

N. NKOMO

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

CASE NO: 18/75/254

DATE: 15 JUNE 1976

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LUBBE RECORDINGS (PRETORIA)

COURT RESUMES ON 15th JUNE 1976

GESSELEL MOSES NKONDO, STILL UNDER OATH:

CROSS-EXAMINATION BY MR. REES CONTINUED: In your evidence-in-chief you said you wanted to go through this poem "Gumba Gumba Gumba", did you do so? --- Unfortunately I forgot to get a copy yesterday, and I couldn't lay my hands on it, so I haven't studied it, I am sorry, M'lord.

MR. SOGGOT: M'lord, I beg your pardon, the defence failed to give it to him, we will do so at the adjournment.

You were speaking yesterday of this poem Black Nana Avenge Arise? --- Yes. 10

Now that poem appears on EXHIBITS SASO E.1, E.2, and E.3, it appears from the evidence that this document was fairly widely distributed by SASO. Could you suggest why they should be at pains to do so? --- No, I wouldn't know why they would be at pains, or whether they were ever at pains to do so, I don't know.

You don't know? --- No.

Well why should someone want to publish - an organisation like SASO, can you form any idea as to why they should want to publish and produce a thing like that? --- I wouldn't know, except that perhaps if they regarded it as worth publishing. 20

You have had a look at the document, and you say you have even submitted it to your students? --- Oh yes, I have.

And I take it you submitted it to your students after the defence had consulted you about these matters? --- No.

Was it just fortuitous that you did so? --- No, in fact I think I said yesterday that I was considering relevance in African literature ..(Mr. Rees intervenes)

Relevance or irrelevance? --- Relevance, where the relevance is a literary consideration, this was a study in poetics / ... 30

poetics and I wanted to use that to show that it doesn't mean that if a poem refers to the Black experience, or to an aspect of the Black experience, or if it talks about Blacks and even Africa, it necessarily is a good poem. I was just using it.

Oh, but is this poem relevant - why do you say it is relevant? --- Well it refers - no, it refers to Black existence - yes, it refers to Black in many passages there.

Black experience? --- Yes.

What Black experience does it refer to? --- No, I said 10
it refers to Black.

Does it refer to any Black experience? --- I want to withdraw that, it was a slip of the tongue on my part, it refers to the concept Black.

Well, I want to know, does it or does it not refer to Black experience? --- As I said yesterday, M'lord, I cannot comprehend this poem, I must own up, I have failed to comprehend what Black Nana is all about.

You see ..(witness intervenes) --- And as I say I have 20
discovered, to me it seems to make no sense.

Is there such a thing, or what do you say of the saying "there are none so blind, or none so deaf as those who do not wish to see or to hear"? --- Oh well, I know it is an English saying, that is all.

Do you agree that it is a basic truism? --- It is a truism?

Yes? --- No, well, it is an English saying, a very easy way of referring to some ideas, but whether it is the truth I can't testify.

Not as a generalisation even? --- ...INAUDIBLE .. a 30
generalisation.. INAUDIBLE.. but whether it is the truth I
don't know.

Oh / ...

Oh I see, and ..(witness intervenes) --- And to generalise according to another saying is to be an idiot.

Now, let us have a look at this document Black Mana Avenge! Arise! Isn't this, superficially at least, a reference or an allusion to the killing of a Black woman who is about to give birth? --- There are words like "killing", like "Black woman" there, there are such words, but their poetic significance in that context I can't tell, because I don't comprehend the poem.

I suggest you don't want to comprehend it? --- I have tried 10 and as a teacher of African literature I have tried to comprehend it, and I don't comprehend it. And I think I have all the motivation to want to comprehend anything that is written in African literature, as I am a teacher of African literature.

Isn't it one of the tricks of an orator that you should know ..(witness intervenes) --- It is one of the concessions of a teacher that doesn't know.

But listen to what I am asking you, isn't it one of the tricks of an orator to try and convey conviction by a confident pretence? --- I don't know about that. 20

Isn't it one of the known tricks of the orator to confidently put forward something? --- I don't know about that.

Isn't that a well known political device of the politician? --- I don't know.

To confidently state he doesn't know or he cannot see? --- I don't know.

Well, Mr. Nkondo, I suggest to you that superficially there is an allusion to the killing of a Black woman who is about to give birth, the killing of her and the baby or foetus 30 by a White master figure. Is that correct or not? -- Let me

say / ...

say this, that a proper interpretation of the ..INAUDIBLE.. of a word in a poem must be based on a deep understanding of the total context to which it belongs.

Mr. Nkondo, is my impression correct, that the impression somebody could get who reads this - poems are not read only by masters in English, they are read by the man in the street aren't they? --- But poems must be understood by everybody.

Yes, well, and this thing says:

"Whore! Whore! the rough voice -

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you read it for us, read it for us: --- WITNESS READS:

"Whore! Whore!

The rough voice echoed through the air

Whore! Whore! ... Whore!

It still stands in the sky

You Black Devil!

Her jerking knees began trembling

The Devil! You Black Devil

She trembled, fear and agony entered her heart

Master....Master...Master... Here I stand

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The big stomach seemed to grow stronger

He may be born at any moment, Please ...!

Her words choked her tiny voice

I don't want it! No Black devils for me" -

shall I continue?

You don't seem to read with the same type of emphasis as you did yesterday, do you, you are just reading? --- I am reading it, as I say it is reading with understanding, and I can't understand it that is why I can't read it in terms of its meaning.

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Oh, with that poem yesterday you had no problems with?

OF / ...

--- Of course but that ..INAUDIBLE.. that I understand.

Oh, you don't understand this one at all? --- No.

You don't even understand the superficial meaning of it? --- As a professed critic, I am not going to guess the meaning of a word before I even understand the context of a poem.

Well read the whole thing then, and then you tell us the context? --- The context - I have been reading this poem I think for the last six, seven months, and I don't understand it.

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You will have to read it again and see? --- M'lord, if it will satisfy the prosecution, could I be given time to go and look at it again, but I doubt if I will understand it.

Read it now please? --- Okay.

COURT: I think you must give him an opportunity, Mr. Rees, to look at it at his leisure.

MR. REES: M'lord, he has had that opportunity, he says he has looked at it for seven months. --- And I don't understand the poem.

And any further looking won't assist you to understand it? 20
--- I won't say that, I can give it a try.

COURT: Well perhaps if you look at it - and I am going to suggest to you that there are three definite phases in this poem, the first phase which expressed a certain incident ends at "Black Nana save me", that is two-thirds down the verse on page 7 - have you got that? --- Yes.

Then it seems to express a further phase or sentiment up to the end of the capital letters "Black Nana Arise, arise Black Nana", have you got that? --- Yes.

And then there seems to be another phase which ends at the end of the poem. Now, it seems to have three themes, now

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I / ...

I would like you at your leisure to look at the poem and see if it is correct, whether there are three themes or three phases in this poem? --- Thank you, I will do that.

MR. REES: No, don't write on that one? --- No, I just want to mark it.

Now are you prepared to concede or not that as one looks at this thing there is a reference to or there is a suggestion of a Black woman who is about to give birth, who is killed by a White master figure?

COURT: Mr. Rees, wait until he has had an opportunity to read this poem and studied it. 10

MR. REES: I want to put something else in this connection, when you read the poem you can also pay attention to this aspect, I suggest that very theme is a theme that you know? -- A theme that I know?

Yes.

COURT: Well you can ask that when he has looked at the poem.

MR. REES: I suggest that it is a theme that you know and I suggest it is a theme - I have a document here which is headed "Apartheid and Alienation Mphahlele The Wanderers" by G.M. Nkondo, and Nkondo is described as senior lecturer in charge of literary studies at the University of the North, Turfloop, Transvaal, South Africa. This article is in a slightly modified form, it is part of an M.A. dissertation submitted to Leeds University in 1972. Would that be referring to you? --- Yes. 20

Now, you were treating there of the work of a Mr. Mphahlele, apparently The Wanderers, is that right? --- Yes.

Now I find in this document, I will have a copy made and give it to you so that you can study it, I find in this document the following reference. You say this would be you, the / ... 30

the author of this? --- Oh yes.

Let us first get this thing in its context, you say:
"The Wanderers may be regarded as a synthesis of Mphahlele's thinking in the problem of alienation in South Africa, particularly the tragic sense of estrangement and ruthlessness that the Black South African exile suffers, to bring together nearly all the aspects of alienation considered in Down Second Avenue and his short story, and represents in my view the consummation of Mphahlele's achievements to date"

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--- Yes.

"Arthur Ravenscroft of Leeds University lists the novel as disappointing. Cosmo Pieterse found it indigestible. Richard Reid confessed to having lost interest somewhere in the middle and stopped reading further. I may seem to be the devil's advocate, but I contend that The Wanderers is a very interesting and successful novel themically as well as structurally"

N13

is that right? --- Yes.

"The dedication suggests the dominant theme of alienation and captures the ambivalent mood of nostalgia and exile, despair and resoluteness that characterises the novel"

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--- Yes.

Now on the fifth page hereof I find the following piece which I suggest to you is basically the same theme as this Black Nana Avenge Arise. Now I will read it, and then get it in its context, and then debate the piece:

"But such indifference, the novel implicitly demonstrates, is not only a symptom of obtuseness but also of moral irresponsibility. For those who, like Timi, seek to redress / ...

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redress the balance as best they can and so assert their sense of justice, the grief is irresistibly challenging. When Timi, helped by Shuping, tries to coax one old man to harbor him in one of the farm houses, the old man bursts out in sheer terror as he recounts one of the farm episodes:"

do you recall that? --- Yes.

"You must have heard how Makatona's father shot one of our workers and then buried him. But the government is a strange man, he did nothing to punish him. You must remember how the farmer of Klipkop gave a black servant a child and Satan entered his heart and his wife's and they killed the poor girl and took the child out of her stomach and threw the child into the river and buried the girl. You know nothing - nikis - nothing!"

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--- Yes.

That is what you wrote? --- No, that is not my statement.

But you are quoting the man? --- Yes. It is a quotation from the novel.

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"The old man's tale is double-edged in effect", you say, "as it reflects the overall inhumanity of farm labor" etcetera. Now, I suggest to you the theme is the same - the theme that you refer to here, is the same as that to be found in this poem "Black Nana Avenge Arise", what do you say to that? --- I will find out after studying it.

COURT: I suggest you look at SASO E.2 which gives the verses. Now I think in the newsletter it doesn't really show the verses, the different verses of the poem, I don't know, it may be easier, there may be different sentiments expressed, I don't know. --- Yes.

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Mr. / ...

MR. REES: M'lord, we will have copies made for the witness.

I think that is one of the originals.

COURT: It is one of the originals, well, SASO E.2 and SASO E.3 are exactly the same so we might let him have either SASO E.2 or E.3, one is typed, SASO E.3 is typed.

MR. REES: May I just enquire, do you want something you can write on or not? --- Yes.

M'lord, perhaps it would be better, we give him one and then he can scribble on it and do as he likes. I will arrange for a photostatic copy to be given to him. 10

Now you also based your - is it your M.A. thesis, on the writings of a person Alex Laguma? --- Yes.

Now this man, Alex Laguma is a Coloured person from Cape Town, not so? --- Yes.

And you know I take it that he is a listed communist? --- Oh yes, that is what I came to know.

He was at one stage the chairman of what was known as the South African Coloured People's Congress? --- I didn't know about that.

And did you know that this organisation was part of the Congress Alliance? --- I didn't know. 20

Did you know what is generally known, that large numbers of the convicted terrorists in the last couple of years in this country had all been either members or associates or supporters of this Congress Alliance? --- No.

You didn't know. Do you know anything about an organisation known as the Luu Young Socialist Student Society? --- No.

Have you ever had any dealings with them? --- No.

Did you ever have any documents referring to them? --- No. 30

Didn't you return from overseas on the 18th December 1972?

Overseas / ...

--- Overseas? No, I returned on the 4th July.

What year? --- 1972, not December.

And after your return on 13th December ..(witness intervenes) --- No, 4th July please.

No, I say after your return and more specifically on the 13th December, didn't you have in your possession a programme for the congress of the Luu Young Socialist Student Society? --- No, I never had that document.

I suggest to you that this programme was found in your possession, and it referred to a programme of the Luu Young Socialist Student Society held on the 11th October to 6th December 1971? --- It is a complete lie, I don't know anything about that. 10

Oh, why should it be a lie? --- Because I never had that document.

You had better think a bit carefully? --- No, I am very clear, I never had that document, and I don't know of that Association.

You don't know of such an Association? --- No.

Well, I suggest to you that that is an Association, an organisation that teaches the principles of Marxism? --- I don't know. 20

Have you ever studied the principles of Marxism? --- No.

Do you know anything about the principles of Marxism? --- No.

And also I am told it teaches or deals with trade union matters? --- I don't know, and any question deriving from that I won't know the answer to.

Do you know anything about trade union matters? --- I have read about that in the newspapers, but I haven't studied anything about it. 30

Court / ...

COURT: Did you have any political contacts or political interests anywhere, apart from addressing meetings or seminars at SASO and places like that? --- No.

You have no political affiliations? --- No.

MR. REES: Whilst you were overseas, did you make contact with the members of - any particular members of PAC or ANC who had left the country? --- Oh yes, there was one member there who was also a student at Leeds, he was studying a doctorate in geology.

Who was he? --- Dr. Moreno.

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And did you not have to satisfy these people that you were not a sell-out when you were in England? --- I don't think that question ever arose in my case.

Why, did they accept that you were not a sell-out? --- Well I just don't know, they never referred to me as a sell-out, or if anybody did I can't tell.

Did ANC or PAC just accept you ..(witness intervenes)
--- No, I was never accepted by ANC or PAC, I met the individuals as individuals.

Well, we will some time have to ask you a few more questions 2
on the subject, Mr. Nkondo? --- Fine, fine.

COURT: Well I think in fairness to the witness, if you allege that a document was found on him, you should tell him when and where.

MR. REES: I will put it to him after the tea break. (LAUGHTER)
I notice Mr. Saths Cooper finds great amusement at this, M'lord, perhaps he will at a later stage tell Your Lordship what he finds so amusing, that is Accused No.1 I am referring to.
You say Nengwekhulu was your student? --- Yes, he studied English, the first year course of English under me.

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Is that the only course he took under you? --- Yes.

Did / ...

Did you ever hear him speaking? --- Oh yes, at students' meetings at Turfloop some years back, I cannot recall the particular date.

Would you say he is a man who can express himself clearly? --- Oh yes, to some extent.

Would you say he is a man who takes trouble to acquaint himself with his subject, was he a serious student or was he just one of these..(witness intervenes) --- He was a very serious student.

Very serious? --- Yes.

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And would you set some store by what he says? --- I wouldn't take the chance, because it depends on where he says it and what he may be talking about, I wouldn't say I would set any store by what he says.

I am talking about where he makes a serious speech, Mr. Mkondo? --- What do you mean by serious speech?

Well when you go on a public platform, do you make a serious speech or do you just talk for the sake of talking? --- I am not going to take any risks in that I am going to support anything that he says anywhere, I must listen to him first.

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Oh. From your knowledge of him is he - you have already told us he is a serious man? --- Yes, but it is not necessary that I agree and will always agree with him.

