

COMMISSION OF INQUIRY
INTO THE SOUTH AFRICAN COUNCIL OF CHURCHES

HELD AT PRETORIA

ON 10 MARCH 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 J UNTERHALTER SC

ADV P A SOLOMON

LUBBE RECORDINGS (PRETORIA)

/Idem

VOLUME 43

(p 2425 - 2506)

COMMISSION OF INQUIRY
INTO THE SOUTH AFRICAN COUNCIL OF CHURCHES

HELD AT PRETORIA

ON 10 MARCH 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 J UNTERHALTER SC
ADV P A SOLOMON

LUBBE RECORDINGS (PRETORIA)

/VMD

WITNESS: REVEREND P J STOREY

VOLUME 44

(p 2507 - 2548)

THE COMMISSION IS RESUMED ON 10 MARCH 1983

PETER JOHN STOREY, still under oath:

CHAIRMAN: Might I just first of all turn to the bundle of Dimension. I see one page that is flagged, that which relates to the Hammanskraal, 1974 - there were other Hammanskraal's too. I see you yourself put up a motion which was by way of an amendment to Reverend Bax' amendment, and which was according to this - amounted thereto that the Government be called upon to recognise the situation on the borders imposed on many Christians a crisis of conscience, even 10 more painful than that which faced a large section of the Afrikaans population during World War II, and requested that similar allowance be made for servicemen "who cannot in conscience serve against fellow South Africans on the border". Is that the substance of your amendment? --- Yes.

Then I see too that according to the note, the proposal of the amendment which was ultimately adopted, said, according to the summary:

"Neither the churches nor the SACC had been in the lead of doing something practical to change the status 20 quo in South Africa. Isn't it time, he asked, for us to consider seriously whether the SACC should challenge young men on the score of conscientious objection?" Is that how you recall that the .. --- Yes.

Summation was motivated? --- Yes.

So much for the Hammanskraal. Then I see you have made another item, it is the article by Dr David Bandy on the citizen's duty, the background was the discussion in Parliament on the Defence Further Amendment Bill. I have read this, assuming that you wanted - is there anything 30

in/...

in particular you would want to draw the Commission's attention to, concerning this article? --- No, Sir. It was just of interest, I think, because it was on the same subject.

Yes, it is. I see that the discussion contains this statement: I am reading now:

"No doubt most White Christians in South Africa believe that it is right to oppose with armed force those whom we call terrorists, but White Christians are a minority group. Most Black Christians are far less certain". 10

That was the view of the author who is Dr David Bandy. Is he a man high up in Methodist circles? -- Yes, Sir, he was the principal of John Wesley College, which is part of the Federal Theological Seminary. He is now deceased, but he was a very respected scholar in the Church.

Was he a teacher or .. --- He was a clergyman and teacher.

May I return your book? Thank you, I have studied it. Now, also generally, I have given thought to a great deal of what you have said, and it occurred to me that it might be necessary to distinguish between what you say the Methodist Church considers, and what other churches consider and what the SACC considers. Is there a possibility of a divergence in views on certain matters? --- I would think very little, because I would think that as far as I can recollect, the Methodist Church has by and large supported the view of the SACC. 20

Are there matters in which the SACC has found itself with a divergence of opinion, the Methodists holding 30

for/...

for one approach and some other denomination holding for another? --- I think that the only one that I can think of, the process, My Lord, is that an SACC resolution will sort of pass through something of - a number of channels before it comes to the Methodist Conference, it would go to a division of the Methodist Church for examination, and may not come out in the Methodist Conference in exactly the same wording, but when I say generally there has been support, I mean that. The only one that I can think of, which was qualified by the Methodist Church, there are 10 two that I can think of; qualified by the Methodist Church, the one is on the question of non-co-operation with the State, where I read in my submission that the Methodist Church has indicated that it would not just automatically provide support for somebody who in conscience feels he must disobey. They would minister to him, but they would not automatically just feel they have to provide support to him. I think there is a distinction there in that I think the SACC resolution, again from memory, I have not got it before me at all, on that matter, indicated 20 that churches should support such people. I think that is a distinction. The other one that I can think of is in respect of the question of the heresy resolution, at the most recent SACC Conference, where that resolution rules out dialogue with those churches which support apartheid. Now, that particular phrase or that clause has been referred by the Methodist Conference, the Methodist Conference has declared apartheid a heresy, but has referred that clause to one of its divisions for examination before taking a decision on it. 30

It declared apartheid a heresy, or any - or an ideology based on apartheid? --- It declared the fundamental philosophy behind apartheid as a heresy.

Now, as you know, the function - one of the functions of this Commission is to find the facts in regard to what - where the Commission stands. A difficulty which we may encounter is when we read your evidence, to decide how much of what you say is merely the Methodist thinking and how much reflects the official attitude of the South African Council of Churches. It seems to me - I am saying 10
this not in the spirit of criticism, that you may not have kept that clear distinction in mind, preparing your written statement.--- Yes, I think I can only say that what I was trying to establish in my submission was that as a Methodist that which the SACC does and says, is in harmony with where I stand as a Methodist, and I am not aware of any major point at which I as a Methodist would have to say, I cannot go along with you as the SACC. I believe that everything that the SACC has said and done, by and large, has been in harmony with where I am, coming out of one of the 20
member churches, and I think the point I was trying to make, certainly in relation to the SACC 's involvement in socio-political matters, and also in our relationship with our member churches, is that there is harmony here and not in fact divergence.

Well, I will be glad of you could reflect on this, and perhaps have another look at your memorandum and at an opportune stage, make it clear that - you do not have to do it now, you can do it in writing if you wish, to indicate to what extent what you say reflects your own 30
personal/...

personal view, as a Methodist or as an individual, and to what extent what you say reflects the stance of the South African Council of Churches. --- I will be happy to do that.

Thank you. Now, may I ask, have you had time yet to ponder on my closing question yesterday? --- Yes, I have.

Yes, please? --- I would like to respond to it. I think you phrased it, My Lord, has the SACC 'practised politics'?. Now, I have not looked at the act which you referred to at all, but my answer would be, no. My definition of practising politics is that of - and this is my own 10 definition - entering the political arena with the direct purpose of winning support for a particular political policy which you are advocating, and building that support by political organising, and using that support as a base from which to achieve political power, so that you can then implement your policy, and I think also just in parentheses, another general attribute, if you like, of those who practise politics and do so through various parties, is that all those who you count as your supporters, must exactly prescribe to who you are, and to the policy that you 20 advocate, and you run by way of a caucus which can expel people who do not. Now, to respond to that definition of practising politics, first of all I do not believe that we as the SACC have the equivalent of a caucus. We lay down policies, but there is no question of, if you do not exactly prescribe to these, you are out, the members of our member churches, as I have already pointed out, some of them may have different views, but they are not simply cast out for that reason.

If I may interrupt you, if you do say that you 30 do/...

do enunciate policies or formulate policies? --- Yes, we do.

Carry on? --- Secondly the SACC seeks no political power. Thirdly, the SACC does no organising on a grass roots basis of a political nature. It does not seek to build up cells or little branches across the country, at the grass roots level, to win grass roots support for its position. Thirdly, it does not advocate a particular political policy. I think we must make a distinction, My Lord, between analysing a political situation and speaking 10 out about aspects of it, which are wrong, which is the prophetic responsibility of the Church, and in that respect the SACC has analysed the apartheid policy and denounced apartheid, and pleaded for its dismantling, but when - and I think this is a fair example of what I mean, when the SACC and its member churches met with the Prime Minister and his Cabinet, we made it very clear, as I think the transcript of that meeting will show, that we came not as politicians, but as Christians concerned about what was happening in the country. When we suggested through 20 Bishop Tutu that there were priorities which we believed ought to happen and happen quickly, we pointed out that those priorities, we were suggesting them to him and pleading with, if you like, the person who practised politics, the politician, to do something about them. We presented them not as a policy at all; in fact we were very clear that they were not a policy. We presented them as, what we called, a precondition to peaceful change. We believed that these were the minimum things that needed to happen if trust was to be re-established and the process of 30

polarisation/...

polarisation in the country was to be halted, and those things were to phase out the pass laws, to stop the resettlement policy, to review the Bantu Education policy, and - what was the fourth one - to commit, to declare a commitment to an ultimate goal of a common citizenship for all South Africans, and we said, these are obviously not a policy; these are the things we think that need to happen if you are going to have a climate in which change can take place peacefully, and polarisation can be ended. This would re-establish trust, without pretending to quote exact 10 words, I think I can recall Bishop Tutu saying that if these things could be done, the change would be so remarkable in this country, and the attitude and the atmosphere, it would be hight and day. And then we made it clear in that meeting that we would also like to see a National Convention happen, and I think ..

To do what? -- To work out a new dispensation for South Africa.

But has not - did your deputation not spell out the dispensation? -- No. I do not think it spelt out the 20 dispensation at all. I think we made it clear that that was the job of politicians, not the Church.

But had not your spokesmen, your General Secretary amongst others, on his - in his various speeches spelt out the policy? Spelt out the new dispensation? That is the impression I got, I might say, after reading his speeches? --- My Lord, I do not think it is so much as spelling out the dispensation as to laying down broad principles which we believe would be consistent with the Christian faith.

Well, that might be a matter of semantics, but 30

is/...

is that not a policy or a credo? Or a platform? --- Yes, it may be - no, I do not think it is a matter of semantics. I really believe that there is a distinction between when I for instance would say, I believe that my Christian convictions demand of this country that there be justice for all, and if justice for all, then all must somehow be represented in working out what is going to happen in this country. To me that is not laying out a political programme. It is saying, one of the implications of justice for all is surely that everybody should have a say, and I think 10 that when we call for a National Convention, we were saying, in a sense, get everybody together, let everybody speak with one another; it is far better for people to speak with one another for 5 years than just maybe kill one another for one year, and let what comes out of there, be - or do not come out of there until everybody feels they have been heard, and everybody's interests have been taken into account, no matter how long it takes. That is my view of the National Convention. That to me is saying, it is over to the politicians, but we believe that you are not 20 going to get any kind of political answer which is going to end the polarisation, unless you have that kind of gathering, and I do not believe, Sir, that that is in any way wanting to stipulate what would come out of such a convention. It may be something very different from what I as a citizen would like to see for South Africa, never mind as a Christian. And then, if I can proceed just one step further, I would say that the SACC's concern with things 'political', does not constitute an entry into the political arena, but rather arises out of our belief that 30

everything/...

everything, and I think we have stated this very clearly, including politics, is in God's arena, and I think I tried to point out in my introduction to my submission, that in a sense what we have said over the years, I believe, is a response to acts by the South Africa Government particularly, which have required from us a word of comment, because they - in a sense it is not so much religion interfering with politics, but politics touching areas which are common - are of a common concern, with those which are the legitimate concern of Christians. An example of - or a picture 10 of this is that I believe a politician can sit in his party caucus or wherever, and he can think up a policy in theory, and I think that is his right and that is his legitimate terrain, that is not our terrain, but when it comes to apply that policy, he applies it to people, and people are our terrain, what happens to them, how they feel, what hurts them, that is our terrain, and at the point where he applies policy to people, that is where the Church responds and says, either that policy is - that policy damages what we believe God wants for people. Now if that is - I do 20 not believe that is entering into the political arena. I think that is - the Church exercising a prophetic ministry.

Thank you. Arising from this, I should have given you a fair warning of this, so in case you want to dwell on the answer, do so. You referred a number of times to apartheid. What do you understand when you say apartheid? --- Can I take notice on that, just so that I can be sure of my answer?

Yes, I would like a well-considered answer. --- My Lord, you asked another question.

30

Yes/...

Yes, may I now - I also said I was going to phrase it more precisely, that is arising from what I read on page 45, where you said, very close to the foot of the page:

"We know that the majority of Christians do believe that violence can be resorted to in certain circumstances".

One of our tasks will be to endeavour as closely as we can, as accurately as we can, to set out what we gather the stance of the SACC is on violence, it is in that context that I would like to have the benefit of your views. Now, 10 when you say this, "We know that the majority of Christians", at what point of time is this related to, as we stand here today, or we sit here today? --- Yes.

When you say the majority of Christians, do you mean the majority of Christians in the RSA? --- No, I would have referred to Christians in the world, but I think that that would include the RSA.

Well, amongst Christians in the world, there are varying views on that. That one thinks of the utterance of Canon Burgess Carr, talking of Christ choosing the 20 violence of the cross, and there are others who do not share that view. Would that be correct? -- That is correct. I am one of them, Sir.

Confining ourselves for the moment to Christians in South Africa, by reason of what do you make the statement? By reason of what facts or what knowledge do you make the statement that the majority of Christians do believe that violence can be resorted to in certain circumstances? --- If I can answer the question at two levels, because yesterday you posed it in a sense in two ways. My 30

first/...

first response to you did not seem to get to where you wanted it to go to, but I have to repeat it and say that when I made that statement, in my mind was simply that over the entire history of the Church, and Mr Robertson, of course, will go into this at far greater length and with greater expertise than I, that in the history of the Church, there has had to be a grappling with whether or not Christians can go to war, first of all, and on that area I think I made the point that the majority of Christians say, it is permissible with this and this and this proviso per- 10
haps, but nevertheless it is as a last resort something which Christians may have to involve themselves in, and the minority say no. I think I would have to say that when it comes to the question of rebellion against the civil authority, again this is not nearly as well-canvassed, certainly not in my mind, as to where the line is drawn. My own belief, for what it is worth, is that whenever a Christian is involved in violence, for whatever reason, in a legitimate - you know, declared war for his country or whatever, in a sense some of his Christian standards 20
go into suspense. I cannot say that I am a totally convinced pacifist, but I have had to say that it is almost as if you have to put into suspense some of the teachings of your Lord, because they just do not square up with killing somebody else. Now, when one looks for instance at the Afrikaner rebellions in 1914, in that war, where some people rebelled against the legitimate authority of the day, I am not in a position to say what the majority of people feel about that.

But you will remember, I wanted you to confine 30

yourself/...

yourself to this point in time. May I remind you that I am asking you why, on grounds, by reason of what you make the statement you have made, and I also want to demarcate the discussion; I am not talking now of circumstances of conventional warfare? --- Yes, I think I needed to say that nevertheless, because that is what was in my mind, when I wrote that paragraph. I think you asked me on the basis of my own sort of contacts, how I would assess where the majority of people are now, and you referred specifically to the ANC actions. I think I would have to say on 10 the basis of the contacts I have, that the majority of Christians in this country are at least sympathetic to ANC military action. The majority of Christians are Blacks. I used the word 'sympathetic' because I do not want to talk about an unqualified support at all. I would rather describe it as an attitude that has come through to me, very similar to the one which I found amongst parents in Soweto in 1976, where their children had risen up, as it were. There was a mixture of fear and unhappiness that their children had been involved like this, and also a measure of pride 20 that their children had made a stand. I would like to draw something of a parallel between that attitude and the attitude that I discerned in most Blacks who I have spoken to, on this subject, and it is to that degree that I would talk about sympathetic. Obviously there are some who are out and out supportive thereof, but if I am talking about where the majority is, I would say there is that kind of, what I have called sympathy, whether that is the right word, I am not sure; with White Christians, I think it is the opposite. They constitute a minority, but the majority 30

of that minority are definitely not sympathetic to ANC actions, although again I think I need to qualify that and say that I think that there is at least - that the degree of lack of sympathy is almost directly related, in my experience, to the degree of contact and real dialogue with these Blacks who feel this way. Where there is that dialogue, I do not believe that there is necessarily approval at all, but what I believe is that there is that measure of understanding which I tried to enunciate in my submission, where I said I could understand why young people 10 have moved this way. That understanding, for me personally, does not in any way imply an approval, but it says, if I was in his position, maybe my view would be different. Now, I think that Whites who have come into contact with Blacks of that level, would be more inclined to say something like that. However, if the question was where do the majority stand, the majority of Christians in my view have something of a sympathy, the majority of White Christians do not.

I am still not sure whether you are saying 20 that you assume that that is so, or whether you are saying that by reason of discussion with people at various levels. Please bear in mind, I am asking you for the origin, the source of your information, that prompted you to make what appears to be a factual statement? --- I think it is an assumption based on a fairly wide contact, perhaps wider than a large number of Whites do have with Black persons.

Now, the reaction, the Black reaction that you spoke of, I want to ask you one or two things about that. What was the reaction of Black Christians, for instance, 30

to/...

to the murder of a person who gave evidence in the United States concerning terrorist organisations, and whose murder was acknowledged by the ANC to be an act of the ANC? ---

I cannot answer specifically, because I have not discussed that particular issue with anyone.

Then just one other small thing which may require examination: when you speak as you have of Black Christians, have you in mind Christians in the sense of persons who are adherents of a particular church, or members of for instance the Methodist Church, or acknowledged as 10 such, or what do you mean when you speak of Christians? --- I think I would say at least that, but in general more than that, because I cannot claim a sort of deep contact with - well, let me put it another way, my contact is generally with people who hold some kind of office in the life of the Church. They are not necessarily all ministers, but they are lay people who are more than just members of the Church. They are people who would hold positions which would bring them into contact with me in various committees in the Church, whatever kind of committee, but they 20 are there because they are more than just somebody who comes and sits in church on a Sunday.

Then, just reverting to the question of the - let me use the word 'policy' for want of a better term, credo of the South African Council of Churches. I have read a large number of the speeches of the General Secretary since 1978, and he has discoursed on a variety of things in relation to what the future should look like. Amongst others, for instance, capitalism as some other economic dispensation. When he speaks thus, is he having regard to 30

his/...

his powers under the constitution, is he expressing SACC opinion? --- No, not necessarily, no. I would think that just taking the illustration which you have given, that he is - you know, the relative merits and demerits of capitalism versus socialism versus communism etcetera. I think there is a wide divergence of views within the SACC on a subject like that. I think that I could speak fairly confidently by saying that there is a fair measure of unanimity on some criticisms of capitalism, some of the unhappier aspects of it. I think there would be a fair measure 10 of unanimity on some of the advantages or some of the more positive things about socialism, but at no point has the SACC sat down and said, from a Christian point of view this is the kind of society in terms of capitalism versus socialism or communism which we should have.

