

IN THE SUPREME COURT OF SOUTH AFRICA  
(WITWATERSRAND LOCAL DIVISION)

CASE NO.: 163/82

DATE: 16 AUGUST 1982

THE STATE VERSUS:

BARBARA ANNE HOGAN

BEFORE:

JUDGE VAN DYK

FOR THE STATE:

ADV J A SWANEPOEL and  
ADV W J J HANEKOM

FOR THE DEFENCE:

ADV G BIZOS SC and  
ADV D KUNY

CHARGE:

(SEE CHARGE SHEET)

PLEA:

(SEE RECORD)

VOLUME 5: Pages 401 - 500

A.N.C. could ever set up an organization and run it as a front, staff it with A.N.C. people. My experience is that would be a practical impossibility.

Approximately how many reports did you send out to the A.N.C. during the period that you worked for the A.N.C.?

-- Now reports, are you talking about things I wrote myself?

Things that you wrote or newspaper clippings, anything.

-- In other words, how many documents.

Documents or letters or reports. -- Shall we begin - okay.

Well let me put it to you this way. At one stage you (10)  
operated a bi-weekly dead letter box? -- Yes.

That implies that you possibly sent information twice a week? -- No, bi-weekly means every second week, I'm sorry.

So at least twice a month? -- Yes.

And if you give us an approximation of approximately how many letters or documents you sent out? -- At that time I must have sent about 6 or 7.

But all in all, over the whole period that you worked for the A.N.C. -- No, I only operated the dead letter box from February 1981 till June 1981, with one exception. (20)

No, but now in general, since you started working for the A.N.C., approximately how many documents or reports did you send? -- Well can I add up?

Yes. You can mention them because I think I will be asking you about what they were. -- Okay. I sent to Judson Khutswayo, I sent "The Whip," "The Labour Bulletin," what was the other thing, "The Institute of Industrial Relations." I sent those three.

And the thing that he wanted, the book? -- And the book, yes, so that is four. I cannot remember writing anything (30)  
to Judson in Swaziland. If it was, it is not very significant,

but I ...



but I do not think I did, I might have. In Botswana I sent the history of my relationship to F.A.S.A.T.U. I sent that F.A.S.A.T.U. document.

Which one was that? -- The B.1. I sent the unemployment manual, well not manual, the report on unemployment.

Which one was that? -- That was the one that I said I could not work with jobs anymore. I sent a letter to Schoon saying that I did not get the unemployment training job and included in that letter was something saying that I could not service the D.L.B. Then I sent B.2 and B.3, plus B.1 again. (10) I do not know if you want to include that. Then I sent small coded messages. Do you want those?

Yes. -- The ones that I can remember. I sent a message via Allen Fine reporting on my position. I sent a message saying that Auret accepted what we had discussed, accepted the fact that the A.N.C. said that he was not a spy. I sent a message complaining about my communication system.

Did you send anything about the white left? -- No.

Is that about all? -- More or less. Look, I could have things left out and things like that, it is difficult to (20) just recount all at once.

If I count it up it looks like about 9, 8 or 9 different things. Now apart from sending documents through your or someone else's communication system, you also had discussions with Schoon in Botswana? -- Correct.

Did you then also discuss certain matters relating to your work for the A.N.C.? -- Yes. The first time I met with Schoon I discussed the urban training job. The second time we discussed the unemployment union job as well. Now the second time he asked me to - no, the first time that I met with him (30) he asked me to open up a post box. The second time I met with him ...



him to draw up a Fatti's and Moni's report.

Was that a written report? -- Yes, that is a written report.

Did you draw it up in Botswana? -- Yes.

Do you know why he wanted a written report? -- I think it is easier then for him to write it down himself.

Yes, or to forward it to some other A.N.C. official?

-- Yes.

Did you report to him about the white left? -- Yes.

What was the nature of your report about the white left? (10)

-- History of the development of that white left.

Was he not at one stage himself a member of the white left? -- No, he was in prison at the time.

Anything else that you can think of? -- You mean reports that I wrote?

Or that you discussed with him, things that you discussed. -- I remember at one time discussing with Jeanette, not in an A.N.C. capacity or anything like that, Wiehahn Commission.

You discussed that with Jeanette? -- Jeanette, but not in any A.N.C. capacity, I did not understand it to be A.N.C. (20) work. We discussed in detail the rumours about Auret and why they had arisen. Why Cedric, for instance, was hostile towards Schoon. That was with Reg September as well. Those were the white left related things that we discussed there, you know.

But you never discussed or reported on one of your main instructions, that is the work to set up an unemployed workers' union? -- No, I did not.

COURT AND MR BIZOS DISCUSS FURTHER WITNESSES TO BE CALLED:

COURT ADJOURNS FOR LUNCH:

ON RESUMPTION:

CROSS-EXAMINED BY MR SWANEPOEL (cont): During what period (30) did you send information to the A.N.C.? -- From 1977 to 1981.

No, sorry ...



No, sorry, from the beginning of 1978 to 81.

Did this continue until your arrest? -- Correct.

I see in your statement in explanation of your plea you say that "during the period 1978 to 1980, you sent information to the A.N.C., i.e. various publications and documents dealing with labour relations in South Africa." Did that only go up to 1980? -- Apart from what I sent through Rob Adam in 1981, that is B.1 which I repeated.

I am referring to page 6 of Exhibit 'A', M'Lord. You say there you sent out various publications and documents (10) dealing with labour relations. What were these various documents and what did they deal with? -- The ones that I have referred to already in court.

Which ones would that be? The F.A.S.A.T.U. document? -- The F.A.S.A.T.U. documents, the Labour Bulletin, Whip carries information on labour relations. I sent, I suppose you could call the unemployment union a report on labour relations and that book by Schlemmer and Webster.

Exhibit B.3, that is the list of names of Close Comrades. Can you just explain again why you sent out that list? -- The (20) A.N.C. wanted, through Rob Adam, wanted a list of people that I worked with generally as they were wanting some kind of security, they wanted to do some kind of security check.

Was that list also meant as a clarification of Exhibit B.2? -- No.

Was it only after your arrest that you got the idea that the security police was responsible for getting you to write that list of "Close Comrades?" -- I was suspicious, not highly suspicious, but there was a suspicion lurking in the back of my mind when I saw the words "Dear Comrades," but (30) it was not something which made me stop sending it.

Do you ...



Do you still have the letter that you received asking you to write that list of names? -- No, Rob Adam had it.

You do not know whether he has still got it? -- I have no idea. I doubt it, because he is in prison.

You say that it was addressed to "Dear Comrades," in plural? -- That is right.

Who did you take it to refer to? -- Robert and myself.

So was Robert also requested to supply a list of names?  
-- No.

Now why was it addressed to him as well? -- Because he (10)  
was acting as an intermediary and he explained to me the letter so I imagined that they saw him as a person who should explain the letter, it should not come to me just bare faced like that.

What was your code name when you worked for Marais Schoon?  
-- Roger.

The same one that you had when you worked under Khutzwayo?  
-- Correct.

Did Rob Adam know what your code name was? -- No.

What gave you the impression that you were put up by the security police to write that list of names or that they (20)  
were responsible for the letter that you received? -- I think I did not think strongly that it could be the security police when I got the letter "Dear Comrades." It just struck me as strange that my code name had not been used. It was only when I was in detention, when Major Cronwright told me that those documents had not been forwarded that it struck me that the request for names could have been from the security police, as they had intercepted the system.

But it could also have come from the A.N.C.? -- It could have, yes. (30)

What exactly did the A.N.C. request in connection with  
the list ...



the list of names? -- They wanted a list of names of the people that I worked with generally.

They did not specify worked with in what field? -- No. It had no further specification other than that.

And the names on the list, are those the only people that you worked with? -- I worked with other people, but those came to my mind as the most important people. Naturally, I mean it is a very few, very few names there.

That is why I am asking you. You must have worked with several other people? -- Yes, all kinds of people. (10)

Now why specifically these people? -- Because it was those people that I worked with most intensively.

Did you establish a communication system in South Africa or communications between yourself and Schoon? -- Correct.

This communication system consisted of dead letter boxes? -- Yes.

Post boxes? -- The dead letter boxes acted - the dead letter box acted as a post, it was a post box.

But you used dead letter boxes, post boxes and couriers? -- I used a post box, yes. (20)

And couriers? -- M'mm.

