

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

CASE NO.: 18/75/254

DATE: 24th JUNE, 1976.

THE STATE

vs

S. COOPER AND EIGHT OTHERS

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LUBBE RECORDINGS (PRETORIA)

THE COURT RESUMES ON THE 24th JUNE, 1976.

MR SOGGOT: M'Lord, may I beg leave to interpose a short witness. My Learned Friend has no objection.

RODERICK ANTHONY LAWRENCE HARPER: sworn states:

EXAMINATION BY MR SOGGOT: Would you tell His Lordship how old you are? -- 26 years.

And what is your occupation at the moment? -- I am an articulated clerk.

How far have you to go before burgeoning into an attorney? -- 8 months. (10)

Would you tell His Lordship where you matriculated and where you qualified? -- At Glenwood High School and after that I went to Natal University, I did a B.A. degree at Natal and then L.L.B degree also at Natal.

When did you obtain your B.A. degree? -- In 1971.

And your L.L.B. degree? -- 1975.

And you are now employed as an article clerk by a firm of attorneys in Durban? -- That is correct.

Now, before we deal with the events on the 25th September, 1974, have you ever been a member of SASO or been involved with SASO or BPC? -- No, I have never been a member of SASO and I have never been involved with SASO either. (20)

Have you had any political connections or views? Do you belong to any political party? -- Well, I belong to the Progressive Reform Party.

Now, on Wednesday, the 25th September, you went down to Curries Fountain. Is that correct? -- That is correct.

Did you go down alone or what? -- No, I went down with three other law students.

And what was the purpose of going to Curries Fountain? -- We were curious because we .. (intervenies) (30)

You/...

You wanted to see what was happening. -- That is correct. And what time would you say you got to the grounds? -- At I think it was just after 5 o'clock.

Now I wonder, would you tell His Lordship what was going on at that stage? -- We arrived in a motor vehicle and travelled down the road, that is going eastwards, and then turned the car around and went up the road and parked the car and then I had a camera with me. We got out of the car, we climbed up onto one of the banks on the opposite side of the stadium. (10)

That is the embankment. -- That is right.

On the southern side of Winterton Walk? -- That is right.

Just accept those compass points. If you face the turnstiles you are looking north. Down Winterton Walk to the bus rank and up Winterton Walk to the west. Is that right? -- O.K. Well, we stood on top of the embankment and we noticed that there were people gathering on the embankment and sitting there and initially there must have been I do not know, approximately 100 people there and it rapidly increased in size. At a later stage people were sitting much lower (20) down and a group stood, or a large section of the people there stood on the pavement. At that point I moved down because I had taken photographs from the top of the embankment and I wanted to obtain some more photographs, I moved down on to the pavement myself.

If I may just interrupt. You have got those photographs available in Pretoria? -- I have got them on me.

Just for the sake of the record, from a point of identification they are rather under-exposed. -- That is correct.

But they are available to the Prosecution, M'Lord, (30) if my Learned Friend would like to look at them. I am sorry, you/...

you said you went down. -- Yes, well, I took some more photographs and the crowd was - if I can call it that - they were chanting and singing and making the usual sort of historical signs that you see on these occasions and I took a number of photographs. I remember the policeman with a videotape also taking photographs and a number of other photographers there.

What were the signs which the crowd was making?-- They were raising their fists in the air.

And what did they sing? Could you give us some example? -- Well, you know, there was quite a bit of singing and (10) I do not actually speak Zulu. You know, some of the expressions were in Zulu and I cannot really remember.

What was the mood of the crowd? -- I would say that it was - I was actually quite surprised. It was extremely jovial, there was a lot of smiling and back slapping and so on.

You with your companions were in the crowd? -- No, I left my companions up on the embankment and I do not actually know what happened to them after that. I think they remained there.

Just let me deal with that point. Subsequently thereafter were you in the crowd? -- That is correct. (20)

And how did you feel, was there anything beyond this mood of smiling and .. (inaudible) which you referred to? -- Well, there was no antagonism expressed to me at all, towards me at all.

Were there other Whites apart from you in that crowd? -- There were a number of other Whites.

Could you carry on please? -- Well then the crowd started - there had been a lot of singing and as I say the usual type of .. (inaudible) one would hear at that sort of meeting and we started edging forward. I am not sure exactly why, (30) but it almost seemed as if they were being carried by their own/...

own momentum; as the crowd was expanding they were moving forward.

BY THE COURT: Now when you say forward, in what direction?
-- They were moving towards the turnstiles, in other words, is that northwards?

MR SOGGOT: That is north. -- Onto the middle of the road and people were gradually moving down the banks with the rest of the crowd and I then also moved onto the road myself and took some more photographs. At that point I decided to - I saw the turnstile and I saw another photographer on top (10) of the turnstile so I decided to climb up onto the turnstile myself, because I had a very good perspective from that point. So I climbed up onto the turnstile and took some more photographs from the top. What happened then was that the crowd edged across the road towards the policemen who were standing in front of the turnstiles and they were in fact very close to the policemen.

How many policemen were there there that afternoon? -- It is very difficult for me .. (intervenes)

In front of the turnstile. -- I would think about (20) a dozen, but it is very difficult for me to say exactly. It is really difficult.

Carry on please. -- The chanting and singing and the usual ..(inaudible) continued also and they moved very close to the policemen and I started taking photographs of this and then I noticed that part of the crowd which was towards the east end of the crowd had started to drift down the road, in other words they had moved in an eastward direction and other members of the crowd were looking around. They did not seem to really know what they should do. Some started drifting eastwards, (30) others looked back towards the police, others looked up the bank/...

bank and so on and I haven't mentioned that when I got up on to to the turnstile I looked into the stadium and I saw a series of policemen standing there with dogs. Anyway so the crowd had .. (intervenes)

How many dogs did you see inside the stadium? -- I actually counted. I think it was about 16, but I cannot remember - I might be wrong on that point.

And were the dogs with their handlers? -- That is correct.

Now outside were there any dogs? -- I cannot recollect.

I am now talking about the prior stages before (10) the crowd was - before the final event. -- I cannot actually recollect seeing dogs outside the stadium. It is possible that there were some dogs outside, but I cannot recollect it myself.

Did you hear a loudspeaker being used at all? -- Yes, they did.

Now at that stage were you on the wall or on the ground? -- No, I was on the ground.

You were on the ground. And could you hear what was being said by the loudhailer? -- Well, I seem to recollect (20) that someone initially used a hand megaphone and that it was extremely garbled and then that subsequently .. (intervenes)

Did you see who used a hand megaphone? -- No, I did not see the person. I was on ground level at that time and there were people in front of me. But subsequently a Durban City police vehicle was used and if I am correct I think the message then given to the crowd was more distinct.

And could you hear what that was about? -- I do not actually remember. As far as I can remember it was a warning to disperse. (30)

Is that something you heard or something you assumed? -- I assumed/...

assumed that.

Now let us just get back onto the wall with you. You are there, you observe the dogs; did you take photographs as well? -- That is correct.

I wonder if it might not be appropriate at this stage for you to be referred to certain photographs. M'Lord, may he be referred to RALLY A.10.16. You have got that in front of you, A.10.16? -- I have A.10.16 in front of me.

Are you in that crowd? -- That is correct.

I wonder if you would mind, on that photograph (10) just putting a dot on your collar, or you can perhaps put an H, as my Learned Friend suggests, on your torso.

BY THE COURT: Will you put it on the other one too. -- It is not too easy to see.

It is just half your face really. -- That is correct.

MR SOGGOT: Now, was it after that that you went off to stand on the wall? -- That is correct. Immediately after that.

Then perhaps for the sake of convenience if the witness could be referred to RALLY D.21.

BY THE COURT: This photograph A.10.16 where you identified yourself, when was this photograph taken? More or less how long before there was spoken on the megaphone? -- I cannot actually remember. (20)

Some time or shortly before? -- I think the whole thing took place over a period of about an hour so it was probably a matter of a few minutes.

When did you arrive on the scene? -- Just after 5 o'clock.

And when was the crowd dispersed? -- I cannot remember the exact time, I think it was about an hour later.

So this was still at the early stages then. -- Well, (30) fairly early. The crowd still had to move over to quite an extent/...

extent because there was..

MR SOGGOT: M'Lord, may he be referred to D.18 and D.21. I would like you to have a look at D.21. -- I have D.18 and D.21.

Do you appear on D.21 at all? -- Well, I am up on the turnstile at this stage. You can see four figures on the turnstile and I am the 4th person.

The 4th person on the left or the right? -- The 4th person on the right. I have got my one hand on my hip.

BY THE COURT: You had a light coloured jacket on? -- No, I had a blue jersey on. (10)

The 4th person on the right? -- No, no, sorry, it must be the 5th on the right. I missed the second chap here with the white shirt. So it must be the 5th on the right.

Facing in what direction? -- Facing the crowd, facing eastwards. You can see my left hand on my hip.

MR SOGGOT: You are the first man away from the "C" of Curries Fountain. -- That is right.

Would you also please have a look at RALLY A.10.15. Now at this stage you see where the crowd is. -- Yes.

Now, it speaks for itself. It is more or less (20) in front of the turnstile, in front of the words 'Curries Fountain'. -- That is correct.

Where were you at that stage? -- I was up on the top of the turnstile.

But you do not appear on this photograph. -- No, I do not appear.

Because it is cut off there. -- That is correct.

You can also see the Durban Corporation vehicle there. -- That is correct, with the megaphone on top of it.

Now, after this stage, what happened to the crowd? (30) -- Well, if you look at D.18 and D.21 you see that the crowd - what/...

what I saw was that the crowd started to drift eastwards towards the bus rank.

BY THE COURT: Are you referring to RALLY D.18? -- That is correct.

MR SOGGOT: And D.21? -- Well, D.21 is virtually the same as D.18.

BY THE COURT: But D.18, before we leave D.18 at what stage were you - did you see yourself on RALLY D.18? -- That is correct.

Where do you see yourself? -- I am the 5th .. (inter- (10) venes)

MR SOGGOT: Just mark it for His Lordship. Just put a little arrow with an H there.

BY THE COURT: At what stage was this photograph taken? Had they already spoken on the megaphone or not? -- They had already spoken on the megaphone.

MR SOGGOT: What is happening on D.18? At what stage is that? -- The crowd has now moved across the road towards the policemen that were standing in front of these vehicles and it had tended to move eastwards across towards the ticket (20) offices and still being up on the wall above the turnstile, I noticed that the police inside the stadium with their dogs started to move out of the stadium, but at this point the crowd was moving away, had begun to move eastwards. As I say there seemed to me to be considerable confusion, there seemed to be absence of direction in fact. Some people were moving away, others really were not sure what they were supposed to do.

But looking at D.18 or shall we say D.21 which I think is earlier, do you have an impression of any general drift? -- Well, the drift was towards the east, towards the (30) bus rank.

Was/...

Was this - then you say the police came out. -- That is correct.

Did you see them on D.18? -- I do.

What were they doing at that stage? -- Well, the gate immediately to the right of the turnstile was opened and the police who had been inside the stadium with their dogs then went quickly through this gate and out onto the road. Do you want me to continue?

In what sort of direction? -- I would say that - well, they moved towards the crowd, but as they moved towards (10) the crowd, they also spread.

Now, at that - prior to that moment you say the crowd was drifting in an easterly direction. -- That is correct.

Was there any leadership that you could notice or what? -- I did not actually see any leadership. I thought the whole event was characterised by spontaneity and an absence of real leadership.

And you say they were going east. What impression did you have as to what they were going to do? -- I was not altogether sure, but I actually thought that they might (20) have been in the process of starting a march eastwards.

A march eastwards. Now the dogs came out and then what happened? -- The police came out with the dogs and they spread.

And then? -- And it seemed to me almost at a split second they moved into the crowd and then there was just sheer pandemonium.

People ran? -- That is right.

You were still on the wall at that stage? -- That is correct. I kept on the wall too.

How far would you say you were, standing where you (30) were, from the motor gate which is at the easterly extremity of/...

of the Curries Fountain turnstiles wall? -- I would think about .. (intervenes)

You know which motor gate I am referring to? If you look at D.18 the one more or less in line with or in the vicinity of the Volkswagen. -- Yes, that is correct. I would think about 20 yards.

BY THE COURT: What about the 20 yards? What distance was 20 yards? -- 20 yards away from the gate.

MR SOGGOT: His position from where he was. Now what I want to ask you as a precise question, did you, prior to the (10) emergence, at any stage prior to the emergence of the police with their dogs, see a, as it were described, as a horn formation, a group comprising a horn formation moving with Zulu dance movements towards the motor gate? -- What do you actually mean by a horn formation?

A bit like a bow, like that. -- No, I do not think so.

Now had such scene taken place? What would you say? -- I saw singing and dancing, but I did not see something in terms of a horn formation, that did not seem to have a structure to me.

Let us put it this way: did you see any group (20) moving towards - making for the motor gate? -- No, I did not.

That is at any stage prior to the emergence of the police. -- No, it did not seem to me that there was any intention of actually going towards the motor gate.

Did the move of the crowd right up to the stage of D.18 ever change? -- Not in my opinion. It remained jovial. As I say, I thought for me during the whole course of the meeting I thought there was confusion. Jovial, but lacking direction.

If you look at D.18, have you got that? -- That is correct, I have it. (30)

You see people at the bottom of the photograph looking in various/...

various directions. Now, you say that you had the impression they were moving east. -- That is correct.

Was there uniform movement or what? -- No, I do not think that there was uniform movement at all. It appeared to me that certain people were moving east, but that others were not even aware that others were moving east. Others were looking around in a sort of confused manner, not really sure what they should do now, either standing or looking towards the embankment or towards the police or just chatting.

The path to the east, that is to the bus rank, was (10) that open? -- As far as I can recollect it was open.

And you say the people were drifting in that direction. -- That is correct.

Did you at any stage see a bottle thrown? -- I saw no bottles thrown.

I wonder if you could make your photographs available to the State now. They have been requested. Do you know any of the accused in court? -- I did not know any of the accused.

Now you have looked at these photographs. Apart from your friends, did you know anyone else in the crowd? -- No.(20)
CROSS-EXAMINATION BY MR ATWELL: How did you know there was going to be a rally at Curries Fountain on that afternoon? -- I had read about it in the newspapers. There had been considerable discussion on the matter in the newspapers; there had been various statements to the effect that there was going to be a rally.

Did you think there was going to be a rally that afternoon? -- I was not actually sure. I went to see if there was going to be a rally.

What did you think was going to happen when you (30) went there? -- I really did not know, I had no idea. That is

one/...

one of the ideas why I went along.

Did you see statements purporting to be statements of either SASO or BPC concerning the rally? -- I seem to remember that statements of one or other of the SASO leaders did appear in the press.

To what effect? -- That they were going to have a rally.

And what was the police attitude about this rally? What was the official attitude?

MR SOGGOT: I wonder if my Learned Friend would indicate the stage? It is relevant. (10)

MR ATWELL: At the time you went to the rally, what did you expect what was the official attitude going to be? -- Well, what had happened was that a chap in Durban called Koekemoer had - this was actually one of the main reasons - I think in fact the reason why I went along, because this chap had sent a telegram off to either the Prime Minister or the Minister of Police, I cannot remember which one, saying that if this thing was to go on, he would take 1 000 people along there and the impression was given in the newspaper that he was going to sort these people out and he also tore a placard (20) down on the freeway and this was given quite a lot of prominence in the newspapers.

That was the attitude of a Mr Koekemoer. -- That is right.

What was the official attitude going to be? What did you expect the State or the police were going to do? -- Well, what happened then was that there was a statement issued that the rally would in fact be banned, it would not be allowed.

Did you expect that the police would take action at this rally should it continue? -- I really did not know. I went along to find out. (30)

Why did you take a camera along with you? -- Well, I am

a/...

a photographer, an amateur photographer.

Do you do your own developing too? -- No, I do not do my own developing.

You don't. -- I take slides.

Is there any reason why, if you are a photographer, your snaps should have been of a poor quality that day? -- Maybe I am a very poor photographer.

That is the only reason? -- Well, it is a pity they were not of a good quality, but I was quite disappointed when I saw them. I do not know why, but obviously my readings were (10) wrong. It is unfortunate.

What sort of camera were you using? -- It is a Minolta.

A single lens reflex camera. -- Uhum.

Were you using any telephoto lenses or anything? -- No.

The normal lens . -- That is right.

Now, you are rather short yourself. Is that true? -- Sorry?

You are rather short, your height. -- About 5 - 7; 5 - 8.

I think you said that when you were on the road it was not very easy to see what was going on with the other people around you. -- Yes. (20)

Now, it appears to me that you are not terribly certain about the time when actual photographs were taken and so on that particular day. Would I be wrong? -- Which particular photographs?

