

COMMISSION OF INQUIRY
INTO THE SOUTH AFRICAN COUNCIL OF CHURCHES

HELD AT PRETORIA

ON 24 MAY 1983

CHAIRMAN: THE HONOURABLE MR JUSTICE C F ELOFF

COMMISSIONERS: MR S A PATTERSON
 MR T L BLUNDEN
 PROF P OOSTHUIZEN
 MR F G BARRIE

CHIEF INVESTIGATING OFFICER: ADV K P C O VON LIERES SC

INVESTIGATING OFFICER: ADV ETIENNE DU TOIT

SECRETARY: MR M L MARAIS

ON BEHALF OF COUNCIL FOR THE

S A C C: ADV KENTRIDGE SC
 ADV SOLOMON

LUBBE RECORDINGS (PRETORIA)

WITNESS: BISHOP D TUTU

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THE COMMISSION RESUMES ON 1983-05-24

DESMOND TUTU, still under oath :

MR VON LIERES: I would like to discuss this morning this document that was prepared by Miss Karin Welms of the Evangelical Mission Works in Hamburg in connection with a proposed communication project for the South African Council of Churches. -- Yes.

And I want to give you a copy of the document. -- Thank you.

The Commission did receive a letter from your attorneys in which they attached a copy of a letter dated - apparently October 18, 1981, it is not quite clear from the copy - which it is (10 said explains that particular project and I would like to show you that too. -- Yes.

Let us just first deal with the technicalities of the document. It was received by the South African Council of Churches according to the date on the left-hand top corner of the first page on 16 March 1982. -- Yes.

And it came to hand, you dealt with the matter, you saw it and I see it says on the top "Circulate to Dan and Matt please". Is that your handwriting? -- That is my handwriting.

And down the margin on the first page you have made two (20 little notes (a) and (b)? -- Yes.

Right at the top on the right-hand side, is that your handwriting as well? -- No.

The status of this particular document is described in the letter that your attorneys had sent to the Commission, as a discussion document. They say -

"The attached copy of Miss Welms' letter dated 18 September 1981 indicates that the document was only sent to the S A C C for discussion."

But let us look at the document. Basically the document (30 suggests/..

suggests a new re-vamping of the Communications Division of the South African Council of Churches. It consists of two parts; it sets out what the author of the document perceives to be the factual position and then the document is followed by a suggested organisation that should be set up in the light of that particular factual position. -- Yes.

And this document was then sent back to the Council for discussion. -- Yes.

I have got no problems with the fact that the organisation was not implemented. I would just like to deal with the (10 setting out of the factual position as the lady has got it here. -- Yes.

Firstly, Miss Welms describes herself in this document as the Communications - the General Secretary - on page 11 of the document, the Executive Secretary for Communications, E M W. What is E M W. -- Evangelische Missionwerke.

Yes, what do they basically do? -- They, you know I mean the German situation is complex in terms of the Church relationships. They have basically I think four offices or centres. They have Hanover which could be said to be the administrative head- (20 quarters of E K D and K E D and then they have Hamburg which is where you have the Evangelische Missionwerke who would be involved in operations throughout the world to give project money for various kinds of projects related to what they would call very broadly Mission. Then they have headquarters in Frankfurt. These would be largely what you might call the well it is the Aussenamt the sort of foreign affairs division of E K D. Then they have another group of organisations that are found in Stuttgart. I do not know whether Miss Welms is still the Executive Secretary for Communications, but each of the staff (30 persons/..

persons in Hamburg would be involved with a certain sphere of responsibility. For instance there would be those involved with theological education and all that is involved in that area and anyone who wanted assistance from the German Churches relating to theological education would have to put in their applications to Hamburg.

Is the lady known to you? -- Yes.

You know her. -- I am fond of her.

She was also connected with the financing of the Voice newspaper through E M W? -- Yes. (10)

Perhaps before we deal with the document Kom-Kom, what is Kom-Kom, which organisation does it belong to and what does it do? -- Well it would be her department, Communications.

Would that be her department, Kom-Kom? -- Yes.

I see. That is the abbreviation Kom-Kom. One other abbreviation we deal with in this matter is WACC World Association for Christian Communications? -- Yes.

Who are they and where are they situated? -- Their headquarters are in London and they have regional offices. They normally operate I would say through Regional Councils of Churches (20 such as the All Africa Conference of Churches and they seek to assist Church communicators in carrying out what is after all a very technical job of work. They will also give some funding for communications projects, but not the same extent as Kom-Kom.

Let us turn to the first page of this project that Miss Welms had prepared. The first paragraph says -

"The S A C C is the Ecumenical body where the Churches in South Africa co-operate."

That is, of course, a correct statement is it not? -- Yes.

The next sentence - (30)

"This/..

"This application concerns one of the S A C C operational departments, a Communication Division"

That is so, this paper deals with the Communication Division?

-- Yes.

This paper, perhaps we should just interpose here, this paper was prepared before the members or the staff in the Communication Division had been retrenched? -- Retrenched.

During May 1982? -- Yes.

They were retrenched during May or with effect from May 1982?

-- I am not very good at dates. I can always check back. (10

There is a Mr Stevenson who has a slightly better memory than I.

Yes, well I am relying on a newspaper report in the Sunday Times of the 16th, so it must have been roundabout then? -- Yes I would be willing to accept that.

Of May 1982, right. Now let us see what the lady says as an introduction to the project. She says -

"Oppression of the Black people on the one hand, their struggle for liberation on the other, are escalating in South Africa."

Is that your view, is that a correct statement? -- I will(20 say yes.

"The dispute is becoming more and more embittered on both sides. The patience of the Blacks is rapidly coming to an end since their oppression is of a total nature and they are conscious of it."

What would you comment on that? -- That would be a reasonable view. I mean I think patience is running out and I would go along with the sentiment in the second part of the sentence that the oppression is of a total nature.

Now she says -

(30

"According/..

"According to Bishop Desmond Tutu, the General Secretary of the S A C C, South Africa is in a state of war in the midst of a massive psychological warfare. The strategy is to divide the forces of resistance so that the resistance does not gain strength."

Let us just stop there. Did you tell the lady what she reports here you allegedly said? -- Well that would probably be a summary of some of the things that I have said. South Africa is in a state of war.

Does that correctly reflect your views? -- I would say (10 yes.

Allright, noted. The next sentence -

"Most probably the S A C C is at present the strongest single force of resistance in South Africa where it concerns its integrating and articulating aspects."

-- I did not say that, obviously.

You did not say that. Do you understand what the lady tries to convey when she refers to "integrating and articulating aspects"? -- I would say I understand articulating, I pointed out yesterday that it surely must be part of the role of those who (20 seek the truth to articulate the truth as they see it.

The S A C C is quite good at articulating, is it not? -- Well I thought that you had read what Stormkompas says, Prof Heyns said you cannot have a "swygende Kerk". 'n Swygende Kerk is nie 'n getuigende Kerk nie.

Yes, I am not worried about Dr Heyns, I mean the fact is, it is well-known - you say your say and that is it, do you not? -- Can I just tell you something?

Yes certainly. -- I would much rather not have been doing that. I am in fact, you may not believe it, I am someone (30 who/..

who is very retiring. I do not think you believe that, and many people would not believe that.

You do not want me to answer your there. -- But, you do know the prophesy, the words in Prophet Jeremia where Jeremia says to God, you have cheated me. All you have done is ask to me to utter words of doom to people that I love. And when I try to keep quiet, your words are like a fire in my breast which make it impossible for me to keep quiet.

So will your reply be then basically, yes we do articulate the problems we experience? -- We articulate all kinds of (10 things. We articulate praise when praise is deserved. We articulate condemnation when condemnation is deserved. We articulate appeals when it is appropriate to do so. Yes.

Could we then have a look at the next paragraph. -- Integrating.

Sorry yes let me deal with the word integrating. -- This is a major part of the S A C C's work. I mean the S A C C seeks to work for unity and it permeates everything that we seek to do. For instance we are worried about the polarisation in our society and therefore we are seeking to work for the unification of (20 that society.

If you are not the strongest force, the S A C C is the best known one for saying its say? -- Well there are other people who do say their say but they often happen to be on the other side.

Yes, of course. The next paragraph the lady reports the following -

"Since mass media establishment is the main theatre of operations of the psychological warfare in South Africa, it is particularly important for the S A C C in its above-mentioned functions, to be able to handle the media in (30

an appropriate manner, particularly since very often the S A C C itself is the object of attacks in the media."

Does this reflect your view? -- I would have thought that any reasonable and intelligent person in South African would agree that that was the case. But can I just also say, I mean as a preliminary in understanding this kind of thing. This is a project application. Now I indicated that I was associate General Secretary, no associate Director of the T F and this is the kind of document that the staff person produces in order to place before the relevant Committee in order to persuade them (10 to make money available or not available. I will have to say that on the whole you are more likely to get that money if your application can be shown as not too conservative. I think that that is important to know. I would say basically the things that the lady says would be true up to this point, but that we must also understand that she is seeking to persuade a Committee to make money available.

On what do you I find it very interesting, your observation that one of these type of project applications have better chances of success if they are not so conservatively worded. (20 Why is this so? -- I would say that people are concerned for the right kind of change. If you produce in any sphere I think, even when you are applying for a community development project, if you put forward something that merely is ameliorative for instance, well it may get grants. But people are much more concerned for instance with a project that helps people to become more fully human in that they can take responsibility for their own environment which I think is a good thing, so that a more forward looking and more pungent application is likely to carry more weight than one that says: Well we want to give them (30

soup kitchens.

I see. The next sentence in that paragraph is -

"The S A C C has basically developed a strategy of handling the media which is to be implemented by the Communications Division. This strategy is not only directed towards the mass media establishment, but also towards many of the alternative media and communication channels which are coming up everywhere at the grass-roots levels among the oppressed and their supporters. This last group represents the potential allies of the S A C C in its endeavour to (10 create togetherness amongst people."

Would you comment on that, is that more or less reflective of the factual position in the S A C C? Let me put it more specific, did the S A C C develop a strategy to handle the media? -- Well I think that any organisation such as ours which is very much in the business of putting across various points of view and which seeks to inform people who seeks to shape public opinion obviously must seek to have a way of dealing with the media. I do not know whether you can give as an exalted a title as strategy. I am not aware that I myself have a strategy but I do try to (20 maintain good relationships with the Press for instance. We have have not succeeded with the S A B C.