Now in the charge sheet, paragraph 3 of the schedule, it is alleged that you established a communications network with the A.N.C., using, inter alia, so-called dead letter boxes, post boxes and couriers to communicate with the A.N.C. Is that correct? -- M'mm.

Is it correct? -- Yes.

Why then in your explanation of your plea, I am referring to Exhibit 'A', M'Lord, page 5, paragraph 3(a), you say the following: "The accused denies that she established a communi-(30)  
cations network with the A.N.C. in the manner alleged? -- Because  
as I ...



as I read it in the charge sheet, in the manner alleged it seemed as though I had established everything simultaneously, that I was operating everything at the same time, that it was a fairly extensive communications network. I wanted to, I suppose, emphasise the fragmented nature of that network.

Yes, but I read to you just now paragraph 3 of this schedule and you said it is correct. -- It is correct in the sense that ...

Why then in your plea do you say it is not correct? -- Because I am trying to point out in my plea the fragmented (10) nature of it, I wanted to be more specific and not as general as is stated in the indictment.

What did you receive from the A.N.C. during the period that you worked for the A.N.C.? -- What did I receive from them?

Yes, what kind of communications? -- On one occasion I received a letter from Schoon acknowledging the fact that he had received the urban training project report, the fact that I could not work for the urban training project and suggesting a time that I meet with him again. I received a message (20) to leave the country from him. I received a message concealed in a chocolate box brought to me by Maurice Smithers. I received, let me see, it was so few, I received a letter telling me to close down the Bedfordview box. I received small messages via the D.L.B.

What were these small messages? -- The one relating to Van Heerden, one talking about the communication system. Do you want me to go into detail about those now?

Is that basically what you received? -- No, there are more things. I received from Colin Perky a message from (30) the A.N.C.

About ...



About what? -- I had to give a message to Allen Fine and the Cedric de Beer.

What about? -- I do not know, I do not know what the messages were.

What was the nature of the message? Was it a letter that you got from Mr Perky? -- No, it was not a letter.

What was it? -- It was an envelope in which I was requested in code to give messages, enclosed messages to De Beer and Fine. There was also clarification on the A.N.C.'s position on whites joining the army. This had come up as a (10) result of Auret, of talking about Auret. Concern was expressed at my safety and a date was set to re-establish my communications network via the D.L.B.

And in this letter or note or messages had come from Marius Schoon? -- Yes.

So Mr Perky was acting as a courier, but he .. -- Was unaware of it.

Mr Smithers that brought you the box of chocolates with the message concealed in it? -- He was unaware of it. I opened the box. I was actually unaware that there was a (20) message in it. I opened the box of chocolates in front of him and offered him one.

How do you know that he was unaware, did you ask him? -- I did not ask him, but he did not say to me: here is a box of chocolates with a message, and when I started opening it he did not say: wait a minute, do not open it in front of me or anything.

So you just thought he was not aware, you did not know? -- Yes. He did not act as though it was a secret thing. He gave it to me quite openly. (30)

Do you at any stage receive communication from the A.N.C.

through ...

through persons who visited Botswana? -- There was the one to leave the country, yes, that was one.

Was that the one that Perky got? -- No, that was another, a person came through from Botswana to tell me to leave.

Who was that person? -- A person called John.

Pardon? -- A person called John. I do not know him.

A white person or a black person? -- A white person, yes.

Did you get any other communications from the A.N.C. through persons who visited Botswana? -- From Maurice is the one I got, he visited Zimbabwe, he came from the forward (10) area there.

Are those the only two that you got? -- As far as I remember yes, I think so.

Now you on one occasion had talks with Marais Schoon and Reg September? -- Correct.

That was about the decentralization of the A.N.C.? -- No, it was not about that at all. That came into the conversation, but that was not the purpose of the conversation.

The discussion about the decentralization of the A.N.C. structure, where did that take place and with whom? -- With (20) Reg September and Marais Schoon in Botswana.

With only the two of them? -- With me present. Stephen might have been present, but I am not sure precisely when that discussion took place. He was in and out the whole time.

So it is possible Stephen was present? -- It could be possible, yes.

And if he was present it would have been a clear indication that he was a member of the A.N.C.? -- It would have been a possible indication. I do not know, clear.

Well you discussed, inter alia, the restructuring of (30) the A.N.C. -- It was not restructuring, it was the way the



A.N.C. was operating. They gave information about that.

What information were you given about this? -- I was told that political work in the A.N.C., that decisions for political work need not go to the head office in Lusaka, but could now be taken by what we called a revolutionary council committee in Botswana itself or in one of the forward areas. Do you want me to go on?

Yes please. -- That South Africa had been divided geographically into zones for political work, for the purposes of political work, and that each zone had a special committee (10) which focused on that zone known as a zonal attack group.

Is that all? -- That was the gist of it.

Was it put to you that there has been a decentralization of the A.N.C. structure? -- Insofar as there was a decentralization from head office down to forward area.

Was it said to you that the forward areas had been given powers by the revolutionary council of the A.N.C.? -- Yes, to take political decisions, as I have said.

Did you know what the revolutionary council was? -- I was told that that was an executive body in the A.N.C. at head (20) office.

Were you told what the revolutionary council concerns itself with? -- I was told that the revolutionary council concerned itself with the day to day activities of the A.N.C.

Including the military activities? -- I think it did include the military activities, yes.

The term zonal attack groups, why is the word "attack" used? What does that indicate? -- Political attack.

Pardon? -- Political attack.

Political attack? -- Yes. (30)

Why were you given this information? -- Because as we say it part ...



part of the problem in the tensions between particularly Mr De Beer and Botswana was they tended to think that Mr Schoon and Mr Fitzgerald, who they knew personally, who Mr De Beer knew personally, operated without much authority, that they tended to take decisions on the spur of the moment and were not working under any kind of discipline which could discipline them. They told me about these groups in order to convey to Mr De Beer, particularly Mr De Beer, that this was not the case, that if the A.N.C. did give instructions to people, if Mr Schoon, for instance, gave instructions to people that these in- (10) structions did have the authority of the A.N.C. behind them. It was not Mr Schoon acting "big boss" in Botswana, as it were.

Were you attached to a zonal attack group? -- I do not know.

You did not ask? -- No, I did not, because as I saw a zonal attack group was a group that was outside of South Africa.

When approximately did you get this information from Schoon and September? -- In January 1981.

What was the position of September, Reg September? (20) -- I had been told by Schoon at one stage he was general secretary of the A.N.C. in London, I do not know. His precise position at that time I do not know, his official position I did not know.

Why was it necessary for you to make use of codes when communicating with the A.N.C.? -- In order to conceal the fact that I was working with the A.N.C., the A.N.C. being an illegal organization.

Could you not also conceal your identity by writing uncoded letters but just not signing it? -- That would be (30) difficult because my handwriting would be identifiable.

But you ...



But you did write certain letters uncoded, you sent them through uncoded? -- That was prior to the decision taken that I should send it in code as a security precaution.

When was the decision taken that you should only send coded messages? -- In January 81.

Nevertheless, after that you sent out Exhibit B.2, B.1 and B.3, all of them uncoded? -- Yes.

Why? -- Because it was not going through the system which I had been operating with Mr Schoon in Botswana and I had been assured by Mr Adam. I had asked him must I send these things (10) in code, must I conceal my handwriting or typewriters or anything like that and Mr Adam had said no, this was a perfectly clean, clear communication system and I was not to worry about those precautions.

Was the code not only used when you had to transmit very sensitive or very important information to the A.N.C.? -- No, I doubt if I ever transmitted very sensitive or very important information.

Did you personally regard it as necessary to use a code? -- Yes, I did. (30)

To which address in Botswana did you send communications for the A.N.C.? -- I sent it to an address in Gaborone. I do not know what the - it was a post office address.

But it was not in the name of Mr Schoon? -- No, it was in another name.

So suppose you had sent letters to that address without signing your letters and posting it somewhere else in Johannesburg, would that not have been a safe method of communication? - No, because they might have been - the people might have been monitoring the post office in Botswana and would (30) have noticed Mr Schoon taking letters from that post box and they ...

they could have intercepted the letters going into that post box.

And how could they then trace it back to you? -- Handwriting.

How would they know it is you? If you get a letter and there are 25 million people in South Africa, how would they know to come to you and check your handwriting? -- Because I had regularly gone to Botswana, I was known to be a friend of Mr Schoon. It would be very likely that I would be a person who could be communicating with him. (10)

Is it not so that Mr Schoon receives many visitors? -- Yes, but when I was in South Africa I was one of the many, I was a frequent visitor of Mr Schoon. So I would still be a very likely person.

