

Hampson.

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

CASE NO. 18/75/254.

10th DECEMBER, 1975.

In the matter of:

THE STATE

vs.

S. COOPER AND EIGHT OTHERS

VOLUME 51

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LUBBE RECORDINGS (PRETORIA)

/AHC.

THE COURT RESUMES AT 2 P.M. ON 10th DECEMBER, 1975.

STOFFEL GERHARDUS VAN DER MERWE: still under oath:

FURTHER CROSS-EXAMINATION BY MR SOGGOT: Have you any

comments on those two passages which have been put to you?

-- Ten opsigte van die boekie van Young stem ek in hoofsaak

saam met wat daar gesê word in daardie gedeelte. Hy sê:

"Moreover the approach is deliberately
formulated at such a level of abstraction
that it avoids the dangers of becoming
tied to any particular type of legal (10)
system or to any specific variety of
social cultural context."

En dan sê hy:

"This procedure of course sometimes
carries with it the danger of loss of
content due to high levels of abstraction,
but the importance of avoiding biasses
towards certain types of systems is
crucial in comparative analysis."

Ek neem aan dat die gedeelte wat vir mnr. Soggot (20)

belangrik is, is die gedeelte wat hy sê:

"This procedure of course sometimes
carries with it the danger of loss of
content due to high levels of abstraction."

Dit is, soos wat hy sê:

"it sometimes carries with it the danger"
en dit is iets wat ook sekerlik gesê kan word van een van
vele ander tipes van teorieë. Ten opsigte van sommige van
die ander kritiek wat in die boekie vervat is, stem ek nie
heeltemal saam nie, maar oor die algemeen is hierdie (30)
'n redelik gebalanseerde kritiek. Ten opsigte van Stretton,

ek/...

ek het 'n bietjie gekyk, dit is, sal ek sê, die passaat wat hier aangehaal is, is 'n passaat in 'n redelike langerige, of sal ek sê, ja, 'n redelike langerige kritiek van Easton. Dit is ook redelik ingewikkeld. Ek sou nie op hierdie stadium sonder meer kommentaar wou lewer op die spesifieke passaat nie. Die enigste wat ek sou wou opmerk is dat die kritiek in die algemeen van so 'n venynige en persoonlike aard is in hierdie stuk dat ek geneig sou wees om die kritiek skepties te bejeën.

But why do you say poisonous? The passage ... (10)
(inaudible) .. does that suggest anything personal or unbalanced? -- Nie die spesifieke stukkie waarin dit - hierdie spesifieke passaat blyk dit nie, sal ek sê, daar is nie spesifieke venyn, sal ek sê, so 'n spesifieke venyn in nie, maar in die stukkie as sodanig.

Can you show us any piece which shows poisonous mentality? -- Waar hy nou sê byvoorbeeld:

"One may well argue that Aristotle ...
(inaudible) .. and Marx and Bernstein
and Trotsky and ... (inaudible) ... (20)
inadequately, but it takes an unusually
educated professor of political science
to assert that it has never, except by
himself, been set forth."

En so gaan die stuk in die hele - gaan die hele stuk aan op 'n taamlike venynige en persoonlike toon.

What he is suggesting there is - what we are suggesting there is Mr Easton has considerable pretensions, perhaps something that Mr Easton himself will concede. -- Al wat ek sê van hierdie stuk is dat gesien die byna subjektiewe (30) toon waarop die kritiek geskryf is, sou ek die kritiek skepties/...

skepties bejeën. Ek het nie gesê dat ek dit verwerp nie, maar ek sou dit goed wou bestudeer voordat ek enigiets daarin aanvaar.

When we were dealing with the Hansard from the Coloured Representative Council, you said to His Lordship that there were two things which for you distinguished the matter there from the BPC/SASO material. The one was that the criticisms there made, were made within the framework of the system. Right? -- Ek skat so, ja.

And the second was that there were not - that (10) violence was not foreshadowed as you suggested it was in some of the SASO BPC documents. -- Ja, in breë trekke is dit my kontensie daaroor.

Now, the documents which you have relied upon in regard to the violence appear to have been the following. I will deal with them separately, but just see if you can identify them and see if I have left any out. The one was SASO G.1 which dealt with the resolution relating to christology, the second - another was SASO R.1 where you referred to the bullet and the ballet(?) facet. Have you (20) perhaps got notes? -- I am just trying to locate them.

Well then, would you please look? -- U sê ek het verwys na watter dokumente?

My notes, I am talking now about the ones where you referred to violence in some shape or form. SASO G.1, SASO R.1, SASO J.1 and SASO O.1. Perhaps I can remind you what they are about if you want me to. -- Ek kan nou nie spesifiek onthou na watter dokumente ek verwys het nie.

Well, I want to deal with all the ones which you relied upon, that is why I am anxious for you to tell (30) me whether I am missing any out. Let me just tell you

what/...

what they are. SASO G.1 refers to the resolution of christology. Remember? That Christ was the first freedom fighter. -- Dit is reg, ja.

SASO R.1 has the reference to the bullet and the brother(?) Remember that? -- Ja.

SASO J.1 which is Mayibuye, SASO D.1 which is a formation school document where someone in the seminar had referred to the preparation of the conscientising the border areas and freedom fighters, something like that. That is under the SASO heading. Then as far as BPC (10) is concerned, there was L.1 and L.2 which were poems. Remember those poems? -- Ja, vaagweg.

There was BPC.4 which was another poem. There was BPC.F.1 which referred to there being - could be another Vietnam. -- Ja.

There was BPC R.1 which referred to the need for physical fitness. -- Ja.

And BPC J.2 which was a poem ostensibly by Mr Nkomo, one of the accused in this case. -- J.2.

J.2. It is BPC J.2 which I am referring to and (20) that would be Mr Nkomo's poem. No, I am wrong, it is not BPC J.2, it is J.2 simpliciter. Now, I propose to deal briefly with all of these, but I would be grateful if you would indicate now whether any had been left out.

MR REES: M'Lord, I submit it is not for the witness to indicate. My Learned Friend has the record. If he has left anything out, he should himself ascertain that. How can the witness be expected to remember whether they are all there? If he does not remember, he has got the record.

