

socialism? --- Well as it applies (indistinct) also for one thing I do not know that much about Marxist political prescription in detail, but to the extent that I do know about them, I would not support the idea of a dictatorship of the proletariat.

Or that being a transitory phase to reach the eventual Marxist socialist society? --- ^{No,} a communist society

Yes, so do you understand the dictatorship of the proletariat as Marx had described it and as he tried to bring it into practise in the Paris commune? --- I am afraid I do not know very much about the Paris commune. (10)

I am trying to get your viewpoint on Marx and socialism and it seems to me - I do not want to take unnecessarily short-cuts, but I think that it comes down to this that more or less you were ad idem as to the eventual state of society but that you do not agree to the specific political prescription? --- That is correct, also (interrupted)

COURT: (Indistinct). --- That is correct.

More or less ad idem in, repeat your question?

PROSECUTOR: In the state of the eventual socialist society.

--- If I may add also with the means ^{there-} to (interrupted) (20)

COURT: Just one moment. Society and but not?

PROSECUTOR: But not the specific, with all the specific political prescriptions, that Marx prescribed to such, or that Marx or his followers prescribe to such a society. --- That is correct. If I may add something?

Yes. --- Also in the mean [?] to that society, I do not accept the idea of a party.

COURT: (Indistinct). --- I do not go along with a communist theory of a communist party.

PROSECUTOR: Of a party led a... In other words your viewpoint (30 is that it must be a mass movement and not a party movement to /establish...

establish such a socialist state? --- That is correct.

Then it would seem to me, and I would not try to hold myself up as an expert, that would more or less agree with the traditional Marxist philosophy but not to the Leninist philosophy?

--- Yes, well I do not want to get involved in an academic discussion but (interrupted)

COURT: I cannot hear you? --- I do not want to get involve in an academic discussion, but I think that these political concepts are also a...they are not simply Leninist concepts, they are also ^a Marxist political concept. (10)

PROSECUTOR: Any case I will leave that there. We are still dealing with 1978. In 1978 you also received a visit from Mr A and you said you cannot remember whether he gave you the letter, Exhibit J? --- I certainly cannot.

You cannot remember. By that I take it you mean to say you could have, but if I did I cannot remember? --- Well I think if I had read it I would have remembered. The only thing I can think of is that he gave it to me and I put it aside.

So it is not impossible that you did read it? --- I think I would remember if I had have read it. (20)

Well I must say that this comes as something new. I understood your examination in chief that you cannot remember this letter. --- Yes, that is what I have said.

That you cannot remember - that is how I understood it, that you cannot remember reading it or not. Receiving and reading it. --- What I am saying is that if I had have read it I would have remembered the whole (indistinct), as I do not recall (interrupted)

So what your evidence is then in effect that I cannot remember receiving it but I definitely did not read it? --- That (30) correct.

/That...

That seems to me to be a material qualification to your earlier evidence merely to the effect that you cannot remember this letter. Don't you think this is material a...aspect? --- It seems to me it is summed up by saying that I cannot remember.

In any case what we must deduce from this evidence then is that it would not stand out in your mind as something totally impossible of receiving a letter through a courier, Mr A? --- No, not at all. As I have (interrupted)

COURT: I cannot hear you? --- Not at all. As I have said (10 in my statement I did receive a magazine and a note in the magazine.

PROSECUTOR: And I must put it to you that also that it would not come to surprise to you, that it would not have surprised you in 1978 in receiving a letter from Jeanette Schoon. --- I would have been very surprised.

But then certainly that must stand out in your mind that you can definitely say Mr A never gave me a letter saying it came from Jeanette. --- Yes, I certainly do not recall him saying it came from Jeanette or I do not recall him giving it to me.

So once again it is possible that he did say it came (20 from Jeanette but this might have slipped your mind? --- I have really tried to recall and I cannot remember the actual remark or the incident.

And then later in 1978 you received the publication in R.A.P.E. --- Yes.

What was the gist of this message? --- Of the message in that publication?

Yes. --- I cannot remember the overall thing, but the gist was play it cool.

Play it cool, yes. --- That is what I just remember, it was very short. (30

/And...

And from that I take it you took it to be as a caution to play safe. --- Yes, because I had written to them and told them that the farm where I was living on had been raided by the police and I think this was in response.

However, the raid on the farm only revealed some dagga which was seized by the police? --- No, not at all.

Oh, I am sorry, my information might be wrong. --- No, definitely not.

But in any case that raid did not lead to your arrest or detention? --- No. No, it did not. (10)

This was a very signal warning to you that the police were keeping tabs on you? --- Yes, it was.

When was this? --- It must have been August 1978, or perhaps September 1978.

COURT: August or September? --- August or September.

PROSECUTOR: A signal warning from the police that the police were keeping (tabs) on you and on your political stance and your actions pursuant to that political stance in a very general sort of way? --- Yes.

And in fact this was, this warning was reiterated so to (20 speak by the message you received from Albert van Oostemees? --- Yes, that message was prior to the (interrupted)

COURT: Repeat the question again?

PROSECUTOR: Your worship I have asked him whether this message was reiterated by the message he received from Albert van Oostemees en he said no, the message, Albert van Oostemees incident happened before the raid on the farm. --- That is correct.

