

MR SHUM

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

CASE NO: 18/75/

DATE: 18th JUNE 1

THE STATE

vs

S. COOPER AND EIGHT OTHERS

VOL

VOLUME 117

PAGES 7243 - 7277

LUBBE RECORDINGS (PRETORIA)

COURT RESUMES AT 2 P.M. ON 18th JUNE 1976

STRINIVASA RAJOO MOODLEY, STILL UNDER OATH:

EXAMINATION BY MR. SOGGOT CONTINUED: May the witness be shown EXHIBIT JJJ please? Mr. Moodley, while we are on JJJ, would you have a look at the editorial please? --- There are two editorials.

Yes, there are two editorials, I want you to deal with the first one relating to the sport situation? --- Yes.

Did you write that? --- No, actually I didn't write this editorial, this one was written by the publications director. 10

Is that Mr. Langa? --- Mr. Langa.

And what do you say about this editorial and its exposition of SASO thinking? --- I think it gives a fair exposition of what SASO's attitude would have been to the sport situation in the country.

And how would you summarise it? How would you summarise your understanding of it? --- I think simply what the call is here for is that SASO believes that sport should be conducted on a basis where one is chosen by merit rather than on skin colour being taken as a criterion, and I think towards that end SASO encourages organisations such as the South African Amateur Swimming Federation and so forth and so on, who are attempting to achieve this kind of end in sport in this country. 20

Are you yourself a sportsman? --- Not really, no, I am not a sportsman.

And what do you say about the suggestion that one of the aims of SASO's sports policy is weakening of South Africa so to speak diplomatically or its overseas links? --- No, I think that is entirely out of order. It would have nothing to do with what SASO wanted to achieve in respect of sports in South Africa. 30

Now / ...

Now if you pass from that editorial to the next editorial, that starts off on the question of Ugandan Asians and the lesson for us? --- Yes.

Now is that the article which is entitled "Focus"?  
--- That is correct.

In another newsletter? --- That is correct.

Is that one which preceded this? --- That is right.

And that in fact formed a specific count in this trial?  
--- Yes.

COURT: Who did you say who wrote this one? --- This editorial 10  
was written by me.

MR. SOGGOT: And can you tell us why you wrote that and what you say you intended to express? ---If I can remember clearly I think there was some response by one of the columnists of an Indian newspaper in Durban to the article in the SASO newsletter "The Ugandan Asians and the Lesson for Us", and I think in his article he confused the issue in respect of what was happening in Uganda, and he attempted in some queer fashion to marry the incident in Uganda with the philosophies of SASO, and he set out I think in that response of his to 20 discourage Indian students and the Indian community from having anything to do with the Black consciousness movement, and as I thought personally, first as an individual, and then as a representative of SASO, that that was an irresponsible act on the part of that columnist, I therefore felt it was incumbent upon me to prepare this editorial.

And so you wrote it, and it ends off:

"SASO's call is simple. There is a dire need for unity, awareness and group commitment now. Division will spell the death-knell for any attempt to make meaningful change 30 in this society that is slowly eroding the humaneness, the

warmth / ...

wamth and the kinship of all oppressed peoples". Does that reflect SASO thinking? --- I am sure it does, I think if we are to examine intelligently what has been said by SASO, I think what SASO is agreed upon especially in respect of the Black community in South Africa, I think essentially Black people are a warm people, a humane people, a people who have very close kinship for man as being man, and I think the policy of divided rule is attempting in some way to break down this quality that exists in Black people.

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When you refer to the word "Black", do you include African, Indian and Coloured? --- Oh yes.

The argument appears to be that that article "The Ugandan Asians and a Lesson for Us all" which is a work of Steve Biko not so? --- That is correct.

He was the editor of that particular document? --- Yes.

Would have or is intended to have an intimidating effect on people, what do you say about that - I suppose on Indians? --- No, I don't think that is true at all, I think many Indian people who read the article found themselves in agreement with what was being said. I remember when I was having this newsletter printed, I happened to speak to Mr. Mathe Senior, not Junior, I think Mr. Mathe Junior came to give evidence here, but Mr. Mathe Senior ..(Mr. Soggot intervenes)

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Is this the man from The Leader? --- From Universal Printing Works. And he spoke to me about the article and he said he found himself ..(Mr. Rees intervenes)

MR. REES: I object, M'lord.

MR. SOGGOT: Yes, properly taken. What he said to you - he made a report to you about how he found the article? --- Yes.

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Did / ...

Did you have a lot of contact with him? --- Well I knew him for some time, he was I think on the committee of the Phoenix Trust, and I had had some dealings with him in the past.

You yourself have no legal training at all? --- No.

You know nothing of law except what you learned in this Court? --- Yes, that is correct.

And what was your impression of Mr. Mathe, did you get the impression that they were a responsible large firm or what? --- Well very responsible and very large firm, I think they took contracts from throughout the country. 10

Did you at any time think that any of the matter in SASO newsletters which passed through your hands was illegal in any way? --- None of the articles I printed I found warranted my having to take them to a legal adviser before I committed it to the printers.

