Cedric de Beer **LRC Oral History Project** **5th December 2007**

Int Cedric, thank you very much for sparing the time to be part of this Oral History Project. We really appreciate your time. I wondered whether we could start the interview by you talking about your early childhood and adolescent memories in terms of living in South Africa, and formative influences - what may have led you to become politically active and subsequently?

CB Ya. It's not always easy to track that stuff. I mean, I think…when I think of my time at school, I mean, I always remember kind of being involved in political arguments with fellow…people who I was at school with. For most of my life I was at St John's, which is a very elite private school…

Int That's in Johannesburg?

CB In Johannesburg, ya. What were the formative things? You know, my mother…clearly I absorbed this because I wasn't aware of absorbing it…my mother had grown up in a very conservative family but herself had become a very liberal, I guess, and enlightened person. She had wanted to be part of the Black Sash but was discouraged from being part of the Black Sash by the family because it was felt that she would get into trouble and her children wouldn't have a mother. And she used to go off and work in various charities where it would feed poor kids and homeless people and things like that. And I guess some of that was just absorbed. I'm the youngest of four and both of my brothers, my oldest brother is seven years older and the other one five years older. As they went through school and then as they hit university, in that period in the sort of mid sixties, where I guess, all sorts of things were going on, counter culture was going on, they were both quite committed to the Anglican Church which had picked up kind of elements of liberation theology and so on. So I don't know, I kind of absorbed this stuff, it's hard to psychoanalyse oneself and how you sort of turn against your tribe as it were. (laughter). And I found…I mean I spent a terrible year in the National Service in 1970 which had convinced me that the white establishment was not really something that I wanted to be part of. Got to university in 1971 and there was a lot going on politically, which I was interested in, and I sort of found a home there, I guess. And…also earlier on, I mean, there was a lot of quite deep political analysis, I guess inspired by a kind of liberal Marxism, perhaps might be the best way to describe it. That also then just helped to kind of help me to understand the world that I was living in and how I felt about that. So, from early on at university I gravitated towards the NUSAS local committee and the protests that were involved. A very, very formative thing for me was…and I think I've got the dates right, because I think it was towards the end of 1971. Ahmed Timol died after falling out of the 9th or 10th floor at John Vorster Square. And that really shocked me in a very substantial way and sort of in a way accelerated, I guess, my involvement in that kind of political milieu.

Int I want to take you a bit back, you mentioned that your mom became quite interested and dissuaded from joining the Black Sash. She sounds quite remarkable for her time

in a way and I wondered whether you could expand a bit about that and how that influenced…what sort of discourses were taking place at home, for example?

CB Ya. That's quite hard. I mean, she grew up in a very poor white working class family. She was the oldest of four children. Clearly, I think for reasons that one can't understand and intellectual from an early age, actually forced out of school because the family didn't have enough money for everybody to be at school, so as the oldest and as a woman, was a girl, at the time, it was considered that education wasn't particularly necessary for her, so she had to leave home and work so that particularly her younger brothers could continue at school. You know, by the time I'm conscious of my mother, I guess, i.e. young child and she's a mother, and it's not that she was politically active, but when I now sort of read some of the letters that she wrote in the past and understand more about it, clearly she was…I mean, she was a very discontented person, I think. And I guess she was discontented with the role assigned to a woman at the time. She was discontented with what she saw as an inhumane society. It was never really until much later…and we can talk about the period of my detention later…it was not until much later that there was any real active engagement in the political world. So that was something absorbed, I guess, either genetically or through conservations that I don't remember, I don't know.

Int Right, ok. And your father wasn't politically active?

CB No, my father…my father came from Holland via what was then the Belgian Congo where he worked for a while. And he's more conservative, a more classically colonial view of the world, I guess. I mean, my father was born in 1913, so it's not very surprising that he would have had that shape. And again, I mean, some experiences later in his life challenged that view and so on, but he wasn't…he wasn't…my father was always a kind of a kind person, and a nice human being, I guess, so, you know, he would expect you to treat people…and I think that's important, because it adds to other things to say that you always treat people with respect. But he certainly had no strong political views that were encountered to the mainstream itself…the white political mainstream in South Africa at the time.

Int You mentioned earlier on that you'd observed some of the thinking, politicised thinking from your brothers who were older than you.

CB Ya.

Int I'm wondering, apart from that, growing up in South Africa, did you as a child look around and wonder whether about…did you feel that things were not the way they ought to be in this society?

CB Always. I mean, I always, you know, I had a kind of, I guess, a paternalistic liberalism from a young age. Actually…and there is one other person that I should acknowledge in that development. When I was at school there was an English teacher, Michael Gardiner, who later…I think in the past he had been an active member of the Liberal

Party and later became quite influential in sort of radical educational circles. He left St John's and did other things. And he was always very challenging. And I liked him as a person and responded very positively to, I guess, the kind of guidance that we received from him. So, but…you know, all these things are strands, I mean, there's my mother, there's Michael Gardiner, there's my brothers, there's a general sense that people weren't being treated fairly. And there's certain particular moments…I mean, I have a memory of Sharpeville and wondering what it was all about and trying to find out. And I have a very strong recollection of the woman who worked for my parents…this is a domestic worker…being very upset when John Harris was executed for the Station bomb blast in 1961, whenever it was. And wondering about those things, and it's hard to piece it all together in an entirely rational way, but that's the kind of stuff that's…ya…

Int So you went off to Wits?

CB I went off to Wits thinking I was going to do Law…and stopped…

Int Why law?

