

c.c.

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

CASE NO: 18/75/254

DATE: 27 APRIL 1976

THE STATE

vs

S. COOPER AND EIGHT OTHERS

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LUBBE RECORDINGS (PRETORIA)

COURT RESUMES AT 2 PM. ON 27.4.1976.

SATHASIVAN COOPER (Still under affirmation)

CROSS-EXAMINATION BY MR. REES (Continued): Mr. Cooper, as you look at things now, would you agree with me that the promotion of a philosophy of confrontation in this country can only lead to a most dangerous situation in South Africa? --- I think that is a true statement.

That a confrontation holds out a great deal of potential misery and very little benefit for all in South Africa? --- That is so, this is why BPC believes in what it does believe in and (10) hopes to achieve, a situation of parity for all in this country through an eventual process of collective bargaining.

As I understood your evidence this morning, or when I say this morning, ever since it started up to now, am I correct in concluding that Black Consciousness is to exclude the nationalism of the Zulus, the Basothos, and all the other what you call ethnic groups? --- Well, I don't know whether there is such a thing as Zulu nationalism or ethnic nationalism, but Black Consciousness does not believe in ethnic divisions, it believes in a Black unity for the eventual purpose of achieving through (20) Black solidarity a South Africanism.

I quite appreciate that, but isn't it implicit in what you say that if there was such a thing as a Zulu nationalism or a Xhosa, a Vanda, a Pondo or whatever else nationalism there was, it would of necessity have to make way for the general Black Consciousness concept? --- If there was such a thing then it would have to make way for Black Consciousness, yes.

I was not quite sure what your attitude was, because I think you went slightly off the mark with regard to these passages of Mr. Mokethlé that he put here, I will just refresh your (30) memory, /...

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memory, on page 48 of EXHIBIT G.1, where he is reported to have said:

"Changes in South Africa wil come by force as this is the White man's choice and when such changes come the White man will have to go or suffer ill-treatment."

Now, that statement as it stands... --- Your Lordship, I wonder whether it does say South Africa or Southern Africa.

Well, I am sorry, let us read - Southern Africa, if I read South Africa, it is Southern Africa. Now have you any comment (10) to offer on that, on the statement as it stands? --- Well, I think the statement is self-explanatory and he talks of the Southern African situation and - pause -

Now where will the changes come by force? Where has he got in mind? --- May I have that document in front of me?

Yes, it is page 48, the middle of the page. --- Yes. Mr. Mokethlé is a Lesotho politician and he is talking of change in Southern Africa, which is the focus of interest specifically in this country, and generally in the world, and he is talking of the choice that is facing the White man in Southern Africa (20) and that the choice will be, will determine whether the change will come through force or through peaceful means.

You see, he continues on the next page. If you want to look at the other, but I just want to have your attention on this specific portion. "A war of liberation, either an open war or

a guerrilla war will take place in S. Africa. No man can stand being oppressed and despised forever."

Now, would that apply in your view to the South African Blacks? --- Your Lordship, the Black Peoples Convention believes that this type of possibility cannot be excluded and it is for this (30) very reason that we have opted on the course that we are pursuing.

And it/...

And it is our fervent desire that our course will prevail and that such a situation which we deprecate will be avoided.

Now Mr. Cooper, if a man is oppressed and despised, or a group in the country is oppressed and despised, is that likely to lead to forceful resistance? --- I don't think I am sufficiently qualified to give an answer on that, but facing it specifically in our context, Black people are oppressed and in the context of Black people being despised, they having decision-making removed from them, this is the true situation that Black people find themselves - this is the reality I (10) should say of Black people in the country. But I cannot say that because that is so it will lead to, of necessity, forceful resistance, and I cannot say also that it will not lead to forceful resistance. Because, Your Lordship, it must be borne in mind that BPC is not acting in vacuo. There have been other movements which pre-date the Black Peoples Convention and we in the Black Peoples Convention have opted for this particular choice, recognising the possibility of the situation leading to violent confrontation. We have opted for the means that we have, and I think I have explained quite (20) adequately the means that we do advocate for this change.

Now, Mr. Cooper, you say realising that the situation may lead to a violent confrontation. Would you just explain what exactly you mean by that? What are the signs that you, BPC, recognise are likely to lead to a violent confrontation? --- Well, this is a well-known fact and this is why I said before that the BPC is not just merely acting in vacuo. Other movements have pre-dated BPC and from reports one gets these movements have been forced into exile and have engaged themselves in a guerrilla struggle against South Africa, from reports as (30)

I said/...

I said that one reads, and BPC has specifically opted for the choice that it has.

I don't think we understand one another. I want to know what are the factors that you say you consider that could lead to a violent confrontation? --- I am unable to give factors which could lead to violent confrontation. I mean one man slapping another, one man swearing at another, there are so many situations.

We are talking about on an international scale, Mr. Cooper.

--- Yes, and as I said, I am not qualified to give an answer on that. I don't know what are the actual circumstances which can give rise to a particular conflagration. (10)

Well, what can give rise to circumstances that inevitably - or not inevitably - that are likely to lead to a violent confrontation? --- As I said these can be anything.

Like what? --- Your Lordship, we are talking, I think now, I think about South Africa where White people have power vested in themselves, have all the privileges unto themselves, and I cannot say that should the Whites do this, it would result in a confrontation on a national scale, or should Blacks react in this way it will result in a national flare-up. I can't say that. I have not looked into that matter. (20)

Now, this statement by Mr. Mokethlé, this statement by him

that "A war of liberation either an open ware or a guerrilla war will take place in South Africa.

