

I could not service because it was not operating.

Were you given any name by Mr. Schoon or anyone else prior to this stage? --- In Swaziland they had called me Rodger.

Rodger? --- Yes.

And is that how the letters were written? --- Yes.

Is that how you were addressed? --- Yes, at that time it was not in code at all.

After your July visit in 1979, did you send any (10 information to Mr. Schoon? --- Apart from telling him that the job at the Urban Training Project was unavailable and telling him that the dead letter box was not working, no.

Did you know anything about Fasatu at the time? --- In 1979?

Yes? --- FASATU was a federation which had just emerged, of black trade unions. Some of the unions which had joined FASATU were unions that had emerged out of the Industrial Aid Society for which I had (20 worked earlier on. I had very little knowledge of FASATU, the Federation as such because I was no longer working with it. I had a knowledge of its earlier period, its origins and growth up to about 1976.

Did you pass on any information about that as far as you can remember? --- I passed on a document relating my history to FASATU which Schoon had asked me to do.

THE COURT ADJOURNS FOR LUNCH

ON RESUMPTION:

(30

BARBARA A. HOGAN: (Still under Oath)

EXAMINED BY MR. BIZOS: (Cont.) Before his lordship adjourned, we had come to the end of 1979 when you told us that you had sent a document to FASATU and you sent a letter saying that a dead letter box was apparently not operative, do you remember that? --- Yes.

Let us deal with 1980. Do you recall what you did during this period as a member of the ANC? --- I met with Marius Schoon in the latter part of December 1979 and early part of January 1980, it was (10 about three or four days.

And did you do anything, discuss anything? --- Yes we did.

What did you discuss? --- Schoon had been interested in the fact that I had been helped in the latter part of 1979 to organise a boycott in support of Fatti's & Moni's striking workers. I had not been essentially in the boycott as the major part of the boycott activity had taken place in the Western Cape and the Transvaal group was merely a subsidiary group. (20 He asked me to write out a report of my participation in that boycott. Further than that my position as regards the ANC was discussed again. Because I had not been able to take the job with the Urban Training Project, I had done nothing further for the ANC until I met with them again at this time. Schoon asked me what type of area of activity was I interested in and I said that I was interested in unemployment. This interest had initially arose during my years, during my honour's year at university where, through my studies (30

I have become aware of the fact that unemployment was probably the biggest social problem affecting countries in the third world such as Asia and Africa, that unemployment would continue to rise regardless of whether there were cyclical depressions or not given the fact that machinery was increasingly replacing labour. My concern with unemployment at that stage was an academic concern, unless those problems are resolved, there is little chance of real development occurring in these countries and in many of those (10 Third World countries the unemployed people constitute two thirds of the population. It is only a privileged group of people who do have jobs. I was concerned about unemployment in South Africa because in my studies it had shown that regardless of the boom period in the 60's which was a boom period for the South African economy, the rate of unemployment in South Africa was continuing to increase. This, as I say, was due to the increasing mechanisation and that many people were losing their jobs being retrenched, not necessarily (20 because of recession but because of the way in which industry was producing.

You had this academic interest and you had this conversation with Schoon? --- Yes.

Was anything agreed upon? --- That interest I wanted to pursue because I had come across in the Industrial Aid Society tragic cases of unemployment and I felt that it was necessary that unemployed people particularly black unemployed people in South Africa have a better chance to live, at least not below the (30

B.A. Hogan

bread line on which they are living at the moment. Particularly those people in rural areas. I was still unsure of what could be done about it and Schoon suggested to me, he saw it as a valid, as a real problem and he suggested to me that I speak to someone called Steven, who was an Indian man who apparently worked with Schoon. I have no other details about him. I spoke to Steven and Steven and I, I suppose, jointly decided that an unemployed workers' organisation, an organisation to represent the interests of unemployed (10 people, to represent them would probably be the best way to deal with the question of unemployment, of alleviating the problems of unemployment. At the same time we felt, and Schoon had mentioned this particularly, that scab labour, that is labour, workers who replace the jobs of workers who are on strike, was often used to break the back of a strike and that unemployed people in that sense could weaken the trade union and I think it was, particularly Steven's concern that unemployed people learn to understand (20 that it does not solve the problem to take the jobs of a striking worker because the conditions remain the same and rather that they should support striking workers and refuse to take those jobs until conditions improve. Those were the major interests we had in unemployment, however, because the area was so new and unexplored I said that I wanted to investigate more and I suggested that I register for Master's degree in unemployment, the study of unemployment which they agreed to and I suggested that I work for (30

an/...

an organisation that dealt specifically with unemployed people an organisation called Johannesburg Organisation to Boost Self-help Jobs, as it was known. This is an organisation in Johannesburg which helped to set up co-operatives, self-help co-operatives and which was trying to find jobs for unemployed people, that was a specific task and I joined that organisation to see whether there were any possibilities of forming an unemployed organisation on their out of jobs and also to familiarise myself more thoroughly with the problems that unemployed (10 people experienced. This was agreed to and they felt that this was a valid area in which I could participate and it was left at that and I then returned back to S.A.

This interest in unemployment, even if you had not become a member of the ANC was this something that you were interested in? --- Definitely, particularly after Fatti's & Moni's when I saw the results of what happens to workers who don't have employment.

And your registering as an MA . student, was that something which you may well have pursued irrespective (20 of your membership of the ANC? --- Yes I will continue to study.

There are three exhibits before his lordship that deal with the question of unemployment. Would you please have a look at Exhibit "B4". Does this deal with your concern for the unemployed? --- Yes it does.

Would you please look at Exhibits 5 and 6. Do they deal with this subject? --- Yes they do.