I didn't ask whether you agree with him, Mr. Mkondo, just please listen to what I say, would you describe this man as a person who takes his task seriously? --- Yes, at least his studies he took seriously.

And you didn't know him as a man who just talked a lot of nonsense, when he spoke he spoke what he meant? --- When he spoke to me he spoke sense.

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Did / ...

Did you and he ever discuss the principles of SASO?

--- Oh yes.

Would you see he knew what the principles and aims of SASO were? --- As I took it he understood the aims and objectives of SASO as stated in the Constitution.

You say at the 1973 GSC you spoke on "Youth as a vital factor in - what is it? --- "Social and political change".

Why do you say youth - I don't want to know your speech, I just want to know why do you believe that the youth is a vital factor in social and political change? --- Well in my understanding of youth in this country and in England where I studied, they tend to have very new ideas about the nature of society, and they tend to suggest ways in which present-day society can be improved. And ..(intervention)

How .. no, carry on, I am sorry I interrupted? --- And there is a tendency to react towards the more conservative adult view of a mature society.

How do they react? --- Oh well they express themselves.

Yes? --- They express themselves in conferences, they write articles.

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Yes, they put up slogans? --- Oh, slogans at times.

Did you ever form part of a movement that was concerned in ousting the Whites from the University of the North? --- A movement?

Yes? --- No.

Did you ever suggest that the Whites should be ousted from the University of the North? --- Never.

What was your approach to the presence of Whites there, did you approve of it, or did you want the Blacks to take over that university? --- My approach in this matter I think is the approach of the Association of which I am chairman.

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Our / ...

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Cur / ...

Our approach, you know, towards Africanising the University of the North is that we are not trying to expel the Whites from the university, but the responsibility of choosing who is to teach at the university, that responsibility must lie in the hands of the Africans, because that is an African university. But we never suggested at any stage that we want to eliminate all the Whites, in fact we have gone on record as saying that we need the Whites at our university, but we must have the responsibility, the authority, the power.

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You mean the Blacks must have the power, that must be taken out of the hands of the Whites? --- Yes, at that university.

How do you want to take it out of their hands, Mr. Nkondo? --- Oh well, the Council, which is the bargaining body of the university must consist predominantly of Blacks, Council which formulates policy for the university must be in the hands of the Blacks.

With Mr. Nkondo as chairman? --- Not necessarily.

You said yesterday, and you appeared to me to get quite hot under the collar at the time, that students must be encouraged to criticise, is that correct, did I understand your sentiments correctly? --- Not encouraged, but they must be allowed to criticise, not encouraged, but allowed to criticise.

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What is the difference, Mr. Nkondo? --- Well encouraged means that you take it as a kind of formal programme to say: please do this, and I think this is not my approach, my approach is that when they do criticise, allow them to criticise, I don't go out of my way encouraging students to criticise.

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How do you mean allow them? --- When they do criticise
don't / ...

don't silence them, don't expel them from university.

Yes, what else? --- Don't take any negative action against them.

Just allow them to say and do what they like? --- No, what you like is not exactly my way of putting this case.

Well you tell us? --- When they do criticise, allow them to criticise, but if you say we should allow them to do what they like, you are suggesting that if they want to smash the library, you know, allow them to smash the library. We are not saying that.

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Why do you say I suggest that? --- No, but that - it has been suggested.

Why do you say I am suggesting that?

MR. SOGGOT INTERVENES The witness does not say you, Mr. Rees, he is giving an interpretation of Mr. Rees' phrase. --- The phrase.

MR. REES: You said "you suggested that", Mr. Soggot's assistance doesn't help you any, do you realise that, I want to know why you say I suggested that? --- As I say not you, but the phrase in that context, you say : do what they like. I mean it is putting it this way that if they want to destroy Turfloop physically, I mean allow them to do that, and that is not what I said. When they do criticise the administration and the management, the composition of the university, and they do that in an orderly manner, allow them to criticise. 20

Oh, now what do you understand by criticising in an orderly manner? --- If I can give an example, if we have, say, a graduation ceremony at Turfloop, and a student is called upon to speak on behalf of the graduates, and he is given a position on the programme of the ceremony, and at an appropriate time he stands up to express his views, and then

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sits / ...

sits down, that is an orderly way of doing things.

I see, you have in mind Mr. Tiro's action? --- Yes.

And with regard to criticism, does that have any concomitant or any corollary, a person's right to criticise?

--- Put it another way, I didn't quite understand?

Is there any corollary or anything that goes with the right to criticise? --- I think - PAUSE -

Mr. Soggot suggests qualification? --- The right to criticise is the right of an individual in a democratic society.

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Without qualification, that is the question, Mr. Ikondo, you are thinking about it a long time? --- I don't quite understand that.

Is the right to criticise a right without any qualification? --- PAUSE - I think there must be a qualification.

What qualification? --- The way in which you criticise.

The way in which - so it is the manner of criticism.

Isn't it basic that criticism should be done responsibly, you don't just criticise for the sake of criticising, you criticise 20 in order to try to improve? --- Yes.

Why didn't you say so? --- Now, well the way I see criticism, criticism is a constructive act, trying to analyse a certain situation, and then suggest ways in which that situation could be ..(Mr. Rees intervenes)

Isn't criticism only allowable if it is a constructive act? --- Of course, yes.

If it is a purely destructive act it is to be deprecated by anybody, not so? --- Yes.

Thank you. Why didn't you think of this qualification just now, Mr. Ikondo? --- Well I had to reflect on it, I mean

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the / ...

the implications of that concept, I had to reflect on it a bit.

What formation school did you attend, Mr. Mkondo? --- The one formation school by SASO where Dr. Manas Buthelezi spoke.

Where was that? --- At Turfloop.

Now what did you understand, what was the object of the formation school, or didn't you? --- Well the way I understand the formation school of SASO, is that it is a kind of ..(Mr. Rees intervenes)

Where did you get the information from - let me just 10
get this clear first. On what do you base your understanding of what a formation school is? --- Well I was a student myself and we had formation schools in my time.

Did you then have a SASO? --- No, we did not.

The formation school was then for the university SRC or what? --- Huh?

What was the object of formation schools when you were a student? --- The time when you try to tap the thinking of your membership, and then just to get a cross-section of the ideas and the feelings and the attitudes that float amongst 20
your membership, and these are reported at the next plenary session of a given association.

Now, when you have such a formation school, do you do anything to draw attention to any specific lines of thought? --- We suggest things around which discussions tend to pivot.

Yes? --- And then you allow the members to air their views.

And then you record those views don't you? --- Yes, to be reported to the next plenary session of the association.

And what is the function of the chairmen of the various 30
committees or commissions or whatever they have? --- Just to
preside / ...

preside over the discussion, without necessarily dictating a particular point of view.

And then, did you listen to the opening address at this - PAUSE --- No, I did not.

Who gave the opening address? --- I don't know.

How is it that you didn't attend the opening address? --- Oh I can't remember, perhaps I had no time. I can't remember I didn't attend, but the only occasion I attended was when Dr. Manas Buthelezi spoke.

And isn't the opening address one of the most important 10 aspects of the thing, didn't you have a prominent person to make the opening address? --- Oh well, generally we would ask somebody to open the formation school.

And then you don't attend? --- No, but as I indicated I can't remember exactly why I didn't attend, but I didn't attend.

You know only of the one, the one at which Dr. Manas Buthelezi spoke? --- Yes.

And you spoke? --- No, I didn't speak.

And what speeches did you listen to? --- That one only. 20

Oh, you wanted to hear him, you didn't want to hear the students' prattle, is that so? --- No.

What then? --- I can't remember why I didn't attend the other sessions.

COURT: Is there a difference between a symposium and a seminar? --- A symposium is generally where you have a theme and the tendency is to get experts to reflect various aspects of this theme. In a seminar there is a kind of teacher-student relationship, where you organise students into small groups for more detailed discussion of a lecture which you gave to a 30 larger class, a seminar is a continuation of a general lecture given / ...

given for more detailed discussion, trying to reach the individual student, and the smaller the group the more effective is the teaching.

Well does the teacher then direct the thinking, the person who fulfils the position of teacher, does he then direct the thinking of the group? --- It depends on what level, if it is a post-graduate seminar, the teacher doesn't have to direct, but if it is an under-graduate seminar you lay out the broad principles. If there are any controversies around an argument, you make the students aware of this controversy. But then even at that level, you allow the students to express their own understanding, and if they hold different views you allow them to do just that, because even at that level we are trying to promote independent thinking, the ability to do your own personal research, the ability to do your own thinking. This is what a seminar partly does, but at under-graduate level it is necessary to supply the students first with the basic knowledge, because they don't have it, but at the M.A. level, doctor level, they already have the knowledge, it is opposing views or supplementary views that you want to listen to, and at that level the teacher learns quite a lot from the students, because in certain directions the M.A. student or the doctor student may be more informed than the teacher.

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Now, according to the writings that I have read before the Court, they seem to occasionally refer to a formation school as a seminar. How would you say there is a great distinction between a formation school and a seminar? --- I think there is a great distinction, I think that is the use of the wrong word.

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Can't they use a formation in the same way as one would

use / ...

given for more detailed discussion, trying to reach the individual student, and the smaller the group the more effective is the teaching.

Well does the teacher then direct the thinking, the person who fulfils the position of teacher, does he then direct the thinking of the group? --- It depends on what level, if it is a post-graduate seminar, the teacher doesn't have to direct, but if it is an under-graduate seminar you lay out the broad principles. If there are any controversies around an argument, you make the students aware of this controversy. But then even at that level, you allow the students to express their own understanding, and if they hold different views you allow them to do just that, because even at that level we are trying to promote independent thinking, the ability to do your own personal research, the ability to do your own thinking. This is what a seminar partly does, but at under-graduate level it is necessary to supply the students first with the basic knowledge, because they don't have it, but at the M.A. level, doctor level, they already have the knowledge, it is opposing views or supplementary views that you want to listen to, and at that level the teacher learns quite a lot from the students, because in certain directions the M.A. student or the doctor student may be more informed than the teacher.

10

20

Now, according to the writings that I have read before the Court, they seem to occasionally refer to a formation school as a seminar. Now would you say there is a great distinction between a formation school and a seminar? --- I think there is a great distinction, I think that is the use of the wrong word.

30

Can't they use a formation in the same way as one would use / ...

use a seminar for instance? --- No, a seminar is a didactic situation, a teacher situation, and I think a formation school is something different.

But don't you have input papers at a formation school?
--- Pardon?

Input papers, where a person delivers a speech on a particular topic, and then they break up into commissions and they discuss that particular topic? --- Oh yes.

Now what is the purpose of the input paper then? --- Ah well, firstly, to allow a particular man to express his point of view, but it only becomes a starting point, something to stimulate general discussion among the membership, it doesn't commit anybody that point of view, it is just there to stimulate interest around a certain subject. 10

MR. REES: M'lord, he has some documents to study and look at, would this be a convenient stage to take the adjournment.

COURT ADJOURNS

COURT RESUMES:

GESSLEL MOSES NKONDO, STILL UNDER OATH:

CROSS-EXAMINATION BY MR. REES CONTINUED: Mr. Nkondo, you indicated to me and to your Counsel at the break that you would like a little longer to look at those poems, and it was suggested we wait until after the lunch break before I question you on them, is that right? --- Oh yes, please. 20

Thank you. Mr. Nkondo, were you a sort of adviser to SASO? --- No.

Not? --- No.

Were you a strong sympathiser of SASO? --- Well as I said earlier as chairman of BASA, I expressed my appreciation for and aims and objectives of SASO. 30

Were you an admirer of SASO? --- Not admirer, no.

Could / ...

Could you be described as a supporter of SASO? --- Well I support their aims and objectives.

Could you tell us were their aims and objectives to unify the Blacks? --- To unify the Black students.

And to work for the liberation of the Blacks? --- Yes.

And to work outside system-created platforms? --- Yes.

The formation school, if I were to suggest to you that the formation school forms part of the process of conscientising students, what would you say? --- Conscientising students? 10

Do you know that SASO and BPC have a programme of conscientisation? --- Yes.

Now if I suggest that the formation school is part of the programme of conscientisation, what would you say? --- Well as I said I didn't attend any of their workshops.

Oh, you didn't attend any of their workshops, what is a workshop? --- A workshop where the membership breaks into small groups and they are given time to air their views.

So you don't really know how they work their formation school or what its purpose is? --- No, but I have already indicated that a formation school is an occasion where you get the ideas and attitudes of your membership. 20

Yes, but you don't know how SASO used their formation schools or do you? --- Well, only from what they told me.

Who? --- I mean the members of SASO.

The accused persons, you are looking at them now? --- Oh yes.

Which accused told you that? --- Well I described the formation school with Mr. Lekota for instance, and even other members of SASO. 30

Oh, when did you discuss that with him? --- I can't remember / ...

remember exactly the day but it was some time in 1974.

I see, why did you discuss formation schools with Accused No.3? --- Well we discussed, I mean, so many things you know pertaining to SASO including formation schools.

Now again if I suggest to you that the formation school formed part of the conscientisation programme? --- That is not how I understood it.

Not? --- From the discussion I had with members, I understood it to be a time when SASO - it was an occasion to tap ideas as I indicated, and to allow students to air their views on various aspects of - I mean of various themes. Because if then their aim is to conscientise, it means that you get there with a definite commitment, and the way I understood the formation schools, it is an open discussion on anything. They might even discuss the conscientisation, but they could discuss other things also.

10

You see, if I should suggest that in order to promote consciousness and self-reliance in the Black community, SASO makes use of formation schools, would you agree with that or would you disagree with that? --- I would state it this way, that you don't get your formation school the way I understood it myself and the way we used to do it as students, you don't get a formation school with a definite policy which you want to impose on those who attend formation schools.

20

So if SASO should be doing that, that would be contrary to your understanding thereof, is that right? --- Oh yes.

You see I want to refer you to Resolution 29 of 73, that is - it appears in SASO G.1, now did you attend the 4th General Students Council meeting at St. Peter's Seminary at Hammanskraal in July 1973? --- No.

30

Which / ...

Which was the one you attended? --- The BFC one.

I beg your pardon, did you not attend a SASO GSC?

--- That was at Wilgespruit.

Oh, I am sorry. Anyway, what year was that? --- 1973.

Well this one purports to be from the Minutes also 1973, the 4th GSC at St. Peter's Seminary, Hammanskraal, 22nd July 1973? --- No, this I didn't attend.

You didn't attend this particular one? --- No.

Anyway just have a look at RESOLUTION 29 of 73, which appears on page 13 of the document:

10

"That this GSC noting -

1. that we the Black students have committed ourselves to promoting consciousness and self-reliance of the Black community;
3. that in an endeavour to do this we have leadership training, formation schools, and literacy training to provide the necessary skills in conscientising our beliefs and ideals"

do you see that? --- Yes.

So it appears now that your information was wrong wasn't it? --- Not quite, not quite.

20

Do you want to qualify or add anything? --- Let me just have a look at this Resolution, because if you look at it it means that it contacts, the formation school becomes the forum that enables the students, I mean it is a kind of objective occasion that enables the student to discuss various things. It is an exposure to a number of ideas and beliefs and attitudes.

