

TUTU

COMMISSION OF INQUIRY

INTO THE SOUTH AFRICAN COUNCIL OF CHURCHES

HELD AT PRETORIA

ON 20 MAY 1983

CHAIRMAN: THE HONOURABLE MR JUSTICE C F ELOFF

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

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

INVESTIGATING OFFICER: ADV ETIENNE DU TOIT

SECRETARY: MR M L MARAIS

ON BEHALF OF COUNCIL FOR THE

S A C C: ADV KENTRIDGE SC
ADV SOLOMON

LUBBE RECORDINGS (PRETORIA)

Idem
VMD

WITNESS: BISHOP D TUTU

VOLUME 76

(p4458 - 4523)

THE COMMISSION RESUMES ON 20 MAY 1983

DESMOND TUTU, still under oath:

MR KENTRIDGE: Bishop Tutu, there were one or two things I wanted to ask you about - arising from the report of Messrs Theron Van der Poel, that is the Wessels report. You recall that Mr Wessels drew attention to the fact that certain sums were given to beneficiaries are loans? -- Yes.

But in many cases there was no attempt made to collect the loans? --- Yes. 10

You know what I am referring to? --- I do.

I wonder if you could tell the Commission the nature of some of these loans, and your attitude to them? --- M'Lord, what I sought to do was to assist people, that is why the money is given by our donor partners, but in order to retain the dignity of the beneficiary, we often reflected the grant as a loan, hoping that the person receiving it might be able to repay, but if they were not able to repay, then there was no real loss, since the money as I say, had been given in order to be able to 20 assist people, and it was in a kind of pastoral concern, that one put it down as a loan rather than as a grant.

Now, you may recall, in Mr Wessels' report, he mentioned a number of cases where money had been expended from various funds and he could not find what the reason was for the payments? --- Yes.

Now, I just want to ask you first something in general about the funds which you as General Secretary have personal responsibility for. Now, first, do you have as General Secretary a discretionary fund? --- I do. 30

Now/...

Now, what is the nature of that fund? What does it cover? --- It covers virtually everything. I mean, I get a person coming into the office to say that they have not been able to pay their rent, and their rent arrears are serious, can I assist, and this would be something that I would be able to do from such a discretionary fund. A staff member may have medical problems and therefore have medical accounts, and I would use money from my discretionary fund.

CHAIRMAN: May I just on that - you can respond to 10 this question when it suits you, just give me for the edification of the Commission your idea of what the perimeters are of your discretionary fund? --- Yes.

You can choose your time, to consult with - feel free to consult with your advisers about this, because I think that it is - having regard to the terms of reference, it is necessary for the Commission to find the facts concerning the perimeters of that fund? --- Yes.

MR KENTRIDGE: Now, what about the Asingeni Fund? ---

This is a fund .. 20

CHAIRMAN: That is what I am referring to, the Asingeni Fund? --- No, the first one we talked about is not the Asingeni. It is just the General Secretary's discretionary fund.

Yes, well, there I would be pleased if you will give me the perimeters of your discretionary - and specifically in regard to the Asingeni Fund, again the perimeters of your discretion. --- Yes.

MR KENTRIDGE: That is what I wanted to get clear. The first General Secretary's discretionary fund you have 30

been/...

been speaking about, not Asingeni? --- It is not Asingeni.

That is then - just in due course you will answer what His Lordship has asked you to define, but in the meantime, in very general terms, what does the General Secretary's discretionary fund cover, as distinct from the Asingeni Fund? --- One would say, speaking in church circles, that it would be like the poor fund, which is in the discretion of any minister in a congregation.

Is it to meet cases of individual need? -- It is to do so, yes.

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Now let us come to Asingeni, and Bishop, I am going to ask you to deal with it naturally as from the time when you became responsible as General Secretary. Let us not talk about the history about it or what was done by others before your time. -- Yes.

First, would you just tell His Lordship and the members of the Commission in general terms, what you understood the Asingeni Fund to represent, and then I am going to ask you how you understood your responsibilities in relation to that. So let us do the first question, what did that fund represent? --- The Asingeni Fund is a fund that is in the complete discretion of the General Secretary, and broadly it is meant to assist what are called victims of the apartheid system.

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Yes, and we have seen in the reports the sort of - the sort of beneficiaries. They are of a wide range? --- Yes.

And we have - His Lordship in relation to that fund too wants you in due course to define the perimeters as you understand them, more precisely, but in the

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meantime/...

meantime I would like to ask you, how when you came into the position of General Secretary, you saw your responsibilities in respect of Asingeni Fund, what were your powers and what were your responsibilities? --- My powers were absolute in the sense that I had sole discretion to determine how the funds in the Asingeni Fund were to be disbursed. I wanted to be quite certain that we would have as good a record keeping regarding the disbursements from Asingeni, so that from the time that I took over more or less, I insisted that all payments were made in 10 cheque form, usually crossed, and then the Executive Committee over a number of years sought to find a way in which the General Secretary could be assisted in carrying out what is a very considerable responsibility, and at one time it was thought to set up a kind of trust in which the General Secretary would act together with the Chairman of the Finance Committee, but this did not come through, and then a committee to advise the General Secretary was set up, and this worked for a little while, until it was suggested by our legal advisers that lay persons 20 who were not officers of the Court would have difficulty in maintaining confidentiality when they were subpoenaed before a court, and that it would be better that the General Secretary made periodical disclosures to the attorney of the SACC, which is something I do on a two-monthly basis. The finance department of the SACC has the full records. I should say that broadly the Asingeni Fund is divided into two areas: much the most significant would be the area relating to legal defence and here the way I have gone about it, is this: the - we send in a 30

disbursement/...

disbursement, considerable disbursement, to be placed in the trust account of our attorneys, and then when people apply for assistance, it is generally vetted first by the regional council or a regional Dependants' Conference committee, who then will recommend to Dependants' Conference national office, who are ones who keep the records of all the cases. It will include for instance - each dossier as it were, will include the names of the accused, the name of the attorney, the nature of the case, and then what estimates of costs are made. Then this is 10 all sent up to our attorney, who goes through it quite carefully, and will say whether the estimate is reasonable or not, and then I will be the only one who authorises that - the SACC will fund that particular case, and may I just finish off this particular one by saying that when the case is ended or during the course of the case, when accounts come, they come to our Dependants' Conference national office, who then pass these on to our attorney, who looks through very carefully each account, and has raised many queries in the amounts that are some- 20 times asked, and then this is sent back to me, and I am asked whether we can make a particular disbursement or not, and if our attorney is satisfied, then I will normally accept the recommendation of DC to authorise payment, and at the end ..

Must it be your authorisation? -- It must be mine; if I am not present, then it will be the authorisation of the Deputy General Secretary; if he is not present, then whoever will be acting General Secretary.

Allright, that is the first part? --- That 30 is/...

is the first part, and this is, as I say, perhaps 80% or whatever, but it is certainly much the larger part of the Fund. Then the second part is a total discretionary fund, but one in which one specifically is looking for what could be called the victims of the apartheid system, and here we will usually again receive a request, and go through it to see whether it is something that falls within what I consider to be the perimeters which I will try to explain to the Commission, as the Commission has asked for, and then we make a requisition for the particular amount, 10 and I note the particular transaction in a sheet which will then be typed by my secretaries, every two months, and one copy going to our attorney and the other going into my note book.

So if I can just stop there for a moment, as far as your disbursements in that fund are concerned, the record -- you do keep a record of it? --- We do keep a record, yes.

And is there a record then of every disbursement you make? --- There is a record of every disbursement 20 we make.

You say it - your attorney sees it every two months? --- Our attorney does, yes.

And you keep the record in your own files? --- We keep a record in a notebook which I made available to the Chairman.

You did? --- Yes, because I said, it was my only copy, and it is really meant only for my eyes, and the eyes of our attorney, but in fact it is also open in the sense that we make available the list whenever we draw up 30

an Asingeni report.

Now, can I also ask you now about the present position, apart from that record keeping, is there anyone who shares with you in the responsibility, either from the point of view of decision-making or from the point of view of administration? --- The administration is in the hands of our Financial Department. The responsibility is solely mine.

Do you discuss it with anyone before you make a disbursement? --- Sometimes. 10

But that is as you feel? -- It is as I feel, yes.

Now, then, what I want to ask you is this: you have spoken of the aspect of confidentiality? --- Yes.

Now, could you tell the members of the Commission what the reason is for confidentiality? --- When you have a discretionary fund, you often are dealing with instances where if the details were more widely known, would be embarrassing to the recipient, not to the benefactor, as it were. You do not as it were go around saying, Mr X has a massive debt and cannot pay his rent or something of this kind. We do not normally go around doing that, and it is a fairly normal practice that you seek to be caring and compassionate about the susceptibilities and the sensitivities of each one of us. That would be one area. The other area is that human beings being what they are, or we human beings being what we are, when for perfectly legitimate reasons one makes disbursements or grants to people which are of differing amounts, then you can be drawn into a controversy about why did you give so and so so much, and somebody else something less. 20 30

It/...

It is not, may I just add, it is not for any sinister purpose.

Yes. Now, Bishop, in that regard, as you know in certain circles it has been suggested that the confidentiality of this fund implies that there is something sinister or unlawful in the purposes of the expenditure. Is there any basis for that? -- Not at all.

To your knowledge, has the Fund ever been used for illegal purposes? --- Not as far as I know.

And would you knowingly use it for any unlawful purpose? -- Not at all. 10

Now, this list that you make of disbursements, you say you include that in the Asingeni reports? -- Yes, in a modified form, usually for instance I will not in the Asingeni report itself put down that Mrs Mdinso receives a monthly relief grant, but I will just put down, monthly relief grant, but the names and the details are available in the requisition forms which are kept by our Finance Department.

Yes, I see. Now, you have mentioned that you have given your lists to the Chairman? --- Yes. 20

And if the Chairman should want to question you about any individual item, would you be able to explain it? --- I would be able to explain it, yes.

But I think if you would prefer to keep it confidential, so that if you are called on to explain it, it is done in private? --- Yes, I would think, I mean, that was, as it were, the tacit understanding.

