

c.c.

IN THE SUPREME COURT OF SOUTH AFRICA  
(TRANSVAAL PROVINCIAL DIVISION)

CASE NO: 18/75/254

DATE: 26th APRIL 1976

THE STATE

vs

S. COOPER AND EIGHT OTHERS

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LUBBE RECORDINGS (PRETORIA)

COURT RESUMES AT 2 P.M. ON 26TH APRIL, 1976.

SATHASIVAN COOPER: (affirmation)

CROSS-EXAMINATION BY MR. REES (continued: Mr. Cooper, just before we adjourned for the lunch break your Counsel told the Court that there was nothing which BPC has to hide about the sources of its funds to finance the trial. --- I don't think he said that, Your Lordship. I think he said that there is nothing, he does not see anything, he did not mention BPC. I think he talked about the accused and he spoke specifically about my attitude. He did not mention BPC. (10)

Now having heard what he said, Mr. Cooper, since you are so accurate, would you care to tell the Court what the source of the funds are that is paying for your defence? --- No, I don't care to tell the Court. I think that is a matter entirely between my attorney and myself. It has nothing to do with the prosecutor. I don't think the Court is interested in that.

Never mind what the Court is interested in Mr. Cooper, you are not prepared to tell the Court? --- I am not, yes, I said so. Because I think it is a matter of purely between my attorney and myself and it has got nothing to do with you or (20) this, and I think it is belabouring the Court's time.

Mr. Cooper, I am not going to press you now, but you are not relieved of this point so you better keep thinking about it. --- No, I won't keep thinking about it. It has got nothing to do with my defence.

It has nothing to do with your defence? --- No.

Let us hear a little more about..... --- As I stand in this box.

Let us hear a little more about your defence, Mr. Cooper? Is your defence just what you want to lay before the Court? (30) Don't you want to be frank with the Court? --- I don't understand/...

understand that question. Can I just hear that again?

Don't you want to be frank with the Court? --- I have been frank with the Court.

Oh, have you? --- Yes. If there is a suggestion that I haven't been frank, I would be willing to entertain that suggestion and to.....(intervention)

Mr. Cooper, you haven't been frank on this point about where your money comes from. --- That has got nothing to do with the charges facing me.

Secondly, Mr. Cooper, when you had your consultations with(10) the Defence, did you ask His Lordship's permission if you can sit down, or are you showing a gross disrespect to the Court? --- If it is a disrespect, I did not intend it. I assume that .....(intercession)

Well, I think you should ask His Lordship if you want to sit down and get his permission. --- Well, Your Lordship, may I sit down?

THE COURT: Are you tired? --- Yes, Your Lordship. Thankyou.

MR. REES: Mr. Cooper, who suggested that you should get yourself a chair? --- Your Worship, I just chose that I would (20) go to that chair.

But on whose suggestion, Mr. Cooper? --- Does one have to do a thing at anybody's suggestion?

I have to remind you that I am not..... --- This is example of racism, Your Lordship, no credit to Black people at all. Black people don't have the intellect, don't have the ability to think on their own to do things for themselves. Nobody needs to suggest to me that I need a chair if I am tired to sit down.

Did anybody suggest to you, Mr. Cooper, or not? --- Nobody suggested it to me, I just, the chair was on the side. (30)

Mr. Cooper, now you must be careful. All the Policemen here/...

here and all the officials here heard suggestions being made to you this morning. Now think about it again? --- This morning?

This morning? --- Your Lordship, if there was that suggestion I didn't entertain them.

Did you hear them? --- I may have heard them, I can't say that, I don't recall such a suggestion to me.

You don't recall somebody saying to you you should sit down? --- No, I don't recall that.

Not? --- I don't recall that. I only recall when we were here before the adjournment Counsel, Mr. Soggot, suggested that(10) if I feel tired I should utilise the chair.

Yes, you did not think fit to ask His Lordship's permission, did you? --- I think I have explained, no disrespect was intended. I saw Mr. Van der Merwe sitting, I don't think he asked Your Lordship's permission. I don't know, maybe I am incorrect about that. I assumed this was a natural procedure.

Didn't one of your co-accused say to you that you should sit down? Loud and clear for everybody to hear, Mr. Cooper? --- Now?

Not now, any time since you started giving evidence? --- (20) There may have been suggestions like that. I don't recall that.

Is there something wrong with your memory? --- There is nothing wrong with my memory, it is such an insignificant thing that if there were suggestions made that I should utilise the chair well, it did not cross my mind at all to remember it, that so and so said I must use the chair.

You don't look very tired, Mr. Cooper? --- Your Lordship, I think that is a ridiculous statement. When a person is sick, does a person look sick? When a person is tired does a person necessarily look tired? (30)

I am/...

I am asking you Mr. Cooper, do you feel tired? --- I have said so, Your Lordship, yes.

Why do you feel tired? What made you tired? --- I don't know. I can't answer that. I haven't had a medical examination to find out what.....(intervention)

Are you tired in your head, tired in your arms, or what? --- Partly in my legs and partly in my head.

MR. SOGGOT: My Lord, I have refrained from not disturbing my Learned Friend's cross-examination hoping to see the relevance, but this does seem with respect, so remote from this trial as to (10 what his physical condition is. My submission is that there is no significance which can be attached to his wishing to sit down. It can have nothing sinister about it.

MR. REES: Mr. Cooper, when you had your interviews with the Defence, that includes the attorneys and the Counsel, did you always interview them alone, you, or were you in the company of other accused at the various interviews? --- Both.

Both. Which was the most frequent? --- Individual interviews.

And how often did you have group interviews? --- We were brought to trial on this matter on the 31st of January last (20 year, and since then we have had Defence, I can't remember, I did not keep a diary on the various - pause -

Did you often have group interviews Mr. Cooper? --- Well, in comparison with the individual interviews, no.

Well, what would be the percentage of group interviews? --- Your Lordship, as I said I did not mark them down. I can't give Your Lordship any indication to say it was 60 per cent, it was just less than the individual interviews.

Did you have more than one group interview? --- Yes.

How many group interviews can you remember? --- I can't (3

remember/...

remember, no.

Can you remember more than two? --- There were many, I can't say it was ten or it was five or it was a hundred, I can't say that. There were many, I did not bother to count.

And did you have interviews, did you deal - did you instruct your Counsel to call certain persons as witnesses? --- Yes.

Do you know who the persons are? --- That I refuse to divulge, I knew who the persons were who were called to give evidence.

Now you just listen to what I ask you, Mr. Cooper. I have(10) not asked you to divulge any names, I just asked whether you knew who they were? --- I said yes, and I said I would not give the names of who they are, who they were I knew about, that I am prepared to talk about.

I have not asked you who they were, do you understand? Just please ... --- That is why I said I refused to divulge the names of who they are.

You need not jump the gun, Mr. Cooper. --- If I did I am sorry, Your Lordship.

Were you visited, you or the other accused visited whilst (20) you were in prison by Winifred Kgware? --- Mrs. Kgware, yes.

How often did she visit you? --- I think it may be misleading, it was not a visit. We get visits on Tuesdays and Thursdays, prison authorities permitting, but this was in the nature of Mrs. Kgwari being brought by one of the Defence team ....

By the attorney, Mr. Chetty? Why do you talk about one of the Defence team, she was brought there by Mr. Chetty was she not? The instructing attorney? --- I can't remember that.

Well, which one of the Defence team brought her? --- That is why I said one of the Defence team. (30)

Yes, and/...

Yes, and Mr. Barney Pityane? --- That is correct.

Did they come on the same occasion? --- I can't recall whether it was the same occasion or a separate occasion. It could have been the same occasion.

What did they come to do there? --- It was - well, they were in consultation with our Counsel and our Counsel brought - I don't know whether it is Counsel or attorney as I say, one of the Defence team had brought Mrs. Kgwane I remember, and it was in the nature of whether she was willing to testify or not.

You had a discussion what she was going to testify about? (10) --- I said willing, whether she was willing to testify, not what she was going to testify.