About any particular photo being taken at a particular time. -- Mine?

The photo's you have been referred to in your evidence. -- I cannot specify in terms of time intervals, but I can specify in terms of the actual events that took place.

You said that there was chanting and singing and (30) there was signs as one gets at this type of gathering, the usual/...

usual type of gathering. -- As usual.

What other gatherings of this nature have you attended?
-- I think of various student protests where the same type of thing has gone on. Singing and speeches - well, there were not speeches at this one, in fact this one was very muted I thought.

Fists in the air? -- Not at White student protests.

Have you been to Black student protests when that has happened before? -- I have been to a couple of meetings at which I have listened to speakers. (10)

Did you have any reason to watch any particular group on that particular day? -- What kind of particular group?

Any particular group of people. -- No, no reason whatsoever.

Is it in fact so that there was a distinct difference between the attitude of the group on the street and the group up on the bank? -- I would say that there was a difference in the sense that the group on the street was more active in the sense that they were singing, they were dancing, those on the bank tended to sit down.

Were you watching both groups? -- Yes, well, I was (20) watching generally.

Did you use a flashlight on your camera? -- No. Actually this - sorry, I should have mentioned this earlier, but it became very dark later on and this is one of the reasons why the photographs were so bad, because I simply did not have the equipment to cater for the darkness.

At what stage would you say it became very dark that particular afternoon? -- Probably about after half past five. I continued to take photographs I think some of which did come out blank because it was so dark. Some you can (30) just see a few car lights.

The/...

The photos that you took, who were the photos to be for? Merely yourself? -- That is correct.

Now you say you do not remember if there were dogs outside before you saw or in addition to the dogs you saw over the wall. Did any specific person start the crowd off singing and clapping and chanting? -- Not in my opinion.

Not in your opinion. Is it possible that someone did but that you did not -- It is possible, it is possible.

Did you notice any particular people playing a leading role at that stage when the majority of the crowd was (10) still up on the bank? -- I would say that the people on the pavement were, as I have said previously, were more active in their shouting and exuberance than the rest of the crowd.

Any particular person that you noticed? -- Well, I did not actually know the people there so, you know.

You could say a large, fat gentleman with a hat seemed to be urging the crowd on to sing or clap or something like that. -- No, I couldn't say.

You cannot point to any particular person. -- No, I cannot.

How long have you had a moustache? -- That is a (20) very difficult question, because I had a beard at one stage and then I took the beard off and left the moustache; probably about 3 years.

Did you have a beard at the time of this rally? -- No.

Did you have a moustache at the time of this rally? -- No.

Can you see the moustache on the photograph you marked of yourself RALLY A.10.16? The one where se see sort of half your face. -- No, because you cannot see my mouth. All you can see is the top half of my nose, my eyebrows and my hair.

How do you identify yourself in this photograph? (30)

A.10.16. Are you positive that is yourself? -- I am absolutely certain/...

certain.

You say you are not too sure of when this particular photograph was taken. -- In terms of time?

Yes. -- Correct.

Were you viewing the activities going on there through the lens of your camera most of the time? -- That is correct.

Did you have your camera to your eye most of the time?

-- No.

Not? -- No, I only had one film with me.

How many snaps did you take? -- I think I took a (10) full film of 36.

Now, as you were standing up on the turnstile looking down at the crowd, would it have been more or less in front of you, to the right of you, to the left of you or where would the crowd be? -- Tending to the left of me.

Tending to the left of you? -- Ja.

Now, before the dogs came out, did you notice any specific particular event which occurred just before the dogs came out? Which caused a reaction in the crowd or part of the crowd. -- No, I did not. (20)

Do you know any Zulu at all? -- Yes, well, I know about 10 words.

Do you know the word 'ngena'? -- No.

Not. When the dogs in fact came out and the crowd scattered, in which direction did the majority of the crowd scatter? Up the bank, down the road, up the road? -- Some went - a large number went up the bank, others went up the road, others went down the road. I would say the majority went down the road but for me what characterised the - that part of the event was that people were so congested that (30) they ran into each other and they were falling over each other, they/...

they were slipping down the bank, there was just total pandemonium as I said earlier. There were shoes left, bags, everything.

I wonder if I could refer you to one photograph.

BY THE COURT: You did not get the impression that there was organised singing? -- No. It seemed to me that - in fact I found it very surprising. There seemed to be a complete lack of leadership. You know, these people did not really seem to know what they were doing, they were singing, but then they would look round and think well, what next. Then (10) someone else would do something and then carry on, but.

These photographs that you have looked at now, well, they do not seem to suggest that people were singing or that they were giving any signs apart from the odd one. -- You mean 18 and 21?

Yes. -- Ja, well, there was an earlier stage when they were singing. Most of the singing took place when they were on the pavement and initially moving across the road. I know that because I was standing right in front at that stage when I was trying to get photographs and if you look at some (20) of the slides, you will see that there are close-ups of people singing.

While you were standing on this roof, did you notice singing and signs then? -- I think it had - I do not think there was singing at that stage. There might still have been signs, but I do not think there was any singing any longer. I am open to correction on this.

MR ATWELL: Did you see all the photographs which are before Court, before you gave your evidence in the box? -- That is correct. I must correct that. I have seen all Mr (30) Soggot's photographs. I do not know if your photographs are/...

are all identical.

MR SOGGOT: The photographs were in fact all those which are exhibits.

MR ATWELL: Thank you, M'Lord. If you would perhaps have a look at RALLY A.10.24(a), a photograph handed in by the Defence.

-- Yes.

You have that photograph? -- That is correct.

At which stage would you say this photograph was taken? -- This photograph was taken when the crowd had begun to move eastwards, away from the gate. (10)

Would you say this was just prior to the charge with the dogs and the pandemonium you have referred to? -- I would say that.

The policemen you say emerged from the gate. Is that correct? -- That is correct.

Now, is it in fact so that it appears that this crowd is still to the west of the police? -- Of the majority of the police, yes.

They came out of the gate. -- That is correct. Well, they would have been - if they had come out of the gate, (20) most of the crowd would be just east of the majority of the police coming out of the gate, but there would have been - movement would have been - no, I am not really sure on this point. It depended upon where these two police were in fact standing.

You did not notice the arrival of a particular individual which caused excitement in the crowd? -- No, I did not.

BY THE COURT: Why did you take so many photographs? -- I think because prior to going there and upon reading Kockemoer's statement, I thought that a situation of high tension (30)

might arise and I actually thought that this chap was going to

turn/...

turn up there with a number of people.

Why didn't you save your photographs for that moment?

-- Sorry?

Why didn't you save your film for that moment? -- Well, he did not turn up.

Well, you did not know that until you had taken a lot of photographs. -- But I was not - I was simply taking photographs of scenes of the crowds and at that point I was not thinking in .. (intervenes)

Well, I haven't seen your slides yet, but I should (10) imagine that it would have been a repetition of one sort of scene. -- No, some were taken at a very early stage when, as I said earlier, there were about 100 people or so on the bank, there were a number on the embankment. Others were taken ... (intervenes)

Why would you take that photo? -- Well, I thought I would document the whole event from beginning to end and I took a number of the crowd at the bottom from the top of the embankment, then I moved down to the bottom for close-ups, then I moved - I went to the turnstile and took more shots and (20) then the film was finished.

MR ATWELL: When the warning was given to the crowd to disperse, were you still on the road then? -- Ja.

Does that include the warning over the City Corporation car? -- That is correct.

At that stage you were still on the road? -- That is correct.

Now when you were up on the wall, was your attention divided between what was going on behind the wall where the police and dogs were and what was in front of the wall (30) where there was a crowd? -- Well, I looked over - as soon as I got/...

got up onto the wall, I looked into the stadium and saw these dogs and I was actually quite surprised and then I looked back towards the crowd and every now and again I would look back. So my attention was divided, but I would not say it was divided equally.

Were you in fact on the most western end of the turnstile?

-- That is correct.

And you would then have had to look down the turnstile like this to your left to see where the gate was. -- That is right. (10)

That is rather difficult to judge distances and what is going on exactly then.

BY THE COURT: Did you believe that Koekemoer would turn up with 1 000 men? -- No, I did not think he would turn up with 1 000 men, but I thought some people might over-react and especially because of what had just taken place in Mozambique and there were quite strong feelings at the time and I thought people might use this occasion as an opportunity to vent their anger.

MR ATWELL: Did you hear an order to the police to come (20) out of the stadium with dogs? -- No.

Not? -- No.

Can you tell the Court of any reason you noticed why the police should have taken the action they did at that particular moment when they did come out from behind the wall with their dogs? -- To be quite honest I can think of no reason whatsoever. I was extremely shocked, extremely shocked.

But I am talking about at that specific time. In other words, it would have shocked you just as much if they had done it 10 minutes earlier or 20 minutes later. -- Depending (30) on what had taken place. I mean obviously if people had

suddenly/...

suddenly pulled out pangas or something and attacked the police, it would have been totally justified.

What time was the rally due to start? -- I cannot remember. In the late afternoon.

Do you have no idea when it was due to start? -- Of the official time?

Yes. -- No.

What made you pitch up there at five then? -- I seem to remember in the papers they said people would start turning up at about five, and that is why we went there. We had a (10) lecture at 3,45 so we went - we were chatting and said oh, well, let us go on and have a look and we went there after the lecture finished. So that is why we reached there at five.

Now, my Learned Friend Mr Soggot put a question to you concerning your possible observation of the movement of a group of people in a bow form. Do you recollect that? Now, just to clear up any misunderstanding there, I think there is a bit of a misunderstanding about this evidence concerning a bow. What in fact I think was - the evidence is at this stage is that there was a group of people who moved in a semi- (20) circle, in other words as if they were moving on the outside of a circle towards their left which, if you look at the movement describes a segment of an arc if you like.

BY THE COURT: Sweep. -- Yes.

MR ATWELL: Did you notice anything like that? Not in fact a bow-shaped head or horn-shaped head of people moving in any particular direction, but two or three people, whatever it is, at the head, moving along a path which path can be described as the outside or part of a circle. -- No, I did not see that. I mean, it is possible that it took place but I did not (30) see that.

THE/...

THE COURT ADJOURNS FOR TEA. THE COURT RESUMES.

RODERICK ANTHONY LAWRENCE HARPER: still under oath:

RE-EXAMINATION BY MR SOGGOT: I have two questions. May the witness be referred to A.10.4. I want you to look at that. Have you got A.10.4. You were cross-examined on the correctness of your self-identity. I want you to look at this photograph. A.10.4. Are you on that photograph? -- I am on this photograph.

I wonder if you could put an H on your jersey please and show it to His Lordship. -- I might add that (10)
I also have a moustache on this photograph.

BY THE COURT: At what stage would you say this photograph was taken? -- This was at a much earlier stage prior to the crowd moving across. At this stage the police photographer with his videotape was taking photographs. You can actually see him on the immediate left, this chap with the police cap on. He is moving in and out of the crowd, taking photographs. And you can also - I think it is a Drum photographer, the 4th chap from the left with the bald head, he is also taking a number of photographs. (20)

.. (inaudible)... -- That is correct.

Are you interested in student politics at all? -- I am interested in politics generally. I majored in political science.

Were you a pupil of Dr Richard Turner? -- That is correct.

Do you take an active part in student politics? -- I did take an active part while I was at university.

In what form? -- Well, I was on the Aquarius(?) Committee, the cultural organisation, we organised an art exhibition and various other things. Also numerous others for the (30)
students.

Were/...

Were you concerned with the university Christian movement at all? -- I was at one stage.

What is the nature of that movement? -- The nature of that movement?

Yes, what sort of a movement is it? -- Well, it does not exist any longer.

At the time when you belonged to it. -- Well, I was invited to the one congress and I never really had anything to do with them until that congress. The number of the programmes run there were educational program, I think there were (10) literacy classes - what else - it is quite far back now. They had I thought a rather strange religious approach.

I have no information about it, but I do get the impression from what I have read that it is a movement that was really inspired from overseas. Do you know anything about that? -- I have no knowledge of that whatsoever. In fact, I would doubt it very much.

Why did you think it was a strange religious movement? -- Actually I must not say strange, I must say that its religious approach was unorthodox. (20)

Why do you say that? -- It was not the conventional institution approach to religion. Its approach was more in terms of - for instance services would simply be in the hall wherever the group was meeting, their readings would often be almost in the form of poetry and taken out of the political-socio economic situation.

What sort of poetry was it? -- By poetry I mean it was in a semi-poetic form.

I see, it is religious in context. -- That is right, that is right. (30)

But what attracted you to the university Christian movement

--/...

-- Well, friends of mine were quite involved in it and I have never on a committee on USCM but they invited me as a Durban delegate to the national congress, so I went along.

We have evidence here that Dr Turner also addressed students. Have you heard him speak? -- Oh, yes, on a number of occasions.

And it was suggested that he used to refer to Whites as White pigs. Did you notice that? -- I have never heard Dr Turner refer to Whites as White pigs.

What is the nature of these addresses when he (10) addressed people? -- Dr Turner was very - I should say is very concerned with the political realities in South Africa and I think he saw it rather basically as an educative one in terms of making people aware of the realities in South Africa.

Do you know his book 'The Eye of the Needle'? -- Yes, I know it.

Would that be a true reflection of his approach or is that something new? -- I am not actually sure what you say. Are you saying something new to his philosophy? (20)

Is that a new slant to his political philosophy or is that a true reflection? The book gives the impression that he only started writing that book because of evidence that was placed before a commission of which he was a member. -- Do you mean .. (inaudible)

Yes. -- I think he is actually - I am not sure of the historical background, I think he did write that book as a response to .. (intervenes)

Well, that is what I say. After he heard the evidence he felt that it was necessary to write the book. -- I am (30) really unable to comment.

What/...

What I want to know is whether that is something new, after he heard evidence at the commission or whether it was - it merely reflects his point of view. -- Well, I would have said - it is very difficult for me to comment but I would think that it does reflect his point of view, well, particular aspects of his point of view.

He is also in favour of a total change, isn't he? -- I would say he is in favour of change. The word 'total' is very emotive and might have negative connotations to it.

So what sort of change would you say? -- Well, I (10) would think that he feels that legitimate channels - what he would consider legitimate channels should be given to those who presently do not regard themselves as having legitimate channels.

Do you also subscribe to these views, these points? -- I have my own views on these points. My views are that the channels existing at present are inadequate.

What sort of channels have you in mind? -- I would think that certain laws which are presently in existence should not continue. I think that ... (intervenes) (20)

That is the Progress policy. -- Yes.

But now apart from Progress policy, have you any other and definite views as to channels that should be created for the Black man? -- Well, my view is that they should be entitled to representation, etc. in Central Parliament. That is basically my views.

That is the Progress.. -- That is right.

And these other students that went along with you to the rally, are they also political science students? -- They were also law students. One was a - there was one (30) female and three males. The female was a U.E.D. student, but the/...

the other two guys were law students.

What is U.E.D.? Union Education Diploma? -- Sorry, yes.

Where were you born? -- In Durban.

Well, how is it that you cannot speak Zulu? -- I really do not know. I actually think it is very bad, I am going to try and do something about it.

NO FURTHER QUESTIONS.

THE WITNESS IS EXCUSED.

STRINIVASE RAJOO MOODLEY: still under oath: (10)

FURTHER CROSS-EXAMINATION BY MR ATWELL: I put certain propositions to you yesterday which I told you I would verify, if I could, from the record. The first one was a reference to Mr Brandaw's evidence about you and accused No. 1 having attended a BPC Sharpeville commemoration meeting together.

-- Yes.

I refer the Court in this particular respect for purposes of the record to Volume 13 of the record on page 1141. I will read this thing in its context. He referred to certain SASO activities that he was aware of and then in cross- (20)
examination by myself I asked him whether he attended any BPC functions.

"We have heard that you attended two SASO meetings or functions, did you ever attend any of BPC's? -- Yes.

Could you perhaps give the Court an indication of the nature of those?
-- There was one Sharpeville remembrance day meeting which was held at medical school in Durban."

(30)

-- Yes.

The/...

The next question was:

Can you recall more or less when that would have taken place?"

His answer - now this evidence was given in 1975, last year:

"About two years ago.

Were any of the accused to your recollection present at that meeting?

-- Yes, I would say they were.

Who would you say was present? --

Mr Moodley and Mr Cooper, they were both there. (10)

No. 1 and No. 9 were both there?

-- Yes."

So that was what I had in mind when I put to you that the evidence was that you had attended a BPC Sharpeville commemoration meeting in 1973. -- I think his facts are quite obviously wrong there, because if we are to take 1973, as far as I am aware, and as far as I think the Court will be aware, there was no Sharpeville commemoration meeting at UNB in 1973.