Yes, I am sure. Now, having dealt with that in general, I would like to ask you to deal with some examples of instances which Mr Wessels referred to, where he 30

as an examiner, accountant, could not find reasons for certain payments. I am not going to ask you to deal with all of them, but by way of examples, I am going to ask you - I am going to draw your attention to some of the payments referred to in Mr Wessels' first report at page 98. Do you have the Wessels reports there? --- I have.

I think I will ask you if you could get page 98. Do you have a copy? -- Yes, I have a copy.

I do not know, do Your Lordships ..

CHAIRMAN: I am sending for my copy. I would like 10 to have it in front of me when you are dealing with it. But do carry on in the meantime.

MR. KENTRIDGE: Well, one of the things that is said, if you are at page 98 under subparagraph 4, here Mr Wessels is dealing with the General Secretary Discretionary Fund, "Uitgawes", and he says:

"n Lys van sommige betalings vanuit die Fonds gemaak word in Bylae 12 verstrek. Daaruit blyk onder andere (a) die aard of doel van betalings word dikwels nie aangetoon nie. Die rede hiervoor is nie 20 duidelik nie".

Now, again, as you are now administering it, from that point of view, your present administration, can you comment on this statement? --- Yes, quite straightforwardly. In the Discretionary Fund I do not need to put down the purpose precisely, because of the confidentiality that I have referred to.

Now, this is the General Secretary's fund we are talking about? --- Yes.

Well, in the case of the General Secretary's 30 fund/...

fund, which as you say is in a general sense equivalent to a fund which a minister of a particular congregation might administer in his discretion, in that regard, what sort of records do you keep? --- I do not in fact put down this record. I just have a requisition to the Finance Department for a float that I keep in the office, and from that we will usually make cash payments to people.

What in general is the size of the float you keep?

--- It would be R200, R300, R400.

CHAIRMAN: Might I then just be sure that I understand this? In the requisition which goes to the Finance Department, what sort of reason would be given for the withdrawal of a particular sum? Could you give an example?

--- If it is for the float, I will just put down General Secretary's Discretionary Fund.

I see --- Yes, and that will come to me, and it is made available.

But you keep your own record in which you do give some indication of what the object is of the - your own confidential record? --- Not for - not usually for this, where I am giving money for rent and so on. I do not usually keep that, because I would - it would have to be quite a massive matter, because some of the amounts are just very small amounts.

MR KENTRIDGE: Like what? Can you just give a few examples of how you would use your float? --- Well, I mean, someone will come in and say, please can you help, I have not paid rent, and it is R20, I want to go home. I have not been able, I cannot travel, would you please help me to buy a ticket, it is R30, R40, amounts of that

kind/...

kind.

Yes, but now, in addition to these small amounts which you pay out of your cash float, you have sometimes used the General Secretary's Discretionary Fund for larger payments? --- Yes.

And in those cases, is there - what sort of record is there? -- The record is the requisition form which has many sheets, and you will have one sheet that will be available for the General Secretary's office, but I rely to a very great deal on the record keeping capacity of 10 the Finance Department.

So we have just distinguished these two things: your cash payments out of your limited float, and sometimes your use of the Fund for larger amounts, where - on there, on your requisition, will you say what it is for? --- I will put down - I might do so, yes. I normally do, because I think it is good to have that on paper.

Now, if you look at page 98, do you still have that? --- I have got that, yes.

Does Your Lordship have it? 20

CHAIRMAN: Yes.

MR KENTRIDGE: Do you see in subparagraph 4(b)? --- Yes.

Mr Wessels says:

"Verskeie tjeks vir 'n totale bedrag van R2 073 is aan Biskop Tutu uitgereik. In die meeste gevalle word die aard van die betalings nie aangetoon nie".

--- Yes, these would be the amounts requisitioned for the float. We were trying to get away, especially under the direction of my Deputy General Secretary who tried to get away from cash cheques, having too many cash cheques. 30

In/...

In fact, as far as possible we wanted to eliminate that and so they would be made out to me, and cashed and then the money would be placed in the box.

--- Then if you look at subparagraph (c):

"n Bedrag van R600 aan mev L Tutu betaal".

That of course is a reference to your wife? --- Yes.

This is at the beginning of 1979. Can you recollect this? --- I do, yes.

What was this about? --- DWEP of which Lea is the Director - DWEP is the Domestic Workers and Employers Project, had just opened an office in Cape Town, and they asked for bridging finance, and I made this payment to her, which she then paid into the Institute of Race Relations to which DWEP is attached. It was a payment for the Domestic Workers and Employers Project office in Cape Town.

You have documents .. --- No, that does not refer to it.

Then in subparagraph (d), just have a look at subparagraph (d), that relates to certain payments amounting to R1 803 in respect of Mrs S Motlana, divided up into a number of amounts. Can you - do you recall those? --- If I recall some of those - I am trying to work out now, in 1978, what part of 1978 it is.

There are certain dates given there. --- Yes. I know about the amounts to John Orr's, to Arthur Young & Company, and Moore. These were to assist Mrs Motlana, as it is indicated there, it was a payment to liquidate an account she had at John Orr's, and then the one was for auditors, I think both the Arthur Young and the Moore ones refer to assistance in audit fees.

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And/...

And was this within the perimeters of your discretionary fund as you understood it? --- Yes.

Then subparagraph (e) relates to certain payments to C Khoza and Mrs D Khoza. Who were they? --- These were staff persons, Mrs Khoza was at the time Director of the Division of Interchurch Aid, and Mrs Khoza, her daughter-in-law was the administrator in the same Division.

Then the point made by Mr Wessels in his subparagraph (f), if we can look at the last sentence there, having referred to certain payments, he says: 10

"Dit is nie duidelik of die persone vir wie die betalings bedoel was, dit werklik ontvang het nie".

Can you comment on that? --- Yes, I remember the - I think the cheque to Mr Lavis, he was in fact the person for whom the bail was required.

Now, this is a point made by Mr Wessels from time to time, that even where there is a reason given for a payment, such and such a payment to Mr X or Mrs Y, there is no way in which an auditor can tell whether those persons actually received it. Now, do you exercise any 20 supervision over that? --- Well, what has happened is that all our cheques, our cheque forms now, are crossed, and the - if you have to have a cash cheque as it were, the crossing has sort of physically to be uncrossed. That is one way in which we - we have got to remember that even now we deal with very many people who do not have accounts, either in a bank or in a building society, and therefore there would be the difficulty of being absolutely certain that they receive the amounts that are referred to them. But just to take as an example, not this one, but 30

the/...

the Asingeni Fund, I would say that I am certain that even where the crossed cheque is uncrossed, the cheques reach the people for whom they are meant.

Yes. Now, Bishop, in general, in the report of Mr Wessels, he refers to a number of instances where he has found payments to certain people or institutions, where the cheque advice form does not give any indication or any adequate indication of the reason for the payment? --

Yes.

For example, you will find some examples, for example on page 33? --- Yes.

Now, I am not going to take you through those. Insofar as your own time as General Secretary is concerned, did you satisfy yourself that all the payments made from Asingeni and your discretionary fund were properly paid? --- Yes.

And if I can just end with a general question, you know it has been suggested, particularly recently, that if people make donations to the South African Council of Churches, they cannot be sure that the funds will be used for their proper purposes. As far as your administration is concerned, have you any doubts in that regard? -- Not at all.

Can you allay such doubts? --- Yes, I can say that all the disbursements are for purposes that are consonant with the aims and objectives of the Council of Churches, which are objectives that are consonant with the Gospel of Our Lord Jesus Christ, His command to care for those who are less well-off, the oppressed and the hungry, and I have no difficulty whatsoever in being able to

say/...

say this categorically.

Now, Bishop, at this stage, subject to the reply to the points of definition which His Lordship and members of the Commission would like, I have got no further questions to ask you, but I have no doubt that My Learned Friend, Mr Von Lieres, may want to. So if you would just stay where you are, we will see what happens. --- Thank you.

CHAIRMAN: Bishop, I am going to ask Mr Von Lieres on behalf of the Commission to ask you certain questions.

I want at once to indicate that the questions are 10 questions which arise from matters which the Commission wishes to have more detail about. --- Yes.

Before I do that, I want, I think, to respond to two matters which were raised in your statement, and arise from your evidence.- The first relates to references in the statement to the ruling which it is said I made concerning the possible manipulative effect of overseas funding. Lest there be any misapprehension regarding the substance of what I said, I think that I should refer to the circumstances which led to my intervention and to 20 my making a statement which is said to be a ruling. What happened was that a number of people came to give evidence before the Commission, and did so on the basis of their understanding that the Police had attributed manipulation to them, manipulation of the SACC, and I intervened to indicate that as far as I understood the evidence, a wrong impression was being created concerning the substance and nature of this evidence. I indicated that to the best of my recollection, what the Police had said was not necessarily that there was in fact manipulation, but 30

that/...

that there was a possibility of manipulation, and I made reference to page 78 of the Police memorandum, which I had in front of me, in which it is said, and I quote:

"Sy totale fondsverslawing verleen hom tot manipulasie deur sy buitelandse vennote-donateurs, en die vraag kan gevra word .."

and that is the end of the quotation, and I indicated to counsel, I think Mr Solomon was then counsel, that as I understood or interpreted the Police memorandum, this amounts to an indication that there was a possibility, not 10 necessarily an actually proven manipulation. The actual wording of my reaction is recorded in the record on pages 3497 to 3498, and this I did not interpret to be a ruling as such, but merely my impression of what the substance was of the Police memorandum. Just for the record I think that I should quote what I said; page 3499 says - records me as having said:

"It is just unfortunate that if in fact as it now seems to be the position, if the wrong impression was created abroad of what the substance and 20 the true meaning is of the Police evidence, and that should continue in the minds of people, of course that will have to be dealt with in argument, but I think it is opportune that I should deal with it now, because my view on studying the memorandum which served as the basis for their evidence, was that that was not the contention. The highest it was put, I think, is .."

the way it was put on page 78, and then I quoted that which I have quoted just a few minutes ago, and I went on 30

to/...

to say:

" .. which I think is a far cry from paymasters or the idea that it conveys".

