

MR SHUN CHETT

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

85

CASE NO: 18/75/254

DATE: 7TH MAY 1976

THE STATE

VS

S. COOPER AND OTHERS

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LUBBE RECORDINGS (PRETORIA)

COURT RESUMES:AUBREY MOKOAPE, STILL UNDER OATH:

EXAMINATION BY MR. SOGGOT CONTINUED: Doctor, before we depart from SASO, I understand that you were involved in the bilateral meetings which were a sequence to the 1970 Executive Resolutions in Port Elizabeth? --- That is correct, I was involved in some of them.

Can you just tell us very briefly which discussions you were involved in? --- Well I was involved in the meeting with ASECA which was held in Johannesburg some time in 1971, I went there with a SASO delegation. I was involved also in a discussion with the IDANASA people during the same period, in fact it was a round journey during which we saw these various organisations in Johannesburg. 10

You also went for an overseas trip at one stage? --- Yes I went on an overseas trip.

In what context? --- I went on a medical exchange programme, I went to Denmark to study at the university of Oru in Denmark. 20

COURT: How long were you there? --- I was there over the vacation, I was there for a period of about three, four months, over our vacations here.

Did you do medical work? --- Yes, well it was an exchange programme that we have with this University of Oru and every year two students from our university go over there.

MR. SOGGOT:

Now, Doctor, I think we can appropriately go over to BPC? --- That is correct.

Now, you were not a party to the Port Elizabeth 30

Executive / ...

Executive Resolutions, is that right? --- No, I was not.

But you participated in the bilateral meetings?

--- That is right.

And then, when did you next appear on the stage, would that be at the Donaldson Centre or before that?

--- Well, specifically when I next appear on the stage would be at the Donaldson Orlando Community Centre.

That is in December 1971? --- That is in December 1971. He

Now, at that stage we know there was a SASO delegation? --- That is correct. 10

To that meeting? --- That is correct.

Were you on that delegation? --- I was on that delegation.

Who else was on that delegation? --- Well Harry Nengwenkulu specifically was the SASO leader of the delegation, and he co-opted me onto this delegation. Other people who were on that delegation I think were Modiba, I think Shezi.

That is another Shezi isn't it? --- Mthuli ka Shezi, 20 before he passed away.

I thought it was a B. Shezi in the documents? --- They are not quite correct there, I think it is Mthuli ka Shezi. I do not know any other Shezi.

It says B. Shezi in BPC A.1 at page 82, but do you think that was Mthuli Shezi? --- It was, actually there was not any other Shezi.

Now what is of importance is would you tell us what you understood to be the mandate given to or instructions if any to your delegation as to what line if 30

any / ...

any should be taken? --- Well the mandate was really an open one, to say to that conference the significance of Black Consciousness which we thought was an absolutely important life philosophy, to indicate our stand against the policies of fragmentation which are being carried out in this country.

Had you been given any instructions relating to the debate which you heard Mr. Biko describe, namely, as to whether there should be a unified political organisation as opposed to an amorphous cultural organisation? --- Not 10 specifically, perhaps one can preface this by saying that after the Maritzburg conference at which Gatshal Buthelezi amongst others was present, there was this ferment generally that an organisation of some form is needed in the Black community. And some of us, although I had not seen the Minutes particularly of the Maritzburg conference, felt that this ferment was towards the formation of a political organisation in the Black community which could speak for Black people. And I spoke to people like Steve Biko about this, who was present at the Maritzburg 20 conference, and they tended to agree - I spoke to Mr. Ben Khoapa, who was also present at that conference, they tended to agree that the mood was for the formation of a political organisation.

By way of official instructions was there anything? --- By way of official instruction - well, I cannot remember if there was an official instruction, I spoke to Mr. Nengwenkulu and we were of the opinion that the people needed a political organisation.

Now, you have had a look at the SASO documentation, 30  
there / ...

there appears to be nothing there which gave the SASO delegation any official instructions? --- No, there appears to be nothing.

Is that according to memory? --- Yes, as far as I remember.

Now, Doctor, let us deal now with the Orlando meeting, you were part of the SASO delegation, now you appreciate Mr. Biko was not, so he gave evidence from outside of that delegation? --- Yes.

Can you perhaps give a brief reconstruction of what 10  
happened at this meeting from your experience as being internal to the SASO delegation? --- Yes. First of all this meeting was scheduled to begin on the 16th December, that is Dingaan's Day, and I think it was to last till the 18th December, three days I think, yes. The 16th December was set aside for a people's rally if you may call it that, which was to be held at the Jabulane amphi-theatre here in Soweto. I did not go to this particular function, but from Press reports I know that Dr. Willie Nkomo of Pretoria spoke here, and I think Mr. 20  
~~Drake Koka also spoke there, then the second event for~~  
the following day was the beginning of conference proper at Donaldson Orlando Community Centre. I personally arrived there only in the evening session because the morning session was for speeches and things like those, and the evening session I think was if I remember correctly was begun with the reading of the Minutes of the Maritzburg conference. When the Minutes were read, we felt that from the Minutes there was a strong indication for the formation of a political organisation, from those 30

Minutes / ...

