Jeremy Pickering **LRC Oral History Project** **18th December 2007**

Int Jeremy, thank you very much for agreeing to be part of the Legal Resources Centre Oral History Project. We appreciate it. I wondered whether we could start the interview by talking about your formative life experiences, growing up in South Africa under apartheid, what were your experiences and what was the trajectory that led you into the legal profession?

JP Well, when you say formative years, are you talking about my teens or…?

Int Early childhood and what are your memories about growing up in South Africa?

JP Well, I grew up on a farm in Stutterheim, which is about a hundred and sixty kilometres from Grahamstown, where we are now. And we were completely unexposed to any of the realities of South African life. We weren't…my parents were probably members of the old United Party, to start with, and maybe eventually moved across, or would have if they had lived long enough, to the Progressive Party, but we just had generally a, as white children, a happy childhood on a farm without any greater knowledge of what was going on. And then I went to Stutterheim High…Stutterheim School till Standard Three, and then I came across to school in Grahamstown, at St Andrews, where we were equally completely unexposed to anything at all. I left St Andrews in 1967, without even having heard the name Mandela, so I don't think the school in those days did anything at all to conscientise or…or politicise the student body, who were all obviously white, we were all white boys in those days. And then I went to Stellenbosch University, and the only reason I went to Stellenbosch because I wanted to go to…I wanted to farm. We had a Jersey stud cattle farm and I wanted to carry on, and my father insisted I get a degree so that if there was a bad drought we wouldn't…I'd have something to fall back on, and I wanted to go to UCT and my mother said: Well, that's so far away, so I said: How about Stellenbosch? She said: That sounds better. Stellenbosch is what, fifty kilometres from UCT. And I went there, I didn't know what I wanted to do because I wanted to farm, and I thought of doing Agriculture, and my father said he could teach me more than any university could teach me about agriculture, and he wanted me to have something different and he thought Law was a good subject. My mother's father, my grandfather, died in 1923, and had left his money in a Trust and there were allegations that one of the Trustees who was a lawyer, had ripped the family off, and my mother believed that all lawyers were crooks and the last thing that I should ever do was become a lawyer. So I said I agreed with her, and I said: If I'm not going to do Law, what do I do, and my dad said: Well, Economics is a good subject, so I went to Stellenbosch to do Economics. And I arrived there and I could hardly, I spoke three words of Afrikaans: Ja, Nee, and the other was a swear word. And I didn't know what these subjects were. I got the yearbook, I realized that Economics was something called Ekonomie, so I then sat and looked at all the subjects. There were things like Bedreigsielkunde and Vervoer Ekonomie, which I didn't understand what they meant, and I added up the six shortest, the letters in all the subjects, which might end up as being some type of degree, and I chose the six shortest ones, and it turned out that that was a course which they were discontinuing.

Int (Laughs.)

JP Because I was the first person, it was a course that people who couldn't do Accounting took, and I was the first person who had actually chosen it as a first option. And I…it was greeted with derision when I announced that I was doing this, so I thought, well now what? And then I happened to be standing behind someone, when we were going to register, and I saw that he had Ekonomie on his, and he also had Latyn, you know, Latin which I'd done, and Engels, (English), and Afrikaans, and something called Privaat Reg, which I asked him what it was and he said: Well, that's Private Law. And I'd done Latin and English and Afrikaans at school, so I thought…and I did Economics so I thought, well, whatever my mother thinks, I'm going to do Law. Because this just looks, I mean I realized I had to give up the other course, so I did, that's how I got into Law. The chap standing in front of me was Dirk Van Zyl Smit who ended up Professor of Criminology at UCT. And thank God he was standing in front of me because if it had been someone studying Theology I might have been a Dominee now.

Int (Laughs.) Right.

JP Anyway, and that's how I got into Law. And I did a BA and eventually after about three months I plucked up the courage and 'phoned my parents and said: Look, I'm doing Law. My father said: I always knew you'd come to a mature decision about it, and my mother said: My God, I can't believe it! But maybe you'll be the only honest lawyer so…Anyway, I did the BA and then I had to have a bursary for LLB so I did the…in order to finish the LLB I got a State bursary, and I ended up in the Attorney General's office. And I was meant to be there for two years to work it off and I lasted nine months. Because there I was exposed to some of the…luckily I wasn't involved in political, any political trials but I saw some terrible attitudes, etc., and for the first time, because Stellenbosch also was a very, despite everything, there the political situation was more between, it was between the right and the far right, as opposed to the right and the left, so I came out of Stellenbosch as well, very apolitical.

Int What period was that, Jeremy, when you were at Stellenbosch?

JP It was '68 to '72. And then, came to the Attorney General's office as a State advocate for, as I say, meant to be two years, and that was for nine months. Then I went overseas for a belated gap year, did various things overseas, then when I came back I joined the Bar. My family came from Transkei, my mother's family, so I went to Transkei because we had a cottage on the coast, and then with the whole Transkei becoming so-called independent, and that whole political situation, for the first time, and being exposed, I think, to, for the first time, to black people in their own right, and then started realizing all the iniquities of the situation. Well, what I had appreciated up here at the Attorney General's office, but I think it struck home. It was the first time that I was exposed to black people as an equal. So it was a wonderful experience in Transkei, despite it being a homeland. There were a lot of very

interesting people there, because a lot of people who were banned in South Africa actually ended up in Transkei.

Int So you were working as a lawyer in the Transkei?

JP Ja, I was an advocate there. And I…I mean, I say it myself, I had a huge practice there because…I was always for…I ended up, my practice ended up being against the government, for some reason I got involved in every, virtually every case I was against the government. I got very friendly with people like Dumisa Ntsebeza, and people like that. I acted for Dumisa (Ntsebeza) in one of his bail applications, and started talking to him about things, and when he got out of jail, we became very friendly.

Int He was an ANC operative or…?

JP No, no, he was probably Unity Movement or…I don't know if you know Dumisa Ntsebeza or heard of him, anyway, he's not…he's very high up in the Black Lawyers Association, etc. etc. And so we often discussed politics, etc. and then I, you know, you've been in Transkei and been exposed to people like Kaiser Matanzima, who was the President so-called of Transkei. Ja, that was quite an awakening. And then also in Transkei, at the same Bar as me, was Fikile Bam, and Fiks (Fikile Bam), Fiks (Fikile Bam) and I became friendly, and well, of course, we were against each other being advocates at the Bar, but we became friendly, etc. And then I met a woman who(m) I later married, who was…who'd written her Honours on the ANC in the Western Cape, and various things, Rosalie Kingwill and she'd come from the Cape just for six months to lecture at UNITRA and she was very, very involved in politics, or had been in the Cape. And anyhow we ended up marrying each other, so that then also was a further, further step. And then a whole lot of our friends in '85 got deported by Kaiser Matanzima. There were about five couples who got deported in one shot. And I'd acted against Kaiser Matanzima in a number of cases, and I was told, in fact, I got word that my deportation order had been signed, but strangely enough, the Head of Security, Brigadier Caraway?, he had told Kaiser Matanzima that he couldn't deport me because I was then Chairman of the Bar Council in Transkei, of the Society of Advocates, and he said: Look, that will cause just too much trouble, so my deportation order was withdrawn, apparently. I heard that through various sources.

Int Were they deporting white couples?

JP Ja, they were all, the couples that, there was…I don't know if you've ever…heard of a chap Chris Tapscott who was Professor…there were various white couples…A chap who's now Professor of History, Rob Morrell and he's at University of KwaZulu-Natal. Anyway, a number of them. Ja, and then, anyway, then I realized look, actually, what am I doing here as a white lawyer. I was making a great deal of money and the whole system was just, I'd come to realize that, I mean, it's an iniquitous system, what am I doing in this system, and I'm not the sort of person who'd ever gone off and joined, I've never been a member of a political party in my life, I've never been a member of anything in my life, I've always been totally sort of

independent. I thought, well, what do I do? What…there's very little contribution I can make and I was discussing with Fiks (Fikile) Bam one day, saying: I don't know what someone like me does, and I said: Well, I think that I can't actually stay in Transkei anymore with what's going on in Transkei, but what can I do in South Africa if I leave? If I come back to South Africa, I go to an ordinary Bar, become an ordinary advocate, and I just feel I've got to make some contribution. And Fiks (Fikile Bam) didn't say anything but the next thing is I got a 'phone call from Chris Nicholson. Chris said he heard from Fiks (Fikile Bam) that I was thinking of leaving, and would I be interested in the Legal Resources Centre, which I was and I was then immediately…but at that stage I was completely, what's the word, not over-awed but I thought…because at that stage when there was Arthur (Chaskalson) and Paul Pretorius, Geoff Budlender, Chris Nicholson, and Richard Lyster, I mean, people of…Lee Bozalek and Charles Nupen, here it was a serious organization with some serious heavy lawyers and I thought, I don't know if I can be part of this, if I'm good enough to be part of this. But then Arthur (Chaskalson) 'phoned and said: Come up to Jo'burg, come and look around and… Anyway, I went up there and I chatted to old Mohamed Navsa who was there, various people, so I thought, well, if I can make any contribution I'll give it a try. So that's when I joined the Port Elizabeth office.

Int Right, so you went to the Port Elizabeth office.

JP Fiks (Fikile Bam) then said, well…because then Arthur (Chaskalson) said: Look, they're starting the Port Elizabeth office with Fiks (Fikile Bam) as the Director, and would I go there? So I joined there.

Int Right. I just want to take you a bit back. Were you ever involved in student politics at Stellenbosch?

JP No, I was completely apolitical.

Int Right…So it seems to me that your political conscientisation really started in the Transkei?

JP Ja. Well, no, it started here. It started…I was in the Attorney General's office here. I keep pointing above because the offices were above us.

Int Oh right. In Grahamstown.

