

Chetty

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

CASE NO: 18/75

DATE: 23rd JUNE

THE STATE

VS

S. COOPER AND EIGHT OTHERS

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LUBBE RECORDINGS (PRETORIA)

COURT RESUMES ON 23 JUNE 1976STRINIVASA RAJOO MOODLEY, STILL UNDER AFFIRMATION:

CROSS-EXAMINATION BY MR. ATTWELL CONTINUED: Mr. Moodley, I think at the time we took the adjournment yesterday, I had been asking you whether you had kept abreast of events in SASO and BPC subsequent to your banning, and I think you mentioned that you did in a fashion, amongst other things you had discussions with various people and so on, is that correct? --- Well I didn't have discussions, but I met people occasionally and enquired how things were going. 10

Would some of these people have included the Accused before Court now? --- I think I spoke once to Accused No.3 but other than that I didn't speak to any of the others.

And Accused No.1? --- No, I didn't speak with No.1.

In short, did you remain an active supporter of these two organisations, SASO and BPC? --- I remained an active supporter.

Mr. Moodley, did you attend a symposium, NIC symposium in Durban in December 1971? --- I did - I don't know if it was December, yes it might have been December. 20

And I am instructed that you were a speaker at that symposium and you delivered a paper entitled "Some aspects of Black culture and its value in the Black world"? --- That is correct.

Does that ring a bell? --- That is correct.

Now, inter alia, did you at that stage in the course of your address mention the following, dealing with the White man's culture in South Africa, did you say that with the advent of the White man into this country, "came the forerunner to the coloniser, the missionary. This evil blond-haired, 30
pale-skinned, blue-eyed Satan, equipped with a Bible and a

cruel / ...

cruel God, began to frighten Blacks with his fire and brimstone fantasies of damnation in hell, punishment, and the stupidity of African worship. The Blacks who were fearfully religious were amazed and to an extent frightened by this God who punished people for their sins. Slowly the missionary began to prepare the ground for the eagerly waiting colonisers". Did you say that?

--- Yes.

Did you also in the course of this address, dealing with the arrival of the Indians in this country deal with an attempt on the part of certain Indians to close the gap between them and the White man and then offer the following indictment of the Indians by stating:

"Even the 1949 incident, engineered and sustained by Whites, did not teach the Indians a lesson. They were firmly convinced that the Africans hated them, and I believe that the African, if he does hate the Indian, is quite justified. If one oppressed group is prepared to sell its soul at the expense of the liberation of the majority group, then surely the majority must hate that group"

--- I probably think I said that.

Did you also near the end of your speech pose the question "who is our real enemy?", and supply the answer "the White man"? --- I probably think I said that.

Mr. Moodley, you were in fact the person at the 3rd GSC who moved the Resolution for the expulsion of the president, Mr. Sono, is that correct? --- The actual story there is that the secretary-general and myself moved a motion at first asking the president to resign, or I think it was to withdraw as chairman of the GSC, and to resign as an Executive member,

I am not sure, if he did not apologise to the GSC, but I think the president refused to do so, and the General Students' Council then added amendments to our motion making it a complete Resolution expelling the president, because he refused to apologise.

And the Resolution in its final form does nevertheless bear your and the secretary-general's names as proposer and seconder of that motion? --- Oh yes, that is correct.

Now, Mr. Moodley, I gather that you people in SASO and BPC must have been aware that your organisations were probably 10 being closely watched by the authorities? --- Yes, I think in a sense we were.

And I should imagine accordingly that you people attempted to be precise in the wording of your Resolutions at GSCs to convey the actual meaning that you intended? --- I think it was more likely that what we did was to see to it that we conducted ourselves responsibly.

If I can turn to the Sharpeville commemoration days. Now you attended one in March of 1972, is that correct? --- That is correct. 20

And I think there is a centre spread in one of the SASO newsletters containing photographs of various SASO functions and your name appears there I think as a speaker at the University of Zululand? --- That is correct.

Now, did you attend any other Sharpeville commemoration days? --- In 1972 I spoke at the University of Zululand, and I attended the heroes day commemoration service at the Alan Taylor residence in 1972.

Did you attend any other Sharpeville commemoration days subsequently to that? --- Well the heroes day, those were the 30 only two heroes day commemoration services that I attended.

You / ...

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You see because Mr. Brand in his evidence referred to a meeting which he suggested that he saw you and Accused No.1? --- Oh yes, yes, he might have seen us at that one in 1972, and I think in 1971 Tecon presented a production or a poetry reading at the UNB SRC commemoration service.

Because the date that he put on that meeting was 1973 in his evidence, he stated in his evidence that he saw you and Accused No.1 at a Sharpeville meeting in 1973? --- No, I am sure he is confused, it couldn't have been 1973, it is more likely 1972 or 1971, but definitely not 1973, he couldn't 10
have seen me.

Were you and Accused No.1 ever together at a particular Sharpeville meeting? --- Well the one at the Alan Taylor residence in 1972, the heroes day commemoration service there, he was there and I was there.

Is this the one at which he delivered the poem "Dedication"
-- That is correct.

And Mr. Nengwekhulu spoke? --- That is correct.

So did you hear Mr. Nengwekhulu's address? --- I did.

Did you have cause to remonstrate with Mr. Nengwekhulu 20
after this meeting as well, or were you not in on that?
--- Remonstrate with him?

Yes? --- No, I don't think I remonstrated with him at all.

Did you have any dealings with Mr. Nengwekhulu immediately after that meeting in connection with his speech? --- I think what did happen as far as the Executive of SASO was concerned at that time, was that we had an Executive committee meeting at which we decided that when we make our speeches, that we would have these speeches printed and published as far as possible, or if not published, then we would keep records of 30
what speeches we made. I think that decision we took some

time / ...

time after Mr. Nengwekhulu had spoken, because I had received some information from some friends of mine that the security police intended to charge Mr. Nengwekhulu for racial hostility, that was in 1972, I think the security branch officer at the time, I think Lt. Nayager told his doctor about ..(Mr. Attwell intervenes)

Yes, well we don't want all this hearsay, but you gathered that prosecution might arise from this speech?

--- Prosecution might arise and we spoke amongst ourselves and decided that from now on all our speeches would have to be recorded.

Mr. Nengwekhulu was in fact a dedicated SASO man, was he not? --- He was.

And he subsequently played a fairly significant role in the formation of BPC? --- That is correct.

And served on its Executive? --- No.

Not. Now, Mr. Moodley, you have a special interest in poetry, literature and drama, is that correct? --- That is correct.

I notice that in a lot of the newsletters of which you were editor, there is a fair amount of poetry? --- That is correct.

I also noticed that in SASO and BPC gatherings and at their congresses and at the start of meetings and things, there are very often drama and poetry presentations? --- Not as a general rule, I think some of the arrangements when we do make them for say a GSC, we incorporate an evening of entertainment, but it is not a general rule that this be done, it depends entirely on the particular branch or campus that is holding the meeting or symposium or whatever it is.

Oh well, I think the documents speak for themselves in that / ...

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that respect. Now, the theatre, is it not so that one of the great advantages of the theatre is that you do not require a literate audience? --- How do you mean literate, people who can't read or write?

Well you cannot spread your ideas through newsletters and things to a person who cannot read, whereas you can do that through the theatre where a man sits there and merely has to listen and observe? --- I don't think that is completely true.

Isn't that an advantage of the theatre? --- In a sense 10
it could be an advantage, but it wouldn't be the complete truth to say that theatre has this advantage of being able to speak to illiterate people.

You were involved together with Accused No.1 amongst others in both Tecon and later SABTU is that correct? --- That is correct.

Did Tecon also become integrated in the struggle for liberation? --- I think in the sense that Tecon contributed towards Black drama, she saw that as being part of the move towards the liberation of Black people in this country. 20

Is that how you would qualify that? --- That is how I would do it.

Now, you were asked in your evidence-in-chief to describe to the Court shortly what Black theatre was? --- Yes.

Now you did so, and Accused No.1 in his evidence in chief and in cross-examination dealt with this in depth and he also referred the Court to an article that he had presented and prepared at a SABTU congress at the end of 1972, the document is before Court, entitled "What is Black Theatre", and you heard his evidence in that respect. Do you go along 30
with Accused No.1's exposition of Black theatre? --- Yes, I think / ...

think that he summed it up pretty well.

Now, you mentioned in your evidence-in-chief that the Black theatre did not try and pick out any group or individual and condemn them in any way, do you recall having said that? --- I think I was referring specifically to one of the productions, wasn't I referring to "Black on White"? I think I was asked by Counsel whether "Black on White" picked on any particular group in its satire, and I said no it didn't.

I am dealing with your evidence just before you concluded 10 your evidence-in-chief when you were asked about Black theatre, and you set out Black theatre and I took a note down - I might not have taken it down very correctly, that is why I am putting it to you, my note reads that you stated that: "Black theatre did not try and pick out any group or individual which it condemned", you then went on to explain that it possibly did pick up didacticism whatever that may mean. Do you recall having referred to that? --- I remember speaking about didacticism.

Was that in relation to Black on White? --- I think what 20 we were talking about then was the fact that the theatre did not attempt to direct, all it did was raise issues, although incorporated in it would be this concept of didacticism.

But did you intend to convey the idea that Black theatre does not pick on any particular individual or group, and condemn them? --- I don't know, I don't think I did that.

You don't think so? --- No.

Because I would like to refer you to the article you yourself wrote on Black theatre in one of the SASO newsletters, it is in Exhibit K.1, general exhibit, it will be page 14 of 30 your original newsletter, page 300 of Your Lordship's papers.

I / ...

I would like to refer you to the fifth paragraph of the article, it will be more or less the bottom of the first column:

"The theatre was becoming political, political in the sense that it examined every man in all his nakedness. Man's greed, his hunger for power, his atrocities, all being examined. Today the theatre of revolt has established its validity. The theatre picks out and accuses the perpetrators of evil, it denounces the oppressor, it rejects war and it advocates revolution".

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Now would you perhaps expand on what you have stated there?

--- I think if you read in the context there you will find that I am dealing with what Professor Robert Burstein refers to as the theatre of revolt, and what are some of the elements of this theatre of revolt. Now the theatre of revolt is a broad definition of what theatre is doing within society today. It is does not - theatre of revolt does not mean theatre that took up arms, it is an attempt to define theatre as it exists today in the world, not just amongst Black people. 20 And I think in this particular article I am referring to that aspect of theatre.

Would you say that Black theatre was in fact a theatre of revolt? --- It would fall within the category of the theatre of revolt, yes.

And does it do what is stated in that bottom paragraph that it "picks out and accuses the perpetrators of evil, it denounces the oppressor, it rejects war, it advocates revolution"? --- That is correct.