Who prepared those documents? --- I prepared Exhibit "B4", 5 and 6. All three of them I prepared. (30

Did you keep them to yourself or did you send them anywhere? --- I kept Exhibit 5 to myself and Exhibit 6 I kept to myself.

And 4? --- 4 I showed to Sisa Njikelana, the South African Allied Workers Union. That is a trade union based in East London.

Is he a trade unionist? --- He is a trade unionists yes.

Did you sent any reports in January 1980 or the end of 1980, beginning of 1981 to Mr. Schoon? --- (10 Any reports you say in 1980?

Yes? --- I sent a report in about August 1980 on jobs saying that the organisation itself was crumbling and I did not see any scope for working in it.

I want to show you another document, would you have a look at B31, when did that come into being? --- April 1981.

Does that also deal with the unemployed? --- Correct.

And who brought that document into being? --- (20 I did.

Did you go to Botswana in January 1981? --- Yes I did.

What did you go there for? --- I had been asked by a friend of mine here, Gavin Anderson to go to Botswana because his sister had just, he stays, his parents are in Botswana and his sister had been to visit his parents and had heard that there were extensive rumours going around that a friend of mine, Auret van Heerden was a spy. Now as far as any of the (30 people/...

people of my friends here was concerned, Auret van Heerden was not a spy and we felt that it was a damaging thing and Gavin Anderson asked me to go and sort out those rumours because it was his girlfriend was, Auret's girlfriend was Gavin's sister.

Did you do that for and on behalf of the ANC?

--- No that was a private request, none of the people, Gavin didn't know that I was working for the ANC, Auret didn't know that I was working for the ANC, nor did Sedrick De Beer who I also consulted on that matter, (10 know that I was working for the ANC at that time.

Was the fact that you were a close friend of Jeanette Schoon known to them? --- Yes because Gavin and I had worked together in the Industrial Aid Society with Jeanette.

Did you discuss anything else in the visit of January 1981? --- January 1981 when I met with Schoon we discussed the White Left as well. I met with, not only Schoon but I met with someone called Reg September who was also a member of the ANC and once (20 again that person Steven and I discussed with Schoon, not with Reg or Steven, I discussed the position of the Whites Left in South Africa, how its history had developed because he was particularly interested because he had not been party to the development of the Whites Left being in prison at the time of its growth.

What is the White Left? --- The White Left I suppose is, it is not an organisation as such, it is a loose grouping of people who do not associate themselves (30 with/...

with Parliamentary politics, see themselves outside of say PFP or something like that and therefore I would say are to the left of centre as it were. Some members would have socialistic tendencies, not Communist tendencies, others not, but on the whole I would say that the White Left is also characterized by a commitment to non-racialism in S.A. and a commitment to the growth of a democratic South Africa..

Anything else that you discussed in January 1981? --- No. Marius wanted me to discuss the unem- (10 ployment union with Jeanette Schoon, Jeanette Curtis. She was away at the time and her plane was delayed for several days and I couldn't wait any longer so we postponed the discussion until a later time, not arranged.

Was there any talk about zones or zonal areas or anything like that? --- Yes. When I arrived in Botswana, I realised that Schoon was critical of Auret van Heerden, not merely because he thought she was a spy but he was critical because Auret had gone to the (20 Army and things.

COURT: Why was he critical? --- Because Auret had been a NUSAS president and had elected to go to the army which the ANC does not in general approve of, of white men doing. I realised then that there was an antagonism between them and that in South Africa Auret and Sedrick to a certain extent, I think was seeing Marius and Patrick as operating without any kind of official mandate, they were acting like careerists in Botswana and Marius explained to me that they did (30

not work just independently and take decisions of their own, they worked under a committee called a Zonal Attack Group which itself was a sub-committee of the Revolutionary Council which is based in Botswana as were other Zonal Attack Groups based in Swaziland and Lesotho and these zonal attack groups were groups that were specifically politically orientated, orientated towards politics and were addressing themselves specifically to the questions of politics, particularly geographical zones in South Africa (10 hence the name zonal.

MR. BIZOS: Did you connect the word "attack" with being concerned with Umkonto we Sizwe or any form of violence? --- Not at all. Marius's instructions to me had always been to keep completely clear of Umkonto we Sizwe activities. I was to have nothing to do with them whatsoever.

COURT: Where was van Heerden stationed at the time? --- He was in South Africa, he was a friend of mine.

MR. BIZOS: Let's deal with 1981. Did you establish (20 any form or method of communication between yourself and Schoon in January 1981 when you were in Botswana? --- Yes. We established a system whereby I would be able to communicate with Schoon every second week and likewise he with me every second week.

And how were you to communicate? --- Via a system of DLB's.

Dead letter boxes? --- That's correct.

You have heard the explanation given to his lordship by previous witnesses in regard to that, do (30

B.A. Hogan

you agree that that is how it operates? --- Yes.

Did you agree on a code? --- Yes I was taught a code by Patrick Fitzgerald.

Is he an associate of the Schoon's in Botswana?

--- That's right.

COURT: Who taught you the code? --- Patrick Fitzgerald.

MR. BIZOS: Major Williamson described an elementary and a complicated code, which one were you taught? --- I don't know the two that he was referring to. Mine was a complicated one. (10)

A complicated one? --- Yes to a certain extent complicated.

Complicated or difficult to operate? Perhaps you could just very briefly describe it to his lordship. Was there a book involved? --- A book involved.

COURT: Why was it necessary at all to do it by way of code? --- Because Schoon was concerned about my safety in South Africa.

Why would he be concerned about your safety, you were doing, all you have done so far if I understand your evidence correctly, were quite legal? --- Yes. (20)

So? --- But I was communicating with the ANC which was an illegal organisation.

Where was Fitzgerald stationed? --- He was in Gaborone. He was working for a news agency, I am not sure, he was, I am not sure when he resigned from it.

