

Thirdly, surely the author of Social Background would not use the word "conservative" with reference to the FOSATU's leaders, as is done on page 8 of Problems Arising. As we have seen, the view of this leadership as expressed in Social Background is much more complex than this.

Fourthly, Social Background, at the time when it was sent was already a dated document. According to the charge sheet it was despatched around July 1981. By this time FOSATU's leadership had changed. In particular Alex Urwin - I am sorry that is a typing error, it should be Alec Urwin with a 'c', was no longer General Secretary as he is described in the document. Surely, if the accused had written this document she would have corrected those sections which had become dated before its despatch. Urwin's resignation of the General Secretaryship took place in April 1981 which would have given her plenty of time - an event which might have had implications, very important implications and negative ones, for the argument on page 15 concerning the build-up of the Urwin power axis. In other words, what I am saying is, Urwin's resignation, which was unexpected, actually casts considerable doubt on the analysis in the document describing FOSATU. Urwin, incidentally, resigned before the end of his term of office. In other words, it was something that could not have been predicted.

These points, taken in combination, suggest to me that it is extremely unlikely that the two documents could be by the same author.

ADV BIZOS CONTINUES: If we may now turn to EXHIBIT 'T' Mr Lodge, were you there asked to pose the question, the possibility of someone who had associated themselves with the violence of Umkhonto we Sizwe being able to contribute

to the ANC's work as a member of that organisation? ---
That is correct.

And did you do some work on that and did you come to a conclusion, and this is your written report? - This is my written report.

Would you similarly read it to His Lordship please.
--- "The strategy of the African National Congress has various dimensions, several of which are not violent in character. Organisational structures exist for these, separate and isolated from Umkhonto we Sizwe. Activity within these structures, though with the same long-term objective as the work of Umkhonto - that is the transformation of the existing socio-political order - activity is functionally separated from it and should not be understood as being merely auxiliary or instrumental to Umkhonto's campaign. It is therefore perfectly conceivable that the accused joined the ANC with the purpose of expanding the importance and overall contribution of that part of the ANC's work which is inherently non-violent."

Now in demonstrating this my argument will have three stages. The first stage will prove, or attempt to prove that since the formation of Umkhonto, the ANC has continued to attempt to maintain a separate non-military organisation within South Africa. And this organisation it will be shown, works in isolation from the Umkhonto insurgent groups. Secondly, I will demonstrate that the ANC advocates a multi-dimensional strategy and is sensitive to the dangers of militarism. That is the subordination of mass which is usually a euphemism for non-violent political work to the requirements of military action. And thirdly, I will show that many of the tasks of the political organisation do not

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have a violent military objective or function.

Let me begin with the first stage of my argument. Contrary to the impression given in the ANC's own revolutionary programme - that is the programme of 1969, Strategy and Tactics - the adoption of the tactics of armed struggle in 1961 was not the result of a unanimously held conviction within the ANC and its allies that violence was - and I quote from the Strategy document - that violence was "the only method left open to us". For example, this decision was opposed within the South African Communist Party by, for instance, Rowley Arenstein - a prominent Durban activist, later convicted - who, in discussing the issues later argued that the Communist Party's advocacy of economic sabotage and violence was based - and I quote from an interview which he gave - I can make the text available if it is necessary - violence was based on "a misreading of the situation".

To quote someone rather nearer to the ANC itself, Albert Lethuli, the President General, Albert Lethuli's objections to violence were based as much on moral principle as on expediency, and I think that is an important distinction, as is clear from the following statement: "To refrain from violence..." Lethuli said "...is the sign of a civilized man as compared with the brute. The more truly civilized an individual is, the more likely he is to find peaceful methods of fighting for the things in which he believes."

That is quoted in the secondary work Robertsons Liberalism in South Africa.

Only some members of the ANC's National Executive were party to the decision to establish Umkhonto and there is no evidence to suggest that Chief Lethuli, then ANC President

General, was consulted.

Incidentally, on hearsay evidence I have it that he was not. That results from my interview with Embi Yengwa, a close associate of the President.

Even the leadership of Umkhonto at the time of its foundation appears to have believed that a full-scale violent confrontation may not have been ultimately necessary. To quote from its first public statement - that is the leaflet that was distributed at the time of the first bombing incidents in 1961 - "Our first actions will awaken everyone to a realisation of the disastrous situation which the Nationalist (that is the Nationalist Government) policy is leading. We hope we will bring the government and its supporters to their senses before it is too late, so that the government and its policies can be changed before matters reach the desperate stage of civil war."

The document is reproduced in the standard survey of the ANC's documents, Carter Carries & Gerhardt (?) From Protest to Challenge. I have actually seen a copy of the original as well, on microfilm.

The ANC's moral ambivalence regarding the issue of violence appears to have been one of the reasons for the maintenance of its underground organisation as an intact and vital part of the liberation movement, separate from Umkhonto. Govin Mbeki, a member of Umkhonto's High Command confirms this view with the three reasons he gave in his court testimony in the 1960's, in his court testimony when he gave three reasons for the separation of the ANC proper from Umkhonto, and these were, firstly, the impossibility of consulting all members of the ANC over the question of violence; secondly, that not all ANC members possessed Umkhonto's recruiting

requirements, /

requirements, and thirdly, Umkhonto was not a mass organisation and for reasons of security could not become one. His testimony is cited from the original court record in Edward Fate's Urban Revolt in South Africa.

There is independent evidence from a different court record to corroborate Mbeki's first reason. There was apparently considerable friction between the ANC's Natal leadership and Umkhonto's Regional Command over the adoption of a violent strategy. The question is discussed in detail in the work I have just cited.

The rationale for this organisational separation was put in a different way at the October 1962 Lobatsi conference - this was a conference held by the ANC in Botswana in 1962, to which both external and internal delegates attended.

"In the changed South African situation we have the main political wing of the struggles spearheaded by the ANC on the one hand and the specialised military wing represented by Umkhonto we Sizwe on the other. Our emphasis still remains on political (that is as opposed to military) action." This is in 1962.

There is evidence that a similar division of labour between different sections of the movement, or division of duties, between different sections of the movement, persist today and that organisational structures still reflect this division. For example, in 1976 ANC supporters within this country were instructed to set up small cells which would hold political discussions, spread the ANC's influence, guide and organise mass action (that is strikes, consumer and bus boycotts and so forth) and organise workers into trade unions. This was a clandestine leaflet circulated within the country by the ANC, Amandla Madla. I believe it has already been

submitted in evidence.

The same leaflet does argue later on that youth should prepare themselves for joining Umkhonto so as to participate in what it calls "higher revolutionary activities", but the implication of this text is that these internal cells themselves should not undertake military work. This impression is borne out by subsequent events. Virtually all violent projects put into operation by the ANC since 1976 had been the work of externally based insurgents. This has been confirmed again and again in different trials that have taken place since 1976. And it is also the contention of police spokesmen.

That a non-military sphere in the ANC's work in South Africa exists is confirmed by a statement by Alfred Nzo, that is the Secretary General of the ANC, dated the 4th July 1979. It is reprinted in Sechaba, October 1979. But I can supply a copy if necessary. On the subject of ANC infiltration of legal mass organisations, Alfred Nzo writes - "All ANC activists were instructed that at all times they must protect the legality of the organisations within which they worked. The ANC activists were directed to ensure that their organisation should pay attention to the principal task for which they existed, that is the task of mobilising the oppressed people into mass action."

In other words, my interpretation would be, the organisations should concern themselves with what openly they represented as their basic business.

Later on in the document, (Umzorgo Zonto's ?) address, "To break through these limits (he is referring to the limits imposed by the adherence to legality) to break through the limits of legality, meant in part to continue the struggle

underground and in part it meant taking up arms."

Here I would argue there is a clear implication of two spheres of illegal activity; one non-violent in character.

A few recent trials of ANC members who did not appear from the evidence to be involved in military activities testified to the existence of a network of non-military political activists. I refer to State v. Edith Mbala, 1978, State v. Jeffrey Klass, 1979, State v. Mobongane Kanye, 1978, and State v. Guy Burger and Evandia Pillay, 1981.