Answer the question? --- I have answered it.

Well, how was the question of whether she was willing - why did she have to come and see you? --- Well, if she was unwilling then the matter ends there.

But the attorney could have found out from her whether or not she was willing or unwilling? --- Well, Your Lordship, I think we accused have been specific about our defence and requested that we would like to see Mrs. Kgwane, when she did come along (20) it was put to her whether she would like to give evidence and there the matter ended.

And did she say she would like to give evidence? --- I am not willing to divulge that.

You need not smile about it, it is not very clever, Mr. Cooper. --- No, no, I am not being clever, but I am not willing to divulge that.

You are not willing to divulge that? --- No.

Whether or not she was prepared to give evidence? --- Whether she was prepared or not. (30)

Are you/...

Are you still saying that you are being frank with the court? --- I am being, yes.

What was the subject matter on which you wanted her to give evidence? --- The evidence in this case.

On what particular subject matter, Mr. Cooper? --- Well, on her involvement in the Movement.

What has that got to do with you? What her involvement is? --- I think BPC is being charged here and I am being charged here as well as my fellow brothers as representatives of BPC and also SASO, so I don't think you can divorce BPC from us and(10) vice versa.

How many children does your father and mother have? --- Three.

Yes, so you haven't got eight brothers. --- Your Lordship, the accused in the dock are my brothers.

Mr. Cooper, then ... --- Although they were not born of my parents specifically, but their parents are my parents. In the Black community we speak of the Black brotherhood, when we speak of other Black people you look upon them as brothers and sisters. You do not look upon them as somebody who is not part of you. When you speak to somebody you talk to them as my brother, you (20) talk to them as my sister. Later on it may transpire that that person can eventually be your sweetheart or your lover etc. but they are your brothers and your sisters, and elderly people are referred to with respect mother, father, etc. This is how ...

And the Black policemen who gave evidence here, what about them? --- What Black policeman?

Any Black policeman? --- He is a Black policeman.

Yes, he is not a brother? He is not a Black brother, is he? --- He is a potential Black brother, yes.

But is not now? --- Not now, no.

(30)

Why not/...

Why not now? --- Well, he has shown himself not to be for this type of brotherhood that Black people are used to from time immemorial, although I would like to correct that, in detention with Black policemen they have referred to me as Black brother.

But you haven't accepted that? --- It is difficult to accept, very difficult to accept.

Alright, you say you can't tell us what you wanted Mrs. Kgwari to give evidence on, what the subject matter was? --- I said her involvement in the Movement. (10)

Then you had a Mr. Barney Pityane? --- Yes.

He visited you? --- That is correct.

The same subject matter? --- The same, Your Lordship. Both visited us in the company of any of the Defence team, they would have done so on the basis of their preparedness to give evidence.

But Barney Pityane came again on a second occasion? Didn't he? --- Shortly afterwards? --- He may have, I can't be specific on that.

Mr. Drake Koka, did he visit you? --- Yes, he visited me.

What did you discuss with him? --- The same. (20)

What was that? --- The willingness to testify on our behalf in the case and ....

Did you ascertain what it was he was able to say? --- Oh no, I know what Drake Koka's involvement is as has been put out in the documents, a large part of the State case is connected with Mr. Drake Koka.

Mr. Cooper, please answer the question. --- That I am doing.

Do you know what he was prepared to say? --- Oh, what he was prepared to say?

Yes? --- No, Your Lordship. I think that would have been (30)  
pre-judging./...

pre-judging.

It is not pre-judging, how would you find out what the man will say if you don't ask him: are you prepared to say this, that or the other thing? --- I think I can be forward on this and say that I know what Mr. Koka's beliefs are. I know what is his involvement in the Movement. I know Mrs. Kwgare's involvement in the Movement. I know Mr. Barney Pityane's involvement in the Movement.

Mr. Cooper, you still don't know what the people are prepared to say? --- What they are prepared to say? (10)

Yes. --- Well, in this case it was not a case of what people were prepared to say, but it is a case of whether the people were prepared to come and speak the truth in our defence and whether they were willing to testify, but the final choice rests with us jointly with our defence team.

Yes, now you say whether he is prepared to speak the truth. --- That is correct.

Did you try to ascertain from him what the truth was? --- Well, the truth of our activities, that our activities were such that.....(intervention) (20)

Did you try to ascertain from the man what the truth was? --- As I said I did not specifically bother about that aspect, what I did - pause -

Why not? --- What I did do was ask Mrs. Kgware for example, I would not say Barney Pityane, because I can't remember what happened there, I asked Mrs. Kgware for example whether she was willing to testify as to the true status of BPC, the true involvement of BPC in its various facets, this is what happened.

How do you know that what she regards as the truth is the same as what you regard as the truth? Didn't you enquire from her? (30)

It/...

--- It was dealing with this and I put forward the truth as a bit of forwardness on my part, but I can be reasonably sure that Mrs. Kgware or Mr. Barney Pityane or anybody in the Black Consciousness Movement who have had ... (intervention)

Do they know what the truth is? --- Your Lordship, that is putting words into my mouth.

Well, take them out and give them to .. --- The leaders in the Black Consciousness Movement I would say are exponents of Black Consciousness, exponents of the Black solidarity approach to our problems in this country, exponents of the eventual (10) ... (Intervention).

Mr. Cooper, answer my question? --- As I am. I think what I am saying is by and large the truth in respect of what Mrs. Kgwari would understand by it.

Yes, so you had to canvass with her as to what she understood the truth to be? --- No, no. This was just a question of meeting her, it was the first time I had met her after many years, and how do you do, etc. etc. Our Counsel was there, and whether she would be willing to testify, and then she went off, had consultations with our Counsel. (20)

After you and she had canvassed what you considered to be the truth? --- No, Your Lordship.

Didn't you refer at all to what they had to - to any aspects of the evidence you wanted her to give? --- No, no aspects at all specifically, but in general that she would be required to speak about her involvement in BFC.

Mr. Cooper, Drake Koka, about how many times did he come and visit you in prison? --- Well, on a few occasions, I cannot say specifically how many.

So it would have been more than just enquiring from him (30) whether/...

whether he was willing to give evidence or not? --- On the first I think occasion that he had come up it was on the basis of the willingness or otherwise to testify. And subsequently when, as he came up, it was in the nature of passing the prison by. I remember.....(intervention)

Of passing the prison by? --- That is correct.

I don't follow you. --- Well, he is a person who lives in Johannesburg, in the district of Johannesburg, and he would have been with our attorney for example who would have hopped in to give us certain defence preparations, etc. and Drake Koka would be with him on those occasions. (10)

Drake Koka would have been assisting him? --- Well, I don't know if he was assisting him. I assume that Drake Koka was the .....(intervention)

Why would he come into the prison? --- Well, he would have come there just to see us of course.

When last did Drake Koka come to see you in the prison? --- I can't recall that.

How long ago, Mr. Cooper? --- I don't know.

Was it months, or less than a month? --- I would say it was a few weeks ago. I would not say months. I would not go into months, Your Lordship, it was a few weeks ago. (20)

Yes, he came to see you on the 26th of March, on Friday the 26th of March? --- I did not diarise that event.

Would that be correct? --- I can't say that is incorrect.

You can't say it is incorrect. --- No, I can't say it is incorrect.

What did he come to you about on that occasion? --- I can't recall that. I didn't diarise that and say: today Drake Koka came and we discussed x, y, z, and bring along my diary and say that this is what we discussed. (30)

I am/...

I am not asking you for your diary, I want your recollection of the event? --- I don't have a diary of those facts.

Mr. Cooper, I am not interested in whether you have a diary or not, can you remember what you and Drake Koka discussed? --- I don't recall that incident at all.

You don't recall it? --- No.

How is it that your memory is so very clear as to what happened in meetings three/four years ago, if you can't remember what happened three weeks ago? --- Well, Your Lordship, the meetings that I specifically referred to if I recall correctly (10) were three, and these are the three meetings that I know that I specifically was present at, these three meetings form the gravamen of the State's allegations and they are the three meetings which have been distorted by the State and because ...

