

C.C.

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

CASE NO: 18/75/254

DATE: 28 APRIL 1976

THE STATE

VS

S. COOPER AND EIGHT OTHERS

-----  
VOLUME 73

PAGES 4051 - 4115

LUBBE RECORDINGS (PRETORIA)

THE COURT RESUMES ON 28TH APRIL, 1976.

SATHASIVAN COOPER: (still under affirmation)

CROSS-EXAMINATION BY MR. REES: (continued) May the witness be handed EXHIBIT G.1 please My Lord? Mr. Cooper, you have dealt with the various documents yesterday, and you have touched on where your handwriting appears in G.1. I understood also that your wife's handwriting appears in various parts of this document. Is that so? --- Let me just look through it.

Yes, please? --- Yes.

Would you just indicate some places where they appear? (10)

--- Page 9.

Page 9 to? --- Page 9 to 13.

Perhaps as you are paging through, if you can recognise any of the handwriting you can tell the Court whose it is, please? --- Page 28.

28. Let me just get to that "The System on the Attack" --- Yes, then page 35, 38 to 39, page 40 up to 42 looks to be my brother's handwriting, then 43, 44 my wife's, 47 to 52, the same.

Is that your wife's? --- That is right. 54 Looks to be my (20) brother's. Page 63, I am not very certain in this, I think it may be Collin Jeffrey, I may be uncertain on that, up to 68. Page 75 to 78, 79 seems to be, probably 79, I can't be certain.

Your wife's? --- My wife's yes. Page 84 Roy Chetty, 84 and the next page, 88, 89 my brother's, 91, 92 my wife's, 101, 102 my brother's. The list of addresses may be in Sipho Buthelezi's handwriting, but I am not certain on that. Yes, that is all. Although it does not seem that the entire thing is what I was involved in, because there are some section here which are completely foreign to me, like the, in respect of (30) Inkululeko Yesizwe. The addresses for example, and -pause -

Now/...

Now how did your wife come to be involved in writing these things? --- It is a long time now, I don't know. I did not ask her specifically but I should imagine that she was assisting in a certain respect in compiling the documents. I don't know whether she actually wrote certain sections or not. I am not too certain.

Do you mean would she have been - would somebody have been dictating to her or would she write from ... ---I would not like to commit her to having written any article herself or having transcribed or what. I could not say that. (10)

Just another general question, you say you censured Nengwekulu after the speech of his in March of 1972? That was your evidence here? --- Is this the one at the Allan Taylor Residence, the 19th of March affair?

1972, yes? --- Yes, where the Dedication was read?

That is right. --- Yes.

Now who censured it? --- Well, I remember that after the meeting, this was at Allan Taylor Residence, Mr. Steve Biko, Mr. Barney Pityane, Dr. Mokoape, accused no.4, Mr. Moodley, that is accused no.9, and I had occasion to talk to Nengwekulu (20) in rather strong terms because of the nature of his speech. He had a prepared speech and he had been talking off the cuff as well.

But now was anybody else ever either censured or talked to in consequence of their <sup>speeches,</sup> speech? Either/writings or utterances? --- Well, Interim Executive Committee of the BPC, that is now between the time of July, and December, 1972, had occasion to censure Reverend Mayathula for example.

What was he censured for? --- Well, we had gone through and consequently approved of his presidential address at the first congress held in December, 1972, at Hammanskraal. And (30) in/...

in this respect we censured whatever he had written and corrected the.....(intervention)

You mean you censored it, not censured it? --- Well, we censured him for some of the comments. I can't remember what the comments were, and together with him we rectified the, I think I have the speech somewhere, the speech of the first congress.

Yes well, the point is that the committee goes through the speech because the speech represents their views? --- That is correct. (10)

And they correct it and say take that out, and you put this in, and it is a whole committee effort really? --- That is what had happened, yes.

BY THE COURT: Was that the speech that he was supposed to deliver? --- That is what he did deliver actually at the first congress.

At the first congress, well that was censored? --- Censored and we censured him for some of the.....(intervention)

I think you people are at cross-purposes. Are you referring to censure or censor? --- Well, I think to make it easier, it is censor. (20)

Censor? --- Yes.

MR. REES: Censored his speech, but now that was before he delivered the speech, and you say this is what you want, this is what you don't want? --- That is correct. So, in effect we had occasion to censure him for his draft speech.

Now, that was not the same as Mr. Nengwekulu because Nengwekulu first made his speech, and then you said: you should not have said this, that and the other thing, that is the crux of it? --- That is the crux of it, we had not the opportunity to censor(30

his/...



his speech.

What exactly was the objection, what was there that he had said that you objected to, and what ...? --- Well, it is a long time ago and the essence of it was that he had been rambling on and making certain statements which in effect became non-statements, it was a sort of to and fro-ing, and there was not much point to it, and an unhappy conclusion could be reached from certain of his non-statements, in that respect. I could not be specific and say we censured him because he said this and that, no I could not say that. (10)

What I would like from you for instance was it the method of delivery or was it the contents of the speech that you were unhappy about? --- Well, what he was saying, in that respect.

Well, without giving the detail, I don't expect that of you, but what was the nature of the sentiments expressed by him that you did not approve of? --- Well, as I say it is four years ago now, I don't recall the nature of his sentiments, but this was the basis on which he was censured.

Well, we will have a look at his speech and you can tell us which - that would be SASO B.1, and you can tell us which (20) of these sentiments you did not approve of. That is page 22 to 35 of EXHIBIT B.1. --- 22 to ..?

I think it is 22 to 35. Yes, right at the bottom it starts. Have you got it, page 22? Keith Mokoape on the top, then Saths Cooper, then again Keith Mokoape and then Harry Rangwetsi Nengwekulu. It starts off : "Thankyou, Mr. Chairman,

Brithers and Sisters, fathers, I don't think it is necessary for me to repeat about the violence of White racism, all of us here, all the speakers, you and I, have agreed that the White man is the culprit."

Would you just read that and if you come to any paragraph or (30) passage/...

passage - I think read it aloud for His Lordship and as you come to any passage ... --- Your Lordship, I think this is a task that I won't be able to assist Your Lordship on, because I don't remember his speech and it would be now on what is before me, and I can't just .... (Court intervenes).

BY THE COURT: It is doubtful whether you would take his speech and read the speech to him and say ... --- No, it is definitely not, because it is for the first time that the speech is in this form and ....

Well, if you cautioned him, what would be the effect of (10) the caution more or less? Perhaps you could just glance through the speech quickly and then tell us in respect of what you cautioned him, or what is the effects against which you cautioned him? --- The speech is long, would it save the court's time if I read it during the interval?

Yes. Before you - I think you have EXHIBIT G.1 before you, while we are - still have that. --- Yes, Your Lordship.

Have a look at page 28, the second paragraph onwards until the beginning of that heading. --- "Black people ..."?

"Black people must be aware", yes. --- Yes. (20)

What have you read there, have you read the whole paragraph? --- "Black people to Illegal Regime".

Well, carry on, and then the next paragraph as well. --- Yes.

Now what does this paragraph mean, what do these paragraphs mean? --- Well, I think Your Lordship, the article is The System on the Attack and the attack talks of the banning, the various members of the Black Consciousness Movement who have been banned and the ....

In other words you refer to all the grievances of the Black man? --- Well, at that time - the specific instances against the (30) Movement/...

Movement, the System on the Attack against the Movement, the Black Consciousness Movement.

Now in the light of that, what does the first paragraph mean for instance? --- "Black people must be aware ..."?

Yes? --- Well, in the sense that Black people must be aware that change will have to come, change is inevitable, but that change rests with us, the Black people. And they list various grievances as it were, and that there is a degree of insecurity, "we do not know what shall happen to us tomorrow, to our homes, etc. and that the military force is primarily (10) responsible for the maintenance of the regime and we are warning you, Vorster," - Your Lordship, this sounds to me like a similar sentiment expressed in BPC F.1 I think, I think it is BPC F.1. I think that is a press statement issued by the head office in respect of the bannings. Can I have that and I think it is ....

Yes, it is BPC F.1. The fourth paragraph starts in the same way and then the last paragraph. --- Yes, and the last two paragraphs look to be the same type of thing, and this is the context of the - yes, the bannings of the first eight (20) members of SASO and BPC of whom accused no.2, Strini Moodley, and I had been two of the persons banned, and the gist of this is that look, there is a reference to the past, that is Sharpeville, and one must bear in mind, Your Lordship, that we are attempting to create the future ....

Yes, but doesn't that lend colour to the statement that Black people must be aware that the day of reckoning with the Fascists is at hand? You show the grievances and you show the reasons why you should reckon with the Fascists by mentioning these grievances? --- These are grievances, yes. (30)

Yes, but now you show what the reckoning involves? --- Well,  
the/...



the reckoning that is involved I think is touched in the last paragraph, and this says that: "He is the only man who will determine the nature of the struggle" - that is Mr. Vorster, and the gist of it is that it will all depend on Mr. Vorster, he is the one who is going to determine whether there is going to be another Sharpeville or whether there is going to be another Vietnam. He is the one who is going to decide whether peaceful change will come about or there will be violent change, but whatever happens Black majority rule must come. (10)

Doesn't it mean that you are oriented for action now? You say : "The day of reckoning is at hand, this is what these people have been doing to us. We are warning you, Vorster. Vorster is a frightened man, he knows that his days of White domination are over and he would do everything to delay that."

Now in other words you say well, now we have reached the day of reckoning because now we have to revenge all these grievances that we have? --- No, not revenge, Your Lordship, there is no suggestion of that, that we ought to be vengeful. "It says (20) the day of reckoning is nigh, is at hand ..."

Well, reckoning means that we are going to deal with it? --- Change has to come, the day of reckoning simply means when White domination is over, there is no more White domination and it is in the context of Black majority rule will come, that must happen, that is the day of reckoning .

No, but he says ... --- will/<sup>be</sup>coming, that is the day of reckoning.

No, but it says : "the day of reckoning with the Fascists is at hand"? --- It is the reference to the Fascist power (30) structure/...



structure in the country, that this type of thing is not going to continue. It must stop, but that it is going to be Mr. Vorster who will determine how this is going to work out, whether it is going to expire in the form of a Vietnam or a Sharpeville or it is going to be the change that we talk about, and in that context I think as I have SASO B.1 in front of me, I did say to Your Lordship that I didn't have the references for where BPC and SASO say - we believe in collective bargaining. If Your Lordship will remember, I think this was on Monday?

Yes, well, I follow that part of your case. I mean that (10) is power, that is the purpose of Black power, that is your case. Now in the light of your case, I want you to explain this? --- Well, if anything, this does not advocate that the day of reckoning will be revengeful where revenge will be wrought on the Fascists. If anything this is a deprecation of that eventuality.

Well, let us forget about revenge, let us take the words: "The day of reckoning with the Fascists is at hand"? --- Yes.

"The days of White domination are over"? --- Yes.

Now Vorster must decide - "Let him be warned that there will never be another Sharpeville". Now that is where - if I (20) remember the history correctly of these events, Sharpeville you say the Blacks were passive, they didn't react, they were just mowed down with saracens", that is the attitude of the Blacks, isn't it? "But there could be another Vietnam". Well, in Vietnam we know there has been a war? --- Yes.