ADV BIZOS: May I interrupt you for just one moment Mr Lodge. M'Lord, there are also a number of reported cases to which we will refer Your Lordship to.

COURT: It is not in dispute. I am well aware that this is one of the main aims of the organisation.

ADV BIZOS: Yes. Please continue Mr Lodge. --- The document mentioned in the charges against the accused, Problems Arising in Internal Political Work - the one I have just discussed, lends support to this thesis and there is no reason to doubt its veracity. In this document it becomes apparent that the work the accused was engaged in was of such an ostensibly politically innocent character, that she herself had doubts concerning the expediency of her contact with the ANC. I quote: "I also became increasingly alarmed when I became more and more exposed as an ANC person, particularly as I felt that my relationship to the forward area had not done much to facilitate my political work here. Nor had I been able to contribute half of what I could have potentially done for the forward area. At times I thought there was no sense in having dangerous contacts if it benefits either side."

COURT: How would you interpret that? --- I would interpret /

pret that M'Lord, as...

It can also be an outcry of a frustrated person who would like to do much more but who cannot do so because for various reasons. --- I agree, that is a possible interpretation. My interpretation of the document, and this particular section of it is that she is saying that "the work that I am doing" and from the rest of the document and from other documents that she wrote, I quote one later in this document, I believe that the work she was doing was to her important...

Yes. --- What I think she is saying here M'Lord, is that the work that she was doing was valuable and important but could have just as easily been done without any connection with the ANC whatsoever. That she was receiving no assistance from the ANC, nor was she convinced that the ANC attached as much value to it as they should have done.

Yes. --- It must be emphasised that the ANC in its communication system tries to ensure that different spheres of activity are tightly compartmentalised. In other words, lines of communication are vertical rather than horizontal. In other words, cells don't communicate with each other, they communicate simply with a controller above them in the hierarchy of the organisation, that controller usually being across South Africa's borders. Individual units are linked with each other only indirectly through an external official. That is the forward area. And are therefore ignorant of each other's identity and activity. Supporting evidence for this statement can be found in the trial record of the State v. Petrus Molefe of 1978.

ADV BIZOS: Do you monitor court cases Mr Lodge? --- Yes.

Are these records made available to you? --- Sometimes they are and sometimes they are not, but I try and see as /

as many as possible. They are a crucial component, a crucial resource rather, of my work, my research work, on the ANC and like organisations. Though one has to approach them with considerable caution. This compartmentalisation contributes to the organisational isolation of the military from non-military spheres of activity. It is consequently likely that members of each unit should be unaware of the precise strategic significance of their own contribution to the struggle. An impression which is confirmed by the confusions and doubts to which I have already referred to and which are expressed in Problems Arising in Internal Political Work. The second part of my argument. The reason for this organisational dualism can be found in the ANC leadership's pronouncements concerning their movement's strategy. The most authoritative outline of the ANC's program remains Strategy and Tactics of the South African Revolution adopted by the ANC at the Morogoro conference of '69. Inter alia this document argues - I have shortened the argument, the dots in the text indicate where, because it would take too long to read out two pages, but I don't think I have distorted its sense. This document argues - "The primacy of the political leadership is unchallenged and supreme and all revolutionary formations and levels, whether armed or not, are subordinate to their leadership. The involvement of the masses is unlikely to be the sudden natural and automatic consequence of military clashes. It has to be won in all-round political mobilisation which must accompany military activities. This includes educational and agitational work through the country...."

ADV BIZOS: Throughout. --- Sorry?

Throughout the country. --- Throughout the country, I

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beg your pardon. "...to cope with the sophisticated torrent of misleading propaganda and "information of the enemy which will become more intense as the struggle sharpens". The masses of the peasants, workers and youth have to be activated in a multitude of ways, not only to ensure a growing stream of recruits for the fighting units, but also to harrass the enemy politically, and this calls for the exercise of all-round political leadership." Joe Slovo, Chairman of the ANC's Revolutionary Council made a similar point in an analysis provided shortly before the 1976 Soweto disturbances. The liberation movement recognises the well-planned activities by its allied wing is not the only immediate perspective of struggle in South Africa. Mass political mobilisation of people in urban and rural areas is a vital ingredient and a combination of all methods legal, semi-legal and clandestine. It should be pointed out that the ANC is on the whole rather cryptic when discussing the ultimate nature of the revolutionary conflict. Strategy and Tactics as a policy document is primarily concerned with providing a rationale for previous political decisions and actions as well as with justifying the ANC's non-racialism. The conference which adopted the document also decided to allow whites to join the external organisation. The document does not give any precise indication of military strategy to be deployed in the future except for a few vague references to ruralguerilla warfare, which themselves seem to be at odds with the assertion that the working-class shall play a fundamental role in the achievement of liberation. Unless that is of course, the working-class leaves the cities. In particular there is no discussion of the final form of a decisive conflict between the ANC and the government. Not

in this document. Whether the former is inclined to a general urban armed insurrection or massive strikes in the cities combined with rural insurgency playing a secondary role, to mention just two of the possibilities, is consequently unclear. In other words, it doesn't really tell you very much about the ANC's strategy. It is therefore possible that the dimensions of the ANC's activity, which are today non-violent, could even, during the final confrontation remain non-violent. This could be the fate of the ANC influenced trade unions for example. 10

Their real value to someone who desired revolutionary change in South Africa would be not so much the actual contribution they made to the struggle against the State, of which in any case they were organisationally unsuited - or are organisationally unsuited - but rather their existence as democratic representative organisations, this would provide a guarantee that the future political dispensation would be responsive to the needs of those at present oppressed and exploited. In other words, work in trade unions may not be motivated by a desire to contribute to the destructive process of the 20

struggle, but rather to guarantee the rights of workers in any future dispensation after the status quo has been altered. The vagueness of the ANC's strategic documents lays them open to some speculation. A more definite conclusion that can be derived from them is that as the struggle involves different forms of activity, obviously different organisational structures are needed to undertake these. Finally, 30

thirdly, it needs to be shown that the work done by the non-violent structures within the ANC is not functionally geared to Umkhonto's campaign of violence. Now of course, some of the duties undertaken by the ANC's internal workers who

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are not members of Umkhonto, would have a military dimension. Recruitment of potential guerillas for training abroad and certain intelligence work geared to the selection of sabotage targets are two such tasks which though in themselves not involving violence directly, nevertheless have an obvious violent purpose. However, there is evidence to suggest that this is not the case with all the work undertaken by ANC units concerned with "mass political mobilisation". First there is the injunction, already quoted from the Nzo statement, that ANC activists working within legal mass organisations should "ensure that their organisations pay attention to the principal task for which they existed". In other words, their open ostensible task. There is the trade union dimension of the ANC's activities. In a booklet produced in 1978 by the South African Congress of Trade Unions, no mention is to be found of Umkhonto or guerilla warfare and the organisation is careful to present itself as a body with its main concern centered on workplace related issues. I quote: "But of course the political standpoint in our publications can only be carried effectively into practice through growing and living links with the daily struggles of the workers in every part of the country. Our efforts must be doubled and re-doubled to build up the organisation which we need to co-ordinate and lead the workers' struggles in the places where the workers are." That is in the workplace in the factory. In Sechaba, July 1980, a letter from a Christian ANC activist in Lesotho suggests that - "There is no doubt that Christians who are not prepared to join Umkhonto still have a creative role to play in the struggle for a just society." If Sechaba is prepared to publish an article which allows the people with

a conscientious objection to violence, can still participate in the liberation struggle, then it must be concluded that moral endorsement of violence is not the sine qua non of ANC affiliation. My conclusion therefore is, that given the ANC's organisational complexity, the existence of various different dimensions of its activities within South Africa and the apparent independence of some of its activity from Umkhonto's military campaign, it is not difficult to understand how someone who was in broad sympathy with the overall social aims of the movement, but who did not wish to contribute in any way to the violent dimension of the ANC's work, could nonetheless feel she could involve herself in that movement. Her chosen field, labour, is an obvious area in which the ANC would wish to make its influence felt without diverting worker organisations from, to quote the ANC's Secretary General once again, "From the principal tasks for which they existed". That is the conventional tasks of trade unionism. In the words of one of the documents prepared by the accused, the achievement of "genuine mass participatory democracy..." that is a quotation from Roth (?) Outline of a possible Unemployed Workers Union "...the achievement of genuine mass participatory democracy lies as much through a process of leadership training and popular education about organisation as through a program of political struggle." Devotion to this dimension of national liberation would not necessitate involvement in violent conspiracies. Indeed, such involvement would be counter productive in the field chosen by the accused as her area of operation.