Minutes of Pietermaritzburg.

I do not think those Minutes have ever been put in, is that right? --- I do not know if they have been put in.

I just want to get clarity on that please?

COURT: What is it?

MR. SOGGOT: I think it is LL M'lord, Edendale 1971 - I just want to clarify that he is not referring to another document - Doctor ... (complete fade-out of Mr. Soggot's voice)

COURT: Isn't that the August meeting? --- It is the August meeting that was held.

Are you not referring to the December one? --- No, M'lord, these Minutes of the August meeting were presented to the December conference.

Oh I see. --- And if I may turn here to the points listed on page 5 at the end: "(a) that violence was not the answer to our political struggle; demand for more land should be intensified; our attitude to the policy of separate development should be made clear; it is difficult to see how one can reject the policy and yet operate within its framework without confusing and misleading the masses, and look upon any of their leaders, they will tend to think that it is a good policy because their leader has accepted it in practice; the masses are normally not concerned with the ideological analysis and minute ..INAUDIBLE.. those working outside the system do not necessarily constitute an opposition to those working within the framework of the system, they may become a reprieve to those working within it. The purpose of Black

Consciousness and solidarity does not exclude but includes all Blacks, those within and outside the government structure of separate development. We cannot regard the system as an answer to our political future as long as it is based on ethnic grouping and the principle of dividing rule; the African political future lies in the Black solidarity and unity of purpose". We felt that out of these points which were the summary of discussions at Pietermaritzburg a very strong political theme had emerged, and that in actual fact although the people had not said so in so many words, what they wanted was a political organisation. 10

You say "we" felt, who is "we"? --- When I say we, I mean we the SASO people, the SASO delegation. And really what it did it confirmed some of our views which we had held even before this meeting, as a result of the ferment that was going on in the Black community at large after the Pietermaritzburg conference. So then was presented the draft document which had been made by the ad hoc committee of Maritzburg, purporting to come out of these Resolutions of Pietermaritzburg, and when these were read to us we felt that they had not interpreted the spirit of the people at Pietermaritzburg correctly, and that they had come out for a kind of organisation which the people did not really want. 20

MR. SOGGOT NOT RECORDED? --- Quite

May I show you a draft Constitution and would you tell us if you could identify it please? --- Yes, I can identify this document, it is a draft Constitution for the Central Bureau of African Development. This was the 30

document / ...

document that was presented by the ad hoc committee to the DOCC conference.

M'lord, may this go in as EXHIBIT CCC - PAUSE -  
COURT: Carry on.

MR. SOGGOT: Sorry, M'lord, it is my fault, I asked the witness to hold on. Doctor, CCC, there is some writing in the top right hand corner, do you know what that is about? --- No, I do not know anything about that writing.

Now, under the heading "rationale", can you tell us what the response was to that? --- The response to the rationale was that first of all it in itself still posed the question as to whether people want a political organisation or they want a cultural type organisation, because if we read there the second paragraph, they say:

"The choice, therefore, of the type of organisation to be established must be guided by the nature of this Resolution"

and here I think they are referring to Maritzburg -

"though we need a political type organisation that will embrace many more aspects than implied in this Resolution, or do we need a culturally orientated organisation that will confine itself to the specific recommendations in the above Resolution".

So we regarded this as a recognition of the fact that at Pietermaritzburg a strong political theme had come out in the discussions there.

All right, so what was the consequence in so far as your attitude was concerned? --- The consequence was that we said that if the ad hoc committee still seems to pose

this / ...



this type of question, then the ad hoc committee should not present us with an already formulated Constitution of this nature. What we should do is to ask ourselves as we are sitting at that conference, as to whether the people want a political organisation or if they want a cultural organisation.

Did you take that attitude at the conference?

--- We took that attitude and we raised it. We had a great deal of difficulty with the chairman there, Mr. Morane, who held the view that the Pietermaritzburg conference only wanted a cultural organisation, and he made it rather difficult for us to put our point of view across. He adopted some of the tactics that chairmen sometimes adopt at meetings, guillotining debate and so on, and so on, and this was very difficult for us indeed. So we decided that if he is going to persist in this fashion, then we will not associate ourselves with this kind of thing because we do not think that this is the popular will of the people.

Talk of popular will, did anyone else at that stage open their mouths? --- Well at that stage really what happened was there was a to and fro argument between the chair, the SASO delegates, and a few other people in the conference, it developed into a kind of dialogue really.

All right. Then what happened? --- So we presented the motion there to say that we are disassociating ourselves with this, - PAUSE -

I wonder if you could have a look at that just to confirm it, M'lord, if he may be shown BPC A.1.

COURT: Well what do you want to refer him to?

Mr. / ...

MR. SOGGOT: I want to refer him to page 82, the Motions. I do not think it will be 82 on your copy, but the penultimate page, Doctor? --- That is right, No.1, that is right.

