

AN ANALYSIS OF THE INTERIM REPORT OF THE

COMMISSION OF INQUIRY

A) INTRODUCTION

This report has been prepared not in order to counter the arguments put forward as a justification of the bannings of the 8 NUSAS individuals. There can be no justification for punishment of this nature without due legal process - but because we believe that the students and the public have been misled and misinformed by the report of the Schlebusch Commission and that they have the right to be informed of the true facts.

We wish to make it clear, therefore, that even were the Commission to have submitted a faultless report, the banning of eight NUSAS office bearers, NUSAS personnel and individuals can never be justified. They have not been proven to have acted illegally (there is, in fact, not one iota of evidence of illegal activity) and thus cannot be punished for acts which they regarded as both legitimate and lawful.

The report of the Schlebusch Commission is a collection of truths, falsehoods, and insinuations. It comprises basically evidence from two major sources - evidence exhibits and reports from State sources, and evidence both documentary and verbal, from a number of people connected with NUSAS.

The Commission has, however, erred seriously both in fact, and in deriving its conclusions from those facts, and has left gaping holes in its work (as represented by its first two interim reports). One of the most notable features of the Commission evidenced in the reports is its refusal to even contemplate conclusions other than those which correspond with its preconceived ideas of the National Union. The nett result of these errors and omissions has been to condemn eight people thus far.

In its extremely superficial approach to its work, the Commission has come to its conclusions on the basis of preconceived ideas, substantiated in its own mind by its own interpretation as to the meaning of the evidence placed before it, with the exclusion of the many other possible interpretations.

The most frightening aspect of the report is that it has revealed that the individuals involved in the work of the Commission are completely out of touch with the youth of South Africa, with their thinking, their ways and their general views and attitudes. They have judged the NUSAS individuals purely on the basis of their own rigid attitudes, and time and again prove themselves incapable of contemplating change without "revolution". Many of the Commission's conclusions appear to have been reached purely on the basis of a different interpretation of terms used by the youth and by members of the Commission.

Mention must also be made of the fact that several members of the Commission have virulently attacked NUSAS in the past.

Lastly, the motives of the Commission in publishing its second interim report must be seriously questioned. In its last paragraph, the report stated that the report is published in order to precipitate action against individuals, and not against NUSAS as an organisation. One must remember the tactic used by the Nationalist Government time and again (e.g. the Defence and Aid Organisation and the Liberal Party) of picking off the top leadership in order to cripple the organisation. Action against duly elected NUSAS leadership is per se action against the organisation.

ESTABLISHMENT OF THE COMMISSION

The announcement of the Committee : 4th February, 1972

At the end of his speech in reply to the Opposition's traditional no-confidence debate, on the 4th February, 1972, the Prime Minister, Mr. Vorster announced his intention to establish a Select Committee to investigate four organisations, namely NUSAS, the University Christian Movement, the C.I. and the S.A.I.R.R. This announcement was preceded by a warning to the whole House on the dangers of international communism.

2) Attitudes of the Parliamentary Parties

a) The Nationalist Party

Mr. Vorster said in the House: "The years ahead are not merely going to be of very great importance for if we consider what is happening in various parts of the world, if we consider the progress the communists have made, if we consider the chaos, the struggles and the bloodshed occurring in various parts of the world at the present time, then it arouses concern for the period ahead: the time has come for one to ask oneself again: What lies behind it all? Against what must we entrench ourselves, and against what must we be on our guard?"

In relation to the Select Committee, he continued: "I do not want to pronounce any judgement on these people at the present moment; I do not want to place them in the dock in anticipation, but in view of the information at my disposal, I would be neglecting my duty if I did not tell Parliament that the information indicates that there is a prima facie case here which needs to be investigated. I believe that Parliament, as the guardian of liberty should undertake that investigation by means of a Select Committee.

b) United Party

Speaking immediately after the Prime Minister, Sir de Villiers Graaff, leader of the Opposition moved an amendment, later rejected by 86 to 43, calling on the Government to consider the advisability of appointing a judicial commission.

He said: "We are politicians, but are we the people to go and form a nice balanced judgement as to the innocence or otherwise of the activities of organisations of that kind? As far as I am concerned, I believe that not only would a judicial commission be a better body for an investigation of this kind, but also that the public would have more confidence in it. It is clear that the organisations concerned will have more confidence in it. In a

matter of this kind it is not only sufficient that justice be done, but that justice must be seen to be done.

"Cross examination before a Select Committee is difficult. Questions have to go through the chair, while in cross examination in a court of law, which is the procedure adopted for a judicial commission, the cross examiner gets a much better opportunity than in a Select Committee.

"It is easier for the counsel to operate before a judicial commission. It is a forum with which he is familiar, and counsel leading evidence can sift the evidence that is to be given to the Commission concerned. Nobody will deny that judges have more experience in sifting and weighing up evidence than have ordinary members of Parliament who have never sat on a Bench in their lives.

Before a judicial commission a witness has certain rights and he need not answer incriminating questions. Before a Select Committee there is not such protection for the witness. As far as I am concerned I believe that a Judicial Commission should be the right body to enter into an inquiry of this kind...."

Mr. Marais Steyn, M.P., then Leader of the United Party in the Transvaal, and later to serve on the Commission of Inquiry, said "..... in 99 cases out of 100 we divide on the Select Committees according to our political views. We are not trained as judges, but we are well trained as politicians."

c) Progressive Party

Mrs Helen Suzman, Progressive Party M.P., said in the House: "I want to say unequivocally that I will have no part of this Select Committee. I will not serve on this Select Committee. I say again that I believe that the official opposition is making a parlous mistake in agreeing to serve on this Select Committee. I believe that we ought to leave it to the Nationalists to sit on this Select Committee. That will make it clear to the whole country just what a farce the whole thing is going to be, I think it is foolishly allowing itself to be co-opted by the Nationalists if it does agree to sit on this Committee. I also think it will be lending respectability to the whole idea of this farcical investigation into these four organisations.

The comments of these political parties when the commission was first set up are interesting indeed in the light of the commission's interim reports and the subsequent action taken. In particular, we regard the involvement of the United Party in the commission, their reports and findings as hypocritical in terms of their statements as quoted above.

3) Objections by NUSAS to the Commission

Immediately following the announcement of the appointment of the Select Committee, NUSAS challenged Mr. Vorster to look at the facts of life of our country if he wanted to find the real cause of the situation in South Africa - facts such as the migrant labour system, low Black wages, the pass laws and forced removals under the Group Areas Act.

At an emergency meeting of the NUSAS National Council, it was decided that NUSAS would have nothing to do with the Select Committee unless it was compelled to do so by law.

Paul Pretorius had earlier called for the establishment of a judicial commission of inquiry which the Prime Minister refused to appoint.

NUSAS lodged major objections to the Party-political select committee:

- i) The members of the committee were politicians, not impartial judges - this contention was upheld by Sir de Villiers Graaff, Mr. Marais Steyn and others.
- ii) Many members of both the Nationalist and United Party had already committed themselves publicly against NUSAS and could in no way be said to be impartial.
- iii) The Committee would operate in secret outside the eye of public scrutiny.
- iv) No charges had been laid against the organisations for it to answer.
- v) NUSAS would have no access to any evidence given against the organisation, nor would it know who had presented the evidence, nor be able to cross examine such witnesses.