COURT: Before you leave this editorial of yours, I don't profess to know anything about it, but am I correct in saying that the Indian is very much in the same position as the White man in Natal, don't the Blacks who work for them also call them "baas"? --- I think when I was dealing with the issue here, I was referring specifically to a section of the community, and that would be what one could consider the elite of the Indian community, who form a very small minority of the Indian people in general. I would think that if we were talking of a person like Mr. Mathe, his attitude would be I think that he does not see himself in quite the same position as the White man. I think he recognises that despite the fact that he has been able to make progress, when he considers the progress he has made, he says it is not through the wellbeing that the White man has for him, but he says it is through the dint of labour 20 30

on his own part, and his ability to make sacrifices in a society which discriminates against him, despite the fact that he has achieved the position he has achieved. So his relationship with the African person in that respect, he finds himself identifying with them, but I think in a percentage of the alite Indian group, there is this creeping racism that has been formed into this group of people by what one would consider the propaganda that is motivated by the status quo in this country. And I think one finds that over the years there has developed this kind of relationship between the African person who works for an Indian man. But if we were to take it as a general rule amongst Indian and African people in Natal especially, my own observations have led me to firmly believe that there is a very close relationship between Indian and African people. If we are to take an Indian man who works as a sweeper for the Durban Corporation, and you are to take an African man who works on the roadworks, the chain gain in the Durban Corporation ..(Court intervenes)

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The labourer? --- The labourer, there is a much closer relationship between both of them, and they don't - I mean the African in that situation doesn't call that Indian "baas", nor does that Indian expect the African to call him "baas". I think they recognise that both of them go through the same experience.

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So would you say that where there is a master and servant relationship, then the Black man would be prepared to call the Indian "baas"? --- Well that is one of the issues that I think would vary from person to person. I don't think that for example the African man who works for an Indian man would like to call him "baas", but I think again we are faced with

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the / ...

the propaganda of the status quo, that has created this kind of situation so that the man finds himself in a position where he is merely following what the status quo believes to be the right thing.

There you wouldn't put the blame on the Indian, it is the Black man who really conforms to a pattern so to speak? --- Well I think in my own interpretation I wouldn't lay the blame on the Indian or I wouldn't lay the blame on the African, but I would lay the blame squarely at the door of the status quo, but of course I would include in that blame both the Indian and the African. The Indian for allowing the African man to call him "baas", and the African man for allowing himself to call the Indian man "baas", and the status quo for encouraging this kind of master-servant relationship. So I think blame lays squarely on all of them.

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Now, would there be an oppressive relationship between the Indian and the Black man on the master and servant relationship level? --- Yes, I think there would be a degree of discrimination, I think in some circumstances you would find that the Indian elite - and here of course we can also include what one would consider the Coloured elite or the African elite, who take advantage again of what the status quo deems to be fit, and pays the African man less wages, treats him differently. I think I have been to one or two homes in the more elite area where you would find the so-called African servant having to eat his meals in a different room or being served up with the leftovers, that kind of thing. Where they are made to work from 6 o'clock in the morning to 6 o'clock at night or even later in some circumstances, and over and above that I think the wages paid out to them are minimal.

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Let us take it a step further then, where there is a

master / ...

master and servant relationship amongst Blacks, what would the servant call the master - now that is amongst Blacks - when I say Blacks I mean of African origin? --- I think perhaps all of us here in this discussion may be generalising, because I think it would vary from person to person. I think if you take this newsletter here and in this editorial, I say here:

"One has simply look at how poorly Indian businessmen pay their African workers; how degradingly Indian families treat their "servants". May young Indian children grow up referring to African men and women as "boy" and "girl". Indian store-minders and shopkeepers show no respect to the African customers - and it pains one to have to watch this kind of thing happening".

I think that is borne out of my own observation..(Court intervenes)

Yes, well I assume that for the present purposes, that is why I am just trying to really fathom the whole position. Now, doesn't the same apply where you have a master and servant relationship amongst Blacks, immediately the one is the master of the other then he forms part of an elite so to speak, and do you find that the Black master pays his Black servant a higher wage than the White master would for instance? --- It is difficult to generalise in that respect. I would think there would be some of them who would take advantage of the status quo, and do that kind of thing. But I think on the other hand you would find a far greater pliability amongst that kind of - within that group, where they would be the first to recognise if it is pointed out to them, that: look, you are doing something wrong here, and you should do something right, they would be the first to recognise it. Because eventually, they also recognise that they themselves are being discriminated / ...



discriminated against in the overall South African society.

MR. SOGGOT: Mr. Moodley, what would you say you are trying to say to the Indian community here? --- I think simply I am trying to tell them that they would have to reconsider their approaches to African people, to Coloured people also I should think, and the essence of the article I think deals with a problem which is peculiar to the Black community, and which SASO sees as part of its duty to attempt to solve, and simply you are saying to Indian people that well, you must reconsider your attitude to African people. 10

In the same newsletters, if you turn to page 2, you deal with December/January workcamps, that appears to deal with the new farm project and Dududu project, is that right? --- That is correct.

And then there is a thing called COSEDO, what is that? --- That is Community Services and Development Organisation.

I don't think we have heard about this in this trial, can you just tell us in one paragraph what it is about? --- I think you have heard in this Court about the Dududu project.

Yes? --- Now, COSEDO is an organisation from Dududu, it was started I think some time before SASO got to Dududu and ..(Mr. Soggot intervenes) 20

Where is Dududu? --- Dududu is on the South Coast of Natal, I think it is just before Scottburgh, or inland of Scottburgh. COSEDO was an organisation, a kind of welfare self-help organisation in Dududu, and I think the chairman or secretary of this organisation was Mr. M.A. Dlamini, and he came down to the SASO offices I think some time in January of 1972 or earlier, I think it must have been earlier, to discuss with the SASO people the possibility of running a joint 3 project. And the project at Dududu was the result of negotiations / ...

negotiations between Mr. Dlamini and the SASO head office.

You also refer here to the SASO's local committee's work at Fort Hare and the community in Dimbaza, is that a very poor community? --- That is right.