Now was that put in by the SASO delegation? --- That was put in by us to say that we are dissociating ourselves with this Constitution, but that we will be prepared to deal with this organisation if and when it suits SASO.

And then what did you do after presenting this? --- I think what we did after this, we were persuaded I think to withdraw our motion, if I am not wrong. 10

COURT: Well according to the Minutes you withdrew from the conference and then eventually you came back and then you moved your motion, and eventually they agreed to discuss your motion and eventually decided on the ultimate Resolution No.2? --- That is correct as a summary, M'lord, but I do not know if the details are exactly like that, because I think we were persuaded to withdraw our motion, and conference adjourned for caucus.

MR. SOGGOT: But did you not walk out? --- Yes, I think we walked out - we did walk out, but at the same time that we walked out conference adjourned and they said: let us caucus, let us hear what these SASO people have to say and so on, and so we went into caucus ..(Court intervenes) 20

COURT: That is what Mr. Biko said happened.

MR. SOGGOT: And then, did you return to the plenary session? --- We returned to the plenary session.

And was there further debate? --- When we returned to the plenary session we presented a motion that conference should agree in principle that the people 3

needed / ...

needed a political organisation and wanted a political organisation.

Well that is a motion under Resolution No.2 on the same page? You were the mover? --- PAUSE - I think so, I think this is the Resolution that we moved.

Now just very briefly, prior to the actual vote, did people other than SASO argue in favour of this? --- Prior to the actual vote for this motion?

Yes? --- No, we did not move straight to the vote after this motion, at the reconvention of conference after the caucus and so on, we tabled our motion that conference must agree in principle as to whether it wants a political organisation, then Mr. Morane put a counter motion, that this conference stated in principle that it cannot form a political organisation. So what happened then was that we did not discuss our motion first as happens in these cases according to procedure you discuss the counter motion first. So we discussed Mr. Morane's motion as to whether we should not form and cannot form a political organisation, and that was discussed and it was debated at length by the House. By this time now everybody was speaking, the sort of acrimony that had been there earlier on had dissolved, and everybody was fully participating for quite some time and Mr. Morane's motion was put to the vote, and Mr. Morane's motion was defeated by 39 votes to 9. After Mr. Morane's motion was defeated, we then moved onto vote on the motion that we had tabled, and our motion was accepted as the votes show by practically everybody in that particular gathering. Let us see - 40 to 3, that is how our motion was accepted.

There / ...

There were three abstentions? --- Oh, three abstentions, sorry, 44 against zero, abstentions 3. And I think I remember two of the people who abstained, it was Mr. Morane who felt that he did not have a mandate from his organisation to vote for the formation of a political organisation, and there was a Mrs. Khumalo who was matron at Baragwanath, a person I know quite well who felt that her professional ethics disallow her from participating in political organisations.

COURT: If I then understand the position correctly, and if I interpret Mr. Morane's attitude correctly, this particular conference was convened to form a national organisation to co-ordinate the activities of all organisations working within the African world. Your motion was really to create a separate political organisation which was quite different from an organisation to co-ordinate the activities of all organisations working within the African world? --- That is correct, except that this was Mr. Morane's interpretation of what occurred at Pietermaritzburg, and it was not necessarily correct, in our view ..(Court intervenes)

Yes, but that may be so, ..(witness intervenes)

--- We ..(Court intervenes)

That is where the conflict occurred, he adopted the view that according to the agenda and according to the purpose of that particular conference, you could only form a national organisation to co-ordinate the activities of all the other organisations in the African world, cultural organisations and other organisations. The effect of your motion is to create a political organisation, an

independent / ...

independent organisation which in effect is not an organisation co-ordinating the activities of for instance cultural organisations? --- Yes, M'lord, that is correct to some extent, but the point is that we felt that Mr. Morane was misreading the original purpose of this conference, and I know that even in his ad hoc committee there were others who felt that we were interpreting it correctly, and there were others who felt that no, we were interpreting it incorrectly.

MR. SOGGOT: NOT IN MICROPHONE ..... argument was on the extent of your mandate, is that right? 10

COURT: The purpose of the meeting, if you convene a meeting and you have certain things on the agenda you cannot introduce a lot of other things, Morane says we did not have authority to come and form a political organisation.

MR. SOGGOT: Well, Mr. Morane himself, what was his attitude on the merits of this debate as to whether there should be the cultural as opposed to the unified political organisation? --- Well, Mr. Morane was wholeheartedly for a political organisation, and he participated quite fruitfully in fact in the conference subsequent to the moving of all these motions, and he became a very important member of BPC at the conference in July at Pietermaritzburg, Edendale, he is the man who read that very illuminating paper on Black communalism. 20

Who is Mr. Morane by the way? --- Mr. Morane is a gentleman who I think at the time was the editor of the newspaper The World.

Doctor, now I think we can move on from there to 30

- if / ...

- if I may just ask one question, is the phrase "a power bloc" which appears here in Resolution 2 -where does that phrase come from, from whom? --- Well I see the motion was moved by me, it must have come from me, I suppose so.