What I was then conveying was my impression of what the substance was of the Police contention, and that is not in that sense more than a - a ruling, but merely a recording of my impression. The second matter to which I think I should respond at this stage, is that which occurs at the foot of page 16 of the statement of the witness, and at the top of page 17. What is said here, is as follows, 10 at the foot of page 16:

"To demonstrate the cynicism of the Government even further, the Government appointed as Chief Investigating Officer Mr Von Lieres, a member of the quite astounding Steyn Commission which declared itself firmly against the SACC and its General Secretary. How do they expect him ever to be perceived as unbiased? Normally such a person would have been asked to recuse himself - but the Government's purpose is that unsavoury and totally unproved allegations 20 could be made about the SACC which would then be widely published by a compliant press and sycophantic SABC, radio and TV service, and thus succeeds in creating the right atmosphere for Government action against the SACC".

Now, I find it difficult to construe this otherwise than as an attack on the Commission and as an imputation of lack of integrity on the part of the Investigating Officer, or at least the senior one of them. At this stage I wish merely to say that the Commission took the 30

responsibility/...

responsibility of appointing Mr Von Lieres, and that it did so knowing of his participation in the Steyn Commission and of the content of the report of the Commission. The Commission makes no apology of its decision, nevertheless to have appointed Mr Von Lieres. Mr Von Lieres is not a member of the Commission, but only investigating officer who performs his investigation under the direction of the Commission. In the ultimate analysis, the Commission and not Mr Von Lieres will have the responsibility of finding facts, making the recommendations. At this stage 10 I wish merely to say that I find the allegation and imputation under discussion unfortunate and not helpful.

MR KENTRIDGE: Could I just ^{ask} you about that?

Could I put some more questions arising out of this first ruling?

CHAIRMAN: Yes.

MR KENTRIDGE: Just have a look at the Police memorandum, page 78. The sentence referred to by His Lordship, just let us look at the language used by the Police.

"Sy totale fondsverslawing" - 20

How do you understand "fondsverslawing"? --- Enslavement.

Yes, do you ever feel enslaved to your donors? ---

No.

Do you find any evidence in the Police statement of enslavement? --- No.

Now, it says here that this "fondsverslawing" lends itself to manipulation. Now, you have received - the Council has received substantial funds from its overseas donors, since 1976 approximately? --- Yes.

During that period, up to 1983, have you ever 30

known/...

known of any case where the SACC has been manipulated?

--- Not at all.

Now, although that part of the sentence says "verleen hom tot manipulasie" let us just look at the next part of the sentence:

"..en die vraag kan met reg gevra word of hy sou gepoog het om dieselfde beeld van radikalisme te skep indien sy bestaan substantief in SA bodem gefondeer is, was".

Now, that is to say, he says it can justifiably be asked if the SACC would have put up the same image of radicalism if you had been funded in South Africa and not from abroad. Now, how did you read that? --- Well I understood it to mean that we did not really care how we appeared before the South African public, our major concern was in order to please our overseas partners, - so that we could ensure a steady and ready supply of their funds. 10

Yes. And is there any foundation for that? --- Not at all.

M'lord, on the other matter Your Lordship mentioned, I am afraid we may have been under a misapprehension, we had understood that the appointment in question was simply made by the Minister who appointed the Commission, we were not aware of the fact that Your Lordships had actually asked for Mr. von Lieres. 20

CHAIRMAN: No, I did not say that we asked for him. We made the appointment, it had to be made, we had to appoint a secretary, we had to appoint an investigating officer and assistant. Obviously the responsibility was that ultimately of the Commission.

ADV. KENTRIDGE: Yes, well I do not know whether that allays 30

any / ...

any of - Bishop, I do not know whether you want to say anything more about that? --- Well, I want to say one thing first of all, and it is that at no stage do I seek to impugn unworthy motives to the Commission, nor do I wish to call in question the integrity of the Commission. I have said several times whenever I have said anything which might be construed as being that, that I believe fervently in the integrity of the Commission, but I cannot, M'lord, pretend that I would be able to perceive - I have not said he is unbiased, I mean that he is biased, but I am saying that someone who has been part of a Commission which made findings and said things against me and against the Council which your Commission is investigating, and as firmly as that, it would need supernatural grace to say that such a person would then come into a role of this kind and be perceived - I am not saying he is biased, but I am saying perceived, and I am afraid that I would have to stand by what I say there, but I also wish to say that I do not at any stage wish to be understood as being disrespectful to yourself or your Commission, and I do not call in question at all your own integrity and that of your fellow Commissioners. But I think I have to say this because it is something that is real.

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M'lord, on behalf of the South African Council of Churches, I would like to say that we certainly have never intended to make any imputation of the integrity of Mr. von Lieres, who we know has acted and will act at all times in accordance with the dictates of conscience. The point made by the Council of Churches was simply this, that whereas there are many senior legal officers in the Public Service, the South African Council of Churches simply thought it

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unfortunate / ...

unfortunate that the investigating officer is someone who had as it happened associated himself and been party to an attack on the Council of Churches, which is as extreme and vicious as any made by the police or any of the other hostile witnesses, or by the Government against the Council of Churches. It is certainly no imputation at all of the integrity of Mr. von Lieres, who has tried and would be directed by Your Lordship, to do his work as fairly as is possible. The only problem with the Council of Churches was that if someone has expressed such strong feelings, there must be the sort of disquiet that was expressed by Bishop Tutu in his memorandum. But I certainly hope that Mr. von Lieres does not take it as any attack on his integrity. No such thing I am sure was intended. --- No. 10

CHAIRMAN: Very well, we will leave it at that. And now, lest there be any idea that the questions that are going to be put now are going to be put at the behest of anybody other than the Commission, let me say that I have discussed with Mr. von Lieres the directions which I think should be followed in the questioning, naturally I cannot monitor every question, and each examiner has his own style. But assume that the questions which are being put now are going to be put for the information and edification of the Commission. 20

ADV. KENTRIDGE: Well I am sure that the Bishop will understand that, M'lord.

ADV. VON LIERES: Bishop, you have been rather modest in your biographical overview which you presented to the Commission, no special mention has been made of your various accomplishments and the various honours that you received internationally, or of your writings that appeared in a large number / ... 30

number of books, newspapers and so forth, nor of the fact that you are internationally known and an internationally respected figure, not only in Church circles but also otherwise. Perhaps I think it is only fair, Bishop, that we should put on record some of your accomplishments to give a more complete autobiographical sketch. In 1978, Bishop, I think you were awarded an honorary doctorate by the General Theological Seminary in New York? --- Yes.

And I was lucky to find this citation in Ecunews, and the citation was the following, I read from page 9 of Ecunews Bulletin 15 of 1978, dated 9 June: 10

"In citing Bishop Tutu for this degree, the Dean of the Seminary said: 'His concern for the setting of theology in an African context, and courageous application of the message of the Gospel to the liberation of oppressed people, this Seminary is honoured to recognise'".

Do you recall that, Bishop, is that correct? --- Yes.

And I suppose of the type of articles to which one could refer in considering this citation is the article "African Theology, Black Theology" that appeared in the book "Black Theology" by Gaymore and? --- Cohen, yes. 20

Bishop, then in the same year and before 9 June, you were also elected to the Fellowship of King's College in London, that is the same university where you had received your Bachelor of Divinity and Master of Theology degrees? --- Yes.

What does it mean - perhaps you can just explain to the Commission when one is elected to a Fellowship? --- I do not actually know. (LAUGHTER) It is just that you are able 30

to / ...

to put FKC behind your name.

I see. --- I think they also probably will admit your children more easily to the particular College, I do not know.

ADV. KENTRIDGE: You would probably be able to have lunch in the Fellows' diningroom too.

ADV. VON LIERES: Bishop, another item that perhaps should be mentioned is the role you played at the Lambeth Conference in 1978. Perhaps it is necessary to explain to the Commission how frequently the Lambeth Conference is held, 10 what the purpose of the Lambeth Conference is, and whether it is an Anglican Church leaders' conference or what the position is? --- The Lambeth Conference takes its name from the Lambeth Palace, which is the London official home of the Archbishop of Canterbury, who is the President of the Conference, and it is at his invitation that Bishops from the entire Anglican Communion will come to attend Lambeth Conference. It meets normally every ten years, it is not a statutory body, it does not legislate for anybody, but it is consultative, obviously it must carry very significant 20 influence and a kind of authority but it cannot impose any office decisions on anyone of the so-called Provinces of the Anglican Communion, although it would be a strange Province that did not pay some due regard to the Lambeth Conference Resolutions. But basically it is an attempt, having some form of symbol of the unity of a scattered family, because unlike the Roman Catholic Church which has the Pope as the focus of unity. We do not really have something quite similar, although the Archbishop of Canterbury is seen as the primus inter pares as they say amongst the Bishops or the Primates of 30

the / ...

the Anglican Communion.

Could such a Conference for the Anglican Church be described more or less analogous as a commonwealth conference for the various countries belonging to the Commonwealth?

--- I think so, yes.

Except it is more rare, once every ten years? --- Yes.

Bishop, at this particular Lambeth Conference, there were over 400 delegates, and you were appointed Chairman of one of the main sections of that particular Conference, is that correct? --- Yes.

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Now, during this Conference I believe a doctorate of Civil Law was also bestowed on you by King's College, is that correct? --- No, no, what happened was that for the first time Lambeth Conference in fact was a misnomer, because it was not held in London, it was held at Canterbury, and in order to mark that particular occasion the University of Kent, which has its campus in Canterbury, bestowed three honorary doctorates to people who were going to be chosen as representative first of the Old World as it were, and so the Primate of Ireland represented the Old World, and then they chose a Bishop to represent the New World, and the Bishop of Massachusetts was chosen, and they thought that I was representative of the so-called Third World.

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I see. Bishop, then in 1979 I believe you were also honoured by having an honorary doctorate of Law conferred on you by Harvard University? --- Yes.

At that stage you received that in America, that doctorate? --- Yes, it was on one of the infrequent occasions when I could travel.

Yes, there is a subsequent doctorate that you received

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at / ...

at Wits? --- Yes.

That was from Columbia is it not? --- Yes.

Now, are there any other doctorates that I may have missed out? --- Yes, the Ruhr University, Bogen, gave me a D.Th.

Which university? --- Ruhr, in West Germany.