Now you have said you were taught a code by Patrick Fitzgerald? -- Correct.

What is his position in the A.N.C.? -- I do not know what his position is. I was unsure of his status, whether he was A.N.C. or whether he was helping out or something like that. (20)

So you thought he could possibly just have been an expert on codes and he was being used by the A.N.C.? -- No, he is not -- oh well, knowing Patrick I do not know if he was an expert on codes. I knew that he was sympathetic to the A.N.C.

Did you know him before he left South Africa? -- Yes, I did.

When you sent your reports out did you use a code name? -- Yes.

Why is there not a code name on B.1, B.2 or B.3? -- Because I was not sending it to Botswana.

Where were you sending it then? -- I was sending it to the people that Rob Adam was working with. (30)

That applies ...



That applies now to B.1, B.2 and B.3.? -- Yes.

I have put it to you before in relation to Exhibit B.1, but I must put it to you as well in relation to B.2 and B.3, that you said in your plea explanation that you gave it to Rob Adam for transmission to the A.N.C. in Botswana. -- As regards B.1, it was not for transmission to Botswana. As regards B.2 and B.3, I asked Rob Adam to send it to the people that he was working with, the people who had requested it, and I also asked that a copy be sent to Botswana in fairness to them, as certain criticisms of Botswana were in that document, particularly B.2. (10

So you asked for the original to be sent to wherever he liked it to go and you also asked him to make copies and send the copies to the A.N.C. in Botswana? -- A copy, yes.

What was your main method of communication with Mr Schoon? -- In terms of frequency I would say that it was via the D.L.B.

And in other terms? -- Contact, physical contact in Botswana.

That was the most important means of communication because you had time, you could discuss with Mr Schoon certain matters? -- Within limitations, because the discussion was often limited because we met at his house with many visitors there all the time. (20

Now regarding your contact with the South African Allied Workers' Union, did you discuss the formation of an unemployed workers' union with S.A.A.W.U.? -- S.A.A.W.U. had, prior to my discussing with them, had already established an unemployed workers' union of their own and at that stage when JOB had collapsed as an organization and I could no longer see myself being able to form an unemployed workers' union from JOB, I was interested in starting an independent unemployed workers' union ... (30



union, I then spoke to S.A.A.W.U. for ideas as to how they were organizing their union. They were keen that I sort of amalgamate my efforts, our efforts, and that I should work through S.A.A.W.U. I did say that I would help them on certain things, but I was still in two minds as to whether to work through S.A.A.W.U. or not.

So by that time S.A.A.W.U. had already established an unemployed workers' union? -- Correct.

You wanted to establish another union separate from S.A.A.W.U.? -- It had been my intention, yes. (10)

Possibly, I think, on a national basis, not confined to one or two trade unions? -- You mean, when you are talking about national, you do not mean geographical, you mean in all the trade unions?

Yes. -- Yes.

Was that your intention? -- Yes, I would say that is, yes.

Now in the charge sheet it is alleged that during 1980 and 1981 you negotiated with the South African Allied Workers' Union and/or officials of S.A.A.W.U. to establish the unemployed workers' union and branches of the said union, is that correct? -- In 1981, that is correct, yes. (20)

That you negotiated with them to establish the unemployed workers' union and branches of it? -- Not to establish their union. Their union was already established, but to help them - it had just started basically - but to help them in that process of establishment.

Because in your plea you said, and I refer to paragraph 10(a) of your plea, "The accused admits that in January 1981 and during May to September 1981, she carried out the activities referred to in this paragraph." That is what I have read out to you. What is now the correct position? Is the charge sheet ..... (30)



sheet correct or not? -- Yes.

So you did negotiate with them to establish the unemployed workers' union? -- Yes.

How could you have done that if it had already been established? -- Because it was in their name only.

Now what did you want to do then? -- To give it form, give it content.

You drew up a document, a rough outline of the possible unemployed workers' union? -- That is right.

That is Exhibit B.9, Exhibit B.4. Why did you draw up (10 that document? -- I had met with Sisa Njikelana, the proposed president of the unemployed workers' union, and I had prepared certain questions to ask him about the operations of his union, how he was working and how they were organising, etc. The questions turned into discussion generally on an unemployed workers' union and he asked me to write up a document on my ideas of an unemployed workers' union. He had his own document already, his own constitution basically.

And then you drew up Exhibit B.4, that is the rough outline of the possible unemployed workers' union? -- That is the (20 one I am referring to.

Did you give it to Mr Njikelana? -- Yes.

For what purpose? -- He asked me for it.

So you had no specific purpose, you did not want them to implement it? -- At that stage there had been no talk of my working with S.A.A.W.U. At that stage he merely wanted my ideas and how I saw an unemployed workers' union. It was the pooling of resources.

Did you work only with Mr Njikelana or did you work with other S.A.A.W.U. officials? -- On the unemployed workers' (30 union?

Yes ...



Yes. I worked primarily with Mr Njikelana. Shortly after I gave him that document he was detained and I showed the document briefly to Thozamile Gweta, the president of the South African Allied Workers Union and to Sam Kikine, at that stage the general secretary.

Where did your meetings with these three gentlemen take place? -- At the combined Food and Canning Workers Union, S.A.A.W.U. union, offices in Wanderer Street or one of those streets in Johannesburg, at the time of drawing up that document.

Did you at a later stage also meet them in East London? (10)  
-- That is right.

I just want to get your explanation for, in Exhibit B.2, page 2, you say that you were working with one or two S.A.A.W.U. people in conceptualising an unemployed workers' movement. -- Yes.

Is that correct? -- That is correct.

Now why did you work with S.A.A.W.U. and not with any other trade unions? -- Because S.A.A.W.U. had already started an unemployed workers' union in name.

Was there at that stage any other trade unions that had  
C14.01. established an unemployed workers' union? -- No. (20)

What did you see as the purpose of an unemployed workers' union? -- To provide for the material welfare of unemployed workers, to improve their material conditions and to provide a support for the trade union movement, a support base for the trade union movement.

Was that also the views of the A.N.C.? -- Yes. Their were primarily the support for the trade union movement.

One of the considerations would have been to get unity between employed and unemployed workers? -- Correct.

And as you have explained, I think, to prevent scab labour? -- Correct. (30)

Would you ...



Would you agree with me that if you can prevent scab labour or scab labourers taking the place of strikers, you can make a strike more effective than is usually the case?

-- Yes.

And you can exert more pressure then on management?

-- Yes.

Now you say in Exhibit B.2, I think on several pages, you say you are committed to the A.N.C. -- Where?

Page 1,5,6,8 and 9. -- I am committed to the A.N.C.

You are committed to the A.N.C. -- Yes.

(10)

What did you mean by that? -- That I am a person who is working under instructions from the A.N.C.

Is that all? -- Yes.

So any person who works under the instructions is committed?

-- M'mm.

When were you transferred from Swaziland to Botswana to work under Mr Schoon? -- I have made a mistake in that document. I was transferred in April 79.

In the document you say you were transferred in 78? -- In 1978, yes.

(20)

The document gives the impression that you were transferred to Botswana before you started working at the South African Institute of Race Relations. -- No, because I started working at the South African Institute of Race Relations in 78.

When in 78? -- April 78.

What was, when you joined the A.N.C., what was your knowledge of the A.N.C.? Did you know that the A.N.C. employed violent tactics against the Government? -- Yes, I did.

You also knew that one of the aims of the A.N.C. at that stage was, and still is, to overthrow the Government? -- Yes, (30) I did.

What are ...

What are the other aims of the A.N.C.? -- As I say, those are means to an end and I would say the primary aim of the A.N.C. is to establish a just, democratic, non-racial South Africa.

That is to bring about a change in the political, social and economic system in the country? -- Yes.

You joined the A.N.C. because you agreed that change should be brought about in the economic, the social and the political spheres? -- Yes, I did.

To bring about that kind of change would be revolutionary? -- In what sense, when we ... (10

Would be a drastic change from the present. -- In certain respects, not completely though.

Firstly, let us talk about the political change. What would the change that you envisage and the change that the A.N.C. wants to bring about in the political field, what would that be? -- I could not say what change. I mean one of the changes, agreed changes, would be that black people have a vote.

The implication of that would be, that who would be in power possibly or probably, whites or black? -- Both. (20

The majority of those in power would be blacks? -- Yes.