JP And there was a dreadful man who was the Attorney General. And one of his ideas was that if any of the prosecutors was successful in a case and had the accused sentenced to death, that you should buy cake. And I just thought to myself I could never ever buy cake, and luckily I didn't have any case, which in those days was of sufficient seriousness, because I was still very junior, which would warrant a death sentence or such like, but when I suddenly realized being exposed here, wanting to talk about death sentences, it was the first time I started thinking about that as well. I

started thinking, well I can't actually be part of this either, and so that impelled me after nine months to say no, I can't. Well, the actual thing, one of the bravest acts I saw was a man called Rorich? because he…he'd come across, he was middle-aged and I think he'd had a failed practice somewhere and he needed the job. And he came and he'd done a case, prosecuted a case where the accused was sentenced to death and the Attorney General said: Well, where's the cake? And Rorich said: I'll never buy cake to celebrate a death sentence. He said: I've done my job and that's all I'm doing. And he knew it would cost him his job and it did. He was demoted, sent off to the lower courts, but he…I thought to myself, well, would I have the moral courage to do that? And I thought, well, I would hope I did, would have had it. And um, but if that's the case, it got me thinking about the death penalty, and I thought no, I can't be part of this anymore either. So I resigned from that. Ja, and that's when I went overseas. And actually one of the things I was actually involved with a woman who I then followed overseas, and she came from a very political background, and I met, somewhere we'd been and there we were invited to supper with an exile, South African exile, who'd been in Pretoria Central for, I think eleven years, or fourteen years, and we were invited to supper there, and I remember being hugely embarrassed because he kept asking questions about this and that and I realised I knew nothing. I was absolutely, totally out of my depth in some of the most basic political questions. And that, that's actually where then I started thinking I should be ashamed of myself, all this is going on and I know nothing about it. And that's where, I think, that's probably where it started, so by the time I got to Transkei, I'd been exposed to all that.

Int Right. In Transkei, the type of law you practised, was that in private practice?

JP Ja.

Int Right. And was there any public interest law that you practised during that time?

JP No, there was very little. It was mainly, we were doing, what started off like most…you know, when you start off in a practice as an advocate, you start off doing quite basic stuff: it was divorces, motor accident cases, and then you…and criminal defences. It was a poor old accused who can't afford anyone and they get the most junior advocate who, the State pays for them, so you start doing that. And then as you get more successful, then you get into more complicated type of work. But then I ended up doing a lot of, I suppose, administrative type law, you know, a lot of cases against the State, a lot of applications…they didn't, you know, it was a funny sort of practice. A lot of them were people who'd been banished by Matanzima and they were fighting to overturn banishment orders and such like. But, I'd say about ninety percent of my practice was just ordinary, ordinary commercial law.

Int So at what point did you have knowledge of the Legal Resources Centre? Was it when you met Fikile Bam or was it prior to that?

JP No, prior to that I'd heard of it. I'd heard of them and, you know, because, I think people like Geoff (Budlender) and Arthur (Chaskalson), I mean, even in legal circles had such a high profile that word came through about them as well. And I knew,

people used to talk about, when you go to…members of the Bar might have appeared against them at various stages and all of those, that early group were such good lawyers, you know, they were quite a frightening lot when you didn't actually know them, they had, even then they had a huge reputation. I mean I'd heard of cases like, you know, Rikhoto, and that type of cases that Arthur (Chaskalson) and Felicia (Kentridge) had done, so you were aware of them, and in fact, I think at times, I can't, I mean my memory now isn't that good about, but I know there was one case we were trying to get, hoping to get Sydney Kentridge to come in on. Apparently he said he wouldn't go anywhere near Transkei, or no, he wouldn't appear in a homeland, which if that was so, I think is a great pity, because in fact so often places like Ciskei and Transkei really needed that type of lawyer. Anyway, ja, so it was Transkei, it was being there and being exposed to some very interesting people as I say, who were not necessarily *persona grata* in South Africa, but who, the strange thing was the University of Transkei was vibrant in those days and there was a lot of political debate going on. You know, a lot of black white interaction, which you just, you know I used to come and visit, go through to Stutterheim and visit my father and you suddenly could hardly believe you were in a different, it was like being in a different country, so I was saying to Dumisa (Ntsebeza) once, you know that was the one good thing about Transkei is that it actually brought whites into social interaction with their black peers, which just wasn't happening in ordinary South African circles. And I believe, because you know here in this court, touch wood, everybody has said we've got an incredibly happy division of the judges, real black white, we've got a black Judge President, and I think it's because most of us actually interacted in places, had cases as advocates in Transkei, in Ciskei, with black colleagues, were briefed by black attorneys, much more so say than up in places like Pretoria or whatever. So it was, that was the one good effect of Transkei.

Int I'm wondering also that you came down to South Africa in the eighties… you came to practise to P.E. in the sort of mid-eighties…?

JP It was end of '85, '86, ja.

Int So this is really the period of the State of Emergency. Did you have reservations about that?

JP No, in fact, well that actually, thinking about it, it was probably, it was when we used to sit and watch on TV what was going on, all the…the, in '85 especially when it all started. Here in Grahamstown, watching television up in Heenie? and…and Raglan Road, what was happening there. And that's when I started thinking, well, what am I doing here as a lawyer? I'm practising…Transkei was then still this little illusion. Ja, and I just felt, well, I'm wasting my time here. There must be something that I as a white South African can do, and it was on that basis that I was saying to Fiks (Fikile Bam), well, I feel useless, I know I never, you know, I've never shot a thing with a pellet gun, I'm not the type of person who's ever going to join any thing, or…if I did say, make overtures, everyone would probably look at me with great suspicion because who am I, where do I come from, etc? In fact, when I came to Grahamstown, I know there was a lot of people said, who is this chap? Is he a member of NADEL, you know, the National Association of Democratic Lawyers, which I didn't join

because I'm not a joiner, so I think I was regarded with, you know, quite a bit of, not, I suppose suspicion is too high, but people I think couldn't really work out who I was. And I hate meetings, I detest meetings, so I didn't…and I detest things where people waffle on and on, like I'm doing, (laughter) so I didn't go to any of those sort of, you know, where…because my wife, Rosalie (Kingwill), I mean she used to love those meetings, and she'd joined Black Sash, she joined various other things and we used to have to go for weekends to little places up the coast, and everyone got into a smoke-filled room, and I hate smoke, they'd sit there and drink, you know, real lefties going on about this, solving the problems, I mean they were doing a lot of good, but it just wasn't my scene, and I know I think people thought…and I couldn't sit in the little smoke-filled rooms, I felt ill, so I think people thought I was a bit weird. (Laughs.) Anyway…

Int So you came down, you joined the Port Elizabeth office…

JP Ja, and I was there for…it was a big shock, because I mean going from Transkei where we lived next door to a shebeen, we lived in a, I mean, it was a raucous neighbourhood, people in the streets, ja, I mean it was Umtata…and you get so used to that. And then coming down and Port Elizabeth, the…it was then Ford Motor Company had just pulled out, it was in a state of total decline, there are all those jokes about Port Elizabeth, about the last one to leave put out the lights, and then, the one going around was, what's the difference between owning a house in Port Elizabeth and syphilis? And the answer was, you can get rid of syphilis. It was at that, I mean it was because you just, the property market had dropped, so I went in and being a white South African in Transkei we weren't allowed to own property, so I'd never bought a house there, and I'd rented a house there, and the lawyer who was doing the Transkei Development Corporation work was so useless, he forgot to put an escalation clause in my lease, so I was paying, what turned out in the end, after eight years, to be a ridiculously low amount of rent, so I'd saved money and I came down here and went off to Port Elizabeth, and there were houses going…so I bought this place which wasn't me, but a magnificent double storey in Mill Park, which was in the main sort of suburb of Port Elizabeth, beautiful old house, teak all over, and I sat here, and I thought, well, what am I doing here? And at night, it was absolutely dead still, and it gave me the heebie-jeebies, I thought, I kept saying, is everything all right, what's going on? And then, but I got thrown in there immediately with all sorts of cases. I acted for the Kwanobuhle squatters and various cases and, you know, we got involved in…I got there, we started in February…

Int 1986?

JP Ja, I think one of the first cases we did, because Vas Soni was involved as well, and Norman Arendse – you've heard of him?

Int I've heard of him, yes.

JP Ja, he's now, he was Chairman of the Bar Council, and of the cricket…he was then a very junior attorney, so it was myself, Fiks (Fikile Bam), Vas Soni and Norman

(Arendse). And one of the very first cases we did was Mpuseli Jackman – have you heard of him?

Int No.

JP Anyway, he was a big member of the UDM, UDF, and he'd been banned, and we took his case to court and we won. That I think was in March, within the first month, and that was the main headlines. That got us going and gave us credibility and street cred, straight away. And made everybody hugely suspicious. But then you get this dichotomy, because now suddenly here I am living in this fancy suburb, and on May the 31st that year there was an application: COSATU in Uitenhage had wanted to march, and they were, they'd been banned by the chief magistrate of Uitenhage. So we brought an application to set it aside and it dragged on till about midnight, because judgement was given and we lost. And we knew we were going to lose, but it was a main story in the Eastern Cape Port Elizabeth newspaper, The Herald: May Day March Application Dismissed. It was a huge headline. And because we'd been up till midnight arguing and everything, although May Day then wasn't an official holiday, but we'd closed the office because most of our clients and our staff wanted to go to rallies and marches, and we were just available if there was anything urgent. So I wasn't going to the office, and I thought I'd mow my lawn. And my neighbours, I hadn't met one neighbour…one woman, sorry, had come in the first day and given us a tray of something or other, and then asked what we were doing, and then we never saw her again. And there was a neighbour across the road, with a big fancy house, and he, never spoken to me, and then on May Day, here he comes, I'm mowing my lawn, it was then about half past seven in the morning, and I hadn't even looked at the newspaper yet, and I saw him coming across in his suit, coming across the street to me, so I thought, oh, coming to greet me, and he came in and came up to my gate, so I put out my hand to shake his hand, and he ignored it, and he says: So you communists don't work on May 1st. I said: Sorry? He said: No, well I…and he had the paper, he just held up the paper, and I said: Look, I don't know what you're talking about. He said: No, we've been keeping an eye on you, then turned around and disappeared. That was Port Elizabeth. That was the reaction of the average, he was, I found out later he was a reasonably successful businessman somewhere. That was their reaction. So there we sat in this huge bloody house, in the middle of this hostile environment…anyway. It was a great pity that we…that I'd bought that place. There were much more friendly little suburbs, which I didn't even know about…anyway.

Int Jeremy, when I spoke to Fikile Bam he mentioned that it was also a hostile environment in terms of where the LRC was situated and I wondered whether you could talk a bit more about that?

JP You mean, physically?

Int Yes, in terms of being quite near a police station, if I remember clearly…

JP Ja, Mount Road, well there was, we were at the bottom of Mount Road. It's now graced by a name of Karen's Escorts. I know they used to, we were told, there was a

garage up above us, which is now **inaudible,** I've forgotten what it was in those days, and one of the friendly attendants there came down and said to Fiks (Fikile Bam): Do you know that they're watching you with binoculars? I don't know if Fiks (Fikile Bam) told you that?