The objections are more valid today than they were when first made. The validity of these objections is dealt with in the following section.

B) THE OPERATION OF THE COMMISSION

(a) A FAIR HEARING?

- i) The Commission in its report laid some considerable emphasis on the fact that the majority of those who gave evidence were accompanied by a lawyer. (1st Interim Report, pg 3, 7 (c). In particular, they note that all of the eight banned individuals with the exception of Chris Wood had legal representation (2nd Interim Report pg. 18 (16). It is necessary to clarify the very limited protection which this legal representation offered. The facts are that lawyers who accompanied witnesses were only allowed by the Chairman to intervene when an incriminating question was asked (sic). Lawyers were only permitted to advise witnesses during the Commissions proceedings after permission had been given by the Chairman. A separate request was required in each case.
- ii) The second point to note here is that with one exception no witness, to our knowledge, was ever allowed to see any of the evidence led against the organisation. In

the one instance where Mr. Pretorius was handed a document to examine, a cursory glance indicated that it was riddled with inaccuracies and half-truths. From the time of the conversion of the committee into a commission of enquiry, no witness was permitted a transcript of his own evidence.

- iii) Cross-examination of witnesses giving evidence was not permitted.
- iv) As result of the first two interim reports, eight people have been banned. We should like to establish from the members of the commission whether they attended every sitting of the commission. We would, further, in this connection ask whether all members of the Commission read all the evidence given by witnesses and examined the written material submitted on NUSAS, totalling some 13,000 pages. (1st Interim Report 3 7 (c) (d) and whether this was done thoroughly.

(b) FACTUAL INACCURACIES

It is further necessary to comment upon actual factual inaccuracies in the report: on pg 9 and 11 of the Second Interim Report, Ian Barry Clayton Streek is referred to as Ian Barry Cadman Streek.

Secondly, the report mentions that the only member of the full-time NUSAS executive not staying in the so called "communes" was Roy Ainslie who allegedly lived in Claremont. He lived in a University Men's Residence in Mowbray for most of last year, moving into 21, Milldene Ave at the beginning of December, 1972.

(c) OMISSIONS

(i) In addition cognisance must be taken of the actual omission of information in order to suggest certain 'facts'.

This technique is particularly noticeable in the Second Interim Report 10 (11) where the list of NUSAS Executive and Executive elect members who stayed at Belvedere Rd, and Milldene Road, are listed. It is only in the case of Mr. Philippe le Roux and Mr. Renfrew Christie that their academic careers are mentioned. No mention is made of the fact that of the rest of the full-time office staff past and present:

- i) Barry Streek was studying for an M.A. in African Government
- ii) Paul Pretorius was a post-graduate law student and has an outstanding academic record.
- iii) that Paula Ensor following an excellent academic career was studying for an honours degree in economics
- iv) that Jeanette Curtis was a B.A. graduate with a higher diploma in librarianship
- v) that John Frankish gained 23 out of 27 firsts in his Chemical Engineering degree.

ii) Secondly the Commission alleges in the 1st Interim Report 5, (1) (b) (i) that the leaders of NUSAS do not support any of the existing political parties in South Africa and propagated changes which would have led to the drastic replacement of the established order in South Africa. In fact, the following people have participated or are participating as full time organisers or part-time workers in the Progressive Party. They are as follows:-

<u>John Whitehead:</u>	Rhodes SRC President 1970 - 1971
<u>Barry Streek:</u>	V-President of NUSAS and Secretary General of NUSED 1970 - 1972
<u>Renfrew Christie:</u>	Deputy President 1971 - 1972
<u>Roy Ainslie:</u>	Vice-President of NUSAS, 1971 and Secretary General NUSED 1972
<u>Geoffrey Budlender:</u>	President of UCT SRC 1971 - 1972
<u>Steve Jooste:</u>	President UCT SRC 1971 - 1972
<u>Clive Keegan:</u>	Vice-President NUSAS and Secretary General Aquarius, 1971
<u>Horst Kleinschmidt:</u>	Deputy President of NUSAS 1969-70
<u>Peter Mansfield:</u>	Vice-President of NUSAS 1964-65

In any event if it were true that none of the leaders of NUSAS had ever supported the white political parties, it is nevertheless irresponsible and illogical to thus 'deduce' that NUSAS leaders advocated the radical undermining of South African society. The Commission not mention that constitutionally no NUSAS Executive member was permitted to be active in party politics whilst in office since they did not want to become influenced by members of the party.

(C) IMPRECISE LANGUAGE:

The Commission's failure or perhaps refusal to clearly distinguish between the sponsoring of violent revolution and the promotion of social and economic change its failure to define adequately, the term "liberalism" and its inaccurate and prolific misuse of the word, "political" is a thoroughly unfortunate aspect of the report. It has led to the use of wide generalisations with harmful imputations without any concrete evidence being presented to justify or validate these conclusions. In this connection; the subpoenaed witnesses found it extremely difficult, if not impossible, to persuade members of the Commission to be precise in their terminology. (see also D5)

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(d) PRECONCEIVED NOTIONS

Given the above, and this is reflected in the Commission's report, it is clear that the Commission operated in terms of certain preconceived notions. We would suggest that a careful reading of the report demonstrates this. We have chosen the following examples:

(1) The report without, in any way, substantiating adequately whether NUSAS is dictated to by the overseas organisations which raise funds for it, presents a plausible, but, nevertheless, untrue picture of the relationship between NUSAS and these overseas organisations. (1st Interim Report pg 7, 9 (b) (iv)). The Commission is not prepared to or is incapable of substantiating these allegations yet they are made 'authoritatively'. (See also D3 (ii)).

Secondly, the Commission's interpretation of the actual nature of the houses which various NUSAS Executive members shared is a misrepresentation of facts, suggesting a closed and limited circle, incapable of accepting new ideas from anyone but themselves. This is nonsense and ignores completely the structure of NUSAS and the responsibility which each executive member felt to the completion of their mandates, and their very real commitment to NUSAS as an organisation embodying certain clearly and publicly stated principles (see Section D2)

(e) MISINTERPRETATIONS

In this connection, it is worthwhile noting the Commission's failure to come to terms with the broad stream of thoughts and attitudes amongst students and youth in South Africa. The rejection, for example, of 'paternalistic liberalism' is bluntly seen by the Commission as a very real attempt to "undermine" the "establishment". This threat is in no way defined or proved nor is it based on an understanding of the ideals of many young South Africans. These misinterpretations are based on a misreading of the situation.

We have attempted to demonstrate in this section how the use of emotive and imprecise language, broad generalisations, omissions, inaccuracies, and half truths have been used to "prove" certain preconceived notions of the Select Commission. In the following section, it will be necessary to examine in more detail actual allegations. It is necessary, that it be understood that many of the allegations are developed through the techniques used above.

COMMENTS ON THE COMMISSION'S REPORT

DI) The "Clique" thesis

One of the cornerstones of the Commission's evidence has been that NUSAS has been dominated for a number of years by a small clique of students who are using the welfare, cultural and educational programmes as fronts for the pursuance of their own political aims

(2nd Interim Report, pg 12(13). The Commission further contends that in the furtherance of these political aims, this "clique" operated with the help of and under the influence of foreigners, both within and without South Africa. The question of "foreign influence" is being dealt with in Section D3 and 4. It is, however, necessary to examine here the other aspects of the Commission's contentions about the clique.