MR SOGGOT: M'Lord, it is a matter of courtesy to the (30) witness and a matter of asking him to see whether there is agreement/...

agreement. I wouldn't like another dialogue of ...
(inaudible). Is there anything else which you think you
have referred to that has been left out? -- Ek het nie 'n
lys gemaak nie en kan nie daarvolgens kyk nie.

Well, whatever it is, may I refer you then to SASO G.1
Have you got that in front of you? -- Ek het die dokument
voor my, ja.

The relevant resolution is on page 304. -- Ja.

And you do remember this now? -- Yes.

Now, in what way do you suggest that this (10)
resolution in any way foreshadows the use of violence? --
Edele, as ek reg onthou, het ek gesê dat hierdie 'n
legitimering van geweld behels in die sin dat die eerste
punt daar:

"Noting that Christ was a revolutionary
that pledged his life for liberation."

en dat:

"To this end Christ joined the Esenese"
wat dan beskryf word as

"an **Israeli** revolutionary movement" (20)

en

"worked in close collaboration with the
Zealot which can be described as an
Israeli guerilla warfare unit against
the Romans."

En dan die volgende sinnetjie:

"that Christianity is therefore a struggle
for survival and a fight for liberation."

En dan op bladsy 305 verder -

"To look at Christ as the first freedom (30)
fighter to die for the liberation of the
oppressed/...

oppressed and Christians to follow Christ
by involving themselves in liberation
movements."

DEUR DIE HOF: Die sin wat u getuig het daaroor was dit
'n vereenselwiging van Christus met rewolusionêre ideaal?
-- Dit is korrek.

En die Blanke word verantwoordelik gehou vir die
distorsie wat daar is. -- Dit is korrek.

MR SOGGOT: But now the revolutionary ideal is that the
potential revolutionary ideal or is it a revolution (10)
with violence that you are talking about now? -- Daar waar
gestel word -

"An Israeli guerilla warfare unit against
the Romans"

dui duidelik op stryd met wapen geweld.

That is what you rely on. -- Nie uitsluitlik nie, maar
dit is die kern van die saak.

Have you any knowledge of Black theology? -- Ek is
vaagweg daarmee bekend.

I take it you have never gone into theological (20)
study, including Black theological study. -- Ek het 'n
bietjie gelees oor Swart teologie.

What have you read? -- Ek kan nie nou spesifiek onthou
wat ek gelees het nie.

Now, if you were to accept that not in SASO BFC but
in the Black world, including South Africa and America and
other places, there are serious-minded intellectuals and
ministers who have a particular perception of Christ's
role as a physical liberator, would that alter your
approach to this document? -- Ek is bewus van die (30)
strominge wat daar is. Ek het 'n bietjie navrae gedoen by
teoloë/...

teoloë en ek is bewus van die strominge wat daar is. Ek kan nie sê dat ek 'n deskundige op daardie gebied is nie. Maar ek dink nie dit sal enige verskil maak aan my interpretasie daarvan nie.

Do you know of a book for example by a person called Brandon, Jesus and the Zealots? -- Dit het ek nog nie gelees nie.

Mr Brandon, Professor of Comparative Religion in the University of Manchester, Manchester University Press, 1967. -- Ek het dit nog nie gelees nie. (10)

Do you know whether he is a serious student of theological studies? -- Dit is nie my terrein nie.

When you say that this is to - that this legitimises the use of violence, would the celebration of any national hero, whether it is Japie Fourie or a Zionist leader who died in battle or La Fayette or anybody, would their celebration by the relevant nationalist group would that be interpreted by you as a legitimisation of violence? -- Dit sal baie afhang van die hele omstandighede waarin soiets voorkom. (20)

That we agree with and we will invite you to look at the presentation of this document. You see, they start off with a preamble that Christ joined the Esenees an Israeli revolutionary movement and then look at their conclusions:

"Thereby wish to state that christology is a religion for liberation as indicated by God's actions against the Egyptians who were oppressing Israelites."

-- Waar is dit nou? (30)

That is at the bottom of the page under the phrase

"Therefore/...

"Therefore wishes to state." -- Ja.

"It is a philosophy of liberation as indicated by Christ himself ..."

and then they quote:

"while he was sent to become liberty to the captives and opening the prison to those who are bound."

"And further resolve to look at Christ as the first freedom fighter to die for the liberation of the oppressed" (10)

and I think we have had it that freedom fighter is used either in the sense of a person who is using violence or not using violence. -- Die gebruike van die woord "freedom fighter" wat ek teekom het was spesifiek die woord "freedom fighter" is meestal in die konteks van guerilla oorlogvoering of - maar ek meen ek wil dit geredelik toegee dat "freedom fighter" as sodanig nie met enige 100% sekerheid in enige konteks so interpreteer kan word nie.

"To die for the liberation of the oppressed, to encourage Christians to follow Christ .." (20)

by doing what? Not by giving a gun -

"by involving themselves in liberation movements for the redemption of the oppressed men."

Isn't the conclusion that if you follow the gospel you will involve yourself with your people and you will act for their physical liberation a la SASO or BFC.

MR REES: I want to get it clear. When my Learned Friend read this passage, he interpolated a piece which, when one eventually reads this in the cold light of the record (30) after, when one has to deal with the thing, it is going to read/...

read entirely differently to what stands here. I submit my Learned Friend should re-phrase his question and read this particular passage in its entirety without comment and then ask for the witness - if he wants comment on this or if he wants comment on what his own proposition is, it is a different thing.

MR SOGGOT: M'Lord, the document is in the record and I am trying to cut down time. What I am putting to you is that if you look at C - we will come to D and E if my Learned Friend will wait - if you look at C where it says: (10)

"To look at Christ as a freedom fighter, the first freedom fighter to die for the liberation of the oppressed to encourage christians to follow Christ by involving themselves in liberation movements for the redemption of the oppressed ~~men~~."

Isn't the emphasis or the conclusion of this reference to christology that people must get inspiration from Christ's role to become politically active(?) not to take up the gun. -- As 'n mens kyk na die struktuur van die resolušie (20) en 'n mens kyk na die oorwegingsgronde waarop hierdie besluit dan geneem word, dan dink ek nie is daar enige twyfel dat "freedom fighter" in punt No. C terugslaan op punt 2 van die oorweging waar uitdruklik verwys word na 'n "guerilla warfare unit" en dat die woord "freedom fighter" in daardie sin in die sin van guerilla interpreteer moet word.

