Lee Bozalek **LRC Oral History Project** **11th December 2007**

Int This is an interview with Judge Lee Bozalek and its December 11th and its Tuesday. Lee, thank you very much for agreeing to be part of the LRC Oral History Project.

LB It's my pleasure.

Int I wonder whether we could start by…if you could talk about your formative influences, growing up in South Africa under apartheid, and what were the formative influences, if any, that may have led you into the legal profession.

LB No, I don't have any…I can't make claims of any sort of…childhood influences propelling me into law. I did law for one or other reasons. then when I finished law…or while I was doing law, while I was at university really that's when I became conscious of the gross inequalities and inequities in our society and…so when I practised law I was already, I suppose, keen to do something useful with law rather than, you know, just practise commercial law, make money, and so on and so on. So I guess I pursued that either…I pursued that avenue in law either consciously or unconsciously. But that all goes back to university as far as I'm concerned. I mean, I don't spend a lot of time contemplating what my childhood influences were, but when I was at university, then because, you know, we were more exposed to that sort of thing, student politics, then you realise that it was an untenable situation, if one can say that.

Int I'm going to take you right back regardless, and ask you where you grew up and what was that like?

LB Well, I grew up in Pretoria and Johannesburg and…you know it was a different society as a white person, you just grew up in a white world and our relations with black people were just through…I think for my part I think it was almost solely through servants and that sort of thing. And…I don't think we questioned…I can't recall myself questioning very strongly, you know, the sort of dynamics of society. Maybe I did, but I don't recall. I don't have a wonderful long term memory. But I remember having one or two good relationships with black people, African, and…I remember also…but this is probably just an aside…I remember a friend of mine had a friend who's parents were very politically involved. But…my parents weren't very politically…my parents were actually politically naïve, if not backward. So there were no influences there. And the same at school. I was not exposed to any so-called liberal progressive influences, so I was really I think a bit of a…what do you call it? I was like a sleeping…I don't know what it's called…not a sleeping beauty…but I was in a typical white trance, I would have thought, through the fifties and the sixties when I grew up.

Int In terms of law, why law? And which university, etc?

LB Well you see I never had a very clear idea of what I wanted to do after school and my old man used to say that I must do a BCom LLB. So I did BCom LLB and then, um…I didn't mind law, it was fine. But I actually didn't want to practise law when I finished law. I was quite politically motivated at the time. Law seemed rather a dead end. Didn't seem to be much you could do with law. So I went into journalism and I did that for about…actually I was in politics for a while, then I was in journalism for a short while. My journalistic career didn't go very well. And my political career was short lived. It was a very minor role. Working for the then Progressive Party I think it was called at that stage.

Int PFP?

LB Yes, Progressive Federal Party. In the elections in 1974, that's when they won about 8 seats, it was a big turning point for them. And…and then I found myself without a job and I decided, well I had this law degree, I better use it. So that's when I sought articles there in Cape Town. And I got that in mid 1975 at a firm which had…Mallinick Ress Richman, it was called, which had a little bit of a reputation for being a…I mean, a good firm, conventional firm, but also they had a human rights or a liberal side to them, so…I liked that, so I joined up there. And that was a good move as it turned out.

Int I'm going to take you back again. At university, was…the politics, how did that come about? Were you involved in NUSAS or any other student ?

LB I was involved in something called Wages Com, which was like a NUSAS project…

Int Wages Commission?

LB Yes, that's right. And we…this was in Maritzburg between…I think I must have become politically active in about 1970/71. And the trade union movement…this was just, I think if I remember correctly…I can't remember when those huge Durban trade unions…there were a whole lot of Durban strikes…

Int '73?

LB Was it '73? Ok, so it was before then, but there were already organisations working to build black trade unions then. There was a chap called Norman Middleton who was quite active, and there was… this Wages com kind of assisted with that. I remember standing outside the gates of factories in Pietermaritzburg handing out pamphlets to workers who seemed completely disinterested…And we also did a sort of research work on wage conditions, and we made submissions to something called the Wages Board. They would fix the minimum wages in terms of conditions in industry. That was a useless exercise.

And then there was also quite a lot of good work done in relation to conditions on the sugar farms, the sugar cane estates, and it caused a huge scandal at the time. There was this British firm called Tate & Lyle and they were just…I mean I think it was basically slave labour that they were using. And the Wages Commission in Maritzburg mainly under the stewardship of a chap called Brian Hackland, had got stuff out and there was a documentary and it aired, flighted, on BBC. Caused a hell of a stink at the time. So Wages Commission did quite good work. But probably, you know, as good as the work was, it kind of energised and conscientized and woke up people who were working in that field. So I played a minor role in that, and that I think was quite a…it was a good experience, it sort of woke me up a bit.

Int So you went to University of Natal, Pietermaritzburg?

LB Yes.

Int And what made you…I mean, it's a relatively small campus so what made you actually become politically involved? Was there a teacher, a lecturer? Was there someone who actually really influenced you?

LB Uhh…in the law department…no-one. In the various faculties that I went through, there was no political inspiration or anything like that. There were a couple of the…one or two of the academics. There was a chap called Professor Webb. He was in History. He was very good. He'd speak occasionally. But it was mainly fellow student leaders, you know. There was a guy…what was his name? Tim Dunne, he was SRC president. He looked like Charlie Manson, that's his claim to fame, but he was a very good SRC president. And there were other people, you know…there was a sort of a tradition at university that a relatively small clique of people would get involved in NUSAS and then a kind of…if you got involved in those circles it just built. So I sort of found myself…not in the heart of that but influenced by that…on the fringes and that sort of thing.

Int This is an era really of people like Raymond Tucker, Rick Turner, and Black Consciousness Movement. Where were you positioned in relation to all of this?

LB Rick Turner was operating in the Natal campus at that time. But we didn't know, the people that…oh yes, the other thing that happened at the time is the NUSAS was under siege with the Schlebusch Commission around that time. So, I think it was…you know we were a very small campus and it wasn't the same as it was at UCT or even Natal, Durban. But that range of student leaders…it was, Paul Pretorius was one, Karel Tip was another, Charlie Nupen, Halton Cheadle, people like that. And then down here there were people I didn't know…what was Clive Keegan and the guy who went to Australia…I forget their names…

Int Clive Thompson?

LB No, no, an earlier generation. And they were all banned, they all got served with banning orders in 1972 or thereabouts. And where I fitted? I fitted into sort of…we were just I suppose…we were sort of probably liberals trying to be radicals, activists or something like that. No clearly defined position and the ANC was very quiet in those years as well. So, I mean there may have been other people who were closer to the ANC but the ANC wasn't a force or a presence in our circles at that time. They were very underground. Although I think Raymond Suttner may have been…he had links with the ANC at the Natal campus. But Maritzburg was quite a…it was a little bit of a backwater, and quite a conservative campus as well. A lot of Rhodesians there as well.

Int So in terms of NUSAS, SASO at that time had also requested some kind of division.

LB Yes.

Int Was that an issue that you had to deal with?

LB I wasn't…I didn't go to NUSAS conferences or anything like that. I think that Steve Biko thing was...that sort of SASO division, that was probably around and brewing at the time and so on, but I was not close to that at all. I mean, I wasn't a delegate, I didn't go to NUSAS conferences. My involvement was limited really to labour issues around wages…I wasn't like a political head. I had other interests… you know, it didn't consume me at the time. It wasn't…I suppose it was important to me but it didn't consume me by any manner...