And you refer to a literacy project at Ngwaxa, and then the free university schemes. What did you understand - what would you say from your own observations, the main activity of SASO students was from day to day? --- On a day to day basis I think this essentially would be what SASO students were engaged in. I think the SASO community felt that it wasn't enough for students to simply discuss the issues within the Black community at an ideological level, I think they felt that one had to be involved practically ..(Mr. Soggot intervenes)

You mean at an intellectual level? --- I don't follow.

Not to simply be intellectual but also to be practical? --- Yes. And the community development programme in SASO would be in itself a practical manifestation of the philosophy of Black Consciousness which has inherent in it the theme of self-reliance. And SASO then set itself the task of making the Black community aware of the fact that they had the necessary potential to solve their own problems within their own community. And I think that that realisation would be a - I find this difficult to put across in words - but I think it would be a manifestation for the Black people themselves that they can do something about the physical oppression in which they live. That is they can liberate themselves physically. If you take a particular incident in a particular community, say, the lack of water at a particular area, Black people find themselves in a position where they say: well there is nothing we can do about it. But what

SASO / ...

SASO through its community development programme attempts to do is to show Black people that they can do this, they can create the possibility where there can be water in their particular area. That would deal I think essentially with the whole question of physical liberation at that level.

Now on a political level did SASO try and get support for its aims from the people? --- No, I don't think SASO could have done that, SASO recognises the fact that it is essentially a student organisation, and in that respect she is restricted to the student community.

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Look at page 4: "SASO meets the people and incidentally the police too", now that seems to be a description of a particular incident, what would you say what attitude if any is conveyed by this article as you understand it towards the police? --- I think this article brings across clearly what SASO's attitude is towards police, the police in this country, and that is we have no reason to be afraid of them, despite the attitude of the police towards Black people, that does not necessarily mean that we must succumb to police in a subservient fashion.

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And on page 5 there is a photograph showing Mthuli Shezi, is that the Shezi who was subsequently killed? --- the late Mthuli Shezi.

And there is a subscription at the very bottom of the page "When the cop heard this our late brother Mthuli said 'you are White and rich'". This is in relation to the price of the article. That sort of comment, how would it be taken? --- Oh I mean this is seen clearly as a cynical dig at the police.

Then you have an obituary relating to Shezi, this was written by Pityana who was then the secretary-general? --- Yes. 30

Is there anything in this article at all - or let me put it / ...

it to you this way, did you know Shezi? --- Yes, I knew him very well.

And when you heard of the death and the circumstances how did you feel? --- I think in the circumstances I felt very pained.

And this obituary, what would you suggest, or what does it arouse in you, what emotions? --- I think it is hard to determine the arousal of emotion in any particular individual, in me it is simply a statement by SASO, the official statement of SASO on the passing away of Shezi, and it is a dedication to Shezi. 10

Now the general belief, I think we have had it, is that I think a White man had unlawfully killed him? --- Yes.

I think we have had that evidence. About the handling of this event in this obituary, would you say that it would promote anti-White feelings? -- No, not at all.

The next thing is "The Blackman - his compassion", this is an article I think by Mr. Gerwel? --- That is correct, Jacques Gerwel, who is Afrikaans lecturer at the University of the Western Cape. 20

I think Mr. Adam Small made reference to him? --- That is correct.

You yourself met Adam Small, is that right? --- That is correct.

In the course of what, one of your tours in the Cape? --- Well that was one of the occasions that I met him.

Did you meet him on a few occasions? --- I have met him on a few occasions.

Now if you have a look at this, he quotes a poem by N.P. van Wyk Louw, which is also translated, paraphrased, and then over the page, the article says - I think there is actually 30

some / ...

some reference to this in the trial, that is why I draw your attention to it, the first paragraph on page 9

I wonder if you would read that please? --- WITNESS READS:

"And then, too, I wish to pay special homage to our dead women and children. No doubt, somebody shall today sing an ode or say a praise to our suffering Black men, so that I may specially remember the women and children - they who should have been the joy of our nation, they who should have laughed, sung, played, loved, who should have been loved. They who have become the quiet and unsung martyres of our situation".

And then would you read three paragraphs on - "and think too of those spiritual corpses .."? --- WITNESS READS:

"And think too of those spiritual corpses who at this moment roam the streets of our slums and ghettos. They have been spiritually killed, been exiled to skollies, and tsotsis and thugs, not because they chose it, but because they are Black - because of the lack of educational facilities, the lack of a social and economic environment conducive to a decent living".

Now the suggestion of spiritual death caused by the circumstances of living, have you ever come across that sort of thinking amongst students or SASO before? --- I think essentially that is the general theme one would find, and ..(Mr. Soggot intervenes)

Now this purports - I am sorry, have I interrupted you? --- I was saying this is the general theme that one would find when SASO is dealing with the destruction of the soul of the Black person, that when one says they have been killed, I think essentially what they are saying is that they have been spiritually / ...

spiritually killed, and I think Mr. Gerwel expresses quite succinctly what exactly is meant by that.

Now this purports to be a reporting of a day of compassion speech made by Mr. Gerwel? --- This is the very speech that he delivered at a day of compassion.

Were you there or were you not? --- No, I wasn't present.

How did this come to you, this copy, can you remember - I am not interested in the manner of transportation, I want to know whether you solicited it or whether it was offered to you? --- I think what had happened here was that I had heard 10  
about Mr. Gerwel's speech through a Western Cape student, I think it was Mr. Henry Isaacs, and he said he thought that it was a very good paper, and I said: please, can you get that paper to me, I would like to get it into the newsletter.

