

Lex Mpati

**LRC Oral History Project**

**18<sup>th</sup> December 2007**

Int This is an interview with Lex Mpati and its Tuesday 18<sup>th</sup> December (2007). Lex, thank you very much for agreeing, at such short notice, to lend your time and agree to be part of the LRC Oral History Project. We really appreciate it.

LM Pleasure.

Int I was wondering whether we could start by talking you about your early...formative experiences growing up in South Africa under apartheid and what was the trajectory, which I hear is fascinating, by the way, that led you into the legal profession?

LM Well, (laughs) I'm not sure about it being fascinating but I was born in Durban, so I'm told, but grew up in Fort Beaufort.

Int Fort Beaufort is in the Eastern...?

LM It's in the Eastern Cape. It's actually just 77 kilometres northeast of here, of Grahamstown, that's correct. That's where I grew up and that is where I started my primary education, at a school called St Joseph's. It's a Roman Catholic, Catholic coloured school, so I, I started my schooling there with my brothers. My grandfather, who raised us, um, was sort of born of an African woman and a German, I understand, fellow who I think was a policeman somewhere around Alice / Fort Beaufort at the time. So uh, with regard to the classification, racial classification in South Africa, we were able to go to a coloured school. Coloureds at the time, being I suppose better off than Africans. My grandmother was African proper, but because my grandfather was sort of light in colour, we were also on the light side, and so we could be sent to a coloured school. In fact, the story goes that when my grandfather applied for a, a reference book - the identity books they hated, *dompas* as it was popularly known - he didn't get one, but was sent a card and he was, he'd been classified as coloured and so we sort of followed suit. And that's why we went to a coloured school. After passing Standard Six, I came to the high school in Grahamstown, Mary Waters High School, the idea being that I'm just here for the high school period and after that I will go to some institution, tertiary institution. But my mother was a nurse and she was in Zambia at the time and her wishes of course, were that I would go to a tertiary institution, but when I finished Standard 10 at the end of 1967, I decided that I'd had enough (Laughs) of schooling, and much to her disappointment and my grandfather's disappointment - my mother was a single parent - I started working. You know, as I say, I'd had enough of school. I thought, no, no, that's sufficient. I lived with my brother here who was not educated. I think he went up to Standard Five or something, so when I finished Matric, he also reckoned that that education was sufficient, when I said I'd had enough. And started working at a garage here, as a petrol attendant where I worked '67, uh, no, no, '68, '69, '70, uh, went to the bush, got circumcised, because even though we were, you know, registered and classified as coloured, we still adhered to our African traditions.

Int Which is Zulu or Xhosa?

LM Xhosa. And so I came back, and carried on working as a petrol attendant for another year and then in '72, I went to Cape Town and worked in at African Oxygen as a works clerk, um, but I, when I went up to Cape Town it wasn't to go and work, it was actually to go and fetch my brother's car. But (laughs) I ran out of money while trying to repair the car and decided, ag, I'm going to look for work, and I got a job and worked. But it was just for six months, because come June, I was homesick and my grandfather was sick at the time, and so I decided, no, no, Cape Town is too far. So I came back to Grahamstown, was unemployed for the rest of that year, uh...until, what, about November or so? And then I was, I got a job at the Settlers Motel, where I worked first as a wine steward, and then I was sort of promoted, and became a barman and worked at a bar for four years, yes, worked there for four years; in a Ladies' Bar, which at the time was unlawful, because I couldn't as a 'non-white', work behind the counter in a Ladies' Bar. I suppose the reason was that we shouldn't see how white women got themselves sloshed, but the, the...what were they called at the time? The Narcotics Bureau police, they were the ones who were, who were in charge of you know, people working in Ladies' Bars and so on, so they turned a blind eye. I suppose they knew the owner of the, of the Settlers Motel, and they turned a blind eye and I carried on working until one of the hoteliers in town complained, that the Motel was employing a black person behind the bar, the Ladies' Bar, and so I had to leave the motel after four years. Got a job as a furniture salesman at McNamee's, where I worked for a year, and during that year that I was at McNamee's, the laws were sort of relaxed, not scrapped but relaxed, and I...

Int This was the '70s?

LM Ja, it was in '77, ja, '77. Because I started at the motel in late '72 and it was in '76 that I left, or that I had to leave, I was forced to leave, and the next year, '77, I, I was called, you know, I was still standing outside the furniture shop waiting for customers, when I saw the manager of the motel stop outside and he came to me and said: We'd like you to come back, you see, as barman again. So I went back to the motel, virtually immediately because I wasn't cut out to be a, a furniture salesman, I mean, I just couldn't, couldn't make it. I used to go home with about R300 at the end of the month or less than that, because I simply wasn't able to do the job as other salesmen did. I mean, um, people would come in and want to buy a piece of furniture and I'd ask: How much do you earn? And they'd say so much, and then I'd say: But you can't afford it. You won't be able to pay the monthly instalment and the next day I would see the same customer being written up, signing a contract with another salesman, so um, I, I just couldn't, I couldn't get people to enter into those kinds of contracts when I knew they wouldn't be able to pay and their furniture would have to be repossessed in due course. And so when the manager came, the Settlers Motel manager came and said they wanted me back at the motel, it was a blessing for me to be able to leave the salesmanship. So back at the motel, I...the other barman who worked there had been sacked, who was a white man, he had been sacked and I worked alone as a barman then. When I was there previously, there were two of us: it was myself and this white fellow. So round about 1977, '78 rather, I sort of said to myself, um, you know, I wasn't that stupid at school, that I should be working, working as furniture salesman,