Well shall we say not through lack of trying. The grass-roots level reference here that would, of course, be a in accordance with what you see your function to be, that the members of the Churches and so forth are made aware of what the position is? -- Yes, I think it has got to be seen holistically that we cannot obviously do everything and our own aim is getting really through to the Churches and hoping that the Churches will let that percolate through to the grass-roots. We would obviously also, if (30

we/..

we had a full staff which we do not have, we still have an acting person only it is Dan Vaughan who is trying to run this Communications Division, we would hope that there would be people who could get in at ground level as it were with the members of the Churches.

It should, you will recall I think you mentioned it yourself this morning, the Rev Storey said communication is the business of the S A C C and it should, of course, therefore be able to have a properly staffed Communications Division to do that particular part of its operation? -- What I am saying is the factual position is that we do not in fact have a Communications Division at the present time. (10

That is right. The last paragraph on the first page then reads -

"At the same time the S A C C realises there is a necessity to assist the Churches in articulating their reactions where necessary in the total struggle between the Black majority and the White minority in South Africa so that they are a witness faithful to the gospel for the poor and the oppressed. For this purpose communication between the S A C C and member Churches and organisations must be strengthened." (20

I take it that is also given ...? -- Yes.

Page 2 at the top there, the lady says -

"Internal communications within the S A C C has to be proved so that co-operation and cohesion functions without fault. Actions are co-ordinated by the staff and all that the S A C C is saying and doing can be carried through together by all staff, co-workers, boards and member Churches. It is constantly to be renewed as one caucus." (30

Would/..

Would that be a correct reflection? -- Yes.

Then she says -

"That indicates four different targets for the communications strategy of the Council which are firstly the general public in South Africa represented through the mass media establishment in particular. Secondly through the alternative media at the grass-roots in sections. Thirdly also through the international media with a correspondent and finally the Council itself, member Churches and their co-workers as well as the widespread net of S A C C staff." (10

Would that sort of be a fair general set out of the people whom one should try to reach from the point of view of the S A C C? -- I think as a communications person she has analysed it as accurately as she can.

She also says that -

"Communications has had a rather insignificant and sporadic status at the S A C C since there was little reflection about by mention purpose and function of communications."

Is that the factual position as she reflects it there that it has an insignificant and sporadic status? -- Well I think (20 we would have to ask her actually what she meant, but I would say that she probably means that it was not as co-ordinated, the efforts were not as co-ordinated as they should have and we are amazed really at how one person like Dan Vaughan has been able to put through a very considerable amount of work which is integrated and makes far better sense. For one we had to discontinue for instance KAIROS because it deteriorated in its quality and even ECUNews was not all that it should be and so one could say - perhaps I do not know whether you say insignificant and sporadic would be the right terms. But she was (30

pointing/..

pointing to a problem area.

Her comment following on this is then -

"That only after exposure to enormous pressure did the S A C C finally realise that communications must become of top priority in the total programme of the S A C C. That it needed the concept on the Communications Division, the new head who would combine professional know-how with the capability to keep up a basic communications concept and to constantly adapt it to necessities prevailing."

What do you comment on that? -- My comment is that I think (10 she is quite right that we realised for instance from the very unsatisfactory reporting of even the Eloff Commission proceedings which led to my article which you will recall, that we certainly needed to look at our whole communications operation and I would go along with her. I mean I would agree perhaps at things like top priority, but it would be a very important priority. I am really merely splitting hairs here. I think it was an important priority, a top priority yes.

Should the retrenchment of the members of the Communication Division in May 1982 be seen in the light of realisation that (20 they were not as effective as they should have been? -- We were very distressed because all three of those persons have very considerable ability and they should in fact have been able to have set up an impressive operation. But as often happens when you have gifted people there were ... well there were personality problems. We were unable to resolve those problems and therefore we had an ineffective Communications Division when we should have had a spankingly good one.

Then the lady deals in paragraph 3 with various projects including a Press Liaison Officer, ECUNews and ECUNews (30 releases/..

releases on page 3. She deals with KAIROS and other publications. And on page 4 she deals with radio programmes and outlets. Perhaps I must just ask you whether her understanding of the role of the S A B C reflects your understanding of that position. She says -

"The S A B C including Radio Bantu are the main propaganda instruments of the Government, SA Government. In its programmes the S A C C and other groups criticising the SA system are discredited in a very aggressive or sometimes sublime way. It is furthermore S A B C's endeavour to (10 brainwash the neighbouring States with their considerable South African refugee population."

Does that more or less accord with what you think the S A B C does? -- Well a great deal of that is true. You are aware that there was this survey that was .. or analysis which appeared in the Rand Daily Mail which indicated that over a certain period you could say and see quite clearly that there was an 80% bias in favour of the Nationalist Party during the election period and anyone who has the stomach to listen to news commentary will say that you are not given the truth there. (20 You are given a very slanted version of the facts and S A B C TV is quite disgraceful I think. It is a very great sadness because having experienced good television in Britain one recognises the incredible power that television has and the potential it has for helping to change attitudes. I mean could you imagine if they would allow different points of view. Supposing they allowed a Dr Motlana into the "voorhuise" of our fellow White South Africans and let them listen to him and not distortions. I believe that we would be well on the way to changing attitudes in this country. Instead what do we get? (30

We get a prostitution of something that is so tremendous in the potential that it has for helping to save this country. I mean I weep when I see the kind of bilge that we get on S A B C TV. I may add that I had said that I would not want a television set in my house for the pollution that it brings in there. I was forced by my colleagues who said you would have to have one to find out what they do say. And I said it would only be at your own expense, I would not buy a television set.

Do you have one now? -- I have got one at the expense of the S A C C. (10

The next paragraph on this, the South African Council of Churches - this is continuing on the radio story -

"Would like to reach them in particular with alternative programmes, both spiritual and news programmes."

Is that so? -- We had actually you know, been doing some of this kind of thing, especially spiritual when we had (intervenes).

The Radio Voice of the Gospel? -- Radio Voice of the Gospel yes. That was all sort of discontinued. We would certainly have wanted to be able to reach a wide public, as wide (20 a public as possible to speak about the things that matter in our faith and to strengthen those who were feeling hopeless and to point to alternatives to violence and the arms struggle and just to let people have a different perspective on the news in our country.

We will talk about the Radio Voice of the Gospel just now. I have got a small section on that. Let us carry on with the next statement here.

"Since Bishop Tutu can no longer travel outside South Africa, his passport was confiscated, and since his frequent and (30 outspoken/..

outspoken statements are no longer reported in the international media as at the time when he and his statements at the occasion of foreign visits found considerable attention in the foreign media, the S A C C is looking for some other possibility particularly in order to reach those South Africans who live in exile."

-- One has to say yes and no to some of that. I think I am still reported. Maybe not as frequently, but I am reported on the international media. Yes it is problematical now that I ... I mean I do not travel. Yes we would be saying that (10 we want to find ways in which some of the things that we say can reach a much wider public. I have already said to you that it is important if we are going to be able to persuade people that there is a better way of resolving the crisis of this land, then you have to be able to get through to them somewhere. You have to be able to communicate with them yes.

The top of page 5 the lady raises the possibility that there is a chance for co-operation with UNESCO which is apparently willing to arrange for the S A C C to have air-time in neighbouring countries and to pay the expenses, perhaps even programme (20 production costs. Was this thought as an alternative to the defunct Radio Voice of the Gospel, was it discussed in the S A C C? -- Well we did not discuss this specifically. The man who was at the head of our Communications Division had been to Paris. He came back to tell us that this was a possibility. Of course as you know, hardly any of this has in fact been implemented.

No I am not arguing that particular point. I am just wondering whether this possibility was discussed? -- It was mentioned yes.

(30

Then/..

Then she mentions the research library that should be there.
-- Yes.

And then she goes on and on the basis of this she then suggests staff for the next five pages, what the staff should look like. -- Yes. We are nowhere near (intervenes).

I will skip that, I am on page 11 now. -- Are you at page 11? I see, thank you.

At page 11 in paragraph 5 she says that the project Communication Division of the S A C C has been thoroughly discussed within the S A C C and with experts before it was finally ... (10 (intervenes). -- I am sorry, where are you?

Page 11, that is the last page. -- Yes I have got the last page.

Paragraph 5 under the heading "Final Kom-Kom Comment". -- Yes.

The very first paragraph. -- Yes, thank you very much.

She says -

"It has been thoroughly discussed within the S A C C, the Communications project and with experts before it was finally drawn up and presented." (20

What can you tell us about that statement? -- No I do not recall that this particular project application as such there were elements of it as I have indicated which we had discussed, but this was being thrown into the pool as it were for further discussion and further refinement. That is why I passed it on to Mr Stevenson and Mr Dan Vaughan, Dan Vaughan being as it were overall in charge of communications and Mr Stevenson being involved with our budget and so forth. We had had people discussing the communications of the S A C C sometimes without our being privy to those discussions and they may have discussed/.. (30

discussed it with the man who was at the time Director of Communications.

And then the very last paragraph she says -

"The Communications Division is of strategic importance for the continuation of the work of the S A C C. Requires adequate staff which makes qualified and committed teamwork possible."

Do you share those sentiments? -- Yes let me say that I agree as I have indicated that the Communications Division is of crucial importance at the present time especially because (10 it is so easy for people to misconstrue and misunderstand. You have seen just how easy it is for the S A B C to take the judgment in the John Rees case and to go to town not with an attack on John Rees, but using it as an opportunity for attacking the S A C C and stating things there as facts which are quite untrue. Then yesterday the Vaderland has an editorial also using the chance that the John Rees case gave them, not to castigate John Rees. You do not get that at all. It is just a passing mention of him. What they have found is a splendid opportunity of attacking their favourite ogre, the S A C C and consequent(20 ly it is important that we try to put our side. And even, I mean favourable I mean newspapers that we would say are on the whole friendly newspapers truncate our statements and often do not give us the kind of publicity we would have expected from them. So we have to know that we are living in a world that finds the S A C C an easy prey and communications is important therefore. I would say that the sentence is correct, I suppose I mean you could say up to "and therefore", that is quite important. Then for herself it is important that she is able to tell them that we should be able, that is the Kom-Kom should be (30 able/..

able to assist in finding the qualified staff and committed teamwork.

The lot of other matters like the Voice, Journal on Theology is well documented. We will not waste your time on that. -- Thank you very much.

I have, however, this one aspect about the Radio Voice of the Gospel I wanted to ask you. What was the Council's relation to the Radio Voice of the Gospel before it stopped supporting it? Did you make a yearly grant or did you have a representative on its Board? -- We had somebody, Father Basil van Rensburg who (10 was a radio person and basically if I remember well, because Radio Voice of the Gospel went out of business very soon after I took over as General Secretary. We used to get a grant, it is very much a Lutheran World Federation operation. I think, I stand corrected here, but I think that we got a grant from the L W F for this purpose. Most of the programmes would be things that would be available through L W F.