Is that the news agency to which Major Williamson referred? --- That's right.

MR. BIZOS: This code, did you use a book for it? --- (30)

I used a book. Mr. Schoon had the same book. It involved referring to the page of a book, of that book, thereby, it is very difficult to explain.

The page and what else? --- The page, only the page. You start with the first word and you would .. look it is a complicated code and perhaps ...

Well the page, the line? --- No it is not that kind of code.

Did you correspond with Schoon in this code? ---
Yes I did. (10

Regularly? --- The system began in February, I corresponded until about the middle of March, which must have been about three times. I was taken ill for 6 weeks in which I did not correspond. From about the beginning of May I started again until the end of June and then the correspondence stopped so it must have been about six or seven times at the most.

Would you please have a look, if your lordship would make the original available M'lord of "Bl"? There was a covering letter. There is a handwritten (20 portion, whose handwriting is that? --- I don't know.

As far as the typed document of Bl is concerned did you write that? --- No I did not.

Did you tell Major Cronwright or anybody else that you were the author of it? --- No I did not.

Did you send that document to Botswana? ---
Yes I did in 1980.

Did you send it only once or more than once?
--- I send it to Botswana once and then at the request of Rob Adam, a friend of mine. I gave it to him for (30

him/...

him to give to whoever he was working with. I did not know who he was sending it to.

If my memory serves me correctly, Major Cronwright said that the handwriting that you are unable to identify is Mr. Robert Adam's? --- It could well be.

COURT: Who was Mr. Robert Adam? --- Who was Mr. Robert Adam?

Or who is he? --- Mr. Adam is a, was a friend of my flat mate who I got to know. He was working as an education course writer, education course material at a correspondence college. I became aware or became suspicious that he was a member of the ANC because he had at one stage given me a Seshaba and he assisted me at a time of troubles that I had in June 1981. (10

MR. BIZOS: Did he give you any other publication besides Seshaba, whilst we are with that? --- He gave me an African Communist.

The one that was found ..? --- In my possession that is correct. (20

COURT: Was he a friend of this flat mate of yours? --- Correct.

What was her name? --- Barbara Klugman.

MR. BIZOS: He also gave you the African Communist that was found in your possession, Exhibit B10.

COURT: What happened to Mr. Adam, I just want to make sure. Was he the person that was charged before the Judge President, that is some time again in connection with the Brixton Tower.

MR. BIZOS: Yes, I was going to inform your lordship. (30

He was convicted under the Terrorism Act M'lord for conspiring to damage the TV installation.

COURT: I wasn't sure whether that was the same person.

MR. BIZOS: That is the same person M'lord.

You say you gave him Exhibit B1 to give to whoever he wanted to, but you had sent a copy of it to Botswana previously? --- Correct.

Did you study that document before you sent it away? --- I read it once.

COURT: How did it come into your possession? --- It (10 was given to me by a friend of mine.

And who was this friend? --- Merle Favis.

MR. BIZOS: There has been evidence as to the nature of the document and there will be further evidence in relation to it. Miss Hogan were you familiar with the affairs of FASATU in 1980/81? --- No, not intimately concerned with the affairs of FASATU in that ... well ever since I left the Industrial Aid Society I was not intimately connected.

When did you leave the Industrial Aid Society? (20 --- The beginning of 1976.

Do you know whether FASATU was in existence at that time? --- Yes it was in existence certainly.

It was in existence? --- Yes.

And where was FASATU based? --- Nationally it was based in the Eastern Cape, Natal, Western Cape and the Transvaal.

Where was its head office? --- I am not sure, it is either Durban or Johannesburg, I'm not sure.

Were you in any way intimately or otherwise (30 connected/...

connected with any of the people working in it?

Did you know who its office bearers were, who was really responsible for formulating its policy, did you know anything about that? --- I knew people who were working in FASATU, mainly white academics, but I never discussed FASATU with them.

COURT: Excuse me a moment please. Mr. Swanepoel didn't you uplift Exhibit B1, or someone uplifted it. I had it, I have read it, I had it in my possession and it was in my office. I don't seem to have it with me (10 any longer.

MR. SWANEPOEL: No M'lord I didn't. The B Exhibits were in a black file.

DISCUSSION BETWEEN COURT AND MR. SWANEPOEL RE EXHIBIT "B1"

COURT: I've found it. I wanted to have it with me while she is giving her evidence so that I can form my impressions. You say this was given to you by a friend? --- She said that it had been written by someone in London and she passed it on to me.

Why did she pass it on to you, what was the purpose? --- She and I had been at University together and she was editor of the bulletin I referred to earlier on, the South African Labour Bulletin and because I was interested in labour she would every now and again hand me an article which had been submitted for publication or was related to labour. It was a thing arising out of our university days.

MR. BIZOS: It would appear from a reading of it and that in the opinion of Mr. De Vries and I think the opinion of Mr. Lodge that this is an ideological document and (30

whoever wrote it is obviously steeped in Maxists, Leninist ideology. Do you consider yourself such a person, would you have been able to write B1 if you tried? --- Certainly not.

And you sent it to Botswana? --- Yes.

Why? --- Because it was, look it was a very high powered analysis, some of which I found quite difficult to understand.

COURT: You are not the only one, if that is of some consolation to you. I've read it twice and I cannot (10 say that I understand half of it. --- I thought they would may be make better use of it than I could, because it was just incomprehensible at times.

What made you think that possibly they may have been interested in it? --- Because obviously a document like that could not have been written in South Africa and I was told it came from London and I thought that because it had come through personal channels, they would have not got hold of it in Botswana so I passed it on to them because I knew par- (20 ticularly that Jeanette was interested in labour and as I say I thought they could possibly make more sense out of it because it was a very high powered document than I could.