ADV BIZOS: The document M'Lord, referred to in the last paragraph is 'B'4.

Now there are a number of other questions that I would like /

like to ask you in relation to some of the evidence that has been given before His Lordship. Were you present when Major Williamson gave his evidence? --- I was.

From your studies, would you say that people who join the ANC are as rigorously schooled in the organisation's tactics, strategy and ideology as Major Williamson apparently was? --- No, I don't think so. I mean, from what I understood from his evidence, Major Williamson occupied a place of considerable responsibility within the external ramifications of the organisation. And doubtless, for such a position of responsibility, a fairly careful course of what the ANC and its allies would call political education, would be considered necessary. But from the evidence accumulated from trials of ANC recruits who then return to the country after a brief bout of training to undertake military or non-military activities, their ideological training seems to have been extremely superficial. Indeed, some of them seem to have rather strange motivations for joining the ANC in the first place, and these are not questioned at the time. There is trial evidence for instance, that suggests that many young recruits for the ANC join the ANC on the understanding that they can further their education, gain scholarships which the ANC will provide. And they are only disabused of this notion after they are completely adopted into the organisation as members of the organisation. In other words, there is no rigorous screening of recruits when they come in. And moreover, the component of political education offered to recruits outside the country, who are trained in Africa, seems to be very thin indeed. Short, confined to essentials and basics and taking place normally in the training camps. There seems to be very little

political education of recruits who are recruited internally, that is people who are recruited and who work within this country, only leaving it perhaps for brief meetings of instruction.

Thank you. Mr Lodge, the terms "congress", "revolutionary alliance" or "evolutionary alliance", do you know when that term came into being? --- Congress alliance was of course the term that was immediately employed by the ANC, then a legal organisation, and those organisations which co-operated with it, after the Congress of the People in 1955. Though the term actually began to be used shortly before that, but it became official orthodoxy. "Revolutionary" was a word that was used to describe the ANC as early at least as the defiance campaign. It was used in a very loose kind of way. It did not mean, necessarily, a scientific Marxist designation of revolution. It simply meant nationalist. That is the replacement of one of the personnel as it were, of the present government by a different personnel, presumably drawn from a different socio-economic ethnic background.

This alliance, is it ideologically consistent? Does it present a monolith or are there differences within it? --- It tries to present itself as monolithic - that is natural, any alliance would attempt to do just that. But there is evidence accumulating over the years that within the alliance and within its component organisations, there have been tensions that have led on occasions to open disagreement. To mention for example just a few, and they normally take place at the level of leadership, I won't go right back to the 1950's, I will simply confine myself...

More recently...(witness speaking - inaudible) --- ... Yes, the 1976 split in the ANC National Executive and the

departure from it of people who later called themselves African Nationalists, people who occupied a position of considerable responsibility within the organisation, would be such an example. The expulsion, both from the ANC and SACTU in 1978 of people who took an ultra left as it were, critique. Who, as it were, criticised the ANC and the CP from the left is another such example. I can think of others as well.

COURT: Is this really going to assist me in deciding this case?

ADV BIZOS: Except M'Lord, that Major Williamson gave evidence....

COURT: It is the natural sort of thing that develops in all sorts of alliances. We have seen a very recent example in the Nationalist Party for that matter.

ADV BIZOS: Yes, yes. --- Yes, that is a very good example.

COURT: There you are Mr Bizos, it is not going to assist me in deciding the issues before the Court.

ADV BIZOS: As Your Lordship pleases. I will try and confine it then M'Lord.

Where are the headquarters of the ANC? --- The ANC has its administrative headquarters in Lusaka, that is where the National Executive of the movement meets.

And the Communist Party? --- The last definite evidence of the Communist Party having its headquarters, was when it was based in London. Since then its members have been considerably dispersed but I would still say that London is the main centre of the organisation.

Now would endorsement of the Freedom Charter involve adopting a revolutionary posture in the Marxist sense? ----

Certainly /

Certainly not. Those clauses of the Freedom Charter which concern economic issues envisage a society which is very far from even a socialist society, let alone a Communist one. To give two examples, the Charter talks about re-dividing the land amongst those who work it, which implies the peasant...or at least the small-holder type of agriculture, certainly not a communal or collectivised one, it also talks about the freedom of people from all racial groups to trade, to occupy positions of responsibility in businesses and so on. The Charter implies and involves redistribution of wealth and a certain amount of public ownership. But neither of those things would necessarily create a socialist economic system.

Does Road of South African Freedom, the program of the Communist Party, handed in by Major Williamson, reflect ANC policy? --- No, it is the program formulated in 1961 of the South African Communist Party.

Are academic studies on the ANC easily available to students at South African Universities? --- Relatively easily - not a very wide range is always available, and of course some of them are restricted, they can only be consulted during library hours, but I would say so yes, reasonably available.

Is this under supervision, as part of their studies? --- That is correct. They must have good reason to consult those which are restricted or banned.

Is this an arrangement with the Censorship Board and the University Library? --- That's right, it is done with the appropriate authorities concerned.

Now the fact that the ANC apparently is thought to have various dimensions, I want to show you something as

recent as the Newsweek of the 23rd August 1982. An interview between a correspondent of that magazine and Chief Gatsha Buthelezi. I want you to read to His Lordship the question starting, "You have also warned..." on the right-hand side. --- The question is: "You have also warned that this matter could drive the Zulus to make common cause with the ANC guerillas. Does this mean South Africa faces the prospect of 6 million Zulus joining forces with an outlawed organisation?" Chief Gatsha Buthelezi's answer to this question was: "Yes, in diplomatic initiatives, but we will stand by our policy of non-violent resistance to apartheid. That is where we and the ANC differ and we will not change our policy, otherwise we will work with them in every possible way."

Yes. Now M'Lord, could we just put the page in as EXHIBIT 'U'. --- Yes. It is page 48, column 3, paragraph 2.

COURT: Can I just have a look at it?

ADV BIZOS: There are other questions there M'Lord, in relation to a more topical issue, but I don't want to.... May I proceed M'Lord?

COURT: Yes.

ADV BIZOS: Would you please have a look at a newspaper cutting from Sunday Post of the 14th October 1979, and read the headline to His Lordship. --- "Buthelezi defends his links with ANC".

EXHIBIT 'V' M'Lord. Would you read that to His Lordship? --- Would you like me to read the whole document?

Yes please. --- "Kwa-Zulu's Chief Minister, Chief Gatsha Buthelezi said this week that the links between Inkatha and the African National Congress were not aimed at furthering

the aims of banned organisations, but at establishing common ground where all South Africans could find each other. He was commenting on a statement by the Minister of Police, Mr Louis le Grange, who said this week he resented the Chief's links with the ANC. Chief Buthelezi said he was surprised by the Minister's statement. His links with the Government and the ANC were a great asset for South Africa, because they meant that "I can play a conciliatory role" which he thought could be used in the interests of all people of this country. "When I met the Minister's predecessor", he went on, "Mr Kruger, on September 19 1977, I did in fact state that there were some ideals that were dearer to me than life itself, and certainly more dear to me than temporary political gain. And that many of these ideals had been embodied in the sentiments and activities of great South African organisations, such as the ANC and the PAC. When I further these ideals I do so, not in order to further the aims of banned organisations, but to further the only common ground where all South Africans, black and white, can find each other. He said General Prinsloo, the Commissioner of the Police, had queried his statement arguing that the ANC had opted for violence, had been taken over by Communists. I told him that like these organisations, I work for the liberation of South Africa. Even if our strategies differ, I stated that I supported their ideals as set out by the Founding Fathers of the movement." The Chief went on to say he had never made a secret of ties with the ANC, having spoken several times in press conferences about his meeting with Oliver Tambo, the President of the ANC. He said he did not see why he should be seen to be necessarily supporting what the ANC did, any more than he

should /

should be seen to support apartheid because he talked to Government representatives." The rest incidentally, is, I think, immaterial to this, but if you want me to go on?