CB (laughs) Ya…I guess because I've always had an argumentative streak and I thought it was a good profession for someone who liked to talk a lot (laughs). And I guess a sense that probably, I think, that one might be able to contribute to some kind of justice. It was quite a conscious decision to drop it, now consciously my decision to drop it was…now we're talking about 1972/73, the kind of increasing era of the aggregation of any rule of law. 90 days becoming 180 days becoming the Terrorism Act and **inaudible** indefinite detention. And a kind of sense that by the time I'd qualified as a lawyer there wouldn't be any law worth practising. So that was quite a conscious decision. What did I do after that when I went and did a BA degree? And studied Political Science and History…I did study legal theory on the assumption that I might do law at a later point. But Wits was a politically very active place. And there were clearly people then, even, who saw themselves not just as part of what was a mainstream liberal opposition, but trying to establish links back to a kind of congress tradition of resistance. And you know, there are particular individuals in my mind, I better not necessarily name them, who were clearly plugged into a broader sphere of political activism which included the ANC, included people from the Communist Party, from the fifties and sixties and so on.

Int So students, who were…?

CB Students, ya, largely students. A couple of lecturers, and then a social network that one got plugged into a little bit…

Int Were you in contact with Eddie Webster?

CB Uh…from about ’72, ’73, I guess, he became someone who gave seminars at NUSAS events and things like that. I mean, that’s my earliest recollection. He definitely wasn’t part of my earliest political time there, but he did become a very influential figure here later on.

Int Just going back a bit briefly, you mentioned that you had served, done National Service, and I’m wondering, did that impact…you mentioned that it did impact on you, I’m wondering what particular experiences, if any?

CB You know, I mean, I served nine months in the artillery in Potchefstroom, so it wasn’t…it was sort of prior really to the kind of engagements with SWAPO that were happening in Namibia a bit later. So it wasn’t like anything concrete in that regard. I guess though I was very aware of a strong kind of indoctrination that was theoretically anti-Communist but practically very racist in nature as well. Which I just resisted, I didn’t like being indoctrinated. But also then being exposed to a very wide cross section of white South Africans, many of whom were quite nice people in interpersonal relationships, but who just, whose attitude to black people in particular and to the rest of Africa, really quite shocked me, and sort of…that was really it. We spent time building a, what became later, a camp for drug addicts and other sort of social misfits up on the border, to exactly the border of what is now Zimbabwe and Botswana. And sort of, that was quite interesting just being aware of kind of African countries just north to the border, where quite different lives we lived. But nothing much more than that, ya.

Int Ok. So coming back to Wits and the early politicisation I wonder whether you can speak about that and how you became involved in NUSAS?

CB Ya. Um…it’s a long time ago. You know, as I say, I mean, look, there were a series of things, I mean, one is, there were mass meetings and protests around various things and I don’t necessarily remember what the issues were at particular moments in time. But I was very aware of two things, and one of them may even pre-date my time at university. There was the ongoing detention of Winnie Mandela and a number of other people who had been detained, charged, acquitted, re-detained, and held for what seemed kind of almost indefinite periods of time, and that just offended my sense of fairness. And I think there were some early protests around that. I started to kind of go to protests. I guess I started to hang around the peripheries of what was a bunch of people involved with the NUSAS committee, which had a series of programs. And then as I say, it was the Timol death that really made me think I ought to be doing something about that. And so I sort of formally signed up for membership of the NUSAS local committee. The following year, sort of by the middle of ’72, I was chairing that committee, and honing my organisational skills from quite a young age. And 1972 was the year in which, there were first protests on black campuses about the quality of education, and that then became a kind of major campaign on the white campuses. We had some protests that were quite viciously attacked by the police. And then there were a series of illegal marches and further protests and confrontations with students from the Afrikaans universities. And after that I was sort of fully into it and it felt like this was a calling or something that I wanted to do, ya.

Int How did your family feel about your politicisation?

CB Um…well…I guess that to the extent that I discussed it with my brothers, they were quite supportive. My mother was silent, I mean, my mother was generally quite silent by that stage of her life. I think she was probably supportive in principle, and worried about practical consequences and people getting into trouble, as a mother might be. My father was not in the country a lot, he worked back in what was then the Congo or Zaire…I can't remember the timing…most of the time, and was sort of faintly, but not actively disapproving, I guess would be a fair way to put it here.

Int So prior to the actual trial that you were involved in, in 1974/75, were you detained prior to that?

CB No. You know, if you want to run through that history very quickly, there were those series of protests, I became active in student politics, there were a series of programs run, ongoing programs around education, around what we called welfare, which included some sort of theories of social action that were meant to be more activist than just charity. We ran political campaigns at Wits, examining the policies of white political parties around the time of some or other white general election. Made ourselves very unpopular with the liberals by criticising the Progressive Party. '74, as I say, was the campaign for the release of political prisoners, where we did things which became part of the trial, like, distributing the Freedom Charter, quite widely around the campus but also in town. And sort of profiling political prisoners and saying that we thought that these people ought to be released and so on. That was '74. '75…in about March '75, I took a vacant post in the NUSAS executive and moved to Cape Town. There had been quite major skirmishes with the Security Police at Wits during '74 around the political prisoners' campaign and they'd come in and confiscated documents and closed down mass meetings and on one occasion had been quite fiercely attacked by quite a large number of students, and that has resonance later. But, I hadn't been detained, no, the first time, what happened was…so '75 we ran NUSAS, there were various campaigns of various sorts. Karel (Tip), Glenn Moss, Gerry Maré, and a whole lot of other people were detained…inaudible, in relation to (Breytenbach) Breytenbach's visit that year in '75. But I just…I avoided that…luckily. Then I was running a seminar, a student leadership seminar, in the Katberg, which is a sort of mountain resort in the Eastern Cape, not far from Grahamstown, in December '75, when the police arrived in the middle of the day and arrested me and took me to Port Elizabeth prior to bringing me up to Johannesburg to join the other people. So Glenn Moss and Eddie Webster, and Charles Nupen, I think were all arrested; we weren't really detained. We were arrested in Johannesburg. And they drove me to somewhere in the Cape where we met up with the car that was bringing Karel Tip from Cape Town, and they brought him and me to Johannesburg. He had only been out of…he and Glenn Moss, had only been out of detention really shortly because they had been there for the whole of the Breytenbach trial. So they'd been out for a few weeks really when we all got arrested for this. So that was really quite shocking for them. It was less of a disturbing experience for me.