Now you alluded to a production of Tecon's in which both you and Accused No.1 were concerned entitled "Requiem for

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Brother / ...

Brother X"? --- That is correct.

Now this particular play formed part of the early indictment against you and Accused No.1. The first thing is what is a requiem, Mr. Moodley? --- A requiem would be a dirge.

An ode? --- An ode.

And Brother X, who is the Brother X about whom this play concerned itself? --- I think specifically it referred to Malcolm Little or Malcolm X a leader in the United States, but generally as is connoted by the term Brother X, it could be Brother anybody, but specifically it is an ode to Malcolm X, but I think in its broader sense it is an ode to Black people in general who are involved in the struggle for Black humanity. 10

What were the methods advocated by Malcolm Little or Malcolm X to achieve Black liberation as you understand them? --- As I understood Malcolm X, I don't know very much about him, but what I have read of him, he advocates, he himself went through a period, stages where he was at first a Black Muslim, he then became part of the Afro-American unity movement, I think he was relating Afro-American more with Africa. But the essence of Malcolm X I think towards the end was that he was attempting to search for the dignity of Black people in the United States. 20

What were the methods he advocated to achieve his goal? --- I don't think I went into his methods, I think from what I gather from his exposition of his philosophy, was that he was calling for the unity of Black people.

Is that as much as you can say about the methods adopted by this man? --- That is as much as I can say. 30

Now one of the exhibits before Court is GENERAL G.2, which is / ...

is a programme for the drama festival held in July of 1972, during which amongst other plays, this play was produced by Tecon? --- That is correct.

If you look on the third page of typing, page 41 of Your Lordship's papers, in the middle of the page this particular play is referred to, you were the director thereof according to the programme, you will notice just ..(witness intervenes) --- Yes, yes.

Then there is an author's introduction which is incorporated, I believe according to Accused No.1 this was 10 apparently a requirement stated by the author? --- Yes.

Now it states there, if you have a look on the right hand side:

"Requiem for Brother X is a dramatic dialogue about Black people trapped in the ghetto. It is an expression of repressed feelings of anxiety and deep inner frustration. It is a shout, a cry of mercy, a lamentation for understanding. It is a spit at the Black middleclass for turning their backs on the Black masses still in bondage. It is triggered anger and hostility towards the 20 White masses. It is a trillion hallelujahs and amens of a dirge, a Black mass, it is a requiem for the dead Black people buried in the stone jungles in this country"

Do you go along with that interpretation of the play? --- Oh yes. I think it fits in exactly with what I have been trying to tell the Court about that play.

And does it fit in with SASO's attitude as well? --- No, I don't think SASO has anything to do with this kind of thing that is being spoken of here. We cannot take what SASO stands for and marry it with some guy in the United States and expect 30 it to be the same kind of thing. What we are dealing with here

is / ...

Repeat of Res. 7/74.

is an artistic expression by a particular person in the United States. I don't think that is SASO, SASO is completely different, it is something as I said home-grown, it is of its own.

If this is so typical of the United States, why did you people produce this in Durban, Mr. Moodley? --- I thought it was a good play, I read it, I felt it had something in it that perhaps had a message for us here in this country, and I thought it was well formulated as a play.

What message was that, Mr. Moodley? --- The message of man. 10

Would you agree with me that there are basically two points of view put by two opposite sides in this particular play? --- There are two points of view that are examined in the play, yes.

There are two characters Mat and Nate, who apparently are brothers? --- That is correct.

The one a person referred to by his brother as an "Uncle Tom nigger"? --- Yes.

Who works with Mr. Charlie the White man? --- Yes. 20

And is a pacifist if I can call him that, and the other one, Mate, who is in fact a militant man who spends his time on the streetcorners following Malcolm X? --- I don't know if he was following Malcolm X, I got the impression when I read the play that this is post the death of Malcolm X, and what is going through the younger man is a kind of anger at the killing of Malcolm X, and what he is doing, he is attempting to reconstruct his community by attending meetings, rallies, that kind of thing.

Now I don't intend to go through the whole play with you, 30
I would like to just mention various things which are stated in
the / ...

the play if I may, and ask you whether these themes expressed in this play, are not themes which SASO in fact has also expressed. There is a character Bonita in this play, a sister to the two brothers? --- Yes.

Who is also a more militant person than the pacifist brother, is that correct? --- I think Bonita would be the perfect example of the new generation of Black people, growing up as the author himself says, I think you read it to us, growing up in the - trapped in the ghetto, so Bonita would be the manifestation of the new generation of the Black 10 children who are trapped by the oppressive nature of the ghetto, but who has been able to evaluate, who has been able to see through the falsity of the society they live in. I think in a sense what W.W. McKay is attempting to show in Bonita is that somehow within the Black community, there seems to be appearing a kind of instinctive awareness of what is happening to them as a young people.

Do you regard the South African Blacks as people trapped in a ghetto? --- In a sense I think yes, I would do that.

Now at one stage in the play the character Bonita is told 20 of the plight of a certain White girl who apparently is pregnant? --- Yes.

She expresses the following:

"I am the one that is supposed to be dirty, my kind is supposed to be no good, not her, not them, Black is dirty, not White. I am supposed to be in there screaming and carrying on with a baby, we are supposed to be the ones who make mistakes not them. Their daddy has got the bread to slip under the table to some doctor, the money to pay the man to keep them off the State's records, 30 so when one of them messes up and gets caught in the trick,

I / ...

I say hallelujah".

*This whole
XXn, putting q's
"Is that SASO's
attitude" is
extremely
mean.*

Isn't that also SASO's attitude? --- No, oh no. I think we are missing the point completely, but what is very interesting about Bonita is that there she is talking about a White woman who has been made pregnant by her own brother, and that despite the fact that she recognises all those things that are being said about her which in fact she is saying should be said about this White woman, despite all that, she goes back into that room to assist that White woman through the birth of this child, and I think that is the essence of what McKay is trying to say. He says: we know you, we know White people, he says: we know that you say we are bad, but we know that in reality you are bad. And the fact that we can show you we are not as bad as you, is that we will help you even though you treat us as bad as you do. That is the essence of what McKay is saying in that play, and that is what in Tecon we were attempting to bring across, because this is why I felt McKay was important.

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Dealing with the assassination of Malcolm X, the character Nate mentions that the Blacks are going to do something about the person responsible for the act, when his brother, the more pacifist Mat, tries to dissuade him from this, he is recorded here as saying to his brother:

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"Don't hand me any of that non-violent ..expletive.. wars aint never been won by bending over and getting kicked in the ..expletive.. and this is war. There aint but one way to fight this kind of war and that is the way, we've gotta organise all Black people, gotta band together and march, Mat, march all over this goddam country, following the word of the brother, just can't let him die for nothing. He knew what he was talking about / ...

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about, God knows he knew how to deal with Mr. Charlie. I beg anything that at the bottom of that man's assassination, I bet anybody that Mr. Charlie planned the whole, rotten dirty business".

Isn't that the theme SASO puts out to its followers about the deaths of Black people in this country? --- No, I don't think so.

Mr. Shezi and Mr. Tiro? --- No.

Do you deny that? --- I deny that.

And then this person Nate also says:

"If you're also stupid enough to believe that a white house and picket fence will change this boy's colour, you do have problems. Those White people don't want you, Boy, they don't want no part of you being near them, that is when you're really gonna find out you're a nigger and that your colour aint ever gonna change"

Then Mat is recorded as saying:

"I still say this hate is no good, Nate, no good at all, this hate for everything.

Nate says: "Everything that is White, clarify, be specific".
Isn't that also SASO's policy? --- I think what you are doing here is you are attempting to draw out specific bits of dialogue, which cannot be read out of context. If we are to read the whole play from beginning to end, and if we are to attempt to understand it, we will find that what is happening there is that each of them, each of those characters is going through some kind of catharsis, attempting to find what is the reality. And that is not it, Nate himself probably admits it at the end as well as the other brother, Mat, but both of them are attempting to find themselves, but in doing that, you cannot find it in the middle or at the beginning of the play / ...

play, we have got to go right towards the end when the real climax is reached in the play, and the anticlimax comes and everything simmers down into some kind of peace and the realisation that despite anything you say, despite anything we know, in the end it is all of us who have got to look at this problem together.

Is that the way the audience would have interpreted this play? --- I am sure they would have, I am sure they would have.

In the play, is it true that the father of the two brothers sides with the more militant brother? --- At a point, and at a point he suddenly realises his mistake, because I think he also himself is attempting to find some kind of answer to the problems he is faced with. 10

I note that Saths Cooper was cast in the character Nate? --- That is correct.

That is very good casting, Mr. Moodley. Is it merely a coincidence that your drama festival in 1971 coincided with the 2nd GSC? --- I think it is a coincidence.

Purely coincidence? --- Purely coincidence. 20

Who arranged the date for your 1971 drama festival? --- It was arranged by the Executive of Tecon.

Including yourself? --- I don't know if I was on the Executive at that time, I was purely a director for Tecon.

Now you also refer in your evidence to the use of the word "revolution", especially in the theatre..(Court intervenes)

COURT: Before you continue, according to this explanatory note, the response either way "should haunt you for the rest of your Black life or your Uncle Tom life". Now do they contrast those two lives in the play? --- In a sense they look at both those lives, because I think what is happening is in the / ... 30

the play McKay is attempting to get both sides to look again at themselves. So I think what is being said in that little note is that whether you are on this side or that side of the fence, the play will force you to ask yourself questions about how you are going to look at your problem.

Don't they suggest solutions to each particular problem?
--- No, the play won't suggest any kind of solution, as I said most theatre won't suggest a solution, all it would do ..(Court intervenes)

But won't that be the purpose of the play, you have to provide the answer? --- You as the audience?

Yes? --- Yes.

And you have to provide the answer on what has been presented. Now, from the passages read out by Mr. Attwell, I haven't read the play, do they not really try and depict the two characters in different lights, and then let the audience decide which one is really the one that should appeal to the Black man? --- No, I don't think Mr. McKay attempts to get you to make a choice of either or, he doesn't make that demand of either or.

The Court putting this type of question

He leaves you in doubt and that is why it is haunting?
--- No, I think the essence of what McKay does is that I don't think he leads us in that direction, he presents to you these two shall we say figures, two schools of thought ..
(Court intervenes)

Symbolical figures? --- Symbolical figures. And at the end we find that one of the symbolic figures is faced with the fact of having now to re-align himself with his society in that his woman has given birth to a child, and this woman of his happens to be a White woman, and I don't think McKay intended that to be merely thrown into the play. I think
that / ...

that is the essence of it that here is a man who has to now re-align himself, because I think his last words in the play reveal his own state of mind.