Then just one other thing: one discerns in the - reading your evidence and that of other SACC people, that one of the main objectives is to achieve justice for all. That is putting it very generally, but justice for all seems to be a feature which is mentioned again and again. 20 Would you recognise that different views may be held by responsible Christians as to how one achieves justice for all? --- Yes.

And that the SACC view might not necessarily be the only correct one on how one achieves justice for all? If I may enlarge on that, there are a number of political parties in this country; let us take the views expressed by the Progressive Federal Party on how justice is best to achieve. I gather that not all that accords with SACC thinking but would you recognise that that might - those 30 views/...

views held by the SACC - by the Progressive Federal Party, might represent the views of sincere Christians, on how justice is best to achieve? --- Yes, I think however that for a Christian or certainly for a Christian expressing the position of the Church, My Lord, he would be concerned to ensure that first of all, whatever principle is enunciated by whatever party, is one that can be justified from Scripture, that it is in accordance with the kind of Scriptural principles which - the kind for instance that I might have referred to in that sermon which I handed in, 10 and then I think secondly, and this applies inevitably more to the Government in power than to a political party in opposition, how the implementation of those principles, also comes under the judgment of Scripture, because I think it is possible for one to have very laudable goals, but in seeking to achieve them, to fall short of the principles of Scripture, and so I think that therefore it is important to examine the implementation and whether those are consistent with the principle discussed, or declared initially, and that brings me back to being concerned 20 as to how they affect ordinary people. If for instance a government states, or political party, but let us say the government in power, because it has the power to implement it, if it states that it wants everybody to live in harmony, that I think I would have to say Amen to. If in order to achieve that harmony it moves 2 million people, many of them against their will, then I would have to say, no.

Even though those people are moved from - assume for the moment, from squalid areas to wonderful areas, 30

with/...

with abundance of water and rich agricultural land, and everything to their advantage? --- I would say that if that were the case, they would go willingly, but I do not think they do.

Yes. I notice that the father of the Methodist Church advocated what one would call prohibition? --- He did indeed.

Would you go along with that? Would you say that is a feasible proposition? Having regard to the experience in the United States in the 1930's? --- I do not think he advocated full prohibition. He was against distilling, 10 which in those days everybody could do without a licence. He himself was not a teetotaler, interestingly enough. My Anglican friends will be relieved to hear that.

Thank you very much. And you will bear in mind my question, what do you understand by apartheid? -- Yes.

Mr Von Lieres?

MR VON LIERES: Could we perhaps just hear from you the exact nature of your function as President now? I know that Article 12 of the SACC Constitution provides in subparagraph (1) that the term of office is 3 years, 20 you have told us about that, and then it says, if you are present, the President shall preside as Chairman at all meetings of the National Conference, Executive Committee and Finance Committee, and he shall present an annual address at the National Conference. That is basically what is contained here. Then perhaps one should add that in paragraph 11, the Praesidium is specified as consisting of the President and two Vice-Presidents. Now, obviously, I take it that you are not involved in the day-to-day activities of the Council? --- No, I am not, and that 30

is/...

is why I found a little difficulty in dealing with nitty-gritty questions yesterday, relating to what happens in the day-to-day.

On what are you kept up to date, as President? Now, surely - how are you kept up to date with what the Council does and what is the nature of the information that you receive with regard to the Council's activities? --- I think that to be kept up to date, I rely on first of all what is reported into Executive meetings.

These are held every three months? --- Every 10
three months, yes. That would be a major point. For the rest I believe that I am there to be available particularly to the General Secretary, for him to raise any issues which - upon which he may seek advice, or counsel, and so there is a freedom for him to call upon me in that way, to - in, I forget the exact year, but it was during the time of the present General Secretary, I was not on the Praesidium prior to that, I forget at what stage, but I suggested there would be value in reasonably regular Praesidium meetings, where the President and Vice-Presidents could be brought 20
up to date with things, and so some meetings of the Praesidium like that, not in any way a formal basis, but there have been meetings, and at meetings like that it would be the General Secretary who would bring to the Praesidium any issue which he would want some advice on, or wanted to take counsel on.

Are you satisfied that you keep abreast with the broad activities of the Council? -- Yes, I am satisfied that I keep abreast with the broad activities of the Council, as distinct from nitty-gritty, day-to-day affairs. 30

Well/...

Well, if you are asked something that amounts to nitty-gritty, please just shout. You have already been asked earlier this morning by the Chairman as to how the Commission should interpret your frequent references to attitudes or statements of the Methodist Church contained in your submission yesterday. I understood you to use these references to the Methodist Church to demonstrate the degree of solidarity that exists between that particular church and the South African Council of Churches. Did I understand you correctly? --- Yes, that is one reason. 10

Now, in a certain way you have answered my question already due to the replies you gave earlier, but can one accept that on the points of support that you have listed in your - testified yesterday in your evidence, that the support and the attitude of the Methodist Church as reflected in your evidence, is really a mirror of the position of the South African Council of Churches? Can one accept that? --- I think so, without being able to scan back over my ..

Yes, you had a few small qualifications, but 20
I think we know about that. Could we then turn to page 19 of your submission. Now, in paragraph 16 of page 19 you comment on the tensions, on the apparent tensions that exist between the member churches and the South African Council of Churches, and you specifically refer to one of the submissions in which you were quoted as giving some reasons for disquiet? -- Yes.

Now, this particular document in which these reasons, in which you give reasons for a perception of disquiet, is document no 828 before the Commission; it is 30

Minutes of the Meetings of the Executive held on 28 and 29 July 1981, and specifically - I am sorry, I have got the wrong one, June 1980, sorry. I gave you the wrong date, I am sorry, it is June, 4 June 1980. What you said here, I understand you, was said as reflecting the perception that exists amongst members, and not necessarily that it is factually so. Is that correct? --- Not only that, but I think a perception that exists within, in other words, not necessarily amongst - not necessarily, this is the perception of the member churches, but this is perceptions 10 which I have heard coming out of member churches.

I see, so it does not need to be general? --- It is not necessarily representative.

I presume it was rather substantial for you to consider it necessary to mention it? -- Yes, I felt that the fact that I could hear these perceptions, was a matter for concern.

Could we just have a look at what you said? I will just briefly read it to you from the bottom of page 2. Well, perhaps before we deal with that, it is important to 20 refer to what gave rise to your mentioning this. In the sixth paragraph of these minutes, it is recorded that Bishop Tutu, the General Secretary, indicated that it was important to know whether the member churches regarded attacks on the Council as attacks on the churches themselves. He pointed out that church leaders have responded positively when they had been reminded of their responsibility towards the Council. Now, this document, if you want to see any document that I read, just ask and I will show it to you, especially the quotation, it is rather lengthy, but 30

this/...

this seems to indicate, the way I read it, that the General Secretary or the staff who advise him, were not sure whether member churches in fact regarded attacks on the Council as attacks on the churches themselves. Would you go along with that? --- No. I would not necessarily go along with that. I think it needs to be pointed out that this was a time of anxiety. I do have this one in front of me, because I thought you might raise these questions here. It goes on to say that the General Secretary noted that it was possible that action might be taken at the SACC, 10 and while it was important that the Council should not be obsessed with survival, the question is being raised whether the member churches were willing that the Council's activities should continue in the event of the Council being closed. I think it is natural at a time of anxiety, where a step like that could be taken against one, to seek some reassurance, and I think that that is what he was doing.

What was the cause for the anxiety at that stage, in 1980? -- I have a feeling, although I cannot recall, but I think it was linked with the General Secretary's 20 Denmark speech. I may be wrong, but I think ..

That was 1979, October, if I remember correctly. --- And this is June 1980. No, then I cannot recall what the - doubtless the General Secretary could tell you, but I cannot recall what the exact cause was.

Now, was it surrounding this feeling of anxiety and the question as to whether support would be forthcoming for the member churches, against this background you then raised or reflected on the dynamics for the operating in the member churches of the Council, and mentioned 30

that/...

that the Council was seen to have a staff orientation, and decisions were seen as decisions of the staff, and that the question was raised whether the National Conference was a conference of churches or a conference of the staff? Those were the perceptions you conveyed to the meeting? --- Yes, the English of the introduction to that is very poor, and I still cannot make too much sense of it, but I think I can say what I was doing, better than the person who wrote the minutes, and I think I was saying, look, if we are talking about relationships between the Council and the 10 churches, we must recognise, these are some of the things which have been said, these are some of the perceptions, which some people have, within the churches, and we need to deal with these perceptions.

Right, now, the point I am really going to make to you, going to suggest to you is that you were not the only one who was aware that these perceptions existed, because if you turn to the following page of your minute, on page 3, you will see the General Secretary responding to these points; indicated: 20

"(a) Staff were continuously being reminded to maintain a low profile at business meetings"

and therefore, the actions that the General Secretary seems to have taken in the past, seems to confirm the perceptions that you have reflected as a fact? Do you go along with that? --- Could you repeat that?

I say the actions that the General Secretary had taken in the past, which is that staff was continuously reminded to maintain a low profile, indicates that he accepted that member churches were in fact seeing the Council as 30

having/...

having a staff orientation, because he had already taken steps to rectify that position? --- Yes, he may well have done so, as a result of my own observations to him, because that (a) which I shared at that meeting in the presence of church leaders, was something which I had shared with the General Secretary previously.

So you had already mentioned this separately on a previous occasion? --- Yes.

I take it that you are also familiar with the report that Mr Martin Conway has filed; he was one of your guests at one of your National Conferences, in which he physically observed the same problem? --- No, I am not.

He attended - he is the Director of the Division of Ecumenical Affairs of the British Council of Churches, and he attended your 1981 National Conference? --- Yes.

This document I think has already been submitted to the Commission, and in paragraph 2, page 2, paragraph 3, he says:

"The SACC staff had taken a collective decision to speak as little as possible, apparently since there had been some feeling that they had been too dominant the year before, but even so I became aware that they are a remarkably gifted and hard-working team, with a high proportion of able women amongst them".

So this has also come to his notice, that there was this particular feeling? --- Yes.

And in fact, I would like to take it a bit wider.

You know, after the Hammanskraal resolution 1974, the standing procedures in respect of the National Conference

rules was amended by introducing a requirement that notices of motion should be submitted three months prior to the next National Conference. Do you know about that? -- I know about it, yes.

Now, I could not find any trace that this has ever been implemented? --- No, certainly from the time that I have been in a position to be interested in that sort of thing, in other words, at least on the platform of the Conference, that has not been the procedure. I do not know if it was implemented, and if not, why not. I know 10 that in the period that I have in any way been involved in the running of the Conference, which I think would be from the time I became a Vice-President, that particular clause of the three months' notice has not been observed. I am not sure if at some point it was rescinded or simply allowed to lapse. I am not sure.

Yes, you see, I could not for example find samples of motions submitted by member churches, for 1977 up to 1982. There may have been; I could not find them, but what I did find was that most of the resolutions that 20 were adopted, flew from the working papers submitted by the various divisions of the Council? --- I cannot recall off-hand, although I seem to have a recollection of the SACC Conference, certainly considering a resolution from the Church Unity Commission. I think, otherwise certainly considering a report from the Church Unity Commission, and responding to that report by way of a resolution.

But there could have been one or two. I could not trace them, but let me be more specific: the vast majority of resolutions contained in these National Conferences 30

from/...

from 1977 to 1982, are resolutions arising from reports and working papers submitted by the various divisions of the Council? --- Yes but one must bear in mind, I think, that on the committees of the various divisions of the Council, the church is represented, and that therefore, when something comes from a division, it is not coming from exclusively inside the Council. It is coming from the working of a body which consists of church representatives appointed by the churches to those divisional committees.

The point you are making is that each divisional committee has church - member churches representatives serving on them? --- Yes.

And because they serve on that committee, the reports of that committee is reflective of the thinking of member churches, or reflective of the thinking of members of the committee? --- Well, that is a very difficult question to answer, except that if I were to represent my own church on a committee, I would expect that I would be required to reflect where my church stands on issues in that committee, otherwise I do not think I would be representative.

Now, let us take - I just want to give you one or two examples, why I say, in fact, the resolutions, the majority of them, not only have a staff orientation but come from the staff. If we take the 1978, the 10th Conference, the theme 'South Africa in Crisis and our Response as Children of God', and we look at the documentation provided by the Division of Justice and Reconciliation, with its various background papers, which I will not deal with the content of it now, but if we look at these background papers, the report from the Commission on Violence and Non-Violence,

the discussion of the problem of a just revolution, the question of marriage officers and the recommendations, and we then go to the resolutions that were adopted, here I refer you for example to the minutes of the National Conference, 11 and 12 and 13 July 1978, which is document 26 before the Commission, it says:

"The group which had met to discuss Justice and Reconciliation then reported to the Plenary Session. It was agreed that the background paper for the discussion of the problem of a just revolution 10
be referred to the churches for response before the next National Conference. Some of the points in Section 8 of this paper were amended (and it sets it out there). The Conference also adopted that the recommendation at the end of the report on the Commission on the problem of ministers as marriage officers, (also set out in the same annexure). In respect of Justice and Reconciliation for example, no other resolutions were adopted than those contained in the report of the Director that was 20
submitted".

So apart from a few exceptions of which you have mentioned one, we find that at least - I find that for these years, 1977, 1978 to 1982, at least 80% of the resolutions appear to be staff-sourced? --- Well, my response must be simply this, that if 80% of the resolutions by National Conferences emanate from the work of divisions and their divisional committees and divisional staff, nevertheless they come before a Plenary Conference, representative of the member churches, with full freedom to accept, reject, amend, 30

whatever/...

whatever. If then the National Conference consisting of those representatives, approves those resolutions, at that moment they become resolutions of the SACC National Conference and not of a particular division. I think that is important. It means obviously that they approve those resolutions.

I accept it. I do not want to exaggerate, I do not want to use 80%; let us say the majority of the resolutions, that would be fair. I have not counted them one by one, so we will accept that. Now, if that is so, and I think you have conceded the point, then the staff orientat- 10
tion that the Council seems to have, is a confirmed one, is it not a fact? --- No. I think I need to pause here. If in my own church, I have a department of Christian citizenship, when I go to a committee meeting of that department it is the staff of that department who have the job of doing to kind of research which I ask them to do, not which I ask them to do, but which they are required to do by their mandate, and of coming along with the staff work done, so that those who attend the committee itself, can then make decisions, can make amendments, and ultimately put 20
their seal or otherwise on that work. I do not believe for one moment that that structure being there, implies really that the Methodist Church's statements on Christian citizenship, which is social affairs, are in fact reflective of the mind of a small group of people. We give these people a task because somebody has to spend the time on doing that kind of work, but ultimately that work is brought before a body which moderates it.

And the body takes the decisions? --- The body takes the decisions, yes. 30

But/...

But the body takes - what I want to put to you, and I am going to illustrate this to you with an example. I am putting to you that the decisions, many of the decisions the body takes, are decisions that were impulsive, not by the body, the member churches, but by the staff? --- No, I cannot accept that, because to use your word 'impulsive', much of the work of a division of the Council initially starts from an impulse, shall we say, in the Executive Committee, which again is a body representative of the churches. I indicated yesterday that I had called for a study 10 on the distinction between guerilla war and terrorism. I would say that was an impulse. That study is something I cannot undertake. Somebody has to do it. I would imagine that the J & R Division would be the one that would undertake that study. Ultimately they would return that study to the body that impulsive it. So I do not see that necessarily it is impulsive out of that division.

Let me give you one example: in 1977 the World Council of Churches distributed a document, 'South Africa's Hope; What Price now'. Are you familiar with the 20 document? --- I have not read it, but ..

Do you know about it? --- Yes.

The next thing that happens, and now I am quoting from a letter that Dr Kistner wrote to Bishop Tutu on 10 July 1978. He says:

"With reference to my promise to let you have some notes on the study paper of the WCC programme unit on Justice and Service entitled South Africa's Hopes, I forward to you the following remarks".

Now, in paragraph 1 he says:

30

Looking/...

"Looking at the background paper which the J & R Division prepared for the discussion of the problem of a just revolution in February or March, I found that we limited ourselves. The WCC study paper contains a number of other important considerations which deserve careful attention".

This background paper is one that is in Justice and Reconciliation's files - let me see the 1978 minutes please - and that particular paper, shall I say, the WCC impuled the just revolution background paper contained in this particular document, but that is not where I am getting at. This is just the background. It says: 10

"The analysis of the situation in South Africa as presented by the WCC .."

he says they analysed the situation especially since October 1977 quite correctly.

"It is valid and important to raise the question which methods and strategies for bringing about change can still be regarded as possible and effective after the events of October 1977". 20

It goes on, and he says a situation of legalised violence exists, and under these circumstances a complete separation of violent or non-violent methods of change is not possible. He goes on, and he says, in connection with strategies of change, he says they should speak about the obligation to resist, the Lutheran World Federation resolution on South Africa has been given the heading 'Confessional Integrity'. It points out that opposition to the South African system is an integral part of confessing the Christian faith in the South African situation with regard to the South 30

African/...

African situation. Then he goes on in this particular document, and he sets out how helpful Bonhoeffer could be as used in the WCC paper with regard to the confessional status that one could consider, to be applicable here. The point arising from this letter, and it is the only point I want to make, without reading the whole point, is that the idea of a confessional church or the status of confession, was an idea picked up by Dr Kistner, from the - flowing from the WCC paper, South Africa's Hopes, together with whatever he read, the LWF at Dar-Es-Salaam. He introduced 10 this concept to the General Secretary in this particular letter. The next thing that happened .. --- Do you mind me interrupting and just asking what date that was, 10 July 1978?