Int No.

JP Anyway, they came, because Fiks (Fikile Bam)…this chap I think he was a petrol attendant, so Fiks (Fikile Bam) went up to have a look and sure enough, there's an unmarked car sitting there with two large white men, quite clearly, and then we started sussing them out and they were quite clearly watching who was coming in and who was going out. And then the Mount Rhode police station was just further up the hill. And of course there were people there, Colonel Van Rensburg etc. who very avuncular such like and who, everybody who didn't know better and what was going on, would say, oh but he's such a nice man and he must be telling the truth when he says he's detaining people for their own good and things like that. But generally, it was just generally a very…apart from the little group of white left in the white circles, it was generally a very hostile environment. But there were people like, you know the Black Sash, I mean there were some incredible people like Judy Chalmers, Sandy Stewart, but she then eventually worked for us as a secretary and Bobby Melunsky. Generally the, those women were quite incredible and very brave. And they sent a lot of work, ja, a lot of work came my way from them. But then I left…I don't know, did Fiks (Fikile Bam) talk to you about the cases?

Int Yes…I'm wondering whether you could talk about your transition from …from being in private practice, to going… full-time into public interest law as well as getting involved in political trials, it seems, as well?

JP Ja, well it was very interesting. And I realized quite quickly I didn't actually know that much about it. Well, the Kwanobuhle squatter case, it was one of the first where the municipality was trying to evict them. And we actually didn't have a case, but we had to put up and delay this as long as possible, which we managed to do. And it taught me, one thing about being at LRC, I mean normally you would have said to clients: You haven't got a case, forget about it. Here you start thinking completely creatively, which was very interesting, to say well, we may not have a case but what argument can we put up which is not completely spurious. We make them think. And it was, that was quite liberating. In the Kwanobuhle case, you know, I thought of a couple of arguments, that actually had the opposition and the judge worried at the time, eventually we lost because we had to, but by then we'd delayed and delayed and it had taken six months, etc., so in that sense it was a victory. But we did things, there was a very interesting one with the, Cheeky Watson, you know the Watsons? Anyway Cheeky Watson was a, he was a rugby player, a white South African from Port Elizabeth, who, he could have played Springbok rugby but he went and played for KWARU, which was a black rugby union, and was then, that was it for him, he was then ostracized completely. The Watsons were very political in Port Elizabeth and they became ostracized in the white community. Cheeky Watson's the father of a chap called Luke Watson. You've not heard of him?

Int No.

JP I suppose, anyway, he's, there was a big controversy about him last year because he wasn't picked for the Springbok rugby team, and people felt it was because of politics etc. because of who his father had been. Anyway, be that as it may, the Watsons house burnt down, and there was, the police said that it was arson, and they wanted…I think if I remember correctly, they were saying that it was done for insurance purposes. They wanted to somehow nail the Watsons. And we came into the picture because, one, a man who worked for the Watsons and who'd been burnt by the fire, was alleged by the police to be a witness to all this, and they wanted him to implicate the Watsons, and he refused to do that. The next thing is he was detained in terms of a section in the criminal procedure act, where you can detain a witness for their own safety, and he said: I'm safe, I don't want, I'm not worried about my safety. And they said: No, no, we're worried about your safety, and they detained him. And they held him at Swartkops police station, and there he was then, according to him, the prosecutor, the police, they all came and they said to him: Look, you're going to be sitting here for as long as we like, if you don't say…And they apparently took him for walks on the beach and said: Do this. If you do this, you'll get a TV, you'll do this, you'll do that, we'll look after you, and every time that he'd spoken to them, he wrote down in detail what had happened. And he wrote it on toilet paper, and his wife came, the only contact he had, the only person he could see was his wife, and he had these shirts which had a pull-out tab in the collar, an old-fashioned shirt, and he'd roll up what he'd written in toilet paper and put it in the collar, and then give it to his wife. And we had reams and reams, his wife came, reams and reams of these things that he'd written, detailing everything that had happened to him. And things started getting worse and worse, and eventually he said…his wife said: Look, I'm very, very worried now, because now they're threatening him with assault and all types of things. So he said, we said we've got to bring an application for an interdict, and she said: But we can't mention these things because then that will stop the line of communication, and then if they do really beat him badly or whatever, then we won't know. So we drafted the papers on the basis that I've been told by my husband, that this and this…and we set out…this is what he told me, and we set out virtually verbatim and applied for the interdict, on what was said. There was a clear case to interdict the police and the prosecutor and everybody, and to our surprise, we got answering papers, where they denied anything at all – we weren't surprised by that – but the main surprise was there was an affidavit from the man himself, saying: I don't know what my wife's talking about; this is a load of nonsense; I don't know who Legal Resources Centre are; I've heard that they're a bunch of communists or something but I'm not interested in them, I've got nothing to do with them; they haven't brought this application with my knowledge or consent; they must have done something to my wife, forced her to do it; and I ask that the application be dismissed. And there was an attorney above our offices, when you walked up the stairs, on the floor just above us was an attorney, pleasant chap, but they'd taken the…this detainee and they'd taken him to the offices above in order to have his affidavit attested, and we heard later that they'd said to him, they'd take him, they took him especially to that attorney who didn't know him from a bar of soap, and they walked past Legal Resources Centre and said: Ja, you think they'll help you? How much help are they to you now? And it was basically saying to us: Look here, you don't mess with us, type of thing. Anyway, then we said

to the wife: Well, now I'm afraid you've got to haul these things out because they're asking for costs. So in reply we produced this, said this is what it's based on. And anyway that caused then a huge, you can imagine, flurry in the dovecote with everybody. But cases like that, anyway, the point is they all…

Int So what was the outcome? It's quite interesting…

JP The outcome was an anti-climax and we were so angry because we went to court and there's a case called Skurmbroeke vs. Klint, which dealt with the Terrorism Act, and there it was held that you can't…if a person has been held in the Terrorism Act, the court can't order that he appear in court to give … evidence, because of the particular wording of the Act etc. etc. Only after his release could he do that, so if there's a dispute of fact, you can't actually resolve it in the papers. But we said, and the State raised that, and we said: Look, that case is under the Terrorism Act, there are different considerations that the court took into account, we're dealing here with a person who has allegedly been detained for his own safety, and who on his own showing on the paper, wants to come to court, and would tell us the truth. And the judge said: I'm no… it's not necessary to decide the issue, because he said: The view I take of it, is I'm going to postpone it till after the man's been released from this protective custody, and then he can testify if necessary, but I'm sure that in the meantime, now that everybody's aware of what's happening, it will stop. So it was a cop-out and neither of us was satisfied, neither side. We applied for leave to appeal, said that he was absolutely wrong, he couldn't do that; the other side applied for leave to appeal and said that Skurmbroeke vs. Klint applied; and the judge then said: My order that the matter is postponed is not appealable, it's not a final order so therefore you can't appeal against it, which probably was correct strictly speaking, so it went away. But they did stop. We did hear after that they did in fact stop threatening and whatever, and he was very shortly after that released, and the case against the Watsons disappeared, if I remember correctly. But we had cases like that…we had…one of the other interesting ones, I mean, there were things like assaults where we had, there was a chap called Tango Lamani…and, God, the second name escapes me for the moment…Apleni. And they were very active in Port Elizabeth and they'd been assaulted so badly that they were in the Livingstone Hospital in Port Elizabeth, and there was a doctor, I think he was called Berg but anyway, he was a young doctor and he was…he had a girlfriend who was a member of the Black Sash. And, so his sympathies lay with us. And he got hold of their medical reports. Because we got a report out saying, from these two, saying that, please apply for an interdict because they'd been in hospital for six weeks, they were so badly assaulted, and the cops are coming back to them and have told them: Once you're released, we're going to do the same. And one of the policemen was that dreadful character old Gideon Niewoudt, he was one of the ones, he was then a lieutenant, who was involved in all the assaults. And they were terrified, Apleni and (Tango) Lamani. And the (Dr. Berg) doctor…one day we came to the Legal…we weren't allowed to have access to their medical records, under the Emergency regulations, and one day we came to work, there was a big envelope under the door, in the envelope are their medical records: copies of their medical records and photographs of their injuries. And so…and we went to consult with them and (Tango) Lamani said they'd taken him to Swartkops River, which is a…I don't know if you've seen Swartkops Bridge, anyway, it's one of the highest bridges in the Eastern Cape. Anyway, the press call it the 'Bridge of

Death' because people regularly commit suicide, jumping over, I mean there've been hundreds of deaths apparently of people who jump over it, and they took him and he was handcuffed and they put a chain between the handcuffs, one policeman on one end and the other on the other end, and they hung him over the bridge, and they said: Tell us who your comrades are and who's involved in this, otherwise one of us will let go. Anyway, he didn't tell them but he ended up with dreadful injuries to his wrist where the skin and everything was off. And they beat him elsewhere as well. And Apleni was taken out, he'd been in Bethelsdorp police station, if I remember, and he was kicked so hard in the groin that he couldn't urinate, he had a terrible time. Anyway, he collapsed. So we go to…we draw up the papers, say this is what's happened, and then we said we haven't seen our medical records, which they…sorry, we're not allowed to show the court our medical records, but we hereby waive…I drafted the affidavit on their behalf, we waive any patient / doctor privilege, you can have access to these, to our records, and I'm sure they will support us, and I know the doctor was so shocked he took photographs but I'm sure they will support us too, and I put that in a separate paragraph because you know, when the answering affidavits come in from the other side, they have to reply paragraph by paragraph, so I made that, for instance, paragraph 20, and I said: I invite, although I can't put these before the court, I invite the Minister of Safety and Security to do so. And when the answering affidavit came in, that one wasn't, hadn't been replied to, they'd just skipped it. So in reply we said: It appears, very surprisingly, that they appear to have overlooked this particular paragraph and they haven't replied to it, and we invite them again to get those records and put them before the court, and if they show that, you know, you're putting words in your client, if they show that I'm in the hospital because I've got a boil on the buttock or an ingrown toenail, I will pay all your costs, even though Legal Resources Centre are acting for me. And they didn't answer that either. And we got word from (Dr.) Berg that the day the papers were served, the security police came in and made copies of the things and took them off. And that, so in the morning the thing was to be heard, I said to the Advocate on the other side, look, you know what's in those reports, so why aren't you agreeing to an interdict? And he said: I don't know what's in the report. So I said: You must. He said no, he doesn't. So I said: Look, if you've been an Advocate for one day, and you get allegations like this, what's the very first thing you going to do, you're going to go and you're going to see them. I couldn't say we know the Security Police got…I said you're going to go and you get those reports. Well, I haven't seen them, he said. So I said: Well, then let's stand the matter down, we told the judge that we'll go and get them. And then as he says, if it shows that he's got a boil on his buttocks, then Legal Resources Centre will pay all the costs. And he said: No, my clients won't agree to that. And then the judge said that he was bound, there was another case, and he said: I'm bound by that, he said it, it's very disquieting that, he said, I can't order the police to produce those reports, it's very disquieting that they don't, but I can't take it any further. And there's now a dispute without those reports so I've got to dismiss the application. But then we applied for leave to appeal to the Appellate Division in Bloemfontein, and that was one of the rare successes, we actually won there. And that's also reported in the Law Report. So we won that one and they said that they were…they also said it was a matter of huge surprise that the State wouldn't give us the medical reports, and they actually granted us the interdict. So those were very satisfying sort of cases.