Alright, "He is the only man who will determine the nature of the struggle". Well, it is either - "That/Black liberation will come before his banning orders expire. Black majority rule will come whether he likes it or not."

Now doesn't that mean that now we are oriented for action, now (30) you/...

you must decide, are you going to talk to us or is there going to be a Vietnam? --- Well, Your Lordship, we are oriented for action in the sense that we are out to create a solidified Black majority. Now in that sense we are geared for action and the eventuality of that would be the process that we have been talking about, that is the bargaining from a position of strength. And there could never --"but there could be another Vietnam", Your Lordship, the Black Peoples Convention came at a time when other movements were forced into exile <sup>through</sup> banning orders, and it is known that these movements are engaged in a guerrilla campaign against South Africa, or this is their intention, and the BPC's intention is not that, so Mr. Vorster has a choice, that he must decide whether he wants to reckon with that type of thing, that is that there could be another Vietnam, or whether he wants the peaceful way out, and that is the BPC way out. And this is the warning that is contained by this, and it deprecates the use of violence because BPC has not advocated violence anywhere. (10)

That is the next point I am going to put to you. The way in which you prepare your power bloc, with your manner of conscientisation, doesn't that enable you to say - look, we are now oriented for action, there will be reaction if you will not now talk to us? --- I don't think that is viable, because we have no basis for reaction, the BPC has not got anything that it can fall on that it can call a reactive process if White people do not bargain for peaceful change. We do not have an army which is going to say - right, you are not talking to us -- like the ANC situation in Rhodesia, therefore we will do this. We don't have that, but we are offering the solution on a basis of peaceful negotiation. We do not have this, that is a threat (30)

which/...

which we can always put to the ruling power, but what is contained specifically in this is that there are other movements which advocate this type of thing. Your alternative is to negotiate with us and work out a solution to the problem with us, otherwise there can be another Vietnam.

Yes, well, that I follow, but you don't say - well, "His days of White domination are over", in other words you say now we have now - we are now putting an end to this. We are going to put an end to this, either you talk and then have a negotiated solution, or else? Isn't that what you are saying, (10) that "your domination is at an end"? --- The domination is at an end, and that is a statement that has been made. It is a current statement that White supremacy is at an end, it cannot continue, if I may use the analogy of the Whites have reached the top rung of the ladder, there is no more, the next rung is the downfall of the Whites. Now this is the type of situation that is portrayed here, and how are Whites going to get out of this? Are they going to get out of it by opting for the Vietnam solution, or are they going to get out of it by opting for the solution that the Black Peoples Convention, an overt (20) peoples movement in the country would like to negotiate.

But then you say : "The day of reckoning with the Fascists is at hand"? --- In the context that White domination is fast being thrown overboard, in the sense that it is at an end.

Now can you say that the BPC and SASO did not work for this situation where you can say that the day of reckoning with the Fascists is at hand? Is at an end, and Vorster is to be warned that his days of White domination are over and it is now left to him to decide whether there would be a Vietnam or not? Did you people work for that state of affairs, for that (30) situation?/...



situation? --- Where there would be a violent ...?

No, where you have the situation which I am putting to you? Did you build up the Black masses to enable you to say to this sorry, not did you build up, did you intend to build up the Black masses so as to be able to say that the day of reckoning with the Fascists is at hand and the days of White domination are over, and it is left to the Prime Minister to decide whether there is going to be a Vietnam or not? --- Well, that is fair, but we are not ...

And that majority rule will come, whether the Prime Minister likes it or not? --- That is so, but there is no suggestion, and this was not our intention that we should ... (Intervention). (10)

Are you answering my question? I asked you whether it was the intention of the BPC and SASO to strive for this situation with a prepared power bloc to enable the leaders of SASO and BPC to be able to adopt this attitude? Do you follow the question? --- Yes, Your Lordship. Well, we did not say look, we are going to go about our preparation for this eventual situation, where we are going to bargain with the powers that be in a particular manner, and that we should now go about it in (20) this way in order that we may have a few threats up our sleeve to pose to the rulers.

No, but you need not say it, the question is if you can prepare your power bloc in such a way that it is possible for you to adopt this attitude? If the power bloc is not prepared for this type of attitude, well then, you can come with whatever threats you like, I mean you can never give effect to it? --- Your Lordship, it is not in our preparation as it were of this power bloc - we did not say we will prepare the power bloc with the intention of inherent threats being contained in it. We (30)

did not/...

did not intend that and we did not do that. It is that we should unite as a solidified unit of Black people in order that peaceful change will emanate on a basis worked out by the ruling structure and by the representatives of the Black people. Now in this context here, Your Lordship, it is known that there are other forces at work. It is - which are proffering a violent solution to the country's problems. We have not relied and it was not our intention to rely on them as a threat.

If those forces aborted because they were in too great a (10) hurry, I mean if I may use my knowledge which I had in another case, the Communist, that is the danger, you have the African resistance movement coming with violence and the Communist was afraid that that would attract the Black masses to them because they were following violence, and the result is that they had to do something in order to stop the Black masses from running after PCQO and the African Resistance Movement and then they came with limited violence just to satisfy the Black masses, and then it precipitated things, and the whole thing miscarried? You have got to prepare your masses in such a way that there (20) is no precipitative action and eventually the masses must be ready for it? I mean now I am just now - this is theory that I am putting to you. Accept it as theory. Now to test it in relation to this case, will your Black power bloc be sufficiently action orientated to enable you to adopt this attitude? --- Your Lordship, that ...

Eventually? --- We haven't decided on the mechanics of this, we have said that we need a solidified unit for that day when we can begin a process of bargaining. We have not said that we must use a threat of violent means, or that we must utilise (30)

violence/...

violence in any form. Violence has not entered into it, in intention or in usage. We have not done that. If that was the case, there are these movements, I am speaking for myself, there are these movements, it is well-known. One reads about them in the papers, there are various cases. If the BPC had this outlook of violence in intention or in eventual usage, Your Lordship, it is easier for me to join that outside movement than get involved in the BPC. It is much easier, the alternatives are clear. I can go and join that violent movement or I can become involved in BPC, which BPC is an overt(10) peaceful movement, with the intention of creating peaceful change in this country with the intention of preventing a holocaust. This is what the BPC is all about. Otherwise, there would be no need for us to stand as the BPC. We could very easily - I am speaking for myself, I could very easily go out of the country and join such a movement, because .... (intervention)

But I mean that would be futile, isn't that the reason why you decided on Black Consciousness, because that is the corner stone to stir up the people? --- Because we don't believe in violence, if we believed in violence we would not have caused (20) an organisation like BPC to be born and operate it in an overt aboveboard manner. No, then we would have gone - I would have gone outside the country.

But what is the use of doing that because you don't have the backing behind you? --- Well, if I believed in violence I would have gone out and then ... I don't believe in violence, if I did I would have done that. I don't know whether the institution of violence needs a mass support or not, that is a matter for speculation.

As I see the case the whole thing is going to turn around that, the question is whether you people exploited Black (30)

Consciousness/...



Consciousness in order to prepare the Black masses for this type of situation that I am putting to you? --- No, it is a deprecation of that type of situation, a looking at this press release which was released to the White press ...

Well then let us look at the press release in the light of what we have discussed now. --- BPC F.1. It deprecates the eventuality of a violent confrontation and it is saying that the man who is going to decide this is going to be Mr. Vorster. Because that is true, Mr. Vorster will decide whether there is going to be violent confrontation in this (10) country or whether there is going to be confrontation based on what BPC is talking about, that is collective bargaining from a position of strength across the table.

Yes, well, I can understand the logic of that, you are quite correct, that is the logic. But now this case is concerned with the maintenance of law and order. You see, if you are going to create a situation where there is a - where you endanger the maintenance of law and order, well then according to the laws of the land, that is participation in terrorism. Now I mean that is the predicament that you people find your- (20) selves in. I have to decide whether what your intentions were, what your motives were, whether you intended to endanger the maintenance of law and order? --- Well, Your Lordship, we do not find ourselves in a predicament, there is no dilemma that we face. Because we believe in this outlook ...

Well, you don't follow the difficulty that I am putting to you. If you fail to follow the logic of your argument you may find yourself in the position where you endangered the maintenance of law and order, because there will be a confrontation, because you envisage a confrontation, where the Prime (30) Minister/...

Minister makes the wrong choice? --- That is being openly spoken of, I don't think the BPC came out with this first. I don't know - I don't think this is some revelation that BPC has thrown into the political spectrum in this country. BPC is just stating a fact, this is what can happen, but we, the BPC, do not intend that that should happen and this is why we have formed ourselves into the BPC.

You are praying that he will make the right choice? I mean in your heart of hearts you hope that he makes the right choice, I mean that is why you are really organising this? --- Yes, that(10) is true.

Well now but the way you are organising your Blacks do you not create a situation where you really eventually create a danger to the maintenance of law and order? --- No, we do not go out organising Black people saying that well, we are going to threaten them with violence by our Black power bloc, as it were. We have not done this and it has not been our intention to create a threat, that we are going to present to Mr. Vorster at this time when the day of reckoning will be nigh.

But if you keep on reminding them of their grievances, (20) well... --- Your Lordship, this particular press statement was issued to the press and it is the White press, actually I would say that this is talking to White people. This is why it says Mr. Vorster, and he is the one.

Well, I just glanced at it while you were talking now. I don't see any real difference between this press statement and what I have put to you in ... --- They are the same, as I suspect they are the same. The sentiments are the same, it is Mr. Vorster who is going to decide, but we in the Black Peoples Convention believe in collective bargaining and we believe that we have the(30) ability/...

ability to bring about change through peaceful means, and we can bring about change if we unify ourselves as a Black mass. Your Lordship, in page 9 of G.1 - that is the editorial, The Challenge of the '70s, that whole paragraph : "We are faced with the greatest challenge since the White man began ruling us hundreds of years ago. The challenge is this, to wake up from our long sleep, stand up on our own feet and strengthen the ranks of the oppressed people. For too long have we been asleep while our homes were taken away, our jobs given to Whites and our children are turned away from school. There is only one reason why the White man lives at our expense, our lack of unity as Black people of South Africa." (10)

It continues on page 10, - : "Black Solidarity: Despite all the oppressive measures passed by the White man against us Africans, Coloureds and Indians, have not united as Black people, as an oppressed majority who suffer the same wrong. This is our fault. If we are a united Black people no minority group of Whites is going to push us around like sheep. Once we have achieved this Black solidarity nothing will stop us gaining freedom which is our right." (20)

And then on page 11 it continues - : "Black Consciousness: This is why the BPC calls for the unity of Africans, Coloureds and Indians. We have power greater than the White man if we unite as Black people. We must be aware of this if we want to gain freedom. We must refuse to allow ourselves to be divided when it suits the White man. It is because the White man wants it that way that we think we are different from each other and that /... (30)



ability to bring about change through peaceful means, and we can bring about change if we unify ourselves as a Black mass. Your Lordship, in page 9 of G.1 - that is the editorial, The Challenge of the '70s, that whole paragraph : "We are faced with the greatest challenge since the White man began ruling us hundreds of years ago. The challenge is this, to wake up from our long sleep, stand up on our own feet and strengthen the ranks of the oppressed people. For too long have we been asleep while our homes were taken away, our jobs given to Whites and our children are turned away from school. There is only one reason why the White man lives at our expense, our lack of unity as Black people of South Africa." (10)

It continues on page 10, - : "Black Solidarity: Despite all the oppressive measures passed by the White man against us Africans, Coloureds and Indians, have not united as Black people, as an oppressed majority who suffer the same wrong. This is our fault. If we are a united Black people no minority group of Whites is going to push us around like sheep. Once we have achieved this Black solidarity nothing will stop us gaining freedom which is our right." (20)

And then on page 11 it continues - : "Black Consciousness: This is why the BPC calls for the unity of Africans, Coloureds and Indians. We have power greater than the White man if we unite as Black people. We must be aware of this if we want to gain freedom. We must refuse to allow ourselves to be divided when it suits the White man. It is because the White man wants it that way that we think we are different from each other and (30)  
that /...

that he is better than us. We cannot allow anybody to kill our spirit and pride. We Black people must be aware at all times of our dignity and worth as humanbeings, not non this, or non-White, or kaffir or Bantu or boesman or hotnot or coolie. This is what is meant by Black Consciousness. If we live this Black Consciousness we stand proud of the - proud as a nation and if we unite as Black oppressed people Africans, Coloureds and Indians achieve Black solidarity, we are nearer our freedom." And there is an addition - (10) "Then let us get out of his Babylon".