This letter, 1978. At that stage the preparation had already been done for the National Conference of 1978, which was held over the period 10 July to 14 July 1978. So it is the same day as the National Conference started. Now, in the National Conference Minutes, in the annexures, the theology of justifiable - not the theology, the 20 philosophy of justifiable resistance, which is offered as a counter to the just revolution terminology used by the WCC, in their document South Africa's Hopes, is held out by Dr Kistner. This is a strategy of resistance in the South African context. What is the next thing that happens there? On page 2 of Annexure 2, of Appendix 2 of his report, he advises the National Conference of the opposition to the SA system as an obligation emerging from the confession of faith. So he introduces the concept confessional church to the National Conference as well, and this 30

document was of course prepared long before 10 July; it had to be copied down and so forth, and he says at the Assembly in Dar-Es-Salaam in 1976 the LWF took a resolution stating that the rejection of the oppressive political system in the RSA is an obligation emerging from the confession of the Christian faith. The Status Confessionis was based on the twin factors of evaluating the apartheid society on the basis of Christian faith and on the basis of the unity of the church, and he carries on. The point I am making is, it is introduced in 1978, this Conference 10 by the Doctor. Now, in the resolutions on this particular conference which are unfortunately not reported in toto in the Ecunews, but only partly, and some other resolutions in the Executive minutes, Bulletin 20 of 1978, what happens? A resolution on overseas investment and loans, after the preamble, six paragraphs, on page 16, if you have got it there? --- No, I have not.

It says:

"We as the National Conference of the SACC confess that we have tended to conform to the apartheid 20 society instead of presenting a Christian alternative".

Now, this I think is an idea, I am not taking up the argument of a confessing church with you. I am just demonstrating to you the methodology which shows that the impulse from the staff member has gone right through and led to a National Conference resolution in which the concept of confessing with regard to a specific subject, in this particular case the investment subject, was the end result? --- May I request just to see that document?

Yes, which .. --- The resolution. Then I would - 30

may/...

may I respond?

Yes? --- Just if I can - yes. Just - you know, I tried to follow that rather tortuous passage there, but why I ask ..

Would you like to .. --- No, it is all right. I think I did follow it. Why I asked the date, is because I am not contesting for one moment that there was reference in a study document to the confessing church, in 1978, but I asked the date simply because the concept of a confessing church was not introduced into the minds of the SACCC in 1978. I can recall discussion about a confessing church before I had any links with the SACCC, which was prior to 1972. 10

I take your point about - that that is an old concept. --- The concept, yes.

In this particular case, what I am trying to illustrate is that whether it is an old concept or not, it is a concept that a staff member picked up, and his source happened to be a different source to your source, and that staff member used that source, the LWF consultation, the World Council of Churches' document 'South Africa's Hopes' and so forth, to present the idea. I am not saying it is a novel thought. Do you understand what I am getting at? -- Yes, and I am not contesting that. Quite obviously he did use that thought and those sources from that document, it is clear, but what I need to say is that the end result in my view is very different from the way you see it, because the use of the word 'confessio' in my view, is not linked at all with the concept of a confessing church. The use of the word 'confessio' is in fact 20 30

a statement of repentance. We confess that we have tended to conform to the apartheid society instead of presenting a Christian alternative, and we are now compelled to consider, etcetera. This is a statement simply of failure. I do not believe that it is - the word 'confess' is being used here in the context of confessional church which is making - the use of the word 'confession' in that context is making a declaration, a stand of where you are, this is saying, we confess we have failed. I do not believe that the concept follows through to this resolution. 10
That is the only thing I am saying.

Now, without becoming tortuous myself, the state of a confessing church would be arrived at if the church is convinced that the evil of the secular authority is so fundamentally abhorrent to the law of God, that it cannot comply and it will not comply. Broadly speaking, would you go along with that? --- Yes, I am not an expert in that field.

No, broadly speaking. We know that the South African Council of Churches has adopted the various resolutions 20 on non-co-operation with the State and civil disobedience for that very reason. It was 1978 or 1979. I have got the resolutions here, but it is not important. --- Yes.

Now, this particular resolution on overseas investment, is very important in the light of those resolutions of non-co-operation and civil disobedience, because if I understand your position correctly, it was considered that overseas - the pressure on overseas investors is an alternative to violence, by some? --- Yes.

I think by the majority. I can show you that 30
resolution/...

resolution too, but I will deal with that later. At this stage you can just accept it. Therefore, due to the non-co-operation status, the civil - and the acceptance of civil disobedience, this particular disinvestment resolution falls into that category, which has caused the non-co-operation disobedience to come into being because it is seen as a form of pressure that can be exerted, in order to change the situation, and if you read what they confess about, they confess that we have tended to conform to the apartheid society, instead of presenting a Christian alternative, and this very resolution is supposed to present a Christian alternative in the form of pressure. So what I am suggesting to you is, we do not have to argue about the matter, but the Commission has got to decide, but against the background of non-co-operation and civil disobedience, as forms of effecting change, this particular resolution which confesses conformity to apartheid, is in fact a demonstration of being a confessional church with regard to that particular aspect, because the next year, you have got another confessing resolution? --- I would think that to argue that, and again - and I think, My Lord, I have to say, I fall back fairly often on parallels within my own church, because for me it is helpful to do so. I hope it is helpful to the Commission. To argue that way, would then imply that whenever a body, for instance such as the Methodist Conference, it can discuss anything, but the moment it comes to something which implies a measure of resistance to the State, for instance, or even comes to a point where it says, this we cannot obey, as in 1957 on the Church Clause, at that point it is suddenly

10

20

30

no/...

no longer just a body, but it is a body which is now a confessing church. I do not accept that, because the concept of the confessing church is not part of my heritage. I would say it is simply a church body dealing with an issue, and coming to a decision, hopefully under the guidance of God, of the right thing to do at that time, in response to that situation, and therefore I find it very difficult to see that there is a causal relationship, which I think is what you are trying to say.

Let me put it to you in a slightly different way. What one confesses as church is that which one finds abhorrent to the law of God as one understands it. Church A may have a different concept of what is abhorrent to Church B to Church C, and religion 1 to religion 2 and religion 3, so we are not talking of absolutes here; we are talking of relatives, if we just understand each other in that way. Now one confesses that which is abhorrent and one undertakes abhorrent in terms of the law of God and one undertakes action to remove the injustices in respect of that which is abhorrent. Would that be a fairly correct statement? --- No, in my language one confesses one's sin. That is what confession means to me. I am not a Lutheran. I confess my sins, confess my failings. When it comes to dealing with something which is unjust or abhorrent in society, I - in my language again, I would make a declaration about that, not a confession about it.

That is now in the Methodist language? --- Yes.

Well, let us try and go back to the SACC language, because that is the problem we are dealing with. Now, Dr Kistner presents the confessing church, or the confessing/...

confessing part of such a situation, virtually as a mobilisation or a declaration of war by the Church with regard to those portions of secular society which the Church at a particular time, at this instance the Council, finds abhorrent and contradictory to the law of God, which it describes as evil. That is now how he puts it. Are you with me? --- I am with you. I would not go with the declaration of war, but ..

Allright, that is perhaps a bit - the point is that according to his version, when you offer a confessional 10 status, it does not need to cover the whole spectrum of secular law or secular activity. It can only cover a limited spectrum, that namely that spectrum which contains the evil or the abhorrent or that which is contradictory to the law of God? I think that is quite logical? --- Yes, I cannot speak for Dr Kistner, but it sounds logical.

Now, your confessional status, according to the Council's version, according to Dr Kistner's version, is therefore something that can be limited to certain terrains? It can be limited to social injustice, it can be 20 limited to economic injustice, in theory it could be limited to political injustice, or whatever type of injustice qualifies for the Church to take up a stance of a confessional nature? That is basically the way he presents it, and now, in 1979, he deals with a confessional integrity in the South African context in his report to the National Conference. I am not going to go into the detail there now, but again it is presented, and what is the result in 1979? This is the second example I want to give you. Do you remember, in 1979, the theme was The Church and the 30

Alternative Society, and from the minutes of the National Conference - you perhaps have them there, document 31, dated 23 to 26 July 1979, you find the following resolution:

"The Conference accepts the report of the Division of Justice and Reconciliation".

That is the whole report including the stand on confessional integrity in the South African context, the strategies of resistance, national security ideology etcetera?--- No, I need to - I think in case there is a misunderstanding, accepting a report does not mean an implication of the approval of the report, of everything in it. It simply receives that report. 10

And it subscribes to the recommendations for the future activities, and now (e), it says:

"Recognising the great suffering resulting from the policy of separate development and confessing that this suffering has been greatly increased by the Church's failure to act in the past, this Conference believes that the South African churches are under an obligation to withdraw as far as that is possible from co-operating with the State in all those areas in the ordering of our society where the law violates the justice of God. We commend the work of Justice and Reconciliation and request them to continue this work by examining the strategies of resistance". 20

Now, if not in 1978, Reverend Storey, I want to suggest to you that it is then in 1979, the impulse that went from Dr Kistner with regard to the consideration on the confessional status, has in fact been implemented by the National Conference? --- Yes, except that - and we are going 30

back/...

back a long way now, but to the very first reference you made to, I think, Dr Kistner's letter to Bishop Tutu in 1978 is - I think I recall the first paragraph as being, he was responding to a request from Bishop Tutu.

In connection with the .. --- Yes. Now, I do not know where that request emanated from. I am sure Bishop Tutu could indicate whether it was simply his request or something he had been asked to request. So I again have to say that there is a very strong possibility that the initial impulse was not - did not lie with Dr Kistner, 10 but with the request to him.

Well, it may have come from Bishop Tutu, for all I know. --- Who may have been asked ..

Yes. So if we could come back to the original theme then, and that was the question whether the members - the staff of the SACC play an important role, I am suggesting to you that this is a good example of an impulse that was sourced in staff, either Dr Kistner or the General Secretary, that ran right through and that this particular perception that the Council had a staff orientation, is pretty 20 much in the mark? --- Yes, except - may I just comment on that? My concern and the concern - we have come all the way back to it now, of staff orientation, I have never questioned, and I would not dream of questioning that staff play an important role in the SACC; they play a very crucial role in the SACC. My concern was that at the moment when it is the time for the churches to have their say about what is going on in the SACC, about resolutions etcetera, at that moment it is important that the staff, no matter how important they are, play a low profile, because 30 that/...

that is when the churches must be quite clear that they are having their say, and that is the basis of my reference to staff orientation, and I think that is logic to me. I think during the year the people who do the work are the staff, they are crucial, and when it comes to accounting for their stewardship, that is the moment for them to listen, and I think that is what I was saying.

Do you think you would like the churches to play a very active role? -- In the Council?

Yes? --- Oh yes, I do not think that there can 10
ever be an end to improving the role of the churches.

Now, are you satisfied that the role that the churches play in the Council is an active enough role? --- I think it could be more active. There is no doubt about that.

You would sort of agree then with Mr Conway's comment where he says, page 3 of his document:

"Indeed apart from the inevitable inner core of five or six delegates who served on lots of committees and sub-committees based in Johannesburg and largely White, I had the impression that too many of 20
the delegates were passively letting the Conference happen around them, the delegate of the newly admitted Reformed Church, being a happily aggressive exception".

--- He was indeed happily aggressive, but I would not say he was an exception. I do not believe that you measure participation by the amount of times a person stands up and speaks or even shouts. I believe that the representatives of member churches at the National Conference take their responsibility very, very seriously, and if 30
an/...

an issue arises upon which they feel their own church's position is being in any way compromised, they will then stand and say so, and I think that an example which I have already quoted, is one that is very clear in my memory, that the decision to no longer have dialogue with the churches supporting apartheid, was opposed clearly and strongly, not necessarily by saying - when I say opposed, I mean that at that point the church representatives of a particular denomination, got up and said, this is a decision we cannot support without consultation with our church. 10

THE COMMISSION IS ADJOURNED

AT RESUMPTION:

PETER JOHN STOREY, still under oath:

MR VON LIERES: We were dealing with page 19 paragraph 16 of your submission, in which you discuss the apparent tensions between .. (INTERRUPTION) We have been dealing with your response to the allegation of apparent tension between member churches and the SACC, and we dealt specifically with the aspect of the perception that you picked up in your contact with member churches and made 20 available to the Executive Committee, as noted in the Executive Committee Minutes of 4 June 1980. --- It was a meeting with church leaders.

Sorry, a meeting with church leaders. In this connection we discussed the question whether there was a staff orientation or not, and you referred to the resolutions, and we have given you one example of where impulse from the staff ran through to the resolution. Now, of course there are a number of other aspects that are also relevant to coming to a decision, whether any tensions between 30

member/...

member churches and the SACC exist or not. In the historical context I think it is perhaps convenient at this stage to refer you to Mr Thomas' book in which I would like to lift out two aspects, that he claims contributed to tension, and I want to refer you in that connection to this book 'Councils in the Ecumenical Movement in South Africa'; you also referred to the book in your evidence, and I wish to turn to page 58. Let us just get Mr Thomas' background on record for the Commission. Is it correct that Mr Thomas was a one-time Director of Communications of the South African Council of Churches? --- Yes. 10

A member of the staff, and I assume one can accept that in view of that he should have quite an intimate knowledge of what the feeling was, what went on and what did not go on. Now, on page 58 Mr Thomas deals with the question and the approach to Mission and Evangelism, and I read to you from the middle of that page, and he says this was also an issue on which the Council was extremely sensitive. I read to you from the middle of the page there. It says:

"While it was acknowledged that this was a fundamental concern of the Church (this is now Mission and Evangelism) nonetheless there was a feeling in the CCSA SACC constituency that evangelism was a preserve of individual churches. Thus, while there were committees on evangelism in the bodies from the inception, they tended to take a back seat as attention was increasingly focussed on corporate and socio-political issues. When it began to develop its bureaucracy it was the divisions dealing with these concerns which were first filled by full-time officials/... 20 30

officials. However, the SACC has constantly been accused of giving too much weight to these concerns to the detriment of spiritual values. The appointment of a full-time director to the Division of Mission and Evangelism in 1973 would, it was hoped, act as a counter-weight stressing equal concern by the SACC with matters of a more purely 'religious' nature. That the SACC was sensitive on this point is evident from several articles in its journal Kairos. An editorial of January 1973 read: 10

'Sometimes the Council of Churches has been criticised because it is too involved in socio-political issues and not enough in matters of mission and evangelism. Judging on the basis of news media reports this may be a valid deduction, but it is not accurate. The orientation of the SACC was basically concerned with mission'."

Kairos then reported on the appointment of The Reverend Ngakane as the first full-time Director of Mission and Evangelism in October 1973, and it described this as "one 20 of the most important developments in the life of the Council over the past years". It says:

"The fact that other departments with full-time heads are mostly engaged in social education and developmental concern, means that the work of the Council appears to have been imbalanced in favour of the social concerns over against the spiritual".

Now, this is one of the criticisms that was directed at the Council during that time. Now, this book only deals with the Council up to 1975. Do you go along with 30

this/...

this? --- Go along with the fact that this was a criticism?

Yes? --- Yes.

And would this criticism have contributed towards the perception of tension between the member churches and the SACC at that time? --- I do not think at a leadership level, no, but I think that church leaders would be having to cope with church members, who from their perception of the SACC would see this as an imbalance. My experience is that amongst those who are more informed, and that obviously includes the church leaders, amongst them I do not think this question of imbalance was nearly as serious a problem. What I am saying is that they would say, amongst our church members we have constantly this criticism to deal with. They themselves I think would understand, would go along with - I am confident that they would go along with what I said about there being different levels of operation for the church, appropriate instruments for various functions of the church, and that SACC was not the most appropriate instrument for evangelism. 10

Now, Thomas of course seems to consider it an important enough criticism to mention it in his book, but there is the other interesting aspect, and that is the finances, if one has a look at the finances, one finds that only 2.2%, according to the auditors' report, of the total income of the Council over the period 1975 to 1981, was in fact used to fund Mission and Evangelism tasks? If one looks at the financial availability for the 'spiritual' side, that would seem to be substance to this criticism, would it not? ---- No, I do not think so, because I think that if one looked at the amount of money spent at 20 30

the/...

the local church level, in our member churches, on the task of moving in evangelism and 'spiritual work', it would be the opposite. That is the point I made. But I would also want, if I may, to say that I think Thomas did not put the word 'religious' in inverted commas for nothing. He himself certainly, I do not think, would accept that there is a distinction between religious activities and that the rest of the Council's activities, the bulk of it was not religious. That is why he puts it in inverted commas.

Now, again this comment was directed at the ac- 10
tivities of the Council of Churches, and not at the member churches on regional or local level. This is what Thomas' book is all about?--- Right.

It is about the South African Council of Churches? ---
Yes.

Another aspect that Mr Thomas mentions that contributes to tension, you will find at page 60, and the second-last paragraph, page 60, deals with the financial side, and he says:

"The tendencies to see a growing gap between the 20
SACC and its constituency, would have been further bolstered by the fact that the percentage of local financial support for the organisation tended to shrink with the passage of time".

Now, would you go along with that statement, according to your knowledge? Would it in fact have an influence on the degree of tension, or the growing gap as he puts it, the independence or virtual independence of the Council from its member in financial terms? --- Potentially, definitely yes, in other words, the fact that the percentage of 30
foreign/...

foreign funds was growing, the percentage of local funding was shrinking, represented a danger. Yes, I would accept that.

I think .. --- A tension.

Yes, I think at this stage the percentage of local funding, according to the auditors' report, is something like 4%? --- Yes.

Out of the total budget. Now, you see, even after 1975, in the Council's own minutes, and I now wish to refer you to a meeting of the Financial Committee on 21 10 May 1979, this is document 154 before the Commission; I read from paragraph 3(b). Here it is quoted that Mr Matterson reported that at this meeting there had been a feeling that there is a lack of communication between the SACC and the churches. Mr Matterson - sorry, he reported that the churches felt that the SACC had constituted itself as a church in its own right, and that it is paddling its own canoe. It was felt that the SACC is a handicap to its member churches because of the generosity of its friends and partners abroad. The meeting had agreed to recommend to member churches 20 that the contributions of member churches be increased so as to cover the costs of the General Secretariat, cutting out all expenses etcetera. So here we have another inset or input where a member of the Financial Committee, in fact I think he was the Chairman - no, not the Chairman, but a very respected and senior member of the Financial Committee, says this is the feeling amongst the churches, that the Council is paddling its own canoe? --- Yes. I was present at that meeting, and ..

Yes, so you were. --- And I do not accept Mr 30

Matterson's/...