Mr. Cooper, since you say that ... --- and because of these events I remember ... (speaking simultaneously).

Just a moment, the State has distorted what, who has distorted what? --- I just said that ...

You said the State distorted three meetings, how did the State distort it? --- Well, calling for example the Allan Taylor (20) Residence meeting, calling Harry Singh to give evidence here saying that there was a meeting in between the break when there was no meeting present and that ....

What was the distortion there? --- It was an obvious lie because there was no such meeting.

Why do you say the State distorted it, Mr. Cooper? --- Well, it was a State witness, it was not a Defence witness.

Now what do you mean that the State distorted it, the State lays the evidence before the court that it has? --- Well, I don't know if whether one can divorce the State witness from what the (3<sup>0</sup>)

State/...

State puts forward and vice versa.

Since you are now so clear as to what exactly happened more than two years ago, why can't you tell us what the subject of the discussion was three weeks ago? --- I said I don't remember that meeting at all, it may have taken place, I may have been present there, but I can't recall I spoke with Mr. Koka on a particular matter or not.

What did Matt Seratsi(?) come and see you about? On the 13th of January to be specific? That is the Rand Daily Mail newspaper, Mr. Cooper? --- I don't recall Mr. Matt Seratsi. (10)

The reporter, you don't recall it? --- No, I don't. He may have been there, I don't remember him specifically.

Alright, you don't know and you can't tell us what was discussed with Mr. Drake Koka at any of the meetings which you had with him in the prison? --- Well, within the scope of canvassing with him whether he was willing to give evidence or not and put the state of affairs as they existed and as they do exist ...

So you put it to him? --- Well, if I would have spoken to him on that I would have asked him whether he would be willing to give evidence and the State is alleging that we are out for (20) racial hostility. Now we would - and violence - now we would like you to testify and give your version of this type of allegation.

Mr. Cooper, didn't Mr. Koka also attend here at court while the court was in progress? --- Yes.

Often? --- I did not keep a record of that, I don't know. It was a few times.

He was here often or not? He was here fairly frequently, wasn't he? --- I said he was here a few times.

What do you mean by a few times? --- I remember him on a (30)

few/...

few occasions, I don't remember him on ...frequently or often.

What is a few occasions? Is that two or more than two?

--- Well, not many.

I still want to know at least how many occasions can you remember him being here? --- I can't say that.

I want to know? --- I can't remember how many times, it may have been three times, it may have been five times. I can't recall that.

You can't recall? --- No.

Just think back a little, it is not such a long time since(10) this court has been in progress and Mr. Koka is an important man and he is a potential witness? --- I can't assist Your Lordship on that, sorry.

Can you tell the court how many times he visited you in prison? --- That also, I think I tried to explain my position there.

When Mr. Koka visited the prison on any of the occasions did he speak to you only or were all the accused present at the interviews? Or were more than one of the accused present at the interviews? --- The highest I can go on that is there were more than one accused present of which I would have been a part, that(20) is all, I can't say that accused so and so and so and so was present, or not, that I can't assist Your Lordship on.

How is it that you have got such problems, Mr. Cooper? --- I just don't remember them, they are not significant enough for me to remember that type of thing.

Oh, your brothers are not significant? --- I did not say my brothers, Your Lordship, I think they are the most significant persons, otherwise I would not be involved in the Black Consciousness Movement at all.

How many times did you say this Mrs. Winifred Kgwari visited(30) you?/...

you? --- I did not say how many times.

Well, how many times? --- I can't say that, I don't know.

It is funny you don't know, think back a little bit? How many times did she visit you at the prison? --- I can't assist Your Lordship on that, it may have been one time, it may have been twice. I don't think it could have been more.

You don't think it could have been more than two, could it have been twice? --- I can't say, no.

The first time she came there together with Barney Pityane and she was brought in by Mr. Chetty? Isn't that so? --- That(10) may have been so. I can't assist on that.

And very shortly afterwards she was there again. Who else was there? What about Mr. Steve Biko, Mr. Cooper? Did he ever visit you in prison? --- He did, on the same basis, I cannot recall how many times he was present or whether I was present at all those consultations or not, no.

And Mr. Richard Turner, did he visit you in prison? --- Dr. Turner, yes, he did come one - on one occasion, just one occasion.

What was the purpose of his visit? --- He accompanied Adv. Soggot. (20)

Yes, and what was the purpose of his visit? --- No, there was no purpose of his visit, he had accompanied Mr. Soggot. Mr. Soggot was present, I think it was a Saturday, Mr. Soggot had just come to collect some material which one of the accused was preparing.

What was the material? --- I don't know, it may have been a document or something that the accused was writing, I am not too certain on that, but something that Mr. Soggot had wanted from the accused, and then Dr. Turner had been along with Mr. Soggot.

And then this Mr. or Dr. Manas Buthelezi? Did he visit you in prison? --- No, not that I can remember. (30)

You had/...

You had discussions here in the court with Dr. Richard Turner? --- No, I had no discussions with Dr. Turner.

Did you talk to him at all? --- Oh yes.

How often? --- Well, I can't remember that, I think Dr. Turner was here on many occasions, and I must have spoken to him, greeted him, etc. etc. I can't recall that.

And this Dr. Buthelezi, did you have discussions with him here in the court? --- No.

Did you speak to him at all? --- We have spoken to him, yes.

When you say "we" who are you referring to? You and who? (10)  
--- I am including - I am assuming so, one or two of my fellow accused.

Now let us hear about Steve Biko, did he visit you in prison?  
--- I said so, Your Lordship, yes.

How often? --- I can't remember that.

When about was the last occasion? --- That I am afraid I wont be able to throw any light on.

That was at the tail-end of February, wasn't it? --- It may have been so, I can't dispute that.

Have you seen him again since then? --- I don't know. Mr.(20)  
been  
Biko had/present in court as well just as Mr. Koka had been present, and I can't recall whether that was before this occasion or after this occasion, because I don't remember the tail-end of February.

Is Steve Biko also a restricted person? --- That is correct.

Where is he restricted to? --- Kingwilliamstown.

How is it then that he could be here, or don't you know? ---  
I think you are aware, Mr. Rees, that he has been subpoenaed to appear.

Was that before the State case was closed or not? --- I don't know, I should imagine it was before, I don't know, I am not (30)

too/...

too certain.

Can you tell the court what was the purpose of having him here before that period? If you can't just tell the court if you don't know? --- I just met Mr. Biko here in court to say hallo, etc. etc. and what his purpose was in meeting with our defence team I can't say.

Mr. Mantata, when was he here? Did he visit you in prison? --- I don't recall that.

Mr. Thomas Mantata? --- I don't recall that, he may have. Yes, he did visit me in prison. It was a prison visit. (10)

Just a friendly visit? --- It was a friendly visit, yes. I don't recall him visiting in the capacity of a potential witness, he could have been present, I can't dispute that.

And Mr. Dubazane, Norman Dubazane? --- I think Mr. Dubazane was present once in prison, but I am not too certain about that. He could have been and he could not have been.

I would just like to know one other aspect, you declined to take the oath. Would you tell the court what your reasons are for that? --- Well, I am a Hindu and I believe that the oath that was issued to me was binding in a Christian sense. (20) And I am not a Christian.

Why didn't you tell the court that you were a Hindu? What kind of oath would be binding on a Hindu? --- What I did undertake, that is affirm that the truth would be spoken.

Do you consider that to be binding on you? --- Oh yes, I do.

But you did not think to tell the court that you are a Hindu. Are you a practising Hindu? --- Yes.

Why didn't you tell the court that, that you are a Hindu and you don't want to take a Christian oath? --- I did not think it necessary, Your Lordship. The registrar asked me whether/... (30)

whether I would swear to God and I understood this to be in the Christian sense and I said I would prefer to affirm to save all the rigmarole.

