up there, the Executive should have a list of instructions to whatever leaders banned or deported as to what to do e.g., writing, organising plans etc. all for the general good of the struggle. This matter was accepted by the Executive and was referred to the Working Committee to draft these instructions for banned or deported leaders 'What to do when you are banned or deported'. The Professor was asked to help in the drafting of these instructions".

Then My Lord, on page 3 there is a paragraph dealing with the Congress of the People. I refer My Lord, to page 6 where it says that Professor Matthews was appointed Deputy President General. It deals with the Conference in 1954 and in sub-paragraph (e) on page 7, under that heading it states:

"Mr. Resha's stay in Durban. In view of the shortage of manpower in Natal, the Executive" and that is corrected to read "secretariat" - "... the Secretariat recommended that if the Natal Executive did not mind, Mr. Resha would be left from that time until the Conference to assist in the preparations. This was welcomed by the Natal Executive".

Then it deals with the Women's League, the Annual Report which was read by Resha and was approved for submission.
to the Conference. It deals with the new Constitution which should be ready for the Conference in paragraph 7, and in paragraph 8 it deals with the Western Areas Removal Scheme and it states that:

"A detailed report on this scheme was given by Mr. Resha supported by all the members from the Transvaal and, inter alia, it was stated that the Resettlement Board has been given the powers of Local Authority to remove the people".

"It was decided that in view of the fact that the Removal Scheme has already assumed very wide dimensions the Western Areas should be the testing ground."

There is a chapter on Bantu Education, and on page 3, My Lords, there is a paragraph which states:

"The Programme of Action Adopted in 1949 - nothing could be said in this matter as it had been referred to the Provinces by the 1953 Conference."

It states that the minutes were recorded by T. E. Tshunungwa, and they are signed Z.K. Matthews, Chairman, 5th March, 1955.

The next, My Lords, is T.E.T. 47, a roneod report from the 20 National Volunteer Board, and it is the same as B. 35. T.E.T. 48 is a Report of the Working Committee of the African National Congress. Paragraph 1 deals with the Western Areas Campaign removal and the Resist Apartheid Campaign. Under that heading, My Lords, it states that details were worked out for the fixing the day 26th June 1954 as the Western Areas Day of Solidarity throughout the Country. "On these days meetings and conferences will be called" in Natal and the Cape Province, and it refers to the clarion call of the President-General, for volunteers for the Western Areas and the Congress of the People. My Lords, on page 2 it deals with the
Congress of the People and it states that the Secretariat on the 6th May, 1954, there had been regular meetings of the secretariat, and the secretariat consists of Sisulu, Cachalia, Bernstein and Lollon.

"Since M. Bernstein was banned he has been substituted by Mr. Slovo, and Mr. Sisulu by Mr. Tambo."

It refers to a conference at Evaton from the 8 members of each sponsoring organisation, and it states in connection with the Congress of the People:

"The African National Congress is represented by the following: Chief A.J. Luthuli, who also represents Natal; Mr. Moretsele; Tambo, Vundla, Mathole, Resha, the Cape President or his deputy, and the Free State President or his deputy."

Then My Lords, on page 3 it says at the bottom of page 2 and the top of page 3:

"The Officials of the Council are as follows:
Chief Luthuli - President and Volunteer in Chief;
Mr. Moretsele, Treasurer.
Secretaries: Beyilele, Cachalia and Vundla."

On page 3 the Second paragraph it says:

"Mr. Tshunungwa has been appointed national organiser of the Congress of the People and will also organise for the Western Areas and Resist Apartheid Campaign."

Then on page 3 too My Lords, under the heading "Other Working Committee Activities" there is a passage which states that Mr. Z.K. Matthews has been appointed Deputy President General. It also states that a committee on farms and peasants has been appointed, Mr. Vundla is its Chairman. Then on page 4, sub-paragraph 2 it says:

"The Working Committee decided to appoint a Committee to write a booklet on Congress Policy as a guard."
Mr. Sisulu, Resha and members of this Committee with powers to co-opt. The work has already begun."

Then in the third paragraph on page 4 it says:

"The following members have been appointed to the Secretariat to carry on the work of the Secretary-General,... Mr. Tambo, head of the Secretariat, Messrs. Vundla, Mathole and Tshunungwa are members. The following members have also been co-opted on the executive, Messrs. Mathole, Resha and Tshunungwa."