Did you fund the Radio Voice - that is did the S A C C fund the Radio Voice of the Gospel, RVOG as it is known or did you make grants towards RVOG? -- I think it was a fairly straight-(20 forward L W F grant to Radio Voice of the Gospel I think just through ... just via the S A C C.

I see. And you say Father van Rensburg was ... (interve- nes). -- He was in charge of it.

Was he your man in charge of that? -- Well yes (inter- venes).

That is the S A C C's man? -- I mean we would say he was a staff person, but it was one of these organisations that were loosely linked with the Council.

You see the Radio Voice of the Gospel figures in the (30

1979 National Conference. -- Yes.

But I just want to show you one little bit - Executive Committee meeting June 1-2, 1976. Radio Voice of the Gospel was under discussion, page 2 and that was before you took over as General Secretary of course. This is what they have recorded here -

"A compilation of five programmes of the Radio Voice of the Gospel was played to the Executive Committee meeting and appreciation was expressed of the high standard of the broadcasts. The General Secretary indicated that a similar (10 broadcast would be played to the National Conference of the South African Council of Churches. The organiser of the programme was Father van Rensburg and appreciation for the work and the original thought was expressed."

This is document number 2 before the Commission. -- Yes.

And then at the National Conference at Hammanskraal, July 23-27, 1979 part of the report of the Divisions of the S A C C under the heading "Communications" deals with the Radio Voice of the Gospel and various other aspects, but specifically with the Radio Voice of the Gospel in the following way - (20

"Following on a request by the World Association for Christian Communication, that is WACC we had spoken about earlier? -- Yes.

"Revelation Ntoula, editor of the Voice; Theo Coggin former editor of ECUNews and myself undertook an extensive evaluation of the Radio Voice of the Gospel programmes that were broadcast over Lesotho last year. We were unanimous in our finding that the programmes did not adequately reflect the standpoint of the S A C C and did not deal relevantly with the burning social and moral issues with which (30

South Africa was confronted. The findings were presented to a joint meeting of WACC and the Lutheran World Federation coincided with the conclusion of evaluations they had conducted themselves. The decision was therefore reluctantly taken to discontinue funding the RVOG operation and we had to give notice that production of the radio programme will cease at the end of December."

I am just showing you a photostat, I have not got the whole file here. -- Yes.

It is at the bottom of that page. -- Yes I think, I (10
mean well

What had happened between - in the intervening period - between 1976 and 1979 to cause this finding. The Radio Voice of the Gospel was not reflecting the S A C C's stance adequately. Could you perhaps give us a bit more information on that? -- I cannot say sort of specifically there was just, I mean, a feeling of dissatisfaction. I cannot at this distance recall what were the specific points of disquiet. That is why I just said to you that I remember that Radio Voice of the Gospel ceased to operate fairly soon after my taking over as General Secretary. (20

Was Father van Rensburg at that stage still in charge of that particular project? -- Yes. He operated from Cape Town and as I say it was very loosely linked with the Council and it may have been in part that almost nebulous link that accounted for the fact that he was probably as he was doing his own thing more than indicating or reflecting where the Council itself stood

Then I would like to give you a letter of 20 September 1982 It is document 38. -- Thank you.

In the middle of the second paragraph on the first page the third line. -- Yes. (30

You/..

You make mention of the appointment of special communications people. -- Yes.

A discussion with experts at WACC, at the WACC meeting in Amsterdam and you say that one of your staff members appears to have understood that it would be to the advantage of the S A C C if for the Eloff situation you were to appoint temporary representatives in New York, London, Hamburg and Geneva. Perhaps you could just explain this to the Commission what was the idea behind appointing temporary representatives for the duration of the Commission; when did the WACC conference or meeting take place and so forth? -- I do not remember specifically. It could have been that very same year, early in the year that Dan Vaughan met with communications people in Amsterdam.

Did he go across? -- Yes.

I see. And he met with them there? -- Yes.

Was it on the advice received at that meeting in Amsterdam that it was decided that temporary people should (intervenes) -- In part. I mean we were aware already that we could get inadequate reporting; we could get distorted reporting. We know for instance that there is somebody in South Africa who (20 sends out regular messages as it were, to German newspapers from conservative Evangelical quarters and who reports the proceedings of this Commission in a way that is not objective at all. It was necessary, so our friends also felt, that as much of a factual account of what was happening here should be made available as quickly as possible to themselves and that since many of them were over extended it would be good if as an interim measure we had those who were representatives of ourselves who would be able to try and convey a more balanced picture of what was happening.

How were these temporary representatives now kept

(3

informed/..

informed of what happened or what does not happen? -- We have got our telex service.

Is that Mr Vaughan's function to keep them informed? -- Yes and Matt Stevenson.

I see, so the S A C C advises its temporary representatives whatever has happened and they then must see that the necessary coverage is obtained? -- Yes, and this particular letter was written to Clare Randall who is the General Secretary of the National Council of Churches because the Director of the Africa office, Willis Logan, was upset that Dr Pagha had been (10 appointed in America because he said this was precisely the role that the National Council of Churches ought to be playing and had been playing. So I was trying to mend broken fences.

Then I would just like to deal with one speech of yours, one or two speeches of yours and perhaps I should deal with the one in ECUNews Volume 1 number 82. This is an address you delivered at the Mxenge funeral reported in the January 1982 edition of ECUNews. We have referred to certain portions of this address yesterday already in different contexts, but I would very much like you to have a look at this particular address, (20 page 11. -- Thank you. Page 11?

Yes that is page 11 of the ECUNews, is it not? -- No this is page 17.

I am sorry, page 17. It is on page 17 then? -- Yes.

You will see in the middle it starts "delivering his address" -- Yes.

I wonder whether, perhaps from thereon until the bottom of the page, you could read that into the record because I want to ask you one or two questions about that? -- You want me to read from "delivering". (30

Yes/..

Yes. -- Yes.

Or if you think you wish to add any other paragraphs, you are welcome. -- No, I mean do you want me to read that up to the end of the page?

Yes please. --

"Delivering his speech on the platform which had the banned African National Congress green and gold flag flying at half-mast, Bishop Tutu based his address on the Books of Daniel and St Johns Revelations. He said both Books had in common that they were written in a time of great (10 suffering and persecution. After an analysis of the two Books and showing their significance in a situation of suffering, Bishop Tutu then said - 'Hey my brothers and sisters, only four years ago we were in this town of King William's Town having come to bury that stalwart Steve Biko. Under the altar Steve Mhlope and so many others asked: How long Lord? And the Lord says: Wait a little, a few more of your brothers and sisters must still be killed. Four years ago we did not know that we would be standing here to sing the praises of yet another son of Africa who had (20 been killed so brutally as Griffiths Mxenge was last week. Hey you must know that the victory of liberation and freedom is assured; how our God and the God of freedom and liberation will lead us out of bondage. He will lead us out of oppression and suffering and exploitation, we shall be free, about that there is no doubt.' He then asked the mourners to affirm their faith in our coming freedom. There was a tumultuous roar of approval from the big crowd. There were echoes of the loud shouts of: We shall be free which could be heard far and wide across the plains of (30 the/..

the rural area. Resuming his oration Bishop Tutu said: But our liberation is going to be costly; many more will be detained; many more will be banned; many more will be deported and exiled; many more will be killed. Yes it will be costly, but we shall be free. Nothing will stop us becoming free, no police dogs, tear-gas, prison, death, no nothing will stop us because God is on our side."

That is one of a number of speeches in the same vein made on various occasions? -- Yes.

And I was going to ask you whether you did not think that(10 type of address contains arousing qualities? -- I think you are speaking to people who are depressed and despondent and you have to tell them the Gospel which is good news and you have got to tell them that despite all your suffering you can have no doubt - and I want to say so here as firmly as I can, that it is just a fact of life. There is no question at all, we are going to be free. I mean I say to them there in order for them to be buoyed up and not become despondent and be filled with despair. I would not have specific examples from what - say Afrikaner Ministers used to say - but I mean I can well imagine what sermons they must(20 have preached during the Vryheidsoorlog. I doubt whether they would be saying to their people: Sit quietly and do not be

filled with despair because it will be contrary to the Gospel of our Lord Jesus Christ. And as to arousing, you will recall that although Mr Cain reported differently to this Commission, when the crowd was roused to kill or attempt to kill the policeman we were able to step in and try at least to stop them from killing him. No I am not a rebel-rouser, but I certainly will tell the people of God that they must not be filled with despair and I am afraid I will not allow anybody to stop me from

doing/..

doing that.

CHAIRMAN: Might I ask, having regard to the emotions which one expects to exist at an occasion such as this that you spoke about, possibly too on the occasion when you spoke at the Regina Mundi Cathedral, do you not think that a speech of this type might excite passions on the part of the persons present? -- I think there may be some people who could do that. I have not yet experienced people becoming emotional in the kind of sense that you say. They will be filled with the emotion of an exhilaration. You know My Lord, if you look at Genesis Chapter 1, (10 that very first story of creation. It is in fact almost a propaganda piece written at a time when the Jews were in exile in Babylon and it is written to buoy their spirits at a time when they were brownd off with God and the offer tells them just what kind of God they have. That they should not think that He is defeated just because they are in exile. He says - you know the Gods of the Babylonians in order to be able to create, have to fight. Your God is a different kind of God, He is a transcended God, a God who just has to speak and things happen. Let there be light and there is light. It is in that kind of vein and (20 one speaks with a tremendous sense of responsibility because I have to say again My Lord, that one of the things that I have almost always done especially at Regina Mundi, is to say to the people as you go out be careful that you do not behave in a way that bring dishonour to our people. I remember last year I made the same appeal at the end of the service, when, obviously yes feelings run high and I say that they have a tremendous sense of responsibility and let them behave in a way that would not provoke action from other people. But when we got out some buses came by carrying people who had gone to work June 16th and before (30

we knew where we were, they started stoning - some of the children started stoning the buses. I rushed to try and stop them doing this. I also appealed to the police, and I think there are Press reports that indicate that that is the kind of thing that I have done. No I do not intend to rebel-rouse and I do not think that is the effect of my sermons. The effect of my sermons is to fill people with a tremendous sense of the exhilaration of hope.

I remember coming across a statement made by someone I think I forget whether it was a Minister or not, in 1981 in which he used the adjective "inflammatory" in describing your speech. (10) Might I have the benefit of your response to that description? -- I think it is an unfair description My Lord. It is inflammatory to whom?