Matterson's evaluation of it fully. At that meeting certainly the question was raised of the large foreign funding, again the dangers inherent in this, certainly, that if you are funded as it were to that degree independently, the chances are that you could regard yourself as independent, and that must be guarded against, and that did form very much part of the discussion and in response, those who were representing the SACC, in that meeting were calling for, if possible, a greater commitment by the churches and the General Secretariat was mentioned as the area 10 which may be covered. Now, I sat there knowing perfectly well that there was no member church in this country that could possibly provide the cash which would cover the General Secretariat, which at that stage - I forget the figures but it was certainly a large amount of money. Now, I do not think any other church representative there thought realistically that that could be done. I do not accept, however, that it was stated in any way as - I have not got it before me, but as harshly as that, as categorically as that, by any church leader. I would like to, if I 20 may, just look at it again.

The bottom of the page. --- Thank you, yes. Nobody at that meeting to my recollection said that the SACC has constituted itself as a church in its own right, and that it was paddling its own canoe, that may be a phrase I cannot recall, but ..

Excuse me to interrupt you. Perhaps you should first read that thing, in view of what you say, I have some problems, because you seem to suggest that the minutes have not been - are not accurately reflecting that 30

particular/...

particular meeting. --- Well, I think they are stating something very strongly, which I do not recollect as having come across with that strength, but it may be that it is not so much what the minutes say, it is perhaps what they do not reflect, of other things which were said at the meeting. I would not put my head on a block about it.

Now, the Commission has got to rely on documentation to come to decisions as to fact. You are putting in doubt the correctness or the emphasis contained in this particular minute. Now, what is your actual position, what do you say? Do you accept the minute as it stands or do you not accept the minute? --- I cannot speak for the phrase 'paddling its own canoe'. That phrase may well have been used. I am saying that in terms of my memory of that meeting I recall the danger of the SACC being seen as independent, being referred to as being talked through at some depth. I would not want to put this in - I do not believe my memory can necessarily stand against this document. I am saying my perception of that meeting was not as strong as that. I think that is as far as I can go. 10 20

You accept what the minute says? --- No, my perception is different, but I cannot argue against it. I cannot ..

Would you just turn to the end of that minute? When was it ratified or approved? What is the date there? --- It is not clear. I will have to look at the copy.

But your normal procedure at these Financial Committee minutes were that the minutes of the previous meeting were tendered at the next meeting before they were signed and everybody had an opportunity to object if it was incorrect or to bring amendments to bear on the matter and so 30

forth/...

forth? Is that so? --- Yes, that is right.

There was an opportunity if that minute was incorrect, to at the next meeting have it corrected? --- Yes.

Now, whether Mr Matterson is overstating his case or not, the fact is that that particular statement is supported objectively seen by the financial data that is available? The SACC is virtually, except for 4%, totally independent in financial matters of - or from its members? --- Yes.

Now, that would enable, just putting it to you 10 theoretically, that would enable such an organisation to do its own thing? --- No.

Why not? -- Well, because in spite of the financial 'independence', in the end that organisation is subject to the National Conference, and therefore subject to its member churches, and I think if it were to simply do its own thing, the churches are not simply going to be manipulated by the SACC. They are not puppets. They have minds of their own; they know what they think the SACC should be doing. Certainly I think they would know what they 20 think the SACC should not be doing, and if it was to just hive off and do its own thing, the next National Conference would see the churches either bringing it into line very, very strongly, or withdrawing.

Now, in financial terms, would you agree with me that in financial terms at least, not necessarily in policy, in financial terms the SACC can theoretically do its own thing? Now, let me explain to you why I say so, then you can reply. You see, the procedure for the preparation of the budget of the SACC is spelt out in detail in its 30

constitution; it is done by the Financial Committee which has to refer it to the Executive who has got to approve it, before donors and so forth can be approached to fund the various projects, without reference to the National Conference. All the National Conference gets are the audited statements of the Council. So the obtaining of finances by the Council is a procedure independent of the National Conference? --- Yes, except that the Finance Committee consists of representatives of churches, and that budget comes to the Executive, which consists of representatives 10 of the churches. So the National Conference does not look at that budget, but the Executive does.

So the National Conference cannot say - it cannot control the amount of funds applied for for division A or division B or division C? That is the Executive and Finance Committee decision, so in that sense theoretically speaking it can do its own thing? -- I am quite sure that the National Conference could question - could raise, and would be fully qualified to deal with - there is nothing to prevent it from dealing at length with the budget if it has 20 complaints about it, but in practice the Executive approves the budget.

So this could be another contributory factor to apparent tensions? --- You mean that the National Conference does not ..

The financial independence? --- Yes, I said potentially, yes.

Yes. In 1977, in Ecunews No 30 of 1977, on 9 August, under Section 4, under the heading "Features", an article appears with the caption, "Is the Gap between the SACC 30 and/..

and its Constituency Diminishing?" It is an assessment of the recent SACC Conference by Wolfram Kistner. Now, the Doctor says the following:

"It has been felt now by many for a long time that there is a serious gap between the SACC and its constituent churches. So it was not surprising when this subject was raised during the church leaders' meeting held just prior to the Conference".

Were you present there or was that before your time? 1977. the church leaders' conference? --- I cannot recall 10 if I as present. I may have been.

"And as a result of this meeting it was nor surprising i time and again to hear the view expressed from the Conference floor for the churches to be informed of SACC decisions and when necessary, to first refer issues to them for comment. This happened for example on the question of a theological statement by the SACC and on the contentious issue of foreign investment".

Now, apparently these matters were not referred to 20 the churches before they were discussed at the National Conference. Are you aware of that? --- I know that I was not at the National Conference when the matter of investment was discussed, so I cannot answer that.

You would not have, I take it, any reason to take issue with Dr Kistner's statement on this point? --- I do not think so, no.

I am skipping two pages now - two paragraphs, but flowing from this complaint that the points for debate were not made available to the churches in advance, he 30

says/...

says:

"The fact that the SACC has in the past appeared to concentrate on these issues has in the past led to questions from its constituency which asked for an explanation of the theological principles underlying the Council's work. In simple terms they ask: is the SACC not merely an organisation pursuing political goals and trying to exert political pressure on the authorities? It was as a result of this serious question that Justice and Reconciliation was 10 asked to prepare a paper on theological principles".

Now, the point I am making is that apparently the perception as to what the Council was actually doing, was - took such a serious critical note that they even queried whether the Council is not an organisation pursuing merely political goals? --- If I may just comment on that?

Yes? --- It does not surprise me in the least. I think that any organisation in this country, any Christian organisation which is going to make a witness in the area of social and political affairs, is almost inevitably 20 and immediately accused of just that.

Even by - excuse me for interrupting, even by its own members of its own member churches? --- Yes, members of the Methodist Church would accuse the Methodist Church of being overconcerned with politics as soon as they read the headlines of what happens in the Methodist Conference. So you know, that does not surprise me either.

Now, to - that was in 1977 Ecunews, and the previous one was the 1979 Financial Committee statement. Now, could I again refer you to 1981, and this is what Mr Conway 30

also/...

also commented on. Most worrying of all - you will remember I stopped after quoting to you about the happily aggressive exception, continuing from the next line now:

"Most worrying of all to him and to me was the final page of the audited account showing that a budget of more than R200 000, only R6 755 came from member churches' annual affiliation fees and comparatively few other sums from South African sources. This is not to say anything about the quality of the work that is done with the money, but it indicates a most unsatisfactory state of attitudes and relationships between the Council and its member churches".

And this is the point that your observer guest says, he sees a most unsatisfactory state of attitudes and relationships between the Council and its member churches. That is in 1981. This is two years after Mr Matterson's situation. Now, it appears to me that the tensions still seem to exist. Would you go along with that? --- Not necessarily, no. I think that that is an observation by an outsider. I do not accept that observation. I am not questioning his reading of the figures. I am questioning his interpretation of them. I think if Mr Conway had raised that for instance with me, I think I would have responded to it in the same wording as I responded - as I had in my submission, that there are reasons why the member churches in this country cannot give more than very little to the work of the Council, that they are reasons which I think Mr Conway of the British Council of Churches would need to have explained to him, because in his situation he does not have - his member churches are not 80% deprived and poor. So

his/...

his experience of a Council of Churches would be very different from ours.

Now, in one of the sets of documents that was made available to the Commission, by the Deputy General Secretary and which are before the Commission as EXHIBITS 1 to 73, there is a document which is dated 1 June and it is signed by Mr Aitken, or his name is typed here, and it says it is the amended draft. The title of this document is the "Presbyterian Church of South Africa and the SACC". In connection with the tensions and so forth, I just wish 10 to read you the first two paragraphs, because following on that we have the history of the relationship of the PCSA and the SACC. If you would like to have a look at it, you are welcome. It says the following:

"Much has been written in the press in recent years and particularly in the past year about the South African Council of Churches and particularly about its financial management. There has also been considerable publicity given to the statements of the General Secretary of the SACC. His expression 20 of opinion on a number of issues have become widely known and circulated throughout the country. This publicity, together with the publicity given to the World Council of Churches, has led to a real questioning amongst many of the members of our church concerning our continued membership of the SACC. Some of our members have even gone to the extent of withholding their personal contributions to their congregation, because of our continued membership. It is to be regretted that newspaper reports often 30

cause many people to prejudge the issues without making any attempt to find out the real facts. What follows is an attempt to put our church's membership of the SACC into the context of history".

Now, the first portion, have you ever become aware in your dealings with churches and members of churches, that members are withholding their contributions, from their own congregations? --- Yes, I have, my own congregation.

Is that withholding, is it substantial, minimal, or how would you say? --- Minimal. 10

Minimal? --- That is in my experience.

In your experience? --- Yes.

Now, Mr Aitken apparently thought that it was an important enough feature to mention in his report? Yes, he himself prepared the report, and I mean, we know he has been a gentleman who served in the SACC for a long time. -- Yes.

You see, I mention these aspects to you concerning the question of tension, because I want to suggest to you that on the facts that are available, I think your paragraph 16 is probably not quite an accurate statement of the position. I want to suggest to you that on the facts there appears - there is tension between the member churches and the SACC, that is a fact. I am not saying these tensions are destructive or divisive. I am not commenting on that. I am just making the point that there are tensions, full stop, as a fact. Would you agree with me? --- Yes, as long as you are not wanting to in any way quantify that tension. The fact that for instance there are members of some of our member churches, certainly you have mentioned 20 30

one, I can mention another, who have said, I am not giving any money to the church because you belong to the SACC, does not imply to me a tension between the SACC and the church. It implies a problem between a member church and some of its members, on the occasions that I can remember of somebody saying that to me as a minister in my own church, they almost always followed a programme, for instance, on the SABC or something, which had indicated something or other about the SACC or the World Council. The last situation I recall of that kind, and I hope I am not digressing here, is a lady who made exactly that statement: I am not giving any money to the church because you are involved with the SACC; at a meeting 10 days ago, that lady came and heard an explanation of what our relationships were with the SACC, and has now returned to making her contributions. She is satisfied because she was basing her judgment on what she had seen on an SABC television show recently. But that is not a digression. I believe it is part of my answer to you, but to come back, I think I need to say, there is a distinction in my view between 20 the relationship between the member churches and the Council, and positions that may be taken of disease and unhappiness, by some of the members of the member churches. Now, those attitudes of disease and unhappiness, have, and I think I put it in my submission, the relationship of the Methodist Church, and I believe this to be true of other member churches, have channels of expression, and they have been expressed. The Witbank Memorial to the Methodist Conference was a channel of expression of disease and unhappiness. Now, all I can say is that having considered 30

those/...

those, nevertheless, the church ultimately must be judged, not by what one member does with his contributions, but where : that church, conference or assembly or synod stands.

No, I am with you. You say that because there is an individual dissatisfied .. --- Or even a number of individuals.

Or a number, that should not be used as a basis to interpret the nature of the tension that exists between the member churches and the SACC? That is your point you make? --- Or the magnitude of the tension. 10

Now, to round off this aspect about the tensions, when you were appointed as President, and you made it your priority to strengthen the links between the SACC and member churches during your Presidential years? This is so recorded in the Executive Committee Minutes of 28 and 29 July 1981, and may I ask you, this priority of strengthening the links, is this not caused by this very fact of the tensions that were existing at that stage between the members and the churches? --- No, I said in answer to an earlier question, that I believe the relationship is always 20 open to improvement. Certainly where tensions arise or exist, I would want to deal with them. Where questions such as those raised at that particular meeting of the Finance Committee are before us, where that kind of question exists, I would want to respond to it, but I think in addition in my mind was simply a deepening of a relationship which to me was important, a relationship which is - and I do not think I have suggested that the relationship is one without tension. I have said it is a creative tension, I believe, and to deepen that relationship. 30

You/...

You see, excuse me, in this same Executive Committee Minute, in paragraph 35, there is - SACC church relationships formed the subject of this particular paragraph, and I think it is very relevant to the nature of the tensions that we have agreed exist, but this is relevant to the nature of these tensions. It is reported here that the General Secretary reported that the Archbishop of Cape Town had convened a meeting of church leaders with a view to convening a delegation to the Prime Minister on the matter of mixed marriages. Now, may I just pause here. We know that 10 the SACC initiated or discussed in depth the validity of the Mixed Marriages Act and made certain recommendations to its member churches. Is that correct? The SACC was to that extent probably the leader in the field? --- I do not know about that.

Well, if it is so - yes, I think it is so. It is reported in the 1978 Minutes? --- Yes, but I think you will find in denominational minutes reference to mixed marriages much earlier than 1978.

Yes, in individual church minutes? --- Yes. 20

But now, again in 1978, the SACC took up this particular point, and it was concerned? --- Yes.

It had a special commission to investigate the position, members of churches served on this commission and it provided the material and the results of the investigation of this commission to the member churches. Now, here we find that the General Secretary reports that the Archbishop of Cape Town had convened a meeting with church leaders with a view to convening a delegation to the Prime Minister on the matter of mixed marriages, something in which the 30

SACC was of course intimately involved in at least since 1978? And it is recorded here that he has written to the Archbishop expressing surprise that this meeting had been convened, as it could indicate a possible rift between the churches and the SACC. The SACC had not been invited to attend the meeting. Is this not a factor that the Commission should also consider, that churches, member churches of the SACC convene meetings without inviting the SACC? Is this not a factor that the Commission should also consider besides the others that I have mentioned in 10 determining what the nature of these tensions are that exist between the member churches and the Council? --- I think when Bishop Tutu said this could indicate a rift, he must speak for himself on this, but my reading of that would be that that is how it could be seen, and that is why there was a measure of concern about this, because the normal route that one would go, although we cannot deny member churches' right, of course, to act quite autonomously, but the normal route would have been to invite the SACC to convene that meeting and to undertake the staff work 20 necessary to get that meeting off the ground, and I think the fact is that that was recognised, because to my memory the Archbishop responded recognising that there had been something of - I do not think in any way deliberate, but a thoughtless breach of the normal procedure, and we participated in these meetings later on.

Could we then turn to page 20, paragraph 20, and that is the setting up of the Department of Justice and Reconciliation. This Department was physically established in 1972. Are you aware of that? --- I do not know 30

the/...

the exact date.

I am relying on Thomas for my information. --- I see.

Now, at that stage, were you already serving in one or another capacity in the Executive of the SACC? --- I do not think so.

In 1972? --- No, I do not think so.

You see, I know that you suggested to the Commission that the Division was set up after a request by the Methodist Conference. Now, I understood this to mean that the Division of Justice and Reconciliation was established 10 by the Council because of the fact that the Methodist Conference of 1970 had asked for it? That is how I understood it. I may have understood it wrongly. The point is that Thomas, on page 78 of his book, says, discussing the position of the PCR grants, he says, the second-last paragraph:

"The whole question of racism and the structural violence of the South African society was very much more serious between 1970 and 1975 and that development was in turn due to some extent to the formation of its Division of Justice and Reconciliation in 20 1972".

Now, Thomas says that that development was a direct result of the PCR grants representing a positive response by the SACC which wanted to show that racism could successfully be combated within South African by peaceful means. The direct spur to the formation of the Justice and Reconciliation Division were resolutions taken by the Central Committee of the WCC in January 1971. In march of that year the SACC Executive agreed to recommend to its members and observer churches that a commission be set up to combat 30

racism/...

racism, to be in function in January 1972. Do you accept this historical position concerning Justice and Reconciliation, as Thomas sets it out here? --- Not altogether. I must just say that my interpretation of how the J & R came about, I think is not inconsistent with this, except for the words 'the direct spur'. I would not contest that a spur to the formation of the J & R may have been at a Central Committee meeting, but what I do know was that in the 1970 debate on the PCR grants, the burden or the decision of my own church was that it is one thing to repudiate these 10 grants, but what are we, are the church doing in this country, and we require in this church a body that can assist the church in dealing with racism both in its own life, and in the life of the country, and that call, I believe, and - I believe that that call was heard, because the then General Secretary of the SACC was in that Conference, and responded by saying, this was something which they would be prepared to take up, and look at, if it came from this Conference. So that is my basis for saying that that is how the J & R .. 20

What I understand Thomas to say is that the SACC rejected violence at that particular stage, because the PCR was understood basically to promote violence, the SACC decided to create this body to show that justice can be maintained without recourse to violence, and in that sense Thomas says, that is why he says the WCC was the main spur. --- There is no question that - in respect of Thomas' interpretation or mine the main spur was actually the 1970 grants, through the PCR. That is what galvanised the church here into saying, we must do something. 30

Now/...

Now, thank you, that is all I want to ask about paragraph 20. I was just wondering, in view of our discussion that we had yesterday about the relatively poor attendance figure of church leaders at the Executive Committee meeting, whether your paragraph 21 is not possibly a bit overstated? Is it not a bit too strong? --- No, I do not think so. I made the point that where meetings were not all that well attended, they nevertheless represented the largest, most significant portion of our body, and I also made the point that there were other meetings which were well 10 attended. I have not got their dates and times, but I could certainly find them.

Could we then turn to page 22, where you deal with the South African Council of Churches' international partnership, and I would like to discuss some aspect in paragraph 1 of that statement with you. Now, you say in paragraph 1 that money is a mighty weapon with which to manipulate men and circumstances, but I would remind the Commission that we are dealing here not with the world but with the church. Then you say this money comes from or 20 through the only body on the world which openly places itself under the authority of Jesus Christ. Are you suggesting to the Commission that different criteria should be applied in respect of church monies compared to monies going to non-church organisations or bodies? --- What do you mean by criteria?