Well if this play is to be of any assistance to SASO, then I can't imagine the Uncle Tom as being shown up in a favourable light? --- No, I don't think the play was intended to be of assistance to SASO. I don't think I thought of doing that play for that particular purpose. I liked the play, I thought it was good drama, and I thought that in Durban ..(Court intervenes)

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But good drama is thought-provoking isn't it? --- In a sense all good drama is thought-provoking, and I don't - you know it would have the same effect if I took, say, "Oedipus Rex" which has far more violent urges in it, it is involved with a character who kills his father and sleeps with his mother, but I don't think the author of that play is attempting now to create patricide or get children to sleep with their parents, I think Sophocles in that play is raising important questions for his society. And what makes the play universal and what makes it timeless, is the fact that it has answers for us even today.

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But now this play "Requiem for Brother X", purports to be a political drama? --- I think in a sense it has to be a political drama, because it is dealing with the problems of Black people in the United States, and in a sense I think the problem is political, so that it has to have that kind of content in it.

MR. ATTWELL: In your evidence-in-chief you referred to the use of the word revolution? --- Yes.

Specifically in drama? --- Yes.

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And could you perhaps just tell me again what you people understand / ...

The perfect answer

What about Antigone?

understand by that, especially as you use it in your dramas?
--- As far as drama is concerned I think revolution would refer to non-conventional ideas, non-conventional thinking, thinking that does not conform with the status quo, thinking that attempts in a sense to change the intellectual direction of people.

Now I am instructed that you were associated, together with your brother, Linga Moodley, previously a co-accused in this matter on the first indictment, in another production of Tecon's in which the following was put to the audience. I

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would just like to ask you whether this rings a bell at all:

"The time is now, the present day, the year 1973. We have been sitting on our ..expletive.. since the beginning of time, we are still sitting on our..expletive What of tomorrow and the day hereafter, when time comes to an end, will we still be ..(and then a particularly dirty passage which I won't bother you with)

Tonight my friends and I have come to watch a play and we five spectators are waiting for you actors to play your respective roles in this thing called revolution.

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No, brother, I don't think you can make an arrogant statement like that, it implies that we five are sitting on our ..expletive.. waiting for these people to act.

(that is another character presumably - then the first speaker continues):

"No, I don't think so, because essentially all of us are entirely involved in playing our roles, and this sea of Black faces around us are passively waiting for something to happen. That is what we want to do here tonight, we want to answer the question: what is the difference between a white play and a black play. This

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play / ...

play tonight is black, this play has no actors, it has no story, it has no beginning, it has no end. It begins at the end and it ends at the beginning. Every one of us will either die or awaken to the sound of .. And then chattering machine-guns. Then there is a black-out, and then in the darkness various characters scream:

"Hey you lily-livered Asiatics, what is revolution, it is war you cowards, war. Hey you disorganised Coloureds, what is a war, a war means blood and sweat, fighting, killing and dying. Hey you misdirected Bantus, who is the war against, the pigs, the pigs, the ..expletive.. pigs. Hey you submissive non-Whites, why are we fighting the pigs. 'Cos he has turned us into slaves, slaves. Hey you pseudo-revolutionaries, are you still slaves?"

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And then you get an answer:

"What do you mean pseudo-revolutionary, every time I see you I raise my fist.

And then:

"..expletive.. to your fist, you are still very much a slave and don't you ever forget that".

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Does this ring a bell at all? --- I read this script, yes.

What was it entitled? --- I think it is part of "The Black Images".

Yes, that was produced by Tecon was it not? --- I think yes it was.

Now could you perhaps enlighten us there as to the meaning of that? --- I think perhaps we would have to go through the entire script won't we?

Can't you deal with that bit as it is there? --- Well just 30 ad libbing, I probably think what those actors are

attempting / ...

attempting to do and the directors in that play are probably trying to raise questions in the minds of people, and that is all. I don't think it goes beyond that. I don't see there any attempt to ram down any kind of idea down people's throats. It seems to me that there is a group of young people there raising important questions.

Is that all they are doing? --- I think so, that is all.

Aren't they providing the answers each time? -- I don't think so.

Don't you think so? --- I don't think so.

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COURT: Well don't they suggest the answers? --- They may suggest answers that they have in their own minds, but I don't think they are providing the answers.

But now if you take - well I have got a photostatic copy of this covering sheet of this Exhibit G.2, you say: "Early with buses, late with trains, will wreck the bosses' brains", now isn't that a suggestion to be late and either demonstrate or confront in that particular way? --- Your Lordship may be surprised but I think this is doodling on an original, this is someone doodling much later, this is not part of the programme. I saw that, but let us take that particular statement, it is a statement that was not written by any one of us.

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If it was put on subsequently then anybody could have put it on? --- No, it was done by I think the people in Chatsworth, when they were protesting about the buses/trains situation. You will find that someone obviously has been doodling about the Chatsworth issue, and he obviously copied some of the slogans that the people in Chatsworth had drawn.

So it wasn't distributed in this form? --- No, it wasn't distributed in this form.

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Oh / ...

Oh, I see, you have got ..(witness intervenes) --- I have got the original ..(Court intervenes)

Well let me just see it? --- It is just written in ink.

Yes, I see it is in ink. "We will walk", that seems to be part of the original right at the end? --- No, again that is written in ink. Unfortunately I did attempt to get an original copy of this programme, which is completely blank it has no writing on it.

Oh, yes of course, it is obvious, it is ink.

MR. ATTWELL: I think some of that doodling Accused No.1 accepted responsibility for? --- I don't know who doodled there, I wouldn't be able to tell you.

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You see, Mr. Moodley, because in this particular production it goes on, after the words I did read to you:

"You know why you're a slave, because you're still sitting on your ..expletive.. because you've got no sweat, because you've got no blood. Yes, you anti-White aimless militants, stop the talking, cut out the screaming, you don't know the meaning of revolution.

You're still stuck on crying: we are oppressed".

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--- Isn't it surprising that if we are to examine up until that point, that they make those two statements about anti-White militants and the "cut out the screaming, cut out the talking", what appears to be happening in that play there is that those artists are presenting what comes out of the "burn baby burn" attitude that I think I spoke about very early on. And they say no, it has got nothing to do with this kind of thing.

Perhaps we can continue a little bit more and it may become clearer:

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"You're still stuck on crying: we are oppressed, it takes guts / ...

guts to fight in a war, you've got no guts, you're dead. A revolution is the active process of making change happen. When did the revolution/war begin? It began the day the White man put his foot on this land, it began when your forefathers were brought in chains to work in the fields. They killed Chaka, it began. They killed Dingaan, it began. They incarcerated Sobukwe, Mandela, Sesulu, it began. Now its on, the revolution, because they killed brother Shezi, because they muted our leaders. But where are you, sitting through all this revolution, cursing under your breath, swearing slogans to the enemy, rotting behind the facade of power, under the escape of the fist. You think yourself free because you shout: I am Black. You think it is the end, blackness. .. expletive your arrogance, keep it for the White man, don't shout it at your brother, it makes you an oppressor. Now listen to the lover, mother, sister, virgin, child, woman, speak woman, tell me your poem.

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Then apparently a woman's voice, one of the actor's comes on:

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"I am 26 years old, Black female poet, died the second I was born, felt the pain and died with Chaka, with Dingaan, with Shezi. Now all of me is a powder keg fuse, dynamite, so if they kill me it won't stop the revolution. I am lover to a soldier, I am mother to a king, I am daughter to a slave. I was raped at Langa, I was murdered at Sharpeville, if they kill me it won't stop the revolution. I am married to the struggle, my orgasm can only be satisfied by the soldier whose life will end with the passage of each minute. I too carry a gun, and teach our child how to kill, so if they kill

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me / ...

me it won't stop the revolution. I am part of the movement and must organise around goals, galvanise our forces, lay out strategies and work my body to the bone, and lay solid foundations, so if they kill me it won't stop the revolution. I am in love totally with the concept Black, and this love of self of my people must conceive the liberation, I am digging into history, I am making a revolutionary culture. I am keeping statistical records, so if they kill me, it won't stop the revolution. When they feel the bullet it is me, when they hear the laughter of victory, it is me, when the hot passion of sweating Black flesh lies lovelocked it is me, the gurgling child's first words are: power to the people. It is me. I am 26 years old, Black woman, poet, revolutionary, mother, daughter, lover, soldier, killer, creator, destroyer. I am 19 million strong, they cannot kill me, I am the revolution".

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Then the co-ordinator goes on:

"Are you listening to our words? Does all this mean anything to you? Don't nod your heads, don't raise your fists, don't scream obscenities, go into your mind, your heart, your bodies, scratch out the evil. Drive it from your soul. Then come into the ring here in this play and speak to us of revolution, but wait, for there are others who wish to speak. Others who have been in this ring, on this platform, they wish to speak. Brother Nyameko -

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who would that be? --- I think that would be Mr. Pityana.

"Brother Steve -

--- Mr. Biko.

"Brother Randwezi" -

--- Mr. Nengwekhulu.

Brother / ...

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"Brother Strini" -
--- Myself.

"Brother Bokwe" -
--- Mafuna.

"Brother Drake" -
--- Koka.

"Brother Jerry" -
--- Modisane.

"Brother Saths" -
--- Cooper.

"Brother Henry" -
--- Isaacs.

(LAUGHTER)

"Brother Mervyn" -
--- Josie.

"Sister Sam" -
--- Moodley.

Your wife? --- Yes.

"Brother Sipho" -
-- Buthelezi.

"Brother Chris" -
--- Mokoditsoa.

"I am the eyes, the ears, the voice, the megaphone of the brothers who were the beginning, and the enemy tried to mute them. But the power of our Jujū, our Krishna, the spirit of our gods will enter my soul and they will speak with you through my medium. Come now brothers, enter my body, take my voice, and speak the Black truth".
And then you hear a voice purportedly to be one of these people who have been banned:

"Brothers and sisters, my body is not with you, my soul is. Tonight in my room my ears will be tuned in to your thoughts / ...

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thoughts. Firstly let me greet you with the fist and power and solidarity. The enemy has attempted to kill a revolution within me, but they did not bargain for the powers of our juju gods that transcend all barriers. For us it is purely our physical absence that denies us the right to sit with you. Our spirits are one, our struggle goes on. The war has begun in earnest, they have opened the attack, how do we respond? First we tighten our forces, rebuild our defences, equip our armies, plan a method of attack, strike at the opportune moment. We are at war. Our generals must be strong, they must be totally dedicated. Our soldiers must throw their full weight into the struggle. A sense of urgency must guide our actions, but an economy of strength must be employed at all times. Do not dissipate your energies uselessly. Every move must be countered, the games are over, we erred in our laxity. Learn from that mistake. Remember our role in the war has taken on a new dimension. The role we can play is dependent on the extent to which we are useful, and how you see our usefulness. We on the other hand will employ our strength in areas where we are effective".