Can you recall whether you were asked by Major Cronwright about the author of this document or where it came from? --- Major Cronwright asked me, he said when he presented three documents to me, B1, B2 and B3, he said, are these your documents and I said yes. At a later stage in interrogation I realised that the (30

B.A. Hogan

Security Police were under the impression that I wrote that and I then said to them, to W/O Van der Merwe I said to him that I did not write that article and that they had been under the incorrect impression that I did write that article. So Major Cronwright could have mistakenly believed that I did write it.

But you can clearly recall that he asked you whether you were the owner, whether they belonged to you? --- He asked me whether they belonged to me.

Showing you all three documents? --- He showed (10 me 1, 2, 3 and said, he showed me four things and he said "Are these yours?" and he showed them to me and I said "yes" and the final thing was something, a photograph which I said I didn't understand this, it had nothing to do with me.

It was only later on you say, during interrogation that you realised that whoever interrogated you at the time, was under the impression that you were the author of Exhibit "B1"? --- Yes, they kept on calling me a Marxist Lenninist and I could not un- (20 derstand why and then I realised from that document that they had assumed that I had written the document.

MR. BIZOS: When you said that they were yours, what did you mean by that in relation to B1? --- In relation to B1, that they had been in my possession that I had passed them on, that I had had something to do with them.

Would you please have a look at document B2. Have you got it? --- Yes I have.

Are you the author of this document? --- Yes (30

I/...

I am.

Please explain to his lordship how you came to write it and why? --- At the end of June 1981 I had received a message from Botswana, the courier had actually come through from Marius Schoon telling me that I should leave the country because the envelope in which I had enclosed my last coded message to him via my DLB had been found slit open, and they were anxious about my safety here. I examined the envelopes, a pack of envelopes out of which I had used the one (10 envelope to communicate with Schoon, the slit envelope and I noticed that the envelopes in that whole pack, the unused envelopes were all slit open as you open them, they were of an inferior quality. So I doubted, I was in two minds as to whether their interpretation that perhaps the Security Police had slit open that envelope or someone else was correct. That same week I was put under surveillance by the Security Police which I noticed and I sent a message to Botswana via a friend of mine whom I knew to be in contact with (20 Botswana, Allen Fine. However, he could not advise me what I should do and I received no reply so I approached Robert Adam, the only other person whom I suspected of being a member of the ANC. I did not know in what capacity he worked as a member of the ANC and I asked him for advice. He said that he would speak to the people he was working with and I was advised to stay in the country, but the thing which I did was a thing that worried me, was that at a time such as this, at a crisis time my communication with Botswana (30

was/...

was inadequate to enable me to resolve the crisis happily and without a great deal of strain. This I related to the problems that I had always had in my relationship with Botswana and that was an inadequate communication system. At the same time I think that crisis had pointed out the fact to me that in actual fact I had done very little for the ANC, that my contact with the ANC was sporadic, my communications very little and as I say in this B2 document, I could not see the point at that stage of having contacts, (10 dangerous as they were, if they were of little benefit to anyone. I spoke to Rob Adam about this question and he suggested my writing a report on the problems that I was having. He also said that the people that he was working with would welcome such a report as they tended time and again to do independent check ups on the operations of the ANC in different countries like Botswana, Lesotho. So it was in response to my needs and at Rob Adam's request that I sent this document.

(20

I assume that you did not expect it to fall into the hands of the Security Police, nor to form an exhibit at your trial? --- Correct.

And to the best of your ability did you write out in this document how you saw yourself and the little work that you have done for the ANC? --- Yes. I tried to distinguish between the work that the ANC instructed me to do and work which I continued to do independantly of the ANC.

After this document was handed over to Mr. (30

B.A. Hogan

Adam, in whose handwriting is the covering letter, do you know? --- No I don't.

We have the evidence of Major Cronwright that it was written by Mr. Robert Adam? --- I would presume the same.

After that document went off, did you receive any communication from anywhere? --- I received a communication via Robert Adam, a letter which he said had come from the people that he worked with in which they thanked me for the document, said that they were worried (10 about the problems that I were raising, they saw them as genuine problems that I was experiencing, that they felt that something ought to be done about it and that they wanted a list of people that I worked with, not only or necessarily ANC people, but a list of people I generally associated with in my political work as they were wanting to do an independent security check on those people. They were worried I think, at the time that Botswana's concern about my safety might also, I think simultaneously mean a concern that some- (20 one in my circle was a spy.

That is what you thought at the time? --- Yes.

But now we know that B2 never reached Botswana or any of the other people because Major Cronwright told us that he got it and never sent it on? --- Correct. There was one thing that worried me about that letter which I registered at the time but didn't take too seriously and that is, the letter was addressed "Dear Comrades", now the ANC has never addressed me as comrade (30 they/...

they have always called me by my code name and that was the one thing that did worry me.

And you say that you were asked for a list of names of people that you had dealings with and not necessarily ANC? --- Not necessarily ANC, just people that I worked with.

And did you then compile document B3? --- Yes I did.

And do you know that as a result of your writing B3, the people whose names are mentioned on here (10 were detained? --- Yes I do.

Would you read out to his lordship please B.3? There is a capital A on the left hand side and next to it the heading, "Close Comrades" and there we have the names of Cedric De Beer, Gavin Anderson, Auret van Heerden ... --- I'm sorry that's incorrect, the capital A is not next to the "close comrades".

Yes where is it? --- The capital A is next to Cedric de Beer's name. The close comrades does not refer to the following five people. It refers to all (20 the people on the document.

And that A is underneath it as you point out? --- A is underneath it followed by B, C.

You say about Mr. Cedric De Beer, Gavin Anderson, Auret van Heerden whom you have bracketed together "primary reference group"? --- Yes.

"All three know that I am working under discipline. Gavin and Auret under discipline. Cedric is not so but does work when requested." --- Yes.