1973 was in fact the first year that BPC could (20) have held a Sharpeville commemoration meeting, not so? -- I think so.

Because it did not exist in March, 1972. -- Yes, that is correct.

I merely wanted to give you that reference. And the other reference was to your attendance at the two meetings of the Chatsworth Residence concerning their problems with the buses there and I refer Your Lordship in this respect, for purposes of the record, to Captain Noyager's evidence in Volume 22 of the record, beginning at page 1653. He is recorded to (30) have said the following:

"We/...

"We turn now to Annexure 2(2) to the charge-sheet, that would be count No. 5."

This is Mr Rees leading him:

"On the 23rd September, 1972, from about 3,15 onwards, did you attend a meeting in an open air ground in or near road 734 Chatsworth? -- That is so.

What is Chatsworth? -- An Indian proclaimed area.

(10)

Where is it? -- In Durban district.

Durban is in Natal? -- Yes.

Who had convened this meeting? -- It was convened by the Montford and Marina Park Civic Association.

What was the purpose of the meeting? -- It was held in protest against the Transportation Board for their refusal to renew transportation certificates to buses operating in Chatsworth.

(20)

Did you see any of the accused persons there? -- Accused No. 1 and accused No. 9.

And what, if anything, did you see them doing? -- I saw them speaking to the chairman and later distributed pamphlets."

And then he is referred to the pamphlets. Now, you admitted that you attended these meetings. Was the one in fact the 23rd September, 1972 meeting at or near Road 734, Chatsworth? -- That would be correct but I think where the evidence - where/...

where Mr Nayager erred is in that we distributed pamphlets. I think we did go up to the chairman to deliver a message from the Black People's Convention, but I do not think there were any pamphlets distributed at that meeting.

You do not think so. -- No.

Because he then goes on. He was firstly referred to the pamphlets on page 1654 and 1655 of the record and then in his evidence-in-chief, Mr Rees, my Learned Senior, turned to the next episode and said, after he had referred to these particular pamphlets: (10)

"Thank you. On the next day, that is the 24th, from about 2,40 to 4 did you attend a similar meeting at Unit 3 Sports Ground in Chatsworth? -- That is so.

And was that meeting convened by the Chatsworth Bus Action Committee? -- That is so.

And just prior to the commencement of this meeting, did you see somebody arrive there in a Combi? -- Yes. (20)

Did you observe somebody in a Combi park near the platform? -- I observed the Combi arrive.

Oh, and who was in the Combi? -- Accused No. 1, accused No. 9, their wives, Ayesa Rambally, Omar Batsha and some others whom I do not know.

Then what happened? -- Prior to the commencement of this meeting, I saw accused No. 1 and 9 accompanied by their wives, (30) distributing pamphlets. They were similar/...

similar pamphlets I read out just now to the Court."

-- I think perhaps in a sense he is correct about that meeting where pamphlets were distributed. I think he has got some of the names confused there because some of the names he mentioned, like Omar Batsha, did not travel with us, I am quite clear about that. Miss Rambally was not with us obviously.

Was she at that meeting? -- She was not at that meeting.

It was merely for purposes of the record, because there was a dispute about whether he in fact had said so. Now (10) I think yesterday, if we can turn to where we got to before the adjournment, I think we were on the rationale behind the need for the movement BPC and the SASO representatives to the DOCC conference. -- Yes.

Now you have already told the Court that there was no official delegation to attend that particular DOCC conference with a mandate to push a certain line. -- That is correct.

Then we dealt with your attendance at the DOCC conference itself. Now, if I can turn to the ad hoc meeting of that committee appointed at the DOCC, which is the first (20) meeting of the ad hoc committee which you attended? -- I think the first one, I said this in my evidence, was Lenasia. I am not sure, I think it is probably Lenasia.

Did you attend the Lenasia meeting? -- Ja, I did attend the Lenasia meeting.

No, there might have been a misunderstanding. I understood your evidence-in-chief - you did come back to Lenasia, but I understood you to say that the first one you attended was the Durban meeting in May. -- No, Lenasia.

I think you were the proposer at the Durban meeting (30) for the adoption of the minutes of the Lenasia meeting. Is that/...

that correct? -- It is possible, yes, it is possible.

How did it come about that you were on the ad hoc committee of BPC? -- I think we were invited by the ad hoc committee, the three members of the Durban Central branch, that is the chairman of the Durban Central branch of the NIC who was Mr Ashwin Tricongy(?) the secretary was Mr Cooper, accused No. 1, and I was the treasurer of the Durban Central branch and we were invited by that ad hoc committee to attend the meeting of the ad hoc committee BPC in Lenasia.

Did all three of you attend that meeting? -- Accused (10) No. 1, myself, yes, I think all three of us attended that meeting.

Were you then part of the ad hoc committee from then onwards? -- I do not think I stood in an official capacity as a member of the ad hoc committee. What I think I did say to the ad hoc committee was that I will not take an official position on the committee as a committee member, but whenever you need my assistance I will be prepared to help you.

Why did you not want to take any specific position on the committee? -- Specifically because I found that I was (20) involved in enough work as it was; with SASO, with the theatre council of Natal and at the time with NIC.

Who specifically invited the three members you have just mentioned to attend the BPC ad hoc committee? -- I am not sure, but it must have been one of the members of the ad hoc committee.

Was Mr Biko on that ad hoc committee? -- I am not sure about that.

You cannot remember? -- I cannot remember.

You also then - the minutes we do have of the Durban (30) meeting in May, 1972, they are BPC A.2. Without going through the/...

the whole record of events as they occurred there, I see, if you look at page 1, when it deals with the people present in the third line of the minutes itself, that there was an S. Chetty there, the second line of the delegates or people present. -- Yes.

Who was that person? -- I think that was Siva Chetty, a chap from Lenasia.

Do you think or are you sure? -- It must have been him.

It must have been him? -- Yes.

It could not have been any other S. Chetty? -- Not (10) any other S. Chetty that I know of.

Now, were you entrusted with any specific task by the BPC ad hoc committee meeting concerning the actual founding of BPC? -- Specific task?

Well, we know that accused No. 1 and accused No. 4 for instance and Drake Koka were assigned the tasks of convening the inaugural convention, making the necessary arrangements there. Did you have any specific task? -- I am not sure whether it was at this meeting, but at one of the meetings that I attended of BPC, there was a decision taken by the (20) meeting for those present to assist in the formation of BPC branches. I do not know at this meeting or at a subsequent meeting, one of them. But other than that I cannot think of any specific task that BPC the ad hoc gave to me.

How many other meetings of this ad hoc committee did you attend apart from the Lenasia one and this Durban meeting? -- I think those were the only two.

Did you in fact assist then in the formation of BPC branches? -- Actually no, I did not.

Do you know whether accused No. 1 did? -- Not as far (30) as I know.

Did/...

Did accused No. 4, to your knowledge? -- Not as far as I am aware.

Did anybody then to your knowledge? -- There must have been people busy forming branches, but I had no direct knowledge of it.

Who drew up the constitution for BPC? -- I should think the BPC ad hoc committee drew up the draft constitution.

Did they consult any legal experts or any constitutional law experts? -- I do not know about that.

Did you have anything to do with the BPC constitution (10) formulation? -- I think at the Maritzburg meeting the constitution did come up for discussion. I am not sure about that. It might have come up for discussion there and I am sure I offered some suggestion.

Now you attended the inaugural convention of BPC. -- That is correct.

You arrived there on what particular day? -- Well, we finished at Hammanskraal with the SASO conference on the evening of the 8th.

Do you remember what day of the week the 8th was? (20)
-- I cannot remember.

If I may assist you, I think the BPC inaugural convention ran from a Saturday to a Monday; Saturday, Sunday and Monday. -- Well, then we must have finished on the Saturday evening at the SASO conference, travelled down and arrived at Edenvale on Sunday.

How many SASO delegates attended that particular BPC inaugural convention? -- I cannot remember whether in fact the GSC did elect delegates for SASO. What it did I think was to pass a resolution encouraging individuals to go (30) down to the conference, but whether they named three specific delegates/...

delegates from SASO I am not sure about, but I know a number of individual SASO members did attend the DPC inaugural conference.

Why do you mention the figure 3 when talking about the number of delegates who would have attended as official SASO delegates? -- I think most of the time when we do send delegates, we work on the figure 3.

BY THE COURT: That is SASO. I think .. (inaudible)

MR SOGGOT: There is a resolution.

MR ATWELL: I am coming to that myself in a moment, (10) but the witness indicated that he did not know whether a delegation was elected but volunteered to know the figure three and I wanted to know how he came to get the figure three if he did not know whether a delegation was in fact elected. You have now told us that normally you send three people. -- Yes.

How many people did you send to DOCC conference? -- As far as I can recollect of the NAC meeting, we did not elect a delegation, what we did was to elect a delegation leader and I probably think at that meeting he suggested names, but (20) we did not make it specific that it would be three there. I cannot remember the reason for it. Perhaps maybe because quite a number of those involved in the executive were involved in other work at the time.

What other conventions or meetings did SASO send official delegations to? -- Well, to every conference where we were invited to. I think there were social workers conferences, the SECCA conferences, IDAMASA conferences.

I follow. Now, it is clear that accused No. 4, Dr Mokoape, attended the DOCC conference as a SASO delegate. -- Yes. (30)

You said that names had been mentioned by the executive
at/...

at its meeting. Did anybody mention the name of Dr Nokoape to attend that DOCC conference? -- Not that I can recollect.

Is it possible you just cannot remember? -- It is possible I just cannot remember.

Mr Horner we heard yesterday also attended that particular conference and in fact gave an address there. -- I think his invitation was specific as against the invitation to the SASO or as an organisation. He was invited firstly as the SASO president to come to deliver an address at that meeting.

The witness could perhaps be referred to the minutes (10) of the third General Students Council of SASO, that is SASO C.1. And if you would turn to page 11 of that document, page 94 of Your Lordship's papers, at Resolution 15/72 forwarded by the late Mr Shezi and Mr Daqwa. Is this the resolution you had in mind about the necessity for SASO to assist and help in the foundation of BPC? -- This might have been it, but I am sure there must have been another one later than this.

I will come to the other one as well, but while we are busy with this one, it refers to the strong need to support this body and help its - direct its cause. Do you notice (20) that in the sort of preamble part, before it comes to the resolution? -- Yes.

Now, it then seems to indicate that it had an inkling of the nature of this organisation. -- Yes.

From whom would it have got that particular information, the SASO GSC? -- I am sure the permanent organiser who was Mr Nengwekulu would obviously have given a report to the GSC about this organisation.

Then perhaps if we can have a look at the other resolution which you may have in mind on page 31, page 114 of your (30) Lordship's papers, at the bottom of the page, Resolution 45/72.

Is/...

Is that the resolution which .. -- That is the resolution.
But you cannot recall whether the delegation of three
members was in fact elected. -- That is correct.

In the final paragraph:

".. to offer themselves in their
personal capacities for whatever
service BPC may call them to:"

Was the inaugural convention organiser or organisers ever
notified that a certain SASO delegation would attend this
particular meeting? -- I do not think so. I think what (10)
would have happened was that as far as SASO as an organisation
was concerned, she would obviously have received an invitation
from the convenor of the ad hoc committee and that would have
been I think Mr Koka. She would have received an invitation,
but it would have been left entirely in the hands of SASO
to decide as to whether she was sending delegates, how many
delegates she will be sending and who those delegates in fact
will be.

You were in fact the administrative assistant at the time.
-- That is correct. (20)

Dealing with general office work. -- That is correct.

Was that invitation from BPC ever replied to? -- It would
probably have been acknowledged by the secretary-general that
we have received the invitation and I am sure in his letter he
would have said that it would receive attention at the GSC.

Were the organisers ever notified of who would be coming
to represent SASO? -- As I said, I do not think the ad hoc
committee of the Black People's Convention would have had to
concern itself with that. That would have been an affair
entirely for SASO to be involved with. She would have (30)
told them and sent them down as you can see from the final
resolution/...

resolution. She made up her mind at that GSC to send down a delegation.

When did you make up your mind that you were going to attend this inaugural convention? -- I think probably I would have decided at the GSC - yes, it is most likely at the GSC.

Did you notify anybody at Edendale of your intention to attend? -- No, I do not think I did notify anyone.

Now it appears that when you did arrive there together with Mr Biko and other SASO members, you walked into the convention and it was then open to you to attend one of (10) any number of commissions which were sitting and you chose the education commission. -- I think what happened was when we arrived on the morning of the 9th we found that the meeting had already broken up into commissions and all that happened was, we were told: look, the meeting is already in commissions, you can join any one of the commissions you so desire and I think those of us who were present, decided to join whichever commission they could best lend assistance to.

And you chose the education commission. -- That is correct.

Who was the leader of that commission? -- I think (20) it probably was Mr Variava, Mr Sadec Variava.

Oh, was Mr Variava there too? -- I think so.

Had he come down with you people from SASO or was he at the inaugural convention? -- No, he was at the inaugural convention.

I put these questions to you because it was put by your Counsel, Mr Allaway, during the cross-examination of the witness Harry Singh I think, that in fact you were the leader of the education commission at that inaugural convention. -- That I was the leader? (30)

Of the education commission. -- By Mr Allaway?

Yes/...

Yes. -- I think he would most probably have said that I was on the education commission. I think at the time what Mr Singh had said was that I was the leader of the international commission or some commission of that nature together with Mr Biko.

That might have been Mr Singh's evidence, yes, but Mr Allaway challenged that evidence. My note here is that he stated that you were chairman of the education commission. -- Well, I instructed my Counsel that I was sitting on the education commission. (10)

Not chairman? -- Not chairman.

I shall check on that, M'Lord. The reference I have here is Volume 8, page 659, lines 2 to 4. I haven't got the actual volume with me, I shall check that. My Learned Friend has in fact the volume here, perhaps he can just check that. You see, another thing worries me too. If I remember accused No. 1's evidence correctly, he stated that the leaders of commissions were chosen on the Saturday night. There was an announcement about who would be the leaders of the various commissions. -- Well, I was not there on Saturday. (20)

I know. And if you were in fact the leader of that commission then your name was announced on the Saturday night when they were not even knowing that you were going to attend. -- Well, I was not the leader of the education commission, because I joined the commission.

How many commissions were there? -- There was the education commission.. (intervenes)

MR SOGGOT: M'Lord, on page 659, if I may intervene, the following does appear in the cross-examination of Singh by Mr Allaway: (30)

"Who led the commission on education?"

--/...

-- I cannot remember that.

Well, that was accused No. 9.

Do you remember that now? -- I cannot remember that."

I must say that I have no recollection of that being put and I was accused No. 9's Counsel. It is my error if that was allowed to go unchallenged.

MR ATWELL: Did you hear that evidence where Mr Singh was being cross-examined? -- Probably, yes, I must obviously have heard it. (10)

You did not correct that impression? -- No, I am sure I told my Counsel the exact position as far as that was concerned.

You did not correct your Counsel after that was put and you had heard that being put to Mr Singh? -- I had given instructions to my Counsel as to what my movements were at that particular meeting.

BY THE COURT: (not into the microphone)

MR ATWELL: I think Singh said that this witness was together with accused No. 1 and Mr Biko on an internal and international commission. (20)

BY THE COURT: (not into the microphone)

MR SOGGOL: It was put to him, the first question was who led the commission of education and when Singh said: "I cannot remember that", it was then said: "Well, that was accused No. 9. Remember that now?" and he said: "I cannot remember."

MR ATWELL: Who was the leader of the SASO delegation? Do you know? Was a leader chosen at all? -- As I say, the GSC did not elect a delegation, although it said it would send three delegates, but three names were not put forward by the GSC. If you look at that resolution, you will see that. But (30) I should think that what happened was that there was Mr Pityana, there/...

there was Mr Biko, there was myself, there was Mr Nengwekulu, there was Miss Sampela. There were about 5 of us from the GSC. who went down to the BPC meeting.

Was any particular individual amongst those names just mentioned by you, responsible for a number of the resolutions and suggestions at that inaugural convention? -- Specific individual?

Individual. -- Not that I am aware of.

I would like to refer you to a document, SASO G.5, the composite executive report to the 4th General Students (10) Council. When they deal with, right at the end, they report to the next GSC on resolutions which had been taken at the previous GSC. It would be the final page, page 27 I have at the top here, it would be page 52 of Your Lordship's papers, when they deal with that specific Resolution 45/72 adopted at the third GSC. It will probably be the last page of your document. You see Resolution 45/72, the second last entry there? -- Yes.