R-u-h-r? --- Yes, well you will have to pronounce it properly for me. (LAUGHTER)

Now, Bishop, you also have no - you are received everywhere you want to be received, I have got one article for example that you were received by the United Nations General Secretary in March 1981, on an occasion which apparently you could not attend, but the foreword by Mr. Clarke, the Nigerian representative at the United Nations indicates that he had received on your behalf on 18 October 1980 in fact, another award the Distinguished Human Rights Service Award of St. Philip's Church in New York? --- Yes.

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And you were received at the United Nations, you spoke to the Secretary General there, so there is no problem, you know everybody internationally of some importance? --- Well I do not know, I was able to be seen at that opportunity, yes.

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Bishop, at the stage when you went to America in 1981, were you then travelling as General Secretary of the SACC? --- Yes.

Now, - yes I am sorry, there is one I missed out, did you not also receive an honorary award from the University of Aberdeen in Scotland? --- I have not yet been able to get it, they asked me - and I think it is the third year of asking: can you come.

Oh I see, it is in the offing? --- Yes, well if you

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want / ...

want to know, the other is an LL.D as well which I should have received in March from the University of New Brunswick, but it would have been in Nairobi, where I had been asked to give the main address at the degree awarding ceremony there.

Bishop, on these occasions, you mentioned yesterday to the Commission that you have spoken at virtually every university in South Africa in your endeavours to promote justice and reconciliation; similarly, you also speak overseas on numerous occasions when you have the opportunity?

--- Yes.

10

On similar types of topics, and your speeches generally receive wide publicity? --- Yes.

You are considered, and your opinion is respected overseas, and what you say is carefully listened to - would that be a fair summary? --- Yes.

A few examples that come to mind, speeches published in this book "Crying in the Wilderness"? --- Yes.

Could we just caution anybody who wants to read this book that they do not represent the total address that was made from time to time, but the various speeches have been condensed, a paragraph removed - have you seen this? --- Well I have not actually, I think it is a very bad book. 20

Why? --- I think so, I mean, I am not being falsely modest, I think it is a book that does not really represent .. (intervention)

You mean the selection of topics? --- Yes, the selection and possibly the editing, but then that is usually not in one's hands, it was done by somebody in London. I mean I would go along with what you are saying.

If one leaves the introduction aside, we are talking about / ... 30

about your addresses and speeches that are reflected here?

--- Yes.

There are quite a number of them that have been edited?

--- Yes.

Then there are examples in which the editor has transposed paragraphs of one speech into another speech, an example is for example speech No.5, you will find the first paragraph is quoted from Ecunews 10 of 1978, which is a completely different speech to which the rest of this particular speech relates? --- Well, I can only say that I am 10 not quite as creative as all that, I use and re-use so that if you find something is an echo or even the actual words of something else, that that is not entirely surprising.

No, I am not criticising you at all, Bishop, I am just sounding a note of caution? --- Yes.

Whoever reads this must know it is not the full text?

--- Yes.

Of a particular address made at any particular stage. Have you actually studied this, are you aware of this? --- I have not studied it, I just found that I did not like it. 20

There are various examples, but if you are happy that you accept what I say I do not need to give you anymore examples - on page 99 in the article "Vision for South Africa" that is another one which has been badly truncated by editing. --- Yes.

Bishop, then just very generally, you appear and what you say, your pronouncements appear regularly in national and international Press, you write articles in various books, you used to write a column in Kairos until that magazine stopped appearing, you, I believe, at the present moment have a 30

14-day column in the Star? --- Yes, it is now three weeks.

Is it now three weeks? --- Yes.

That is why I missed it last week. Do you write for any other newspapers, Bishop in South Africa? --- I used to write a column also for "Seek", which is the Anglican Church paper, that was discontinued when the new editor felt, quite rightly, that more people should be given the opportunity, and then I had, I think, a four part series in The Argus in Cape Town some time ago. But the other things are just ad hoc.

The point I am really coming to, Bishop, to complete 10
your autobiographical sketch, would it be unfair to say that if you want to you could generate support on any particular thing on which you wish to generate support? --- Not on anything, I mean I have tried to generate support for the SACC financially in South Africa and I have not succeeded.

Bishop, then there are a few loose matters I just want to deal with. Now, firstly, in connection with the boat people, you will recall that there was some evidence that approximately R4 000 remained in the Council's books for two or three years, and the explanation was given that the 20
Reserve Bank or the banks had refused permission to transfer this particular money? --- Yes.

Well, Bishop, we investigated the matter and both banks with which you dealt, as well as the Reserve Bank, provided the Commission with affidavits in which they say their records do not reflect any such an application. Now, I know you do not deal directly with the matter yourself, but perhaps you could just have the matter investigated, and whether you could supply the Commission with a letter or whatever form the request to the banks was mentioned in. 30

These statements, if you want to see them, are available, I am not going to go into the detail of them now. Bishop, then another small and loose point is a certain report by the Pim, Whiteley auditors dated 17 August 1979, and I have just one or two questions about this particular report. Do you see that handwriting on page 1? --- Yes.

For the Executive meeting 12 & 13 September? --- Yes.

Do you know whose handwriting that is? --- It is not mine.

It is not your handwriting? --- No.

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Was Miss Matterson still in your service at that stage, could it possibly be hers? --- Yes, I think so, and I would say it probably was.

Thank you. Bishop, then another small item, I see you have luckily brought your Theron and van der Poel Report with you, could I just refer you to page 107 of the Report, paragraph 19.2.5 on page 107, it deals with the Ecumenical Trust Fund, and Mr. Wessels quotes an extract from your auditors Pim, Whiteley here, he says:

"ETF was placed into suspension during 1980. Owing to the difficulties with which the SACC has been confronted in the Transkei, the Council decided to use ETF as a 'front' for its work in the Transkei".

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What could you tell us about this, was this during your time?

--- Yes, I am quite happy to do so. The Government of Transkei banned the SACC, which meant that scholarships, relief grants for people who were dependants of political prisoners, our whole gamut of ICA work, was therefore not only in jeopardy it would be destroyed, and the Government of the Transkei was as it were cutting off its nose to spite its face, and we

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decided / ...

decided that funds had to go into the Transkei for this work, and although this particular Trust was not being used, it still existed, it was not liquidated and we then channelled funds into the Transkei for the work of compassion that I have referred to, through ETF.

Were your normal divisions or institutions, were they prohibited by the Transkei Government from operating in the Transkei, DC and so on? --- Yes, they banned the SACC and I believe they mentioned one or two divisions also sort of specifically, and Dependants' Conference would be one of these. We have been able to put in bursaries through the ABF because that was not specifically banned. 10

Was ETF then used, the Ecumenical Trust Fund then used to get funds into the Transkei to continue with the normal functions of DC and the other divisions that were active there? --- Well, to continue our normal work, yes, things like those that I referred to, those projects, Girl Guiding courses in Transkei would not have been able to receive funds if they were on normal SACC cheques.

I see. So these were then just cheques made out and drawn against ETF that were sent down to the Transkei? --- Yes. 20

Now, perhaps, Bishop, for whoever wishes to read the record later, I should just go back to the Pim, Whiteley document that you have in front of you, can we just identify it into the record, it is a document addressed to the Executive Committee of the South African Council of Churches, and it is dated 17 August and it consists of some four pages, and it is a report on the SATCIC College? --- Yes.

And its financial affairs? --- Yes.

And it is on this document that the handwriting appears 30
above / ...

above the address block The Executive Committee, South African Council of Churches, you say it is not yours, it is likely to be Miss Matterson's? --- Yes.

Bishop, during July 1979, you addressed the 50th Anniversary of the South African Institute of Race Relations?

CHAIRMAN: What year?

ADV. VON LIERES: 1979. Could I perhaps just identify or ask you to identify the particular speech? --- Yes.

Were you invited to address them in your capacity as General Secretary, South African Council of Churches? --- I 10 remarked yesterday that it is very difficult to find out when I am me and when I am General Secretary.

That is why I am asking? --- I have a difficulty knowing why I am asked.

Bishop, perhaps before we deal with this particular address, could you describe to the Commission what is the relationship that exists between the Council and the Institute for Race Relations? --- There is no organisational relationship, I have been a member of its Executive Committee, and I was for instance on the General Purposes Committee, and 20 also on the Appointment Committee that appointed John Rees to the directorship. But we, I think we are very corporate members, I am not sure what the exact title is, that is to say we join and have a representative, apart from that there is no sort of structural organisational relationship. But, I mean we have a fraternal relationship.

Bishop, this particular address of yours deals with international reaction to external pressures, could we perhaps..(intervention)? --- What did you say?

This particular address that you delivered at the 30
Institute / ...

Institute for Race Relations, the title of that address 'International Reactions to External Pressures'? --- Not 'international'.

What is the title? --- 'Internal'.

Sorry, internal reactions? --- Yes.

Right. Could we perhaps deal with this particular article. These are your ideas about how the South African situation reacts to external pressures, and perhaps - it is not a very long article, but I think it is a reasonably interesting one, perhaps we should read it into the record. --- Thank you very much.

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Who should read it, do you want to read it, Bishop?

--- No, you can read it.

Allright, I will read this one you can read the next.

It starts like this:

"Those of us who are committed to finding a peaceful solution to the crisis of our land, believe that our last chance to turn the trick will be through international pressure..(intervention)

--- No, where are you starting? Are you starting on page 1?

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I am quoting selectively? --- Ah, I am not aware of where you are - page 2.

Page 2 - I am quoting selectively, Bishop, I am sorry I should have told you so. On page 2 you make this point with regard to the external questions: (I think I shall have to read it again):

"Those of us who are committed to finding a peaceful solution to the criteria of our land, believe...
sic
(intervention) --- 'Crisis'.

"..to the crisis of our land, believe that our last chance / ...

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chance to turn the trick will be through international pressure exerted on South Africa at the diplomatic, political but above all economic fronts. Some people, perhaps many people, claim that such pressures have an extraordinary penchant for not working. I am afraid I cannot accept that. It depends very much on whether those who can apply the pressure have the will to do so. We are aware that it was pressure of all kinds, including the guerilla war, which persuaded Mr. Ian Smith to come to the conference table with those whom he previously detained as terrorists and agitators". 10

--- Yes.