Int It's interesting because the people you've mentioned, such as Charles Nupen, Karel Tip, Paul Pretorius, have all gone through the LRC, they've all become lawyers…

LB Yes.

Int So there's clearly a link between NUSAS…including Geoff Budlender of course. I'm wondering, at that point there was this major trial, the NUSAS trial, and Arthur (Chaskalson) represented Charles (Nupen) and Karel Tip and others. I'm wondering whether at that time you knew much about it and whether that may have deterred you at all?

LB No…when was their trial? Wasn't it about…?

Int 1975.

LB '75, yes. I mean, by then I was already working. I was at varsity from '69 to '74 actually. '69 to '73. So then I was doing something else. No, that trial was just…I think that trial was a complete…that was just a complete absurdity that trial.

Int On the part of the apartheid state, you mean…

LB Yes, I'm not sure that they were all in such great danger. That trial, no…that was like…I think it was almost…look maybe I'm revealing my ignorance but I think that was more to…to sort of wrap up those people and keep them out of mischief. I can't…maybe it's just the wisdom of hindsight, it wasn't like SASO, SASO, BC, those people were convicted. I suspect that they all would have got suspended sentences or something like that, it wasn't the same thing.

Int Ok, so you came down to Cape Town to work at this law firm you mentioned. And you said that that was quite an important…

LB Yes, that was a good experience because I worked a lot with a chap called Michael Richman, an attorney there, and he was really the guy who provided the…when I was there, the human rights profile at Mallinicks.

Int It's called Mallinicks.

LB Yes, well now I call it Mallinicks. Now the firm is called Mallinicks, at the time it was called Mallinick Ress Richman. And so I ended up doing a lot of very interesting work. Um…what did we do? Well, the major things was Michael Richman got very involved in a local community here called Crossroads, which was like an informal dwelling community, which was illegal because they were squatting on land and there were people who didn't have pass law rights as you had to have to stay in Cape Town at the time. And he represented that community and I assisted him in the matter. And that was a huge struggle that went on for years and years. They were actually…that community was struggling to survive. And survive they eventually did. There was a hell of a lot of work involved in representing them in this case and that case and so on and so on. It wasn't obviously just…legal representation, there was a lot of NGO and community support for them, but we found ourselves right at the centre. That took up a huge amount of time and it was a very good experience, so we did that. And then also I picked up various…one seemed to litigate against the police quite often for this assault or that, whatever it was. Then there was Pass Law, both criminal work and civil work. Because that was also a hell of a big deal at the time. People were prosecuted left, right and centre for Pass law contraventions. So we did that. We assisted the Black…we were on the Black Sash panel of lawyers. And then also I started going out to Robben Island and seeing clients there. So I was there…I was at Mallinicks for eight years and I did a great deal of human rights work, which was…which I enjoyed. It was very intense, very satisfying at that time of my life.

Int So at some point you left and joined the LRC, so now…

LB Yes, actually while I was working at Mallinicks, there was a man called Sindile Ndlela who was shot dead by the police in Crossroads in some night time raid. And the decision was taken that we were going

to make a hell of a fuss about…into this inquest…in these inquest proceedings. And funnily enough…Michael (Richman)was always a great thinker, he was a very bold thinker, he decided to brief Arthur Chaskalson and George Bizos to represent the family in this inquest. Which was like…I mean, that was unheard of. This was just some ordinary, semi-anonymous black man who was shot. And to have a senior counsel and another very senior advocate come down from Joburg and run this inquest it was like…hell it was like getting a very senior counsel to go and run a bail application **in the magistrates' court**. So that's when I think probably then for the first time maybe I met Arthur (Chaskalson) and George (Bizos), so I worked with them, and around that time, I think the LRC was starting off in Joburg, so we were following that and so on and so on. And then there was already talk of a branch of the LRC, of an office of the LRC being opened up here. And Richard Rosenthal down the road here, who I'm sure you'll go and talk to. He did a lot of the admin and the…what's it called…the sort of spade work to get the branch set up here. And it opened in September 1983 here. And at some stage I remember Arthur (Chaskalson) saying, would I be interested in working for him? And I said, well I thought about it for a long time, and I said, yes, I would be interested. And the idea was that I would come across on a two year secondment. I would be seconded from Mallinicks for two years. And that's the basis on which I put it to Mallinicks. They agreed. But actually that was just an insurance policy because when I took that decision I knew that, all things being equal, I would not be able to leave, I would stay. Which I did.

Int How did you know that?

LB I knew that because I enjoyed the human rights work that I was doing at Mallinicks, but what actually ticked me off was that I felt like I was a bit of a Cinderella person…and I felt that the firm would take the kudos for that kind of work but really at the end of the day what they rewarded was how much fees you made and that really irritated me because…I mean, to me that was a bit hypocritical. You reward someone who's doing the corporate work because they earn bigger fees. Of course you're going to earn bigger fees if you're doing corporate work. Half of our clients couldn't pay or it was just you had to go and scratch around the churches or what have you to find money to pay some fees for our clients. And the work was very demanding. It was very…if you didn't have a good sense of detachment, which I didn't probably have in those years, it was very, very demanding work doing all that for people who were up against it and the courts were very hostile, the police were very hostile. And to do all that and then sort of find yourself almost discounted. Say, oh no, it's very good work, and all that sort of thing…discounted at the level of sort of earnings or partnership prospects and that sort of thing, I thought was not on. So I began to feel that the climate was also changing and that it was becoming more commercially oriented every year, that work was…the work I was doing was taking a bit of a back seat. So to go and work for the LRC, was like a huge pleasure and a luxury. You go

somewhere, you get paid a good salary, and all you have to do is that and you don't have to bother with all these things about, you know, trying to do that work but also turn out fees and for commercial work so that your fees can compare to your contemporaries. I mean, that appealed to me. And also the country was getting…things were heating up in this country. The country was becoming in a worse and worse state. So the work became, as far as I was concerned the work became more and more important. So working for the LRC was…you know, looked then even to be a treat. So I suspected that I wouldn't come back after 2 years and so it proved.

Int You joined the LRC at a very crucial time because it seems to me this was after the Rikhoto and Komani successes.

LB Yes.

Int What was the sense like in the Cape Town office of what was the sort of work you would be undertaking?

LB Well we just slotted in where everyone else was. We also did pass law work initially, and then I think around the time that I started, what was becoming important in the South African legal context was labour work. And we ended up doing quite a lot of labour work, a hell of a lot of labour work, and that always produced tensions within the organisation because there were the sort of senior people, trustees of that time and so on, they were very uneasy about the labour work. They felt all the labour work could be done by ordinary firms and that we shouldn't be involved in that kind of thing. But…so that was a continuing sense of tension. I think in the end it…played out satisfactorily because I think it was important that the LRC be involved in that work, because that was a very critical stage for…Labour Law. The whole foundation of Labour Law was being laid, and I think we played a smallish role in doing that. A modest role. And then later on as that work became…as those foundations were laid and everyone… lots of firms started doing that, then we were able to sort of back out of it and do other kinds of work. Although, you know, we did a lot of housing and pass law and security type work and representation of communities and so on. So we basically probably followed the template of other offices and did nothing enormously different or controversial.

Int It was interesting because when the time when you joined there were other people really interested in labour law, like Charles Nupen in the Johannesburg office.

LB Yes.

Int Did you work together?