It states there:

"A delegation from SASO attended the (20)
BPC inaugural conference at Maritzburg
in July and a great (deal) was tabled
by the leader of this delegation."

Have you any idea what that can refer to? -- I have no idea.
When was this?

This is a composite report of the interim executive to the 4th General Students' Council, July, 1973. -- I do not know who drew up this executive report, but obviously that is what he decided on his own account. I doubt whether he himself was present at this - at the BPC meeting, but it seems to me (30) that if that 'great' there it could probably mean a greeting

was/...

was tabled by the leader of this delegation rather than a 'great'.

You say it could be 'greeting'? -- A greeting, ja.

It still refers to a delegation which was elected and apparently attended and that there was a leader of this delegation. -- Possibly so. This is how he sees it.

This SASO document is misleading?

BY THE COURT: Well, there is a misprint there or a word is omitted.

MR ALWELL: But even on the assumption that it is (10)
'greeting' as the witness suggests, it does suggest that a SASO delegation attended that meeting and that there was a leader of that delegation who did something specific at that inaugural convention. -- Yes, but the point of the matter is that this is a composite report a year later.

Yes, of the interim executive of SASO to the next GSC reporting on what happened about resolutions taken at the last GSC. -- I think that the composite report is of the executive.

That is right. -- So if there was no action taken (20)
as far as that particular resolution by the 1972 GSC,
subsequently what can happen is that the executive can ratify something that had been done by that particular group of SASO members and it is obvious that this executive member who drew up this report for the 1973 GSC decided perhaps a meeting with the other executive members, because this is a composite executive report, that what had happened there he must assume that it is part of the SASO work. That is all. I think you are trying to read too much into these things.

I think you are trying to read too little into them. (30)

-- No.

Where/...

Where did you sleep for the duration of that inaugural convention? You got there on the Sunday. -- I stayed over at Edendale.

At Edendale? -- Yes.

With whom? -- Well, Edendale has accommodation available.

Is it in fact so that everybody that came down in one vehicle from the SASO conference did not in fact all attend the BPC inaugural convention; that certain members who had come down with you in the vehicle from the GSC continued on their way to Durban and dropped you people off at (10) Maritzburg? -- There were two vehicles, two SASO vehicles. One vehicle contained all those who stayed at the Edendale conference; the other vehicle continued to Durban, taking those who were not coming.

Now just shortly, what do you say the status is of the resolutions adopted at that inaugural convention? -- Well, I was under the impression that the inaugural convention had decided that because it was not fully representative, therefore all that was being done there, was to make recommendations.

Can we accept that on your understanding of the (20) matter, what is there, is not final policy of BPC? -- Well, I think what did happen in fact, was that at the first congress of BPC where there was branch representation from all over the country, the recommendations of the inaugural conference were adopted by the first conference.

Perhaps you could refer us to that resolution you have in mind at the first convention at which such a decision was taken. Could the witness be handed the minutes for the first BPC convention, M'Lord. M.C. 3. -- I think if you look at Resolution 4/72. (30)

Page 2 of the document, page 4 of Your Lordship's papers.

Yes/...

Yes? -- Witness reads:

"That this Congress accepts and adopts the minutes of BPC Conference held at Edendale Lay Ecumenical Centre as amended and as a true reflection of the proceedings of that Conference."

You say that is an adoption of those minutes and now they form official BPC policy? -- Yes.

Is that not merely an acceptance that those minutes were in fact what happened at the inaugural convention? -- Yes, (10) it accepted it.

And then it adopts it. -- It does not just accept it, it also adopts it. It would have been a different matter if that resolution read 'that this congress accepts the minutes of BPC Conference held at Edendale Lay Ecumenical Centre', but if you read that resolution it says quite specifically that it accepts it and also it adopts it and if it adopts it, it obviously becomes the official status of the organisation.

Is that your understanding of that resolution? -- There can be no other understanding to it. (20)

I see. Does that mean that everything we find in BPC B.1, the minutes of the inaugural convention, are now in fact official BPC policy? -- Yes.

Who was responsible for the minutes of the inaugural convention? -- They must have had a secretary at the time. If I remember correctly, I think it was a Mr Masebuko, I am not sure, I may be mistaken but I cannot remember exactly.

Did somebody present and read out the minutes of the inaugural convention to this first national convention? -- Yes, it must have been done. I think if you look at the (30) agenda under December, 1972, at 11 a.m. minutes of the inaugural national/...

national conference in Pietermaritzburg.

Who was that person? Can you remember? -- I am not sure. I cannot remember that.

I see no objection to the use of the word 'fases' however at the December, 1971, national convention. -- December, 1972?

I am sorry, December, 1972. There was an objection to BAWU, do you remember? -- Yes.

Which was then deleted. -- Yes.

There is no objection to the use of the word (10) 'fases' where it appears later in those minutes of the inaugural convention. -- No, there is no objection.

Now, I took down a note during your evidence-in-chief when my Learned Friend Mr Soggot put to you the evidence led by Singh that there was mention of crippling the economy of the country at the inaugural convention. -- Yes.

And I took down a note that you considered this to be a naive statement of Mr Singh. -- Yes.

Could you perhaps expand on what you meant by that? Why do you consider that Mr Singh's evidence that such a (20) decision was taken is being naive? -- Well, my own impression of the Black People's Convention in its initial stages and at its formation, was that it was going to be an open organisation, a public organisation and that it would be rather ludicrous for an open organisation to make a statement of that nature at a conference of the kind that we attended at 'Maritzburg. When I arrived there on the 9th there were probably about 100 people there and, you know, it seems rather ludicrous for me to imagine that an organisation which is about to get itself off the ground, would make such (30) a statement of that nature.

Or/...

Or consider that to be a naive statement at any stage of BPC's history. -- I think I will, I think I would. Because BPC declares itself to be an open organisation.

And you consider that for BPC publicly to say that it wants to cripple the economy or cause a downfall of the government or something like that, would be a naive thing to say in public. -- It would be a naive thing to say.

I see. Perhaps you would have a look at BPC C.9 which was a press release issued by the Black People's Convention to the press and published. It purports to be signed (10) by Roy Chetty, the Public Relations Officer of BPC, Sipho Buthelezi, the Secretary General, Aubrey Mokoape, The Chairman of the Durban Central BPC Branch and Harry Singh, Chairman of the Overport BPC Branch. Have a look at page 2, which would be page 21 of Your Lordship's papers, in calling for a withdrawal of foreign investment in this country. In the middle paragraph on the second page, it states:

"Advocates of continued investment claim that if foreign investors withdrew this would result in large-scale unemployment (20) of Blacks. Withdrawal can only mean the downfall of the Vorster regime!"

something the BPC has called for in this particular document. Was this not naive of BPC to put out a document like this in which it openly advocated a policy which it envisaged would result in the downfall of the Vorster regime? -- Is that sentence saying that BPC says foreign investors must withdraw?

Yes, this document concerns foreign investments basically, in which it encourages withdrawal of foreign investments. -- Could you point me to the particular.. (30)

The tenor of the document is that foreign investment

- I/...

- I am busy with the middle paragraph on page 2 of the document. -- I think here he is offering just a simple comment. He says:

"Advocates of continued investment claim that if foreign investors withdrew this would result in large-scale unemployment of Blacks."

Yes. Then follows the statement? -- Witness reads:

"Withdrawal can only mean the downfall of the Vorster regime!" (10)

We say no, the argument that large-scale unemployment will result is not true.

Is not true. I quite agree with you. The next sentence?

-- Then he says:

"Withdrawal can only mean the downfall of the Vorster regime!"

Withdrawal of foreign investments will mean the downfall of the Vorster regime. -- Yes.

Yes, and that is something that BPC has called for, the withdrawal of foreign investment. -- Where? (20)

In its resolutions and in this document where it deals with advocates who favour foreign investment. -- Not that I am aware of.

Has BPC called for the withdrawal of foreign investments?

-- I think BPC has taken a stance as far as I know.

Has it called for the withdrawal of foreign investments?

-- It has taken a stance on foreign investments .. (intervenes - both speaking simultaneously)

In the same ... -- in the sense that what BPC hopes to do through its stance is to get foreign investors (30) to adopt a different approach in respect of the Black community/...

community in this country and in respect of how it was going to treat Black workers, what it is going to offer to Black people and to set the example to other business organisations as far as Black workers are concerned. I do not think that BPC said we are going to work towards foreign investment so as to cripple the Vorster regime. I think what BPC did do, was to leave foreign investors who in any case, even if they all did withdraw, would never result in the crippling of the Vorster regime in this country. I think what BPC was attempting to do, was to use the issue of foreign investments as a (10) form of pressurisation to get certain concessions in the field of labour.

You talk about BPC adopting a stance on foreign investments. -- Yes.

What did SASO do about foreign investment? -- SASO also adopted a stance.

Was BPC's attitude towards foreign investment merely a reiteration of SASO? -- This was my understanding of it.

Did it go any further than SASO's attitude? -- No, I do not think it goes any further. (20)

Did it do anything more than SASO did about its resolution? -- Not that I am aware of.

You do not know if letters were sent to foreign investors encouraging them to withdraw? -- I knew about them when I came to prison and read the documents. I read some letters in the documents, but before that I did not know.

What was the resolution adopted at the first national convention that you attended? -- I think you will find it on page 3.

Yes, perhaps you could refer the Court to that. Read (30) it out. -- Witness reads:

"That/...

"That this Congress note the vital
role played by foreign investors ...

(inaudible) .. supporting the
economic system of South Africa;
that this sytem is designed for maximum
exploitation of Black people;

that the riches and resources of this
country belong to Blacks as their
birth-right;

that foreign investors claim that their
presence in this country contributes
towards the development of the Black
community; (10)

that this claim is disputed by the
reality of the Black experience in
this country;

therefore resolves -

to reject the involvement of foreign
investors in this exploitative economic
system; (20)

to call upon foreign investors to
disengage themselves from this controlled(?)
exploitative economic system."

Now, didn't SASO stop at point 1 of the resolution? --

At point 1?

At point 1. -- I think in its own resolution it stopped
at point 1.

The rationale that this Court has been offered was that
SASO did not see its way clear, given the nature of the
organisation to do anything more than merely adopt a (30)
stance and reject it. -- In my opinion I think point 2 is
merely/...

merely a reiteration of point 1.

BPC went a step further and called on foreign investors to withdraw. -- I am saying that in my opinion point 2 is merely a reiteration of point 1. The only thing they are doing, they are saying well, in a sense this resolution should be sent to foreign investors and I do not think they are saying they are going to send it to foreign investors so as to get foreign investors to pull out of this country. I think what they are doing here is they are making the foreign investors aware of what our stance is on this very point. (10)

Having noted the vital role of foreign investors in this country. -- If we are to examine the essence of politics, I think what BPC is doing here is opening itself or is opening an avenue for discussion with foreign investors so that they can talk around this point. When you go into a shop, well, let us take if we are in Durban, if you go into a Grey Street shop, and you see a shirt marked up at R7,99 the owner of the shop starts with R7,99. If you are a good bargainer, you are going to start at something like R3,99 so that the both of you meet at some point, so that I get the shirt going away (20) happy and he gets his profit on it, but he marks it at his highest price. So I must come in at my lowest price and I think in a sense if you draw a comparison, this is exactly what BPC is doing. It wants to open the door to discussion with foreign investors in order that it can get concessions for Black workers in order that BPC, I think, can get grants from organisations like this to conduct its own programmes. I am sure that is the thinking behind this resolution and I think if I remember correctly, I was present when the resolution was being discussed and that was part of the motivation. (30) I do not think any motivation - we said well, we are going to talk/...

talk to foreign investors and see to it that these foreign investors get out of this country and then Vorster's regime is going to fall on its nose. I do not / ^{think} that was the argument at all.

Do you know that in the proposed BPC newsletter which the police confiscated before it could be printed, there was the expression that the investors should get the hell out of the country and that the United Nations should take a more direct step in running Pretoria to the ground? -- Was that a BPC expression? (10)

That is in a BPC newsletter. -- I am asking you is that a BPC expression?

I am asking you. -- No, I would not know. As far as I am concerned, I think that BPC if it does have a newsletter, it would have opinions expressed in that newsletter and obviously whoever wrote that article was making a personal opinion. I do not think that was a BPC opinion.

MR SOGGOT: M'Lord, I wonder, instead of debate, we are very generously provided with documentary evidence, whether my Learned Friend cannot refer to the actual document. (20)

MR ATWELL: I asked the witness whether he was aware of an expression like that.

BY THE COURT: He says he is unaware of it. So if you pursue it, then could you refer him to it?

MR ATWELL: I can refer the witness to it with pleasure, it is part of the indictment. If the witness could perhaps be handed Annexure 4. It is going to be a bit difficult for you to follow on the loose sheets that we have there, but if Your Lordship has the indictment, I can refer Your Lordship to page 59 of the indictment, at the bottom, and I think if you (30) would read it from the indictment itself, Mr Moodley, it may

be/...

be easier for you. The article begins on the previous page and it deals with events at the United Nations. Do you see that? -- This looks like a report.

Yes. -- This is a report.

Then it deals with various resolutions which have been adopted by various groups at the United Nations. -- Yes.

Now have a look at the bottom of that page 59. Read it out for the benefit of the Court. -- Witness reads:

"The United Nations has definitely
come a long way along the road planning (10)

to apartheid. What needs to be done now
is for the UN to take a more direct and
active role in running Pretoria to the
ground. The Big Brother Western imperia-
list consorts of Vorster must be brought to
book for their persistent violations of UN
resolutions, immigrants must be stopped
from coming here to take our jobs, pre-
venting us from bargaining with employers
and thus maintaining the status quo. (20)

Investors must get the hell out of our
country. They not only entrench apartheid,
but actively aid and abet it: above all,
these foreign investors hide behind so-
called "government policy". They even
support the white governments tragic
Bantustan experiment."

Now that type of sentiment in the BPC newsletter. -- Well,
it is a personal opinion that BPC - the editor of the BPC
newsletter sees fit to allow for discussion. I do not (30)
think this is BPC policy.

The/...

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think this is BPC policy.

The/...

The covering sheet of that newsletter which looks like that: the heading BPC and the very first words of this newsletter are:

"'Inkululeko Yesizwe' is your voice and that of the BPC. Let every Black person you know read it - spread the message of the Black struggle for freedom to all Black People."

And then it says:

"It is hoped to make "Inkululeko Yesizwe" appear at least once in 2 months. But this will depend on you. Should you or anyone you know of, wish to receive regular issues or act as agents for distribution, get in touch with the Secretary-General immediately. Letters, articles and contributions of any kind are welcome.

Join the BPC to show that no white minority can kill our fighting spirit and our determination to be free from all oppression. There is a BPC branch in your area. If not, contact the Secretary-General. All enquiries and contributions to:"

And it gives the address of the secretary-general in Johannesburg. It then states an oath which each member joining is required to declare and it concludes with:

"(PLEASE PASS ON TO AS MANY PEOPLE AS POSSIBLE)"

-- I think that is a very beautiful advertisement for the newsletter/...

newsletter first; and secondly it is an advertisement for BPC, but I do not think that tells you that everything that is said in that newsletter is BPC policy.

That was the first newsletter, not so? Intended to be the first newsletter. -- And if it is the first newsletter, I think it needs to get itself off the ground by that kind of advertisement. Obviously you can read from that that what he is attempting to do, he is attempting the people to contribute to that newsletter.

People who think along those lines. -- I do not think (10) he says that. He says the newsletter is yours, it is the voice of the people, he is saying it to everyone and I think he wants all kinds of opinions to be aired in this newsletter.

I do not know about off the ground. You might go underground with that type of statement. Do you know that at the second BPC congress there was a report that letters had in fact been sent to foreign investors, calling on them to withdraw? -- There might have been.

Do you know about that? -- No, I do not know about it, I do not know about it. (20)

And do you know that in consequence of your resolution about sport, they also sent off letters to overseas sporting groups? -- They may have.

Apparently with some success according to the report. -- They may have done so.

You do not know about that either. -- I do not know about that.

Did you not have any interest in whether your resolution was going to be carried out and what effect it would have? -- I think when one elects an executive for an organisation (30) he is given the duty to carry out the resolutions of the organisation/...

organisation and I took it for granted that BPC had elected responsible executive members and that they would carry out the resolutions as were passed by the congress.

Did they always elect responsible executive members? -- As far as I am concerned, yes.

From the very word go? -- Yes.

Because you also proposed a similar motion at the SASO GSC didn't you? -- I probably did.

Concerning sport. -- Yes.

Of which branch of BPC were you in fact a member? (10)

-- I do not think I joined any particular branch, although if I had to join a branch, I would probably have joined the Overport branch or the Durban Central branch.