Well, you say at the bottom of that particular paragraph, it is not only an insult but a failure in intelligence to apply the same cynical suspicion to such a body, referring to the church, as would be applied to a 30 political/...

political pressure group in connection with money? Now, my question is, is your suggestion - do you suggest to the Commission that different criteria should be applied when one looks at church monies compared to monies in possession of, to take your example, a political pressure group which is non-church based? --- I am not suggesting that because a body is a church body, it must therefore be above the normal sort of procedures required, of good accounting etcetera. I am saying, however, two things: I am saying that the assumption which is - maybe a cynical one, 10 but fairly generally held, that he who pays the piper calls the tune, that the purse strings control people's actions, that that attitude, I believe, is an unworthy one to apply to a body which unlike a body seeking political power, or in fact a body seeking financial profit, is by its very existence committed to the care of people and the stewardship of money on behalf of others, and I think that this is recognised to a degree. There is - can I just finish, that there is a different criterion, why is it that in many countries, the State has a different attitude towards 20 taxation towards church bodies. I mean, in some countries church bodies are totally exempt from tax. I would suggest that that indicates at least a slightly different criterion, because the aims of that body are church aims.

No, I thought I understood you to suggest a slightly different approach, at least the cynical suspicion should be absent? --- Yes.

What sort of approach or what sort of standard or criterion did you have in mind to enable the Commission to differentiate? --- I would think, certainly starting 30 from/...

from a basis of trust, rather than starting from a basis of suspicion.

But for the rest, you do not suggest that normal accounting principles and procedures should not be applicable?

--- No.

So it is basically the position of trust. Allright. Now, could I ask you please to explain to me, I am not quite sure - the first bit I think I know, but not the second bit. You say the money comes from, and I read there, churches, or it comes through churches. Does this mean 10 that the use of the word 'through', does this mean that it could be funds made available by a secular organisation that is given to a particular church for onward transmission, or what did you have in mind there? --- Yes, what I had in mind was that it is my understanding that an agency such as EZE, I think it is called, in Germany, in Bonn, my understanding is that that is a church agency which is entrusted by the German Government to apply what is essentially German Government funds, to worthy causes around the world, you can put it that way. Now, I believe 20 some of our money comes via EZE, and that is what I meant by 'through'. I think the same is true in Denmark or Norway - Denmark or Sweden, one of the two.

Now, accepting your suggestion for a moment that the financial matters should be looked at with a certain degree of trust, that is now - you refer here to the churches' handling of the funds, that should be looked at with some trust, is the Commission, on your view, entitled - or should it apply the same trust when it looks at the secular source that provides these funds to a church agency for 30

onward/...

onward transmission? --- No, I do not think I could claim that. I guess I would say that as part of a Christian partnership across the world, that measure of trust should certainly be applied to the church agency, through which this money comes, who are responsible for its disbursement. In other words, I would say, as far as I am concerned, there would be a relationship of trust with EZE, as a Christian body.

Now, let us take the United Nations Trust Fund on Apartheid as an example. Documentation that is available to the Commission indicates what its aims, objects, purpose and function is. We have got two examples here of monies that came from this particular fund to the SACC, the one through IUEF, it was an amount of something like \$40 000. Major Williamson had testified about that amount, and the course that this money ran was from United Nations Trust Fund on Apartheid, it was sitting in New York, through the IUEF, through the WCC, down to the SACC. Another example, and I do not know what facts the Commission is going to find on that one, but it relates to an amount of some R200 000 that was forwarded by the WCC to the SACC with a note on the letter that this money comes from the UN Trust Fund against Apartheid, and then there was a second letter that said, no, that letter was a typing error; it actually comes from the WCC. No, it does not say it is a typing error. It is a substituted letter, and it came from the Dependants' Conference, this \$200 000, from the UN Trust Fund, and then there was a substituting letter that said it came from the WCC. Now, according to the annual reports of the UN Trust Fund, for that particular year/..

year, 1981, in fact such an allocation has been made to South Africa. --- Yes.

The funds of this United Nations Trust Fund are applied for five categories of relief. These are legal assistance to persons persecuted under the repressive and discriminatory legislation in South Africa; relief to such persons and their dependants, education to such persons and their dependants, relief for the refugees from South Africa, and relief and assistance to persons persecuted under repressive and discriminatory legislation in Namibia. I am suggesting to you that the United Trust Fund against Apartheid is a political pressure group. Would you accept that? --- Yes, it could be. I do not know much about it, anything about it. 10

Now, what is of some concern is the fact that up to the financial year 1980, and excluding a grant that was received from the Government of Finland, in its annual financial statements, the Council never disclosed the overseas sources which were non-church sources, and here I refer to governments, such as the Netherlands Government, the Danish Government, for example, the Finnish Government was reported as having sent funds in 1980. Now, if the Commission were to find on the documents before it, that in fact these governments and the United Nations Trust Fund and the IUEF did provide the monies then the financial statements of the Council are misleading? To whoever deals with them? --- Yes, I cannot answer that. 20

Now, what I wish to ask you is, why did the Council not reflect the correct origin of its sources in its financial statements? As I say, they have only done it 30

once/...

once as far as the Government of Finland is concerned, in respect of 1980. In respect of 1981, of course, it has been done; let me be quite clear about this, at that stage those statements were produced, in June of last year this Commission had already been sitting for about 6 months, so let us forget about 1981. Let us go back to 1980, 1979, 1978 and so forth. --- I have to say I do not know, but I would like to just ask a question: did all of that money referred to by yourself and whose original source was not reported, come from the WCC? 10

Yes. --- It did? Well, then that may constitute something of an explanation, because I would imagine that any money that comes from the WCC to any member church anywhere, would be money which comes from a wide variety of sources, and would be reflected as a WCC grant. But that is all I can say on that.

You see, I know that you are not involved in the day-to-day activities of the Council, but the problem that one has is that the SACC had to enter into special contracts with some of the funders of overseas moneys. Here 20 we have got for example the latest contract concerning the ICCO relationship. It is not that the SACC therefore was unaware that the money was channelled through the WCC, according to the contracts, so they knew that the WCC was not the original donor, but a channelling agent for a certain amount of funds, and it is in the light of that that the question arises, why that was not reflected in the statements? --- Yes, I am not suggesting they were unaware. I am saying I do not know why they were not reflected.

Now, the suggestion has been made before the 30

Commission/...

Commission that some of these funds that originated from secular sources were laundered in the process of being channelled through the WCC down to South Africa, and one good example that we have is the evidence of Major Williamson concerning R40 000, I think it was, that IUEF obtained from United Nations Trust Fund on Apartheid, sent through the WCC down here. Now, obviously everybody in the SACC was not aware that some of these funds were laundered. I think we must accept that as a logical matter, but what would the reason for this laundering be? Why would the SACC 10 which projects certain Christian principles, policies, be required to mislead its audience? I mean, surely it is misleading your audience if you do not disclose, would you agree with that? --- Yes, I have already said, I do not know why those sources were not mentioned. The word 'laundering' is somebody else's word.

I also use it in inverted commas. You see, this type of conduct seems to me - let me put it to you in a different way, we have read on a number of places and also in the press that the Council claims an openness, a trans- 20 parency and that its books are available for inspection at any time, but if the books do not accurately reflect the true position, then it is not much use, I would suggest, in declaring them available for inspection? Would you agree with that? --- If they do not reflect the true position, yes.

Now, if they do not reflect the true position, then that would also cast doubt on the claim to openness and transparency, at least in respect of financial matters? --- If that is the case, yes. 30

Yes/...

Yes, well, the Commission will have to decide whether. I am not - now, if that is the case, again, is it not also so then that the Council itself by that non-transparent conduct, in its own right contributes to a negative perception about itself? --- Could I just have it again?

Yes, I will put it to you slightly differently: the Council claims it is open and transparent? --- Yes.

It appears that at least in respect of the receipt of funds, it is not open and transparent; its books do not disclose the correct position. Is it not so 10 that this conduct of the Council in its own right constitutes or contributes, rather, to the creation of a negative perception about the Council? In other words, a perception that the Council is up to something that may not be good? --- Yes. Yes, I would say, if there is not a good reason for what you have called not disclosing the true facts, then that could contribute towards a negative perception of the Council. At the same time, if - and here I am in a field which is not the one I work in in the Council, but nevertheless, if those grants were reflected 20 as World Council of Churches grants, then that is also true, that is what I am saying, because it came through the World Council of Churches, and all the money that I know of that comes through the World Council of Churches, has to come from somewhere else initially. That is all I have to say.

Yes, but you see, you may be a donor in your own right, because you collected funds in your own right which you can donate, and in that sense you are a donor, but when you receive funds for onward transmission, then you are not a donor in your own right in respect of those 30

funds/...

funds, so the World Council obviously had these two positions; it collects funds in its own right, but it is also an instrument or an agent to pass funds from one agency to another, and I am not complaining about listing the World Council as a donor. I am asking whether - when one knows that the World Council is an agent, or channelling agent, whether it is correct to list the World Council in that context, as a donor? That is really the point. --- I do not know. I do not know the procedure which is being followed. 10

Now, Mr Storey, if the Commission holds these facts to be proved, namely - you know, that they - what we have discussed now, I do not need to list them now, then is your suggestion contained in paragraph 1, that cynical suspicion should be disregarded when one has a look at church money, can that statement then still hold water? Should not the Commission then have the same approach to the question of money as it would have if it were to investigate some political party, or say, some business? --- No, I would still hold to what I said earlier, when I defined that 20 by saying I believe that when we look at what the church is doing, we start from a position of trust. However, if at any point in the Council's life there is a point at which we have failed to fully live up to that trust, then I have to say that as a Council we must take responsibility for that.

Yes. Now. I am not going to bother you with the detail. I have given you one or two examples of United Nations Trust Fund money and money that came from other governments. I have also given you the purpose of 30

the/...

the UN Trust Fund, and I think we can step off this particular aspect. In paragraph 3 on page 22 you deal with the question why there are problems in raising moneys locally - that is 3,4 and what follows, why the Council experiences difficulties. Now, on the statistics that were provided to us - let me first ask you this: would you agree that for a country like South Africa, the receipt of 4% of the Council's funds from local sources, is really totally inadequate? It should be much more? I am not suggesting it should be 80%, I cannot tell you how much it should be, but let us say it should be 20% or something like that, would you agree that present receipts are much too low? --- I would like to see them increased.

On your own feeling now, I know it is not your field, but let us work on a budget of R4 million, what do you think one should be able to obtain locally, out of R4 million? --- From our member churches?

Yes, what is the figure you would like to see, let us put it that way? -- I do not think that figure is relevant. It is what would be possible to get. The Council could not operate on such a budget if it were locally funded. It could not operate on a budget of R1 million if it were locally funded. It could not operate on a budget of half a million if it were locally funded. The funds are not there.

I know they are not there, but should they not be there, or at least a portion of it? That is the question really? You see, if the member churches have 12 million members, to provide the Council with a budget of R4 million, would require 33 cents per head per year, or something/...

something like .6 of a cent per day. Now, is it really said that the churches cannot contribute 30 cents or 20 cents or even 10 cents per member per year to the Council? Can we really blame poverty for that position? --- Yes, I am not a mathematician, and I cannot come back directly on that question. All I can say is that as of now, and I have to again speak of my own denomination, there are some - what would be called assessments, on the different circuits across the country, for certain tasks within the life of the church. Those assessment for domestic 10 church affairs, sometimes cause great difficulty in the raising thereof, and when one speaks in this room of 10 cents per member per whatever, it sounds very little, but when one tries to gather that, in fact across a country-wide church, it is a very different matter, and the departments in my own church are certainly not - they do not find themselves with excessive money as a result of these assessments. So I do not accept that it would be a simple matter at all. I do not believe that the money is available. I think that without the international partnership, 20 the budget of the Council of Churches would be very small indeed. Now, what size it would be, I do not know, but if one has to take the suggestion that the General Secretariat be - if I may consult on the budget of the General Secretariat, it is - the budget of the General Secretariat is about half a million. That certainly could not be reached by member churches in this country.

Now, I know that the Council has appointed a committee to investigate better local funding. Do you know whether they had any success? --- No, I do not know anything 30

of their progress at all.

There seem to be some other perceptions or - around the question why the local support for the Council is so poor. In our discussion this morning on whether tensions or rifts exist between the Council and its member churches, we have mentioned the perception that some people think that the Council is too independent, that it paddles its own canoe, and there seem to be various options, why the local funding is so low, either the ability to contribute does not exist, or people are not prepared to contribute, because they may be too independent, or it may be that people are not prepared to contribute because the grass roots support is lacking. I think this grass roots support, if we consider what Mr Aitken had to say in his PCSA draft, we find some areas for that. Now, what do you say, because this is obviously a matter the Commission will have to consider. What do you say in connection with the inability of the Council to increase its local support, financially? --- I think I have said what I have to say, on page 22, in paragraph 3. That is my assessment of why the Council is not supported heavily locally.

Would these other factors, other perceptions, could they be contributory to your view, or is your opinion set out in paragraph 3 exclusive? --- I think that it would be right to say that the fact that the Council is involved in controversial areas, and the fact that in the multi-racial churches the money, if you like, more of the money, is in the White constituency, cannot be ignored. We have talked already about the fact that there are some members who say, I am not going to contribute because.

However/...

However, having said that, and although the amount contributed in arrears, by my denomination, is not a large amount, I do not recall that being brought into question, within the conference of the church. So I think that one - we live in a situation where, if you are taking a stand against the status quo, you must expect that there are going to be some waves, and you must expect that some people are not going to like that, and you must expect that there are some people who are going to say, all the things that have been said this morning, that you should be - get on 10 with spiritual work and not be involved in this and so on. I do not want to act as if that does not exist. I think what I am saying, however, is that even if that did not exist, at this moment in time, and I cannot speak for every denomination, but the secretary of my own Conference is here today and I think he would probably go with me when I say that the denomination I belong to could not find a significantly greater amount of money to give to the Council, at this moment. It would have to in fact - to do so, it would have to cut on something else. There is no 20 question about that.

But I go along with what you say, but is not the converse equally true: if you are in fact conducting activities to promote the liberation of the oppressed, and liberation used in the broad term, then surely one - and this is so recognised by the oppressed, then surely one would have expected a dramatic demonstration of support from them? I mean, do you not agree? ---- No.

On the theory? --- My refusal to agree is illogical, but it is based on experience, and that is that the 30 struggle/...

struggle to - it would seem historically that in our Black congregations, a particular philosophy of giving was established under the missionaries a long time ago, and it is like trying to move the rock of Gibraltar to change that philosophy of giving, which is, you know, so many cents per week, and that is it, and we discover even that a person rises to the position of a school principal and when it comes to the church, he is still giving so many cents per week. He does not see the whole question of tiding, and it is only in recent years that the church has introduced 10 an education policy away from this sort of ticket money approach in Black congregations, and brought in some understanding of tiding and Christian stewardship and proportional giving. That has not as yet made a marked impact on the income of the church, although where it is working, it is making an impact. Therefore, illogical as it sounds the answer is no.

CHAIRMAN: Might I ask, is there not the possibility too of a belief amongst members of member churches of the South African Council of Churches that why need we contribute? 20 Money is coming in by the lorry-full from Germany? --- I think that does take the urgent edge off a concern for greater support by the local churches, yes.

MR VON LIERES: But do these oppressed people in fact know that the money is coming in by the lorry-loads from Germany? How would they know that? --- No, I heard the Judge talking about - not the oppressed people, but others. No, but my answer on the oppressed people stands, and that is that by and large apart from - and I talked about our incredibly generous Black membership. Now, in my 30 experience/...

experience, that does not apply so much to the weekly giving. It applies to a thing called "kgono" which once a year is a major fundraising event for missionary work, where they in fact give money which is going to support other missionary work. But by and large the regular giving pattern is one which the church has not succeeded in breaking through to.

Does not this failure, Reverend Storey, to break through, demonstrate above everything else a lack of awareness amongst the oppressed, in inverted commas, of what the Council is doing for them? --- No, when I said the church fails 10 to break through, I am talking about denominations with their own members. I am not talking about the Council.

Yes. --- The Council does not have a direct relationship with members of a denomination.

I am asking, let me rephrase it then slightly: does not this unwillingness to contribute, or inability or whatever you wish to call it, indicate a lack of awareness amongst the people for whose benefit the Council says it works, of the fact that the Council works to promote their interests? --- No, I do not think there is a link 20 between their giving to their local congregation, and their awareness of the Council, or lack thereof.

Now, I am asking specifically, are they aware of what the Council is doing for them? The people? Forget about their churches. Are these Christians, these Black Christians, aware of what the Council is doing for them? --- I think that would depend on where they were in the life of the church, although it could work just the other way. If somebody for instance in a rural area was a member of a church and at the same time benefiting by an ICA 30

scheme, that particular person would be very aware of what the Council is doing for them. But by and large I would have to say that the awareness of what the Council is doing, is something which must be at its sharpest in the most intimately involved parts of the church's life, and at its weakest, the furthest edges. I would say it is an impossible thing to try and quantify.

Yes, no, I would not like to ask you to give a percentage, but it appears that this awareness then has not quite penetrated at the grass roots level? --- I would say 10 that that is true of everything the church does, whether it be trying to raise money for a new old age home for Blacks, that awareness, again, the whole life of the church is spent trying to penetrate to the grass roots level.

CHAIRMAN: Are you aware of the extent to which members of the Zion Church contribute towards their church? --- I have heard about it, My Lord, and it seems to be quite unbelievable.

I am not talking now of the purpose for which it is applied, but what I also - what I have read, but it 20 seems to be - the fundraising there seems to be very, very successful indeed? --- It may be because there is not the missionary background to that church, which established this kind of set figure per week, which has become immovable.

MR VON LIERES: Could we perhaps turn to page 24 then, paragraph 7? You make the point in paragraph 7 that your reservations about the grants to liberation movements has been weakened because you yourself believe so strongly that the grants that should be made to you, should be 30

within/....

within your control entirely. Now, I was wondering whether I understand you quite correctly in this context. The South African Council of Churches does not prepare a global budget and say, here is my lump sum, I am looking for R4 million or whatever the case may be. It makes up its budget of the requirements of its various divisions with their various funds? --- Yes.