I think in the context in which the word was used, it was said that it was inflammatory in relation to the people present having regard to the emotions which existed. -- And what happened after I spoke? I mean what happened after I spoke. I mean if I had been inflammatory I would have got people rushing out of Regina Mundi or in the case of this funeral, rushing out to stone buses and burn things. That has never happened and (20) that is not the intention. It is all, as I keep showing, based on, very firmly on what is in the Scriptures. When you say to people that they could understand that freedom is not something that you get cheaply. It is making them realistic. They have got to be aware of the realities of our situation. It is not peculiar to our situation. Your own people must have recognised that when they could not stand what they believed to be oppressive, the oppressive situation in the Cape, could not have thought that leaving the Cape would be putting themselves on a bed of roses. They must have realised that it was going to demand (30)

considerable/..

considerable courage and fortitude. As I say, referring to the many wars that they fought, they must have been told there is going to be perhaps more suffering. There are the concentration camps and so forth. May I refer the Commission again to the Stormkompas contribution by Ton Vosloo who points out that what some of us have said and are saying is no more than what other people, Afrikaners, have said in similar situations.

MR VON LIERES: You just mentioned buses. Perhaps I should just ask you this question. I have noticed in the Theron van der Poel Report that on a number of occasions, the Council (10 had paid for buses to take people to funerals. -- Yes.

The far distances - I think some buses were sent from Johannesburg to Graaff-Reinet, what was the idea behind that? -- Help people to get to the funeral of Robert Sobukwe.

Could we now discuss, I have a few questions on the Asingeni Fund I would like to ask you. -- Yes.

The one thing I do not understand is this: You told us that the Committee that was appointed to support you had been disbanded because they may be guilty of contempt if they were to be subpoenaed to disclose the anonymous recipients of (20 Asingeni grants. That was one of the reasons. -- Yes.

It may not have been the only reason. And you told us that it was then decided that you should make periodic disclosures to the Council lawyer who as a Court official would not be guilty of contempt and would say that he had satisfied himself through the disclosures that nothing untoward had happened. This is for example also, apart from the evidence reported in Asingeni Number 23. I do not understand this. How would the Council's lawyer, the fact that the disclosure takes place to him, how would that protect the confidentiality of payments (30

made through Asingeni if some investigation would have wanted to know that? -- I am a layman as you know, I do not know very much about the Law.

But I mean you could personally have been subpoenaed to supply the answers? -- Yes but then I would refuse, I think. I mean that is the theoretical possibility. The confidentiality would be for me like the seal of confession which I referred to yesterday. I do not actually think that there is any payment which falls into that category. I mean one that I would have thought was a sensitive disbursement which required that. (10) But I think that the principle is important as I tried to indicate yesterday. My own understanding of the advice, the legal advice we received, was that it would be treated as ... now what is the term?

Privileged? -- Privileged yes, between (intervenes).

Excuse me, what were you advised, how do you understand the position? If you now made a periodic disclosure to a lawyer. -- Yes.

It does not matter who he is, you make a periodic disclosure to a lawyer, does that then do you understand that fact (20) to mean that a subpoena cannot be served on you to obtain information with regards to payment x, y or z? -- No, not that it cannot be served. I mean that is the point, but what my own reaction would be or my response to the subpoena. For instance I was subpoenaed to appear for the State in the John Rees trial. I could have refused to do that if I had thought that I had conscientious reasons for doing so. I could very well be in a situation where I felt that to make a disclosure of a particular payment would prejudice the person unduly and therefore the principle of confidentiality would be maintained. What our (30) lawyer/..

lawyer is supposed to satisfy himself about is that I am not making disbursements which would be for what he would consider to be an illegal purpose. That I was not making disbursements that could then be interpreted as contraventions of any one particular Law.

You mean he has got to veto the exercise of your discretion after the time? -- No, no he is not doing that. He is merely saying you have made these, I see you have made these payments and I usually state what the payments are for. If he were to find that I had made a payment to Mr X for the manufacture (10 of bombs then he would have to inform my superiors that he believes I have acted in a way that would mean I was guilty of a felony and that it did not in fact, in his understanding, fall within the parameter that were available for the exercise of the particular discretion.

You see the one thing I wanted to also ask you about is discretion. In numerous reports, addresses, speeches, Asingeni Reports, you make no bones about the fact that you think labour trade unions are important with regards to change in South Africa and you say: We support them, we make funds (20 available and all that type of things. It is common knowledge in your own reports? -- I think we have got to be more exact. I do not say we make funds available, even in my submission I say they are for specific things. It is at the moment to provide relief for the families of striking workers and for legal defence.

Let me give you one example, Asingeni Fund Number 19, page 2. This concerns Fattis & Monis. -- Yes.

Asingeni provided financial assistance to the workers whilst they were out of work and this helped to maintain (30 their/..

their solidarity at a crucial period. The point I am making is when you decide to support them, you support them, whether it is because they are out of work of whatever the reason may be? -- I do not think you can say whatever the reason may be. I think we will be exact. At the present time we make funds available specifically for the relief aspect, that when they are striking and we give them the funds and if there is a legal matter we give funds for the legal support. We do not, for instance, give money for the administration of a trade union.

MR KENTRIDGE: My Lord, if I could just intervene. What (10 the witness has now said has been said several times by him and by Dr Kistner also. The allegation that funds are directly given to trade unions is limited as far I know to the police and the S A B C. I think in fairness to the witness if My Learned Friend does have actual evidence to the contrary that trade unions are supported in a way other than the witness has said, I think it should be put to the witness so that he or someone else can deal with it. It seems that his repeated statement is not accepted.

MR VON LIERES: I am not arguing with the witness what the (20 purpose of the funds is that he makes available, I am just saying as a general statement he makes funds available. I am not disputing the application of funds as you distributed them. The point I am getting at is this: You make these funds available? -- For those purposes yes.

For those purposes. -- Yes.

Why can that not be disclosed then in your Asingeni Reports? -- How do you say it is not so disclosed, because I mean you found it in the Asingeni Report that we gave money to the (intervenes). (30

Yes/..

Yes, that is the very point. You make no bones about it in your reporting, but what is so confidential or secret about that? -- No I mean the thing that we have as confidential and I repeatedly said this, is beneficiaries - individual beneficiaries - and I indicated one of the reasons why you do this is that you do not seek to embarrass a person by saying that he has received assistance when he was in trouble. You do not want to be involved in a debate about why did you give so much to so and so and not so much to so and so. You will see in all of our reports that we put down that we have given (10 monthly relief grants. All the information is available on our requisitions and so forth, but it is an important principle that I do not put down the name of Mrs X as having received a grant, a relief grant, for maintaining her own dignity as a person. In order also to retain my discretion with regard to sensitive areas. As I say, the Chairman had access to my notebook in which he has seen the kind of report in fact that I sent to our lawyer. That is all as it were recorded.

In a manner of speaking or to a certain extent, the Council's lawyer now exercises an audit function on your discretionary (20 payments to see whether it does not contravene some possible regulation or Law or whatever the case may be? -- Post facto yes.

Yes, if you are prepared to go to that extent, is it not much more convenient to let your auditors audit it then? -- I do not (intervenes).

I do not see the difference. -- No, no, no I do not ... I mean I have heard, there is an auditor here, but I have heard that a discretionary fund cannot usually be audited.

THE COMMISSION RESUMES:

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BISHOP DESMOND TUTU, still under oath:

BISHOP TUTU: Excuse me, might I just say in response again to your question about the auditing, Matt Stevenson has reminded me that I did offer to have even this part of the Asingeni Fund to be audited and I asked Mr. Peter Hibbit of Pim Goldby, and he said no, they would not wish to do so.

CHAIRMAN: I am sorry, I missed that, they would not like to do what? --- They did not want to audit my discretionary fund.

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Did he say why? --- Well I do not know, I think, M'lord, you may have to ask the auditors on the Commission, because it seems to be a convention, I do not know but I think ..(Mr. Patterson intervenes)

MR. PATTERSON: It is not a convention, I do not understand their view on this.

CHAIRMAN: We have some difficulty in understanding why this particular section should not be subject to audit, the auditing involves checking to see whether the moneys paid had been received and whether proper records were kept, but

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confidentiality to the extent that it is necessary to preserve that will still be preserved in spite of the audit? --- I do not know, I mean I came into that situation and I tried to correct it and I was told that in fact I could not correct it to the extent of having it audited.

ADV. VON LIERES: I am just looking, in response to what you say, Bishop, at the auditor's letter of engagement, I see he specifically excludes trust funds. Audit responsibilities, they say, will not extend to the trust funds, and they will accept the Council's classification of a fund as a trust fund. 30

The point is, you do not consider the discretionary part of Asingeni as a trust fund or do you, Bishop? --- No.

Then I also do not understand the auditor's attitude. In any case we were dealing with these aspects on Asingeni, and we dealt with the question of the Council's lawyer, and the question concerning payments made to various trade unions. Could you just restate what you say the fundamental purpose of Asingeni is? --- It is to assist the victims of apartheid.

Right. Now, from July 1979 onwards it appears that you have extended the ambit of Asingeni in a report numbered 10 No.19, this report has been dealt with, or this portion has been dealt with by the auditor and with various other witnesses already, and here you make the same point. If I could just read the relevant portion again, paragraph 1(b) of Asingeni Report No.19, you set out the original purpose of Asingeni which was to give rapid assistance and relief to those affected by the 1976 uprisings, to help with funeral expenses, legal expenses for those involved in political trials. The fund is still so involved, you say, and then you express your wider mandate in the following terms: 20

"Our mandate tacitly involved assisting the victims of the apartheid system and to empower the powerless in their liberation struggle against the totally unjust and immoral system prevalent in our country. We are now making this tacit commitment more explicit in the assistance that we have been called upon more and more to provide. I am sure that those who have supported Asingeni will continue to do so, as we enter into a more and more positive phase".

If I could just show you that? --- Yes.

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And / ...

And it is as a result of that insight, I take it, Bishop, that support from Asingeni for the labour and related trade union fields is forthcoming? --- No, that would be sort of straightforward victims of apartheid.

I see. --- It is a more sort of positive thing such as scholarships.