Hasn't the Hindu also got a God? --- That is so, I think the Hindus believe in <sup>a</sup> Pantheon, it is not entirely correct to say a God.

And if the Hindu says that we swear to God or a Pantheon means more than one God, swear to the Hindu Gods wouldn't that have been binding on your conscience? --- As I understand the position one either takes the oath and swears to say the truth (10) by God, or one affirms, these are the two ways of giving evidence as far as I know it, and I chose the affirmation.

Did you consider that if you had sworn by the Hindu Gods that you would have been more bound to tell the truth? --- No, my understanding of it is that the affirmation has equal effect with the oath, unless I am mistaken on it, but this is what I understood.

I am interested on the effect on your conscience, Mr. Cooper? --- That is what I am talking about, I am not talking about the effect on anybody else's conscience, on mine alone, (20) that I considered it the equivalent of the oath. That was the alternative. I considered that giving evidence from the - giving a statement from the dock has less effect, that is the only comparison that I can make.

We were still dealing with this document EXHIBIT G.4 and I think we got down to about a quarter of the way down from the top, and you said - and you had already finished, and you gave us a long explanation about the Mob who are here to redeem the good and to destroy the evil. Then your Mr. Co-ordinator continues : "Your judgment day has come" - will you just continue (30  
with/...

with that please? --- Yes. "Iam not going to wait for your confession."

Just a minute. Start from the beginning. "Your judgment day has come." --- You have just read that, so I thought I would just cross over it. "Your judgment day has come,

Mr. Soldier Boy, and we are going to wait for your confession."

That says what it means there, and well, as I explained that the.....(intervention)

Complete that whole piece. "..your confession.." carry on? (10) --- As I explained the utilisation of a cop is symbolic and here is referred to a soldier boy.

Symbolic of what? --- Symbolic of oppression and the various manifestations of oppression.

Symbolic of the Whites, isn't it? --- Well, that is an interesting point.....(intervention)

Is it symbolic of the Whites, yes or no? --- .....because one cannot divorce Whites from oppression in this country, and one cannot talk about oppression in this country without reference to Whites. The two go together, they are part and parcel of each(20) other. I don't think one can divorce these two categories.

You will save yourself a lot of time and a lot of breath if you tell the Court that the soldier boy and the Policeman there are symbolic of what you call the "White oppression." --- But I have explained this.

Is that so, or not? --- I said so, yes.

Well, carry on? --- "One, about tumult(?); (2) pass laws; (3) influx control; (4) permits; (5) job reservations; (6) torture and brutality." These are the various crimes that are facing this particular centre of attraction at this time. (30)

The/...

The centre of attraction being the sins of the policeman or soldier who is symbolising the Whites? --- Who is symbolising White oppression in this country, yes.

Yes, carry on? --- "Why don't you say anything, and so far he hasn't said anything, he is so scared ...?... that his mouth is full of it."

Yes, is that now the White population who are so scared, Mr. Cooper? --- Your Lordship, it is referring to this person who as the headnote says is visibly terrorising himself in cold sweat, and he has not said anything so far. (10)

Why is he afraid? --- He is afraid because of his circumstantial position.

Yes, induced by the brave warriors who have now got one man at their mercy, isn't that so? --- Well, I don't know whether one could draw that inference, absolutely, there is the suggestion that the mob are the children of the revolution, and further than that it doesn't go.

Carry on? --- "With his mouth wide open, through the playing on words, he is dumb, that is why" and then "Dogs don't answer men, they whimper." (20)

Yes, who are the dogs, the White man tied up at the mercy of the people who have overthrown the State? Isn't that so? --- Well, in this context dogs obviously refers to the White man now being stripped of his power, or the policeman being stripped of all the facade of control and domination and supremacy and that his bark was worse than his bite, this is what it amounts to.

Yes, you have also referred to the Whites as pigs, haven't you and your BPC brothers? --- Well, I don't recall specifically referring to Whites as pigs, Your Lordship, but the colloquial usage of the term "pigs" is a reference to policemen. (30)

What about/...

What about Black nana? didn't that refer to the White pig? --- I will have to look at that, I don't know.

Your memory seems to have - you seem to have some problems with your memory today? --- If you heard about Black nana, and I am talking about before and after the revolution here, I can't be expected to just know what Black nana stands for, or what language is used in Black nana.

Mr. Cooper, when you were giving evidence here in chief, you showed a tremendous knowledge of the documents, your ... ---(10) The documents, I would like to clarify that, the documents that I am aware of that I know about and that I am still aware of, if you want to question me on that aspect, I will show that I am as familiar as I was in my evidence in chief about those documents, purely because I was involved in those documents, because of the significant events in my involvement with BPC, and this is purely the reason that I would remember them specifically, also that they were distorted before this court, and it is my task to disabuse the court of the impression unfortunately created by some of these distortions. (20)

Mr. Cooper, I suggest you are past master at distortion? --- I don't know what that means?

What? --- I don't know what that means, no.

What does it mean, do you have trouble with the word past master, or do you have trouble with the word distortion? --- Both.

Oh, I see, right, carry on? --- Then the co-ordinator says:

"So this is what you are really like, I have always had this burning desire to find out what makes you tick. Now

I know it is not the time bomb inside you" - the same ironical reference - type of playing on words, time bomb, (30) revolting/...

revolting, revolution, his mouth is wide open, he is dumb, etc., dogs don't answer men, they whimper. - "You are so scared, your bones and teeth are making a clicking sound."--We have found out why they are supposed to be clicking. - "This is the first time I have made a cop work under my own house and it is my pleasure" - sorry - "our pleasure. We have been dying to meet you for so long" - a play again on the word "dying to meet you for so long" - it both means actually dying and otherwise. "We are dying by the hundreds daily of starvation, poverty, cold, (10) torture, pain and in jails, ghettos, workhouses, hostels, mines."

The fantasmagoria of all these aberrations is passing before his mind as it were and ..... (intervention)

No, Mr. Cooper, it is not passing through his mind, this is what your mob is drawing to his attention, Mr. Cooper, isn't that so? --- Your Lordship, language is both literal and figurative, just as Mr. Rees in this court when I only spoke of mad dogs and I said I would have attacked you when I first saw you, Mr. Rees said "you do not have the guts". Now that is if I in-(20) terpret it the way Mr. Rees did, I would have interpreted it literally, and any person with any degree of common sense knows that guts every person must have unless it has been specifically removed by an operation. We are talking figuratively of language, we are not talking literally of language. If you take every word and say White, obviously you are talking about Whites as the colour, Black, you are not Black, you are an Indian, and I point out obviously this is not a literal attachment of meaning to specific phrases, it is usage of language as people understand it. It is not a literal interpretation, closed, (30) hermetically/...

hermetically sealed off, it can never be, this is why people refer to language as living.

Yes, Mr. Cooper, but here this is something that has been produced and people are looking at it and ... --- No, it was not produced.

Then it was intended to be read to somebody? --- No, it was just a groupworkshop effort and if anything came of it, if there were any possibilities it may have been produced, but nothing further than that. It stopped, it was over about three sessions, workshop sessions and this was towards the end of (10) September, 1972. Of December, 1972.

Mr. Cooper, I am trying to get it clear from you, isn't this a reflection of the thinking that went on inside BPC? --- No, I don't think that is entirely correct. In a certain respect it is correct but if one now says you talk of Whites as dogs here, and mad dogs, rabid dogs, that is incorrect. If you talk of the thinking of the Black Consciousness Movement and how it has certain manifestations in this piece of work-if you want to call it that we are here to redeem the good and destroy the evil. The whole theme of "Before" where the manifesta- (20) tion of oppression is - insists that what he has been responsible for in order to ... (intervention)

Mr. Cooper, the manifestation of oppression, why don't you use simple words, you mean the Whites, not the manifestation of oppression? --- It does not mean that, I have talked of Black policemen, effecting the pass-laws more vigorously and more vehemently when <sup>their</sup> White compatriots .... (intervention)

The manifestation of oppression is a vague generalisation, you were speaking of the Whites and those who support them? Isn't that so? --- I said one can't speak of Whites in isolation (30) in our/...

in our context, that is the Black Consciousness Movement, without referring to Black and White and that Whites are a problem in this country, Whites have put themselves in a position where they have openly shown themselves to be against the just legitimate aspirations of Black people, and in this context have made themselves the political foe of Black people, and this political foe .....(intervention)

Mr. Cooper, your catch phrases won't help you. --- I would have thought that this entire case is based on such catch phrases.