T.E.T. 50, My Lords, is a press release dealing with the Western Areas Removal Scheme. I only read on page 1, the last paragraph:

"There can only be one answer from us,..." it refers to the bloodthirsty reactionist Government, and then it says:

"There can only be one answer from us, our campaign of opposition to the removal scheme must be increased ten-fold and extended throughout the country. For us too, the Western Areas Scheme is a test case. The Government must be made to retreat by the united strength and determination of South Africans of all races. The Western Areas must be the Waterloo of the inane racialism of Dr. Verwoerd and his Government."

On page 3, there is a paragraph which states that the Volunteers must raise to new heights, "greater even than during the Defiance Campaign", and the name is typed in Chief Albert Luthuli.

T.E.T. 51 My Lords, is a typed document which is headed Minutes of the Executive held on the 18th April, 1954, Pinetown, Natal. Among those present are Chief A.J. Luthuli in the Chair, Professor Z.K. Matthews, Dr. Conco
Yengwa, Simelane and Sisulu, Secretary. There are also other names, My Lord. On page 3 this document bears the signature, Luthuli, President-General, 14.8.54 and page 4 is a roneoed copy of the Minutes of the National Executive of the A.N.C., S.A.I.C., S.A.CO.D. and S.A.C.T.O. on the 8th May, 1954. T.E.T. 52 is a roneoed document, Draft Memorandum on the Congress of the People. T.E.T. 55 is a copy of the Opening Address by Chief Luthuli at the African National Congress - of the President-General of the African National Congress at the meeting of the Congress of the People in Durban on the 5th May, 1954. This is for possession only, My Lord, - I am sorry, the 5th of September, 1954. T.E.T. 56 is a roneoed circular, To All Regional Secretaries of the African National Congress and it deals with the Congress of the People Campaign and it is signed T.E. Tshunungwa, with the signature in writing, Enoch Tshunungwa. Attached to that, My Lords, is a document in a Bantu language, of which a translation will be provided in due course. T.E.T. 57 is a copy of a letter dated the 21st October, 1954, to a certain Dr. Bokwe, and it bears the signature of Enoch, and typed in T.E. Tshunungwa, Provincial Secretary. My Lords, in paragraph 2 of the letter it deals with the Congress of the People. Paragraph 4 it says that Mr. Ngotyane of the Western Province has been employed as a Regional Organiser of the A.N.C., and in the last paragraph of the letter the writer deals with the publication of Inyaniso, the newsletter which will be produced from the office of the writer. T.E.T. 58 is a typed document headed - it is a copy,
headed "Joint Executive Meeting Held in Natal". It is signed T. E. Tshunungwa, National Organiser of the Congress of the People, with the signature in writing, Enoch Tshunungwa, and it says on the 17th of August there was a joint Executive Meeting of the S.A.I.C., C.O.D. and A.N.C. The following were present:

"Dr. M. Naicker, Mr. M. I. Naicker, P. H. Simelane, M. B. Yengwa,
and other people. Under Agenda, paragraph 3, it states that a secretariat has been established and the secretariat would consist of Mr. I. Naicker, Mr. Yengwa and two other persons. And then it deals with the question of the National Executive Meeting at the Congress of the People on the 15th August.

T.E.T. 59 My Lords, is a roneoed document, National Action Council of the Congress of the People, Draft Plan of Campaign, with certain manuscript annotations. Possession only, My Lord.

T.E.T. 60 is a copy of a letter bearing the signature of T.E. Tshunungwa from the African National Congress, Cape Headquarters, 6th January, 1955 and it is signed in his capacity as Administrative Secretary. It forwards a roneoed document dealing with matters such as the Congress of the People, the Western Areas Removal Scheme and Bantu Education. The roneoed document bears the signature, O. R. Tambo, for the National Secretariat.

T.E.T. 61 My Lords, is the National Action Council of the Congress of the People circular, which is the same as the document C. 56 which has already been handed in. My Lords, I ask that in the meanwhile T.E.T. 69 and 70 be left in the custody of the Registrar.

Now on the same day that you gave instructions
Detective Sergeant Hugo, did you also carry out a search yourself? --- Yes, My Lord.

That is on the 21st March, 1955? --- Yes, My Lord.

And where did you conduct your search? --- At 5845 Queensatown Location.