The question is one of usage. You see, if the interpretation of the Bible was that Christ in fact was involved in a revolutionary movement, that would be (30) - that interpretation would be their launching-pad, their inspiration/...

inspiration. It is not that it is an image of someone who was involved in non-violent activities for liberation, but was in fact involved, was so involved that in fact he was involved in the guerilla movement. So what I am putting to you is that it would be natural to refer to this as being part of the interpretation. But what I am urging you to look at is the use they make of it and that it is not to suggest that the gun is the appropriate method of violence, but if you look at point 3 on page 304, it is - the conclusion is that christianity is therefore (10) a struggle for survival and a fight for liberation and that is carried through to point C which has the conclusion -

"to encourage christians to follow Christ by involving themselves in liberation movements for the redemption of oppressed men."

-- So?

I am putting to you that what they are saying there is total inspiration, follow the gospel, take your inspiration from Christ and join the liberation (20) movement, not go and join Umkonto We Sizwe who are teaching people to use machine-guns, but to come and join SASO and BPC. -- Dit mag miskien - laat ek dit anders stel: die "struggle for survival" en die "fight for liberation" in punt No. 3 op bladsy 304, word met 'n "therefore" gekoppel aan punt No. 2, waar daar duidelik sprake is van "guerilla warfare". Sodat selfs in punt 3 het die "fight for liberation" as 'n slaande op 'n guerilla stryd sal interpreteer. Dit is in die konteks waar dit hier voorkom. Daarom is ek nie bereid om saam te gaan met die (30) suggestie wat aan my gemaak is nie.

And/...

And your unwillingness is not altered by D and E?

"Resolve the Black theology agency must engage the assistance of Black historians and Black theologians in the correct interpretation of the Scriptures that the Black theology agency should encourage all Black people to involve themselves in and utilise christianity and all the facts of this concept in attaining the goals and principles as laid out in the struggle of the Black people." (10)

Now that involvement with the Black theological agency, the call for Black historians and theologians doesn't that suggest to you that this is the orientation of a christian-minded Black man who is not wanting to advance the gun, but to advance Black theology? -- My interpretasie van punte D en E in die lig van wat vooraf gaan, is dat soos wat daar nou gestel word -

"The Black theology agency must engage the assistance of Black historians and Black theologians in the correct interpretation of the Scriptures" (20)

met ander woorde, to interpret the Scriptures to indicate Christ as a Zealot which was an Israeli guerilla warfare unit against the Romans. Met ander woorde, hier word die hulp van die teologiese agentskap en historici en teoloë ingeroep om hierdie besondere siening wyer te versprei. En dan in punt E daarso -

"To involve themselves - should encourage all Black people to involve themselves in and utilise christianity and all the facts/..." (30)

facts of this concept."

Met ander woorde daardie feit soos dit hier voorgestel word, dat Christus 'n guerilla vegter was, they must use christianity and all the facts of this concept in attaining the goals and principles as laid out in the struggle of the Black people.

I want to make it clear that without any disrespect to the Deity, isn't Mr Buthelezi's reference to Bambata Rebellion to a certain extent in the same vein and that is seeking inspiration of christians from Christ for (10) Black - from their Black national heroes? Remember what Buthelezi said, we can never really be in the correct frame of mind for a meaningful fight unless we see it ... I am leaving out something .. in the context of the so-called Kaffir Wars and of the Bambata Rebellion? -- Nou sê u dat hy?

That there is a seeking of inspiration on the one side by christian Blacks in Christ and by Buthelezi in a national hero, namely Bambata.

BY THE COURT: Well, isn't that a matter of (20) construction? Prima facie to me this means that there is a recital of facts and because of the recital of the facts the following conclusion is justified, namely that here we have an ally in christology in that Christ is the first freedom fighter to die for the liberation of the oppressed, Black theology should investigate this aspect of religion and Black theology agencies should then encourage all Black people to involve themselves in this in utilising christianity to attain their goals and principles? What is wrong with that construction? (30)

MR SOGGOT: No, M'Lord, that is what we contend and what I am/...

am doing is testing the witness's amongst other things, his fairness in suggesting that this is really intended for fostering or inspiring the use of guerilla warfare. If you look at SASO A.1, page 259 thereof. -- Ja, ek het dit.

"That Black theology is not a theology of absolute, but grapples with situations. Black theology is not a theology of theory, but of action and development. It is not a reaction against anything, but is an authentic and positive articulation of the Black christian's reflection of God in the light of their Black experience." (10)

And then paragraph 3:

"Black theology therefore understands Christ's liberation not only from circumstances with internal bondage, but also liberation from circumstances of external enslavement." (20)

-- Korrek.

I only want to ask you this: does this resolution, which is after all another resolution of the same body, not persuade you that perhaps you are placing the wrong emphasis? -- Nee, ek sien nie hoekom dit my moet oortuig nie. Op watter gronde moet dit my oortuig om tot 'n ander gevolgtrekking te kom?

Thank you. Are you aware of the fact that in the Anglican and Lutheran churches there are significant elements or sigments which supports Black theology? (30)

I only mention those two churches in respect of which I have/...

have instructions. -- Ek is nie bewus daarvan nie. Ek is nie spesifiek bewus daarvan nie.

Do you know a person, Dr Manus Buthelezi? -- Ek ken hom nie.

You do not know him. -- Ek meen ek het al van sy werke gelees, maar ek ken hom ongelukkig nie.

Very well. I wonder if we could pass on to a theme which is a little out of context, with his Lordship's permission, and that is the question of foreign investments. What I want to ask you, if I may refer you first of (10) all, it is BPC C.3 page 7 thereof. -- Bladsy 7.

I think that is the one you referred to, I just want to make quite sure. Yes, that is the one you referred to. I think you have already told us that you cannot quote us one example of a revolutionary group which has sought to undermine the external support. -- Dit verwys na die ANC byvoorbeeld.

And what you said was that they are trying to undermine support. -- Ek het so gesê.

Without any specificity as to what sort of support (20) it is, not so? -- In die algemeen.

What you are suggesting is that this sort of resolution 20/72, is likely to undermine foreign support. Now, if you wanted to weaken a system, am I correct in putting to you that you would not only try and inhibit foreign investment, but you would also inhibit trade, is that right? Call for trade boycotts. -- Dit sou gedoen kon word, ja.

Just as logical. -- Ja.

