

Chapter 3

Official Stories

Telling Soweto, June 16, 1976—The Appropriation of the People's Story into Official Histories

Part 1: Commission of Inquiry into the Riots at Soweto and Elsewhere (Cillié) from the 16 June, 1976 - 28 February, 1977 Genesis of the Cillié Commission

Just a day after the first shootings, the minister of police, Jimmy Kruger, recognizing that "we are going through an emotional period," indicated plans to appoint a one-man commission of inquiry that would be presided over by the Honourable Mr. Justice Petrus Malan Cillié, judge-president of the Transvaal Provincial Division of the Supreme Court of South Africa, so that "*we should not lose our perspective entirely*" (emphasis added).⁵²

Earlier, and reflecting an entirely less simplistic rationale for the need for an investigation, member of the opposition, Colin W. Eglin, said:

We trust that there is going to be a critical inquiry into the events of yesterday and today, ... I hope ... we shall not merely look for scapegoats and that the Government will not indulge in the superficial exercise of blaming everything on so-called activists. We believe that the implications of what took place in Soweto yesterday are far too serious for all of us for either a one-sided or a superficial analysis.

He called for the appointment of a "top level ... multiracial commission ... to consider the social, economic and political reforms that are going to be essential if we are going to avoid conflict."⁵³ This commission however, if we are to believe the minister of police, was to restore "perspective"—a perspective that reflected the profound bias in the government's point of view. 55

The Cillié Commission⁵⁴ was to establish and report on the facts and causes of "the riots,"⁵⁵ avoiding any recommendations. Grievances that might have been the cause of violence were to be investigated not "with a view to establishing what should be done to rectify matters" but rather to examine whether they might have been justified, to investigate the probability of their existence, and to probe "the possibility of someone having been misled."⁵⁶

It is not certain that the establishment of the Cillié Commission was more than a formalized, ceremonial response to the crisis, more token and ritual than a real attempt at legitimate discovery. Two things point to this: the commission was not asked to formulate a set of proposals for change; and the appointment of a single commissioner—besides making a counter-balance to the government's point of view impossible—also guaranteed that the work of the commission would be slow

and cumbersome. Although there is no concrete evidence for this, it may be possible that the commission's slow pace was exactly what the government needed, since there was, in reality, no justification for what had happened nor any doubt about the causes or the chain of events. Certainly the increasingly urgent questions about the status of the commission before parliament were met with unhurried deferrals. The commission was completely overwhelmed by the formidable task of investigating an uprising that had spread to nearly every black community in South Africa and that lasted well into 1977. In the end, Cillié was only able to table his report in 1980, long after the government thought it had reestablished control in the townships. The report was an exhaustive two-volume account of events that had clearly spun out of the control of government authorities and that had clearly moved beyond the capacity of a commission that boasted a staff of five in Johannesburg, and another four for the Cape and for Durban (See: Cillié Commission document excerpts.) From the beginning, the commission was criticized in the public and in the press for the narrowness of its terms of reference, the selection of its sole chairman, and the packing of witnesses.

As a legal institution and procedure, the Cillié Commission of Inquiry into the Riots at Soweto and Elsewhere provided a unique and contained case study of a process of construction of social meaning by the state. Its final report—in which the proceedings, evidence, and findings of the Cillié Commission were duly chronicled—provided the text for an analysis of the official discourse of the South African state in crisis. The Cillié Report dealt with the initial outbreak of the "rioting," and of the armed confrontation with the police, that began in the middle of June 1976 and continued well into 1977. After a long period in which the armed or organized struggle against state power had been in abeyance, the uprising heralded a reemergence of sustained and organized resistance that was to last into the 1980s. In the way the Cillié Report allocated responsibility and absolved the police of guilt, it was designed to restore the legitimacy of the police and its practices. In particular, Cillié sought to restore the tarnished image of the South African Police, describing its initial response to the demonstrations as a temporary lapse, and lay the groundwork for further repressive police action.

The Cillié Commission heard evidence for eight months during 126 sittings, at which 563 testified. It presented its two-volume report to Parliament in 1980, four years after the uprising had begun. The transcribed records of these proceedings run to some 9,000 pages. The Commission considered 495 documentary exhibits, including memoranda and statements by witnesses, photographs taken by police and reporters, letters, pamphlets, books and other writings, students' banners, and placards with slogans. In order to compile a detailed list (annexed to the report) of persons who died in the uprising, the Commission studied a large number of inquest records. Newspapers provided the Commission with their reports of the first few days of the uprising, and the Commission constantly

scrutinized the press, including foreign papers, for details of evidence not known to it and for comments on the uprising. The Commission reviewed all the videotapes produced by the South African Broadcasting Corporation, which had just begun to tape for television.⁵⁷ It also considered judgments and records of 178 court cases related to the uprising; it studied the reports of previous commissions of inquiry to discover continuities with disturbances previously inquired into; and it read books and treatises on these and other disturbances, with special reference to "certain matters in countries abroad [that] made it easier to understand similar matters in this country."⁵⁸ Reports of Parliamentary proceedings, especially replies to questions in Parliament, formed part of the Commission's sources and provided background not only to the debate about the issues of the uprising confronting the government, but also to mounting criticism, from the official opposition, that the Commission's publication of its final report was not timely enough.

Even before the Commission sat for a single day or heard a single witness, the minister of police had portrayed participants in the uprising as communists and marked them as savages, comparing the crisis in Soweto to "riots" in East London (South Africa) in 1950, when "they hacked three nuns to death, and there was even talk of some of the people's flesh disappearing." His rhetorical questions were full of suspicion: **60**

What would have caused that? ... The day before yesterday, however, there was nothing. Suddenly the streets were full of marching students... the young people walked with their fists in the air. Why do they walk with upraised fists? Surely this is the sign of the Communist Party. I do not want to accuse them of being Communists, but where does this walking with upraised fist come from? [if not from there?] Why do they walk through the streets shouting the word "power"? Where do these things among the young people come from? The question also arises: How is it that they are such skilled incendiaries, so much so that we are no longer able to contain the arson? How do they succeed in doing this? ... One must know how to set something alight if one wants to set fire to a building or if one wants to set fire to a tractor. One must know something about those things.⁵⁹

At a dispassionate, analytical level, Kruger raised a relatively direct question about how it was that people, children in this case, came to "transcend, bypass or subvert established institutional patterns and structures."⁶⁰ In other words, his questions suggested a very legitimate concern with one of the distinctive features of collective behavior. Given the apparent normalcy of the days leading up to uprising, indeed the compliance of the African township population with the social order as well as the continued ability of police and other authority to contain small signs of discontent⁶¹ since what must have seemed like time immemorial, what combination of factors had compelled the township youth to overstep the boundaries of order and obedience and plunge themselves and the township into

confrontation and conflict? First, it is important to ask whose perception of order and obedience⁶² and indeed of normalcy we are talking about, and to ask how it may have been reflected both in the immediate reaction (and word choice) and in the long-term record being created. Secondly, it is necessary to come to terms with the more sinister significance of Kruger's words, the almost immediate (Kruger was speaking the day after June 16) attempt to smear the actions of township schoolchildren even before much was known about what actually happened on June 16.⁶³

The anticipated answers to Kruger's rhetorical questions became clear as the Parliamentary speeches unfolded, and they were furnished by Kruger himself and other "officials of the ... Government, provincial and municipal departments."⁶⁴ In their eyes these were no ordinary children on the streets of Soweto. They were "schoolchildren" who marched "unrestrainedly" through Soweto together with "street urchins" and "lawless idlers."⁶⁵ In response to a question in Parliament the morning after the beginning of the uprising, Kruger was dispassionate:

On 16 June 1976 at 07h50, it was reported to the police at Soweto that pupils of the Thomas Mofolo and Naledi High Schools intended to undertake a protest march to Orlando East. The ages of these pupils vary between 18 and 22 years ... pupils ... had attacked ... with stones ... about 2,000 pupils ... were already moving past Jabulani ... pupils ... were ... rioting... they [police unit] were summarily stoned by hundreds of pupils, before they were even given an opportunity to negotiate with the pupils... restrain pupils ... pupils were dispersed ... pupils ... joined forces ... the number of the riotous mass swelled to approximately 10,000 ... the rioters ... the crowd ... the rioters ... many regrouped in smaller bands ... started setting fire ... plundering and looting liquor stores.⁶⁶

Then "the children" turned on their tormentors with stones. They torched **65** buildings, looted bottle stores, and terrified motorists with clenched Black Power fists. And in the halls of power, the authorities no longer cringed but set about the dual task of seizing and breaking those who had participated in the uprising and of condemning and denigrating their struggle. A substantial part of this task fell to the Cillié Commission.

Cillié was just the man to sit a thorny fence. As judge-president of the Transvaal Provincial Division of the Supreme Court of South Africa, he possessed a reputation for judicial impartiality that, should anyone challenge it, could be established beyond reproof. Educated both in South Africa (B.A. and LL.B. from Rand Afrikaanse Universiteit) and abroad (M.A. and LL.B. degrees from Cambridge), he was a member of the legal faculty of the University of the Witwatersrand. He had chaired several commissions before this one,⁶⁷ and his political pedigree as an Afrikaner was reflected in his name and would guarantee his sympathy with the government.

Judge Cillié understood his role primarily as one of establishing "the true facts of the riots" by carefully collecting the relevant evidence and considering its reliability. It was claimed that the detailed chronology of "riot incidents," arranged according to date, police division, place, and time—that was annexed to the report gave "a *complete picture* of the disturbances and riots" (emphasis added). In his deliberation of the causes of the uprising, Cillié considered not only the opinions of witnesses but also "the true facts and the logical inferences that could be drawn from them."⁶⁸

If the government had hoped for quick report and effective closure on the events in Soweto and elsewhere, it was to be disappointed, largely because of Judge Cillié's meticulous diligence. What he did not voice in criticism, he certainly made up for in terms of detail. There is little doubt that the government appointed the Honourable Petrus Malan Cillié to be its voice, but the commissioner did not always do its bidding nor in a timely fashion. His report clearly showed how ill-prepared the police had been on the first day of the uprising and minced no words about the consequences. But by the time it was tabled, it had been overshadowed by the events of the Information Scandal. The South African government had moved beyond mere indirect manipulations of the personnel of a commission to directly trying to influence public opinion by means of propagandistic journalism in media it had bought and bent to its purpose, both nationally and internationally. For this purpose it illegally diverted public funds into a vast discursive undercover operation. News of this misuse of taxpayers' money became public in 1979 and was far more painful to the white electorate than the mere death of a few hundred black children. In the end, the Information Scandal did what no mere national uprising could achieve, it forced the resignation of Prime Minister John Vorster. It is particularly interesting to note that the Information Scandal is evidence of the fact that the apartheid government placed great stock in the ability of public discourses to reestablish legitimacy and to counter internal and international criticism, isolation and increasing boycotts that had emerged out of the Soweto uprising.

Methods of the Cillié Commission *Rhetoric and Argument*

It is the purpose of this section to analyze the text of the Cillié Report as well as the records of its proceedings and hearings and to try to understand the structures of knowledge and the ways of knowing that constituted its discursive power.⁶⁹ The Cillié Commission was concerned with providing the jurisprudential justifications for the coercive and administrative practices of the state. What is striking about judicial discourse, when it is employed by judges and other legal personnel during public inquiries, is the versatility and ingenuity reflected in the discursive techniques used to demonstrate that all aspects of life are amenable to judicial interpretation and closure.

When a judge heads an official investigation into a social crisis situation at whose heart lies a threat to the proclaimed authority of the state (and its agents), its judicial administration, and the maintenance of public order, a precondition for the effectiveness of the intended official discourse is to establish a hierarchy of authoritative voices, headed by the judge himself, to claim objectivity and absolute judicial authority.⁷⁰ It was thus one of the key discursive tasks of the report to establish for itself a position from which it could be understood to be making authoritative determinations of what really happened *at the time* as well as of what those events might really have meant *for all time*.

It is worth reminding oneself that the judge, as the principal author of the report, was already in possession of the findings when he wrote the report, regardless of where in the actual text the findings were placed. The way in which the story of the uprising was allowed to unfold in the report let the judge frame subsequently presented evidence within the interpretative parameters of the final findings. In the Cillié Report, the Judge paused at various points during the unfolding narrative to give his findings.