Bishop, then I may skip, I am not quite sure how many paragraphs, but the next exerpt starts and reads as follows:

"Others contend that the sort of pressure that should be applied would hit hard at the group most unable to afford it, and those whom it was intended to assist, the Blacks".

Have you got the place? --- I have yes, thank you. 20

"It is true that they be amongst the first to suffer and yet are they living in comfort now? Most Blacks argue that it would be better to suffer for change than to go on suffering almost interminably. Yet others will say that extended pressure will serve to trigger off the bloodbath that most wish to avert because Whites may be tempted to hold onto the good things they now enjoy rather than risk a lowering of their high standards of living, which would follow in the train of a more equitable sharing of the good things / ... 30

things in life which abound in South Africa, and so they would die rather than share. I believe that if we continue as we are then there is no doubt whatsoever that we will have the alternative too ghastly to contemplate, with people driven to desperation and using desperate means to realise their longing to be accepted as human beings. Pressures could be a calculated risk but they are the only peaceful means left and I advocate them. I think that South African political leaders would be less intransigent if they did not think that the West would veto any resolutions on sanctions in the United Nations. I believe that overseas investors must not be deceived by the efficacy of the so-called codes of conduct, be they the celebrated Sullivan principles, the EEC and the Urban Foundation Codes. First, how do you monitor these Codes, and having monitored them what sanctions do you apply to defaulting firms? The Codes make signatories complacent, thinking that they have done all they need to do. But most importantly, the Codes are largely ameliorative. They deal with improvements of a basically unjust and immoral system, and we Blacks are not interested in improvements. We are concerned for change, meaning ultimately that Blacks will have a significant role in the political decision-making. Mrs. Motlana has put it beautifully when she said: 'We don't want our chains made more comfortable, we want them removed'. We cannot, even if we wanted to, advocate further investment / ...

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investment in South Africa..(intervention)

--- '..no further..'

"..no further investment in South Africa. We would be liable to a minimum mandatory sentence of five years' imprisonment which says something of external pressure, I think. All I want to say is that foreign investors must not delude themselves. Their investments maintain the apartheid system. They batten on Black misery, cheap labour and the destruction of Black family life through the iniquitous migratory labour system. They benefit to the extent that their South African dividends are amongst the highest in the world, so they must be surprised at Black cynicism that they have suddenly become altruistic and concerned about Black suffering, they must also know that honest business can often be the best business because in an uprising they could lose their investments, whereas if they used their influence to change the system they would be among the ultimate benefactors".

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Does this represent an extract of your view given? --- Yes.

Could we perhaps just summarise this in the following way, Bishop, firstly, you set out the motivation why you consider international pressure to be exerted upon South Africa? --- Yes.

That is the first aspect, and in the first paragraph - the first extract I have read you have dealt with that specifically "our last chance to turn the trick would be through international pressure exerted on South Africa at diplomatic, political but above all the economic fronts"? -- Yes.30

And / ...

And you set out the various views that prevail surrounding the question should pressure be exerted or not. In your view, as expressed here, you think that this pressure should be exerted, it offers a hope for a particular solution? --- Yes.

Then you set out the versions of others who are not necessarily supportive of this, and you discuss the value and the effect of these various codes of investment, the ethical codes? --- Yes.

And you come to the conclusion here that these codes do not really contribute towards fundamental change because they are largely ameliorative? --- Yes.

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And the essence is they are not acceptable in that sense because when you - you are concerned for change and not for improvements? --- Yes.

CHAIRMAN: Might I interrupt, would it interrupt your train of thought if we were to take the adjournment now?

ADV. VON LIERES: No, Sir.

THE COMMISSION IS ADJOURNED.

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THE COMMISSION RESUMES:

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BISHOP DESMOND TUTU, still under oath:

ADV. VON LIERES: Bishop, this attitude towards the necessity for pressure was reflected in a number of speeches you made from time to time on various occasions. If I could perhaps mention one or two of these examples, at the address you delivered to the United Nations Committee - Special Committee against Apartheid on 23 March 1981, in that particular address you addressed the Special Assembly, told them that you speak on behalf of millions, and explained the purpose of your trip in the following words, and I quote from the article:

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"And / ...

"And the purpose of my own trip at this present time has been to see church leaders, government leaders and others who have influence in the international community, to urge them to recognise that we are approaching a very serious crisis in our country, to urge them, therefore, please for the sake of our children, for the sake of the children of all South Africans, Black and White, for God's sake, for the sake of world peace, to take action, that they exert pressure on South Africa, political pressure, 10
diplomatic pressure, and above all economic pressure, but really take action that will persuade the South African authorities to come to the conference table before it is too late".

And skipping one paragraph, your address continued:

"And therefore it is in the interests of the international community to participate with us in our struggle to see that bloodshed is avoided or minimised, and to say that when we become free, not if we become free, when we become free we will know who were our 20
friends, we will know who participated with us in helping us to attain our goal of freedom, and in the post-liberation period this will have an enormous influence on whom we do business with. We say we are not threatening anybody, we are merely making a statement of fact. The natural resources of our country, which have been described by so many as being of strategic importance, belong to all of us, even we who are the voteless ones today. And we will have an important role in the determination how these 30

resources / ...

resources are going to be used.

And therefore we believe it is very much in the interests of the world that they help to resolve the situation and to resolve the situation quickly".

Perhaps I should just show you the article? --- Yes, I think that it would be what I have said. I just wanted to point out though in referring to "I speak for millions", I always make it quite clear that this is the one occasion when one is not presumptuous in saying thank you, that is the one time when I am quite clear that I can say many people would agree that they want to say thank you for the concern that the international community has. I do not speak for millions when I speak about other things, not necessarily.

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Bishop, would you just have a look at that particular article, your address to the Special Committee, they describe you there as the General Secretary of the South African Council of Churches, and I think you earlier on told us that it was an official visit that you paid. Was that visit, if I may ask at this stage - first just satisfy yourself - PAUSE

--- Yes, I am trying to find out what you are saying?

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If you will just turn the page? --- Yes, I have seen this side.

Yes, and now where your speech commences on the next page? --- Yes.

You will see there you are described as the General Secretary of the South African Council of Churches in the heading, is that correct? --- Here?

Yes. --- No, it is just a statement by the Right Reverend Bishop Desmond Tutu before the Special Committee against Apartheid, it may be elsewhere.

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Yes / ...

Yes, could I perhaps just have a look? Thank you.

Oh yes, it is underneath the picture: "Bishop Desmond Tutu, General Secretary of the South African Council of Churches" and the welcoming word is on behalf of the Special Committee: "I would like to welcome the Right Reverend Bishop Desmond Tutu, the General Secretary of the South African Council of Churches and some time Bishop of Lesotho". --- Thank you, yes.

Bishop, even before 1981 you had expressed the same approach in your column in Kairos on 24 July 1980. I would like to show you the whole article, it is two typed pages, 10 together with your handwritten notes at the back. --- Thank you.

And the only paragraph I wish to draw attention to now is the paragraph that reads as follows:

"I have to say that I was myself quite taken aback by the hostility evoked against me by my Denmark remarks about Danish purchases of South African coal".

--- I cannot find that in the typed text.

I may have the wrong original here, Bishop, I will have to just check that one. Let us leave that for a moment, I 20 will go on to the next one. Bishop, then let me deal with the next article, this is an article that appeared in The Citizen, datelined "Washington" and it is dated 28 March 1981, and it alleges that you have expressed doubts about the Reagan Administration's international strategy, and you are quoted in inverted commas here: "I don't know the strategy and I don't think they know". Then the paragraph I wish to draw your attention to is the second last - or the third last, the second last and the last paragraph, and it is stated here:

"The international community should use pressure to 30 persuade / ...

persuade those in power in South Africa to come to the negotiating table. There are those of us who still believe there is an outside chance of peaceful change, but we are losing our credibility".

Asked to comment on the sort of pressure required, he replied: 'If I said I supported economic pressure when I get home I could be charged with economic sabotage, that means five years in gaol. I would like to go to gaol for something more exciting'."

Is that you, Bishop? --- It sounds like me.

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The point is the same attitude towards the necessity for economic pressure is expressed here as in your speech? --- For the threefold pressure, political, diplomatic but above all economic.

Bishop, then another illustration of consistency in this connection is your address to the Assembly of the British Council of Churches on 31 March 1981 - by Bishop Desmond Tutu, the General Secretary of the South African Council of Churches. This is contained in a publication with the title "Facing the Facts - the United Kingdom and South Africa" and it is the report of the working party. Could I just draw your attention to the article and I will mark what I think is relevant, if you would just like to have a look at that please, page 54 and following? --- Thank you. Yes.

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There is a pencil mark on page 55 at the bottom I think? --- Yes.

And if you turn the page on page 56 and 57 - could you just first identify the article for us please, is that what you said on that occasion? --- Yes.

I think those paragraphs that have been marked are the

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paragraphs / ...

paragraphs relating to your attitude on pressure. Could you perhaps just read them into the record please? --- The first one, the appearance?

Yes, on page 55? --- Page 55:

"Those who invest in South Africa should please do so with their eyes open, they must not delude themselves that they are doing anything for the benefit of Blacks. Please let us at least get rid of this humbug. They must understand that they are buttressing one of the most vicious systems since Naziism. At least they should know that that is what they are doing. This is what Blacks feel. This is why Blacks felt let down when a major denomination in this country seemed reluctant in its attitude about what I call economic pressure. We felt terribly let down".

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Then on page 56:

"The appearance of change is a Government attempt to hoodwink the international community. There is a crisis approaching in South Africa, the call is: please act now for tomorrow will be too late. Act now. Apply pressure, political, diplomatic but above all economic, persuade them that all interests would be best served by negotiation. The April 1981 election will be the last all-White election. We shall have a Black Prime Minister in five to ten years, we will be free, there is no doubt about that, we can only debate how and when".

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And then on page 57, No.3:

"Please work to form a proper public opinion. A political leader in Europe said to me: the churches are / ...

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are not helping to form the kind of public opinion. We should bring pressure to bear on us as the government to do the things that will be unpopular if we took the initiative and did them now".

Is that part of your address to the British Council there? -- Yes.