Would that be a drastic change? -- Not so much. At the moment P.W. Botha himself is organizing a parliament for both blacks and whites.

Would that be a drastic change from what we have at the moment? -- No.

A minimal change? -- I would say it would be a substantial change, but I would not say it would be something say as dramatic let us take for instance a dictatorship of the proletariat, (30  
for instance.

What is ...



What is the change that is envisaged in the economic field? -- That there would be an end to cheap exploitation of black labour. That there would be an end to migrant labour.

Is that all? -- Well look, I am not qualified to talk on what the A.N.C. sees as a future government, I have not discussed it in that detail, but I presume those would be some of the changes that they would see.

Did you not ever inquire what the A.N.C. wants to bring about before you associated yourself with the A.N.C.? -- In terms of the Freedom Charter I could see the general trend (10) of what the A.N.C. wanted to introduce.

What is the general trend that you saw? -- That the structures of apartheid would be dismantled.

No, in the economic field. -- Precisely. Migrant labour would be eliminated and the cheap exploitation of labour.

What about the redistribution of wealth? -- That would mean what I say, the getting rid of cheap exploitation of labour, plus a redistribution of land, to a certain extent.

Is that what the A.N.C. stands for? -- Yes.

What about the nationalization of industries and banks, (20) doesn't the A.N.C. also stand for that? -- Yes, but I do not think the A.N.C. stands for total nationalization of all industries as said in the Freedom Charter.

But to a certain extent they say they will nationalize. -- Yes, as there are already nationalized industries in South Africa, such as the transport system, etc.

And you agreed with that? -- Yes, I did.

What is the change in the social field that the A.N.C. wants to bring about? -- Once again, the dismantling of apartheid structures, the ridding of inequality in education, (30) in opportunity, the ridding of things like the Group Areas Act, the separate ...



the separate residential zones for different racial groups, the riddance of petty apartheid.

And bringing about a classless society? -- No.

Is the A.N.C. in favour of different classes? -- Yes.

So you will still have a rich class and a poor class, a worker class and a leader class? -- You would still have, as seen in the Freedom Charter, that there would be different people in different positions, but the situation would not be as exaggerated as it is now.

Would you agree with me that the changes that the A.N.C. wants to bring about would have to be unconstitutional, because the A.N.C. is banned? They would want to bring about ... -- Sorry, can you explain that to me? (10)

They would have to act outside the provisions made in the constitution of this country to bring about change. They cannot sit in parliament to take part in changing the constitution as you say the Prime Minister is, for instance, doing at the moment. -- No, they would not be able to act within parliament certainly, but they would be able to act in other spheres of civic life, in public life. (20)

But it would be unconstitutional? -- No, it would not be unconstitutional.

How could they act so as not to be unconstitutional and bring about the changes that they envisage? -- By working in legal spheres.

Openly? -- Not the A.N.C. itself, but helping to promote those people who are working legally.

And that is, in effect, what the A.N.C. is doing, they are supporting legal organizations. -- Legal organizations, yes.

Or using them. -- Supporting them, yes. (30)

And using them. -- I do not know what you mean by using.

You agree ...



You agree with the A.N.C. about the change that is to be brought about? -- What do you mean by that?

You agree with what they want to see in South Africa? -- You mean a just democratic South Africa, yes.

A change in the political, economic and social spheres. -- Yes, I do.

I think you have said that you believe the A.N.C. can bring about change without using violence. -- I believe that is still possible, yes.

Does the A.N.C. believe that? -- There is a difference (10) of opinion within the A.N.C.

What is your attitude about the use of violence by the A.N.C.? -- By the A.N.C.?

Yes. -- I regret any act of violence. I cannot welcome any act to sabotage anything that hurts a person, hurts innocent people. I accept that that is an inevitable fact of South African life, but whether my personal opinion, whether personally I reject it or not does not affect what the A.N.C. is going to do. However, I do not believe that the A.N.C. is a reckless organization whose main purpose in any act of (20) violence is to hurt, maim, innocent people in order to create terror in the land. I believe that the A.N.C.'s purposes in those acts of violence is to try and break down the structures of oppression. They are waging, in a sense, a minor civil war. They are not trying to terrorise a population for the sake of terrorization.

What is then the purpose of attacks on police stations and a rocket attack on Voortrekkerhoogte where the rocket hits the house of a private citizen and things like that? -- The purpose, I do not know what umkhonto we sizwe sees as its (30) purpose ...

purpose. I can only say what I see as its purpose, and in those purposes I can see only that the A.N.C. is saying that there are structures in South Africa that are oppressing people and is highlighting what they think through those attacks. I can hardly believe that the A.N.C. is trying to cripple the police force by hitting a police station, one single police station in the whole of South Africa. I do regret the tragedy of the deaths there.

Apart from regretting the use of violence, what else is your attitude about the use of violence by the A.N.C.? -- As (10) I have said that I do not think that it is violence for violence sake.

So you think it can be condoned? -- I think that in the circumstances it can be condoned, but that is not the path that I have chosen.

You, in effect, condone the use of violence because the aim is not, as you say, to kill and maim? -- Because it is not a terrorist group. In that sense I can condone it.

Not if you can condone it, do you condone it or not? -- Yes, I can condone it. (20)

Do you or not? -- Yes, I do.

Not can. You do? -- Yes.

COURT: Can you ever bring yourself so far as to condone, for instance, the shooting of those two innocent Europeans at Ogies? The trial is at present going on in Pretoria. -- What happened there?

I do not know whether you are aware of it. -- What happened then?

The allegations are that the accused, who was a trained A.N.C. member, received personal instructions from the A.N.C. (30) to kill the Boers. -- No, that I could not condone.

He took ...



He took his tokarav pistol and he shot two innocent people who were ... -- No, that I could not condone.

... apparently in their caravan sitting there. -- No, that I could not condone at all.

You could never condone that? -- In my mind that is an act of terrorism.

MR SWANEPOEL: Let me give you another example. The siege of the Volkskas Bank in Silverton. The rocket attack on Voortrekkerhoogte that killed a servant who was sleeping in the room. Those are acts committed by the A.N.C., is that right? -- M'mm. (10)

Please say yes or no. -- Yes, sorry.

Whilst you were a member of the A.N.C. you knew that the A.N.C. was engaged in this type of activity? -- Yes.

COURT: Do you condone those activities or not? -- Which?

The Volkskas incident and the rocket attack on Voortrekkerhoogte, killing an innocent black person? -- I can condone it insofar, that rocket attack, insofar as the purpose of that attack was not to kill people.

Well what was it for? -- The purpose of the attack was to damage an installation, not to kill people. (20)

But not minding whether people get killed or not? -- I think there is a difference between what happens in that process. You see, in terrorism, what I see as terrorism is when you are going beserk, you are killing people for the sake of killing people to create terror. Guerilla warfare I see as something entirely different, when you are sabotaging maybe installations.

And killing innocent people in the same instance. -- Yes, but incidentally, but that is not your primary aim. So your choice of your attack is not going to be determined by how many people you can kill, but by the strategic, symbolic or whatever ... (30)



whatever significance of that installation.

MR SWANEPOEL: When I refer to the Goch Street incident, you would know what I am referring to? -- Yes.

In that case two people were shot dead in cold blood by a member of the A.N.C. Do you condone that as well? -- As far as I understand, the Goch Street thing, it was not on A.N.C. instructions that those people were operating. They were cornered and they panicked. In that sense, people just senselessly killing, I cannot condone.

Have you ever read the document that has been handed in (10) as Exhibit K.13 entitled "Strategy and tactics of the A.N.C.?"

COURT: Is it an exhibit?

MR SWANEPOEL: Exhibit K.13, M'Lord. Strategy and tactics that was adopted at the Mogorogoro or somewhere, the conference in 1969. -- Can I see it please?

COURT: Yes, it is interesting reading material, certainly. -- Is this the format in which it usually comes?

MR SWANEPOEL: I do not know, I do not usually read it. That is the programme of the strategy and tactics of the A.N.C.

-- I cannot recall reading this document in full at all. (20)

Have you read parts of it? -- Parts of it, but what it was - in that Turok book there is an extract from it which is the one that I have read.

In the Turok book there is a chapter entitled "Strategy and tactics of the A.N.C." and that is a reproduction of basically the whole of that document I think. -- Is it the reproduction of the whole document? I thought it was an extract.