No. That is enough. I would like to show you - you keep abreast do you, of newspaper cuttings and other material related to your specialised field of study. I would like to show you a newspaper cutting emanating from the Rand Daily Mail of the 10th January 1981, headed, "Government must meet ANC says Beeld". That would be EXHIBIT 'W' M'Lord. Would you read that report into the record please Mr Lodge? 10

--- "Government must meet ANC says Beeld. The South African Government will one day have to sit at the conference table with the banned ANC according to the Editor of Beeld, the Johannesburg based Afrikaans daily which is the Transvaal mouthpiece of the Prime Minister, Mr P.W. Botha. Whites had to face up to this, he said yesterday, especially in the light of the current talks in Geneva between South Africa and SWAPO and earlier direct negotiations between the Government and the Marxist regime in Angola which made these talks possible. In his political column Mr Toon Vosloo 20 conceded that the ANC, the mother body of black organised politics in South Africa might have the support of millions of blacks in the country. His article amounts to an implicit concession that the ANC is the main black liberation movement in South Africa. In a call for some form of future power sharing Mr Vosloo said, "We should not live in a dream that the status quo, a white Government which talks for and on behalf of the whole country, can be upheld forever. May Ian Smith's notorious U.D.I. rule of a thousand years forcefully put us back to reality. Round table talks with the 30 ANC would be subject to many strict preconditions, including the /

the acceptance of independent homelands and a confederal federal model for South Africa. Political observers, however, have pointed out such acceptance of the Government's policies by the ANC before talks is totally unrealistic. In an appeal to the right-wing non-reformist faction of the National Party, Mr Vosloo said whites had to produce visible evidence that their system was better than the one offered by the ANC. Our first priority is to put into practice on a massive scale the Defence Force's cliché of winning the hearts and minds of blacks for our cause. If whites were not prepared to offer a viable alternative to the ANC's policies, they were doomed, either to go into a National convention, on the (Progs ?) unfavourable pre-conditions with the ANC in the chair or leaving the country. Mr Vosloo stressed there were many reservations about agreeing to meet the ANC and listed several preconditions for a National convention. This would entail a purification of the organisation to accept that: The Republic of South Africa was a sovereign state; in the long run restricted peace could come about only if the ANC accepted that South Africa's mixed and unequal population make-up demanded a political dispensation deviating from the principle of the "win er takes all"; that South Africa would be a divided entity; acknowledging the independence of the Transkei; Bophuthatswana, Venda, Ciskei as well as a confederal federal model of the country as a whole; that the ANC would have to denounce its Marxist aspirations and opposition to the capitalist Western system, and that the organisation would have to agree to join many other moderate black groups founded under the guiding hand of Nationalist policy at a conference table and to be one of many accredited interest groups /

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groups, unlike SWAPO which was accepted as sole representative by the United Nations."

In relation to what may be the view of students of the ANC, I show you this paper cutting from the Star dated the 18th July 1980, under the headline "Will Talk to Liberation Groups say ASB rebels". That would be EXHIBIT 'X' M'Lord. Would you read that into the record please Mr Lodge? --- It is from the Star, 18th July 1980. "Left-wing Afrikaans students forming a break-away branch of the pro-government Afrikaanse Studente Bond affirmed yesterday taat they would talk to anyone, including possibly the ANC and PAC in an attempt to solve South Africa's problems. The rebel students are from Potchefstroom, the Orange Free State and Randse Afrikaanse Universities. They held their first official meeting behind closed doors late last night to launch the new student body, as yet unnamed, after the official closing ceremony of the ASB congress which was addressed by the Minister of Police and Prisons, Mr Louis le Grange. The students, among them ASB Vice President Mr Abrie de Swardt, who made the break-away to affirm their more progressive stance in the face of frustrating and blinkered motions by the conservative majority of ASB delegates, said the new study body would be non-racial. The only qualification for membership was a Christian attitude and a loyalty to South Africa. In an official statement the new student body said it stood for equal economic and political opportunity for all people in South Africa, equal political say, permanent residence for all naturalised citizens of South Africa - it was not breaking away from the ASB but wanted to identify itself as a body with different political viewpoints, the statement said, because a continued dialogue in the ASB is important nevertheless. Mr Pieter Fourie, a student of the

University of Potchefstroom and a member of the new body said the body's commitment to dialogue with all "relevant people" in South Africa referred to a broad spectrum of involved political parties. "We will talk to as many people as possible including representatives of the HNP and liberation groups outside South Africa".

I show you a cutting from a newspaper, the Rand Daily Mail of the 7th July 1980, under the heading: "Use Freedom Charter says Top Economist". That would be EXHIBIT 'Y' M'Lord. --- Must I read it out? 1

Please Mr Lodge. --- "A university economist has called on South Africa's churches to use the Freedom Charter - a controversial document calling for equal rights and the redistribution of land in South Africa - as a guide for working out a more just future for the country. In a paper drawn up for the South African Council of Churches, Mr Michael de Klerk of the University of Cape Town School of Economics said, "We need to look at alternative economic structures which will lead to a just sharing of the material benefits and an adequate sharing of decision making for all." 2 The proposals of the Freedom Charter drafted 25 years ago in Kliptown by the Congress of the People and later adopted by numerous organisations including the banned ANC could be a starting point, though they needed a lot of developing he said. The Charter, he went on to say, represents the wishes of a very large number of people rather than just a small élite. It is important to look at alternative systems in other countries as strategies for reaching such alternatives since the means are likely to have an important bearing on the end." I don't think the rest of the document deals 30 with the Freedom Charter at all.

Yes. The books, such as Mary Benson's "Struggle for Birthright" and others, are they sympathetic or not sympatheticsympathetically or unsympathetically disposed to the ANC? --- Broadly speaking I would say that much of the secondary literature on the ANC and its allies is written by people who take a sympathetic interest in the ANC, they are not necessarily partisan to it. Mary Benson's book is possibly one of the more sympathetic ones. But not all books are sympathetic. Edward Fate's work for example, is on the whole considered hostile to the ANC. But on the whole, work produced that discusses the ANC by academics and journalists, on the whole discusses it in a sympathetic light.

Without wishing to embarrass you in any way, your Longmans book, what view does it take of the ANC? --- It takes on the whole a detached and informative - that is what I hope to be - and sometimes critical view of the ANC. In no way is it partisan, nor does it attempt to argue the ANC's case on its behalf.

NO FURTHER QUESTIONS BY ADV BIZOS:

COURT: Mr Swanepoel, do you need time to study the documents?

MR SWANEPOEL: Yes, M'Lord, I do need time. Firstly, I haven't seen most of the exhibits that have been handed in. At the moment I don't see the relevance, for instance, of some of these. May I suggest that the witness stands down possibly until Monday morning, that My Learned Friend then continues with the rest of his evidence, or the cross-examination of Majors Abrie and Cronwright, that are present, then I can cross-examine the witness on Monday.

COURT: Will that be acceptable to you? (1)

MR BIZOS: As far as the cross-examination is concerned, M'Lord, I want to lead the evidence first before I cross-examine those witnesses, and I cannot lead that evidence today. There is another expert witness, M'Lord, who can be here on, I believe, half to three-quarters of an hour's notice. We will try our best to get that witness here and then My Learned Friend can consider what his position is in relation to that witness.

COURT: So it can then be arranged for us to commence again, say, hopefully not later than 11.45 or so?