as a barman, you know, when I should really have qualified at a tertiary institution, and be something. So I started chatting with Rhodes' students, because they were most, most of my patrons at the motel, at the bar, were Rhodes' students. And I was sort of saying to myself, but I mean, if these students can spend the kind of time that they're spending at this bar and yet pass, why can't I? So I chatted to some of them, and I remember one who is actually my friend now, Brian Mullins, who's teaching at St Andrews, saying to me: If you think you're going to study for a degree and at the same time work behind the bar here, you can forget it. And I said: All right. But earlier, you know, I had some brushes with the law...I once, and this is when I was still a petrol attendant, having done night shift, in the morning...I think it was Christmas Eve that day, and my grandfather's car was with me here in Grahamstown, so I decided to go and make a few bob at the railway station, you know, to sort of pirate as a taxi. Drove there, got a few passengers and loaded them in the car, and as I was just about to, uh, to pull out, a railway policeman came and arrested me for, you know, running a taxi illegally. And I decided that I'm going to, I'm not going to pay a fine, I'm going to go to court and I'm, you know, I'm going to defend myself, which I did, successfully. I defended myself successfully, unrepresented, and cross-examined this policeman when he was in the dock, sort of put serious questions to him, and told him one time that you're not telling the truth, in fact, you're lying, and the magistrate was on my side and we were found not guilty. So that actually gave me some interest in the law, and later, having had that experience, I used to go and sit in court, at the Magistrate's Court here, just sit at the back there and listen to, to accused person's trials and I'd sit at the back with a whole lot of questions, having listened to the complainant and other witnesses, you know, I, I would have lots of questions and um, but the accused would be afforded an opportunity to cross-examine - because many people appeared unrepresented - an opportunity to cross-examine, and they would say: I have no questions, and I'm sitting there with lots of questions, and I, I just felt this is really a shame actually, because if these people could just put a few questions to a complainant or witnesses, they'd be found not guilty but because, you know, they're, they're, I suppose, uneducated, not used to the environment where everybody is white, the prosecutor is white, the magistrate is white, there would of course be a, the interpreter and unrepresented, and I just felt that many people go to jail when they shouldn't have gone to jail, and that is what actually led me to decide to do law. And so I decided in '78 that the next year, I'm going to enrol at Rhodes, which I did, and started in 1979, and read for a BA Law degree, and wrote full-time but um, I think I was a bit ambitious because I had to work, oh, by then of course I'd gotten married as well. I got married, I got married in 1973, ja, I got married in '73, had two kids at that time, and uh, so I started at Rhodes full-time.

Int And this was 197...?

LM '9, 1979. And started with five courses, well, the fifth being Latin, which was compulsory, if you wanted to do an LLB degree, but dropped Latin later, because I realized that no, no, I've taken more than I could chew. Uh, I dropped Latin and I dropped History, I think, yes, and did Legal Theory 1, English, or was it Afrikaans? Afrikaans and Xhosa. I was majoring in Legal Theory and Xhosa. The next year, I passed all three, and of course (laughs), when I enrolled at Rhodes I had saved, you know, money just for that first year, and really didn't know where I was going to get money for the next year. But I learnt, you know, about bursaries whilst inside and

applied for a bursary and luckily got one, for a thousand rand, which was an RB Haggard bursary administered by the university. So I was able to get that bursary so the next year I could, I could register, again full-time, because I'd said to myself, a BA is ordinarily done in three years, I want to do it in three years because I can't afford not to. So uh, got the bursary and I was able to register, and luckily passed the second year. Again, the bursary was extended for the next year, with a thousand rand, and I mean, at that time, well by today's standards, you know, the tuition fees were quite, quite cheap because it was, I think the first year was R415 or something, or R600 plus, so I still had change from the thousand rand and I could buy books and so on. Passed my third year and uh, went on to register for my LLB, graduated in '82, was it '82? '82, ja, April '82 was my graduation. But I missed saying that in '81, well, 1980, at the end of 1980, when I was going to do my third year, I, I asked management at the motel that I'd like to be released. They knew that I'd enrolled and I was studying and they'd scheduled my duties such that I could attend lectures, and after lectures went up, to the motel to open the pub. But in 1981, third year, I said to them: You know, I'm going to have to leave because this is my final year, and I don't want to fail and they released me, I mean, happily too, because management told me that we knew all the time that you are going to leave us, but we wanted to give you this opportunity to study, and so I was released from the motel and started articles at a local firm, called Espin & Espin (inaudible) while doing my third year. So got through my third year, and uh, then did my LLB over the next two years, working as an articulated clerk.

Int Were you allowed to do that, do your articles concurrently with your...?

LM Yes, yes, you were. You were able to do that, but of course, it was easier if you had your junior degree, to start articles. But even, you know, in the third year, I could, but I didn't register my articles in the third year, I thought, you know, it would be better to register for two years, because if you register in your third year, you don't have your LLB, you've got to register – I think at the time it was five years or something – but then I could register for three years, after my degree. So finished my LLB, graduated '84, and carried on, you know, with my articles, at the local firm of attorneys; qualified as an attorney, was registered as an attorney in February of 1985, February '85 was registered as an attorney; worked for the same firm, but of course the partners had split at that time, and I stayed on with, with one partner, um, with whom I had registered my articles.

Int Was this a commercial law firm?

LM It was mostly commercial, ja, but there was a professional assistant who was doing mostly criminal work, ja. And I enjoyed criminal work a lot. Qualified, registered as an attorney, stayed on with him for another year, in '86 I was offered a partnership in the same firm, but I wasn't very happy because, you know, uh, I was the only sort of black attorney in the firm, the other two partners were white, and I had lots of clients, yes, but black clients, but at the time people didn't have money, so I wasn't, I wasn't really bringing in a lot of money into the partnership, and that made me feel a bit guilty. And in '89 I decided to go to the Bar, and uh, had my name removed from the roll of attorneys in 1989, and registered, or I was registered or admitted rather as an

advocate, did my pupillage and started practising in July of 1989 as an advocate. And uh, not much work again, because I was the only black advocate amongst...there were about twenty, twenty-two advocates and I was the only black, and, and of course there was a black firm of attorneys in town, B Sandi & Co. Sandi's now a judge here, and he kept me going, and of course my old, my old firm sort of pushed a few matters my side, but um, most of the firms in town didn't really brief me.