What did you mean by that? --- That those were (30

the three people that I relied upon to help me in any of the work that I was involved in generally in politics. None of them knew that I was a member of the ANC until the time that I was told to leave the country.

COURT: What do you mean when you say that all three of them knew that you were working under discipline?

--- That I had contact with the ANC.

It goes much further than that. --- That I was working for the ANC, yes. (10

Yes under the specific guidance of someone in authority? --- That's right.

MR. BIZOS: You say that they found that out when you were asked to leave the country? --- Yes, they were the people I spoke to when I was asked to go and sort out the rumours about Auret and if M'lord looks at document B2, there is a passage in it in which I say that I was mandated by a group of people to go to Botswana without them knowing that I was under discipline. So already by 1981, still by 1981 none of those people (20 knew that I was a ANC member, but they knew after 1981 that I had met once with the ANC as regards the issues that we had jointly discussed.

And you inferred from that that they knew you were under discipline? --- Yes.

And that is why you wrote that in relation to them? --- Yes.

You said that Gavin and Auret are under discipline. --- Yes.

Did you know that as a fact? --- I had, well (30

B.A. Hogan

let me explain both of them. As regards Auret, when I went to the ANC about the rumours about him being a spy, it was concluded at that meeting that there was no possible way in which Auret could be a spy and that the rumours had come from fragmented sources and had been distorted. However, Auret had always, I think, shown and said that he was a loyal ANC or sympathetic person to the ANC and Mr. Schoon undertook to find out whether in fact he was a member or not. At the time of my writing this document, Mr. (10 Schoon said that he could not verify that Auret was a member of the ANC but that he was still convinced that Mr. van Heerden was not a spy. So in that sense I wrote it with ambivalence knowing that they could check on their own sources once they had received this document.

You made a distinction in relation to Cedric, is that Cedric De Beer? --- Cedric De Beer had always, I mean at times Cedric, Gavin and Auret had discussed whether we should be members of the ANC. I kept my (20 membership concealed from them and Cedric had always insisted that he should not be a member of the ANC, that he could not be a member of the ANC, that he had been tried in 1976 under the Suppression of Communism, found not guilty and acquitted of it, that he had been a student leader, that it would be reckless for him to work for the ANC and he maintained that position right until I was detained. However on one occasion or two occasions I had been asked to give Cedric a message from Schoon, a coded message and (30

Cedric/...

Cedric had told me that Schoon had asked him to write a document about his work in an organisation that he was working for EDA and I was surprised when Cedric said to me at the time, I'm worried about doing something like that because I don't believe I should be working for the ANC, but I agreed to it because I did not want to further the distance between myself and Schoon and therefore I will do it. So therefore that is the reason why I said he will do work if requested but he is not formally a member of the ANC. (10

Then you wrote down the name of Mr. Fink Haysen?

--- Yes.

Would you read to his lordship what you said about him? --- "That he had just moved to Johannesburg and in the past has worked with Cedric and Auret" I did not mean in any ANC capacity whatsoever. Cedric Auret and Fink had all been office bearers in NUSAS and had developed a friendship over the time as they tend to do and that is why I said he worked with Cedric and Auret. He had just come up to Johannesburg and (20 was working at the university and I found him to be a very clear thinker and I thought that I would be working with him more closely in the future but I had done very little work with him up to then.

Is he a member of the legal profession? --- Yes.

Then you mention Mr. Allen Fine, what do you say about him? --- That I work closely with him. I work with him independently of others, he works under discipline and knows that I am under discipline. Allen Fine was a friend of mine who had also worked with me (30

in the Industrial Aid Society and knew the Schoons, Jeanette and Marius quite well. I used to visit Botswana on a friendship basis before I was recruited to the ANC, before I was transferred to Botswana and on occasion I visited with Mr. Fine. It became, I became suspicious and I think it became self evident at one stage that Allen Fine was working with Jeanette Schoon. Given my experience of it it just seemed to me that way and Marius suggested to me that I actually work with Mrs. Schoon and Mr. Fine and I refused. So (10 we did not work together on ANC work, but I never said to anyone that he was a member of SACTU and that is why I say I worked with him independently of others. I never mentioned the fact to anybody else. He knew that I was under discipline and I knew that he was working under discipline for SACTU and that is how the relationship remained.

Then you started a completely new category. --- Yes.

Under the heading "Advising Reference Group (20 People. Only above ground work." The first name there is the name of Neill Aggett. Did you know how to spell his name correctly? --- No.

Were you in any way connected with him in your ANC work? --- Not at all.

The next name is Liz Floyd. Were you connected with her at all in any way with your ANC work? --- Not at all. As I say, I make a specific comment there. Only above ground work. In that sense I mean only work not ANC connected.

Was Dr. Neill Aggett and Dr. Liz Floyd, were they both involved in trade union work? --- That is correct.

They too were detained? --- Correct.

And Merle Favis? --- The same, that she was the editor of the S.A. Labour Bulletin. I had studied with her at university and she was a person, because of her position as an editor, a person who was well read and informed. Definitely not a member of the ANC or SACTU. (10

Is she the person who gave you Bl? --- Correct.

And Mohomed Valli Moosa? --- He was a person that I had known when I was working with a research group, an academic research group, the Labour Research Commission and he was their full time worker.

Did you have anything to do with him in your ANC work? --- Not at all.

And Mr. Ismael Momoniat? --- The same, he was a friend of Mr. Moosa, I got to know him through him and he is a lecturer at university. Once again I had no ANC relationship with him at all. (20

And a person whose name you thought was Monty Noorsam? --- Yes Monty Nasu.

What is his name? --- Nasu.

Is that what you have learnt subsequently? --- Probably I heard at the time but I didn't know how to spell it.

