

You see I must put it to you that the first time this was mentioned was shortly before the 1978/1979 summer holidays. Or don't you think it was as early as that? --- I am afraid I could not say exactly.

And then in my particulars I allege that you once more in 1979 suggested it to him and then in November 1979 you further suggested that there should be two groups. Do you remember that? --- Yes.

What was the idea of having two groups? --- Well (interrupted)

(10)

COURT: What date?

PROSECUTOR: November 1979. --- Well as I said in my statement, the people that Watters knew in East London and who I also knew varied in terms of their age and their degrees of political interest and awareness.

And political development? --- Yes. And added to that there were also personality differences and I could not see all these people happily participating in a single group.

Now who would be the senior group? Chris Watters himself and? --- As far as I remember I think there was a friend of his (20 older brother who was a journalist, who had a degree and he had studied politics.

Who is this? --- I think his name is Roy Dowling, I think his name is.

Yes. --- I do not know if he was ever actually involved (interrupted)

COURT: I am sorry, give me that name again? You say Chris Watters himself and who else?

PROSECUTOR: Roy Dowling. --- Roy Dowling, I think his name is.

COURT: He was a friend of Chris Watters' brother? --- Yes, (30 of his older brother.

Roy Dowling. --- Dowling.

Dowling. --- Then I think also in that same group, though I am not completely sure if it was at this group or a less advanced one, would have been accused No. 2, Kenyon, I think Hector Mbau.

Hector Mbau. Who is Hector Mbau?

COURT: Accused 2, Kenyon? --- Kenyon and accused No. 2.

Who do you say, Hector? --- Hector Mbau. M-b-a-u.

PROSECUTOR: Who is Hector Mbau? --- He was an organiser at the Race Relations youth group club. (10)

Matazani? --- Yes.

And Mandla Gxanyana? --- Yes.

COURT: Repeat that? --- Mandla Gxanyana.

Mandla? --- Gxanyana.

How do you spell that? --- G-x- - is that right?

PROSECUTOR: Yes. --- A-n-j-a-n-e.

No, y.

COURT: Y-a-n-e?

PROSECUTOR: Ending with a an "a" sir, not an "e", Gxanyana.

Why did you suggest Mandla? --- Well as I said in my statement because I had heard that he had been interested in politics and that he had distributed a document which I erroneously called in my statement minutes, it is not actually minutes, it is a committee report of the Communist Party. I am not sure why I called it minutes in my statement. (20)

COURT: He distributed - he was interested in politics and distributed? --- I knew that he had given a... (indistinct) a copy of a document which was a Communist Party report.

Communist? --- Party report, and that is what I erroneously termed minutes, in my statement. (30)

PROSECUTOR: Is that the document styled The Way Forward from

/Soweto...

Soweto? --- I am afraid I am not sure. I think it was, but...

COURT: What from Soweto?

PROSECUTOR: The Way Forward from Soweto. ---I am afraid I am really not sure of that, but that could have been it.

Your worship will bear with me for one moment. I am sorry, is this not the document, I have it here, it was found in your possession, wasn't it? The Way Forward from Soweto? I have a recollection of it being on the list sir, but I cannot find it now at the present moment. --- No, I think I did have a copy of the document in my possession, but I am just not sure if it (10 is that actual one.

Oh. So you cannot say really if it was The Way Forward from Soweto or not? --- No, I am afraid not. No, I know it was one of the things that I had but I am afraid I cannot remember if that was the title.

I may just say sir that to the best of my recollection this - the accused was not charged for this because it was only declared prohibited after his arrest, if my memory serves me correctly. Yes. Well in any case never mind. You also suggested to Mr Watters reading material? --- Yes. (20

For such group? --- Yes.

And you also suggested to him that he should follow the same line in this group as you had followed with your line, or that the group should follow the same line? --- No, it was never intended that the East London group should be like the resistance group (interrupted)

No, no, but that was before the resistance (interrupted) --- Yes. It would be along the lines of the 1978 group, looking at various articles on phenomenon in South Africa.

The 1978 group, that would be the matters of Afrikaner (30 Nationalism? --- That is correct.

Black Nationalism, Black Consciousness, class analysis of South Africa, etcetera? --- Yes, that is correct.

And this would then also assist with the political progress of these persons? --- Yes, I did have a specific motivation as well as the general motivation, specifically - I did not mention this in my evidence chief, but I will do so quickly now.

Yes? --- At the Race Relations Youth Group there was a similar problem as arose at Rhodes in 1980, the question of racial interaction.

Of non-collaboration? --- No, of racial interaction. (10

Oh yes. --- It is a separate issue, and some of the Black members of the Youth Group felt that White members should boycott all White only facilities in an effort to have a non-racial friendship, and what worried about me about this was that I thought that people were forgetting that a great many people in the country are excluded from entertainment institutions because they cannot afford it, not simply because of their colour, and so (interrupted)

In other words you wanted this group to see South Africa not merely along racial lines but along the lines of class (20 differences. --- That is correct, and I hoped the discussion group would bring out this economic inequality aspect also in the context of this East London debate.