No man can stand being oppressed and despised forever."

Is that as a philosophical statement, is that correct? Do you agree with it, or not? --- I don't think that this is a philosophical statement. I think that this is an analytical statement.

It is a statement looking at South Africa. This I (30)

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think was/...

think was in 1973. On page 47, the third paragraph it says:
"The inaugural conference of SASM was held from the 25th to
the 28th of June, 1973, on the Roma papers of UBLS in Lesotho."
- I think this was where Mr. Mokethlé said these words, and
he is talking of the situation as he sees it, recognises it,
in Southern Africa, and that - he has been proved correct.
That has happened in Southern Africa, the various countries
that I have talked about, some of them this type of thing has
happened.

Yes, now I want to have your comment on the following (10)
please. I want you to tell the court whether you believe that
the following descriptions of the Whites are true? They are
... (Court intervenes).

BY THE COURT: Just before you deal with that, on this last point,
what do you as a BPC man envisage will happen - well, after you
have built up your Black Power, the power bloc, now your ultimate
idea is to have a redistribution of wealth and also a total
change of values. Now what is to happen if the Whites do not
want to part with their wealth? --- If I may make use of a saying,
one plants a tree in the hope that it will grow, in the hope that (20
one nourishes it, in order that it will bear fruit. One does
not plant a tree in the hope that it will die, unless one has
a totally tauted and perverted idea in growing the tree. Also
this we believe in, we believe that there will be change in this
country, the change in this country should come about peacefully,
the change in this country can come about through the hands of
Black people in that Black people have it within themselves to
unite. Your Lordship, this we fervently believe in, we have
not (Intervention).

Mr. Cooper, now do you seriously believe that the White (30)
man will/...

man will just say well, will just hand over his property and say well, here is my property, now you can distribute it? --- Well, not just like that, it is not a question of sitting on one occasion and saying look, you are the representative of Whites and we are the representative of Blacks, now you must give us all your property and we must have an equal distribution of wealth etc. etc. We haven't formulated the mechanics of how this process is going to take place, but we have got the structure and that structure is unity for the purposes of collective bargaining from a position of strength. (10)

No, but your purpose is not collective bargaining. Your purpose is total change and total change is that the White man must hand over his property for redistribution, that is how I understand the policies of BPC, because that is total change and the redistribution of power and wealth? --- Your Lordship, total change in our context means the removal of all oppressive measures, the removal of legislation which discriminates, which is inimical to the Black existence.

That is one outlet, but when you come to the root of it, you want to have an egalitarian society where you all share in the wealth of the country? --- That is so, in that each man - egalitarianism amounts to very plainly one man, one vote, type of thing. In the context of Black communalism which is our economic outlook it means that there should be exploitation by none, there shall be sharing of the resources produced by our labour, and in this context it is not Black labour that we are talking about, it is in the context of all South Africans, it is in the context of everyone shall work, there shall be no exploitation, there shall be no minority privileges in order that the majority may be continue to be oppressed. There must (30)
be /...

be - and a prerequisite for that is a recognition of human dignity and total human behaviour from all sections of the South African population.

This would involve expropriation, you can't just share wealth without taking it from the person who owns it? How our community is so constituted that the wealth belongs to private individuals mostly? --- Well mostly, that is so.

Now how are you going to change the system and get the system to deprive the private individual of his property? --- Oh, Your Lordship, we have not worked out the mechanics of how (10) the process of collective bargaining is going to work in order that we can come to the situation where there should be a redistribution of wealth and that there may be one South Africa based on one nationhood and one sovereign state. We have not worked out the mechanics up to that stage.

But isn't that the danger of your politics? Because you have not contemplated these aspects and you are building up a power bloc making these demands? --- Oh no, Your Lordship, we have contemplated it, it is not that BPC has just taken egalitarianism and put it there as a facet just to fish it out when- (20) ever it is in hot water as it were, or just having Black communalism enshrined in a certain constitution, etc. These are inherent facets of the very structure that BPC is hoping to achieve. It is just that as I have tried to explain to Your Lordship, BPC's first congress was in Hammanskraal in December, 1972. There is a whole year in 1973, and about nine months in 1974 up to the time we were arrested, and that in the age of a political movement of national import is very very short, and in that short space of time we have been addressing ourselves primarily at our own community in order that our community may (30) recognise/...

recognise the need for collective action in the light of Black solidarity which we expound.

But if one looks at the problem intelligently, isn't it just a pipe dream unless there is a violent revolution, because how can you deprive private individuals of their property unless there is a revolution, unless it is taken away from them? How else would the property be obtained? How do you suggest the property will be obtained? --- Well, if I may just surmise on the matter, assuming - it is purely a postulation, assuming there is us, BPC, on one side of the table, and the White power structure represented on the other side of the table, we would obviously be putting certain demands in the light of the economic, the political, and the social stature of Black people. (10)

Now who are you talking to over the table? Across the table? Are you talking to the private owners of the property or are you talking to ... --- Representatives of the White community.

Yes, that will be the Government? --- The Government, yes.