You would call for a stoppage of a supply of arms. -- Dit kan ook gedoen word, ja. (30)

The boycotts itself in the world is a relatively mild political/...

political form of imposing pressure on any country. -- Ja, dit is waar.

MNR. REES: Edele, hier is twee vrae: it is a relatively mild form and it is a form of imposing pressure. My Learned Friend should ask these questions one at a time.

MR SOGGOT: M'Lord, I thought that this witness has the intelligence to deal with the combined question.

MR REES: This has been the problem all along. My Learned Friend has asked three, four questions and the witness answers the last one. It is impossible for the (10) witness, however intelligent he may be, to focus on all the questions. I have now objected to this particular one to draw attention to the general practice of my Learned Friend. He should ask spesific questions so that he could deal with them one at a time.

BY THE COURT: Well, I got the impression he is dealing with them qualitatively. -- Ek was onder die indruk dat die antwoord op die vraag is dat die wapen boikot 'n form van druk op 'n regering is.

MR SOGGOT: Or any form of boycott: trade, financial, (20) sporting, cultural, is a form of exerting some pressure on a country. -- Dit is so.

Or a group, I mean we start off on a common basis. -- Op internasionale gebied is dit 'n algemeen aanvaarde praktyk.

And all I asked you was whether a boycott in fact is a mild form of this sort of imposition of pressure. -- "Mild" is 'n baie relatiewe term.

Well, it is a term which I intended. What I want to ask you is this: if these people wanted to smash the (30) economy, don't you think it will be illogical for them to confine/...

confine their call for boycotts - confine that call only for foreign investments? And not deal with arms, South African fruits and other exports? -- Die politiek is soms ook, soos dit gestel word, an art of the possible. Ek dink dat, sal ek sê, die rede waarskynlik hoekom hier ... (tussenbei)

DEUR DIE HOF: Wel, as ek u getuienis reg verstaan wat u oorspronklik gegee het is dat die weerstand word afgebreek deurdat die ondersteuning verminder word en dan naderhand kry jy 'n situasie waarin hy ryp is vir rewolusie. (10) -- Dit is korrek.

That is how I understood his evidence so we have covered all that.

MR SOGGOT: No, that is so, but what I am putting to him is, if this has a revolutionary intent, you would not expect them merely to confine themselves to foreign investments, but you would expect them to as it were paralyse the state or inhibit international support on every level. -- Dit is sekerlik nie onlogies dat mense sou wou so optree nie, maar die blote nalating van die ander dele (20) in hierdie spesifieke konteks bewys nog niks.

But it is not only in this specific context. In all these documents they only call for a foreign investment boycott. -- Only?

Yes, if I am wrong, I would be grateful .. -- Hulle verwys ook na sport boikot.

Yes, foreign investment and sport. Those in fact belong on page 7 and 8, but not arms, not fruits, not exports, not trade. -- Die punt is hier dat hierdie spesifieke ding sal bydra tot die verswakking van die (30) stelsel indien daarin geslaag word. Die redes waarom hier net/...

net een genoem word op hierdie punt, kan ek nie verklaar nie.

DEUR DIE HOF: Ja, maar hang dit nie af van wat prakties moontlik is nie? -- Soos ek gesê het, politiek is soms ... (tussenbei)

.. as jy sterk is vat jy wapens, as jy nie sterk is nie dan vat jy iets anders. -- Dan gebruik jy soiets en hierdie is iets wat internasionaal al baie weerklank gevind het. Met die gevolg is mens sou kon sê dat hierdie spesifieke ding gekies word omdat daar reeds 'n (10) beweging in daardie rigting is en dit 'n poging is om daardie beweging te versterk, iets wat moontlik is om te doen.

Dui dit nie ook bietjie op die kritiek wat so 'n analise struktuur waarop mens werk in hierdie tipe van wetenskap nie? Alles hang af van die omstandighede, want as jy byvoorbeeld 'n metode aanwend wat weersin wek, dan misluk daardie metode. So jy moet 'n metode aanwend wat jy weet wat nie die grootste weersin sal wek nie. -- Dit is korrek, dit is heeltemal korrek. (20)

MR SOGGOT: Have you examined their documents to see what they have in mind when they call for a foreign investment boycott? What reasons they give. -- Sover ek kan uitmaak, sover as wat ek kan onthou uit die vuis uit, is dat die redes verstrekk word juis dat soos wat dit hier gestel word in punt 1:

"The vital role played by foreign investors in maintaining and supporting the economic system of South Africa; that the system is designed for maximum (30) exploitation of Black people; that/...

that the riches and resources of this country belong as their birthright; and further noting

that foreign investors claim that their presence in this country contributes towards the development of the Black community,

That this claim is disputed by reality of the Blacks' experience in this country; therefore ..."

(10)

ek dink dit is min of meer soos wat 'n mens dit teekom, die oorwegingsgronde daarvoor.

You see, I would invite you to have a look, I want to quote to you from a SASO newsletter of June, 1971, an article on foreign investment and apartheid by Mangena. And what he says, this is Volume 2, page 294.

BY THE COURT: It is not one of the exhibits handed in?

MR SOGGOT: My learned friend, Mr Allaway, suggests that it might be K.1. I understand it is a general exhibit K.1. -- Watter bladsy is dit?

(20)

It is the first SASO newsletter, 294. Just the last two paragraphs. I want to ask you whether that does not give you some insight into the thinking:

"There is nothing ambiguous or misleading and this should strengthen the Black man's belief that his salvation will not come from Britain or America. Russia or China will bring more intensified slavery and oppression along. The Black man is his own salvation. Time has long passed when he should have realised this.

(30)

He/...

He must evaluate himself and take a determined stand for his rights. If not strong now, then he must make himself strong so as to be in a position to bargain for a fair share in the country's economy and for his voice to be heard in the administration of this country. He deserves this country more than anyone else. Delivery from bondage by foreign power has in most cases some strings attached to it which will of course be a constant and annoying burden to be delivered. We are fortunate that no one is trying to be our good, strong father. If we work hard for our freedom and get it, it will not be contaminated by foreign hands. It will be free of strings, cleansed with our own sweat and thus more precious." (10)

Is that not some indication almost of a protectionist state of mind? -- Sover as wat dit gaan, ja, is daar daardie element in. (20)

And if you have a look at SASO A.1, page 18, perhaps if I could refer you to 21. I would suggest it would give you a better idea of what they are intending and that is not to destroy the economic system, but in fact to put some pressure on South Africa. SASO A.1 page 17. -- 17?