Now this speech obviously has a certain mood, not so? --- That is correct.

Have you been to day of compassion occasions or ceremonies in your time? --- No, I haven't been to a day of compassion.

You haven't? --- No.

There is reference also on page 9, an extract from a poem 20  
by an Afrikaner poetess, do you know where that - who the poetess is? --- I think that is the late Ingrid Jonker.

And is she a poetess who has a national reputation? --- Yes I am sure she has.

Apropos of poetry, Mr. Mtyale and Wally Serote, are they only recognised in the Black community? --- No, I think they are recognised both nationally and internationally.

And then there is an arts review, and then "A look at the international student forum" on page 12, and then another arts review which we have dealt with recently. Now this is a 30  
review of certain poems by Mr. Wally Serote? --- That is correct.

Published by Renoster Books, is that a company in Johannesburg? --- That is correct.

Now this review, did you solicit it, or was it passed on to you? --- No, I solicited this review.

Did you ask Mr. Langa ..(witness intervenes) --- I asked Mr. Langa for it.

Is he the brother of Ben Langa, that is Mandlenkosi Langa? --- That is right.

COURT: I missed that, is Wally Serote the brother of Ben Langa? --- No, the reviewer in this article, Mr. Mandlenkosi Langa, he is the brother of Ben Langa. 10

Oh I see, his name is at the end? --- Yes.

MR. SOGGOT: But this company, Renoster Books, that has got nothing to do with the Black Consciousness movement has it? --- No, no.

Then there is an article "The significance of the development of Black Consciousness for the Church", by Reverend Bartman? --- Yes.

Now who is Reverend Bartman and what is his status in the Black community if any? --- I think he works for the Methodist Church, or one of its branches, he is stationed I think in Durban, and he is some secretary or secretary-general of the organisation. I am not too clear about that. 20

Of the church organisation? --- Yes, but I do know Reverend Bartman.

And is he well known in the community? --- He is very well known in the community.

I just want to refer you to page 16, the second column, the second paragraph, would you read it please? --- WITNESS READS:

"On the whole, the non-Whites fear the Whites. Black Consciousness says: 'Love the Whites'. It says love them / ... 30

them so much that you will help them become human towards the non-Whites and see him as a Black man, Indian, Coloured and African. You must so love the White man that he must see it as his Christian calling to share power with you. You must so love the White man that you become a Thou rather than an It. You must so love him that for his sake, for his humanity, you will never allow him to treat you as an It. The power that Black Consciousness seeks from God is the power to love and seek power from man to make this love incarnate. 10 Even God sought the co-operation of man in the Incarnation". Now this purports to be a copy of an address by the Reverend? --- Yes.

How did this come into your hands? --- The Reverend Bartman sent me a copy of his address, and I thought it warranted printing in the newsletter.

Did you solicit it? --- No, I didn't solicit it, he sent it to me.

Can you suggest any reason why he should have sent it to you? --- ..(Mr. Rees intervenes) 20

MR. REES: M'lord, that would be guessing, the witness can say if he knows, if the man said so.

MR. SOGGOT: Well, do you know of any reason without guessing? --- Well I think Reverend Bartman used to send me a number of publications from this Methodist Youth Conference, I don't know what it was, and I think it was natural that I send him newsletters and he sends me copies of his newsletters, speeches and what-have-you that had been made at the various conferences or meetings of the Methodist group.

Now he appears to be a reverend father who also espouses 30 Black Consciousness? --- Oh yes.



Do you know whether he addressed SASO meetings at all?

--- No, I don't remember him addressing SASO meetings in my time.

I am talking about any meeting you have been at?

--- Any SASO meeting that I have been at?

Yes? --- No.

SASO or BPC? --- No, not that I know of.

Just on the last page please, one poem by Pascal Gwala, is that the same man who wrote "Gumba Gumba Gumba" which appears in EXHIBIT Y? --- That is correct. 10

And what sort of reputation has Gwala got in the Black and/or White community? --- I think he falls into the same category as Mr. Serote, Mr. Mtyale.

And where would you have got his poem from? --- Well Mr. Gwala is a very personal friend of mind, and he has been sending me his poetry for a long time. In fact at the time he and I were planning to have an anthology of Black poetry published.

Do you write poetry yourself? --- Occasionally I do.

Was Mr. Gwala a member of SASO at all? --- No, he was not a member of SASO. 20

Serote, was he a member of SASO at all? --- No.

And Mtyale? --- No.

Apropos of these productions, of the newsletters, did you have knowledge that the Security Police were as it were monitoring their contents? --- Oh yes, I did.

How did you know that? --- I think it was in early 1972 Mr. Mathe informed me that the Security Police had gone across to Universal Printing Works and asked for a copy of the newsletter every time it was published to hand it across to them, and I think Mr. Mathe said he would have to get my 30

permission / ...

permission first, and so he came to me and he told me about it, and I said to him: no, you should tell the Security Police that if they want a copy of the newsletter, they should come to SASO head office and we would sell them a copy.

You wanted your 20 cents, is that the position? --- That is correct.

Well then that suggested to you that they were interested in it? --- Oh yes, I knew that.

And the fact that they were interested in it - well let me put it to you this way, were any of your newsletters which emanated from your hands banned? --- No, none of them were banned. 10

The fact that they weren't banned and the Security Police did not charge you or anybody else for the contents, did that affect your state of mind at all as to its legality or the legality of your whole activity? --- I think I operated on the basis that I was responsible enough to see to it that anything I did on behalf of the organisation would fall within the ambit of the law, and I didn't think I was going to be foolish enough to risk the reputation of the organisation by being irresponsible in the work I printed. I think I was guided by that more than anything else. 20

Your own position, you started off as the assistant and then you became the publications director, is that right? --- That is correct.