The Commission maintains that NUSAS was controlled from the two communes (see section D2) and from NUSAS head office and that a number of students, including those who occupied senior posts on affiliated SRC's (2nd Interim Report 12,13,) were unwittingly manipulated by the "clique".

In doing so the Commission must be criticised on the following grounds:

(a) Alleged Meetings:

Although the Commission attempts to demonstrate that this clique aimed at "creating a climate for revolution" (2nd Interim Report pg 14 (14) it does not succeed in this as we shall show in Section D (5). The crucial point, here, is that the Commission, whilst stating the apparent motives of the "clique", has been unable to substantiate that these motives actually existed or even to be specific about these motives.

(b) Structure of NUSAS

The Commission has chosen to ignore totally the structure of NUSAS. It is important to note that the alleged core-group inevitably was in a minority on National Council and at National Student Assembly. The Commission has further chosen to completely overlook the fact that effective power within NUSAS has for many years been exercised by the affiliated SRC's. The Executive is dependent upon the co-operation of those affiliated centres in order to implement projects and programmes and it is fully aware of this. (It might be noted that most members of the core group served on an SRC with the exception of Chris Wood, Nicky Westcott and Philippe le Roux. Barry Streek, Neville Curtis, Paula Ensor, Clive Keegan, Paul Pretorius have all occupied positions as Vice-Presidents of SRC's, or, as in Mr. Pretorius' case, as President of an SRC. Jeanette Curtis, Renfrew Christie and John Frankish all served terms on SRC's as well.) The point to be made here is that the alleged "core-group" members were able to identify with the affiliated SRC's and to seek to establish co-operation on a non-manipulative level, on the basis of their own experience. We contend that it would have been impossible for the alleged "clique" to divert SRC's and their Presidents into activities, the implications of which the SRC's, themselves, were not fully aware.

(c) Elected Officials

The members of the alleged core group were obliged in terms of policy to implement the mandates issued at Congress or at National Congress Meetings. Detailed minutes of all meetings are kept and are open for inspection to any student. The

Executive are elected officials of the National Union and as such, are bound by Congress policy and liable to censure if they do not fulfil Congress mandates.

(d) Non- Interference

The Commission alleges that in the 1st Interim Report, 6 (9) (ii) (b) that the leadership - presumably the "clique" - from time to time took extra-ordinary steps to exploit "prikkelende situasies" in order to mobilise the mass of students in an emotional manner. The question which has to be asked here is, if that was the case, why did the leadership of NUSAS not more directly control the events of June at the University of Cape Town. Why did they allow Geoffrey Budlender, SRC President of UCT at the time to constantly refer back to the student body for decisions on what action should be taken? All of the "core-group" with the exception of Christopher Wood were in Cape Town at the time.

(e) Support

The Commission has failed to take cognisance of the fact that motions which might be construed as being contrary to "establishment" attitudes in South Africa, such as the motion calling on the people and government of New Zealand to withdraw the invitation for the 1973 Springbok Rugby Tour was passed with one abstention with full representation from every campus. Similarly, the motion calling on all foreign investment companies to improve the wages and working conditions of their black workers, to encourage the formation of workers' committees, to improve housing and to provide other benefits, was passed unanimously. It clearly would have been impossible for the "clique" to push such reasonably controversial motions through unanimously unless widespread student support for the principles embodied in these motions existed. The same principle, of course, applies to the much-vaunted resolution "endorsing" "illegal" activity. (See Section 7 D (6)).

(f) Students or Political Activitists?)

The Commission states at one point that NUSAS was an organisation in which its leaders were intensively active in the political field (1st Interim Report pg 5,9 (b) (i)) and that they were not really students but in actuality political activists. (2nd Interim Report, pg 8 (9)). We have dealt elsewhere with the allegations that they were not really students and have noted the failure of the Commission to record academic achievement. What should be tackled here is the Commission's suggestion that being a student somehow precludes one from participating in social and political activity. Certainly, the ASB has no trouble justifying involvement in both spheres! Secondly, we find that the Commission has not been able to supply an adequate definition of what a "political activist" is. Does this imply that they are automatically involved in subversive activity? Thirdly, it must be noted that the NUSAS full-time office bearers were responsible to N.S.A. They did not really have the time to study, yet despite this, three of the elected office-bearers were registered students. One was engaged in writing a thesis, whilst the other two scored a first and an upper second in the subjects they wrote.

(g) Self-Perpetuation

The Commission alleges at one point that the "clique" controlled who assumed key posts in the National Union (1st Interim Report, pg 6, 9 (ii) (b)) (i) Why then, we wonder, did the "clique" not ensure that Roy Ainslie was not elected to the NUSED Secretary-Generalship in July, 1972, bearing in mind that he was opposed by Nicky Westcott. Why did one member of the "clique", Barry Streek, propose Roy Ainslie?

(ii) Why did two members of the "clique", Clive Keegan and John Frankish stand against each other for the position of Aquarius Secretary General in September, 1971?

(iii) the frequent public and heated disagreement between members of the "clique" at NUSAS Congresses and at student meetings

(h) Other Organisations

The Commission alleges that "prima facie" evidence exists to show that from the organisations concerned, other organisations emerged, died away, and then re-appeared in other forms. They allege that these organisations were in the hands of the same people and same types of overseas organisations (1st interim Report, pg 5, 9 (iv)).

We request the Select Committee to prove this. We would also submit that even if there is "prime facie" evidence of this, we should welcome clarification as to the role and function of these organisations and would question that, a priore, these organisations require investigation because of their existence, as would appear the case.

We are frankly puzzled by these vague and suggestive statements.

NEVILLE CURTIS

1) We should also like to comment on the Commission's remarks on the academic career of Neville Curtis. The facts are as follows: in 1967 in his third year of study, Mr. Curtis obtained his B.A. degree. He commenced studying for an honours degree and he was thus engaged in 1968 and 1969. He was unable to complete his honours degree as he assumed the Presidency, and 1971 he was operating full-time as the NUSAS President and in 1972, he worked full-time for SPROCAS whilst concurrently working for his M.A. thesis. He was allowed to commence his thesis for an M.A., without having an honours degree, as he had published a number of articles of outstanding quality. The Commission doubtless has copies of these articles.

We submit that the Commission's statement that he only had a B.A. degree in 1972 is a misinterpretation, based on omissions, of the facts.

(2nd Interim Report, pg.11, (12)).

Finally, we should like to comment on the Commissions statement that Nicky Westcott "abandoned her university career, clearly in order to follow Pretorius to Cape Town". (2nd Interim Report. pg 12, (12)). This is untrue. Miss Westcott denies this and we have no intention of probing into her personal life.

We submit that there is no clique, exercising control over NUSAS. It is not possible to control NUSAS in such a way. Certainly, all the alleged members of the "clique" are good friends but *equally they are friendly with, and share common interests and hobbies with numerous other individuals, both in and out of NUSAS.* We submit further that the Commission has attempted by invalid insinuation to prove that the "clique" did exist. In this it has not succeeded, and furthermore, as we have stated, it is not possible for a clique to retain control of NUSAS for the simple reason that whilst there are certain fundamental beliefs operating within NUSAS, there is a very wide range of opinions and viewpoints, over and above the sharing of these fundamental beliefs.