LB Um…yeah…you know they were a long way away, so we did our own thing and we'd sort of meet once a year and energised ourselves at our

annual conferences and that sort of thing, but we struck up alliances down here. I mean, I started doing quite a lot of work also when I was at Mallinicks with Clive Thompson. Clive Thompson is enormously knowledgeable in Labour Law. So, yes there would be some cross-fertilisation in the offices but basically, you know, this is a 1000kms from Joburg, we largely did our own thing. Although I must say that we also used to bring down Chris Nicholson who was the head of the Durban office and he was an advocate and we'd use him in labour cases sometimes and so on and so on. So that was good. It was good to be part of a bigger family because things could get very hostile and it was nice to…I used to enjoy the early conferences because you'd come away energised, your feelings reinforced. It wasn't always so with those conferences, but in the early years it was.

Int In terms of the Cape Town office, who were you working with?

LB The office opened as I say in September 1983, and I wasn't there because I could only start at the beginning of 1984. Shehnaz Meer who's down the corridor here, she was…she had just finished her articles, she was appointed as the first attorney in Cape Town, and Geoff Budlender who was working in the Joburg office, he came down here and he headed up the office for 3 months. He used to commute for 3 months. And then he left the end of the year and I took over his files and it was me and Shehnaz (Meer) for a couple of months and then…I can't remember who came next. I think it was William Kerfoot. Quite soon he came along, and then fairly soon after that Matthew Walton came along. And then we had like a first fellows…I mean it was small initially. I think Andrew Corbett was the first fellow. And…yeah, it built from there.

Int People such as Vincent Saldanha and Steve Kahanowitz, Richard Rosenthal, when did they join?

LB Richard Rosenthal was always an attorney in private practice here. He did a lot of work setting the thing up and he was the first so-called part time Director. But I mean Richard (Rosenthal) never worked on cases or anything like that. He would come in and, I think we used to meet with him every Wednesday morning at the office or something. He never really did LRC work, Richard (Rosenthal), but he was a good godfather. And Steve Kahanowitz came along after a couple of years, I can't remember exactly when.

Int Sure, but it was during your time?

LB Oh yes, absolutely. Steve (Kahanovitz) and Matthew (Walton) worked together on the KTC case. Vincent Saldanha was a later generation to me, even when I left the LRC in the end of 1993 Vincent (Saldanha) wasn't there yet, as far as I can recall. But I did know Vincent (Saldanha) then because he was in private practice and he was a member of…NADEL. He was like the organising secretary, which is the National Association of Democratic Lawyers. And those were also

quite stirring times in Cape Town, so NADEL played quite a role. And Vincent (Saldanha) used to send out these missives to us on behalf of NADEL, and he always ended it off in the following way…and you can tax him about this if you see him…he ended off these things, to give you a flavour of the times, it said there (laughs) even then I thought it was funny…it said 'roar young lions, roar". (laughter) So that was it. We were roaring, or at least in his eyes we were roaring.

Int Well, you know the eighties was certainly a time of intensity, wasn't it?

LB Yes, it was. It was very intense. Even within the office there were lots of disputes and tensions and…but it was a very good time to work for the LRC, a very good time as far as I'm concerned, because…I mean, you really felt as if you were making some sort of contribution. And we did. And I'm really…I regard myself as very privileged to have worked for the LRC in those years, because…I mean, I often think, hell,…what would have I have been doing if I didn't do that? I'd be sitting at Mallinicks drafting contracts for corporate clients while the country burned. It would have just been ghastly. Because I did…you know, it was quite a step for me. My wife does remind me, how I agonised before I decided to go and work for the LRC. Well, I mean I do agonise about a lot of decisions, but I agonised about that and I was worried about my security and so on and so on. Because you're stepping out of a very secure world. White corporate firm, blah blah blah. But thank god I did that. Because they were, as I say, they were very good years to work. We did lots of things and we were able to do something and I mean, to have been a lawyer, just a white lawyer banging away at corporate things through the eighties, no, it's like it would have been a real betrayal of ones…if you had those concerns…a real betrayal of ones concerns. So that's actually…if I look back that was probably, you know those years working at the LRC, that would be, I'm sure when I'm old and much…when I'm older and looking back on the whole of my life, I'm quite sure those will be the best professional years I've ever done. Although it wasn't all beer and skittles, it wasn't always happiness, but yeah, it was very good, it was very good.

Int Perhaps if I could go on to the sources of happiness before we go to the sources of unhappiness. If you could tell me about what made those years, in particular, such important years in your profession life, and perhaps personal as well.

LB Well, we did good work. And it was very satisfying. Because, I mean, it was a time of great frustration in this country. It was a very, very repressive…government and to be able to hit back in some way using the law was very satisfying and you felt as if you were contributing towards a much greater cause. So, you know…that was it. Work was important. Work was like a…work was a form of struggle. Maybe I used to rationalise it. I wasn't involved politically outside of my job, but for me my job was political. I didn't have to go and join this or join

that. So…and you know, we worked with outstanding people as well. I mean, if you look back and you see the people who went through the LRC, they were very exceptional people. We may have taken each other a bit for granted at the time but they were exceptional people. And then you also met quite extraordinary people as clients. And you got closer to people, to the realities in this country, so I mean, that's it in a nutshell you couldn't do much better, I think, as a lawyer working in the country.

Int Sure. Lee, anyway, if under apartheid and parliament was supreme, why do you think that the legal victories that you and others garnered under the LRC were not in fact overturned by apartheid state?

LB Well, I mean, quite a lot of them were. Quite a lot of them were. But, you know, you also can't…see the situation as…in too simplistic a terms. We had a very sophisticated legal system with a Roman Dutch heritage, which also gave weight to the freedoms of people, and there were judges who, you know, obviously some of whom thought these things are important and there were values and there were gaps you could use. And…you know, I mean, this was a strange sort of schizophrenic country, they were very repressive on the one hand but on the other hand created a legal system…the government was quite proud of the legal system. They often used to say we have an independent legal, and in some ways it was independent. So we weren't…you know, we were a different kind of repressive regime. It wasn't one where the courts were shut down, where if there was an unfavourable result in the courts then there was a decree which followed which nullified that. It did get a bit like that towards the late eighties, then there was a hell of a lot of ruling by decree during the emergency…during the emergency regimes when policemen and ministers were given huge powers and so on, but I mean, those were also fought. So it was just a continual struggle back and forth. And, you know, you used what you could. And, I don't know, maybe one felt the tide would eventually turn as it did.

Int Did you feel that?

LB Um…

Int In the eighties?

LB Well, I mean a certain point came when…I'm not sure it arrived overnight but a certain point came and you realised this thing now was becoming unstoppable. That was when there were masses involved. That was when people were going out in their thousands, kids were sacrificing themselves, and you realised that this could only be contained by extreme repression. And even that couldn't be sustained because it was also happening in the eye of the world and all those forces were combining. So yeah, then you began to sense that this cannot be contained. Something is going to give sooner or later. And it then began to give. But I mean, look at the time it didn't…it looked

very gloomy, and certainly for a hell of a lot of my professional life I thought, yeah we'll live in this system for ever. So for me 1992 or 1994, whichever way you want to characterise it, it was a great surprise. I never thought that freedom would come so quickly. I never thought that…and maybe that's also a tribute to the pragmatism of the Afrikaners in this country. Who knows?

Int During the eighties it was quite repressive and I'm wondering how the LRC managed to actually prevent the threat of closure. What do you think were the factors that mitigated against that?