Yes.

BY THE COURT: But doesn't the article in the newsletter merely mean that the West is .. (inaudible) .. with South Africa and they are also assisting with the exploitation/... (30)

exploitation of the Black man?

MR SOGGOT: That is clear in that. We do not want the West's hand in it and we do not want Russia and China in it.

BY THE COURT: We do not want the West because they are also exploiting us.

MR SOGGOT: Oh, yes, but the penultimate paragraph does seem to suggest that we would be better off without a dependent on foreign investment, that is why we have suggested that part of this thinking, rightly or wrongly, is in fact a protectionist one. (10)

BY THE COURT: Doesn't it mean we must stand on our own feet. If we look for assistance elsewhere, it will come with a lot of strings attached.

MR SOGGOT: Within the ambits of foreign investments and what he seems to be saying is we must stand on our own feet and not be dependent on foreign money. And then resolution 50 of ... (intervenens)

BY THE COURT: You see, the Whites in South Africa suppress the Blacks economically and otherwise for their own comfort and then he says foreign investments in (20) South Africa may be publicly outspoken in their condemnation of apartheid and its evils, but secretly they support it for obvious reasons. He says: together with the White South Africans they exploit the Blacks for their own prosperity, self-education as well - and well-being and of course for the seeking of the Black man and his soul. Therefore the difference between the foreign investor and apartheid and the White South Africa is just that they are citizens of different countries and makes some hypocritical noises about the evils of apartheid while the other (30) is trying but failing badly to justify them. Doesn't that mean/...

mean to show that then coming to your passage, it merely means that we must forget about the West, if they give assistance, it will be with a lot of strings, which will not help us?

MR SOGGOT: Well, M'Lord, that is our submission and that is what financial investment involves in - that is why we say it is protectionism.

BY THE COURT: His evidence on alienating foreign investment, he uses that as an example of an attempt to whittle down support. (10)

MR SOGGOT: That is so, but what we are inviting him to do is not to impose blinkers on his vision and to have a look at what they are saying as to why they are calling for this. And that is why I invite him to have a look at this other resolution 50 of 1971, SASO A.1, page 17. It is resolution 50/1971, where they start off talking about the differential wages and then they say in vi:

"Noting further that foreign investors profit from such exploitation and end up with a vested interest in its maintenance, make it possible for South Africa to spurn world opinion to maintain her racist regime. **Boost** South African international image and make South Africa an ideal land for investment, while the social evils practised by the regime are lost sight of. Give South African economic" (20)

... (intervenes)

BY THE COURT: It is a long time since I have read these things, but what they really mean there is that a man like Buthelezi says that you must not stop foreign investment/... (30)

investment in this country because the Black man will suffer. There they want to make the point that it is all nonsense that the Black man will suffer, because these countries that invest here, they are really co-exploiters and so there is nothing to be gained for the Black man by trying to preserve foreign investment in the country.

MR SOGGOT: They go further. They suggest that if the money is left to us, everyone will be better off. They have an even more optimistic approach.

BY THE COURT: That I can understand, they are (10)
exploiting the natural resources of the country and while it is here, it belongs to the country; if it is taken out, it is lost to the country.

MR SOGGOT: It is precisely that point which prompts us to say that there is an element of protectionism in the mentality associated with this.

BY THE COURT: Your point is that the reason why they do this is preserving their own, what they say is their own.

MR SOGGOT: That is part of the story. The other part is to use the boycott as a political weapon and that is (20)
you put pressure on South Africa to change her racist policies by calling for an investment boycott of this
(intervenes)

BY THE COURT: You are at cross-purposes there, you and the witness.

MR SOGGOT: What I am inviting the witness to do is look at what their express views are and to see whether he - nothing more other than to invite him to agree or disagree.

DEUR DIE HOF: Sien u daardie moontlikheid wat mnr. Soggot nou stel ook in daardie resolusies? -- Ek het nog nie (30)
50/1971 behoorlik deurgelees nie. Ek kan daardie

element/...

element gedeeltelik daarin sien, maar as 'n mens weer sien hier selfs in 50/71 'n deel van die oorwegingsredes vir die besluit "is noting further that foreign investors make it possible for South Africa to spurn world opinion to maintain her racist regime." As mens net na daardie eerste een ook kyk, "noting that foreign investors profit from such exploitation and end up with a vested interest in its maintenance", met ander woorde ook 'n "vested interest" in die handhawing van die bestaande stelsel en die eksploitasie wat daarmee saam gaan. (10)

Ek dink mnr. Soggot se punt is dit is maar net 'n gedeelte van die gedagte agter hierdie tipe van besluite. -- Ek sal saamstem dat daar in hierdie dokumente daardie ander element ook na vore kom, maar die klem deur en deur op die, soos hier gestel word "the vital role played by the foreign investors in maintaining and supporting the economic system, that this system is designed for maximum exploitation of the Black people" dat dit daarop gerig is om steun van, sal ek sê, ten minste as 'n groot gedeelte van die oorweging. (20)

MR SOGGOT: But would you concede that the motive there might equally be one simply of putting pressure on South Africa to change its policy? -- Not simply.

The facts .. (tussenbei)

DEUR DIE HOF: Waarom sê u dit? -- In die sin dat hulle - my kontensie is dat 'n groot gedeelte van die oorwegingsrede hier is dat hulle sien dat buitelandse belegging die Suid-Afrikaanse Regering in staat stel om die huidige stelsel in stand te hou.

Nou stel mnr. Soggot as u hierna kyk, nou sien (30) dat dit is 'n vorm van pressie wat uitgeoefen kan word, die
feit/...

feit dat die buiteland nie meer belê nie dan .. -- Dit is korrek.

Die manne hier in Suid-Afrika sal wakker skrik en sê wel, ons kan nie aangaan so nie, want die buiteland kondoneer dit nie. -- Dit is korrek, en dit sal die gevolg wees van die ondermyning van steun vanuit die buiteland.

Dit is die bedoeling waarom dit gedoen word, die druk wat bewerkstellig word. -- As 'n mens 'n boikot neem van een land teenoor 'n ander land, dan word dit normaalweg as magspolitiek aanvaar, maar ek meen dit neem nie weg (10) dat selfs 'n boikot van een land op 'n ander land 'n ontneming is van buitelandse steun en dat die ontneming van buitelandse steun juis die vorm van druk is wat uitgeoefen word.