Did you read this whole chapter? -- No, I did not.

M'Lord, I would like to hand this in because I will (30) have to refer to it in argument. Exhibit 'Q', M'Lord. Will you please ...



you please have a look at this book. It is the book "Revolutionary Thought in the 20th Century" by Ben Turok. Please look at the index. There are various sections, I think four or five, and under each section there are different chapters. -- Correct.

In that whole book there is only one chapter dealing with the A.N.C. -- Where is that, sorry? Wait, I will find it.

Yes, it is under section 2 or 3. -- The National Liberation Struggle it is under.

Would you agree with me that is the only chapter dealing (10) with the A.N.C.? -- Yes.

That is the chapter that would have drawn your attention when you read parts of that book? -- Yes, it would have.

Now you have said yesterday that you read parts of that book? -- Yes.

Did you read chapter, is it chapter 13, the one dealing with the strategy and tactics of the A.N.C.? -- Yes, I did.

You have also said that you read Mandele's statement from the dock, that has been handed in as K.14. -- Yes.

Did you read the whole of his statement as it has been (20) reproduced in a book? -- No, no.

Only parts of it? -- Extracts from it, yes.

What was your impression of Mandele's statement? -- That it was an honest assessment of decisions that were taken at his time.

You did read in that extract or that document that he was convicted of sabotage? -- Yes, I did.

And he was sentenced to life imprisonment. -- Well I do not know if I read it, but I knew that it had happened to him.

And that document starts at page 162, that is the Man- (30) dele document. It is not in that book. Can I just read to you the following ...



the following passage for your comment. -- Yes.

Mandele says here at page 164, the reasons he refers to, the reasons for the establishment of Umkhonto we sizwe he says: "Secondly, we felt that without violence there would be no way open to the African people to succeed in their struggle against the principle of white supremacy." What is your comment, do you agree with that or not? -- I can see why he said that and I can understand why he does say that, but for me that is not the only way that I see open.

So you do not agree with his assessment? -- Not completely, (1 no.

COURT: Did you read from page 164?

MR SWANEPOEL: 164, M'Lord, the middle of the page.

COURT: Line?

MR SWANEPOEL: Right in the middle of the page. "Secondly, we felt .." Did you also read in this document about the link between Umkhonto we sizwe, the A.N.C. and the South African Communist Party? -- Could you read it to me, I do not recall it off-hand.

Are you aware of such a link between the Communist Party (20) of South Africa, the A.N.C. and Umkhonto we sizwe? -- Just read it to me. I know that there is some kind of relationship.

Are you aware of such an alliance or a link? -- I am aware that the South African Communist Party has aligned itself with the A.N.C., but maintains itself as a separate organization.

You said yesterday that you have read this book, or parts of it. It is the book entitled "Southern Africa - The New Politics of Revolution," by Davidson, Slovo and Wilkinson. -- Yes.

M'Lord, I would like to hand this in as well and refer to (30) some passages. EXHIBIT 'R'. Is it correct that the book is in three parts ...



three parts, one of it written by Slovo? -- Could I see the book? Three parts, correct.

The second part is written by Slovo, who is a member of the A.N.C.? -- A member of the South African Communist Party as well, yes.

So he is a member of both S.A.C.P. and A.N.C.? -- Yes.

Did you read this section written by Slovo? -- Yes, a long time ago. I would have to refresh my memory.

And he is a high ranking official of the A.N.C.? -- According to the newspapers. I have never been told specifically by the A.N.C. (10)

But if you have read that I will not refer to it now, I will refer to it in argument. Did you ever read Seshaba? -- I read about 3 or 4 Seshaba in Botswana. There is something I would like to correct about Major Williamson's evidence. He was correct in saying that at the Schoon's home the Seshaba and things were freely lying around at the time that he visited them. Afterwards when I visited, apart from one occasion, they had locked them away in a file. So they were not freely available. I read about 3 or 4 Seshaba in Botswana. I did not receive literature here, apart from the Seshaba from Rob Adam. (20)

That you also read? Did you read that? -- I read one article in it.

Did you ever read Amandla Maatla? -- No.

(?)  
Or Iboya? -- No.

Or Workers Unity? -- Workers Unity I think I have read 1 or 2 of Workers Unity.

That is the official organ of S.A.C.T.U.? -- Correct.

Did you read that at the Schoon's place? -- Yes. (30)

Do you know the book "Organise or Starve?" -- Yes.

Have you ...

Have you read it? -- I read three-quarters of it.

That book sets out the history, the policy and the aims of S.A.C.T.U.? -- Yes.

It also refers to the alliance between S.A.C.T.U. and the A.N.C.? -- I cannot remember specifically, but I will take you at your word.

Do you not recall at all that it is stated in that book that there was an alliance ... ? -- Oh, you mean in its history. Oh, yes, sorry. I thought you were referring to present day. In the congress alliance, definitely. (10)

The African Communist that you got from Rob Adam that has been handed in as Exhibit B.10, when did you receive that? -- It was just prior to my going down to the Eastern Cape, which was in September 81.

Did you read it? -- No, I have not had the opportunity.

Have you ever read African Communists? -- No. That was the first one I came across.

Why did you keep this one in your possession? -- Because -- are you referring to other ones that I could have had in my possession? (20)

No, this one, Exhibit B.10. -- Because I had not read it and I wanted to read it.

Why were you interested in the African Communist, the journal of the S.A.P.C.? -- Because Rob said that there was an article in it that he wanted me to read.

What was that article about? -- It was an article, I think it was the first or second article. Could I see it, I will be able to tell you which one it is.

Well I have not got it here, but you cannot remember what it was about? -- No. Rob just gave it to me. I cannot (30)  
remember the precise, but I will be able to tell you if I saw  
the document ...



the documents.

M'Lord, I think I have a copy here. It may not be the same as yours. -- It was like that, yes. It was the article on "Front line states try to break the shackles," by a person called Phineas Malinga.

Why did he want you to read that? -- Because Rob and I had often discussed the problem of development in Southern Africa and in the Third World generally. In fact, the Seshaba that he gave me was an article which dealt with development in South Africa, how they would cope with the underdevelopment of the rural areas and he said that this followed on in a way. (10)

Have you ever heard of a man called Renfrew Christie? -- Yes. He was charged under the Terrorism Act and convicted. -- Yes. It was alleged, do you know that, that he gathered information and sent it out to the A.N.C.? -- Yes.

Of what importance is workers to the A.N.C.? Why does the A.N.C. concern itself with workers? -- Because they are the majority of people, of black people. They constitute the majority. (20)

Is that the reason, because they are black and they work? -- That they constitute the majority, one of the reasons; that black workers are exploited by the fact of their black skins and, therefore, need special attention and such; that they cover a wide range of groupings. For instance, if you have a youth group it is limited, you can have you youthful workers, you can have women workers, you can have a whole range of different kinds of people in the generic category of worker.

Is that the only reasons why you think the A.N.C. concerns itself with workers? -- I would say that the A.N.C. also concerns itself with workers because it sees the workers as an important ... (30)



important part of any future society, that their conditions would have to be looked at, particularly important.

They do not see the workers as possibly playing a role in a revolution? -- There is reference in A.N.C. material to workers calling a general strike, yes.

The way you see it, the A.N.C. concerns itself with workers just for the benefit of the workers? Not to bring about the change in South Africa? -- I would say that some people in the A.N.C. would say that - well look, I may be speaking out of turn because I cannot speak with such authority - but my impression would be that some people in the A.N.C. would see that workers are important in order to cripple industry or to cause a mass strike or something like that. Those would be possibly people who are South African Communist Party influenced or something alike, like that. (10)

Do you agree with that, that workers can be used for this purpose? -- No, and I think it is not generally agreed to in literature either that workers can cause a general strike.

Would you agree that a strike causes financial loss to the management of the particular industry? -- Yes, it does. (20)

A strike can also lead to lawlessness, to violence? -- Not if the strike is handled in the correct manner.

That is quite so, but it can lead to violence? It had. -- Yes, it has.

A strike could be a political weapon? -- In what way?

A strike could be used to enforce demands for changing say migrant labour, pass laws? -- Shoo! That would involve a substantial, a really substantial strike, because I mean, quite frankly a strike in a factory is hardly going to bring about a change in migrant labour. (30)

No, you will have to have a mass strike, but that can have that ...



that effect. -- What can have what ...

You can have the ... -- You can say a mass strike can have that effect.