You have got a lot of catch phrases about the Whites who (10) have made themselves the opponents and what not. The fact is you regard the Whites as the opponents? As the enemy? ---- Some documents do say that the Whites are the enemy, some, but the range of such references is so infinitesimal in relation to the central message and to the ideas being imparted in those documents, that they are almost negligible.

But Mr. Cooper, you yourself use these phrases, you can't get away from them. You use these terms, and I am going to point out to the court how frequently you have used them, through your mouth? --- Your Lordship, as I said we refer to the (20) Whites as the source of our grievances in this country, and in this context - in a political context in this country one cannot talk of politics and say well, we must talk now of specific little points in politics without referring to the areas of dispute in them, and that is a Black area and a White area, and now I am not talking about group areas here, I am talking about the area of the problem, and in this context in this country you cannot talk of - you cannot have any effective political communication without reference to Blacks and Whites. It is common usage in the political jargon in this country. It has (30) to be/...

to be used, daily it is used everywhere. We have utilised it, various other organs utilise it, newspapers, organisations, utilise it, it must be used, because you can't talk of oppression in this country by divorcing Whites from this oppression, because they are the cause of that oppression.

Mr. Cooper, will you now get back please and tell the court when you use the words now the manifestation of oppression, were you referring to the Whites, and those who had been ... --- In what respect did I refer to it?

You referred to it a moment ago, Mr. Cooper? --- But in (10) what respect?

When you - why do you ask me? Don't you know, have you forgotten what you said? --- I haven't forgotten, it is just that I would like to know in what respect I said that, because the prosecutor goes off on a tangent every time I attempt to get to the crux of the matter.

Mr. Cooper, you gave us a long explanation and all I asked you was what do you mean when you used the words the manifestation of oppression in dealing here with - have you got where you were in that passage? --- The second page? (20)

Yes, you have gone so often at tangents that you don't even know what you are talking about. --- I regret that suggestion, it is not I who has gone off on a tangent. The prosecutor continues to and I have attempted to explain certain matters, but he ...?... the explanation.

Now Mr. Cooper, when you said the manifestation of oppression, who were you talking about? --- Well, in the context of Before and After the Revolution he is the central character in the piece and he is put out as manifestation of oppression, in that sense. We deal here now with this policeman, this soldier boy. (30)

Yes, that/...

Yes, that is now what you call the manifestation of oppression? Isn't that so? --- This is a symbol of that oppression, yes.

In other words it is the policeman representing the Whites and those who coöperate? --- I think coöperate has got nothing to do with this specifically, it has got to do with it, but it is oppression, representative of oppression in this country, one cannot talk of oppression in this country and talk of some gray oppression, etc. It is White oppression in this country. That is a fact which is universally acknowledged. (10)

Are you trying Hitler's tactics on this court? --- I should imagine that this is the opposite.

Are you trying Hitler's tactics ... --- I should imagine that this is exactly what we have been subjected to, Hitler tactics.

Mr. Cooper, what are Hitler tactics? --- I just take the example of Hitler causing World War II by putting his soldiers into Polish uniforms I think it was, getting them to cross into Poland and getting back - attacking as it were Germany, the sovereignty of the State of Germany and Hitler found this as the excuse to attack Poland, annex Poland, and hence the whole event (20) in our history which is called World War II. Now the same method, the same type of analogy can be drawn in that we are being arraigned here for crimes which have been perpetrated and perpetuated against us. Because we give expression, legitimate expression, and articulation to the area of the problems and a critical sense is attached to this, we are being arraigned for creating racial hostility, for causing violence in this country, and this is exactly not what we are about. We have been charged here for the crimes committed by Whites persistently by electing the Government parties which are consistently opposed (30) to the /...

to the very human rights that Black people ought to have availed to them.

Mr. Cooper, did you read the charge sheet? --- Oh yes.

Did you read it? --- I did.

Did you read it with some care? --- I should think so although I can't recall reading it very recently.

Well, let us have a look what it says, with what you have been charged. I can't lay my hands on it at the moment, but we will get back to it. The main charge against you is that you were trying to bring about a change in this country by violent (10) revolutionary means, that is the charge you are facing. --- That is correct.

Yes? --- Yes, that is the charge, but it is incorrect in that we are trying to bring about a change in this country, that we are trying to bring about a change by revolutionary violent means. Unconstitutionally, well, I think that has been added on, I don't know how it has been added on there, because Black people do not have any constitutional means for change in this country or the legitimate aspirations of Black people as people, they do not have basic rights in this country. They have no constitution (20) for the Black people to have a change in this country. If the Black people wanted to they cannot, and this is where BPC is offering the option to White society in this country, offering the option of a peaceful political solution to the evils facing this country. And this is what.....(intervention)

And if the Whites don't accept this option, what then?

--- Well, I don't know whether the Whites will not accept it. We are talking entirely of a futuristic situation.

Mr. Cooper, let us look at the charge against you. Would you expect people, whom you call dogs, whom you call Nazis, whom (30)

you/...

you call fascists, whom you call the enemy, to suddenly turn around and say what a nice chap this Mr. Cooper is, and his organisation? We will now coöperate with them, we must place our future in his hands? Do you expect that, Mr. Cooper? --- Your Lordship, I think that we are just dealing with those few epithets, where somebody is denied a specific thing, and the cause of that denial is another person, the person who is denied will attempt to show the denier all the time that he is being denied what ought to be given to him, and ....

Mr. Cooper, if your wife refuses you a particular plate (10) of food or a particular type of food a night, is she to blame then, or are you entitled to take any action you like against her, or blame her for it? --- If she refused to give me food I think she is to blame. If she refuses to give me food she is to blame. And if she is responsible for cooking she must be to blame. I don't see who else can be to blame. I don't expect the little baby which is in the cradle - I can't blame the baby who is in the cradle for that but ....

If she thinks some other kind of food is better for you tonight, so you ... --- Oh no, you talked of refuse food. (20) You did not speak of refuse a specific type of food, no, if I may be allowed to get back to the point, Your Lordship? What is happening with the Black Consciousness Movement's language is that the area of the problem has become the theme of the utterances by the Black Consciousness Movement in this country in order that - Your Lordship, if I may just talk about myself, I find myself suddenly in the world, and I have one right alone, that of demanding equality and humanity from the other, from anybody else .... (Intervention).

So you calmly .... (Prosecutor and witness speaking simul- (30)  
taneously)/...

taneously. --- I have one duty alone, and that is of not renouncing my choices, my freedom, sorry, through my choices. These are the two things, and if we understand this ontological pursuit, we will come to what Black Consciousness is all about.

Mr. Cooper, you are evading my questions. Please, I want to know from you whether you think the use of these derogatory terms about the Whites are going to make them love you?

--- Your Lordship, if you call a spade a spad, I don't know whether it is derogatory. It is stating a particular factual circumstance. Now the theme of our actions is White oppression (10) in this country and of necessity by, it is indirect actually while we do say, we speak only to Black people, but it is indirectly, it is the Black person involved in the Black Consciousness Movement, does address himself to White people, because the themes of his actions are the oppressive structures in this country which is caused by White people, you cannot divorce this aspect.