LB Well I mean, you know, the people who set us up, or led us in the early years, were like…you know they were idealists but they were very hard headed. Arthur's a very pragmatic, quite cautious man in many ways, and it was well set up. I mean, they really thought this through. The original bunch of trustees were like very established figures but, you know…you know, they're well respected in society. And Arthur of course had a huge reputation in legal circles as a man of complete probity. And you know, he went out and he…you know, he fixed this with people. I remember there was a woman running the Law Society down here, Mrs Hoffman, she was the secretary, but she was a very influential figure, quite powerful. And Arthur (Chaskalson) came down here and he…you know, in his own quiet way he charmed her, and she would eat out of Arthur's (Chaskalson) hand eventually. And her support, or her co-operation, was important. So all that was done carefully. And then, you know…we…Arthur (Chaskalson) kept quite a close eye on things and some things, you know, there were limits to what we could do and so on. So…we kind of embedded ourselves within the legal community. Without complete acceptance, that's for sure. But we were respectable. We were respectable. Which didn't mean that we were respectable in everyone's eyes because we had Security Police surveillance and involvement and that sort of thing.

Int At the Cape Town office?

LB Yeah. It turned out years later that this little woman who used to work for me was a goddamn Security Police spy. She used to run back and do reports.

Int How did you find this out?

LB Um…I can't remember how that came out…I can't remember how that came out, but it may have been linked to…um…we used to hold annual conferences at a place called Mount Grace in the Magaliesburg. And what those assholes did was, they took our money for these conferences…we had all the LRC people staying there, and they were approached by the Security Police, they made an arrangement to bug our conference proceedings. They run the Cape Grace Hotel down here now, and that got to our ears. And the trustees went to speak to them, something like that. That should have been shouted from the rooftops. It should still today be shouted from the rooftops. And I think in that

aftermath the thing about that little Scottish woman who worked for the police came out.

Int She was working for you as a…

LB She was my secretary for a good few months. She was a…naive woman and that was incredibly sneaky thing to do. She probably did that for money. Um…yeah, and then some of the people who worked for us were also arrested and detained.

Int Really?

LB Yeah, Ncunyiswa Hans, who's the paralegal there now. She was…look I mean, it wasn't because they were LRC, she also was involved in some stuff. She was detained. Had a huge impact on her. And then we had one or two fellows who went down to a magistrate court and they were somehow picked up in some sort of swoop and they were detained. I think it was Clinton Light and Sue Myers. I can't remember what her maiden name was. And we had to get them out of jail. They didn't spend too long, we had to get them out of jail. So yeah…but look nothing very impressive compared to what happened to…

Int I was wondering, Richard Rosenthal obviously had his finger on the pulse of what was going on internally. And I'm wondering whether there were discussions about the ANC, etc, within the LRC Cape Town office?

LB Um…then…yeah, we would have spoken about it, but…and then obviously in retrospect now some of the people who were working for us they had their own links to the ANC. Nomatyala Hangana must have been an ANC operative when she was our receptionist. And… now you know, I can't remember anyone else, maybe other people as well. I remember going to one trustee's meeting, and one of our trustees then was a judge called…he was a retired judge, called Jan Steyn. And I remember him saying at some meeting…at a Trustee's meeting saying, you know that the Board of Trustees must realise, must just be aware, we've got young people working for us and these guys may well be…have one or other links or connections to the ANC or talking or something like that. And I remember thinking at the time, geez, he's quite smart to say that because he was right actually. He put his finger on it, but it was quite a perceptive remark coming from him. Because he was a much older man, not terribly…I wouldn't have thought terribly sympathetic. So yeah, there was. I mean, the ANC, you know, it was growing in the 1980s. I mean I can't speak for other people and where they were at and so on. You know, and your clients were increasingly even seen, in some of their cases that they were, you know, certainly ANC sympathisers, who, you now, in later years probably working with the ANC. Who knows? We didn't worry about it we just got on with it.

Int Were you not worried about the threat of bannings, detentions, etc? I

mean certainly that happened to other people.

LB I can't recall being enormously worried about it. I mean, no-one would have looked forward to that prospect, but I didn't sort of…I didn't feel that every day might be my last day. We were lawyers, you see, I think lawyers always enjoyed a certain kind of immunity. We were practising lawyers, we weren't just lawyers in name. So if we…yeah, like Dullah. Dullah was detained, and he spent four or five months and that was at time when he was working with us and so on. Dullah Omar. On a part time basis. But Dullah (Omar) had a much, much…I mean, he had a very strong political profile. And as I said to you much earlier in this interview, for me, you know, getting involved in politics was…I wasn't interested in that. I was able to do what I can in my job and I didn't feel the need to become active in this or that…it would have been too much actually, it would have been too much. But people give what they can give. Other people did both, but no, I didn't. I mean, much later when the ANC was unbanned I became a member of the ANC, but I think, you know, some people are political animals and other people aren't. I don't think I'm a political animal.

Int I'm wondering, what was some of the tensions within the Cape Town office of the LRC, and also within the wider organisation during the period that you were there, the 10 years?

LB Well, there was that labour thing and then…you know…there were a lot of people feeling quite strongly about things. Some of the younger lawyers liked to go off and do that and then Arthur (Chaskalson) would be a restraining presence, a wise presence and so on. But I mean, that would create tension. Arthur (Chaskalson) had huge patience, we'd sit in these goddamn annual conferences and Arthur (Chaskalson) would talk around it and hear all the objections and say this and say that, never lose his cool, never lose his cool. And…so there was that. Then, what else was there? Um…there were also sort of, you know, the office politics, who controlled the office, who had a say, and there was a…a time in the 1980s where there was a sort of a mantra…what was it? Do you have a mandate from the community? Couldn't do anything unless you had a 'mandate from the community'! How you got a mandate from the community, I still don't know? And that sort of thinking, that you could never really do anything that you wanted to do unless you had some sort of core mass democratic backing or mandate. I found that very stultifying. But it was a very powerful ethos at the time, and it would translate into other things, like you couldn't do anything in the office unless you had a 'mandate' from the office. And you'd be hauled over the coals for not having a mandate. So it was a kind of a thing it was almost, you always had to get, if not a consensus, you had to get like a majority and that sort of thing. And at times you had the situation that the tail was wagging the dog. I mean, we had an office…in some ways we were like a professional law firm. The administrative staff were saying, no you can't do this and you can't do this and you must…not so much on work matters but on other things. And…and then also, you know

everyone got a bit excited in those years. Everyone got a bit excited. I remember that it was when I was the director there, there was a lot of tension between me and Steve Kahanowitz and Matthew Walton. We were running the KTC case, which was a very big case we got involved in. And they saw it as something that it was like some 'holy grail' that they could spend unlimited resources on, unlimited time on, and they were exempt from everything else in the office. And I just didn't understand and so on and so on. And I remember feeling quite resentful about that. So that was a source of tension. And then, I know also that people in my office also thought I was quite autocratic. Maybe I was? And they would rise up and revolt against me from time to time. And there was also sort of a…we also had this arrangement about the…I was the Regional Director…

Int What period was this, Lee?

LB That was…I was Regional Director from about '85 to about '92. But there was always a tension as to whether that was a circulating post or a permanent post, and I sat there for a long time. And then people began to chafe. Um…so there was that. What else was there? Um… yeah, look everyone was very…you know, lawyers are very independent minded and when you're trying to run an office, it wasn't always possible to let everyone do their own thing. There had to be some control and direction and limits and people didn't want that too much. They didn't fancy that.

Int Sure. What was the reasons for your moving on from the LRC at the end of 1993? It's quite a crucial time in the history.