Int Was that based on race, the reason for that?

LM Uh, well, there isn't another reason other than the fact that I was black, one, and many of the firms did government work, and obviously they got instructions as to who they should brief, uh, I don't think they would ever have been asked to brief me, being black, certainly not. Got a few briefs from the Ciskei, which was sort of an 'independent country', in inverted commas, and survived, and then I, I decided to uh, when Jeremy Pickering left the Legal Resources Centre here, appointed as a judge in Transkei, I, I decided that that's the kind of work that I'd like to, you know, to do, which is the work that I was doing, but of course uh, with clients not having money, um, it, it was really difficult to survive, and then I saw an opportunity to be able to do more of this type of work that I wanted to do, and approached Clive (Plasket) Plasket, who is also a judge here now, who was a Director at the LRC, and um, and then I was, I was appointed to be in-house counsel at the LRC, in, as I said, in 1993, yes. And that's where I started. Um, I must say, I really enjoyed my time with the Legal Resources Centre, because you know, I was, I was doing something for the populace, I was doing something for the poor. Uh, I mean, I, I started, as I said before I joined the LRC, whilst I was still, even while I was an attorney at the height of the unrest period: '86, '87, '88, doing a lot of work in the Karoo, you know, unrest cases, and whilst most of my colleagues, attorneys, briefed counsel you know, to go and do those criminal cases, because it was mostly criminal cases, public violence and so on, arson, um, I did them myself. You know, I didn't, I didn't want to brief counsel, I just felt that I'm capable of defending the youth who were mainly the people who were arrested at the time, um, and I used to travel down myself in an old Mercedes Benz belonging to the senior partner in the firm. Uh, I remember, one night arriving, at, at...what's this place again? Anyway, it'll come to mind, but it's up in the Karoo. Richmond. Arriving there late at night and I, I was, uh, people were waiting just outside town for me, a convoy of cars because they wanted to protect me from the dangerous, dangerous police elements at the time.

Int This was in the eighties?

LM Yes, this was round about '87.

Int And you were working for the commercial law firm?

LM Yes, I was working for the law firm at the time. But as I said, I mean most of my clients were blacks and uh, in fact, I was introduced to the Karoo by the South African Council of Churches. There was a lady there, Anne Hughes, she 'phoned me one afternoon and, and said: Please, we'd like you to go to Colesberg. And that's how it

started, my involvement in the Karoo. Um, and one time, arriving in Colesberg at night, I was met by the youth, and they said: But are you travelling by yourself? And I said: Yes, why? And they said: No, no, no, you can't do that, you can't do that! These policemen are going to kill you! (Laughs) It hadn't happened before; I mean I hadn't heard of any attorney who had been murdered by the police at the time. I know about the Goniwe murders, but not, not lawyers, so it didn't really bother me, because I just felt that they wouldn't do that to me. But anyway, that's how I was introduced into the Karoo, and did a number of cases there. So even when I went and joined the LRC, there were still some cases left that they wanted me to do, which, you know, I finalised when I was already working for the LRC. Um, and whilst at the LRC, we covered quite a vast area, you know, in the Eastern Cape. Um, for instance, when Brian, Brian uh...Sarah's brother, Sephton, when he joined the firm, uh, rather, when he joined the LRC, they come from Barkley East, a farming community in Barkley East, so they knew what was going on there, you know, repression and so on, so we started opening up that side as well, and did quite a number of cases that side. Uh, there was a notorious policeman there who was really feared by the people in Barkley East, but I can't remember what his name was now, what his name is...Brian (Sephton) or even Sarah (Sephton) will know, I'm sure Sarah (Sephton) will know what his name is. But that's, that's the areas that we, that we covered, mostly, you know, we were doing criminal work at the time, you know, and, and some uh, civil claims arising out of police brutality, and, you know, succeeded in a number of cases. Gerald Bloem was also there, who is now an advocate, and his side was Graaff Reinet up to Aberdeen, you know. I remember doing appeals as in-house counsel coming from Aberdeen and Graaff Reinet and so on, where Gerald (Bloem) was doing cases. So it was quite an exciting time in the LRC until, until I was approached by the Judge President, and asked to come and act.

Int This was 1996?

LM This was 1996, yes, but the previous year in '95, I was approached by members of the Bar Council here, senior members of the Bar Council, you know, sort of sent me an invitation that they wanted to see me one evening at the Albany Club. And I thought I was going to be disciplined or something, because I didn't know what the problem was, but I didn't know what I'd done, but wondered what was going to happen, and they sort of out of the blue, said to me: We'd like you to become senior counsel, you know. I must take senior counsel status. I was so shocked because (laughs) I didn't think that at that time, I was ready to take on the responsibility of becoming senior counsel. So I put them back and said: Give me a year, I will think about it. They were quite happy to give me a year. But before I'd sort of responded, in '96 then, the JP Zietsman from here, called, gave me a call and asked me whether I'd like to act. And I said: Sure, I'll act. And he sounded very surprised because he probably thought I was going to say no. And I came to see him here, and so he said to me: Right, now you're prepared to act, and I said: Yes. And he said: What about senior counsel? And I said: Ag, all right, I'll take that as well. So I, I then had to call the leader of the Bar and tell him, that all right, your request from last year is ok, I agree, all right, I'll take silk, and so that was done and in April I got, I got my SC status. And then started acting in June, on the 3<sup>rd</sup> of June 1996, and that's when Gerald Bloem, who was an attorney in the LRC, said to me: You're not coming back, and so I'm going to do pupillage and become in-house counsel as well. I said to him: No man, I'm going to be back, don't

worry. But he was right, I, I didn't go back. There was a vacancy, later that year, and so, in...I think it was still in '96, that the vacancy occurred and I was asked to apply, which I did, and then appointed permanently in February '97.

Int And you've been here for ten years?