Is that what it says here? --- No, that is how I interpret it.

30

No, I want to know, what does it say here? --- But in an endeavour / ...

endeavour to do this we have leadership training and then this follows, and we have formation schools, part of the leadership training.

No, no, no, in an endeavour to do this: to promote consciousness and self-reliance in the Black community? --- But it is part of the context here, if you are looking at 3, this is a leadership training course.

That in an endeavour to do this we have leadership training comma formation schools and literacy training to provide the necessary skills in conscientising our beliefs and ideals? --- Oh yes. 10

It is very clear in other words? --- Oh yes, but that now is the overriding aim of SASO, but not the specific aim of a formation school.

I follow. Is that all you want to say? --- Yes.

At Turfloop that day you saw that some of these walls had been defaced by the walls being painted out, what was your reaction to that, slogans painted on the walls and on the roads, what was your reaction to that type of action? Did you think this was a responsible way of doing things? 20 --- Well I didn't think it was a responsible way of doing things.

You didn't think it was irresponsible? --- No, but I took it these things happen, the students do that, they even paint posters on the walls. But that is not a responsible thing anyway.

What did you do about it? --- No, I didn't have the capacity to do that, I mean there are people and committees which attend to such matters.

Did you ever offer any criticism of that type of thing? --- Oh well, to my colleagues, yes. 30

What did you say? -- No, well that I mean it damages the walls / ...

walls, of course it damages the walls.

Did you ever say: we should do something and bring this to the notice of the students, they shouldn't do this type of thing? --- But I discussed these things with members who sit on some of these committees.

Did you ever make any suggestion that you should bring to the notice of the students that this is the type of thing that should not be done? --- No.

Now you, just two days after this rally on the 27th, did your Black Academic Staff Association hold a meeting concerning the rally? --- Yes. 10

And did you form certain views? --- Yes.

And did you claim - put forward the view, that is you and your Association, that this was a peaceful celebration? --- Yes.

Which consisted of songs and speeches culminating in the national anthem? --- Yes.

Did you also say that the police intervention was uncalled for? --- Yes.

And I suggest a finding like that shows that you are somewhat biased in favour of the students? --- No, at that stage we had received information and I discussed this with the Dean of students, that the Rector seemed to have got a tentative opinion from his legal adviser that the banning order might not cover the rally. 20

Was it your view then, expressed view, that intervention by the police would have been called for were the celebrations organised by SASO? --- Yes.

Why did you form that view? --- It was as I said, there was available at that stage a tentative opinion from a legal man.

No, but why did you think or why did you form the view that / ...

that if it had been organised by SASO, police intervention would have been justified? --- Because there was a banning order on the SASO rallies.

Well what would make that justify it? --- Because it was illegal.

I follow, and the fact of the illegality would have justified it? --- Yes.

But you didn't say justified, you used the word "called for", you said "such intervention would have been called for were the celebrations organised by SASO"? --- Yes, called for, 10 yes, I think ...INAUDIBLE..called for ..INAUDIBLE.. there was a legal problem there.

And would you say there would be a legal obligation on the police then to intervene? --- Yes.

If they thought it was a SASO affair? --- Yes.

And in your various discussions with the SRC, did it ever come to your notice that SASO had in fact organised rallies for that day? --- No.

Didn't you know that SASO had organised rallies or wanted to organise rallies in various parts of the country? --- Oh yes, 20 I got that from the Press that they were organising a rally in Durban for instance.

Did you know at any stage what part Accused No.6 paid in the rally? --- Who is Accused No.6?

That is Nefolovhodwe? --- No.

Did you know him at all? -- Yes.

Did you know him as president of SASO? --- Yes.

Did you know that there was communication that day between him and the secretary general of SASO in Durban on the SRC telephone? --- No.

30

So you didn't really know what the inner workings of the organisation / ...

organisation of this rally was? --- Yes.

When you say yes you say you didn't really know? --- Yes, I didn't really know.

You said also it was your contention that whatever student violence there was, it was instigated by police violence in a very real sense, the police did in fact incite the students. How would you just explain that please? --- Oh well, because we thought the baton charge and the teargas were unprovoked, because we didn't see any stones that had been thrown.

10

But you couldn't exclude the possibility that stones had been thrown? --- But you know we were very close to the rally, quite a number of the members of my Association were there, and we formed the view all of us, I mean we got the impression that stones were not thrown before the baton charge.

Yes, but you see you didn't even see the banners that were paraded, you didn't see these banners? --- Well I think I have already made an admission here that there might have been some stones thrown, but we didn't see them.

Yes? --- I am not saying that there were no stones thrown, 20 but we didn't see stones being thrown.

But also you didn't see the banners? --- Yes.

And photographs put before His Lordship show clearly the banners being paraded? --- Oh well but I didn't see them.

Right. You see I suggest that you people didn't see these happenings because you were biased, you wanted to protect the students? --- No, well that is not the intention of the Association we did not.

And you personally? --- No, I don't have to defend the students if they are wrong, but I will defend them if they are right, if I think they are right.

30

You / ...

42
You said: it is our belief that the presence of the police on campus was on that occasion and will always be provocative. Now, why do you say the presence of the police on the campus will always be provocative? --- This I think I must explain is the deeper psychology, you know, when the police image in the Black community because the police are regarded as people who must implement those laws which tend to undermine the dignity of Africans, the police have this type of symbolic, you know, significance in our community. Whether they are right or wrong is not the matter, 10 but in terms of experience of Africans in this country, the police have this negative symbolic value. I am not saying that if they come lawfully or not, the Black psyche as I understand it and as I live it tends to react negatively towards the police.

Yes, and any attack on the police will find support? --- Not find support, but it may be understandable.

I follow you. --- It doesn't mean that if I have this reaction that I may be having since birth, I am going to obstruct the police, it does not mean that, but I am just 20 trying to explain to you how my psyche operates as a consequence of my experience in this country.

What experience have you had personally? --- Discrimination.

Who discriminated against you? --- The system of government in this country.

Who paid for your education? --- My father.

Where did he get the money from, working in the system, didn't he? --- Oh yes, he was a teacher in some primary school.

Well? So that wasn't discriminating against you was it? --- His White counterpart was paid almost twice, the White 30 principal got twice or three times what my father got.

Doesn't / ...

Doesn't a principal still get more than an ordinary teacher? --- Oh, but the ordinary White teacher got and still gets more than the ordinary African teacher.

I see. --- This is personal experience.

But you personally, who discriminated against you?

--- The White government in this country.

You have got as fine an education as any White man could get? --- In spite of.

Oh, not because of? --- In spite of, I got the education.

So your father paid for you, and who else paid for you? 10

--- Well, my father paid for me.

Right through university? --- Well I got a scholarship also.

From whom? --- Oh well, I once got a scholarship from the Lily Ganyane Church organisation, I don't know what they call it, some organisation in the Northern Transvaal, when I did my honours, and I got a loan bursary from Bantu Education.

Yes? --- And I also got a scholarship from the British Council and now I have got one from Yale University.

I see, what are you going to study at Yale? --- There is a Black Aesthetic Movement in America, the Caribbean and Africa. 20

All right, now let us just get back to the point here, you say that the police presence will always be provocative?

--- Yes, until such time that they are seen to implement those laws which will no more denigrate the dignity of the African, until such time my supposition is that they will always have this effect on the Black psyche.

But now, Mr. Nkondo, don't you regard it a police function to implement all laws whether they like them or not?

--- Yes I know that, I am aware of that.

Then why should the fact that the man who is doing his duty, affect you? --- Because the duty has a painful effect on me. 30

Why / ...

Why should you regard that man as provoking you?

--- I feel we must look at the situation here, the reaction is not towards the individual policeman, it is towards him as a symbolic figure. I think there is a significant distinction here.

But I always understood the policeman was symbolic of the maintenance of law and order? --- Yes.

And it is as that that you are opposing him, or see him as provocative agent? --- No, I think you must get it in context.

10

Yes, tell us? --- In a country, I mean, where there is a democracy, where there is no discrimination, the police don't have this image.

But I see in Ireland they kill the police every day? --- Well I don't know what makes them kill them.

And there they haven't got discrimination? --- Well I don't know perhaps they have their own problems, that I am not acquainted with, but in South Africa I am talking of my South African experience.

Yes, you see you say the police will always be provocative, now how will the police maintain law and order on the campus if they don't come onto the campus? --- No, in so far as they have to advocate their duties, they will always come to the campus when there is a need, but until such time that the laws that they execute don't denigrate the African, until such time I want to insist, they will always have this negative response from the African.

20

And on your particularly? --- On me also.

So that the mere fact that the police came onto the campus that day, provoked the students you would say? --- Yes.

30

And I suggest that the student leaders knew that when they / ...

they decided to carry on with their rally? --- Oh yes.

And I suggest you and BASA, the responsible people, foresaw the possibility that the police would come, and that is why you warned the students and said: leave this rally alone? --- Yes.

Now, I will just complete this paragraph of yours, you said: "It is our belief that the presence of the police on the campus was on that occasion, and will always be, provocative. It has the effect of exacerbating racial tension" - that in fact is why it is provocative? --- Yes. 10

You said you deplored the assault of staff members by students? --- Yes.

But then they were acting in their individual capacities outside the order and discipline that characterised the official SRC programme? --- Yes.

Why did you conclude that they were acting in an individual capacity? --- Because we understood that the SRC rally came to an end after the national anthem on the sports field, that is how we understood it from the people involved. 20

And just tell me, what did you understand about this rally, what part did the sports field play in it, were they going - was the rally to take place where? --- We understood from the letter they wrote us it was to take place in the cinema hall.

And why do you then say it came to an end on the soccer field? --- That is what they told us.

Who? --- Mr. Sedibe.

Yes, but I don't quite understand why it should come to an end on the soccer field? --- Well I don't know, but that is where it ended according to them. 30

What / ...

What did Accused No.7, that is Sedibe, say to you about it ending on the soccer field? --- He just said it ended there, but he didn't tell me any further why it ended there.

Oh. So now do I understand you correctly that when they filed out of the hall that was not the end of the rally, the end of the rally came only on that soccer field? --- Yes.

Is that what you understood? --- Yes.

Thank you. And I can appreciate you saying these students went off on their own and committed these assaults, 10
it wasn't part of the programme? --- Yes.

But what I fail to understand is the suggestion, if I am correct, the suggestion inherent in your saying that the rally - the events of the rally didn't influence the minds of the students to lead to these assaults? --- I didn't say that.

I want to know whether or not ..(witness intervenes)
--- I wouldn't say, I wouldn't say, I mean I would be making a statement that I would be hard put to justify, I wouldn't say, it might, it might not have. 20

Well, can you suggest any other causes, any other factors that caused these students to go and assault the White lecturers? --- I don't know, I simply don't know.

You were flabbergasted by it? --- Oh yes.

There has never been anything like that before or since?
--- What?

There have never been any assaults on the Whites before that rally or after that rally? --- Oh well there have been Whites who have been assaulted by the sweepers there.

By the? --- By sweepers. 30

By sweepers --- Yes.

Where / ...

Where? --- Oh, at Turfloop.

But also there are probably Blacks who get assaulted - look, I am not talking about where one man and another one have a dispute and one assaults another one, is that the type of thing you are talking about? --- Yes.

But here were assaults on people, uncalled for, unprovoked, on the face of it? --- I don't know whether it was uncalled for or unprovoked, I mean the persons involved they should know.

Oh yes, my learned junior just reminds me, there was evidence here that a student, even before the rally at 2 o'clock, shouted at a White man to get off the campus, to get off the campus? --- I don't know, I didn't hear that.

10

Now, how could you explain that type of conduct? --- It depends, I must again have available all the facts of the situation why he told him to get off the campus.

Well there was a motor car with a White man in it and a student shouted: get off the campus? --- Well but I don't know.

Doesn't it appear to you that these slogans and the pamphlets and the banners had influenced the students? --- No, as I said earlier the general emotion was one of amusement, they were amused at the farcical manner in which the posters were couched. I mean that was my impression, that they were amused, and I didn't sense in the atmosphere that morning tension, I didn't sense it among the staff and among the - I didn't sense that.

20

You see, then I still fail to see how you can't give us some explanation of the tension that built up afterwards? --- I said yesterday that after Mr. Mamabolo was savaged by the dog, there was a lot of agitating among the students.

30

Also / ...

Also when the students were arrested and pushed into the police van, then there was agitation.

What did the students say, did they use threats or did they use strong language? --- They were just shouting, I can't remember the words, but they were shouting and moving towards the police van, and that is why we had to stop them.

Were they moving in what you consider potentially threatening manner? --- Yes, I think they were quite agitated.

What did it appear to you, what did they want to go and do? --- I don't know, but they were insisting that the students be released, that is what they were, you know, shouting about. 10

Yes, so you very responsibly put a stop to it, you called them back? --- Yes.

Yes but now what I am interested in is also why - what did you think these people would do if you didn't stop them? --- I wouldn't say.

Did you think there was going to be a clash between them and the police? --- It was possible, yes. 20

Could I put it this way that it appeared to you that this thing was escalating into something ugly? --- Yes.

Would it be correct to suggest that you thought it was escalating into potentially a blood bath? --- I wouldn't say a blood bath.

Wouldn't you? --- No, I wouldn't say blood bath, I wouldn't put it in such hyperbolic terms.

Not? You see I suggest you did, because in paragraph 8 of this letter you wrote, you say:

"We wish to state in this regard that credit must be given to the Black staff members for having assisted in / ... 30

in bringing about a great measure of order in a situation that could easily have escalated into a blood bath"

--- A blood bath?

Is that what you said? --- May I see it?

You want to have a look, all right, signed G.H. Mkondo. I show you a photostatic copy of the letter dated 27th September by the Black Academic Staff Association to the Rector, University of the North, and I am referring you specifically now to paragraph 8? --- Yes well, I am sorry I 10 used that word but I think we were overstating the case.

You were overstating the case? --- Yes.

Thank you.

MR. SOGGOT: May that be put in as an exhibit, M'lord?

MR. REES: M'lord, it will be put in. So you overstated it in paragraph 8? --- Yes.

Then you said:

"It is very unfortunate that whilst we endeavoured to bring about peace and order, some White staff members deemed it necessary to intimidate students in the lecture 20 halls. Such a negative attitude only serves to generate more tension, and so prepare the ground for more violence".

Now what was it that you allege the White members ..(witness intervenes) --- If I remember - this is what we got from students - one White lecturer, a certain Mr. ..(Mr. Rees intervenes)

Never mind his name? --- One White lecturer who got to the lecture hall and said: if you regard me as a White pig I won't teach you, and then he shuffled out of the lecture hall. 30

COURT: What did he do? --- He just left.

Oh / ...

Oh, he walked out? --- Yes.

MR. REES: He said: if you regard me as a White pig I won't teach you? --- Yes, but that was the only case I remember.

Is that what you had in mind here? --- Yes.

Well, wasn't the man entitled to say: if you regard me as a White pig I am not going to teach you, didn't you expect the Whites to react that way? --- Oh well, the way I understood the posters I didn't expect any adult to respond in such a ..INAUDIBLE.. way.