SASO? --- Yes.

And what was your understanding of the phrase power bloc at the time? --- Well, what I have been trying to convey to the Court, to establish an authoritative voice for Black people ..(Court intervenes) 10

COURT: A collective voice? -- A collective voice.

MR. SOGGOT: Thank you. Doctor, now what happened after that convention at the Donaldson centre? --- PAUSE

We know that there were a number of ad hoc meetings, did you attend any of them? --- Yes I attended some of the meetings of the ad hoc committee, I was elected onto the ad hoc committee at DOCC together with a number of other people. We had a meeting immediately after this conference at the DOCC.

Any other meetings apart from that that you attended? --- There was a meeting that was held in the early part of the year in Dube which I did not attend. Then there was the next meeting which was held - I think this was at Lenasia in Johannesburg, which I attended. 20

Thereafter? --- Thereafter there was the meeting that was held at the Alan Taylor residence which I also attended.

M'lord, may the witness be shown BPC A.2 - now who kept the Minutes at the Alan Taylor residence meeting? --- They were kept by me. 30

Now / ...

Now if you will look at that document, do you identify it? --- Yes I do.

And I think you are familiar with the document, what do you say as to the correctness of the Minutes?

--- I think the Minutes are quite correct.

One brief point, and that is what happened between 1 o'clock and 5.30? --- Between 1 o'clock and 5.30 there was not any meeting, the meeting had adjourned.

Where did you go to in that period? --- I went to the student protest meeting which was held in the city at the Vedic Hall, and I was the scribe of this meeting there was definitely no meeting between 1 o'clock and about 5 o'clock.

COURT: You went to a protest meeting or was it a protest?

--- Well it was at the time when there were some protests vis-à-vis the university matters on the campus of Durban Westville, and I think they had called this meeting as a public meeting to come and inform the public as to what their problems were on that campus. So I went to this meeting. There was another meeting which some other people attended, I do not remember, I think this was a SASO meeting.

MR. SOGGOT: Did you just go along as a - PAUSE --- Well I went to the meeting in the city, just to hear what the students had to say there.

Doctor, I am not going to ask you about ..(Court intervenes)

COURT: Is this one of the activities in which Mrs. Fatimah Meer was active? --- Yes I think she was, because if I remember well when the students at Durban Westville

had / ...

had some grievances, they consulted some parents, members of the community, etcetera, to assist them in putting forward their grievances to the authorities. And I think they elected student parent committee on which Mrs. Fatimah Meer also sat, and she was working on behalf and together with the students on this thing at Durban Westville.

MR. SOGGOT: And you just went along to listen? --- I just went along to listen.

AWAY FROM MICROPHONE --- No, I did not speak at that meeting. 10

And you returned to the Alan Taylor residence meeting. Thereafter did you attend any other ad hoc meetings? --- No, thereafter there was not any ad hoc meeting ..(Mr. Soggot intervenes)

Is the next event the meeting at Edendale? --- The next event is the meeting at Edendale.

May the witness be shown EXHIBIT BPC A.5, M'lord. Who drew up that document? --- This document was - wait, let me just think - well these are really three separate documents, but they were drawn up by myself and Saths Cooper in our capacity as conference organisers, which is the position we had been elected to by the ATR meeting. 20

Just for the sake of clarity where it says: "Black People's Convention - Dear Sir, the inaugural convention.." and so on, that was drawn up by you too, is that right? --- That is right.

And then what seems to be the agenda, was that drawn up by you two? --- That is correct, that was drawn up by us. 30

And / ...



And then short notes on Black People's Convention, who drew that up? --- That was written by me.

By you alone? --- That is right.

Now, Doctor, of interest, if you will have a look at the agenda, about a little bit below half-way down the page: "report of organisational commission, general planning and organisational commission with special reference as to political direction, intensive training and all that", you drew that up? --- That is correct.

Now what was the source of your inspiration for those particular topics? --- My source of inspiration was that we were in the process of forming a political organisation, and I thought that it is necessary when one forms a political organisation to draw some kind of guidelines around which - within which that organisation should operate, and I selected these things here because I felt these are some of the things that people at conference should focus upon. Of course there could have been many others, but I thought these were the important things that Black people in the process of forming a political organisation should focus upon.

Who was on that general planning commission? --- At the Edendale conference?

That is correct? --- I was on it, Mr. Morane was on it, so also was Mr. Biko.

Now I just want to tie this up with something which comes later, would you have a look at page 14 of the Minutes of EXHIBIT BPC B.1, that is the Minutes of the inaugural convention - actually page 13? --- That is correct.

You will see there "report of the general planning

and / ...

and organisation commission? --- That is correct.

And then phase 1, phase 2, etcetera? --- That is correct.

Can you just make a comparison of those phases with the agenda which I have just referred you to? --- I think it contains all the things that are contained in the agenda, except that BPC B.1 contains in addition at 7 "internal relations" which was not on the original agenda.