Was that an appointed or an elected post? --- No, I was elected to the post.

Tell us how that happened bearing in mind you were not a student? --- Well at the time I was a student, I was studying through UNISA. 30

What / ...

What were you studying? --- I was studying political science, sociology, history. And when I was offered the job one of the conditions on which I took the job was to join as a member, as an individual member of SASO, and I think in the course of that relationship between May and July, some of the members of SASO at the second GSC thought that I would be suited for the post of publications director. I did not attend the majority of the sittings at the second GSC, but one of the cast members of the play "Antigone", spoke to me at a rehearsal and said that she would like to put my name up for election to the post of publications director, and I said well I wouldn't be opposed to it and subsequently she did.

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And so you were elected? --- I was elected.

How much were you paid as an administrative assistant? --- When I first took the job I think it was R120 and I think this was increased in July of 1972 to R160.

And you remained with SASO until you were banned? --- That is right.

Why did you take the job with SASO? --- Well I thought SASO was an organisation that required the services of the Black community, and SASO I think was impressed by my own capabilities.

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Well we won't ask why SASO took you, I am just interested in ..(witness intervenes) --- Well I felt I had a certain duty to an organisation like SASO which was involved in responsible work within the Black community.

How did you come to TUCSA, how did you get a job there? --- Well, I was offered a job there by the regional director of TUCSA.

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And why did you take it? --- Well I think again the essence / ...

essence of trade union work dealt with the problems of the Black community, and I think I owe my first responsibility to the Black community. And I think doing the kind of work one does in a trade union organisation or an organisation like SASO, one is much more intimately involved with your community and being of assistance to your community.

Now, Mr. Moodley, you have told His Lordship that you as it were flitted in and out of the second GSC, where as we know today the foundation Resolutions of SASO policy were passed and accepted? --- That is correct. 10

I take it then that you subsequently dealt with those and you became thoroughly familiar with them? --- Yes I did.

Now we have had a lot of evidence about them, and you have heard people such as Steve Biko and your colleagues talk about their interpretation and understanding of SASO programmes, is there anything that you feel that you can usefully add? --- No, I think essentially that most of what I would have said has already been expressed.

Let me put a very sweeping question to you, bearing in mind your knowledge of SASO official documentation, and the unofficial documentation, and its activities, was there anything said or done to suggest to you that there was a conspiracy either directed at promoting racial hostility or a violent overthrow of the State, or a violent change? --- No, nothing of the kind. 20

Or unconstitutional change? --- No, nothing of the kind.

Now, you attended a December Executive Council meeting, is that correct? --- In 1971?

In December 1971? --- That is correct.

And was your position there ratified? --- It was ratified 30  
at that Executive Council meeting.

Was / ...

Was any Resolution of interest taken there? --- There were a few Resolutions taken of interest, well there was the one which was later directed to my appointment as administrative assistant. I think there was another one there which related to clarification as regards the relationship between SASO and Whites and white organisations.

I am sorry, M'lord, I thought I had the relevant document here but I haven't. Then in January 1972 did you attend a formation school? --- That is correct.

And what did that relate to? --- I think SASO was conducting a course on management and administration, this was in January of 1972. 10

And did you attend that? --- Yes I did.

Now again, a formation school, you have heard evidence on that? --- Yes.

The definition of a formation school as opposed to a seminar, do you think you can add any further light to the evidence which has been presented to His Lordship? --- No, I don't think I could.

Now you I think were also present, I am not going to deal with all the episodes in your career in SASO, you attend the Third General Students' Council meeting, is that right? --- That is correct. 20

And I think that was the occasion when Sono was expelled? --- That is correct.

Did you hear his speech? --- I did.

Can you tell us briefly what that speech was about and why he was expelled? --- Briefly I think Mr. Sono in his speech tended to put across a viewpoint that cut across the Constitution of SASO, and against SASO's stated policy at the time. I think the essence of complaint against Mr. Sono, was that / ... 30

that first and foremost he had made this speech without consultation with the National Executive Committee, and secondly, he made the speech at a time when it could not be thrown open to debate, we were not at a Council sitting at the time, this was the opening of the GSC, the official opening, and because the official speaker was not available Mr. Sono came in as a last minute replacement. I think what we were extremely upset about was the fact that Mr. Sono realised this, and was using this platform to attempt to throw some confusion into the public eye as far as SASO was concerned. 10

When you say "we", I don't want you to say we unless it is based on direct statements of what other people said showing that they had the same attitude as you? --- No, I think when I am talking about "we" here, firstly I am talking about the Council as a whole, and then I am talking specifically about the four members of the Executive Committee who discussed this issue the evening after the address had been made.

Now, Mr. Moodley, I want to deal with your contact with BPC, I will come back to SASO documentation later, I am trying to keep some form of chronology. Just before I go onto BPC I understand that you were instrumental in bringing an editorial board into existence in September 1971? --- That is correct, I did do that. 20

And what was that board composed of? --- At the time I thought it would be wise to have two members of the community, I mean two student members sitting on an editorial board with me as publications director, and at the time also editor, to assist me in planning the format of the newsletter, to advise me as to what kind of articles should be included in the newsletter and I thought that in doing this I would be able to draw / ... 30

draw much wider opinion in respect of what the newsletter should contain.

And what members of the community were appointed?

--- I think at the time it was Mr. Ben Khoape who was in Durban.