Int When you say less of a disturbing experience, this is the first time you were detained as such?

CB Ya, ya. Well, as…look…you know, I…I mean, I had some anxious moments, I was arrested, taken to Grahamstown, appeared in front of a magistrate, which I didn't know I had done, in the Security Police offices in Grahamstown. I mean, that was a formal appearance to justify another 48 hours of being held or whatever. Taken to Port Elizabeth, held in the…I think it's the New Brighton police station, that's where they held lots of detainees and I think that's where Biko was sort of beaten up and killed. And then driven to Johannesburg. I never really had a sense that this was going to be a long detention and interrogation. And by the time I got to Johannesburg, which I guess was 48 hours or something after I'd been arrested, and I travelled up with Karel (Tip) so that we were in the back seat of the car together, so that was quite reassuring to have the two of us together. And he was telling me how to cope with prison (laughs) having had that time. We then learned well we're going to appear in court the next day and presumably we were released on bail. So there was nothing very hugely unpleasant with the experience. I mean, it wasn't a nice thing but it wasn't…and there was a sense that there was a process under way rather than a kind of disappearance under way. So it wasn't that worrying.

Int When you decided to take the position at NUSAS, the vacant position in Cape Town, by this time had you completed your degree, were you…?

CB I had. In fact I…what happened, I mean…I guess I was quite shiftless…well, I'd finished my degree at the end of '74, and what I was…in '75, really I decided I wanted to do Politics Honours but I only had three years of Politics, or something, I can't remember. So I stayed on at Wits doing one course and being on the SRC…no, I wasn't on the SRC then…I don't know…ya, I think I was still on the SRC and then the post fell vacant and I thought, I'm doing one course, I've got a degree, let's go and **inaudible** that and I thought that was a good thing to do.

Int Right. So once you were arrested and taken off with Karel Tip, what happened after that, what was the process?

CB So the process was that we were held at John Vorster Square overnight. Taken to appear in court the next morning, granted bail. And the court appearance, I guess Raymond Tucker did. And maybe Geoffrey (Budlender) was there, but Geoffrey was Raymond's Article Clerk, ok. So either Raymond or Geoffrey did the…the bail, I'm sure it would have been Raymond…the bail application. We got released on bail. So that was about the 5th or 6th of December. And really the court case itself, the court proper started on the 1st of April the following year, '76.

Int So you were out on…?

CB Ya, we were out on bail. And really that time was spent looking at the charge sheet, getting further particulars, consulting with the lawyers, and preparing the case. I

mean, in one way I was quite fortunate being charged. I had been called up for an army camp for January or February. And I knew I wasn't going to go but I didn't know how I was not going to go. And after being arrested and charged I just had Raymond, I think, write a letter to the military saying, quite deliberately, I'd been arrested and charged under the Suppression of Communism Act, and couldn't go on the camp because I had to be preparing my defence. And I got a rapid instruction from the army to come and hand in my kit to facilitate my discharge from the unit. (laughter) So that was the best experience of that trial. I avoided then all the subsequent sort of call ups for the invasion in Angola and things like that, so I was lucky.

Int Yes, absolutely. So could you talk a bit, Cedric, about the trial itself and how that proceeded?

CB Ya. Look, I mean, two things about the trial, one: it was quote a big deal when it started, because it really was portrayed and it was correctly more a trial of ideas than anything else. And so received quite a lot of publicity. But that was April '77, ok, by June '76 there was a whole different political dynamic in the country and you had the Soweto uprisings, and in a way the trial faded into a political insignificance in that sense, that there was just much more important stuff happening in the country. I mean, what happened, I mean, it was a…you know, they had tried and convicted SASO leadership…I think before that trial, a whole lot of people, Strini Moodley, Saths Cooper, a whole lot of other people had been tried and convicted. They had run this campaign celebrating the Frelimo victory in Mozambique. And I think they thought we've done that with the black student movement, now we can do it with the white student movement. They didn't detain us, they didn't interrogate us, so they didn't get the kind of evidence that they might have got…I'm not sure that they would have, but they might have got, if they had followed the same course as they had with the sort of SASO black people's convention. So I think there was a kind of decision to do that. That they really were angry about the political prisoners' campaign, because it was popularising a whole generation of leadership that they thought they'd locked away and had got forgotten about. But things like handing out the Freedom Charter and profiles of political prisoners and some reckless speeches from the dock and that kind or stuff really irked, went up the nose, of the police. I don't know how much it got up the nose of the political leadership, but the police were really cross. And…so they really then said right, we're going to take these guys down and they picked a really strange hodgepodge of things. I mean, they took the political prisoners' campaign as a centre piece, but they threw in the Wages Commission activities which had been quite instrumental in creating trade unions, particularly in KwaZulu-Natal. They threw in a whole lot of strange political workshops, sort of student leadership workshops we had run, which then included Eddie's (Webster) analysis of Black Consciousness and, you know, a whole lot of stuff, and it just became this kind of boiling pot of different things. Without a very coherent threat. And they trotted out a whole lot of witnesses that they'd used unsuccessfully in political trials in the past. So they brought old guys who had been turned, old ANC activists who had been turned and had done a whole round of political trials in the 1960s. And it was a bad move because for people like Arthur (Chaskalson) and George Bizos, these were guys who had, you know, threatened to put the Rivonia trialists, have them put to death. And they were really angry with these people from a long time ago (laughs) so they set

about a serious demolition of their evidence, about **inaudible** activities, that were clearly Communist and were in line with the program of the ANC, and all kinds of things…

Int What were your specific charges?