Who used the word phases? --- I used the word phases I think, I may be wrong on this, but when I reported to plenary session, I reported - I gave my report in the form of an illustration on the small blackboard that was there in the conference hall, and I wrote down the things that we had discussed, and I wrote (1) - I may have added phase etcetera, I think I could possibly have, but the - what the entire thing means there really is just a facet of the organisation. 10

Now, Doctor, if I may return you to A.3(a) the short notes on Black People's Convention - in the middle of the page it says "the DOCC conference"? --- Mmmm 20

You say:

"This gathering was attended by a beautiful row of people from all over the country"

Then you say:

"Delegates from Cripple Care organisations to Girl Guide movements, from student movements to worker unions" -

would you say that is a correct summary of the type of organisation that was there? --- Yes, yes, there were a lot / ... 30

lot of organisations ..(Court intervdenes)

COURT: Were these all African organisations? --- Correct, all African - I think there might have been 50 perhaps, perhaps a little more, perhaps a little less, involving various facets of African life.

MR. SOGGOT: And then you go on on the next page to say that there had previously been a political vacuum? --- That would be where?

Paragraph 1 on the next page? --- Correct.

And what did you refer to by that expression? 10

--- Well I was referring here to the fact that there was not any political organisation in the Black community, that those organisations that had represented Black people had been banned and there was no political organisation whatsoever. The only people who were operating on the Black scene vis-à-vis politics were the Bantustan leaders, whom we felt were not representing Black opinion but were misrepresenting Black opinion.

Now, Doctor, when you answer the next question I want you to bear in mind the suggestion that you people might have been plotting violence or had this at the back of your minds. Would you read the paragraph "let us make it clear" the penultimate paragraph on that same page? --- It reads here "let it" but I think it means "let us" 20

"let us make it clear that all has not and shall not be smooth, there are many enemies of Black people who are watching with hawklike eyes for an opportunity to pounce on us and snatch our precious new babe away from us. We have to hit them and at the same time take them in our stride. 3

What / ...

What were you thinking of when you wrote that?

--- Well I was thinking specifically of the Security Police, and I was also thinking of the fact that the system in this country tends to not welcome those organisations of Black people that represent a hi-fi view of Black opinion.

COURT: I did not get that, a what view? --- A genuine Black opinion.

MR. SOGGOT: Doctor, you have heard Mr. Biko's evidence about this convention, this meeting? --- That is correct. 10

Is there anything you want to add to or qualify as far as you remember his evidence? --- That is the Edendale conference?

That is right? --- PAUSE

Anything of importance which might stand out in your mind? --- Not really, well he says there were fewer than 200 people there at the conference, my view is that there were about 200. Well I was conference organiser here and I was registering the people who were coming in, I think there were about 200 plus people, if not on the same day at least throughout the period. 20

Can you give evidence as to whether Harry Singh was there and when? --- Well I cannot say really, but I did catch a glimpse of Harry Singh at that conference.

But you cannot give us details? --- I cannot.

Now, Doctor, would you tell us a little bit more about the general planning and organisation commission, in particular with relevance to that much referred to phrase "no confrontation shall be sought"? --- PAUSE

Will you tell us what the debate was in the 3

commission / ...

commission and in the plenary session? ---well, we said that in forming this kind of organisation with the principles in mind that I alluded to this morning of Black Consciousness, whereby we wish to liberate the whole human being, that we should not go in for strategies of confrontation in the nature of calling strikes, calling boycotts and things of that nature, because experience had shown that when Black organisations do this kind of thing, to register protest against laws etcetera, there is sometimes a serious backlash against Black people and testimony to that fact was our observation that in 1960 for instance to 1972 when we were sitting at this conference, there had been no Black organisation whatsoever, and that was the result of the backlash that had occurred after the banning of the past political movements. So we said that from that point of view then we shall refrain from strategies that can involve those methods.

Did violence figure in the debate? --- Well violence did not figure in the debate, perhaps one should try and trace this back right up to DOCC. Right through DOCC there was a body of thought in the formation of this organisation, we are an above board organisation, we operate openly, we say what we want, we find when we accept the legal limitations imposed upon us by the law and we do not think there is anything in the legal system per se which prevents Black people from forming a political organisation. So then from that point of view, things like violence and so on had been discarded. When we got to Maritzburg, the same body of thought was still prevailing,

we / ...

we are going to form an organisation that is going to operate openly and straightforwardly. So although I do not remember violence being discussed per se in the commission or even in the plenary session, I want to say it was implied that we won't partake in this kind of activity.

Now, who was it who was responsible for the actual phrasing of "no confrontation shall be sought with oppressive party"? --- I was.

You were? --- Yes.

And what you have just told us, was that your thinking? --- That is right, we discussed the question of strikes and we said in the past we have had these things, and these things have resulted in thousands of Black people suffering.

This is being put to you for formality's sake, there was a suggestion by Singh that there be no confrontation in an initial period? --- Of three years?

Yes, what do you say about that? --- There was not anything of that nature at all, in fact the period of three years and the target membership of one million was in no way connected with the strategy as is put here at phase 2.