A mass strike or a general strike or a national strike. -- My views on the question of a mass strike and a general strike is that it is almost virtually impossible to organise a mass or general strike. Just my experience of working on a boycott, to get people to come together at one united moment, at one instant in time, to come together in every factory in order to press forward a demand to get the trade union movement itself divided and bickering in many ways, to agree to that, to get its leadership to agree that the demand which is being made is a legitimate demand, for workers to agree to sacrifice their wages, etc., in terms of a political demand, you would need the most - I mean I really do honestly believe that it is an impossibility to achieve that kind of unity, that kind of force. (10)

What about the unity of strikers in the motor industry in East London that concerns General Motors, I think, Volkswagen and another one, Ford as well? -- Yes, but that is not in support of a political demand. (20)

No, no, I am talking about getting them united. -- But if you notice, if you have been following those strikes down in Port Elizabeth, there have been changes. At certain times Ford workers go back. At certain times the two unions are fighting. One union is holding its membership in the factory, another union is withdrawing it. At one stage workers at Volkswagen are participating and Ford is back. It is an up and down thing. It might appear to have the appearance of unity, but in actual fact it is a very fragmented thing. (30)

Would you agree that a strike can cripple an industry or prejudice ...



prejudice an industry?

COURT: Well she has already conceded that it might cripple the economy, but she added that not if it is legally done and not if it is properly controlled by the management.

MR SWANEPOEL: What about boycott campaigns? -- Yes.

What results can boycott campaigns have? -- The reinstatement of workers, or put it this way, the meeting of the demands, the recognition and the implementation of the demands which precipitated that boycott.

And from the point of view of the management? -- From (10)  
the point of view of management, having a far more efficient and productive labour force in that you are not having a labour force that is continually bickering, fighting, going on go-slow strikes, that are satisfied with the conditions under which they are working.

Does it cause financial loss to a company? -- A boycott?

Yes. -- As I said before I am uncertain to what extent a boycott can cause financial loss. I think it depends on the product itself. It depends to what extent you can get support for it. It must in some way give minimal financial (20)  
loss, the degree to which ...

COURT: Is it not only logical that if it is done effectively that it might push out a certain product from the market altogether? -- It can, if it is done effectively, but the point is I doubt whether a boycott can ever be that 100% effective, you know, that is the point.

It is a question for argument, yes. -- But I do not think it can ever cripple an industry. It might harm a company, but what happens with a boycott, say you have a boycott of Nestlé. Immediately the rival company gains in that industry. Say (30)  
Cadbury's gains because people who are boycotting Nestlé are  
not ...



not going to stop eating chocolate completely. They are going to start eating Cadbury's or something like that. So it cannot cripple an industry.

MR SWANEPOEL: Can a boycott campaign also have the effect of mobilising or uniting workers, students, traders and other members of the public? -- Well that is the purpose of a boycott, is to unite them, those people together so that they do boycott.

You had in your possession 278 copies of Wilson Rowntree boycott pamphlets. -- Yes. (10)

Why did you have those pamphlets? -- I had attended an anti-Republic Day meeting in the City Hall and I had gone with Niel Aggett and Sisa Njikelana. Sisa Njikelana was up in Johannesburg at the moment calling for support for the boycott of Wilson Rowntree's and he was approached at that meeting itself to be a speaker, because as I said earlier on, the speakers had withdrawn, so they asked him at that meeting and he had wanted to distribute those pamphlets at that meeting and he gave me the pile so he did not have to take it up on to the rostrum. (20)

I now ask you about Exhibit B.21. I have not got a copy, but you can quickly look at mine if you want to. (Pause) Can I please have it back? -- Oh, is it your copy, sorry.

Those are notes that you made? -- I made of a book that I was reading.

It deals, for instance, with the mass strike? -- Yes.

What book was this that you read? -- I think it was a book called "Radical Social Work." There were several books of that kind. I am not sure which one it was precisely.

Why did you make the notes? -- Because I was summarising (30) the main points that came out of the book.

For what....



For what purpose? -- I was reading it. Academic purposes.

Did this relate to your thesis on unemployment? -- Yes.

The mass strike, for instance? -- No, I was not reading the book to read up about the mass strike. The mass strike occurred in the book. I was reading the book on social work.

What I am asking you is why did you make a note of the mass strike, it did not concern you. -- Because that was a specific category in the book itself.

There is also a note of the "Seizure of State Power."

-- Yes.

(10)

Why did you make a note of that? -- Because that was something that was being dealt with in that book. It has a question mark after it and in that book it is said that it is doubtful whether any kind of social welfare work or something like that can result in a seizure of state power. That is why I had the question mark after it.

You have said in your evidence that at one stage Marais Schoon wanted you to discuss unemployment with his wife Jeanette. -- Yes.

Why did he want you to discuss it with her? -- Because (20)  
my idea of starting that unemployment union was similar to the way in which Jeanette and I had worked to start a trade union, and that is starting with a legal advice office, etc., and I think he wanted me to speak to Jeanette just about that procedure, because we had worked together in it in the past.

Exhibit B.17, that is the one by Friedman. Do you recall that one? -- Yes, that article by Friedman, yes.

Did you read it? -- I read it about 10 years ago - no, not that long ago, about 8 years ago. It is an article which he subsequently has rejected as not being worthwhile. (30)

Are you still committed to the A.N.C.? -- Yes, I am.

Now you ...



Now you have said that Mr Schoon served a term of imprisonment before he left South Africa? -- Yes.

What was that for? -- Sabotage.

Now Mr Lodge, Tom Lodge, do you know him? -- Yes, I do know him.

For how long have you known him? -- I have known him as a lecturer, not as a friend.

For how long? -- For about - how long has Tom been here - for about 3 years or so.

Did you on occasions give talks to trade unions? -- On (10)  
one occasion, yes. Unless, of course, you are referring to my period in the Industrial Aid Society. Are you referring to that at all, prior to my being a member of the A.N.C.?

NO FURTHER QUESTIONS:

RE-EXAMINED BY MR BIZOS: You told us that you heard that Mr Christie had been charged for getting information for the A.N.C. What sort of information did he get, in your mind? What sort of information? -- It was information on military - not military - I think military related information.

Military related? -- Atomic power centres and things (20)  
like that.

Atomic power centres. And did you make an intimate study of what information Mr Christie got .. -- No.

.. or did you just get a .. ? -- No, I just knew it from the press.

From the press. Did you have any impression as to for what purpose this atomic power information was being gathered by Mr Christie, for what purpose it was gathered? Did you get any impression? -- No. I mean I could only presume it was for military information of the A.N.C., but I do not (30)  
know further than that.

That is ...



That is what you thought, that it was of a military nature? -- Ja.

I know that you have been asked by His Lordship and by My Learned Friend about this question of strikes and crippling industry. What, in your view and in your studies, would happen if there were no strikes? How would the demands of the people who felt aggrieved be settled? -- I think that what could occur is increasing chaos and anarchy. I remember in 1973, before there were trade unions and before there was generally accepted that strikes were a natural function of industrial relations, (10) there was a strike in Durban which multiplied and multiplied, not having any trade union in it, and I think that just caused total disruption in industry at the time and I think because there were no unions to negotiate with management there was no way of resolving the strike, no one knew who to speak to, you know, no one knew who to speak to, that was a damaging strike activity and I would think that unless you have these unions so that management knows who to speak to, who to work with, you can have this disruption of industry.

And what is the attitude of organised industry in the (20) recent past? -- In the recent past?

In South Africa. -- Well organised industry has, I think, come out pretty strongly in favour of trade unionism, something which it had not done before. The Federated Chamber of Industry has promoted it quite strongly and organised industry, of course, is not happy about strikes. It does disrupt production for a while, but I think what industry is beginning to realise more and more is that there are advantages to having your work force organised so that you can actually sort the things out in a civilised manner and not in a situation where you do not (30) know what is going to hit you next. Of course there are people ...



people and managers who do not agree, but I think general consensus is moving in the direction of the necessity of these organisations.

Now I want to take you back to the beginning of the Industrial Aid Society when you became involved in it. Was that the attitude of organised industry in South Africa at the time? -- No, no, not at all.

What was the attitude? -- We had tremendous hostility from management. It was quite, I think, a scaring time because there was security police surveillance of us all (10 the time. If any pamphlet we produced, any pamphlet explaining to workers what a union was, that pamphlet was immediately confiscated and we were detained or kept at John Vorster Square or whatever for a while. Management was very hostile to us. They saw us as a subversive and it was not a pleasant time. You felt - you felt desperate quite often in those times.