You didn't know how to spell his name either.

--- He was a trade unionist with the municipal workers union. Once again he was definitely not a member of (30 .

the ANC and I never worked with him in any ANC capacity whatsoever, or SACTU.

Then you say: "None of these people know that I am under discipline nor am I aware of any of their positions as regards ..." was that the position? --- Yes as regards Neill Aggett I was more certain about that. I had had a difference of opinion in the Fatti's & Moni's boycott with Neill Aggett. I had mentioned that in my report to Mr. Schoon. Mr. Schoon had said to me that Neill Aggett was not a member of SACTU or (10 the ANC. So I had it confirmed from Mr. Schoon as regards that. Neill Aggett himself had said to me that although he felt that SACTU had done a good job of work as it were in the past, it would be reckless of him to work with SACTU or the ANC now.

Then you go on: "People who regard me as their consultant and whom I work with closely. In what capacity. Potential Leadership".. and then you give a list of names. What did you mean by that? --- Those are people who I was very close to on a friendship (20 basis. They were people who, I suppose because I was older than them, had had experience in the labour movement, had sort of lived through the student protest of student politics of the '70's, looked to me as someone who had had a certain amount of experience in things and they would on and off, because of their close friendship with me come and ask me questions about how they should ...ask me for advice, guidance criticise me at times as well.

Then you give the names of Barbara (?), was (30

she/...

she a friend of yours? --- Yes she is.

She is a friend of yours? --- Yes.

And Barbara Klugman? --- She is my flat mate.

And Joanne Yawitch? --- A close friend of mine.

And Morris Smithers? --- The same, I had known him for about 10, 12 years.

And Niel Coleman? --- Yes, I had worked with him.

And Jane Barrett? --- Yes.

There is some writing at the bottom of it, is that your handwriting? --- My photostat does not show (10 it but I am familiar with the document and I am sure it is my handwriting. At the bottom of which page?

The second page of B3? --- No, that is not my handwriting.

It says "people who I know fairly well are marked with a cross and people who I know slightly are marked with a circle." I don't recall whether Major Cronwright gave evidence, M'lord I believe the handwriting to look like that of Mr. Robert Adam and that the major did in fact say so. Just whilst we are with Mr. Smithers, (20 this red flag that was found in your possession, how did it come to be there? --- Morris Smithers and I were going to take an office together to do co-operative work together and we were walking up and down the streets in the centre city looking for an office and we came across a little bookshop and we went in because we like books and this bookshop was chock-a-block packed full of books, but not in shelves or anything, it was just packed up to the ceiling and you had to climb over piles of books and there were all sorts of things in (30

this bookshop, there were things like paperdolls that came from the 1950's or the 1940's. There were all sorts of funny little things and we were highly amused by this bookshop and we were sort of saying what kind of thing is lurking, what kind of monster is lurking in a bookshop like this and what happened we came across a little stand that had all sorts of flags like the Union Jack and everything like that in it and Morris pulled out this red flag and we couldn't believe that a flag like that, a sort of subversive flag could (10 be found in an old antiquated bookshop like that.

When you said subversive you put up your fingers to indicate the inverted commas. --- Yes and we were highly amused by this because it was obviously a very old flag and we wondered from what time, how from time immemorial this flag had been sitting in the shop so we decided to make gifts to people, to nag them, to irritate them, to tease them. So we bought paper dolls for Joanne Yawitch who is a strong feminist and these paperdolls had women in very pretty little clothes, (20 something that a feminist would object to. That was one thing we bought. We bought this flag for Gavin because ...

Gavin who? --- Gavin Anderson, because Gavin has a reputation for being the most democratically minded person and totally opposed to Stalinism or anything he thinks reeks of Stalinism, so we thought as it were, we would put the red flag to the bull. There were one or two nice little .. we bought for Paul Hendler for instance a book on how to become a muscle (30 man/...

man because Paul Hendler was doing Karate and things like that at the time. So we bought various things and that was the flag, it had nothing to do with any political believe, it was just a purely mean nasty game to play on some of our friends.

You and Maurice Smithers? --- Yes.

Where is this bookshop by the way?

COURT: Why was this flag not handed to Gavin Anderson?

--- Because Morris said that he wanted to be with me when we gave those presents to them and Morris and I (10 don't stay together and we don't have the same transport and we don't see the people at the same time and they all stayed in Crown Mines, and Morris and I had endless kind of squabbles about when we could get together to hand over these offensive presents and in actual fact Morris tried at me for being kind of tardy in handing over those presents, the rest of the presents were not confiscated by the security police.

MR. BIZOS: They were still there in the flat? --- Yes.

COURT:. What happened to Gavin Anderson? --- He is with (20

his parents in Botswana. His parents stay in Botswana.

Was he in Botswana at the time when you bought that flag? --- No. He was in South Africa at the time.

Was he in Johannesburg? --- In Johannesburg.

At the time? --- Yes.

Before you could find the right opportunity he moved out of South Africa, is that what happened? --- No, no. He was detained with me and released two weeks later.

He was detained with you and then released and (30

then/...

then released and then subsequently left for Botswana?

--- I don't know if he's left, I think he is visiting his parents and thinking of returning. I don't know what his plans are.

He was living in Johannesburg and the right opportunity just did not arrive for you and Smithers to be together to hand over these presents? --- And for the whole group to be there, Joanne, Paul Hendler and Gavin.

You wanted to hand it over simultaneously to (10 these people? --- Yes.

So that you could enjoy the result? --- Yes, they stayed in a house together you see and we thought that they needed a bit of a pulling down and so we wanted to hand it over as a joint gift.

MR. BIZOS: Did you see yourself when you joined the ANC as a person who was out to recruit people into the ANC? --- No, I never recruited anybody to the ANC. When I met with Schoon in January 1981 he suggested to me that that is what I should do and I was unhappy with (20 that suggestion and I refused to do it, so it was left to me as an open possibility, but I never recruited anybody.