You see because I took down a note in your evidence-in-chief that you might have taken out a card. -- Yes, I think there was a time when BPC was giving out cards and I might have taken a card. It probably might be lying around at home.

But surely you would know about that. Why do you say: I might have become a member and I might have taken out a card? -- It is about 1972, it is four years ago now and (20) I do not know why I do not remember it, but four years is a long time.

Did you ever intend to serve on the executive of BPC? -- I did not think of it at the time.

I asked that because Mr Biko apparently did, but considered that at that time it was not opportune and he would stay down for a while and come in later. -- You mean if I wanted to stand on the executive at 1972.. (intervenes)

I merely want to know whether you ever intended to stand on the executive of BPC. -- No, I did not, I did not. (30)

You yourself you have told the Court, were involved
with/...

with TUCSA. Is that correct? -- That is correct.

Because you were interested in the involvement with the Black community. Is that right? -- That is correct.

Now, there are statements in documents that the Black Workers are the Cornerstone to Liberation, would you agree with that statement? -- The cornerstone to liberation?

Yes. -- It is a rather vague statement. It would need clarification.

Perhaps I can refer you to a specific argument or statement. I refer you to BPC.C.8, a document entitled (10) 'Foreign Investment' by one of your co-accused, accused No. 5, Nkomo, which deals once again with various attitudes towards foreign investment. Have a look at the second page of the article, page 182 of Your Lordship's papers. Do you see the second page? -- Which paragraph is it?

I do not want to be accused of taking something out of context once again. Perhaps we could start off with the third paragraph which seems to be the conclusion of his argument. On the second page:

"Let us come to the argument that (20)

Blacks will suffer if foreign investors withdraw. The people who hold this view do not understand what is meant. By saying foreign investors should withdraw, it is said that strings attaching companies in South Africa with their mother companies should be severed. This means that the flow of capital from Azania to foreign countries ceases and all the capital be used to improve the lot of the Black man who tills and labours instead of improving/...

(30)

improving foreign standing abroad.
Azania is ours and all therein belongs
to the beautiful Black nation which
should use as it deems fit. Millions of
Black workers die and suffer for this
wealth and we get nothing. How many
Carletonvillers and how many Western
Deep incidents should we have ..."

the next word I cannot make out -

"to enrich the Anglo-American fraternity (10)

for the boosting of English and American
standards while we live in slums. What
we want is for the mines to continue
working and the benefits being enjoyed by
the Black nation that is by right entitled
to be here. On the other hand it would
serve the purpose if foreign companies
close down completely and all employees
lose work. This would be the time when
Black people will realise that it is (20)

better to be idle than to be exploited.
It will serve to redirect Black initiative
and creativity. Black creativity and
initiative have been swallowed by this
ugly monster called capitalism which is
just a character of foreign investment.

It is evident that the involvement of
foreign investors in our economy is
disastrous and harmful to the Black
worker. Our role as Black workers in (30)

tooth/...

tooth and nail for the liberation of Blacks. Our uniting in a trade movement is solidarity for effective bargaining. If sweet talk does not change a structure, confrontation is the only solution. Let us Black workers reject in no uncertain ..."

I cannot make out the next word -

"the exploitation of our resources by foreigners. Let foreign investors go and we, the workers, shall work for our Azania with love and dedication. Brothers and sisters, we, the workers, are the cornerstone of liberation, the stand we take will determine the direction of liberation. Solidarity of workers is solidarity of the nation, power to the Black people." (10)

Now do you agree with that sentiment expressed that the workers are the cornerstone of liberation? -- As I understand this gentleman's article, I think he is talking in essence about the Black community and what he is saying is that if we want to have our liberation, it needs for us to be involved. That is all he is saying. (20)

You notice the reference to foreign investment? -- I think it is quite obvious that he is presenting an argument and is presenting different viewpoints.

".. it would serve a good purpose if foreign companies did close down completely and all the employees lose work." (30)

-- I/...

-- I think he is offering there a point of view, because if we read, as you read the last chapter, the last paragraph before that, which begins: 'Let us come to the argument', one understands or can conclude that what this gentleman is doing is that he is showing us two sides of the coin. But as to whether he takes a decision about it, I am not sure and on top of that I think this is obviously something that he has written himself.

Yes. -- It is something that he presents as an argument personally. I do not think we can then say well this (10) is now BPC policy, whatever you want to draw out of it. I do not think in his talk here or in his paper here, he is making any hard and fast decision on behalf of the Black People's Convention. What he is doing is, he is offering some discussion on the issue of foreign investments, on the issue of labour and at the end of it it seems to me that he has been speaking to someone and he is attempting to instil in them some kind of encouragement as to them as a people, that you must be involved in some kind of work so that you can bring about your own liberation. (20)

You say this may be his personal opinion. Do you see anything in conflict with the statement we have just referred to by BPC to the newspapers concerning foreign investors? -- Something in conflict?

Do you see anything in this document which is in conflict with what BPC put to the newspapers in that previous document? -- I think in essence what this gentleman says here, he says that the bad thing about foreign investments is that the United States and Britain are earning the profit of Black labour and he says that is a bad thing; what should (30) happen is that capital in this country should remain within this/...

this country and if there are foreign investors, their ties should be severed with companies overseas.

Do you see anything in conflict with what BPC put in BPC C.9? -- Not that I can see on the surface.

Not. It also talks about the removal of foreign investors would also adversely affect capital -- Again it is an opinion, it is an opinion that is being expressed there.

Is BPC against capitalism as such? -- BPC is against exploitative capitalism, as far as I have been able to read it. (10)

Communalism, Black communalism concept? -- I think it is committed to the ideal of Black communalism, it sees Black communalism as an aspiration, an ideal.

Is Black communalism advanced as an alternative to capitalism? -- I think it is.

THE COURT ADJOURNS.

COURT RESUMES AT 2 P.M. ON 24 JUNE 1976

STRINIVASA RAJOO MOODLEY, STILL UNDER AFFIRMATION:

CROSS-EXAMINATION BY MR. ATTWELL CONTINUED: Mr.Moodley,
before the adjournment we were busy with the subject of
Black workers. Now, it is so that both SASO and BPC had
so-called workers' projects, is that correct? --- I am not
sure about the Black People's Convention but I do know that
in SASO we did have a Black workers' project.

Did BPC ever assist in the formation of any new trade
unions or the establishment of an umbrella trade union 10
organisation? --- Not that I am aware of.

Did both SASO and BPC in fact give up their ideas or
give up their projects in connection with the Black workers?
--- Not that I am aware of.

What did SASO do about its Black workers' project? --- Well
at the time when I was in SASO she was continuing her Black
workers' project.

Was it never handed over to another organisation? --- At
the time that we were with the Black workers' project in SASO,
she worked in conjunction with the Black Community Programmes. 20

And BAWU, the Black Allied Workers' union? --- No, that
was a completely independent project as far as I know.

Did SASO work in conjunction with BAWU? --- No, I don't
think she worked - no, she didn't work in ..(Mr. Attwell
intervenes)

Are you speaking of the time you were in the Executive?
--- That is correct.

Could it have been so after your banning? --- It could
have been so, I am not sure.

Did BPC work in conjunction with BAWU? --- Not that I 30
know of.

Is / ...

Is this once again confining yourself to the time up to and including your banning? --- That would be correct.

How significant do you see the Black workers' role in the South African economy? --- I think I have always seen it as a difficult one for us to work in - PAUSE -

No, I am not talking about your organisation working in it now at all, I am talking about how significant a role do you see the Black worker performing in the South African economy? --- How significant a role does the Black worker play in the South African economy? 10

Yes? --- I think to an extent he does play a role.

An important role? --- I should think he does play an important role.

Now, in the beginning of 1973, you were at that stage the editor of the SASO newsletter? --- Correct.

Did you assist BPC at all in its first newsletter which was being drawn up at about that time? --- No, I did not.

Not at all? --- Not at all.

Do you know why Accused No.4 never held any important executive post in either SASO or BPC? --- I don't know why, but I had the impression that he was busy with his studies. 20

Is that the only reason that you can think of? --- That is the only reason I can think of.

Is Accused No.4 a good public speaker? --- On the rare occasion that I heard him he was okay.

Now at the moment I would like to turn to something which appears to me to be something of a contradiction in the evidence, looking at all the evidence so far. I got the impression from certain of the defence witnesses that they find amongst the Blacks an attitude that they look to the Whites as the source of all good, and that this is something which

Black / ...

Black Consciousness must break down as being - you know, that Whiteness and the concept white is a good concept and is something that must be followed, and that all good flows from the Whites? --- I don't think the emphasis is that Black people look towards White people as doing good things, I think the essence of that statement which I think you have misinterpreted, is that the society in which we live has equated Whiteness with valuableness.

Did you find that certain Blacks were inclined to do this too? --- Yes.

10

Mr. Moodley, through which country to your knowledge do most persons who are set on undergoing military training leave and come back into this country? --- I have never studied the logistics ..(Mr. Attwell intervenes)

No, I am purely asking for your impression and your opinion? --- Well, not that I am aware of. I do know that there are training camps in Tanzania from what one reads in the newspapers.

But to get to Tanzania they are going to have to go through some other country first, it is that country that I have in mind if you know or have any opinions? --- I don't know, I don't have any opinions.

20

Is it true that in fact you people regard the homelands as the greatest obstacle to Black unity? --- I think that would be a correct statement.

Do you believe that violence tends to breed violence and validate it? --- Do I believe that violence - PAUSE ?

That violence breeds or tends or breed violence, and validates it? --- I think the opposite would be true.

You don't agree with that statement? --- I don't agree with that.

I / ...

I would like to have your comment on a certain statement in SASO G.4, if the witness could be referred to that, these are commissions presented at the 4th General Students' Council - yours won't be numbered, Mr. Moodley, if you would look at the fourth last typed page, page 179 of Your Lordship's papers. You see apparently on the previous page it is the international commission's report? --- It is internal commission, internal relations.

I see international is the heading of the previous page under which the particular thing I am interested in? --- Oh yes, I have got it. 10

Then it deals with various groups, it says:

The commission looked into the question of types of relationships to be established between SASO and - and then it sets out under headings: Student unions, political parties, Latin-America, Australia and the Far East, donors and supporters, foreign investments, and finally it comes to a heading: exiled groups. Would you just read to the Court what is stated there under exiled groups? --- WITNESS READS: 20

"Here it is felt that up to date information be sent to these groups to keep them informed. However care and caution must be exercised as far as relatives are concerned, lest this jeopardise our position internally".

Can you perhaps throw some light on what is being referred to there? --- I am sure I can't throw any light on that. I didn't attend this conference.

I appreciate that, but it was a commission presented at the 4th GSC. Can you assist us in any way there? --- No, I can't, it seems to me that they want to send some information to some groups outside, exiled groups, and then as far as relatives / ... 30

relatives are concerned, they say we must take caution lest we jeopardise our position internally.

COURT: Well what can it mean? --- I am just trying to imagine what it could mean, because I can't see the relationship between relatives and exiles, oh, unless of course they are referring to some of the SASO people who may have at that stage left the country, and they want to send them information on the organisation. That may appear to be it, that is how I see the word relatives there.

MR. ATTWELL: The heading is what? --- Exiled groups. 10

Groups? --- That is correct.

And you think that could be applying to SASO people who fled? --- SASO and BPC people, yes.

COURT: Now how could that jeopardise SASO's position internally? --- I can't appreciate that either, I don't see how it can be jeopardised.

Unless it would jeopardise their position internally? --- No, they say quite clearly there jeopardise our position internally.

MR. ATTWELL: In the same context, I would like you to have a look at SASO M.1, reports presented at the Federal Theological Seminary Alice, May 1974, once again I appreciate you possibly weren't present, but perhaps you can throw some light on this. Page 25 of Your Lordship's papers, I am afraid once again SASO hasn't numbered this particular document, but perhaps if you give me the original I will be able to find what I am looking for here, Mr. Moodley. Now if we go back this is report of the Natal region, if you go back two pages to page 23, do you see that? --- Yes. 20

It then goes on to deal with presumably Natal's efforts under various headings: free university, literacy, projects 30

physical / ...

physical, then it deals in the fourth item with inter-organisations, do you see that? --- That is correct.

Now, it is stated there under inter-organisations, page 25 of Your Lordship's papers:

"In Natal we have maintained healthy relations with the Black organisations with specific reference to BCP and BPC etcetera. There are a few other organisations we have worked with and for reasons known to us all cannot be disclosed".

Can you tell us perhaps what the author there was referring to? 10
--- I don't - I can't throw any light on that. I can't understand why - who these other organisations would be.

That they cannot disclose for reasons known to them, in ..(witness intervenes) --- Not as far as I know.

You see this was in the Natal region which up till the banning of yourself was your domain? --- Yes, that would have been my domain.

COURT: Doesn't it appear from the last sentence on that page?

MR. ATTWELL: I don't know, M'lord, if it does - PAUSE -

(MR. ATTWELL READS AWAY FROM MICROPHONE) --- I think perhaps 20
that does give us an indication that some of these few other organisations are the church organisations that he is working with.

Do you think that is what he is referring to? --- That is the only possibility that I can see.

Otherwise you can't throw any light on that? --- Otherwise I can't throw any light on that.

Mr. Moodley, the power salute you people use and the accompanying phrase "power", is this the characteristic of SASO? --- I think at one of our Executive Council meetings we 30
discussed the fist and we declared that the fist was a sign of solidarity.

The / ...

The fist raised - PAUSE --- Yes, would be a sign of solidarity.

And the term "power" which accompanies it also? --- Well we didn't discuss that, because I think at the time what we were discussing was a design for a T-shirt.

Yes, that is what I was coming to, that SASO T-shirt, what happened about that? --- The first one that we prepared was banned by the - I think it is the Publications Control Board, the second one we did ..(Mr. Attwell intervenes)

While we are busy with the first one, what was the slogan 10 on the first one which led to its banning by the Board? --- If I can remember it had a fist encircled in a circle with SASO written underneath it, and in full South African Students' Organisation written around this circle, and that was banned.

Is that the full content of that particular shirt? --- That was the full content of it.

COURT: Were there reasons given? --- No, there were no reasons given. Unfortunately when we handed it over to our lawyers to enquire about it, they weren't forthcoming with any reasons as to why it was banned. 20

MR. ATTWELL: If I may turn to the death of Shezi for the moment ..(Court intervenes)

COURT: Well it is related to power isn't it because when this sign is given then it is usually accompanied by the shouting of "power - amandla"? --- In most cases that does happen, yes. That does happen in most cases, but on the T-shirt it was just South African Students' Organisation with the initials SASO and then the fist, that was all that was on it. In fact subsequently I did another one with the fist and SASO - only the first and SASO, and we sold quite a number of copies - T-shirts 30 of this kind, but then subsequently that one was also banned

without / ...

without any reason.

COURT: What was the difference between the two? --- The one had a circle and South African Students Organisation.

Yes, well the circle makes all the difference, because the second one was the same without the circle? --- That is correct, and without the full name of the organisation.

Without the full name of the organisation? --- That is correct.

MR. ATTWELL: If I may turn for a moment to the death of Mr. Shezi, you did refer in your evidence-in-chief to a particular article in the newsletter which you handed in in your evidence-in-chief? --- Yes. 10

As a sort of, what would you call it, requiem, obituary to Shezi, which you said you didn't think would create any anti-White feeling? --- That is correct.

Now a number of witnesses have given evidence that one of the two documents BPC J.1 or BPC J.2 is a SASO document, would you just confirm that - I think it is BPC J.1. What do you know about this document? --- This document did come to our notice. I think this was done by a group of friends of Mr. Shezi, it was an individual - as far as I know it - it was an individual effort by individuals, and apparently this was handed out to a few people at the funeral itself. 20

Where did you get to see the document and know it? --- The first place that I saw it was at the funeral, and this is why I picked it up and enquired about it.

Was it ever distributed by SASO? --- No, it wasn't distributed by SASO.

Do you associate yourself with the sentiments expressed in this? --- I would associate myself with this. 30

Entirely? --- Entirely.

Thank / ...

Thank you. Why did SASO use two different printers for its newsletters both Leader and Universal during your time? --- Well, when I first got to become the editor I worked through the Universal Printing Works, and subsequently I had a discussion with Mr. Bramdor and he promised to do the newsletter at a cheaper rate, and I worked with Leader Press for a few months, but I found that their work was inferior, and that in fact there was no real saving by moving from Universal Printing Works to the Leader Press, so I went back to Universal Printing Works because their work was far more superior. 10

I am getting muddled up, Mr. Mathe is from which firm?
--- Universal Printing Works.

Were these the people you were with originally, you went away from, and then later went back? --- That is correct.