Is that the atmosphere in which your attitudes to trade unionism were formed? -- Yes, that was the time.

Now without wishing to embarrass you or your friends that were working in the Industrial Aid Society, do you (20 feel that you inhibited or helped in the labour relations programme that we now have in South Africa? -- It is an embarrassing question in a certain way. I would say that what - not the activity which we were involved in, because that was still very simple activity, we were just helping in trying to advise workers on how to redress grievances and things, but I would say that the unions that emerged out of that initial activity have certainly been the kind of unions which management now is talking about and which I think management has also learned from. (30

And was the Industrial Aid Society, what was it mainly,  
an ad hoc ...



an ad hoc or a students or adults - I beg your pardon - a student or non-student organization? -- It was both, but it had a lot of students involved in it.

Now you will have been in custody in less than a month's time for over a year. -- That is correct.

And without wishing you to give His Lordship any of the details which have been canvassed elsewhere and may yet be canvassed in the future, has it been an easy or a difficult period? -- I would say it has been a difficult period.

And yet when asked by My Learned Friend, quite fairly, (10) whether you are still committed to the A.N.C. your answer was in the affirmative. Did you give that in any spirit of defiance to His Lordship? -- No.

Why did you give that answer? -- I think my experience in detention, and the experience of many people with me, has led me to believe that unless we do have a just and democratic society people are going to suffer tremendously still and the sooner that that comes about the better, and in that sense I said I was committed.

NO FURTHER RE-EXAMINATION: (20)

RE CROSS EXAMINED BY MR SWANEPOEL: Would you please look at page 3 of Exhibit B.2. You say : "In 1978 I was transferred to another forward area to work under people who had formerly been friends of mine while they were in South Africa." You refer to friends in the plural. Then at page 6 you say, in the middle of the page: "My main method of communication was face to face contact about once or twice a year when I crossed the border legally to visit my friends, who at the same time were my contacts in the forward area." Can you just tell the court who these contacts or friends were? -- Jeanette (30) and Marais.

NO FURTHER QUESTIONS:

CASE REMANDED UNTIL 27 AUGUST 1982



ON RESUMPTION 27 AUGUST 1982:

ADV BIZOS CALLS:

THOMAS GEOFFREY LODGE: Sworn in

EXAMINATION BY ADV BIZOS: What are your academic qualifications Mr Lodge? --- I hold a B.A. degree, first-class honours in History from the University of York in England, and I hold a Bachelor of Philosophy degree from the same university in Southern African Studies.

Have you done any work in relation to the organisations in Southern Africa for your academic work? --- Yes, virtually all the research that I have done as an academic since 1975 has been concerned with the so-called South African Liberation Movements. As well as this, I teach fairly extensively on black politics to my students at present.

Are you busy with submitting any dissertation of your own? --- Yes, I am writing a Doctoral dissertation for the University of York. It is on South African Revolutionary movements; it has particular reference to the Pan Africanist Congress.

Although the particular reference of your Doctrinal thesis relates to the PAC, does the ANC form any part of your special study? --- Yes, it does. Quite apart from the doctoral dissertation itself, which discusses the ANC quite frequently and in quite great detail, I have just completed a book which is presently being published in Britain, entitled "Black Politics in South Africa Since World War Two" and this book is mainly about the African National Congress.

Who are the publishers to be? --- Longmans Company



based in Britain.

Have you published any articles in any journals relating to the subject matter? --- Yes. I have published several articles in overseas and local journals on the African National Congress and on other African organisations in this country.

And what appointments have you held? --- After concluding my post-graduate studies at the University of York, in 1975, I worked as a research assistant at the University of York for two years. My official title was Research Fellow, and then came out to South Africa in 1978 to teach as a Lecturer in the Department of Politics here at the University of Johannesburg, the University of the Witwatersrand.

And have you held that position ever since? --- I have held that position ever since.

What particular subject do you teach that is relevant to the issues before His Lordship in this case Mr Lodge? --- I teach an undergraduate course on African Political Studies and I teach those sections of that course which specifically concern South Africa and black people in South Africa.

And does the history of the ANC and its part form part of the syllabus or curriculum that you teach? --- Yes, it does. Every year I normally teach a six week course on the history of the African National Congress, up to the present, of the African National Congress and other related organisations. That is to the second-year students. I also teach a similar course, or with different points of emphasis, to third-year students as well.

And have you studied what has been written about the African National Congress? And what the African National



Congress says about itself and what others say about it?  
--- Yes, I've tried to read as much as possible into the subject. I have read, I think, most of the - what scholars would call the secondary literature, that is the literature written by people who are not members of the ANC, academic observers and journalists and such like. As well as this, I have read extensively much of the documentation put out by the ANC and its allies, both historically and at the present time. In addition to this, in the course of my research, I have conducted interviews with many previous members of the organisation, as well as people who are presently involved in the organisation as well. These have taken place abroad.

Could you give His Lordship the names of some of the people that you have interviewed for the purposes of your studies, who may still be actively connected with the African National Congress? --- Yes. included amongst the people that I have interviewed, have been Brian Bunting - the leader of the South African Communist Party - Bettie du Toit - a former trade unionist, still active I believe in the Communist Party. Albie Sacks. Embi Yengwa of the African National Congress. Reg September of the African National Congress and Communist Party. Alfred Nzo, Secretary General of the African National Congress. David Sibeko - a late leader of the Pan Africanist Congress. Matthew Nkwana, Abie Nkobo and various others.

A formality perhaps, in view of what you have told His Lordship in relation to your experience, do you consider yourself as an expert on the ANC? --- Yes, I do.

You also told us that you teach politics? --- Yes, I teach a general course on Soviet politics, to first-year students / ....



students in the Politics Department and I teach various other courses concerned with non-African Political matters to all years concerned, in the Politics Department.

We've already had an exhibit in this case from your colleague, Mr de Vries, from the Randse Afrikaanse Universiteit. Do you know him as a colleague? --- I know him as a colleague, yes.

And he has characterised document B1 in a report to His Lordship which has gone in by consent. Would you be able to tell His Lordship whether you too consider yourself as sufficiently qualified to express a view in relation to the ideological commitment or otherwise of a person who may or may not have written a document such as B1 Mr Lodge? --- Yes, I think I can express an opinion, I think I am qualified to do so.

You were asked to draw reports on two matters; the first, the question was posed to you as to whether the two documents, "Problems Arising in Internal Political Work" and "Social Background of Working-class Leadership" have been written by the same person. You have drawn a report on that, and have you a copy before you? --- I have a copy before me.

I'll give Your Lordship the exhibit number M'Lord of Mr de Vries's document in a moment. M'Lord, I think the next exhibit number will probably be 'S'.

COURT: The two documents referred to, are they EXHIBITS B2 and 3?

ADV BIZOS: No, B1 and 2. So that EXHIBIT 'S' that has just been handed to Your Lordship, would be EXHIBIT 'S' and that would relate to EXHIBITS B1 and B2

COURT: Yes, I've got it.

ADV BIZOS: And whilst we are about it, Mr Lodge, have / ....



have you also drawn a report on the possibility of someone who had associated themselves with the violence of Umkhonto we Sizwe, being able to contribute to the ANC's work as a member of that organisation. Your Lordship will receive that as EXHIBIT 'T' M'Lord.

Could we deal with EXHIBIT 'S' first please Mr Lodge. What is the question that you were asked to pose? --- The question was this: Could the two documents - "Problems Arising in Internal Political Work" and "Social Background of Working-class Leadership", could these two documents have been written by the same person. 10

Now would you slowly read your report and the reasoning, and the conclusion to His Lordship please Mr Lodge? --- Before this question can be answered it will be helpful to provide a brief description of each document. I will deal with "Problems Arising in Internal Political Work" first. I will abbreviate the title to "Problems Arising". Problems Arising is the less formal in tone of the two documents. In it the author discusses her uncertainties which arise from the inadequacies in the communication system existing between her as an ANC agent in the field and her controllers, the "forward area" based, in Botswana. The report is written in a modest and unassuming fashion, and though it is not uncritical of other members of the organisation, its criticisms are phrased with considerable tact. The writer is evidently conscious of having a somewhat junior and peripheral status within the organisation. The first two pages provide a brief outline of her work. Now, without wishing to disparage her efforts, these do appear to have been divided between a diffuse variety of different projects. The writer apparently content to monitor and influence these from 20 30



the fringes rather than directly involve herself in them. Most of her work was evidently - to use her own words - with the white left. None of the undertakings with which she had contact were themselves of a clandestine or illegal nature. As she herself points out later in the document - that is on page 15, line 27 - her work was not the necessary corollary of ANC membership. In other words, given her political beliefs, qualifications, it was the sort of work she would have done whether "under ANC discipline or not".