Yes, and what can the Government do as far as private ownership is concerned? Must they expropriate it? --- It is purely surmising here, I would imagine that of such a situation - I am just thinking of it as I am saying - that then measures can be worked out where there would be a sort of quid pro quo where people would be compensated for expropriation as it were of land in order that the land can be put to the full benefit of all the people of the country and in that context I think legislation can be effected on the basis (20)

But where is the money going to come from to expropriate now or are you not paying the people? --- Well, one would assume that the coffers of the State would be adequate to meet this (30)

type/...

type of situation.

Well, can you imagine what it would cost the, to expropriate all the private owners of their land, if your figures are correct that 70 per cent of the land belongs to the private individuals?

--- No, I have not worked out the cost on that.

Well, is it feasible to think along those lines? Unless you have a violent revolution and just deprive them of the things?

--- No, I think it is feasible in the light of present-day South Africa, in the light of present-day politics, especially in our part of the continent, where leaders like Mr. Vorster have

(10)

attempted to initiate change peacefully in other countries.

There is no saying that this type of process which is a similar type of process, which is the same that BPC is after, is not going to happen in this country, whereas we are talking of the same people who are in power, and Mr. Vorster has intervened in the situation in Rhodesia where he has brought about the famous Victoria Falls talks, etc. Mr. Vorster has shown himself open to change, but one cannot speak of change just coming overnight. It is a long process, and it is.....(intervention)

Well, one can't just talk about change, I mean it must be feasible, now can you think of any country in the world where it was possible to expropriate all private property without forcibly depriving the people of the property? Is there any country in the world where that has ever happened? --- Offhand I can't..... (intervention)

(20)

It is not possible, is it? --- Well, there has been a distribution of wealth in countries where, on a basis of equity, people have been paid out, where countries have nationalised. Take the example of the British Isles. The British Isles is fast moving towards nationalisation, and there has been no forcible attempt.....(intervention)

(30)

That is/...

That is the same process, but they are not taking a lot of private property, it only affects huge business undertakings like the railways and the mines and things like that. --- Well, I should assume the same principle would apply, because there has been no, by attempting to nationalise a large industry in Britain there has been no forcible take-over, there has been no violence, there has been no bloodshed, and this is the situation that BPC is actually trying to deprecate and trying to work on a path that can solve our problems peacefully. And this we believe in, otherwise we would not be advocating what we do advocate. (10)

In Kenya I think the British bought out the farmers, didn't they? --- I am not certain.

Well, I can only go by newspaper reports, it is not always very reliable, but in Tanzania they also had the problem. They took the land from the property owners and formed the "ujamas" that you referred to. --- Well, Your Lordship, in Tanzania, if that was the case, I don't recall any violence being resorted to in that instance.

Well, I don't know, didn't they kill a lot of Asiatics? --- No. (20)

I saw photographs of men lying on the beaches and..... --- No, I don't think that is so, unless I am totally mistaken. I don't think that is so, not in Tanzania no. I have not heard of that situation in Tanzania.

But isn't that a real problem on, as far as the ideas of BPC are concerned? --- That is a problem, that is a problem, and Your Lordship, it is having a certain hope, a certain faith in ourselves and also putting forward that faith and hope onto our centre of attraction, that is the White group, if we did (30)

not feel/...

not feel this way we would not be on the path that we are.

But on the face of it it is a dilemma? --- It is a dilemma and this is politics we are engaged in. Your Lordship, we in BPC are not engaged in, we are engaged in a struggle for liberation. It is a matter of life and death as it were. It is not a tea party that we are involved in. We realise that there are certain areas of real problem.....(intervention)

But isn't that a fact of life that you must take these things if you really want it, you can't really bargain with private individuals and say: give it to us? --- Well, this we believe has been the mistake of others and this is why we have opted for this method. Because, Your Lordship, I was saying that Whites, well, what if Whites refuse to change, or they refuse to hand over, or refuse the redistribution of wealth, it is like switching on the light and counting the shadows, not looking for the light that will prevail in the room, and Your Lordship, as I said, we have not planted this tree in the hope that it will die. We have planted it in.....(intervention) (10)

That is why I am asking you, I am trying to find out whether you have envisaged the implications of this here. Isn't that the trouble in Rhodesia at the moment? The Whites do not want to surrender what they have? --- That is the problem and there has been no organisation.....(intervention) (20)

And this will probably lead to confrontation? --- That is so.

That is despite the efforts of the South African Government to try and influence them to hand over? --- That is so. And we are not saying that such a situation will not arise, that is confrontation. We fervently hope that such a situation does not arise, and we are trying to work towards it, but in trying to do that, we have first to address ourselves to our (30)

community/...

community. We cannot address ourselves to the White community before sorting out ourselves as a divided Black family. We have to come together in order to face our opponent in this country.....(intervention)

Yes, I have got the answers for your problems, I am just asking you.

MR. REES: Now Mr. Cooper, isn't the position analogous to that in Rhodesia today that the Blacks are threatening the White Rhodesians with violence unless they capitulate? --- Well, from what I read in the papers there are very contradictory reports (10) of exactly what is going on in Rhodesia, in respect of the constitutional talks, etc. and it is, I think, precisely for the reason that if we come to this country Blacks cannot afford to be divided. If we are divided there will be different groups pushing their own way. We will be haveing, tomorrow the Transkei van succeed and there may be bloodshed. The policy of Bantustanism is the one that can lead to bloodshed and violence.