Ben Khoape, who was he? --- I think in September 1971 when I appointed him he was the director of the YMCA in Durban.

Any particular educational or special qualifications?

--- Yes, he was a graduate I think from Wits or UNISA I am not sure, he had had some educational training in the United States as a social worker. Then the other was ..(Mr. Soggot intervenes)

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Had he been a member of SASO or BPC? --- At the time he was I think on the advisory panel or he had been on the advisory panel of SASO.

Carry on, who was the next one? --- The other one I think was a Mr. Madala Mpahlele, Mr. Mpahlele was a business executive for an advertising company in Johannesburg, and I think at the time he was based in Durban. Those were the two members of the community that I chose.

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Did he have any educational background? --- I am sure he did but ..(Mr. Soggot intervenes)

Or experience which would equip him for the task? --- I am sure he did, but I cannot recollect now.

Who got hold of these two people, in other words who decided on their appointment? --- Well I made the suggestion to the secretary-general, and I think the secretary-general and myself thought around some names, and finally these two names came up.

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Mr. Mpahlele, did he have any particular reputation or status / ...

status in the Black community? --- I don't think so, I think the motivation behind taking a person like Mr. Mpahlele was that one wanted to find out what was the thinking of the ordinary - so-called ordinary man in the intellectual circles who did not have the spotlight focussed on him.

Had he been connected with SASO, Mr. Mpahlele? --- He may have been before my appointment with SASO.

Would you please turn now to the question of BPC. When did you first hear of BPC and how did you get involved with BPC. We have had evidence that you attended some meetings? --- I think my first knowledge of the impending formation of BPC at the time was probably in August of 1971. When I was preparing the September 1971 newsletter, there had been a meeting at Edendale I think around that period which was looking in the direction of possibilities of at the time I think an African organisation. Its definition at that stage was not quite clear, but a variety of Black organisations in South Africa had contributed to that meeting in Edendale, and Mr. Biko spoke to me about the meeting, and I think I asked him to prepare something for the newsletter regarding that meeting, and I think you will find it in the September 1971 newsletter.

I think that is an exhibit isn't it? --- It is an exhibit.

Where in fact there is a report on the earlier stages of BPC? --- That is correct. And subsequent to this, I think it was at the December Executive Council meeting of SASO of 1971, that this was mentioned in passing, that there was to be a meeting of organisations at the DOCC in Johannesburg, and that SASO had been invited and that in particular the president of SASO at the time, Mr. Sono, had been invited to deliver a paper.

There / ...



There was no clearcut decision taken by the Executive Council meeting with regard to this meeting at the DOCC. I think what did happen was that Mr. Nengwekhulu informed us of his intention to go up, it was then I think decided to send him as the delegation leader and a number of other students were suggested as possible delegates. I think the Executive Council ..(Mr. Soggot intervenes)

Well we have had evidence on that. --- Have we?

And I think there is a Resolution as well, but you didn't go along to the DOCC? --- No, I didn't go. 10

Tell us when you first had contact with any BPC meeting or preliminary meeting, and why you went there? --- The first BPC meeting I attended, I think it was still in its ad hoc stage, would have been I think at the Alan Taylor residence, I think it was the meeting at the Alan Taylor residence.

Was that in March - PAUSE --- Somewhere early in 1972.

And I think that that is reflected in BPC A.2, I don't think it is necessary to put the document in front of you, you are familiar with it - M'lord, may he be shown that document? I think you know that document? --- Yes. 20

What do you say about its correctness? --- Yes it is correct, it is a correct record of what occurred at the Alan Taylor residence.

Where were you in the afternoon? --- It is part of the afternoon.

Well let us say from 1 o'clock? --- I think this meeting started in the morning.

Were you at the morning session? --- I was at the morning session. It broke at lunchtime, about 1, and from there I think I went with Mr. Cooper. 30

That is Accused No.1? --- Accused No.1, and there must have / ...

have been one or two others of us, to a meeting at Vedic Hall in Durban.

Is that spelt V-e-d-i-c? --- That is correct.

What was that meeting about? --- I think the students at Durban Westville were having some problems with regard to their Students Representative Council.

It was a student meeting and you went to it? --- I attended.

Well why you were there what happened to this meeting at the Alan Taylor residence? --- Well this meeting had adjourned at that time. 10

Until when? --- I think till the late afternoon again when we met.

For what purpose had it adjourned? --- Essentially so that we could attend the meeting there. I think there were one or two other meetings going on at the time besides the one at Vedic Hall.

And after this meeting what further - well why did you go along to this BPC meeting? --- Firstly out of personal interest, I think I was interested in BPC. 20

What did you understand at that stage was being formed? --- A political movement that would articulate the grievances of Black people in the country. I think I was personally interested in that.

Had you by then had insight into the Minutes of the DOCC meeting? --- No, I don't think I saw the Minutes of the DOCC meeting, I didn't see those Minutes.

When did you ever see them before you were arrested? --- I think I saw them for the first time when I was arrested here in Court. 30

Just deal with your state of mind, at this stage when you went / ...

went to the Alan Taylor residence meeting, from where had you derived your knowledge of BPC and its then not fully formed intentions? --- From reports I had received from Mr. Nengwekhulu, and other people in the organisation at that time in the ad hoc committee. I think Mr. Nengwekhulu had spoken to me while I think I was in Johannesburg about sitting on the ad hoc committee, and I think I said I would do all I could to help BPC, but at the time I wouldn't be able to concentrate on it, and I think I went back to Durban and informed Mr. Cooper about this. I think we had in fact been invited to a previous meeting to this meeting at Alan Taylor, that was at Lenasia. That was Mr. Cooper, myself and Mr. Chikamjee who were all members of the NIC, Durban Central branch at the time. 10

At this stage you were still on the Executive were you?  
--- Of SASO?