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And then it goes on to deal with various people, each one responding in a like manner. Now how do you see this? --- I think simply as an expression by that group of people, attempting to deal with the problems they are faced with in the face of the bannings, it appears. They are attempting to instil a sense of courage and a sense of determination into the people. They are attempting to look at what they understand by Black Consciousness, what they understand by Blackness; they are attempting to make people reconsider their approaches.

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I / ...

I think simply an artistic piece of work.

COURT: Was that work produced? --- I think it was, yes.

MR. ATTWELL: Tell me, was "Requiem for Brother X" ever produced before a White audience or a mixed audience which included Whites? --- I think in Cape Town that did happen, yes.

In Durban where you people put it on here at the drama festival? --- No, in Durban I don't think so, I wasn't present when the actual production was on, I was at Hammanskraal. Again the drama festival ran in the same week as the SASO conference, so I couldn't be at the drama festival. 10

Did Tecon always maintain its policy of performing before multiracial audiences? --- Well Tecon didn't have a policy of performing before multiracial audiences, Tecon just didn't put itself into any kind of problem as far as performance was concerned.

Let me rephrase the question, did Tecon at any subsequent stage ever adopt a policy to perform only for Black audiences? --- No, the rule is that you must only perform before Black audiences, there is a Separate Audiences' Act. 20

You have been telling us about audiences which were mixed? --- Yes. There were White people who wished to attend the performances of Tecon. To accommodate them, Tecon used to go into a whole rigmarole so as to avoid the Separate Audiences' Act.

At any stage did Tecon adopt a policy to forget about this rigmarole and concentrate only on the Blacks? --- What happened was that Tecon decided that in future we would not avoid anything, we would continue our productions and we will sell tickets as normal, if White people want to come to our productions, then they must buy a ticket and face 3

the / ...

the consequences.

Did Whites come? --- I am not sure, I don't know, they might have come.

Did Tecon ever produce any of its productions at any of the SASO congresses or BPC conventions? --- No, I think what happened was in 1971 Tecon allowed the SASO GSC members to attend its productions at half rate, but I don't think Tecon presented any productions in 1971, 1972, I can't remember, I don't think Tecon presented any productions for SASO and BPC.

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May they have done so after your banning that you are not aware of? --- They might have done so.

Did Tecon have any links with the Johannesburg Lenasia Indian group which was known as PET, People's Experimental Theatre? --- Not that I am aware of.

Did you know at one stage PET was granted full branch status of SASO as a branch? --- Not that I am aware of.

Mr. Moodley, if I may refer to Black poetry for a moment, you offered an opinion as to the phrase "Black poetry a rage" in the banning issue of the SASO newsletter? --- Yes.

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Which you said was in your interpretation, the word rage merely meant fashion? --- A fashion, a fad.

Now is it true that the theme of that whole newsletter is rage of the Black man at the banning of inter alia yourself and other of the accused? --- I don't think so, I have read the newsletter, it didn't come across to me in that fashion.

Have you read your wife's speech at the meeting just after your banning? --- I have read it.

"To pluck from this land these marauding rapists who each day kill her beautiful children"

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--- LAUGHTER - Does that signify rage, is that what you are trying / ...

trying to say?

Yes, I am suggesting that the theme of that newsletter is rage of the Black man? --- Not that I could see, I think what it signified was a determination on the part of Black students to continue to uphold SASO as the legitimate organisation of Black students, and not to be intimidated by the bannings.

How did the Black community react, specifically the SASO and BPC people react to the banning of yourself and other of the accused? --- Well from what I could read it seemed to me that most of the Black students were convinced that they are not going to be intimidated by the banning, and their intention was to continue as if nothing had happened. This I think would come across quite clearly.

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Perhaps we can have a quick look at SASO E.1, that particular newsletter. We can start right at the beginning for instance and look at the editorial on the first page of that newsletter, he starts off about -

"The atrocities of the White power structure have once again been clearly manifest for all to see. Early this year eight of our leaders, SASO, BPC and BCP, were added to the list of banned people. They could not be brought to trial because that would afford them a "platform" whatever that means"

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And it attacks this particular action of the government in banning these people. Then on the third page ..(witness intervenes) --- I think if you read that same editorial, if you continue:

"Possibly this came as a shock, but Black students and the community should by now realise that this is an every-day occurrence, and should regard the recent act as another / ...

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another milestone accomplished on the road to liberation". I think that seems to be the theme from what I could read, and from what I could gather of most of the Black students after our banning. That they were not going to be intimidated by this, but in fact the banning showed to us that we were saying the right things and should continue.

Oh, I don't deny that the bannings were used by SASO in an effort to show the organisation up in a good light and show the system in a bad light? --- I don't know how SASO could use the bannings, I think what happened was SASO recognised that there were some of her members who were banned, but that should not intimidate her as an organisation.

Didn't you view this action by the system as an indication that it was afraid? --- Personally?

Yes, firstly personally? --- Personally I thought that perhaps they had banned us because they wanted to intimidate the organisation.

Was there emphasis on the fact that the government or the system was afraid of you people, and that is why it had banned you, and that you should draw strength from that fear of the White man? --- Are we talking about the fear of the White man or the fear of the government?

Let us talk about the fear of the system then? --- I think that would be quite a legitimate conclusion to draw to say that the government was afraid, and that is why it banned us.

You see the fear is emphasised on page 4 of this document "Speak brother speak": "The panic-stricken laager government has locked up eight more of our brothers" - indicating that it was a panic-stricken move? --- Well he is offering a comment about the government, saying it is panic-stricken. I don't think there is anything wrong with that.

And / ...

And then when we turn to the poetry which begins on page 6, they all seem to deal with this theme about Black suffering and specifically about the bannings, is that correct? --- Mmmm, yes, that would be correct in general terms. Although I think Black Nana obviously shows that it is misplaced.

Yes it possibly is the one out, but it does attack the Whites.... AWAY FROM MICROPHONE ... If you have a look at the poem "Banned for Blackness", the last poem just before your wife's address at UNB:

"For Bokwe Mafuna's eyes when they broke the face of some dumb White man"

do you know what that is a reference to? --- Bokwe Mafuna's eyes - I think what the poet is trying to convey there is that Mr. Mafuna had very defiant eyes, he had eyes that were not afraid to drop to the ground when they looked in the face of a White man.

Do you know what the poet is referring to when he says: "when they broke the face of some dumb White man"? --- I think what the poet is trying to convey there is that Mr. Mafuna looks directly into the eye of the White man, and he causes the White man to drop his face first.

Mr. Biko told the Court that he was aware of an incident when Mr. Mafuna and a White man apparently laid assault charges against each other, are you aware of that? --- I remember something vaguely about it.

Then your wife's address, the poem I have already alluded to shortly, then if you look on page 9, the second paragraph:

"Firstly, many will question whether we had a victory.

I say yes, we have had our first victory. The White power structure found our eight brothers to be too

strong / ...

strong for them. They were afraid of them, they are still afraid of them. Fear controls their actions. Pelser, one of the upholders of White supremacy, revealed the fear in a 30-minute debate which dealt with the 'bannings' of our 8 brothers. He was afraid to bring them into the eyes of the world; he was afraid to let our brothers defend themselves for he and his fellow oppressors are aware of the truth they speak on our behalf."

Again the emphasis that the government is afraid, or that the system is afraid. This was also the theme of the one article with which you were charged "Fear - an important determinant in South African politics"? --- Is that so? 10

Isn't that so? --- Well you charged me so you should know that.

While we are dealing with that particular matter, if I may go onto that for a moment, you in fact in that article alluded to two fears in the South African society didn't you? --- Maybe three.

Three? --- I think the person who wrote that article referred to three fears. 20

Would you detail the three fears for us as you understood them? --- I think there was the fear firstly of the security police, then the fear of the Black man against the White man, the Black man fearing the White man, and the fear of the government of the Black people.

Well as I see it there are basically two, the fear of the Whites for the Black, and the fear of the Blacks for the system, but if you see three in that, that is fine. You do recognise the existence of those two fears anyway, and you see 30 a third fear too. At virtually the end of your wife's address, the / ...

the second last paragraph of that address just before she comes to the poem:

"This "banning" action on our people by the White power-structure is tantamount to a declaration of open warfare. They have committed the first offensive, what is our reaction? You are now called by this meeting to become a soldier in our struggle, and to this end I would like to conclude by reading to you a poem which states:

'come let us turn away from this scab,
this evil
we have the key to life, to love,
to the future
we will raise our fists to the sun god
and in defiant supplication to the lily-white
prophet
we will then smash the shackles of bondage
a new sun rises in the east'"

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What do you think that is suggestive of? --- Well I think all she is attempting to do, from what I can read, is trying to get people to commit themselves to the organisation. I don't think it goes beyond that. I cannot see anything else besides this. Also included in it is perhaps a re-dedication a reaffirmation of pride in ourselves as a Black people.

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You are familiar with this newsletter, is it merely Black Nana that goes against the grain as far as you are concerned? --- The entire newsletter?

Yes? --- Well I think if you read on there is an article "Black-Music as an art" which I am sure doesn't express what you claim the newsletter expresses. Then there is an interview by James Cone, and then there are various extracts from / ...

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from newspaper articles.

Well seeing that you referred to the article on Black-Music on page 11 ..(Court intervenes)

COURT: Before you leave this poem to which your wife referred, what is the imagery of the sun god and the lily-white prophet?--- Well the sun god perhaps is a symbol of life, and perhaps she is attempting to say in her poem that in our supplication to the sun god, or in our worship of the sun god we will be able in a sense to defiantly supplicate to the lily-white prophet, obviously the lily-white prophet here 10 can refer either to Christ, it could refer in local context to the South African government, but the paradoxical term defiant supplication there I think indicates essentially that what the poem calls for is perhaps that in our dealings with the oppressor, all we are going to do is have some kind of dialogue of confrontation with him, or supplication in a sense is a plea, but our plea is going to be a defiant plea.

She says: "we have the key to life, to love, to the future", well then I assume she is saying what it is: "we will raise our fist to the sun god and in defiant supplication 20 to the lily-white prophet, we will then smash the shackles of bondage, a new sun rises in the east" --- Yes, I think she is saying that this kind of attitude, this is how we will be able to smash the shackles of bondage.

By doing what? --- By firstly paying obeisance to the new life, the life as manifested in the sun god. Secondly, in our defiant supplication of the lily-white prophet. Now let us be simplistic and take the lily-white prophet as being the White government or the White power-structure in this country, and if we take supplication to mean a plea, she is saying that we 30 must defiantly plead with the White power-structure of the country

Now / ...

Now is this an independent thought "we will then smash the shackles", doesn't she say "we will raise our fists to the sun god and in defiant supplication to the lily-white prophet we will then smash"..PAUSE --- I think it follows through - I don't think it is a separate thought, I think it follows through.