Bishop, when Dr. Kistner gave evidence we discussed the role that Mr. Manthata played in assessing the position in the case of strikes and so forth, and his recommendation whether financial assistance should be provided or not. 10
Perhaps you can just fill us in on this aspect, apparently, according to Dr. Kistner, there was no set line of communication between Mr. Manthata, yourself or Dr. Kistner, it depended on who was available when he came back to report. Have you received Mr. Manthata's reports in connection with labour unrest, labour troubles, that he was specifically requested to investigate from time to time? --- I know that his assistance was requested at one time in the Eastern Cape when there was labour unrest there, and I think it was in fact requested by management, and he was instrumental in helping 20
to resolve the situation there. But Tom Manthata has his ears very much to the ground, and it is not only in this specific area that I ask for his assistance through recommending, he is a field worker in the Dependants' Conference, and therefore is au fait with a great deal of what is happening.

Now, what are the criteria that you apply in determining whether you should accede to requests for support when that comes from some labour organisation or trade union? --- It is almost automatic, I mean if we have got the funds available and there is a strike on, and families have got to be fed and 30
rent / ...

rent has to be paid, then we try to give some assistance. We have always tried to make it clear that we cannot continue this for any lengthy period, because our funds are not inexhaustible but we do almost as a matter of fact respond to requests for relief when people are striking.

Such support, is that normally paid out of the discretionary part of Asingeni, or out of Asingeni general?

--- I do not know your division there. Our division is Asingeni legal which is almost exclusively in the trust accounts of our attorneys, and then Asingeni ..(intervention) 10

The balance? --- Yes, the balance. It all comes from Asingeni Relief Fund.

So it normally then comes out of the balance, that is what you keep in the book you have given to the Chairman?

--- Yes.

I see. Bishop, then we have yesterday already referred you to an article in one Ecunews in which you made mention about Black trade unions, their muscle and militancy. Now that theme was repeated in Asingeni Report No.23? --- Yes.

And I have the document here, I have a few questions I 20 would like to ask you on this particular aspect. Could I perhaps just show you the paragraph dealing with labour unrest? --- Yes, thank you.

Now, in respect of labour, Bishop, and specifically in relation to what you say here: the Black trade unions have shown their muscle and their militancy.

"They have refused to be confined only to labour issues, pointing out that politics is all-pervasive, and that they could not divorce themselves from community issues.

They are the most significant force for reasonably 30

peaceful / ...

peaceful change and Government is aware of this, and the latest labour legislation is aimed at emasculating the unions and controlling them rigidly. The outside world is hoodwinked if it thinks that by recognising Black trade unions Government has begun to liberalise apartheid. Nothing of the sort. It realised that with the interest of multinational corporations in the work situation it had to do something. Legislation will attempt to undermine the unions and curb them.

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The Black unions have said they will defy any laws that intend to turn them into toothless bulldogs and the SACC has said it will want to be supportive. I hope our friends will be generous in money donations, because these unions have no strike funds, and Asingeni has assisted in giving relief to striking workers, whose only effective weapon is the right to withhold their labour".

This is what you reported to the donors, Bishop. Could I just ask you, we know from Dr. Kistner that the Council has had some meetings with trade unions, apart from the relief to striking workers you mentioned here, do you also provide funds for the training of labour leaders in negotiations and so forth? --- No, in fact we have not done so.

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Do you provide training programmes for them? --- No.

And when they now wish to have a conference or a something like that, does Asingeni assist in the expenses of such a conference? --- Asingeni would, but it has not been asked to do so.

Now in what way, Bishop, do you see that the South

African / ...

African Council can be supportive of the Black unions when they defy laws that intend to turn them into toothless bulldogs? --- Well, first of all I think we have been keen to help a somewhat fissiparous organisation, if we can term the whole of a trade union movement that - or perhaps let me say fissiparous movement, we try to help at at least one meeting to get trade unions working together rather than being splintered and being ineffective in that kind of way. And I believe that we would be making a significant contribution to ultimate stability in labour relations and in the economic sphere, because if you have an effective labour movement, then the management will be more ready to negotiate and our whole thrust is in South Africa that there has not been enough negotiating. And if you have a strong union movement, I have said in my submission, the employers will know with whom they are in fact negotiating. That it would be the kind of group who would be likely to carry the workers with them, because they would be seen as articulating the aspirations of the workers, they would not normally be people who would be suspected of selling the interests of the workers down the river. And I think myself that another important aspect in the work that we have tried to do with the labour unions, has been to say that if you have a strong union, then it is able to exercise a discipline over its workers. If it says: go on strike, they are able to go on strike. And if it says: the strike is over, we have settled, go back to work, the workers would be able to adhere to this. And can I refer, please refer the Commission to my first submission, if the Commission has got copies of this, it is my quotation from the paper that was prepared for the Volks

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Congress in 1947, and in this "Divine Intention", it is on page 21 where we have the paragraph 4:

"There are weighty reasons why the Church cannot stand aloof from the labour struggle" -

and you have a number of very cogent reasons that are set down there which referred in fact to the struggle of the Afrikaner for their labour rights, the rights of the worker.

Now, you also say here that the trade unions are the most significant force for reasonably peaceful change. In what way are they a significant force for reasonably peaceful change? --- Well, workers make up the bulk of the Black community. I do not know what the statistical position would be, but one could say that perhaps 75% of the Black population could be regarded as falling within the description of worker. And these have usually been people who, even in a marginalised group are even more marginalised, more powerless, more without a voice, and these are the people who could very easily become the targets for agitators and so forth. And I believe that if you have, as we have in South Africa, a situation where that total community has no real significant outlet for expressing its points of view, outlets that most of that community accept, and you have the trade unions which to some extent now can be said to have a legal platform, then they will be able to give expression to the real aspirations of the people they represent, they will be able to do so through the process of collective bargaining, they will do so not through violence generally, but by following the normal conventions of trade unions, which would be either the withholding of their labour, or through collective bargaining, negotiating. And I think, I mean one of the statements I have made / ...

made is that most of the Black trade unions have refused to be inveigled by the thought that all that matters is speaking about an improved wage structure. They are concerned for a far wider spectrum of matters. Many of them are people who have a significant input in the community.

Now in a subsequent Asingeni Report No.25, you again refer to them and you describe the trade union movement there as the cutting edge of the liberation struggle for a more just and democratic non-racial society. Is that to be read together with this particular reference that they are the most significant force for change? --- Yes, yes, yes, oh yes, I am merely underlining the fact that anyone who is a student of South African affairs must surely say there are significant groupings of power in our country, and I mean the name of the game is really power. And we are saying that there is a real concern for the setting free of all the inhabitants of South Africa, Black and White, so that they can become human together, and in that process one of the groups that does have significant power and can be a broker for the liberation process, a catalyst, would be the Black trade union movement, and anybody who does not assign an important role to the trade union movement in South Africa is being unrealistic. And may I point out that this is not peculiar to South Africa at all, or even in South Africa it is not peculiar to Blacks, because the White trade unions have played a very significant role in obtaining more rights for White workers, it is still a fact even now that employers have got to take very seriously into account what, say, the Mineworkers' Union does say. And when you look at the history of constitutional development in places like / ...

like Britain and so forth, you will realise that trade unions have played a very very significant role in helping those communities to evolve into more democratic societies. I mean you know what happened during the industrial revolution, the Chartists and so on in Britain, and now one of the major political parties in Britain is the Labour Party.

Bishop, in relation to your description of the trade unions as being the most significant force for change, where do you see churches and members of churches stand relative to these trade unions as another force? --- Well I hope, I mean 10
that church members were members of the trade unions. I mean they should exercise their responsibility as Christians in the trade union, that is the most significant way in which they can bring to bear Christian principles. But I believe that churches as churches can in fact be helpful in providing venues for instance for meetings of trade unions, since we do not in the Black community have very many public halls, making available venues for these people for instance to have seminars, training seminars, because I mean we would like to have as skilled negotiators as we possibly can who can 20
administer the trade unions properly. But I think the most significant contribution is by individual Christians, and also we may remember that the Pope has indicated that, you know, I mean he speaks up for what you might call a Charter for workers, which the Church ought to as it were promote, which would be in line with our understanding of the nature of human beings.

Bishop, how effective do you see the pressure that can be exercised, or that is being exercised by the trade unions, how effective is that pressure in relation to the attainment 30
of / ...

of fundamental change in your assessment? --- I need to say that one of the things I have said is commendable, and I have expressed my admiration for Mr. Fanie Botha, is precisely this new labour dispensation which has come into being. But I have gone on to say that it is in fact vitiated by the activity of the Security Police, who seem hellbent on nullifying the good work that Minister Fanie Botha has sought to do, because they tend to treat trade union leaders as if they were subversives. As you know, I mean for instance SAWU have had their President, their General Secretary in 10 detention for a very considerable period. I would say that if the authorities were being true to the constant refrain that we hear about their adherence to free enterprise, part of that adherence surely means that you say that workers will have the right to sell their labour on the best market. But if this was allowed play, then we would have another means of reducing or defusing the tension that is in our country, another way of showing that it is possible for Black and White to talk together, confer about what are differences, and realise that in fact they can come to a solution together 20 for the benefit, not just of one, but for the benefit of all. And now, that would be a paradigm, that would be a model which, if it was successful in this particular area, could in fact be multiplied by being applied to other areas of controversy and tension.

CHAIRMAN: Could I put the question that Mr. von Lieres has put to you in a slightly different way. Do you see the trade union movement playing a role in the liberation struggle to the extent that not only might it bring about changes in regard to the field of management and labour, but also on a 30 wider / ...

wider field? --- Yes.

In what way could it bring about that influence? --- Well I have attempted to show..(intervention)

You have attempted to show that by indicating that they may present a model? --- Yes.

Of how negotiation can lead to something, is that what you have in mind? --- That is not the only - I mean I think the fact that they would say: you cannot split up a man into the worker and forget that he is a father with children, he is a husband with a wife, and therefore, you know, M'lord, people would begin to see that it does not make economic sense to have migratory labour, as I tried to point out the other day, and that would have very considerable political repercussions, important and positive repercussions.

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ADV. VON LIERES: Bishop, the Asingeni Reports, they set out various other forms of support, that is provided one thinks of resettlements, the squatters at Nyanga and Langa? --- Yes.

Financial support for various organisations such as AZAPO, AZASA, that is all contained in the report? --- Yes.

Two other aspects I want to ask you about. In your 23rd Asingeni Report, which is dated September 1981, on page 3, you inform the donors:

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"There is tension in the Black community between those who are adherents of Black Consciousness and the supporters of the Freedom Charter."

The latter, you say, now accuse the former of being Black racists, and they are moving around now with White co-Charterists.

"It is interesting for it speaks of the desire for a non-racial South Africa as a deep and real thing, for

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it is unlikely in the present climate".