D.2 The Commune

The Commission has stated that NUSAS operated from two "communes" in Claremont. It contends that the full-time elected office-bearers, together with Neville Curtis, Nicki Westcott and Chris Wood formed part of a core group. Over a number of years, the Commission states, this 'core' group was engaged in activity with motives unknown to the student body. (2nd Interim Report, pg 12, (12)).

Regarding the two houses,

- (a) They are not "communes" even in the widest interpretation of the term.
- (b) If they are "communes", then many South African students live in "communes", for the two houses are like many student houses in Bloemfontein, Johannesburg, Potchefstroom and Durban.
- (c) The Commission invalidly regards "communes" as an evil thing; what is wrong with shared living? The implied smear on "commune dwellers" is inadmissible.
- (e) The members of the so-called "clique" in the so-called "communes" shared some beliefs, but differed widely on others. To suggest that they had sufficient agreement to secretly control NUSAS is ludicrous and untrue.
- (f) The democratic structure of NUSAS, and the widespread location of its thousands of supporters makes it impossible for seven people in Cape Town to control NUSAS in secret. The Commission has insulted the intelligence, independence and abilities of South Africa's students; it has grossly overestimated the intentions and abilities of the NUSAS leadership.
- (g) The members of the "communes" only stayed there for eight months of the four year period, investigated by the Commission.
- (h) The real intentions and goals of NUSAS leadership were set out very plainly in many closely-fought election campaigns, at *National Student Assembly and on the campuses year after year.* They gained the support of successive generations of students. There was no secret control; matters were fought in open democratic debate, as countless mass meetings showed.
- (i) The Commission claims to have had time to investigate only "relevant" matters. What relevance can the private lives of a few students have to the security of the South African state?

The Commission's findings in this regard must be rejected.

3. ALLEGED FOREIGN INFLUENCE:

- i) The Commission claims that in the furtherance of its goals. NUSAS sought and obtained support from foreign persons, politicians, organisations, political parties and governments. (Report I, P. 6, (iii)) We would remind the Commission that the goals and ideals of NUSAS are based simply on the Universal Declaration of Human Rights, a document endorsed by most overseas agencies, and that it is only insofar as these ideals correspond that support has been given by the overseas agencies - What is inherently wrong with such support?

We would also challenge the Commission to produce proof of any foreign government having stated its support for NUSAS. As far as we are aware, there is none.

- ii) The Commission claims that in its attempt to obtain funds and support from overseas, NUSAS has had to make itself "acceptable" to potential donors and has therefore painted as black a picture of South Africa as possible. They claim that NUSAS has therefore made itself known as the champion of the oppressed. They claim that NUSAS wages a propaganda campaign "against South Africa" overseas and that this campaign has contributed greatly to the hostile attitude which is today ranged against South Africa. (Report I, P. 7, (iv))

A number of points must be made in reply to these claims:

- a) NUSAS has never presented a different policy overseas to that which it has expounded in South Africa.

- b) The National Union's policy is made in terms of what the students see as the realities of the South African situation not in terms of any overseas demands.

(For example, Clive Nettleton - at the time the NUSAS Vice-President left the WAY Conference in 1969 when that organisation proposed a motion of support for guerrilla movements in Southern Africa.)

- c) NUSAS has been refused financial support from foreign agencies because its stance has been too outspoken - for example Ford Foundation refused support on these grounds in 1972. If the National Union's policies were motivated by financial consideration, it would have in fact made more sense to adopt a more moderate policy, in this case where a considerable sum of money was involved.

- d) NUSAS publications and research documents should not be seen as propaganda "against South Africa". The Commission errs in identifying the Nationalist Party and white supremacy with South Africa as a whole. Further, whatever reports and fund-raising requests that were sent overseas were also circulated in South Africa.

e) The Commission overestimated NUSAS's role in contributing to hostile foreign attitudes and ignores the role of the government itself. For example, the Durban strikes, which were a direct result of government and white attitudes, expressed far more forcibly the call for greater human justices in South Africa than any NUSAS report.

iii) The Commission further states that NUSAS exaggerates its own significance and the threats directed at it by the "establishment" in South Africa (Report 1 p.7 (iv))

| How does the Commission therefore explain the spate of government actions against NUSAS over the past few years, and, in particular, the actions which were precipitated by its own report?

iv) The Commission claims that NUSAS must vie with terrorist organisations and militant freedom movements for its overseas funds. (Report 1 p,8 (v)) No proof is offered.

NUSAS receives its funds in the main from the World University Service and from the International University Exchange Fund - both based in Geneva. These organisations receive money inter alia from development agencies associated with the Danish and Swedish Governments - DANIDA and SIDA respectively.

In his meeting with WUS and IUEF, Mr. Pretorius has never had to compete with any terrorist organisations for their funds. Funds are given to NUSAS due to its stability and reliability in administering programmes.

| WUS has, in fact, taken a decision not to support guerrilla movements in Southern Africa.

The Commission ignores these facts.

v) The Commission claims that due to the dependence of NUSAS on foreign funds, NUSAS adopts certain political directions in South Africa which are dangerous to the security of the state. (Report 1, p 9, (vi))

Again in terms of this contention, how does the Commission explain point (ii) (c) above?

| We further deny that NUSAS is dangerous to the safety of the state and submit that if there was proof of the Commission's allegations, NUSAS would have been before court long ago.

vi) In its second report the Commission claims that the NUSAS leadership is "wilfully influenced, used and financed by persons here and in foreign countries." (Report 11,p8).

There is no evidence of this whatsoever. The Commission can only have come to this conclusion on the basis of its own ideas. We can remember only one instance when NUSAS has adopted a suggestion from an overseas agency; in 1972, NUSAS altered its medical Scholarships Programme to a Medical Scholarships and Loans Programme on the suggestion of the World University Service.

D4) FINANCE

The Commission has made a number of findings in respect of administration of NUSAS funds.

Alleged Inability to Identify Foreign Funds:

- i) The Commission claim: that because NUSAS did not identify funds received from foreign sources in its financial records, and because NUSAS actively concealed funds received from overseas, it is not possible to give a precise figure in connection with funds received over the past years. (1st Interim Report p.7.)

Whilst we acknowledge that it would be difficult to produce such a precise figure due to the fact that overseas funds are scattered throughout the NUSAS books, we submit that it is possible to do so. All funds received by NUSAS are entered in the National Union's books.

- ii) The Commission find: that NUSAS is largely dependent on overseas finance. It states that in 1972, NUSAS paid out R13,000 in salaries while only R5,300 was obtained in affiliation fees (2nd Report pg.5). This is quite true. The Commission fails to mention that many of the NUSAS personnel spent large proportions of their time administering projects funded from overseas sources and that a 15% commission was levied on these funds for this purpose.