You are going off the rails here. What I want is a comparison. Look, Mr. Cooper, isn't the position in Rhodesia today that there are terrorists operating in the country, there (20) are innocent people being killed left, right and centre, and didn't that in fact, does that not mean that a threat is being posed to the Whites to say either you hand over or else you are going to get more of this violent treatment, isn't that so? Isn't that the crux of the matter? --- That may be so in Rhodesia, but in this country that situation can also arise and this is why we believe that Black people must unite under the banner of BPC. We ought not to have a different organisation there representing coloured interests, other coloured interests,

(30)

Xhosa/...

Xhosa interest, etc. Black people must unite so that when the time comes there can be an equitability and a return to the norm which ought to be in this country and I fervently believe that South Africans in this country as of today, White and Black South Africans, have this propensity, they have this potentiality, it just has not been tapped. Nobody has tried the collective bargaining structure on on the basis of the BPC approach that is all Black people must unite under one banner and begin a process of acceptive collective bargaining with the power structure. These are the untapped avenues, (10) well, it is an avenue, one avenue

Mr. Rees's complaint is that if you offend him do you have any hope of bargaining with him? --- Well, I don't know whether it would offend, in this trial I have not heard any person say well, I have been offended by reading this document here, and this document here offends me in this way.

Well, I think you were going onto that point when I interrupted you.

MR. REES: Mr. Cooper, I am coming to that point in a moment, but I would like to know from you, as a result of what you have just(20) said, the Frelimo organisation, wasn't that in fact a united Black organisation operating in Mocambique? --- Well, Your Lordship, the Frelimo organisation has proved to be representative of the people in that territory but ...

Weren't they a united Black organisation? --- There were other groups that were working in Mocambique, the various other groups. It is just that through the fortuitous change of power in Portugal and through the - I think it is primarily international[?] politicing done by this organisation, that is Frelimo, that power was handed to them by the Portuguese authorities. (30)

Now power/...

Now power was handed to them after a violent and a bloody struggle, wasn't it? --- As I was saying despite the fact that Frelimo had been involved in a guerrilla campaign, but it was not that guerrilla campaign which resultedⁱⁿ them acceding to power, it was the act of the Portuguese in handing over power and giving recognition to Frelimo. Frelimo did not in that country come into power just because of the guerrilla warfare. It was the act of the Portuguese in handing over the power ...

BY THE COURT: I think General Spínola is the man who mentioned the change and really caused them to negotiate with the Frelimo?(10)
--- That is correct.

MR. REES: Yes, but now let us get the matter quite clear. First of all there was the fighting? --- Well, I don't know the history of the Frelimo organisation (Court intervenes).

BY THE COURT: Well, there again it is left to reports. According to the reports one got the impression that the Frelimo people well, they were a disunited group. Wasn't Dr. Motlana(?), the leader, also assassinated in the process, and also when the Portuguese, their resistance broke down, so there was a total breakdown everywhere and then Spínola came, so one can't really (20) draw anything from that because one doesn't know. --- One can't draw any reasonable analysis - analogy, that is so.

MR. REES: Mr. Cooper, just tell me, how do you think the members of BPC would react if they were on public platforms, and in documents issued by a White group, referred to as racists, Nazis, Fascists, thieves, robbers, thugs, rapers, murderers, killers and terrorists. How would you like it if that was applied to you? --- I would laugh it off because it isn't so.

Because it isn't so? But if it is continuously being said?
--- Well, I don't think that my attitude would change because (30)
it is/...

it is unfounded. I am not any of those things. I don't think so.

And how would you like those things to be flung at your head? --- Well, if it was so.....(intervention)

And being advertised to the world that this is Mr. Cooper, these are his characteristics? --- Well, if it was so, I believe it is calling, if it was so, it is calling a spade a spade. It is impossible to talk effectively in this country, have effective political communication without reference to oppression, without reference to the fact that Whites are the cause of the oppression in this country. (10)

Perhaps you have missed my point. I want to just know from you how you would react if these epithets are thrown at you? Would you like it? Would you like the person who is saying that about you? --- Well, I don't know whether I would like it, if it was said to me, it is an entirely hypothetical situation. First of all, I think, I would laugh at it because it is not so. I mean it would be a big joke because I don't think I am a murderer, a rapist, etc. I am not a racist, I am not a terrorist.

And if it is said about a group that you belong to? If it is said about the Indians in Natal what would you say about that? --- Well, I know it is not so. (20)

BY THE COURT: Well, let us try and get it into perspective. Assuming now you have to say things like that in order to get the Blacks to, well, in order to get the conscientisation across, do you have to get them to realise that they have an enemy and that they have got to stick together? --- That is put in a nutshell, in that we have attempted to make Black people realise that the solution in this country lies in our hands, because Whites have accorded themselves all the privileges, all the power, and.....(intervention) (30)

Now take/...

Now take it a step further, from the other side again now. If you managed to get a power bloc along those lines, you have to persuade the Blacks to get together because of these - well, enemies - to their cause. Now would they be prepared to bargain? --- There are two aspects about it, the first aspect is that BPC and SASO have not as a matter of course referred to Whites in all those terms except as oppressors, as rapists, in the context of murderers, we have not.....(intervention)

Let us just leave murderers and rapists out. Now oppressors and Fascists and racists. Now if you have managed to get a bloc (10) on the basis of that type of propaganda, now would that bloc be prepared to negotiate with the racists and the oppressors and the Fascists? --- Well, we have not utilised that type of propaganda as a matter of course. We have alienated the area of the problem and we have called it White oppression, White racism, etc.