Was this all during your time? --- That was during my time.

You made a statement in your evidence-in-chief that none of the Black poets were SASO members, do you recall that?

--- The ones I was referring to I think at that stage were Mtshali, Pascal Gwala and Wally Serote. 20

Do you know anything about Mr. Glenn Masokoane? --- As I said I had met this young gentleman at Fort Hare, and he told me about his poetry and I asked him to send it over to me.

Was he a SASO member? --- He might have been, although I can't confirm that for you.

He might have been. Do you know if he was a member of PET? --- Not that I am aware of.

You also referred to an article in one of the newsletters written by Mr. Vic Mafungo, I think that particular article concerned Black Theology? --- That is correct. 30

This / ...

This Mr. Vic Mafungo, did he take part in any of your TECON productions? --- He did.

Did he take part in "Requiem for Brother X"? --- That is correct.

One other statement you made during your evidence-in-chief was that you saw no other relationship between yourself and Luthuli, Mandela, Sobukwe etcetera, but that you shared their view of what the future society should be, something like that? --- I think it would be more correct to say that in my personal capacity I saw myself as having the same ideals 10 as say a person like Mr. Luthuli or Mr. Sobukwe or Mr. Mandela, I think in that they wanted equality for Black people.

Do you regard them as your true leaders? --- In a sense I would look upon them as my true leaders.

You would? --- I would.

Now if I may turn to the article which you did refer to, I think it was in K.3(a) ..(Court intervenes)

COURT: Did you have any knowledge of their method of operation to be able to get liberation in this country? --- I became aware of their methods of operation through the 20 newspapers.

Well would you support their methods? --- No, I obviously wouldn't support their methods, but that doesn't mean that one doesn't share a kind of philosophical sympathy with them.

MR. ATTWELL: I am looking for the article Mr. Modisane wrote as to why he walked off Fort Hare in protest, General K.3.(a) page 16, you referred to this at some length in your evidence-in-chief? --- That is correct.

Do you associate yourself with the stand taken by Mr. Modisane here, that you should walk off the campus and force 30 the authorities to - PAUSE ? --- No, I don't.

You / ...

You don't? --- No, I don't and I didn't.

Did SASO support this type of thing? --- No, SASOS didn't.

What did SASO have against this particular attitude adopted by Mr. Modisane? --- I think SASO is an organisation that recognises the reality of these institutions, in a same fashion as one would recognise one's existence in say living in Soweto, or riding in a segregated bus, or riding in a segregated train. It is a reality, one lives with it. And over and above that, SASO drew its leadership, its membership from these universities where most of the students went to, over and above that if students were to walk off these campuses, where could they study? I don't think the University of South Africa would have been able to accommodate all Black students. And over and above that students would need things like tuition. 10

This was at the time of the Tiro incident, is that so?

--- That is correct, that is correct.

Now did you people have a formation school in Alice at about this time? --- That is correct.

Was there any Resolution adopted at that formation school in connection with the Tiro incident? --- Yes, there was a Resolution taken by the attendants at the formation school. 20

And was this also in fact issued to the local newspapers? --- The Resolution?

Yes? --- No, I don't think the whole Resolution was issued. In fact that Resolution was a suggestion by the formation school, and because it was not quorate or constitutional, it could not be adopted as SASO stance, therefore the Resolution had to be weighed by the Executive Committee, and I think at the time the newspapers were urging for information from the president, that is Mr. Sono, and I think / ... 30

think Mr. Sono released part of that suggestion by the formation school to the Executive.

How many of the Executive attended that formation school? --- All of us, all five of us.

And this Mr. Modisane, wasn't he a president of SASO at some stage? --- He later became president.

I would like to refer you to the Resolution, if you would have a look at it, I have copies for my learned friend and Your Lordship. I don't think it will be necessary to hand this in, M'lord. If you would perhaps read that out aloud if you would and then tell me whether this was the Resolution adopted by that formation school and the Executive members of SASO? --- WITNESS READS:

"That this formation school noting -

1. the series of expulsions from various Black universities by the authorities without prior consultation with the students;
2. the oppressive atmosphere in the Black institutions of higher learning as demonstrated by the expulsion of the Turfloop student body, the wait and see attitude if adopted by other Black institutions would be a betrayal of the Black man's struggle in this country;
4. also that the Black community is anxiously and eagerly waiting to learn and hear of the stand taken by the Black students in other campuses who invariably are subjected to the same atrocities and injustices suffered by the Turfloop students, and believing
 - (i) that this can not be viewed as an isolated incident;
 - (ii) that SASO has undergone the acid test of time;
 - (iii) that this can be escalated into major liberatory front;

Therefore / ...

Therefore resolves -

- (1) that all Black students force institutions to close down by boycotting lectures;
- (2) that SASO as an organisation be bound by this Resolution and see to its realisation.

Amendment accepted:

That the date when a simultaneous boycott of all classes be with effect from 1st June when it is expected that all Turfloop students will be returning to university;

That the president make this public and urge all Black students accordingly". 10

Does that ring a bell? --- I don't have a memory that is somewhere near total recall, but in general terms I would think this sounds something like it.

Now how does that fit in with what you have just told the Court about SASO dissociating itself from people like Mr. Modisane expressing the view that you must pull out and force the White racist government to change the system? --- I think the essence of that answer would be found in the Minutes of the 3rd GSC. 20

No, I would like you to tell us if you would? --- Well essentially this Resolution as it is in its present form was as you can obviously notice a suggestion by the formation school, which asked SASO to be bound by it. However, the decision was left entirely to the Executive Committee, and the first thing we did was to attempt to suggest that all university campuses and branches of SASO be first informed of this suggestion, and depending upon the feedback that we got from the students at local level, we would then determine what the next step would be. Unfortunately at some stage the Press through the president, Mr. Sono, managed to get hold of a part / ... 30

part of this Resolution and made it public even before we had managed to get the essence of this Resolution to the various centres at the various universities. So that in a sense we found ourselves in the Executive Committee in a little bit of a dicey situation. Unfortunately what followed on this was that other university campuses, even before this Resolution could be looked at with any thought, had themselves become embroiled in local protests at their universities, at their various universities. So that the real essence of this Resolution became lost in that if you look at the amendment 10 which said that everyone would go on boycott on the 1st June, that was completely lost, because every campus now began to take its own independent action, and SASO was pushed out of it altogether.

.. AWAY FROM MICROPHONE.. SASO's thinking at the time?
--- No, SASO's thinking at the time which would have been reflected in my thinking as a member of the Executive, and the other four members of the Executive, would have been that we as an Executive Committee cannot ever take a decision of this nature, that we would first have to refer this kind of 20 thing to the student body themselves, and let them send back word to us whether we should call an emergency GSC or something of that nature. But unfortunately as I said the Press got hold of it beforehand.

There is no reference in this particular Resolution to the necessity for referring this to SRCs for individual consumption and recommendations from them? --- No, as I say this was a decision that we as an Executive Committee had to take. This as you would notice is a suggestion by a formation school, it says at the top there that this formation school 30 noting.

Yes / ...

Yes, quite right? --- Now a formation school has no bind on the organisation, it has no bind in that it cannot make decisions for the organisation. Now when this was discussed, and I think you must appreciate at the time that students were very concerned about the action taken by the Rector at the University of the North, and they felt that if this could happen to the students at Turfloop, it means that this kind of action can happen at all the other universities as well at any time, and they suggested that they put this down, and it was allowed by the Executive that 10 they could put it down, the suggestion, but the Executive Committee made it quite clear that it would not be bound by this Resolution. Because in the first place it is extra-constitutional, in the second place we as an Executive felt that this was a very important decision, and I think the future of the organisation was at stake here, and therefore if any kind of decision of this nature was to be taken, the only thing that we could do was call an emergency GSC. And as I say unfortunately the Press got hold of part of this Resolution.

And that was as a result of the amendment that was moved 20 there that the president make this public? --- You see, this is one of the things that I would question, because as far as I can recollect I don't remember that being put down in that Resolution. As far as I can recollect, Mr. Pityana and myself and the other Executive members felt that this must not be made public, in fact it was quite the opposite, that we shouldn't make this thing public at all.

I find it enlightening to notice that formation schools take Resolutions? --- At times they could take Resolutions, if as you would notice that at this particular point in time 30 in the history of the organisation SASO, she was faced with a major / ...

major problem..(Mr. Attwell intervenes)

But she had according to the Resolution undergone the acid test of time? --- Well that is an obvious observation of the particular movers and seconders of this Resolution.

This Resolution, was it a unanimous Resolution? I am first dealing with the first part? --- I probably think it was, I am not sure, but it might have been.

Now it appears that the amendment as it appears there was moved by Mr. Pityana and seconded by yourself? --- That is probably correct, that is probably correct. The reason why I say that, the last portion there that says that the president makes this stand public jars somewhat, I don't remember that bit being in there. 10

So the Executive went along with this, and the secretary-general and yourself ..(witness intervenes) --- What we did was we supported it, we supported the sentiment, and we felt we should give the students a chance to air whatever they felt. But it did not mean that we accepted the fact that this should in fact be carried out.

COURT: What would have been the effect of all this if this Resolution was adopted by SASO? --- If it was adopted, if this Resolution was adopted by SASO, then SASO would have called for a total walk-out from the universities. 20

From all the universities? --- From all universities.

Would it mean - well there is nothing to suggest when they should return? --- There is nothing to suggest when they should return.

So in effect it means a closing down of the universities? --- That is it.

MR. ATTWELL: M'lord, I think that is stated specifically in the Resolution "that all Black students force the institutions 30

to / ...

to close down" --- However, Your Lordship, I think I should inform you that subsequently at the 3rd GSC the same thing was raised again, and at the GSC it was defeated, convincingly defeated.

But you told us that before SASO could give effect to this it found that on its own the various campuses had each as individuals gone on to virtually what you had contemplated SASO as ..(witness intervenes) --- No, I think in essence what had happened was that the very fact that other university campuses went into their own boycott of the universities was not with this purpose in mind, and I think this is why in my newsletter - is it this one? Yes, it is this very one, I tried to give some extracts in a special feature as to what was happening at the various universities, and I make it quite clear I think if you read this article, that most of the universities ..(Court intervenes)

COURT: What exhibit is that? --- K.3.(a), H'lord.

And on what page? --- It begins on page 3 of the newsletter, it is a special feature which looks at the events and tries to sum it up, like the University of Durban/Westville, the University of the Western Cape ..(Court intervenes)

This would be University of the North? --- The first one, the University of the North.

Is that where you deal with it? --- Yes, the University of the North, followed by the University of Durban/Westville, then the University of Fort Hare, University of the Western Cape, Transvaal College of Education, Springfield College of Education, University of Zululand, and the M.L. Sultan Technical College.

MR. ATTWELL: Now is this before or after you had taken this decision at the formation school? --- This newsletter obviously / ...

obviously came after.

At the time you drew this newsletter up and printed these articles, you had taken the Resolution at the formation school? --- The suggestion had passed, yes.

You see I find this word that you say, suggestion to the NEC, if you have a look at the second part, the Resolution part -

"Resolves that all Black students force the institutions to close down by boycotting lectures;

the second Resolution is that:

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"SASO as an organisation be bound by this Resolution and see to its realisation -

with which you say all the Executive agreed, and it was unanimous? --- No, what we did was to support, but whether the amendment included that second part I am not sure, I think what is happening in this particular copy that we have in front of us is that we are looking at the entire thing. Now, if my memory serves me correctly, there are two things wrong in this Resolution. Firstly, the resolving part does not have the second portion, that is number 2, that the amendment replaces 2, "that the president make this stand public and urge all students accordingly" be deleted, so your resolving portion would read: "Therefore resolves -

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(1) that all Black students force the institutions to close etcetera;

(2) that the date when a simultaneous boycott of all classes be in effect from 1st June when it is expected that all Turfloop students will be returning to university.

Right, then the second part of that Resolution you say must also fall away? --- Which one?

30

"That / ...

"That SASO as an organisation be bound by this Resolution.. (witness intervenes) --- That is correct, that is correct. I think that is as far as my memory serves me. I don't think that second part there was in it in its final form. You may know it, because I see a smile on your face.

Mr. Moodley, when you were asked to serve or assist the BPC ad hoc committee? --- Yes?

Was that by Mr. Nengwekhulu? --- It may have been so.

I took down a note during your evidence-in-chief that you went and told Accused No.1 about this? --- Yes, I think 10
at some stage I spoke to him about it.

Why? --- Essentially I think because when Mr. Nengwekhulu spoke to me about it, he spoke to me about sitting on the ad hoc committee, and I said to him: look, Harry, I don't think I'll be able to manage, and perhaps I can try to suggest someone else. And when I was speaking to Mr. Nengwekhulu I had in mind Mr. Cooper, and I said I'll speak to the gentleman and see if he is willing. I think when I did at some stage contact Mr. Cooper, I said to him: look, there is this ad hoc committee, perhaps you would like to stand on it, and he said: 20
well, he will see. And subsequently I think what did happen is we received an invitation as the Executive Committee of the Durban central branch inviting us to the Lenasia meeting.

I am sorry, there was one other point that I wanted to finish while we were busy on that last subject, there is a reference in the documents, or some of them to an Alice Declaration? --- This would be part of that Alice Declaration.

Is that the Resolution we have just dealt with? --- That is correct.

Is that in fact or in essence the Alice declaration? 30
--- That is correct. I think if you will look at my editorial
in / ...

in K.3.(a), the Alice Declaration of May 13th, this was a declaration in this form which to the Press was supposed to be a big mystery, because in essence most of it was withheld from the public by the Executive Committee. I think we took a decision as an Executive Committee that we couldn't in essence carry out something of this nature.

Yet you all voted for it at the formation school?

--- Well like I said I think at the time we were dealing with a particular attitude that was being expressed by students, and I think SASO as an organisation had a responsibility to those students, and we as an Executive Committee said okay we support what you say, we agree with some of your contentions about what had happened to the Turfloop students, but I think in our own minds we felt that this Resolution as it stood in its original form could not be carried out, and I think although I say this myself, as an Executive Committee we handled this situation fantastically. 10

You misled the Press once again and got rid of Mr. Sono at the next ..(witness intervenes) --- No, I think what we did was that we were quite clear amongst ourselves that we were not going to allow the Press to again make SASO the butt of status quo attacks. 20

And when Mr. Sono at the GSC made his next speech at which the Press was present, you promptly sacked him? --- Well, if we are to go into the entire history of Mr. Sono, one of the reasons that led to his expulsion was his whole handling of the publicity over this very Alice Declaration, and in fact that was when my own personal attitude to Mr. Sono began to change, because I felt Mr. Sono was not being responsible enough from that point onwards. 30

But in effect if this Resolution is taken as it stands, Mr.

Sono / ...

Sono only did what the Resolution demanded of him? --- No, the Resolution never demanded that of him. Unless you want to give it as you have typed it out ..(Mr. Attwell intervenes)

I say if we accept it as it stands? --- As it stands, as you have typed it maybe so, but as far as I know he was never given that kind of instruction.

Tell me, were there boycotts at the Sultan College in Durban, in the aftermath of the Tiro incident? --- I think - yes, there were.

And the University of Natal? --- Surprisingly Black section

I beg your pardon? --- The Black section of the University of Natal.

Yes, and Springfield College of Education? --- Yes.

Did you in fact deliver speeches at these three institutions during these boycotts? --- I think I was called upon to speak at the University of Natal, Black Section.

COURT: That is a different university, the Westville University is the Indian section? --- That is correct. And the Springfield College of Education, some of its students came to our offices at 86, Beatrice Street, and asked me to come and address them.

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MR. ATTWELL: I am instructed that you did deliver speeches on the 1st June 1972 at Sultan College, the 3rd June 1972 at the University of Natal, Black section, and the 5th June 1972 at Springfield College of Education? --- I think your informants are incorrect in that I did not address the full-time technical college students.

What was the theme of your speech at those addresses? --- I think in essence what one was attempting to do there was to get students to commit themselves, say for instance to an organisation like the South African Students' Organisation,

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to / ...

to be able to get students to look around their problems as students on their campuses, in order to get the necessary changes that they felt they needed.

There were boycotts on at those institutions at the time? --- At the M.L. Sultan Technical College the boycott began on the 1st June, and at the Springfield College of Education. In fact those two campuses came as quite a surprise, because we did not in fact have any - as far as we knew - SASO students on those campuses.