Ek kom nou weer by die punt wat ek gistermiddag gemaak het. Ek dink dit is wat mnr. Soggot agter is. Jy kan hierdie pressie groepe kan jy probeer skep of om self 'n voordeel hier te lande te kry of om, soos u sê, steun af te takel en 'n toestand vir 'n rewolusie te skep. En ek dink nou wil mnr. Soggot eintlik uitvind waarom sê (20) jy al hierdie dinge is nie net gemik op druk om voordele hier te kry en nie gemik is om 'n toestand te skep om uiteindelik 'n rewolusie te hê nie. -- Die onttrekking van steun op enige stadium is 'n vorm van druk en daar in die algemeen, sal ek sê as 'n baie algemene stelling, bly druk eenvoudig druk, kan ek maar sê.

Maar wat is die bedoeling agter daardie druk? -- Dit is wat vir my juis na vore kom, sal ek sê, is dat hulle wil die buitelandse komponent van steun uitsny omdat hierdie komponent die Suid-Afrikaanse stelsel in sy huidige (30) vorm toelaat om voort te bestaan.

Ja/...

Ja, wel, dit is die druk. -- En die doel van die ...
is dan daaruit logies om die Suid-Afrikaanse stelsel in
sy huidige vorm te laat ophou bestaan.

Maar nou sê u dit is die logiese afleiding. Hoekom
is dit die logiese afleiding? Is dit nie ook 'n logiese
afleiding dat hulle wil bereik wat hulle voor veg en dit
is hulle wil regte hê? -- Dit is korrek, hulle veg vir dit
wat hulle wil hê.

Nou hoekom sê u dit is die een en nie die ander nie?
-- Maar die manier waarop hulle hulle regte wil (10)
bereik is deur die ineenstorting van die huidige Suid-
Afrikaanse stelsel.

MR SOGGOT: If someone imports a load of sulphur, it could
be to make a bomb or it could be to fertilise a field.
How does one know what the purpose is? -- As hy sy
intensies verklaar.

And how do they explain their intentions that they
object to foreign investors because it gives South Africa
economic stability which enables her to gain dramatic and
economic acceptance on the international scheme. (20)
Roman ix. Page 17. -- Ja.

"because it enables her to gain diplomatic
and economic acceptance and are forced to
take a compromising stand on apartheid on
issues such as sanctions, boycotts ..."

-- Soos in punt 7:

"Make it possible for South Africa to
spurn world opinion, to maintain her
racist regime."

But that is the point. Don't they want to use (30)
South African world opinion to change the allocation of
rights/...

rights in this country, not to blow up the place, but to change the allocation of rights. -- Nie soos wat hy hier staan, staan:

"maintain her racist regime",
met ander woorde, die teenoorgestelde daarvan is to let go.

Which means change. -- Dit kan, dit kan. Ek meen my punt bly nog steeds staan dat hierdie is 'n poging vir die afbreking van internasionale steun, wat die uiteindelijke doel daarvan en, wat ek sal sê, wat die uiteindelijke gevolg daarvan gaan wees, is deel van die kumulatiewe (10) process.

DEUR DIE HOF: Is u nie op gevaarlike terrein as u net byvoorbeeld daardie een resoluëie neem en dan dit probeer vertolk nie? Is dit nie heeltemal afhanklik van die hele konteks van die situasie nie, al die ander dinge wat hier is? -- Soos ek sê, die resoluëie soos wat hy hier staan net dood gewoon op sy eie, kom neer op 'n aanmoediging om buitelandse steun vir die stelsel te onttrek. Die konteks van al die ander gee - kan dan vir mens gee die rede waarom hulle dit wil doen. Of, laat ek dit so (20) stel, van die kumulatiewe gevolg daarvan. Maar net soos wat hy hier staan, wat ook al die motief daar agter, of dit selfbeskermingsmotief of wat ook al is, die feit is dat indien die aanbevelings van die resoluëie aanvaar word, of uitgevoer word, sal buitelandse steun vir die stelsel verminder word.

MR SOGGOT: You know, I want to put a passage to you which is foreshadowed by what His Lordship had twice already put to you. You know a book "The Symbolic Uses of Politics" by Edelman? -- Ek ken dit nie spesifiek nie. (30)

I want to put one paragraph to you and that is on
page/...

page 130:

"Language, we are told by the linguists and anthropologists and social psychologists who have studied it, is not to be conceived something which conveys meaning by itself. Its meanings are always a function of a context from which it issues of the(?) .. need and interests of the audiences involved and of their respective loads(?) of perception. The realistic study of political language and its meaning is necessarily a probing not only of dictionaries, nor of word counts, but of diverse responses to particular modes of expression of audiences in dispirit social settings. For politics is in one sense a drama played simultaneously by and before many audiences in many different social settings. Some elements are relatively stable and others dynamic, changing quickly with the public issue. The conspicuous actors, the dominant domestic and foreign threat and so on and the changes influence the meaning of the speeches."

(10)

(20)

Isn't the point that in order to really make sense of these documents, you have got to examine them in the total context of the people who write them and what they are doing? -- Ek dink dit is 100% reg dat 'n mens hierdie dokumente interpreteer in die konteks waarin hulle hier voorkom.

(30)

But we know that you have never set out to understand what/...

what SASO was doing, who was in it, whether the people who led it was sociologists and doctors or whether they were revolutionaries, they had Lennon in their pockets. -- Ek het die dokumente, soos ek vantevore gesê het, elkeen op sy eie basis, maar in die konteks van die hele stel dokumente en vir sover nodig in die konteks van die algemeen Suid-Afrikaanse politieke situasie bekyk. Maar die belangrikste is vir my die dokument as sodanig en dan in die konteks van ander dokumente wat hierdie groep uitmaak. Dit is die primêre konteks. (10)

Would you look at Exhibit BPC.F.1 please. This is one of the documents you relied upon on the question of violence. -- BPC F.1?

That is right. That is the one which deals with the reference to Vietnam. Do you remember that? -- Ja.

And if you will just look at the last paragraph, where it appears:

"Mr Vorster is a frightened man and he knows that his days of White domination are over and he will do everything to delay this. Let he be warned that there will never be another Sharpeville but there could be another Vietnam. He is the only man who will determine the nature of the struggle. Black liberation will come before his banning orders expire. (20)

Black majority rule will come willy-nilly."