And this would assist these persons in their political understanding and in their political progress as it has been referred to in this case. --- Yes.

And whilst this seminar was - rather these discussions were going on in East London, did you speak to Chris Watters? --- He came to Grahamstown at one stage during the period that we were (30 having the seminars and he told me he was organising one on the

/Wicker...

Wicker
 Wicker Commission I think and he was reading a labour bulletin
 on the *Wicker* Commission.

And you told him that this was too advanced for the group, they should stick to the a...try and stick to the pattern that was used - worked so well with ^{the} Grahamstown group? --- I cannot remember that. I may have said, but I cannot remember that now.

Did you in any case try to get Chris Watters to get his discussion group back on the rails so to speak? --- No. In fact the groups were not very differently to how I had thought it would be and so I did not have any direct interest in how it (10 actually ended up.

Now apropos your last statement, I think this is the last aspect I want clarified Mr Berger, you said that, at the end of your evidence, that you now realise that what you have done was - may constitute serious offences and that had you known this right from the outset you may not have realised - you may not have involved yourself in these things. --- Yes, that is correct.

Now I would like to take you up on that, on a few aspects, and chronologically then we should return to the bannings, (20 etcetera, pursuant to trade union activities by Rhodes students.
 --- Yes.

And this was in 1976 I think you said. --- Yes.

You at that stage realised that one could get one's fingers burnt involving in trade union activities? --- Yes, that is correct.

And yet you collaborated with Richer and through him with SACTU and the subversive publication. --- Yes.

And realising what you have done, what you were busy doing, you did not disclose to Sauls and Ahshene and Leen that the information you were acquiring from them would be passed on to (30 Botswana? --- Yes, that is correct.

/Because...

Because if you had said this firstly you would have blown your cover and they would have not divulged the information to you? --- Possibly, but I would have been exposing myself to trouble.

Yes. --- I realised that there was a possibility that one could get banned.

Yes. --- But I was perhaps rather stupid in that I did not actually think that imprisonment might be a result of it.

And then whilst busy with this trade union information (10 gathering a courier system was employed and a hiding place organised? --- Yes.

And although (interrupted)

COURT: Busy with?

PROSECUTOR: With the trade union information gathering. And although you thought this to be a bit of over-dramatizing on the part of Richer, he did give you the clear indication that Peter Richer thought that this was dangerous, what you were busy doing? --- Yes.

You tried to explain the courier system firstly by saying (20 that newspaper cuttings sent to Richer did not reach him. --- Yes.

Have you tried registered post? --- Afraid I cannot remember exactly, but I think perhaps I may have actually sent him stuff through registered post.

And which got lost, and were queries, official queries made to the post office? --- No.

Then when you gave him the names of other people to work for him, did he state what sort of work was he going to require these persons to do? --- No. (30

Did you ask him? --- No.

/What...

What did you think? --- As I said in my evidence in chief I thought that it was similar to me, it would be research type work.

Inter alia in trade union activities or other spheres in South African society? --- Yes.

Once again to be used for subversive purposes? Which might have been used for subversive purposes? --- Which might have been, but if I can just qualify that. The word subversive does not necessarily imply illegal in the sense of that there might be imprisonment repercussion and I did not think - I did (10 not see it in that light.

No, what you are trying to tell his worship now, and correct me if I am wrong, is that you realised that you were playing with fire and you could get your fingers burnt to the extent that you might be served with a restriction order, but not sent to jail? --- Yes, that is what I thought.

And when, even after warning from Van Oortemeester and the raid on the farm, that did not deter you? --- Well I did not see myself as being involved in A.N.C. activities and so I thought it was a bit of a guess. I did not (interrupted) (20

By the way did you know (interrupted)

COURT: I am sorry, what was your reply? --- I did not consider myself to be involved in A.N.C. activities. I knew that the research was for SACTU and (interrupted)

You did not? --- I did not consider myself to be involved in A.N.C. activities and so I thought that this was a guess.

You thought it was a what? --- It was a guess, what this Van Oortemeester told me about (interrupted)

You thought it was a guess on his part? --- On their part. That they were guessing that I was (interrupted) (30

The police? --- Yes.

PROSECUTOR: Well I do not want to open up too large a sphere of investigation at this stage Mr Berger, shall we then rather say that what you did was not A.N.C. activities, but activities in the interest of the A.N.C.? --- No (interrupted)

Agreed?

COURT: Pardon? --- Yes, I agree.

PROSECUTOR: By the way did you know the gentlemen Gideon Cohen and Jack Lewis? --- Yes.

Do you reside with them? --- No.

When were they served with restriction orders? (10

COURT: (Indistinct)...two persons?

PROSECUTOR: Gideon Cohen and Jack Lewis. --- In 1976.

COURT: You did not reside with them? --- No.