And it says, right, I require so much for Asingeni, so much for Dependants', so much for ICA or theological work etcetera, and then it goes overseas and it says, 10 these are my budget requirements and the donor says, I will give for this division or that division or the next division. That is basically how your funding works? --- Yes.

Now, in that context, if that is so, the preparation of your budget is entirely within your control, is it not? --- Correct.

Because you determine how much each party should get? How does that then weaken your observations that you have reservations about the grants made to liberation movements? --- I think you may have misunderstood me. Let me 20

just - what I was trying to say here, is that those of us who have very serious reservations about the grants to liberation movements by the PCR, and I count myself as one of those, one of the reservations which immediately comes to mind, is, if the World Council had some method of accounting for that money, so that it could be absolutely clear that it was in fact used for welfare and other purposes, that would take away one of the objections to those grants, being that - that objection being, it seems to be given with no strings attached, and therefore the 30

liberation/...

liberation movements can apparently do with it what they wish. That is an objection. Now, when you want to make that objection, shall we say, in the World Council context, your case is weakened by the fact that you receive grants, and you insist that those grants should be without strings; you do not want anyone to say you are being manipulated from overseas. You want to say, we are handling this money. That is all I am saying.

Now, could we then just turn to your suggestion concerning indirect control that may be exercised, which 10 you mention in the next paragraph. I would presume that from experience, the budgeting officer in the Council would know which areas of activities are more readily funded by overseas donors than others, and advise the Executive or Financial Committee accordingly in the drafting of their budget? --- Yes, I think he would know where one experiences more difficulty. That would not necessarily, however, preclude having another crack at trying to find money for that particular ..

No, but that may indicate a restrictive sort 20 of approach as a result of that? --- Yes, except that in my memory I do not recall until last year, a situation arising where a project was in fact taken out or closed down because of lack of funds.

What about choir resources? --- Well, that I think was last year, and I said until last year I do not recall that happening, but last year there were two, the ecumenical officer and the choir resources, where after a period of time, as far as I can recall the report, for a number of years we had tried to find funding, we have not 30
been/...

been totally successful, we cannot find funding, we have even tried to meet it out of other sources, and now we must face the fact that we cannot go on with it.

Now, I am going to demonstrate to you that direct control is exercised over large portions of the Council's budget by the overseas donors, and I say this to you because if we take for example the joint financing agreement that exists between ICCO and the SACC, this financing agreement provides that the South African Council of Churches has certain duties in connection with the finances 10 they obtain from these people, and let me tell you what these are: the implementing organisation will utilise the contribution of the CFO in conformity with the project description; it will take responsibility for an effective implementation of the project. The implementing organisation may not deviate from the project description without the consent of the CFO. Now, what does this mean? This particular agreement that I have here, is an agreement, a joint financing agreement, support for SACC 1980 programme, project no 1181/1982G, and it says this; it says 20 that for the following functions, the SACC has applied for funds. Firstly, the General Secretariat; secondly, the Dependants' Conference; thirdly, the Ecumenical Trust Fund; fourthly, Asingeni; fifthly, legal costs. Then it sets out what other divisions of the funds are, and it sets out how this application complies with the local criteria that exist in Holland, and it sets out the budget, the fund or activity for which funds are sought, here for example for the General Secretariat, it says R470 000 for the 1980 budget, and the ICCO contribution is to be R24 000; 30

Dependants'.../

Dependants' Conference R820 000, ICCO produces R24 000;
Ecunemical Trust Fund, R150 000, ICCO produces R24 000.
So what you basically sit with is an agreement between your-
selves and ICCO in respect of the funds that it provides,
and that is of course not necessarily your whole budget,
but in respect of the funds that it provides, that you will
adhere to the terms of the agreement that had been entered
into between the SACC and them. Do you see? And because
of that I suggest to you that in fact they are exercising
direct control over that portion of the funds that 10
they have provided? --- May I respond?

Yes? -- I do not see it that way at all. What you
are saying is, there are strings attached?

Yes. --- What I am saying, that we have the ball of
string; it is our ball of string, because initially we have
said, this is the project. Now it seems to me that that
agreement is saying, we will use the money for what we asked
it for. That is what we will do. We are simply committing
ourselves to be honest; we said we wanted it for this,
you have given it for this; the least we can do is 20
give you an assurance that it will be used for this. Now,
that to me is not being controlled by them. It is simply
that with amounts of money like this, there is an agreement.
To me there is nothing controlling by saying, please use
the money in conformity with the project you said you want-
ed to use it for. There is nothing to me controlling by
saying, please try and do it effectively, and please, if
you want to change your mind about how you use it, then
you have an obligation to ask us, because we gave it for
that purpose. I do not see that that is control. I 30

think/...

think that is a mature relationship between partners.

Well, let us just have a look at it. Let me provide you with some more information on this. The agreement prescribes that the implementing organisation will keep financial accounts of the project according to the project description in a way that permits a proper insight into the spending of the contributions of the CFO and implementing organisations. It is responsible towards the CFO for the spending of the money made available by the CFO and for its own contributions. It has got to render the 10 necessary assistance, and CFO is entitled to make enquiries into the spending of the funds which were made available, or ask a locally recognised accountant to investigate, and the implementing organisation will render all necessary assistance. And then it says, under final stipulations, when the agreement comes into effect and it says, 7.2, the CFO may consider this agreement as terminated without legal intervention if before or during the currency of the agreement, the implementing organisation is no longer prepared or able to execute the project, without previously 20 reaching an agreement, the implementing organisation has transferred to project to another organisation, has usurped decision-making power with regard to the implementing organisation, or the circumstances change so fundamentally that the significance of the project is essentially affected, if dissolution takes place, the CFO can determine and to what extent the implementing organisation will be obliged to refund the amount which was already transferred. So there - this type of contract contains provision for strict control to be exercised over the use of the funds? 30

Your/...

Your point that you have asked for the funds for a particular project is a quite valid one, but within the exercise and the application of those funds on such a project, in view of your obligation under the agreement to report back to them, in view of their right to come and inspect and see what is going on, they can, with regard to that particular project for which they have provided money, to the extent that they have provided money, they can exercise direct control, if you do not comply, they can cancel the agreement? --- Yes, and to me that is not exercising control of what the SACC does. It is exercising a responsible control over the money which it has given for a particular purpose, and I think ensuring simply that what it was given for, it is being used for.

THE COMMISSION IS ADJOURNED

C8

THE COMMISSION RESUMES:

REV. P.J. STOREY CONTINUES HIS EVIDENCE:

ADV. VON LIERES: Before the adjournment, Reverend Storey, we were discussing the question of control and in amplification of your suggestion that it could be argued that indirect control might have been exercised, I suggested to you it was direct control, you disagreed with that, we gave you a few examples of agreements that exist with regard to funds made available for various countries for various projects. Well, if it is not direct control can we agree that it certainly indicates a measure of control? --- I don't believe it indicates a measure of control over what the Council does, no, I believe it could exercise a measure of control over what the Council may have failed to do in terms of its stated intention. If it failed to meet its stated intention then I believe the donor partner would come into the act by way of that agreement. But if the Council did what the Council said it was going to do there is no control.

10

20

CHAIRMAN: Is your point that it does not in any way indicate that the moneys are - indicate some sort of control or influencing by the donor agency that the money should be used for Asingeni rather than for African Bursaries or that sort of control? --- I would include that, Sir, but I think I am saying something even more fundamental than that. The Council says: this is what we want to do, if that is funded, then I believe any measure of control that the donor has can only come into play if the Council fails to do what it said it wanted to do, so

30

the / ...

the initiative remains with the Council in my view.

ADV. VON LIERES: I think we must just perhaps distinguish between two things, in the sense that you refer to control I understand you to exercise an influence over the policy of the Council. There is another sense of control and that is a sense of control whether the funds that were available were applied for the purpose and the intention for which they were made available? --- Yes, and I think that that second area of control only comes into play if the Council fails in its stated policy.

10

You mean the exercise of control then by the donor? --- I am saying that if the Council fails to honour its initial stated policy, at that point the donor has control to the degree that he can take that money back because it wasn't used for what it was initially said to be used for or planned to be used for. I don't believe that in fact represents control over what the Council does.

Can we then perhaps reach some form of finality on this point, as far as the physical application of the funds are concerned for the particular project that was approved by the overseas donor, in those instances where agreements exist covering the provision of those funds, the donor has in terms of the agreement an influence and a right to satisfy himself that the funds are applied for the project for which they have been approved? --- Yes.

20

We agree on that? --- He has that right, yes.

Right, now I think it is on the wider point whether the making available of funds by the donor has a direct or an indirect or no influence on the policies of the Council that you say that does not exist, there is no influence

30

exercised / ...

exercised by the donor on the policy of the Council, do I understand you correctly? --- Yes.

Now, could I perhaps in this connection refer you to a letter which I think may be relevant to this latter question, a letter written by your General Secretary on the 22nd October 1930, to the Reverend Warner Conring, and I read from page 3 the second paragraph. He says:

"We see ourselves as involved in a liberation struggle. We have regarded the German Churches as powerful allies in this struggle. We also have enemies. The lines must be drawn clearly. Those who are not with us are against us. We are sometimes even exposed to physical danger. Can I know whether I can count on yourself and the German Churches as being on our side and committed in solidarity with us in that struggle for a new and a more just society. I believed this to be the case but I am puzzled by your recent conduct, and it is unfortunate that all of this should happen when I can't travel to meet our friends face to face because of a confiscated passport".

10

20

Now, in the first instance this particular paragraph says that the South African Council of Churches regards the German Churches as a powerful ally in the struggle for liberation, that is the SACC's attitude. Can one not infer from this fact that the German Churches when they make donations therefore acquiesce in the aims and objectives or rather in the activities that the SACC seeks to perform in the furtherance of achieving this liberation in the

30

broad / ...

broad sense of the word, isn't that common ground between the churches - the SACC and the German Churches?

--- Yes, I think so, they would be committed to peaceful change, yes.

Now if the SACC were to conduct an activity that fell outside the scope with which it has reached consensus with the German Churches, do you think they would then in those circumstances also provide funds?

--- I think that if the SACC were found to be doing something which became inconsistent with what any group of Christians anywhere in the world thought to be the right thing for Christians to do, yes, I think that they would then question whether they could fund it, yes.

10

You see, I think what we are ad idem about is that both parties are supportive of one another according to the SACC view because they struggle to achieve the same objective, I think this appears quite clearly from the paragraph that I have quoted, and therefore I think it follows that funds that are made available for activities that fall within this broad parameter on which the parties are in agreement, there is no argument about that, it is a logical corollary of the partnership?

20

--- Yes.

Now you see, this partnership is emphasised on the previous page, page 2 at the bottom, where the General Secretary chastises Conring because he wanted to come and inspect the books, you have referred to that yesterday already, but he carries on and he says:

"I thought that we are regarded as equal partners with our friends overseas and that we are the

30

KED's major partners in South Africa, and that no funding emanates from the KED about which the SACC has not given some opinion or is at least informed about. Is this still the case since I am aware that certain individuals have been able to get KED funds with no reference to the SACC or the joint screening committee".

The point here is that the SACC view is that the German Churches and the SACC are equal partners, but there may now at this stage be a bit of doubt. They are equal partners according to the SACC point of view. Now in this process of being equal partners, isn't it automatic that the one partner is going to exercise a certain amount of control over the other partner in the process of achieving a joint objective? Isn't that a logical interaction between partners who aim to achieve a particular objective? --- I don't know that it is a logical corollary at that. I think it implies a mutual regard and respect and I get the feeling from the letter that you are quoting from that something went wrong with that mutual regard and respect, and yes, he is being questioned by Bishop Tutu.

10

20

Could I perhaps just put you in the picture, this letter was written as a result of Reverend Conring visiting South Africa in order to inspect certain books, you referred to it yesterday in your evidence? --- Yes.

And this is now the General Secretary's letter in response to that particular visit? --- Yes, I don't recall referring to that.

Well when you talked about exercising of control over the funds no Third World country wants the donor to

30

tell / ...

tell him how to work - in that context this thing came to light? --- Yes, I still don't recall having actually referred to ..(intervention)

No, you haven't physically referred to SACC-KED, that is quite correct, but in the context of saying why your stance against PCR grants to the Liberation Movement...(intervention) --- Yes, yes, I am with you.

In that context, right. Now, if one is dependent on overseas funding, isn't one virtually obligated to design programmes that will capture the imagination of your overseas donor to loosen the pursestrings? --- No, I don't think one is obligated to do that, I think that one may be tempted to do that, but I don't think you are obligated to do that, and I know of situations where the availability of large amounts of State funds for instance Old Aged Homes have produced a great interest in Old Aged Homes in certain Churches, so yes, okay, I think that that is a possibility, but I have to concretise this and say that I don't see any one of the programmes of the Council as having had that sort of genesis. I think that a need has been expressed and felt, and that that need then has been canvassed amongst overseas donors, but I can't see the SACC sort of putting time/energy/staff etcetera into something simply because somebody overseas is interested in funding that sort of thing, I don't think that is where the priorities are decided, which I think was what you implied.

Could I perhaps give you an example to ask you whether this does not demonstrate that temptation to emphasise / ...

emphasise so that the donor may provide some extra moneys. In a letter on the 1st November 1979, addressed to Mr. Tom Draisma Iko written by your General Secretary, he refers to the agreement between Iko and the SACC that he sent to the SACC for consideration before submission overseas to the authorities for approval, or then submission for that part of the funds they wanted from the Dutch Government, and it reads as follows:

"Alan Wentzel has passed on as indicated your letter to him of the 1st October. I should say that the programme application is allright except for one or two small points. On page 2 under Asingeni Fund you speak much more of compassionate relief which we give through this Fund, but you should stress much more the fact that this is a Fund that has provided much of the money for the legal defence of people charged with political offences".

10

Would this not be an example of emphasis shift - well the emphasis is shifted here from compassionate relief as far as the Asingeni Fund is concerned to the fact that the Fund has provided much more money for legal defence of people. Wouldn't this be such an example that demonstrates that one wishes to emphasise particular aspects to get the donor to make finances more readily available? --- No, I don't think so, I think it may simply indicate a desire that the full scope of that Fund be properly emphasised overseas. It is a letter from the General Secretary, it is a letter from here I understand. All I hear the

20

30

General / ...

General Secretary saying is: I see you are promoting this Fund as such and such, I want you to emphasise such and such. I don't see that that is doing any more than saying: tell the total story about the Fund.

Right, but it does take the emphasis away from the individual to the political? --- I don't know if it takes the emphasis..(intervention)

Well I am asking you? --- It adds the political to the individual as far as I can see from that.

It adds the political - it stresses the political, that is the word used? --- Well, if in fact they had not been saying anything about that, then I don't believe that the Bishop is telling them that they must now stress it above that, he is saying: but you haven't said something - there is something that you haven't said about the Fund, please say it. 10

Now the report back, the periodic reports by the Asingeni Fund to the donors is another form of telling the donors what is happening to their money? --- Yes.

And in some of these Asingeni Reports, I think it is No.22 but it can also be No.25, at the same time it contains an appeal for more funds from the donors, this report back by the Asingeni, do you know how it is distributed, the Asingeni Reports? --- No. 20

Do you know whether the Methodist Church gets a copy of it? --- I would be fairly confident they do, but I don't know.

These Asingeni Reports are really more than a report to the Constituency they are also a report to the donors of what happens to their money? --- Yes. 30

It is a report to those who foot the bill to show them what has happened to the grants they have made in respect of that particular Fund as an example. Now apart from the German Churches, would it be equally the SACC position that it sees itself in partnership with other churches, the Dutch Churches, the Swedish Churches? --- Yes, I think it is a phrase that has come to describe our relationship with all our overseas donors, yes, we would call them partner churches.

CHAIRMAN: I think donor partners is the phrase?--- Donor 10
partners, yes. I think it is a phrase, M'lord, which they probably initiated rather than ourselves in the sense of wanting to make it very clear that this is a partnership not a senior/junior relationship.

ADV. VON LIERES: Now, in one of the letters - I haven't got the letter before me now but I will put its content to you as soon as I have it and you can have a look at it, in a letter written to Dr. Berglund, who was in Sweden at that stage, this appears on page 2141 of the Record, this was - thank you I have got it now, this letter was dated 20
the 5th April 1979, and it is in response to a letter that Dr. Berglund had written in which he informs the General Secretary that he had discussions with Mr. Tore Bergman and the Reverend Manson, and one of the issues that was taken up in their deliberations was the Asingeni Fund, and he says he tried to put across as clearly as possible the need of the Fund, underlining the fact that whilst "we, at the time of the commencement of the Fund regarded it as more or less temporal of nature, now discovered that the needs covered by the Fund have come 30

to / ...

to stay. The Fund in other words has by no means fulfilled its mission, nor have the needs become less. Both gentlemen understood the needs very well but stated that in order to place the matter before their various boards etcetera, they would require some kind of documentation describing partly what the Fund has covered in the recent months of its existence". And then he carries on and he says "please provide me with information". In response to that on the 5th April then the General Secretary writes this letter and he says:

10

"I am enclosing copies of our 1979 budget and our latest Asingeni Report. I would have hoped that in any case they were receiving these regularly. I intend doing at least a quarterly report. I hope that our friends are indeed satisfied that we are good duets[?] of the funds that they make available to us for assisting our people to prepare themselves for the day that liberation comes".

Now, I don't know whether you attended the Commission at the time when this - it was put to the witness, I think it was General Coetzee that the word "duets" is a typing error and it should be "good stewards". I want to suggest to you or I want to ask you, in view of the fact that you say: right, the overseas churches and the SACC are partners, and in view of the fact that this letter was written supplying information as part of the process of appeal to obtain funds, whether this word "duet" isn't in fact the exact correct word that was used there to underline the partnership that exists and the interaction that exists

20

30

between / ...

between the two rather than "good stewards"?