What is that? --- Premises occupied by T. E. Tshunungwa.

And on that day when you conducted the search, was he present? --- He was present.

Did you take possession of documents? --- I did.

Would you look at documents marked T.E.T. 62, to 68 and 71 and 72. Where did you find those documents?

--- I found them in one of the rooms at those premises.

In his presence? --- Yes, My Lord.

Did he have any comment to make? --- He claimed them as his property.

My Lords, the first document T.E.T. 62 is the African National Congress Annual Executive Report, 1954. It sets forth the positions of the Officials for the Year:

"President : Chief A.J. Luthuli.
Deputy President : Dr. W. Z. Conco.
Secretary : Mr. M. B. Yengwa.
Assistant Secretary : Mr. A. Gumede.
Treasurer : Mr. F. H. Simelane."

I am leaving out the Speaker and the Chaplain.

"Executive Committee Members:

Messrs. H.M. Conco, ... Stephen Dhalami..." and other persons whom I am not referring to. Then it refers, My Lords, to the Congress of the People and the Freedom Charter, Political Boycott, Western Areas Removal Scheme, and it is signed on page 4 F. H. Simelane, for M.B. Yengwa.
Secretary.

T.E.T. 63 is a letter from the National Action Council of the Congress of the People, 18th February, 1955, signed by M. Moolla and it deals with stickers for the Congress of the People.

T.E.T. 64 is a letter from the National Action Council of the Congress of the People, 24th December, 1954, dealing with the speeding up of the Congress of the People Campaign. On the first page it is signed Yusuf Cachalia for the Secretariat, and attached to that there is a letter, 18th January, 1955, from the National Action Council of the Congress of the People, signed P. Beyleveld, for the Secretariat, a typed signature.

T.E.T. 65 is a letter from the National Action Council of the Congress of the People, dealing with the National Day of Demands. It is signed by Moso Moolla, for the National Action Council, on the 16th February, 1955.

T.E.T. 66 I am leaving out, My Lord.

T.E.T. 67 is the printed "Call" to the Congress of the People.

T.E.T. 68 is the booklet "Welcome Freedom Volunteers."

T.E.T. 71 is a letter from the National Action Council 18th February, 1955, Moso Moolla, National Action Council, and it states that copies of lectures which are meant to be studied by groups of Volunteers are being forwarded under separate cover. There is an envelope addressed to Mr. T. E. Tshunungwa, Queenstown.

Finally, My Lords, there is the document T.E.T. 72, a roneed document, the lecture "The World We Live In", the same as A. 84.

NO FURTHER QUESTIONS.

CASE RESUMED TO THE 28th SEPTEMBER, 1959.

COURT ADJOURNS.
COURT RESUMES 28/9/1959:

MR. TRENGROVE ADDRESSES COURT:
(Adjournment of hearing from 1st to 6th October, 1959, instead of a fortnight.

MR. PLEWMAN ADDRESSES COURT:
(Defence agrees to Crown's request for adjournment)

DECISION DEFERRED:

FREDERICK PAULUS HUGO, duly sworn.

EXAMINED BY MR. TRENGROVE: You are a head constable in the South African Police, at Queenstown?— At Springs at the moment.

And in March of 1955, where were you stationed?— At Queenstown.

Now on 21/3/55, did you get certain instructions from Head Constable Bouwen?— Yes.

And acting on those instructions, what did you do?— I searched the premises at 852, Queenstown Location.

That is a residence?— Yes.

And it is the residence of who?— Ben Twake.

And what did you find there?— I took possession of a carton containing books and documents.

Where did you find that?— In one of the rooms, it was standing on a table.

Now, in addition to this carton containing books and documents, did you remove any other documents from those premises on that day?— No.

And what did you do with this carton?— I handed it over to Det. Hd. Constable Bouwen.

When?— Immediately after the search.

Did you hand over anything else, any other documents?— No.

(No further questions)

NO CROSS-EXAMINATION:
DANIEL NICOLAAS CHRISTOPHEL JOHNSTON, duly sworn. (Interpreted)

EXAMINED BY MR. TRENGROVE: What is your rank in the police?

Ek is eerste-klas spourder sersant.

Where are you stationed?

At Cape Town.

Now, do you know a person by the name of T.E. Tshunungwa?

Yes, I know him.

Would you be able to identify him?

Yes.

Would you please do so if you see him in Court?