For example, Cillié found that the march had been illegal⁷¹ and that not all students who demonstrated were disorderly or rebellious but that "various circumstances and incidents" showed that "certain marches⁷² and groups of schoolchildren ... were definitely *riotous*" (emphasis added).⁷³ The first shooting, the judge acknowledged, took place at the Orlando West High School. He allowed that the methods chosen by the police to stop or disperse the march were ineffective or nonexistent. For example, Colonel Kleingeld, "neither there [Khumalo Street] nor in Vilakazi Street in front of the OWHS [Orlando West High School], gave the riotous crowd an audible and effective order to disperse and depart from the place," and "he had no loudhailer to make himself heard above the noise of the crowd."⁷⁴ Cillié confirmed that the lives of police officers confronting the crowd of students had been in danger.⁷⁵



Police Addressing Crowd With Bullhorn.



Orlando West High School.

These findings, interspersed in the narrative or summarized at the end, allowed Cillié to counter his critics' anticipated although often silent accusations, which were ever present in the alternative version of events that the official narrative of Soweto continuously needed to confront, incorporate, or suppress. At several points early on in the report, Cillié

presented these unofficial, alternative versions and then immediately dismissed them, as the following examples will show. (See: Chapter 3 "Introduction.")

For a variety of reasons having to do with the nature and meaning of the uprising, the Commission was preoccupied with the question of whether the uprising was spontaneous or planned. Relating it to the question of the peaceableness of the march, and answering to the challenge whether responsibility for violence should be laid in the hands of the police or of the youth, Cillié found that the march "had been carefully planned. It is clear that in all the circumstances the [violent] eruption could have been foreseen and was not spontaneous."⁷⁶

Similarly, the question of culpability was confronted in the question of whether "the crowd threw stones because the police fired, or the police fired because the crowd threw stones."⁷⁷ Cillié found that the "actions of the police in putting a stop to the illegal march were not the cause of further unrest" The opposing narrative was confronted, and almost immediately it was dismissed: **75**

More than one witness said that the peaceful marches would not have degenerated into riots if the police had not started shooting. Others went so far as to contend that, if the police had not intervened at all, there would have been no violence. Those who expressed such opinions did not take the following facts into account: The marches and all those participating in them were not peaceful and orderly at all times. This was an uncontrolled or badly controlled march. Even before the shooting there had been public violence, and it was very probable that violence would occur again. The march was illegal and the police were duty bound to let the crowd disperse, or to disperse them, and later, to quell the rioting.

Another disturbing unofficial detail needed to be proven untrue:

Two people gave evidence that they had seen an old man lying in the street. He had been shot and was apparently dead.

First the judge rejected the story, arguing that "despite careful investigation the Commission could find no proof of such a case." To prove his point, he then described how one of the leaders of the youth movement—a spokesman for and, in effect, the voice of the Other—corroborated the official death count, making no mention of a third black victim:

Later that day, *Tsietsi Mashinini* [the leader of the youth movement] addressed returning pupils at the MIHS, and announced that the police had shot and killed two scholars and wounded eleven. **80**

The killing of Hector Pieterse provides a final example: Judge Cillié found "that he was killed by a bullet not intended for him." A newspaper report that "he was shot and killed in cold blood by one of five Black policemen in a blue car when

they tried to stop the march" suggested an alternative version. Judge Cillie immediately rejected it by saying that "[t]here was no evidence to corroborate" such a report.⁷⁸ Again and again, he invoked common sense, human nature, and appeals to legality to show that assumptions based on hindsight are unproductive:

Again, it is futile to speculate on what would have happened had the police not acted. They did act, the scholars were dispersed, and the riots broke out. [Emphasis added.]⁷⁹

Colonel Kleingeld, the police officer in charge during the first confrontation between the demonstrators and the police, expressed the opinion that the stone-throwing and the uproar of the crowd drowned out his words of warning to disperse. He did not use a loudhailer because he did not have one.

Whether a loudhailer would have made his words audible above the noise of the crowd, and whether events would have been any different if the crowd had been able to hear him, cannot be determined; *nor is there any point in speculating on such questions.* [Emphasis added.]⁸⁰

The judge argued further that what might *now* (at the time of the writing of the report) be apparent to himself and the reader would not necessarily have been apparent then, even to those who should have known: **85**

It is clear from the investigation that the Secretary himself was not kept fully posted... [F]ull details of the events would have made him realise that the pupils were in such a frame of mind that they could easily resort to violence in their campaign of protest...

The Commission does not wish to speculate about what might have happened if the Secretary and the Minister had been in possession of full details; but if they had had all the information they should have had, they could have evaluated the position more accurately and then steps for the prevention of a disaster would not have been excluded.⁸¹

Acknowledging hindsight as a powerful tool, the judge used it to soften the blow of his criticisms:

In considering the activities of the police on the 16th, the Commission is mindful of how easy and unfair it could be to censure action or absence of action *with hindsight*. *Nevertheless*, clear signs of brewing unrest during the last few weeks before the 16th were ignored. [Emphasis added.]⁸²

Thus, another of the "discursive methodologies" was the resolution of opposing contentions and conflicting versions by the careful management and choreographing of pieces of the narrative. With respect to the narrative history in question, the judge determined what could be asked and be known, when, and by whom. One of the questions he sought to resolve was whether or not the police should have been aware of what was brewing and whether they should therefore **90**

have been prepared to face an escalated situation. The narrative maintained two opposing contentions: (1) that it was established, on the evidence of contemporary witnesses, that trouble was brewing in Soweto (and that therefore the police should have been better prepared); and (2) that these same witnesses, whose evidence now (at the time of the investigation) established that the police had every reason to suspect conflict, could either not have known that trouble was brewing *at the time* of the confrontation or did not warn police *at the time*, either deliberately or because they, the witnesses, lacked credibility. In other words, the ironical status of these representations of factual history—now, at the time of the inquiry, they constitute evidence of police culpability, but they would not have back *then*—posed a dilemma. Had the police been better prepared they would have had other means (effective tear gas, more men, dogs, etc.) to put down the riot, making the use of violent firepower less necessary and therefore also making the subsequent escalation of the demonstration into rioting less likely to have happened. On the other hand, Cillié argued that the use of police firepower was not really—or, if at all, then only briefly—responsible for the escalation of the violence. As will be argued below, Cillié made a careful distinction between the "acts of violence" immediately following the shooting of Hector Pieterse and Hastings Ndlovu and the large-scale violence that broke out in the following days and nights. Here also, the issue of the nonapplicability *then* of what, with hindsight, could be adduced *now*—Cillié used hindsight extensively in his arguments—was important, as was the invocation of the concepts of common sense, human nature, and the "right-mindedness" of his assumed readers.

The whole report was thus organized so that its readers could be seduced into interpreting events from the same perspective claimed by the judge—a perspective that already presupposed the correct version. Once the interpretive parameters of the final findings had been set, they formed the framework for the subsequently presented story and determined the actual structure and organization of the official report.

The Cillié Report began with a section titled "The Prelude to the Riots," (Cillié Report, Volume 1, Part B, Chapter 1) which described the nature of the conflict brewing in the townships—the planning by the students and their propensity for violence. Invoking common sense and human nature, the judge showed that what was now apparent to him was not apparent (though existent) and could not have been apparent *then* to those in positions of authority:

The Department [of *Bantu Education*] therefore had no official knowledge or written record of the incidents...

... The Ministerial reply was that the Department had no knowledge of any such incident.⁸³

While all these arrangements were being made far and wide, the police

had no knowledge of the proposed large-scale protest march.⁸⁴

Chapter 2 and 3 of the report (especially paragraphs 3.1-3.5) saw the police, "heroes" in the official discourse of the state, make an entrance, their image only slightly tainted by their unpreparedness. Here, then, were the descriptions of their weapons, their rights with respect to an illegal march, their duty to keep law and order, their conscientious actions. Having already had access to the judge's privileged findings, such as the threat to the lives of police officers, the reader begins to sense the significance of the juxtapositioning of these topics of chapters 1 and 2. The exemplary police, well within the rights and duties of their profession, were about to be confronted with the full force of the built-up anger of a protest that they had either ignored or underestimated.

On to "The Confrontation," (Cillié Report, Volume 1, Part B, Chapter 3, Paragraph 3.6) the Hero's stage, in front of the Orlando West High School. In indisputable, precise detail, every bit of evidence was presented to the reader, who was then urged to join in a fraternal critique, in which any mistaken practices made by the police were seen as resulting from the obvious effects of their being outnumbered, unprepared, cornered, thwarted by equipment failures, and afraid for their lives. 95

Armed thus with the knowledge presented in the text of the Villain (riotous intimidating crowds), the Hero (an exemplary police force), and the Heroic Stage (outside Orlando West High School), the reader was now presented, in the following sections of the report, with the evidence as it was presented by those assumed (because of their less privileged, less trusted position in the hierarchy of the knowing) to be less knowing than the judge and his readers—by those, that is, who might criticize the police. The judge ruled that initially the police might have been partially responsible for the outbreak of violence but that they could hardly be held responsible for the continuation of the uprising. It is from here on that the Other and its opposing narratives begin to reappear frequently in the text of the report, necessitating that more techniques of dispersion, punctuation, and closure be employed. (Compare with "ANC: Rhetoric," in the next chapter.)

Audience

Complaints against the police came from every area in South Africa to which the uprising spread and throughout the entire period investigated by the Commission. They ran the gamut from random shooting, excessive violence, and incitement to entrapment, intimidation, and torture. The last 25 witnesses the Commission heard were all from the Cape Town areas of Nyanga and Guguletu, where there had been numerous allegations of excessive use of force by the police. These complaints were lent weight by newspaper reports and the testimony of church ministers, who also collected scores of affidavits from victims as well as by Helen Suzman, a member of the opposition in Parliament. Her criticism of police methods was repeated and articulate.⁸⁵ Mervin Rees, a journalist and one of the

witnesses to the Commission, commented at length about such complaints and spoke of the gradual deterioration of relations with the police.

Despite the confusion of the first day or two, when the police operated in obviously difficult circumstances, they had been "reasonably helpful" at first, Rees reported. After the first night, Colonel Gerber had released the latest casualty and death figures. They were based on the bodies police had found in the township throughout the night, "which they said may or may not have been caused by the police; certainly some of them had apparently—some of the victims had been attacked and killed by rioters or looters in various incidents in the township." They also gave reporters a "pretty comprehensive background in terms of the number of vehicles that had been stoned and set alight, buildings that had been damaged." After that, release of figures or statistics by the police became "hopelessly inadequate." White reporters were warned not to go into the townships and had to rely on African reporters to cover the events from day to day:

[T]hey would come back with varied reports; *reports of police actions or police brutality or shooting incidents, whatever the nature of it was* and we would then try and check these details with the police and at that point in time it was handed on to me as being the crime reporter on the [*Rand Daily*] *Mail* to check these details and I found that it was virtually impossible to get policed to refer specifically to details or give accurate casualty figures. We found the hospitals too in the same position; they refused to release details of the total number of casualties or identify victims and this lack of communication has in fact got steadily worse ever since the start of the riots and today we do have a line of communication through General Kriel at Police Headquarters in Pretoria, but again it is a very detached line of communication and we find that the figures even now of arrests, casualties, deaths, injuries, damage to property are hopelessly inadequate. [Emphasis added.]⁸⁶

This posed a quandary with regard to the reliability of information for everyone. **100** Violence made it impossible or, at the very least, difficult for anyone—including black reporters—to gather information. The racial dimensions of the conflict further complicated access and understanding. As is clear from Rees's testimony, white reporters had to rely on their black colleagues or resort to alternative ways of gathering information (See essay: "The Press as Witnesses.") Finally, the police, the one group who were as present in the conflict as were the participants, were fundamentally questionable as a source. These challenges similarly confronted the Cillió Commission, which, in addition, started its work with some delay after the beginning of the uprising, heavily favored adult white witnesses (See section on Witnesses below,) and gathered its information in a climate of suspicion and fear.

It was to his presumed critics that Cillió addressed himself. Since neither the

judge-author nor his readers witnessed the actual events, the narrative had at times to appeal to experiences shared by all as part of the human condition. Because such commonsense knowledge and everyday experience is rooted in every person's experience and understanding of human nature—the human condition understood by all—judicious official discourse can guarantee its pronouncements of fact by claiming that anyone would understand why the players acted as indeed the narrative suggested they did. In recognition of the qualities of experience and understanding necessary to this subjectivist empiricist explanation, Cillié at the beginning of the report thanked the advisors to the Commission for their exceptionally "good understanding of the rioters' grievances ... [t]heir great experience of people, and even of riots."⁸⁷ The "every person" in Judge Cillié's imaginary and experience, however, was not the black woman or man on the street, but the white township administrator who acted as arbiter and mediator of "the rioters' grievances." Similarly, Cillié addressed himself to the commonsense knowledge of people who lived in his world, a world in which the police were to be trusted, and township officials were rational administrators of a just dispensation.