That Your Lordship, is what BPC is after.

Well, that is quite - that is conscientisation, isn't it? --- And achieving of the solidarity.

Of course that automatically follows. --- No, not if ...

If you have Black Consciousness well then one can assume that they appreciate their own worth and they will see that the worth of their fellow-beings are ... --- Not so, if I may just digress a bit, the Labour Party in this country, that is the Coloured Labour Party, there is only one Labour Party, and (20) they believe in Black Consciousness, that is their official philosophy. But I don't think that although they say they believe in Black solidarity, I don't think they can believe in Black solidarity because they are working for a Coloured solidarity, so it does not necessarily follow that Black Consciousness and Black Solidarity follow one from the other.

But isn't it implicit in conscientisation that a feeling is built up against the White man? --- No, there is no suggestion of that. It is implicit in Black Consciousness that a feeling is built up in Black people of their own worth as humanbeings, (30) of their/...

of their own inherent value as persons. It is not anti-White at all. I think we have stated that in various documents, Your Lordship, we do not intend that Black Consciousness or whatever we are about should be anti-White, in fact we deprecate that. We have never done this, that is involve ourselves in an anti-White campaign, or involve ourselves in creating a feeling of hostility against White people. We have not engaged in any violent measure and we have not intended that our Movement ought to resort to violence or the threat of violence.

But if you refer to your past you don't say that at such (10) and such an incident so many Blacks lost their lives, you people say they were murdered? --- Well, it is in that context, well, if we refer to Sharpeville ...(Intervention).

Well now, if you refer to the word murdered ... --- I should imagine that the truth always hurts, and this is the truth, Black people were murdered at Sharpeville, it is accepted. Everybody accepts it. We are just saying that this is so.

Well, if we now accept it for the time being, if you keep on saying to the Black man we must stand together because things like Sharpeville happen, where the White man murders the Black (20) man. Now surely there must be - you build up hostility? --- Well, Your Lordship, first of all over the last two nights I have been through nearly all the documents before the court. I have not found any direct reference in any publication of the Movement, in any document of the Movement, which says Whites are murderers. I have not come across any publication of the Movement ... (Intervention).

But you don't say that they are murderers, but you say that they have murdered these people? I mean Shezi was assassinated? --- He was assassinated. (30)

The leader/...



The leader was assassinated? --- It is the leaders of our Movement, yes.

That may be so but they are represented as people who have been assassinated by the Whites. Now surely if ... --- I don't know whether that generalisation is valid, Your Lordship. We have said they have been assassinated, yes. We have referred to White actions, but I don't know that we have said in so many words Whites are the assassigators, the Whites are the murderers, and as I said I have been through all the documents, I have not found one reference to - in any official publication that (10) Whites are murderers, Whites are rapists and ....(Intervention).

No, you don't say that, it is in relation to an event that the White system or the ... --- It is specific .. (The court and accused speaking simultaneously).

.. is accused as having murdered? --- That is so.

And that is sort of held out as a reason why the Black man should stand together? --- Your Lordship, in that context we believe that these are the evils of White society, in order that there can be a removal of that evil we must recognise it, and it will continue if we remain divided, and it is - it was (20) Paul Kruger who said : "One who intends to create the future must not forget the past", and we believe that ours is a historical necessity and we find ourselves ....(intervention)

Yes, I am not debating with you about that, but now I am just referring to the paradox that is you are put in that position where you use that, but the outcome is that you build up a hostile ... --- No, we have not built up a hostile bloc, we don't intend to build up a hostile bloc, to Whites. We have said that this is what happened in the past, and it is precisely because we have been divided as Black people. If we were united as Black (30)

people/...

people would these things have happened in the past? And we believe no. That is it in a nutshell.

MR. REES: Mr. Cooper, you have been referring to the ills of the White society, is that correct? --- Yes.

Now while you have been speaking, you can tell me whether my thoughts are correct, it seems to me if I understand you correctly that you are suggesting that BPC is like the man at the accident where he calls for brandy for the victim and then drinks it himself? In this sense that you are not directing your treatment at the Whites, you are directing them at the (10) Blacks? --- I don't follow that analogy? It is a little hazy, I don't follow that analogy.

What was that, the brandy or the ... --- The business about the brandy and I don't follow that analogy.

Do you believe in the biblical injunction, do you believe in fact that the biblical injunction is applied in South African society, that there where a man is struck on the one cheek he turns the other cheek? Instead of returning it? --- I am a Hindu, and in Hinduism a foremost exponent of which is Mahathma Gandhi, Mahathma Gandhi advocates the same attitude, and (20) Mahathma Gandhi advocates it in the sense of creating a soul force that I will continue striving for the truth, if this should happen - it is not taken literally but neither is it taken physically. Somewhere in between the truth lies. And taking what Mahathma Gandhi talks of, that is the sole force, one can almost equate it with the realisation of Black people that they have human qualities, that they are essentially human, that there is an ahimsa to them and there is humanity of all people, this is indivisible, and ....(intervention)

No, I accept that, but the point is taking the average (30) person, /...

person, a person you meet in the street, if you give him a slap in the face, how is he likely to react? --- Well, ....

Is he going to take it lying down or is he going to slap you back, if he thinks he is strong enough? --- That is a factor which would have to be considered. There are so many factors that have to be considered, who the aggressor is, who the aggrieved is, etc., there are so many factors. I can't say.

Well, let us say a chap comes up to the average person and a puny gentleman, and he slaps the man in the face, how would the man react? --- Well, the puny gentleman could be a tenth (10) dan Karate Black belt, I don't know how he can - how he is going to react.

Would you stop to enquire or would you slap him back? --- That is the position, that that person who has been slapped will find himself in, because I don't think one can safely say this will happen, that will happen. If A is equal to B and B is equal to C therefore A is equal to C. Therefore A is equal to C, or taking it - Your Lordship, one cannot follow in politics which is - which concerns humanbeings, which concerns all the foibles, the frailties and the human weaknesses and (20) strength of people, humanbeings, that this is going to happen, because there is no sequitur reasoning, you cannot talk and say look, this happens and that happens, therefore the other will happen. That is a non-sequitur reasoning.

BY THE COURT: I think a reasonable thing to say is that if Mohammed Ali gives you a slap you won't slap him back, you will probably use a knife or a revolver on him? --- It is whether I have the knife and whether I have the revolver and whether I am able to use those.

But I mean you would be inclined to go and look for a (30)  
revolver?/...



revolver? --- Well, I don't know, it is like saying - the Communists believe in detention without trial, the South African Government believes in detention without trial, therefore the South African Government is Communist. The reasoning is non-sequitur, it does not follow. One from the other it does not follow. Here we are dealing with human problems, human solutions, we are dealing with politics, the very life-blood of humanity.

Mr. Rees's point is one of human nature, what does human experience teach you? How does the human being react? --- (10)  
Well, experience is the best teacher, that is all. And experience changes from time to time. Whereas I may be an exponent of judo tomorrow when I meet a certain situation I may run from it.

Yes, but you are not exploiting that very characteristic in your conscientisation? --- No.

You must tell the Black man that he is being oppressed, that will cause a reaction in the sense that you can call him to unite his resources? --- That is not the end of the story, we believe .... (Intervention). (20)

MR. REES: Is it the beginning? --- Well, we believe it is the beginning, we believe that Black people know they are oppressed, that is where you start from.

BY THE COURT: So then you incite him to do something about it? --- Well, we believe that we ought to show Black people that the reason they are oppressed is purely because of division in Black ranks, and this we believe in. That is I think the crux of the matter, the reason Black people are oppressed and they are in this disprivileged and dispossessed state. It is because of the very nature of the division. If we are united(30)  
would /...

would we be undergoing such oppression, would we be finding the need to overcome our psychological oppression? And our physical emancipation? If there was no oppression there would be no BPC.

MR. REES: Yes, but isn't the position this, isn't the crux of the matter this, that you want to unite so that you are strong enough to face the challenge? --- We want to unite so that we can safely bargain with the System, otherwise if we are divided, if we have a small group we cannot bargain, there would be no reckoning, one cannot reckon with a divided group ... (10)

How can you bargain safely from this united position? --- Then we have a - then we represent the masses and ....

That does not help you because ... --- No, it does, this is the crux of the issue. Right now there is BPC, there is SASO, there are various other organisations but we can't go up to the rulers and say - look, we are making this demand. We cannot because those demands will be kicked out through the backdoor, not even the front door.

BY THE COURT: Well, let's cut into the problem, isn't your whole theory based on fear? If you have a united Black power bloc then your whole premise is that the White man will fear that bloc and will negotiate with the bloc? If the Blacks are divided then there is nothing to fear? --- No, the fear we believe is the White man's fear, he has this .... (20)

Well, you are exploiting it, if it is the White man's fear you are exploiting it? --- No, Your Lordship, I don't believe so. I believe that Black Consciousness is the quest for a true humanity and in the process I do not believe that we who have been the victims of racism, of oppression, of apartheid in this country, can turn the tables and resort to threats of (30)

violence/...

violence, resort to means which we have been the victims of. I don't believe that we can do that type of thing.

Well, they need not resort to threats of violence, isn't your whole, the whole basis of your Black Consciousness that if you have a power bloc, then the White man will respect that power bloc and fear that bloc and negotiate with the bloc? --- No, no, the point about Black Consciousness is that the Whites must not fear the Black people, because Black people are the same as White people, all people are the same. You ought not to fear people, it is just because you don't know (10) the other, you don't know the Black people, but you fear them.

Yes, but what is Black power then? You say that Black Consciousness is to inculcate solidarity and solidarity in turn engenders Black power. Now, what is the Black power you are talking about then? --- Well, there are two aspects to Black power. The one aspect is the popular political belief held, and that is the minority situation in American where a minority works for the power of that minority. In our situation it is working for the rule of the people.