So your first warning then came from Albert van Oostemees? Telling you in so many words that you were suspected of A.N.C. activities. --- That is correct. (30

Now I have the understanding but not the clear no. You /should...

should correct me if I am wrong, that it was also in 1978 that you began to receive literature from Auret van Heerden? --- No, I only received literature from Auret van Heerden in 1980.

In 1980? --- Yes.

Oh, I see. --- I think June, May/June 1980 was the first time.

The R.A.P.E., that was issue No. 7 that you received from Auret van Heerden? --- Yes, but that came from Richer.

COURT: Repeat that one, what was that?

PROSECUTOR: The R.A.P.E. he received from Auret van Heerden (10 was issue No. 7. The witness said yes, but that came, originated from Richer.

COURT: Issue No. 7?

PROSECUTOR: Issue No. 7. This issue is also^a prohibited publication? --- Subsequently it has been, I am not sure exactly when, yes.

COURT: So only subsequent to your receiving it? --- I am not sure exactly when but I know it has been declared (voice drops - inaudible).

You do not know when it was declared prohibited or un- (20 desirable. When did you become aware that it was prohibited? (Indistinct). --- I am really not sure exactly when. If I may add, the Eastern Cape papers do not print Government Gazette bannings.

PROSECUTOR: Mr Richer so these warnings - I addressed the witness as Mr Richer, I am sorry, it was a slip of the tongue. Mr Berger in any case these warnings that you had I suppose was also confirmed in your own mind when Mr A had dealings with you whilst you were suspecting him of being a government agent? --- I did not suspect him of being a government agent at the (30 time, and the warnings, I did not consider myself to be involved

/in...

in A.N.C. activities at the time.

In any case you realised that the police were keeping tabs on you? --- That is correct.

But that did not (indistinct) you or deter you from in fact receiving into your possession and distributing banned material? --- Yes, in the (indistinct) of ^{the} discussion groups and a couple of other (voice drops - inaudible).

So did you think that all is fair in love and war and in discussion groups? --- To an extent I think I did because perhaps I a...and the tolerance as a university, the sort of (10 academic political tolerance influenced me.

Let us go to the discussion groups while we are on the subject. Now as I understand your evidence what your motivation for the initiating the two discussion groups of which you were convicted, was that you had a concern about the social, political and economic disposition of others, especially in Grahamstown? --- That is correct.

And this was also part of your general political progress into coming to the realisation that something drastic was needed to rectify our situation in South Africa and that a socialist (20 society is the answer? --- Yes.

So these are actually interwoven? The motivation for the discussion groups and your general political progress was interwoven? --- Yes.

And cannot really be separated? --- Yes.

And I suppose you still had in your mind too that the political progress you yourself underwent partly as an example of earlier discussion groups which you attended? You nod your head, is that yes? --- Sorry, I am waiting for you to finish. You said I had in mind? (30

Your own political progress partly due to discussion groups

/which...

which you had attended earlier on? --- I had it in mind when I initiated other ones.

Yes. Yes.

COURT: I cannot hear you? --- I had my own experience in mind when I initiated other groups, discussion groups.

PROSECUTOR: And you realised that others would similarly be politically progressed or developed? --- It is difficult for me to give you a straight answer there because in my general discussion groups I have become generally politically a...I (in- (10 distinct) generally, not as regards any particular organisation, and so (interrupted)

Yes, but your own general political progress which we have now in 1976 when you had this discussion group, attended a discussion group, of Lauren Vlotman, this was also on a very general basis towards a Marxist analysis of the classes in South African society? --- Yes.

And you also say that at this stage the -you were also motivated by the increasing topicality of the A.N.C. in South Africa? --- Yes.

COURT: At this stage also? (20

PROSECUTOR: Were aware of the increasing topicality of the A.N.C. in South Africa. These are your words, increasing topicality. In other words the A.N.C. was much more talked about? --- Yes.

And the A.N.C. was much more heard and also seen in South Africa? --- Yes.

There was an increase of A.N.C. activities in South Africa too? --- Yes.

And the A.N.C. was already at that stage in a state of war with the present government set-up in South Africa? --- Yes. (30

Realising these things Mr Berger must also brought the

/realisation...

realisation to your mind as a learned man that A.N.C. matters was also playing with fire, dealing with the A.N.C. matters, you might get your fingers burnt? --- If one actually got involved in work for the A.N.C., yes.

And in a position of war, the war situation of the A.N.C. versus the present government set-up in South Africa, the sympathy and the support of the local population plays a great part? --- Yes.

COURT: Repeat that again? Alright, one moment. Yes, carry on. (10)

PROSECUTOR: Sorry sir, I was thinking of the next question.

COURT: (Indistinct).

PROSECUTOR: And Mr Berger the awareness raising and politicising of the local population is an inherent too in every revolutionary organisation such as the A.N.C.? --- Yes.

And with all this then in mind you decided that you wanted to know more about the A.N.C.? --- Yes. As well as other organisations.

Yes. And from the evidence given by Mrs Charton and Professor Baird, I take it that you were on a very good foot (20 with both of them? --- Yes.