Cillié did not face an easy task. After hearing all the evidence about who did what first in those crucial early moments that transformed a peaceful protest march into a violent uprising, it seemed perfectly incongruous to Cillié that the police might have shot at students for any other reason than out of fear for their lives and "the Commission cannot accept that the police used firearms when everything was still calm and peaceful."⁸⁸ Since the police did use firearms, it followed logically that the march could not have been "calm and peaceful." This moral slight of hand appealed directly to the assumption of all law abiding citizens that the police were beyond reproach and would always act in good faith and with a care for the protection of lives. This was, however, not an experience or an expectation that the people of Soweto shared. Cillié appealed to every readers' intuitive experience and understanding of desperation. Experience would also tell us, he wrote, that if "the police had fired as much and in such a way as was reported in the [dissenting] evidence, the list of fatalities would have been much longer."⁸⁹

Privileged and Knowing Position of the Author

The Cillié Report needed to establish the integrity of its narrative logic, a logic whose gaps and internal contradictions showed that the official narrative could not completely or convincingly appropriate what really happened in Soweto and elsewhere. In order to maintain the rationality and authenticity of this process of inquiry, the integrity of its narrative logic⁹⁰ was established by two interconnected techniques.

The privileged and knowing position of the author/judge was understood to

guarantee the correctness of the findings. Where the judge's findings might appear to contradict the interpretations of contemporary witnesses, where persistent doubts were anticipated, or where the narrative appeared fragile, the judge invoked his own moral and judicial authority, knowledge, and experience to establish the credibility (or lack thereof) of the characters in the narrative. As the story unfolded and characters or groups of characters were introduced, the judge effectively asked his readers to trust his privileged judgment because he actually saw and heard the witnesses himself and was therefore in the best position to judge the believability of their testimony and their representations of events. Disturbing evidence from reporters about what happened immediately before and during the first shootings was put into a perspective favoring police credibility when Cillié stated that "[n]either [reporter] was very precise in his evidence." Police witnesses testified that the squad that first confronted the protesting children was surrounded by them. Reporters at the scene denied that this was even possible in the given terrain. Cillié conducted an inspection in loco and "the statement made by the police was accepted." When reporters testified that the police shot directly at the children, Cillié ruled that "the witnesses were overstating their certainty."⁹¹ The testimony of the few student witnesses the Commission heard was considered ambiguous at best.⁹² Witnesses stated that police had forced them to make false statements by using violence, the threat of violence, and even direct assault. Cillié concluded:

Whenever a witness deviates in a trial from a statement previously made by him, he loses some of his reliability as a witness ... [H]is evidence can hardly be accepted, without reservation, as reliable.⁹³

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The report and the judge's findings were based on the assumption that those people who have access to the greatest number of descriptions and accounts of an event were understood both to be those with the most complete picture of what happened and those best situated, therefore, to decide contradictory descriptions. In this particular case, it was Judge Cillié, whose belief in his own privileged position, his own vantage point of knowing and judging, rendered him invulnerable to suggestions or doubts about the completeness of the picture that his vantage point of "the greatest number of descriptive items"⁹⁴ accorded him and from which he was judging. (Compare with "ANC: Claiming Authority" in next section.)

Privileging of Narrative Time

The second important element in establishing the integrity of the narrative logic of the report was the privileging of narrative time. Narrative time needed to be carefully controlled and managed. One of the discursive methods by which conflicting accounts and interpretations of events—those intolerable alternative and unofficial versions of the story—were confronted, incorporated and suppressed in the officially approved version was the careful arrangement of

elements of the story in the narrative text. Discrete parts of the story were organized sequentially or, alternatively, concurrent elements were dispersed in the narrative in such a way that the alternative, unofficial versions could gradually be dispelled and ultimately discredited or invalidated. The reader of the Cillie Report was confronted not with a phenomenology of events, which would have explained how police violence was coupled to further violence both in perception and reality, how the daily experience and reality of discrimination and dominance created a social and political powder-keg, how policies and practices might have been connected, but rather with an episodic history. The story of Soweto was fragmented and presented as a series of "moments," essentially separated into 28 temporally and geographically distinct areas, which were presented in as many chapters.⁹⁵ Ironically, Cillie recognized that it was precisely because the moments of protest and warnings in the months up to and including June 16 were considered "episodes" that, individually, could be and were ignored that the "disaster" of the uprising was not averted:

In the absence of full details, no connection was seen between the incidents [a confrontation between students and police at Naledi High School on June 9, 1976] and the pupils' resistance to the medium of instruction.⁹⁶

The fragmentation and separation of a story into episodes undermined a coherent picture or explanation and dismissed continuities and links. Again, in the Cillie Report, this allowed the judge to divide the first day into two distinct phases. The first, immediately following the shooting of Hector Pieterse, was characterized by several "acts of violence," among them retaliatory attacks on whites who had remained in Soweto. According to Cillie, these were caused by and directly related to the way the students' march had been stopped by police action.⁹⁷ Cillie then clearly distinguished as a second phase—the "later riots"—which, according to him, were in no way caused by the actions of the police.⁹⁸ At one point in the text, each of these phases were identified under separate headings: "3.10.20 *Violence committed by demonstrators*" and "3.10.22 *Later riots*."

While Cillie was critical of the lack of control that the organizers exerted over the demonstration, he did sympathize with the students, who must have been "filled with fury and frustration by the police violence that ended the march." Here he did not equivocate: **110**

This led to acts of violence.⁹⁹

Their [rioting scholars'] object was to hold a peaceful demonstration; the police intervened, dispersed them with tear-gas and shot at them; when fellow scholars were shot and killed in front of them, they decided to pay the Whites back in the same coin. Nor should the following facts be overlooked: The demonstrators had real or imagined grievances about education matters [which cannot be said for the adults and

lawless street urchins, from p. 132]. They were ready for violence since they were prepared to meet police opposition with violence, many had seen photographs of White ill-treatment, and their march had a potential element of violence. *There were inciters among them.* The police stopped them, attacked them with tear-gas and batons, shot at them and killed two of their comrades, while they themselves were endangered. The police thwarted their plans. The Commission is of the opinion that there was no justification for their actions, but that all these factors gave rise to the eruption. The police action and the consequent fury and frustration were the immediate causes of the acts of violence. It cannot be said that police action was responsible for the later riots. [Emphasis added.]¹⁰⁰

I have quoted this passage at length, not only because it illustrates my point but because, in the italicized sections, it was also an example of how Cillie laid the rhetorical groundwork for condemning the movement as having been the work of agitators (see "Representing Participants" below) and for demanding leniency for and forbearance of the police in light of the predicament they found themselves in.¹⁰¹

Two things happened with the temporal and theoretical division Cillie created: The police were held responsible,¹⁰² but only for an insignificant part of the uprising. It was "insignificant" not for what was to follow, or for the tragedy of the first four deaths and the rage of destruction these events would unleash, but rather in terms of the extent of destruction and the multitude of deaths in the months following compared to the first day of the uprising on June 16. The agents of the state could not be held responsible for what happened later—i.e., by defining and describing the two phases essentially as unrelated by fiat more than by real argument and evidence, blame could be assigned to the police for the smaller issues, while this provided the space to clear them from any wrongdoing in the larger ongoing crisis. (Compare with "ANC: Narrative Time" later in this chapter.)

Considering Causes

The Cillie Report distinguished between the immediate causes¹⁰³ and contributory background causes.¹⁰⁴ The relationship between the two sets of causes was very much like the relationship between a spark and a powder keg. The spark may be the immediate cause of an explosion, but if the powder-keg, the equivalent of contributory background causes, is not present, no spark would be able to cause an explosion. The Commission found that the "riots of 16 June in Soweto" were caused by "a combination of the following circumstances": the application of the policy on the medium of instruction, which gave rise to misunderstanding and dissatisfaction among the people of Soweto; the students' planned and organized resistance to the policy on the medium of instruction; the ineffectual official handling of the resistance; and the inability of officials and the police to foresee the imminent uprising and to take effective countermeasures.¹⁰⁵

The significant point about immediate causes was that they could be rectified and eliminated fairly easily, precisely because they were identified quickly:

If Afrikaans as the medium of instruction in Black schools had been the only cause of the riots, then, as a result of the rapid, decisive and clear-cut action taken by the Minister shortly after the start of the riots, there could be no reason for their continuation.¹⁰⁶

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While the minister's actions were characterized as not at all "rapid, decisive and clear-cut" by some,¹⁰⁷ the unspoken part of Cillie's reasoning here rested on a recognition of the contributory background causes without which the uprising would not have continued. The official opposition identified these as "structural circumstances" that created and maintained the potential for "riots."¹⁰⁸ If the powder keg remained, in other words, it was pointless to throw away the box of matches in an attempt to prevent the explosion.

The Commission identified a number of contributory causes,¹⁰⁹ some of which led to dissatisfaction, which in turn was "stirred up and exploited by those who were bent on creating disturbances." And many of those causes behind the dissatisfaction could be blamed on the South African government or on its policies. For their part in "contributing to the causes of the riots or their continuation," Cillie first fastened on organizations: the African National Congress (ANC), the South African Communist Party (SACP), the Pan-African Congress (PAC), the Black People's Convention (BPC), the *South African Students' Organization* (SASO), the *South African Students' Movement* (SASM), the Soweto Students' Representative Council (SSRC), and the Comrades. They "created a milieu in which youths listened to the agitators who were inciting them to violence," called on children or students "to fight the battles that their parents should have fought long ago," and organized "the resistance and the march [that] were the immediate cause of the riots." The SSRC and SASM were found to be "co-responsible for the rioting that broke out on 16 June" and "largely responsible for the fact that the riots did not abate sooner." *Black Consciousness*, which, according to Cillie, aimed "to make every Black man proudly conscious of his Blackness" and created the solidarity necessary for "black-conscious people ... to liberate themselves spiritually and in actual fact," also "created a mood that was useful to agitators."¹¹⁰ Although Cillie here recognized the Other of the discourse, it was not for the purpose of legitimating but of disarmament.

The issue of influx control as a contributory factor provided a striking example of how Cillie set up an argument to simultaneously recognize and repair the deficiency in the legitimacy of apartheid policies. For Black South Africans, that deficiency was conspicuously evident in the destructive effects of the Bantu (Urban Areas) Consolidation Act of 1945,¹¹¹ which was the linchpin of influx control and ruled the migration and urbanization of African residents.

There can surely not be many residents who have never come into conflict with these provisions or the persons who apply them, or who have never discussed these matters which, without doubt, caused dissatisfaction among them. *An attitude of mind has been created.* [Emphasis added.]¹¹²

By effectively managing the empirical description of influx control, one of the **120** material and ideological causes of the crisis, Cillié could then subsequently appear to choose judiciously between whether or not the effects and matters of influx control were a cause, the main cause, or an underlying, contributory cause of the uprising. Systematic selection and transformation (e.g., attributing the failings of the influx-control system to the bad job some officials were doing in its administration) of elements of the story were developed in such a way as to invite the reader to collude in the rationality of the argument. With a brief summary of the Bantu (Urban Areas) Act,¹¹³ Cillié quickly established the judicial base for the policy of influx control and further justified the essential rectitude of such a law by describing its purpose as being both protective and preventative:

In the first place, the rights and privileges of Blacks lawfully living in White areas are protected. In the second place, the residential, industrial and social chaos that would result from an uncontrolled influx into the areas that are already overcrowded is prevented.¹¹⁴

Always careful to lay out both sides of the story, he then described both satisfaction and dissatisfaction among the African population and analyzed the measures that caused dissatisfaction and were the practical and material consequence of the policy. Where the law had adjusted to its failings, he was quick to point it out:

A widow who was lawfully in any area was not allowed to take over the house from her deceased husband and to occupy it with her children. This anomaly was removed in 1976.[Emphasis added]¹¹⁵

Ultimately he divined the essential rectitude and reasonableness of the policy, attributing the negative views and experiences of its application to the natural result of human error, to the unlawful and lamentable actions of the government's human agents of authority:

There are clear signs of dissatisfaction and resentment at the superior **125** attitude adopted by some White officials in dealing with Blacks; their impatience sometimes borders on rudeness. There is dissatisfaction about midnight raids and the humiliating treatment of the head of a household in the presence of his family... [T]here are complaints about the incompetence of some officials who have to assist residents.¹¹⁶