MR. REES: You mean alienated or delineated? --- Well, delineated would be more precise. We have done this in order to identify the area. Now this is why the process of conscientisation is so very, very important. Your Lordship, as I said, I think it (20) was yesterday, that liberation cannot be gone into by sub-humans in order that they may later become humans. This is why a necessary precondition for involvement in the struggle for liberation is total humanisation, because we have seen sufficient - pause -

But I follow all that, I can understand that, but then doesn't that create a dilemma again? The position is here in order to get these people to realise their plight and to realise that they have to stick together, will in that process, you are really making them hostile to the people with whom they want (30) to bargain/...

bargain? --- I don't believe that is so because this liberation that we are talking about is a mutual process, it is not merely a one-way propagandising of the people who are going to effect this as the mass, it is a two-way process in that from the one end you attempt to use a conscientisation and from the other, if you want to be crude about it, the recipient end, it is a total understanding for humanism, and I don't believe that we who have been the objects of racism in this country would attempt to utilise the methods employed by racism in our quest for true liberation - I do not think (10)

No, I am not suggesting that, I am not saying that you must resort to the methods of what you have called your oppressors. The difficulty with the dilemma that I am putting to you is this, once you have succeeded in getting your power bloc built up on the basis of that type of propaganda, will your power bloc be prepared to negotiate with the erstwhile oppressors and racists and Fascists? --- There are two points there, Your Lordship. One is that if it is so, that type of propaganda is very minute and the next point is that it is a two-way process of the leadership and the led if I may be crude again, and it (20) is from a mutual understanding of the practice that we are going to effect a humanism in this country. And calling - well, maybe calling

You see, I can understand your point, if you want to achieve a change now for the better, but the difficulty arises when you want a complete change, because then it rules out negotiate? Negotiation? I can understand if you build up a power bloc then the Whites would be careful, they would not do rash things, they would think twice before they do a thing which may be construed as oppressive, that I can understand. But now if you (30) build/...

build up the power bloc to effect a complete change of values and redistribution of property, well, isn't the dilemma then created? Then will either you have to take it or you have - because there is no room for bargaining, because you expect the other man just to surrender everything? --- Oh no, it is not a one-way thing, that eventual bargaining with the power structure. I don't believe it is going to be over one occasion, it can happen that it will be just over one occasion and the White power says it is time we recognised the evils that we have perpetrated and we accede to all your demands. (10)

But I don't believe that it can be just one instance where this type of situation is going to happen. It is going to be a realisation on all sides, and in the words of Langston Hughes, the poet, "to cease fleeing from reality, to see themselves as they are", and this is the crux of the problem. If only White people can see the damage they are doing, not only to Black people, not only to themselves, but to the entire country, the problem I believe would be half solved. In fact more than half solved. Because the dilemma is removed, the dilemma that Your Lordship is talking of is removed. (20)

You see, I can follow getting relaxations of certain things that might grieve the Black man, but now it is difficult to think that by this process they will get the White man just to surrender everything, and that is what you people are driving at? --- Well, Your Lordship, I think if I may just take a comparison, there are other groups in this country working for change. If I may just take the example of the Progressives, they are working for change which would involve a similar type of situation, a redistribution of wealth, and redistribution of power. (30)

MR. REES:/...

MR. REES: Now it is believed that the Progressives, aren't they all the people who are in fact in possession of most of the money in the country? Weren't they - were they working for the redistribution of money and power in fact? --- Well, this is why we have rejected Liberals in the movement, but this is so, they have been working, and the Progressives to my mind have not been arraigned before the courts for terrorism, because they have advocated this change, and this is - although it is not in power, what we seek is so basic to humanism, to humanity, therein the parity is removed, but on purely the (10) economic factor which Your Lordship posed as the dilemma, the debatable point, other groups are after the same type of thing. They have not been arraigned before the courts for terrorism, and this is what we have been doing. We believe that ... (Court intervenes).

BY THE COURT: Well, you are only arraigned because of the danger to the law and order. You see, the crux of the whole case is whether what you are advocating is - will endanger the maintenance of law and order. That is the only thing that the court really has to investigate. Do you appreciate that? (20) --- Well, that is Your Lordship's task yes, deciding that, but you see

You see, what you are advocating is a threat to the maintenance of law and order? --- I see that that is Your Lordship's task, but I believe that Your Lordship, we are before the court for our beliefs, we are before the courts for what we really hold dear, and Your Lordship, we are not just speaking in the air as it were, Your Lordship. It goes to the entire being of Black society and we have been responsible for creating some hope in Black society. (30)

Yes well, /...

Yes well, that is how you see it, but the case against you is that you are doing it in such a way that you endanger the maintenance of law and order, that is the case against you. You are not charged for your politics because you are entitled to your politics, but if you can conduct your politics in such a way that you do not endanger the maintenance of law and order, then you don't fall under the Terrorism Act. The maintenance of law and order is vital to the crime of participation in terroristic activities. --- That is what Your Lordship will have to decide on, but I believe, taking the case in its entirety, (10) taking the utterances that have been made in support of the charge sheet, taking the charge sheet itself, taking various other statements made, specifically I would like to say by for example the Minister of Justice, one does not see it, I do not see it in that specific light, I realise that this is what Your Lordship's task is and that Your Lordship must decide on that basis, but looking at the utterances that have been made in this Court and outside this Court, I am not sure, I believe that we are here truly as the scapegoats, we are here to answer for reacting.....(intervention) (20)

But shouldn't you say that at the end of the case? If the State does not prove its case, well, then you are right, but if the State proves its case, well, then you are wrong. --- Well, that remains to be seen, Your Lordship.