Who put forward that target? --- Well, I do not remember who put forward the target membership, but the target membership was merely a way of motivating ourselves to say: let us get out and work and get a membership.

Now, while you are talking about the question of legality, in BPC A.1 there is the phrase - that is the Minutes from the Donaldson meeting - "the legality of the movement was at this stage questioned. In answer to this

it was explained that the mere existence of the movement did not constitute an infringement of the law", that is on typed page 4? --- That is correct, I see it.

Can you remember who said that? --- No, I cannot remember exactly who said this but I know that a lot of us were expressing the sentiment that people should not think just by forming a political organisation we are breaking the law.

COURT: Now, on this period of three years, if you were represent a collective voice with Black Consciousness, then of course the more people you will have behind you the louder your voice will be, the stronger your voice will be. Now, if you set yourself a target of one million which I assume for the moment is just a figure to determine how you should organise, I mean the tempo of your organisation. Now, isn't it implicit in this that after three years you will have a sufficient number of people behind you to be able to confront the system?

--- Well, I don't think so, M'lord, first of all I think the figure of one million was really an exaggeration.

Well it is an indication..(witness intervenes)

--- That we want to work.

Well it is an indication how extensively you must organise. If you do not have an objective it means that there is nothing to work for, but if you set yourself an objective it means that you rate or gear your organisation - well to be able to achieve quite a substantial membership within three years. So I think one million is an indication as to how you should gear your organisation. But now until you have quite a collective support, I mean

there / ...

there was no point to have a confrontation because at that stage you will not have anybody behind you yet, or a sufficient number of people behind you. Now on probability, wouldn't you indicate that before we start thinking of confrontation we must have at least organised for three years to have a substantial following?-- PAUSE

You see on your own evidence you are afraid that it will miscarry if you come forward with confrontation. But if you have a substantial following, well then the danger of the whole organisation miscarrying or the confrontation miscarrying would fall away, would it not? --- No, no, no, M'lord, I do not think it would. Our experience has shown us in this country that when the Black people put their demands in that fashion, the system does not hesitate to come down very heavily on Black people. It clamps down with a very heavy hand on Black people, and I think whether we had one million or we had two million the system would - perhaps it might even intensify that kind of thing. This is our frame of mind.

Yes but if that is your frame of mind then there was no point in organising for Black power? --- No, the point is, M'lord, that it is not a question of us saying after we have had a certain number of people we are going for confrontation..(Court intervenes)

When I refer to confrontation I am not referring to violence, I am referring to bargaining, confront in order to bargain? --- Yes, but, M'lord, like I said the bargaining process really is a process that is going on right now. I think the bargaining process began with the

day / ...



day we said: we are Black, and we won on that. It began the day we said: we are forming a political organisation and we won because the political organisation existed, well for some time, I do not know how long it will exist. We are bargaining when we pass our Resolutions, when we say we do not accept the Bantustan concept. Let us look at it this way, M'lord, the White superstructure in this country itself realises that it must provide for a political solution for Black people. Unilaterally it has decided to impose the system of Bantustans. They say that will accommodate the political aspirations of the Black people. So to that extent they recognise that Black people have political aspirations. We see this kind of solution as spurious because we think it is intended at dividing Black people. So already White people see this necessity. If we say we will not work within the Bantustan concept, we will not work within the separate development system, if Black people do not work in there then White people will have to reconsider another solution, and that is another fashion of bargaining. It is an area where our volition is still important, because the Bantustan must function with us, we have got to be there and we have got to agree to it. So if we are not there, if Black people receive the message that we should not be fragmented and Black people do not get into the Bantustans, then the White people, because they initially recognise the need for a political accommodation, they will have to talk to Black people and say: well you don't want the Bantustans now, what is it you want, and this entire thing / ...

thing is not connected with our confronting the system as such, the system itself recognises the need for an accommodation.

Yes but now I understand the logic of your philosophy, now the logic of your philosophy is that the more powerful you are the more you will be able to get from the system, I mean it is just logical? --- Yes.

So I mean that is the sense behind Black Consciousness because you really want to make the Black people powerful by unifying them, so that they speak with one voice, because you say that the weakness of the Black man is because the White man is dividing the Black man, isn't that so? --- Part of the reasons, M'lord, part of the reasons.

In other words you will have a much stronger voice after three years than you would have in a lesser period, you see I am just testing the probability of Singh's evidence? --- Yes?

You see Singh says that you people agreed not to come forward with confrontation within three years. Your documents say that you have a membership drive project over a period of three years and then you have given yourself a target. Now that target will decide the rate of your membership enlistment. Now, the three year period in the circumstances will then show that if you are successful with your membership drive then you will be able to be fairly powerful at that stage and you will be able to make greater demands when it comes to bargaining than you would be able to within a lesser period than three years. Now how does that logic sound

to / ...

to you? --- Well the logic sounds correct perhaps abstractly, M'lord, but we have to tie it down to ..  
(Court intervenes)

You see you must come forward with the facts, I am just theorising on what Singh is saying, and you see you contradict Singh, and I have to decide whether you are telling the truth or Singh is telling the truth. Now I mean what I am putting to you would be a consideration? --- Yes, but M'lord it was not a consideration with us. It is true that if we have a bigger membership we have a bigger voice.