CB You know, the charge…well…fundamentally around the political prisoners' campaign. Because really it had been a NUSAS campaign, but Glenn (Moss) and I had run by far the most active part of it. I think it's fair to say that the most active part of that campaign was run at Wits and we had run it. They tried to link that to Jack Hodgson and five Communists in London, who they claimed had kind of formulated this campaign. Now to the best of my knowledge that didn't happen. (laughs) But who knows? But they portrayed that really as a kind of serious breach of the Suppression of Communism Act and that it furthered the aims of the ANC and the Communism Party and did all that kind of stuff…that was the centrepiece. Further than that, there were just, you know, they picked up random stuff around articles that I might have written for student newspapers or speeches given either at those campaigns or elsewhere and just painted them all into a furthering the anti-Communism charge. Ya…you know, the exact details of all of that…Karel (Tip) and Charles (Nupen)…Karel (Tip) particularly, and Eddie (Webster) I guess, would have had more of the…that political prisoners' campaign as well because they were instrumental in formulating it. Although Eddie had actually opposed the political prisoners' campaign, he said it was a bad idea. But the sort of trade union Wages Commission stuff was sort of directed more at them because they had been very involved in Durban in that really union activity. I mean, Eddie (Webster) really didn't belong in that trial, you know. He just…he had been an advisor to the student movement, he had given some talks, but he had, as I say, opposed the political prisoners' campaign, he certainly hadn't actively participated in it. And they just jumbled it all together into this big kind of mess. You know, some of this…he was Captain (Arthur Benoni) Cronwright later Major Cronwright in the Security Police. He had led the raids at Wits during the political prisoners' campaign, he had been quite severely assaulted and told me later when I was in detention that his back had been broken. I mean, I'm not sure if that it was true or not, but certainly walked quite awkwardly. And I do believe there was a certain degree of political vendetta in all of this…a personal vendetta in all of this.

Int His back had been broken by whom?

CB By sort of…by students. I mean, what happened…you see, we were running a mass meeting outside and there were a whole lot of pamphlets ready for distribution. They came, they closed the meeting down, they took the pamphlets and then they searched the SRC offices, which were upstairs in the Student Union building. And I don't know what happened, because we definitely didn't incite this, although (Arthur Benoni) Cronwright insists…insisted until he died that we did incite this. That three or four hundred students just gathered around the police, started shouting at them, then started pushing them, and as they were going up and down the steps they kind of got attacked and pushed and Cronwright got thrown down the stairs. I didn't see that. But he says that he had to be carried off and that in that event his back had been

broken. I personally believe that, you know, there were lots of spies, sort of inside student politics at the time, and who they ended up leading as a star witness, who was a real dead, was a guy called **Derek Bruna**, who had been vice president of the SRC…Glenn Moss was president, he was vice president and I was secretary, I think, of the SRC. And he came and gave evidence and I mean, his evidence was really stupid and he got completely destroyed under cross-examination. You really don't want to be cross-examined by Arthur (Chaskalson), you know, and George (Bizos) is the bully, and he sort of bangs away at people, but Arthur just cuts people to pieces in the nicest, gentlest possible way (laughs). He got completely destroyed by Arthur. Craig Williamson, who was their big fish, I believe was due to give evidence in that trial. And that sometime during the course of the trial they took a decision not to call him. And he went into exile shortly after that and that's a whole other different story. But…and I think that the case fell apart when they made that decision, because he had been very intimately involved with us and all that stuff. I still don't know they would have got a conviction, but they would have looked better than they did in the end. And exactly a year from the day we were arrested, was judgment, and we were acquitted. We knew we were going to be acquitted because there were no police in court so they obviously had wind of this (laughs). And I mean, Arthur had really an argument, built this layer upon layer of reasons why we couldn't be acquitted, and I think the magistrate was so intimidated by the fact that there were so many things that he was going to get hit with on appeal, that he just took the easier course and said…and as I said, the trial was by then politically not really important, I mean, the country was in a sort of minor uprising…or major uprising, and these five sort of white student activists were really not central to anything that was going on at all.

Int Well, I'm wondering, what it was like, sitting there in the dark and watching this excellent lawyering by Arthur Chaskalson and George Bizos, in particular, and whether that influenced you in any way about your earlier decision (laughs)?

CB (laughs)…and Denis Kuny, I mean, Denis…you know, all of them actually, I mean, ya, they were all excellent in their own way. No…I mean, I think…I mean, Arthur (Chaskalson) particularly…I mean, he had an…I really grew to respect him as a human being and he just seemed to me to be such a…a sort of moral, gentle, upright person that I really…and so clever, that I really got to admire him. I kind of share some of his shyness I guess. So I found I really enjoyed being with him and working with him. George (Bizos) was fun, and also good. I mean, clearly sometimes you want somebody who's going to batter the witness and he's…there was one person who, after he'd given his evidence, the magistrate broke for lunch, and George said, I'm buying lunch if you let me cross-examine (laughs) because he was so keen to take the guy apart. And, it didn't influence me, I mean, you know, I do regret actually, I mean…I do regret subsequently that I didn't pursue that legal course because I was wrong about the assumption that there was no role for lawyers and I think that the Legal Resources Centre and Geoffrey (Budlender) and the things that people did, both in political defence work, but then also in the kind of, more kind of social justice type of law, that has been hugely valuable. So, you know, being with those lawyers was great but…ya…maybe you're right (laughs).