And I am instructed that the theme or the message which you conveyed to the students was that they had gone this far and that they should continue with their boycotts, and not back down now, would that in essence be correct? --- No, I think more precisely what I would have said was that if we are to take this kind of action, we must attempt to find out what is our purpose, and I think I was trying to convey to them that the purpose of something like this was in essence to get more changes in the university, and the higher institutions of learning for students. 10

Did you urge the students to see it through, now that they had gone this far and gone on boycott? --- I might have given them encouragement. 20

Another one of the newsletters you did refer to in your evidence-in-chief was EXHIBIT N, I don't know whether it is necessary to give you the document itself, I notice that one of the articles therein is a review of a certain publication done by Saths Cooper. Would you like to be referred to the actual review? --- Are you talking about the review on "Students Perspectives and South African .. or something to that effect? 30

Well, we had better refer to it then, it is EXHIBIT N,
page / ...

page 12, M'lord.

COURT: Before you deal with that, in this report of yours you say that "it is reported that on their return to the campus - it is in connection with the university of the North? --- Yes?

"Many insidious tricks were being used to keep a check on the students. There were authentic reports of pick-up microphones in the students' rooms"? --- Yes.

Now is that a fact? --- Well, when the students at the University of the North eventually returned to the campus, we got a report from the students on the campus that things are bad there, there were police patrolling the campus, and that two students had found "bugs" microphones in their rooms. 10

What did they do with the bugs, did they show it to anybody? --- I am not sure what they did with it themselves, I think they did take it to the authorities on the campus, but I am not sure what happened.

Well wouldn't they have shown it to the other students if they did in fact find something like that? --- Well I think most of the students knew about that. 20

Apart from hearsay, I mean, did they actually - you see you refer to it as an authentic report? --- Yes. Because it was substantiated by other students. It wasn't just one student telling us, it had become that the one student found it and then the other student found it and then they had discussed it and they spoke to other students about it.

Did they only find microphones, or did they also find the machines? --- No, they only found the pick-up microphones.

Well that would require elaborate wiring wouldn't it? --- No, I don't think so. 30

If there was a machine? --- No, apparently they have a device / ...

device, when you record, you have a microphone or a bug..(Court intervenes)

You mean a transmitter? --- Yes, a transmitter.

MR. ATTWELL: Now we are busy with Turfloop, for one last question there, was Tiro's speech ever roneoed by SASO and distributed? --- Yes, I think it was, it was.

COURT: Are you referring to EXHIBIT N you say?

MR. ATTWELL: I am turning now to General EXHIBIT N, M'lord, on page 12, the third paragraph refers to the reviewer of the particular publication as being Saths Cooper, secretary of TECON? --- That is correct. 10

COURT: These two students who found these transmitters, were they people of consequence? --- They were student leaders who were allowed back on the campus. I think they weren't SASO student leaders they belonged to other sub-committees - what would you call it - sub-committees of the SRC, I don't know whether it was a church group, Christian movement, or one of them.

And were the names of the students disclosed --- To the public? 20

Well, I mean even to you as the person who made the inquiries and who reported on it? --- No, names weren't disclosed to me.

MR. ATTWELL: Now it appears that Saths Cooper, Accused No.1 was the reviewer for the SASO newsletter of this particular date? --- That is correct.

Who asked Accused No.1 to do this review? --- I did.

Do you know when Mr. Nengwekhulu, Mr. Buthelezi and Mr. Mafuna left South Africa for Botswana? --- I think the first time I heard about it was when I read about it in the newspaper.30

And that would have been when? --- Well about the time they / ...

they went out, somewhere in late 1973, if I am not mistaken. I think it was late 1973.

Did you see anything specific at that particular time which would have prompted them to do this? --- No, I didn't see anything specific, I thought well these guys must be fed up with living under conditions of ban and house arrest, and they decided to go somewhere where they would be a bit more free.

When was Mr. Mangena arrested by the police? --- Mr. Mangena?

Yes, Mr. Mosebudi Mangena, national organiser of BPC? 10

--- I think around June or July 1973 if I am not mistaken.

COURT: Your restriction order, did it only restrict you from participating in meetings? --- No, I was restricted from having anything to do with SASO and BPC, I was restricted from entering a printing press, I was restricted from working in a factory, I was restricted to the Magisterial district of Durban, and I had to stay indoors between 6 in the evening and 6 the next morning. The only people who could visit me were my parents, and my parents-in-law, I could receive no other visitors. 20

MR. ATTWELL: During the day, could you go out and visit people? --- During the day I could visit people, but I was working most of the time so - PAUSE -

Do you agree with me, Mr. Moodley, that race relations, especially in South Africa, is a most delicate or sensitive issue? --- I think race relations in this country are at a point where it needs to be shaken up a bit.

I don't know whether that is an answer to the question whether you regard race relations in South Africa as being a sensitive or delicate issue? --- On a general basis, possibly. 30

Do you believe that there is a gulf that exists at the moment / ...

moment between the Blacks and the Whites in this country?

--- Well I have known of a gulf that exists between Black and White almost since my birth.

So you would say yes? --- So I would say yes.

And do you consider this to be a dangerous situation?

--- I would consider it a dangerous situation if it were allowed to fester in the way that this system is allowing it to fester.

Do you consider the gulf between the Blacks and the Whites to be a dangerous situation? --- I am saying it would be considered dangerous if it is allowed to fester by the status quo. 10

COURT: Well now what do you mean by gulf, there is a gulf between races? --- Well it is as is so often referred to as a polarisation.

Do you think there is polarity at the moment? --- Your Lordship I believe there has been polarity within the South African society for a very long time. It has always existed, polarity has existed either through tradition, or through legal injunction on the part of the South African Parliament. 20

Now, in what sense do you use polarity, political polarity or what? --- Well I assume we are talking about political polarity.

MR. ATTWELL: Mr. Moodley, there has been talk by various of the defence witnesses ..(Court intervenes)

COURT: Would you include in that the relation between the Whites and what you people call the Bantu for instance? --- What we call the Blacks.

No, no, the Bantu. --- The African.

Or the Non-White. --- The African. Are you referring specifically to the African group? 30

Not / ...

Not necessarily. All those that co-operate with the Whites? --- I think most Black people have come to a certain conclusion, that either through legality or through tradition the White community has made it clear that it does not want to have anything to do with the Blacks. And if we are referring now to the Non-Whites, I believe that the Non-White people, the Non-Whites who aspire for a place in White society and don't find it, do so more out of a fear for White people rather than out of a genuine regard or a genuine acceptance of White people. They do it more out of fear. It is because 10 they fear Whites that Non-Whites exists.

Well isn't polarity much stronger than that, doesn't it involve taking up a stand? --- Well I think essentially the South African society has taken a stand. First if we begin with the acceptance that the Constitution of South Africa has taken a stand to ignore all Non-White people, the Constitution only regards Whites in its format. If we take for example labour, African people are not regarded as labourers, and a variety of legal injunctions have shown Black people that: look, Whites don't want to have anything to do with you. 20

Well now I think what you are really saying is that the Whites have a policy and they stand by their policy? --- That is the stand they have taken in terms of polarity.

Now I want to know whether there is a counter-stand by the Blacks? --- I think for a long time ..(Court intervenes)

I may be wrong but prima facie I would say there is only polarity if you have two opposing stands, or don't you agree with that? --- I think for a long time Black people in this country have attempted in some form or fashion to seek acceptance, it has been something that if we look into the 30 history of politics in this country, we will find that for a

very / ...

very long time Black people have been always knocking at the door of White society asking for acceptance, and that the continual rebuff by the White government against Black people has resulted in Black people having to take a stand. We have been forced into a stand by tradition and by legality, we have been forced to decide that: look, White people don't want us, and therefore it is time for us to begin to internalise, we have got to look to ourselves for our salvation.

But on that reasoning, isn't it correct then to say that it is only now that the Black people are adopting a stand? --- Well simply because by tradition and by the law for so long they couldn't get anything ..(Court intervenes)

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No, look, I am not asking you about the causes of it, I am just trying to find out what would be the correct position about polarity, when one talks about polarity, polarisation? --- I think polarisation has existed for a long time, but we have all been blind to it, but what has opened the eyes of South Africa to polarisation has been the emergence of Black Consciousness. Black Consciousness has opened the eyes of South Africa to the fact that for almost 300 years this country has been living in a state of polarisation. All Black Consciousness has done is that it has established the lines clearly. You see for a long time White South Africa has lived in this euphoria that there is no polarisation. They were hiding behind the fact that Black people were continually begging, and therefore they felt well, there is no polarisation. But Black Consciousness has said: here is the line, we are drawing it now, we are making the line clear, we are indicating to you, we are indicating to ourselves, and we are indicating to the world where the

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lines / ...

lines are, so that all Black Consciousness has done is that it has established the lines of polarisation. It has not created the polarisation, but it has established the lines of that polarisation. It has shown it to all of us, because if Black Consciousness had not come, I don't think any of us would have seen that there is polarisation in this country, there always has been polarisation in this country.

Well I am not quite clear yet what polarisation actually means, what it all involves, but I follow what you are saying? --- Well I think perhaps in a sense the society has again become confused by the term polarisation, I think polarisation simply means some on this hand and some on the other hand, and looking at each other. I think in a large sense it has been blown out of proportion by the - again the status quo which seeks to make political capital out of a concept like polarisation for its own ends. 10

MR. ATTWELL: Steve Biko expressed himself in this way that he said seeing the thesis is a White racism there can only be one valid antithesis and that is solid Black unity to counter- 20 balance the scales? --- Yes.

Would you go along with that? --- Yes, I think that the essence of that statement is to be found in all matters of living, Hegel's statement is applicable in every facet of one's life.

COURT: Well if you say that is the position then it really means if you relate it to polarity then it means that Black Consciousness really creates polarity? --- No, no, I don't think so.

Well I mean if it is related to that, because it is the antithesis which is only developing now with Black Consciousness, 30
people / ...

people never advocated Black Consciousness up to now?

--- Yes, if you have a thesis and you don't have an antithesis, or an effective antithesis, it does not mean that the problem doesn't exist. The problem is there, all that is happening is that we cannot see it.

Now once you create the solution to the problem, immediately the problem becomes clear, we are able to see it. So that I am saying that if polarisation has always been the problem and there has been a thesis, then Black Consciousness by its emergence has clearly demarcated that polarisation 10 for all to see. But I don't think the emergence of Black Consciousness as an antithesis has created the polarisation.

Unless polarisation involves taking up a stand as the anti-pole or the counter-pole? --- Perhaps if people look at polarisation as taking a stand.

I think you will probably have to think about it, I would like to hear argument on it, what polarisation really means. Your argument is that if you have two opposing forces, well you have polarisation? --- No, I think my argument is that the emergence of the clear demarcation of the two opposing 20 forces shows up the truth of the already existent polarisation.

And you define it you say? --- Yes we define it.

MR. ATTWELL: Polarisation of course implies only two parties, is that correct? --- I think polarisation would imply separation, a moving apart, so that we can clearly see what is happening.

And in the end you have two? --- Perhaps so, you have two.

Now if you have an organisation working for total change and you confine your membership to a certain group and 30 specifically exclude the other group, and you preach a policy of / ...

of resistance to and no collaboration with the other side, what do you think you are leading up to? --- I think you are leading up to an organisation that is strong, an organisation that has a certain clarity, an organisation that has decided on a certain responsibility, and seeks to carry out that responsibility.

Mr. Moodley, do you believe that the whites have done any good for the Blacks? --- That is a rather generalised question. I think there are certain White values that exist in world society which are good. I have never thought to examine what each individual White person has been doing, so I cannot evaluate on that basis, but I can look generally at values in the world society, values in the White society, and I am sure there are some good values there.

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COURT: Has it given a new dimension to this Black life? --- It may have, yes, it has probably brought into our lives technology, it has accelerated technology.

MR. ATTWELL: Well maybe my question was rather general, but I got an answer that was general too, do you believe the South African Whites have done anything for the South African Blacks, now we can forget about world White values etcetera? --- South African Whites? 20

Yes? --- There are lots of South African Whites whom I think have done some good for South African Blacks.

Do you agree with Mr. Biko who in his article said: sure, there are a few good Whites but the exception doesn't make the rule? --- Perhaps that is true.

Have you recognised any good that the Whites may have done for the Blacks in any of your publications or documents? --- In my publications? 30

When I say you I am talking about your organisation's documents / ...

documents or publications? --- Where we have documented that Whites have done good ..(Mr. Attwell intervenes)

Something good? --- Well I think what we miss is the essence of organisations like SASO and BPC. They are not there to praise Whites.

I appreciate that, Mr. Moodley, I am merely asking you whether you recognise the fact that something good was done? --- No, so they wouldn't have wasted their time doing that, praising Whites.

I see. (LAUGHTER) I am not asking for anybody to praise 10 the Whites? --- Well I think when you talk about the good some Whites do, you in fact have to praise them I am sure.

My learned friend says I should refer you to the famous speech of Caesar where he said: I come to bury them not to praise them...LAUGHTER.. You see there is talk also by various witnesses for the defence that they consider the bargaining which your organisations refer to so much as being something which is already going on at the moment? --- Yes, I would even carry it further and say the moment I declared publicly that I am Black, I have begun my bargaining. 20

Is that the type of bargaining which you are talking about? --- I think essentially what one is bargaining for, and this is the unfortunate part of it, that we are bargaining for our dignity, and the moment I make a declaration I am bargaining for my dignity.

Tell me did BPC ever make any direct request or demand to any specific government department or system institution? --- BPC?

BPC? --- Not that I am aware of. I think BPC was still very young and she was busy trying to make herself felt within her 30 own community, but I am sure there would have been a stage when / ...

when she did. But let us accept the fact that by virtue of its declaration of existence, BPC has begun to bargain with the government.

But it talks about bargaining only from a position of strength, after you have a solid Black unity, so that you can present a united Black voice? --- If we take all these statements to their root, and if we ask why are they being said, you see like that very statement is a bargain. It is bargaining with the government, it is saying to the government: we are going to be strong and we are going to bargain with you. So the government immediately begins to think: ah, we have to do something about BPC. Now unfortunately what our government does it says: no, donner hom, send them to prison, ban them, house arrest them..LAUGHTER.. instead of beginning to look positively at a statement like that, they look at it negatively.

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Now in your documents ..(Court intervenes)

COURT: Well actually, if that is your attitude, then you don't expect to get far with your bargaining? --- No, I think we will, I think we will. I think there must come a time when all of us have to face reality, and when that happens then all of us will sit around and talk. We will be the first to talk, and I think the Nationalist Government will talk even before say the Progressive Government ..LAUGHTER.. I am convinced of that.

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MR. ATTWELL: The day of reckoning is nigh.

COURT: Well what have you against the Progressives, why do you think they won't talk? --- LAUGHTER - What do I have against the Progressives? I think maybe it is in a sense a little personal, but I think a lot of Progressives have got passports in their back pockets.

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Mr. / ...

MR. ATTWELL: Do you prefer Mr. Nkomo's approach, who smuggles off to L.M. without a passport? --- No, I think I would prefer Mr. Mulder's approach, and that is to stay here until the end.

I find references - or the impression I get from certain of the documents is that the attitude which you people put out is that every time the Black man has stood up and said anything, the White man has reacted violently? --- Yes.

Do you agree with me that that is a sentiment expressed by SASO? --- I think if you understand that when I stood up and I spoke on behalf of SASO, and let us put it BPC and TECON, that the government reacted violently to me by banning me and house-arresting me. 10

And His Lordship referred you to the one passage in the newsletter which you were editor of that Whites have been bulleting and batoning Blacks for 300 years? --- Mmmm

Now if that is the position with you people in your present state, disorganised state if we can refer to it as that, how do you think the government is going to react to a solid impatient demanding Black bloc that approaches it? --- I think the essence of that is that the very fact that the government knows we are disorganised leads them to act in that fashion. Once they know we are organised they wouldn't react in that fashion. 20

What I am trying to find out is what is there in this Black bloc that you people are attempting to create, or Black unity, that is going to make the government listen, if it hasn't listened for 300 years? -- I think the realisation, for example, once we have a united voice, and Black people decide we are not going to have anything to do with separate development. Now the government has already created an ideology / ... 30

ideology, and to get that ideology to work, it needs Black people, and if Black people refuse to work within those terms of reference, then the government has to rethink its entire attitude to Black aspirations. I think it is definitely attempting to channel the aspirations of Black people through the Bantustans and the other separate development institutions.

Another thing you did talk about yesterday ..(Court intervenes)

COURT: Excuse me, I don't know whether I followed that, how 10
do you mean the government will have to challenge the aspirations of the Black people? --- No, I am saying that the South African government is channelling the aspirations or attempting to channel the aspirations of Black people through the institutions of separate development, and what I am saying is that if Black people withhold their consent from participating in separate development as an ideology, then the South African government will have to reconsider its entire stand on separate development. Because for separate development to work, you need Black people who agree to work within those 20 terms of reference.