We will reserve that to the end of the case. --- Well, I, Your Lordship has asked me about the aspects of law and order, and why we are here.....(intervention)

I have heard the remarks that you have made in the witness box several times now where you are under the impression, or you are trying to create the impression that you are being charged (30)

because/...

because of your politics. Now I am only saying to you that you are not really charged only for your politics, you are only charged because you are conducting your politics in such a way that you might endanger the maintenance of law and order, well, that is the case the State has to prove against you. --- Well, that remains.....(intervention)

Well, if the State can't prove that against you, well, then if the State can show that the maintenance of law and order cannot be affected, well, then the case is not proved against you.

(10)

MR. REES: Mr. Cooper, if I understand you correctly, is there inherent in your attitude here the suggestion that somebody has abused his office to bring you before the Court? --- I have not made any such suggestions, but I have been merely responding to Your Lordship's explanation of what we are faced with, and that is the problem of law and order.

You see, Mr. Cooper, do you appreciate the function of the prosecuting authorities in this country is the same as that in any other country, that when it appears to them that a crime has been committed, to bring the parties before the Court and to test the matter and give the Court the opportunity of adjudicating whether that is so, and the only question that concerns them is whether or not there is a provable crime, not who are the parties concerned, what are their politics, what is their colour. Do you appreciate that? --- Your Lordship, I believe that that ought to be so. But even a cursory glance at, I should say just the charge sheet, this reveals that we are being charged on, let us take the Bantustans, that is a creation of the Nationalist Government, and for opposing that concept it becomes a terroristic activity. Now.....(intervention)

(20)

(30)

No/...

No, Mr. Cooper, you are charged with - perhaps you don't appreciate the crux of this charge. It is that you did so with the intention to endanger the maintenance of law and order? That is what we are canvassing here. Now you see, you have - I have refrained from leading all the evidence which shows how you personally have attacked the courts and tried to denigrate the courts, and your statements here are illustrative of the fact that you are trying to bring the whole of the judicial structure into disrepute? --- I reject that statement, because if the prosecutor can show that, and if Your Lordship (10) finds that that is so, then that is the end of the matter, but I don't believe that.

BY THE COURT: Mr. Rees, he feels that he is facing a political charge. Seeing that he thinks it is a political charge he thinks the charge is politically motivated. And I think that is really what he has been saying. But I think we can leave it at that and we can go on with the case.

MR. REES: Now Mr. Cooper, do you realise that - may I just put one aspect of ...?

BY THE COURT: Yes. (20)

MR. REES: Do you realise that the prosecuting authorities in this country are not politically appointed at all, they are not like the Americans who owe their salary to the party that is in power or their status or office to the party that is in power? --- Your Lordship, then that is something new to me. I thought the Ministry for Justice was responsible for payment of - well, the prosecutor has mentioned this aspect.

The taxpayers pay my salary, Mr. Cooper, not the Minister of Justice. --- Well, that is knowledge to me, I am grateful for that.

The prosecuting authorities in this country are civil (30)
servants/...

servants whose office is not dependent upon the success or failure of a case, whose office is dependent on them trying to see to the best of their ability that justice is done and lay before the Courts the facts to the best of their ability.

--- I hope that is so.

Well, you have experienced it here already, Mr. Cooper. Now do you believe personally that the Whites have a predetermined plan for the annihilation and the wiping out of the entire Black nation? --- Your Lordship, I believe that the Whites are hell-bent on a course of destroying the very fibre (10) of Black society, in that they do not wish to part with any aspect which would deprive them of privilege and power, and in this context they will continue the situation of extermination in the sense of destruction of the fibre of Black society.

What I want to know is whether you believe that the Whites have a predetermined plan for this? --- The policy that is being effected against Black people now amply demonstrates that what I have just been saying before is so in that this situation of spiritual, psychological and physical extermination is the policy of the ruling party in this country, and that that policy (20) will continue as long as.....(intervention)

When you say the ruling party, do you mean the particular political party or the Whites? --- Well, the specific political party which is representative of Whites in this country.

...(inaudible)... --- That is what I mean by the Whites, yes.

Now Mr. Cooper, I would like to suggest a few things which I think is already common sense. I would just like to clarify it before we go into details. Would you look at the following exhibit, and all I want to know is whether you compiled them or wrote them or drew them up or had anything to do with the (30) creation of these documents, or whether you can tell the Court who/...

who is responsible for its creation. The first one I would like to show you is ANNEXURE 1, page 31 of the charge sheet. As I say here may be a little bit of duplication, that is Dedication, that is your workmanship? --- Dedication, yes.

So that is Annexure 1, page 31 of the charge. The next one is ANNEXURE 2(1) to (3), that is pages 32 to 34 of the charge. Is that also - would you please have a look at the documents because I don't want you - I don't want there to be any misunderstanding between us. --- Your Lordship, if I - pause -

That is Chatsworth, Chatsworth documents. --- All this is (10)
my work and the writing on, is it annexure..? - pause -

BY THE COURT: I think you have already said so. --- The signature is mine but the writing is not mine. I can't recall whose writing it is.

MR. REES: On which one is that? --- The handwriting.

BY THE COURT: Annexure 2(1). --- I don't know what the annexure is.

MR. REES: But these are your creations? --- All are my creations, yes.