You see I can follow your argument that confrontation will destroy your movement, I mean it has destroyed ANC and it has destroyed PAC and it has destroyed the communist party as an official, well, a legal movement in South Africa. Now you do not want to have a stillborn movement, so you are very cautious about confrontation, I mean it is a very sensible thing to do? --- Not only are we cautious, M'lord, we do not want confrontation.

Yes, well, I can understand the reason for that, but now Singh says you do not want to destroy your right from the word go, you say well we will first start with the membership drive, we allow ourselves three years for that. After we have completed the period of three years, then we can speak with a strong voice, and then we will start with our confrontation. Now of course the form that the confrontation would take, well that is another matter I will have to decide on, but even on a question of bargaining, confronting the system for the sake of bargaining, now you would have a very much stronger voice after three years than you would have

within that period of three years? --- Well, M'lord, the point is ..(Court intervenes)

Well I think all that I want to know from you at this stage, was anything discussed along those lines when you decided on no confrontation? --- No, nothing of that nature was discussed, M'lord, nothing of that nature was discussed certainly in the commission session in which I sat with two people, Mr. Morane and Mr. Biko, and nothing was discussed of that nature at the plenary session ..(Court intervenes)

Where was Singh at this stage ..(witness intervenes) --- ... where everybody was present.

But where does Singh get this from, I mean it is a very clever thought on Singh's part if he came forward with that sort of thing, because there is some sort of a basis for it in the set-up, now where would he - why would he say it, where does it come from? --- M'lord, if you are asking me for my opinion as to where Singh would have got it, I have heard this theory before and I heard it at Compol, M'lord, it is a pet theory amongst the Security Police, they see ..(Court intervenes)

They see non-confrontation here? --- No, they see the entire Black movement as a threat to the White system. You see again here, M'lord, we are dealing with complex issues which can be related I think to the very structure of this country in so far as race attitudes are concerned. I think the Security Police as the vanguard in the defence of White racism in this country, tend to see any movement among Black people as a threat that wants to deprive White people of their things. And I

would / ...

would imagine that Mr. Singh would have picked up this theory there, and knowing what happens at a place like Compol, I am not really surprised that he took up a thing like this, because for one you are placed under very very harsh conditions in solitary confinement and he might have felt that he cannot stand this kind of thing and he must please his interrogators under conditions of self-deprecation, debilitation and dread, dread especially. But I am quite certain that Singh is not representing our point of view correctly. 10

But where would this have been discussed, this no confrontation shall be sought with the oppressive party, it appears here it is a report of the general planning and organisation commission? --- Correct.

Now, if you can discuss no confrontation at a commission at this conference ..(witness intervenes)  
--- We first of all discussed it ..(Court intervenes)

That is in July 1972? --- Right, we first of all discussed it in the commission, there were three people.

Did you have only three on the commission? --- Only 2  
three people, myself, Mr. Biko and Mr. Morane.

So Singh was not even there? --- No, he could not have been there, only three of us sat on the planning commission, general planning commission. Thereafter we took our tentative findings to the plenary session, and I have to point out here that in organising for this conference, Mr. Saths Cooper, Accused No.1 and I, invited about over 1 000 people, invitees from all over the country, people we had heard about, people we had read about, people we were told by others about, and this was a  
thoroughly / ...

thoroughly public meeting, and even if we had the ideas that Singh says we might have had, it would have been absolutely naïve of us to discuss them at such a meeting. A lot of people came there, in fact a lot of the people who came there I did not know personally before.

So it would really have been defeating ..(witness intervenes) --- It would have been defeating the alleged secrecy of that document. Everybody was there, I suppose even the Special Branch could have been there, I mean if a Special Branch man came there he would have attended because he would have said: I am Mr. so and so from such and such a township, and he would have attended. And at this stage especially of the movement we wanted to involve everybody. M'lord will see from the Minutes of the Alan Taylor ad hoc meeting that we pointed out that we were not doing sufficient work to involve the entire Black community, so it is quite obvious that we would have been interested in getting people involved. Perhaps another thing that I should lead to is that we know that Black people are gripped by fear, fear of the Security Police, and at the beginning of a movement like this when there had not been a movement for ten years and people were afraid, many people were afraid, we would have been I think defeating our own ends if we said: well we will not confront the system, we will confront it after three years. Because I am sure we would long ago have been on Robben Island if we had said that at all there.

Yes but wouldn't you have explained to the

conference / ...

conference why you insert such a provision in your planning, that there should be no confrontation with the oppressive party. I mean wouldn't one expect amongst a thousand people persons who would be keen that there should be confrontation? --- Well a thousand people did not attend, M'lord.