Now I don't know whether you have considered this, but assuming now the Transkei gets independence in October .. (witness intervenes) --- I think - I have been reading the papers recently so far as that is concerned, and it seems to me that it was originally decided that the Transkei would get its independence I think on the 26th October or 25th October, but subsequently they have removed the date, and it is no more the 25th October, I think it has been put forward to some unknown date. 30

I don't think it has been put forward, as I understand the position / ...

position it has been taken out of the Act, because if it is in the Act then it is difficult to change it, and there may be reasons why the parties are not ready on that date? --- Yes I think the essence of the removal of that date is not so much a few technicalities, but I think the South African government realises now that if we put a date we might just fail on the 25th, so let us hold back the date, so that I think in a sense the opposition to the separate development ideology by Black people is tending to create some second thoughts in the minds of the South African government.

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No, but assuming now the Transkei is given independence, now how is that going to affect your thinking as far as that part of the country is concerned? --- Well I think essentially Black Consciousness if we are to examine it, it has a certain existential approach about it, and I think BPC at this stage must obviously be looking into that particular area with great concern, and they may attempt to join in with the Transkeian government, one doesn't know, but my own opinion is that the BPC would still have to operate outside of that particular institution, in that ..(Court intervenes)

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Well I mean different considerations might apply, if you conscientise the Transkei sufficiently they may feel that they want to join with the rest of South Africa? --- That may be so. On the other hand I think BPC has a lot of work to do in the urban areas, and apparently the South African government has issued new regulations that professionals before they can work in the urban areas must take out their citizenship, and I think essentially what the government is attempting to do there is to ram down the idea of homeland citizenship into professionals, and I think the professional people are going

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to / ...

to get together and oppose that quite strongly.

...AWAY FROM MICROPHONE .. get them to move to the homelands or what? --- Yes, they are saying that if you don't take out your homeland citizenship then you can't work in the urban areas, and if you can't work in the urban areas it means you ..(Court intervenes)

Oh I see, so if they take out citizenship in the Transkei, then can they work ..(witness intervenes) --- Only then can you work in the urban areas.

MR. ATTWELL: If I may revert to the Black bloc we were talking about a moment ago, what will be the options of the government be, or the system be when you approach it with your united Black voice? --- Well that would depend on the extent to which both parties are going to talk to each other, the government might decide okay we'll scratch separate development, and we will think of something else. 10

You have just said separate development requires the Black's support for it to work? --- That is correct.

So if you people refuse your support, what options will the government have? --- It will have to reconsider other approaches, and obviously they will have to talk to the Black people to find out what those approaches are. I think the separate development ideology is entirely the baby of the South African government, no Blacks were consulted in so far as the Bantustans and the South African Indian Council and Coloured People's Council was concerned, Blacks were not consulted. 20

You have referred to these homelands etcetera as a realisation by the government or system of an accommodation of Black political aspirations? --- That is correct. 30

Do you think the government or system is bona fide in that / ...

that move? --- I think it is not bona fide, the separate development ideology is like a shirt that is marked up about 500% in a shop, it is ludicrous because there is no honesty in it.

No, I am asking you that because I gathered from your evidence and similar statements by other witnesses that that type of statement by you might be taken to imply that you people consider the government's actions to be a bona fide attempt to satisfy Black political aspirations? --- Well if you mean bona fide in the minds of those few people who thought around the idea, perhaps I won't deny that for them as individuals who sat around a table and worked out this master plan, for them it might be bona fide, but I think if you take into account the entire South African society it can't be bona fide. 10

Because in the same breath you people go on to say, and you did in your evidence-in-chief, that this is merely the divide and rule tactic? --- Yes.

So it can't be bona fide? --- Yes, in respect of our examination of it in relation with the South African society. 20

So it seemed to me that there was an inherent contradiction in your evidence?

COURT: On the face of it independence will only be given when it is asked for by the Transkei? --- Yes.

The Transkei has a Parliament, they have elections, and they have asked for it? --- Yes.

Now where does the dishonesty on the part of the South African government come in? --- Well my own opinion in that respect is that as far as the Transkei is concerned, I don't know that there has been a referendum taken by the people within that geographical area ..(Court intervenes) 30

Well / ...

Well obviously you don't choose a government by referendum, it is only Switzerland, it is the only democracy in the world where you have that sort of thing, they have Parliament, and have you any criticism against the Parliament they have in the Transkei as a representative body? --- I think the criticism against the Parliament in the Transkei is tied up in the entire criticism of separate development, and again I think ..(Court intervenes)

Well put it this way, have you any objection to the Parliamentary government in Botswana for instance? --- No, I think Botswana is entirely an independent state of its own, it has ..(Court intervenes) 10

Now what is the difference between the electoral system in Botswana and that of the Transkei? --- Well I am not very sure, but I think my argument does not begin with the electoral system, my argument begins from the fact that the people in the Transkei are entitled to be a part of the entire country, they shouldn't be hived off into a particular geographical section.

No, well that I follow, but if the Transkeians decide to ask for independence, now how can one fault that? --- Well, if we are to examine it did the Transkeians ask, or was this independence that came to the Transkei being engineered through men such as Matanzima. 20

But there was a Parliamentary decision on that..(witness intervenes) --- As far as I know the entire opposition is against it, a large percentage of Mr. Matanzima's own government has kept silent on it, and there has been no referendum taken by the people themselves. They have not given a mandate to their so-called representatives in the Transkeian Parliament to ask for independence. So it comes across quite clearly if 30
one / ...

one reads the report in the newspapers that Mr. Matanzima has taken it upon his own shoulders to ask for independence on behalf of I don't know how many million people who live in that area. He has taken that sole decision himself, I think perhaps in conjunction with his brother. (LAUGHTER) But as to whether the people in that country have decided to accept that, is another question. Now, I do not think that in our examination of something that is wrong, that we need to compare it with say Botswana, or we need to compare it with Switzerland, or with any other country anywhere else in the world for that matter. I think that what we as South Africans are doing here is that we are attempting to answer some of the problems that are not just part of the South African situation, but which may in fact be a part of the world problem, so that perhaps South Africa has the answer, and I think a lot of intelligent Black leaders have been saying this, that South Africa has the answer to a lot of world problems, and that we can show the way. If America is doing something in the wrong fashion, it does not therefore justify our following the example of the Americans. What we need to do is show by example that you Americans are doing things in the wrong fashion.

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Well I wasn't asking you these questions to find out whether the correct thing was being done, it was only to find out to what extent you can say a fraud was being committed? -- I think that when one looks at a fraud, I think one examines it as to whether it is right or whether it is wrong. If it is wrong and we can all see that it is wrong, and it is still being perpetrated, it must be a fraud, it can't be anything else but a fraud. If it is right and if there is enough basis for it to be right, and I say it is a fraud, then

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I / ...

I must be the fraud. But I don't think I am wrong when I say that that is wrong, I think I am right, and I think no one can disagree with the fact that we say it is wrong, and I think a lot of us know it but we are not prepared to face it, we are like ostriches who dig our heads into the sand, we can see it is wrong but we are hiding from the truth.

When you use words like fraud, fraud means that you know it is wrong and despite the fact that you know it is wrong you perpetrate it? --- This is why I say that I think we all know it is wrong, and it is still being perpetrated. I don't know if I am coming across clearly, but this is how I think we see it.

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No, I follow you on that.

MR. ATTWELL: Mr. Moodley, in the one article by Frank Talk he referred to fear as an important determinant in South African politics? --- Yes.

And you had the - I said two and you said three fears that you identified? --- Well I thought that the writer identified three fears, it is not that I identified it, I think I said that the writer identified three fears.

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Now one of those fears is the Whites' fear of the Blacks, is that correct, and what may happen to him? --- I wonder if we can just have a look at that article?

I am more interested in how SASO views it as such, rather than what Mr. Frank Talk's particular attitude about it is? --- Well I think since we are using this article as a basis, it might be a good idea to have it in front of us.

By all means. I indicated to you that it is a theme that I find in other SASO writings as well? --- Yes, I was trying to look for a particular statement that the writer makes about there being a tripartite system of fear. I think it

is / ...

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is in the final paragraph:

"The tripartite system of fear - I think tripartite means three parts - that of White fearing the Blacks, Blacks fearing Whites and the government fearing Blacks and wishing to allay the fear amongst Whites"

that would be three.

I see he draws a distinction between the Whites and the government there? --- Yes, but I think what we should understand is that he is talking about the system of fear, a system of fear that is being generated by the status quo. 10

Now you do believe that there are fears on the part of the White man? --- I think there are fears within the leadership of the White government, and those fears are being transplanted through such slogans as "Swart gevaar" into the general White population.

Is that another fraud on the part of the government?

--- I think it is a fraud yes.

Now the point I would like to know from you is what did you people do, and if I refer to you people I refer to SASO and your BPC, what did you people do to alleviate those fears, 20 if anything? --- In general terms those of us in SASO had a certain priority, and I think the priority was to allay the fears in the Black community. I think that SASO was saying to White people that look we are allaying the fears within the Black community, it would be the job of White people to allay the fears in the White community, I think specifically I myself spoke to people like Rick Turner and company, and other liberals, that your job is to allay the fear within the White community, if there is any such thing, any kind of fear. But one is doing essentially, one is attempting to dispel 30 non-existent fears, let me put it that way, one is not allaying / ...

allaying fear one is dispelling non-existent fear.

And you think you did that? ---I think we did that.

Would I be correct to say that you people attempted to instil in the Blacks an increasing or deepening national confidence, national pride, and national perceptiveness?

--- That is correct.

What did you people do to create an atmosphere which to all the proposed parties would be conducive to bargaining?

--- Could you put that question again?

What did you people do to create an atmosphere conducive to bargaining to all the proposed parties? --- PAUSE 10

COURT: You can tell us tomorrow? --- I will try and tell you tomorrow.

COURT ADJOURNS

/VMD.

COURT RESUMES ON 25th JUNE 1976STRINIVASA RAJOO MOODLEY, STILL UNDER AFFIRMATION:

CROSS-EXAMINATION BY MR. ATTWELL CONTINUED: Mr. Moodley, if I can touch on two general matters shortly, the first one was I took down from your evidence-in-chief that one of the reasons you advanced for standing down from an Executive post in 1972 General Students' Council, was the fact that you had an executive post in SABTU? --- That is correct.

Now isn't it so that you only were elected to that executive post in December 1972? --- Actually what had happened was I think somebody came up from Durban on the day that we were to hold elections at the GSC, and told me that I had been elected president of SABTU, and as a result of that plus the other reasons that I had given previously, I felt that I should not stand. I was urged to stand for the publications director post for a second term and I turned it down. 10

When were you elected as president of SABTU? --- At the SABTU conference.

And that was in which month? --- In the same month. 20

So SABTU was not only formed at the end of the year, of 1972? --- No, no.

In the middle of the year? --- In the middle of the year.

I would like to ask you one question about this one document which you handed in in your evidence-in-chief, General EXHIBIT LLL, if I can hand that to you, this you said was a document drawn up by the Executive to guide SASO local committees in their programme for the coming year? --- That is correct.

Now, I would firstly like to know from you whether at the time this was issued, January 1972, you had any SASO local committees / ... 30

committees on campuses which were not affiliated as a campus to SASO, where you didn't have a centre affiliation from a campus but merely a SASO local committee on that campus?

--- Yes, there were quite a few.

Quite a few of them? --- That is correct.

And this was intended to deal with those positions where the centre was not affiliated to SASO as such? --- No, if you see the first page, it says to SRC presidents, to branch chairmen, to local committee chairmen, and to the Executive, that is the National Executive. 10

Mr. Moodley, all I would like to know is whether you had a position where you had SASO local committees on campuses which campuses as campuses were not affiliated as centres to SASO? --- That is correct, we did.

And this particular programme which you people drew up was envisaged as covering that position as well, as positions where the whole centre was affiliated? --- No, this document was drawn up to give some kind of form to local organisations, that is if a campus was centrally affiliated, the SRC more often than not had as one of its sub-committee, a SASO branch, 20 and this document was to formalise the branch, the branch organisation so to speak, in that it was laying out how the local committee should work, how that didn't depend on whether the branch was centrally affiliated or not, it worked for both.

It worked for both? --- That is correct.

Well that is the point I would like to get. The other thing I would like you to have a look at is on page 6 of this document where you deal under the heading "F conference" you deal with the election of delegates to the General Students' Council? --- Yes. 30

And I would like you to just give me your comments on

the / ...

committees on campuses which were not affiliated as a campus to SASO, where you didn't have a centre affiliation from a campus but merely a SASO local committee on that campus?

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Mr. Moodley, all I would like to know is whether you had a position where you had SASO local committees on campuses which campuses as campuses were not affiliated as centres to SASO? --- That is correct, we did.

And this particular programme which you people drew up was envisaged as covering that position as well, as positions where the whole centre was affiliated? --- No, this document was drawn up to give some kind of form to local organisations, that is if a campus was centrally affiliated, the SRC more often than not had as one of its sub-committee, a SASO branch, and this document was to formalise the branch, the branch organisation so to speak, in that it was laying out how the local committee should work, how that didn't depend on whether the branch was centrally affiliated or not, it worked for both.

20

It worked for both? --- That is correct.

Well that is the point I would like to get. The other thing I would like you to have a look at is on page 6 of this document where you deal under the heading "F conference" you deal with the election of delegates to the General Students' Council? --- Yes.

30

And I would like you to just give me your comments on

the / ...

the last sentence of the first paragraph:

"The head office will release a tentative programme for the GSC and no centre can plead ignorance of what is in the offing"

--- That is correct.

Now what tentative programme does the Executive or head office draw up for its GSC? --- Well what we do is - what we did in our Executive, was to send out a programme in advance, setting out the actual agenda for the conference, together with a short paper covering the various commissions, 10 explaining the terms of reference to those commissions.

Was the subject matter or nature of any of the discussions mentioned in this particular programme which you people drew up and sent out? --- No, no, all it did was lay out headings, say we had a commission on culture, under cultural commission there would be a series of sub-headings dealing with theatre, music, poetry, drama, etcetera, etcetera. That would just give some terms of reference to the branches, giving them some idea around which to discuss the particular commissions at the campuses. 20

But surely one could have drawn up one of these programmes in the beginning of SASO's existence and it would have covered every GSC following thereon? --- No, I am sure from GSC to GSC terms of reference would have to shift emphasis, because if you are dealing with a particular emphasis at one GSC, at the next GSC you would shift your emphasis, and lay stress on those areas that needed mention.

I see. Mr. Hoodley, would you agree with me that it is SASO and BPC's purpose to bring about fundamental change in South Africa? --- I think it would be more correct to say that 30 SASO and BPC are working towards fundamental change.

But / ...

But you want to replace the western capitalist system as it exists here? --- In a sense that would be correct.

That existing wealth and property would have to be redistributed? -- I don't know if SASO really examined that aspect in depth.

Well confine yourself to BPC then in this particular answer? --- I think what BPC did do was to examine the present capitalist situation in this country, and point out its flaws and suggest alternatives.

Which alternatives included a redistribution of the existing wealth and property, a more equitable one in BPC's opinion? --- Perhaps so, yes. 10

That you considered the Whites to be a privileged class which class would have to lose some of these privileges that it had? --- I think as far as the White community was concerned I think what BPC did say was that the White community was endowed with more privileges than it ought to have.

And these privileges the Whites would be deprived of or should be deprived of? --- Perhaps so, although I didn't think BPC had any programme as to how they were going to do that. 20

Was the intent of BPC and SASO to apply pressure on the State and the Whites? --- SASO and BPC would have acted as pressure groups within the social system, yes.

And to achieve this, the intention was to build up a solid united Black voice or Black bloc? --- A united Black voice, correct.

I have no further questions.

MR. SOGGOT: No re-examination.

MR. ATTWELL ADDRESSES COURT: M'lord, I think the understanding at / ... 30

at this stage of the proceedings is that the Court will take the recess now, with Your Lordship's permission, I ask that this matter stand down, be adjourned until the 2nd August.

COURT: Mr. Soggot, you are not calling any further witnesses?

MR. SOGGOT: M'lord, we are not calling any further witnesses, we explained our position to the State, and at this stage in fact one might say one has reached hopefully the terminal chapter in the defence case.

COURT: Apart from Mr. Pitman of course and what he may want to do. Isn't he calling evidence? 10

MR. SOGGOT: That is so, M'lord.

COURT: He did not indicate that he was ready to start?

MR. SOGGOT: No, M'lord, in fact I am sure he is not, he has had other duties, and I have no doubt that he is not in a position to carry on, M'lord.

COURT: Well the present case stands adjourned until the 2nd August 1976.

COURT ADJOURNS

/VMD.

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