LB Well, look by the end of…ok, at the end of 1992, I think it was, I stepped down as Regional Director and I then took a six month or a five month sabbatical. I went over here up the road to the Bar and I sat…I did pupillage which lasted three months or something like that in those years, three or four months. So I became an…I then became an advocate rather than an attorney and I went back into the LRC office with a view to becoming in-house counsel there. So I would do their advocates work, that was the theory. And that's what I started doing but it was very slow, you know. I didn't always get their advocates work and I was sitting there and like the internal briefs, so to speak, were coming to me very slowly and…I thought now look, if I'm 42 and I want to pursue this a bit further then I'm going to have to speed up the process. And then also, for me, it was also a bit anti-climatic so to speak. I'd become Regional Director and now I was in this office as an ordinary person under another regional director. Some people…a lot of people in the LRC office they seemed to be able to handle that with equanimity but it was not so for me. Without the same degree of equanimity. And also I got a sense that, wrongly or rightly, I got a sense that…it was a combination of factors is what I'm saying…I got a sense also that I'd probably got as far at the LRC as I was going to get. And I'm ambitious, or was ambitious just like everyone else, or like a lot of people. And…there was also a factor that some of the

work was getting to be very irksome for me. Very irksome. Doing duty that was just killing me. I can go onto that. I've got quite a lot of experience, I'm quite senior and I'm still doing this duty thing that I…

Int What is duty?

LB That was when…like…I don't know what it's like at the LRC now, but it was open door policy so any person could come off the street and ask for legal advice and try and become a client. And these people who came in off the street and were piled into the waiting room, each one of them had to be interviewed. Ok, what's your problem? What's it all about? How can we help you? Or we can help you, we'll take you on as a client. Or we can't help you but here's some advice. Or we'll refer you on to here and so on. Very onerous work, the whole day. You do duty for a whole morning or a whole day, you were wrung out at the end. Also, if you took that work seriously and didn't just flick people away or deflect them, and I just thought, no, you know, I'm sorry, I've done enough of this in my life, I can't keep doing this. like, it's not a proper use of my skills. That sort of thing. And um…you know you can…from my perspective, you can do…my perspective, my personality, I was able to do 10 years of public interest law, it was very demanding and um…I couldn't do it all my life. I just couldn't do that. I look with admiration at some of my colleagues, such as William Kerfoot whose been banging away there for 20 years. I couldn't do it. There was also at the LRC at times I felt a thing where clients, I don't know, for better or for worse, I'm not sure they always appreciated what we did for them. And we had very little way of restraining our clients or tempering them. Because you can't charge fees or anything like that, so they could utilise your services to the nth degree sometimes, and then you get nothing back at the end of it. I mean, we didn't want money back but we wanted an appreciation or gratitude or just something. And very often you didn't get that either. I found that then increasingly debilitating. Because my personality is not such that I could just…. So all of those things combined and I thought, you know what, 10 years, it's a good stint, I must…oh and the other thing I thought was like, if I'm going to do something else with my life, then I can't stay here. So I moved on. And I think that was the right decision.

Int Where did you move on to?

LB I went up the road here to the Bar and I was an advocate here for 10 years. And I continued to do work for the LRC, and that was nice. So here I was independent, you know, I could, you know, try and establish myself as best I could. So I think that was better for me and probably better for the LRC as well. Because I also do think that whereas you want to keep people in the LRC who are good, have experience, you have to temper that, you need some through put. And if you want that through put then senior people have got to like move off after a while, but that's my own…

Int The Cape Town office certainly seems to me to be a place where

people do not move on.

LB No.

Int They're there for a long time. What do you attribute that to compared to the Johannesburg office for example, which has a high turnover?

LB Well, I think it's always been quite a convivial office. I know that there have been a lot of tensions down in Joburg. And you know, when you have an unhappy office people will leave. Um…what other reasons? People are set up and they're doing work that they like and so on…and I suppose also at a certain stage you know, if you've been with an organisation for a certain length of time, you actually…and you're not…maybe this is a bit uncharitable…but in some cases…you know, it's not so easy to move on, so you would stay. It's a kind of a kind of inertia. *Break*

Continuation of Interview after break

LB I really have to look at some of those remarks, I think. It's coming to sort of…well, yeah…

Int Okay, fair enough. So, what were some of the tensions that you've heard about in the Johannesburg office?

LB Ohh…you know I'm not very close to that. We would…you know, that was one of the things about the LRC I thought …sometimes actually…quite a bit of…You'd hear nothing and then suddenly an office would collapse. People would keep these things quite close to themselves as well.

Int Is that because of the way in which your AGMs were run, you know your annual conferences, or do you think that the reasons for not having this clear lines of communication ?

LB No, I mean I think there were fairly clear lines of communication. I think people are…you know those AGMs were…you know, every office would get together and the trustees were there and the funders were there. It was kind of an occasion when you had to justify yourself. So I mean, as one ordinarily does in those circumstances… (*Interruption)*

So you know, you would go there and you would paint a very bright picture of everything that you've done, that you were doing, a very positive picture. And you would not tend to say…I mean, no-one would get up to give their annual report of the Cape Town regional director, the Joburg director, and say, there's huge staff tensions, half the staff can't stand me (*laughter*) I can't stand the other half, or whatever it was. No, you didn't do that. And I think it's actually a weakness in the LRC. I think it's been a weakness for many years that there has not been a sufficiently rigorous system of self examination in

the offices. And there are various institutional reasons. And I think that's something which the LRC has not grasped. It's a … which it hasn't grasped over the last few years, in my own view. And I also had my own reservations which I didn't express at that time. As far as the…coming back to the Joburg office, I don't know. Often revolves around personalities. This personality or that personality is very dictatorial or very arrogant, or this or that, blah blah. And so on and so forth. I mean, I can't really comment on that, I wasn't there. And we all had our own measure of arrogance, so…I wouldn't be able to add much.

Int Ok. You were at the Bar and then in 2004, if I'm correct, you came here to the High Court?

LB 2003. Yes.

Int And you've been ever since at the High court?

LB Yeah. I did two acting terms in 2001, I think 2002, and the middle of 2003 I was appointed and I've been here now close on four and a half years.

Int What is it like right now in terms of what you do and do you enjoy it?

LB I enjoy it but with reservations. The work is interesting, stimulating. Very stimulating actually. I mean, look, there's a lot of boring stuff here as well, but…I mean, the work I do here is much more interesting on a general basis, on a holistic view than the work I did at the Bar. Some of the work that I did at the Bar was hugely boring. It's just the same old stuff day in, day out. So the work is quite interesting. There are a lot of institutional tensions here, as you're probably aware, and that's not so nice, but…you just have to find a way of dealing with it. It's a bit of a lonely life but, you know, you can't have everything, you can't have everything. All in all I'm very fortunate to be here, I think. Particularly someone of my…background or whatever it is. You know, a white judge…we're what's it, how many years are we now? 13 years on. I was fortunate to be appointed, I think, and I think it's a very responsible job. It's like public service, you must take it seriously... So, yeah, I have my moans and beefs but I'm not looking to be somewhere else.

Int At some point you joined the LRC trustee board. What period was this and how did it…?

LB I can't remember, I asked them the other day to work it out because the board is…we don't know how long we've been there and when our terms expire, it's all very unsatisfactory, but it's been a good few years now, a good few years. It's been…six or seven years easy and…yeah.

Int Ok, what brought you to the Board?