But you say collective effort is always better than (20) divided effort? --- Divided effort, yes.

MR. REES: Mr. Cooper, you say you went through all the documents in the last two evenings. Now, can you point, or indicate to the Court any documents which BPC clearly advocates change through peaceful means? --- There is no document of BPC which advocates change through violent means.

Oh, no, no, I did not as you that. --- Your Lordship, -pause-

I will repeat the question, is there any document that says BPC is advocating, or is attempting to achieve change through peaceful means? --- There are many documents.....(intervention) (3

Well/...



Well, would you indicate them to His Lordship? --- This SASO B.1 where Mr. Drake Koka talks of -pause-

SASO B.1 you say? --- (Court intervenes)

BY THE COURT: Well, if you do so expressly, you will have yourself in hot water before you start? --- In what sense?

If you start organising for violence? --- That is not our intention and.....(intervention)

Yes, but I mean if you did do it, you would find yourself in hot water before you even start? --- If we did do it, and there are other movements which are doing this, it is much, (10) you see, it saves a lot of everything, and I can just easily go and join that movement.

I don't think you are following the proposition I am putting to you. I say if you openly advocated violence, then you would find yourself in trouble even before you start? --- Well, that is also a point, but it must be borne in mind that we have not covertly advocated violence in order that we may continue operating under a facade of an overt movement, so that later on we can resort to violence, to violent means.

MR. REES: Mr. Cooper, if you are looking for Drake Koka, you (20) will find him on page 18 of B.1, that is BPC B.1. --- Yes.

I am sorry, SASO B.1. --- On page 21.....(intervention)

What do you want to refer us to? --- The whole tenor of Mr. Koka's speech, and specifically at the bottom of page 21 his concluding remarks where he talks of negotiating from a power position, that is negotiating from a position of strength, where peaceful change is advocated, BPC F.1 deprecates violent change and says that.....(intervention)

Just a moment, you are jumping now. Just refer me clearly to this passage of Mr. Drake Koka that you have in mind? --- (30)

The/...

The bottom pf page 21 here where he talks of negotiation from a position of strength, right at the bottom. That is his concluding remarks.

"I say my dear brothers, my dear sisters, my dear mothers, and fathers, my dear Black people, once more united we stand, let us sink our differences, let us come up from one group, one power. It is in Blackness that we can generate a power and it is this power and with this power that we can be in a position to negotiate. These words I say unto you, freedom is in your hands." --- Yes, Your Lordship, taking that in its (10) context, well from what I have said already ... (Court intervenes).

BY THE COURT: Before you explain that, am I wrong in saying that the purpose of most of these speeches was to try and prepare the people for the Black Consciousness Movement, or the BPC movement? Wasn't it at the time when you had the Interim Committee and you were going to launch BPC and you wanted people to know something about it and associate themselves with the ideas behind it? --- Well, Mr. Koka was introduced to that meeting as the convener of the Black Peoples Convention and (20) that the Black Peoples Convention hopes to form itself into a political movement.

So the intention here really was to get the people to realise that they must stand together and unite? --- Must stand together and unite. In the light of what I said about the deprecation of a violent confrontation in BPC F.1 and Your Lordship, specifically - the Minutes of the Inaugural Convention held in Edendale between the 8th and 10th of July, if I may have that, I think - it is very short, it will conclude the point. (30)

BPC/...

BPC ? --- BPC B.1 I think it is. The Minutes of the Inaugural Convention of BPC, and where the - on the second last page of the document under The Report of the General Planning and Organisation Committee under "Strategy" the second paragraph, (c) "No confrontation shall be sought with oppressive party".

referred  
Do you remember Harry Singh said that was during the build-up period, isn't that so? --- Harry Singh said that no confrontation would only apply to the first three years when a membership project of a million would be entered into. That is (10) totally incorrect, as I explained in my evidence-in-chief it was I who suggested from the floor, during the report back session accused no.4, that is Dr. Mokoape, was illustrating the report back on the Blackboard and various points were put down. It was I who suggested that we should adopt the organisational project of a million members project in three years, and it had no reference to this confrontation situation, that is totally incorrect.

COURT ADJOURNS.

COURT RESUMES AFTER TEA INTERVAL. (20)

SATHASIVAN COOPER (Still under affirmation)

CROSS-EXAMINATION BY MR. REES (Continued): Mr. Cooper, you were going to have a look at SASO B.1 - has that been made available to you? --- Yes.

You were going to tell us what there was in Nengwekulu's speech that was censored that was not in accordance with BPC policy. Would you just tell the court, please? --- Well, I glanced through the speech, it is very long, I can't place this speech, but at that time, if I remember correctly, Mr. Nengwekulu had had a prepared speech with him, but he did not utilise the (30) speech/...



speech and he began speaking off the cuff and as Your Lordship will notice his speech is very long and rambling. And the various points where he makes non-statements, and he had been talking about violence, that there is violence in South African society, institutionalised violence. He mentioned we are violent, we are not violent, and this type of thing, and, although nobody got the impression that he was advocating violence, but the unfortunate impression could be created, there were members of the Security Branch present and he referred to them "...they are here and they can go and tell their masters etc. what we are (10) planning.." and this type of thing. The unfortunate impression could be created that this organisation is going to plan violence, and.....(intervention)

Is that what he was taken to task for? --- As I said in the context of his rambling on, making non-statements and this type of thing.

What exactly is a non-statement? --- There are various places he says one thing and later on he says another thing.

Yes, but I would like to know, will you just point out to His Lordship what specific item would you call a non-statement? (20) If you can't find one, just say so and we can go through this document.....(Court intervenes)

BY THE COURT: Look on page 31, about the tenth line? --- Yes, Your Lordship, "...although I shall not say we should kill them but I believe it, etc. etc.." he shows that he just said this off the cuff and he found this opportunity to make use of certain adages because he says "...we don't intend this and we don't intend that.."

He said a lot of things and he would retract it immediately (3)

afterwards/...

afterwards? --- This type of thing, Your Lordship, and he was an official of the Movement, and I remember him saying well, I am not speaking as an official of the Movement, and that type of thing, but this did not matter, it was the whole trend and tenor of rambling on and on.

MR. REES: I was just looking at page 31. Isn't he there aware of the fact that the police are present when he makes this statement and retracts it, when he has planted the seeds in the minds of the people? Isn't that an old orator's trick? --- I don't know about an old orator's trick, I am not an orator. (10)

You are a dramatist? --- The difference is very vast.

Isn't it also a dramatic device if you want to plant an idea? --- Well, I don't know. I don't know whether Harry Nengwekulu considers himself involved in drama at all.

I am asking you isn't that one of the dramatical devices? --- No, Your Lordship.

To plant an idea? --- Dramatic devices are not to plant an idea, Your Lordship.

Isn't it? In fact he has put forth the idea, to say - "We must kill them, I don't say we must kill them, but they must be killed"? --- This is the type of non-statement that was being made, Your Lordship. (20)

Alright, now we understand one another. Now if I suggest that the labour sphere and in particular the strike action, is the predominant field in which BPC can engage if it wants to bring about a change, what would be your comment on that? --- It is a prominent sphere, but I would not say it is the predominant sphere in which BPC can engage, because BPC's policy on Trade Unionism was that Blacks should have the machinery for industrial negotiation and that Blacks should be encouraged to form (30) themselves/...

themselves into trade unions, but BPC did not take any active role in going about doing this type of thing.

Is it a sphere in which they can engage in order to bring about a change, do you consider that at all? --- I don't think it is possible to extricate one facet of the humanbeing's life because labour is just one facet of a humanbeing's life. You can't extricate the labour facet and say we are going to exploit this facet now to achieve this aim, and we are going to leave the sport facet out, we are going to leave recreation out of it. We are interested in recreation, as Aimee Cezaire called it, (10) the invention of souls, and in the totality of Black being.

There is no specific sphere which we made a target of our attack as it were.

Now did BPC incorporate then the labour sphere and strike actions in its conscientisation programme? --- What BPC did do is what I said. We have talked about Blacks, their trade unionism. Strike action, no.

You have never considered strike action? --- We have never done so.

You were dealing - His Lordship asked you a few questions (20) about G.1, a moment ago. Would you get it out again, please. In G.1 on page 28 - have you got it? --- Yes.

The Black people are told that they must be aware that the day of reckoning with the Fascists is at hand, and then the next paragraph sets out that a number of grievances of the Blacks - highlights their grievances, isn't that so? --- In the bottom of the same paragraph?

Yes? And then it makes the bold statement that "We are insulted and looked down upon by the minority White racist regime who depend on military force and violence (30) as/...



as perpetrated at Sharpeville for the maintenance of their illegal regime."

So the position is quite clearly stated here, Blacks are informed that the day of reckoning is at hand, the opponent and the enemy is delineated or defined and the reasons why he should be dealt with are set out, is that correct? --- Well, the reasons why we should organise ourselves into united Black group under BPC, Your Lordship.

But it says here what the Black grievances are? --- That is correct, yes. (10)

And then in juxtaposition to the warning you say the Whites "rely on force"? --- In juxtaposition to ..?

The warning to Vorster, immediately before the warning to Vorster you tell him : "The Whites are people who rely on force to maintain their illegal regime".

--- Yes, Your Lordship.

And then you say : "We warn you, Mr. Vorster," and Vorster you say is a frightened man and he too knows that the days of White domination are over and that he will do everything to delay this? That is clear? --- Yes. (20)

So you postulate it there that the day of reckoning is at hand, the day of reckoning with an organisation that maintains its force by force of arms, is that correct? And then you say : "This organisation represented by Vorster is going to do everything to delay the end of White domination" That is what you are saying, isn't that so? --- Yes.

Then he is told that he must be warned that there will never be another Sharpeville, and Sharpeville according to your beliefs is where the Blacks acted passively, is that correct? --- No, we have not said the Blacks acted passively. (30)

Well, how/...

Well, how did they act at Sharpeville? --- That was a peaceful demonstration against the pass laws, we have not said that the Blacks have acted passively at Sharpeville, now we are saying there is not going to be another demonstration such as Sharpeville, that is Blacks will not act passively again, they are going to act violently, there is no suggestion of that.

So you object to the word "passive" the Whites, the Blacks were acting peacefully at Sharpeville? --- That is correct, and in the context of what was said at that time.....(intervention)

We are concerned with what was said here, Mr. Cooper. (10)

--- Sharpeville was, at that time, and in the context of its history, it was, I think, the Minister of Justice at that time, I may be incorrect, but.....(intervention)

Mr. Cooper, we are going to deal with Sharpeville in great depth in a moment. I will give you all the opportunity of talking about Sharpeville. I just want to confine to what you are saying here. You said there will never to another Sharpeville, in other words the Blacks are not going to demonstrate peacefully against these alleged injustices of the Whites?

--- No, there is no suggestion of that. (20)

Well, what does this suggestion mean then? --- The suggestion here, what is meant here is that the only person who is going to determine the final outcome of the struggle, the dilemma of the struggle, is Mr. Vorster because he has within him, the means to do so, and he is going to decide if it is going to be this way out or that way out, now.....(intervention)

You have already postulated that he is maintaining his position by force? You have already postulated that he is going to do everything to delay the end of his domination.