Int …I'm wondering, Jeremy…under apartheid if Parliament was supreme, what do you think was the reason for the legal victories garnered by the LRC not being overturned?

JP I think, in being overturned by…by Parliament?

Int By the apartheid State…because it had the legal right to do so.

JP Ja, I don't know. I'm sure people like Felicia (Kentridge) , etc. are better placed to tell you that.

Int Also…during the 1980s, it seems to me that it was quite a hostile environment…height of resistance, height of repression, what do you think were the reasons for your office…the LRC office in Port Elizabeth not being you know, under the threat of closure, or you not suffering…detention or bannings etc? What do you think were some of the reasons for that?

JP No, I think, I think they preferred to have us out in the open. I think they, and they, I think they knew then who was involved, they could keep tabs on people, and you know, I don't think, I mean we were doing cases, which I don't think were, they might have been an embarrassment, but the type of cases where you're dealing with people who have been wrongfully detained and assaulted, that type of case, are not necessarily a danger to the State. It's an embarrassment maybe, and, but I can't see that we ever sort of threatened the fabric of the apartheid state. They probably saw us more as extremely annoying and a nuisance. But they, because they did stupid things. I mean, we would do things like, I mean, Norman Arendse 'phoned me at one o'clock in the morning, there used to be a midnight flight, saying, why did I cancel his flight. And I said: What are you 'phoning here, where are you? He said: I'm at the airport and they say you've cancelled my flight. I said: I didn't even know you were flying. And the Security Police would 'phone, they must have, they were tapping the 'phones, and he'd spoken to his girlfriend, saying: I've ordered a flight, so they cancelled it in my name, that sort of, you know, stupid petty type of stuff. And they'd say, you know, they'd come and, you'd get these little snotty-nosed bloody twenty year old Security Policemen saying: Did you enjoy the school you went to, and things like that. And I'd say: What are you talking about? Just to let you know we know all about you. I mean they were just pathetic actually. And I think what irritates me now, you see, some of them, some of the worst ones, especially who were here in Grahamstown, are now so-called eco…tourist operators. People have short memories. But Port Elizabeth was actually a, it was a huge culture shock because it was such a hostile environment from the white society, from the Security Police, from the…the organised profession I found was, they were very friendly, but whereas when I'd been at the Bar for instance, I would have been invited to various places, suddenly I wasn't invited to various places. I think the organised profession I think were frightened, a bit frightened to be seen in any way hobnobbing with us. But anyway then I left Port Elizabeth, I opened… because Rosalie (Kingwill) wanted to do her Masters at Rhodes so we decided we had to leave Port Elizabeth and come to Grahamstown, so I said to Arthur (Chaskalson): Well, look I'm definitely going. I don't actually want to leave

Legal Resources Centre but I have to leave Port Elizabeth otherwise that will be the end of my marriage. Much to my amazement he said: Well, why don't you open an office in Grahamstown? So that's how I…I said: Well, if you're happy with that. So that's how I came to open the Grahamstown office.

Int When was this…exactly?

JP That would have been, I think I was, sorry my memory is so bad…I think I was only in P.E. about eighteen months or so…

Int …So, it was still in the eighties.

JP Ja, no, it would have been '87 or early '88.

Int So what was the…in terms of setting up the Grahamstown office, what were the difficulties, what were the challenges, in terms of setting up the Grahamstown office?

JP Well, they were all very mundane ones. It was finding premises, this is the only office that we own, the only building that we, that LRC own. Because I said to Arthur (Chaskalson), they said: No, we don't buy property. I said: Well then we're going to be ripped off because given the nature of Grahamstown. We'll be completely ripped off and please just make an exception because there was that property on the market and I think it was, we paid R 120 000 or something ridiculous for it. It was in quite a bad state but I said: It's ideal, it's in High Street, I don't want a little, to rent little poky places somewhere else, I want us to be visible and part of the main street with our plaque up so that people stop and think, because this, in this place, in 1980s, was one of the most conservative places you could be.

Int Grahamstown?

JP Grahamstown. Especially the legal profession, hugely conservative. And I think I was seen, people knew me, I'd been here and I'd done my pupillage here as an advocate but I think people saw me as some sort of maverick, or: what's happened to Jeremy? He's gone and joined that lot. That's why I specifically wanted us to be there and in full view etc. and so they then said ok, I could open up. But the wonderful thing about it, because then we had to find an attorney, and that was then becoming very difficult, there was a, Nettleton's was next door, were hugely sympathetic, and Dave de la Harpe, one of the partners, he was doing all the work, visiting detainees etc., which he then handed over to me, and…but they supported us while we were, while I was ordering things, photostats, blah blah blah, all our office equipment, we used their stuff, so they were hugely supportive.

Int This is a law firm right next to…?

JP Right next door. And they were supportive at some cost to them, because I think a lot of the more conservative ones also thought, what's Nettleton's doing? And we were under surveillance here from the Security Police who were just across the road here from…they were above where the Pick 'n' Pay is now. And there were some dreadful characters there as well. And Grahamstown being this little bowl, the Security Police knew everything about everyone and what was going on, and there were some arrogant little, real, people with, I mean they're bad enough anyway, Security Police, but with, but some of them had just this immaturity with it and the power had gone to their heads, throwing their weight around. And the delay was trying to get, well it took a couple of months to buy, to get equipment, and then find an attorney. And eventually, I think it was Felicia (Kentridge) who managed to get hold of David Pitman, and he came down as the first attorney, and David was also, I mean he wasn't a, he'd been an engineer. Do you know David Pitman or heard of him at all?

Int No, not at all.

JP He was a Rhodes scholar. And he was a qualified engineer and then he did his Law degree and then he eventually came down here. And he knew the Eastern Cape, his family had come from the Eastern Cape as well. So we were so lucky to get him and he was a hard working chap. Also I think just a very, probably a sort of classic liberal, not involved in politics either. So we were probably a bit of an odd couple, I think David was never a member of NADEL or any of those things either. And we were told when we came here, there were people like Jeff Peires, have you ever heard of him? He's an historian, he's written a couple of wonderful books, if you're interested in the history of the Xhosa people: *The House of Phalo* and the *Dead Will Arise*, about the cattle killing. If you ever get a chance to buy that, you should buy it, Jeff Peires.

Int Ok.

JP And he was very involved here. And he sort of gave advice about, right, if you want to have credibility you've got to employ this person as your para-legal and that person etc. etc. So that was very helpful. And then we got involved, because then Dave de la Harpe handed over his detainees and he was seeing them without, you know, without payment. I took them over, I think much…there were a number of women who were detained and I think they were quite sad because old Dave (de la Harpe) was quite a dashing bachelor and they used to look forward to his visits (Laughter) then I suddenly appeared, came as a bit of a shock. Anyway…

Int So you started…the Grahamstown office in the late eighties? And how long were you running it?

JP I left…I think I was there, I think we started, we must have started about December, it must have opened its doors December '87, I think, thereabout, and I left in '92.

Int Oh…right. To come to the court?

JP Ja, well much to my surprise, in '92 I suddenly got a 'phone call from the Judge President of Transkei, and he said: There's a vacancy would I accept an appointment as a judge? And I said: I don't think they will ever appoint someone in the Legal Resources Centre, and he said no, he's spoken to the Minister and he's told him he wants me, this is the Judge President, who was Ted Beck, who'd been a Judge of Appeal in Zimbabwe and had come down. And I spoke to Arthur (Chaskalson), Arthur (Chaskalson) said well, you know, he's sure I'll get appointed eventually, why don't I stay on, there's important work to do. But I thought about it and at that stage I'd been from '80…I'd been about eight, nine years at the LRC, and the work here was becoming, I could see the way it was going, it was coming more into land issues. There were still a lot of police assaults and that type of stuff but I'd, a lot of them were lower court stuff, which wasn't what I was doing. A lot of the interesting stuff had now been dealt with, because we, I think this office had at one stage, we had the most reported cases in the Law Report, we had a, because I kept taking legal points, a lot of interesting little legal points arose, some of them, I mean none of them had the impact of the big Jo'burg cases, but in their own way they were quite important matters. But I felt at that, we were sort of coming to an end of a particular era, and Clive (Plasket) was moving in, Clive Plasket, and I could see his interest was lying more in land issues, which was never my interest, because I've always just been more interested in, well I suppose, ordinary sort of law as opposed to that type of, I wasn't much good at that type of community based work. I'm much better with someone coming with a problem, right, is there a solution? So then, so I thought about it, and I said to Arthur (Chaskalson0: No, I think I will actually move on. Anyway, so much to my surprise I ended up there.

Int When you say 'there'…?

JP Well, they appointed me, I was appointed here as a judge, but seconded to Umtata.

Int Right…so you went back to the Transkei.

JP I was seconded to Transkei for three years and then came back here.

Int Ok. And you've been here ever since. So what's your association with the Legal Resources Centre now?

JP Well, I stayed on as a Trustee for some years. And then I just thought, I thought maybe fresh blood is needed, after some years here. You know, you start, I mean people got appointed who I, who I didn't know, various attorneys etc. etc. and I started losing contact and then I thought, no I must actually, actually allow…I'm not too sure who the Trustees now of Grahamstown are, I'm not too sure who they are. Do you know?

Int No.