Again also expressing your concern with change and with the necessity for exertion and pressure to effect change? -- Yes.

Bishop, then there is another article I would like to draw your attention to, actually these are two articles in two Dutch newspapers. You may have been here when Dr Roos dealt with them, I do not know, they have been placed before the Commission, but I would just like to deal with them with you. During March 1981 when you were in Holland, the Volkskoerant had a report on what you had to say, and the newspaper Trouw had another report on 14 April 1981. Now, could I perhaps read to you what the Volkskoerant had to say, the heading there was: "Tutu smeekt om druk op Z-Afrika" - dateline Den Haag: (10)

"Bisschop Desmond Tutu, de meest gezaghebbende leider in Zuid-Afrika, heeft gisteren een wanhopig pleidooi gehouden om economische druk op Zuid-Afrika uit te oefenen. Tutu liet doorschemeren dat hij een Nederlands initiatief in deze van harte zou toejuichen.

De secretaris-generaal van de Zuidafrikaanse Raad van Kerken bracht de afgelopen dagen tijdens een rondreis langs Westeuropese hoofdsteden een bezoek aan Nederland. Hij wilde niet ingaan op de inhoud van het gesprek dat jij gisteren had met minister Van der Klaauw van Buitenlandse Zaken." (30)

Then/...

Then I skip a sentence or two, and here you are allegedly quoted as follows:

"„Help, alstublieft, in godsnaam. Help in uw eigen belang, help in het belang van de wereldvrede. Voor alles moet er economische druk worden uitgeoefend op Zuid-Afrika", zei de bisschop die met opzet het woord "boycot" of "sancties" vermeed. „Als ik daarvoor zou pleiten (voor een economische en/of olieboycot), dan pleeg ik volgens de Zuidafrikaanse wet economische sabotage en riskeer ik vijf jaar gevangenis- (10) straf." "

This is the one article, I would just like to show it to you, could you perhaps tell the Commission whether that was what you said in substance in the Netherlands? -- Yes, I was fairly repetitive, I was saying much the same thing in one country after the other.

Yes, it is perhaps necessary to say that you were touring Europe and America? -- Yes, I had just received my passport back after a year, and it was my first visit and it was the first time that I had a passport that was valid (20) for five years, but it did not last for very long.

Well you were very active in travelling that month, Bishop? -- Yes, I should say this is in substance what I said

Bishop, if you will just turn the page, there you have got the article of Trouw, you will see it is about a month later, it is dated 14 April and apparently that article is based on a circular of the Dutch church, which in substance says more or less the same that we had discussed? -- Yes.

Bishop, then there is another I would like to deal with, this is an extract from Newsweek, Newsweek of 27 April (30)

1981, and in the introduction to this article - these are not your own words but this is whoever wrote the article, he says:

"As he toured the Continent, the American envoy, Chester Crocker encountered growing Black skepticism over the Reagan Administration's 'evenhanded' policy towards Pretoria. One outspoken critic is the Anglican Bishop, Bishop Desmond Tutu, the head of the South African Council of Churches. During a visit to New York shortly before his passport was revoked, Tutu discussed Black Africa's concerns with Newsweek's Eloise Salholz".

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And then they print some exerpts. I would like to show you this, and there is really only one question we need to deal with at this stage, if I could mark it.

ADV. KENTRIDGE: Well, I think the witness should see the whole article, and read it all.

ADV. VON LIERES: Oh yes. Will you please have a look at it?

CHAIRMAN: Yes, the opportunity has been given in each case for the witness to see the entire article, and he is free to do so.

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ADV. KENTRIDGE: I think the witness should be given the opportunity to read it before being called on to answer.

ADV. VON LIERES: Yes. --- PAUSE - Yes.

Can you identify that, Bishop, did that discussion take place? --- Well I do not have a very good memory, but I think that this would have been at the same time as when I was visiting on this March 1981 trip, and I think, yes, it is in substance what I said.

There are just two questions and answers, Bishop, that I would like to draw attention to, if you would like to any

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of / ...

of the others, you are welcome to do so. If you just look at the article there, the one question that Mss Salholz asks is formulated thus:

"Recently President Reagan underscored America's friendship with South Africa. Are you troubled by the direction of US policy?"

The reply by yourself:

"Very worried. We probably have seen the leader of the socalled free world hobnobbing with our oppressor. Reagan seems to say human rights are allright, but not a priority. Unless we get a signal that the Administration does care about human rights we will have to reassess our attitudes towards America".

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Could we just pause there for a moment, and could you just perhaps tell the Commission what you had in mind about reassessing "our attitude towards America", the following question then specifically, whom do you refer to when you say "we", and what do you say about reassessment as a second question? --- Will you tell me the questions again, you said who are "we"?

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Yes, who are "we"? --- I would say that it is all those who seek to get a new dispensation in South Africa, a South Africa that is non-racial, which is democratic, which is more just.

And what did you have in mind suggesting a reassessment of your attitude, how were you going to adjust if necessary? --- Whether the attitude would be one that was one that approved or disapproved. I would say that in terms of those that I have referred to as being included in the "we", a major concern is human rights, and the United States is the leader

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of / ...

of the free world, and human rights should, we believe, be a considerable priority for them, and certainly some of the Administrations in the past have indicated that they cared very deeply about human rights, and that would be one of the factors taken into account when one was assessing what attitude to adopt towards an administration or a government.

Bishop, then the second paragraph - could I just ask you, would the "we" in this case include the South African Council of Churches? --- Not specifically, nor do I exclude 10 them. I was not thinking that I would necessarily be speaking for the Council, though I would believe that concern about human rights would be very much in line with the attitude of the Council, but I was not consciously setting myself up to be - actually, any spokesman really.

Bishop, then the other question and answer I would like to refer you to in this Newsweek article of 27 April, is the question formulated as follows:

"When you met Chester Crocker, Senator Nancy Kassebaum and UN Ambassador John Kirkpatrick, what did you say to them?" 20

The answer then:

"Simply, choose to be on the winning side. The way you are going now, you are taking the wrong course. I have been telling government leaders that if you want to see change come reasonably peacefully, you must act and apply political but above all economic pressure on South Africa. It is in your self-interest to support us because the gold, uranium, chrome, will still be there when we are free, and we will remember 30

who / ...

who helped us".

Is that correct? --- Yes, quite correct.

This is also in line with your approach on this particular matter? --- Yes, underlining the very deep commitment and concern that I have for non-violent change, reasonably peaceful change I call it, and I have indicated why I call it that, it is almost obsessional.

Then, Bishop, I would like to show you another article dated 16 May 1981, which appeared in the Volksblad in Bloemfontein. I would like to show you the article, and the only paragraph of importance is the one marked there, in which you again expressed the requirement or necessity for some pressure? --- Well here they have used a word that I know I would not have used, "sanksies", it speaks of "ekonomiese sanksies" and that is not what I would have said.

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You would have used the word "pressure"? --- I would have used the word "pressure", yes.

Subject to "sanksies" not reflecting what you said, is the rest correct as far as that paragraph is concerned?

--- Yes.

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Perhaps you would just read that paragraph into the record, Bishop? --- Yes.

"Die Biskop het gesê hy steun ekonomiese sanksies teen Suid-Afrika omdat dit 'n gelyke kans op verandering van die toestand in Suid-Afrika kan beteken".

And on what occasion were you supposed to have said that? --- I was speaking to the Cape Town Press Club it says here - I know I have addressed the Cape Town Press Club.

Bishop, then a report on an article that appeared in the Washing Post allegedly under your hand, this is Beeld of

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24 September 1981. It purports to quote an article that as I have said had appeared in the Washington Post, and that you were the author of it, would you please have a look at it, I have marked the relevant portion for you? --- Thank you.

Bishop, perhaps we could just read that paragraph into the record please?

--- "In 'n lang article wat gister in die Washington Post verskyn het, skryf Biskop Tutu ondermeer: 'Die wêreld gemeenskap moet nou besluit of hy 'n vreedsame ont-knoping van die Suid-Afrikaanse krisis begeer. As hy dit wil bereik laat hom dan diplomatieke, politieke maar bowenal ekonomiese druk op die Suid-Afrikaanse Regering toepas om dié te oorreed om te begin onderhandel met die ware leiers van alle dele van die Suid-Afrikaanse bevolking voor dit te laat is. Miskien is dit al te laat as 'n mens let op die gedrag van die Reagan-administrasie".

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Bishop, along the same lines there is another article which appeared on 26 September 1981 in the Pretoria News, it claims that - it is also datelined Washington - and apparently it purports to reflect the same article that Beeld has quoted there because there is only two days' difference. Would you just have a look please at the marked portion of this and see whether that is what you had written, or any comments you would like to deliver on that? --- PAUSE

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And the thrust of this article, Bishop, is the same?
--- Yes.

So, I will just read it into the record for completeness, it is a quote out of the Pretoria News dated 26 September 1981, datelined Washington, and the relevant

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portion / ...

portion reads as follows:

"Bishop Tutu referred to foreign business operating in South Africa and said that ultimately their efforts would be seen as improvements and no changes. They are making apartheid more comfortable rather than dismantling it. The international community would have to make up its mind whether it wanted to see the peaceful resolution of the South African crisis, and if it did so, it should apply economic pressure on the Government".

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Another example, Bishop, where your consistency is demonstrated in, is contained in a book with the title "The South African Churches in a Revolutionary Situation" by Margery Hope and James Young. On page 113 they purport to reflect a conversation the authors had with you. I would firstly like to ask you, did they have a conversation with you? --- PAUSE

And the only question there, you will see it is underlined in pencil at the bottom of the second paragraph from the bottom? --- Yes.

Where you say or are quoted as saying:

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"But we do need Americans, they can apply diplomatic pressure and economic pressure".

--- Yes.

Is that what you said? --- Yes.

Now, Bishop, in a different sense and perhaps in a different connection, the President of the South African Council of Churches, the Reverend Storey, has also at an Executive Committee meeting on the 10 and 11 August 1982 - he is reported in the Minutes - have you got the originals here - as follows:

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"The / ...