--- That is so. (30)

Then you say to him in effect that the Blacks demonstrated peacefully/...

peacefully at Sharpeville, that is not going to happen again? Isn't that what this means? --- It does not say that the Blacks demonstrated peacefully at Sharpeville and in future the Blacks will not demonstrate peacefully, at a future Sharpeville this is going to happen and that the Blacks will demonstrate violently.

But here he says - "There will never be another Sharpeville"? --- This is in the context of political jargon and Sharpeville is an imprint in our history, and saying that Vorster knows that his days of White domination are over, and (10) he will do everything to delay this, Your Lordship, one cannot extract a statement of BPC and isolate it and say well, this is what ought to - what it ought to mean. The BPC believes in a context of its objective. If Your Lordship will look at the Constitution, it says - "work outside the system created platforms", and this is in the context of Vorster delaying the day of the end, or rather the end of the days of White domination. This is in that context.

There you say - "There could be another Vietnam", after you say - do you see we are dealing with this matter of putting (20) juxtapositions here in this publication? And a man who reads this reads this publication and - as it is? --- That is so, as it is.

Right, now you say here - "There wont be another Sharpeville, but there could be another Vietnam". In other words you are telling Mr. Vorster - you have got to choose, because the Blacks are not going to react to your - what you call injustices - as we did at Sharpeville. Now choose, Mr. Vorster, isn't that in fact what you are saying here? --- The juxtaposition of Sharpeville and Vietnam I think is quite obvious, and that is (30) in the/...



in the context of the previous movements representing certain sections of the Black community who were banned immediately after the Sharpeville incident.

Which movements were they? ---- These were the ANC and the PAC. And it is in the context of these organisations now working in exile, and that this situation can lead to another Vietnam and Vietnam was topical at that time .... (Intervention).

I would like to ask you this, what ... (Court intervenes).

BY THE COURT: Let him just finish that? --- And that Mr. Vorster would decide, and Mr. Vorster, you will have to decide these (10) things because the day of reckoning with you is nigh, the days of White domination are over. Although you are attempting to do everything in your power to delay it, the writing is on the wall as it were, and the BPC is the Movement in this country which is attempting to build up Black unity in this country which is attempting to work towards a peaceful solution to the problems.

MR. REES: Yes, but now here you put Black majority rule will come, whether he likes it or not? You are not writing on behalf of another organisation? This is BPC's Newsletter? --- That I (20) think with respect is a truism. Political scientists have said it, one reads it in the papers daily, that the days of White supremacy are numbered, Black majority rule must come. This type of statement is spoken of, it is used in the press, and I am certain that/when, for example, the Argus, says: "The days of White domination are numbered". The Argus group is not threatening Mr. Vorster with violent revolution.

I don't know what the Argus says or what they don't say, Mr. Cooper, but if they were, and if they were intending to endanger the maintenance of law and order the editor will find himself (30) standing/...

standing where you are standing. Do you understand that? ---  
If he were working towards that and if he were intending that?

Yes, now so it does not matter what he says, if you think he is saying anything that endangers the maintenance of law and order tell the Security Police and they will investigate it and we will bring him to court. That is as simple as that. Now the next point I would like to get clear from you, when you refer in this very document, you say that the vice-president was assassinated? --- Where is that?

Well, that follows on page 29, immediately after this (10)  
threat to Vorster? --- (Court intervenes).

BY THE COURT: There is a question mark after the assassinated?  
--- Yes, Your Lordship.

MR. REES: And it says : "BPC vice-president assassinated" with a question mark? --- Yes, that is so.

Now "assassinated" in fact means a killing of a public figure especially by hired emissary, not so? --- Well, Your Lordship .... (Court intervenes).

BY THE COURT: If you read the contents of the article, Mr. Rees, it doesn't suggest that. It merely gives the circum- (20)  
stances and then it says what the magistrate found.

MR. REES: Yes, and that is what I would like to ... --- The question is posed was he assassinated?

Yes, and now isn't the suggestion here inherent on page 30 that there was a cover-up, because you say : "Before he died Mtuli told a policeman who swore to his state of mind that he was pushed under the wheels of the train by a White train driver. The inquest magistrate who returned a verdict of death by accident for which no-one was responsible warned the White train driver, Hattingh, (30)  
that he/...

that he could withhold answers which could incriminate him."

--- Yes, Your Lordship.

Why was it then necessary to add that particular piece in that particular context? --- I think this must have been taken over from a newspaper report and there is no intention to suggest that the magistrate was acting with impropriety or anything like that. It was just stating what happened at the inquest hearing, and that is what the policeman said, that Mr. Shezi claimed he was pushed. The magistrate returned a verdict of no responsibility, and then he quoted as his death accidental death. But the magistrate warned the driver who was involved that he could withhold answers to questions that could be incriminating. It is factual. (10)

But now doesn't the magistrate in such a case in every case where a person may incriminate himself in an inquest or an inquiry, isn't the magistrate obliged to warn him? --- I don't know the procedure adopted.

The point here, the point that I am getting from you is that BPC here is using this as an attack on the System, they postulate the question - "was he assassinated" - and assassinated means killed by a hireling of the political bosses. --- (Court intervenes). (20)

BY THE COURT: Well, can you make a point of this, Mr. Rees, because a person need not incriminate himself at an inquest, so in this case this man was not heard because he was warned that he need not answer any questions, so they say the report is - well, there was no full investigation because this man didn't give evidence and - but these are the facts. Now then the question is, was he assassinated. Well, it leaves it open, (30)  
it is /...



it is an open problem how that particular person got killed, because the train driver has not given evidence yet.

MR. REES: Yes, My Lord, it is a minor point, but the point I am making here with him is the fact that they draw attention here that the train driver was warned by the magistrate, has a sinister ring to it in the connotation, in the context of this passage. --- Well, as I say this is purely factual, and if it has a sinister ring it is probably to the particular reader, but if I remember correctly newspaper reports of that time said the same thing. And I have certain newspaper reports which I (10) can .... (Court intervenes).

BY THE COURT: Well, you have brought the report in the world, where they verily say what the mother said and ... --- Your Lordship, the inquest report after the inquest, and during the inquest, the same type of statement was made. I have those cuttings if it will assist Your Lordship at all, I don't know. It says the same type of thing. I don't think there is any sinister ring to it.

You see, if there is a false allegation in it it is a different matter, but here it is vested in the air and with (20) the factual - it is like a commentary, if it is reasonable on the facts then of course you can't regard it as defamation, but if it doesn't relate to the facts then it may be defamation.

MR. REES: I think you said that this BPC F.1 was intended for Whites, or something to that effect? Just have a look at it? --- Is that the press statement?

Yes, I would like you to be quite certain what we are talking about. Black Peoples Convention Press Statement. You say this was .... (Court intervenes).

BY THE COURT: This is BPC F.1. It is really a repetition of (30) what/...

what is contained in G.1.

MR. REES: Now BPC F.1 you say, did you say it was intended for Whites, or what did you say? --- This is a reaction to the bannings, the first bannings of BPC and SASO leaders and .....  
(intervention)

No, all I want to know is who it was intended for? --- It says there "press release." I read parts of it in the press and to my knowledge the press is primarily White in this country.

...(machine makes a noise)... --- No, one or two little newspapers, tabloids, which belong to Blacks and.....(inter- (10)  
vention)

It is intended for publication by papers like the Rand Daily Mail? --- Well, it is a press release intended for publication, the press, and the press in this country is White.

Now when you say they are White, what exactly do you mean? --- Well, they are White owned and the readership is largely White.

How do you know that the readership is largely White? --- Well, from what the papers themselves claim, the figures one reads about circulation readership, various surveys, I (20)  
think there was a recent survey a couple of months back, I think I recall reading it in the Express, the Sunday Express.

Now, if there is a very small Black newspaper ownership, doesn't it mean that Blacks largely read what you call the newspapers? --- Well, I read the White newspapers and there are certain Black newspapers which exist which I, if I get the opportunity I read them also. I don't know what other Blacks read in general.

Now G.1 and Annexure 4 to the charge-sheet, just have a look at them, they were in fact addressed to and intended for (30)  
Blacks, wasn't that so? --- Well, they would have been

intended/...

intended for BPC members and BPC branches if they were published. Are you talking about Inkululeko Yesizwe in the charge-sheet?

Yes. --- Yes, Your Lordship.

Mr. Cooper, if BPC does not believe in, or approve of violence, why do they publish such sentiments as those of OAU and Mr. Mokethlé in a newsletter called "The Voice of BPC?" In ..?.. with the sentiments here today? --- This is the G.1, is it?

That is right, yes. G.1. --- This is, I think, purely (10) informative, these reports were got from newspapers and the newspapers at that time, reported the same thing. Are those newspapers advocating violence? It is reporting what is happening, interest in the world. When the censors pass a film which is violent, do they advocate violence as the film portrays? I don't know whether one can answer such a question with honesty, and say that that is so.

To what extent was BPC involved or associated with Black Allied Workers Union? --- Well, there were certain BPC members who were involved in the formation of the Black Allied Workers (20) Union.

Who were they? --- Specifically, prominently Mr. Drake Koka, Your Lordship knows the historical context of Mr. Drake Koka's activity in BPC and Mr. Drake Koka, I think, was the founder of the Black Allied Workers Union, if I am not mistaken.

Was this after he had been involved with BPC? --- There I cannot assist Your Lordship, but I think that moves were afoot before the formation of BPC. I can't be certain on that aspect.

Yes, what role did you play in BAWU? --- As I explained I assisted the BAWU persons in Durban to set up office. I (30)

donated/...



donated certain bits of furniture to them and assisted them in the formation only, the starting of a banking account, and did books of account for them, because the officials were not au fait with bookkeeping and I had done accounting.

The majority of the officials were they also members or active supporters of BPC? --- I don't know about members ...

I mean the officials? --- I am saying I don't know about whether they were members of BPC, but they were persons of the Black Consciousness outlook.

Who was the - did it have an executive committee or an executive council, BAWU? --- The exact structure of BAWU I don't know. But the Durban office with which I was associated did have a committee. (10)

Who were they? --- I may be incorrect on this, and assuming largely, but Mr. Mabandla was the secretary in Durban ...

He was a member of BPC, wasn't he? --- I don't know if he was a member of BPC, he could have been. He was a member of - he was a vice-president of SASO at one stage.

Sorry, yes. --- But I don't know about BPC. Mr. Menziwe Mbeo, I don't know his affiliations with SASO or BPC. (20)  
He was the organiser and there was Miss Buthelezi. Miss Buthelezi I don't know if she was a member of any of these organisations, she was the receptionist.

Could we turn for a moment to these annexures which were issued by you. I would like to refer you to ANNEXURE 2, this is the Chatsworth papers. --- Yes.

Now this was essentially the dispute between the inhabitants of Chatsworth and the Road Transportation Board and the - isn't that so? --- Not exactly.

Well, the crux of the matter was the ... --- The Railways (30)  
were/...

were involved there.

The parties were the Railways, Chatsworth and the Road Transportation Board? --- That is correct, yes.