JP Ja, so eventually I just thought, no, I must let fresher and newer faces come in. and I thought maybe if, maybe black Trustees as opposed to…because you know at one stage, there was myself, there was John Grogan, I thought no, we all seem to be, too white and male.

Int What happened to David Pitman?

JP Ja, he, when did he leave? He was a very restless chap. And eventually he met, where did he go to? God my memory's bad. Anyway, he disappeared overseas and he ended up marrying an American diplomat in South America. Last I heard of him he, his wife was First Secretary or something at some embassy in Brazil I think? And he sent me a photograph of a wall of disposable nappies, with his baby sitting in front of it. (Laughs.) And that was…

Int Right. So you were there when Clive Plasket joined? Because it seems to me you still have quite close working relations with Clive (Plasket)?

JP Ja, because Clive's (Plasket's)now a colleague of mine. He was appointed here. Well I kept up with Clive (Plasket) because Clive (Plasket), after I left, Clive (Plasket) kept asking me things and so there was that sort of link. And then when he got appointed here, he'd acted here a couple of times and then he got appointed, and because of our link, ja, he's one of my best friends I suppose.

Int What about people such as Sarah Sephton etc. who are now at the LRC? Do you still have close working relations with them or not really?

JP No, and I keep away from, because it, I want to be able to do cases if they come from LRC, and I can't, you know, if I've got close working relationships with them, and in fact, that was, now that I think of it, one of the other reasons apart from, I mean that was a reason that I factored in as to why I resigned as a Trustee. I thought, you know, small town, you can be a Trustee say in Jo'burg, and if you're a judge, your chance of getting a case where the LRC's involved is not that big. But here, there's a much bigger chance of that. So that was also a thing I factored in. And then I immediately blotted my copy book with the LRC by, well a couple of cases I did went in their favour and then one of the last ones, I found against them, Wildlife Society, I don't know if Sarah (Sephton) told you about that one?

Int I haven't met her yet…

JP Oh. It was all to do with…and I ordered Legal Resources Centre to pay the costs and afterwards, I said to Mark, Euijen, I was very hard, and he said, because Mark (Euijen) had been arguing the case for Legal Resources Centre, I don't know if you've met him?

Int Not yet.

JP Anyway, he was an Advocate with them as well, and he'd been Director at some stage too, and anyway, he's now a private advocate. And afterwards, having given judgement, I said to Mark (Eujien), it's very difficult, but I was trying to be fair, and he said, ja, he'd said to the Advocate who was with him, if we get Jeremy (Pickering) or Clive (Plasket), we're going to lose, because they're going to try, they're going to bend over backwards to show that they're independent and not biased towards the LRC. So I said: Ja, subconsciously maybe it does influence you to some extent. I don't think I was, but I think that, ja, if I was a Trustee, well then I would have said: No, I'm not doing the case.

Int …You were at the LRC at a very interesting time, because it seems to me that it was the eighties, it was very difficult, and then when you started the Grahamstown office, you were veering towards transition, and then transition came, and you were within … During that time, what were some of the discourses around how the LRC would respond…to the changing environment as such?

JP Well, I think, well certainly in Grahamstown there was a lot of uncertainty, because we could see our traditional work going out the window, and I think, ja that was one of the factors I think that led me to eventually leave them. Because we could see that we were going to have to change, we were going to have to get more involved with issues such as land etc., land, environment, that type of issue. Because you know, I left out, when we came here, the type of cases we did, we just had queues, we were besieged, there were queues outside Legal Resources Centre, and a lot of the cases were to do with legally mundane issues but…ID books, people couldn't get pensions because they didn't have ID books, or they were given, one of the things we discovered, was people didn't know their birth dates very often because they had been deprived of education and they'd apply for an ID book, it seemed as though the clerks at the Home Affairs office had a particular mandate to make people lob ten years off everybody's age, so as to avoid them getting a pension too early, and we'd get people who were clearly over the age of sixty coming in, and you'd look at their ID book and they were thirty, or whatever it was, or they couldn't get ID books or whatever. So we had a thousand, literally thousands of that type of case. We took a couple to court and we (there) were daggers drawn with Home Affairs, but we operated in a different way then, because being in a small town, I picked up the 'phone to the Home Affairs chap who was an Afrikaans chap, and who we'd had an explosive correspondence with and I said: I want to come and meet you. No, no, he's not interested. I said: No, let's…come, or you can come and meet me here or I'll meet you there or we can meet in a neutral place, we can go and have a cup of coffee, but I just want to talk about this. Eventually he agreed. We still greet each other now. We bump in…because I think he realized I didn't have horns and…as (Thabo) Mbeki said…and underneath it all he was actually a decent chap. And I would…what it did was it took all those matters out of the court sphere because he knew that if I said this, we've got a good case here, there, there, that I had a good case, and they would deal with each and every case that we had, and resolve them. Whereas, I mean, of course there were a whole lot of other people who they kept on doing the same thing to, but they knew, we were involved, our cases were settled. So that was one way of doing it. And I, we

did the same with Department of Manpower, because we had lots of labour cases. And the labour cases as well, met up with the chap in charge of Labour, and at the end could just 'phone and say: I've got a good case here, etc. etc. And then, I think we did, because we didn't have the resources to take each and every case to court, I mean, it would have, so with for instance, Emergency cases, people who'd been detained, there was a very decent man who was a State attorney in Port Elizabeth, who I developed a relationship with, and I'd 'phone him and say, this case, if we take this case to court, you'll be blown out the water. And he'd say, hold on, I'm going to investigate, and he'd come back and say, ok, the detainee's been released.

Int Did that set a precedent, I mean, was this…a test case approach, setting precedents?

JP The trouble is that none of them could be test cases because each one depended on their facts, on their own facts. That was the trouble, you know, with that type of case, it was very hard to, we could sort of discern a pattern that you knew what was happening, we could say, look, we've got fifty people who have come in today and they've, their ID books say they're forty when they are actually sixty. But you couldn't really base a class action on that, because then in between you get other people who didn't…because we looked at ways of doing it, in the end we decided that was probably the best way of doing it. But then one of our main things was what we did was established, there were advice offices all around Eastern Cape and so we established contact with all of those. There was a very good chap in Fort Beaufort, Mthetheleli Mana and he would bring in clients so we set up a pattern of visiting various advice offices: Fort Beaufort, Queenstown, King Williams Town, etc. do a tour, East London, Black Sash office, and so they would then bring in clients, whatever their problems were. But there were, there was a huge amount of individual, individual issues which we just couldn't crystallize into some sort of class action, unfortunately. And of course in those days anyway, pre-Constitution, I mean you wouldn't have a class action so, you had to deal with them on an ad-hoc basis. And that's why I thought, you know I'm not sure whether my policy of establishing good relationships with particular key personnel, I'm not sure, no one commented on it, but how well let's say it went down in a place like Jo'burg, or whether they thought it's sleeping with the enemy or whatever. But in fact in this town it actually worked. Very often it just took a couple of cases to go to court but I think the, the organised legal profession I had problems with, because…I mean we had a case here where David Pitman was very friendly with the Anglican minister, a chap called Wilmot in Middleburg, Reverend Wilmot. And he 'phoned, he'd regularly send clients our way, but he 'phoned one day and said: Look I've got a youngster here who's just come, who's just been released from Security Police detention, and he's in a terrible, terrible state and he says that he's been shocked with electric prodders and various things, and what can we do? And David (Pitman) also had a, he had a friend who was a pathologist in Cape Town, Doctor Carter, so David 'phoned Dr Carter and said: Look, this chap's just been released, got a history of having been electrocuted in the last, within the last three to four hours, what can we do? Carter by sheer chance had just been at a conference where they were, the discussion was how do you establish this type of, where people have been…is electrocuted, does that mean you've been actually killed or can you use it to…?

Int Yes… Electro-shock…

JP Ja, I mean it doesn't mean that you've been killed as well. So where people have been subjected to electric shocks etc., and there was an Israeli scientist who'd done a lot of work on it, on pigs, or pigs, and anyway, he said get blood, take blood from this chap, so we took him, the Reverend (Wilmot) took him to the District Surgeon, took blood and it was then sent down to Carter for analysis, various things of blood, and apparently if you've been subjected to electric shocks, your creatine levels in your body rise, and it's got a half-life and depending on the half-life, they can work out what's happened to you. And the results came back that this chap, he had either run a one hundred kilometre marathon non-stop, or he'd had a massive heart attack, and he was a chap of eighteen, he hadn't had a heart attack, or he'd been electrocuted. And armed with that we came to court for an interdict, and the police of course, said: We deny it. Us shock him? Never, we would never do a thing…and they said: We can't reply to his tests because we'll have to get our own pathologist to have a look at them etc. So I said to the opposition, who, interestingly enough, was the same advocate who had acted in the other case, the Apleni, Lamani one, who was brought in of course, and I said: Look, same situation, give us an interdict here…And he said: No, the police will never agree to that. I said: Well then, give us an undertaking. He said: We'll give you an undertaking without admission of any guilt; we'll undertake not to assault him. I said: We want it made an order of court, so there's some force, some teeth to it. He said: No, we'll never agree to it being made an order of court, even though it's just an undertaking, because then it will be construed as an admission of guilt. So I said: Look, an undertaking from Security Police, which is not an order of court, is worthless to us. So we went to court. And it was rejected. Our application was dismissed by one of the judges.

Int On the grounds that…?