LM No. It actually happened very fast after that, because, because in 1999, I had been three years on the Bench. In '99, I was on circuit in East London, when the JP called me, and said: I think that the Chief Justice – you know we didn't have a constitutional court at the time so the, what is now the Supreme Court of Appeal, was the highest court in the land, so the Chief Justice was housed in the Appeal Court in Bloemfontein – so the Judge President called me and said: I think you're going, you can expect a call from the Chief Justice. He wants you to go and act in the Appeal Court. Oh, oh goodness me. I mean, I, I'm still yearning for more experience on the Bench, I mean; it's only three years. And I, I hadn't had an opportunity to practise as senior counsel either, because I got my senior status in April, June I was asked to act, and uh, and so I was, I was really enjoying it, getting experience on the Bench, and here I was told that the Chief Justice wanted me to go to the, to the Appeal Court. Same day that the JP spoke to me, I got a call from the Chief Justice, who was Ismail Mohamed at that time, the late Ismail Mohamed, and said: He'd like me to go and act. And I said: No, no, Ismail. I've been on the Bench for only three years. And he said: No, no, no, I know that, but I'd like you to come here and uh, you know...so that you can just find out whether you'd like to be here later on, permanently. And so I said: Ok. Because you could really never say no to Ismail. Uh, and so I, I started acting in the Appellate Division, which was already the SCA, Supreme Court of Appeal. Um, second half of '99, and as had happened in the ECD and the LRC, where I was asked to act here, I never went back to LRC. And I was asked to act in the Supreme Court of Appeal, and I never came back. (Laughs)

Int Right. And you've been at the Supreme Court...?

LM I've been at the Supreme Court of Appeal since, ja.

Int And you are Deputy President?

LM Yes, I was appointed in 2003 as Deputy President of that court, yes.

Int And you've been there since then ...?

LM Till now. But I've just finished an acting stint in the Constitutional Court, ja. From the second half of this year, I've finished now end of November.

Int You've given me a wonderful account of your background in response to my question. I wondered whether I could take you right back, because I'm curious you mentioned about your grandfather's background and then you going to what was

classified as a coloured school, and I'm wondering in terms of identity issues, you know, where you positioned yourself as a young person growing up in South Africa? Did you consider yourself as a coloured person, because it seems to me, certainly from the type of work you did subsequently, that your interest lay very much in the poor and the oppressed, be they coloured or African, as such.

LM Ja, um, even though we went to a coloured school in Fort Beaufort, we, we lived in what can be termed the township.

Int African township?

LM African township, ja. Um, my grandfather or grandparents, had a, you know, a plot of their own. It was two pieces, two plots he had bought, he held title deed, and, and so my friends were Africans, we played with Africans, and so considered ourselves as Africans, but you know, growing up in, in the kind of environment that was South Africa at the time, you know, with racial classifications, you, you, in a sense, you didn't really know where you belonged. Uh, I mean, even now, even now, amongst Africans, I'm actually referred to as coloured. I'm, I'm sort of viewed as coloured, but amongst coloureds, I'm viewed as an African, so I'm really in between, in between, and that has been, you know, the kind of life that uh, that we in our family have had to endure. I, I suppose it may have been easier than other people because we could fit in both sides, um, if we were in a coloured area we felt ok, because we could speak Afrikaans, we could identify with coloured people; and when we were amongst Africans, the same applied, you know, we identified with Africans and sort of, as I said, lived amongst them. I, I have sort of leaned towards African really, more than coloured, but I, I suppose one, one should admit that one exploited the position, you know, because, um, we may have had it easier than Africans, because we could go to a coloured school, and, and when the time came for us to apply for identity documents, we applied for identity, coloured identity documents, and got them and so we were registered as coloureds, and so, even here, I could go to a coloured high school, but lived in the township, uh, which was not an anomaly in Grahamstown at the time. I mean, I came here in 1964, there were quite a number of coloureds living in the black townships, so uh, I, I was viewed as a coloured living in the black township, you know, like other coloureds, but, I mean, whilst, whilst other coloured boys went over and played in the coloured area with coloured youngsters, I spent most of my time here in the township amongst, amongst African youth, played rugby with them and other sport. So um, I, I suppose I, I exploited the situation in a sense that I might have had it a bit easier than other Africans because I was, I was classified as coloured, ja.

Int You also mentioned that...it seems to me that after you finished high school, you went through a period of really trying to find yourself and what you wanted to really do in life, and I'm wondering, during that period, was there any political conscientization that took place?

LM Um, I won't say consciously, but it was at the time that I was working as a petrol attendant, that I actually became more interested, I read newspapers, became more