And in the view of ... --- And the bus owners of Chatsworth, it would be incorrect to say that the commuters were directly involved. The three parties would be - or rather the two parties would be the Railways and the Bus Owners Association and they would be before the Transportation Board.

Yes, and the Transportation Board had refused a permit for the buses who had been carrying on their trade for some (10) considerable time? --- If my memory serves me correctly it was the Local Transportation Board's decision which upheld the objection of the Railways and ruled that the bus owners should not be allowed a renewal of their carrier certificates, and it subsequently went to the ad hoc committee, especially - a special ad hoc committee set up by the Minister for Transport and I remember that Mr. Driessen, the Secretary for Transport, was one of the persons who dissented, I think it was a five man committee, the ad hoc committee set up, and he was one of the two persons who who dissented and the chairman cast a vote (20) or something like that. He dissented in favour of the bus owners and subsequently it went up to the Supreme Court, the National Transportation Committee, etc., etc.

Now this type of dispute is something that occurs among all sections of the community and boards of this nature from time to time in South Africa, isn't it? This is not a unique dispute, this type of thing comes up frequently, or more than once? --- I don't know, but I think this was a rather unique situation here, in that the Chatsworth transport had been taken away from the people. (30)

We will/...

We will deal with that. The point of the matter is that it was no different from any other group where a body such as the Transportation Board makes a decision and that decision is unpopular? Then there is dispute between the parties and the parties can go on appeal or follow and do something about it, isn't that so? --- That is largely correct, yes.

And the normal means of settling the dispute is available to all parties? They could appeal to the Central Transportation Board and as they did, they could appeal to the Supreme (10) Court? --- This was after this particular incident, the result was much later in the Supreme Court, but up to this time ....

That was the rights of the parties, wasn't it? --- Well, these are the rights of the parties.

Yes, now you wanted to say something? --- Up to this time it had gone up the highest I think it could go within the context of the Transportation Commission set-up. I think it was the last appeal board as it were.

And then the next thing was the Supreme Court? --- Well, what followed was the Supreme Court. (20)

Yes, and eventually the bus owners were - the Supreme Court ruled in favour of the bus owners? --- In that the people should be allowed freedom of choice of transport, yes.

Yes, and this was in - this particular dispute was a dispute then between the specific community, or its specific groups, and the Road Transportation Board? --- Well, the dispute was specifically between the Railways and the bus owners and the Transportation Board which heard them.

And the - and it affected the specific community? --- That is correct, yes, the community of Chatsworth. (30)

Now there/...



Now there was no physical violence used by the Whites against the people of Chatsworth, was there? ---Physically no, not that I can recall.

And there was no other type of violence used as such by these people of Chatsworth, was there? --- There I don't know. Institutionalised violence that people talk of where the decision-making of the people is removed from them, where they are denied full expression of their full humanity, where people are forced to reside in a particular area ....(intervention)

Now just a moment, Mr. Cooper ... --- That is institutio- (10)  
nalised violence.

You are going off the track there, Mr. Cooper. There was no violence used against these people. This decision by the Road Transportation Board could just as easily have been used in connection with the buses to Durban Berea? Just as easily? --- Just as easily, except that it does not normally happen in the White community that way.

That is a generalisation, Mr. Cooper? --- That is so.

And also the fact is that it does happen, and the Whites are then faced with the same dilemma as the Indians in Chats- (20)  
worth were? They have got to seek their redress in the proper channels? --- With the exception that Blacks do not have the same avenue for seeking redress. Whites can appeal to their local councillor in the municipality, the Provincial Council, the M.P., various representatives of the civil service. This Blacks can't do -pause-

Why not? --- Although Blacks do revert to this from time to time, but it is not the normal course available to Blacks.

But there is an Indian Council, isn't there? --- Which members of that very same Council are called a toothless bulldog,

a /...

a castrated bulldog.

Yes, but those people can talk to the Government? --- They do talk and that is all they do, talk, and get nowhere.

But Mr. Cooper, you have just spoken a little while ago about the Government making concessions in the ..(inaudible). Isn't concessions made in consequence of talking to one another? --- If they are made they are so minute that they are insignificant.

We will come back to that. These people just like any Whites could enforce their rights, they could talk about it, (10) and if the Road Transportation Board is adamant, they take them to the Supreme Court. And there a decision is made, and if they don't like the Supreme Court's decision they go to the Appellate Division, isn't that so? --- In that respect that is right, yes. But not in the normal course of having rights because .... (intervention)

But that right is common to every man in South Africa, isn't it? --- Yes, and certainly that right does exist to all people, the request to the Supreme Court in the last eventuality.

Well, in every eventuality? --- Not necessarily, if a (20) provincial councillor can sort the matter out or if the Local Transportation Board gives a proper hearing and proper consideration without the racial bias coming into it, then there would be no need for this type of eventual detail.

Mr. Cooper, this was not Whites pushing Indians around? --- Oh yes.

Tell us about it? --- The Transportation Committee comprises Whites, and the Railways is a White administration and they were pushing around a particular group of Black people. Your Lordship, the history of the township is that the township(30) was there/...

was there long before the Railways came. There was no intention for having any railway there, the railway came long after. When it did come there was the threat of it - if it had to pass through the township that the buildings would crumble because of the appalling structure of the buildings, the materials, and the other factor was the sewerage system would crumble.

We are not dealing with that now. --- The railways came long after, Your Lordship. The bus services had always served the community, and the bus services are cheaper, the people who were using the bus services .... (intervention) (10)

I don't want to enter into the merits because that is what the Council would have put to the court, or they would have put to the organisation, to the Transportation Board. I just want to find out what the pamphlets are. Now you then issued various pamphlets, these ones before the court, in connection with this dispute? --- The pamphlets and one was a message.

A message. Now was this intended, your pamphlets and the message, intended to create a feeling of goodwill towards the Whites? --- Well, Your Lordship, these pamphlets were concerned with the problem created by Whites. (20)

Mr. Cooper, were you trying to build up goodwill for the Whites? --- I did not think of that at all, it did not enter my mind whether I am going to create goodwill or ill will. The pamphlet was - it was a particular situation, it was in response to a particular occasion.

Mr. Cooper, were you trying there to build up a spirit or an atmosphere that would have been conducive to negotiating? To negotiate a settlement? --- Well, I think the pamphlets call (30)  
for /...



for united action and that united action was eventually resorted to, and recourse was sought and got, and it was through united action, but not through the divided action which certain sections were advocating, specifically the .... (Intervention).

Mr. Cooper, you are going off the ... --- Indian Congress, the South African Indian Council sorry, not Congress.

Mr. Cooper, were you trying to build up an atmosphere conducive to negotiations? Between the parties? Or the opposite? --- Yes, in the sense that we had to be united, in order to effectively make our demands felt, and that we can bargain (10) effectively.

And how do you create a spirit conducive to negotiations if you make the allegations that the Government - I am looking at ANNEXURE 2(2) in the middle of the page - "Let us not forget that the Government is not here to please us, the Government is out on a deliberate campaign to destroy us physically and spiritually". Now is that a spirit that creates the spirit of negotiation? --- Your Lordship, this is not an allegation, it is true. The Government is there to serve White interests, and the Government is out on a deliberate cam-(20) paign to destroy us physically, this is talking in the context of Chatsworth, - they have moved us here to Chatsworth, it is a ghetto, from our freeholding rights, the physical destruction of family life, people have been moved to the Group Areas, spiritually the fibre of the community is destroyed.

May I just point this out to you, you can deal with it specifically. The point I am making here is that you generalise a specific dispute and launch a generalised attack on the Whites and the Government? You did not confine your attack to this particular Board with whom the dispute was? Is that correct (30) or not?/...

or not? --- I think the blame lies with the top and it seeps down to the bottom. The top there is Whites, they have put into power a Government, which Government has been responsible for setting up - now bringing to the local situation this transportation committee, which transportation committee has refused to recognise that the people should - it has refused to recognise what was in the interests of the people.

BY THE COURT: But are you not jumping to conclusions? As I understand the position, and that has been my experiences as advocate, I have appeared often on one of these local trans-(10) portation boards, the Railways will - it is a very expensive undertaking and it has a monopoly as far as transportation is concerned, and before any other carrier is allowed to compete with the Railways the carrier has to get a certificate, and invariably the Railways oppose the application for a certificate because they want to protect the monopoly, and that seems to be the complaint generally, that the Railways are always opposing these applications to preserve their monopoly, and this sort of thing arises. Now so really, isn't this evidence of an attempt by the Railways to protect their mono- (20) poly and with this result, and now you are blaming the Government for it? --- Your Lordship, the Government is to blame. Unfortunately the history of Indian owned transport in this country has been one where there has been tremendous opposition to the thriving nature of the business. If one goes back to the situation in 1949 and one of the areas touched during the Commission of Inquiry was that the transport became a point of focus, and just immediately after that legislation was pushed through Parliament to restrict bus carrier certificates being granted to Indians in African areas, and that Africans should (30)

be/...

be allowed the first choice, but unfortunately that was not done. What happened was Africans were not allowed to run buses in their own areas at that time, the areas in question. It was run by the Durban City Council, the City Council thrived on it, and the situation was merely exploited, by the Government, and this type of thing has been the doom of bus owners, the Indian bus owners.

Now on your facts, if they introduced a railway line into that area, and did this, this sort of trouble arises only after they introduced the railway line? --- The railway line was (10) introduced many years after the establishment of the township. I don't know how many years.

But the difficulty that you are complaining about, did that arise after they introduced the railway? --- Some time after that, not immediately after that, a long time after that.

Well, it is possible that they found that the Railways could not profitably run a railway line with this sort of competition and that might be the reason why ... --- Well, the fault was with the planners, the planners and the Railways themselves. The Railways came, it is outside the township, it (20) was to the north of the township. There are no interleading - the interleading stations, there are about four or five stations, at different points. The people had to walk. The inner service buses were refused carrier certificates, the people had to walk, deliberately ....

Well, that may be an imprudent way of enforcing a policy and protecting the railways, but now you see sinister motives in that? --- Well, Your Lordship, here I don't think there is any talk of the Railways.

Here in this case, in Chatsworth, was a railway line newly (30) introduced/...



introduced into that area? --- In the context of the history of that township it was newly introduced, but the dispute did not arise immediately after. A few years after that.

Well, they probably first wanted to see what effect the bus services had on the railway line. Couldn't that have happened? --- Well, that must have - the railway lines were running at a loss at that time. The people were not supporting them because they were inconvenient. For that simple reason, and not because of the buses. The buses were already there long before then, and they served the interest of the (10) people better. Surely, Your Lordship, the point should ....(i/v)

As a matter of policy, what would be to the greater benefit of the community, the railway line or the buses? --- The buses, and that ought to be the consideration, not whether the railways ..... (intervention)

Isn't it a matter which is arguable, couldn't there be a dispute about that? --- For a community of over half a million, the people in Chatsworth number over half a million, should the Railways be more important in terms of getting money, or should the interests of the people, the community, be more (20) important.

MR. REES: Mr. Cooper, let us just analyse that. Here in Pretoria the Pretoria City Council are debating the question of whether or not they should put railways to serve the population of Pretoria. Now a railway transportation, isn't that generally cheaper than bus transportation over longer distances? Can't it convey many more passengers? --- Well, over longer distances. But the distance here is very short and it is much more expensive, the Railways is much more expensive. Even the season tickets were more expensive than the daily fare on the buses. (30)

Only/...