MR BIZOS: Between 11.45 and 12 o'clock. (2)

COURT: Very well. Let me know as soon as you are ready and I will take the adjournment now until such time and the cross-examination of this witness can then stand until Monday morning.

COURT TAKES TEA ADJOURNMENT.

ON RESUMPTION:

MR KUNY CALLS MR WEBSTER.

MR EDWARD CHARLES WEBSTER UNDER OATH.

EXAMINATION BY MR KUNY: Mr Webster, you are to testify in this case as an expert in regard to labour and the labour field. --- (30)
That is how I understand it, M'Lord.

Are you

Are you a senior lecturer in the Department of Sociology at the University of the Witwatersrand and Co-ordinator of the Industrial Sociology Programme at the university? --- Yes, I am.

And have you held this position since 1976? --- Yes, I have.

MR KUNY HANDS IN WITNESS' CURRICULUM VITAE.

M'Lord, I beg leave to hand in the witness' curriculum vitae; it is a lengthy document and I don't propose to go through it in detail. Mr Webster, may I just outline your qualifications and experience. This document, which I have handed to His Lordship, sets out your teaching experience, both at schools and at university. It sets out your research experience; it sets out the publications which you have put out; books that you have written; articles that you have written; and conferences that you have attended; and papers that you have delivered. Is that correct? --- Yes. (1)

And you verify this contents of this document? --- I do.

In addition to what is set out in this document were you also a witness before the Wiehahn Commission in regard to labour in this country? --- Yes, M'Lord, I gave lengthy evidence before the Wiehahn Commission. (2)

Orally and in a memorandum? --- Yes.

And are you regarded in the field of labour as an expert? --- Yes, I am.

Are you frequently consulted by bodies and newspapers and journalists in regard to labour matters? --- Yes, I am.

And do you frequently address bodies and organisations in regard to matters of labour? --- Yes, I do.

And have you engaged in research in various aspects of labour? --- Yes, I have. (3)

Are you

Are you at present engaged in writing a doctoral thesis?

--- Yes, I am.

What is the subject matter? --- It is a study of the metal industry.

Have you ever yourself worked in the field of - that is personally - in a trade union? --- No.

Have you ever worked in a factory? --- Briefly, M'Lord.

Now, in this case, Mr Webster, certain questions have arisen regarding labour. One of the allegations in the indictment is that the African National Congress aims and endeavours to overthrow the government of the Republic by means of violence or by means which envisage violence and by other means, including the crippling or prejudicing of industries or undertakings generally in the Republic. And in the schedule reference is also made to an association which the Accused had with the South African Allied Workers Union to further the aim of the ANC to cripple or prejudice industries or undertakings generally, and to which end she drew up a document regarding an unemployed workers union. It is in regard to the question of labour that I propose to put questions to you; not in regard to the African National Congress or the political field. First of all, Mr Webster, could you tell His Lordship about the role of trade unions in an industrial society such as exists in South Africa? --- M'Lord, trade unions are an essential part of an industrial relation system and they form a recognised institution in all advanced industrial societies. Their essential objective is to put pressure on employers to increase the bargaining power of the employees in order to ensure an improvement of wages and work conditions.

And is this solely for the benefit of employees or does it also have corresponding benefits for management and the owners of capital

of capital? --- Well, it plays a very constructive role in alerting management to grievances on the part of employees, allowing them to be openly debated, negotiated, and comprises between management and workers reached.

Now we are specifically concerned here with the field of black labour in South Africa. It is common cause that that forms the bulk of the labour force in this country. Has there been any recognisable change and development in the field of black trade unions in South Africa during the last ten, fifteen years? --- There has been a significant and important change (1) in government policy towards black trade unions, particularly since the recommendations of the Wiehahn Commission in May 1979. In terms of that Commission trade union rights were conceded to black workers for the first time in South Africa.

When you say "rights", do you mean the right to recognition and registration of black trade unions? --- Well the right to register under the Industrial Conciliation Act, initially of 1924.

And are changes still at this stage taking place? --- Yes, I think the way in which the government and employers increas- (2) ingly see it that it is an evolving situation in which changes are continually being made towards what we understand generally in the west as free trade unions.

Comparing the situation as it exists today with that that existed ten or fifteen years ago, how would you characterise the nature of the change that has taken place? Could you describe it - is it slight, drastic, radical?

COURT: What would you prefer - evolutionary or revolutionary, radical, or what?

MR KUNY: Well, the witness can perhaps tell His Lordship ... (3)

COURT: What has this to do with the case before me? This is history

history, the tremendous change which has taken place since the Wiehahn Commission, to such an extent that it permeated the whole political structure of South Africa. It is history - you can lead him and just let him say yes or no, and let's carry on with the case and come to the issues before Court.

MR KUNY: Well, M'Lord, I will get onto the next issue, if that pleases Your Lordship.

COURT: This is not worth debating; it is common cause, it is common knowledge.

MR KUNY: Well except, M'Lord, that the Accused has given evidence about her state of mind and her intentions ...

COURT: How will it affect me in deciding the issue on the state of mind of the Accused when she did the work which she allegedly did? That is the question on this Court.

MR KUNY: Well, M'Lord, may I get onto the next topic which ...

COURT: He can't tell me what the Accused intended to do when she joined this and doing this research and sending on this document.

MR KUNY: No, M'Lord, but this is ...

COURT: I have listened to the Accused.

MR KUNY: But this is background to what the witness is going to deal with.

COURT: We are wasting time with this whole case, unnecessary time.

MR KUNY: Mr Webster, a question that has arisen in the course of cross-examination of the Accused is the question of strike action and the question of boycotts. Now are you in a position to tell His Lordship what role strikes play in the industrial process? --- Well strikes are a temporary stoppage of work in order to articulate a grievance or a demand.

COURT: You can have strikes for various purposes, one being the last

the last effort to try and improve the working conditions of the workers? --- Right.

MR KUNY: Do strikes take place for other reasons in the industrial process? --- Other reasons than what?

As far as ...

COURT: If the workers are well enough motivated, another motive may have been to cripple the industry, depending on what their intentions are or their motivation may be. --- Yes. The strikes that have taken place, M'Lord, over the last say three years have been primarily over things such as dismissals, (1) unfair dismissal, wages ...

What the workers regard as an unfair dismissal, probably.

--- Yes.

Or what they regard as unfair or insufficient wages. --- Right.

MR KUNY: Do you know of any strikes that have taken place here with the intention of crippling or prejudicing industry? --- It is not the way in which, M'Lord, I would have understood the strike activity that has taken place. As I see it it has a specific objective. Take, for example, the current strikes (2) in the Port Elizabeth/Uitenhage area in the motor industry; they are designed to a specific demand, R2,50 an hour, and they are concerned with the amelioration of that particular condition. Crippling industry, seems to me, would be a counter-productive - and I certainly haven't got ready examples from the present or the past.

COURT: What is going to happen - you mentioned the example now - if it is financially impossible for the management or the company to meet the demands of the workers - what is going to happen to that concern? --- I think that in that situation, (3) M'Lord, my experience of trade unions in this country and trade

trade unions and other industrial societies is that a compromise is reached whereby the workers are forced to accept wages that allow the company to continue in business.

Assuming now that that compromise can't be reached because the demands of the workers are unrealistic, bearing in mind the financial position of the company, the overall financial position of the country where they work - what is going to happen? The inevitable result will be a final collapse of that concern. --- Yes. But M'Lord, I can only talk about my own knowledge of trade union behaviour, and ... (1

But we are only on the threshold now of legal strikes, especially as far as the black workers are concerned; we have only taken the first tentative steps in the direction. --- I understand that point. I think the problem we are having at the moment, M'Lord, is that most of the strikes, in fact all of them excepting for one, possibly two exceptions, of black workers are illegal and so the National Manpower Commission in Pretoria has investigated and put forward proposals for the amending of the legislation on strikes to allow for a more speedy resolution of conflict that would prevent strikes from (2 taking place; in other words, to provide mechanisms that would lead to negotiation rather than strike action. So I think at the moment it is an area of our legislation that our government is investigating and changing.