It could be "in defiant supplication to the lily-white prophet we will then smash the shackles of bondage"? --- "We will then smash" - I think the then there seems to indicate that - PAUSE - she says these two things, if we continue doing them, will lead to our freedom. 10

Couldn't it then also refer to "in defiant supplication of so and so, we will then smash the shackles of bondage" by defiant supplication to the lily-white prophet? --- Perhaps, that may be so. But the defiant supplication indicates a kind of approach that this poet here has, I think, because it doesn't to me indicate any kind of violent approach, all it indicates to me is that she says we have got to have this kind of attitude in our dealings.

Doesn't the raising of the fists to the sun god mean the power sign, just raising it up in the air? --- Well she would have just said "we will raise our fists in defiant supplication", but she seems to add "to the sun god". So there is some indication that when you raise your fist it is not just to raise it, I think it is in reverence to life, in reverence to what the sun has to offer, and perhaps in a sense because if we want to look further for image, if you want to look further for theme, you could probably find in the sun, being the centre of the universe, and the fact that we are all the time in motion round the sun, we are all the time in revolution around the sun, and I think it could offer some direction / ... 20 30

direction to the poet's thinking there.

COURT ADJOURNS

COURT RESUMES:

STRINIVASA RAJOO MOODLEY, STILL UNDER AFFIRMATION:

CROSS-EXAMINATION BY MR. ATTWELL CONTINUED: Mr. Moodley, you wanted to refer the Court to a certain book which I think you referred to yesterday in your evidence? --- Yes, Your Lordship asked me about the book referring to the arrival of Indians in Africa. This is one of the books, the others I don't have here, but this is a book by Basil Davidson, it is called "All Africa Rediscovered", and on page 211 under the chapter "Builders of the South" they refer in general to the trade between China, India and Africa, and that especially in the Zimbabwe area: And Caton Thompson makes the statement:

"The trade connection with India is undoubtedly strong indeed. I believe it to be the primary stimulus which led to the development of the indigenous Zimbabwe culture".

Now the book which deals in the main with the Indian trade and the Zimbabwe culture is a book by Caton Thompson, G.Caton Thompson, its title "The Zimbabwe Culture - Ruins and Reactions", it was published in 1931. Caton Thompson is an expert on the Zimbabwe culture.

Is he an archaeologist? --- She is, yes, that is right.

And that particular author? --- This author is an author who has written a number of books on Africa, and these are amongst the books he has written, and he is examining the development of the people of Africa. He deals with the whole continent of Africa and in part deals with Zimbabwe.

Do you mind if I have it until tomorrow morning? --- No, sure.

Mr. / ...

MR. ATTWELL: Mr. Moodley, if we can return to more mundane literature, we were busy with the SASO newsletter, SASO E.1?

--- Yes.

And you said that in the article on page 11 "Black-Music as an Art", I probably would find nothing to complain about. I don't profess to understand the article fully, but if we turn to that article and we have a look at the third paragraph, his closing sentence in that paragraph is :

"The emphasis I am trying to put clear here is social and political relevance of our music in this country".

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Now what social and political relevance could music have in this country? --- I haven't read this article myself, I just referred to the headline when I spoke to you, but I should think that the writer here is obviously referring to the meaningfulness of music, and if we are to examine it, we must look at it in respect of its meaningfulness in this country, in so far as the socio-political development of music is concerned. Perhaps he may be asking us to examine the possibilities of music as it is used by Black people, for example if you would take a group of chain-gang workers, when they sing their music as they do their work, is the music simply a melodic chant to keep time, or is the music in itself a statement by those singers about what they feel with regard to that labour and all the surrounding factors. I think perhaps that may be the direction he is asking us to take. Obviously in a society that has been denuded of its culture, when you attempt to evaluate, when you attempt to find the roots of your culture, there is a need to place its social and political importance in an attempt to find out to what extent does our culture play a role in our development, in our liberation. When we talk of relevance we talk of
meaningfulness / ..

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meaningfulness, something that relates with us intimately as a people.

The reference to Black music, is this a reference to both the melody and the words, or just the melody itself? --- I probably think it would obviously have to include words and melody.

Well if it includes words then it can make sense, because I can understand words having a political relevance, but a melody, it escapes me that it can have a political relevance? --- I think the melody would derive from its social 10 relevance, or its relevance in respect of the theme of the melody, where does it begin. For example I think if one examines the entire culture of jazz, in the search for the roots of jazz, it will take you socially back into the past of the Black people of the United States of America, who when transported into the United States, as time went on lost the essential music of Africa, but what was retained was the melody and the music, it was retained and was re-expressed in the forms of jazz that you found, early blues of the United States, through prison gangs, chain gangs, that kind of thing. 20

Does that jazz include the words of a particular - PAUSE --- Not only words, not only words, again it is also melody, because one wants to relate the melody with what are the roots of African music in Africa, with jazz in the United States.

What was the political philosophy of Stokeley Carmichael? --- Stokeley Carmichael - I think I read a book of his, I don't know his political philosophy very well.

COURT: He is a Black Power man too isn't he? --- Yes, I think he is an advocate of Black Power in the United States. 30

MR. ATTWELL: Are his methods etcetera akin to Malcolm X's?

Perhaps / ...

--- Perhaps so, I am not sure, I am not sure, I couldn't inform the Court as far as that is concerned.

COURT: You mentioned chanting, now chanting as I know it from Black people, is that the words really have nothing to do even with the work they are doing, it is just a chant. Now isn't this an attempt to relate that tendency amongst Blacks to chant, to political purposes by giving them political words? I mean as a kid I used to hear these people, and when they lift something they will say: .. QUOTES.. it has got nothing to do - they say: "don't ask, buy your liquor from Zwane" - it has got nothing to do with the work they are doing, or with any political - PAUSE --- Well my own investigations in that field led me to in fact ask some of my friends about the relationship between what was being said by the workers when they sang, and in instances - I am not saying in all instances, but in instances there have been certain pieces that have been used which made a reference to the actual work they were doing, or in some fashion or form related to it. I think even in the expression of wanting to buy liquor from a particular place while you are working, indicates in a sense desire on that particular person as he is working for some kind of relief from the work he is doing. I think everything has to have some kind of relation, some kind of relevance to what you are doing.

Well perhaps "earn your shillings", means you must work, you had better earn your shillings so that you can buy your liquor, and that you don't have to ask? --- Yes.

MR. ATTWELL: So that all these ditties and things have some relevance really? --- Yes, there has to be some - let us put it in this fashion, there has been no examination of it by anyone except those who claim to know us, and those who live outside / ...

outside of us. But there has been no examination of it from us of us and by us. And I think when one wants to speak of relevance, this is what we are doing, we are attempting to find out about ourselves.

But you see a relevance in these sort of ditties?

--- It has to have some kind of relevance.

"Arson, rape and bloody murder, when the Black revolution comes", what would you say would be the relevance of that? --- Well if you wanted to examine it philosophically, I think we would find that in it is the expression of studentdom 10 amongst Black people, attempting in a sense to rise above their fears, attempting in a sense to reach that stage in their lives where they can afford to speak of things which for so long have been suppressed by the society. I don't think anyone wants to take it as a very serious injunction on the part of those students to achieve what has been said in those words, but what one is attempting to find is in a sense what is behind it, what is the relevance of it to their state of mind.

You see because the author of this particular article 20 "Black-music as an art", if you look in the second column about two-thirds of the way down, it deals with a certain person, Archie Shepp who was a graduate in dramatic literature and political musician. As far as he is concerned he wants no White man in front of him. These people I have mentioned are some of the profiles in black-music. They are innovators in what we call New-Black Music, which is an extension of the political philosophy of Stokeley Carmichael". --- Yes?

And the author in fact encourages this type of whatever that may mean, encourages an artist to do this. If you look 3 in the fourth paragraph I referred you to just now on the

left / ...

left hand side:

"Technically speaking, music is a direct reflection of what is going around. In other words a musician-artist is somebody who is making an attempt to report back to the listener, a portrait of life and events around him. This is exactly what our artists are being asked to do. Their music must have socio-economic or political relevance" -

a political relevance which he seems to suggest is an extension of the political philosophy of Stokeley Carmichael? 10
--- LAUGHTER - I don't think that is true, I think here he is referring to specific examples, and he has taken Archie Shepp as an example, and I think when he makes the statement as far as he is concerned, he wants no White man in front of him, we don't know whether we should interpret that literally in that when he is playing his music he doesn't want White people there. I don't think that is true, because Archie Shepp's records sell to everyone, I think the record company itself is a White record company. So that what I think is intended to be conveyed there is that in the development of Archie 20
Shepp's own music he is attempting to break away from the established trends of White music, perhaps attempting to break away from the innovations of the minstrels and chants at a particular era, trying to break out of that kind of rhythm, but what Archie Shepp perhaps is following is a kind of music which he wants to find in his own milieu, in his own society, in a sense maybe referring to the African music of the past, and attempting to give it some kind of flavour, some kind of form, and some kind of content that would suit the needs of Black people today. 30

You see, Mr. Moodley, I am not concerned so much with what

Mr. / ...

Mr. Shepp may or may not have attempted to do in his music, what we are interested in is the message or implication put on that, whatever the merits or demerits may be of the argument, the implications put on that in SASO newsletters? --- No, I think that is the very implication that is being put on it, that - if we are to continue examination of articles in this rather new fashion that you have attempted to do, and that is take us from one point to another, if we are to take Archie Shepp ideas, and if you are saying then that the SASO newsletter is attempting to imprint its own ideas on that, I think you are wrong. I think what the writer here is doing he is saying Shepp is doing this particular kind of thing, he says that if we are to examine our own music, perhaps we should attempt to follow the example of Shepp. I don't think it goes beyond that.

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Do you think Shepp sees his music as "an extension of the political philosophy of Sokeley Carmichael"? --- I am not sure, it may be so, it may be so.

The newsletters in general, Mr. Moodley, they were for many students the closest link they had with SASO as an organisation, not so? --- Not necessarily so, I would say that the link that students had with the organisation SASO, would have been firstly through their local committee, and secondly it would have been through the various reports that were sent to the campuses, it would have been through national formation schools, it would have been through GSCs, Executive Council meetings, and then it would have been through the SASO newsletter.

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The general body of students didn't attend GSCs did it? --- No, but they did send representatives who reported back to them.

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Court / ...

COURT: Isn't the gravamen of this article as far as relevance to SASO is concerned, found in the third paragraph on page 11, the first column, where the writer gives what he calls his point of argument:

"Black music is an art - therefore it should essentially humanise and rationalise the present black and white situation in this country. And I think, these essentials have to some extent been satisfied within the black-American set-up. The emphasis I am trying to put clear here is social and political relevance of our music in this country".