Only because the Whites subsidise Black buses, isn't that so? --- That is an interesting point, because Your Lordship, there was a Commission of Inquiry for example in 1943 when the Alexandria Township commuters went on strike, and there the Government appointed Commission found that the Whites ought to be responsible for the transport of the Black community there because they had imposed a philosophy of ethnic segregation on Black people.

Yes, now 1943 is how many years ago? --- Well, Your Lordship, 1943 is 23 years ago. (10)

That was during the war ... (Court intervenes).

BY THE COURT: I think the bus services run on that basis here in Pretoria, they always run at a loss because it is a service, it is a civic service that you ... --- Your Lordship, I think this is a point in nationalising it, because it should be of community service.

MR. REES: Now the Railways are in fact a nationalised firm? Service? --- That is correct, but now the interesting point about Pretoria is there is also a move afoot to remove the Black taxi rank. Now that type of situation can be on the same type of par where it is - whether it is in the interest of Blacks or not. (20)

They remove the Black taxi ranks from point A to point B, and all these points Mr. Cooper are ... (inaudible) .. because there is always in all disputes, there are two points of view? --- Yes, but the overriding point of view seems to be in this country the point of view of White -pause-

White domination? --- White domination, apartheid.

BY THE COURT: Well, the difficulty is you see it in that way. (30)

There is/...

There is a taxi rank in front of the Supreme Court here, it has created a hazard because the people driving from the Supreme Court didn't have a view into the street because of the obstruction caused by the cars, and they had to -pause-

MR. REES: And that was a White taxi rank and they were told to move.

BY THE COURT: And they took the taxi rank away.

MR. REES: Yes, and do you also say this was directed against the Whites? --- Well, Your Lordship, and I am sure it was resolved amicably. (10)

BY THE COURT: How do you mean? The Municipality just passed a regulation, or a by-law, and it was changed? --- Well, I don't know how ..... (intervention)

And then had to move to the nearest taxi rank? --- Was it inconvenient to Whites?

It was inconvenient to us and dangerous to us driving out of the ... --- Well, the dangerous - that is the important thing, it was dangerous and in White interest it was moved. So if it was inconvenient the danger was removed .

It was dangerous to Black people too because they also (20) use the street? --- That may be so, but normally one finds in a situation like this that White interests are served first. And of course that has to happen because Whites are represented ..... (Intervention).

I can't debate that with you.

MR. REES: Mr. Cooper, the point is that you don't seem to concede that in a situation like this the matter can be looked at objectively by the Whites and honestly decided what is in the best interests of the community as such? Now I suggest to you the Government or Railways would not have put a railway line(30) to /...



to Chatsworth unless they believed that it was in the best interest of both the State and that particular community.

Now I also suggest to you that that would inevitably lead to a clash of interest with the bus owners? Isn't that so?

--- Your Lordship, I have no reason to doubt that the railways was put to Chatsworth township to render a service to the community, but at the same time one should not forget Your Lordship, that in the Supreme Court, when it eventually got there, the judge had reason to say - had this to say, that the people of Chatsworth were offered Hobson's Choice, and (10) this was a timely consideration, and he ruled that there ought to be a choice to the people of Chatsworth. They should not be forced to walk long distances, they should not be forced to pay more, they should choose what is more to their benefit and what is to their convenience.

Now you see, Mr. Cooper, if I want to take a taxi, it would be most convenient for me to go and fetch it here in Vermeulen Street, immediately behind. The Government did not consider my convenience, they considered the convenience of the greater majority of the people of Pretoria? --- That is (20) correct, but in Chatsworth the people of Chatsworth, not even the greater majority, Your Lordship, they were not considered. That is the .... (intervention)

Why do you say they were not considered? How do you know they were not considered? --- Because of the action at that time. The action was quite clear.

You don't know what the Board considered? --- Oh yes, I had been present at the Board hearings.

You heard what was put to them? --- Oh yes.

At this particular Board hearing? --- I heard what was put (30) to them /...

to them ... (Court intervenes).

BY THE COURT: As a matter of interest what was the argument, why should they remove the buses? --- Your Lordship, I can't say, I did not listen to the Railways objection, I listened to what was put forward by Counsel for all sides eventually and certain leading members of the Indian community put forward certain suggestions. This is what I listened to, because the Railways had put forward theirs at an ad hoc committee stage, long before, and subsequently all the objections ....

Was the Railways objection based on the fact that they (10) were running at a loss? --- I don't know what exactly their grounds were.

MR. REES: Mr. Cooper, the point I am making with you is that you generalise a local dispute in order to make anti-White propaganda? --- That is not a correct statement. One cannot talk about an incident in isolation; it is not possible. We are dealing with people, we are dealing with a situation that is political.

That is your answer, but I say to you that you deal with this matter and that you generalise a local dispute? You see, (20) Mr. Cooper, you used that to launch a general attack on the Whites, didn't you? --- Your Lordship, it does ....(intervention)

Yes or no, Mr. Cooper? --- The basis of this was that the people were denied choice of transport and what BPC was saying was that we must stand firm in our demands but we must be united in order to stand firm. We should not present various different demands, we - which had been happening up to that stage. And certain sections of the community were highly critical of certain members who adopted this type of stance. Mr. J.N. Reddy in particular was severely called to task for adopting (30) divisive/...

divisive tactics.

Mr. Cooper, every time you come with your divisive tactics. Don't you concede that somebody can differ from BPC's approach? --- Oh yes, that is so, people can differ from BPC's outlook but .... (Court intervenes).

BY THE COURT: You see, isn't it more correct to see this document in the following light: That you were at this stage building up BPC and your aim was to achieve solidarity, so where there was this difficulty in this area which affected certain people, you wanted to show solidarity with them, and (10) show ... --- And concern for the people in that situation.

To get them to come together and to share their grievances as one big community? --- Well, the BPC was on the road to formation at that time, and this would largely be correct.

So you were really exploiting this little incident in order to get some advantage for BPC? --- Well, publicize BPC as it were and at the same time to show the people that look, BPC exists and BPC believes that we must have collective action, and in this situation here there wasn't collective action.

And to be - to really get their interest you had to refer (20) to all the other grievances? --- Your Lordship, this is a political struggle, and in the politics of the struggle one does not refer to soup kitchens or card parties. One refers to the White - to the life blood of the community and this type of thing.

But don't you really identify the BPC then as a political body which takes an interest in this sort of thing, and therefore you mention it and you show - well, we have a concern for you about all these points, including the following? --- That is so, Your Lordship.

MR. REES: So in fact, Mr. Cooper, here where you say in  
Annexure/...



Annexure 2(1) ... --- Which one is that?

That is the one signed Saths Cooper? --- Yes, that was the message as read at the NIC meeting by Mr. Sewpersadl.

In the second paragraph you say - "We support you completely in your rejection of Government stooges who receive fat cheques every month, not to represent us but to represent the racist White Government."

Who are the "stooges" there that you had in mind? --- This was specifically Chatsworth, and the people of Chatsworth were purported to be represented by .... (Court intervenes). (10)

BY THE COURT: NIC? --- No, no, the likes of Mr. J.N. Reddy of the Indian Council.

MR. REES: Why do you call him "the likes of"? Either it is Mr. Reddy or ... --- Well, I am saying persons like him who are nominated ....

You mean by Mr. Reddy and others, or wasn't he ... --- No, nominated by the Government, and Mr. Reddy lived in the vicinity of Chatsworth in Silver Glen which is above middle class area and Chatsworth is a township, and the people of Chatsworth I know were at that stage, unless it has changed now, were vehemently opposed to Mr. Reddy and who he represented. Mr. Reddy I knew personally, I knew his family, and for example I knew his daughter supported the Black Consciousness Movement. I don't know who Mr. Reddy actually represents in Chatsworth. (20)

Well, he does not represent Mr. Cooper, that is clear.

--- Well, Mr. Cooper is not important. He does not represent the people he is purported to represent and that specifically is the community in Chatsworth.

How do you know, Mr. Cooper? --- It is a fact.

How do you know that? --- Your Lordship, it is ... (Court intervenes)./... (30)

intervenes).

BY THE COURT: (Evidence inaudible, the Court and the accused speak simultaneously).

MR. REES: Do you represent them? --- Well, it is my aspirations I would say, I have not gone canvassing for election specifically in Chatsworth, but I know that Mr. Reddy doesn't represent Indians.

How do you know, you haven't canvassed, how do you know who he represents? --- I know this because of figures during election time, campaigning for local affairs committees. In local (10) affairs committees, the UBC, the equivalent of the UBCs in the African Townships.

What is the UBC? --- Urban Bantu Council. Now the local Affairs Committee are Indian affairs, the equivalent of the UBC.

BY THE COURT: Advisory bodies? --- The Advisory Body, even in that situation Mr. Reddy gets thoroughly trumped in an election and he is nominated. If that does not prove anything I don't know what does.

Well, he may be an able man? --- And this in the context of him representing Pretoria amongst the people, and not represent-(20) ting the people in Pretoria.

MR. REES: Yes, now are you hoping to get that post, Mr. Cooper? --- I don't hope to represent a section of the community because I don't believe we have separate destinies. Freedom is indivisible. And our destiny is indivisible, that is all South Africans.

Yes, but now here in this Annexure (1) you take the opportunity of telling the people : "Every day the White man is making Africans, Coloureds and Indians, all Black people, more dependent upon them for their very existence.

They have stolen our land and given us matchbox cells (30)

for/...

for homes."

What has that got to do with the Chatsworth bus dispute? ---  
This is in the milieu of the political situation that the  
people of Chatsworth have found themselves in. It has been  
imposed on them, and Your Lordship, it is a sentiment that  
I expressed, for example "stolen our land", that is not my  
original sentiment. It is a Graphic ..?.. who is a very  
conservative Indian gentleman, he is an attorney, Mr. Pat  
Poovalingam, a supporter of the Indian Council, says this  
regularly in his columns in The Graphic. Even now I am (10)  
certain he says this, Your Lordship, because now I know that  
.... (Intervention).

Mr. Cooper, that ... --- That type of agitation has  
resulted, I don't know the exact situation, but at the time  
of my arrest what had happened was he was talking of the  
land being stolen in Cato Manor, and taken over for White use.  
And there are moves afoot to restore the original status quo.  
Because of his - I think primarily because of his agitation.  
Because constantly he has been referring to that.

Mr. Cooper, it does not matter what he has been doing. (20)  
We are dealing now with what you are doing. --- And I am trying  
to indicate that it is not unique to Saths Cooper, it is not  
unique to the BPC because Black people see it and express it.

It does not matter what other people are doing. If we  
have got a hundred people breaking into a house and the police  
catches one of them, it does not help that one to say there  
were a hundred with me. You are the man facing - this other  
gentleman is not before the court. --- Well, I think the primary  
consideration there will be that all the Black people wont fit  
into the jails, because all the Black people think this way, (30)

I am /...



I am certain about that.

Mr. Cooper, you don't know how Black people feel, because Black people, just like White people, each man has his own thoughts and his own abilities to think and act as he wants to? --- That is true ...