Would you perhaps just give us a bit of detail about this tension between the Black Consciousness supporters and the Freedom Charter supporters. It is marked there? --- I do not know that I can give much more enlightenment beyond what the report states, it is just a fact that there are various tensions in the Black community. The Black community I think, has never been more divided than it is at the present time. I mean there are those that are called collaborationists, the people who for instance serve on Community Councils, who also, some of them, believe that it is a way of trying to bring about change from within the system. Then there are those who are adherents of the Black Consciousness Movement who have, as you probably know, sought to awake in the Black person a proper pride in who he is, all that question about identity and so forth, exorcising self-disgust and self-contempt. But I mean there are those who would say that this is being racist. I myself would say that they have misunderstood the nature of Black Consciousness, but the fact of the matter is as it is stated there, that there is tension in the Black community and part of that tension is reflected in the relationship between Black Consciousness groups and those who say they are supporters of the Freedom Charter. 10 20

Bishop, one other aspect related to Asingeni, you referred - I think it was in 23 or 24 - to a letter you had attached to Mr. Bergmann of the Church of Sweden Mission, setting out certain responses to questions that he asked.--- Yes.

In this letter to Mr. Bergmann which is dated 27 November you make reference to the possibility that apparent uneven-handed treatment in respect of payments could become a matter 30

of public debate. Are you simply trying to convey there that in your discretion Mr. A may only qualify for RX, whilst Mr. Y may qualify for RZ, and people may see that as being uneven-handed? --- Yes, I think you should indicate in fact the substance of that letter. The substance of the letter was dealing with the question of why Asingeni had given assistance ..(intervention)

You have got the letter in front of you, Bishop, we can deal with the substance if you wish to? --- Yes, it related to the whole question of the pilgrimage of hope, and I mean one had obviously to deal then with various other matters, but it was basically that the Church of Sweden Mission were - in the person of T. Bergmann were asking, I mean, whether this fell within the parameters as they understood it, and so I had to give this explanation and also indicated reasons for instance why an Advisory Committee had to be appointed and then disbanded, virtually a sort of rundown potted history of what had happened since I had taken over. 10

He questioned whether the expenses on the pilgrimage of pain fell..(intervention) --- Hope. 20

Sorry, hope - pilgrimage of hope fell within the parameters of Asingeni, that was the main reason why you wrote that letter? --- Yes.

Now, if you turn to page 2 of the letter which is in front of you, right at the end you will see you ask him to release the 1980 and 1981 Asingeni payments? --- Yes, yes.

How did you put it there? --- "I would like the Fund to be in the black again and so would welcome the grant CSM did not make last year and this year, that is 1980 and 1981".

CSM, that is? --- The Church of Sweden Mission. 30

They / ...

They did not make a grant in 1980 and 1981? --- Yes.

What was their reason for that, do you know? --- I do not actually now recall, I mean I am quite happy to rely on my memory bank which is Mr. Stevenson, he would be able to say what was in fact the reason.

Bishop, then one last question on the Asingeni matter, broadly it is to assist victims of apartheid? --- Yes.

In Mr. Wessels' report he found examples or he gives two examples of security fencing being paid for a member of staff out of Asingeni Fund? --- Yes.

10

And I have got one other example, and I was wondering if you could perhaps treat these two examples together in responding? --- Yes.

Another staff member asked for a loan and he obtained a grant of some R6 000 for renovations to his house? --- Yes.

How does one bring that together with the assisting of victims of apartheid? --- Yes. As it happens, I mean the one person is Mr. Stevenson.

It does not matter who it is? --- No, but I am just trying to indicate that it is not anything that one necessarily 20 is feeling embarrassed about. For a very long time he had people come to his house late at night and shine lights through his bedroom windows. They would switch on the headlights of their cars and they would have people knocking on the doors and when they go and investigate there is nobody there. And because this was clearly something that was happening to them because of their links with the SACC, I have no difficulties at all in saying that this is part of the struggle in which we are involved, and therefore justifiably I am able to give assistance here. With regard to this other 30

help / ...

help here, here is a staff person who is in fact in a situation where again he is working for an organisation that is in a very exposed position. And I have no problems at all in helping him, because I do not think victims of apartheid are Black only.

CHAIRMAN: Are you going onto another theme?

ADV. VON LIERES: Yes, M'lord.

CHAIRMAN: Well this might be a stage at which I could just trouble the Bishop again. Bishop, I want to ask you some questions arising from the letter of which I gave you a copy. 10
--- Yes.

If you have not had time to study it, just tell me, and I will deal with it later when you have had that opportunity?

--- No, I have looked through it, M'lord, yes, thank you very much.

This appears to be a letter addressed to church leaders of member churches of the SACC? --- Yes.

And it starts off with the statement that:

"A number of theologians and Christians of other professions in the Federal Republic of Germany have devoted their attention to the issue of violence as a challenge which Christians face in South Africa and also in a number of other countries". 20

And the letter has annexed to it what purports to be a translation from the German of a thesis with the heading "South Africa - Christian Faith and Resistance" --- Yes.

And then following by the word "Memorandum - the Reasons for Resistance: The situation in South Africa". --- Yes.

I would like to ask you some questions arising from certain parts of the content of this. Might I invite your attention / ... 30

attention first to the first page of this. I am going to refer you to certain parts and if you think that what I am reading does not reflect the context you will of course correct me? --- Yes.

It starts off does it not with the statement - or with an effort to give a history of the relations in South Africa? --- Yes.

It says:

"The history of South Africa from the arrival of the first Whites right down to the present day can be interpreted as a single coherent process from one single standpoint. The White settlers gradually drive out firstly the original peoples, above all the Que-Que and then the Blacks who had migrated from the African interior, and step by step create a political system and laws which make it impossible for the Black and other non-white peoples to share possession of the land and its resources, or to share equally in the making of political decisions".

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It then goes on with an endeavour to give the history, and then on page 5, in the fourth paragraph it says:

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"The Organisation of African Unity, the 'Non-alliant Nations' Movement, and the United Nations as organisation have all recognised the ANC and the PAC as legitimate liberation movements. The allegation that the ANC is a terrorist organisation directed from Moscow is a lie, propagated even in Germany in order to present the injustice of the South African Government's policy as necessary in the fight against communism".

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Then / ...

Then I leave that page to go on to page 8, where it says something concerning the attitudes on violence. The paragraph reads:

"Among members of the SACC opinions differ on the question of a resistance employing controlled counter-violence. Historic peace churches such as the Society of Friends adheres strictly to non-violent strategies of non-co-operation. Others which do not include the use of violence in circumstances, differ as to when those circumstances arise. All are agreed, however, 10 that the present escalation of violence must be checked and that the South African Government is itself to blame for the illegal use of violence and for the emergence of counter-violence".

I then turn to page 14, the third paragraph, where it is said:

"In the case of South Africa and still more in the case of Namibia, the United Nations Organisation stands ambiguously on the side of the oppressed and the persecuted. Christians must 'prove', that is examine how far this 'supreme authority' promotes peace, law 20 and justice. If it does so and to the degree that it does, it must be supported in accordance with the will of God, in opposition to the South African nation's state which systematically violates justice and peace".

On page 16 the point was made:

"Thesis 9 rightly points out the dangers of the use of physical force to resist the abuse of state power. On the one hand there is the 'difficulty of keeping the unit of force within bounds and calculating it rationally'. 'This applies especially to the uninvolved 30 victims / ...

victims'. Up to the present the ANC has acted in accordance with this warning, both in its declared principles and in its conscious practice. In acts of sabotage for example, careful precautions are taken to ensure that no human beings are injured. As a rule only in military context have persons been hurt although there have been several regrettable exceptions".

And then come the recommendations on page 20, and I want to invite your attention to the following of those. First of all 2, at the foot of page 20:

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"As long as civil freedom and equality before the law continue to be denied to the majority of the population of a country, the ordering of that state cannot be described as legitimate. The struggle for a new and legal constitution must therefore be recognised as legitimate".

I miss 3 and I read 4:

"As the basis for all else, we urge those congregations, synods and church leaders who have not yet done so, to confess publicly in solidarity with Christians throughout the world that the apartheid system in South Africa contradicts the clear will of God. In a communion of faith for the sake of the unity of the Church and by virtue of the inalienable responsibility of Christianity for God's world, the repudiation of apartheid today has the character of a clear confession of our Christian faith (status confessionis), as the World Council of Churches, the Lutheran World Federation and the World Alliance of Reformed Churches, as well as many other individual churches, have affirmed."

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Then / ...

Then recommendation 6:

"We ask that public declarations be made in solidarity with the South African Council of Churches, to the effect that in the case of South Africa, non-violent resistance is not only the right but also the duty of every church. We do not take it on ourselves to speak from this distance of the concrete form such resistance might take, but we are persuaded that active and passive collaboration incurs guilt. One of the many tasks of the Church is to develop and support effective models of non-violent resistance.

10

7. In this year of United Nations sanctions against South Africa, we urgently request the churches of the EKD out of respect for the authority of international law to re-examine their earlier disapproval of boycotts and sanctions, especially in the light of the fact that there was no recognisable opposition when, in connection with the violation of European interest in the South Atlantic, the whole western group of nations was able to decide swiftly to implement to a large extent a total boycott of Argentine. We can therefore only credibly propagate the primacy of non-violent methods, if we are also prepared to apply consistently such measures as boycotts and sanctions which do not depend on physical force.

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8. We ask all those Christians and churches in the Federal Republic of Germany, who feel no call to the absolute pacifism of the historic peace churches, to declare and acknowledge in solidarity with the Christians in liberation movements in South Africa and Namibia, or

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with / ...

with those accused of membership of those movements, that if the criteria of the Catholic and Protestant traditions are used here and the modern understanding of human rights respected, the exceptional use of counter-violence cannot be rejected, provided certain conditions are met and the aim is the achievement of a just order which guarantees to all Christians protection of life, freedom and equality before the law."

And then the last three, 9, 10, 11:

"We urge firm opposition to the South African propaganda 10
which falsely accuses the liberation movements of being
terrorist organisations. In our view the official
liberation movements ANC and SWAPO, meet conditions
for the exceptional right of resistance. For decades
they have tried in vain to overcome injustice non-
violently. Among other conditions fulfilled, they
have undertaken the role which we respect or consider
necessary in the case of early European freedom
movements or in the participation in the resistance
to Hitler. The democratic governments and political 20
parties in most western countries owe their existence
to the same traditions as those for which the liberation
movements struggle.

The recognition required of us must include regular
contacts and discussions with the liberation movements
in exile. Only on the basis of a constructive
relationship to them can there be any right and duty
of putting critical questions to them concerning their
activities in detail. This can even result in the
breaking off of relations if such a step should become 30
necessary / ...

necessary, because of developments which are, of course, still unforeseeable today.