Mr. Cooper, you have still avoided the question. You speak of the Whites as murderers and your organisation refers to them as murderers. Did your organisation do that, or didn't (20) they? --- I think that is specific.....(intervention)

Did they? --- If they did refer to murderers, Whites as murderers, this is a specific reference probably to certain incidents, but taking it out of its context and saying you refer to Whites as murderers, rapists, dogs, mad dogs, rabid dogs, etc. etc. where I don't find any such suggestion.....(intervention)

Did you organisation refer to Whites as murderers? --- I am just trying to get to that, if we did.....(intervention)

Yes or no? --- I can't say we did or we didn't.....(intervention)

Did you refer to Whites as murderers? --- I can't remember (30)

specifically/...

specifically, Your Lordship. I may have referred to Whites as murderers and in that context I would have spoken about murdering Black people at Sharpeville for instance. A specific incident, a factual incident, which is correct.

Oh, we are going to deal with that, Mr. Cooper, It is no good trying Hitler's tactics on this Court. --- I don't think .....(intervention)

Of repeating a..... --- Your Lordship, I don't think I, or the Movement that I am part of, can be even vaguely associated with Hitler, when we find that some of the very persons who are (10) supposed to be leaders in this country, political leaders especially of White oppression, were found to be supporters of that very same Hitler that you are talking of. I don't see this.

Mr. Cooper, you have been using Hitler's tactics, haven't you? --- I don't think this will get us anywhere. I don't know what Hitler's tactics I have been using. If it can be pointed out to me, I may probably accede to it, but I don't know.

Now you have referred to the Whites you say as murderers haven't you? --- I said if we did refer to Whites as murderers, it would have been in a particular context. We haven't gone (20) around saying Whites are murderers, Whites are rapists, Whites are killers, etc. etc. we must kill them, we must murder them, we must rape them, we haven't said that type of thing.

I am asking what you said about them. You referred to them as racists? --- Yes, of course.

And a racist is in your vocabulary a derogatory term?  
--- No, racist is identification of a particular group of people who perpetuate racial illegemony against other persons...(intervenes)

Racial injustice? --- For purposes of domination.

Racial injustice, that is racial injustice? --- Injustice? (30)

That/...

That is covering the whole aspect of racism.

You referred to them as racists, as persons who practised racial - what is the term? --- You are saying it, I did not say it.

I am asking you, Mr. Cooper, you looked at ... --- I said the Whites are racists, Your Lordship, I have not said racial or anything.

Well, say it again, let us hear? --- We refer to Whites as racists because Whites through the ages and specifically since Union have put into Government parties that have practised racial supremacy in this country and have .... (10)

Are you not able to give us a short definition of what you mean by a racist? --- That is what I am trying to do.

Oh, you are? --- ... and have excluded Black people from all aspects of decision making.

Now you say you refer to the Whites as fascists? --- Your Lordship, I ....

What is a fascist? --- I think certain actions would have been referred to as fascist actions.

What is a fascist? What is fascist actions? --- Well, a fascist action is where jackboot tactics are involved, it is (20) where .... (Intervention).

What is jackboot tactics? --- It is where measures of totalitarianism are involved.

What do you mean, Mr. Cooper? --- The historical origin of that term is with Mussolini's Italy and the subjection of the people to military domination.

What do you mean when you refer to the Whites as fascists here? --- And military rule.

What is the term? Is it intended to put the life/a<sup>of</sup> White in a good light or in a bad light? --- I don't know about that. (30)

What/...

What has happened is that if we have talked of fascists, we have talked of fascist actions of certain oppressive measures in this country and if we take it to its logical conclusion at the end of the oppressive measure, you will find Whites are responsible for that.....(intervention)

Mr. Cooper, is the fascist a term that persons approve of or disapprove of? --- It is a term they disapprove of. This is why it is being used. If we approved of the fascist inperpetrated in certain aspects of Black life, we would not talk of it. We would say thank you very much, we appreciate it, but we don't (10) say that, we talk of the fascist actions. I would like to draw this point here, Your Lordship, when the Bantu or the Native Land and Trust Act was being passed - what is commonly known, in 1936 I think it was, what is commonly known as the Hertzog Bills were being passed - Sir James Rose-Innes, a prominent politician in this country - pause -

A politician? --- Sir James Rose-Innes yes, and he referred to the Hertzog Bills in these terms: "The full-blooded fascist flavour of the Hertzog Bills" - pause -

But Mussolini was not in existence then yet, or was he? (20) --- I think Mussolini was there then, Mussolini pre-dated World War II, but the exact placing of that word was...(intervention)

Oh, it doesn't matter. --- (The Court intervenes)

BY THE COURT: I think Mussolini was in ...(inaudible)... in 1933 already.

MR. REES: Carry on? --- It is expressive, that is the use of the term fascist, expressive of particular acts, which acts have been unilateral, have been one-sided smacks of totalitarian measures, that is military and Police rule type of thing, and in this context illustrates what Sir James Rose-Innes said, (30)

because/...

because I can't think of what I may have said in respect of fascists, since you don't put the document in front of me where we said fascist. He is referring to the full-blooded fascist flavour of the Hertzog Bill where Blacks were deprived of whatever little rights they had, it was taken away from them, they were denied the vote, Africans were denied the vote in the Cape, they were denied land-owning rights in the Cape, in order that certain areas could be set aside and these hectares called the traditional home of what is now called the Bantustans. But at that stage it was not the Bantustan concept at all. It (10) was just the Native Trust and Land Act to disenfranchise Blacks and also to remove land-owning rights and certain other privileges, now that is .... (intervention)

Now this man is speaking about - so just to sum up all that you have said, fascist is used in a derogatory sense? --- Well, if derogatory fits into that then I suppose it must be.

No, you must tell the court? --- I can't throw any light on that derogatory usage, but if it is a derogatory usage of that term in the context of which I have been explaining, then it must be so. (20)

It seems to me now that I think of the words fascist and Fascays(?) that in fact you and your organisation and Mussolini have quite a few things in common? --- I would like to see what we have in common, with Mussolini, Your Lordship. Let us enumerate them.

Yes, the first thing the unity which is represented by the Fascays?--- Right, let us stop there, the unity represented by the Fascays(?), it may be so, I don't know if it is so, I am not a very keen student on European history, or World War II history, but unity, is this not what - let us take the Nationalist(30 Party/...

Party, this is what the Nationalist Party has been crying about ... (Intervention).

Mr. Cooper, I ... --- Hang on, I must finish this answer. Since 1910, after the Treaty of Vereeniging when the British attempted to appease the Afrikaners who belonged to the Transvaal Republic and the Orange Free State Republic, Blacks have been denuded of every little right. In this context one must not forget that there is in the Afrikaner community .....

Mr. Cooper, you are going off the point. --- I will have to continue, Your Lordship. (10)

No, I am afraid you must just answer my question, Mr. Cooper, we were dealing simply with the points of similarity between ... --- Of unity, and I am talking about the sell-out to that unity ....

Just a moment, I did not ask you that. I did not ask you that, Mr. Cooper. What I asked you ... --- The question was put to me and the question was that the ....

What was the question? --- The question was that the Fascays of Mussolini is similar to our unity and I am trying to say that this is not unique to us if it is so, but that .... (20)

I did not ask you if that was unique, Mr. Cooper. --- But that is my answer, that is my answer ....

Mr. Cooper, will you please answer my question, --- Your Lordship, I don't know whether .... (Court intervenes).

BY THE COURT: Listen to the question, please.

MR. REES: Mr. Cooper, we were saying here that there is a similarity between your organisation and the fascists, in other words they are both striving for unity? The Fascays representing unity in the fascist organisation of Mussolini, is that so or not? I don't want to know your reasons how or why you adopted unity. (30)

Is that/...

Is that so or not? --- I think this comparison is ....

Is obvious? --- On the contrary, Your Lordship, on the contrary it is not obvious. It is a totally bizarre comparison, there is no comparison, one cannot compare Mussolini's Italy with what the Black Consciousness Movement is about in this country. Where is the power, where is the power that Mussolini used to effect that coalition of nationhood in Italy. Black people don't have that.

We are talking about the concept of unity, both of you were striving at unifying the ... --- Yes, but you don't talk (10) of the concept of unity and attach the definition given to it by the Fascists of Mussolini to the Black Consciousness Movement. That you don't do.