LB Oh, , I'll tell you what brought me, they asked me and I said, yes.

Int (Laughs) Ok, well what do you think was the reason for asking you in particular, Lee?

LB Short of other Trustees. Short of Trustees, the fact that I was a judge probably, and also past involvement. Which…yeah, that's probably not a bad qualification. Sometimes I think one tends to see things a bit through the prism of ones experience or working here or ones prejudices and that sort of thing. But yeah, it's you know, some small contribution and, you know, one has probably a better perspective of the LRC now having moved on, and I do think it is still a very important institution, one which should be nurtured. It will always be necessary I think, for a long time in this country, if not indefinitely.

Int When you left the LRC it seems to me that that's when really the funding crisis began.

LB Yeah, yeah, yeah. I mean, everyone wanted to give money to the LRC when I was there. But it started tapering off when…for obvious reasons when…when we got a new dispensation. So it's become harder, it's become harder and different, and that's what the LRC has to adapt to and deal with. That's what it's been struggling with for the last 10 years in one or other form. It's not easy at all. And the central problem, as I see it, is that as a society we don't support the LRC. We're always looking for someone else to pay it and fund it and so on and so on. I mean, everyone knows that. It's ridiculous that we get 90% of our funding, or whatever it is, from overseas. Why should overseas pay for us? The wealthy people in this country should be paying.

Int Well what do you think is the reason for the wealthy people, the legal fraternity, the corporate world, what's the reason for that kind of…?

LB Well I don't think first…look it's easy to say this hey, the last thing I ever want to do is be a fundraiser, even a fundraiser for the LRC. But I don't think that's been done assiduously enough. Because it's like the squeaking wheel, you'll go where the money comes easiest, and getting money in South Africa is not easy, it's not easy. But I think not enough has been done there. And we don't have a great history in this country of philanthropy. Um…and I think we need to work a whole lot harder on that.

Int In terms of the key issues that trustees deal with, and in the six or seven years that you've been there, what have been the pivotal issues?

LB Management has been a big issue. Management has been a big issue.

Int In terms of leadership?

LB Yeah, yeah. I think we've struggled for a long time to find the right

people to head up the LRC and to get the LRC to redefine its role in these times. It's not an easy thing to do. It's not an easy thing to do and it needs quite tough minded people and so on. And also, I think the LRC developed a bit of a culture of just jabbering about these things and not doing enough. Too many strategy plans and plans were developed, evolved and not enough done about it and so on and so on. But look, that's my view. Others will have perhaps a more educated view, but…the LRC has been slow to implement its own reforms. If you think about time recording, it was a huge battle to get that in. And then peer evaluation, whatever it's called now. You know, where you assess now, how effective are people? How much are they doing? How much bang are you getting for your buck. That's been very difficult. I mean, I'm not even sure how far we've got with it. So I think to a certain extent the LRC has operated in a bit of a comfort zone in the last few years, and needed to be more self critical and rigorous. But… because I know what it's like, I've worked there. If your salary just comes in every month, you need some other stimuli to ensure that, you know, you're performing. That's a generalisation because there are some people who work incredibly hard in their lives, but I think other people have coasted. I suspect some other people have coasted and… you've got to try and strike the right balance there. You know, you want a welcoming environment for people, a happy environment, but not one where…you know, it must be results driven. Like everything in life as far as I'm concerned.

Int It's interesting because you know, there's a sense that at some period, probably around 1994, '95, key people left the LRC, people with a long history associated with it, and it seems that the subsequent people that have come in may not be of the same ilk, or the same vein as such. So that give a rise to, you know, comments about whether the quality of the lawyers there are of the same calibre as such. What's your sense of that?

LB No, I think…look, I don't know the other offices very well. Speaking for the Cape Town office there's lots of very good lawyers here, have been hardworking people, and so on. But look, I mean, a lot of the people who worked there earlier were very good. Very good, talented, and then Arthur (Chaskalson) always played a huge role in the organisation. So when he was lost that was a big blow. Geoff Budlender was also…played a very important role. He was lost…you know, people like that are not easy to replace. So um…and the National Director was a difficult post. I'm not sure we were always best served there. There were tensions and squabbles which weren't properly resolved and so on and so on. And then I think the LRC itself, the lawyers themselves didn't…they also squabbled a bit amongst themselves. Didn't really…perhaps they didn't always put the interest of the LRC paramount. So…but I mean, yeah…I'm not…I haven't always been as close to that as I would like to have been and again there was also, I think, at times this thing where people would think one thing but not say it. Like that used to really irritate me when I was sitting in some of these board meetings. We'd hear nothing about this

office, that office, then suddenly you'd hear…I remember one occasion, no, well actually it's just a complete disaster there because so and so is like this and this is…and I'd say, but, where does this all come from? You know, I come to these meetings and I've heard nothing like this for the past year, so what does this mean actually? Why aren't these things said at an earlier stage so we can deal with it before it's a crisis? When it's self evident, then it's mentioned. I don't find that at all helpful. Um…but look I think the good news is, speaking at this point in time, is that the LRC is pulling itself…you know, I think it's on an upward trajectory now. It's going through ups and downs but it's on an upward trajectory. I think Janet Love has done, as far as I can make out, she's done pretty well for the organisation. And…Arthur's back on board, and there's some very good trustees there…this organisation has been well served by its trustees. I know they've been seen as a sort of a kind of a stultifying big brother presence, but I think this organisation's been well served by people like, Jody Kollapen and Richard Rosenthal and Harvey Dale, people have put a lot of time and concern into the LRC and done a hell of a lot of work. So…you know the LRC, I think it will…the ship has been righted, not that it was ever about to sink, but you know, it's still going through difficult times but…you know, hopefully it will continue to play a role. And I think it will. And they've got good lawyers there. They've just got to find the right recipe between lean and mean organisation, keep the right balance of experience, also bring in new people, keep the right issues in focus, but these are difficult things. You know it's…there's no easy recipe or formula that you can follow. I was actually just chatting to Vincent Saldanha the other day, he said that…about this upcoming strategy session, he said, yeah, we need to sit down and look at the role of the LRC. I said, actually as far as I can see that's like a…it's not something that you can sit down every few years, it's like an ongoing thing! It's an ongoing process, as the situation changes in the country, as your funding changes, you've got to keep examining that. and that's quite difficult, you know, because you…you're doing the work but you're also having to worry about these things. We were fortunate 10, 15 years ago, money basically it rolled in, other people, rolled in, we didn't have to worry about that, we didn't have to fundraise. We just had to do the work.

Int Sure. I mean the money did roll in but there was a key figure, such as Felicia Kentridge, who actually was behind the fundraising drive?

LB Yeah, she did a hell of a lot of work there. And had a lot of very good international contacts, and liaised very well with the funders and so on and so on. So you need that sort of continuity. That's another thing that's happened with the LRC, its administrative structures, it's been a hell of a lack of continuity. People coming for 6 months or a year, or something like that. On a fundraising basis that doesn't work. Funders don't want to see a new face every 6 months.

Int Sure. I'm wondering Lee, you know, in terms of…when I interview people, particularly form the SALS board, the consistent remark I get

is they regard the LRC as the greatest public interest law organisation in the world.

LB Yeah, that sounds like a self serving exaggeration. But yeah…(laughs)

Int I'm wondering whether you feel that that level of recognition is apparent or prevalent in South Africa internally?