However, you did not approach any of them to enter into a discussion group, or to enter into a seminar or just a discussion over dinner about what they know about the A.N.C.? --- I did discuss it a little bit with them in my Honours course, but they did not seem to know that much either.

Did you suggest to them that this is perhaps of great importance to any serious political science student, that we have a better look at the A.N.C.? --- Well by the time I came to that position I was not under their - I was not in that context with (3 them anymore. I was a tutor in the Journalism Department and

/then...

then I became a lecturer there and so I just saw them in the context of predominantly with my Master's thesis.

Yes. --- We did not discuss (interrupted)

But you saw them predominantly in relation to your Master paper and also socially? --- Yes.

And you never suggested to them or to any other members of the department that we should have an in depth look in the A.N.C. or expressing the desire that for my own personal benefit I would like to know what is this war going on? --- No. (10

And you choose as your mates to venture into this searching exercise, fellow - well not fellow students, but students of Rhodes? --- Yes.

And if we could reach then the 1979 discussion groups. These consisted of, in the first instance we have Janet Shapiro. Who was Janet Shapiro? --- She was a friend of mine.

Yes? --- 31 years old who stayed in the same house (interrupted)

COURT: How old was she? --- 31. She stayed in the same house as me.

PROSECUTOR: What was her position in 1979? --- She was doing (20 a second or a third degree at Rhodes, I am not sure.

COURT: She stayed in the same house? --- Same house that I did.

She was doing a second or third degree? --- Yes, I am not sure which, whether it was her second or her third one.

PROSECUTOR: What degree would that have been? --- She was doing Sociology, a B.A.

Well the charge⁴ to which you pleaded guilty was that this meeting was held regularly in her office. --- Sorry? I did not plead guilty on that.

I am sorry, but you admitted to the allegation that you had a discussion group in her office? --- Yes. (30

/What...

What office was that? --- In the Sociology Department.

What office did she occupy in the Sociology Department? ---

She was also a tutorial assistant there.

I am sorry, yes, that is quite right. She was a tutor and she had an office in the Sociology Department and you met regularly at lunchtime once a week? --- Yes.

Can you remember what day of the week? --- No, I am afraid not.

COURT: You say you met regularly lunchtime once a week, is that the question? (10

PROSECUTOR: Yes sir, but he cannot remember which day. And the previous year, 1978, you were also involved in the discussion groups with Miss Shapiro? --- Yes.

That is the one at the Botanical Gardens? --- Yes, also over lunch once a week, in the Botanical Gardens.

The second member of this 1979 group was Chris Watters? --- You mean (indistinct) group?

Yes. --- Yes.

COURT: The second?

PROSECUTOR: The second group. The second 1979 group. (20

COURT: What about it? Included Chris Watters?

PROSECUTOR: Chris Watters, yes. Chris Watters at that stage being a fourth year Lib. student? --- In 1979, yes.

COURT: Was 1979? --- Yes, that is correct.

PROSECUTOR: In the Law faculty. He had no ties with the political science department in 1979? --- No, but his Major, his undergraduate degree had been politics.

Yes.

COURT: I cannot hear you (interrupted) --- His Major in his undergraduate degree had been politics. (30

PROSECUTOR: Yes, perhaps we can just identify Chris Watters

/to...

to the record, he did his B.A. prior to Llb. in 1976, 1977 and 1978, and his two majors were legal theory in the Law faculty and political science in the Political Science Department. --- Yes.

COURT: Political science?

PROSECUTOR: Science in that department.

COURT: But that is not a qualifying degree, is that the B.A. degree? --- Yes, that is correct.

PROSECUTOR: Watters also was part of the discussion group of 1978 referred to when you spoke about Miss Shapiro? --- Yes. (10

COURT: When did he pass the (interrupted)

PROSECUTOR: He was 1976, 1977 and 1978, he did B.A. So he made his B.A. in 1978.

COURT: Is that correct? --- Yes.

PROSECUTOR: And in 1979 he was fourth year Llb. --- Yes.

The pre-final year. The next name we have here is Zubeida Jaffer. --- The 1979 group, yes.

Yes.

COURT: 1970?

PROSECUTOR: 9. --- 1979 group. (20

The second group of 1979? --- Yes.

What was Zubeida Jaffer doing in 1979? --- She was also doing a second degree. She was doing journalism.

Also not a student in political science department in 1979? --- I think she did do political science at U.C.T. where she had come from.

COURT: And was she doing a second degree in 1979? --- Yes.

And your next question was that she?

PROSECUTOR: She had no ties with political science department. (30

COURT: When she was doing her second degree. --- No, not during her second degree, no.

/Prosecutor...

PROSECUTOR: But you think that her first degree at U.C.T. also included political science? --- Yes, I know it did, yes, it was her Major.

So it is not a matter of thinking, it is a matter of knowing? --- Yes, actually she did contemporary African politics and government, that was her Major, but it is in the politics department, (voice drops - inaudible).

COURT: Pardon? --- She did contemporary African politics and government at U.C.T.

Prior to coming to Rhodes? --- That is correct. (10)

So she did attend at U.C.T. and not at Rhodes, and that was contemporary African politics? --- Yes, and government.

PROSECUTOR: The fourth and last member was Mike Kenyon? --- Yes.