Now the next point of similarity is both were engaged in conscientising their followers? --- Now there I don't know whether that is so, because ....

If you don't know say so and then we will drop the matter, Mr. Cooper. You don't know? --- I just said - I don't think that is so, it may have been, but I don't think so.

You also referred to the Whites as the enemy? --- Well, in (20) certain instances yes.

You personally? --- I said so, in certain instances yes.

And you say they "irrupted" into this country, you have spelt it ... --- I know the spelling, yes.

You spelt it to the court? --- I -- that is why I say I know the spelling.

Not erupted, but irrupted? --- That is correct, yes.

That is a bursting into the country? --- It is forcible entry into a country, taking over that country, dominating that country, in the terms of settlerdom. (30)

What do/...

What do you mean by settlerdom? In terms of settlerdom? --- Well, in terms of ...

Didn't the Americans settle into America? --- Well, yes, that is a classic example again of the irruption of a colonial element into a colony and dispossessing the native population, the aboriginal population ...

But isn't some of those ... --- In America you have the classic case where the original inhabitants, the autochthonous population, has been decimated so much so that you now have just a few reserves where so-called red Indians are kept (10 on show in a zoo as it were. The original majority in that country.

But you yourself do not spring from the inhabitants of this country? --- If you are talking of original in the sense of aboriginal, no, Your Lordship.

In terms of your philosophy you have got as little right here as the White man? --- No, Your Lordship, we said consistently that we believe in this country Black and White are an inseparable part of this country, it belongs ...

Oh? --- Yes, we have said so, we have said that. (20

You have not said that? --- We have said that, I dispute that.

BY THE COURT: I think he has said that.

MR. REES: We are going to sum this up in some detail, Mr Cooper. --- Fine.

That is why I am just making the point. --- We said that Black and White live in this country and shall continue to live together. This is the type of thing we have said, because - and this comes back to this point why we oppose also the Bantustan concept, as foisted on Black people. It ( comes to the point where Whites in this country are settlers in that they settled earlier/...

earlier on through the centuries in this country, but today Whites have become - well, in certain instances we may still refer to them as settlers, and a settler regime, it identifies the type of regime you are speaking about. We believe that Whites and Blacks are a permanent part of this country and that we have one destiny, we are one nation, we have one sovereignty, and we ought to have one Government, we ought to have one central means by which we can stand upright in the nations of the world and say we are South Africa, we are South Africans, not as separate entities, because this is the (10) type of destructive foisting on people in order that the very fabric of the South African society will eventually dissolve. I can't see that the Transkei will get independence as it were on the 26th of October, and it is going to have a destiny which is so rosy and so independent - it is an independent unit, a mother cut off from the umbilical cord of the child, and here you have the child growing up on its own. This child has a lot of the - a lot of teething problems, it will never become a nation, <sup>is</sup> it/never intended to become a nation because there is no historical background for (20) the Bantustan concept. It was taken over from the Hertzog Bill, it was found to be convenient at the particular period in our political history and utilised when the pressures were mounting in all areas, both internally and externally.

Have you been trying to answer a question, or not? ---

What was the question you were trying to answer with this long exposition? You don't know? --- It is in the context of we believing that Whites are settlers and that we have identified .....

I did not ask you that. --- I don't know, if that was not (30)  
asked/...

asked then I am off the point.

Yes, now what I want to know from you is you and your organisation postulate or have postulated that the Whites obtained power in this country illegally, is that so or not? --- Well, illegally in the sense that - if we have said that, illegally ... (intervention)

But did you say that or not? --- I can't remember that.

Isn't that part of what BPC is propagating, that the Whites obtained power in this country illegally? Whatever the tense is? --- I don't think that is an accurate generalisation. We (10) have said that .... (intervention)

But do you say at all that BPC or at least that the Whites are holding power illegally in this country? --- I did say that yes, now, I say that.

Is that part of BPC's philosophy? --- No, it is not part of BPC's philosophy.

Well, is it part of that which BPC is propagating? Or is it only a Saths Cooper idea, Mr. Cooper? --- BPC propagates what it believes to be a philosophy, that is the philosophy of Black Consciousness .... (intervention) (20)

Does BPC propagate the idea that the Whites are holding power illegally? --- Lordship - pause -

Can't you say yes or no? --- How can I answer if I am consistently interrupted? BPC believes that Whites are holding power against the wishes of the majority of the people of this country and in this context it is illegal... (intervention)

Mr. Cooper, I asked you ... --- ... in that the majority of the people of this country do not give support for the maintenance of such a repressive regime.

Mr. Cooper, I ask you again, does BPC claim and say that (30) the /...

the Whites are holding power in this country illegally? --- We may have claimed that, but I don't think that it is - it is something that I can't recall offhand. If we did say that it is in the context of Whites holding power in this country against the wishes of the majority of the people. Such an act surely is illegal.

Mr. Cooper, have you - you personally - been propagating the idea that the Whites are exercising their power by violent means? --- Well, this is in the context of what we believe.

Did you say that, Mr. Cooper? All I want to know from you(10) now ... --- I can't recall having said that.

.. is that is it in the context of BPC's belief that the Whites are exercising their power by violent means? --- It is in that context, yes.

Yes. That is all I wanted to know from you. Would you tell the court what part you played in the organisation of the BPC Symposium in September, 1974? --- That is the one at Kajee Hall?

Yes? --- I think I did.

Well, would you just tell the court? --- Well, Your Lordship, I assisted with certain aspects of the organisation of the symposium, I ... (20)

Who did you assist? --- BPC.

Who? --- Who in BPC?

Yes? --- Well, there were certain members that I recall, Mr. Yugan Naidoo, Mr. Ahmed Bawa, Mr. Harry Singh ....

Alright, just tell us how you assisted them and what did you do? What part did you play in organising this symposium? --- Well, I think I suggested the title for this symposium.

I would like you to tell the court briefly and to the (30) point/...

point exactly what was the whole part you played from the beginning to the end of the organisation of this symposium, and who were present and how the thing developed? --- I can't be specific and say that these are the three persons I know who were involved with me in the suggestion of the topic for the symposium and.....(intervention)

May I just interrupt you for a moment. Look, I am giving you an opportunity now..... --- No, you are not giving me the opportunity, you are interrupting me consistently.

Mr. Cooper, will you please listen to me? --- When I am (10)  
answering the questions you are consistently interrupting me.

I am giving you an opportunity now of giving the Court in your usual loquacious manner, the whole of the organisation and the part you played, the whole part you played, in this organisation of the symposium. Start at the beginning please and tell the Court? --- Do you use the term "loquacious" derogatorily?

Mr. Cooper, carry on with the question I asked you.  
--- As I have attempted to explain, Your Lordship, I think I should, I think I suggested the title of the symposium and discussed with these persons, I don't know in what combinations (20)  
they were, these three persons that I have mentioned, various aspects of the actual organisation of the symposium and specifically I was involved in painting the banners to advertise the symposium.

Carry on, you have got the floor. --- That is it, Your Lordship.

Is that all you did? --- That is all I did, yes.

How did it come about that you got involved in the matter?  
--- I think, I don't know whether it was exactly those three persons I mentioned, that is Harry Singh, Ahmes Bawa and (30)

Yugan/...

Yugan Naidoo, but I think at least one or two of them suggested some type of seminar - pause -

Suggest it to who? --- Suggest it to me, and we discussed the idea and then it evolved that the title which was eventually used in the symposium resulted.

Yes, I don't think you have told the Court the full extent of your involvement, Mr. Cooper? --- I told the Court the full extent of my involvement.

You have? --- And how my involvement originated.

Now why did these people come and make this suggestion to (10) you? --- Well, I don't know, they just told me, if they came and made the suggestion specifically or not, but it was BPC persons, I am a BPC person.