Pages 2 to 10 of this document discuss the problems in her work resulting from poor communications and liaison with the forward area. There is also more specific detail on her various activities, which, apart from discussions with the South African Allied Workers Union about the prospects of an unemployed workers union, involved either research or educational and trade union support work with university students. By trade union support work I am thinking of the Organisation of Consumer Boycotts and so forth.

She does not seem to have been concerned with recruiting for the ANC or pamphleteering (either making or distributing pamphlets) on the ANC's behalf.

In the final section of the report - that is pages 11 to 16 - the author gets to the heart of the difficulties which motivated her to attempt to appeal to the forward area in this fashion. Now in essence it appears that she was never clearly informed of what the precise boundaries and purposes of her work for the ANC should be, and whether it fitted into ANC strategy as conceived or understood by her controllers in the forward area. That is in Botswana. This becomes clear from the following passages which I quote from the



document. The first quotation, page 12 :-

"As I have said, it was recommended that I undertake work in specific fields of activity, but in delineating the specific field, we neglected to take account of the fact that I was already being called upon to do other kinds of political work. So that practically it was impossible for me to withdraw into only one sphere of activity. Thus I was always involved in work that had not been discussed with the forward area. Hence there was a break between my work here and my defined relationship with the forward area."

I think "break between my work here" is the significant sentence.

"This is one way in which my work continued independently (and I would emphasise that) independently of my formal commitment to the ANC."

The second quotation, page 14 :-

"It was never clearly defined what was expected of me."

Third quotation from the same page :-

"So, there was always a tension between the area of work which have been demarcated for me and the actual realities of the situation, which constantly forced me out of this area. Hence I was not sure whether I was working "out of discipline or not"."

And finally, on page 15 :-

"The basic problematic issue here is the difficulty in / ....



in determining the purposes for which I was recruited."

I think there is a typing error here - it should be "The basic problematic issue here" not the at and, but that can be checked if you wish M'Lord, on the document.

Reading between the lines it is evident that the supervisors of this agent neglected to take much interest in her work. Perhaps this was because of her reluctance to compromise her legal above ground "political mobilisation" activity, by undertaking clandestine duties for the ANC beyond those that merely concerned maintaining communications with her forward area.

She actually details in the document how she refused, for example, to distribute literature concerned with anti-Republic Day demonstrations and so forth.

Social Background - the second of the two documents that I describe in this report. Social Background is a very different kind of document. It is a sophisticated and exhaustive analysis of the leadership of the Federation of South African Trade Unions. For convenience I will refer to this to its well-known...by its well-known acronym, that is FOSATU. In general it is highly critical of this leadership, mainly because of FOSATU's conception of trade union and political strategy. In brief, the document ascribes to the FOSATU leadership the syndicalist position."

ADV BIZOS: Could you explain that, because I don't know if His Lordship and I know what that means. --- Very well. Syndicalism, first of all, involves the belief that the workers themselves should have control, both of the means of production and the system of distribution. To put it in less technical language, syndicalism involves the belief

that / ....



that workers should control the factories and the output of those factories and the way that it is sold or distributed amongst consumers. But in fact, syndicalism involves more than this, because as a corollary to this, syndicalism also means that political structures, administration, government, should be directly responsive to workers' interests and should be controlled from below. It is a system, incidentally, very different from the system of administration eventually formed and built by the Bolsheviki in Revolutionary Russia, which involves a hierarchical bureaucratic form of government, not so very different from those that exist in non-revolutionary capitalist societies. As I have put it in the document, it involves the belief - I've expressed it rather abstractly - that political power flows directly from factory organisation. Incidentally, Lenin considered that syndicalism was an infantile mode of organising government - the belief that political power flows directly from factory organisation and in consequence working-class revolutionaries should avoid entanglement with any political movement not rooted in work-place structures. I think you could call - if you want to have a good parallel - I think you could call Solidarity a syndicalist type of organisation. That is the Polish Trade Union Movement. From the rather more conventional Leninist standpoint of the author of this document, FOSATU's strategy, as well as being theoretically purist and consequently impractical, contains within it inherently reformist tendencies. By reformist I mean tendencies that lead the movement ultimately not to question the existing status quo, in terms of politics, in terms of economic structures and so forth. The reasoning goes on: This is because the leadership's main concern is to preserve

the / ....



the structures of its organisation intact until what it conceives to be the ultimate moment of confrontation with the capitalist state.

To put it another way, what the document ascribes to FOSATU is the belief that eventually capitalism in South Africa will produce a crisis through its own momentum in which the government will no longer hold authority effectively and at that moment FOSATU as a structured, disciplined organisation, can intervene. But until that moment, its chief concern should be with preserving its organisational structures and not compromising them by any adventurist strategy, any involvement with illegal, or quasi-legal political movements.

The document goes on:-

Flowing from this concern is FOSATU leadership's anxiety that FOSATU should not render itself vulnerable to State attack by involving itself in the national liberation movement. According to the analysis ascribed to FOSATU by the writer of this report, such a course would be additionally undesirable because it would compromise FOSATU's workerist goals - that is FOSATU's concern that ultimately society should be responsible to the workers - because these will be subverted by the petty bourgeois leadership of the ANC.

If you like, what the writer is suggesting is that FOSATU is a force to the left of the ANC and the Communist Party.

The writer is critical, not only of FOSATU's strategy, but also of the behavioural patterns which arise as a consequence of that strategy. Thus he or she attributes the leadership's elitism and dictatorial methods to its concern that the purity of its line should not be clouded by rank and



file populism. Now populism here is used as a euphemism for nationalism. The leadership is accused of taking a consciously anti-congress stand to the extent of attempting to replace congress's symbols and iconography with its own.

All this is evidently deplored by the author of this document who nevertheless, recognising the potential power FOSATU represents, suggests that advantage should be taken of the isolation of the Federation's leadership from rank and file members. With the latter - that is the rank and file members - the grass-roots members if you like - being conscientised with the correct line, i.e. a pro congress perspective, presumably through SACTU (South African Congress of Trade Union) infiltration on the shop floor.

What the writer is saying in other words, is that because the leadership is isolated from the grass-roots membership, SACTU, the revolutionary trade union movement allied to the ANC, should approach FOSATU sideways as it were, and influence its members at the base.

The document is written with considerable assurance by someone with a quite exceptionally intimate knowledge of FOSATU's internal affairs. There are for example details of internal disputes which most FOSATU members are not themselves familiar with. It employs a rigid Marxist mode of analysis with a high degree of sophistication. It is a most accomplished piece of work.

I have four reasons for believing that these documents are by different authors.

My first reason is this: First there is the question of literary style. Even after taking into account the fact that the documents were written in different contexts involving different conventions of presentation - the one

being / ....



being a personal appeal, almost a letter, and the other being an academic analysis. There are nevertheless some very significant discrepancies in the language employed in both pieces. For example, the word "strategising" is used quite frequently in Problems Arising, but is not a term favoured by the author of Social Background, though there are numerous opportunities when he or she could have employed it. There are differences in the political jargon and euphemisms that are used. For example, Social Background refers to the ANC and its allies as "the movement" and the other document does not. 10

Secondly, there is the question of the tone and temperament of each document. Social Background is written with moral certainty, intellectual self-confidence and considerable cynicism. None of these characteristics are evident in Problems Arising. Rather, the tone is supplicatory and uncertain. It is moreover unlikely that someone with such a clear sense of strategic purpose as exhibited in the critique of FOSATU should be within a relatively short time troubled by the doubts and the confusions contained in Problems Arising (the later of the two documents). 20

On the subject of strategy, the course of infiltration of FOSATU rank and file advocated by the author of Social Background, seems to run counter to the spirit of caution with which the writer of Problems Arising approaches the question of "underground work". Conversely, it is unlikely that someone with such disparaging views of white left-wing intellectuals, as contained in Social Background, as they are expressed particularly on the first page, would have much time for the white left which was one of the main focuses of the work described in Problems Arising. 30

Thirdly / ...



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