There were many causes, such as the influence of political and military events in Southern Africa as a region¹¹⁷, that might not have been a direct cause of the

uprising. But Cillié recognized them as having "helped to create a state of mind in which rebelliousness could easily be stirred up" or, as in the case of the role of resistance to homeland policy or of the dissatisfaction caused by the group-areas policy, as having "contributed to ... a general mood of resistance and revolt."¹¹⁸ In one of his rare moments of clarity and insight,¹¹⁹ he took the position that the "modern urban Black" was deeply affected by all forms of discrimination, which created a "mood of dissatisfaction and rebellion" and bred a "great hatred in many": "In this frame of mind people easily resort to rioting, *especially if there is no democratic means of redress available to them*" (emphasis added).¹²⁰

Perhaps as interesting are the causes that Cillié did not recognize as contributing to the revolt. "Except for the question of the medium of instruction, compulsory school attendance and free education, *Bantu Education was not a cause of the riots*," Cillié wrote, after carefully taking apart suggestions about the inferiority of and inequality inherent in the Bantu Education system. Considering that the ongoing boycott of secondary schools and the repeated clashes between schoolchildren and the police had resulted, by August 1977, in the virtual collapse of the system of Bantu Education in Johannesburg, this particular finding was clearly incongruous. Cillié's rulings were sometimes breathtakingly irresponsible, capricious, and hypocritical. It was, for example, alarming and ironic that the Commission was "satisfied" that the administration of justice in South Africa "did not create an attitude of mind in the Black population group that gave rise to rioting or that contributed to any appreciable extent to a climate of resistance and revolt."¹²¹ (See: "ANC: Causes" later in this chapter, Oliver Tambo's Speech, and Tebello Motapanyane)

Representing Participants

The temporal divisions in the Cillié Report outlined above, corresponded to another division, this time in the nature, character, and constituency of the uprising, allowing a completely different argument to be made, namely that the students' protest movement was commandeered by *tsotsis*, *agitators*, and other lawless exploiters of *students*. A similar slight of hand happened with regard to student and youth leaders. While Cillié grudgingly admired the abilities of the students to organize so extensively within stone's throw of the police,¹²² he drew on the metaphors of volatility and lack of control so easily associated with youth to discount their further involvement and the rapid abandonment of a legitimate cause, if not a legitimate or justified choice of action, to wholesale anarchy. The underlying argument was: if it could be proven that the uprising was taken over by *tsotsis*, *agitators* and *inciters*, then Cillié could discount the force of a new generation rising to resist the social order of apartheid.

Information about who exactly the participants in the uprising were—their ages, numbers, school status (higher, primary, non-school-going), their gender, place

(geographic spread), whether they were *tsotsis*—was impressionistic,¹²³ although the Cillié Report devoted much space and thought to descriptions of the crowds; to the definitions, particularly to the construction of the meaning of the word *child*; and to the clarification of who the participants were:

It was mainly during the first three days of the riots that young children were involved. Witnesses said that they had seen young children throw stones, sometimes seen them making off with bottles. Returns show that 22 children died in the riots. Seventeen between the ages of four and thirteen died as a result of police action. Four of them died during incidents of stone-throwing, one during the looting of a shop, two were killed by ricocheting bullets, and one died in a general attack on the police. The circumstances in which the other nine died could not be established. Five children who were all under the age of four years died as a result of other people's actions. Four of them died when the houses in which they happened to be were set on fire, and one was run over by a bus.¹²⁴

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According to Cillié, youths "fomented" rioting; *tsotsis*, students, and teachers were "roped in"; some adults "whipped up" young people to rebellious action; and youth "incited" schoolchildren and students to violence. Despite Cillié's barely masked prejudice against the actions of the children of Soweto, much about the difficulties inherent in defining, describing, and determining who it was exactly who participated in the uprising was revealed in the sections of the report entitled "Participants" (*Cillié Report*, volume 1, part B, "The Riots"). Early on in the report, Cillié provided a series of definitions of terms to be used. A *pupil* or *scholar*, he wrote, was any person being taught at primary or secondary schools; a student was any person being taught at "a university, training college or other tertiary educational institutions." Well aware of how easily the terms became mixed up—and presumably led to confusion—in common usage, Cillié added that the word "student, as commonly used during the riots for 'scholar', does not include 'scholar' in this report." Finally, *youths* meant "young people" of both sexes.¹²⁵ (See document: "Cillié Commission Report, Part A, Chapter 7, "Abbreviations and definitions," 35-36.") But it is quickly apparent that definitions were at once more elusive and inclusive than those simple definitions initially allowed for: "The following are included under the term young people, as used here: Pre-school-going children, schoolchildren, youths who had already left school and were working or were unemployed, and *tsotsis*." Worse even, it was not always easy to distinguish between these groups.

To begin with, African children did not go to school until they were at least 7 years old, and often they were older. In the second place, it was not uncommon to find students who were 20 years and older at school.¹²⁶ In some "exceptional" cases, this could also happen in higher primary schools. At the time of the uprising there were some higher primary schools that had such older students in their eighth-grade classes.¹²⁷ Young people, who had already left school, Cillié's

"post-school youths," were even harder to distinguish. If *tsotsis*, South Africa's closest equivalent to "hoodlums, vandals, and other criminal elements"¹²⁸ in the United States, were defined as "youthful won't works, adult gangsters, young drop-outs"¹²⁹ who dressed in a particularly slovenly way, then describing someone as "post-school youth" because of their dress may actually have missed a *tsotsi* precisely because "the *tsotsi* does not always wear the clothing that is considered characteristic of his kind,"¹³⁰ as is amply clear from anecdotal accounts and from the following definition: "A usually flashily dressed black street thug, frequently a member of a gang: see also *skolly*, *pantsula*, *okapi* and *spoilers*... From *potso-tso* stove-pipe pants."¹³¹

As a result, Cillié pointed out, witnesses' observations and their conclusions both about age and about status or occupation were not always accurate or reliable" in terms of the identity and role of the person observed or described.¹³² In his testimony, Christopher Prophet, a reporter for the newspaper *The Argus*, acknowledged that witnesses would have had "great difficulty" in judging crowd numbers or the ages of children and that "crowd assessment" would have of necessity been impressionistic and personal.¹³²

Generally, Cillié distinguished between seven categories—"(young) children ... between the ages of four and thirteen;" "scholars" who were "children who went to school," "schoolchildren" or "pupils;" "youths ... under the age of 18;" "*tsotsis*" and "vagrants"; "adult men and women"; "principals and teachers"; and, finally, "organisations" such as the Soweto Students' Representative Council (SSRC) formerly known as SASM's (*South African Students' Movement's*) Action Committee, whose members organized the student march and demonstration on the morning of June 16. As the uprising spread to other black areas, such as Alexandra township, "coloureds" were seen among those who attacked, looted, and set fire to shops, while fires were set at schools in the Coloured township Lenasia.¹³⁴

As a consequence, the official discourse of the state about the uprising could easily homogenise the participants into a "crowd," subsuming and stereotyping the individual. Uncertainty and lack of data, compounded by political expediency and ideological agendas, allowed for the emergence of heated debates about some of the characteristics of the participants. For the government and its officials, it was less interesting whether the participants were high-school or primary-school students, but both the ages of the participants and their status (school-going or non-school-going) were important. It was in the government's interest to prove that the participants in the uprising were older, not only to deflect local and international criticism of its brutal treatment of schoolchildren but also to lend credence to its argument that the uprising had been instigated and

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fuelled by outside adult agitators. It was also in its interest to show that many of the participants had been *tsotsis*, youthful vagrants and delinquents who indeed terrorized many ordinary people of Soweto, thus presenting an explanation of criminal rather than political intent for the "rioting," looting, and vandalism.

The Cillié Report did not at first include *parents* as a separate category, roughly including them under the category *adults*, but it did prominently note that "the riotous conduct of the scholars did not meet with the approval of all the parents." Parents at times came looking for their children and punished them for participating in roadblocks and demonstrations. In some cases police officers handed "young rioters" directly over to their parents for "a hiding."¹³⁵

Daar bestaan absoluut geen twyfel dat die oorweldigende meerderheid van die volwasse Swart mense lojaal en simpatiek teenoor die polisie gestaan het nie. Dit was net so duidelik dat die intimidasie van die jeug en die *tsotsi* element, asook hulle gruweldade, die volwassenes met vrees en afkeur vervul het. Nogtans het dit dikwels gebeur dat die polisie eenkant toe geroep was en inligting oorgedra was in verband met die onlusmakers... 'n Paar keer het die polisie van die Bantoe jeugdige wat aan die onluste deelgeneem het, aan hulle ouers oorhandig. In sulke gevalle was groot dank teenoor die polisie uitgespreek en die betrokkenes deur hulle ouers goed afgeransel. Dit het ook dikwels gebeur dat die volwassenes vir die polisie op wagdiens tee en kos aangedra het en ek verwys hier na Bantoes.

There is absolutely no doubt that the overwhelming majority of adult Black people faced the police with loyalty and sympathy. It was equally clear that the intimidation of youth and the *Tsotsi* element, as well as their atrocities, filled the adults with fear and aversion. Nevertheless, it happened frequently that the police were called aside and given information in connection with the rioters... A few times the police handed over youth who had taken part in the riots to their parents. In those cases great thanks were expressed to the police, and the persons involved were thrashed well by their parents. It also happened frequently that the adults brought tea and food to policemen on watch and I am referring here to Bantu.¹³⁶

In an effort to stop the uprising, the South African police almost immediately started arresting those whom *they* considered leaders or participants. The first to be rounded up were more "figureheads than real leaders":¹³⁷ *Winnie Mandela*, Percy Qoboza, T. W. Kambule, Dr. Nanaoth Ntshunsha (who later died in detention), Dr. Nthatho Motlana, Jan Tugwana, Wellington Tshazibane (an Oxford and Fort Hare graduate who also died in detention), Peter Magubane, Leonard Mosala (whose brother died in detention in Butterworth) and his wife, Dr. Aaron

Matlhare, as well as numerous journalists, poets, students, schoolchildren, and leaders of the BPC, SASO, BPA, and even UBC. Many were "prominent" or "outstanding black citizens,"¹³⁸ but many more were students, schoolchildren, and ordinary people.

Under the new Internal Security Amendment Act No. 79 of 1976, which replaced legislation previously entitled Suppression of Communism, the government, or the security police, could detain "in custody in a prison ... any person [who] is engaging in activities which endanger or are calculated to endanger the security of the State or the maintenance of public order."¹³⁹ It was called preventative detention and presumably was intended to protect, but the police routinely tortured those they detained to reveal what they knew.

Persons Believed to Be in Detention in Terms of Security Legislation As at 30 November										
Connection	Date of Detention									Totals
	1975	1976								
		Jan.-May	June	July	Aug.	Sept.	Oct.	Nov.	Date unknown	
School Pupils	-	3	1	3	13	11	12	13	-	56
University Students	-	2	3	23	22	15	3	2	2	72
Student Leaders, SASO, SASM, SRC Office Bearers	-	-	-	5	16	3	1	1	-	26
Other Black Consciousness Organisations	-	-	-	-	20	3	1	-	1	25
Other Black Community Organisations and Workers	1	-	2	-	16	3	4	1	-	27
Churchmen	-	1	-	-	9	2	-	4	-	16
Teachers and Lecturers	-	1	2	-	8	7	3	14	-	35
Journalists	-	-	-	-	6	9	1	-	-	16
State Witnesses	21	24	-	-	-	1	-	-	14	60
Labour Party	-	-	-	-	-	1	-	-	-	1
Trade Unionists	-	1	-	-	1	4	-	-	-	6
Ex-political Prisoners	-	10	1	-	-	2	-	-	-	13
Connection Unknown	1	17	-	3	16	12	3	12	17	81
TOTALS	23	59	9	34	127	73	28	47	34	434
Source: South African Institute of Race Relations, <i>Survey of Race Relations in South Africa: 1976</i> (Johannesburg: South African Institute of Race Relations, 1977), 113.										