The Commission also state; that R9,000 of the Prison Education grant received from overseas was transferred to the NUSAS General Account and therefore used for "NUSAS's political activities" (2nd Report pg.5). Again, the Commission fail to report significant facts - namely that the transfer of this money was authorised by the donors. The transfer was authorised personally by the two office bearers of the International University Exchange Fund - one a representative who personally visited NUSAS Head Office and another the Director of the Fund who passed his authorisation on through a specially appointed messenger to extend this authorisation in person. Had the Commission sought evidence from the International University Exchange Fund, this would have become quite clear.

The Commission also fail to explain what is meant by "NUSAS's political activities" on which the R9,000 was supposedly spent.

- iii) The Commission claim that the policy of the National Union was influenced by its dependence on overseas financial support. (Report 1, p,7,8).

Again, we must refer to our arguments against this contention in Section D (3) above. We must emphasize that if NUSAS policy was indeed governed by overseas financial dependence, it would be far more to NUSAS's advantage to adopt more moderate policy - stands.

- iv) In its section dealing with Chris Wood (Report ii p 11) the Commission emphasise a sum of R7,000 which passed through NUSWEL bank account in Johannesburg.

The report of the Commission states that Wood made unauthorised use of the NUSWEL bank account in Johannesburg in order to get R7,000 into the country. "For one or other reason, the NUSAS hierachy found this money a hot potato and made feverish attempts to dissociate itself from it in order to keep NUSAS out of the picture. NUSAS President, Paul Pretorius personally went so far as to send a letter with a false date to the bank so that it would look as if the account had been closed before the money was received, while in reality, the letter was only handed to the bank about three weeks later".

The Commission here has ignored completely the facts that had been placed before it and has resorted to smear tactics. This section of the report has worried more people than any other, and the full story deserves to be told.

On August 3, 1972, the World University service wrote to Chris Wood to inform him that approximately \$10,000 would be transferred to the NUSWEL account "in the near future". A copy of this letter was sent by WUS to NUSAS. This was the first time NUSAS had heard of this money and it took immediate steps to close the Johannesburg NUSWEL account. This step was taken not for "one or other reason", but for the very particular reason that NUSAS had never heard of this money, the money was not for a NUSAS project and had not been authorised by NUSAS as no project requesting such money had been authorised by Congress. The NUSAS Executive realised that this was just the sort of "evidence" of NUSAS operations without Congress approval that the Commission would love to find - this was the reason for regarding the money as a "hot-potato". NUSAS does not appear to have been mistaken in this belief.

In any case, a letter was immediately sent to the Manager of Nedbank (Witwatersrand University Bank) on August 16, 1972, closing the NUSWEL Bank Account. The letter was signed by Jeanette Curtis (NUSWEL Secretary General) and Renfrew Christie (NUSAS Deputy President). The Commission has omitted to mention that this letter was ever sent.

Who were the
authorised
signatories for the
account - ?

At the same time as this letter was sent from Head Office, the NUSAS Local Committee at the University of the Witwatersrand (being unaware of the above letter) instructed the Bank Manager to keep the account open. This position arose due to a misunderstanding - nothing more, nothing less.

At this time, Paul Pretorius had to visit Johannesburg and found that the money in question had indeed been deposited into the NUSWEL account. The Bank Manager admitted that the fault in not closing the account on the instructions of Head Office rested with the bank. Paul Pretorius immediately withdrew the money from the account, gave it to its rightful owner and again told the bank to close the account. The Bank Manager asked Mr. Pretorius to backdate a letter to the bank (dated 16th August) in order to confirm the letter which had originally been sent to the bank by Jeanette Curtis and Renfrew Christie. The Manager will be able to confirm this with the Commission. The Commission did not, however, see fit to call on the Bank Manager to give evidence.

SUPPRESSION OF FACTS

NUSAS's role in this transfer of money has therefore been made out to be far more sinister than it was. Any business firm placed in the same position would have acted in exactly the same way as NUSAS. It must be emphasised that all the above information was given to the Commission. Their conclusions indicate again their operation in terms of preconceived ideas, and the suppression of highly relevant facts.

- v) Dealing with Sheila Lapinsky's administration of the Prison Education Scheme, the Commission has stated that money sent to prisoners via "go-betweens" was sometimes misused by these people. The report states that Mrs Lapinsky at first denied and later admitted that she knew of the misuse of this money. The report also states that this was never reported to Congress, not to the donors, nor were any charges ever laid with the police. (Report 11 p 19, p 20).

Again the Commission has neglected to state certain relevant facts:

The Prison Education Scheme has been actively opposed by the Department of Prisons and by the government, for reasons unknown to NUSAS. Due to this opposition, NUSAS has been forced to operate via agents and relatives even though this method of operation has greatly complicated administration of the programme. NUSAS has on numerous occasions approached the Department of Prisons in order to come to some agreement which would increase the efficient administration of the programme .

Many of the "agents" referred to in the report were relatives of the prisoners, most of whom were Africans living in abject poverty. In a few cases, these agents did use the prison education money for their own purposes (probably feeling that food was more important than books.) The cases involved were few, the amounts of money involved were small - the losses in fact amounted to the type of insignificant losses which were to be expected due to the method of operation which had been forced on NUSAS.

The donors were told of these losses, and accepted that these losses were to be expected.

The police were not informed due to the insignificant amounts involved and due to the position of many of the relatives which had caused them to misuse the money in the first place.

The Prison Education files were seized by the Security Police in March 1971. Mrs Lapinsky appeared before the Commission in November 1972, and found difficulty in answering detailed questions by the Commission due to the fact that she had not seen these files for 18 months.

vi) In another statement on Mrs Lapinsky, the Commission state: that she administered the Prison Education Scheme in a manner which made it impossible to later determine exactly what became of the money.

We will acknowledge (as will Mrs Lapinsky) that she was not a bookkeeper and that the bookkeeping was not all it could have been. We further point out that in acknowledging this, NUSAS appointed a qualified bookkeeper to manage the books as from October, 1972. We deny, however, that any sinister conclusions or contentions can be drawn from Mrs Lapinsky's lack of bookkeeping experience.

vii) The Security Police held NUSAS books for over a year and forced one of the audits which are made every year to be delayed.

viii) The Commission do not mention that NUSAS staff report in full at least twice a year on NUSAS' finances, or that budget is prepared by delegates elected to the finance and organisation sub-committee by Congress. This budget is ratified by a full Congress, determining all NUSAS spending for the next year.

D.5. CHANGE VS "REVOLUTION"?

The Commission recommended at the end of its report that action be taken against 8 people because their continued involvement in student politics would endanger the security of the state, and because they were seeking to promote a climate in which revolution could take place. We wish to challenge the interpretation of a number of words frequently used by the Commission which we believe are either deliberately distorted or completely misunderstood in order to convey a

A crucial point:
NUSAS's books
have to be
audited.

a set of preconceived notions.

We must state at the outset that we do not accept the Commission's limited and literal definition of the word "revolution" or revolutionary. However, for the sake of tacking their thesis we will accept the Commission's interpretation as meaning the "violent overthrow of the corporate state."

The Commission found that certain of the NUSAS leadership had set the organisation on the inexorable path towards revolution. As "evidence" of this, the Commission quotes a part of Mr. Pretorius' speech to December Congress, 1972 wherein he stated the following: (2nd I.R. p.14; 14.)

"There are times in the history of every person, when the fundamental dictates of conscience must take preference over the corrupt edicts of those that rule - edicts which are cleverly concealed beneath the guise of law."