Int Subsequent to that trial did that deter you from political activism or not?

CB I thought it had (laughs), that's at the end of '76…but actually not really. I mean, I'm not sure…I don't want to go into all of this in too much detail. '76, '77 I got involved with setting up something called Environmental and Development Agency, which was…I mean, I'm quite proud of that as well, which was a very early kind of insight into the links between environment and development and politics. But it was not essentially a political organisation. But I continued to mix with people who were involved in politics and one way or another got drawn back into various networks.

Int Had you left university or you continued?

CB No, I had left university, ya. So my qualification is a BA degree, I mean, that's the extent of my formal academic qualification. I mean, as a quick kind of sequence, I worked at EDA from '77 till 1981 when I was detained. When I came out of detention in July '82, through some really weird process I ended up working at Wits Medical School. And then we ended up setting up a Centre for Health Policy which really became the first of the post-apartheid policy units. I mean, we beat the Education Policy Unit by a couple of months. Not that it was a competition but that's just what happened. In that period, between '77 and '81, firstly I did get quite involved with a kind of political analysis with Health and Health Care. I was setting up a resource centre for EDA and there was a whole lot of quite interesting stuff about the link between politics and economics and ill health and so I got then attracted to that. Something that actually had quite a major impact on my future…now I'll tell you about this and decide whether I want to cut it out later…I had written all this stuff about politics of health…I got invited to give a talk at the University of Durban Medical School on that subject. Now the University of Durban Medical School was a highly Black Consciousness dominated institution at the time.

Int This is the eighties?

CB This is the late seventies, sort of '78, '79, something like that. And I suspect I might have been the first white person to be invited as a political speaker for quite a long time, and when I got up to speak there was a bit of a walkout. But it hooked me up with a whole bunch of kind of Indian Congress activists in Durban, with whom I retained an ongoing link, and who again, in a way, helped to shape my view of politics. Then, you know, the UDF got started and we set up a white affiliate of the UDF board in Johannesburg, Democratic Action Committee. Which again I ended up chairing for a year or two. And there was then, you know, from seventies, '78 and into the eighties, this kind of heightened sort of insurrection of activism. And…everybody practically was getting drawn into one or other ANC network. The truth of the matter is I resisted formal recruitment into the ANC. Let's just leave it at that. But saw myself as part of a sort of broad movement that was allied with the ANC. In '81 we all got detained, and the history of that is there. It's the essence of that detention was Barbara Hogan's close comrades document, and that's what started it anyway. She's an ANC MP now. She had been formally recruited. Ag, there's a whole history but she had named people who she said she worked most closely with, that document fell into the hands of the Security Police. And…all the people named in that document got

picked up. And then, again, that was (Arthur Benoni) Cronwright, I mean, Cronwright was running that. Was very happy to have me back inside (laughs). And they just got completely beyond themselves and they ended up detaining wider and wider circles of people.

Int You were detained for a year?

CB It was just…ya, it was nine months, it was 300 days. That was September. In February Neil Aggett died in detention, as part of those detentions. And kind of, they sort of stopped then and just progressed with whatever cases they thought they had that they could proceed with. Gretchen, who's my wife, was charged and convicted to quite a long jail sentence, but all but one month suspended. Barbara Hogan got ten years. And I kind of…for one reason or another they just kept me in detention all the way through those trials. So, I mean, from February certainly, I was pulled back in for interrogation once or twice on bizarre stuff but mainly I just sat in the Sandton police cells for six months…

Int It wasn't solitary, was it?

CB It was solitary, ya. But it was, I mean, from the time Neil died it was quite comfortable solitary, in the sense that, you know…I mean, that was there, those detentions were what sparked the Detainees' Parents' Support Committee. My father suddenly became a political activist.

Int That's interesting.

CB I mean, my mother as well, but my father and Max Coleman, as the parents really drove that…and together with some others, I mean, I mustn't…I must name them the Cachalias (Amina and Yusuf), and other people also played a really important role. And then Glenn Moss, David Webster, and other people providing some organisational intelligence and sense on the side. But my father suddenly started writing articles and letters and ran the finances of the Detainees' Parents' Support Committee and so on. So suddenly it hit him personally and he got quite active. So the police were definitely feeling the pressure of that, even earlier. Once Neil Aggett died there was definitely a kind of a giving up, you know, we can't proceed with further interrogation, there's just too much pressure around this, let's just take what we've got and take the cases to court. And they didn't have enough to charge me with. And just kept me in detention for the next five months, ya. And as I say, **inaudible** we started to get newspapers, ended up with a typewriter and a radio in my cell, and food parcels and things like that, so, you know, people had much worse experiences in solitary than that, ya.

Int Sure. So the 1980s were particularly turbulent times and I'm wondering after that detention what happened? I know you mentioned that you resisted becoming part of the ANC, but you were involved in the UDF…?

CB That was, ya, I was…after 1981…maybe I've got my sequencing wrong…when was the UDF formed?

Int '83…

CB Ya. So sorry, I've got that wrong. Actually only, the detentions obviously that **inaudible** one was prior to that. I did come out, I did get drawn back into JODAC and the UDF stuff. I was quite cautious…but, ya…I don't know…ya, I was, and then when the ANC was unbanned we set up what I think was the very first branch in white Johannesburg of the ANC. And I chaired that branch for a couple of years. Went to work at the City Council in '94…'92, and sort of naively…well, not naively, I think it's correct, it…

Int …so when you say, 1982 or…?