--- Definitely and utterly and completely not, there is no way that Bishop Tutu with the command of the English language that he has could possibly have created a sentence like that. Nobody can be good duets with anybody or good duets of anything. The word I am quite clear in my mind was meant to be "stewards", it is a common phrase which we would use in church circles because the concept of stewardship is one which is familiar with us. The word "duet" is just so improbable as to be totally absurd there.

10

Well a duet of course, Reverend, is something that is sung by two people? --- Yes, I know that, but you can't be duets of anything, that is just bad English.

And here we have two organisations, the SACC and the Swedish Church, the one applying for funds from the other one, a relationship of partners, you know there is such a vast difference between the word "steward" and "duet"? --- Well it is simply because there is such a vast difference that it is totally impossible that the dictator of that letter could have meant "duet", but apart from that I have pointed out that the grammar creates an impossibility, and you know, all I can say is that the moment I heard that - and I was present in the Commission - the moment I heard that word coming out I think it created a measure of amusement when it came out, immediately in my mind I knew what the error had been without anybody discussing it in this room, it must have meant "steward". But, you know, without questioning the Bishop's command which I think is fairly good of the English language - PAUSE 30

It / ...

It is excellent I would say. --- I would have to say that it just could not have been said, and I can't imagine in any letter to anybody, no matter how close one is in partnership with them, that one would use the word "duet" to describe one's relationship. It conjures up pictures of two ladies in crinolines singing in soprano, it just isn't the kind of image I don't think which would be used. That is all I can say.

Now on the alternative on your suggestion that it should in fact be "stewards", this would mean stewards or 10 caretakers of the funds that were made available, a steward and a party for whom he is a steward? --- Yes.

A steward being in the same position as an agent? --- A steward is somebody who holds something in trust, we are stewards of creation, we hold creation in trust under God. A steward is somebody who holds something in trust, and when I account for my stewardship I am accounting for the way I have discharged a trust.

So really what is the big difference between the two words then? --- Well the first difference is that "duet" 20 couldn't have been used, but I am not suggesting, I need to hear the sentence again, we are discussing duets but - PAUSE

It reads as follows:

"I hope that our friends are indeed satisfied that we are good duets of the funds that they made available to us for assisting our people to prepare themselves for the day that liberation comes".

--- Yes, to me the meaning of that sentence is quite simple: I hope that our friends are satisfied that we have in fact done what we said we would do to the money. 30

Well / ...

Well what is the big difference between stewards and duets then, I mean, both convey really the same meaning? --- Well, I am among other things simply protecting the Bishop from being accused of having so massacred the English language, that is the first thing. But the second, I ..(intervention)

You see the "duets" isn't something from which you must draw a particular inference, the sentence is quite clear: are our friends satisfied that the money they gave us has been properly applied, and that we have done our bit, that is really what he says? --- Yes.

10

So why the big shout about whether it should be "duets" or "stewards", I don't know? --- Well because, no I don't know if there was a big shout or not, it certainly was amusing because it is very hard to imagine.

The fact is that the friends should be satisfied how the money is used, I think that is really the essence thereof? --- Yes.

Now, I want to suggest to you then that in view of the relationships that exist between your overseas donor partners and yourselves, in view of the agreements, that in fact it can't only be argued that an amount of indirect control might be exercised but that due to that relationship your donor partners in fact exercise a certain degree of control. I am not saying you can't quantify it, but they do exercise a certain degree of control? --- I think what I have said is on the record, and what I have said in response to yourself is on the record and that is where I would stand, I would say no more.

20

Right, but I would like to make this last point,

30

that / ...

that it is certain that you are definitely more dependent on your overseas partners than on your local members to enable your programmes to run? --- Yes.

Now as far as the Joint Screening Committee is concerned, I am not suggesting that it does or does not do good work, I am just going to ask you your understanding of its administrative and control procedures. I have already referred you very briefly in reading out from the Reverend Conring's letter, I have in passing referred to something the General Secretary has written about the Joint Screening Committee in which he claims that he is concerned "because we are the EKD's major partners in South Africa, and that no funding emanates from the KED about which the SACC has not given some opinion or is at least informed about", that is the first point. The second point is: "Is this still the case since I am aware that certain individuals have been able to get KED funds with no reference to the SACC or the Joint Screening Committee". I am suggesting to you that the understanding of the South African Council of Churches was that KED or EKD would not fund any project unless it had received the opinion of the Joint Screening Committee? --- Yes, I am not aware of that opinion.

10

20

Would you like to have a look at the letter? --- No, I heard it, but as I say I am not aware that that was the opinion of the SACC, if that was the opinion.

You see, the Joint Screening Committee, therefore, you have used the word - in collusion with its partners overseas - well I wouldn't have used the word "collusion" but that is neither here nor there - the Joint Screening

30

Committee / ...

Committee..(witness intervenes) --- Thank you for that advice.

.. is considered by the SACC as the advice-giving body to the overseas partners in connection with fund applications, and there is a long set-up, I don't know whether you know it but it comes from the applicant or the one who wants to have the project, local church, regional council, to the ICA department where it goes to the Joint Screening Committee and then eventually it goes over to overseas? --- I am not familiar with the detailed process.

10

Then I will leave the question of the Joint Screening Committee. Now, are you yourself aware of the fact that there is a perception amongst your Member Churches that foreign funding gives the Council too much freedom? --- Yes, that was one of the points I mentioned in that letter 4th June 1930. It was one of the points I myself raised, it was seen in some areas that foreign funding was giving the Council too much freedom, away from the Member Church constituencies the way the Minutes record it.

20

Let me just perhaps - two last points on this foreign funding - quote to you from the General Secretary's Report on the financial rand and the Christian Development Trust. He reports there that:

"I know that we in the SACC are guilty of some ambivalence because our support is 90% foreign. We thus bring in over R3 million into the South African economy even if it is earmarked for worthwhile projects, one's hands can't be

30

entirely / ...

entirely clean".

The point that he made here is obviously the dichotomy between the urging and support for disinvestment as it is understood, and the requirement to obtain overseas funds in order to carry on with the activities of the SACC. Do you go along with that? --- Yes, I think that would be his view perhaps, he would need to answer for that view.

Yes, what would your view be, is there an ambivalence, is the SACC guilty of ambivalence? --- No, I don't believe 10
it is guilty as an SACC of ambivalence, I think some people within the SACC may feel that ambivalence because they have strong views about investment, but as I have already or did point out in my submission the SACC has agreed to differ within its own boundaries on this issue, and therefore I think it could be equally argued that those within the SACC who don't have the same strong feelings about investment would not feel any ambivalence.

It is rather a strange situation isn't it, that the majority decision at the 1973 National Conference 20
on disinvestment urged a disinvestment resolution as it was reported in Ecunews - well let me complete my sentence before I refer you to the document - it is rather a dichotomy that a disinvestment resolution is urged on potential investors whilst at the same time the SACC continues to accept funds from overseas. Now that is the statement, you can respond to it in a moment, I just want to read to you out of the Ecunews Bulletin No.20 of 1973, of the 21st July 1973, under the heading "foreign investment debated": 30

"The / ...

"The debate on foreign investments held in committee and with a legal adviser present evidenced the restriction on open discussion of this issue under threat of prosecution in terms of the Terrorism Act. An anomalous tact with differing motivation developed into a call to "say" nothing, one reason being to avoid the possible contravention of the law, the other being to highlight the suppressive nature of the SA legislation and policy.

10

'Therefore it is preferable to say nothing if we cannot say it at all'.

In the event a resolution was adopted after strong debate which inter alia, called on 'foreign countries and organisations for the sake of justice to revise radically their investment policies with regard to South Africa in such a way as to benefit the total population of South Africa'."

Now, firstly, this resolution that was adopted obviously expressed the majority opinion of whoever consulted and it reflects a majority view of that particular National Conference. One can also I think put it to you that because of the existing state of the law as that National Conference saw it this is a very much watered down resolution from what it otherwise could have been. Do you go along with that?--- No.

20

But that is what it says here? --- It doesn't say that it was watered down, does it?

No, it doesn't say so, it says: because of the threat of prosecution in terms of the Terrorism Act and

30

the / ...

the suppressive nature of the South African legislation eventually or in any event then a resolution was adopted after a strong debate. So one can assume, I think fairly infer, that because of the restrictive nature of the legislation all wasn't said and the resolution wasn't worded as strongly as it would otherwise have been worded? --- I think that is a possibility, but I don't think that one can just legitimately infer that.

Now, how does one explain to one's constituents that one urges foreign investors not to or to reconsider their investment position or policies with regard to South Africa whilst at the same time one accepts donations from foreign organisations without trying to find the means at home, these two things don't relate to one another? --- Could I request a copy of that resolution, I was not at that Conference, and I haven't been able to lay my hands on a copy? Thank you - now this isn't the resolution, this is Ecunews. 10

That is right. --- You did have a copy - sorry, M'lord, but there was a copy, you gave it to me earlier today, I have a feeling it was the one that had the word "confess" in it, I may be wrong. - PAUSE - Yes, in answer to your question I think I would need to say - and I have glanced quickly through this - but the crunch paragraph is the one you have underlined. I do not believe that that is a call to disinvestment, "to revise radically their investment policies and employment practices in regard to South Africa in such a way as to benefit the total population of South Africa", I believe that that is a resolution which asks people simply to do 20 30

just / ...

just that, to revise radically an investment policy does not necessarily imply disinvestment, it may imply a different kind of investment, and your employment practices, I would suggest it is hard to revise employment practices if you are no longer to be employing people in this country. And so to me yes, it is carefully worded, it leaves the door open to be interpreted by somebody yes, disinvestment - my radical revision means I am going to disinvest, but it does not in fact call for disinvestment. I am glad to see it in front of me because for me the last word spoken on this was the word that I mentioned in my submission, where we recognise that there was a division and as far as I can see this Resolution, although I wasn't at that National Conference, I don't know what the feelings were or what was said there, does tend to reflect a similar position, that the SACC certainly could not move to a disinvestment, a straight disinvestment call - now I know that you have implied that that is simply because of the law, I would suggest that that factor..(Mr. von Lieres intervenes)

Excuse me, I am not implying that, that Ecunews report implies that. --- Okay, I would say that that obviously increases the sensitivity and the delicacy of the whole thing, but fundamentally what lies behind this resolution is the same reality that lies behind what was said by the Executive and Church leaders, that we are divided, but what we are unanimous on, and I think the Church leaders' resolution with the Executive says the same thing - what we are unanimous on, what we are clear

on / ...

on is that anybody who is investing in this country must do so with a very deep sense of concern for the impact of their investments on the total population of South Africa.

CHAIRMAN: Could you give me an illustration of what sort of activity the people had in mind, I know you were not there, but you have been asked about it now, what sort of activity on the part of potential or actual overseas investors is contemplated there? --- I can't speak for what was in others' minds, but if I was to respond to that question I would say if there were areas of shall we say largely Black labour in this country where it was shown that the conditions under which these people were working were not satisfactory and were not just, then I think I would feel free to say to an overseas investor: should you be investing there in that particular field, that would be an example I think of how I would see it. Yes, that is an example. 10

Thank you. --- So I think really if I may just conclude my reply, if what I have said is true and this does not in fact reflect a disinvestment position by the SACC then I don't see that there is that contradiction for the SACC in receiving money from overseas, although those of its constituency who feel for disinvestment would see this as something of a contradiction, a problem. 20

ADV. VON LIERES: Now I know you have already told the Commission you are supportive of the minority view as far as this investment story is concerned and you as president are now faced with a majority resolution, which you have seen, with which you basically don't seem to agree / ... 30

agree? --- This resolution?

Yes? --- Oh no, I have no problem in agreeing with this resolution because I don't see it as a disinvestment resolution.

But if - I am sorry, I made a mistake there - if it was a call for disinvestment you would not be able to side with it? --- I would have a problem. Then I would have the problem.

No, well I was just going to ask you how you were going to handle it but you say that position hasn't arisen yet? --- It is one problem, Sir, that I haven't had to handle yet.

10

Are you familiar with this book "The South African Churches in a Revolutionary Situation" by Marjorie Hope and James Young, it is a Mary Knoll publication 1981? --- Not at all, I haven't seen it.

You don't know about this particular book. On page 113 of that book there is a pen sketch - well it really starts earlier from page 109 onwards there is a portrayal of Bishop Tutu which runs up to page 115. Now, these people state on page 113:

20

"Although we knew that it was a treasonable offence for a South African to support disinvestment, we decided to probe a little 'for instance he - referring to the Bishop - elaborated: 'American corporations could radically reverse their investment policy, could make substantial investments in Black education and training, they could look carefully at new investments. Multi-nationals do support a system of injustice, one

30

that / ...

that is inconsistent with Jesus Christ. These corporations could decide to continue here only if the Black labour force is decently housed in family units and reasonably near the factories. They could make substantial investments in Black education and training, they could attack the homelands policy, population removals, the resettlement camps, the vicious new refinements of the Pass Laws multinationals have couched but they don't use it. You know, South Africa is not a one-commodity country, it has a sophisticated economy. When freedom comes we can choose where our friends shall be and we have asked: which side are you on'.

10

Shortly after this interview Bishop Tutu elaborated on his views about the foreign investment in public thereby embroiling himself in open conflict with the State".

Then they refer to the Danish TV broadcast, and the point here is that the nature of the radical revision is one that would require a recognition or a furtherance or an improvement of the Black situation in labour, that is how it is expressed here? --- Yes.

20

Now, what has the South African Council of Churches done in view of this resolution to make itself less dependent on overseas funding? --- I don't think that what has been done has been done in view of that resolution. So far as I am aware - and I don't think I am aware of all of it - but I do know that the General Secretary has approached business houses in this country, apart from

30

the / ...

the call that has already been referred to that the Churches should increase their contributions, and so far as I know there have come some moneys from business houses in this country, but I am not sure why you said "in view of this resolution"? What I am saying is that I have just had a quotation from you from a book in which again I haven't heard a suggestion of disinvestment.

Yes, not disinvestment in its proper sense, but a radical rethink? --- Yes, which I would call responsible investment, morally responsible investment. 10

We know from the documentation of the SACC to which I don't need to refer in detail now, that it is considered that pressure on foreign investors is considered as an alternative to possible violence, and the argument runs that if the pressure of foreign investors cannot effect a change in South Africa then the only alternative is violence, that is why foreign investors - pressure has to be exerted on foreign investors to exert pressure on the Government to effect change, that is basically the Council attitude from its documentation. Now if this pressure on the foreign investors is successful and they withhold their investments here, the question is then simply how is the Council going to explain to its constituency why it continues receiving foreign funds whilst at the same time urging the foreign investors to exert pressure, one of the forms of pressure could be refusal to invest any further funds? --- Yes, I think that we are back at the beginning of the circle again, and my answer I think has to be similar to the one I gave then. I don't think, 20 30
because / ...

because the SACC has not called for disinvestment but rather what I would call responsible - a radical revision of investment policies which for me would be acting responsibly towards the total situation, for me that would not necessarily imply disinvestment so the issue would not arise.

And now for the majority of the Council who have a different view to yours? --- I don't think at any point I have said it was a majority.

I am sorry, you are quite right. Let us turn to page 28 then. Just a small point in the first paragraph you say that your accusers are secular and non-theological and do not understand the Church in respect of your involvement in caring and the allegation that it is selective. I just want to add to this list of possible accusers then Mr. Thomas, who has made the point about the contrast between mission and evangelism, effort and a socio political effort, I have already referred you to that, page 53 at the bottom of his book, he also seems to say that the selectivity, if I can interpret that briefly, doesn't concentrate sufficiently on the spiritual values, and I think you have also responded to that at an earlier stage already, I would just like to place that here in this connection. --- Can I just comment and say that I read Mr. Thomas' words here as describing how some people felt, not giving his own opinion. He says "there was a feeling in the SACC constituency that evangelism was the preservative".

Right. Could we then turn to page 30 where you deal with the charge of selectivity, where you concede or make

the / ...

the point that of course you are selective and you then carry on over the next three pages and you provide various reasons why you are selective - so it will be page 30 onwards? --- Yes.

Now, could I first take you to page 32 where you make the statement in paragraph 17: "that the Church has a very special concern for the political accused because he is very often being charged for something which wouldn't be regarded as a crime in any democratic country"? --- Yes. May I point out first that I said "very often" not always. Given what I said about banning at another point in the submission as being a completely undemocratic way of dealing with dissent, a person charged with belonging to a banned organisation is in my view being charged with something which would not happen in a totally democratic country, and that is an example.

10

Any other examples apart from the administrative banned? --- Yes, I think when you say much revolves around that because I was going to say somebody who expresses an opinion which again is viewed as being one which - what is the word - furthers the aims of Communism, again in my view the expression of an opinion in a democratic country would be allowed. If that person's opinion led to action which was recognised by a country as being a crime, that might be different, if he actually did something, but simply expressing an opinion in my view is an infringement of a very important democratic right which is the freedom of speech. That is another example.

20

CHAIRMAN: Is it your understanding that it is an offence

30

merely / ...

merely to speak out in support of Communism? --- PAUSE

It is an unfair question perhaps because it is coming onto a legal point, but I would like to be clear what you meant in the sentence? --- M'lord, I would say that anybody who did that too often would be on very delicate ground in our country, let us put it that way, and I think that he would be quoted in a Court finally, and if it was felt that what he said in balance seemed to be furthering the aims of Communism, my understanding of it is that he could then be banned or he could be sentenced.

10

I always thought that furthering the aims of Communism involved something much more than merely expressing an opinion that Communism has much to be said for it or that sort of thing - well I suppose it is not fair to involve you in a debate on ..(intervention) --- I welcome that news.

ADV. VON LIERES: Now, I think, Reverend Storey, it would be fair to say that by and large the vast majority of cases for which the SACC has provided legal aid as reported in Asingeni and the Ecumenical Trust Fund Minutes and even the Legal Cost Trust Fund Minutes and even the funds that independent conferences from time to time made available, by and large the vast majority are offences of the nature of public violence, arson, sedition, treason, terrorism, public gatherings which were prohibited under the Riotous Assemblies Act, some forms of statutory offences, would you agree with that, would you go along with that? --- I am not sure, simply because I don't have all those facts at my disposal.

20

30

Well / ...