Yes? --- And the idea was put forward and I found that the idea of the seminar was good. I suggested the title - if I did at all, I think I did - and that was the matter. I don't know .....(intervention)

Who all were the people involved in organising this symposium? --- Besides those three persons, there were others, Mr. Colin Jeffrey - pause - (20)

What dealings did you have with him? --- On what?

We are talking about one subject only, remember? The organisation of this symposium. --- We are confining ourselves just to that?

Yes. --- Fine.

Just to that symposium. --- Your Lordship, I think Mr. Colin Jeffrey was involved in publicising the affairs, I think he was involved with the printing of - pause -

How do you know that? I don't want to know what you think about. I want to know what happened. --- That is what I think (30)

because/...

because I saw specifically Mr. Jeffrey with a batch of posters and .... (Intervention).

Where did you see him with the batch of posters? --- I can't be specific on that one.

Yes? What else? Who else? --- I said Mr. Yugan Naidoo, Mr. Ahmed Bawa, Mr. Harry Singh.

Yes, they came to you and you suggested a title, what else did you do you say? --- I assisted with the banners.

What did you do with the banners? --- Painted the banners, not all. (10)

Who supplied the money to buy the material? Where did you get the material? --- I am not specific on that, I can't remember who supplied the money for that.

Where did you do the painting? ---The painting was done at my flat.

What did you paint? --- The banners.

Yes, I know, but what did you paint on them? --- I don't remember what I painted on them.

Who brought the banners to you, who brought these things to you? --- I don't recall that. (20)

Who took them away? --- No, I can't recall that, there were various persons involved. I can't remember the specific detail of who came with what and who took what away.

And what other part did you play in connection with this symposium? --- That is all.

That is all you did? Is that all you did? --- I said so. Unless you include Harry Singh's getting the quotation from me for his speech.

Yes well, why did you leave that out? --- I just said unless you include that. (30)

Mr. Cooper, /...

Mr. Cooper, I do not include anything. You include or exclude, why did you leave that piece out? --- It came from me, it was not something that I was hiding which the prosecutor unearthed.

Well tell us why didn't you tell the court about it now? You were given an opportunity? --- I was talking of the organisation of the symposium.

Now tell us how you - was that everything you did in connection with the organisation of that symposium? Was there anything else you did in connection with that symposium that you have (10) left out? --- I can't think of anything that I have left out.

Just tell us about Harry Singh's - the assistance you gave Harry Singh in connection with this speech of his? Tell the court the full story from the beginning to the end? --- Well, the full story?

Yes? --- Well, Harry Singh came along to my flat a few days before the symposium, I don't recall specifically on what day he did come. And he had what is before the court, I think it is BPC N.2, I am not too certain, or N.1 - can I just have that document? (20)

Why do you require the document before you can tell us? --- Your Lordship, the prosecutor wanted the full story.

Mr. Cooper, why do you require the document before you can tell us the full story? --- I would like to ...

I want to know from you now? --- I would like to point out the full story as the prosecutor wants it of my involvement in connection with this symposium.

I understand that ... --- And my involvement in connection with assisting Harry Singh with that particular speech.

Why do you require this document? how did it come about (30)  
that/...

that the man came to you, what transpired before? Why do you need the document to tell the court what happened? --- May I have the document please, Your Lordship?

Mr. Cooper, you can have the document after you have answered these questions. I want to know why you require to see the document before you can answer the question? --- To tell His Lordship - well, Harry Singh came with a certain document to me, and this is what I attached to the document, these are the circumstances, etc.

We already know what ... --- I am explaining the rationale(10) of why I wanted the document .... (Intervention).

Mr. Cooper, is there something on the document you want to look at to refresh your memory? --- If there is my writing on that document ....

Yes, the court already knows what your writing is, you have told the court yesterday? --- No, I was not in this court yesterday.

You are being facetious, Mr. Cooper. --- I am not being facetious.

The last day of the evidence ... (Mr. Soggot intervenes).

MR. SOGGOT: Just a moment please. My Lord, I want to make an(20) objection, my learned friend suggests that I please shut up, but I do think that this sort of debate which I would submit is - borders on a ..(inaudible) ... why he wants a document when he is being specifically asked to go through all the details, I would submit is quite unhelpful to the trial and wastes time. I would submit that my learned friend should get on with his cross-examination and if the witness feels that he should give detailed evidence in relation to the document because the prosecutor has demanded details then that should happen. (30)

MR. REES: My Lord, I submit that I am entitled to ask this man  
what/...

what the circumstances are. He is not referred to any reasons why he wants to look at the document. He knows that the contents of the document is. I just want to know from him what are the surrounding circumstances which led to him being involved with the .... (Court intervenes).

BY THE COURT: He says well this man came there and he had started off with a quotation and - I haven't got the document here, but then he didn't know the quotation and he came and consulted him, now he probably wants to explain on the document as to how the thing developed. (10)

MR. REES: My Lord, that is not what I want to know from him at this stage.

BY THE COURT: Well, that is what he wants to tell you, because you asked him to tell fully what the circumstances were. Now don't you want him to tell you what happened?

MR. REES: My Lord, that I will come to at a later stage, with a question. I want now to test his knowledge ...

BY THE COURT: You have already asked him to tell you the circumstances and he is busy with that at the moment. But he wants to have the document to illustrate how far Singh had proceeded (20) in his preparation of this document when his assistance was enlisted.

MR. REES: Will the court just bear with me for a moment, I just want to get from him this.

On what occasion did Singh come to you? --- As I have been trying to explain it was before the symposium, Singh had been asked to be <sup>a</sup>/speaker.

Who had asked him to be s speaker? --- I can't recall specifically who had asked him to be a speaker.

Who was likely to have asked him to be a speaker? --- (30)

Well, those/...

Well, those four persons that I mentioned, Your Lordship.

Which four is that? --- Myself, Harry Singh, Mr. Ahmed Bawa, Mr. Yugan Naidoo, who were involved when we discussed certain aspects of it, and they said it evolved that certain persons were the speakers, I don't know how eventually the decisions were taken on who should speak, etc. But we discussed various aspects of it, certain speakers and that type of thing, prospective speakers.

How did it come about, when you say we, how did it come about that you were involved here in discussing who should be (10) speakers? --- I was approached and the suggestion was put forward there. I think members of the organisation who put forward suggestions were looking to see whether their suggestion was valid, and whether the suggestion would meet with approval in respect of what the symposium was all about, that is Black Consciousness, whether such a symposium is necessary or not and whether - they thought of the ideas, they wanted to canvass the ideas. I don't know the reasons, I did not ask them look, you came with a suggestion, why did you come with a suggestion to me. You know, in 1975 I am going to appear in (20) Pretoria Supreme Court and I will have to have reasons to find out why you did this. I did not ask them that type of question.

No, but what I want to know is, Mr. Cooper, they came to you and they discussed the question of who should be speakers, didn't they? --- I have tried to say .... (intervention)

Is that so or not? --- It is not so. Certainly it may have been one person or it may have been two or it may have been the three, but various combinations, originally the idea came forward I think from Ahmed Bawa, and I suppose it was an excellent idea .... (intervention)

As to who should be the speakers? --- Oh, the idea of the (30) symposium/...

symposium.

No, we are talking about the speakers now? --- And then when the title was put forward, and I am very certain I put it forward, speakers would have been discussed, if they were discussed at all on that occasion.

Yes, now that is the point I want to - don't you know whether the speakers were discussed or not? --- I can't say speakers were discussed on that occasion .... (Intervention).

Mr. Cooper, we are not talking about a specific occasion, I am asking you whether or not the question of speakers was discussed with you? --- And I am trying to answer that question, Your Lordship.

Can you say yes or no? ---- And I said that I can't remember whether it was discussed on the first occasion when the subject was broached, or whether it was on the second occasion when the subject was gone into more thoroughly and the speakers probably would have come in then.

Mr. Cooper, was the question of speakers discussed by you or with you? --- With me.

BY THE COURT: I think it is a convenient stage to take the adjournment now. (20)

COURT ADJOURNS.

/YC.

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