CB No, no, no, what I'm saying, no, from '82 to '92 I worked at Wits Medical School. In two different jobs. And there I was involved…also there was then the formation of things like (NAMDUM**?**), which was a kind of medical activist group and things like that, and I was quite involved with those guys. In the politics relating to the treatment of detainees and for that kind of stuff. As I say, in JODAC and other sort of semi legal operations in terms of knitting groups of activists together and providing channels of communication and things like that. But no formal ANC links, as I say. When I went to the council in '92, I sort of felt if you were a relatively senior civil servant you shouldn't be actively aligned with a political party, so I sort of…I retained membership of the ANC but sort of withdrew from active participation in ground structures at that stage. And here we are.

Int Ok. I just want to go back, during the 1980s when the…the Legal Resources Centre started in 1979, did you have much occasion after the trial in 1976 to have access to Arthur Chaskalson, Geoff Budlender and George Bizos…was there occasion…?

CB No, not really, I mean…Geoff (Budlender) was broadly part of a set of a social circle that I mingled with from time to time, so I would see him socially, not often, but from time to time. With the others, not really…no, no.

Int Ok. In terms of the Legal Resources Centre, it started in 1979, I'm wondering what your sense was in terms of public interest law and what impact the LRC had, from your perspective?

CB Ok, now, firstly it wasn't top of my mind all the time, right? But I would…just look, I think that the impression that I carried with me is that they did an amazing job of providing a base from which people could do both political…directly political, but more generally public interest law. Which they would not have been able to do otherwise, both by creating a kind of respectability for it, what with Felicia (Kentridge) and Arthur (Chaskalson) and, you know, those kind of people involved, it

was not an easy target. And raising the funding which allowed them to employ people to do that kind of work. So I think it was, you know, my recollection of those times, it was unambiguous admiration for what they were doing and for the space that they were carving out. Which was important I thought, ya. Ask me details and I can't give you, ya.

Int No, of course. So the LRC has continued to this day and I'm wondering in terms of rule of law, under apartheid was easy, you knew the enemy as such. In the post apartheid context, certainly issues like health issues, like the Treatment Action Campaign, the LRC has taken cases against the ANC government. What is your sense of living in South Africa in terms of the discourses?

CB Look, I'm all in favour of that in principle, ok. And I'm going to tell you a critique I have, but in regards to TAC and the AIDS stuff, I think they've done really good work. And so again, my overall…my overall sense about the LRC is that it remains a vehicle for really important people…for good people to do really important legal work. And that we, in a country where you have such an overwhelming majority voting for a single political party, the dangers of abuse of power are huge, and the willingness to say, you know, we were part of your struggle, but we're not going to stand back and support and allow things which appear to contradict the spirit or the letter of the Constitution, I think is excellent. My intersection with them practically…not practically but in terms of discourse and debate, is around housing. And I gave a paper to an LRC meeting earlier this year, it might even have been, or a year ago, I'm not quite sure, in which I was quite critical, because on the one hand…and I've debated…Geoff (Budlender) has the sharpest debates around this…on the one hand, I absolutely accept the notion that, as I said, a powerful government wanting to achieve certain objectives, dealing often with very poor and disempowered people, has an ability to over-ride their rights, or to take actions which are not in their interest. And that a group, which says unambiguously we are going to be on your side, and take your side and defend you in court, is a very good thing to do, you know. On the other hand, sometimes, around things like eviction of illegal tenants, and people who have illegally occupied either land or buildings, and then get taken to court on the grounds that the City shouldn't be able to evict them from their illegally occupied properties, until they provide alternative accommodation, becomes quite a difficult position for me. I think it encourages queue jumping, it encourages actually people with sharp elbows is a phrase that Albie Sachs used, to muscle their way into places where they then have the law on their side and so they get preferential treatment in terms of the allocation of housing subsidies or other things. And effectively then jump the queue ahead of other people who don't have that kind of thing. And that for example, the notion that the LRC together with CORE, were kind of propagating is that there are fifty thousand people in…or something, twenty, fifty thousand people people in the inner-city prop…inner-city buildings in Johannesburg, and the city should not be able to kind of take possession of those bad buildings and develop them until they provide alternative accommodation, is actually a recipe for a disaster. Because it just says, occupy a buildings and you will be found alternative accommodation. And it has the potential to stop the city from implementing decent development programs. Now, there's a counter…and I mean, Steve Kahanovitz from LRC in Cape Town, has sort of put this most strongly, which he says, we don't necessarily disagree with that, but what happens is we take the side of the poor or the

homeless or the people who see themselves as being evicted, or rather badly treated. If you have faith in the courts, then if the state comes and puts its case properly, the courts will make a rational decision, which will not simply be one on the side of the people who have occupied those buildings. And that what tends to happen is that city governments and national provincial governments just treat those processes with some contempt, so they don't put the case, so they lose the cases and so the case still goes on the side of the poor. And that, you know, I think that's quite a strong argument. I just think sometimes there's a kind of simplistic moralism, which goes with the court cases that I find distasteful. You know, any government trying…inheriting a country that was essentially bankrupt, trying to house, let's say four million homeless people, one can't do it in a short period of time. Two: has to make difficult choices about the allocation of resources. Three: is making choices of allocation between health care and education and housing and job creation, and a whole range of other things, and that it's too easy to become overly critical, and to build up a case law that in a way, hedges the state's ability to actually make policy decisions and implement them. So…you know, overall I understand the project, sometimes I think it's not carried out with sufficient nuance. The counter argument is, the nuance should come from the courts on the basis of a counter argument. And I think it's a good argument.