But now, Mr. Nkondo, if you had been teaching a number of White students, and they had put up placards and said: this Black pig, we don't want him etcetera..(witness intervenes) --- Personally I would take the view that the students in front of me might not have put up that poster, it might not be a student in my particular lecture, but somebody in pharmacy or geology, now how do I know that the ones who are here called me a Black pig. 10

Yes, but assuming now you are satisfied that they did? --- Oh no, but how do I assume now without the facts.

Oh, but assuming now they were in the class and they said: we don't want to have lectures from this Black pig anymore, what would be your reaction? --- You mean if they told me directly? 20

Yes? --- Oh well I would get an appointment with the head of my department to discuss the attitudes of the students, and if the students and a group feel that I am a Black pig and that because I am a Black pig I can't teach them, then of course I won't teach them and besides they won't be there for me to teach.

Why won't they be there for you to teach? --- Oh well they won't come to a class which is conducted by a Black pig 30

if / ...

if they say they don't want him.

Well, assuming that only afterwards through propaganda they got these feelings? --- Got these feelings?

Yes? --- Well that is an assumption, I am not going to work on assumptions in my professional duties, on such assumptions.

I see. Then you said in the same breath:

"We express our deepest condemnation of Mr. C. Straub's unseemly behaviour against some Black staff members".

What was his unseemly behaviour against some Black staff members? --- Oh, he went about in a very brusque manner. 10

What did he do? --- Oh well he got one other member, I can't remember his name now, he was ...INAUDIBLE.. in K block, and there Mr. Straub came and just pushed him aside and started looking for me in a way which seemed to be menacing according to the Dean of the Faculty of Arts, Professor Eloff.

So Mr. Straub was looking for you in a menacing manner? --- Yes, that is what Professor Eloff told me, the Professor of Maths at Turfloop.

Was this after Mr. Straub had been assaulted? --- Yes. 20

And he thought you had something to do with the fact that he was assaulted? --- Yes, but he withdrew that.

Well we are not going to enter into the rights and wrongs of that, but that is the position. --- Yes.

And this is what you are alluding to here: his unseemly behaviour against Black staff members? --- Yes.

"This is misconduct which we find difficult to understand and pardon. It is a blatant insult on the integrity of staff members to be associated with student violence"

--- Yes. 30

Yes, well you tried your best that afternoon to preserve the / ...

the peace? --- Yes.

And finally you said, paragraph 11:

"We hold the view that the indiscriminate arrest of students was yet one other strong factor that generated student violence"

--- Yes.

"It triggered off much tension"

--- Yes.

I suggest to you there was not an indiscriminate arrest of students, they arrested three of them? --- But why did they arrest them, the arrests were unprovoked and unjustified. 10

You see the policeman came here and justified his actions before His Lordship? --- Oh well, in that case, yes.

But it was not indiscriminate arrests? --- From our point of view - PAUSE -

Indiscriminate arrest means just arresting anybody?

--- Well yes anybody who is not guilty, it may be the one person who is arrested indiscriminately, or two or three or thousands.

Yes, but assuming the police had acted - had believed on information supplied to them that this was in fact a SASO rally, wouldn't you say the police ..(witness intervenes) 20

--- Well from that point of view the arrests would be discriminate and justified, but from our point of view the arrests were indiscriminate.

Now you see the policeman suggested that one of these people that was arrested was the man who threw a rock at him?

--- But then I said I didn't see, and my colleagues didn't see any stones being thrown before the baton charge.

So you said: "Disciplinary action against the SRC will 30

unjustified for it is abundantly clear that they were not

responsible / ...

responsible for the violence. This view we hold with a due sense of responsibility having the interests of the University of the North at heart"

--- Yes.

You were trying in fact to exonerate the SRC on that day? --- Oh yes.

Tell me, were there any arrests during this baton charge? --- During the baton charge?

Yes? --- After Mr. Tsie was assaulted, they had got him, and then Mr. Mamabolo, and then a third student I can't remember, but where exactly they were arrested I can't say. I can't say.

You say all these posters that you referred to - at least I suggest that these posters indicate a serious state of affairs at that university, it is not just student exuberance, it shows that it wasn't just a rally expressing pleasure with Frelimo, it was a rally that expressed hatred for the Whites, and the rejection of the system? --- No.

MR. SOGGOT: M'lord, that question started off with reference to posters and ended off with reference to a rally, I wonder if my learned friend could clarify it.

MR. REES: Do you want it clarified as suggested by your Counsel, or could you carry on? --- What is the position?

What is your problem?

COURT: The problem is that he answered two questions when he might have intended to answer only one.

MR. REES: As Your Lordship pleases. What would you say was the effect of these posters? --- As I said they caused mirth, I mean amusement is the word I used, I have been using it a lot today.

I suggest these posters showed not just happiness at Frelimo's / ...

Frelimo's takeover, they showed something more? --- What did they show?

Do you suggest that the only meaning that can be read into them is happiness at Frelimo's takeover? --- Yes, this is the general spirit of the viva Frelimo, viva Mozambique or whatever you call it.

Is that all that these posters show? --- Not all of them, I mean..(Mr. Rees intervenes)

What else do they show? --- Just give me a specific poster and I will tell you. 10

No, all the posters in general, the general impression of these that you dealt with yesterday? --- Well they were felicitating with Frelimo for the achievement of freedom.

Is that all that they do? They aren't using that as an example for South Africa? --- Some do, some don't.

COURT: You say here in your letter that "after careful analysis of the evidence led by various staff members who were at the scene where the action was", now how did you lead the evidence? --- Well we called a meeting, and the people you were next to the rally said they didn't see any stones 20 thrown..(Court intervenes)

Well now who were the people who were at this meeting who were at the rally? --- Oh I don't know, I can't remember all of them but it is myself, Mr. Motshologane, Mr. Msimeki, Mr. Tshobane, Mr. Masheka, Mr.Mpahlele, Mr. Maduane, Mr. Mashamba, I don't remember exactly but there were quite a number.

You have mentioned seven? --- Yes.

Were there more than seven? --- Yes I think so.

Now where were these people at the time of the rally, were they all in your presence? --- No, they were scattered 30 all over - if you could just give me that photograph.

Mr. / ...

MR. REES: RALLY B.54? --- Yes, I will just indicate where they were.

Were they all there all the time? --- I can't say.

Oh, from time to time you saw one or the other of them?
--- That is right.

COURT: Did you see them before they dispersed them, before the students left the hall, did you see these other staff members? --- Yes, some of them.

Even before the students left the hall? --- Yes.

Where were they standing? --- Oh, it is hard to say who was standing where, but if I could perhaps just indicate with a pen here. 10

Why didn't you all stand together, why were they scattered all over the place? --- Well some of us, myself and so on were together, and some were in twos and threes, but they didn't come together in one group.

But all the students were in the hall, is that correct?
--- Yes.

And then these lecturers were standing there? --- Because we were attracted by the arrival of the police, we expected some - I mean - PAUSE 20

MR. REES: You expected some fireworks? --- No, I won't say fireworks, but we expected some trouble that is why we drew next to the cinema hall.

COURT: Yes but why didn't you all stand together, why did you all stand in different places? --- Ah, well, I can't tell, but we just tended to stand in twos and threes and fours.

But where were you coming from? --- From lecture hall A - between lecture hall A and B, but where the others came from I can't tell. 30

But did you come there specially to see what was happening / ...

happening or did you just happen to be there? --- No, we were curious to go and see what would happen.

MR. REES: When you say "we were", you and who were? --- Me and Mr. Motshologane.

That is the only man you can speak for specifically?

--- Yes.

How do you know he was curious? --- Well he told me that, we said let us go and see what is going to happen.

COURT: And the other staff members? --- Oh well, we didn't ..
(Court intervenes)

10

Where did they come from? --- From the lecture halls, some of them from the lecture halls.

Did you all come from the one side? --- Not - I can't say all of us, but some of us came from the lecture halls A and B and K, which is the ...INAUDIBLE.. complex, but where others came from I can't tell, whether they came from the ..INAUDIBLE.. or the library I can't tell.

And then after the students dispersed, what happened to you then, I mean after you spoke to the major and the police left? --- Well I went home.

20

Where is your home? --- In the township adjacent to the university.

And then did you drive away in your motor car or what? --- Yes.

And what made you come back? --- Well I usually go back to my office in the afternoon to do some work.

But how long were you at your home then after you left the campus? --- Oh well, I left at about three and then at about four I came back.

Is that the time when you saw the police? --- Yes.

30

And is that the time when you saw this Peugeot? --- Yes.

Professor / ...

Professor Olivier? --- Yes.

Why didn't you stop him and ask him what has happened?

--- Oh, he was travelling such a speed that I couldn't.

Well why didn't you stop at the students and ask them what happened? --- I mean they were in a group, and if I was - PAUSE

But I mean if they were in a group it is much easier to speak to them all together? --- No, but I was so surprised at the incident.

You? --- Yes.

10

Well all the more reason why you should ask them what had been happening? --- Then the police came immediately.

Well that doesn't stop you as a staff member of Turfloop to find out why this surprising conduct took place? --- Oh no, I couldn't - well I didn't.

Well you see you took the trouble to write this letter, and you even led evidence on it, but there you were present and you could have asked students, it happened in your presence? --- No, but then the police came back.

Well why does that stop you from asking the students what happened? --- Ask which students? 20

The group, the group that did the damage to the car?

--- No, but I couldn't identify the people who are alleged to have thrown stones.

What happened to the group, you actually saw the group when you heard the stones damage the car? --- Yes, but I couldn't see exactly who was throwing stones.

Exactly, that is the reason why you should ask them what has happened? --- Well but then the police came to maintain law and order.

30

Did the police go to this group? --- I can't remember that specifically / ...

specifically, but they came back and ..INAUDIBLE..

Yes, but didn't they go to this group? --- They stopped in a convoy, I think all the police cars came back, and the students then ran into their residences.

But this group that did the damage, did they run away or did they stay there? --- Well let me say I can't identify the group that did the damage, but when the police came the students from all over the campus, I mean, this area just above the furrow, ran into their residences.

You see I get the impression you did your best not to be able to identify any of the people, because one of your colleagues got his car damaged, he probably got injured, he was racing away so fast that you couldn't even stop him to ask him what was happening to him, you heard the crashing of the damage, and you were travelling in that direction in your motor car? --- Yes, but then just as I was coming to terms with my surprise the police came and the students dashed into their residences. 10

But the police didn't come to the crowd that did the damage, I mean that is the very reason why you should have gone to the crowd, because the police went to the concourse? --- Yes, but then - let me put it like this, I can't identify - I couldn't identify ..(Court intervenes) 20

I am not asking you to identify anybody, if you saw the students who did the damage, so seeing that you can't identify that is the very reason why you should go up there and find out what happened and who did the damage? --- No, but then they dashed into their residences, and they disappeared.

Well then you could see what residences they were running into? --- Well there are so many residences. 30

Yes but surely if a person runs to a residence you don't

go / ...

go blind, you see in what direction they are going, you see to what residence they go? --- Oh, but firstly, well if I could have seen precisely who were, you know ..(Court intervenes)

You see I am asking you all this because this letter surprises me, you have taken the trouble to hold an inquiry, you led evidence of staff members, but you were on the scene and you saw people do damage to staff members and to their property, and you took no steps to find out what happened?

--- No, but as I said, the students disappeared into their rooms and the police were there to take over. 10

The police weren't there, the police were at the concourse you say? --- The concourse, no. I said they came and stopped in a convoy.

Oh, in a convoy? --- In a convoy, yes, not concourse.

But that car was not the only car damaged that afternoon? --- Oh well I didn't see the others.

Well, staff members were coming to a meeting at the campus? --- Yes.

So they have got to come there more or less about the same time? --- No, but I didn't see the others, I must say. 20

MR. REES: M'lord, may this letter be handed in as EXHIBIT RALLY F.

COURT: Did you tell anybody that you saw Olivier race away? --- Yes, I discussed it with some of my colleagues.

Well why didn't you discuss it with Professor Olivier?

--- On that particular day?

No, at any time subsequently, did you go to Professor Olivier and sympathise with him that he was subjected to such treatment? --- Oh no, I am not very close to Professor Olivier, 30 I must say, I am not used to him.

But / ...

But did you tell him that you actually saw him drive away? --- No.

Why not? --- As I say there was no contact between me and Professor Olivier.

But he must have seen you because he passed you? --- Oh, yes, I don't know whether he saw me, he never came to me to tell me that he saw me.

That is the very reason why you should go to him and say that you passed me? --- No, but I am not close to Professor Olivier, and ..(Court intervenes)

10

But you don't have to be close to a man to help him when he has been inflicted damage and injury? --- Ah well - PAUSE

Or don't you help a man when he has had damage and injury? --- Ah well, I didn't do that.

Yes, I mean it sort of lends colour to what Mr. Rees is suggesting to you that you only see what you want to see, and if you don't want to see you don't see? --- No, but I mean we took an attitude against these assaults and I thought that was a responsible step.

No, well I don't believe you when you say that, because you did nothing about it, you see if I am against assault and I am a lecturer at a university, and this sort of thing should happen, I would immediately go there and say: well, what is happening now, who did this? --- But I think in the confusion it is difficult to have, you know, presence of mind at that time, it is very difficult I must say.

20

But what confusion did you have, you were not involved? --- No, but there was this man who was driving away, and the police came and the students started running around.

Why did it confuse you, you were not even involved in it? You see if you were involved it is a different matter, because

30

it / ...

it tends to suggest you were involved, you were confused, I mean you also didn't know what to do, to lie low and not to ask any questions? --- No.

Well that was your attitude? --- No, that was not my attitude.

Well that is what you are telling us? --- No, but my attitude is stated in that exhibit.

Oh no, you see that is why I find difficulty in attaching any value to this exhibit because what you actually did see or should have seen you didn't see, and what you didn't see you write in this letter? --- No, but I saw Professor Olivier moving out of the campus, and then I took an attitude against those people who assaulted him and the other staff members. 10

Oh well, that is cold comfort for him that you took an attitude against it but you did absolutely nothing? --- No, well perhaps I was not strong enough to stop the students from assaulting him.

Yes but I mean you told us you were 150 yards away, I mean 150 yards is not so far away, I can see 150 yards, if anything happens 150 yards away I can see - and I have got weak eyes, but I can see what is happening? --- But, M'lord, I couldn't see specifically who were involved. 20

Yes, but that is why Mr. Rees says you don't want to see if you don't want to see, you don't see if you don't want to see? --- Ah, no. But my attitude stands in that letter.

I know, but now I can't attach any value to the letter because your eyes when you don't want to see you don't see, and things that you don't see you write in this letter? --- No, no, but that letter comes from over 50 academics at the university. 30

Well, I mean that is what you say they tell you? --- No, no.

And / ...

And you can't even tell me what you saw with your own eyes? --- No, but that reflects the thinking of more than 50 people at the university.

If I can't trust your eyes why must I trust your ears? --- Ah, but then it means that you don't trust over a hundred eyes.

No, I don't trust your ears - I mean if I don't trust your eyes why should I trust your ears? --- Ah well, then -
PAUSE -

This is what the people told you? --- No, but then it was discussed at a meeting, and those academics .. (COURT AND WITNESS SPEAKING SIMULTANEOUSLY) 10

It doesn't matter, it has to go through your ears before you can write it down here? --- Oh well, perhaps, but I think we acted very intelligently.