Now does that - do you suggest that that foreshadows or in any way legitimises the use of violence? -- In die sin dat dit algemeen bekend is dat Vietnam geweld- (30)
dadige rewolusie ondergaan het sou ek hierdie sien as

'n/...

'n verwysing na geweld.

But isn't this something more in the nature of sombre prognostication of what could happen, not what they would like to happen? -- Dit is in 'n sekere sin korrek.

They would like majority rule, they would not like the conflagration of Vietnam. -- Dit word natuurlik nêrens gestel nie.

But what is implicit? Isn't it the same thing as the man in the Coloured Representative Council saying that it is one minute to midnight and that is, something has (10) got to happen? -- Maar hier word spesifiek gestel 'n Vietnam kan gebeur.

But haven't all sorts of people all over the world said that there is a danger of violence? There are in fact political groups organising violence against South Africa. -- Dit is korrek, daar is baie groepe wat (intervenes)

And in this context like Buthelezi, like the people in the CRC aren't they saying let history take place in a different way? -- Die enigste wat ek in daardie (20) verband hierin sien, is dat dit 'n dreigement is van of gee oor of geweld sal volg. In die konteks van hierdie verwysing kan nie 'n Sharpeville nie, maar 'n Vietnam, sê hy -

"Black liberation will come before his banning orders expire. Black majority rule will come willy-nilly."

Of hy dit nou wil of nie. Dit is 'n kwessie van of gee oor of 'n Vietnam sal volg.

That may be, but is it in any way a celebration (30) or legitimation of violence rather than a sounding of a warning/...

warning of possible attack? -- Nee, dit is ook so dat hier spesifiek die verwysing na Vietnam wat geslaagde gewelddadige optrede was. Dit verwys nie na dat met geweld kan uitbreek nie, dit verwys daarna dat geweld suksesvol kan wees. Dit is die implikasie van die verwysing na Vietnam.

Isn't there an equal implication that what can happen is that life can become bloody? That is all I am putting to you.

DEUR DIE HOF: Laaste keer toe u oor hierdie getuig (10) het, het u eintlik dit uitgelê dat op die basis dat daar verwys word na geweld teen die stelsel en vrees vir die gevolge van die optrede. Dit is natuurlik waar "Vorster is a frightened man" en dan verwys na die kontrasteer tussen die enkele insident, dit is die Sharpville insident en massa optrede, dit is 'n bedekte dreigement met gewapende optrede. **U** het dit nie hoër as dit gestel nie. -- Nie op daardie stadium nie.

Wat sê u nou? -- Ek sal sê die verwysing na Vietnam is nie alleen die verwysing na 'n lang uitgerekte (20) geweld nie, maar ook na suksesvolle geweld, die suksesvolle gebruik van geweld.

MR SOGGOT: In 1973? March, 1973. I think there was more blood than success for anything at that stage. -- Dit was alreeds duidelik in watter rigting die stryd gaan.

I want to suggest to you that it was nothing of the sort; that in 1973 nothing was clear as far as Vietnam was concerned. -- Ek verskil daar.

DEUR DIE HOF: Met verwysing na Vietnam, op die oomblik word daarna verwys nou in die Kongo. Beteken dit nie (30) maar net dat daar sal 'n nuttelose stryd wees nie, want eintlik/...

eintlik Vietnam was 'n inkonklusiewe stryd in werklikheid op 'n sekere stadium. -- Op 'n sekere stadium, maar ek dink dit was duidelik al op 'n redelik vroeë stadium dat daar - dat dit 'n kwessie van tyd is.

En Vietnam impliseer dit nie net dat buitelanders daarby betrokke is, dat hulle dit kon uitveg het nie? -- Aan die, sal ek sê uit hulle oogpunt, die verkeerde kant moontlik, ja. Ek meen in die sin dat hulle ook dié wels die Blanke beskryf in elk geval as 'n "foreigner".

Hulle sê: (10)

"He is the only man who will determine the nature of the struggle."

Nou wat laat u dink dat dit verwys na 'n suksesvolle stryd? -- Ek sien hierdie as 'n dreigement van óf toegee aan die eise van Black Liberation óf om anders gewelddadige optrede te verwag.

Sien dit nie Sharpeville as 'n eensydige optrede teenoor Vietnam as 'n tweeledige optrede nie? -- In die sin, ek weet nie of 'n mens dit sou kon konstrueer nie.

Hy sê hier - (20)

"He is the only man who will determine the nature of the struggle."

Dit verwys na 'n stryd. -- Ja. Bedoel u dan in ander woorde die "nature" is 'n keuse tussen Sharpeville en Vietnam?

Ja, dit kontrasteer Sharpeville met Vietnam; Sharpeville eensydig, Vietnam tweeledig en Vorster is die enigste man wat kan vasstel wat die aard van daardie stryd sal wees. -- Ek dink daar word duidelik in die vorige sinnetjie gesê: (30)

"Let he be warned that there will never

be/...

be another Sharpeville.."

Dit is nie.. (tussenbei)

In die sin dat hulle sal nie stilstaan dat die mense op hulle skiet nie. -- Dit is korrek. Met ander woorde, daardie keuse word nie aan hom oorgelaat om te kies of dit 'n Sharpeville moet wees nie.

"He is the only man who will determine the
: nature of the struggle."

-- Ja. Met ander woorde, kyk, die "nature of the struggle" volgens my uitleg hierso, is nie 'n keuse (10) tussen Sharpeville en Vietnam nie, want die keuse van Sharpeville word vir hom byvoorbaat buite rekening gelaat. Met ander woorde, dit is, ek sou sê daardie "nature of the struggle" is, sou ek interpreteer dat dit hier oorgelaat word aan Vorster of dit gewelddadige stryd sal wees of 'n oorgawe.

MR SOGGOT: The context you are saying all this in, relates to the banning of persons. Isn't that right? -- Dit is die aanleiding wat hy gebruik dink ek.

And when he says there could be another Vietnam, (20) is he saying that with approval or is he saying come to terms with our liberation of SASO, BPC, the leaders of our people, otherwise there could be the possibility, could be the possibility of violence in the sense that you cannot stop history? -- Nie there could be nie, there will be.