JP That there was a dispute of fact, it hadn't been, we hadn't proved it, but that in any event, the police had said that we've never shocked him, so the likelihood of him being shocked and blah, blah, blah, but we just hadn't proved our case. And so we're not entitled to an interdict. And so, I don't know if I've ever been as shocked by a decision as that, and then we applied to that judge for leave to appeal and it was turned down, on the basis we had no prospects of success. So we filed a petition with the Supreme Court of Appeal, which granted us our petition, and that was, you know, the Heavers and the Viziers, the old A team as they called it, and we got our petition, and it came here before three judges and we won here before three judges and they gave us our interdict. So there were judges who were doing, who were prepared to give things like that, but on the other hand, you got the wrong judge and you lost out. It was, that case was so clear; it was very hard to believe how it could have been refused. But there were funny, you know, just an aside, Arthur (Chaskalson) said in, I think it was in '88 we had the LRC AGM here, Arthur (Chaskalson) said: We'll have it here so that we can invite the judges and they can see that we actually are all above board and blah, blah, blah. Because Arthur (Chaskalson) was very, very concerned that we be seen as part of the organised profession, working within the profession etc, so it's organised, it will be here. And he said: Will I please come and ask the Judge President, invite the judge, and the guest of honour was then Sir Harry Wolf who was

later Lord Wolf, who was, ended up as Chief Justice of England, but he was then a judge of Appeal, in England. And he was a big friend of Sydney (Kentridge) and Felicia (Kentridge). So I come across to see the Judge President, and I…he's now dead, a very decent man, I think that was the frightening thing, that you've got a man who on the face of it was a very decent, highly intelligent man…and his immediate, he says: Well Jeremy, he says, you know, we're all very, very busy, I don't think we'll be able to come. And I said: But it's in the evening. We work after hours, you know, and blah, blah, blah, so I go back, and he says: Really, I'll ask around but I doubt that any of us will be able to come. And I knew exactly what, he was just, didn't want his judges to be involved with the Legal Resources Centre, in any way. So I went back to Arthur (Chaskalson), I said: Look, that's the position. So Arthur (Chaskalson) said: Well, he'll think about it. And about a week later, he said: Why don't we ask the Judge President to host Sir Harry Wolf at lunch? He can have Sir Harry and Lady Wolf to lunch, and then if he agrees to that, then they might feel obliged to come to the actual opening ceremony. So I come across here, and I said: The guest of honour is Sir Harry Wolf, from the Court of Appeal, and Arthur (Chaskalson) would like you to, if you're interested, he'd very much, Sir Harry and Lady Wolf would very much like you to be, to have lunch with you. Oh, says the judge, Sir Harry Wolf? You say he's a judge of Appeal? I said: Yes. Oh, and he had his English Law Report, and he got up, and you could see him thinking, I wonder is this kosher? And he looks down, oh, Sir Harry Wolf, right, quite a senior member of the Court of Appeal. He said: That sounds very nice. Anyway, so we got him that way. And Sir Harry and Lady Wolf had lunch with the Judge President and all the judges, and then they duly came, but you had this type of reaction all the time.

Int It sounds like you were fighting against the grain. I'm wondering what…what levels of support you had from the National Office in Johannesburg?

JP No, they were wonderful.

Int Right.

JP They were wonderful in two ways. A, they didn't arrive here until that AGM. I could have been running a, I could have been sending them completely, I remember saying to David (Pitman): You know, for all they know, we've invented everything. Because we sent off all these reports, this advice office, that advice…this is what we're doing, and for all they know, they left us so much to our own devices, this could all be a figment of our imagination, we're sitting back at the sea or whatever, sunning ourselves. Because they gave us that degree of autonomy, which I really appreciate, because it was a great show of trust in us, that we were doing the job, they could trust us to do it etc., etc. so that meant a lot. But if there was, if there were problems etc., you only had to get on the 'phone to any of them: Charles (Nupen), Felicia (Kentridge), Arthur (Chaskalson), and you had as much support as you needed. So you never felt out on a limb. You always knew if the worst came to the worst, they would come to your assistance. It was more just, ja, you were very much forced into, you know, socially I got, not ostracized, but I fell out of the organised legal profession. I mean you would hear of advocates having been invited to the Judge President's do etc. etc. and I wasn't etc. etc. whereas in my previous incarnation here

in Grahamstown, I had been, despite being fifteen years junior. So as a matter of course, one tended to go, move in different circles. There were a lot of very committed people in Grahamstown, mainly in white left, but some really very interesting, and as I say, you know, people like Rosemary Smith from Black Sash, and there was Adrian…piles of people, the Vales, you know the Vales, (Peter Vale) he's now Professor of Politics here. So it was an interesting place to be. So you did have support systems from that sense, but you were always operating against this, on the outside of, of the ordinary Grahamstown society, which for someone like me, who has always been a conformist, was, I've been a…I think I've always been completely independent but I also sort of pretended to be mainstream so I did find that quite hard.

Int I'm wondering Jeremy, in terms of…did you feel isolated from the LRC being based in Grahamstown, or did you feel that you could very easily, know what was going on?

JP There was a lot of contact, and we had our meetings and quarterly…and because I was Director, I had, I was going up for the quarterly meetings etc. so there was a lot of contact on that level. No, I never felt isolated in the least. You know, we tended not, for instance, I wouldn't have month to month or six monthly contact with people in say, Cape Town or Durban, but in quarterly meetings I met Lee (Bozalek) from Cape Town and Chris (Nicholson) and everybody, but I always knew, I was fortunate, I think I got on very well with Felicia (Kentridge) and, you know, she was always very helpful. Ja, so I don't know if there's anything else to it that I can say.

Int I'm wondering, when you became a Trustee, what were some of the issues that came up quite frequently, regarding the LRC in Grahamstown?

JP I'm not sure if there were any particularly pertinent to Grahamstown. No, I think one of our concerns, and it seemed to be one of Arthur's (Chaskalson) concerns, was to gain acceptance. I think we were very careful about not, you know, about being seen, being taken at, and given, the work that we did, that we do being given value, proper value. And I think it was seen, I think Arthur (Chaskalson)was very concerned that we, in a way, I mean it sounds arrogant, but that we, what's the word, conscientised or something, you know, other ordinary members of the ordinary profession etc. etc. And the issues I think were, I think on the work level we were concerned about getting out, I think, away from just the one on one assault and looking for broader issues. You know, because we could have spent the whole time and could have just gone, we could have spent twelve hours a day doing one on one police assaults and one on one dismissals, and things like that, which we were trying to move away from. So the issue was really, where do we, where do we go from here? And that's where more dealing with the communities, larger community and trying to find, identify issues that concern them, and that's where Clive (Plasket) was very good.

Int In terms of funding, because I realize that at some point the LRC then had to downsize, in the nineties, and the P.E. office closed down, the Pretoria office closed down. Was there ever any threat that the Grahamstown office would close?

JP Not while I was there.

Int Right, ok.

JP But you know, the P.E. office had a problematic history. For some reason, I don't know what it was but there was a lot of internecine warfare going on amongst the staff at various stages. Luckily not while I was there, but I don't know, Fiks (Fikile Bam), has Fiks (Fikile Bam) spoken about it at all?

Int Well, he's mentioned some…what was your perspective of what was going on?

JP Well, from this perspective, there were a lot of personality clashes amongst the staff, and we would, because we always had a very happy office. There were some people employed there who I personally would never employ, but I mean, I for instance employed at least two people here who Clive (Plasket) still mocks me about, who've long since left. But we all make mistakes employing people. But there were a couple there, I mean, for instance, we had one, just an example, we had a case where Dave (Pitman) obtained a Warrant of Execution, a judgement here, but it would involve, it was a case in Port Elizabeth that came on appeal here, which we argued, so it became our matter, we got judgement and so we had a Warrant of Execution to go and, we had to go and give to the Sheriff to attach property to satisfy our judgement, and Dave (Pitman) 'phoned the P.E. office and said look, he needs somebody to go with this warrant to the Sheriff, and do…and he was told, everybody's busy, so and so…And he said: Well, surely there's someone who can just do this, I need someone that will take forty minutes or whatever. No, everybody's busy.

Int This was after Fikile (Bam) had left? Or while he was there?

JP It was after he'd left. Well, that's why, I was still there so it may have, no I think he may have still been there because I was still here. When did Fiks (Fikile Bam) leave?

Int I'll have to check my records…

JP I think Fiks (Fikile Bam) was still, may have still been there, but anyway, but on that particular day Fiks (Fikile Bam) was out of town, and so Dave (Pitman) says, well there's nothing for it, he's going to have to get in his car and drive, so I said: Look, well I'll come through because I want to go and just see somebody at the P.E. office. There was a case that I had to argue, I said: I'll pick up the papers. So we didn't tell the P.E. office we're coming through, we just drove through and then stopped there so I could go and pick up my papers. We went up to the office, the place was deserted, not a soul around, the secretaries weren't there, but we heard noise so went down, and there were three attorneys who were in the office, all people who'd been employed after I left, and there they are, with the secretaries, in the office, feet up watching Wimbledon.

Int My goodness.

JP And you've never seen such a shock when we walked in. And Dave Pitman says: Ja, I can see why you so-and-so's are so bloody busy, this and this and this. They got, I mean, they got a terrible fright. But those were the people, they should never have been, I mean, they weren't committed to LRC, they were using it as a stepping board to something else, just to be able to say on their CV this and this, and in fact very shortly there afterwards, they left.

Int Were these people…

JP That, I find that thing so distressing because, I mean as I say, when I joined, people who could quite honestly say, without being ridiculous, they were giants of the profession, up there in Jo'burg, and when the rest of us I think worked like crazy to sort of keep up and to be seen that we're not sort of unworthy of the place, and then to have the whole, people coming in, using it, not working, that made us so angry. Anyway, how did I get into that?

Int Well, it's important because what do you think actually…was that something symptomatic just of the P.E. office, or do you think that's something that has become endemic across the LRC, and I know that's just a projection…

JP I don't know any of the other offices at all. I just know, I think in our office, there, and I might be quite wrong, but I get the, got the impression after I left that, at least one person who was employed, was in fact, seemed to have been employed because the LRC was having some difficulty finding someone appropriate, and then this person was having difficulty finding a job and so the two met, and it was someone who is not committed, not interested, particularly. Look, I mean I don't know how open one can be, I don't want to defame people, that's why I'm…

Int Well, this will be edited so…

JP I'm going around sort of stepping on eggs. No, but there are a couple of people I think who, as I say, I don't think were worthy of LRC, in this office and in the P.E. office, because they just, they were not, A: I don't think they were particularly good lawyers, but B: even if they weren't particularly good lawyers, you had people who if they were committed, worked. There was a lot you could do, and they were not. I mean, we heard rumours for instance, in the P.E. office, that one or two of those attorneys were doing work privately, on LRC time, not…You were allowed twenty days to do your own work, if you did leave, took leave etc. but they were not taking leave, they were doing work, and I think the same was happening here. And that really made me so angry.

Int What do you think is the result of those problems? Was that because in the 1990's there were more opportunities for lawyers and so you weren't being able to attract

really good quality lawyers as you had been before? Or do you think the ball game had changed in terms of the focus of the LRC?

JP Can I think about that? And I tell you why, because…if you switch it off (*recording turned off*) Recording resumes…

Int Jeremy, we were at the point where I asked about…whether it became…when transition happened, whether the opportunities opened up for other lawyers, for lawyers, and so it became difficult to attract high quality lawyers into the LRC as it had in the past?