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In other words, he says the Black man is a musical person, and therefore that is another avenue which should be used in order to humanise and rationalise the present Black and White situation in the country? --- In a sense that possibly could be true, but I think what we should attempt to establish at first is this, that music has always been a part of the Black man's life, and I think this is true for a number of Black societies throughout the world. And that Black people have always found music to be one form of expression of their society, whether it be for a wedding, or whether it be for a funeral, whether Black people in a sense are going to war, whether they are at a riverside washing their clothing, wherever they were, music attempted to give some kind of relief, attempted to give some kind of idea or attempted to make some kind of social statement about those particular areas of work, so that in a sense what music is is but one facet of the total make-up of the cultural beinghood of Black people. Because if we are to take any form, if it be painting, if it be drama, if it be music, if it be poetry, all of these including religion, made up the being, it made up man, in that

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all / ...

all of this was man-centred, so that it made for a corporate kind of society of people. There was no division so that these things came from external areas, it was coming out of the Black people themselves, into the world, so that we could relate more intimately and communicate more intimately with our fellow-beings. I think this is what he means when he is speaking in that paragraph.

Well then he continues, he says that music should be used in that way that you suggest, he says:

"Technically speaking, music is a direct reflection of what is going around. In other words a musician-artist is somebody who is making an attempt to report back to the listener, a portrait of life and events around him. This is exactly what our artists are being asked to do. Their music must have socio-economic or political relevance",

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he is merely asking them to use this form of art as far as the Black and White situation is concerned? --- I think more specifically I would say - perhaps this writer is doing that, he may be doing that, but essentially music if it is to be looked at, must be examined and given form to in a sense that it uplifts the soul of the Black man, and in doing that it would obviously take account of everything that is happening around it.

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MR. ATTWELL: To pick up on His Lordship's point if I may, the idea was expressed concerning Black theatre, that theatre as a pure entertainment medium was not good enough, and that Black theatre should in fact mirror the social evils of the time. In other words that this thing should have some sort of theme, some flavour, the fact that it is just drama or just music is a waste of time, you don't want a love song or something,

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your / ...

your music must have a certain theme or flavour, a certain political flavour which would mirror the Black/White situation in this country? --- No, I think, you see we miss the point. My own opinion is that what we are attempting to do within the Black Consciousness movement, is in fact to place the essence of the various facets of art in their real position. It is not true, and this on examination, we can go into an examination as an example of drama, from time immemorial it has been the duty of drama to play a meaningful role in its society, to be of relevance in its society. 10
Drama has not been something which was for what you have attempted to say, simply entertainment. In that entertainment there had to be some kind of contact, some kind of meaningful communication with its society, and a picking up of the issues that are affected in that society.

Do you think music can have a political relevance? --- I think music can have a relevance, yes, and it will have a relevance in politics, it will have a relevance in the social set-up, it will have a relevance economically, it will have relevance within the Black community. I think to 20
look at the relevance of music economically, I think what one is referring there to is the need for Black musicians to pool together their resources, so that they could establish independent recording companies, they could establish independent music workshops, which would be economic in the sense of economic relevance. And also to be able to get the Black musician to eke out a considerably more easy kind of living in his society, because at the moment he is being exploited by White recording companies, by the international recording companies such as R.C.A., E.M.I. and what-have-you 30
and what-have-you, they are exploiting Black artists in this country / ...

country, and I think in a sense we must examine the economic relevance of the musician in his society. What must he do with his money, how must he bargain with his money? Because it is his music that is making the money for E.M.I. and R.C.A. so he must be in a position to be able to bargain for it, therefore it has economic relevance.

Aren't these recording companies exploiting all the White artists in their employ too? --- Well if they are exploiting White artists then White artists ought to examine that as well.

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Which Black artists are being exploited by the recording companies that you have in mind? --- Well I think we have in mind here ..(Court intervenes)

COURT: I don't think he is referring to particular artists, it is the use to which they are being put? --- That is correct.

I mean Africa is awakening and they want records all over Africa. --- Yes.

And in fact they haven't got, so everybody is now composing African music, beat music for the African world, and that is where the exploitation comes in? --- That is correct.

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MR. ATTWELL: Mr. Moodley, you referred to an innovation of yours as administrative assistant and editor of the newsletter of an editorial board? --- Yes.

Who served on that board? --- At first I think there was a Mr. Mahlele, there was a Mr. Khoapa, there was a Mr. Moodley.

Any relation to yourself? -- No, no. And there was one other student from the University of Natal Black section, I think he was the editor of the local publication at UINB.

Did Mr. Biko ever serve on that board? --- He may have, he may have, I think possibly he may have at some stage, I

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am / ...

am not sure.

Your newsletters were sent all over the country, not so? --- That is correct.

To various organisations and individuals of all races and in fact overseas as well? --- That is correct.

Now you have referred to another innovation of yours, of sending things to legal advisers should you be in doubt as to their legality? --- Yes.

I took down a note to the effect that you in fact never resorted to this measure because you never considered anything which you were of a mind to publish to be of that nature? --- That is correct.

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So you never used that channel? --- I did not use it.

Which firm of attorneys would you have approached, the two advocates that you mentioned as legal advisers? --- Mr. Poswa was an attorney, his firm of attorneys, Poswa and Company.

No other firm of attorneys? --- No, no other firm of attorneys.

Is it true in fact that during the initial stages of SASO when you were involved, you people were keen not to expose yourself to any prosecution during the build-up period? --- If there was that feeling then I think it was there all the time and would continue to be there. But I think essentially the assumption that one establishes an organisation that is open to the society, it recognises that it has certain responsibilities within that society, I think that would be the first injunction that we would rely upon, that we had a certain social responsibility, and in that social responsibility one has to accept the legalities that exist within the society. So that we would not go out of our way

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to / ...

to break a law.

The question was that you did not want to expose yourself to possible prosecution during that early build-up period? --- I think in a sense we had to approach our involvement with a certain degree of cautiousness, because we were the target and constantly under surveillance by the security police.

If you compare that attitude with the attitude manifested at the time of the so-called pro-Frelimo rally and the evidence which has been led on that count? --- Well from the 10 evidence which has been led on that count it comes across quite clearly to me that there was every intention to do just that.

Throw caution to the wind? --- I haven't heard that.

Mr. Moodley, the particular newsletter which contains the article "Fear - an important determinant in South African politics", I think that is K.4(a) - I am sorry, it might be K.2(a), M'lord, I will just check on that, my apologies, M'lord, it is K.2(a). Now this person Frank Talk was a fairly regular contributor to your ..(witness intervenes) --- Mr. 20 Biko, yes.

How many people knew the identity of Frank Talk, apart from Mr. Biko? --- It would have been myself, it would have been Mr. Pityana.

Why did you not tell the police who the real person Frank Talk was? --- The police never asked me.

Do you expect us to believe that, Mr. Moodley, you were never approached about who the author Frank Talk was? --- You mean before my arrest?

At any stage? --- Or after my arrest? Well after my 30 arrest if I withheld it, I think I did it out of an ethic as / ...

ethic as an editor. There is a certain ethic one has in relation to this kind of writing. When a writer gives in an article and he indicates that he wishes to be referred to by a pseudonym, and if the editor accepts the article on that basis, then he is bound by journalistic ethics to maintain the secrecy of identity. Because I as the editor thereby assume to take full responsibility for the article.

Were you not afraid that Mr. Biko would have been standing next to you in the accused box if you had told the police who the author of this article was? --- I am not sure, I never expected that one would be charged with terrorism for an innocent little article like this.

COURT: Why would Biko be concerned about the Indians in the country in writing that article about the Asians in Uganda? --- I think perhaps in the same sense that I have a concern for the African and Coloured people, all Black people. I think Mr. Biko finds that as a Black man, he has a concern for all Black people and that would include Indians as well. There is a certain responsibility we all take upon our shoulders, and that is to show concern for all in this society, and that would include Indian people as well.

MR. ATTWELL: The pseudonym he chose was Frank Talk, a fairly appropriate pseudonym? --- Fairly appropriate.

This is fairly straight talking isn't it? --- In a sense it would be, it is honest talk.

Calling a spade a spade? --- It is honest.

Now the date of this particular newsletter is September 1971? --- Yes.

Do you recall the actual occurrences at the time that this was printed as far as dates are concerned - in other words can you say when this particular newsletter was in fact submitted / ...

submitted to the printers for printing, and whether it would only have become available in September 1971, before September 1971 or after September 1971? --- It would obviously have become available in October or - yes, probably in October. I would have probably submitted this in late August, and it would have become available in early October, it takes about six to eight weeks, and I think especially as this was being done with Leader Press which uses linotype, and as you can see the work here is somewhat inferior, because they were using old machines at the Leader Press, so it would have taken a little longer, about eight weeks. 10

Is it possible that this newsletter was only submitted to the Leader Press for printing in September or in October 1971? --- It could be possible, yes, I can't remember the exact date when I handed in the format for the newsletter.

This particular article by Frank Talk, do you consider this to be one of his best efforts? --- It is hard to determine which was Frank Talk's best effort, there were other efforts which are not before the Court. It is hard for me to determine that. 20

Mr. Moodley, I would like to refer you to a particular letter, it hasn't been handed in as evidence yet, would you just identify the handwriting there if you would, I don't envisage this being necessary to go in as an exhibit, M'lord, but I have made copies for Your Lordship and my learned friend to follow. Can you identify the handwriting there? --- That is my handwriting.

It is your handwriting? --- Yes.

There is one other one I would like you to have a look at and identify the handwriting for me there too if you would, 30

once / ...

once again I will give copies to His Lordship and my learned friend. --- AWAY FROM MICROPHONE

Now if we take that second one first, it is written to "Dear Barney"? --- Yes.

Who would that have been written to? --- This would have been to Mr. Pityana.

The date there is 1.10.1971? --- Yes.

Now if we can cut the social chatter here, if we can begin with the third paragraph, you say:

"The newsletter is almost ready. By the time I get back to Durban from Johannesburg they should be ready. I think this newsletter is going to be really good. Frank Talk is brilliant".

Now the date here is 1.10.1971, and the Frank Talk we are dealing with is dated September 1971? --- Yes.

Would that be a reference to this particular Frank Talk? --- If you read that letter carefully, it says: the newsletter is almost ready. It means that it is in the printing press and it is almost ready to be delivered to us.

Fine, will you now answer the question, is that a reference to this particular Frank Talk? --- It obviously must be a reference to this particular Frank Talk.

So you considered this particular article to be a brilliant one? --- At the time I must have considered it to be brilliant, yes.

That you say is your handwriting, it is a letter you wrote to Barney? --- Yes.

Now, you mentioned also in your evidence-in-chief that you did not attend the DOCC conference, is that correct?

-- I did not attend the DOCC conference.