Yes? --- Yes I was.

When did you give up your Executive post? --- Well I think the publication director's post is an annual one, and at the 1972 GSC I did not stand for re-election. 20

Why not? --- I think first and foremost one doesn't want to remain in a post inevitably, I personally felt that holding the job of administrative assistant tended at times to clash with the post of publications director, and I thought that it should be separated, that someone else should be a publications director. And of course there is the other very real reason and that is that SASO believed it should give as many students as possible the opportunity to take up positions in the Executive posts.

Did you at that stage have any connection with SABTU the South African Black Theatre Union? --- Oh of course, yes, I had / ... 30

had been elected by the South African Black Theatre Union delegate to be the president of the South African Black Theatre Union.

And did that eat into your time? --- That is right.

So you continued then as administrative assistant and editor? --- That is right.

Now after these meetings that you have referred to, did you attend the BPC inaugural meeting at Edendale?

--- That is correct.

Again, how did you come to be there, where had you been immediately prior to that meeting, and what was your motive for going there? --- We left from Hammanskraal on the evening of the 3th July for Edendale to attend the meeting, and as administrative assistant I had been in charge of transport, and I took a few members of SASO who were keen to attend the Edendale conference down to Edendale. 10

Did you participate in the inaugural conference? --- Yes I did.

What did you do? --- I think I either moved or seconded a Resolution to do with education, I can't remember. 20

M'lord, may the witness be shown BPC B.1? Does that Resolution figure in these Minutes - PAUSE - I think I should refer you to page 39 or perhaps typed page 8? --- Yes.

You were responsible for that? --- That is correct.

And who was the seconder, Ndilasi? --- Oh, I am sure I can't remember him now.

And the Resolution was "that BPC should call a joint meeting of African, Coloured and Indian Teachers' Associations"?

--- That is correct.

And at this meeting BPC should strive to form a Black Teachers' Association? --- That is correct. 30

Now / ...

Now how is it that you got involved with an educational Resolution? --- When we got down to Edendale, I think I joined the education commission, and I suggested to the commission firstly that I thought it is important that BPC play a role in bringing together the Indian, Coloured and African teachers so that as a collective group they could think around the problems they were faced with in teaching in the Black community.

And what was foreshadowed in the way of BPC control over such an organisation? --- No, I don't think the question of control - I think what BPC - we recognised BPC as in this respect in community work, would be that it would act as an initiator. 10

If you look on the same page under the title "our problems were that, paragraph 2: how to infiltrate government institutions", what do you say about that? --- Yes, I think at the time when we were thinking around the role BPC would play in respect of the education of Black children, or assisting in initiating educational facilities for Black children, that if a teacher or a member of the government institution was a clerk or something of the kind, became a BPC member, he immediately attracts attention to himself through the agencies of the government like the security branch, and we didn't know how one could meet that kind of problem. I think simply what we are dealing with there is that we recognise that BPC by virtue of the fact that it has declared itself as an overt organisation, would have to in the circumstances, engage itself in the organisation - in the government institutions that are available, educational, etcetera. 20

Now on typed page 5, there is a Resolution relating to the founding of Black trade unions, and that they should belong to / ... 30

to an umbrella union, have you got that? --- Page 5?

I think it is page 5, typed page 5? --- "N.B. That BPC should assist in the formation of workers' councils", is that the one?

Paragraph 7? --- Oh yes.

Founding of Black trade unions all over the country?

--- Yes.

And that these unions should belong to an umbrella union or council e.g. the Black Allied Workers' Union? --- Yes.

Which we know was subsequently deleted by a member? 10

--- Yes.

Now, were you present at that discussion? --- I cannot remember clearly whether I was present, in fact I don't know which commission this is, but I sat on the education commission, so I wouldn't have been involved in the actual commission, but possibly I might have been at the plenary session when the report was presented. I think at the time what was going on in the minds of the people present there was that the commissions - the only things they could do was make recommendations, this is why you will find that in most respects there were 20 recommendations made, even these Resolutions themselves were mere recommendations, because I think there was no firm establishment of BPC branches at the time.

Mr. Moodley, on the question of no confrontation shall be sought with the oppressive party? --- Yes.

This appears on page 13, I think, and there is also a membership drive project with a membership target of a million. Now can you remember the discussion relating to that? --- No I don't think I can remember exactly the discussions that were related to this. Firstly I was not in the commission, at 30 the plenary session I must have been present when this was discussed / ...

discussed, but it is difficult for me to recollect now what exactly was going on there.

Well I just want you to deal with Harry Singh's evidence, the suggestion was that there should be no confrontation within the first three years? --- Well I didn't hear anything of that kind at the - I mean I listened to Mr. Singh's evidence and I was shocked, because if such a thing had been mentioned I am sure it would have stuck in my memory, I don't think anything of the kind was suggested.

10

And you also heard his evidence relating to general strikes and that as a method decided upon or suggested by the people in this meeting? --- I think the people at that meeting were rather responsible people, and a suggestion like that is something of a naïvety. So I don't think anything of that kind would have been said at all.

Well as far as your memory serves you, was it said or not? --- As far as my memory serves me I don't think it was said.

And the next thing is could it have been said, could you have forgotten about it? --- No, as I say I don't think I would have forgotten about this, because had it been said I think I would have been amongst the first to oppose such a thing.