interested in the banned political organisations like the ANC, mostly the ANC, I knew of course because my mother's brother was a member of the PAC, he was detained in Port Elizabeth as a *poqo* member but um, I was more interested in what was happening, you know, with the ANC as the, I suppose the bigger of the two organisations. And um, with the advent of, of uh, SASO, South African Student Organisation, I sort of kept myself in the know as to what was happening, um, I used to for instance, come and listen to a trial here, in the High Court, of Healdtown students, you know, who, who were supposed to be witnesses actually in a case against other students, but who refused to give evidence against their, their uh, compatriots. I remember that case was, was done, they were defended by an advocate from Cape Town, called Ben Kies, he's now late. Um, I suppose that's, that's also part of my, you know, conscientization at the time, uh, and sort of subconsciously also getting interested in the law, you know, coming to court and listening to these, these students from Healdtown. So I, ja, I sort of read newspapers and I, there was a friend of mine who is now principal of a high school here, Ben Mahlasena High School, his name is Siphiso Baninzi, we would sit down and you know, criticise the newspaper reporting, because what would be reported would be something like 'An armoured vehicle was blown up by the South African forces and about twenty-two terrorists were killed' and we would say, but you know, they're reporting continuously that so many terrorists have been killed. When will they say, we've killed them all? You know, but we, we got that from newspapers and so on. In the township itself there wasn't really anything going on except for uh, um, you know, the apartheid government establishing Boards, African Boards to be attached to the homelands that they had established. And we were against those. I mean, of course I, I wasn't really involved in them, because I was registered as coloured, so I didn't have a problem, but living in the township, knowing what was going on, you know, we, we discussed these things and sort of rejected these Boards that were established, uh, I can't even remember their names: Bantu Administration Boards or whatever, but that, that's how I, I got sort of conscientized. And then later on, um, I was a rugby player and we; I knew or came to know that there was an organisation called the South African Rugby Union, which was a non-racial rugby organisation. You know, there were different rugby organisations in our country, and, and I played for a club in the township that was affiliated to Grahamstown Rugby Board, which was in turn affiliated to the Eastern Province (African) Rugby Board, which was in turn affiliated to the South African African Rugby Board. And then um, there was a split in Port Elizabeth, and an organisation called KwaZakhele Rugby Union, shortened to KWARU, was established. And they joined; they were the first African side to join the South African Rugby Union which had mainly been made up of coloured and Muslim players (and administrators), playing non-racial rugby and it was at about that time SACOS came into being, South African Council on Sport, you know, propagating non-racial sport. And we got involved in that a year after KWARU had joined the South African Rugby Union, we started a non-racial rugby union here, and I was a player, and an administrator at the time, in 1972, and when our province, the South Eastern Districts Rugby Union was formed, and we joined the South African Rugby Union. Quite a tough time in Grahamstown because some clubs split right down the middle, because they were saying we are now entering into politics, we're bringing politics into sport, um, but we were adamant that we are no longer going to play, you know, racial rugby, we don't want to belong to the South African African Rugby Board, we are joining the South African Rugby Union, which stands for non-racial rugby. And um, I, in 198...no, it was earlier than that, it was still in the '70s, I was elected onto the local

committee, rugby committee, and sort of went up the ranks, and became the general secretary of the South Eastern Districts Rugby Union, and a year or two thereafter, became the President of the organisation, um, and it was still in 1986...no, I'd been general secretary much earlier, and President, and in 1986 I was vice president, ja, vice president of SEDRU, when the president couldn't attend a meeting of the South African Rugby Union as a delegate, so I, he asked me to stand in for him, and to go up to uh, Kimberley, it was Kimberley...or was it Kimberley? I think it was Kimberley, where I was then uh, elected onto the national organisation, the South African Rugby Union; I became assistant secretary of the South African Rugby Union, from 1986, until we merged with the South African Rugby Board, in 1992. But in 1987 on to 1988, we undertook trips to um, Lusaka, to discuss, you know, with the African National Congress, as to...in fact, we went to ask for blessing to start negotiating with the late Dr Danie Craven, who was the head of the South African Rugby Board, which was the white rugby organisation, and uh, we, we, I had already had had contact of course with the exiled ANC at the time, and I, I was given the task of organising the meetings, through who is now ex-Premier of Limpopo, Ngoako Ramathlodi, he was in London at the time. So I used to 'phone him and he would 'phone Lusaka, you know, to organise the meeting so I wouldn't get in touch with Lusaka directly, because we were afraid that these calls would be traced. And so we held a few meetings in Lusaka, uh, our present President was actually in those meetings...

Int Thabo Mbeki?

LM Thabo Mbeki, that's right. And we had a meeting or two in Harare as well, and one of those meeting...the Harare one was actually chaired by the then Secretary General of the ANC, who is now late, he was our first democratic foreign minister...a short old man, I've forgotten his name now (Alfred Nzo)...I'm so forgetful with names. Anyway, he, he chaired the meeting in Harare. The meeting...our first meeting was chaired by Barbara Masekela in Lusaka, but in one of those meetings, just after we finished, in Lusaka, Thabo said to us: When you get back home, you must start preparing our people because we are coming back.

Int This was 198...

LM This was 1988, either '88 or '89, it was actually '89, no, no, no, it was '88, at the end of '88 because I was going to start my pupillage in '89, ja, in February of '89, I was going to start my pupillage, because I remember um, Jobodwana, who was in the legal department of the ANC offering me to go on a human rights course overseas and I said: Can't I go when I've finished my pupillage? And he said: No, we'd like you to go now. (Laughs). But I declined. But that's when Thabo (Mbeki) told us that when we get back home, we must start preparing our people because they were coming home. I mean, I thought he was talking rubbish, because, I mean, that was really still the height of repression in our country, and, and after Madiba (Nelson Mandela) was released, you know, when he, when he went around the country talking, I remember him telling us here in Grahamstown, that he, he communicated with OR (Oliver) Tambo by letter, and, and told (Oliver) Tambo that he was negotiating with the regime, and he would say, OR would write back to him and say: Negotiating about

what! And, and Madiba (Nelson Mandela) would write back and say: Only about a meeting between them and us, you know. That's the negotiations. So after Madiba (Nelson Mandela) was released and he started talking about these things, I then realized, oh, so Thabo (Mbeki), being close to OR (Oliver) Tambo at the time, would have known what was happening, and we didn't know what was happening, but uh, but he knew, so that's why he said we must prepare our people, because they're coming home. Um, but that, that is during my time as, as an administrator, a rugby administrator in the South African Rugby Union.

Int So it seems to me that your political consciousness was very strongly aligned to sport?

LM Yes. Yes, it was really through sport that it was aligned.

Int I'm wondering...your trajectory, it seems to me, was at great sacrifice to your family, because you'd married early, you had two children and then you went on to study full time. I'm wondering what were some of the...sacrifices you had to make in order to pursue your law ambition?

LM Well, quite, ja, it was quite a sacrifice, but interesting as well at the time, because when I enrolled, at Rhodes in '79, my first kid started school as well, so there had always been this thing that uh, you know, I've got to pass because my kid started school also, (laughs) but as you say, it was a sacrifice. I mean, my wife is an ex-teacher, she was a teacher at the time, but when we got married, um, she was registered as an African. When we got married, she then couldn't teach in town...