JP Well, that's a…to answer, a sort of double-edged sword, because I don't want to imply that…if you answer yes, then in a way, you are casting aspersions on present staff, who I don't know. I left '92, so…all I'll say is that some of the, ja, I think, look, Clive (Plasket) would know, be able to answer that better than I could. I think it was difficult for instance in Grahamstown, to attract, even before transition, it was difficult to attract lawyers because there just weren't enough, didn't seem to be enough of the type of lawyer the LRC needed, who was prepared, say, to come to Grahamstown. Because Grahamstown itself didn't have lawyers who were prepared to join the LRC. Someone like Dave de la Harpe, who was an excellent lawyer, and he toyed with the idea of becoming our attorney, but then decided no, he actually valued his independence more, and he wanted to remain in private practice, but do cases if and when we needed him to do cases. And he was probably the only one. Mark Nettleton, but they, the two of them, but they weren't prepared to come over, there was nobody else in Grahamstown, and then after transition, I think the world opened up for black lawyers, and I think you get people like, I mean just a matter of interest… (*interruption*).

I just see, I mean you look now at the opportunities for black lawyers, my cousin's son had a girlfriend here at Rhodes university, black girl, who was quite bright but not exceptional, doing Law, and the moment…she's got snapped up, she's with one of the top three Jo'burg legal firms, because they want a black woman. She was in the top quarter of her class but she wasn't in the top five or six. But, now someone like that might have come to the LRC or such like, but she's never going to be given the salary structures, I mean, the world's her oyster up there. So I think it is, it must be very difficult, but I suppose Sarah can answer that also better than me.

Int Well…when you were a trustee, it probably…it was a time when funding really became an issue for the LRC, and now funding is a huge issue for the LRC. What were some of the discussions you may have had, as a Trustee around the issue of funding for the LRC?

JP Well you know, that, for some reason or other I was never really…I've got very little recall of what our discussions would have been. Grahamstown if I recall correctly, had I think, Ford Foundation, or there were a couple of dedicated donors for Grahamstown, so we always sort of felt that as long as we were doing the work, we were sitting reasonably comfortably, so I'm probably the wrong person to ask about that.

Int Well…

JP I don't think I was a great Trustee in that sense. I mean, I was more, more concerned, I suppose, with basic Grahamstown issues, as opposed to the wider issues, that may have involved all of LRC.

Int One of the things that has emerged is the criticism that the LRC relied too heavily on external sources of funding, like Ford, Carnegie, Rockefeller, initially, and then…the European sources of funding, and that not enough was done to actually get funding from internal sources, in terms of the legal profession, corporate world and the State. What's your sense of that?

JP I'd think it was, certainly around here we tried. And we were on a hiding to nothing. I mean people, well A: I think the Eastern Cape is not necessarily the wealthiest place, especially in the nineties, for instance, I mean, as I say, Ford had left Port Elizabeth. Port Elizabeth was, you wouldn't believe if you see Port Elizabeth now, I don't know if you've been there…

Int Very briefly.

JP Big and bustling, and it's got this Koegoe development and it's…in the '80s, '90s, it was the most backward downtrodden place. It was just going, as I've said before, it was basically sliding into oblivion, and there wasn't money around. The companies there that one might have in a normal society, have asked for a donation, they were just struggling to survive. Grahamstown's a very poor place as well, we might have picked up R50 or something, but it wasn't, if you…I mean if we'd for instance put an advertisement in the local attorney's thing…we probably wouldn't have even recouped our money. Not high, it wasn't high on people's list of priorities at all. A place like, if you look at your say Grahamstown donor base, we would have slotted in way below people who gave, say to, GADREL, which is the Grahamstown Area Distress Relief, you know for seventy percent unemployed up in the township, or to feeding schemes or whatever. People didn't see, they just didn't see this type of case that we were doing as being that important. Because the people that had money weren't affected by it. You go to people and say, we want money because we're doing this with ID book…the typical Grahamstown reaction is, they probably lied about their age for some other reason, or whatever, this type of stuff. This community is in effect, or has got a large farming element, and it's hugely conservative, the 1820 British settlers, I don't know if you know…they've settled all around. This was one of the hubs. Bathurst was going to be the capital, and there are people they call Lower Albanies, Albany districts, the lower Albany farmers, are stuck in a time warp. You have issues like, I mean for instance, Dave de la Harpe, who was an attorney, he's now an advocate, he's, and he was doing his best to get, to bring on black advocates, and to brief them for instance, with work, but he says his client might be a farmer. His client arrives, takes one look at the black guy sitting there and says: Who's this? And Dave (de la Harpe) will say: No, he's your advocate and the chap will say: No, I'm not interested in you trying to help black advocates. It's my case and I want a real

lawyer. That would be their attitude. So you've got to fight against all those prejudices. People I think, have improved a hell of a lot, because it's a funny society. On many levels, there's much more integration, and some of those lower Albany farmers get on incredibly well with, say, members of, they get on very well with their staff, because they're very subservient, but also just with generally members of professional society, they get on very well, but when they go home, it's, in their heart of hearts it's a different issue.

Int I'm also wondering…the LRC has been described, mostly abroad, as the greatest public interest law organisation in the world. Do you think it's been given that level of recognition internally?

JP Internally?

Int In South Africa…

JP No, I don't think it has at all. I don't think it, some incredible work done, and I think if you ask, for instance, if you ask anybody here have you heard say, of Rikhoto, they won't know what you're talking about.

Int You mean the legal profession?

JP The legal profession, ja, in the legal profession. They wouldn't have the foggiest idea, things pass them by. Those cases didn't, you know, they didn't affect anybody down here, in the sense of the white middle class, so certainly in the white middle class, I think it had very little recognition. I think every now and then we did cases, I mean, I know… (*interruption*)

JP What was I saying, sorry?

Int You were talking about the legal profession…

JP Ja, I think if you had asked, in the '90s, if you'd gone up to the township and you'd said: What do you think of the Legal Resources Centre? Then I think you would have had an extremely positive response. People knew us, we did a lot of work, we were involved with community leaders etc. etc. and I think then, certainly in that community, you've got a lot of recognition. In the other communities you didn't. People would think that, ja, I was saying that, I mean I know a couple of times, I mean, the arrogance, which was shown towards me, like the late Judge President called me in once after a case I'd argued and said: "You know, we'd like to congratulate you on the way you argued that case, but you know, you're wasting your time. Why don't you go to the Bar?" That type of attitude. And I was told by another judge, who's also now dead, "what are you doing at Legal Resources Centre, you'll never be appointed a judge, you know". To which I said: Well, I don't want to be appointed a judge in the present dispensation. So I fell out of that chap's good books

immediately. So in fact there was actually quite a lot of antagonism towards it and so, I'm only talking the Eastern Cape. I don't know what it is in Jo'burg. But I think I've always been hugely proud to be a member of the LRC but often you feel a vacuum. I mean the people that know the LRC might appreciate it but the general public I don't think give it its recognition at all.

Int What do you think the level of disdain within the legal profession was about? Was that because it was within the apartheid mentality, or do you think it was because there wasn't that kind of respect for public interest law?

JP It wasn't that there...it may have been an element of both, but I think a lot of it down this part of the world was, ja, part of the apartheid mentality, and what is a…a lot of the, as I said, the reaction that I got, not overtly, but I knew what it was, was very much: what is he doing having joined that lot? That was the type of feeling that I got. I think people just didn't appreciate what the Legal Resources Centre was doing. On the other hand, there were some people who, it was not all across the board, there were some lawyers who did, some lawyers in fact who said to me that they, in not…jealous is a wrong word, but in this, if I didn't have this and that commitment, I didn't have that, you know, I think it would have been great to have done what you've done. So I said well, I mean I didn't say it to them, but I mean obviously if you didn't have that, you didn't have that, if that's what you're worried about then you didn't have the commitment, so…

Int Right…You mentioned earlier that there were queues outside the LRC offices when you started, does that in any way continue, that level of demand within the LRC? Is that your sense?

JP I don't think so. I think a lot of those issues have been sorted out. Those were issues of people who were hopeless, incredibly poor, their one hope is, get a pension if you can, or a disability pension, or whatever, or workmen's compensation, they in many cases had been wrongly deprived of that, so word got out, here are lawyers who for nothing will actually take steps which will get you your pension, and get you your ID book and get you your workmen's compensation, if you've been dismissed you'll get compensation, and it seemed that half the population in fact had some sort of problem of that nature. But then I think a lot of them have now been ironed out. So I'm, you know, I must admit I'm a bit sort of embarrassed, I'm not too sure what sort of cases Sarah (Sephton) does, whether she's involved in, because I see she's now the only attorney there. You know, they've brought a couple…just the other day I did a, it was a case where somebody, a woman who'd been convicted of fraud in Port Elizabeth, had to stand with a placard, I don't know if Sarah (Sephton) told you that one.

Int No, I haven't met her yet.

JP The court ordered her to, convicted this woman of fraud, she had 203 previous convictions for fraud, and he said she must stand with a placard in the foyer of the court, saying: I'm guilty of fraud and I hereby apologise. And he said that was so-called Restorative Justice. And Sarah (Sephton) saw that in a paper and took that case

up and brought it on appeal, and as luck would have it, it came before me. I mean, she didn't choose, it just happened to be one so I said: Well in terms of our Constitution, that's unconstitutional, but it can be degrading punishment. The person with the State said: No, apparently in America that type of sentence, shaming in punishment is passed. I don't know if you know about that? So I said: I don't know what the position is in America but here it's unconstitutional. So I mean, that, she's done that type of case. I know they've been involved in big environmental issues as well, and I think that's the way she's tried to go, probably.

Int Do you think that there's justification for the LRC Grahamstown office to continue? Is there a need?

JP Well, but as I say, because I'm a bit out of the loop, I think there's always a…and I think Sarah (Sephton) would really have to answer that, because I think a lot depends on what the work is. But I think the office need not necessarily be here. I mean, I think we were at great pains when the P.E. office closed, to say well, we're not just the Grahamstown office, we're the Eastern Cape office. And I think, I would imagine that's the way that Sarah (Sephton) thinks as well. So it's an Eastern Cape office based in Grahamstown. So…and I think there is a need for, there'll always be a need for the LRC in the Eastern Cape.