He then being a second year student B.Sc. in pure and applied mathematics? --- (No reply audible).

Now I do not want to go into full details of the discussion group, I think that is common cause Mr Berger, just that you started with the book Time Longer than Rope? --- Yes.

Which book you have read? --- Yes.

COURT: You started on? (20)

PROSECUTOR: With the book Time Longer than Rope.

COURT: Time?

PROSECUTOR: Longer than Rope, and as I have formulated in the further particulars, as a basis for discussions on the history of resistance groups in South Africa? --- Yes, and a basis for education.

Education of who? --- For us in the group about this.

Well you have read Time Longer than Rope at that stage? --- No, I think you misunderstand me. I have had a copy of Time Longer than Rope and I had looked at a few sections, but I had (30 not read it and that was one of my motivations in the discussion /group...

group to actually read it systematically.

So you have read parts of Time Longer than Rope? --- Yes, I had read - I browsed through it and read a chapter or two.

Hm? --- Browsed through it and had read a chapter or two.

I just thought you told his worship that you did read Time Longer than Rope before this occasion? --- No, you said to me, you used Time Longer than Rope at the group and then you said and you have read it, and I said yes, meaning that this means at the group.

I will accept that. By the way you said that this was the second 1979 group, there was also a first group in 1979? --- Yes. (10

Consisting merely of yourself, Janet Shapiro and Watters?

--- Yes.

My Learned Junior just referred me to a note in Dr Charton's evidence where she said that, she testified that the A.N.C. was looked at in your Honours course, in your third year's course, I am not quite sure, on the South African history, that one of the standard histories was Carter and the other was Roux, Time Longer than Rope. Do you recall her giving that evidence? --- Yes, I recall her giving that evidence. (20

COURT: What are the two?

PROSECUTOR: Carter which was one and the other was Roux (interrupted)

COURT: (indistinct)...two books (indistinct).

PROSECUTOR: Yes.

COURT: Yes, Carter?

PROSECUTOR: Carter was the first one. I do not know the name of the book, and the second book was Roux, Time Longer than Rope.

COURT: I cannot hear, Time Longer?

PROSECUTOR: Time Longer than Rope. Is that so? --- Was (30 that part of the course?

/Yes...

Yes. --- I am not sure, I did not...

You were a very good student apparently Mr Berger and if this was one of your standard histories in doing the A.N.C. which you were very much interested in, in your either third year or Honours, surely you should remember this? --- In my third year, which was 1977, and I was not that interested, and we had one seminar as I said in my evidence in chief, we had one seminar only on the A.N.C., which I did not present the paper and I did not read it at that stage. In my Honours year I did do a paper on South African Resistance. I do not remember (10 if I actually used Time Longer than Rope then, but Mrs Charton did not actually supply bibliographies (indistinct).

And what I was trying to say Mr Berger is that the first group in 1979, that meetings the first group held during the same period of time when the second group held its meetings? The one group on one lunchtime and the other group on another day in the same week? --- No, the first group only met I think about three times in the first half of the year. I do not think Watters was present then, every occasion.

COURT: You say the first group only met three times? --- Yes. (20

That is you, Janet Shapiro and Watters? --- And Watters.

You are not sure if Watters was present on each occasion?

--- Well I know for certain that Watters never actually participated in the discussion groups. He came along but he did not do the reading and eventually he faded out.

PROSECUTOR: Ja, but in any case this is a quite different group, the first group. --- Yes.

And you read (indistinct) Capital by Karl Marx? --- Well we tried to read it, yes.

Tried to. Well... (30

COURT: That was the group you have just referred to? --- It /is...

is where we had three meetings.

PROSECUTOR: Yes, so that is the group that does not figure in the conviction. And this was in 1979 whilst in 1978 you did a paper under Professor Baird on the first volume of Capital? --- Yes. If I may add, one of my motivations for (interrupted)

COURT: You did a paper on?

PROSECUTOR: Capital, on the first volume of Capital. --- One of my motivations for trying to continue to understand the book was because I was sick with jaundice during a large part of the (10 Honours course and (indistinct)...was very very difficult work and it merits a lot of (interrupted)

Yes, I do not propose to canvass that group, it does not figure at this stage of the trial. And I am also not going to canvass the rest of the discussion groups, as I say I think that is common cause. Now the 1980 discussion group, you referred to that as being a seminar? --- Yes, they were in the seminar format.

Now seminars, and this was a prelude to the resistance conference held by NUSAS in Pietermaritzburg, was it not? --- (20 Yes.

During the June/July holiday. --- Yes.

Now seminars run by NUSAS is a regular feature on the calendar of Rhodes students? --- Yes.

Were you in 1979 in any way actually involved with NUSAS? --- Yes.

In what way? --- I was on the local committee, on NUSAS local society, and Chris Watters was chair.

COURT: That was 1979? --- 1979, and I (interrupted)

Repeat on what committee? --- On the NUSAS local committee. (30

At Rhodes? --- Yes, its actual title is NUSAS Project

/Society...

Society.

You say Watters was in the chair? --- Yes, and I, with him, helped to organise several functions on campus.