Now assume for the moment, whilst we are on this subject, that it is in the interests of a concern, like the ANC, for instance, to succeed in manipulating the workers so that it becomes impossible for the management to meet their demands, and the management in turn have to either sack them or to close the factories. The ultimate result will be a group of workers (3 unemployed, seething with unrest and what they would regard as legal

legal grievances. Isn't that the ideal situation for an organisation like the ANC to carry on with their work? There you have the ripe fruit, and we don't have to beat around the bush; those are inherently the allegations contained in the Charge Sheet here. The question is - it is an entirely different question - whether it has been proved or will eventually be proved that the Accused, who is the person before me, has contributed to those conditions; and if so, whether she intended to do what in actual fact she did. Those are the simple issues, and through you I have put it now to Counsel. (1)

--- M'Lord, I understand the anxieties of my countrymen with regard to those sorts of issues, and I can understand industry having those kinds of anxieties about the future of our country. But the way that you have put that does seem to me to assume a certain situation that, if I may ...

Well, I have had evidence, that is why I phrased it and introduced it by saying to you, "Assume now for the moment", because there is evidence that that is part and parcel of the overall strategy of the ANC in South Africa. I have evidence to that, under oath, before me. I still have to decide on the (2) credibility of that. --- Well all I can say, M'Lord, as someone who looks at the field of labour, that firstly the word "manipulation" is one that I would classify as an emotive rather than a descriptive term - implies that there are sinister objectives behind that and I would suggest to M'Lord that any organisation involves a process of discussion and debate about issues, certain people are going to become more influential than others; and the basic premise of trade union is one very deeply rooted in our western society, is that of democracy, and it is a very strongly held belief that men and women share in (3) America, in Britain and in South Africa, and I would imagine that

that there are occasions when certain individuals would want to try and advance their personal interests. But the question then would be, I would imagine, as to whether the institution has a constitution that allows for democratic process, re-election of officials and open debate.

Your assumption is based on a democratic organisation?

--- Yes.

Western principles, democratic organisation. --- Yes.

Those are all the words; it boils down to the simple question - what are the underlying motives? Do they really, (1) those people organising the strikes, for instance, do they in a democratic way want to bring about improvement, merely improvement in the working conditions of the labourers? That is the democratic way to set about it. --- M'Lord, I can give you my opinion as a social scientist, having observed closely, done surveys and debated with and looked at the process of decision-making, and I can only say that the strikes that take place in South Africa are overwhelmingly spontaneous strikes. By spontaneous, M'Lord, I mean that they are unplanned. There is overwhelming sociological evidence for that. What happens, (2) if I may just explain it for a moment - the normal process of strikes over the last three years is that workers will spontaneously stop work in a factory. They will either then call the trade union officers or management will call the trade union and will ask them to try and negotiate and mediate between the workers and the management, and the way in which management is increasingly seeing it, and indeed our own government is seeing it - the crucial mediating role of the trade union leadership in a conflict situation. And I think it is sociologically inaccurate, M'Lord, to suggest that it is trade union leaders (3) or trade union officials that are provoking strikes; that these strikes

strikes come from the actual real felt grievances of people. Now of course, we know very well that some of those grievances at times may not be unrealistic. I have noticed that employees will put forward unrealistic wage demands; that is because they don't understand the basic mechanisms of how industry operates. But once they get into a debate with their trade union officials and there is an opportunity for discussion about the nature of our economy, about the conditions of men and women in South Africa, a compromise is eventually reached, and I cannot think of any example, M'Lord - any example - where workers have refused to compromise on wage demands in a way that has put out a company in business in South Africa. And if the example of the motor car industry in Port Elizabeth is being suggested, then I would suggest, M'Lord, that what is involved there is in the early stages of trying to work out a new system - an evolutionary system in which the rules of the game haven't quite been learnt. We haven't learnt it in management, we haven't learnt it on the side of the trade unions - it is at an early stage. (1

Well we can all only judge from what we read in the papers. (2
--- But M'Lord, my judgment is not on what I read in the papers, my judgment is on the basis of scientific investigation.

That may be so - always based on the basis that the people democratically and sincerely try to improve the working conditions of the workers themselves, and don't, are not prompted by ulterior motives - that must be the basic principle. --- M'Lord, I can only remind you of the fact that in order for a trade union to register, to be established as an organisation it has to have a constitution that provides for an annual general meeting, it provides for ... (3

Oh yes, everything is above board and legal - that is not in dispute

in dispute. It is the way they set about it - that may give rise to problems. --- But would M'Lord suggest that whenever there was a strike that there was manipulation?

I never suggested it. I only posed to you a problem on a certain assumption, based on a certain assumption - that is all. --- Because I think it's - you see, the way I see it and the way in which social scientists see it, that in fact a strike would be a last resort in a bargaining situation.

That is how it should be. --- And it is something that a worker would only enter into very much as a last resort, (10 because obviously in a situation of high unemployment, as I am sure I don't need to remind M'Lord of the conditions, that a man who loses his job is going to lose his livelihood, so it would seem to be something that one would enter into with a great deal of caution.

But that may be a way in which to create very legal grounds of dissatisfaction. --- I would submit, M'Lord, that that is a speculative point.

MR KUNY: Do you know of any situation, strike action in industry in this country which has been designed or which has (20 had the effect - designed to or has had the effect of crippling the industry, the particular factory or industry, that industry as a whole.

COURT: What is the ultimate result in rands and cents? Does it not cripple, depending on the seriousness or not - but it always cripples, to a certain extent, the industry. The purpose, again, may be quite legal and, for that matter, a plausible one. --- M'Lord, I am just worrying with the word "cripple" here, that if I understand ...

Well, if it carries on long enough, it won't only cripple (30 ... --- It can seriously affect the balance sheet of ...

It will

It will put it out of business eventually, if it carries on indefinitely. --- Yes, but the point I was trying to ...

That is pure economics - there is no philosophy involved in that. --- The point that I was trying to emphasise, M'Lord, was that there is inter-dependence between an employee and an employer, that if the company goes out of business then the employee is not going to have a means of livelihood. So it seems to me not to be a situation in which the way in which it is being suggested to me, as somehow as if the industry would be put out of business; that the logical outcome would be some (1) sort of a compromise whereby wages are increased and grievances are removed.

MR KUNY: From your reading, from your investigations and your experience, is that in fact how you find the situation to be?

--- Look, in our own country there have been occasions, M'Lord, when workers have gone on strike to demand the removal of such things as the Pass Laws; they even, in the fifties, for example, made loosely framed political demands.

COURT: Yes, what happened with the 1922 strikes? Didn't that lead to chaos and didn't that, for a very long period, cripple (2) the mining industry? --- In the short-term, M'Lord, it led to - it nearly brought our country to civil war. But two years later the Industrial Conciliation Act was passed, arising directly out of the strikes, and the government at the time, that was the Smuts government, realised that it was necessary to institutionalise conflict, that if there was going to be conflict it is better that it be regulated conflict than unregulated conflict and it was at recognition ...

But that presumably is the underlying idea, or that was part of the, if I - I have tried to read the Wiehahn Report - (3) that is basically one of the underlying suggestions here - legalise

legalise these matters so that it can be resolved to the benefit of all parties concerned. --- That is precisely how those of us who appeared before the Wiehahn Commission understood its brief, and that is how its recommendations were termed. What I am suggesting to you, that the 1922 strike was an example of a failure of adequate communication between management and workers, and it was necessary to change the system to allow for a more regulated and institutionalised form of conflict. And a similar pattern has happened in South Africa over the last few years, where black workers were denied access to industrial relations mechanisms and bargaining, and so they took advantage of any mechanisms they had. The law has now been changed and it is in the process of being adapted. (1)

MR KUNY: And in recent years, in strike situations, has there been violence, chaos and disorder? --- Where there are trade unions involved there has been very little violence. The occasion when you have violence, M'Lord, with strikes, is where you don't have adequate organisation. Workers will go back to work or workers from another area will take workers' jobs - what they call scabbing - and you get assaults, and if you don't have an adequate system of picketing and trade union organisation you may have violence. But it is not a major feature of industrial conflict in South Africa. (2)

Is scabbing more or less likely to lead to violence, from your experience? --- Well, scabbing is likely to lead to ...