Thank you. --- Except of course, as I explained the languages that have been interpreted here. (20)

Now who interpreted the language there, that is on the Chatsworth papers? (Court intervenes)

BY THE COURT: That is 2(3). --- This was as I said translated for me by Mr. Naran.

MR. REES: That is the Indian portion? --- That is correct, yes.

And isn't there a Zulu portion here? --- No, no.

Not? Sorry. Then ANNEXURE 3... --- That is an interesting point. The people in Chatsworth are not entirely straight-haired variety as I understand it, people in Chatsworth have negroid origin as well. (30)

They are/...

They are overwhelmingly of Indian origin? --- Well, they are classified as Indians, but the straightlhaired variety that I represent, they are in the majority.

Mr. Cooper, where do you live? --- I used to live in Sydenham.

What part of Durban is that? --- That is a suburb.

Yes, I know but.....(Court intervenes)

BY THE COURT: I thought you said you lived across from the bus rank? --- Well, that was earlier on, at the time of my arrest I was arrested at Sydenham. It is roughly.....(intervention)

MR. REES: It is near Overport? --- That is correct. (10)

That is a considerable distance from this Chatsworth, isn't it? --- Chatsworth by road is about ten to twelve miles away from the heart of Durban. I am not too certain on that, I am not too sure.

As I remember, I'm not sure, I am trying to place the position in my mind, if you don't mind. It is as one faces the sea, it is to the, it is Sydenham where you live? --- Yes.

Sydenham is on your left and Chatsworth is on your right? Fairly roughly speaking? As you face the Indian ocean? --- Well, they are both inland, they both ought to face the ocean,(20) but left and right, I would say that is correct, but it would depend on where you are standing.

Yes, but if you are flying over the area you would look left onto Sydenham and right onto Chatsworth? --- That is correct.

Now this ANNEXURE 3, page 36, this thing is headed "Introduction to Sharpeville." --- This is the information brochure.

Yes? --- Yes, as I have explained this was my creation. I compiled it although certain sections are not mine.

Which section is not yours? --- The research section onto the strikes. Recent strikes some results. (30)

Then/...

Then ANNEXURE 4, that is pages 47 to 50? What do you say about that one? Am I starting at the right page? --- The extent to which I was involved with this document is just two sections, and that is the - pause -

Have a look, am I correct in saying is it 47 to 50, or have I... --- No. (Court intervenes)

BY THE COURT: 47 is "System of Attack", it is part of Annexure 4. --- Annexure 4 begin on page 41.

MR. REES: Well, tell us which of those you are responsible for? --- On page 42 it gives the contents, and "Towards Freedom," (10) the BPC, Your Lordship.

Is that yours? --- That is mine. And the Editorial and to the best of my recollection both of these were contributed to the first Inkululeko that I think is G.1.

Is that all? --- Yes.

What about this one, let us have a look at page 47. Is that one of the... --- Yes, page 47.

Whose contribution is that "The System on the Attack?" --- I can't say whose contribution that is.

Have a look at pages 57 to 61? --- There again I can't say (20) whose contribution that is.

Whose writing is at the top there? --- I don't know whose handwriting that is.

Pages 64 to 65? --- No, Your Lordship.

You don't know about that. Then have a look at BPC B.1? --- Yes, Your Lordship.

Page 35, that is "S. Cooper, The Resolution" or, yes, noting that... --- Is it the "Second Resolution" the copy is headed "Four Stroke" is that the one?

Yes, there is written "S. Cooper, S. Cooper? --- Yes, both (30) are references to myself.

Then/...

Then BPC D.2? That purports to be signed by Saths Cooper, Public Relations Officer? --- Is that the Stevedor's press statement?

It might well be, D.2? --- Yes, the signature at the bottom is mine, and this is my work.

Then BPC D.3? --- Yes, this was the pamphlet that I was charged with for racial hostility in the regional court, and the English version is mine, the Zulu version was translated for me, Your Lordship.

Who translated that Zulu version? --- This was done by Mr. (10) Ben Langa if I am not mistaken.

BPC E.6? --- Yes, it says A Brief Review of the Black Struggle for Liberation in South Africa. This was either prepared by Mr. Chris Mokoditwa or Mr. Sipho Buthelezi, one of them. I am not too certain who.

Now how did this come into your possession, or when did it come into your possession? --- There I am afraid I won't be able to assist Your Lordship but I see at the top it says June BPC paper, issued June, 1973. I should imagine it was at that time or before that, and that writing is mine. (20)

And what does it mean? --- I am afraid I am unable to tell Your Lordship now what that means. I am sorry. That is the handwriting on top of BPC E.6.

Just read it? --- It says "June:- (Court intervenes).
BY THE COURT: Was it a paper that was presented or what? --- I can't recall specifically whether it was a paper - I don't know what the meaning of "June BPC paper issued to .." was. I can't assist, I am afraid.

MR. REES: Then BPC E.7? --- This I don't know who prepared this, but I assume that it is a document which emanates from the SRC
of the/...

of the University of Natal, for one of the commemoration meetings. I can't specify and say when, etc.

Now according to Captain Du Toit he found this document in your home? Would you care to comment on that? --- I recognise this document, he must have found it in my home.

BPC N.2? That is, I think, Singh's speech? --- Yes.

You have already told the Court that some of these portions are yours. I think that is clear, the writing, right at the beginning and right at the end? --- Just the beginning, yes, the saying there, and - pause -

(10)

Mr. Cooper, I see here are some quotes. Mr. Abdul's has got in his hand. This is part of that. --- Is it part of BPC N.2?