Well 200? --- About 200 people attended, and we discussed this and we came up to plenary and we said this is our view, Gentlemen, and people talked about it and it was agreed that this is the view that a political movement must take, this method of organisation seems to be one that a new political organisation should take, we must move from the structures of the past. And the membership target there of one million really I think clarification is to be found in the ATR Minutes when we say we are not working - I think if we look here - PAUSE

What do you mean you are not working? --- I mean we are not organising sufficiently.

Oh yes, yes, but I should imagine it is some indication how you should organise your movement? --- That is right, that we have got to show people that this kind is - PAUSE -

Well, that you have an objective and you are not going to sleep about membership? --- Right. I should suppose, M'lord, every organisation of a public nature does have a membership drive.

Yes, sure. --- And it would define its target along those lines.

But isn't it possible that in discussing the question of no confrontation, that someone could have said just to

placate / ...

placate the restless people that: well we cannot think of confrontation for at least three years because we must be certain that we have sufficient backing by our own people? --- You mean to try and placate those who would be saying we want confrontation?

Yes, you always get people who are restive and they want confrontation? --- Yes, except, M'lord, that this was not the level of the conference. Again, M'lord, I think we should look at the entire thinking of Black people at that stage vis-à-vis matters political. I did not hear a single man who stood up at that conference and made any responsible statement. People were putting their feet one after the other, so there would not have been a matter of trying to placate anyone.

MR. SOGGOT: You have told us what your use of the word confrontation involved? --- At least in this document.

In this document? --- That is right.

And the question of confrontation came up in your commission, is that right? --- That is right.

And what you referred to was the confrontation of the previous organisations? --- That is right.

And you have told His Lordship it meant their illegal actions and not violence, that is how you interpreted it? --- That is right.

Now, what I want you to be precise on, when you then made your report to the plenary, did you give any definition of the word confrontation as you used it there? --- Yes.

What was it? --- We said that we will not call strikes, and we will not call boycotts, we intend to

operate / ...



operate as a pressure group - well, I am merely putting this as the gist of course.

Your reconstruction? --- My reconstruction.

Was reference made to ANC or PAC as far as you can remember? --- No, I do not remember our making any reference in plenary session to ANC and PAC.

Could Harry Singh have been present in your discussions in commission? --- No, he could not have, the commission here met overnight, it met during the night time on one of the days, I think it was the day before the conference ended.

The day before the conference ended and you say you met at night? --- We met at night, because you see I was the conference organiser and I was busy with so many other things during the daytime.

And were all the other reports presented as you presented it on the blackboard in point form? --- No, no.

Why is it that you presented yours in that particular fashion? --- Well ..(Court intervenes)

COURT: It was his commission, he sat on it? --- Yes, it was our commission and we felt that, you see what sometimes happens, M'lord, is people at plenary, sometimes, especially towards the close of conference, they just tend to take what the commissioners say. So we felt that this could stimulate talking if I stand there ..(Court intervenes)

Give them points? --- Give them points and we talk, we all talk.

MR. SOGGOT: Now, Doctor, on the other question, you have explained to us what bargaining means in your perception, is that bargaining dependent at all on any level of

strength / ...

strength or support? In other words what I am asking is, would any stance or demands made by you people be dependent on how many customers or kinds or followers you have in your organisation? --- I don't think so, because I think we have already made almost all the things that we demand, despite the fact that we do not yet command a large following. We said what we want already.

COURT: But not very effectively, it would be more effective if you drove it - isn't that the whole theory of Black solidarity? --- Partially yes, but I think we have made our voice heard quite sharply in the corridors of power already even now, M'lord, I think we have generated a lot of debate in White society as a Black movement, although of course no one will give us the due and say well it all started with you Black Consciousness boys, but the point is our viewpoints are definitely being canvassed everywhere in this country. I think so, M'lord, and I sincerely believe this, that the rulers of this country, the Opposition parties and so on and other agencies and so on are beginning to take a serious look at Black opinion as we express it.

MR. SOGGOT: AWAY FROM MICROPHONE ... formally, was any mention made of a general strike? --- At the Edendale conference?

At that conference? --- No, there was no such mention made of a general strike. I think Mr. Harry Singh is quite confused there because even the commission leaders he mentions are all topsy-turvy.

Did the idea of the general strike as a method of struggle / ...

struggle ever figure in your organisation? --- Not as far as I know.

And then, still following the Harry Singh theme, ... (Mr. Rees intervenes)

MR. REES: M'lord, it seems my learned friend is getting tired, perhaps it is time for the Court to adjourn.

(LAUGHTER)

COURT: Singh was the "Third Man" in this case.

MR. SOGGOT: M'lord, perhaps this is one of the few occasions when my learned friend and I find one another common cause. 10

COURT: Do you feel that you are tired, we can adjourn if you like?

MR. SOGGOT: M'lord, my learned friend says yes. (LAUGHTER)

COURT: Well if you say no we continue!

MR. SOGGOT: M'lord, as a matter of courtesy I - PAUSE -

COURT: We will take the adjournment until Monday.

COURT ADJOURNS

/VMD.

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