(Witness identifies Accused 29).

Do you remember 16/10/1954?

Yes.

Did you on that day see the Accused?

Yes.

Where was that?

In George, Cape Province.

And could you tell the Court what you obtained from the Accused on that day?

I found a briefcase and I took possession of it. It was in his car in which he was a passenger. On the face of this briefcase was printed "T.E.T.

I asked who the owner of the bag was, and Accused claimed it as his property.

And did you remove anything from this briefcase?

Yes, I took possession of the whole case with its contents.

Now, what were the contents?

Documents.

Could you have a look at the documents in front of you TET.73 and 74, TET.76 to 78, TET.80, TET.83, TET.85 to 87, TET.89 and TET.90?

That is correct.

Now, where did you find those documents?

I found them in the bag.

TET.73, is a circular from the National Action Council of the Congress of the People, dated 11th August, 1954, it is addressed to all provincial committees for the Congress of the People, and it is signed W.K. Sisulu, for the Secretariat. It deals with the appointment of T.E. Tshunungwa.
as National Organiser of the Congress of the People and asks the Provincial Committees to give him support, and it also deals with the first issue of the bulletin of the Congress of the People, "Speaking Together," which is being prepared and which the writer calls upon the provincial committees to distribute. TET.74, is a letter dated 7th October, 1954, with the signature typed in at the bottom, T.E. Tshunungwa, Cape Head Office of the A.N.C. Secretariat, and it deals with an Executive meeting at George on 16/10/1954. It is addressed to a private individual. It states "This will be a very important meeting as it will be attended by representatives of the four sponsoring organisations of the Congress of the People, namely, A.N.C., S.A.O.O.D., S.A.I.C., and S.A.C.P.O. The next is TET.76, it is a letter with a typed signature, "T.E. Tshunungwa," from the office of the National Organiser, Queenstown, dated 12th October. It is addressed to the Secretariat of the Congress of the People, Johannesburg. TET.77, is a typed document, headed "The African National Congress, Cape Province," minutes of the last executive meeting held in Cradock on the 11th September, 1954. I read paragraphs 5 and 6 - Minutes, Matters arising therefrom ....

It deals with a letter received from Mr. Ngotyane, and it says the following points were decided upon -

1) The formation of a provincial action council and 2) the formation of a regional action council and 6, deals with the relationship of C.O.P. with sponsoring organisations -

The National Organiser in reply to a question put forward by Professor Z.K. Matthews, clearly defined the position of C.O.P., which is not an organisation but a
campaign. The C.O.P. National Action Council is machinery that has been created by the sponsoring organisations to carry on the campaign, and the N.A.C. is responsible to the sponsoring organisations.

And among those present, it states -

The meeting was opened by Professor Z.K. Matthews, and the people present include...Mayekiso, Tahunungwa, Ngotyane and Mrs. Matamela.

TET,78, is a typed copy of a letter dated 12/9/1954, it is addressed to the secretary, S.A.C.O.D., Cape Town, and it comes from T.E. Tahunungwa for the A.N.C. Secretariat.

That is typed in. TET,80, is a copy of a letter headed the Natal Action Committee of the Congress of the People, dated 8/9/1954, it is addressed to the secretariat of the National Action Committee of the Congress of the People, Johannesburg and it submits a report of the first conference of the Congress of the People at Durban on 5/9/54. It is signed on page 2, N.C. Naicker.

TET,83, is a letter dated at Port Elizabeth, the 1st October, it is addressed to T.E. Tshunungwa Queenstown. It relates to the Congress of the People and regional conferences, and it comes from C. Mayekiso. TET,85, is a letter headed South African Indian Congress, 7th October, 1954, the names typed in at the bottom are Y. Cachalia, and some other name, for the joint honorary secretaries of the S.A. Indian Congress, and it is addressed "To Whom it may concern."

This is to certify that Mr. T.E. Tshunungwa has been appointed national organiser by the action council for the Congress of the People. All constituent bodies of the S.A. Indian Congress are hereby directed to give him every possible assistance.
TET.86, is a letter from the National Action Council of the Congress of the People dated 6th August, 1954, also addressed to whom it may concern and it states that Mr. Tshunungwa has been appointed national organiser for the Congress of the People. The joint secretaries, typed in at the bottom of the letter, are Mr. P.Q. Vundhla, Y. Cachalia, P. Byleveld and S. Lollan. TET.87, is a letter from the S.A. Congress of Democrats, Head Office, Johannesburg, dated 6th August, 1954, from the national secretary for the national executive committee. Also addressed to whom it may concern, and Mr. Tshunungwa has been appointed national organiser to the Congress of the People, and as one of the sponsoring organisations the writer of the letter asks the people to make contact with him in other centres and to give him assistance.