I want you to please give some detail to his lordship in relation to this unemployment workers union. Did it ever get off the ground? --- No.

What was your intention in relation to it, because an unemployed workers union sounds almost like a contradiction in terms, could you please explain to his lordship what it was about? --- By an unemployed (30 workers/...

workers union I was meaning a union or an organisation, put it that way, an organisation that could represent specifically the interests of unemployed people that could through various ways try to improve the quality of life of unemployed people, that could involve unemployed people in activity which could, I think rescue them from the incredible psychological depression which an unemployed person experiences whilst in unemployment. I was thinking of providing some form of income, not necessarily monthly income, but I had (10 thought of that, some form of food and clothing for people as well as looking particularly to the cases of absolutely destitute unemployed people. My experience both in the IAS and in jobs had shown me that the unemployment benefits were tremendously difficult to achieve by a lot of unemployed workers. There are often long queues, a lot of bureaucratic problems and that was a problem that was found by the Black Sash and other organisations, that if people wanted unemployed benefits they were sent back to the homelands (20 and then sent backwards and forwards and that was a problem and I felt that that needed to be looked at. So in that sense I was concerned with unemployed people in their state of unemployment, of helping to improve that condition. The other side of that question was to look at the unemployed union as a way of helping the trade union itself, of training, of giving people training, unemployed people training of what a trade union is so that when or if they got a job, they would understand what a trade union is, the same time that they (30 would/...

would not act as scab labour, something which I think is damaging to industrial peace, because what happens when scab labour takes over is that striking workers tend to attack and insult people and there is a tremendous disruption. In that sense I felt that there should be some kind of relationship between unemployed workers and employed workers and that employed workers as well should provide some income for unemployed workers, contribute say 10 cents a month or something like that for unemployed workers. That was my initial (10 intention.

Would you please have a look at Exhibit "B31." I want to ask you primarily before going through it with you for his lordship, did you intend to cripple industry or to bring about disorder by associating yourself with an organisation for unemployed people? --- No I would say that I was trying to do the contrary because if you have unemployed people roaming the streets as it were, you are opening people up to all sorts of temptations of the usual things associated, of crime (20 associated with unemployment. I was trying to bring unemployed people together so that they would still maintain some sense of purpose in life, would be able not to give in to despair, would not antagonise workers who were employed by them becoming scab labour and in that sense I could not cripple because an unemployed worker is not involved in industry. You cannot cripple an industry when an unemployed worker is not in that industry, that certainly was not my intention.

What do you say about the allegation that your (30

work/...

work in the labour field was intended to cripple industry or to bring about disorder? --- Firstly I have always denied that I had a specific mandate by the ANC to work in the labour field apart from that one job. I was active in the labour field itself and that was namely in the field of consumer boycotts in which I was not attempting to cripple industry, but actually to resolve the strike so that industry could continue going because at the time where workers are out on strike, the factory is not going. (10

COURT: Could there be any better means of crippling an organisation like a successful strike that could not be resolved? --- A successful strike means that workers are reinstated and their production continues. An unsuccessful strike is when industry is crippled because then nothing happens, everything is laid down.

That depends on how you look at it presumably. It can have that result to cripple industry, a protracted indefinite strike? --- That is why it is absolutely essential that that strike is resolved, that the disputes are resolved because as long as the strike continues that industry is in a sense at a disadvantage and I think that is why trade unions are there to resolve those disputes so that you cannot have the crippling of industry. (20

MR. BIZOS: Perhaps we should go into this in a little bit more detail in view of his lordship's question. In your studies have you become aware of the theories of Prof. Lawrence Schlemmer in relation to the channelling of conflict through labour unions? --- To a certain (30

extent yes.

Having unions to represent people and if need be to call out people on strike, is that regarded as potentially dangerous or potentially beneficial to an industry? --- It is regarded by Schlemmer and people as potentially beneficial to industry because what it is doing it is bringing management's attention to problems that affect production on a daily basis. When you've got disgruntled membership you are not going to be running efficiently. (10

COURT: Yes always provided it is being done in a responsible manner? --- In a responsible manner right.

That is the overwhelming or overriding prerequisite? --- Right, and up to a couple of years ago, I think it was not accepted in South Africa that a strike was a responsible manner. I think that perception has now changed and falls more in agreement with general opinion around the world and that is that the strike is a worker's right because that is a dramatic way, I agree with you it is a dramatic way, but it is a way (20. of drawing attention to, by workers to management of the problems that are occurring there but it is not a thing that a person would just go on strike because they are feeling disgruntled. A strike is only the last resort and the union is there to ensure that strike activity doesn't happen haphazardly all the time for no purpose and if a strike does occur it is the union's responsibility then to try and bring workers back into production because it is the workers who suffer if a strike is not reconciled because they lose their jobs. (30

In that sense I would say that a strike can be beneficial in airing grievances.

MR. BIZOS: Were you ever instructed or did you view your membership of the ANC in any work that you did in any trade union or in any other organisation to either engineer people to come out on strike for no good reason or to interfere with the affairs of any trade union? --- No.

Or to perform any act for political purposes which would not have been in the best interest of the (10 people in that industry? --- No.

You took part in boycotts? --- Yes.

Which boycotts did you take part in? --- I took part in Fatti's & Moni's boycott in 1979.