PROSECUTOR: Did you involve the other members of the committee, of NUSAS committee, in this seminar? --- Which seminar?

On the seminar, the resistance seminar as prelude to the resistance conference. --- Yes, that is in 1980 now, yes.

Who were the other members on NUSAS central committee then, or what - local committee, sorry. --- The Project Society is the actual title. (10

Yes, the Project Society, who were the other members? --- Allison Hill.

Yes? --- Mike Kenyon.

Yes?

COURT: Are they the ones that (indistinct)...this seminar prior to this conference? --- Yes.

Who was it? --- Allison Hill. She was chair of NUSAS.

Yes? --- Mike Kenyon, Jannie Roux.

Jannie? --- Jannie Roux.

Jannie Roux? --- Yes. I am just trying to remember who (20 else was there.

PROSECUTOR: On the Project Committee? You are now thinking of names on the Project Committee? --- Yes. Louise Flanagan.

COURT: Thinking of what committee?

PROSECUTOR: The Projects Committee.

COURT: (Indistinct)...of the Project Committee? --- Yes, they were members of the Project Committee, or Project Society, and these are amongst people who attended the seminar.

PROSECUTOR: Was this an official NUSAS seminar, run by NUSAS committee or sponsored by yourself, and initiated by yourself? --- It was initiated by myself, it was not an official (30

/NUSAS...

NUSAS.

COURT: Not? --- Not an official NUSAS.

PROSECUTOR: Why not? It seems to me that this has a very - should have a very official ring about it? --- Well it was informal, that is what I mean. We did not put posters up, I knew the people who were planning to come to the (indistinct) so it placed them on an informal basis.

Why did you not put up posters or go through the usual channels when holding a seminar? --- Well (interrupted)

Well I just want to suggest it to you, without beating (10 around the bush, that the idea was secrecy. That you knew that you were going to discuss matters, that ^{you} were going to hand out literature that is illegal. --- I am not sure if at the time I actually thought that I would use illegal literature, but at the same time I agree with you part of my motivation was I did not want to go and shout out to the world that we were (interrupted)

Yes. --- (Speaking simultaneously - inaudible)...seminar group.

Far from shouting out to the world you were going to keep (20 it a secret. --- A secret but not underground.

Secret to the same extent that ^{the} 1979 discussion groups was also secret. --- Well secret just in a sense that I did not go round telling everybody I am involved in this and...

And in fact telling the other members of the group that it would be better if our - the existence of this group would not be publicised on campus? --- I do not recall actually doing that because that time (indistinct).

Well that is my information. Would you agree with that? --- No, I would disagree. I think there was a general atti- (30 tude of having a low profile, but there was not an instruction /that...

that every person tighten their lips and sneak out of their houses and that kind of (indistinct).

So it went without saying on both these groups that we do not publicise the fact that we are having this discussion group and what topics we are discussing. That this should not be a matter for common knowledge on campus? --- Yes, it went without saying.

Now apropos the reading material of the discussion group in 1980, it seems to me that the discussion group had its origin in a reading kit that you prepared and which you suggested to other people they should read and it would be better if we read it in a group situation? --- Well the purpose of the set of reading was (indistinct) for the seminar.

I do not know if you coined this phrase, but I sort of like it, a reading kit. Was this not the very basis of the, very starting point of the discussion groups, that there was a reading kit, that people should prepare themselves to go to the resistance conference? --- Yes.

And you, all by yourself, compiled this reading kit? --- Well I had been collecting items for a while because I was interested in the history of it. As I said I had some of my own items and other ones - I know the Rhodes library fairly well, so I went and got from the Rhodes library. (20

Yes, and (interrupted)

COURT: Sorry, I missed that now? --- Other items I got out of the Rhodes library, various (interrupted)

You had been preparing yourself you say? --- Well not preparing myself, but I had been collecting literature in the hope of reading it.

Sorry (indistinct). --- I had been collecting and storing (30 and hoping to get down to them in a systematic (interrupted)

/And...

And others you say you got out the library? --- Yes.

PROSECUTOR: Restricted library? --- No, on the open shelves most of them.

And some of the, you say you collected matters material and this included prohibited literature such as A.N.C. Speaks? --- Actually almost all the prohibited A.N.C. and related political organisations literature I have was a...from Auret van Heerden which I had received in about May.

Yes, well just confine yourself to my question. You also had the A.N.C. Speaks? --- Yes. (10)

And parts of A.N.C. Speaks also formed part of your reading kit? --- Yes.

And this was photostated or Xeroxed by? --- I was quite busy and I spoke to Mike Kenyon who was going to be involved in the discussion group - seminar, and I asked him if he could Xerox that for me, make copies. There were three extracts I chose from the book.

And the last aspect of that discussion group Mr Berger is the New Year's message of Oliver Tambo? --- Yes.

Where did you obtain this? --- Also from Auret van Heerden. It was delivered to me by John Gultig. (20)

When was this, you received it? --- March or June 1980.

COURT: You say it was delivered to you by Auret van Heerden? --- It was given to me by Auret van Heerden but delivered through another person.

PROSECUTOR: Who? --- John Gultig.

John? --- Gultig.

Gultig.

COURT: Gultig? --- Gultig.