TET.88, is a letter dated 6th August, 1954, from the African National Congress, signed W.M. Sisulu, Secretary-General, A.N.C., it is also addressed "To Whom it may concern, and relates to the appointment of Mr. T.E. Tshunungwa as national organiser, and the second paragraph -

He has also been appointed into the secretariat of the African National Congress. He is therefore officially the A.N.C. Organiser.

It calls upon all branches and individual members to give him assistance. TET.89, is a letter headed "National Action Council for the Congress of the People." It is addressed to the Provincial Treasurer, and it purports to be travelling expenses of the provincial executive members, and it contains inter alia the names of Mr. Ngotyane, No. 4, of Cape Town. (6) Mr. C. Mayekiso, (8) Mr. T.E. Tshunungwa, and it is signed on page 2, "Enoch Tshunungwa, for the Secretariat." (30)

TET.90, is a roneoed document, Draft Plan of Campaign for the
Congress of the People. It is handed in for possession only.
(No further questions)

CROSS-EXAMINATION RESERVED:

CLAUDIUS JOHANNES WOLFFAARDT, duly sworn,
EXAMINED BY MR. TRENGROVE: We are now dealing with the docu-(5
"JJ" -- they relate to J. Jacks, a co-conspirator.

You are a sergeant in the S.A. Police, at Korsten,
?-- That is correct.

Now, on 27/9/55, did you remove certain documents from
a house situate at 11 Talbot Street, Korsten, Port Elizabeth(10
?-- I did.

Who was present when you removed these documents?--
J. Jacks, the owner of the house was present.

In addition to this evidence, the Crown relies on the
admission made at the Preparatory Examination.... (15
BY MR. JUSTICE RUMPF: Did you know who was the owner of
the house?-- Yes, I knew him.

Did you know that he was living there?-- I did.

Was he the only man living there, or were there
others in the house?-- I don't know about any others. (20
At the time he was alone.

Did you ask him anything about those documents?-- No,
I didn't ask him.

You just took the documents?-- I just told him I was
making a search.

Did you give him a receipt?-- I can't remember.

Did you make a list of the documents?-- Yes, I made
a list of the documents.

Did you give him a copy of that list, or can't you
remember?-- I can't remember. (30

Was any other policeman with you?-- Yes.
Who?—There was a detective with me, I can't remember his name.

EXAMINATION BY MR. TRENGROVE CONTD.: At page 1500 of the Preparatory Examination Record, Vol. 8, at the top of the page the record states—"The next is J. Jack, Accused No. (5104. On 27/9/1955, he was searched by Constable C.J. Wolfaardt, of the S.A. Police, Korsten, Port Elizabeth, at his house at 11 Talbot Street, Korsten, Port Elizabeth, in his presence documents now handed in as JJ.1 to 8 were seized."

That should be read with 1503— at 1501 there is a further (10 search at this address, and at 1503, in the middle of the page, by Mr. Coaker: "The Defence admits the facts with regard to the three searches and the documents now handed in as set out by my learned friend."

BY MR. JUSTICE RUMPFF: What the admission amounts to is— that he searched the house at that address in the presence of J. Jack the Accused.

BY MR. TRENGROVE: Yes, and in his presence took possession of the documents.

BY MR. JUSTICE RUMPFF: Yes, JJ.1 to 8.

EXAMINATION BY MR. TRENGROVE CONTD.: Milords, I now beg leave to hand in documents JJ.1 to 8. JJ.1 is a roneod document, report about the joint executive meeting of the Cape Sponsoring Organisations for the Congress of the People, held at George on 16th to 18th October, 1954. The para— graph 1 sets out representatives that attended, 6 from Western Cape, 2 from each sponsoring organisation; (b) two representatives from the Eastern Cape region, representing the A.N.C., (c) one representative from the Eastern Cape Region representing the S.A.C.P.O., (d) two officials of (30 the Cape Provincial Executive of the A.N.C.; (e) two represen-