The table above, "Persons Believed to Be in Detention in Terms of Security

Legislation," was compiled by the South African Institute of Race Relations in 1977. It provides a good sense of who the government thought some of the participants in the uprising were. The first "students" to be arrested were university students (see July column), revealing that the security police and others in positions of government authority were handicapped by their own assumptions about black youth. For weeks they had dismissed student activism in the schools and the resulting clashes and warnings. They were taken by surprise by the rapidity of the emergence of a new political constituency and leadership they had so far discounted and disparaged. For a brief window in time, then, the real student leaders were often able to carry on organizing, because their identities were unknown to the police. It was only in August that they also began to arrest school pupils. Before the end of 1976, 135 people had been detained under the Internal Security Amendment Act, although the table shows that, for 1976, the number under all existing Security Legislation was greater than 400. This massive government crackdown (see the column "August") finally netted some of the student leaders, although they were quickly replaced by others.

Despite all the rhetorical desires and discursive devices that were used to underplay, excuse, debunk, or justify, and no matter how causality was managed or maneuvered, the elements of the triad violence/police/riot remained uncannily and dialectically, and disconcertingly, linked to each other. Because the questions of cause and effect could not be resolved, it became necessary to condemn the uprising in some other way. As pointed out earlier, Cillié several times recognized and acknowledged the Other, not to legitimize but to disarm it. Another way to lessen the damage to the legitimacy of the state was to taint the Other, to attack not only its method¹⁴⁰ (by accusing it of intimidation) but also its practices (by accusing it of agitation and incitement).

A recurring theme of the Cillié Report was the idea of intimidation. It was used in at least two ways that acted in a complementary fashion to delegitimize the whole movement. Cillié considered intimidation a characteristic feature of the uprising and, even if it fell short of being a direct cause, "possibly the biggest driving force in the riots."

Pupils were intimidated into rioting and boycotting classes and examinations. Their parents were intimidated into living with the rioting and not opposing the efforts of the rioters. School principals and teachers were intimidated into co-operating and not thwarting the riot plans. Other adults were intimidated to achieve solidarity, to close shebeens, and to strike. The police were intimidated in an effort to undermine their authority and to blunt their striking power. Witnesses were intimidated so as to defeat the ends of justice.¹⁴¹

The repetition of the word *intimidate* in sentences whose structure was parallel **145** was a rhetorical device that had the effect of leading the reader to accept, without questioning, the role that Cillié claimed intimidation played in the uprising. The

tarnish of intimidation diminished the legitimacy of the organizers of the uprising and the will of those who took part in or supported it, as all actions of solidarity, organization, inspiration, planning, and command were cast in the same dubious light of manipulation through force, indistinguishable from incitement.

How important this rhetorical tactic was became clear when Cillié used it to summarily dismiss the uprising:

Because of this intimidation and its extensiveness, together with the obscurity in which the motives and ultimate objectives of the intimidators remain shrouded, it cannot be said that the riots were an expression of the Black man's will or that, by rioting, he was raising his voice against oppression and for a more democratic dispensation in the RSA [South Africa].¹⁴¹

The idea of intimidation featured centrally also in the actual functioning of the Commission. It was an explanatory mechanism the Commission used to exclude certain witness and to disqualify testimony. (Compare with "Participants as Represented by the ANC: Heroes or Threats?" later in this chapter.)

Means and Method of Appropriation/Exclusion Witnesses

When the report of the Cillié Commission was presented to the state president and was opened for discussion in Parliament, Frederick van Zyl Slabbert, a member of the opposition party, expressed some discomfort with the method of analysis employed:

Of the 563 witnesses, 39 were Coloureds, 184 Blacks and 340 were Whites. Fewer than 10% of the witnesses were women. Only 15 [3 percent] were juveniles, i.e. persons under the age of 18 years.¹⁴³

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In other words, the vast majority of the witnesses were white, and the findings of the Commission were based on the evidence they gave.¹⁴⁴ It was largely whites who gave the evidence on which the effort to identify the causes of the uprising was based, and they presented their evidence to the Commission accordingly. Moreover, since the largest single group of witnesses identified by occupation were members of the South African Police, it can safely be deduced that the sheer bulk of this testimony and the sheer number of witnesses precluded a balanced hearing of African or participant voices.

Nonwhite¹⁴⁵ witnesses and eyewitnesses were treated by the Commission with blatant suspicion: "Their credibility was examined and tested."¹⁴⁶

In assessing any evidence, the Commission also had regard to the probability of any account, to possible inherent contradictions in it, and to its completeness. So far as witnesses themselves were concerned, their behavior in the witness-box was considered important. This included, among other things, their frankness and their willingness to

assist in the search for the truth, their evasions, and their one-sidedness, partiality and possible prejudice. Then, too, there were witnesses who tried, deliberately or unwittingly, to mislead the Commission. After considering matters such as these, the Commission decided whether evidence should be accepted or rejected.¹⁴⁷

It is difficult not to be snide here when one considers within whose judgment credibility and "truth" were circumscribed and with what methods statements were obtained from detainees, whose truthfulness was in turn prejudiced when the coercion under which they had made such statements had been revealed. (See essay: "Winnie Mandela—Youth Leader?.")

The Commission grudgingly acknowledged that "there is fear of testifying in public about the riots," and it made provisions for witnesses to testify both in secret (*in camera*) or without disclosure of their name. But these provisions must be considered pro forma only when one reads on to where Cillié wrote, quite unselfconsciously, that witnesses "were sometimes advised that findings might reveal their identities or that evidence which they gave in secret might carry less weight than other evidence given in public." This was, of course, not true for witnesses of the state. These included the representatives of the Bureau of State Security (BOSS) and the West Rand Bantu Administration who chose to give evidence *in camera* and who were heard and treated with utmost politeness and respect. Elsewhere Cillié simply dismissed the "alleged" fear to have been "grossly exaggerated." Where witnesses expressed fears of being victimized by "their own people," Cillié had "no doubt that these acts [assaulting a witness and burning his house] were committed in revenge because he had testified and his testimony was not favourable to the rioters." On the other hand, where witnesses were afraid of victimization by the authorities of the state, especially by the security police, in the form of arrests or detentions without trial, "the Commission knows of no grounds on which it could be based." Where links between a witness's appearance before the Commission and his later arrest seemed to exist, Cillié considered them coincidental and merely regretted that "police action in both cases provided ill-disposed persons with an opportunity to make propaganda, since failure to disclose the real reason for the arrests made them look like highly probable cases of victimization."¹⁴⁸

Whether fear of victimization or reprisal was real or imagined, the fact is that few of the young participants in the uprising willingly came forward to testify. This makes much sense when we consider that, as James Scott has pointed out, "[t]he goal of ... subordinate groups, as they conduct their ideological and material resistance, is precisely to escape detection." These "earnest efforts of subordinate groups to conceal their activities and opinions which might expose them to harm" were a result of fear and of experiences of police reprisals and persecution. It was thus as a direct consequence of the perceived and imagined actions of state authorities, as well as of an all too well-understood threat and quickly acquired

fear, that young activists and participants in the demonstrations and in the later violence in Soweto were reluctant to give testimony in the public setting of the Commission's hearings and were excluded from the official transcript. And so, while the subordinate group of young people were complicit in contributing to their own exclusion from the official transcript by "covering their tracks,"¹⁴⁹ the methods that the state chose to physically repress the uprising were at least partially responsible for the exclusion of those resistant voices and shored up the Commission's inherent unwillingness to hear or believe the voices of children and young participants. (Compare with "ANC Informants," later in this chapter.)

Student Participants

Despite reassurances by the Commission that evidence would not be used against them and that they would remain anonymous if they so chose, only a small number of student participants came forward of their own free will to testify before the Cillie Commission. Three factors contributed to this almost complete boycott: the presence of police in the townships, house-to-house searches for participants, and the numerous arrests described earlier¹⁵⁰; an awareness of the Commission's pro-government, or pro-police, agenda¹⁵¹; and fear of being labeled a sellout, as a result either of "intimidation," as Cillie would have it, or of a need for solidarity within the African community. Any combination of these factors can be assumed to have accounted for the almost complete boycott of the proceedings of the Cillie Commission, especially by students and pupils, although some other members of the African community did comply.

Without a doubt, students had every reason to stay away from the Cillie Commission and to "conceal their activities and opinions, which might expose them to harm."¹⁵² At the funeral of Anna Mkhwanazi, 115 students were arrested and charged under the Riotous Assembly Act.¹⁵³ On September 1, 1976, *The World* reported that 800 people were being held by security police. On November 8, 1976, the police, traveling in about twelve vans and squad cars, launched a "massive" raid on students, going house to house in search of them. Ostensibly they were only after youth without properly endorsed reference books, but parents said that police had told them they "wanted guns and *dagga* and other 'Black Power' weapons."¹⁵⁴ Although the exact number of arrests was not clear, anxious parents rushed to police headquarters and police stations in search of their children. Those whose children had not been taken moved them from the township and took them to relatives in the Vaal complex and other parts of the Reef and Pretoria:

In fact, Soweto's youth has simply disappeared. Only small children can be seen playing in the streets. The usual groups of youths near stations and at shops have vanished.¹⁵⁵

In August a year later, the *Rand Daily Mail* reported that 579 people were being **160**

held under security legislation and that 16 people had died while detained by the security police.¹⁵⁶ A few weeks later, the police again raided schools, arresting 175. Principals and teachers at the four Soweto schools reported that police had released dogs on the students, assaulted them with rubber batons, and took them away in police vans.¹⁵⁷ Parents often went for weeks without being allowed to see their children or deliver clothes or food to them. In many cases, they could not even find out where their children had been taken or where they were being held in custody.¹⁵⁸

It was thus in the interest of students to "conduct their ideological and material resistance," in such a way as to "escape detection," however complicit such secrecy and the withholding of testimony would have made them, to the analytical eyes of the historian, in the creation of a one-sided official transcript.¹⁵⁹ Students, especially those who had encountered the police and the courts before, knew what to expect. As one student put it, "[W]e started running away, running away, running away, then everybody started running away. And I for one knew that I was in a great danger if I were rearrested."¹⁶⁰ (See: Mashaba Interview) *Seth Mazibuko* also knew what was to be expected from the security police. In October 1977, just before his second arrest, he wrote in a letter: "I am one of the ex-detainees in South Africa who was kept in solitary confinement under Section 6 of the Terrorism Act, since June last year until May this year (289) days. I was kept in John Vorster Square, Pretoria Central Prison, and Brixton. I am now habbernighing [hibernating?] around Soweto as I am still highly wanted by the very same Police who claim to have released me by mistake."¹⁶¹

Those few participant witnesses who did testify before the Commission did so under duress. All of them were in detention and under investigation for their activities during the uprising. Though charges had not been brought against all of them, they had been interrogated and would be returned to the custody of the police after their appearance in court. Immense pressure was brought to bear on them. If the stories that the students told themselves outside of this oppressive context were contradictory, multiple, and varied, and if their voices vied with each other for authenticity or to claim ownership of the moment, then what happened to them in the hands of those who seized authorship was all the more disturbing. The divisions were exploited, transformed into "truths" and disseminated as fact. Testimonies such as that of Credo Mutwa, a willing witness before the Cillie Commission, as much as the omnipresence of informers, so-called sellouts, and of black policemen was evidence that within the black community there existed dissenting voices that the government could exploit. The courts, as much as the police, were not above playing out witnesses against each other, and they used a variety of forms of coercion and torture to obtain and make public the information they wanted.

Author Analysis: Witnesses

There are several reasons why the voices of participants recorded by the Cillíe Commission (and in other court cases) should be heard. In their contradictions, inconsistencies, and denials, the testimonies of detained student participants in the uprising bore the unmistakable mark of coercion. Nevertheless, these too were voices struggling to be heard. In the variety of ways individuals responded to the pressure brought to bear on them, they countered the silencing inherent in binary interpretations of such concepts as hero versus victim, unwavering rebel versus treacherous sellout. In their "story" before the court, these voices negotiated, sometimes at grave danger to themselves, that uncertain terrain, of truth and lies, resulting from statements made to the police under interrogation and that moment, in public court, when such statements could be challenged, recanted, and questioned.

In addition, an investigation of how certain ideas/constructs worked or were put to work by the spokesmen of the state and by the judiciary becomes of critical importance when one attempts to illuminate how government institutions sought to institutionalize certain forms of knowledge and how they perpetuated stereotypes in the name of scientific inquiry but, in truth, for political and ideologically self-serving reasons. If these voices are not investigated and the circumstances of their creation are not analyzed, then we are allowing the state's version of this history (in the form of the Cillíe Report) to stand uncontested and unquestioned, rendering ourselves insensible to how that version occluded public memory of the public's interrogation and dispossession. With the passage of time, and with new testimony in which former witnesses reflected on the Commission twenty years later, what becomes clear for all to see are the processes of secrecy and elision inherent in the steps that took the Commission and its actors from the investigation to the production of the Cillíe Report. With the publication of the report and the relegation of the evidence it was based on to the archives, the state, through the Commission, produced and created silences, keeping from public scrutiny the evidence within its own procedures, evidence that had been clear for all to see, evidence of the silencing and intimidation of witnesses in general but of participants in particular, evidence on which its findings had to be based. Finally, the choice to include these testimonies here also reflects my commitment, which informs the central and guiding argument of this book, to stay with the participants and their voices, their stories, their testimonies, whatever the circumstances under which they were produced.