"The President reported that the intense focus on Southern Africa seems to have been easing somewhat in the consciousness of the World Council of Churches. It is possible that other pressing issues may also have shouldered the concern somewhat aside. It is highly important that the Vancouver Conference give a high profile to South Africa, possibly in a full Plenary".

Then there was a discussion according to the Minutes, and it was then recorded:

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"It was felt that the SACC should support the call of the PCR that the Vancouver Conference should also focus on Southern Africa. It was agreed that a letter to this effect be sent to the General Secretary of the World Council of Churches with a copy to the Assembly Preparation Committee, underlining the hope that Vancouver will give South Africa a high profile at the world Assembly".

I would like to show you this particular extract, I have dealt with it when the Reverend Storey testified, I would just like to show you that? --- Yes.

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There is a common denominator between - so it appears to me, I may be wrong, you can tell me - between asking for pressure and trying to maintain a high profile. What would the effect be of a high profile at Vancouver for example? --- The world Christian community would be asked to carry on their hearts the critical situation in our country, as they do do, I testified to the fact that there are very many who are praying for our country, and who are longing desperately for there to be a kind of change that will avert a catastrophe, 30

not / ...

not only in our country but one that will spill over into other countries. But as I also pointed out, our situation is not one that could remotely be called domestic, it does have a threat, potential threat to world peace, and therefore in line with the very long history of the Church's concern with racism, it would be that we were asking the Christian community to do all they could to exert maybe spiritual pressure, in addition to the other kinds of pressure.

Bishop, apart from the public statements that economic pressure as well as other forms of pressure should be applied 10 to effect the fundamental change, there are also a number of documents addressed to individual persons written by you in your capacity as General Secretary. Now I do not know whether you want the addressees to be identified here, it is for my purposes not necessary, but I would like to show you two examples, and I am basically interested in paragraph 3? --- I have no problems about the addressees being made public.

Bishop, perhaps you can just mention who the two addressees are, the letters are identical? --- Yes, I sent one to Senator Edward Kennedy and Senator Paul Tsongas, and I 20 believe I must have done the same with two or three other people.

Now, the third paragraph of the letter relates to the question at present and perhaps you will read it into the record please?

--- "The purpose of this letter is to urge important people like yourself to begin to take an even more public stance about the situation in Southern Africa, especially insisting that a solution must be found for the Namibian problem, and to call your Administration's 30

bluff / ...

bluff on its constructive engagement policy. I am sure many of us can count on your support, and hope that you can rally others who are sympathetic to our cause to do likewise."

So the same attitude or same urge is expressed there as we have read from other publications? --- Yes, but I mean I do not specifically say that they ought to exert - they themselves should exert pressure, but what one is saying here is indicated in the second paragraph:

"I am sure that you are aware the situation in our country is deteriorating more rapidly than when I met with you in September".

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And then I am saying that a prestigious person like himself and the others that I wrote to ought to be aware that a situation like Namibia is one in which human beings, as we sit here, are dying from all sides and for all kinds of reasons. And as a Christian leader I cannot sit by the sidelines and not seek to do all that lies in my power to see a situation of such considerable suffering, and I think needless suffering, continue without taking all the steps that I can take.

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Right. Bishop, may I now ask you please to turn to page 145 of your memorandum. Now in the third paragraph of page 145, the first sentence reads:

"It is not true that the SACC has mobilised and maintained international pressure".

How should the Commission assess this statement in the light of these examples that I have put to you? --- Well first of all, I mean, the Commission would realise that I am not the SACC, that is one thing. Second, is that we have not

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mobilised / ...

mobilised it because we are singularly unsuccessful in getting people to - even to do some of the least of the things that we suggest, and thirdly, we have not been able to maintain a pressure because it was not there. I mean, we have not succeeded, and therefore what I say here is true.

CHAIRMAN: If the sentence had then read, or rather if the allegation had been that yourself as General Secretary of the SACC have endeavoured to mobilise and maintain international pressure, would that have been correct? --- That would have been more in line with what one was seeking to do 10
calling on the international community.

ADV. VON LIERES: Bishop, as we have pointed out in a number of these statements, you are described as the General Secretary of the South African Council of Churches, that is so with regard to the British booklet, with regard to the United Nations visit and also with regard to the Dutch newspaper reports. Now, might it not be perceived by people who read the newspapers that reporting on you and describing you as the General Secretary of the South African Council of Churches, that they may well accept that this is what the South African 20
Council of Churches says? --- That is possible, yes, but I have not anywhere sort of specifically said I am propounding Council policy, it is my own concern, I concede that, I have said before, that it is difficult to split oneself up into different persona, but being General Secretary of the SACC obviously gives me a status and I suppose being me I also contribute something to the General Secretaryship. But there is no mobilisation, you could say there is an attempt by the General Secretary to appeal to the international community, but there has been a considerable failure in achieving even a 30
modicum / ...

modicum of success in this regard.

Bishop, excluding the statement in connection with Danish coal, excluding that particular statement? --- Yes.

You have never - and your views on the necessity for pressure have never been repudiated by the Executive Committee of the South African Council of Churches or the National Conference, would that be correct? --- And I do not think you could say they repudiated even my statement on coal, what they said there would be taken to be a rubric that covers all of my statements in relation to this whole question 10 of pressure, which is that there are those on either side of this particular situation, that is the position of the Council, that they recognise and respect my right and would defence my right to speak as I believe I am moved by God, but that it is not an ex cathedra pronouncement which would necessarily be accepted by everybody as representing the views of the Council. I think the statement which was made is a very carefully drafted statement and seeks to give the correct picture. I have got to say, I mean, I hold firmly, I believe with all of my heart and I will not be moved to 20 change, but that is me, and if anybody wants to deal with that then they have got to deal with me, not with the Council of Churches, because the Council of Churches is on record as saying that there are different points of view on this issue. I am quite ready to stand up anywhere and say that I believe fervently and I will not change.

You are not the only member of the staff of the South African Council of Churches who thinks that the use of international pressure should be continued with, you will recall - I do not know whether you were here, but when Dr. 30

Kistner testified we showed various examples where he wrote overseas and said well, in view of the problems with this resettlement some international pressure may be helpful to get the Government not to move the people. Do you recall that? --- Yes, I think, yes I do, when he was talking about publicity about the Makgota people, that it might help to dissuade the Government.

That is correct, yes. Bishop, you said you had no modicum of success with regard to the international pressure. To what do you ascribe the absence of success? --- Well, I 10
read this morning that Rank Xerox were giving statistics of their latest meeting of stockholders, and they were indicating that about 5% of the stockholders were in agreement with not continuing or expanding Xerox's operations in this country. It is that I am not persuasive enough, that is one thing. The other is there is a very considerable self-interest on the part of those who invest in this country, they hold genuine views that their presence would be to the advantage of all the people of this country, and their present policies where they seek to improve the quality of life of 20
Blacks, would in the end be the kind of force that would actually bring about change, and there is therefore obviously a difference of opinion. I have been singularly unsuccessful, but I need to point out that I have made it quite clear when I talk about these pressures I have talked about pressure which would be pressure that would move the South African Government, make them realise that they are sitting on a powder keg, pressure that does not need even to be pressure for disinvestment. In fact I have not in those terms called for disinvestment, I have said that there are quite a number 30

of things that you can do, in the first article that you referred to, my speech to the Institute of Race Relations, I said these are some of the things that companies who are operating in South Africa or who want to continue to operate in South Africa, could do. That is also a form of pressure, and even that has met with very little success. I mean I have said: why do you not say to the Government, it does not make economic sense to have migratory labour, because you train a Black worker, you invest capital on training a particular Black worker and then you are not sure 10 you are going to get him back next year, because of the vagaries of this system. Just leaving out politics it does not make sense at all, and I said it does not make sense to have a worker not live with his family where he works. You are more likely to have labour stability if your work force is stable, and nobody will be stable when he knows his children are eking out a miserable existence in a bantustan situation and he lives in a single sex hostel, economic sense, and the whole sort of principle of free enterprise is being gone against, people are not allowed to sell their labour 20 where they are able to command the greatest pay. And I said you people keep saying you do not want politics, and I said I am not talking politics, I am talking economics. And this was, you will recall, exactly echoed by the head of Barlow-Rand, and there was an editorial in the Rand Daily Mail which said: two men one voice, in which he was saying exactly what - well, he would not use my words, but he was saying much the same sort of thing I am saying now.

CHAIRMAN: Bishop, might I ask you, what sort of action did you anticipate might flow from your request to Senator Kennedy. 30

What / ...

What did you envisage might he do to assist? --- I had hoped, I mean, that he would be able to indicate to the constituency that he has, which is a considerable constituency, that the situation in South Africa is deteriorating, that the Reagan policy, the Reagan Administration policy of constructive engagement had failed, had certainly failed so far to produce a solution to the Namibian situation, and that there was an escalation there, you were getting Cubans and all kinds of people involved, and that therefore it was important that people recognise what was happening, that we were being told 10 that there is constitutional change in this country, a constitutional proposal that excludes the vast majority of people of this country. How in the name of everything that is good could that be expected to be something that was likely to lead to peaceful evolution, we would be expected to sit folding our hands and saying: yes, the White man and the Coloured and the Indian can decide the future of this country, and we, 70% of this population, must sit on the sidelines and have our destiny determined by these people. Why should that be the case, and we who keep talking about it, let us think 20 about reconciliation, let us think about peace, that our credibility is being eroded, and that was the kind of thing, hoping that they would make their own Administration realise that so far their policy had not delivered the bacon.

Well, you may recall my question was what did you anticipate might Senator Kennedy do in response to your letter or in compliance with your request, you said that he would inform his constituency, and then what effect might that achieve? --- Well, I mean I think they are a democratic country, they have various ways of influencing their 30

Administration / ...

Administration, they are able to make their points of view known, and that the American Government would then have to reassess its own constructive engagement policy with regard to South Africa.

ADV. VON LIERES: Bishop, purely as a matter of interest, you know Senator Kennedy represents the state of Massachusetts?
--- Yes.

And you know about the disinvestment law they adopted about six weeks ago? --- I have seen that, yes.

I am not suggesting a connection - LAUGHTER --- You 10
really are giving me influence that I do not have!

Bishop, could you please turn to page 18 of your statement? --- Yes.