Please tell his lordship what was this about? --- The Fatti's & Moni's factory down in the Western Cape had a strike in 1979 over many things. One of it was union recognition and it had been a dispute that had been simmering for, I would say almost close on a year. The workers, the strike was going on and (20 the workers were considered dismissed by management and part of the problem was that many of those workers were migrant workers living in houses built by Fatti's & Moni's and belonging to them so that many of the workers were in a desperate financial position not having a place to stay in and not having any income. As a result of the protracted dispute the Western Cape Traders Association, not the union, but the Western Cape Traders Association called for a boycott of Fatti's & Moni's products as a means of trying to (30

bring the parties together, as a means of applying pressure on the company. That was taken up at the time by many organisations and individuals down in the Western Cape and several weeks later I was told by I think one Mohammed Bama, an Indian friend of mine on campus that a meeting was being held in Johannesburg to discuss spreading the boycott up in the Transvaal. The committee had been set up already and I was asked to sit on that committee because of my past experience in labour. What we basically did was (10 print pamphlets explaining the history of the dispute and calling on people to boycott those products of Fatti's & Moni's and listing those products. We called a meeting, two meetings in fact of organisations, various organisations in Johannesburg at which those pamphlets were distributed and we called upon the organisations present at that meeting to distribute the pamphlets. Some people made posters which were also used for distribution and we released statements to the Press about it. (20

Was this done surreptitiously, clandestinely?

--- No, it was a perfectly open, an open support committee was set up in support of this.

Did you consider boycotting the firm's products as a legitimate and democratic right of people to do if in their opinion the firm did not carry out its responsibilities to its workers? --- Yes in those circumstances I did.

Do you know whether such boycotts are common in the rest of the world? --- Yes those boycotts are a (30

regular/...

regular feature of industrial relations throughout the world. In fact in the United States, the status of a boycott, a consumers boycott has been given legal recognition as a legal means of protest and as such is protected by the United States Constitution.

Was this boycott successful? --- You can never say that a boycott is successful particularly in this case ...

Perhaps let's take it the other way. What happened to the Fatti's and Moni's workers? --- They were rein- (10 stated.

They were re-employed? --- They were re-employed.

They went back to their homes? --- Yes.

And Fatti's & Moni's continued to sell spaghetti? --- And Fatti's & Moni's then recognised the union as a result of the dispute.

This whole activity did you regard it as crippling industry or subverting the authority of the State or doing so good? --- I saw it as doing some good. Firstly I was well aware and I think most people who have been (20 involved in boycotts are aware that if a boycott is in any way possible to be successful it has to receive the support of white people, particularly with a luxury product such as spaghetti and in the response we got from the white community there was little support. Fatti's & Moni's continued to issue statements then that they were unaffected by the boycott and I believe them, I believe it as such and I think the main purpose of the boycott was to publicise the issue in a way to show I think, the side of the workers, what the workers were (30 trying/...

trying to say, and then to get reinstated. I think the most important thing was to get those workers reinstated because the poverty affecting those workers were becoming severe after several months out on strike and in that sense I would say the boycott was successful in getting the reinstatement of the workers. It was not successful in crippling the company.

And of course in matters such as this where opinions are so diverse in our country, it may be that the boycott call may be counter productive because there may (10 be support for the company from those who don't share the views of the boycotters? --- Yes.

What other boycott did you take part in? --- I took part peripherally in a boycott called by the Western Province General Workers Union, once again down in the Western Cape in support of meat workers who had also gone on strike, meat workers in several meat factories. I was part of an initial group that tried to respond to that call but I was too overladen with work and I withdrew from that boycott fairly soon after its start in (20 the Transvaal. In fact the Western Province General Workers Union never really considered the boycott up in the Transvaal of much significance, they said as much in an article, they were hardly aware of its presence.

What was the purpose of this boycott? --- The purpose was once again to reinstate those workers, to have them reinstated.

And insofar as you participated peripherally, did you intend to overthrow the State, to endanger the maintenance of law and order? --- No, I would say on the (30

contrary I was trying to bring law and order back into the situation.

Do you know what is the ethic throughout the world, can employers dismiss their whole work force if there is a strike, what is the international labour movement ethic in this regard? --- I would say the ethic would be to negotiate and to try and sort out the problem, the responsibility to sort out the problems. If, however, any member becomes absolutely intransigent and refuses to be reasonable, then I (10 think the ethic would be that you could possibly expel workers.

COURT: Isn't it as of lately arranged in most countries in any event by law, there is a specified procedure to follow? --- Procedure to go through.

Aimed mainly at trying to solve the disputes?

--- Yes.

And then eventually if needs be to go to something like an Industrial Council or even a court? --- Correct, and you see those procedures at the time I (20 was operating weren't open to black trade unions and I think it is only now recently with Mr. Botha's new introduction of procedures to deal with strikes and those things less clumsily and more efficiently that we can see now that principle coming into practice in South Africa.

MR. BIZOS: After you became a member of the ANC, did you yourself have anything to do with any labour organisation other than your faltering steps to establish an unemployed workers union? --- You mean within a (30 union/...

union?

Within a union? --- Do you mean a union?

A union? --- I am not clear on the question. Are you asking what kind of relationship I had with ...

No, did you participate in any decision making in any trade union, that the trade union should take any action whatsoever? --- No I never participated in any trade union deliberations.

Did you ever work in any trade union? --- No I didn't. (10

What is meant by the labour field in this case in your mind, I don't know. ---- I would suppose that that is generally the field of industrial relations.

The couple of reports you sent off to Botswana about what was happening? --- The report in B2 in which I refer to the labour fields. I was referring there specifically to the job in the Urban Training Project therefore a union job.

What is the labour Research Committee? --- The Labour Research Committee is an academic group made up (20 largely of post-graduate students at university which undertakes at various times to do research work by mutual consensus of groups, research work into matters affecting labour. One of the projects that it look at was migrant labour. At the time I was peripherally involved in the Labour Research Committee for a couple of months. At that time they were thinking of looking at the way in which structures in black townships affected black workers, various structures like housing, transport etc. (30

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