PROSECUTOR: G-u-l-t-i-g. --- G-u-l-t-i-g. (30)

COURT: C-u-l-t? --- G-u-l.

G-u-l-t? --- I-g.

I-g, Gultig.

PROSECUTOR: And you listened to this? --- Beg your pardon?
Yes, I have listened to it once.

Starts shouting and singing in a Black language? --- Some singing, I cannot remember shouting.

Drums beating, machine guns rattling? --- I do not remember that.

And then Oliver Tambo is introduced, and then he starts his speech. (10

COURT: Then he what, I am sorry?

PROSECUTOR: Oliver Tambo is introduced.

COURT: Then he starts speaking?

PROSECUTOR: Yes. --- As I recall it he introduced himself.

Oh, he introduced himself. --- As I recall it, but I cannot (interrupted)

Well in any case the tape made it clear that this was Oliver Tambo speaking? --- Yes.

And Oliver Tambo, to your knowledge, being the president of the A.N.C.? (20

COURT: Presently? The president?

PROSECUTOR: The president. --- I knew he was a leader, I did not know what is his actual position.

And that speech is on a C.60 tape cassette. --- I am afraid I do not know how long the cassette is.

Well the ordinary cassette which plays for an hour. --- An ordinary cassette. I do not know the length, I am sorry.

The point of it, it is quite a lengthy speech? --- I am really not sure, I would say about 15 minutes.

COURT: Pardon? --- About 15 minutes. (30

PROSECUTOR: We go groping around in air Mr Berger, what

/happened...

happened to this tape? --- Well I could not attend the last resistance seminar.

Yes? --- And so I asked Janet Shapiro to take it along for the (interrupted)

COURT: Asked who? --- Janet Shapiro, to take it along.

PROSECUTOR: And? --- To the seminar, and then I was told, I cannot remember who exactly told me, but they had not actually listened to it at the seminar, but they decided to take it individually and listen to it.

And so I take it that you did not see this tape again? --- (10
No, I did not.

Now this tape, the message it contained was on both sides of the tape? --- I really cannot remember, I am sorry.

Mr Berger you listened to this tape. You gave it to the resistance conference to - or seminar, to listen to it. --- Yes.

Surely you must remember whether when you played it, if it was on one side or not? Whether you tried the other side, if it was blank or not? --- No doubt I did, but I cannot remember if it ended before the first side ended.

I want to put it to you Mr Berger that it was indeed on (20 both sides and that it was quite a lengthy speech, far in excess of 15 minutes. --- I do not think so.

COURT: You do not think so? --- I do not think so, no.

PROSECUTOR: You played it once and also I think you have admitted to the fact that you played or attempted to play it to Chris Watters in a motor car? --- Yes.

And you did play it in the motor car? --- Yes, but his tape recorder was broken and we could not hear it.

The volume was not the required standard. --- Yes, one could not actually hear what it was about. (30

You had also given it to Jeanne Chunnutt to play? --- Yes.

/And...

And you supplied her with - you said she should listen to this with earphones on? --- Yes.

COURT: I am sorry?

PROSECUTOR: She should listen to this through earphones.

COURT: That is who?

PROSECUTOR: Miss Chunnutt. --- Yes.

Also for the sake of secrecy? --- Well also because she and I were - I had the tape and I wanted her - it was because of secrecy, but also because I was reading and then she was going to listen, and I was doing other things, then I listened to it (10 after her.

And on another occasion Janet Shapiro also listened to this with earphones on? --- It was all on the same evening, Janet Shapiro and then Jeanne Chunnutt and then myself.

You also listened to it with earphones? --- Yes.

Now please Mr Berger, was it on both sides of the tape or on one side of the tape? --- I am afraid I cannot give you a definite answer on that. I really cannot. I cannot say. I think if it was as short as I remember, the 15 minutes, then it would not have been on both sides. (20

And in any case this tape then I suppose contained the usual revolutionary rhetoric might be expected from a man in Oliver Tambo's position? --- Yes.

COURT: The usual?

PROSECUTOR: Revolutionary rhetoric. And proclaiming 1980 as the year of the charter? --- (No reply audible).

And the year (interrupted)

COURT: What do you say to that (interrupted) --- I cannot recall.

PROSECUTOR: I suppose you have heard of the expression the year of the charter? --- Yes. (30

/And...

And that 1980 was proclaimed to be the year of the charter by the A.N.C.? --- Yes, I read that in the papers.

COURT: You read that in? --- In the newspapers.

PROSECUTOR: And something which might have struck you as a student in political science, reference was also made of the A.N.C. solidarity with other resistance groups elsewhere in the world? Such as the Palestinian Front, (indistinct) Front? --- No, I do not remember that.

Well then what do you remember? --- What I was interested in was what A.N.C.'s attitude was towards participation in (1) Bantustan government and community councils, that sort of thing, so I was listening (interrupted)

COURT: I cannot hear you now again? --- I was interested in the A.N.C.'s position (indistinct) participation in State institutions such as Bantustan government.

Such as? --- Bantustan government and community councils.

PROSECUTOR: And the result? What did you learn? --- It seemed (interrupted).

COURT: Bantustan and? --- And community councils.