Int Cedric, just to clarify, are you involved in economic housing development? Is that what you do…?

CB What NURCHA *(National Urban and Reconstruction Agency)* does, which is where I work, which is a company I run, it's a public entity, financed partly by government and partly by other development agencies. And what we do now is we provide bridging project, bridging finance, to developers and contractors building subsidy houses affordable houses, community facilities. So, they build them, they get paid for the work, generally on contract from the state, but they need some funds to get the work under-way, often small, emerging contractors who can't get funds from the banks and we provide the loan. So that's the…so I'm involved in housing policy, ya.

Int And how does the Constitution, and certainly the discussions around land in the Constitutional Courts, how did that help…in terms of what you're talking about, in terms of economic housing and development?

CB Sorry, ask that again?

Int In terms of the Constitution, is there protection for people in terms of economic housing and development?

CB Sure, I mean, but it's that complex sort of second generation rights, you know. So what the Constitution says, is that everybody has a right to shelter, health care, education, etc, etc. But it hinges it around with the qualification that the state needs to show that it's acting reasonably to achieve those things over a period of time. So the LRC intervention becomes: is the state actually doing that? Or aren't they? And so with regard to antiretrovirals, for example, essentially the case was, within the economic resources that you have, you could be doing more to be providing

antiretroviral care to people. And so you got those kinds of judgments which did have a major impact. Similarly in housing, I mean, partly is it lawful to evict people from land? And is the state…can the local authorities show that they have reasonable programs in place to progressively provide housing for the homeless? Now, the question of what's reasonable, what's the time period, how much should the courts be able to interfere in government policy and resource allocation, those are where it becomes an interesting debate? But I think, you know, it's important to have a group like the LRC pushing the boundaries of that, because the state otherwise is just too powerful. So you know, the project I'm very supportive of, ya.

Int It's interesting because in a way the LRC is on behalf of the poor, the homeless, the impoverished, and there's the State in terms of having the backlog of apartheid's issues, and in a way you're in between, because what you're saying is that you understand the LRC argument, that there is a reality coming from the perspective of the State. When you were invited to speak to the LRC, it seems to me that there's a sense of debate that's going on, and I wonder how that pans out in terms of where you're at?

CB Look there is a debate, and, I mean, you know…clearly for many politicians the issue is, well they say they're acting for the poor, we're actually elected to represent the poor. So who are they to tell us how we should be doing these things? To which the argument of course is, well we're a constitutional state, doesn't matter how big your majority, you have to act within the terms of the Constitution. And I support that argument. But it becomes quite bitter around the edges as to, you know, where…where these things happen. And it's quite an interesting debate, you know, I might have the papers, but I need to dig for them a bit, around the whole question of: is the human rights approach to development, the most productive from a developmental point of view? And there's some quite strong thinking, not just from a conservative, right wing groups, to say that the attempt to force that human rights…the individual right of human beings into a kind of social development context, can create undesired consequences. And this is unintended consequences. So it's an interesting debate. I was invited, but why was I invited? I'm not sure it was quite such a conscious decision, I mean, Janet Love is the current director, and I went back a long way, she was my girlfriend, I was her boyfriend, whatever, in the early seventies. She went to the **inaudible**, she came back, she sort of invited me to come and talk to their housing group, but now they're aware, she was aware that there would be a challenge and certainly I bumped into Steve Kahanovitz who runs the housing stuff in Cape Town, and I challenged him on this stuff. So…I mean, they're not closed to the debate, clearly, and…

Int There's also Henk Smith who's been working on land issues for a long time, I'm not sure whether you're familiar with his work?

CB No, not really. So, you know, I just think it's an important part of the landscape, as it were, as we try and work out what this constitutional state really means.

Int …it represents a dilemma, doesn't it, in terms of the fact that while the LRC may come across as having a simplistic moral argument, there is a sense that, what is the alternative and what's been proposed really?

CB No, I agree with that. And actually, you know, that argument was put by Steve at this workshop that I did, which is look, we're just representing one side. If the state represents its side properly, you know, we've got good Constitutional Court judges who are not government hacks, they will make good decisions, but you've got to present the arguments otherwise they can't. And I really, you know, that struck me, I hadn't really thought about that, and I thought it was a strong argument. But, as I say, on the edge of this stuff, you get some people who don't take that point of view, who take what is really a very strongly activist and in some cases I think short-sighted arrogant view of what it is that they're trying to achieve. And I have been witness, and I'm not going to name names, to a very vicious argument between a Constitutional Court judge and an MEC of a provincial government, who I know were close political comrades in the past, around the question of who should be making these decisions. Should it be the courts who with unelected judges, or should it be the politicians who are elected? So…and you know, when I witnessed that, I'm kind of on the side of the courts and the LRC because again it's that kind of arrogance of power, which needs a check. And if the check overreaches itself sometimes maybe that's not a bad thing.

Int And the LRC, it seems to me, might be providing that check.

CB Exactly. No, that's exactly the point, I think it does. But doesn't mean that all the judgments are good. That's what I'm saying. And the Constitutional Court judge whom I questioned about that, **inaudible** why? Said look, you know, it's going to take time. You know, you have to give both the court and the society time to find the correct balance in these things. And again, the better the argument's put by both sides, the easier it is for the court to find, because the court can't do political analysis, it can only judge on the basis of the case put in front of it.

Int Cedric, just to go back a bit, during the 1980s when the LRC was in full swing, it received core funding from the United States, Rockefeller, Carnegie, Ford, and now in a post apartheid context, South Africa is no longer the darling of the funding world, as such, it's been said. And so, in a way, funding is going to be a crucial issue. One of the things that comes up in interviews, time and time again, is the fact that there doesn't seem to be enough of a recognition as well as core funding, that's coming from internally, say from the corporate world, from the legal fraternity, etc., from other sources and sectors. What's your sense of public interest law in funding issues in South Africa?