Will you just look at that first letter I gave you, which is / ...

is written to Mike Gwala, Secondary School, Private Bag 93, Franklin, Transkei? --- Yes.

"Mike" - and if we can forget once again the addresses of wellbeing etcetera, if we start the second paragraph:

"On the 1st December I was in Maritzburg until the 8th where we had our Executive Council meeting and leadership training course."

That I should imagine must have been the December 1971 meeting you people had at which your appointment as administrative assistant was approved? --- Yes, yes. 10

It goes on:

"In Durban on the 12th December we had an exciting symposium on Black Consciousness, you must have read about it",

this must have been the speech I referred to you ..(witness intervenes) --- This must have been the NIC symposium.

The speech I referred you to earlier during the course of the morning? --- Yes.

Then you say:

"...from 13th until the 17th (obviously of December if you look at the previous line) I was in Johannesburg where I delivered a paper on Black theatre, and attended a conference which was the springboard for the Black People's Convention" 20

--- Yes.

Now what conference are you talking about in that particular paragraph from the 13th to the 17th in Johannesburg?

--- I think there I am talking about the DOCC conference.

So you did attend it? --- No, I did not attend the entire conference, I think what I intended to convey to the Court was 30 that I did not sit in at the conference, I went to the

conference / ...

conference but then I did not stay there, almost visited it and then left immediately.

From the 13th to the 17th you visited a conference and then left? --- No, there wasn't only one conference in Johannesburg. I attended another conference where I delivered a paper on Black theatre. And if you go through anywhere in the DOCC Minutes you will never find that I delivered a paper on Black theatre. There wasn't only one conference in Johannesburg at the time.

I appreciate that, but I put it to you that you tried to mislead the Court by saying that you never attended the DOCC conference? --- Oh no, I am not trying to mislead the Court at all. 10

You then go on to say that you spent -

" .. from the 18th to the 4th January in Cape Town having a holiday and contacting people about the Black Theatre Organisation"

--- That was the same thing I was doing in Johannesburg. My work was related to theatre at the time.

You then ask Mr. Gwala if he would submit some more poetry to you for inclusion in the newsletter? --- Where is this? 20

You firstly refer to one which he in fact has submitted:

"I am back at the office (bottom of the first page) and have brought our two publications, a pamphlet and the January issue, your article is in it. I have entitled it "The Black thing is human, is honest", hope you approve. It was only after it went in to print that I thought of "The Black cool is human, is honest", I think that would have been more appropriate. I am posting you copies of both the pamphlet and the newsletter". 30

--- Yes, that is his article.

I / ...

I am sorry, it is not a poem it is an article. And then you talk about you are in the process of compiling an anthology of Black poems by "real Black poets, so brother start sending in those scripts"? --- Yes, not for inclusion in the newsletter.

I am with you there, I am sorry. And then in the third last paragraph you say:

"I hope you are feeling much better now, we can't have a Black revolutionary poet dropping out on us at this stage" (LAUGHTER)

is that so? --- Yes.

If I may go back to the first letter I referred you to the one dated the 10th of '71, start at the bottom of the first page you say:

"You must have heard by now that both Mewa and Justice have been banned. Mewa is banned for five years and Justice for three and restricted to the area of Mafeking" - to whom are you referring as Mewa and Justice there? --- Mewa Rangobin and Justice Moloto.

Is this Mewa the person who was responsible for the revival attempts ..(witness intervenes) --- That is correct.

And Justice, who is that person? --- I think Justice Moloto was either the secretary-general of the University Christian Movement or one of the officials of the University Christian Movement.

Now apparently an aftermath of this banning "we had an excellent meeting at Bolton Hall in Durban to reaffirm our right as Black people to choose our own leaders"? --- Yes.

Keith and Steve spoke together", now who are Keith and Steve there? --- That is Keith Mokoape and Steve Biko.

Is Keith Mokoape the brother of Accused No.4, Aubrey Mokoape / ...

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Mokoape? --- That is correct.

Do you know where Keith Mokoape is now? --- No, I don't know.

He does seem to have dropped out on you at this stage.

"Together with Mrs. Meer", is that Mrs Fatimah Meer?

--- Yes.

The person that Mr. Singh apparently tried to burn alive?

--- Yes.

You say:

"The hall was packed to capacity with over 1400 people present. Calls of Black solidarity echoed through the hall and the crowd repeatedly applauded all three speakers and called for Black Power",

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is that in fact what happened? --- It probably was what happened.

So it appeared to have been a particularly successful meeting.

COURT: Calling for Black Power, what did you mean by that?

--- That is right, I remember now, obviously I think what the expression there is that they shouted Black Power.

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MR. ATTWELL: Accused No.4 himself, did he ever submit any articles to you for inclusion in the newsletter? --- Accused No.4?

That is Dr. Aubrey Mokoape? --- No, he did not.

I would like to refer you once more to a new document which you probably won't have seen before, again I don't envisage the necessity of this going in as an exhibit, M'lord, I make copies available however to my learned friend, and to Your Lordship. Do you identify the handwriting on this particular document, which is also writing on the back page, it appears to be the setting out of a newsletter, do you

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identify / ...

identify the handwriting? --- This is my handwriting.

Now if you look at the back page, where you have once again "I write what I like" by Frank Talk, preview column, you then have "letter to the editor, re Medical School - Aubrey Mokoape"? --- Yes.

Could you perhaps tell us what that is a reference to? --- Obviously I must have been expecting a letter from Mr. Mokoape.

For inclusion in a newsletter? --- Obviously.

Did it come? --- I am not sure. Let us find out which newsletter? 10

Yes, you have a date there March 1972, I think if you have a look at General EXHIBIT N, a newsletter which the defence handed in, you find that this is in fact March/April 1972's edition of the SASO newsletter - PAUSE - I refer you to page 8 of that particular newsletter, you have the article "Quo Vadis Black student", which purports to be something from an anonymous student from the University of Natal Black section, a medical student? --- Yes.

Is this not the article from Dr. Mokoape? --- I am sure it couldn't be. I think it is more article that if it is an article by Dr. Mokoape, it would probably fall under letters to the editor in the same newsletter which is "Speak up Black man", and you will find it on page 19-20. 20

Which is also an article from a medical student? --- That is correct.

And anonymous once again? --- That is correct.

From "a disgusted medical student". Would that be the letter from Dr. Mokoape? --- I am not sure, in fact I don't think Dr. Mokoape sent his article in, but he might have. As far as my memory serves me, if we are to take this draft that I 3

drew / ...

drew up of what I am putting in to my newsletter, you will find that half the things are not in this newsletter.

No, I appreciate that. --- The article by Fatimah Meer, Stanley Mokoba, the Africa series, the Namibia article is not in, and a whole lot of other things you will find are not in. So that this must have been my own thinking as far as laying out my newsletter for that particular month, March 1972.

What I am interested in is whether you - obviously you expected something from Dr. Mokoape ..(witness intervenes) 10
--- Obviously, I must have.

For inclusion in the newsletter? --- Obviously.

And in this particular newsletter which corresponds to the date here we have two articles from medical students at the University of Natal Black Section? --- That is correct.

Of which Dr. Mokoape was a student? --- That is correct.

Both of them anonymous, one of them purporting to be something stuck up on a noticeboard? --- No, that is not a letter to the editor.

It is not a letter to the editor..(witness intervenes) 20
--- It is an article.

Yes, and the other one is you say a letter to the editor?
--- The other two.

The other two? --- Yes, if you examine the newsletter properly you will find on page 19 there is one letter and on page 20 there is another letter.

Are those necessarily letters? --- Well, it is under the heading "Speak up Black man" which is my header for letters to the editor.

Oh, I see, is that your heading for letters to the editor? 30
--- That is correct.

So it is possibly one of those? --- It is possibly, possibly.

According to the previous page you do have a lot on education, if you look at the bottom "matters on education" the editorial would deal with medical school, but obviously under the heading education, it appears that this editorial does deal with education - PAUSE --- But it doesn't deal with medical school.

Under news in brief "crisis in Black education No.2" you do deal with medical training for Blacks? --- Yes. 10

MR. SOGGOT: (ADDRESSES COURT AWAY FROM MICROPHONE)

MR. ATTWELL: Accused No.4's evidence was that he had never written any articles for a newsletter, and never submitted any for publication.

MR. SOGGOT: M'lord, I have asked No.4 to peruse these documents now, he is going through it to see if any of those are his, he does not think there is anything of his. He says he wouldn't have written without putting his name there.

MR. ATTWELL: Mr. Moodley, you were involved together with Accused No.1 in a number of ventures? --- A number of ventures? 20

Yes, not adventures, ventures? --- Well, it depends, I think we were involved together with the NIC, involved in theatre.

TECON and SABTU? --- Yes. Involved with BPC for a time.

Involved - you were both on the ad hoc committee? --- I think perhaps I might have been on the ad hoc committee, I am not sure.

You might have been on the ad hoc committee? --- Yes, as far as my memory serves me I didn't receive an invitation to sit on the ad hoc committee. 30

I will come back to that in a minute, you were both at
the / ...

the inaugural convention of BPC and at the first national convention at the end of 1971? --- 1972.

I am sorry, end of 1972? --- That is correct.

You were also both involved with dishing out pamphlets at the Chatsworth dispute, is that correct? --- On one of the days I think I helped him to distribute pamphlets, yes.

Mr. Nayager's evidence was to the effect that you were there on both occasions that he witnessed pamphlets being dished out he mentions your name? --- I think Mr. Nayager may be confused, because I remember quite clearly I only dished out pamphlets on one day. 10

COURT: If I remember correctly he only mentioned the second occasion on the 24th.

MR. ATTWELL: That Mr. Moodley was present?

COURT: Yes, that he came in a Kombi.

MR. ATTWELL: M'lord, I will check up on that, my recollection is both, but I am speaking subject to correction there. - PAUSE - My reference here, M'lord, for what it is worth - I will have to check up on the actual record is that he distributed pamphlets at the one meeting, and again did the same the next day, but I will check on that reference. Now at this one meeting it ended in chaos didn't it, the meeting never managed - no one was allowed to speak and the crowd shouted the speakers down, is that correct? --- No, I don't think the meeting ended in chaos, the meeting was brought to a close, firstly because the speaker broke down, secondly because it had begun to rain, and thirdly the chairman of his own accord had treated the crowd quite arrogantly, and he decided to call the meeting to an end. 20

Was there a call at this meeting for Accused No.1 to address the crowd? --- Accused No.1 to address the crowd? 30

Yes / ...

Yes, "we want Saths Cooper, let Saths Cooper speak"?

--- Not as far as I can recollect.

May it have been at the other meeting, the one that you never attended? --- No, I think I did go to the other meeting with him as well.

Oh you went to both? --- I went to both.