You acted intelligently? --- Yes, I mean in expressing that attitude against the assaults.

But you didn't see anything you were blind that day, stones were thrown, and you didn't even see that? --- No, but I have given evidence of things that I saw. 20

I know, but you didn't see the stone-throwing? --- No, I didn't.

Well you see that is what I can't understand, you are standing at the place where the stones were thrown? --- No, but is this now a fact that stones were thrown?

But it is not disputed, it is admitted that stones were thrown.

MR. SOGGOT: M'lord, it is not admitted by the defence.

COURT: Yes, it was submitted by a witness but it is only a question of when the stones were thrown. 30

MR. SOGGOT: M'lord, it is clear that stones were thrown afterwards / ...

afterwards, but ..(Court intervenes)

COURT: Yes, but he didn't even see that. --- No, that I saw.

MR. SOGCOT: No, M'lord, he is talking about the period before when he says no stones were thrown.

COURT: Well how did you manage to see the stones that were actually thrown..(LAUGHTER.. --- Well, I can't tell, well I use my eyes, I can't tell how else, is there a mechanism of perception that I can't perhaps understand?

MR. REES: Mr. Nkondo, isn't the position that in this letter you were in fact just trying to put the students' case? 10

--- We were not putting the students' case, we were putting our case.

Were you not putting the students' case? --- No.

Do you deny that? --- Yes.

COURT: When you say "our", whose case were you putting?

--- The case of the Black Academic Staff Association.

MR. REES: You see, did you give evidence before the Snyman Commission? --- Yes.

I have here the record of the Commission of Inquiry, page 356, and you were asked this: 20

"Did you tell them at that particular moment what BASA's stand and what BASA's views were as regards the rally?

A. No, I only said that BASA would try to negotiate with them, and that we were in fact busy with a letter to the Rector stating the students' case".

Were those your words? --- No, but that was after - it was not for the rally, it was the negotiations afterwards, when Cyril Ramaphosa ..(Mr. Rees intervenes)

Doesn't this refer to that same letter? --- No, it is not that one. 30

What does that refer to? --- This one is when Cyril Ramaphosa / ...

Ramaphosa was arrested, and the students decided to boycott the lectures, it doesn't refer to the rally.

When were you trying to put the students' case? -- Well after the rally when they were boycotting the lectures.

What was the students' case, the same as is written in this letter? --- Because they asked us, they said that they won't go to lectures until such ..(Mr. Rees intervenes)

What was ..(witness intervenes) --- This was their case, that they won't go to lectures until such time that Mr. Cyril Ramaphosa is released, that is what they told us. 10

Ramaphosa was the SASO president? --- He was the chairman of the SASO local branch, and he had been detained in the local police station.

This is exactly the same attitude the students adopted in the Tiro matter, unless their demands are met they won't go to lectures? --- Well I wasn't there.

I just want to get this clear from you..(witness intervenes) --- And the case that was presented after discussion with them, we said: look, if you continue with the boycott, you cannot possibly create a situation, you know, in which negotiations with the police and the authorities can be conducted. We said it is better if you go back to lectures and let us resume our daily routine, and in a relaxed atmosphere you can start making representations to the police. And then we went to the Rector and told him that this is our suggestion, and the Rector agreed with us, he said in fact he is prepared to submit our, I mean, our case and submit it to the police. 20

All right, Mr. Inkondo, do I understand you correctly that you personally feel that if you want to achieve any worthwhile results, you won't achieve them by confrontation? 30

Oh / ...

--- Oh yes.

It is better to keep a calm atmosphere, if you want to negotiate, you must keep an atmosphere of calm and order?

--- Oh yes.

Now, as a language expert, is it possible for a man by a change of emphasis to create a false impression of a situation? --- Let me just go back to the last one, because I think I didn't give you an impression of my thinking on the concept confrontation.

No, no, no, oh, you first want to answer this question - 10
no carry on, I am right with you? --- Because the way I understand it confrontation means that people start, you know, throwing out insults at other people, but if confrontation means speaking out very strongly, you know, your own mind on a subject, if it means this, and it can mean this, given a certain context, then I am going to speak out and tell you exactly what I think - this might be positive confrontation of ideas, but there may not be physical violent confrontation.

Mr. Nkondo, I think your point is clear, if you wish to achieve a point you have got to state quite clearly what your 20 views are? --- Yes.

Without fear or failure, you have got to say: I, Mr. Nkondo feel this way? --- Yes.

But if you want to achieve results, you won't achieve those results by insulting the man you are talking to, not so? --- Oh yes.

If you want him to listen to you, you must state your case clearly and say: look, this is how I feel about it, and this is what I want? --- Yes, it is one of the ways of solving a problem, yes.

But you don't solve the problem by calling him names and insulting / ...

insulting him, because then he won't listen to you however strongly you state your case, isn't that so? --- I don't know - well that again is a very difficult question, but my approach would be telling him exactly what I think.

I understand, I appreciate that too, Mr. Nkondo. Now would you pay attention to the next question please? --- Yes.

As a language man, could one by a subtle change of emphasis, change the meaning or the understanding of the other man? --- Emphasis of?

Emphasis of what you are saying, or a slight change in context, can you change the picture that you are painting, the word picture that you are painting? --- No, look, but if you emphasise, if you emphasise, it depends on the attitude you are trying to emphasise. If you emphasise a point, you are trying to make it more lucid, and I think it should, you know, facilitate understanding, if you emphasise a point then you make it more lucid, more clear. 10

You see, I want to suggest to you that you made use of a change of emphasis in your evidence here with regard to Major Erasmus' attempt to communicate with the students in the hall? --- Well, could you just remind me? 20

Yes, is it correct that you told the Court that you could not hear what was said in the hall because the megaphone was making a noise? --- Yes.

Do you stand by that? --- Yes.

Now, didn't you say something else when you gave evidence before the Commission? --- No.

Are you sure? --- I am sure.

Because I want to suggest to you you had a different emphasis? --- Could you just remind me? 30

Yes. You say at page 220, you said:

Major / ...

"Major Erasmus moved inbetween the students at the door, and at one point he held the megaphone to his mouth and seemed to speak",

did you say that? --- Yes.

"But from the hall there was a sudden outbreak of noise which at our distance made whatever he seemed to say unintelligible"? --- Ah, but I think somewhere in that evidence, I do refer to the noise that was made. Perhaps I didn't organise the various aspects of the situation ..INAUDIBLE but somewhere in that evidence I do make this submission. 10

Let us just get this, here you said quite clearly that "Major Erasmus moved inbetween the students at the door, and at one point he held the megaphone to his mouth and seemed to speak, but from the hall there was a sudden outbreak of noise.." (intervention)

--- Yes there was.

"..which at our distance made whatever he seemed to say unintelligible"? --- Yes.

So it was the outbreak of noise that caused you not to hear ..(witness intervenes) -- Well partly that, but partly 20 the noise was made by the megaphone.

But you didn't say that here? --- Well let me say I cannot recollect every element of the situation, it is so much in the past now, you know.

Yes, but you see this is an important fact, because this was the view which was put forward in this Court, and you are also putting it forward now that it was the megaphone - in consequence of the megaphone being faulty that you couldn't hear? --- Yes.

And whereas the State case was that it wasn't so much 30 the megaphone, it was the fact that the students made such noise / ...

noise as to drown the megaphone? --- But it still is a fact that the megaphone did make a noise.

Mr. Nkondo, the point that you stressed in your evidence there was that it was the students' noise that drowned the megaphone? --- Oh, yes, I did, but I think somewhere in that evidence I also state that the megaphone did make a noise.

Yes, but is the point clearly that it was the noise made by the students that caused you not to hear? ---Partly that and partly the noise made by the megaphone.

Why didn't you say that when you gave your evidence-in-chief? --- Oh well, perhaps I just forgot that aspect of the situation.

10

COURT. ADJOURNS

/VMD

THE COURT RESUMES AT 2 P.M. ON THE 15th JUNE, 1976.

GESSLEL MOSES NKONDO: still under oath:

FURTHER CROSS-EXAMINATION BY MR REES: Before we go over to the poetry, I was asking you before the break, about the noise in the hall. -- Yes.

And I want to suggest that your evidence here and your evidence at the Snyman Commission differed very substantially. At the Snyman Commission you stressed the fact that it was noise made by the students that prevented you hearing. Isn't that so? -- When I referred to it. But I said I referred (10) to the noise too. I am not denying that I did not refer to that.

Yes, but here you laid the stress on the megaphone and you did not even refer to the students' noise. -- Well, as I said, I mean this is a thing that happened a long time - it does not mean that I was emphasising this. This was one of the .. (inaudible) ... emphasising that.

You see, this is how your evidence appears on page 220 of the Snyman record:

"Major Erasmus moved in between the students at the door and at one point he held the megaphone to his mouth and seemed to speak, but from the hall there was a sudden outbreak of noise which, at our distance, made whatever he seemed to be saying unintelligible." (20)

That is correct, that is what you said? -- Yes.

I skip a few lines. You are then asked by your Counsel who was leading you, Mr Mohammed:

"What effect, if any, did this have that you could see, on the gathering? -- As I indicated/..." (30)

indicated just now, there was a sudden outbreak of noise from the hall. One could only infer that this significant behaviour could most likely have been provoked by the new significant stimulus of the police."

And then there was laughter. -- Yes. Well, let me just say this to cut it very short, that the noise made by the students at that time did make it difficult for anybody to hear what Major Erasmus was saying. (10)

Yes. -- I want to include that piece of evidence in my evidence now.

Thank you. Now, you said yesterday morning when you gave evidence-in-chief His Lordship asked you - first of all you read and made some conclusions about portion of the poem 'Gumba, Gumba, Gumba'. -- Oh, yes.

Which is found in EXHIBIT Y and you referred to page 56. -- Yes.

Now, you were asked by His Lordship if you could analyse this poem or tell the Court what this poem is about. (20) You had an opportunity of doing so. -- I think in .. (intervenes)

Just give His Lordship a moment please. M'Lord, in order to save time, will Your Lordship make use of this copy please, then I will see if I can find one in the meantime. Now, I haven't got a copy before me now, so I will rely on you leading us. Carry on. -- In brief 'Gumba, Gumba, Gumba' expresses the anguish that the Blacks, you know, suffer as a result of the discriminatory system of government which tend to create conditions of a hardship, of intense hardship and the approach that the poet adopts here is that of referring to a few (30) significant situations which cumulatively create a strong impression/...

impression of anguish. He picks one situation, then another, another, apparently at random but they seem to be so selected that when they are put together there ^{is a} cumulative impression of anguish. And the poem is couched in a kind of lilting tone, a kind of township jazzy tone, for example 'for normal jive, evenings aid, are never late', the general tone of the poem is that of a township jazz lyric and I think this is important because it tends to - it will immediately identify the ..(inaudible), the African, the Black monsieur. I think it sets the tone in that ..(inaudible) of the Black (10) monsieur and that this is a - this to me is a very skilful, you know, technique when one is trying to place, you know, the dimensions of the Black students.

Is that all you wanted to say? -- Yes. Unless as ... (inaudible) but this is what the poem is about and is the general poetic approach.

Now I think His Lordship asked you to comment on any specific ... -- Oh, yes, he asked me to comment on knowing the words 'don't kill'.

Where is this? -- That is the last paragraph. (20)

Yes? -- The last stanza I should have said. Knowing the words 'don't kill', normal words 'don't kill'. You know, words that, you know, have knowledge. To know does not kill and I think it has got in the context of the poem, I think one is suggesting that to know is the depth of your anguish and what causes it, this does not kill. Knowledge can only help to liberate you from any .. (inaudible) conditions of your existence, but a gun does and I say the gun here suggests - I think suggests here a kind of oppressive power, a power that tends to destroy, a power that tends to destroy life, (30) that which is good and that which is healthy. I think this is what/...

what it suggests. Then he asked me to comment on the next few lines: "for jives if and never late". That I think is a deliberate echo, an echo of a township jazz limerick which may ... (inaudible) statement, it does not mean anything. It is the kind of nonsense song which has no particular meaning and the type of song that one hears about or one could hear about in a township. So it ... (inaudible) in that jazzy tone to bring back, you know, to forecast the manner, the nature in which all the things that .. (inaudible) can be found. And even that township jazz lyric is part (10) of the struggle. That is why he comes there to say Black struggle and .. (inaudible). So the township jazz lyric is sung in the context of the struggle, in the context of the anguish and it is sung in spite of anguish. This is how I see it, but the words themselves do not mean anything. I cannot find any idea there except that "for normal jazz, evening at eight, eight never late" and there is a deliberate attempt to make words echo each other there. I think it is the phonetic quality of that, is the intention seems to make words echo each other rather than to say anything specific. This is (20) how I see it.

BY THE COURT: Why do you say knowing words refers to knowledge? Is knowing used here as part of words, or is it used as a participle? -- There it is an adjective, knowing words.

Knowing words. -- Well, it could have another meaning, but if you know words, if you know what they stand for, that does not kill. At the same time the words are knowing, now this is a special poetic way of saying words that contain knowledge, that know.

But why do you say that in this context? Why do (30) you give it that meaning in this context? That it refers to knowledge/...

knowledge? -- That is how - that is the relationship, know words. I mean you can read it, I mean, technically, meaning as a verb and you can also read it as an adjective. I think that is the .. (inaudible) relationship of those two words in that line.

MR REES: You see, I suggest to you that this man is here using the skill of contrast. -- Of contrast?

Yes, contrast. Words don't kill, knowing words don't kill, but a gun does. Look, this man has sketched here, look in the previous paragraph: 'Seen a man blue-eye his wife, seen (10) a woman being kicked by a cop.' A man blue-eyes his wife, in other words, a man with blue eyes looking this Black man's wife over.. -- No, no.

And a woman kicked by a cop. -- No.

These are the things he is referring to and then he says but knowing words and being able to put it into words, that will not kill them, a gun will kill them and then he carries on and he says that struggle for no more jives, evenings eight, ain't never late, Black is struggle. -- Let me make this observation, that if you make that poem there is no (20) development, you know a kind of ..(inaudible) development, you know, of an argument. He takes the significant situation when you see a man, you know, beating up his wife, if you see .. (intervenes)

If you see a man beating up his wife, what is the reaction to that? -- But now, there is now this situation that reflects anguish.

And reflects a desire to do something. If you see a man beating up your wife, what ... -- No, but the summary, the conclusion is that this is struggle, this reflects the (30) anguish.

Now/...

Now look, if you see a man looking your wife over and you see a man kicking your wife, isn't your reaction to knock his head off? -- But .. (intervenes)

Isn't that your reaction? -- But let us look at these words within the context. Here is a series of situations which are meant to underline the struggle and I think the important point there to note is that all these situations are brought together to reflect the quality of the Black experience which is struggle.

I want to suggest to you that this man is expressing (10) the same kind of sentiment that a Polish colonel expressed in the desert. He was told in my presence that they must support the infantry and they must shoot so many rounds of smoke and so many rounds of high explosive shells. So he said: smoke no good, smoke no kill. Do you understand? And this is what this man is saying. -- No.