LB Well, firstly I would think that's a pretty contested claim. I mean, I think the LRC does have a proud history, blah blah blah, but…you know, there must be many other organisations which have done similar work and so on and so on. That level of recognition in South Africa? The LRC has I think often been guilty of not promoting itself sufficiently, aggressively, to use a horrible word, in South Africa. Um…so perhaps it hasn't enjoyed the recognition which it should. But I think in most enlightened legal circles people understand the excellent work that it's done. Particularly as its old boys and girls and have gone out into the world. There's ranks of judges who've worked for the LRC, know the LRC, have heard cases brought by the LRC, they know that it's a big player, it's been a big player over the last 10, 15, 20 years and so on. So…but you know, I mean, this is a big country, there are many organisations, a sophisticated society. Maybe it could do more, but on the other hand…and I don't think it's…it's not necessarily a negative thing, the LRC has never been full of itself, aggrandized and…it's like Arthur (Chaskalson). Arthur's (Chaskalson) a very modest retiring man. He would never go around beating his own drum or anything approaching it. So maybe that was done. It's also not a bad thing.

Int One of the difficulties that arises perhaps is the fact that there are, more recently, smaller public interest law firms, organisations, with very specific focus. And so what happens is that the LRC mandate and specific areas of focus are not often that clear, to lawyers in particular, for example.

LB Yes. some of these small organisations they've done good work and that sort of thing, and they've managed to get a higher or a public profile as high as the LRC in a comparatively short period of time. Look, I mean, the more institutions that are doing this, the better. Maybe they should pay more attention to that. but…I don't know. I'm a bit Calvinist about these things. If you spend too much time publicizing how good you are you lose focus. It's all about the work. It's really all about the work. Even this book…I always have mixed feeling about a book about the LRC, because once you start writing books about yourself, or getting someone to write books about yourself…that patting yourself on the back can be debilitating. You think you've done it all…, you know...it's about what's going to be done, what you continue to do about immersing yourself in the glories of the past, but it's a good thing to get all this stuff on archive. That is a good thing. A very good thing. Because one day they'll find a journalist will actually do it rather than just promise to do it.

Int Absolutely. One of the things that comes up often is the fact that the LRC needs to perhaps work on its major strength and areas of focus. Would you agree with that? What's your sense about it?

LB Yes, yes…you know in my day it was like a buffet. We did a little bit of everything, and…probably can't afford that luxury anymore. Everyone's doing…there are lots of specialist organisations. So then you must sort out now…what is it that you're going to do? I mean, that needn't be cast in stone. But yes, that's probably right. And um…I'm not sure how successful that's been done, and I'm not sure at all. The one thing I will say is that it's a strange thing, the LRC and the practice of law, I find very often, you know you can divide something into this project and that project and so on, so very often these things are driven by individuals. An individual has a passion for something and they build it into something, and then maybe other people come in and lend a hand and so on, very often these issues are driven by people. This whole thing now…actually as a trustee I don't often know too clearly what's going on in the offices, I don't. But I mean, for example, I'm friendly with William Kerfoot, he does all this work for immigrants, African immigrants people, and they're continuously wrangling with the Department of Home Affairs and so on. That project wouldn't be anywhere without William Kerfoot. That's his passion and he's created it. So…you have to allow…to a certain extent you've got to allow people to go off in the directions which appeal to them because it's hard to take a lawyer and say, that's going to be your field. And like Henk Smith. Henk Smith is all about land and restitution and all that. You're never going to get him…I mean, that's what's going to keep him going. And so he creates that. I mean, that Richtersveld thing is entirely his. And then people get drawn into it. So you can't get too prescriptive but yes, you've got to be able to focus.

Int You know, I'm also wondering, in terms of looking back, you mentioned earlier in the interview that the LRC is a very special time in your professional life.

LB Yes.

Int I'm wondering in terms of being a trustee, what would you say is a level of interest and engagement that you have?

LB It's not enough. It's not enough. I'm not sure we've worked that all out correctly. I think that the Trustees should be better brought into the workings of the organisation. I mean, going to a couple of board meetings is insufficient for me, just get these papers, read them at the last moment…I mean, I think the Trustees should have a better idea of what's happening at the office. Know things more clearly, be exposed to things a little more clearly. I'm not entirely happy with the way the whole thing works, I think…but I mean also all the Trustees are busy, so there's a limit to what they can do. There's always been a bit of a distance between the Trustees and the organisation, and…it may be

better if that was sort of bridged and it was just one or two meetings a year, or the annual conference and that sort of thing. When we all just get hit with a blizzard of papers and so on and so on. I think these relationships are always much better sustained if you get drawn into something. Maybe you go to a…I don't know…a lunch with the LRC people or get an overview or…something like that. I feel that the trustees should be brought a little more…exposed a little more directly to what's happening, rather than blizzards of paper. It's not the same for me.

Int Fair enough. I'm also wondering, you know, in South Africa you can't get away from it. I'm wondering what have been the issues around gender and race in terms of parity, both within the LRC and on the board?

LB Well, on the board…the board is a bit better than it used to be. I mean, it used to be very much…10 white men, 3 others or something. It's a bit better now. I think it can get even better. But…in these matters also, you know, it's not sufficient just to get the right colour of person or the right gender of person…at least that's where I've come **to** on this whole journey. You've got to actually get someone who's interested and is prepared to make a contribution, otherwise it's all just a lot of dressing up. Look at our magnificent board which mirrors the demographics of this country, completely. And then half of them don't pitch up, they have no interest. What's the point of that. I'd rather see 5 old white fogies and a couple of other people there, if they're really interested. That really actually irritates me nowadays, because I see people who for very little, as any kind of reward, will pitch in to do the work of LRC ,and really to me their race or their gender, then is completely irrelevant. It really is. But on the other hand obviously one can't be…shouldn't be an all white…not that the LRC board is an all white enclave, just men sitting around…but I think the LRC is moving in that direction. And has made strides in that direction. I mean, I feel a bit uncomfortable at times, I've already said to the board on several occasions, listen, you have a standing invitation to me to tell me to shuffle off if you want to. You can get other people. I'm quite happy with that, and so on. But I mean, you know, we've got a number of women. Janet Love is a female director. And there's a good number of…how many? A good few women trustees and…colour to me is not an issue. There are people of colour there and so on and so on, so… maybe it doesn't match the demographics but I don't think they need to be…I don't think the board needs to be defensive of its makeup. That's my own…as far as the offices are concerned, I don't know how they've grappled with that. I think probably with some success. There are many women lawyers, women employees. I was at the LRC Christmas lunch the other day. I don't see any discrimin…I'd be very surprised if there's any discrimination against women and certainly not against people of colour. I mean…basically I think most new people who come into the organisation, paralegals, candidate attorneys, they're all people of colour. And probably in the Cape Town office there's a sort of a core of white lawyers, experienced white lawyers,

and maybe that core should be more representative, but there have been black lawyers who've come in there but have moved along and so on, and at the end of the day so long as there's equal opportunity and the people who are there are doing their jobs, so be it. I think the LRC has actually done very well. Particularly with the candidate attorney program, which started years ago. They brought in…they gave articles and training and fellowships to black law graduates and so on, many of whom have risen to very high positions and so on, and that's why a couple of years ago when there was a horrible attack on Geoff Budlender, saying, yeah, he was at the LRC, and what did they ever do about black advancement or something. It was completely and utterly unjustified. And thankfully Vincent Saldanha sprang to his defence. This all happened in the columns of the Sunday Times. But look I'm not close to it. Maybe there are seething resentments out there about gender imbalances or colour imbalances, but I would be quite surprised at that. There always are difficulties there but I'd be surprised, because I think the LRC is…that was another great thing about the LRC, you worked in a…in those years you worked in a…I suppose the word is now frowned upon…you worked in a multi-racial environment, it was really quite a liberating experience. I think they've done well.