COURT: Yes, well it is logic. It is logic because it is going to refute the whole aim of the strike, if scabbing is being allowed. So it will inevitably lead to violence. --- Yes.

MR KUNY: In connection with the whole question of strikes, have there also been boycotts of certain products? --- Yes. It is a

is a weapon that employees use, particularly if they are operating in a consumer product industry.

Is it something unique to South Africa? --- No, there was a very lengthy consumer boycott of J P Stephens, the major clothing manufacturer in the United States for fifteen years.

What was the eventual outcome of that? --- Well, the union, Clothing Workers Union got recognition in nine of the nineteen plants in the United States; it wasn't looked on as a very effective weapon, but it was used by clothing workers in the United States. (10

Do you know of the Fatties & Monis boycott in this country in recent years? --- Yes.

Are you able to comment at all from your reading and your experience on that boycott and its effect? --- Well that is a typical example of what we are talking about.

Do you know what happened to Fattis & Monis as a result of that boycott? --- Well I think it was a successful resolution of the grievance because the workers were reinstated after a period of boycotts of Fattis & Monis products.

Do you know about the Wilson-Rowntree boycott? --- Yes. (20

What happened there? --- Well that was a case, similarly, where workers felt there had been an unfair dismissal, and they called for a boycott of Wilson-Rowntree products.

Do you know or have you read anything concerning the effect that this had on Wilson-Rowntree products? --- To my knowledge, M'Lord, it hasn't led to the reinstatement of the dismissed worker.

Have you also done investigation into the field of unemployment? --- I am familiar with the literature on that field, M'Lord. (30

In the mid-1970s, apparently there was an increasing awareness

awareness of the problem of unemployment in South Africa. ---

Yes.

Can you just tell His Lordship a little about that? ---

Well, increasingly in the middle of the 1970s social scientists began to investigate the magnitude and size of unemployment in South Africa, and they came to the conclusion that unemployment wasn't simply temporary, that in fact it wasn't a cyclical feature, it had become a permanent part of the South African economy and large numbers of men and women were out of work and were likely to remain out of work for some time. (1

Now how does this affect the whole industrial process and the relationship between employer and employee, the fact that you have a large unemployed group? --- I am not sure whether I understand ...

COURT: It places the employer in a better position. --- I think that is one possible effect of ...

To the detriment of the workers. --- Yes, I think there is a possible depressing of the wage level by a large unemployment, yes.

MR KUNY: Do you know of any efforts that have been made to form an organisation for unemployed workers? --- The only example I know of in recent times, M'Lord, is the SAAWU unemployment union, I think it was, in East London. (2

Did that get off the ground? --- I couldn't comment on that, how successful it was - I don't know.

Do you hold any view in regard to the formation of a union for unemployed workers? --- It is a very natural desire on the part of trade unions to want to try and organise the unemployed. I think the problem from a trade union point of view is that it is a very difficult organisation to establish; (3
there is no real bargaining power that you actually can
exercise

exercise, and it tends to be more of a moral appeal to your fellow employees not to take other employees' jobs, possibly to share more. I would call it more of a moral statement about the need to share with each other.

What will be the benefits for employees, or shall I say unemployed persons, and trade unions? --- Well, from the point of view of the unemployed worker in South Africa, our Unemployment Insurance Fund, which is also being investigated, doesn't adequately meet workers' needs while they are out of work, and I would imagine an unemployed union could provide them with sustenance while they are out of work. That is one obvious objective of an unemployment union. From the point of view of those people who have jobs, the advantage of a union is that it prevents scabbing; it is an obvious, and I would imagine all trade unions everywhere would want that kind of organisation. The normal way they operate is through a closed shop where you reserve certain jobs for union members only. But where you don't have a large organisation of unions like in South Africa, it is difficult to operate on that basis. (10

Mr Webster, finally I want to ask you this; does the formation of trade unions, the functioning of trade unions per se lead to the crippling of industry? --- No. (20

COURT: On the contrary; on the contrary. --- On the contrary.

NO FURTHER QUESTIONS.

CROSS-EXAMINATION BY MR SWANEPOEL: Would you say that a trade union can be used as a tool to bring about revolution? --- No.

Can workers be used as a tool to bring about revolution?

--- Of course.

Because they can be manipulated?

COURT: Perhaps, Mr Swanepoel, the word "revolution" is a rather ambiguous word and it has a very wide connotation in certain instances (30

instances. Is it revolution in the wide sense of the word or revolution in its restricted sense, meaning that it might eventually lead to bloodshed and violence or what is the ...?

MR SWANEPOEL: Can it be used in the sense of a revolution in the sense of a radical change in the economic and social and political system? --- M'Lord, the trade unions and strikes that have taken place over the last decade have already led to significant change. We have already discussed ...

COURT: Which possibly can be termed revolution in the wide sense of the word? --- I wouldn't, specially in a particularly sensitive situation like this, M'Lord, like to use the word "revolution". I think that what we have seen over the last year, last ten years, should I say, is the steady adaptation of our industrial relations system, to take into account those who were excluded in the past - namely black workers. I would not call that revolutionary - I would call that evolutionary change, although, of course, it had moments of intense crisis and conflict.

MR SWANEPOEL: Do you know, as every South African knows, what the aims are of the ANC basically - to bring about drastic changes, inter alia, by means of violence? --- M'Lord, I know that the ANC is a signatory to the Freedom Charter, whose demands are of a general kind concerning economic and social change in South Africa. I also do know that when it was declared an unlawful organisation in 1960 it, over a period of time, embarked on a programme of more limited sabotage and later, guerrilla warfare - but M'Lord, I claim no expertise on the subject.

Would you be able to say whether, in the attempt to bring about change, the ANC can make use of workers, whether employed or unemployed, and of trade unions? --- M'Lord, it is possible for the

for the Nationalist Party, the Progressive Federal Party and the ANC, yes, to make use of workers.

Would you please comment on the following statement that appears in an ANC publication and say whether you agree that this is possible or not? I am referring, M'Lord, to EXHIBIT C.24, an extract from Seshaba. It is a Seshaba dated August 1981.

COURT: What exhibit is it?

MR SWANEPOEL: C.24 - the third paragraph.

"Recently the underground guerrillas of our liberation movement intensified the struggle inside the country through strikes, demonstrations, sabotage and armed actions."

Would you care to comment on this - that underground guerrillas intensified the struggle inside the country through strikes and demonstrations. Do you think that is possible? --- No. M'Lord, I find that difficult to understand that. Could you just read that again, the reference to guerrillas?

"Recently the underground guerrillas of our liberation movement intensified the struggle inside the country through strikes, demonstrations, sabotage and armed actions."

COURT: Bearing in mind this is the official mouthpiece of the ANC; it is an editorial comment. --- M'Lord, I am sorry, I can say very little about that.

Well you are asked to comment on it. --- I think it is not surprising that an organisation would want to claim that it was part of the actions of people in South Africa.

MR SWANEPOEL: No, the question is - do you think it is possible that they were part of the strike actions? --- I have done detailed analyses which have been widely published of strike actions

actions over the last three years, and M'Lord, I can only say that if these activities are taking place they have been concealed from me, a zealous social researcher.

It is only logical, would you agree with me, that the ANC would conceal such activities? They wouldn't tell you, for instance, that they are busy organising strikes? --- Yes, that is assuming that they are in fact involved in them. I would find it difficult, given our very active security police, that we wouldn't have actually been able to establish those kinds of activities. (1)

COURT: But you don't have to assume it; that is what they say in their editorial in their official mouthpiece. --- M'Lord, all I can say is that from my investigations, the way in which I understand strikes, I can only reassert what I said at the beginning, that they are relatively spontaneous acts on the parts of employees to enforce a grievance.