No, there could be another Vietnam. -- Maar die konstruksie daar is, sal ek maar sê, as jy nie oorgee nie, jy het die keuse.

What you do is you compromise, you come to terms (30) with the people otherwise you are left with the cancer which could/...

could lead to war. -- Nie which could lead nie, maar in hierdie - ek meen dit staan daar "could lead" maar die alternatief, kan ek maar sê, word hier uitgereël.

"Black majority rule will come willy-nilly", met ander woorde, dit is as jy nie oorgee nie, sal daar 'n Vietnam kom.

Are you suggesting that he is saying that they will cause it or is not the point that the men who have already got the guns on the other side of the border will get more and more active and get more and more support? (10)
-- Herhaal net weer asseblief.

Is he saying there that the BFC will do it or SASO will do it or is he not saying that the men with the gun will get more and more active and more and more numerous?
-- Nee, ek meen ek kan nie sê as ek nou - ek praat nou bietjie onder korreksie hier want ek het nie die hele dokument gelees nie, maar dit word - ek meen as ek reg onthou word dit nie hier gestel dat BFC, ons, sal geweld begin nie.

And that is why all I want to ask you is it (20)
equally possible that when a person writes this, he is warning against the dangers of intransigence? -- Ek sou dit eerder sien as 'n dreigement.

Would you exclude the possibility that all that is intended here is a warning of the consequences? -- Wel, in die sin dat as 'n man my in die straat met 'n rewolwer voorkeer en hy sê vir my jou geld of jou lewe, dan stel hy my ook in kennis van die gevolge.

BY THE COURT: Nothing will be gained by taking this paragraph in isolation. I think one should read it (30)
in conjunction with the penultimate paragraph. Lees die

vorige/...

vorige paragraaf ook asseblief. Verwys die vorige paragraaf nie na 'n klomp griewe nie? -- Dit is korrek.

En dan sê hy daar met verwysing na die mense wat nou onderhewig is aan die griewe:

"They are uncertain as to whether they will return home to their families, they are insulted and looked down by the minority White racist regime, who depend on military force and violence as perpetrated at Sharpeville for the maintenance of their illegal regime." (10)

-- Dit is korrek.

Dan gaan hy verder -

"Mr Vorster is a frightened man and he knows that his days for White domination are over and he will do everything to delay this."

Dit is "of White domination".

"Let h e be warned (that is now if he delays White domination) that there will never be another Sharpeville ...". (20)

that is where the White races depend on military force and violence as perpetrated at Sharpeville -

"but there could be another Vietnam. He is the only man who can determine the nature of the struggle."

Dit is bietjie lomp gestel, net ander woorde, he will decide whether there is going to be a Vietnam or not.

"Black liberation will come before his banning orders expire. Black majority rule will come willy-nilly." (30)

In/...

In other words, he must not delay the end of White domination. Is dit nie dit nie? -- Nee, dit is reg. Ek stem met u saam.

Maar dan is dit net 'n dreigement dat - stel dit so, dit is nie 'n dreigement nie, dit let die Witman op die gevare as daar nie iets gedoen word om hierdie vorige wantoestande van die Swartman te elimineer nie. Dit dui op optrede wat kan gebeur as Bantoestanne nie elimineer word nie. -- Ek wil dit weer stel dit dui op die gevolge wat kan gebeur as 'n mens nie iets doen nie, maar die (10)
.. (tussenbei)

Ja, maar deur wie? Kyk, dit is 'n kwessie van Black liberation, dit dui daarop dat die Swartman sal in opstand kom en vryheid vra as hierdie wantoestande nie elimineer word nie. Is dit nie 'n waarskuwing nie eerder as 'n dreigement nie? -- Die lyn tussen 'n waarskuwing en 'n dreigement is partykeer baie bedrieglik dun. Die punt is, as ek dit hier mag weer so stel, hier word gesê

"Black liberation will come before his
banning orders expire. Black majority (20)
rule will come willy-nilly."

He knows that his days of White domination are over.

-- Dit is reg.

"He will do everything to delay this."

-- Ja.

"Black liberation will come before his
banning orders expire."

-- En indien hy nie gou-gou toegee aan Black majority rule byvoorbeeld nie, of Black liberation nie, dan sal hy 'n Vietnam op sy hande hê... (tussenbei) (30)

... Black liberation ... (Tolk se stem oorheers) ...

Vietnam/...

Vietnam. -- Dit is as hy nie - sal ek sê, if he delays, as hy nie sy .. (tussenbei)

If he delays the end of White domination. -- Ja.

Nou is dit noodwendig 'n dreigement of kan dit nie ook 'n waarskuwing wees dat die wêreld stuur af op hierdie moeilikheid indien nie opgetree word nie? -- Ek wil net weer sê die verskil tussen 'n waarskuwing en 'n dreigement is partykeer baie dun.

As ek iets wil doen dan waarsku ek ek gaan dit doen. Sou jy dan dink dit is 'n dreigement? Maar as ek vir (10) u sê dat môre gaan iets gebeur as jy nie iets doen nie, dan is dit nie 'n dreigement nie, dit meen jy moet oppas, dit gaan gebeur as jy - ek gaan dit nie doen nie, maar dit gaan gebeur. -- Nee, dit is korrek. In daardie opsig is dit korrek.

Dit is nie 'n dreigement nie, dit is 'n waarskuwing. -- In daardie opsig is dit korrek.

MR SOGGOT: And that is why we come back to your image, if a man is holding you up with a gun, you are right, but here there is no gun, it is just a warning that something (20) can happen. -- Ek wil net weer daarop wys dat, sal ek sê, hier word hierdie dinge gestel dat indien die Blanke nie toegee nie, sal daar waarskynlik dan of there could follow violence. Dit is myns insiens 'n verwysing, sal ek sê, .. (tussenbei)

DEUR DIE HOF: As die dominee Sondag in die kerk sê dat die wêreld gaan vergaan as die mense nie nou ophou met hulle sonde nie, is dit 'n dreigement of is dit 'n waarskuwing? -- Dit mag afhang van omstandighede.

(GELAG)

(30)

MR SOGGOT: M'Lord, may I indicate, I intended to deal with/...

with a few more documents. I estimate that I should not be more than 40 to 60 minutes in cross-examination. I wonder, M'Lord, if Your Lordship would be disposed to adjourn now.

THE COURT ADJOURNS.

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