Then lastly 11:

"Finally we urge congregations and churches, in the cases of South Africa and Namibia, to respect the United Nations as the legal international authority acknowledged by the Federal Republic and therefore as the authority constituted by God in the strict sense of Romans 13 vs 1 to 7. This requires careful study of the decisions of the United Nations' agencies, 10 their readiness to adhere to those decisions out of respect for the law to the extent that this is possible for non-governmental organisations, and constantly to remind our own Government of its duty to implement United Nations decisions".

That is all I want to quote from this piece, and before I then turn to the letter under cover of which this document was sent to member churches, is there anything else you would want to read out of this or refer me to? --- No, not really.

Well then, the letter, having referred to the fact that 20 this is an annexure, continues to say:

"In view of this situation they (that is the theologians) have tried to work out for Christians in the Federal Republic of Germany theological guidelines which they derived from the interpretation of the Bible, and through which they take up insights that were acquired particularly by theologians and congregations during the reformation period, and by the confessing church at the time of Nazi Germany. Can there be times and occasions when Christians do not only have the right 30

but / ...

but are under an obligation to resist authorities who uphold a political and economic system that legalises injustice and even gives it a Christian legitimation? This question is one of the crucial issues which the signatories of the memorandum have considered in the light of the Gospel, and on the basis of an accurate analysis of the situation of Southern Africa".

That is all I want to quote from the letter. Now my questions, Bishop. First of all, was this letter sent on to the church leaders of all the member churches of the SACC? --- Yes, as far as I can recall, I mean once we have that kind of heading then it means it goes to all church leaders of member churches and observer member churches. 10

And do you anticipate that the despatch of this letter will be followed by discussions possibly at National Conference level? --- It was mainly sent as an input in the ongoing discussions of the very crucial issue which has become even more topical, of violence and non-violence. If we have those who wish to raise matters specifically from the letter and the memorandum at the National Conference, yes, because the theme of the National Conference for this year is taken from the words of our Lord as He wept over Jerusalem: "If only you had known the things that make for your peace". 20

Now, Bishop, in saying as you did that the authors of this document prepared it - and I quote your words - "on the basis of an accurate analysis of the situation in Southern Africa", did you have in mind that they saw the position correctly in the passages to which I have referred you? --- Yes, I think, I mean if you could - PAUSE -

Well, may I be more specific. Where they say for instance / ... 30

instance that the question of whether the South African Government is legitimate, that that is a question to be properly considered. Do you go along with that? --- Well I mean that is the question they are asking German Christians to consider. They have given their own theological and ethical as well as legal backdrop to their understanding of Romans 13, 1 to 7. And they are asking German Christians on the basis of what we have said, and on these grounds, ethical grounds, legal grounds, theological grounds, is it not something that has to be considered whether the South African Government satisfies all the requirements for being regarded as a legitimate authority. And I would say for myself, speaking for myself, I would say that I obey the laws of the South African Government to a large extent, but I do not recognise that the laws have been made in the way in which the laws would have been made if we had had a fair participation and decision-making, and therefore I would say that for myself, I do not know, I mean what other people would think, this is an important question to raise, the question of the legitimacy of the South African Government, and therefore of the obligation for instance for some of us to obey its laws, whether those laws have got that legitimacy is a question that has to be raised. 10 20

And when you refer to the word "legitimacy" do you mean it in a legal sense, whether the South African State or Government is to be recognised as a legitimate legal authority or not? --- I do not know whether it is legal, I mean for me it would be a question of morality more than the legal sense. I would say that a government that exists, not having been, not with the concurrence of those who are governed, does not have that / ... 30

that moral authority and legitimacy.

So you mean it in that sense. And then when the memorandum urges the readers thereof to reconsider their attitude on boycotts and sanctions, and you then recommend this to your member churches as an accurate analysis of the situation of South Africa, do you have that in mind too, that that would have to be reconsidered? --- I think, M'lord, we have to make a distinction between an analysis such as you find right at the beginning of this memorandum, and then the recommendations. I mean the recommendations are not an analysis but come about as a result of the analysis. 10

Yes, I take your point. Now, where one of the conclusions is, I repeat:

"We urge firm opposition to the South African propaganda which falsely accuses the liberation movements of being terrorist organisations".

Do you recommend that to your church leaders as a correct view of the position? --- Well again they are saying: we recommend, and I would say that many of the members of our member churches would disagree with the description of the ANC 20 as a terrorist organisation, and I believe, I mean, that the Government are very smart in using certain terms like communism and terrorism, because they know that overseas a terrorist would bring to mind things like the IRA, they would bring to mind Baden-Meinhoff and so on, who I would say are true terrorists, because they have the opportunity of articulating whatever unhappiness they may feel through the regular parliamentary and legal means that they have. We have not, and I have got to try to remind this Commission that I am sort of a spokesman for the ANC, but I have got to remind the 30

Commission that the ANC was a legitimate organisation in the country, it began in 1912, it was using peaceful means right up to 1960, they did not use violence at all. And they were banned in 1960 whilst using peaceful means to try and bring about change in this country. And it is the fault of this Government, the apartheid upholders, who banned people who were using peaceful means, and virtually forced them to adopt methods - I am not, as I have said, I mean I do not myself support the methods that they use but I can very well understand, that is why the SACC said: we can understand those 10 who choose to use these methods. And therefore I would never use the term terrorist of the ANC, although I have said this action on Friday was naked terrorism, because I believe that to attack civilians is immoral, just as I have said that it is utterly immoral for the South African Defence Force to have done similarly in Maputo.

Then one other question, Bishop, a great deal of the document which we are talking about is devoted to the discussion of counter-violence or violence? --- Yes.

Do you not think that there is a danger that by 20 recommending the letter in the way in which you have - by recommending the document in the way in which you have to member churches, that you may possibly hold out violence as being respectable and the use of it as understandable? --- No, I am not holding it out at all, I mean I - the tradition of the churches who are members of the SACC contains an understanding that there may come a time when you are compelled to use the armed struggle, to use violence - that is not anything new, I mean the whole theory of the just war is precisely to help Christians: when is it right for a Christian 30

to do this, and the peace churches say never. But all other churches which are not peace churches will say that there may come occasions, and that is how they justify people going to war. And then they say, and this is something also that has a venerable tradition, that supposing there is a legitimate authority, state, and that state does not fulfil the functions proper to it in for instance maintaining justice and so forth and so on, is it ever proper for a Christian to participate in a process of overthrowing that government or resisting it. That is not new, it is a debate that has gone on for a very long time, otherwise, M'lord, you know we would not at all be able to support even the violence of the State. I mean there is what may be called a legitimate use of force, but once you say it is legitimate, then you say that there is the theoretical possibility of the use of that force being illegitimate, otherwise there is no need to have made the distinction. And I do not think, I mean what we were doing was a very responsible act, trying to put further information, further insights, further points of view in a perennial discussion. You can be quite sure, I mean that this whole matter is very very topical for very many of us, because we have to talk to young Blacks who say what we are doing as the SACC is merely to pacify people.

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Well, do you not think that if a person with your status in the Black community were to remind people who are thinking of violence that those who live by the sword will perish by the sword, do you not think that might carry weight? --- No, M'lord, I think it would be dishonest to say that only. I mean one has to say who are living by the sword. I mean one would have to be saying to people: you have to make up your

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mind / ...

mind. The Bible does not give unbridled right to the state, and I have shown that it is not only we who say this but Professor Bosch in the "Storm-kompas" has indicated what he believes are the parameters that determine the authority of the state. I have said, and I think we are unpopular also for condemning Friday, and I think I will be even more unpopular for having said: can we stand and observe a moment's silence, you see, there will be those that are saying I am an Uncle Tom. Now fortunately I do not play to any gallery, I do not play to the gallery of the Government 10 and they know it, I do not play to the gallery of the Blacks. I try to say that what guides me is what I understand of the Gospel of our Lord Jesus Christ.

Thank you. May I just now revert to a topic which I raised with you, and that is the question of the tenor of your speeches at various times, I am still thinking of an adjective (LAUGHTER). It has been said by some to be inflammatory and others to be inciting and so on. --- Yes.

You said that you did not intend something of that sort, but might I invite your attention to something which you 20 said at the Regina Mundi occasion which you will recall occasioned the ire of the Prime Minister? --- Yes.

And I have here just a quotation, if it is not the whole thing then you can tell me so, but these are phrases from it:

"But even we can be provoked beyond endurance" -
and elsewhere -

"They have said we have tried all the peaceful methods and they have failed. We are forced by the utter injustice and oppression here at home to go away and 30
to / ...

to use force to counter force. We have been forced to use violence to counter violence, the violence of apartheid, the violence of forced removals, the violence of matchbox houses, of an education for serfdom".

Might it not be said, Bishop, that by using this style of address at an emotion-laden gathering, that this might have a certain unfortunate effect on those present? --- Yes, I would some time maybe have invited you, if you were able to come to speeches that I addressed, because I do not not - I 10 mean you are forcing me to say so, but I think that most of the time actually people are laughing, yes, when I speak. I think God has given me the ability to make people laugh even when we are crying. And I am not particularly impressed that the Prime Minister should feel that he is upset by what I say, because he has said, and if we say I am being inflammatory he has said on occasion: do not tempt us too far, we will do so and so. Now why should he have the right to say that if I do not have the right just because he is the Prime Minister? I mean if I am being inflammatory, then 20 he is being inflammatory himself, and he will raise my ire too.

Bishop Tutu, you have impressed me with your command of English, now what is a suitable adjective for describing the tenor of your speeches? --- LAUGHTER

Can you not find something from the Greek? Allright, I did not mean that seriously. --- No, M'lord, but I do wish to say that I am really striving to put into responsible words deep feelings, and I weep, I weep because I seem to lack the vocabulary to make people want to understand just how we feel. I say: please God, why can you not give us the words that will 30

make them understand we really would just love to be human beings with them.

In saying that or that as you have described now which you have done at various times, are you then giving effect to I think what Dr. Kistner described as a policy of conscientising people, making them aware of what goes on, so that they can change their attitude? --- That is part of the process, yes.

Thank you. Yes, Mr. von Lieres?

ADV. VON LIERES: Thank you. Well, Bishop, back to a more 10
mundane topic, Mr. Rees? --- Very mundane, yes.

Well, compared to what you have been discussing. You became General Secretary with effect from 1 March 1978? --- Yes.

As General Secretary, amongst others, you have the responsibility for the administration and financial administration of the Council of Churches? --- Yes.