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Are you able to give any evidence relating to Harry Singh's movement or presence in this conference? --- I know Harry Singh quite well, I have known him since childhood.

The question is whether you can give any evidence relating to whether he was there and when? --- Well I must say that when I arrived there on the 9th I didn't see Harry Singh.

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Did you see him at all at that conference? --- I didn't

see / ...

see him at all at that conference.

Now you have heard the evidence for example by Mr. Saths Cooper on what happened at this conference, is there anything you want to add or subtract from what he said? --- No, I don't think so.

May the witness be referred to BPC C.5, please, M'lord? C for Charlie. If you have a look on page I think it is 2 of the document, paragraph 25, it says there:

"That this congress noting .. etcetera"

have you got that? --- Yes.

And that deals with sport? --- Yes.

You and Nengwekhulu appear to have initiated that particular Resolution? --- That is correct.

Can you just tell us how that came about and what was in your mind? --- Well this was at the first congress of BPC at Hammanskraal in December of 1972.

In what capacity did you go to that conference? --- I was sent by the Executive of SASO firstly, secondly I went as editor and reporter.

When you say you were sent by the Executive, in any capacity? --- No, merely to observe.

Then you say you went as a reporter? -- Mmmmm When I got there ..(Mr. Soggot intervenes)

I take it you were still interested in the organisation and you supported it? --- Oh yes, very much so.

Why did you support it? --- I thought that BPC was the natural development in the political life of the Black community, and BPC's ideals and aspirations were laudable, they were based on firm principles, and I felt that it was an organisation that had to be supported.

They sought physical liberation, isn't that so? --- Yes.

How / ...



How did you understand that they intended to achieve that physical liberation? --- Well here we would be going into particulars. I think overall my own impression was that BPC would involve itself in the life of the community, that is in all aspects of the Black community's life, in its economic life, its social life, its political life, and more especially in its political life, and more especially in its political life. I think people in BPC recognised that to be overt it meant we had to be confined within the legality of the society, and as a result it would seek positive programmes to be engaged in, where it would bring people together under the umbrella of BPC.

10

Now, we have heard a great deal of talk of bargaining - bargaining for liberation, how did you visualise such a thing happening? --- I think if we look at the BPC Constitution, I think inherent in its Constitution you will find that it will have nothing to do with the system created platform, and I think essentially it is dealing with the political platform provided by the system. I think in our own thinking we had come to the conclusion that the South African government recognised that it had to provide freedom for Black people, and that in this respect ..(Mr. Soggot intervenes)

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Why do you say that? --- I am coming to the answer to that. I think that in this respect she then devised - when I say she I am referring to the government - the policy of separate development. Now in its very decision to have that kind of policy, where it felt it would be allowing for Black people to gain their freedom through the variety of Bantustan governments, it recognised that it had to deal with Black people. The thing about it that BPC was opposed to, was

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that / ...

that we could not have separate freedom, we couldn't have about twelve tribal groups having twelve different kinds of freedom, it was one freedom. But BPC also recognised that in creating this alternative thereby the government was wanting to bargain with Black people, because I think inherent in the separate development policy is the fact that Black people must accept it. So here we were faced with the situation, BPC was faced with the situation, that the South African government wants to bargain with Black people, but it has decided on how it shall bargain. 10

And where do you come into it? --- I think BPC says that if we can get Black people to withhold their consent from participation in this kind of ideology, the South African government would have to reconsider its own policies in respect of Black people. And this is why I think inherent in BPC's programme is to get the entire Black community into this umbrella under the slogan of Black solidarity.

Mr. Moodley, as far as Edendale is concerned, I think the suggestion has been made by Mr. Singh that you and Biko reported on the internal and international commission, what do you say about that? --- No, it is entirely out of order, I have never done - I did not do a thing of that nature at Edendale. 20

Was there such a commission? --- I don't think there was a commission in the first place dealing with the internal and international commission - affairs.

Were you there on the first day of conference? --- No, I was not there.

Now what do you say as to the possibility of your being able to have been on such a commission? --- I think the 30

commission / ...

commission leaders were elected on that first day, so that when we came on the 9th all we were asked to do was join whichever commission we felt we could lend assistance to.

And so you joined the education commission? --- And I joined the education commission.

If the Court will bear with me - PAUSE --- I think we were still on this Resolution on sport.

Yes, will you deal with that please? --- At the first congress, I think this Resolution is in fact a repeat of a Resolution that Mr. Nengwekhulu and myself - or something like it - had presented to the Executive Council meeting some time before, I am not sure. But we felt that BPC at the time in 1972 was its formation, that sport in this country was one of the vital areas in which BPC could pressurise or use to pressurise the government in changing its policy. And I think in that respect we thought it would be ideal to suggest to BPC that she should make it clear to both the national and international societies, that Black people in this country are not responsible for the sports policies of this country, that the sports policies of this country have been created by the White government of this country without consultation with Black people, and that in this respect Black sportsmen and women were being isolated because of the policies of the government of this country, which Black people are not responsible for at all. And I think it deals with telling the community, both national and international, that it should not legislate against Black sports.

Did you ever become a member of BPC? --- I think I might have taken out a membership card, BPC membership card.

And did you ever cease membership? --- Well membership was ceased on my behalf by the South African Government.

By the restriction order on you? --- That is correct.

And from the time of your restriction order have you participated at all, directly or indirectly, in BPC affairs?

--- No.

M'lord, I do propose to go onto a different theme, I wonder if this might be an appropriate stage to take the adjournment.

COURT ADJOURNS

/VMD.

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