At the Congress a motion was overwhelmingly passed which stated that in the event of Government curbs on NUSAS' activities, NUSAS would refuse to accept those curbs and would continue to function regardless. (2nd I.R. p.13). By using this motion as evidence of the trend in NUSAS to promote a revolution in the country the Commission are confusing passive civil disobedience with the violent overthrow of the existing order. Furthermore, the Commission have misunderstood the meaning of the motion. (See Section D.6. below)

Secondly, the Commission are confusing the peaceful transition from one social order to another with the violent and rapid replacement of the existing social structure. NUSAS has worked consistently for the creative restructuring of society so that a system would evolve in which justice and equality could prevail. The Commission have sought to show that change in the existing structures, and revolution, are one and the same thing. Clearly, they are two distinct concepts and the Commission are either naive or deliberately misleading. Finally, NUSAS has time and again reiterated its condemnation of violence, be it to precipitate radical political change or to perpetuate the existing social systems. No where was this mentioned in the Commission's report, and we submit that these facts were omitted to sustain the preconceptions shared by members of the Commission. We find no other adequate explanation of these and other crucial facts.

The Commission conclude from "evidence" placed before them that the "leadership group" is totally opposed to the entire existing order in South Africa, including the Capitalist system, and prevailing societal norms with regard to relationships between parents and children, students and teachers etc. (2nd I R p.14) These are absolute statements on the political

affiliations of the leadership and once again they are not substantiated because, we believe, they cannot be substantiated. We maintain that while there is consensus on a broad level that change in the existing structure is necessary, the extent of the desired change differs greatly both within the leadership group and more particularly without. For NUSAS to be a legitimate student organisation there has to be a great diversity of opinion, and we maintain that this is one of the reasons why NUSAS has existed for longer than both the Nationalist and United Parties.

Finally, we have to deal with the Commission's contention that NUSAS leaders oppose liberalism. (2nd I.R. p15) The NUSAS Constitution is based on the Universal Declaration of Human Rights which is essentially a humanistic and liberal document. It is true to say that NUSAS and NUSAS leaders oppose a certain kind of liberalism which in the South African context is nothing short of white paternalism; but against the background of the NUSAS Constitution, we find it extraordinary that the Commission have claimed: to have proof of the fact that NUSAS leaders oppose the doctrine of Liberalism.

Once again the Commission either does not comprehend the meaning of the concepts of Liberalism, or else it is attempting to insinuate that because NUSAS leaders reject a certain type of Liberalism, it is therefore pro-communism.

The Commission states thereafter that the "leadership group" has for some time used the affiliate organisations of Aquarius, NUSED, and NUSWEL as a front to further their own political viewpoint. In predictable style the Commission have failed to provide the facts as to the function of these affiliate organisations. The affiliates are very broad - based organisations whose modus operandi differ from campus to campus in order to accommodate the different situations on each campus. At the annual affiliate congresses, projects and campaigns are decided on by elected representatives from all campuses affiliated to NUSAS. It is necessary to reiterate that campuses exercise complete autonomy with regard to implementation of these projects. The Commission's allegation that the "leadership clique" could manipulate three affiliate organisations is far-fetched. Given the increasing decentralisation of NUSAS over the past year and the increasing difficulties in communication owing to postal interference, it is difficult to see how a "clique" could possibly have maintained tight and rigid control of affiliate programmes, directing them to their own ends.

D.6. THE NEED FOR URGENT ACTION

The Commission reported that up to the 49th Congress of NUSAS held in Grahamstown, the NUSAS leadership always urged adherence to the law. At this Congress, however, the Commission noted that a resolution was taken which "resolved that if it became necessary, NUSAS would move into the area of extra-legal activity." The Commission commented that it appeared that the resolution had apparently been hastily drawn up and passed, perhaps in a moment of impulse. This initial impression,

was apparently changed later: the Commission state that Mr. Pretorius' opening speech made it clear that the resolution concerned did not stand in isolation. Paul Pretorius in his opening speech, the Commission allege, was laying the ground-work for the passing of the resolution. They quote from Mr. Pretorius' speech as follows:

"He warned that the time was approaching when one's conscience would have to take precedence over the law." For there are times in the history of every person, when the fundamental dictates of conscience must take preference over the corrupt edicts of those that rule-edicts which are cleverly concealed beneath the guise of law."

URGENT ATTENTION

The resolution, Paul's remarks in his opening speech and information the Commission apparently possessed which stated that the leaders concerned had long since been involved in creating a climate for revolution convinced the Commission that the inherent dangers in student unrest - as had apparently been the case in other countries - were now about to become a reality in South Africa. They therefore immediately resolved that the matter should receive urgent attention.

There three points that need to be made in dealing with the Commission's rationalisations for taking urgent action:

(i) the Commission clearly misunderstood or, yet again, refused to evaluate objectively the intentions of the resolution in question.

(ii) The Commission chose to ignore the overwhelming support given to the Resolution in question following a lengthy debate on the Congress floor.

(iii) The Commission perceived in the passing of the Resolution after Paul Pretorius' opening speech and other information they possessed, the posing of a 'real threat' to State Security.

Under point (i), it is quite sufficient to reiterate that NUSAS would not willingly break the law. In the event of its normal activities becoming extra-legal, however, the resolution stated that NUSAS would disregard those particular laws which were preventing NUSAS from continuing its normal activities.

For further clarification, however, we print below the resolution and the full text of the statement of intentions subsequently issued by the National Council in January this year.

RESOLUTION 29

THAT THIS NSA, NOTING

- 1) THAT NUSAS WILL BE AGAIN IN THE PUBLIC EYE WHEN THE TWO GOVERNMENT APPOINTED COMMISSIONS OF INQUIRY PRESENT THEIR REPORTS
- 2) IN PARTICULAR THAT THERE WERE THREATS DURING 1972 BY MEMBERS OF THE NATIONAL PARTY, EVEN MINISTERS, TO FURTHER

CURTAIN RIGHTS OF FREE ASSOCIATION, FREE SPEECH AND PUBLICATIONS

- 3) THAT SERIOUS VIOLENCE, WHICH WAS NOT VINDICATED BY THE FINDINGS OF THE COURT WAS USED AGAINST PEACEFUL STUDENT PROTEST IN JUNE
- 4) THAT THREATS HAVE BEEN MADE OF FURTHER ACTION BY MEMBERS OF THE GOVERNMENT TO PREVENT STUDENTS FROM CO-OPERATING AND ACTING ON A NATIONAL LEVEL

NOTING FURTHER

THAT AT SOME TIME IN THE FUTURE, WE, AS STUDENTS, WHO PURPORT TO UPHOLD AND DEFEND OUR RIGHTS, MAY HAVE TO DECIDE WHETHER TO DEFEND THESE IN PRACTICE

THEREFORE RESOLVE

AS THE NATIONAL UNION OF SOUTH AFRICAN STUDENTS TO UPHOLD THESE RIGHTS THROUGH POSITIVE AND PUBLIC ACTION, AT ALL TIMES EXPRESSLY AND INTENTIONALLY PEACEFUL IN THE EVENT OF ATTACKS ON OUR RIGHTS. WE EXPRESS OUR HOPE, HOWEVER, THAT THE LAW MAY REMAIN SUCH THAT WE CAN CONTINUE TO OPERATE WITHIN IT AND WE

FURTHER RESOLVE

THAT IN THE EVENT OF THE REMOVAL OF THE FUNDAMENTAL AND LAWFUL RIGHT OF THE NATIONAL UNION TO MEET TOGETHER, TO DISCUSS AND DECIDE ON ISSUES AND TO TAKE, WHAT PRIOR TO THE REMOVAL WAS LAWFUL ACTION, ACTION IN TERMS OF THESE DECISIONS IN THE SERVICE OF BOTH STUDENTS AND SOCIETY, WE SHALL IGNORE SUCH REMOVAL AND TAKE THE CONSEQUENCES OF SUCH STAND.