Int Right. I mean, one of the difficulties certainly that arises, and people say, is that it doesn't really matter about the race of the lawyer, the challenge now is, how to actually sustain good, high quality lawyers. And actually retain them within the LRC because of the salary range in the private practice etc.

LB Well I'm not so sure you have to be retaining them. And that's as a result of my own experience. I think there's a limited number of people who will be satisfied practising public interest law all their lives. I think what you need is some people who stay on, and then I think what you need is people that can come in for 5 or 6 years, first 2…well all those years are learning years because you learn forever in law, but you come in you make a contribution and for the most part you move on. I don't think that's a bad thing at all. I think there are lots of advantages to that system. You get people with energy, enthusiasm, they then go off into private practice always with a soft spot for the LRC and they take hopefully what they learned there and use it in their own practices and so on. So…as I said earlier, I think it's a balance. You have to keep some experience but you also don't…I mean, an organisation won't attract people if there's just this bottleneck of people staying.

Int Sure. Then one of the things that's been rather amazing about the LRC is that during the 1980s and even prior to that, it took on cases that were really closely aligned to the ANC's kind of outlook in terms of anti apartheid.

LB Yeah.

Int And then come the 1990s it managed to take on cases against an ANC

led government. What do you think will be some of the issues and causes of friction between the LRC and an ANC led government in the future? Cases that you could potentially take on?

LB Gee, that's difficult, that's really having to look into a crystal ball. Who would have thought that the ANC would have earned a lot of… I'm not sure it's undying but huge enmity through having gotten involved in the HIV/Aids crisis and acting for the TAC. Which some people paid a hell of a price for and still are. Looking ahead, looking ahead…it's really difficult to say. It might be land restitution work, because the land restitution program as far as I can see has gone badly. Um…it might be representation of, you know…well, I mean, that grant work…everything potentially if you've got an unsympathetic, or a defensive government, that grant work, that also excited some hostility.

Int You mean the pensions?

LB Yeah, that whole story about exposing bureaucracy and bureaucratic corruption and incompetence. Who knows what it could be? Maybe the LRC will step into the breach one day when judicial independence is threatened. That could offend a government, which wants to exert more control over the judiciary. It might be corruption issues, because it seems to me corruption issues are becoming a big problem in this country. So…I feel this is potentially unlimited, it depends on how our society evolves and what the LRC gets involved in. I don't profess any special insight, but…yeah…I think housing also. I mean, this Joe Slovo housing thing that's coming up today or tomorrow, or something like that, the LRC is acting. It's basically acting against the minister and so on. And I think once upon a time there was an understanding for that. I'm not sure that understanding is always there in sufficient measure. I know I heard Zola Skweyiya speak about that once, and he spoke very maturely. But sometimes when you get autocratic tendencies or something like that, then it's frowned upon. So that's a big challenge for the LRC. But I'm sure it will acquit itself of that.

Int In the same vein, in terms of public interest work in South Africa in this post apartheid era, what do you think are the real pivotal issues that an organisation like the LRC ought to be dealing with, or is?

LB Well, I think land and housing and poverty alleviation at the very basic level. And things like basic income grants. I think that's very important. I think…to me those are critical issues because they don't seem to have been sufficiently addressed over the last few years, and you have by many accounts, this growing gap between the very poor and the rest of society, which I think is potentially very destabilizing for the society. So I think that's an area where the LRC could possibly and profitably devote their attentions. There are other issues as well, the environmental issues and so on, but to me, yeah, you know those are important issues…land, housing, access to resources…to basic resources, poverty alleviation, call it what you will. Seeing that people have really basic rights. I still think that must be amongst the most, if

not the most important issues.

Int Lee, I've asked you a range of questions, I'm wondering…

LB Yeah, I've been expatiating at great length here. It just shows…

Int (laughs) I'm wondering whether there are things that you feel ought to be included in the Oral History interview that I've neglected to ask?

LB I can see this is your closing question, is that right? (laughs)

Int Sort of, not quite.

LB No, I don't, there's nothing I can think of. I think you've covered a great deal. Um…possibly one thing is that, I think the LRC, I've earlier said that the LRC has been too dependent on overseas finance. But the support and the financing that it got from overseas from European donors, from in latter years, the United Kingdom, and the States, the people in SALSLEP, which continues today in the person of Harvey Dale who's a very positive person. That was incredibly important. I mean, how often do you sit there, it's a wondrous thing, you know, all these people in different societies and they are…where they get the money from I'm never quite sure, I know some of it came from government, European governments, they put it into the hands of these... But it's a wonderful thing that they came up and put money into this. We wouldn't have…this organisation wouldn't have got going without that, so we owe a great debt I think to the foreign supporters and donors and funders. And there's a whole range of people, they go back into the mists of time, the people from early SALSLEP and so on. So, you know, it's worthwhile to, in a sort of an historical project to speak to people who know those links better than I do. Jamie Kilbreth was always mentioned and that old guy…?

Int Reuben Clark.

LB Reuben Clark, gee, he was here many, many years ago. And there's a chap…is it Jim Robinson (reference to Jim Robertson)…he's a…

Int Judge.

LB A judge in the United States. And yeah, a whole range of people who did a hell of a lot. With the money, and the support also. Because the LRC wasn't always a popular organisation in this country. And at least if you were recognised by people from outside that was a lot of comfort. So, that's also something not to be underestimated. But I'm sure that there are people with greater institutional memories who can talk to that more. And then also…well I mean, there were a lot of people, the founders of this whole organisation, the Kentridges and the Krieglers, and the Chaskalsons, and so on. They all made a huge contribution. Very far sighted of Arthur (Chaskalson).

Int What are the stories that remain to be told?

LB Oh, I don't know there's a million stories. I don't know any. (laughs)

Int What are some of your favourite memories, if any?

LB Favourite memories. gee…if I think back to the LRC days then the one thing…the time I remember most vividly is when we were involved with KTC, that was I think about '86. That was a big informal settlement here, and I think it was quite a troublesome area, location, like a bit of a liberated zone in a very unliberated part of the world, and…the state eventually, using the Witdoeke, they destroyed…they burnt KTC to the ground in 2 or 3 days.

Int This is the late eighties?

LB Yes. And we worked frantically at a legal level to try and stave off the police. That was a very interesting and intense time. It was actually very, very, very unbelievably frustrating. Because the police were just a…they were just a lawless force. It was unbelievable, but having this sanction of law, they were a lawless force. But…and then after that there was this huge ongoing litigation. But you should talk to guys like…Matthew Walton and Steve Kahanowitz who got involved in that. So that was a very intense time. That actually showed the limits of law when you're operating in a lawless, or semi-lawless state. But it's a different ball game now in this country. We have a constitution, it's unbelievably important. Must be cherished and preserved. So where there's a will there's a way. Amazing things were done when we had very…quite limited protection in law. So…now there are many stories, I don't know…one could ramble on forever but it would be self indulgent.

Int Thank you very much Lee.

LB It's my pleasure.

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Cases:

DOCUMENT DETAILS:

Document ID:- **AG3298-1-015**
Document Title:- **Lee Bozalek Interview**
Author:- **Legal Resources Centre Trust South Africa (LRC)**
Document Date:- **2007**