Methods of Coercion

Although these testimonies originated "almost from within the related experience **165** itself,"¹⁶² the factuality that their immediacy (their proximity in time to the events) evoked is less solid when the material context in which they were created is taken into consideration.

Upon their return to detention after testifying, witnesses could expect retribution

at the hands of angry policemen, despite assurances that their testimony would not be used against them either directly or indirectly in their own trial or ongoing detention. The coercive and intimidating setting of the court or hearing room notwithstanding, however, there is a difference between the actual testimony and the written statements made to the police. The police statements were often the basis of testimony before the Cillie Commission. As "confessions," they were used in court cases in which detainees were either among the accused or among witnesses to support the case against the accused. Witnesses before the Commission began their testimony by reading from a written statement submitted earlier. They were, however, often interrupted either by the chairman of the commission or by Advocate *Yutar* (or whomever else was leading the witness), and either they were asked to explain or they themselves asked to explain or elaborate the written statement. At such points, these testimonies were often quite revealing, not only of the confrontational or sympathetic attitude (it depended on the witness's race, gender, position or status, and assumed political affiliation) of the court or commission but also of the ability of witnesses to stand their ground and make themselves heard above the din of prejudice and official assumption. It is important to distinguish between testimony read from a statement and testimony unprepared, and spontaneously given, in response to a question or as an additional explanation.

Comparing oral statements to written statements allows one to see where commentary, explanation, or a question breaks the flow of the original written statement and adds something new and less predictable. In a few cases, *Yutar* read the statement on behalf of the witness, thereby blurring the boundary between the witness's voice and his.¹⁶³ Invoking the first-person I, *Yutar* was thus reading the words that had, to a certain extent, been placed in the witness's mouth during interrogation. It was a curiously revealing moment whose irony was lost on the Commission. Testimony, especially in court cases, was often discounted or dismissed by the court if witnesses alleged that they had been pressured or even tortured into making statements or confessions, with the judge usually citing the witness's "unreliability." Nevertheless, such testimony, containing genuine evidence and resonating with the real voices of participants asserting their right to be heard, is still of use to the historian.

In the transcripts of the testimony, the court recorder or reporter comments several times that the witness was "inaudible" because, as in the case of *Seth Sandile Mazibuko*, the "witness speaks very fast and somewhat indistinctly"¹⁶⁴ or, in the case of *Zweli Sizane*, the "witness speaks very indistinctly." *Seth Mazibuko* was 16 years old when he appeared before the Commission. At that point he had been held in detention for eight months.¹⁶⁵ *Zweli Sizane*, 20 (he had just turned 19 when the uprising started), the permanent organizing secretary of SASM, was detained on July 13, 1976, and at the time of his testimony he had been in

detention for seven months.¹⁶⁶ While it might have been fear, insecurity, or inexperience that had subdued the strength and clarity of these two voices for the microphone, it was how they had been subjected to interrogation that changed the content of what they said and its meaning. There were moments when the voices of the participants, despite assurances under oath that they had made the statement "willingly," were not completely their own.

Seth Mazibuko's testimony was a good example of what kind of clearly false information was planted into statements. He described the meeting on Sunday, 13 June, 1976, during which the first protest march on June 16 was planned. Many schools were represented at it, and there was a "large attendance" of "about 100."¹⁶⁷

On the 13.6.76 I attended this meeting.

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[...]

The main speaker at this meeting was a man called Aubrey who explained to us what the aims and objects of SASM (South African Students' Movement) were. He also discussed the use of Afrikaans as a means of the tuition or language and called upon the prefects of our schools to come forward and to explain what the position was there. I stood up and told the congregation that the Phefeni School refused to use Afrikaans and they had boycotted the classes during May, 1976.

It is not always easy to distinguish fact from fiction in these testimonies. But since "Aubrey"—presumably Aubrey Mokoena—was not present at this meeting, attending instead a meeting of the Zimela Trust Fund in King Williamstown and returning only on June 15, this was without a doubt an example of the attempt by the police to plant in these statements certain information that would implicate other actors in the uprising. The following exchange between Mazibuko and *Yutar* reflects Mazibuko's attempt to set the record straight:

Mazibuko: [reading from his written statement] Aubrey then enquired [sic] how could the other schools support us in our stand as they were all writing exams and Phefeni was not.

Yutar: Do you know the surname of this Aubrey?

Mazibuko: No.

Yutar: You do not know his surname?

Mazibuko: No. Can I say something as far as this Aubrey is concerned?

Yutar: Yes, sure.

Mazibuko: *For the second time when I made the statement, I told the person to whom I made the statement, that I made a mistake by the word 'Aubrey', that the name of the person who was the chairman of the meeting was not Aubrey.*

Yutar: Who was it?

Mazibuko: I said I do not know the name, I only described the man, so as I described the man then he promised me that he knows the name.

Yutar: Right.

Mazibuko: [turning back to read from his written statement] I stood up and told the congregation that the Phefeni School refused to use Afrikaans and had boycotted the classes during May, 1976. *Aubrey* then further explained. [Emphasis added.]¹⁶⁸

The emphasized line is a reference to the method of having detainees rewrite their statements several times, a method also attested to in the stories of *Murphy Morobe* and others. It quickly became apparent near the beginning of Mazibuko's testimony, where he mentioned that he wrote his statement more than once. That mention was part of and challenge to the rituals of oath-taking, during which the Commission sought to assure itself both that the statement about to be presented was authentic and that its content was true. The noncoercive context in which Mazibuko made his statement was something to which he was prepared to pay only lip service:

Yutar: You made a statement. Did you write it out yourself or did you dictate it to the police?

Mazibuko: For the first time I wrote the statement myself and then for the second time the policeman was the one who was writing the statement, I was telling the policeman.

Yutar: You were dictating to him.

Mazibuko: Pardon?

Yutar: You were speaking to him.

Mazibuko: Yes.

Yutar: And as you were speaking, he wrote it down.

Mazibuko: That is so.

Yutar: And then you read it over or did he read it to you?

Mazibuko: No, he did not read it to me, because the last time

he came to the cell where I was enclosed in Brixton and as he came there, he only took the paper because he said to me—when he wrote this for a second time, he came, it was on a Friday, and when he came on the Friday, he said I must write the statement, he wrote the statement as I was telling him and then during the weekend he did not come at all and then on Monday he came to me in the cell and then during the weekend I was still writing my statement so that I must try to make things fast for him. So he only took the paper the way I wrote the statement.

Yutar: And did you sign it?

Mazibuko: Not.

Yutar: You did not sign it?

Mazibuko: No.

Yutar: Did you take an oath?

Mazibuko: He only took the statement and then he did not tell me that whether he is going to come back and tell me to go and sign. That is the statement that I made for the second time. For the first time when I made the statement to Captain Cronwright, I swore the matter of swearing and then the colonel read the statement for me and then also swore to Mr Cronwright.

Yutar: You swore that it was the truth.

Mazibuko: Yes.

Yutar: And is this the statement that you made?

Mazibuko: Must I read it over?

Yutar: No, is that the statement you made?

Mazibuko: Yes.

Yutar: And that is the statement that I spoke to you about and my colleague, Mr Van Graan, also spoke to you about it?

Mazibuko: Pardon?

Yutar: Is that the statement that I spoke to you about? Remember I spoke to you this morning.

Mazibuko: This morning you did not talk to me this morning.

Yutar: I did not speak to you?

Mazibuko: No, you only greeted me this morning.

Yutar: And Mr Van Graan, did he speak to you?

Mazibuko: No.

Yutar: Did he not see you yesterday?

Mazibuko: No.

Yutar: Oh, I thought he saw you yesterday. Now, you have made this statement quite voluntarily, you were not forced to make it.

Mazibuko: Yes, I was not forced to make the statement.¹⁶⁹

Not all student witnesses allowed themselves to be spoon-fed. Advocate Van Graan was sure that Lolwane had the chronology of events at the time of the shooting wrong—such arguments about whether or not the police threw tear gas before the students started stoning them, or vice versa, had already preoccupied the Commission earlier and had led to a confrontational questioning of Sophie Thema and Sam Nzima, the two journalists who were at the scene of Hector Pieterse's death: **175**

Van Graan: Are you very sure that the police threw teargas before the students started stoning the police?

Lolwane: Yes, I am positive.

Van Graan: Are you very sure about the order of the events here that you have just explained?

Lolwane: That is right.

Van Graan: There is nothing wrong with it?

Lolwane: No, there is nothing wrong with it.¹⁷⁰

Lolwane stood his ground:

The police started dispersing us by waving their arms in the air. The students paid no attention to this and the police threw teargas into the crowd. The students scattered, but when they realised that it was teargas, they reassembled as the teargas was blown away by the wind. I saw a Bantu policeman holding a police dog tied to a long rope. The students started stoning the police and the police dog was let loose.¹⁷¹

Author Analysis: Statements

The statements before the Cillie Commission were important not so much for the evidence they provided of the students' experience of the uprising (although they are revealing of some details) as for the evidence they provided of the methods of the police that the students were subjected to and that were used to "prove" the state's case: Detained students were used. They were, through their appearance

before the Commission and in the texts of their statements, forced to provide the stories, the evidence, that would exonerate the police. It is important, in this context, to remember that the hearings of the Commission were entirely public and reported on daily by the press, that, while an exercise in exonerating the police and implicating someone—anyone—else, they were also equally an exercise in shaping public opinion and convincing whites that they had nothing to fear from students who, having acted essentially under the guidance of the ANC and strange outsiders, had no will of their own. The hearings are evidence of the extent to which physical coercion, or the threat of physical coercion, was used to shape the story that the state wanted, the story it needed to have heard. They are examples of the close alliance of physical and ideological violence, violence bent to the purpose of tarnishing the participants' credibility, silencing their voices, obliterating the truth of their stories and the reality of their experience. Caught between the two forms of violence, students and other witnesses from within the uprising fought to make themselves heard—and often they lost.

For the historian, the important question remains how to distinguish between fact and fiction, between what part of the testimony or the statement must be true, of necessity, and what part served the purposes of the state and was fabricated. None of this coercion was either surprising or new, but, to understand the consequences for the voices and stories of those who were its victims, it is important to recognize the method by which it was achieved. Detainees were forced, and the evidence that they were is both clear and substantial, to write statements for the police.

Detainees are interrogated for the purpose of obtaining either statements that implicated others or confessions. Witnesses have in a number of cases alleged brutality or the use of unsatisfactory methods during interrogation in detention. Allegations over the past 20 months have been too widespread and diverse to be dismissed as fabrication in all cases.¹⁷²

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There was, however, enough evidentiary and factual material, enough "real" information in them—verifiable through other sources—that one can be certain they were at least in part a product of the writer's or speaker's own hand or memory. There is also evidence that, among those who had been coerced into writing such statements and then reproducing them before the Commission or in a court, some resisted the coercion and tried to make their own voices heard. In the clearest cases, detainees, once they appeared in court, recanted their testimony and spoke of the circumstances in which they had been forced to write or sign them. (See essay: "Winnie Mandela—Youth Leader?")

In judging the accuracy or reliability of such testimony, it is also important to recall Ranajit Guha's admonition to consider the audience to whom a statement was addressed. In those cases where it was clear that witnesses had made their

statements to hostile interrogators, they would have had little use as political persuasion. They were thus "fairly accurate accounts" of the events during the uprising because they were not heroic stories or "public pronouncements meant to impress their followers." They therefore served little purpose other than to represent "the truth and nothing but the truth for their speakers."¹⁷³

Experts

Whom, then, did the Commission hear? The text of the Cillió Report can be understood as representing "a system of intellectual collusion,"¹⁷⁴ in which carefully selected political, judicial, and professional elites produced the knowledge or understanding of contested events that attended political practices.