At the end of the second paragraph you quote two letters that you had received. What struck me was what you say here:

"I want to quote one or two of these letters which seem part of a church campaign as the language is often uniform".

Now, comparing the two letters with one another, I do not 20
find any uniform language or uniformity of substance. Could you perhaps enlighten the Commission why you say these letters seem part of a church campaign? --- Only that these are two examples of several, and in the samples that we have in the office one often finds that the language is repeated in letters that come from different parts of the US.

What would in your view the value be of letters or as a result of a church campaign? --- I have no idea at all.

I mean would you be impressed if I sent you 20 letters as a result of a church campaign from 20 ministers, or would 30
you / ...

you be more impressed if you get five unsolicited letters from parishioners? --- I do not know how the Government's mind works, and I do not know what impresses them and what does not impress them. I was merely putting before the Commission here a concern of our Christian brothers and sisters, especially in the United States, who have taken the trouble to write, I mean, I am receiving several letters in the same sort of vein, and I do not think they know either what the likely outcome of their writing will be, but they are hopeful that it will be something that in indicating their concern may also add to the facts that the Commission or the Government will take into account when they make their decision.

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You see, I think it is important to perhaps spend a few minutes with regard to this particular question, the same as you, Bishop, the Commission has also received a number of letters from overseas - would you just make that available to the Bishop please. Amongst the letters that were referred to the Commission, is a letter I now place before you, and I am going to deal with this because I see that the first letter you quote from page 18 to 20 comes from the Presbyterian Church, and the second one from the Reverend William Massey, he is also if I recall correctly, a Presbyterian. The letter I have placed before you, Bishop, is a letter dated 3 March 1981, and it is headed: "A special communication to Presbyterian pastors" and it comes from the head office in 475 Riverside Drive, it consists of two pages together with page 3, setting out something on the Eloff Commission, and page 4 which is a sample statement for signature. Have you seen that? --- Yes, I mean I am looking

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at / ...

at page 3.

Page 3 the heading is: "The Eloff Commission and the South African Council of Churches", and page 4 is a sample statement for signature. Now, this letter is signed by three gentlemen, Mr. Costen who is the Moderator of the 194th General Assembly, William B. Thompson, he is a stated clerk of the General Assembly, and then the Reverend J. Oscar McCloud, the General Director of the Programme Agency, I think he was a witness who testified before the Commission on 23 March? --- Yes.

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Now, at the bottom of the first page, let us just deal with the first page, the concern or the attention of Presbyterian pastors is directed to the development in South Africa, with regard to the South African Council of Churches which is under investigation. Then reference is made to testimony presented by General Coetzee, and then it says in the last paragraph:

"The Reverend Oscar McCloud, general director of the Programme Agency now in Geneva for the meeting of the World Council is seeking a visa to visit South Africa in order to testify before the Eloff Commission, and assure the SACC of the prayers and support of the United Presbyterian Church".

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Now we know that the Reverend has already testified? --- Yes.

Then on the top of page 2 the following appeal is directed to the addressees of this circular, and it reads as follows:

"We urge you to express your concern about this matter, and your protest to South African and United States officials named in the attached material, as quickly

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and / ...

and forthrightly as you can. There is some possibility that enough such expressions could deter or soften the contemplated actions. We are enclosing a copy of a brief background explanation and sample statement prepared by a South African now in the United States".

Would that have been Dr. Parker? - No, I am sorry, you would not have known? --- Dr. Parker?

No, I am sorry? --- He is not a South African.

And the last paragraph is:

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"We urge you to include in your services this Sunday intercessory prayers for Bishop Tutu, Peter Storey and the many others in South Africe whose courageous witness to the faith places them in some peril".

Now, the attached material, Bishop, which is referred to in the second line of the first paragraph on page 2, is then headed: "The Eloff Commission - the South African Council of Churches" and it sets out what it thinks about the Eloff Commission, and the very last paragraph - or the second last paragraph - perhaps I should start at the foot of the third last paragraph:

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"At present the opinion of Christians in the United States is probably of the more persuasive forces upon the South African Government and should not be underestimated".

Have you found that, page 3? --- Yes, thank you.

Then it continues in the second last paragraph which reads as follows:

"Hence we make this appeal for your immediate unstinting and outspoken protest against this officially positive course / ...

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course of action".

And it continues:

"The attached statement is one which your parish may consider using as it is or as a guideline for drawing up a similar document. One suggested use would be for the clergy and lay readers of your parish to sign this statement and forward it to the persons listed below. It is important to send a copy to Bishop Tutu so that he and the Council may know of your love, cares and concern and action as this part of God's church stands under attack". 10

--- Yes.

Now, did you receive a copy of this circular, Bishop - the SACC or yourself? --- This one, no.

Of this whole letter? --- No. I am not aware of it at all.

Now, the sample statement for signature, Bishop, which is page 4, you will see it has been completed by somebody and signed. This sample statement is then an appeal that the South African Government should reconsider its attack on the Church, 20 on the South African Council of Churches, and you will see it consists of five paragraphs, the first paragraph leaving a gap so that the denomination can enter its name? --- Yes.

And then we have this particular sample statement for signature. Now I do not think it is necessary to read this sample statement, would you like to have a look at that so long. I would now like to show you a few examples of letters that were sent to various persons - unfortunately as you will see, Bishop, we do not have the list of addressees to whom the letters should go, that portion is missing? --- Yes. 30

But / ...

But here is an example, I want to show you a letter sent by the United Presbyterian Church of South Dakota on 15 March to the Ambassador in Washington, and if you would just like to compare the first three paragraphs of that letter with the sample statement, I think you will find them identical? --- Yes. Much the sort of thing that we have been receiving.

Much the sort of thing that you have been receiving, yes. Now that is the point I am coming to, not only does the United Presbyterian Church suggest that - or alert its parishes that they should consider writing, but they also provide them with a sample copy of what they could write if they did not know what they wanted to write themselves. Now, Bishop, in some cases we have an example of the persons to whom these letters have been sent - let me just find one here - here is one example I would like to show you, this comes from the United Presbyterian Church in San Francisco, it is addressed to the Prime Minister, copies to the Honourable Chester Crocker, President Ronald Reagan, the Right Reverend Desmond Tutu, the Honourable Dr. Brand Fourie and the Honourable George Shultz in Washington, dated 9 March - would you please have a look at that as an example? Just as an aside, it is obvious these were forwarded to the Commission by the people who received them, but you see, Bishop, this type of pressure, what is the value that the Commission should attach to this question. This is not a spontaneous individual who writes in, it is a church that sends a circular and asks people to write in to the Commission? --- Well, I think, I mean the Commission is free to place whatever really it wishes on it. What it does show quite distinctly is that there are people who care.

The kind of thing that we mentioned, the theological point that we belong to the Church of God, and it is not something to be sneered at that the head office makes suggestions, suggestions that they put to the people. It is the kind of suggestions that you make also to a congregation and say: have you thought about the boat people for instance. It is not to say that it is not going to be spontaneous, but I mean they may think that people are not always aware or even when they are aware of they would not know perhaps how to deal with a particular situation, and therefore I myself 10 would not be concerned that it was not in maybe the primary sense spontaneous, because there is nothing to force them to write the letters, the head office says: we are making a suggestion to you, do you think it is a good thing to do so and so and so and so, and they are at liberty to take on that recommendation or not. And the fact that they do surely should indicate that there are people who at least have this amount of concern that it leads them to write letters. I mean there was nothing urging them, they were not told that if they did not write these letters: we are going to strike 20 you off our books.

Yes, well there was of course this note of urgency in the circular from the head office, Bishop, if you will have regard to page 3 you will find there it says: "hence we make this appeal for your immediate unstinting and outspoken protest". So there was this element of urgency, but perhaps you could assist me in a different way, you know I pointed out to you that this letter, this circular by the United Presbyterian Church was dated 3 March of this year, and one of the signatories was a subsequent witness, Mr. Oscar 30

McCloud. Now the effect of this letter in so far as it has been followed is of course in a certain manner of speaking, I think I could say a form of pressure that is exerted on politicians - these letters were not addressed to the Commission for that matter, but to the Prime Minister, and Ambassador, Minister of Foreign Affairs, this gentleman in the American Government and that gentleman and so forth, this is a form of pressure I would suggest to you, but now, having generated this type of pressure, ..(intervention) --- Who has generated the pressure?

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This circular? --- I beg your pardon, I thought you were saying I generated the pressure. (LAUGHTER)

No, I did not say that, Bishop. --- Yes, thank you very much.

This circular, having generated this type of pressure which amounts, Bishop, in fairness to the authors of the circular I would suggest to you, to an anticipation that due to the operation of this Commission, certain steps are going to be taken by Government against the SACC - that is the basic anticipation and that is why this circular tries to generate pressure by people writing to the various politicians to get them possibly not to take action or to soften it. Now, what do you say is the value that the Commission should attach to Mr. McCloud's testimony in the light of the fact that he had already decided in advance that some action was going to be taken against the Council? --- Well again, I mean I cannot advise the Commission, if the Commission wanted to hear what I thought it would be to say that this whole thing should be thrown out, I mean the whole Commission operation really, and that the Commission should say the SACC exists to do the things that / ...

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that the SACC says it exists for. That would be my opinion, but I do not suppose that that is particularly relevant.

The point of this letter is, if you look at page 3, is "we make this appeal", we make an appeal to you our fellow Christians based on what we have heard is the recommendation made, not by any Tom, Dick and Harry, but it is made by the head of the Security Police on behalf of the SAP, and this person who makes this recommendation is the Commissioner of Police designate, so that you have to take very seriously the recommendation he makes. They are not saying that that is what is going in fact to happen, they say it is likely to happen, and we are saying that in the event, it is conditional, in the event of such and such occurring we as Christians will be force to do so and so. They are not saying that it is going to happen. If they were absolutely certain they would have said: just you do so and so, but they are not saying that, they are saying that if that does happen then they as Christians will exert all the influence and bring all the pressure to bear that they can to indicate their deep concern.

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CHAIRMAN: Well, I think this is enough for one week. --- Yes, I think so, I am looking forward to the weekend, I do not know about you.

The Commission adjourns till Monday at 09h15.

THE COMMISSION IS ADJOURNED.