And they were served with? --- Restriction orders.

PROSECUTOR: They were the persons you referred to earlier on in 1976 who were served with restriction orders due to their trade union involvement? --- Those were two, but there were I think about 12 people all in all.

Yes.

COURT: That was in 1976 that they were served with restriction orders? --- Yes. (20

PROSECUTOR: Sorry, I (interrupted)

COURT: They were two and there were (interrupted) --- I think there were about 12 people in the whole of South Africa at the same time as them.

In connection with trade union activities? --- Predominantly yes, although Cohen himself had not been involved in anything for a year.

You say Cohen was not involved in anything for a year? --- For a year, no. (30

PROSECUTOR: The point I am trying to make Mr Berger is that /you...

you had red flags waving, bells, warning bells ringing, and you desisted with your connections in Botswana only after the detention of Robin Rees. --- Yes.

And after Rob Rees told you after his discharge that he was also questioned about what he did in Botswana when he accompanied you? --- Yes.

That was when you decided to lay off with the Botswana contacts? --- Yes, the feeling had been growing within me.

COURT: Pardon? --- The feeling had been growing within me, but that was the turning point, as it were. (10

PROSECUTOR: I am sorry, I said that this was going to be the last point, but I have another point here. The books you gave to Lindy Harris, can you remember when that was? --- I think it was in early - sometime in May I think, May 1980.

COURT: When you? --- In May 1980 I gave the books to Lindy Harris.

PROSECUTOR: And you knew or suspected that some of those were undesirable or prohibited literature. --- Yes.

So you gave them, these books to her to hide away and to put a distance between yourself and these books? --- Yes, I did. (20

Well then finally Mr Berger I just want to put it to you that you went into these activities in the interest of the A.N.C. full well realising the implications thereof, that you took the chance due to your convictions, and you are even today have no remorse for doing - participating in that activities. --- Well... (interrupted)

That is how I understand your statement. --- Well in terms of remorse I do feel bad about involving people like Lindy Harris, through leaving the books there, and I do feel bad about deceiving the trade unions that I interviewed. At the same time I know that

my motivation was not maliciously intended.

That is all thank you. --- And, I am sorry, may I?

COURT: Yes, carry on. --- What I wanted to say also was that I have never regarded myself as being committed enough to my ideals to know whether I would be prepared ultimately to be jailed for them, but I was committed to my ideals enough to face a potential restriction order and perhaps if I had have realised the legal implications of what I was doing and that they might involve imprisonment, I would not have been committed enough to do those things that I did, and I think it was rather naive (10 of me to perhaps not take full cognizance of the scope of the law.

PROSECUTOR: Mr Berger I am sorry, I have got to return once more to the book, issue of the literature. Did you at any stage - No. 2, accused No. 2 was arrested before yourself? --- Yes.

Did you thereafter do anything about his books? --- Not me personally but Mike Kenyon and I discussed perhaps checking his room to see if he had any books which might be incriminating.

And then to take hold of that and to burn it? --- Well (20 that is what Mike Kenyon did, yes. I was not actually involved in the. (interrupted)

Yes, but that was the arrangement between yourself and Mr Kenyon? --- I do not think it was my initiative to burn them (interrupted)

Well not your initiative but that was (interrupted)

COURT: What was the purpose of removing the books then? To do what with them? --- Just so that he would not get into trouble for them, but I think coming from an academic background I do not like the idea of destroying literature. Any kind (30 of literature.

/Prosecutor...

G. Berger.

PROSECUTOR: And these books, to the best of your knowledge, were indeed burnt? --- Beg your pardon.

These literature, this literature. --- Yes, a...a...I was... there were some (interrupted)

Where was it burnt? --- At my house.

At your house. --- That was some of the a...mainly photocopies. I do not think there were actually books or...

Yes, photocopies. In other words our civilisation, our culture and our learning would not have suffered. Did not suffer as a result of the burning of the material. --- No, but (10 for instance I did not go and destroy my books.

So you burnt No. 2's books to help him a bit? --- No, I did not do the burning.

Well you agreed with Mr Kenyon then to have it removed before the police could get hold of it? --- Well I did not know if there was anything there. I suggested that Kenyon look and see.

Yes.--- And...

COURT: And did he then later bring books and say well I have got the books and the pamphlets and photocopies, and then came (20 and burnt them at your house, you say? --- Yes, he came along to my house and he had some photocopies and he then burnt them there.

PROSECUTOR: And your own books and photocopies in your own possession you thought it was a safe risk to have them in hiding at Lindy Harris'? --- No, I did not think it was completely safe but I do not think that all of it was banned and a lot of it I had bought at De Jong's Bookshop in Johannesburg and I had quite a lot of money invested in it.

Yes, well I was not suggesting that you should burn all (30 your books. At least Professor Van der Merwe said that some

/of...

G. Berger.

of them was of good quality, but I was referring to the rather
damaging photocopy material such as I showed yesterday to
Professor Baird, the...

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