But did you distribute pamphlets at both? --- No, we didn't distribute pamphlets at both, I think it was only at the second meeting that pamphlets were distributed.

Oh, but you were at both the meetings to which Lt. Nayager referred? --- I think the first one was where a message was given to the chairman, I don't know which one that was, well anyway at one of the meetings a message was given to the chairman. At the other meeting pamphlets were distributed and I think that was the meeting where the chairman closed the meeting.

Did you associate yourself with the sentiments expressed in the pamphlets at the time? --- I think I must have, yes.

And you know those three pamphlets, a lot of evidence has been led on them? --- Yes.

You are familiar with them? --- Yes.

And you still stand by what is said in those pamphlets? --- I think they express quite clearly.

Those were your sentiments at the time too? --- Yes.

The December 1971 SASO Executive meeting, where was that held? --- At Edendale.

Now, if I may turn to BPC, why do you say there was a need for BPC? --- Well I think Black people needed a political movement that could articulate their needs.

Was this your feeling in 1971? --- In 1971.

Well it appears in 1971 at both the first meeting held

in / ...

in Natal in August some time and subsequently at the DOCC, a lot of people also felt that a sort of umbrella cultural organisation was in fact what was required. Subsequently they were voted against? --- I think there can be some argument about that, but I think there was a need for an organisation for Black people.

Did BCP come before BPC, or the other way round? --- I think the Black Community Programmes came around somewhere in 1972.

After BPC? --- I am not sure. PAUSE - I think it was early 1972, I am not sure. I am not sure about that.

Would this have been from the people who were disappointed do you think in that the idea of a cultural organisation had been thrown overboard at the end of 1971 in favour of a political organisation? --- No, no, I think the Black Community Programmes was a completely different type of organisation, I don't think it is based from the community, it is more an organisation that is made up of a few professionals, and its work is geared mainly at initiating programmes, but I don't think it is a community based organisation as far as my own interpretation of it is concerned, because it is not something which was elected by the community.

Is it in fact an umbrella cultural type organisation? --- I don't think so.

Not? --- No.

How would you describe it? --- I would describe it as a kind of resources scheme, techniques kind of organisation, that flowed directly from I think it was the SPRO-CAS commission who initiated the setting up of this independent Black Community Programmes organisation. And I think they asked Mr. Ben Khoapa to take over the directorship of this organisation / ...

organisation. So that it was not an organisation that came from the community, but rather it was an organisation that came out of examination on the part of professionals in the social field, who deemed it fit to create an organisation like Black Community Programmes, which would assist the Black community in self-reliant programmes, self-reliant projects.

Did BPC not cater for that need? --- BPC would have catered for that need most definitely.

So there is a certain overlapping then between BPC and BCP? --- The difference I think is here, that the Black Community Programmes as I said was not a community-based organisation, in that it was not born out of the community, whereas the Black People's Convention was born out of the community.

Now, names that appear to figure prominently out of BCP seem to include Mr. Biko? --- That is correct.

A very prominent SASO man in the past? --- That is correct.

You have mentioned Mr. Khoapa? --- That is correct.

A man who was also involved with the formation of BPC? 20

--- Yes.

And I think there is a Mr. Aubrey Mokoena, do you know him? --- In Black Community Programmes?

In BCP, yes? --- I have heard subsequent to my arrest that he had been employed by the Black Community Programmes.

Was he also not quite a leading figure in SASO circles? --- He was for the time on the Executive Council of SASO by virtue of his presidency of the SRC at the University of the North.

What role did SASO play in the formation of BPC? --- SASO 30
as an organisation - well I was on the Executive of SASO at

the / ...

the time, and as far as I can gather I don't think SASO,
played any direct role in the formation of BPC.

If I was to suggest that SASO, with its policies, its
ideals and its leadership, was a springboard for this broader
political organisation, what would you say? --- I think what
SASO did was it probably lent its ideas and maybe in a
certain sense lent individual members of its organisation to
the formation of BPC, but I don't think that the South African
Students' Organisation per se was in any way involved in the
direct formation of the Black People's Convention.

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You say it was instrumental in bringing about BPC? --- I
think it played a role in bringing together Black people, that
it did do.

If I look at the presidential address of Mr. Henry Isaacs
your acting president at the 4th General Students' Council,
document SASO G.2, M'lord, the last page of this document,
page 274 of Your Lordship's papers, I read that middle
paragraph, I go through the whole thing, because it may want
to be seen in context:

"Our organisation is now in its fifth year of existence - 20
(obviously referring to SASO here) we must bear in
mind that it was established at a crucial time in South
Africa so-called. It was at a time when the white
government had effectively crushed all Black opposition
to its policies by banning the main Black political
organisation the ANC and PAC, and by the emasculation of
Black leadership. The role of our organisation then
was one of reconstruction, and to provide alternative -
an alternative to the modern well considered schemes for
subjugation like the pseudo Parliament created for 30
Coloureds, the South African Indian Council, and the
independent / ...

independent Bantustans. If the success of our organisation could be measured in terms of mathematical statistics, then I would say that 51% of our work has been done. Moreover we have been instrumental in the establishment of BPC, which is a viable alternative to the system-created platforms, so that perhaps it is an opportune time for us at this conference to take stock of the entire Black movement, to see whether or not it is not an opportune time to clearly delineate areas of operation, with a view to prevent a waste of time, energy, finance and personnel, as well as to obviate confusion in the Black community".

Would you go along with the sentiments expressed by the president or acting president of SASO there? --- I think he is making a generalised statement about SASO, but if we are to interpret correctly, the assumption would be that Mr. Isaacs is making the conclusion that as an organisation and by virtue of the fact that the South African Students' Organisation initiated the whole thinking around Black Consciousness, that fact alone would have rendered SASO playing a fundamental role in the formation of BPC.

SASO had in fact done the spadework, is that not so, it had tested the water, popularised certain concepts? --- I think what SASO did was to bring into the open for discussion the philosophy of Black Consciousness and the possibility that existed for Black people to be able to initiate and do things for themselves.

Now you were on the Executive of SASO after July 1971? --- That is correct.

Now SASO representatives to the DOCC conference, who chose / ...

chose them? --- I think at the National Executive Council meeting of SASO in December of 1971, we did discuss the invitation that was sent to the South African Students' Organisation to attend a conference at the DOCC, a delegation leader was appointed I think, and there must have been others of us who were appointed to assist.

Who was appointed to attend the conference? --- I am sure I can't remember all the names now, but I think Mr. Nengwekhulu would have been the delegation leader.

You can't recall any of the others? --- No, I can't. 10

Was this considered a particularly significant conference by you people? --- By SASO?

By SASO?--- At the time, if my own thinking is correct, SASO saw the need for a meeting of that kind, but I think our thinking was that all we would do in that instance was to convey to that conference what our attitude was to certain aspects of the society. For example Black Consciousness, for example our attitude towards the Bantustans, and maybe one or two other issues.

And the nature of the movement? --- No, I don't think we would have gone into that, I think that we would have left to the delegations present at that conference to decide upon. 20

Mr. Moodley, you printed the article by Mr. Biko on the first meeting held in connection with the formation of BPC? --- Yes.

At which stage according to Mr. Biko there was a certain fluidity, people didn't quite know what sort of organisation they wanted, is that correct? --- I don't think that would be true really, I think there was some clear ideas about what was wanted. If we can refer to - while I have got it in front of me - General K.2(a) where this particular issue is picked up in / ... 30

in "News in Brief" on page 4, SASO opinion, it seemed quite clear at that stage that the meeting at Edendale had made four clear definite points about what they were searching for. On page 4 in the second column you will find under -

"A convention towards this purpose has been called from the 16th to the 19th December somewhere in the Rand area. The following points therefore represent the key decisions. That all African organisations be asked to join in the formation of confederate organisations; that these work in conjunction with other Black groups towards the realisation of the Black man's problem;

3. that the proposed organisation operates outside the system but keeps contact with well oriented Blacks inside the system;

4. that the proposed organisation devotes itself to representing African opinion on a political basis and to promote community development programmes on education, economical and cultural aspects"

Now if we are to take those four points which came out of the Edendale conference as the main points of that conference, then I think it is quite obvious that an organisation like BPC was to follow. I don't think that at the time there was fluidity, there seem to be four clear points about the decisions taken at Edendale.

Mr. Biko informed you of the proceedings at this meeting? --- Yes.

Did you know that he served on the committee entrusted with the task of drawing up a draft Constitution and submitting it to that meeting at the end of the year? --- Yes.

And were you also aware of the fact that the standpoint
of / ...

standpoint of that committee as a whole would be that a cultural organisation would be established in opposition to a political organisation? --- No, I don't think Mr. Biko would have related that to me, because I think that would have been clearly acting outside the mandate given to him by Edendale. Those were private matters that were concerned with that particular committee, and I don't think Mr. Biko would have conveyed that to me, because that was something which was discussed almost in committee.

Was it known to the SASO Executive at the time delegates were sent to that conference? --- Was what known? 10

Was the fact known that there was going to be a movement, or there was certainly going to be some opinion for a cultural organisation? --- No, I don't think that would have been true.

Because you see the SASO delegates appear to have taken a very firm stand at that meeting and pushed a very strong line for a political movement? --- No, I think what happened, and this came to me through the report of Mr. Nengwekhulu, was that the argument was that the committee had misinterpreted the directions given by the Edendale conference, and that all SASO was attempting to do at that particular point, the SASO delegates, was attempting to give correct - the correct perspective as far as the Edendale conference was concerned. 20

No mandate was given to those delegates from SASO to adopt a certain attitude at the conference? --- No, I don't think so.

And it just happened that the four of them all stood together and took a very strong line one way, and in fact nearly broke the conference up by the sound of things, walking out and threatening to withdraw? --- I think you are misinterpreting or either exaggerating the real thing that / ... 30

that happened.

Well you were at the conference for some time, perhaps you can tell us what you saw at the conference while you were there? --- Unfortunately I only got there when Mr. Sono had given his speech and then I left, because Mr. Sono asked me to come and listen to his speech. But from the reports that I got from Mr. Nengwekhulu, nothing of the kind happened as you attempt to put it. I think what did happen was that there was eager discussion around the interpretation of what had happened at Edendale previously. And there seemed to be a misinterpretation on the part of some delegates and indeed the committee, about what the mandate had been given at Edendale. That is the confusion. And I think when Black people meet to discuss things, it is not unlike them to get involved in the discussion, but I do not see it as an attempt by SASO to break up the meeting. I am sure the first people to appreciate the efforts of SASO were those who had initially opposed what the SASO delegation stood for.

I want to ask you one last question before we take the adjournment, what was the approach adopted by your president Mr. Sono, in his address that you heard? --- I can't remember quite clearly his topic, but I think he spoke about the relevance of a Black political organisation.

A Black political organisation? -- I think he spoke about that.

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