Words no good, words don't kill. Don't you agree? It is the same sentiment. -- Let me make this statement that in this poem there is no directive, there is no indication that after reading the poem you must act. It reflects an experience (20) as perceived by .. (inaudible) but there is no suggestion that acts and ...(inaudible) of this calibre. It does not suggest a necessary route from contemplating into acting.

Of course it does not... -- But it just explores an experience and then you reflect on the experience.

Now the experience that he is suggesting here, the idea he is planting in these people's heads, is that talking about things is not going to help you; what does help is to start thinking of effective methods. -- No, no.

And effective methods is to use the gun. -- No. (30)

That is struggle ... -- No.

Not/...

Not jiving and performing here in the township. -- No, if you look at the final, you know, statement in this poem and in this statement it is almost used like a refrain in the poem, this struggle he is trying to underline to define the texture of his experience and he is using significant situations and it is significant that that struggle, that struggle, that struggle, seem to bind the various answers together and the various answers cumulatively I say explore the quality of anguish as experienced by the Blacks and there is no ...

(intervenes) (10)

BY THE COURT: But isn't the logic in this poem this: he refers to you what is struggle, then he refers - in doing so he refers to the Black experience. That is struggle or struggle is when this and that happens and then he says you have seen struggle if you have heard the following, then he says 'knowing words don't kill and knowing a gun does, that is struggle'. In other words, if you know that you can use the gun, then you know that is struggle. -- No.

For no more jive, in other words, the Black is struggle. So there is no more jive, evening is eight, in other (20) words, it ain't never late, the time is now due, Black is struggle. -- Oh, no, no, that does not mean that.

Why doesn't it mean that? -- If one associates - I cannot understand if one - to define is that the meaning of the following lines: For no more jive, evening is eight, what does that mean, evening is eight.

You see, life has been a gumba up to this time and a struggle, I mean, it has been a lot of unpleasant experiences and the Black man struggles. But then knowing words do not kill, but a gun does, that struggle, for no more jive, (30) evenings eight, aint never late, Black is struggle. -- Yes.

In/...

In other words, if you are a Black man you must struggle.

-- No .. (intervenes)

Because .. (intervenes - both speaking simultaneously) ... struggle. -- No, and I think struggle in this case it reflects into the weight of circumstances on the Black man. I think that is the point.

Let me test your view. What does 'evenings eight, ain't never late', what does that mean? -- No, that I said, that could mean anything.

No, how can you say it means anything? -- It makes (10) no sense... (intervenes)

Are you saying there is no sense in the earlier part of the poem? -- Yes, and I say .. (intervenes)

Do you say there is no sense in the earlier part of the poem? -- No, I mean .. (intervenes)

This man set out to write sense. -- No, what I am trying to say about is those three lines. They read like the nonsense words of a jazz lyric. I think you can find evidence of songs, township songs which have no meaning, but it is ^{the} melody that is being emphasised. I think in my opinion it is (20) significant that the poem is called 'Gumba, Gumba' and the final lines are called in the terms of a jazz lyric to establish that .. (inaudible) within which those experiences are to see it. I think this is the .. (inaudible) I think it is .. (inaudible) towards the end, it is at the end of the poem to establish the mood, the general atmosphere of gumba, gumba and .. (inaudible) of the Black experience.

But the expression has already been used that the ballot was preceded by the bullet. -- Yes?

The ballot was preceded by the bullet. -- Where (30) was it used?

Well/...

Well, it is used in a historical context in one of the writings; attention is drawn to the fact that the Whites pretend to be a peaceful lot of people, but if you look down in history you will find that the bullet preceeded the ballot....
.. -- .. (intervenes - speaking simultaneously)

.. not peaceful so here the bullet is here used in contra-distinction to the words. -- No, but .. (intervenes)

Words cannot kill, but a gun does... -- ... (speaking simultaneously) .. unfortunate you would have to pin down the sense of a poem in terms of one or two words in it. Let (10) us look at the poem in toto and let us see how the various words, you know, relate to the context. You know, just now your approach is to pin down whatever was said in two lines, the two lines become the context.

No, no, I purposely said the first part draws attention to Black experience because been watching this jive for too long, that struggle, then what is the jive? It is all the experiences this man or the Black man has gone through. Struggle is when you have to lower your eyes and steer time with your bent voice, it carries on like that. He says (20) that is struggle. Struggle is being offered choices that think your smiles, choices that dampen your frown; struggle is knowing what is lacking in your desires and he refers to the Black experience. He says that is struggle and if you see ...
(intervenes)

MR REES: You are shaking your head.

BY THE COURT: Don't you agree with what I am reading out to you? I am reading as it is written in the poem. -- Yes.

Don't you agree with what I am reading? -- No, I ...
(intervenes) (30)

Am I reading incorrectly or what? -- No, I am just
thinking/...

thinking as you read, I am just thinking.

Then he says 'you have seen struggle if you have heard, heard a man bugger a woman old as his mother, heard a child giggle at you have heard struggle if you have heard all those things.' Then he says: 'knowing words don't kill, but a gun does.' That is struggle, so if you want to struggle then you must distinguish between those two. -- No.

'No more jive, evenings eight, ain't never late, Black is struggle.' -- Oh, no.

So the Black man is the one who - Black is synonym- (10) mous with struggle, Black is struggle. -- Yes, but let us look at the context in which that struggle is viewed.

I have just referred you to the context. -- No, but it definitely .. (intervenes)

How would you relate the last part that I have now, starting with 'knowing words don't kill, but a gun does', how do you relate it to the first part of the poem? -- Which first part?

The earlier part of the poem where it refers to struggle. -- But he refers to struggle right through the poem, (20) I mean, until the end, he refers to struggle and struggle occurs here like a refrain and refrain in poetry tends to bind the various parts of the poem together and establishes the fundamental theme of the poem, and that is why significantly it appears in refrain and at the end of the poem and this is the traditional significance of a refrain in poetry.

But at the end he does not say that is struggle, he says Black is struggle. -- Yes.

Well then that is quite different from what - he refers to the experience of the Blacks and then he shows that (30) the Black man is involved in struggle, but then he says well, words/...

words don't kill but a gun does, that is struggle, Black is struggle. -- Yes.

Well? -- Knowing words if you have knowledge of the experience, it is an aspect.

How can knowledge of experience don't kill? It is knowing words don't kill but knowing a gun does. -- Yes.

That is struggle. -- I mean if you know that if a gun does and as suggested, is a gun in this poem the way I see it, is an image that suggests the destructive forces in society, the destructive force, those forces that destroy and can (10) destroy. This is how I see the gun. It is only a counter-action, it is used as a point of image to suggest the destructive forces in society.

MR REES: It is not a call to immediate action? -- Not a call to action at all.

BY THE COURT: But why does he refer to the lateness? -- This is .. (intervenes)

No more jives, evenings eight, ain't never late. -- But this is a kind of lilt in a song, it does not matter how it goes, the township .. (intervenes) (20)

No, you do not just throw words in just to make it a song if you are busy with a theme. -- Oh, no, but he can, but I think you can and there are .. (inaudible) poets of that nature who .. (inaudible) I think here it is justifiable because it .. (inaudible) gumba, gumba and then it ends on one gumba song.

Well, that part I do not follow. You must pardon me, I mean it is your subject, literature and stylistics. I mean I am just debating this. What I say is I do not ... -- .. (intervenes)

Because I am just testing it. Now tell me why do (30) you say gumba, gumba appears in the last two lines? -- Gumba, gumba/...

gumba, this for normal jive, evenings eight, ain't never late, is the type of song that you will sing, it is in a gumba party in the township.

So you mean those are really meaningless words just because it is gumba, gumba? -- Gumba, gumba, yes.

MR REES: Did you ever believe that Black consciousness and Black solidarity could be practiced or furthered by means of drama? -- By means of drama?

Yes. By means of or through the use of drama or the dramatic arts. -- Oh, it can, you can, I mean if you (10) are so minded.

Did you ever suggest or make a public statement to the effect that Black consciousness and Black solidarity can be furthered or practiced by means of drama? -- No, I do not remember saying that.

To continue, that the oppression of the Black man can be illustrated by that means. -- No, I never said that. I do not remember saying that, unless you are going to produce it in evidence that I said it.

I suggest you said that ... -- Where? (20)

At the University of the North where you held a speech at what was some type of intervarsity between the 13th and the 17th April, 1974. -- An intervarsity?

Well, you welcomed somebody to your university and you made -- No, no, I never said that, I never said that.

You never said anything of that kind? -- No, no, no.

MR SOGGOT: In fairness to the witness, if my Learned Friend can give further details as to the occasion to identify it. This is all very vague.

MR REES: Well, he has denied it and that is the end of (30) it. There is no point in - when you were studying at Leeds University/...

University, is that where you were? -- Yes.

And when did you return to South Africa? -- The 4th July, 1972.

Is that when you left England or when you arrived here? -- When I arrived here.

How did you come? -- By aeroplane.

And how did your luggage get here? -- I went through the Customs.

And your other possessions? How did that get here? -- What?

You had been overseas at university for a whole (10) year. -- Yes.

So you had more luggage than just what you could carry on an aeroplane. -- Well, I brought back the books I was using at Leeds.

Yes? -- And it came by boat.

Did you send it off? -- No, some shipping company handled it.

Did you give it to them to send off? -- Yes.

And did it eventually arrive here? -- Yes.

And was it in the same condition as when you packed it? -- Yes. (20)

And about when did it reach you? -- I cannot remember. I took some time reaching me. I cannot remember well.

You see, could you describe the container in which these books and your possessions were? -- It was a trunk.

Did you have some few pieces of clothing and two pairs of shoes in there as well? -- Yes.

And a large number of books. -- Yes.

And you had addressed this to Gessler Moses Nkondo, University of the North, P.O. Sovenga, Pietersburg. -- Yes.

I am told by the Railway Police that on the 14th (30) August they found this - what did you call the thing? -- I do/...

do not know.

This container, what was it?

BY THE COURT: A trunk. -- A trunk, yes.

MR REES: Trunk. They found this trunk at J. Quay, Table Bay Harbour and this matter was gone - this thing was gone through and among the documents they found the original of this document which I have a photostatic copy of - it is not very clear, but I would like you to look at it and tell the Court whether you recognise it or recognise it as being a copy of the document that had been in your possession. -- No. (10)

Tell the Court what it says, if you can. -- Well,
(intervenes)

MR SOGGOT: I see, with respect, no reason why the witness must read the contents of the document which he repudiates. -- I never had that... (intervenes - speaking simultaneously)

.. my Learned Friend wants it as something into the record which he is not entitled to at this stage.

BY THE COURT: He just wants him to read it out. He probably just wants to identify it. You need not read it out. I think Mr Rees probably wants you just to look at it or read (20) it to yourself so see whether you have ... -- I never had that document in my possession.

MR REES: Can you suggest how this document came to be in the trunk among the goods which you forwarded ... -- No, it was not in the trunk, it was not, definitely, it was not in my trunk.

BY THE COURT: Well, you will have to accept that, Mr Rees. -- It definitely was not in my trunk.

MR REES: Would it surprise you if the policeman said under oath that ... -- Oh, yes, I would be surprised, I would (30) be shocked in fact.

Yes/...

Yes, you would be shocked. -- Yes.

Could you tell us anything about this L.U.U.... -- I do not know anything about that organisation.

LUU Socialist Students Society. -- No, I do not know anything about that. I just do not know, I am hearing it for the first time in this court.

And why were you so quick and so positive to say you do not know such an organisation? -- No, definitely, because I ... (intervenes - The Court and Mr Rees and the witness speaking simultaneously) ... I do not know it. (10)

But apart from you having been in England for such a long time, surely I would have expected you to say let me think a bit, what organisations did I have dealings with.... -- Oh, well, I did not have dealings with other organisations. In England I had no dealings with any organisations.

Didn't you even attend any meetings? -- If they were academic meetings I did that.

Any other meetings? -- I attended student meetings.

Well, His Lordship asked me to put to you specifically or indicated that I should put to you specifically on (20) what I based these questions that I put to you this morning. I have now done so. You say there is no way in which that document could have come into -- Oh, no, definitely no way.

If it were there, it was put there by you. -- By me, no.

It could not have been put there by -- No.

.. anybody else. -- Definitely not by me.

Could it have been put there by anybody else? -- Oh, well, I do not know, you never know what happens, you know, I do not know.

BY THE COURT: Do you know what the LUU Youth Movement is? (30)

MR REES: Do I know?

BY/...

BY THE COURT: Yes.

MR REES: Yes, I put these questions to him on the instructions that I received.

BY THE COURT: No but I mean, do you know whether such a movement exists?

MR REES: I am instructed that it does. As to what my personal knowledge is, that is a different matter. But my instructions are, as I put to this witness this morning. Now, I want to put it to you that you had knowledge of the fact that there was such an organisation as the LUU Young Socialist Student (10) Society. -- No, I .. (inaudible) I mean this to me it is a shocking thing to be said. I have nothing as I tell you, I do not know about that and I haven't heard the .. (inaudible)

You do not know anything. -- I do not know.

I suggest that is an organisation that teaches amongst other things the principles of Marxism. -- Oh, well.

Do you know anything about Marxism? -- Well, I do not know.

Nothing? -- Oh, I mean, I have had heard a few things about Marxism, but I cannot .. (inaudible) Marxism.

Now you are going to tell us about this poem (20)

'Black Nana' and also the passage which I put to you. -- Oh, yes.

In your own writing. That is 'Black Nana avenge, arise'. Just to get the matter in its perspective, I put to you this passage at the bottom of page 63, as appears at the bottom of page 63 of this writing by you under the heading 'Apartheid and Alienation - Mphalele - the Wanderer.' Just carry on please. -- I must, as I say it .. (inaudible) .. the poem again over the lunch hour and I am still puzzled.

You are still puzzled. -- I want to indicate some of the sources of my puzzlement because I still do not understand (30) what it is about. Firstly there are those lines which I do

not/...

not understand what they mean.

Which lines don't you understand? -- The first stanza '.... (inaudible) .. in the sky'. I do not understand what that means.

Well, you have got the words 'whore, whore' .. -- No, no, not that one. I mean it still stands in the sky.

BY THE COURT: Yes, but you see it means something. These words .. (indistinct) in the sky, the rough voice echoed through the air, whore, whore, whore, it still stands in the sky, these words.' -- No, but what does the word 'it' (10) stand for there.

The word? -- 'It'.

It refers to the word 'whore'. -- Now how does a 'whore' stand in the sky?

No, the word, 'the rough voice echoed through the air'. Then he says 'whore, whore, whore, it still stands in the sky'. -- No, but .. (intervenes)

It could be these words that he sort of hears in the air. -- Yes, but ... (inaudible) establish that relationship.

You say this imagery you do not understand? -- No, (20) not the imagery, just the line, I do not understand what it means in the context of ... (intervenes)

Why can't it mean what I am putting to you? -- ... (inaudible) .. 'whore, whore, the rough voice echoed through the air, whore, whore, whore,' I mean, .. (inaudible)

MR REES: What does 'whore' mean? -- Prostitute.

Right, so you know that. So somebody shouts 'whore, whore'. -- Is he shouting?

Hmm? -- Is he shouting?

All right if you say he is not, why -- ... (30) (intervenes - speaking simultaneously)

.. the/...