And I think that you are far too far biased to think that everybody thinks as you think. --- Well, I don't think it is necessary to argue that point.

Why do these Indians join the Army and the Police and the Navy if they think as you do? --- Well, the BPC is not against (10) people joining the Army or the Navy, we have never said that we are against this type of thing. It is the whole basis of the structure that we are talking about. Say the Police Force, the very nature of the structure, serving White interest, serving specific interest, in that context. In a projection of our future State the BPC has - it has recently been said that the BPC believes in all sane adults joining - having compulsory military training and this type of thing. We believe in this type of thing.

BY THE COURT: All political parties are based on that? You (20) have your beliefs and you want to persuade everybody to follow those beliefs? --- To follow those beliefs.

MR. REES: Now Mr. Cooper, here in this BPC 2(1) you say that:

"We cannot allow them" - this is the Whites - "to ..?.. and restrict us further. We must now come together as oppressed people, Africans, Coloureds and Indians, people with a common problem, the problem is the White man and his atrocities. We are the solution to this problem, for our freedom lies in our hands."

So in fact as you conceded to His Lordship, you saw a local (30) dispute/...

dispute, you generalised it, you launched an attack on the Whites in order to get support for your BPC? That is the crux of it, isn't it? --- Well, in the context of not being able to just speak about an isolated incident in abstracto, you can't talk about the buses in Chatsworth without talking about the people who use them. Vice versa, you can't talk about the - you can't exclude the conditions under which people are living, because all these form the whole, and this is what politics is about, people and their milieu.

Why was it necessary here to include this piece : (10)

"Make quick for the White man will kill you"? ---

As I have explained my intention there was "let us awake now, or the Whites, the Government, will destroy us. In the sense of what is being said above, it fits in. There is no suggestion or intention on my part to say - "Make quick or Whites will kill us" physically, no.

Wasn't that in fact in accordance with your basic sentiments? --- No, it is not.

To warn the people that the Whites would kill them? --- Kill them spiritually yes, not kill them physically. That is (20) not part of the sentiment in that light. In isolation.

Mr. Cooper, if you intended that these people should - if you intended to convey the message that the Whites - "would overwhelm you or the Whites will continue to dominate you", why don't you use those words, those are clear English words? Phrases, why don't you use them? --- Well, there are people here, and the language - I just thought that it ought to be translated, my sentence ought to be translated and ....(interven.)

Harry Singh told the court that he had told you what the meaning of those words were? --- He lied, Your Lordship. (30)

Why/...

Why should he lie? --- That is a deliberate, I think it is quite obvious throughout this case, a deliberate intention to incriminate me specifically.

All right, Mr. Cooper, you say, whose deliberate intention? Harry Singh's, or whose? --- Harry Singh, he is the one who has spoken these lies.

Why should Harry Singh want to incriminate you? --- I don't know why he should want to do this.

Wasn't he a friend of yours? --- Well, Harry Singh and I were not close, we were, we had a normal acquaintanceship, (10) and.....(intervention)

Was he a friend of yours, or not? --- I would say an acquaintance. I would not say he was a friend.

Were you and he house, visit one another's houses? --- Yes.

Were you and he closely associated in the affairs of BPC? --- In that context, yes.

Yes, did you trust Harry Singh? --- Well, Harry Singh was there, I was involved with him, that speaks for itself.

Did you trust Harry Singh? --- Well, there had been these rumours previously about him, there was this question mark (20) about him.

Did you trust him? --- As I say there was this question mark, as it were.

Did you trust him, or did you distrust him? --- I would not say I didn't trust him.

In fact you trusted him? --- Hm... -pause-

The question mark was removed obviously? --- Well, the question mark, I mean the question mark remained.

Why was Harry Singh sent to represent BPC overseas to collect the money? --- He was willing, he was able, and -pause- (30)

He/...



He must have been trusted? --- Well, in that context, yes. There is no reason to distrust him. We had nothing to hide.

You used him to make speeches for you? --- That is incorrect. I would like to point out.....(intervention)

Didn't you use him? BPC? Didn't BPC use him to make speeches? --- That is incorrect, nobody uses anybody in that context in our movement.

We will get the use of the word then.... --- I would like to just point this out. When I was in Std 7 - that was in 1964 - Harry Singh won the Hofmeyr Speech Contest which is a provincial (10) speech contest run in high schools in Natal -pause-

All I want to know is did BPC.... --- And he was <sup>a</sup> prominent public speaker.

BY THE COURT: He was in demand? --- Well, he was always willing to speak. In fact the occasion where he spoke at the Kajee Hall in 1973, the 21st of March, he was quite eager to speak there.

MR. REES: How do you know that? --- Because, the organisers of the meeting.....(intervention)

Who were they? --- Specifically Mr. Roy Chetty and Collin Jeffrey, if I am not mistaken, had been to see him. (20)

How do you know that? --- Well, they told me that.

When? --- I don't recall exactly when. I can't say..... (intervention)

Well, in reference to this event, immediately before or immediately after it? --- I think it must have been immediately before.

Now, weren't you shortly before your restriction the public relations officer of BPC? --- That is correct.

Wouldn't it have been your duty to start organising this meeting? --- No, the publications, the public relations officer's (30) duties is to preserve the image and the good name of BPC and to project/...

project it at various occasions. If it were a local BPC affair, organised by local BPC people, Harry Singh is incorrect when he says I organised that meeting. I had just been restricted at that time and, in fact, he says that there was a shortage of speakers, and the advert for that meeting, the pamphlet for that meeting, which he incorrectly states is in my handwriting, quite clearly demonstrates that there was no shortage of speakers. There were many speakers there.

But Mr. Cooper, when you are deciding on the speakers for such an event, do you just take anybody? When I say you, I (10) mean you in the context of BPC. --- BPC, well, the practice that I have been associated with, has been one where BPC persons are speakers and persons with similar approaches to the political solution in this country. We do not, for example...(intervention)

You don't just take anybody, you have got to find a suitable person to make a speech, isn't that so? --- In that context one does not go and call a person who is not a speaker to come and give a speech.

Exactly. Therefore in preparing for such a matter, you have got to select your speakers? --- There must be a selection (20) otherwise there can always be a danger that BPC can be associated for example, with a Bantustan concept, which we would like to .....(intervention)

Why then do you dispute with Harry Singh when he says there was a shortage of speakers? Surely the question of who is to speak and who is not to speak is a question that receives serious consideration? --- No, that is non sequitur. The pamphlet itself shows there was no shortage of speakers. There were about five speakers there, and it does not mean that because we select speakers, that there is a shortage of speakers.(30)

Perhaps/...

Perhaps we are at cross-purposes. What exactly do you understand Harry Singh tried to convey to this Court when he said there was a shortage of speakers? --- I thought he was saying that there was going to be such a meeting held, that there were no speakers available, or willing, and that as a result I went and approached him and said look, please Harry, come along and speak, and I thus incited him. That is what I think.

Would you have spoken at that meeting if you had not been restricted at the time? --- That would have been a choice that (10) would have, it would have depended on whether an invitation was extended to me, or not. I haven't spoken on any BPC platform, except for the congress.

You spoke on the previous SASO meeting, or commemoration, whatever you like it, which was held the previous year by SASO, isn't that so? --- That is 1972 now?

Yes. --- That is the 19th of March affair?

Yes. --- Well, if reciting a poem is speaking, then I did do that, but it was not a SASO affair. It was an SRC affair and I think the tape will show that Mr. Keith Mokoape welcomes (20) people.....(intervention)

Is that the brother of accused No. 4? --- Yes.

Where is he now? --- I don't know where he is now.

What happened to him? --- I don't know.

He left the country? --- I don't know. I think the prosecutor will have the opportunity of asking accused No. 4 that. I don't know.

I think your friends are laughing because they know what you know, Mr. Cooper, and they know that I know what you know.

--- What is that?

(30)

Where/...



Where Mr. Mokoape is and what he is doing. --- Harry Singh suggested that I said to him accused No. 4's brother is the leader of a camp in some country - I think it is Tanzania - and that we must now send people to him for guerrilla training. That is absolute rubbish.

Oh? --- I know of no such thing. I don't know where Keith Mokoape is, and I am not interested in where he is.

Anyway, we were dealing still with this selection of speakers. You had spoken at the previous Sharpeville meeting, by whoever it was organised? --- I recited the two poems, yes. (10)

This was the first time that such a meeting was being organised under the banner of BPC in Durban, wasn't it? --- No, it was not a meeting of BPC, as I have tried to explain..... (intervention)

I am talking about this occasion when Harry Singh spoke, the next year? --- I don't know, it could have been. I don't know. I don't know whether there were other meetings held, but.....(intervention)

But Sharpeville is held once a year? --- That is so.

And this was a year after the one at which you had rendered (20) the "Dedication?" --- That is so.

So, therefore it could only, it must have been the first Sharpeville meeting held under the banner of BPC. --- In Durban?

In Durban. --- Unless there were other meetings held in other centres, in different centres, that is different parts of Durban.

We are talking only about Durban. --- No, different parts of Durban.

And you were a very prominent member of BPC in Durban at the time? --- Well, I should say so. (30)

Therefore isn't it natural to expect that you would be  
one/...

one of the speakers? --- Your Lordship, I don't think that that follows.

Isn't it natural to expect? --- They may have invited me to speak, I can't say that they did not have that intention. I don't know what they .... (Intervention).

Isn't it natural to expect that you would be concerned in the organisation of this meeting? --- I would be concerned that the meeting goes off well, and that the image of BPC is preserved, yes.

That is right, therefore, what did you do in connection (10) with the organisation of this meeting? --- Besides preparing information brochure, compiling it, nothing.

What did you do about seeing who the speakers were who were going to speak there? --- Your Lordship, I was aware that there were going to be various speakers and I must have approved of the speakers. I can't say that I was approached specifically - look, we have got this list of speakers, do you approve of that, or not. I can't say that. I may have been approached and asked what is your view, do you feel that this speaker is okay or not. I can't say so, Your Lordship, neither can I deny that aspect.

Would this be a convenient stage to take the adjournment?

COURT ADJOURNS.

/YC.

**Collection Number: AD1719**

**State v S Cooper and 8 others.**

***PUBLISHER:***

*Publisher:- Historical Papers, University of the Witwatersrand*

*Location:- Johannesburg*

**©2012**

***LEGAL NOTICES:***

**Copyright Notice:** All materials on the Historical Papers website are protected by South African copyright law and may not be reproduced, distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

**Disclaimer and Terms of Use:** Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

People using these records relating to the archives of Historical Papers, The Library, University of the Witwatersrand, Johannesburg, are reminded that such records sometimes contain material which is uncorroborated, inaccurate, distorted or untrue. While these digital records are true facsimiles of paper documents and the information contained herein is obtained from sources believed to be accurate and reliable, Historical Papers, University of the Witwatersrand has not independently verified their content. Consequently, the University is not responsible for any errors or omissions and excludes any and all liability for any errors in or omissions from the information on the website or any related information on third party websites accessible from this website.

***DOCUMENT DETAILS:***

*Document ID:- AD1719-Vol73*

*Document Title:- Volume 73, Pages 4051 - 4115.*