By linking state functionaries with the lay intelligentsia in one forum, the Cillió Commission of Inquiry and the single, cohesive narrative it produced, the Cillió Report, constituted an official discourse on law and order, one that could contribute its part to the reproduction and refurbishing of the rule of law and the ideological structures and precepts that had so severely been shaken by the uprising. The effect of this process was to provide the official narrative with both old and new modes of knowing and forms of reasoning and explanation. This was one way among many in the process of reproducing specific ideological social relations. Intellectuals and other experts were brought together to explain and describe what had happened in Soweto and to *publicly* analyze the causes of the uprising. In this way they conspired—some more purposefully, others inadvertently—to discursively incorporate highly contentious experiences, knowledge, and perspectives to repair not only the legitimacy crises provoked by police action but also the challenge to the apartheid state's structures and policies. (See essay: "State and Legitimacy.")

The principal authorized voices of specialized knowledge were members of the **185** South African Police. They could give evidence about every incident of rioting. As "keepers of the peace," they knew about all incidents and were obliged to tell the Commission about them so that it could obtain an accurate account of events.¹⁷⁵ Their testimony was dispersed throughout the inquiry, and it began with their eyewitness accounts. Twenty-eight representatives of educational institutions (including university rectors, vice rectors, professors, lecturers, and university and college officials); 5 school inspectors, 36 school principals, teachers, and members of school boards and committees; and 17 "scholars"¹⁷⁶ (15 of them "juveniles")—all these gave evidence relating to various incidents as well as to education policy, its application, and problem areas. Their evidence was compared with that given by the 6 members of the government's education administration. Thirty-six officials of the Bantu Administration Board and 19 members of the Department of Bantu Administration gave evidence relating to the events in Soweto as well as to administrative and institutional matters. Also, testimony was

given by 20 ministers of religion, 21 social workers, sociologists, researchers and university staff, and representatives of the Black Sash, the South African Institute of Race Relations, and other well-known organizations critical of the government.

Twenty-six newspaper reporters spoke before the Commission. As professional observers and commentators, they were likely to describe impressions and give accounts that were of particular interest to the Commission, and it was to their testimony that the inquiry turned after the first several police officers had established the parameters of the story. The evidence of the 9 who were African was particularly interesting because of this group's privileged access to the African community of Soweto, which was quickly barred to all white persons for "safety reasons." Some of this testimony is disturbing because of the ambiguities it revealed, ambiguities that cannot be as easily dismissed or countered as can the skewed view of a policeman collaborating with the apartheid regime.

A large number of politicians—representatives of "homeland" governments, *Urban Bantu Councils*, and *Advisory Boards*,¹⁷⁷ members of Parliament, city councilors, and members of political parties—appeared before the commission. Twenty-six professional men—11 of them medical practitioners, as well as a magistrate, witch doctor, writer, and an expert on African anthropology—gave "evidence about aspects of the rioting that fell within their professions or of their field of interest." Businessmen testified about damage to property and about their employees' conduct, including intimidation. Officials of the South African Railways and of the Putco Bus Transport Company voiced grievances about transport services. Finally, also testifying were a large (unspecified) number of individuals—among them housewives, laborers, and residents of African residential areas—who "had the interests of those affected by the riots at heart."¹⁷⁸

The testimony of the "expert" witnesses, especially those whose high professional qualifications and record enhanced their credibility, was particularly relevant because they managed, through their professional knowledge, to objectify the participants as well as the events of June 16, creating a specific scientific discourse for the Commission. Ultimately, though, it was the judiciary, in the person of Judge Cillíé, who was the only authorized interpreter of psychological, political, and sociological research, mediating between the scientist/specialist and the layman, accepting, judging, and destroying the knowledge of others. The only group who experienced the riots but who were not represented before the Commission or invited to submit details of the uprising were the militant youths, led by the Comrades.¹⁷⁹

Notes:

Note 52: James Kruger, minister of police, House of Assembly, Hansard vol. 20

(17 June 1976,), 9631-39.

Note 53: Colin W. Eglin, Thursday, House of Assembly, Hansard vol. 20 (17 June 1976), 9632.

Note 54: I will use this abbreviated title throughout the following pages, naming the Commission after its appointed chairman and sole member, the Honourable Mr Judge P. M. Cillié.

Note 55: In the text of the Cillié Report, its author always refers to the events in Soweto and elsewhere as "the riots," occasionally suggesting that they may have been "disturbances." The issue of the use of terminology, especially where it is prejudicial with respect to how events are characterized, will be analyzed elsewhere. I have chosen to use the term "uprising" throughout, except where I directly quote the Cillié Report or other evidentiary sources.

Note 56: *Cillié Report*, 1:3 (1.3.1).

Note 57: Because of fears of the power of this medium, the South African government forbade the introduction of television to South Africa until the late 1970s. At the time of the uprising, South Africa was just beginning test broadcasting of some television programs and was just beginning to produce its own television news footage.

Note 58: *Cillié Report*, 1:27 (5.1.8).

Note 59: James Kruger, minister of police, House of Assembly, Hansard vol. 20 (17 June 1976), 9640-42.

Note 60: Ralph Turner and Lewis Killian, "The Field of Collective Behavior," in *Collective Behavior and Social Movements*, ed. Russell L. Curtis Jr. and Benigno E. Aguirre, (Boston: Allyn and Bacon, 1993), 11.

Note 61: James Kruger, minister of police, before Parliament: "For five weeks trouble was experienced on a small scale and the police were able to deal with it. Small disturbances occurred. The students were spoken to and they returned quite satisfied to their classrooms. We gained control over and had the situation under control..." House of Assembly, Hansard vol. 20 (17 June 1976), 9641.

Note 62: Stephen Reicher and Jonathan Potter, "Psychological Theory as Intergroup Perspective: A Comparative Analysis of 'Scientific' and 'Lay' Accounts of Crowd Events," *Human Relations* 38, no. 2 (1985): 168. Reicher and Potter speak of a "necessary bias of perspective."

Note 63: Reicher and Potter, "Psychological Theory as Intergroup Perspective."

Note 64: Brig. C. C. von Keyserlingk, House of Assembly, Hansard (21 June 1976), 10037.

Note 65: *Cillié Report*, 1:104.

Note 66: James Kruger, minister of police, in response to a question by R. M. Cadman, Hansard vol. 20 (17 June 1976), 1241-42.

Note 67: The International Border Commission with Botswana, the South African Delimitation Commission (1957 and 1965), and the Commission of Inquiry into Corruption in the Armed Forces (1964).

Note 68: *Cillié Report*, 1:28 (5.4.1 and 5.3.3.).

Note 69: Burton and Carlen, *Official Discourse*, 13.

Note 70: This raises the issue of who is excluded from this hierarchy, a question that will be addressed in this chapter's next section, on witnesses and experts.

Note 71: *Cillié Report*, 1:106.

Note 72: As has been explained in the introduction and chapter 4, the students converged on Orlando West High School in columns, marching from several directions and along separate paths in Soweto.

Note 73: *Cillié Report*, 1:109.

Note 74: *Ibid.*, 1:115, 116, 117.

Note 75: *Ibid.*, 1:119.

Note 76: *Ibid.*, 1:112.

Note 77: *Ibid.*, 1:119.

Note 78: All excerpts and quotes are from the *Cillié Report*, 1:121.

Note 79: *Cillié Report*, 1:106.

Note 80: *Cillié Report*, 1:115.

Note 81: *Ibid.*, 1:97.

Note 82: *Ibid.*, 1:127.

Note 83: *Ibid.*, 1:94-96.

Note 84: *Ibid.*, 1:102.

Note 85: See Suzman, *In No Uncertain Terms*, 180: "I told Parliament it was significant that during the urban and campus riots in the United States during the worst five years in the 1960s, when more than two million Americans took to the streets to protest against the Vietnam war and about civil rights issues, fewer than 200 people were killed. But in the two years following the Soweto unrest of 1976, about 700 people were killed; it seemed to me therefore that *the methods employed by the riot police needed severe overhauling*" (emphasis added).

Note 86: Mervin Kenneth Rees, testimony, SAB K345, vol. 140, file 2/3, part 3, Commission Testimony vol. 14.

Note 87: *Cillié Report*, 1:5 and 6. See also the special mention of Mr P.N. Hansmeyer, liaison officer with the Commission for the Department of Bantu Administration and Development: "... in numerous conversations with Mr Hansmeyer, the Commission found his wide experience and thorough knowledge of the matters under consideration, as well as his open-minded approach to related problems, invaluable."

Note 88: *Cillié Report*, 1:119: the emphasis becomes a little clearer when one turns this sentence around: if everything had been calm and peaceful, the police would not have shot into the crowd.

Note 89: *Cillié Report*, 1:120.

Note 90: Burton and Carlen, *Official Discourse*, 74.

Note 91: *Cillié Report*, 1:114, 117, and 120.

Note 92: See below and my accompanying essay "Winnie Mandela—Youth Leader?" in which this kind of testimony is discussed at length.

Note 93: *Cillié Report*, 1:454-45 and 458: Cillié gives as another example the case of the *State v. Dhlamini and Another*, WLD 138/77, in which the accused (in the murder of Dr. Edelstein on the first day of the uprising) stated that they had made their confessions because of police assaults. "The Court found that the two accused and their witnesses were mendacious and that their testimony was unreliable," even though their initial statement was probably obtained under torture. "In all cases in which the police are accused of having obtained a confession by intimidation, a searching and full inquiry is instituted into the matter. This also happened in cases concerning riot offenses. After considering relevant cases, the Commission came to the conclusion that no general charge of intimidation of deponents by the police was justified in these cases."

Note 94: Burton and Carlen, *Official Discourse*, 74-75. This may explain the very large numbers of witnesses the Cillié Commission heard and the industry with which it collected documents and solicited memoranda from the large number of people and organizations it considered relevant to its investigation.

Note 95: In its 340 pages, annexure (D) to the *Cillié Report* sets out in exhaustive detail (including information about subsequent court cases, damage amounts, crowd estimates, and numbers of deaths) all incidents associated with the uprising between 16 June 1976 and 28 February 1977 and organizes the information in order of region, day by day, and hour by hour. .

Note 96: *Cillié Report*, 1:93 and 97: "The Commission does not wish to speculate about what might have happened if the secretary and the minister had been in possession of full details; but if they had had all the information they should have had, they could have evaluated the position more accurately and then steps for the prevention of a disaster would not have been excluded."

Note 97: *Cillié Report*, 1:126.

Note 98: *Cillié Report*, 1:21: "The actions of the police in putting a stop to the illegal march were not the cause of further unrest that afternoon or during the night, although they may have given rise to the violence discussed in the following paragraphs." See also *Cillié Report*, 1:131-32.

Note 99: *Cillié Report*, 1:132.

Note 100: *Cillié Report*, 1:125-26.

Note 101: This appeal was made throughout the text of the *Cillié Report*.

Note 102: And immediately they were exonerated discursively by Cillié's appeals to common sense. See below.

Note 103: *Cillié Report*, 1:556.

Note 104: *Ibid.*, 1:641.

Note 105: *Ibid.*, 1:568-89.

Note 106: *Ibid.*, 1:431.

Note 107: Frederick van Zyl Slabbert, leader of the opposition, House of Assembly debates, Hansard vols. 85-87 (7 March 1980), 2237-38. Slabbert accused the deputy minister of education, Dr. Andries Treurnicht, of "a very reckless attitude."

Note 108: Frederick van Zyl Slabbert, leader of the opposition, House of Assembly debates, Hansard vols. 85-87 (7 March 1980), 2238.

Note 109: List according to *Cillié Report*. (for comparison.)

Note 110: *Cillié Report*, 1:569, 573-78, 586; Cillié distinguishes between Black Consciousness as a philosophy—"virtually a religion"—and Black Consciousness as an organization, although the Black Consciousness Movement is clearly associated with the South African Students' Association (SASO), the South African Students' Movement (SASM), and the Black People's Convention (BPC).

Note 111: The 1945 Blacks (Urban Areas) Consolidation Act No. 25 superseded the 1923 Native (Black) Urban Areas Act No 21. These acts made local authorities responsible for Africans in their area. "Native advisory boards" regulated influx control—movement of African peoples into the urban areas—and removed "surplus" people, those not employed or deemed undesirable in the area. South Africa was divided into prescribed (urban) and non-prescribed areas with movement between the two being strictly controlled. This legislation was repealed by the Abolition of Influx Control Act No 68 of 1986. South African History Online, Legislation—Chronology—(1856-1990's): (accessed 19 September 2004).

Note 112: *Cillié Report*, 1:593.

Note 113: Africans were not allowed to live in white areas except under certain conditions and circumstances. The Act provided for separate and exclusive residential areas for Africans in white areas. Their residence in these areas, as well as the influx of other Blacks into the separate areas, was controlled by legislation and regulations, among them the so-called pass laws.