Community councils. --- This was also related to my in- (2) terest in the question of participation which was a burning issue at Rhodes.

PROSECUTOR: Yes, I think you have described that to us. And what was the result? What did you learn? --- Well I thought it was - A.N.C. was symptomatically ambiguous. It did not come out either for or against.

In other words what they were saying is that participate if you can use these institutions in promoting our race. If you cannot, then do not collaborate with the White racist regime? --- No, I... (30)

Those sort of words would have been used? --- Yes, those

/sort...

sort of words were used, but I do not think...I do not think that was actually what they said.

Mr Berger you want the Court to believe that you were a serious student in political study. That you listened to this tape not merely for the sake of listening to something prohibited but to study and to gain knowledge of the A.N.C.'s standpoint on the whole issue of collaboration and you gave it to your seminar group in your abs...to be played in your absence so that they too in turn can learn about this stance and you do not remember what the A.N.C. stance was? What you were actually (10 going to listen to this tape for? You cannot remember that?
 --- No, I have been telling you that I found that the A.N.C. was symptomatically ambiguous and then you provided a - suggested to what they had said, and I said no, that was not what they said.

Then what did they say? In what way were they ambiguous?

--- Well they are ambiguous and that they did not actually say use any structures or do not use any structures, but they referred, as far as I remember, in the abstract to collaboration, they used that term and negotiation. (20

But you cannot say in what context collaboration or negotiation? --- They criticised collaboration but they did not say what collaboration involved. They did not say if they regarded Chief Buthelezi as a collaborator or whatever.

COURT ADJOURNS.

COURT RESUMES.

COURT: You are still under oath Mr Berger. --- Yes.

PROSECUTOR: We were still busy on the tape of Oliver Tambo Mr Berger and I do not intend to waste more time on that. We already established that this contained usual revolutionary rhetoric. --- Yes. (30

And the point that I just wish to make, that this was not

/a...

a message, a New Year's message of goodwill to all people and
 ?
 proplanning peace in South Africa? --- No.

No. In fact it was very much furthering the interests of
the A.N.C. and inciting thereto. --- Well it depends on the
 context in which one would listen to it.

But that to a person whose ear might be tuned to that sort
 of thing it might be - well it would be propaganda and in-
flammatory and inciting? --- Yes, to a person who was disposed
in that direction, yes.

Now we were also busy with the seminar in 1980 before the (10
 resistance conference. Could we just have the parties to that
 seminar. Where was the first meeting held? --- Beg your pardon,
 where was it held?

Yes, where? --- At Alison Hill's house.

Who is Alison Hill, or what was she on that occasion? ---
 She was the chair of NUSAS at Rhodes.

And was she, I suppose she was a student, in what form? ---
 She was doing Bachelor of Journalism degree, second year.

That is Alison Hill? --- Yes.

COURT: Doing Bachelor in Journalism? --- Yes, she was a ⁽²⁰
second year student, journalism and sociology.

PROSECUTOR: And Roland White? --- He was a first year student.

COURT: Who is that?

PROSECUTOR: Roland White.

COURT: Was he also there? --- Yes.

PROSECUTOR: I am readin sir from page (interrupted)

COURT: He was, you say, a first year (interrupted) --- He is a
 first year student, yes.

In the same...?

PROSECUTOR: Also in journalism? (30

COURT: Also in journalism? --- I am not sure if he was taking
 /Bachelor...

Bachelor of Journalism, but journalism was one of his subjects, but he may have been doing a B.A., I am not sure.

PROSECUTOR: I may say sir I am reading from page 19 of the further particulars. And then you also mentioned the name of Miss Flanagan? --- Yes.

(Indistinct) Flanagan. What was she doing? --- She was also a first year student.

COURT: What is her name again, sorry?

PROSECUTOR: Flanagan, Miss L. Flanagan.

COURT: Also a first year? --- Yes. (10

PROSECUTOR: What department, do you remember? --- I think she was taking a B.A. Amongst her subjects was also journalism.

And Jeanne Chunnutt, your girlfriend? --- She was doing a librarianship diploma.

And Janet Shapiro in 1980? --- She was doing Honours in sociology.

And she was also a tutor? --- Yes, again in 1980.

COURT: She was doing what? --- Honours in sociology.

And also a tutor you say? --- And also a tutor.

PROSECUTOR: Jannie Roux? --- He was doing a third year B.A. (20

And Mike Kenyon and Chris Watters we have already introduced to the record. --- Yes.

And the other person besides yourself was accused No. 2? --- Yes.

Who was then a first year journalism student? --- He was actually a social science student, but one of the courses was journalism.

Yes.

COURT: Social science? --- Yes.

PROSECUTOR: And did you yourself actually attend at the (30
resistance conference in Pietermaritzburg? --- Yes.

/And...

G. Berger.

And all the other members of the seminar? --- Yes, except for Jannie Roux and Jean Chunnutt and Janet Shapiro.

And Watters? --- Not Watters, a... (interrupted)

COURT: Who did not attend? Jannie Roux? --- Jannie Roux, Janet Shapiro and Jean Chunnutt and neither did Watters, but I do not recall that Watters was present at the group.