The National Council Statement

Statement on Civil Liberties Resolution

"We, as the National Council of the National Union of South African Students, have considered the criticisms levelled against the resolution taken at our Grahamstown Congress in respect of the continued existence of the National Union in the face of envisaged legislative action.

"We are aware of the dangers of being drawn into a futile and senseless confrontation with the Government, and it is our intention not to provoke any such confrontation. We are further aware that NUSAS and the students are being used to draw attention away from the real issues that face our country. This was the clear intention of the Government during June last year when education was the real issue., and we fear that the Government will again attempt to provoke confrontation with students by introducing restrictive measures.

"We wish to stress that under no circumstances shall we resort to secret or underground activities and that any further action taken by students under the auspices of affiliated SRC's and the National Union will be expressly and intentionally peaceful. We shall at no stage seek to use violent means in pursuit of our objectives and we shall seek resolutely to dissuade others from resorting to such measures.

"It is the duty of National Council to interpret and implement resolutions taken at a Congress. In keeping with the original intention and sentiments of the Grahamstown Congress, we state the following:

"Despite any further restrictions on our legal rights, we shall seek to preserve our existence as a National Union comprised of affiliated SRC's. We shall pursue our aims and promote our objectives through planned programmes and projects. In 1973 we shall implement a "Hand Off Universities" campaign aimed at retaining such freedom and autonomy as our universities still enjoy, a focus on poverty and wages, and a year-long education programme. These programmes have been planned to remain within the law.

"We shall not accept: measures preventing us from existing as a National Union open to all South African students
the removal of our right to communicate
concern about South Africa to our fellow citizens
the removal of the right of individual
SRC's to join a Student Union seeking to promote and protect
student interests."

.....

In terms of that resolution, it must be noted that NUSAS would not take extra-legal steps unless the Government itself sought to curb the activities of NUSAS. In other words, in the Commission's nomenclature, "urgent action" would only have been necessary if the government sought to impose restrictions on NUSAS. (See Section D 5 for an examination of whether urgent action would have been necessary even if NUSAS had chosen to act extra-legally in certain very limited spheres under such circumstances).

2) On the second point, it is merely necessary here to note the overwhelming support given the resolution by the Congress delegates.

3) It is quite apparent that, despite the careful clarification by National Council of the intention of the resolution and the overwhelming support of the Congress, the Commission chose to perceive only a plot by the "clique" to bring "revolution" closer. The Commission has never adequately substantiated their allegations that

- (a) a "clique" existed,
- and (b) the "clique" sought to promote "revolutionary change"

(See also sections D I and D 5 for comments on these two points)

Despite this, the Commission sought in the existence of the resolution, a final justification for the recommendation of "urgent action". We submit that the Commission cannot justify the actions they have taken in the light of the objective examination of the facts surrounding the passing of that resolution. The Commission have not explained the connection they see between "revolutionary" activity and the continuation of NUSAS'S activities in the event of the latter being rendered extra-legal.

D.7. (i) CHRIS WOOD

In their discussion on Chris Wood, factual inaccuracies, omissions, and emotive language and innuendo has been used to build up a thoroughly disreputable portrait. (Interim Report 11, (12)). The Commission state that he (Chris Wood) has not had any permanent employment since the beginning of 1970. In actual fact, he worked at the Rand Daily Mail as a proof-reader throughout 1970. Secondly, it is stated that he was elected to the position of Transvaal Regional Director, although he was in reality no longer a student. In actual fact he was registered for Economics I. Since his job was a night one, he was able to participate fully in student activities. Finally, he only came to live at 100, Belvedere Road, in the middle September. How could he have been part of the 'clique' in the Commission's terms?

One would strongly question the Commission's suggestion that it appeared that "Wood" was a messenger and general contact man. We are frankly bewildered. Who did "Wood" carry messages for and to whom; and for whom was he a good contact man? We would appreciate clarification from the Commission, particularly in view of the conclusion they reach in their subsequent statements.

The Commission continue that although Chris Wood's role cannot be crystallised, it was clearly a sinister one. The word "sinister" in this connection has distressing connotations, and yet the Commission have not hesitated to use this word despite their inability to define exactly what his role was.

(ii) CLIVE KEEGAN

Clive Keegan was named in the report as one of the known leaders of the "clique" in control of NUSAS; it was also stated that he was still actively involved in NUSAS affairs although he no longer held official executive office.

The Commission at no stage prove that Clive Keegan was a member of the "clique", nor do they state how they have arrived at that conclusion. The facts of the situation are that Clive Keegan has not been involved in NUSAS affairs for over seven months. In 1972 he was a registered student at the University of Cape Town, and edited the campus newspaper, "Varsity". During 1973, he has been occupied with research to serve as the basis

for a book on the history of NUSAS. The only connection between Clive Keegan and the rest of the NUSAS Executive, including the so-called "clique", is that of friendship.

It should also be mentioned that at no stage has Mr. Keegan been resident in either of the two so-called "communes", from where the "clique" is supposed to have controlled NUSAS policy. The Commission in their findings have therefore been completely inconsistent. They have contended on the one hand that NUSAS was controlled by a "clique" living in two "communes". They have then attempted to link Mr. Keegan with the clique even though he has never lived in either of the two "communes", nor has any other possible link between Mr. Keegan and the "clique" been advanced by the Commission.

In the light of these facts it becomes impossible to ascertain precisely on what grounds Clive Keegan was named as one of those against whom urgent action had to be taken. Nowhere in the Commission's report has any substantiated evidence been presented, and the conclusions which the Commission have come to with regard to Clive Keegan's role have emanated from unreliable assumptions and innuendo.

(iii) SHEILA LAPINSKY

Sheila Lapinsky, NUSAS General Secretary, was accused by the Commission of financial mismanagement. These allegations are dealt with under section D.4. In any event, financial mismanagement is no basis whatsoever for labelling someone as subversive, and for justifying the imposition of banning orders. Sheila Lapinsky was in fact the first person to admit that she was not a qualified bookkeeper, but it was unfortunately impossible for NUSAS to employ a bookkeeper as finances did not permit it.

Mrs Lapinsky is also alleged to have played a leading role in the direction of NUSAS, and it is claimed that she influenced a number of policy decisions. The Commission make great play of various gossipy letters which it quotes at length, and attempts to use these letters to substantiate the claim that Mrs Lapinsky did in fact play a major role.