Now, let me ask you, what were your feelings, what did you find, what was the state of administration, both ordinary administration and financial administration when you took over? --- M'lord, I do want to find out whether you really want me 20
to answer that question. I said in Court that I would really much prefer not to answer questions where it may be that the answer I give appears to be a denigrating of somebody else.

CHAIRMAN: Bishop, I am not insensitive to your feelings about it, but I would invite your assistance in a matter to which unfortunately the Commission has to address itself, and that is the finding of the facts, and what the state of the financial administration was at a certain stage. Might I ask whether you in that vein, would give an answer? --- well may I say that in any case it has been found by people like Mr. Potter and Mr. 30

Wessels that the administration was unsatisfactory.

ADV. VON LIERES: Bishop, in taking over from Mr. Rees, you received a document setting out the existence of various funds, a six page long document dated 3 May? --- Yes.

Which I will show you now. At that stage when you took over, were you aware of the fact what the position of the Asingeni Fund specifically was, was it in the red, was it in the black, to what tune? --- So far as I can recall quite early on the Finance Committee drew attention to the fact that the situation of the Asingeni Fund was quite parlous, and in fact we got to a point where it was decided that we could really no longer make any disbursements, because the Fund was getting increasingly into the red.

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Was that shortly after you stepped into the new position? --- Yes, I cannot say precisely now from this point when, but within the very first few weeks I would say, because soon thereafter I had to go overseas to try and find assistance to clear the deficit situation.

Now, this is the next aspect I want to deal with. Were you told that certain commitments had been made by donors in respect of Asingeni that should be forthcoming before you went overseas - you went overseas in June-July 1978? --- I was under the impression that I had been, yes.

20

And was that impression strengthened by what is contained in the letter you got from the former Secretary General setting out the various funds and specifically on page 3 under sub-paragraph (b) where the Asingeni Fund is dealt with - would you just identify the letter? --- Do you want me to read it into the record now, or read for myself - yes, thank you very much.

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Just read it for yourself. --- Yes.

The nett effect of paragraph (b) on page 3 is that something like R320 000 had been promised and was being awaited for Asingeni? --- Yes.

Did you make any enquiries, Bishop, as to when these expected donations would be received from the donors? --- I cannot recall whether I did or not, I mean I have a notoriously bad memory, and I cannot help you one way or the other.

Now, the fact is that you did go overseas in June? 10
--- Was it June - yes.

What was the reason for going overseas? --- The reason was the deficit situation in Asingeni.

And did you - well, we know that from the Financial Committee Minutes - you did obtain certain undertakings from donors? --- Yes.

And you also did convey the fact that you got commitments to wipe out the Asingeni deficit to Mr. Rees in a letter you sent to him on 3 July 1978. Would you perhaps just have a look at that letter? --- Yes. 20

Bishop, is that the letter you wrote to Mr. Rees?
--- Yes, it is.

Now, when you went overseas in June, having the knowledge that KED had promised so much and HEKS had promised so much and the Church of Sweden Mission had promised so much?
--- Yes.

Did you ask these donors whether they in fact did commit themselves to the extent set out in that particular letter? --- I did not - I think, I do not recall that I asked whether they would confirm the specific commitment that they 30

had / ...

had made, but I in a full house asked whether there were any such commitments, and as I can recall, no one at that meeting made any statement confirming this, and so we started as it were de novo to make an application and within minutes the deficit was liquidated by pledges, and we got, I think, additional money to put us in the black.

So by the time you came back in July then you got certain commitments which would have the effect of placing Asingeni back in the black? --- Yes.

Now, Bishop, in the meantime you also discovered or you were informed that a certain cheque had been drawn by the previous occupant without your authorisation? --- Yes. 10

How did you get to know about this, did you pick it up yourself or did somebody else inform you? --- Well now, you see, we have gone over this in another setting, but even at this point I am not quite certain whether Mr. Mbatha at SACCAS drew my attention to it or whether I saw it reflected on some document or other, but I did have my attention drawn to it in some way or other, I cannot today tell you precisely how.

Yes. This happened at a time when Asingeni was still in the red? --- Yes, I believe, yes. 20

And this cheque was something like R60 000 that we are talking about? --- Yes.

Did you establish whether - well, when you found out about this, it does not matter how, did you establish why this money was taken, and did you secondly try and establish whether the money was correctly taken? --- Well actually of course, I mean the money was not correctly taken, it was not under my authorisation and therefore it was not properly taken.

Now, could you trace any documentation, let me try and put / ... 30

put it better - could you trace any documentation or find any information that indicated that even if you had not authorised it, that there was a basis for this payment to have been made? --- I cannot in fact help you here very much, I do not recall, what I do recall is that I certainly called Mr. Rees and asked him to account for doing this, and as I recall he informed me that he had needed the money in an emergency situation, I had been away, and that is the reason he requisitioned the cheque.

Another two cheques were also drawn subsequent to this first cheque. When was the first time that you heard about the other two cheques? --- As I recall it was really when, I think, the police began investigations. 10

That would be 1980 some time? --- Yes.

Now, Bishop, at the 1978 National Conference, you spoke to the National Conference and you made certain remarks about your predecessor, and amongst others you asked that a standing ovation should be accorded to him especially as a certain newspaper had apparently attempted to smear him. This is reported in Ecunews Bulletin 1978 on page 11, and the date is 19 July, I do not know whether you are familiar with it but here it is? --- Thank you. Yes. 20

Now at that stage, Bishop, when you had this problem with the R60 000 cheque, did you inform anybody, the Executive or Praesidium or Deputy or anything of it? --- No.

I see. Subsequently in March 1979, Bishop, you received a letter from the former General Secretary, a handwritten letter in which he complained about certain rumours that were circulating in the United States? --- Yes.

Concerning his person, and he was most upset? --- Yes. 30

Not only in the United States but also in Europe, he was most upset at the suggestions that were contained in these rumours, that he had left the Council in a poor position - this is the letter? --- Thank you. Yes.

And you referred this particular letter to the Executive Committee? --- Yes.

In March 1979 the Executive then adopted a Resolution reaffirming its appreciation for the services rendered by this gentleman, and you forwarded this particular Resolution to him in a letter dated 9 March 1979? --- Yes.

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In fact the Resolution was provided because the gentleman asked for such a Resolution in this letter? --- Yes.

Then, Bishop, the next problems that developed were the St. Ansgar's matters, the SATCIC matter, and then of course the Chetty matter which all happened in 1979? --- Yes.

I will deal with the Chetty matter separately later. As a result of these various matters and media reporting on them - I think I dealt with the press clippings and you were here when Mr. Potter testified? --- Yes.

So I do not have to repeat that. As a result of that in June 1980 Mr. Potter was appointed following on a National Conference Resolution taken in 1980, to that effect? --- Yes.

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Now, one of the - the mandate to Mr. Potter specifically mentions the rumours of misappropriation? --- Yes.

He did two investigations, if I can subdivide them, it is really a total investigation but the first portion concerned 1975 to 1978, and the second portion concerned your - specifically your handling of the Asingeni Fund for 1979? --- Yes.

And these two reports form a joint whole. Now, the objective fact is that the results of Mr. Potter's

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investigation / ...

investigation were made public and were described in the Press as a "clean bill of health" for the Council as far as its finances were concerned? --- Yes.

He found no demonstrations or evidence of misappropriation apart from the two incidents that he mentioned and that was the Mbatha matter which he had referred to the police, and the other matter that the Deputy General Secretary drew his attention to, that was the franking machine story? --- Yes.

Then, Bishop, subsequent or rather as a result of the Mbatha investigation, but before the Mbatha trial took place, I understand that the Warrant Officer concerned had in fact informed the Executive or the Deputy General Secretary of what he had found in the course of his investigations? --- Yes. 10

Now, up to that particular stage, had you told anybody about your experience with the R60 000? --- No.

And was it at that stage that you heard about the other two cheques for the first time? --- Yes.

Now, I was wondering whether in view of Mr. Potter's mandate, and the reference to possible misappropriations contained in his mandate, whether you should not have told him about your experience with regard to the R60 000? --- I think one has got to say for Mr. Potter first of all, I mean that he would have been unable to have found out what the police found out in terms of Mr. Rees' personal accounts. He did not have the power of subpoenaing records. And with regard to my own way of handling it, you know, I have been trying to say that I find it very difficult myself to appear to gain credit at the expense of somebody else, and you are really in a very difficult situation, and I am not really even 20 30
certain / ...

certain that I was remembering - I mean I forget things, which is part of the thing that helps ministers to hear confessions, that you forget what you have heard mercifully. But I had this very great difficulty. You see there was not yet in anyone's mind - certainly not in the SACC's mind, any thought at all that someone who had done the kind of things that Mr. John Rees had done for the Council, which I mentioned in my report to the National Conference, developing the Council to the extent that he had done, a person given the kind of trust and responsibility that he had been given, it was quite inconceivable that you could think, I mean, that there would ever be anything untoward. And I think, I mean that those are two things that need to be said in response to your statement about Mr. Potter and so forth.

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Bishop, Mr. Potter was alive to the media stories concerning the finances of the Council? --- Yes.

He told us so, if this unauthorised payment, irrespective of his ability to look at the previous General Secretary's accounts, if mention had been made of the unauthorised payment of which you knew yourself, do you not think that would have put him on his guard? --- It could have, I do not know, because you see I have got to say that having dealt with the matter with Mr. Rees, it was no longer really in a sense an unauthorised payment, because I mean I had to condone it, I mean I could not say to him repay the Asingeni Fund, and it was no longer as it were an aberration in what had happened, I thought that I had dealt with it sufficiently myself.

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The condoning question, that is really the Executive who asked or was it the Praesidium who asked for certain

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certificates? --- Yes, this is after, but I mean at the time when I talked to him I did not say to him: I am going to report you to anybody, or: I will want you to refund that R60 000, at the time having spoken to him, and having regard to the fact of who he was, who he had been, in a sense it was a sort of closed matter, and I certainly would say that I would have had the support of very very many people in thinking that it could not have been used for as it were an unworthy motive.

Did you yourself, Bishop, in not informing the Praesidium or the Executive, did you not realise that you were taking a big risk yourself in not telling them because of the vulnerable and exposed position that you occupy as General Secretary? --- No, I do not think so, I think it would have sounded differently. Here is a new General Secretary, and all the dynamics of it being a Black General Secretary, he is ratting on his predecessor to try and gain credit. And I find that quite distasteful.

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But really, Bishop, you know your responsibility lies towards the Council? --- Yes.

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THE COMMISSION IS ADJOURNED.