Int In Grahamstown?

LM In Grahamstown. They weren't allowed to teach in town. Married women couldn't teach in town, they had to go and teach in farms.

Int Married African women?

LM Yes, they had to go and teach on farms. But somehow, you know, things were relaxed again, and she was able to, uh, to start teaching at Ntsika High School here. But then um, in 19...I was already a student...1980, the, the, there was an uprising of the kids at school, uh, and she came back home one afternoon, you know, I, I used to lock up the pub at two o'clock and go home, take a rest and go back and open at six o'clock again, so she came back home after school, and I was at home, and she said to me: I am not going back to school. And I said: Why? And she said: I cannot take it, I cannot watch my principal being stood on a table by school children and being insulted as my principal was insulted. I cannot take it. And so she applied um, to train as a nurse, and off she went, in 1980, my second year at university, she went off to Bloemfontein. We had two kids at the time, a boy and a girl, so I got them uh, a place in 1981, or for 1981, I got them a place at the convent here, um, ja, it's a convent, Catholic school. I was earning R150 a month at the time as an articled clerk, and their fees were R302 a

term, and so I had to save for two months in order to be able to pay for their fees. But my wife was also, you know, had started training as a nurse and she was earning about R300 a month, so we were able to... and she was in Bloemfontein, so I had to stay here, uh, and was responsible for the kids although they, they at first, they were with my in-laws and then, as I say, I got them into the convent, and they became boarders, that's where I had to pay R302 a term. So I had that responsibility, I mean it was a sacrifice for all of us, because my wife had to go off to Bloemfontein to train as a nurse and I was at university here, and my kids were at boarding school, you know. But all worked out very well in the end.

Int Yes, you survived.

LM We survived.

Int The other interesting thing I want to find out about was the idea that...you had really been influenced in a way, working as a bartender with Rhodes University students coming through. What made you think that... it would be okay for you as a person of colour, to be in Rhodes, which from what I can understand was quite a conservative university?

LM Well, ja, um, I, I didn't view Rhodes as a conservative university at the time. You know, growing up as a young man in Grahamstown, well, when I was at high school here, um, Rhodes University was playing quite a big part, you know, in the African community, in the sense that many people worked at the university, um, so, and, and students were known to be um, what's the term that I'm looking for? But they were against the police, there were always clashes between Rhodes' students and the police, and we loved that, because, I mean, we knew what the police were doing to people.

Int Was this through NUSAS?

LM Um, I think Rhodes, Rhodes had quite a, quite a slow sort of start in getting into NUSAS, they might have been the last of the English universities to get into NUSAS, but they did participate in NUSAS in the end. I mean, I remember when I was already a barman at the motel, seeing Paul Pretorius for the first time, face to face, because he was the President of NUSAS at the time, and I, I used to read about NUSAS in the newspapers, and, and saw Paul Pretorius for the first time at the motel.

Int As a student?

LM As a student. And they had come to Rhodes, they had a meeting here as NUSAS, you know, at Rhodes. Um, it's either Rhodes joined that year or they had joined a few years before that, as part of NUSAS. But uh, the students were well liked in the township, I suppose precisely because, because of that, because of their clashes with the police, so when I, when I decided to go to Rhodes, it was still a white university,

um, I still required a permit, a Yes from the Ministry to go and enrol at Rhodes, but it wasn't my baby really. All I did was to go to Rhodes and say: I want to come and study here, and it's the administration that did the rest. I think at the time that I joined Rhodes, there was sort of a quota, quota system, the university was allowed to have so many um, students of a colour other than white, and so I, I could enrol at that time.

Int In terms of... you also mentioned that you were really influenced early on, by taking on a case while you were a petrol attendant and you represented yourself, was that a sympathetic white judge or do you think that it was, that the rule of law prevailed as such?

LM No, it was a...well, it wasn't a judge, but a magistrate, ja, um, I still remember his name was Van Rooyen, Magistrate Van Rooyen. I think, I think that what probably impressed him was the fact that uh, proceedings were in Afrikaans, um, was the fact that I could speak Afrikaans, and so, uh, communicated with him in Afrikaans, cross-examined the witnesses in Afrikaans, and in the end, argued my case in Afrikaans, you know, saying to him that I'm not guilty and the policeman was lying, and so on and so on. Um, so he was probably impressed with my Afrikaans, using Afrikaans, but, but on a, on going back, you know, um, even if I had not spoken Afrikaans, I think he would have been forced to acquit me, because I think I'd, I'd done well, not only by myself of course, I had a witness. One witness was a fellow who had actually given me money before, you know, he got into the car, he gave me thirty cents, which was the fare from the station to the township at the time, so he gave evidence, and I had of course consulted with him that morning, and sort of um, got him to not contradict me in the trial, and he did very well as a witness, so I had a witness whereas the policeman was by himself. This chap had come with his sister, who was also present on the day that I was arrested, but she didn't give...did she give evidence? No I don't think she gave evidence, I, I don't think so. But she was there. So I had a witness who had corroborated me, whereas the policeman, there were aspects during my cross-examination that I could see the magistrate was on my side, so it wasn't really, it wasn't really the fact that he was sympathetic, but I think it was the way I conducted the defence. But I do have experiences of...I actually recall one experience um, of a magistrate being sympathetic because I was using Afrikaans in court. And this was in De Aar. Um, yes, the small town that I was talking about earlier that I couldn't remember the name, is Richmond: some youngsters, I think there were about nine youngsters in Richmond who were charged with public violence, they had actually attacked coloured youths, you know, um, there's sort of an open piece of land between the two townships and somehow they clashed and they threw stones at the coloured youths, and they were arrested and charged with public violence. So they had to go to De Aar. The magistrate came from Kimberley, and I, as I used to do, um, because these magistrates were Afrikaans-speaking magistrates, I did my cases in Afrikaans, so I conducted these youngsters' defences in Afrikaans. They were found guilty of public violence and I argued in mitigation, in Afrikaans, and the magistrate actually in his judgement on sentence, actually said he was impressed by the fact that I was speaking Afrikaans, and he said that he, for this type of offence, usually sends accused people, no matter how young they are, straight to jail, but this time, he has been persuaded that he shouldn't send them to jail, and he gave them suspended sentences, because I was, I was actually conducting the defence in Afrikaans. And they were hostile towards African attorneys. That's probably why

most of my attorney colleagues at the time, briefed counsel instead, because they knew that the magistrates were going to want to conduct trials in Afrikaans, they're going to struggle because they don't know Afrikaans, and so they'd rather brief counsel. Whereas I did my cases, and I could communicate in Afrikaans.