One of the letters was written to the NUSAS President in 1968, John Daniel, while he was on tour of the USA. The letter was of an informative nature, which the Commission have used to try to prove that Sheila Lapinsky was acting in an Executive capacity rather than a purely administrative one. The situation in NUSAS Head Office at the time was as follows:

John Daniel, the NUSAS President, was away on tour. The structure of NUSAS was such that there were no other full-time office bearers in Head Office, and it was therefore quite logical that Mrs Lapinsky should have been responsible for keeping the NUSAS President informed of what was happening at Head Office and elsewhere. The fact that Mrs Lapinsky did not take any independent decisions is confirmed in her letter of 17th September, 1968 to John Daniel in the USA. Referring

to the invitation of a guest speaker for the annual Academic Freedom lecture, she said:

"Please let me know what is decided by you, plus advisors, and what line to take in an official letter. Are relying on your judgement and decision."

The Commission also alleges that Mrs Lapinsky played a part in the grooming of Mr. Andy Murray for the post of NUSAS President. The report quotes from a letter written on 7th November, 1968. to Sweden: "In addition, our Deputy Vice-President, Andy Murray, who is a Rhodesian citizen studying at Rhodes University, has been informed that he must leave South Africa by December 4th, 1968, and will not be allowed to return. This is indeed a hard and sad blow to us, for Andy had potential which had not yet been realised. We had hoped to groom him to become Duncan's successor at the end of 1969."

The Commission were informed about the constitutional workings of NUSAS. They were also informed about the election procedure adopted at Congress. For the Commission to then insinuate that it was possible for Mrs Lapinsky to ensure that the person she claimed to be grooming would be elected by a full Congress is ridiculous. The NUSAS President can only be elected at a Congress comprising elected representatives from all campuses affiliated to NUSAS. No General Secretary, regardless of what she personally felt about it, could ever dictate to a NUSAS Congress whom they should elect as their President.

(iv) DR RICHARD TURNER

The first allegation against Dr. Turner is that he misused his position as a member of the NUSAS advisory panel, in order to fulfil the role of a political activist. The NUSAS advisory panel consists of elected academics and others in the constituent centres, who avail themselves to students for advice on any matters which the SRC's or NUSAS Executive choose to consult them on. Students are perfectly free to accept or reject that advice. We find it hypocritical that the Commission should object to the advice given by the Advisory Panel, when it does not also object to the "advice" continually volunteered by both the United Party and the Nationalist Party.

The Commission states that Dr. Turner proposed a cultural festival "IF", and that he tendered advice to the National Union concerning the Education Campaign in 1972.

We can only say - why shouldn't he?

Is there anything inherently subversive and revolutionary in these actions?

We would remind the Commission that on the subject of inter-grated UCT/Stellenbosch Intervarsity, the Chancellor of Stellenbosch said "That will be the day." Does the Commission regard this as legitimate interference in student politics?

The Commission also state that Dr. Turner addressed meetings at the University of the Witwatersrand and at U.C.T. shortly before the police violence in June. The Commission fail to note that Dr. Turner addressed these meetings on the invitation of the SRC's at those centres.

The Commission also fail to give the reasons why students often approached Dr. Turner for his advice and why he was often asked to speak on campuses. This was simply due to his remarkable ability to analyse situations dispassionately, crisply and clearly, and to offer advice on the basis of this analysis.

Dr. Turner himself said in a letter quoted by the Commission that he found it a problem being propelled into a leadership role on the campus. (during the "22 Detainee" protests on the Durban campus.) He said that he found the position both embarrassing and undesirable. How does the Commission possibly tie these sentiments in with Dr. Turner's supposed desire to influence and force his ideas upon students and upon the National Union?

The Commission claim that the political views propogated by Dr. Turner amongst students could be described as a radical revolutionary manual. We are not going to argue the pros and cons of Dr. Turner's political views here, except to draw attention to the confusion which obviously existed amongst the members of the Commission between the terms "revolution" and "social change". This confusion in terminology is further examined in Section D.5. above.

We would also point out that many of Dr. Turner's political views are not in agreement with NUSAS policy - for example, his expressed views on foreign investment as quoted by the Commission differ considerably from those of NUSAS as stated clearly in a Congress resolution.

The Commission also fail to take into consideration Dr. Turner's role as a political scientist - that of critically examining all political structures and social orders and freely discussing these concepts in an atmosphere of open search for truth and justice.

Finally, the Commission complain that Dr. Turner is permitted on the campuses "where the official political parties are not even allowed to present their views." This is nonsense. Virtually every NUSAS affiliated campus has invited the official political parties to address its students at least once a year.

In fact, the Prime Minister has regularly refused invitations to address the English speaking campuses on the grounds that they are affiliated to NUSAS!

8) ESTABLISHMENT OF THE PERMANENT COMMISSION

The Commission in its first interim report has recommended that a permanent commission to inquire into organisations be set up to continue the work of the present commission in the future.

The report states that the present commission have performed a valuable function, that their powers to call witnesses is an invaluable source of information which would otherwise be unavailable, and that they have brought to the light aspects of certain organisations which were previously unknown to the public (and, even to a lesser extent, unknown to the security authorities.)

We submit that the objections lodged by NUSAS to the establishment of the present Commission, hold in regard to the proposed permanent commission - the objections have in fact, been amply supported by the grossly invalid conclusions which have been reached by the commission.

We emphasise again that a commission composed of politicians can only come to conclusions in terms of party political expediency - as has been shown by the present commission.

We also emphasise that such a commission is likely to operate in terms of their preconceived ideas which are formulated in terms of party policies. The Commission claim that their powers to call witnesses is invaluable, but it neglects to mention that they determine which witnesses they could call in terms of these previously formulated opinions of the organisation under investigation.

The inability of witnesses to see, examine or answer evidence placed before the commission by other witnesses must weigh heavily against the possibility of any such commission reaching an impartial and valid conclusion.

Finally, we note that if the permanent commission is to conduct themselves in the same manner as the present commission (as evidenced by the two interim reports), all organisations and individuals who seriously question the political, social and economic philosophies advanced by the Nationalist and United Parties, must be threatened.

CONCLUSION:

This report has been criticized on four levels:

- a) We submit that the Commission have been unable to substantiate its fundamental allegations in relation to
 - i) the existence of a "clique"
 - ii) the intentions of the "clique" to create an atmosphere conducive to the violent overthrow of the state
 - iii) the co-operation of the "clique" with the overseas organisations

iv) the willingness of the alleged "clique" to actively co-operate with and seek directions and funds from those overseas organisations

v) the deliberate vilification of South Africa by NUSAS leaders in order to increase the amounts of money raised overseas.

vi) the intention and motivation behind the Resolution 29 of the Grahamstown Congress of 1972.

b) We submit that the Commission used techniques of omission, misrepresentation and innuendo in order to build up their case against sections of the NUSAS leadership and individuals associated with NUSAS.

c) We submit that the Commission have chosen to present evidence according to their own preconceived ideas. It would seem that certain facts have been deliberately suppressed in order to bolster the Commission's evidence.

d) We cannot accept that, even if the contents of the report were truthful and validly presented with adequate substantiation, any case has been proven by the Commission.

We emphasize that the bannings of individuals cannot be justified under any circumstances, and we submit that in this case, the bannings have been imposed due to the failure of the Commission to find any evidence which could stand the test of a court of law.