MR SWANEPOEL: Can I read another extract to you, from EXHIBIT C.25 - it is also from a Seshaba dated December 1981, the second paragraph, right-hand column:

"Our aim is a war fought by the entire people, not only (2)
in strikes, in demonstrations, but precisely in the field
of arms struggle, strikes and demonstrations are equally
important."

Does that say anything to you or would you like to comment on this - the importance of strikes and demonstrations to an organisation wishing to bring about radical change? --- M'Lord, my only comment on that is that that would be the way in which certain organisations may wish to see the situation. For me observing it as a social scientist on the ground, I see it differently. (3)

If the ANC wants to destroy the present economic system in this country

this country do you think they can do it by means or organising workers and trade unionists or trade unions? In other words, otherwise than through arms struggle? --- Yes, I imagine that was a rhetorical question, M'Lord, but the way I understand trade unions is that they are concerned with improving wages and work conditions, and in themselves they are not revolutionary institutions. Trade unions are not the institutions that conservatives fear, nor revolutionaries hope.

You are no doubt aware that there have in the past in the world been workers revolutions - revolutions brought about by actions of workers -- is that correct? --- I understand that to be the case, M'Lord. (1)

I would also like to read you something in this vein from EXHIBIT K.13 - a document entitled "Strategy and Tactics of the ANC". K.13, M'Lord, page 27. They refer:

"It is also happening in a new kind of South Africa, a South Africa in which there is a large and well-developed working class, whose class-consciousness and in which the independent expressions of the working people, their political organs and trade unions are very much part of the liberation front." (2)

Now what I would like you to comment on is that their political organs - political organs of the workers and trade unions are very much part of the liberation front. Does that mean anything to you? --- From my social scientific investigations in South Africa I have not come across workers presenting themselves in that way to me.

COURT: Have you read any of these Seshabas that you are referring to? --- No, M'Lord ...

So obviously you are not acquainted with the manner in which the ANC sees the workers organisations? --- As I indicated (3)

indicated, as Mr Kuny indicated at the beginning, I claim no expertise or knowledge of the African National Congress; I do not have access to their literature and their materials ...

Well it is readily available at Wits University and presumably also at Pretoria University. --- Yes, but it is not my area of research, M'Lord.

Well then it won't serve any purpose to carry on with this line of cross-examination. --- I cannot, as a social scientist, comment on things - and I am sure the Court would not like me to speculate about things that I don't know anything about, M'Lord. (1)

Yes. That is why I have indicated to the Prosecutor that it won't serve any purpose to carry on with this line of cross-examination.

MR SWANEPOEL: You have referred to strikes that may have a political cause; is that possibly the strike of Rembrandt products? You wouldn't remember the date - I can't. --- We have been through this before, M'Lord. I think it was in 1959.

Was that strike the result of political motives, political grievances? --- The context of it was not political, it was economic - it was in the context of wage grievances. But they chose to focus on what they saw as representative of business within the Nationalist Party. In that sense I suppose you could call it political. (2)

And especially Afrikaner business concerns? --- I gather there was some debate and a difference of opinion about that, but it was certainly one of the strategies pursued, M'Lord.

Would you agree that one of the effects of a boycott campaign would be to mobilise people around a specific issue - for instance, in the Fattis & Monis boycott you mobilised students, workers, traders, etc. --- Yes. (3)

So it

So it is a tool to make people politically conscious of some kind of grievance? --- I wouldn't have put it quite like that, M'Lord; in this case it was to give support for the demands of the Food & Canning Workers Union to have their dismissed workers reinstated.

But it can have that effect? --- I think that is one of the effects of that kind of campaign, that people in general, the community is made aware of the issue of a dismissal and the struggle for trade union recognition in that plant, yes.

About - your knowledge about unemployed workers; have you made, have you researched that topic or have you done a proper study of that topic? --- No. No, I said in my initial comments, M'Lord, that I had read the literature on the field. (1)

You are not an expert on unemployed workers and the organisation of the unemployed? --- No, other than in the context of how they affect industrial relations in general.

Do you know the Accused? --- Yes, I do, M'Lord.

For how long have you known her? --- I first met the Accused when she was a student at the University of the Witwatersrand in 1976. (2)

NO FURTHER QUESTIONS.

RE-EXAMINATION BY MR KUNY: Mr Webster, in your research into the question of strikes over the last two years have you found any evidence at all that any of those strikes have been initiated by, stoked up by the ANC or any political agitators? --- No, M'Lord.

NO FURTHER QUESTIONS.

WITNESS STANDS DOWN.

MR BIZOS TO COURT: M'Lord, there is no other witness available; (3) there are three witnesses in all to be cross-examined - one by My Learned

My Learned Friend and two by me - and as unfortunate as it is, M'Lord, we would ask Your Lordship to adjourn the trial until Monday - unless My Learned Friend can be ready for Mr Lodge this afternoon?

COURT: Are you ready to cross-examine the police officer who stood down?

MR BIZOS: No, M'Lord.

COURT: Why not?

MR BIZOS: I would like Your Lordship to hear the evidence of the witness, M'Lord, and to put specific allegations in relation to it. (1

COURT: Will we finish with the evidence on Monday?

MR BIZOS: I believe that we shall.

COURT ADJOURNS.

CASE REMANDED TO 30 AUGUST 1982

ON RESUMPTION 30 AUGUST 1982:

THOMAS GEOFFREY LODGE: (Sworn, states)

CROSS-EXAMINATION BY ADV SWANEPOEL: Mr Lodge, would you agree with me that as an expert your function is to assist the Court on matters on which the Court does not have expert knowledge? --- Correct.

And this would necessarily imply that you should give as an objective as possible analysis of the subject matter?
--- Yes.

Do you know the accused in this case? --- I know her

slightly/....

slightly in the context of her being a post-graduate student in a university where there are not many post-graduate students in the social sciences.

Have you had any dealings with her in the past? --- Of a social nature, none that I can recall. It is quite likely though, that like many other students she has come to my office for advice, for information, for reading, we have that kind of relationship with our students.

Do you not feel that the fact that you know her might influence you in the analysis of certain documents drawn up by her? --- No. I wasn't in that position of intimacy or closeness to her that I would actually take into account her own personality when analysing documents.

Would you agree with me that your subjective views could also colour your analysis of the situation and of documents? --- I am not clear on what you mean by my subjective views. My subjective views of what?

Your points of your political views, your views of whether the ANC has a right to exist, whether its actions can be justified, etc. --- I think it would be impossible for anyone's subjective views on matters like that not to influence them. On the other hand, I would take them into account, and have taken them into account when writing and working on this particular case, so that they don't interfere with my judgment. Or interfere as little as I can humanly control them to.

Have you ever been a member of any political organisation? --- No, not that I can remember... Uhhh...yes, that is not true. I was for a short time in Britain, I worked briefly with the Labour Party during elections.

Do you know about the Young Socialists? --- Well,

there /

there are two types of Young Socialists. There is the militant tendency within the Young Socialists, which I had nothing to do with, and then there are the more orthodox and rather more dull Young Socialists.

That you had something to do with? --- No. I didn't. As a student at a university I belonged to the Labour Party within that university - it was a Labour Club - which wasn't affiliated to any particular tendency.

Do you favour the socialist system of government? --- Yes, I think I do.

And do you think that could also be a solution for South Africa's problems? --- Some people would argue, and I wouldn't altogether disagree with them, that South Africa already has an element of socialism in its socio-economic and political arrangements.

But would you say that socialism could be the answer to the problems in this country? --- If by socialism you mean a great deal of State intervention to ensure social justice, redistribution of wealth and so forth, yes, I think it could be part of the answer to this country's problems.

Are you an expert on certain of the black liberation organisations or on all of them? -- I would claim to have expert knowledge of at least two of the liberation organisations that are active, or have been active in this country.

Which are those? --- The African National Congress and the Pan Africanist Congress.

Not SACTU? --- SACTU is a trade union organisation. My own training as a political scientist, as an historian, hasn't on the whole concerned me very much with the dynamics of trade unions. But I do know a fair amount about SACTU's historical contribution to the African National Congress's

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