Well I think you can accept that the Commission can decide whether my suggestion to you is wrong or not, they have the documentation? --- But may I pick up just one of them and say, certainly from my experience as a newspaper editor for a period of time, I discovered that the Terrorism Act was one which could well cover publishing anything which could be presumed to advance the cause of banned organisations and so on, that would again to me be something which strictly limits what can be said, maybe some very true things which may be very positive about a body which is banned you wouldn't be able to say, perhaps if I could go further, I know I am backtracking a little bit but it just started a train of thought in my mind - for instance the legislation which prevents publication of information about what happens in prisons, the legislation which fairly recently has been passed about reporting of - in other words I think in the whole area of press reporting there would seem to me to be a very real limitation on what I think in most countries would be regarded as a democratic right.

10

20

CHAIRMAN: Excuse me for interrupting, but aren't you going off the point with which we are concerned. Might I say that I have had a look at what is available to me of the offences with which people were charged whose defence was financed by the SACCC, and the substance of the offences charged were overwhelmingly offences which would be a Common Law offence in any country. Some of them are called terrorism but they involve the substance of the offence of the commission of acts of violence, sabotage and the like? --- Yes, I must accept that.

30

I may be wrong, I am not going to be dogmatic about it but that is my impression after studying these, that is why I was interested in what you meant when you wrote this sentence: "The Church has a special concern for the political accused because he is very often being charged for something which would certainly not be regarded as a crime in a democratic country".

ADV. VON LIERES: May I carry on? The point I wish to make which his Lordship has made now, is that whether the offence is a statutory offence known as terrorism or whatever, the essential ingredient in that particular offence contains violence, public violence contains violence, arson contains violence - an element of violence, sedition may contain an element of violence, treason may, all these types of offences have an inherent element of violence. So there is little difference between myself burning off the home and somebody else burning off the home. So I want to suggest to you that the selectivity to which you have referred in respect of this type of offence can only relate to the political motivation with the offence had been committed. And let me try and give you a practical example, if I were to burn down Joe's house and commit arson would the SACU provide legal funds to defend me? --- Unlikely - well, I don't know, you could apply. (LAUGHTER)

10

20

But now if I were to burn down the Administration Board building or a police station because of my political dissatisfaction with the government of the day, then my chances of being supplied with legal aid by the SACU are very good? --- I want to answer this very very carefully,

30

because / ...

because there is truth in what you are saying and I need to be able to say why if I haven't felt a dis-ease about that. May I do that?

CHAIRMAN: Would you like to consider the question, we will take the tea adjournment now, and that will give you a little time to formulate your answer.

--- Thank you.

THE COMMISSION IS ADJOURNED

THE COMMISSION RESUMES:

REVEREND P.J. STOREY CONTINUES HIS EVIDENCE:

10

CHAIRMAN: Would you like to answer the question now?

--- Yes, M'lord, I think in responding to that question I was about to say I have to be clear in myself as to why it is I believe in the rightness of providing such defence. Now, I think I could start by saying generally, and you will forgive me if I answer at length, that there can never be anything wrong providing a defence in terms of due process of justice for anybody.

I think you may assume that as a given right for the purpose of this Inquiry that the administration of justice is assisted. --- Yes. Then I need to turn to my introduction and the preamble and I need to remind you that the point I made there was that I said that the weakness of the case brought against us seemed to me that history is being read with one eye closed, and I went on just to argue that the major factor in our life in a sense which has not been mentioned by others who gave testimony here, was the situation of injustice under which people are living, and the very deep sense of opposition to apartheid that we have in the Church, and I can add the very deep

20

30

resentment / ...

resentment of so many apartheid laws amongst the people, Black people in particular, of this land. And therefore, while - and I must emphasise this - it must be clearly understood that the provision of such defence in no way implies approval of actions involving violence, whether they be arson or whatever, we do not condone those actions, but I believe - and here I refer to another portion of my submission - we understand why people have been brought to the point where they do this kind of thing. I can think of just one example, M'lord, I used 10
to run a course in human relationships entitled "My brother and me" where we would bring together fifty Black, fifty White people and over a period of time they would meet together and discover one another etcetera, and come to face up to some of their prejudices, and come to discover what the other man had to contend with, and so I think make a contribution to those relationships. One of those courses was run not a long time before June 1976, and one of the young Methodist Youth Fellowship members who came on that course was named Tsetsi Mashinini. He 20
made a great impression on us as a dynamic young Christian, full of fun, full of leadership qualities, the kind of person you would see going a long way. I remember that in the middle of that course this young man broke down totally in tears, he was quite unconsoleable, I had to deal with him because obviously he was a bit of an embarrassment to the people around that this should happen but in a little group discussion he had come across a White person who had expressed some fairly typical White prejudices, and he broke down because he thought he could 30

get / ...

get through to this person, and failed to do so, and as a result he just suffered a sort of emotional collapse, and what he was saying was: will they never understand what we go through. Now we know, Sir, that that young man played a very prominent role in the 1976 uprisings, and I think I can say that nothing I knew of that young man presented a picture to me of somebody who would go out of his way to burn anything down, but what I did see was a young man who had reached a point where he didn't believe that the things were his ideals and were precious to his future would in fact make any impression, and consequently I believe that he saw the other way. Now, I tell that story because I do believe that there is a difference between people who do things out of a political idealism, however misguided the action itself may be, people who do things not so much for themselves, but for their people or for the future of their people, or something they believe in, and somebody who would commit a crime purely out for his own gain or a sense of revenge on somebody, rather than that kind of ideal. Now these things I admit, I concede, are hard to measure, very hard to measure, but I believe that from the little contact I have had with young Blacks especially around that time, because a group of those young Blacks came out of Soweto every week to meet - this was another one of these courses - to meet with Whites, and one was able to hear how they felt about things. But there is a motivation here which is different from the commission of a normal crime or even a crime of passion. It is a motivation which people who believe that it is important to do something for their people / ...

10

20

30

people or their country will, I think, understand.
Then the next point, that is the point of motivation.
The next point is the one that I have made in my
submission, and that is the question of the emotional
element which does surround such trials, and the
importance, therefore, of ensuring an adequate defence,
because there is a sanction in the community, certainly
in that part of the community that has the power and a
horror of this sort of action, and I have indicated
earlier to you in my answer this morning that in the White 10
community the majority I believe cannot understand why
people do this and are angered by it. The next point I
would want to make is that - again it is in my submission
but I repeat it, and that is that very often that person
may have come to trial after a lengthy period of detention,
and I think I made it clear enough what I feel about what
it must be like in detention, and I said I believed that
the person in detention - "that there is none so vulnerable
so helpless so utterly alone and without hope as a man,
woman or boy in detention without trial". And we know 20
that statements made in detention are used in trials, they
are usually contested and are either admitted or not as
evidence, but I think that anybody who comes out of that
experience, I would have to say I question every statement
made in detention, I have to. It is bad enough sitting in
this sort of context the way it affects one, what it must
be like to be in detention must be something very dreadful
indeed. And then I think the other thing is that as of
now in our country sentences for this kind of action are
heavy and I would think heavier than perhaps a normal 30
incident / ...

incident of arson, I mean depending on the size of the building that was burnt down or whatever, but my impression is certainly that sentences for political offences are heavier, and while I am not certain what the position is now I know that until very recently certainly, there is no remission of sentence for a political prisoner. These are some of the factors, I think, that would form an answer to the question.

CHAIRMAN: Would it then be correct to say that at least part of the motivation in providing finance for the defence 10 of these offences that we are talking about, is to display sympathy with them and solidarity for the persons concerned? --- Yes, not necessarily with their actions, but recognising the ideals behind their actions, yes, I would say that. I would say it is appreciating those ideals, it is not easy to put into words but I tried to do so when I said I understand why, and I gave a number of reasons why I understood why a young person might make a decision in that direction, and I think I do understand that, yes. 20

ADV. VON LIERES: Those reasons that you have mentioned, Reverend Storey, basically the reasons why a young man acts that way, they make up his motive, his frustration against the Government and against apartheid, if they contribute to moving him to commit an offence, those reasons all make up part of his motive? --- Yes.

Now, let us just get this sorted out. You make no bones about it, you say the Council of Churches is selective, this selectivity we know from the documentation of the Council applies also with regard to the dispensing 30
of / ...

of legal aid, I think that is a given or accepted common cause if I can put it that way. The SACC proudly proclaims its support in providing legal aid for what it itself terms political offenders. Are you aware of that, it uses this phrase itself? --- Yes, I do know.

Now, an offender and a political offender, the difference between the two lies obviously in the emphasis on the political side of which the offence was committed? --- And the motive.

10

Yes, the motive. It appears to me that in view of the terminology you use and your proclamations around this particular thing, - well let me put it this way - what activates legal assistance by the Council is the political motive with which the crime was committed. We know that there was no single chap who was charged with housebreaking or ordinary common murder or whatever that was provided with legal aid by the Council, that I think we know. So it appears to me then that what activates this legal assistance by the Council is connected with the political motive of the perpetrator. Do you agree with that? --- Yes, I would go a little beyond that and say we would see him as part of the consequences of the system which we have spoken about as being wrong, and that one of the consequences is that people are being moved to this sort of action.

20

But I mean, I think it is common knowledge, the Council makes no bones about it, it is an implacable opponent of the Government's policy, it has stated its fundamental demands in order to achieve change that it

30

deems / ...

deems to be necessary, that is also common knowledge. Now, this legal aid which is given to the political offender can be seen as being supportive of a particular political motive, namely, the motive of the offender?

--- Yes, I think that there is a difference between being supportive of and understanding of, and I would make that distinction. In a sense we are saying this kind of offence would not be committed, it wouldn't be happening if it wasn't for the overall injustice of the situation, and in that sense there is understanding of its motive. 10

And you say that overall unjust situation is the direct responsibility of the Government, the State?

--- No, I think it would be unrealistic to say it is entirely the responsibility of the State, but I believe that Government policy has played the major role in bringing it about.

Now these motives that are inherent in these offences that are committed in respect of which you grant legal aid - well that is badly put - the offences in respect of which you grant legal aid are in a vast majority of cases and I now exclude the Lesotho support and the support for these people in Botswana from that, but in the vast majority of cases these offences were directed in some form or another against the State, the burning down of these beerhalls and various other examples that come to mind? --- Yes, I think they were symbols of the State, yes. 20

And something that bothers me a bit is this, that this selectivity has a very interesting facet, do you know what the Council's policy is on political offenders who 30

turn State witnesses? --- No.

Well let me quote to you from the Minutes of a meeting of the finance committee of the Ecumenical Trust Fund which was held on the 22nd August 1977, this was in the office of Mrs. Mazibuku, present were Mr. Rees, the Reverend Thorne, Mr. Wentzel, the Reverend Mphalele, Reverend Bell, Miss Hughes, Mrs. Mazibuku, Mr. Mthata and Miss Matterson. Paragraph 4, State witnesses:

"There was a lengthy discussion on whether to support the family of people who had given State evidence. It was agreed that as soon as it was known that a person had given State evidence, all grants to that person would be stopped. People can reapply for assistance in such cases".

10

Now, this is a Minute that rather bothers me because once you have selected to provide legal aid to a political offender who may be in custody, why is this stopped according to these Minutes the moment he turns State witness? --- I can't answer that, I don't know.

Isn't the position here that from this it appears that the legal aid isn't so much a compassionate function as the Bishop expressed in his letter which I have referred to earlier, but that it is a function that is designed to further a political motive. In other words it goes to assist the maintenance or creation of an objective condition rather than goes to assist the individual? --- Yes, as I said I don't know, I don't know why that decision was taken. I see that one can reapply, I don't know why that is.

20

But the decision has been taken, I think we can

30

accept / ...

accept that, this means that it is not so much, or this seems to indicate that it is not so much the compassionate care for the individual who is lonely and locked up that is relevant, but it indicates an emphasis on the political motive rather than on the compassionate care for the individual? --- Yes, as I say I don't know, I don't know what happened in that discussion.

No, I am suggesting to you that if this is the position then it indicates less of an emphasis on compassionate care for the lonely individual and more of an emphasis on the motivation why he has committed the offence? --- It may, it may, but I would be interested to know why that decision was taken from those who took it. 10

Yes, well there is the Minute. Now, you see, Sir, there is another bit of evidence that seems to indicate that the emphasis in the making available of legal aid is connected with the politics rather than with the compassionate Christian care for the individual, we have received some correspondence through your attorneys in connection with the agreement that was known as the FELCSA agreement. I think you are aware of this FELCSA agreement which was discussed in 1979 at various procedure meetings and so forth, but are you aware of the true content of this particular agreement? --- I don't recall, no. 20

Did you for example know that this agreement was concluded in order to effect disruptive interventions in the Courts - I quote the words "disruptive interventions"? --- No, I haven't heard those words.

Now if you accept for the moment that this is correct, this phraseology "disruptive interventions" is contained in / ... 30

in the letter that was given to the chap who had to verbally inform Mr. Rees and Mr. Schmale of what Dr. Helberg of the LWF in Geneva had in mind. It is clear from the documentation - well I am putting it to you like that, if the Commission disagrees with me it can be argued later, but it is clear that the intention of the agreement that was concluded with Mr. Chetty was to disruptively intervene in the normal running of the Courts, FELCSA and the SACC were parties to this agreement which Mr. Chetty had to execute. The objective of this agreement was basically that type of law which is offensive to the Council because it is based on the maintenance of the apartheid ideology, refers to Pass Law offences and those offences under the Bantu Law Section 10 and so forth would be included here. They mention here Chetty's task would be to assist at a number of trials of petty offenders, contravention of the Pass Laws etcetera? --- Yes, I recall that. 10

Now, this agreement is demonstrative of the promotion and furtherance of a political objective rather than compassionate care in respect of an individual, which is basically the point I want to make to you, and it appears to me that the solidarity of the SACC as demonstrated with regard to the legal aid for political offenders, lies not so much with the individual but lies with the motive with which the individual has committed the offence? --- Yes, let me say I have already said in my response immediately after tea, that the motive, the motivation is very very important. My recollection, and as you expanded on that there was some recollection, I think it was related to 20 30

Durban, was the aim as I understood it was in respect of the Pass Law Courts, where people are processed and sentenced at the rate of one every couple of minutes, that if somebody was in fact to provide a defence and argue some of these cases, that that would demonstrate how this sausage machine Bantu Law Courts was operating and highlight this. I don't remember it being talked about as disrupting, but certainly it would slow this whole process down very radically, if anybody was to actually come and stand for one of these people and defend him, and that this would have the effect of highlighting this situation, that is how I understood it. 10

Let me just ask you this one further question on this, Sir, would you be party to an agreement that intends or has as its objective to bring about a disruptive intervention in the Courts of Law? --- I would have to say that in respect of those Courts I would be sorely tempted because of the way in which they do handle people there, but I think I would have been unhappy about that wording because I would have seen that simply providing defence for people would have been enough. I don't think I would have - I don't think I would have liked to have looked as if I was deliberately setting out to disruptively intervene, the phraseology I don't like, but I would have been very happy to be party to a process of slowing down that whole Court process. 20

Normal legal aid? --- Well I think if one is slowing down for the sake of justice then slow down one must, and if that then has a consequence of spoiling the sort of neat rhythm these courts seem to have, be that as it may, 30
that / ...

that would be I think just a consequence.

So you say in fact you wouldn't have been party to an agreement which had the intention of disrupting the rhythm of the Court but you see no objections whatsoever in providing legal aid for people who are charged with these offences, is that right? --- Yes, but I don't think I would be so naïve as to say that the implication that it might have of slowing down that process, which to me is not disrupting but is certainly - I am looking for the right word which I can't find - that implication would not give me anxiety.

10

Well shall we say the difference is the conscious intention of creating that implication in contrast to the normal provision of legal aid? --- For me I am not sure that I would like to have seen that as the first and conscious intention.

CHAIRMAN: Were you personally concerned at the pace with which these matters were being dealt with, did that demonstrate to you or indicate that proper justice was not being done in those Courts? --- M'lord, when you say were, I was not involved in that agreement, if you say am I ..(intervention)

20

I use the past tense because you seem to have given the matter thought at the stage when the FELCSA agreement was being discussed? --- No, I never knew anything about that agreement when it was being discussed.

Well let us use the present tense then? --- Yes, from what I have read and on one occasion observed in one of these Pass Law Courts, it has seemed to me that it must be impossible for justice to be done, just seeing the kind

30

of / ...

of person that is brought there, very often a rural person who is totally at sea and doesn't know what is going on and it seems to happen very very quickly and he is gone.

Do you mean there is a possibility that some of the accused might not have understood the nature of the charge? --- I think that is certainly a possibility although there is an interpreter there, but it is more than that, I think it just seems to be accepted that these people are going to go to gaol, and there is no defence, that is what I am saying.

10

Well assuming that the law under which these people are charged, that that has binding effect, might it not be that many of the persons brought before the Courts are technically guilty? --- Yes.

Regardless of whether it is morally insupportable? --- Yes, I am sure that the majority probably are technically guilty, but then I think one has to go back and look at the law itself and say: that is something we cannot accept as well.

20

So am I correctly understanding you that your concern is more with the very nature of the law under which they are charged rather than with the quality of the administration of justice? --- The concern is for the law, the quality of the law, but I think it remains also a concern for the quality of justice and the very high speed with which these matters are dealt.

ADV. VON LIERES: Just one or two points to round off this particular agreement. Apart from an explanation by Mr. Rees during 1979 to the Praesidium, I found no indication

30

in the Executive Committee Minutes that the Executive was informed that this agreement had in fact been entered into, it for the first time arose subsequent to Mr. Chetty disappearing..(intervention) --- That is the first time I knew of it, yes.

I see, you also didn't know about it before the time. Now do you know of any reason why the Council or the officers of the Council who were involved in the entering and conclusion of this contract withheld that information from the Executive? --- No, Sir, I don't know whether it was withheld, but you are saying it wasn't in the Minutes and I hadn't heard of it before.

Until the Chetty matter broke, and at that stage it was two or three years old already? --- Yes, I don't know.

Mr. Chairman, I propose to start with a new topic now, the World Council.

CHAIRMAN: The Commission will adjourn then until tomorrow morning at 09h30.

THE COMMISSION IS ADJOURNED.