CB I have no knowledge, but I would think it would be really difficult. I mean, if it's difficult internationally, it's…you know, there isn't a strong…I mean, there's some corporate social responsibility but there's not a strong, as there is in the States, some sort of personal commitment to these kinds of things…firstly. Secondly, you know, everybody experienced this in a big way, and it's the kind of polls, but if you are a corporate or anybody else and your choice is the Nelson Mandela Children's Fund or

the Legal Resources Centre, for all kinds of reasons, some of them, you like the glamour that comes with giving to the Nelson Mandela Children's fund, but might be also, well, hey, if I'm going to choose between starving children now and some rather abstract notion of public interest law which will have an effect over the next generations, where did I give? I think it's a difficult set of choices that people are confronted with. And similarly internationally. You know, the international development agencies say South Africa is a middle income country, human rights law, you've got the best Constitution in the world, why should we be giving money for this kind of stuff. And how do you argue against that, you know, it's quite difficult. Ya…

Int Yes, the needs are pressing elsewhere, I understand. In terms of projected concerns, areas of concern – land could be one of them – what do you think the LRC will have to grapple with in the years to come in terms of South Africa and post apartheid transitional issues?

CB I'm not sure that it will change very much from the current landscape which is really around land, education, housing, health care. I don't know about education. I…at this workshop which I gave, I mean, I put one proposal to them about things that they might consider, and they sort of looked partly interested, but it hasn't really been followed up with me at all. And that is, you know…now I don't know if this is public interest law, I think it is…on the one hand government has this major commitment to promoting small business, economic empowerment, economic development. Now, it seems to me that there's a number of issues, the one is simply, does the legal and administrative system make it possible for small businesses to kind of develop, flourish and grow? Or is there so much bureaucratic obstruction that it's really difficult to start new businesses? I mean, that would be one area that I think would be interesting to look at. Of a more immediate concern for me, and we experience this in our work every day, is that government on the one hand sets out to ensure that its procurement policies award a fair amount of business to small businesses. On the other hand is incredibly bad at paying on time. And if you're a small business and you don't get paid on time you go bankrupt. Well, it seems to me there's a whole lot of contractual issues there. The small contractors have neither the resources nor to small extent the will to deal with this through the court, because if you take government to court they're never going to give you another contract. Now I think that an intervention that says, we are going to set out to force government to meet its contractual obligations to pay people within thirty days, would be quite an important contribution.

Int What's your sense of the future of the LRC and given funding constraints and probably any intervention by the State as such?

CB Ya, I'm not sure I'm in a position to say that. I think that the scope for such an institution, will certainly exist for a long time. That there'll be more than enough work. Whether it can be funded, I don't know. Whether you can find a balance that says we will take on income generating work in order to kind of finance the non-income generating work, I don't know. That stuff's difficult. I mean, in a way, all funded organisations have suffered… (*interruption*) who are confronted with that

tension. And the difficulty is that the more of the income generating work you do, the less of the other stuff that you do, on the one hand. And also there's a kind of natural pull, well, why should we do that stuff if we can make money over there, and everybody wants to make money I guess, so it's quite, you know, it's hard.

Int Ok. Cedric, I've asked you a range of questions and I'm wondering whether there's things that you'd like to include in this Oral History that I may have neglected to ask?

CB Not that I can think of immediately. I mean, perhaps if you send me the transcripts, then I can come up with something, ya.

Int Sure, absolutely. And just as an ending point, I'm wondering whether there are any stories that remain to be told, as such?

CB (laughs) Uh…not really…you know…no, I mean, if you're thinking about the LRC then we're thinking about Arthur (Chaskalson) and Geoffrey (Budlender), I guess. And for me, the thing about Arthur was a real…right from the beginning of the trial, I mean, he…I understand that the trial…we were arrested in, as I say, March or April or something, and he basically made himself available for the trial at little or no funding on the basis that he's already made enough money for the year. Now at the time he drove around in a really old Peugeot Station Wagon. So for me the thing about Arthur was…and he once asked me, why didn't I become a lawyer? And I said to him, actually I just…and I told him the same that I've just told you, and he kind of said, you know, law can be a very…I better get the right words…corrupting…it was something like corrupting…profession. And it seemed to me that he always had some much indignation around abuse of the law…I don't mean by lawyers, particularly, but abuse of the law and about injustice. And kind of this very quiet fire about the importance of both justice and due process, in a sense, and…a good legal system that, you know, I think that he really was the perfect person for the job of head of the Constitutional Court, Chief Justice. But also, you know, the fact that he was willing to…now I'm told that his real specialisation, the years that he wasn't doing political trials, was insurance law.

Int Yes.

CB And that's kind of boring stuff, you would have thought, but probably very lucrative, and the fact that in a way, you know, he just, in a way jumped at the opportunity to find a different role for himself, really is a sort of measure of the kind of man that he was. So I have huge respect for him. And Geoffrey (Budlender)…you know, also for Geoffrey. And Geoffrey, for me, also, in a way, represented the best of the law, because this notion that the law should be there and accessible and available to the poor, and that we should use it in the interest of the poor, has been a very…you know, not everybody's found ways in the last…not many of our generation of activists, let's put it this way, have found ways in the last twenty or thirty years of continuing to live that political commitment, and I think he did that in a very admirable way. So…that's all…and ya…

Int I concur with Arthur, I think you should have been a lawyer (laughter) and perhaps you are. Thank you very much, Cedric, for your time.

CB It’s a pleasure.

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