Int You also mentioned to me that you got articled clerk at Espin & Espin, I think it was, and I was keen to understand, it seems to me that you very early on, in a commercial setting, took on public interest law cases.

LM Yes, uh, well I suppose it probably was um, was the racial situation in the town, because there were no black attorneys. And so, and I was well known in the township, having played rugby with people, and people watched as I studied at Rhodes, you know, they had a keen interest, they knew that I was studying law, and so when I qualified, then they said here is a lawyer whom we know, and, and I think I was the first person that they thought of when they were in trouble with, uh, with the law, and came to me. Yes, so that's probably how it happened, it's probably because there were no other black attorneys. There was one firm, uh, Sandi, but he was also doing quite a lot of work but uh, township-wise, I was quite well known.

Int So...before you joined the LRC, what was your knowledge of the LRC and the work it did?

LM Not much. Not much at first. When the, when the LRC opened, we were actually right next to it...

Int Was that Nettleton's?

LM Nettleton's, that's right. We had moved to that building next to the LRC when they started there, so I got to know about them at that time when they arrived in Grahamstown. Um...

Int This was Jeremy Pickering?

LM It was Jeremy, yes. Um, Vas...was it Vas Soni, yes I think Vas Soni who is now senior counsel in Natal or Jo'burg. Vas Soni was there. Boet Fiks (Fikile) Bam was in Port Elizabeth, but I remember him coming to the Grahamstown office as well. Um, who was the other guy? I think, I think, I'm not sure whether Norman Arendse did a stint here, but if he did it was a very short time. It would have been a very, very short period. But that's how I got to know about the LRC. It was when they established themselves here.

Int What about your knowledge of people, such as Arthur Chaskalson, and also pass law cases, given that you had studied law, in terms of Rikhoto and Komani?

LM I, I just knew about them in law reports as, as counsel who were, who defended political figures in the country. I got to know Arthur (Chaskalson) only when I joined the LRC really. A chap that, that I, I don't know whether to say, was interested in, was actually Johann Kriegler, who was also you know, in the set up with Arthur (Chaskalson) and them when they, when they decided to establish the LRC. I was in my final year LLB when, uh, when we were told, you know, by the student committee, that Johann Kriegler had been invited to make a speech at our end of year dinner, as finalists, and I'll never forget that, (laughs) because here I was, you know, I've heard so much about this brilliant advocate Johann Kriegler, I want to go and hear him speak and, but come that...and I paid, you know, I think it was R60 per student. I paid my money and, and keen to attend. That day I clean forgot about the function, and I remembered I was sitting in a shebeen having a beer with a friend - who was also a student, but not a law student, he was in the Sciences Faculty (studying towards a Social Sciences degree) - having a beer with him and about nine o'clock, or just after nine o'clock, I remembered, my goodness, I was supposed to be at a function where (Johann) Kriegler was going to speak. But it was too late and I, I missed out on (Johann) Kriegler on that day. I actually related that story when I was invited a few years ago to go and speak to students at Rhodes, you know, at a function like the one that I missed.

Int So when Jeremy (Pickering) left, you entered as an attorney.

LM When Jeremy (Pickering) was appointed as a judge, in Transkei, I um, I joined the LRC, not as an attorney but already as an advocate, because he'd been their in-house counsel, so I really took over his place, but not as Director, because he'd been Director. The Director was Clive Plasket.

Int Clive (Plasket), ok. I'm wondering...from 1993 to 1996, what were some of the major cases that you took on?

LM I would have to, I would have to think back now. Um, you know, there was one case that I actually took over from Jeremy (Pickering), uh, that I lost but fortunately, fortunately, it was uh, this fellow was still under twenty-one, so we lost not because of the amount of evidence that we placed before court and, and you know, so we could re-issue summons again. But this is a case from Barkley East, you know, the town that I told you about where Sarah and them come from. This chap was part of a group of youngsters who marched up a street through the township, in Barkley East...Anyway; I'll come to it. And he was part of this group who had decided to go and attack a policeman's house and uh, they came closer to this house, singing, and the policeman was actually at home, he was inside the house, and as they started attacking the house, he came out and shot at them. And this youngster was shot. He said that, so his evidence was that he was shot with a, a handgun, not a rifle, um, but what bothered me when I got the file in the LRC, was that this policeman was not cited as a defendant, and that's where we lost the case, I feel, he was not cited as a defendant, it was only the Minister, um, having been, you know, at Nettleton's, having dealt with these kinds of cases, um, I knew that the best thing to do in those kinds of cases is to cite the Minister of Police together with the policeman who was actually involved. Because usually, the Minister would plead, you know, that uh, um, that the policeman