Yes. --- Your Lordship, the other writing, it begins with "Aimee Cezaire" and what Aimee Cezaire is supposed to have said or written about. That is i- my writing, the rest is not.

And that lot of quotes, can you say anything about them? --- No, except that I noticed that some of them appear in Inkululeko Yesizwe, in Count 7 is it?

And then BPC R.1? --- Yes, Your Lordship, I compiled this and Harry Singh assisted. It was compiled from various sources. (20) But I was responsible primarily for the compilation of this.

And then EXHIBIT G.1? --- Yes, Your Lordship.

Just tell us what part you had in the compilation or whatever if was of this whole document? --- I assisted Roy Chetty in editing this document. He is responsible for it. I played a large role in it and some of the handwriting is mine.

I think you have already indicated that, so we need not read it. --- That is correct.

So we won't waste any time on that. Then G.2? --- This is the Tecon Festival programme and the only writing on it, which (30)

is mine/...

is mine is the one that I said was mine, on the righthand side, at the top of the document above the black dot, the huge black dot, and below the black dot.

BY THE COURT: I see there is a question mark and a black dot there, somebody must have written it in. --- I don't know, I just

It should not be there? --- No, somebody has written that in.

Well, one didn't know whether or not it would come out on the photostat.

BY THE COURT: It does not signify anything? (10)

MR. REES: No, it does not ... --- No, the question mark was put on there, it was not part of the original programme, it was not a printed thing.

Then G.4? We have already dealt with that one, that is Before and After? --- Yes, we have, Your Lordship.

Then G.6? --- Yes, this is - I think it ought to be what I read out, I don't know whether anything was left out from it but it ought to be accurately what I read out to the regional court magistrate.

Now let us get the first point clear, this is in fact what (20) you wrote and ... --- I am responsible for it, yes.

And you intended to read it out ... --- I am certain I did read that out, unless certain sections were missed out, but I don't think so.

Then RALLY A.2, would you just have a look at that document? --- Yes, I have it in front of me.

Now what do you say about that document? --- I don't know this, I mean until this case I was not aware of it.

No, I am only interested in what you knew originally? --- No, I was not aware of this document before it was produced in this (30) court.

That is/...

That is good enough. --- As it is now.

I think here was evidence that there was a joint BPC/SASO press statement issued by you and No. 2. Is that one before Court, and if so, which one is it? --- I think it is the one beginning with "We are not aware of any banning." I don't know the reference number. It is the one issued on the Tuesday, the 24th of September.

Do you see the documents there? --- Yes, my sentiment is, may I read this Your Lordship?

BY THE COURT: Yes. --- "We are not aware of any banning, we (10)
couldn't care less if it is banned, we are going ahead."

No, Your Lordship. "We are not aware of any banning, we
couldn't care less if it is banned. The people's
will, shall not be suppressed by a foreign settler regime."
This is my sentiment, Your Lordship. And the sentiment otherwise
expressed there is accused No. 2, unless I am mistaken about it.

MR. REES: Now which exhibit is that? --- RALLY A2(a).

RALLY A.2(a)? --- That is correct, Your Lordship.

The next one is BPC J.1? --- I am aware of this document.
As I said, this is a SASO document. I don't know who prepared (20)
it specifically.

How did you first become aware of it and where and...

--- I think it would have been early in 1973, at least anywhere
after the funeral of Mr. Mthuli Shezi.

Did you attend that funeral? --- No, I did not, Your Lordship.

BY THE COURT: Why do you say it is a SASO document? --- It is a
SASO document. I have seen it at the SASO offices. It is
definitely not a BPC document.

MR. REES: Then BPC J.2? --- Yes, this is a BPC document. I don't
know who prepared it, but, unless my memory plays tricks with me (30)

this/...

this would have been distributed, if it was, at the tombstone unveiling ceremony of Mr. Shezi in December, 1973.

Did you attend that? --- No, Your Lordship.

Where was his tombstone unveiled? --- At Thembiza.

Where is that? Transvaal? --- I think Joubert Park somewhere.

BY THE COURT: It is this side I think of Kempton Park. ---
Kempton Park, yes.

MR. REES: SASO G.3. --- (Court intervenes).

BY THE COURT: What happened to the tombstone, wasn't there some difficulty about the tombstone? --- As I understood the matter (10) it was destroyed by some vandals.

Where, at the site? --- At the grave, yes.

MR. REES: What do you know about that one, that ...? --- This is a paper that I think Mr. Magagula(?) delivered at the - I should imagine it was the fourth GSC of SASO, that is the GSC of SASO held in July I think it is of 1973. I may be incorrect on that.

What do you know about that paper, did it ever come into your possession, did you have it? --- I have - I know this document.

From where, how do you know it? --- I can't say, it may have been posted to me or I may have got a copy direct from the SASO (20) office, I can't say.

Then I think it must be GENERAL K4(a). --- Yes, this is the Newsletter of September/October, 1972, Conference Issue of SASO.

And what do you know about that document? --- I must have read this document, Your Lordship. I know it.

It was found in your home I see, or a copy of it was found in your home? --- That is highly possible, I know this document.

That completes this aspect, My Lord. I will be going onto a new aspect. I think the witness has had a long day. Perhaps it would be a convenient stage to adjourn.

COURT ADJOURNS.

(30)

/YC.

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