".. the rough voice echoed through the air, whore, whore, whore', surely with exclamation marks behind it, that is an indication that these words are being shouted by somebody, isn't it? Isn't that so? -- O.K. if he is shouting, articulated, it could be a dream experience. It could be.

Of course it could be anything. -- I mean because I do not understand that in the proper context, I cannot tell.

I suggest you do not want to understand. -- No, I have tried honestly to understand and that is why it is underlined those few lines there, they puzzle me. (10)

'Whore, whore, the rough voice echoed through the air, whore, whore, whore, it still stands in the sky.' In other words, you have difficulty, you do not know what this is. Then you say - look at the next one 'you Black devil' ... (intervenes)

BY THE COURT: Now you are an English student. Doesn't Wordsworth say, I think it is 'The Solitary Reaper', he hears her sing, he says: 'And the melody in my heart I bore long after it was heard no more.' -- Yes.

Now, your reply is as if that does not make sense. (20) Because how can the melody be in his heart if he does not hear it any more? -- No, but I think in that particular context Wordsworth is outlining his poetic approach in his own craft, he has to recollect experience and this he called .. (inaudible) is a poetic approach that he was trying to outline there. Let me just indicate that how puzzled I am with the word 'it' there. If you look at the 9th stanza, there it goes. Now, I meet the word 'it' for the second time I think in that poem and I want to ask myself now is there any semantic relationship between the 'it' in stanza 9 and the 'it' in stanza (30) one, because this is the type of verbal echo that you find in poetry/...

poetry. What is the particular semantic relationship? And it appears only twice in the poem. It would strike you as interesting.

MR REES: I think you are just looking for problems where -- No, I am trying to investigate the point.

Well, let us investigate it a little more sensibly. -- No, ... (inaudible) and I think as ... (inaudible) I must interpret every word in the poem.

Well, let us start with a few words on top. -- Fine.

You have had problems with 'it' and 'it'. Clearly (10) the 'it' on top, the first 'it' and the second 'it' do not have a direct relationship. -- No, how do you come to that conclusion?

Even one of your first year students should be able to tell you that. -- Well, then he would be wrong.

MR SOGGOT: I wonder if my Learned Friend would not make these comments which tend towards a contemptuous tone.

MR REES: There you see, the second says: 'there it goes, the devil is dead. Thunder and flicker, the moan agony, there it goes, the devil is dead' .. (intervenes) -- But (20) what is this thing that is going?

Why don't you make that type of comparison with regard to every time you find the word 'his'? -- No, I am coming to that. This is just the one example.

BY THE COURT: Well, I am sorry, I haven't got the stanzas. Gee my bietjie ek dink dit is SASO E.2 of 3. You say the 9th stanza? -- The 9th stanza, the second page.

MR REES: But I would like to refer you to the 4th stanza from the top. -- There is an 'it' there.

There is another 'it'. -- Oh, yes, one can ... (30) (inaudible) underline it.

Underline/...

Underline it? -- Yes, I want to find out how these things are related.

But now where is the first 'it' that you are referring to? You see you did not even see that .. -- The first 'it' is in stanza one, the last line.

And then you referred us to one in the 9th stanza. -- Yes.

Did you overlook the one in ... -- Yes, I think that must have been, yes, supposedly.

Now, I suggest to you that the - well, what do you (10) suggest to us is the second 'it'? -- Well, at the same time you know, .. (inaudible) it does not .. (inaudible)

All right, so your problem is you cannot correlate the 'it'. -- Yes, I cannot.

All right, what else is your problem? -- Or correlate them just where they occur. I do not know what they stand for, what they mean.

Right, what else is your problem? -- And then the last stanza on page 1.

Yes? -- There .. (intervenes) (20)

BY THE COURT: 'I do not want it' it refers to what is to be born. 'Master, master, here I stand, the big stomach seems to grow stronger. He may be born at any moment please, her words, just her tiny voice, I don't want it, no Black devils for me.' -- I have a problem and this is my second problem just to categorise. Then there seems to be various voices in the poem and now I cannot .. (inaudible) .. you do not know which voice is speaking and which is not speaking. There is some confusion.

MR REES: I suggest to you it is a man or the writer (30) speaks and he explains and he has got two parties in the main, it/...

it is a man and a woman ... -- .. (intervenes)

Just let me finish. It says: 'Whore, whore, the rough voice echoed through the air. Whore, whore, it still stands in the sky.' Then the man says: 'You Black devil.' Then there is an explanation: 'Her ..(?) knees began trembling. The Devil, you Black devil. She trembled. Fear and agony (?) .. Master, master', it is the woman speaking 'here I stand', then he explains again: 'the big stomach seemed to grow stronger, he may be born at any moment. Please..' clearly that is the woman speaking. 'Her words choked (10) her tiny voice.' Then he says: 'I don't want it, no Black devil for me. He neared the poor lass in anger. Devil, devil, take the devil out. His eyes were red, they showed red anger' ... (intervenes) -- ... just continued to listen to the other voices and the other voices which to me they do not seem to hang together. Let me just take you to another thing.

BY THE COURT: Can you just separate the voices for us to see what your difficulty is? Start from the beginning.

MR REES: Start from the top. -- 'Whore, whore' (20)
(inaudible)

BY THE COURT: Let us assume that a voice is exclaiming there. -- Yes. And then the second line 'the rough voice echoed through the air'.

Well that is, the rough voice is now responsible for these words I assume. -- But who is saying that?

The poet is saying that or it is the master. -- That is the problem.

We only have two there, it is either the poet or the master. -- Yes. (30)

Yes, let us carry on. -- And who is saying 'it still stands/...

stands in the sky'?

MR REES: The narrator. I suggest to you you have got the narrator and you have got the parties playing. Now he is quoting, he says 'whore, whore, the rough voice echoed through the air'. -- How do you come to know that the man who said 'whore, whore' didn't say 'it still stands in the sky'?

Why do you feign such ignorance? Are you not ..-- No, I am not feigning ignorance.

Are you in fact ignorant of what is happening here? -- I think I might make ... (intelligible) ... otherwise (10)
I think - I do not know.

Have a look at what you said in your own document at page 63, the bottom of the page:

"You must now have heard how Makonto's father shot one of our workers and then buried them; but the government is a strange man, he did nothing to punish him. You must remember how the farmer of Klipkop gave a Black servant a child and satan entered his heart and his (20)
wife and they killed the poor girl, took the child out of her stomach and threw the child into the river and buried the girl. We know nothing, we did nothing."

-- Yes.

That is what you said. -- These were quotations from The Wanderer, it is not my words.

Yes, but you quoted them. -- Yes, but these are not my words. (30)

What is the picture ... -- But .. (inaudible)

No/...

No, but do you understand what this man is saying here? What is he referring to? -- Oh, yes, I think he is making here is the dramatic significance of that passage in The Wanderer in the book and .. (inaudible)

The man in The Wanderer, what is he alluding to or what is he clearly referring to? -- That is my comment, just after the quotation.

Just tell me, do not tell me there is my comment. I think I will read this. If I could have the complete article please of my .. (intervenes) (10)

BY THE COURT: Are we at cross purposes, because it is a quotation that he is referring to and he is referring to what this man is writing, what is his name? -- Mphalele.

Mphalele. -- Yes.

He is dealing with Mphalele's work.

MR REES: That is so, but all I want from you is that little passage as it stands. He is referring to an incident in which a White man caused a Black woman to conceive a child. -- Yes.

The Satan then got into him and he murdered the woman, cut out the child and disposed of it. -- Yes. (20)

That is the crux of the matter. -- Yes.

Now I suggest that is basically the same idea or theme that is being referred to in Black Nana. -- It does not do that because in that novel, those words assume a different significance and I say this is important, you cannot go and say the words in this novel mean the same thing as the words in that poem. They only mean something in the context of the novel and if you look at that carefully, you will find that the novel suggests anything but violence and that is being used and that is just being used specifically to focus attention on (30) the anguish of the main character. This is what it means.

I/...

I appreciate what you are trying to say, but .. -- It might refer to violence itself, but .. (inaudible) is not violence within the context of the novel.

Yes, I follow that too. I follow what you are saying. But let us just get down here again and carry on with this Black Nana, Avenge, Arise, with which you have some problems, or say you have some problems. -- I have a lot of problems.

Let us hear the rest of them.

BY THE COURT: Well, we are busy with the different voices. -- Yes. Now the 7th stanza, it is the second page. The other (10) problem with the .. (intervenes)

MR REES: Would you just read it so we are on the same wavelength, just refer to the first few words. -- Oh, yes: 'Have him', I cannot tell who is saying 'have him' and what does that mean in this poem 'have him the devil must die' but who must have him?

Let us read this please in its context. Here it says: 'In death you stand Black woman, she now looked relieved. She needed, the hour has come. Death have me. Comfort got into her. She was calm. Have him, the devil must die. The (20) panga flickered with the skies and he died. Powerful death. Die. Thunder and flicker, the moan, agony, there it goes, the devil is dead. Strodes of blood, filthy water ran her sides down. The great woman whose wall was torn open. The blood increased. It ran, it ran and it ran.' -- Yes, but let us go back to that 'have him'. I do not know who is saying that phrase and what it means. Let me put it this way: there is a man whose - I mean, even the voice that is saying 'have him' is the same voice which is saying in the same line 'the devil must die', is it the same voice? Is it the same (30) voice?

BY/...

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BY/...

BY THE COURT: But doesn't she say that? 'In death you stand Black woman. She now looked relieved. She needed. The hour has come. Death have me. Comfort got into her, she was calm. Have it, have him, the devil must day.' -- It is her saying now the devil must die.

No, no, the man says 'the devil must die' and then 'the panga flickered with the skies and he died. Powerful death. Die. Thunder and flicker, the moan and agony.' -- The confusion in my mind is why position the two voices on the same line. (10)

Well, that is poetry. -- No, but .. (intervenes)

Poetic licence. -- There is now poetic confusion.

LAUGHTER

MR REES: I suggest what you are busy now doing is the orator's trick of using your position and pretending to the Court that you cannot see, that you cannot understand so as to create the impression of sincerity. I suggest .. -- No, I have ... (intervenes - speaking simultaneously)

.. you are not sincere at all. -- I am very sincere, I am so sincere that if I write articles on these things. (20)

Yes, but we are talking about ... -- But even in this case I am trying to / ^{understand} the poem and I am not going to say I understand it if I do not understand it.

I am putting it to you that you are coming with an old, age old gimmick .. (intervenes)

MR SOGGOT: I want to object to my Learned Friend's comments. The witness has not referred to my Learned Friend's analysis with any contempt, I ask my Learned Friend to refrain.

MR REES: I am asking him and I am putting it to you that this is a gimmick which is known to you, which is used to (30) influence the hearer. -- Oh, well.

Is/...

Is it or isn't it? -- It is not so... (intervenes)

BY THE COURT: ... what you say?

MR REES: I am suggesting to you that it is a well known gimmick by speakers to pretend that they cannot understand in order to create - or in order to persuade others that the thing is difficult. Is it or isn't it a well known gimmick? -- I do not know whether it is a well known gimmick or an .. (inaudible) thing I do not know.

Do you want me to take you through the uses and abuses of English? -- Well. (10)

Mr Soggot is interrupting, H'Lord, perhaps it is upsetting his bile a little bit. But you have got the problem, not Mr Soggot. So will you just carry on and tell us your further problems? -- The next problem is in the same stanza. It is the third line it says: 'and he died'. After that he says: 'Powerful death die'. Now who is the powerful death?

You tell us. -- How does powerful death die now?

You tell us. -- No, I do not know, I am puzzled.

All right, you are puzzled. Carry on. Even Mr Soggot is laughing. Do you hear him? -- Then the third stanza (20) on page 2.

BY THE COURT: Why do you think death cannot be powerful? -- No, but now .. (intervenes)

If death overcomes you it is finished, there is nothing you can do. -- No, but now, somebody is being addressed here as 'powerful death' and that death must die.

He says 'die', the child died. -- No, no.

And he died, powerful death. -- If that is .. (inaudible) then it is a very strange way of getting that.

MR REES: If you did not or say you do not understand the (30) poem I can appreciate why your students claim they do not understand/...

understand it. Did you tell them all the difficulties you had?
-- Oh, well, if I .. (inaudible) .. with them I think it is my
duty to do that.

And they came to the same conclusions as you did? -- Oh,
well, yes.

Well, you are no doubt aware of the fact they want to
pass their exams the end of the year. -- Well, but the students
would differ with me, a lot of students differ with me and
they still pass their exams.

Carry on. -- The third stanza: 'The slippers (10)
dangled, it was swinging'. Here my problem is the colour
imagery in that stanza. 'The womb sparkling white'. Now how
does a womb now who has just been stabbed sparkle white? What
is the significance of this colour image?

You tell us. -- No, I do not know.

What could it be? What could the significance be? You
do not know? -- I do not know.

All right, well, if you do not know, you do not know.
Right, give us the next please.

BY THE COURT: Well, you see, it cannot be too (20)
realistic, if it is chained to the umbilical cord, well, I
cannot imagine it being chained to the umbilical cord. -- There
are so many other problems but I am just pointing to the
things that .. (intervenes)

Well, doesn't he mean sparkling white means that it is
an innocent womb that has been just destroyed? -- And then the
problem if the colour image white, means innocent in that
context, what does it suggest in other contexts in the same
poem? Does it carry its connotation of innocence 'white pig'?
That is another problem in the interpretation of the (30)
colour images.

IR/...

MR REES: It would not be to anybody, I suggest it would not really be to anybody who is really trying to find what this poem says. Why do you look every time I put a question like this, you look at ... -- No....

Mr Cooper? Does he? -- No, I am not looking
(inaudible)

LAUGHTER

What are you thinking? -- Could I get some water?

Give the gentleman some water. Is this thirsty work? --
No, no. (10)

Take your time. Are you feeling better? -- Yes, quite.

Right, will you carry on please? -- Then it is a problem again - sorry, you are on the third page.

Yes. -- The second stanza there. The whole stanza it seems to me it does not seem to have any ..(unintelligible) .. there. It says Black Nana will save me, this is one voice, 'Black Nana save me'. Then .. (inaudible) says: 'if a man wants to live he must fight'. I cannot understand the relationships(?) easily. 'Black Nana spare me' and then he says 'you must live'. Now, who must live? 'To (20) live you must die'. This is the problem because I cannot understand I mean in this .. (inaudible)

Isn't this a reference back to christianity or to the - we had this thing here in the beginning of the case. Bear with me a moment.

BY THE COURT: I think Mr Saths Cooper also used this imagery, 'they must die in order to live' in one of his poems. -- In that context it may make sense, in this it does not make sense to me.

In what context? -- I do not know, I do not know. (30)
I am just .. (inaudible)

But/...

But why do you say it makes sense? -- Huh?

Why do you say it makes sense in his context? -- I say it may make sense.

What could it mean, this expression then in order to live a person must die? -- It depends again on the context.

MR REES: Did you read Hiawatha? -- Oh, well, I have forgotten everything about Hiawatha.

Carry on. -- But in this context I do not understand what it means.

BY THE COURT: Doesn't it mean that ... -- Oh, well, (10)
I mean, it could mean that, I mean, it is ... (intervenes -
both speaking simultaneously)

... a greater contribution than you are. -- Yes?