Int Well, Jeremy, I've asked you a range of questions and I'm wondering whether there are things I've neglected to ask which you feel ought to be included in an Oral History of the LRC?

JP Well, are you going to meet with Clive Plasket?

Int Well, I have to contact him. He seems to be on holiday, apparently.

JP Because what Clive (Plasket)…the moment I was contacted, I said to Clive (Plasket), I mean he's the one, he's got a much more, a much better recall (Laughs), my memory seems to have…I said to him, I can't for the life of me remember what happened yesterday about things. But I think Clive's (Plasket) also got a more, I suppose, intellectual approach to LRC. Whereas I was, because he used to laugh at me, he said: What criteria do you use to take on a case? And I said: Well, I've got one rule of thumb, which is, how would you feel if that had been done to you?

Int I think that's a good rule of thumb.

JP And if I felt aggrieved, then I'd take it on. So they always used to mock me, they'd say: Here's a case, how would you feel? So I'd say: Ja, well, I'm aggrieved by that one, I'll take it on. So Clive (Plasket) had a, I think, much more structured intellectual approach to where the LRC was going etc. I think I was probably, I say it myself, I was probably the right person at the time for, to get the office started, because I was quite good at that…I was also an advocate so I could appear in the

court, I was quite good at taking legal points and making, getting the office known, getting it accepted as some sort of above board type organisation but I realize when it got as I say, to these broader issues of where are we going, I haven't got that sort of mind unfortunately. I was completely the wrong person. I tend to react to problems as opposed to actively seeking them out, whereas Clive (Plasket) was excellent at that. And that's why I really think, you, it would be a disaster if you didn't talk to him, because I think he can probably put a perspective what the office was like when he arrived, when I was running it, and how it's changed. Have you got his number?

Int I've got his home number and I ought to call him. I will do that today.

JP You must get his cell 'phone number.

Int Right. Thank you. Jeremy…when the tape recorder was switched off, in between, you mentioned that you weren't a political animal, and you said…you wanted to help people. I wondered whether you could talk a little bit about that in terms of public interest law and what your notions about helping people are, within that.

JP Oh…

Int Yes, this is when it was earlier, when it was switched off.

JP No, well, I probably won't articulate it very well but I was, all I was trying to say was that my notion of it was that if you've got people whose rights have been trampled on, who've got no recourse to any form of redress, and if you can assist them in any way, if you can say: Well, how would I feel if that was done to me, then I think it's a case that should be taken on. And we see it happening…I get very angry with Department of Social Welfare etc. the way they've been going on here in the Eastern Cape, and there Sarah (Sephton) has been doing, her office has been doing some wonderful work. I don't know if you've heard of those cases, about the social welfare, the pensions, and that, they've been bringing cases, and they've had the, there they, I think, have been probably carefully choosing their Bench, they've got Johan Froneman who at one stage was also a Trustee of the Legal Resources Centre, he's a colleague of mine, who is a true intellectual lawyer and who's written some wonderful judgements, and they've had Eric Leach, who's also a colleague of mine, who's a very good technical lawyer and he's also written some excellent judgements on the social welfare, so…(*interruption*)

Int You mentioned the social welfare case.

JP Ja, no I think that type of case is like an echo of the type of cases we had in Grahamstown, except probably on a much larger scale, because they affect thousands and thousands of people, and someone like Johan Froneman who wrote the Carter judgement, or Cata as it's spelt, I think it's a magnificent judgement and the LRC I mean takes all the credit for that, for having brought that, and for having quietly

chosen the right judge, so I think, there the LRC really, it shows there are that type of case, which, as I say is why there's a need for the LRC. As long as the Bisho government which unfortunately appears to be totally inept, as long as it carries on in its same inept, and it seems to be a completely uncaring manner, then you'll always get that type of case, and you'll always need the LRC to take them up.

Int What do you think…when you reflect back on your professional career, your involvement in the LRC, how do you think it's shaped you in an way, in terms of your current work etc.

JP No I think completely. When I said to Arthur (Chaskalson), in fact I wrote him a letter when I left eventually, it changed my life completely. It put me into contact with people whom I would never have had contact, professionally, the people in the LRC, and the clients, but talking on a professional level, it put me in contact with lawyers I wouldn't have had contact with and for whom I've got huge respect, and it opened up a, I think, a completely new world to me. Broadened my thinking completely, and I think it enables me now to look with very much more empathy at people who come before the court and ja, I mean, I'm not saying I'm a great judge as such, but I do know people say, well, I think one of my attributes ja, is that I will listen patiently, because I always feel that if someone's come to court, they must be able to put their case without any fear or trembling, or that the judge is going to come down on them like a ton of bricks and I think I'm very fair. I try to be very fair, and I think that also comes out of the LRC. So you know, when I, I think it…that judge I told you who said: Well, you'll never be a judge, now you'll never be one, unfortunately he died before I got appointed. Which I was very sorry about, because I felt I wanted to say to him: Well, look at me now, you can actually have people who've been through the LRC who can go to the Bench and who can decide cases, hopefully properly etc. Because he seemed to have the idea that if you did this type of work, somehow you were disqualified, I don't know why.

Int Well, you seem to have had a lot of Fellows that went through the LRC who are now on the Bench…

JP Ja, I mean, the Constitutional Court, and the Supreme Court of Appeal. Now Lex Mpati up there, who is a deputy president of SCA. Well, Lex (Mpati) in fact would have said he owes me a debt of gratitude because…do you know Lex Mpati?

Int No. He was a Fellow?

JP No, he was an attorney. He was an attorney with…he's actually very interesting, if you could ever speak to Lex Mpati. Because he's now Deputy President of the Supreme Court of Appeal, and he'll be around Grahamstown. He lives here. Lex (Mpati) started off as a petrol jockey and then he was a barman. There's an Albany Club here, and the Albany Club was a bastion of white privilege. When I started off in 1973, all the lawyers used to meet in the Albany Club on a Friday night, because that's where the advocates went. Here in South Africa you've got that, the advocates and the attorneys, the two branches, and the advocates could only get work from the

attorneys. All the attorneys would go and have drinks at the Club, so all the advocates would go along too, and butter up the attorneys in the hope of getting work. And Lex (Mpati) was then a barman at that stage. And he'd sit and listen to the lawyers talk and in between he studied Law. And he eventually qualified and then he got Articles with Nettleton's here, Nettleton, (Dave) de la Harpe, the same people, they took him on, he became a partner there, and then he decided to become an advocate, and when I left, he applied for my job as an advocate at the LRC, so he always says thank God I left because that then gave him the opening. And anyway he then got appointed a judge here, and very shortly after that was appointed a judge of Appeal. He's now a Deputy President there and he's a wonderful chap, Lex (Mpati). Hugely competent, and he'd give you a good…I mean he in himself, just his life story, is in itself is a book. And I've got his cell 'phone number here if you'd like it. Well, I'll give it to you after we…

Int Thanks. I'm wondering, as a closing question, what do you think are the stories that remain to be told?

JP Like what?

Int Any memories, fond memories you have, people…cases, etc. that you think…

JP There are so many, I just, no, I think for me the, for me just having been able to meet and work with people like Arthur (Chaskalson). I never worked with Sydney (Chaskalson) but just to listen to them, Arthur (Chaskalson), and Sydney (Kentridge) , and Ismail Mohamed when he was a Trustee, and (John) Didcott and Geoff Budlender, I think you just learn so much from people like that, and I think it just made me so much a better person. Ja, so, you know, financially it was a huge drop and I've never for a moment regretted it because I often say I'm the old cliché but I'm a thousand times richer than I ever was, than I ever would have been, by virtue of being exposed to that…and it's just, I think a very…it's a small way of, as a white apolitical lawyer, a small way of having made some contribution to a 'juster' society. That's really all that it boils down to from my terms. I'm just proud that I did what I could…

Int Right. Is there anything else you'd like to add?

JP No, I can't think of anything.

Int Jeremy, thank you very much for your time and also for a rather candid and thoughtful interview. Thank you.

JP Thank you.

Int (*New recording starts*) Yes, you were telling me about the things that…were important.

JP Well, an interesting type of case, being able to help people. There was a woman who worked for us: Mrs Reyneke. She was a cleaner in our Port Elizabeth office. Her husband had been boarded from his work, on grounds of illness, and he'd been paid a large lump sum, I think about R 10 000, of which he gave away half to his daughter and with the rest he bought, according to her, a room full of shaving cream and underpants. And the reason he did it was to defeat her claim for maintenance, because he called her in and said: You think you can get maintenance from me, well, my daughter's got this and there's the rest of your maintenance, which was apparently a room full of this shaving cream and underwear. (Laughter.) And she was telling us this story, very sad, she's an Afrikaans woman, *My Here, wat kan ek nou doen*. You know, Oh Lord, what can I do? So I thought about it and I thought, well, what can we do? He's got no money, and it's a basic principle that you can't get maintenance unless a person can pay. But one of the nice things about being in the LRC was being able to think creatively about things and there's a principle called an *actio porleano utili*s whereby you could reclaim money, which had been wrongly paid over to people. So I thought well maybe if we use that, I can use that particular old Roman principle and tell the court that they must extend the law to encompass this type of claim etc. etc. And I told her: Look, we haven't got a chance, but it's going to make them think. And it did make them think. And there's a very learned judgement in the Law Report. Two judges sat on the matter and heard it, it was reported, in the end they said no, that they can't extend the law to that extent, and it boils down then to that basic principle always with money but it was very interesting. And in fact this year my son is doing law, it was one of the, apparently one of the questions in his …exam paper, as to whether or not the right to maintenance etc. etc. and that case is used as the example. And that all arose because there she was, this cleaner, and no recall. And when the matter was reported in the Law Report and I showed her the Law Report, Whoa, she said: I'm famous! So then I mean in a way it gave the husband a fright, the court appointed someone to argue the case on his behalf, and it became a very interesting legal debate, which might have eventually helped her, if I'd been lucky, but it didn't.

Int But you tried…

JP But we tried, ja. And it's nice to know that that case actually is still, you know, it was used also apparently in my son's class to illustrate the *actio porleano utilis*, as well, and how it can be put to use. And just an example of creative thinking and what you can do with it, even if you're unsuccessful.

Int Thank you Jeremy.

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DOCUMENT DETAILS:

Document ID:- **AG3298-1-146**
Document Title:- **Jeremy Pickering Interview**
Author:- **Legal Resources Centre South Africa (LRC)**
Document Date:- **2007**