Note 114: *Cillié Report*, 1:590.

Note 115: *Ibid.*, 1:591.

Note 116: *Ibid.*, 1:592.

Note 117: The withdrawal of Portuguese control in Angola and Mozambique, the success of socialist forces in those two countries, and the international support for the liberation forces in Zimbabwe (Rhodesia at the time) and in Namibia (South-West Africa at the time).

Note 118: *Cillié Report*, 1:580 and 589. Also transport, housing shortages, low and differentiated salaries, restrictions on trade, lack of facilities, race relations, "communication between the Black man and those concerned with his welfare."

Note 119: To be fair, there are more of these: Examples 1:448, 564, and 566 in the *Cillié Report*.

Note 120: *Cillié Report*, 1:602.

Note 121: *Cillié Report*, 1:586 and 634-36.

Note 122: *Cillié Report*, 1:105 and 128. Also 1:102: "While all these arrangements were being made *far and wide*, the police had no knowledge of the proposed large-scale protest march... This was the position on the eve of the riots" (emphasis added).

Note 123: A thought echoed in Thomas G. Karis and Gail M. Gerhart, eds., *Nadir and Resurgence, 1964-1979*, vol. 5 of *From Protest to Challenge: A Documentary History of African Politics in South Africa, 1882-1990*, ed. Thomas G. Karis and Gwendolyn M. Carter (Stanford, Calif.: Hoover Institution Press, 1972-97; vol. 5, Bloomington: Indiana University Press, 1997), 169.

Note 124: *Cillié Report*, 1:138.

Note 125: *Cillié Report*, part A, chapter 7, "Abbreviations and Definitions," 1:35-36.

Note 126: *Cillié Report*, 1:138.

Note 127: The equivalent in South Africa was Standard 6; "higher primary school" is roughly equivalent to middle school in the United States, *Cillié Report*, 1:138.

Note 128: Joe R. Feagin and Harlan Hahn, *Ghetto Revolts: The Politics of Violence in American Cities* (New York: Macmillan, 1973), 8.

Note 129: Ellen Hellmann, "Soweto: August 1977" (unpublished essay, Historical Papers, University of the Witwatersrand, A1070f), 6.

Note 130: *Cillié Report*, 1:138.

Note 131: *Dictionary of South African English*, 346.

Note 132: *Cillié Report*, 1:138.

Note 133: Testimony of Christopher Prophet (staff reporter, *The Argus*), testimony, November 1976, SAB K345, vol. 144, file 2/3, part 12, Commission Testimony vol. 57, p. 2758.

Note 134: *Cillié Report*, 1:138-42, and 155.

Note 135: *Cillié Report*, 1:154.

Note 136: Gert Slabbert (colonel, South African Police), testimony, SAB K345, vol. 140, file 2/3, part 3, Commission Testimony vol. 16. In the last sentence, it is not entirely clear whether he is referring to Bantu policemen or emphasizing that it is actually surprising that it is Bantus who are doing this.

Note 137: Emma Gilbey, *The Lady: The Life and Times of Winnie Mandela* (London: Vintage, 1994), 110. An additional 217 people were in detention under section 6 of the Terrorism Act, and 34 people were detained as "protected witnesses" under the Internal Security Act, according to Jimmy Kruger, minister of police, as cited in SAIRR, *Survey 1976*, 114.

Note 138: "Remember Soweto: Lest We Forget the Heroes of June the 16," *Crisis* (March 1977), 9. *Crisis* was published by the Students' African Movement in conjunction with the Project Committee of the Wits Interim Management Committee.

Note 139: Similar to the "180 day detention clause" of the Criminal Procedure Amendment Act of 1965, this Act provided that "no-one will have access to a detained person except a State official acting in the performance of his duties and a magistrate, who will visit the person in private at least once a week. No court will have power to order the release of a detained person or to allow other persons to visit him." SAIRR, *Survey 1976*, 45.

Note 140: Burton and Carlen, *Official Discourse*, 102: the state calls into question the Other's credibility by arguing that the Other's *modus operandi*—method—is to intimidate.

Note 141: *Cillié Report*, 1:625.

Note 142: *Ibid.*, 1:626.

Note 143: Ibid., 1:18-19.

Note 144: Frederick van Zyl Slabbert, leader of the opposition, House of Assembly debates, Hansard vols. 85-87 (7 March 1980), 2236. It was not just members of the official opposition party that voiced their concern. A rare voice of dissent came from within the National party. Punt Jansen, deputy minister of social welfare and former minister of Bantu Administration and Development, declared that the government had "neglected its duty" by not consulting with black South Africans immediately after the uprising began, *The World*, 18 February 1977.

Note 145: I use this term here only because it encompassed African, Indian, and Coloured South Africans, and, especially with reference to the Cape, it was not always evident that only one particular group was being talked about.

Note 146: *Cillié Report*, 1:355.

Note 147: Ibid., 1:30.

Note 148: *Cillié Report*, 1:14 and 354: "In regard to these two allegations of fear of victimization, the Commission should mention that it is convinced that this fear does exist among Coloureds and Blacks; this is one of the reasons why the Commission invited witnesses even to testify in secret before the Chairman."

Note 149: James C. Scott, *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven: Yale University Press, 1990), 87.

Note 150: See chapter 2. For example, on 1 September 1976 one of the headlines in *The World* proclaims, "More than 800 People Held by SB [Security Branch]." The newspaper reports that most of those detained were held under the preventive-detention clause of the Internal Security Act. Though this gave them the same rights as those prisoners awaiting trial, privileges such as receiving food from outside and having access to literature meant little when the security police were under no obligation "to disclose where any prisoner is being held."

Note 151: On Sunday, 8 August 1976, the *Sunday Tribune* reports that Jimmy Kruger, the minister of police, "said of the motives for the riots that the Afrikaans issue and the release of detainees were only the ostensible reasons for the unrest. Those involved wanted the overthrow of the system, agitators were responsible of the outbreaks this week, Black Power movements are behind the disturbances." Advocate Sidney Kentridge, who appeared before the Cillié Commission on behalf of Bishop Manas Buthelezi on 24 February 1977, asked Buthelezi about the effect of such statements by ministers and other officials of the country "with regard to the attitude of potential witnesses." Buthelezi answered that the impact of such statements in the black community "tends to make them feel that the State's officials already know what the Commission is trying to make a finding on, on the basis of evidence being given before it." Or, as Kentridge then put it himself, "people in high office seem to simply have made up their own minds and the fear apparently is that whatever your Lordship says [i.e., whatever the Cillié Commission finds], they will do simply as they please." Bishop Manas Buthelezi, testimony, 24 February 1977, SAB K345, vol. 149, Commission Testimony vol. 117, pp. 5575-78.

Note 152: Scott, *Domination and the Arts of Resistance*, 87.

Note 153: *The World*, Wednesday, 27 October 1976.

Note 154: *Dagga* is *Cannabis sativa*, the Indian-hemp equivalent of marijuana hashish (*bhang*), was introduced by the Dutch from the East. The word *dagga* probably from the Khoi word, *daxa-b*. Branford and Branford, *A Dictionary of South African English*, 4th ed., s.v. dagga.

Note 155: *The World*, "Soweto parents shocked over raids," 9 November 1976.

Note 156: *Rand Daily Mail*, Johannesburg, 5 August 1977.

Note 157: *The World*, Wednesday, 17 August 1977.

Note 158: *Weekend World*, Sunday, 17 July 1977, and *The World*, 7 July 1977.

Note 159: Scott, *Domination and the Arts of Resistance*, 87.

Note 160: Sam Mashaba, interview by Helena Pohlandt-McCormick, tape recording, Johannesburg, September 1993.

Note 161: Seth Mazibuko to Father Kearns, handwritten letter, dated 17 October 1977, confiscated by the South African Police during the raid of the premises of SASM (South African Students' Movement) at 505 Lekton House, Johannesburg, 19 October 1977; SAB WLD 6857 (1977), *WRAB v. Santam*, vol. 413. Mazibuko, a student at Phefeni Junior Secondary School (see chapter 2) was one of the youngest among the leaders and even members of the Action Committee and the SSRC (Soweto Students' Representative Council). After his release in May 1977, Mazibuko was elected the national vice president of SASM.

Note 162: Ranajit Guha, "The Prose of Counter-insurgency," 16.

Note 163: During the testimony of Dr. Aaron Matlhare, Yutar said, "You have asked me to read for you in view of the condition of your eyes and your glasses and it is a strain, so with His Lordship's permission I will do so." Aaron Matlhare, testimony, SAB K345, vol. 148, part 19, Commission Testimony vol. 99, p. 4735.

Note 164: Seth Mazibuko, testimony, 9 February 1997, SAB K345, vol. 148, part 19, Commission Testimony vol. 103, p. 4951.

Note 165: Seth Mazibuko to Father Kearns, handwritten letter, dated 17 October 1977, confiscated by the South African Police during the raid of the premises of SASM (South African Students' Movement) at 505 Lekton House, Johannesburg, 19 October 1977; SAB WLD 6857 (1977), *WRAB v. Santam*, vol. 413. Mazibuko was arrested under the Terrorism Act, No. 83 of 1967, which empowered the South African Police to arrest any person suspected of committing acts endangering the maintenance of law and order or of conspiring or inciting people to commit such acts. The act was so loosely defined that almost anyone opposing the government could be arrested without a warrant and detained, for interrogation, in solitary confinement, without access to a lawyer or family of any length of time. Children were no exception.

Note 166: According to the SAIRR, Mazibuko was released 13 April 1977, having spent 270 days in detention without being charged (South African Institute of Race Relations, *Detention without Trial in South Africa: 1976-1977* [Johannesburg: South African Institute of Race Relations, 1977], 39). The date of his arrest is given as 14 or 15 July in SAIRR, *A Survey of Race Relations in South Africa: 1976*, ed. Muriel Horrell, Tony Hodgson, Suzanne Blignaut, and Sean Moroney (Johannesburg: South African Institute for Race Relations, 1977), 155.

Note 167: Seth Mazibuko, testimony before the Cillió Commission, 9 February 1977, SAB K345, vol. 148, part 19, Commission vol. 103, 4949.

Note 168: *Ibid.*, 4950.

Note 169: *Ibid.*, 4947-48.

Note 170: Reatile Kingdom Lolwane, testimony before the Cillió Commission, 10 February 1977, SAB K345, vol. 148, part 19, Commission Testimony vol. 104, p.

4992. Lolwane similarly stood his ground in an exchange over the exact time and place of the meeting up of students from Lolwane's school, Morris Isaacson, with students from Thesele Secondary School. See pp. 4988-90.

Note 171: *Ibid.*, 4992. Questions about meetings with Winnie Mandela were put to Lolwane but he provided no evidence of any. In fact he explicitly denied having been at any such meeting. See p. 4986.

Note 172: SAIRR, *Detention without Trial*, iv. The SAIRR described 15 cases as a "representative sampling." See also Detainees' Parents Support Committee, *Abantwana Bazabalaza: A Memorandum on Children Under Repression* (DPSC, 1986), which reported in great detail on the treatment of children in detention in the years following the Soweto uprising; Murphy Morobe, testimony before the Truth and Reconciliation Commission, Human Rights Violations, Submissions—Questions and Answers, 23 July 1996, case: Soweto, Johannesburg, day 2. Transcript available at Truth and Reconciliation Commission, (Human Rights Violations, Hearings and Submissions; Hearing Transcripts; Johannesburg; Victim Hearings; Murphy Morobe [accessed 3 September 2004]); and Valentin Gorodnov, *Soweto: Life and Struggles of a South African Township*, tr. from the Russian by David Skvirsky (Moscow: Progress Publishers, 1988).

Note 173: Guha, "The Prose of Counter-insurgency," 36.

Note 174: Burton and Carlen, *Official Discourse*, 7-14.

Note 175: *Cillié Report*, 1:19.

Note 176: Defined as "any person receiving tuition at a primary or secondary school." A *student* is defined as "any person receiving tuition at a university, [teachers'] training college or other tertiary educational institution." During the uprising, the word student was commonly used for scholar, as was *schoolchild* or *pupil*. *Cillié Report*, 1:35. See also my discussion of this terminology in Keyword Definitions student.

Note 177: Representatives from the African community were most often co-opted, and more rarely elected, into institutions that were to give Africans a participant role in the administration of their social and political affairs.

Note 178: *Cillié Report*, 1:20-21.

Note 179: *Ibid.*, 1:355.