Your memory and what is associated with it may be worth much more than the person itself. -- It may mean that .. (inaudible) .. must live to ... (inaudible) I mean, it seems so common sensical that only those who are alive die. I mean it seems the kind of logical .. (inaudible) concept here. I mean, if it means anything, but the context .. (inaudible) I do not quite .. (inaudible) (20)

MR REES: To live you must die. -- I mean that is a common sensical statement.

It is a common sense statement. -- Common sensical statement.

A common sensical statement? -- Yes.

Well, what is a common sensical statement? -- I mean, it is common sense that those who live die always, I mean it is a conceptual relationship here.

O.K. carry on. -- Then after ... (inaudible) ... then the next stanza is about that. (30)

BY THE COURT: I think I owe an apology to Mr Cooper, I do not think/...

think he was referring to this. I think, 'so much lost, so much gained' I think was his expression. -- I do not know.

MR REES: All right. -- 'The White god is out of my heart'. Now I get confused now. Now who is the white god here?

All right, you have got a problem there. -- I do not know what is the significance of the colour it images.

'The white god is out of my heart, never will I hug him and say master, I shall never speak to you white pig, my Black back is turned against you.' The next one I suppose you understand: 'Raise your Black fist, put it high. (10) High Black Nana, Black man you are on your own. Power, might, love, solidarity, I am the Black Nana.' -- I am trying to get a relationship and I can only say I understand fully what is being said if I grasp the total context, but I am not going to say this thing means this, this thing means this, but I am trying to establish possible meanings in the poem and then only can I say no, this word in this context or this image suggests this, but before I do that I think I can only refer to the problem earlier if I .. (inaudible)

Did you try to - now what do you say to my (20) suggestion that you might have found it easier if you had tried to relate the poem to the concept which you referred to in this writing of yours where the White man killed the Black woman, cut out the baby, the foetus and disposed of it? -- Let me just indicate one thing that in literary analysis the poem establishes its own context and I do not have to use another work of art as context for another one.

Isn't the poem merely a setting forth of ideas? -- No.

What is a poem then? The function of a poem and poetry? -- That is a very - I mean, there are so many theories (30) and I do not think I can exhaust them in the next two hours.

Could/...

Could you tell us what is the function or intended function of Black poetry or don't you know? -- But what is Black poetry?

I do not know. Can't you tell us? -- No, but you must define the concept properly. What is Black poetry?

Well, can't you tell me? -- Well, I am going to do research on the Black aesthetics and that is why I quite(?) understand in that context. Is it literature written by Blacks about themselves? Is it literature written by the Blacks about other people who are not Blacks? Is it literature written by Whites about Blacks? I mean, what is Black (10) poetry?

All right .. -- It is very difficult for me.

What do you understand by Black poetry as used by or understood by SASO or don't you know? -- No, no, no, that I do not know.

BY THE COURT: But isn't this Black poetry dealing with the experience of the Black man? -- In some point it does that. But there are Whites who write about the experience of the Black man. Do you call that Black poetry too?

MR REES: No, well, that is academic, isn't it? -- No, (20) not academic, it is true, it is in fact true, but academic, is that it is true because it is academic, yes. True.

LAUGHTER

Do you see any significance in the fact that this particular poem appears in what is referred to as the banning issue of SASO? Of the SASO newsletter. -- The banning issue?

Yes, I think it is in what they call the banning issue. -- No, it appears on SASO E.1 pages 6 and 7.

Is that so? Do you attach any significance to that? -- No, I do not know. (30)

You see, I understand that this banning is called or referred/...

referred to as the maiming of the Blacks, the maiming of the Black spirit. -- Well, I do not know that.

You do not know. Well, we cannot ask you about things you do not know. I want to revert to the rally again and what you saw and what you did not see. Now you stressed here when you gave your evidence here, you stressed the question that there were three groups of students. Am I right? -- Yes. You mean after they dispersed from the sports field?

That is right. Now, I suggest in your evidence before the Snyman Commission you did not refer to three such (10) groups, you did not refer to three such distinct groups. -- Well, I cannot remember exactly what I said.

You said, I am referring to page 224 of that record:

"After singing the National Anthem, the students broke into two groups. One group predominantly female, moved northwards in the direction of the women's residence. The second group predominantly male moved southwards in the direction of the men's residence." (20)

Would that be correct? -- Yes.

"As soon as the two groups formed, the bulk of the White police moved in between them and began herding off the predominantly male group."

Is that right? -- Yes.

"Herding it off like a herd of cattle. A policeman handling a dog unleashed it and those started menacing the students who ran over the terraces on the southern flank of the sports field." (30)

As/...

As the police were herding off the predominantly male group, Major Erasmus still on the elevation, moved in a southerly direction towards a Maroela tree where we had been standing for some time."

-- Yes.

Is that correct? -- Yes, that lonely tree there, yes. Then you were asked - said you were speaking too fast, you were asked to go slowly and you said: (10)

"As the students were being herded off some students tarried on the terraces and looked back at the attacking police and the menacing dogs. The major came nearer to where we stood and ordered the police to make a baton charge. The students fled over the terraces and across the tarred road in the direction of the residences. Some students were just beginning to climb to the bottom of the terrace." (20)

-- Yes.

"The slower ones apparently. Some were already on the terrace and some were crossing the tarred road. A student ran over the road. The first teargas shot was fired by White policemen in the direction of the hostel next to the superintendent's house. When the police came back, the students came back from the hostel and a few stones were/... (30)

were thrown at that stage most of which landed on the tarred road."

That is what you said? -- Yes.

Would that be an accurate description? Remember it was closer to the events than you are today. -- Yes.

Now the question is:

"Who was the man who was bitten by the dog?"

-- Mr Mamabola.

Because there you said Peter Tsie. -- (Just (10) stuttering)

You got confused. -- I may have forgotten now, but that must be the truth.

This one would be correct? -- Yes, I am sorry.

Because you said:

"Oh, yes, in that almost immediately after that Mr Peter Tsie was bitten by the dog. Then the students became agitated, perceptibly agitated. There was more violent talking, there was more (20) should I say muttering, they were definitely agitated."

-- Yes.

What was the violent talk that they were indulging in there? -- Oh, well, release the people who have been arrested, go out of the university.

No, but they had not caught anybody yet. -- Just read it again.

You say:

"It was almost immediately after Mr (30) Peter Tsie was bitten by the dog. Then the/...

the students became agitated,
perceptibly agitated. There was
more violent talking, there was more
should I say muttering, they were
definitely agitated."

And then your Counsel says:

"Aggressive? -- Aggressive,
yes."

-- Well, as I said, I was just describing their mood and
gestures and the was the fact that there was a moving (10)
towards .. (intervenes)

The police.

"Did you actually witness what
happened to the student? -- Oh, yes."

Here you describe again Mr Tsie. You said - you were then
asked to:

"Give the Commission the benefit of
the description of what you saw? --
Yes, as some students were running
across the road, at the time when they (20)
were running across the road away from
the baton charge, Mr Tsie also ran
across or tried to run across the road
towards the men's residence. At that
time a White policeman unleashed a dog
which bit him and he was subsequently
arrested just as he was moving across
the road."

Would that be correct? -- Yes.

Then you were asked: (30)

"Now apart from Mr Peter Tsie did
you/...

you see a student by the name
of Jacob Mamabolo?"

And you were asked:

"Can you tell us what you saw about
Jacob Mamabolo? -- Oh, yes, as the
police were retreating and the students
were coming back, he came down the
terrace and seemed to move across the
sports field in the direction of the
tuckshop."

(10)

-- Yes.

Is that what you saw? -- Yes.

"In other words, in the opposite
to the direction in which the male
students were moving? -- Oh, yes, in
the direction of the tuckshop, the
direction of the women's residence and
just as he was moving through, another
White policeman started assaulting him.
He fled but then more police pursued
him and he was subsequently apprehended,
arrested."

(20)

-- Yes.

Is that correct? -- Yes.

Then you said - you were asked:

"What was your reaction to this fast
development? -- We were deeply disturbed."

-- Yes.

Is that so? -- Yes.

Then I sympathise with you in that situation which (30)
you found yourself, I can imagine that you would be deeply
disturbed/...

disturbed. -- Yes.

And I suggest that it would be completely wrong to refer to those events there that day as either a Black victory or as a White victory. That would be a wrong description of the events, it was .. -- A Black victory, no.

It could not be described as a Black victory. -- No.

Nor could you describe it as a White victory. -- No.

It was a sad and a distressing affair. -- Yes.

That is how you as a master of English would describe it or would you describe it in stronger or different (10) language? -- No, well, I will accept your description.

Now, there is another aspect that I do not quite follow whether I got your evidence correctly here. I understood, if I understand your evidence correctly at the Commission, that when you got back - you know, you said after these events you went to look for some professor or somebody to come and intervene. -- Yes.

As I understood it, when you got back .. (intervenes)

BY THE COURT: He looked for the dean.

MR REES: Looking for the dean. -- Yes. (20)

When you got back to where Major Erasmus was, isn't the position that at that stage Professor Mathivha. -- Yes, Mathivha.

How do you spell it please? -- M-a-t-h-i-v-h-a.

Thank you. He had already started negotiating or so it seemed to you. -- Yes.

And at that stage the SRC president, Mr Sedibe, was talking to Major Erasmus. -- Yes.

So it is clear then that when you got back these people were there, they did not come after you got back to Major Erasmus. Is that the position? -- Yes. (30)

And you and Mr Motshologane decided to help calm the students/...

students, hoping that by so doing to create an atmosphere in which dialogue and negotiations could be effectively conducted. -- Yes.

I gather too that the students were insisting that the police release these students. -- Yes.

Let me just put the Court a little more fully into the picture. How were they insisting? -- They were just shouting: release them! release them! release them! just shouting.

And you have already indicated you thought that an ugly situation would develop unless you did something ... -- (10) Yes, yes.

I do not quite understand why did you come back to the campus at about 2 o'clock or shortly about that time? Did you come back to the campus or were you on the campus all the time? -- No, I came back to the campus after lunch hour.

Were there lectures supposed to be going on? -- No, well, I mean there are people who have afternoon lectures and some do not.

You did not have any? -- Not that afternoon.

Now these other Black personnel that came out of (20) the classrooms or from the lecture blocks, do you know whether or not they were supposed to be having lectures or don't you know? -- I do not know, but generally on a Wednesday afternoon that is our half-day off at the University of the North and then most staff members do not have lectures.

In any case you would not have expected there to be many lectures going on. Is that correct? -- Yes.

I do not want to canvass all these photographs with you and I suggest to you that the photographs of the placards all really speak for themselves. -- Well, I have already (30) expressed my attitude towards them.

Yes/...

Yes, and I suggest to you that if one looks at the totality of these photographs before the Court, it is clear that this was not purely a celebration of joy with Frelimo, it was also - there were also digs - to say the least - digs at the Whites and at the South African government. -- I have already made my .. (inaudible) of that matter.

How do you distinguish student pranks from serious student protest? -- Well, I would, if I would suppose that say, in the SRC has a problem that they want to solve or some complaint against the administration, they would keep (10) an appointment with whoever is in authority and express their views on the matter. I think this is how you can actually see it through the act.

Did I understand you to say that the White staff members are associated in the minds of the students or in the minds of the Blacks with the White power or superstructure? -- Yes.

And so is actually the police force. -- Yes.

The police force is seen as something which is enforcing laws that are inimical to the Blacks. -- I just want to indicate this that both the Black and the White police (20) have the same image.

Yes. -- Yes.

I think you said so, that ruling the country needs a good conscience and a good will. -- Yes.

And irresponsible attacks or irresponsible criticism and name calling will not assist to create good will. -- Oh, yes.

But a responsible stating of what your complaints are and an earnest attempt at negotiating will create or should create the necessary atmosphere. -- Yes.

Were you deeply concerned and disturbed when the (30) members of SASO were arrested, the arrest that led to this trial/...

trial? -- Yes, I was concerned to find out what had got them into trouble with the law.

Could you tell the Court briefly how the use of the word 'enemy' differs from the use of the word 'opponent' when referring to another racial group here? -- It depends on the circumstances. I mean, they could be said semantically to belong to the same, you know, field.

Yes. -- The same kind of approach towards them, they could be said to be under the same semantic field, but depending on the context they may be significantly different. (10)

But if a man wants to create an emotive reaction of rejection he would more likely be using the word 'enemy' than the word 'opponent'. -- Not necessarily.

Not necessarily. I am merely asking you if you want to cast or create stronger feeling, you would use the word 'enemy' and if you did not want to create such strong feelings, you would use the word 'opponent'. -- Yes, but the word 'opponent', depending on the context, can carry an extremist feeling, it can carry also, depending on where it belongs. There is one thing we must accept that words tend to (20) radiate meaning into each other, they do this, depending on the context. You may find that a word like 'opponent' depending on the verbal context in which it belongs, carries very, very violent suggestions. It may, it may not.

So, is the test that you must look at the words in their context and from the context you can determine so far as humanly possible what the intention of the writer was? -- It is that - the whole problem of intention is a very difficult one.

Well, the devil alone knows what -- No, that (30)
.. (intervenes - speaking simultaneously) .. is something
that/...

that is .. (inaudible) .. again. I do not think the intention is a literary consideration.

Some wise judge once said that the devil alone knows what goes on in a man's head. If we want to ascertain what his intentions are, we have got to look at what he says, how he says it and how he acts. Do you agree with that? -- This is very difficult. I would not agree with it.

But how then would you determine a man's intention? -- His intention as man or his intention as expressed in a document or a poem? Because they are two things. Let (10) me express it. In a sense that if a man, you can identify his intention to do a thing. If you talk to him and he turns abruptly(?) this would now direct .. (inaudible) that he is actually .. (inaudible) by that time O.K, O.K., he writes a poem.. (intervenes)

Let me just ask you this: before you came to give evidence, no doubt you said to your wife I am going to Pretoria to give evidence. -- Yes.

Now the only way by which she knows what your intention is, is by what you said. -- Yes, and then I did that. (20) I can say that and not do it.

Right. Therefore, if somebody wants to know what was Mr Nkondo's intention, they would pay attention to his words and they look at his acts. -- Yes, .. (inaudible) he can judge.

But now if you had said to your wife: I am going to Rhodesia and in fact you come down here to give evidence, then you will say there is a discrepancy between what you said and what you did. -- Yes, and I may come here. On the face of it I may be coming to give evidence, but I may have another intention of going to see my brother in Johannesburg. (30)

Yes, an additional ... -- But the operative intention ...
(inaudible/...

(inaudible) .. intention in the situation.

But now how do you suggest as a literary man if I get hold of a piece of paper, how must I determine what is the intention of that writer? Don't I look in the first place at what he says he is going to do? -- The whole school of literature I think it has the .. (inaudible). In my opinion I would not begin to look for the intention of a poet in a poem. I would look for the experience defined and the integrity of the structure.

If you got a letter in which the letter says (10)
Dear Mr Nkondo, I require you to come and give evidence in Pretoria on such and such a date, Yours faithfully, so and so, Chetty. What would you say is Mr Chetty's ... -- I think we are confusing two issues. I am talking now of intention in a literary context. You are talking of intention in casual context. There is a big difference.

THE COURT ADJOURNS.

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