PROSECUTOR: Well the particulars supplied was that Watters was present at the first (interrupted) --- At the first, yes. I remember now. He was present at the first group, not after that. (10

COURT: The first? --- The first seminar.

Seminar. --- Watters was there.

The conference seminar? --- Yes.

So he was present at the first but not at the subsequent?

--- That is correct, yes.

PROSECUTOR: Now when did you meet up with accused No. 2? --- I met him in 1979 in East London.

At Matazani? --- Yes.

COURT: At?

PROSECUTOR: Matazani, sir. That is a - well I suppose we will (20 hear more about it later on, that is a youth club run by the Institute for South African Race Relations in East London. --- Yes.

COURT: Run by the South African?

PROSECUTOR: Institute for Race Relations. And you invited him to the seminar? --- Yes.

As a matter of fact you invited all these people, or had them invited through a mediary? --- I am just trying to remember if - some of the other people in the group may have invited without me suggesting other people.

Can you remember such a name? --- I am not sure, I do not (30 think I invited or suggested Roland White and Louise Flanagan,

/I...

I do not think so either, but Roland White was Alison Hill's boyfriend and Louise Flanagan was Mike Kenyon's girlfriend and (interrupted)

COURT: You do not think you invited which two? ---- Roland White and Louise Flanagan

PROSECUTOR: And Roland White you say is the boyfriend of Miss Hill? ---- Yes, and Flanagan is the girlfriend of Mike Kenyon and that is how they became involved.

What was the reason for your not attending the last seminar? ---- I had to prepare a lecture, I think it was at quite short (10 notice, and so I had to work on the lecture and I was not able to attend then.

And so they had to go on without you? ---- Yes. If I may add something, in the beginning I had thought it would only take up one seminar, but it turned out that the material extended and there were still some articles left over, which we were going to read in the third seminar, (indistinct)...that were the contents, the subject matter for that third seminar.

Now whilst we are on the subject of accused No. 2, did he discuss or ask you about the Oliver Tambo tape? Any stage? (20) ---- I think the first he heard about it was at that discussion group where I was not present.

He at any stage ask you for it? ---- You see after that discussion group the various individuals decided to listen to it individually and I think he mentioned to me that he had taken it.

Did he ask you for it? ---- No, because it was - he got it from somebody else in the group.

Did you discuss it with him? ---- (Indistinct).

And at the resistance conference in Pietermaritzburg do you know if the accused No. 2 made a speech or delivered a paper

/there...

there? --- Yes.

On what subject? --- On the Black Consciousness Movement organisation.

Did you assist him in the preparation thereof? --- No, I suggested him as a speaker but I did not actually assist him.

And what was his conclusion about Black Consciousness?

COURT: He prepared a - what did you say, he prepared a paper?

--- Yes, I suggested to the organiser of the conference that he be asked to speak.

On? --- On the Black Consciousness Movement organisation, (10 but I did not give him any advice on the actual content.

PROSECUTOR: And what was his conclusion? --- He was very (interrupted)

What was the gist of his paper? --- He was very very non-committal, very vague, I think many people actually found his paper rather empty.

COURT: Rather? --- Empty.

PROSECUTOR: Well generally (interrupted)

COURT: You say vague and inconclusive? --- Yes.

PROSECUTOR: Generally positive or negative? --- As far as I (20 remember he would say one thing positive about Black Conscious organisations and then say, then qualify it and do that kind of thing.

Now you yourself I take it knew a lot of Black Consciousness and you had a very definite viewpoint on the issue? --- Sorry, can you repeat the first part?

You had a great deal of knowledge on Black Consciousness and you had an idea, very definite ideason the subject? --- Yes.

Critical of Black Consciousness? --- Well I did accept (30 the racial exclusivity, but I was critical because they ignored

/economic...

economic inequality, but I did accept the fact (interrupted)

In other words they did not base their philosophy so to speak on the Marxist class analysis? --- Well not necessarily Marxist, but any (interrupted)

Well not on a class analysis? --- Yes, but in a social democratic position even.

Why did you not rather deliver that paper at the conference? --- I was already going to give a talk, which I did give. I did not want to give two.

COURT: But you? --- I was already going to give a talk at the (10 conference.

PROSECUTOR: On what? --- On community organisations.

So far, so much for the conference. Just one further aspect on the giving and supplying of names to Pete Richer. I am sorry, no, before we get to that, I think the next logical step would be the East London group. Can you remember when you suggested it the first time, or discussed it to or with Mr Watters that the discussion group in East London should be held? --- Well he had been involved in the 1978 group, as I have said, and a... (20

And the 1979 group. --- Yes.

And then this happened at the end of 1979. --- Yes.

Beginning of 1980. Can you remember when this subject was first (indistinct). --- I do not remember, I think it was possibly early 1979.

Early 1979. You mentioned the idea? --- It is difficult for me to say now, I cannot really remember if I said or if he said that he had thought of forming a group and then I discussed it with him. (30

And this idea or the subject was taken up further on, later on in the year? --- Yes.

/You...

Collection Number: AD2021

SOUTH AFRICAN INSTITUTE OF RACE RELATIONS, Security trials 1958-1982

PUBLISHER:

Publisher:- Historical Papers, University of the Witwatersrand

Location:- Johannesburg

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