was not acting in the course and scope of his employment, whereas if you've got the policeman in, the policeman is not going to want that, you know, he's going to want the Minister, you know, to be held responsible and pay. So it would be difficult for the uh, for the Minister to say that the policeman was not acting in the course and scope of his employment. But here, um, somehow Jeremy (Pickering) had, had omitted to put in, to cite the policeman as well. And this chap had had his leg amputated because he had been shot in the leg, bones broken, his femur was broken, and he lay there, you know, for quite a while before he was picked up, I think, if I remember correctly, by the police, not even by an ambulance, by the police, and taken to hospital. Um, Barkley East is this town, Barkley East. And so um, we, I took over the case and we conducted the trial. When I closed the case for the claimant, (Advocate) Jannie Eksteen who was acting for the Minister, applied for the uh, for the case to be dismissed, for the claim to be dismissed. The term that we use is absolution from the instance. And I was quite surprised when he...but he argued that we hadn't shown that at the time of the shooting the policeman was acting in the course and scope of his employment. And after that, I actually confronted him and I said: But Jannie, how on earth was I going to do it? You know, I think the evidence was sufficient that the house was damaged, so that shows that he would have shot, you know, at the crowd, which he did. He, in the pleadings he said he shot with a shotgun, he fired with a shotgun, but we, in our evidence we say it was a handgun. He actually, this youngster says he actually came towards him and fired a shot at him, hit him and came closer, but saw that he was lying there, and didn't fire another shot. And so we lost, (inaudible) it was actually found that we hadn't proved that this youngster had acted, or rather that the policeman had acted in the course and scope of his employment as a policeman. We re-issued summons, I sort of said, no let's re-issue summons, which we did, and this time we cited the Minister and the policeman, and, and, but the case was then taken over, when I was asked to come and act, was taken over by...I actually gave the file to Jannie (Eksteen) who was the attorney who, you know, handled the file, to brief Richard Quinn who was my pupil master. I knew how, you know, thorough he was, that's why I said he must brief Richard Quinn. And uh, and in the end, you know, that case was won and that fellow, that youngster got his money, because then, then, you know, we had, we had done the kind of work that was supposed to have been done before, got an expert to, you know, testify about the trajectory of, of buckshot, which...I think it wasn't buckshot but shots, bigger shots than buckshot, SSG, that's right, that's, that's the shot that he used, SSG, and their trajectory and whether, from where the policeman says he fired to the place that the youngster was lying, you know, um, a shot, an SSG pellet would have broken that fellow's leg. And the evidence of the expert witness was that, no it wouldn't, so it must have been a handgun, that uh, sharp point ammunition that, that would have broken his, his bone. And so we succeeded, second time round. That to me was, was the case that we did, of course, that was a civil claim. Um, there was another one that I lost, uh, you know, that I'm still very unhappy with - the outcome of that case, also from Barkley East, where a woman was arrested, detained and was raped by a policeman whilst in detention. And we filed a claim. On the first day of the trial, they made us an offer, you know, of R2000, and I felt that that was, that was, you know, fine, we'll get our costs, rather than go into, into a long trial and lose in the end, because we believed, maybe wrongly I'm not sure, we believed that even judges were against us at the time.



- Int But this was at the LRC? In '93?
- LM Yes. After '93, ja, after '93.
- Int Right. And you felt that the judges were still...
- LM Yes, I, I felt that judges were against us at the time. And I mean, I mean, the cases that we did, criminal cases that we did, um, statements, confessions that were beaten out of, out of accused persons, out of the youth, were used in court, and judges very, very rarely accepted, you know, our evidence that these youngsters had been assaulted and so on. I mean, uh, Froneman who is a judge here, also tells a story, which I'll mention, I'll mention in due course, but we believed that judges were against us. They simply would not accept that police officials were capable of the kind of brutality that uh, that they meted out to our people. Judges just didn't accept that. I mean, I, I, I'm just going off now, but I remember Zietsman, our Judge President here, who actually got me to come and act, when he saw uh, during the time of the Truth Commission, a policeman in Cape Town called Benzien, admitting and actually demonstrating on television how they, they tortured people, the stories or the kind of evidence that we placed before our judges here, Benzien actually demonstrating, judges would not accept that kind of evidence, saying, that that's outrageous, a policeman would not perpetrate that kind of atrocity, that's the kind of response that we got. And people have been sent to jail for years, through confessions that were beaten out of them, because there wouldn't be any other evidence, but confessions that were wrung out of them by police, in the way that Benzien demonstrated on television. But I mean, I, I was saying...
- Int You mentioned this case about this woman...
- LM This woman who was raped. Yes, yes, she, she'd been raped. And so on that first day, I said to uh, to Brian Sephton, Sarah's (Sephton) brother: Brian, let us accept this offer. I'm worried about our client who might not be able to stand up to cross-examination, not because she's lying but I mean, she's unsophisticated, she's going to be trapped in cross-examination and so on, and Brian, Brian (Sephton) wouldn't accept, he said: No, R2000 is too little. Anyway, we conducted the trial. But still, I mean, when we finished, and I argued, I felt that we should win, but Jansen J, was, was our judge, and uh, he just rejected our evidence again on the basis that this is all lies, a policeman wouldn't do this kind of thing. You know...
- Int It's a State of denial.
- LM It was, it was. And so that has been our experience, and I, I remember in our orientation as new judges, we were asked, you know, to talk about our experiences, and I actually said: You know, sitting as a judge now, having appeared, you know, in these unrest cases, having had policemen to deal with and the kind of lies that police fed the Bench, I start off on the premise that a policeman is lying. That's what I said as a new judge. I start off from the premise, on the premise that this policeman is

probably lying. But of course, I have found people guilty on the evidence of the police; being persuaded of course, that yes, he's now telling the truth. But I mean, the kind, the kind of things they did, setting up uh our people. I mean, I had a case once, I was still an attorney, and I instructed Isak Smuts, who is a senior advocate here, I was still an attorney at the time...

Int At Espin & Espin?

LM At Espin...at Nettleton's. And youngsters of Ntsika High School, in the township here and the primary schools around it, went on a rampage, not destroying of course, people's properties and so on, chased by the police and a couple of them were caught. When I say a couple, I don't mean two, about six to ten of them were caught by the police. When they got to the charge office, the policeman, the police officials split them up, and, and each one took two little boys and took photographs with them, um, and the idea being that each policeman is going to say, when the crowd broke up as we advanced, 'we' meaning the police advanced, I set my eyes on these two and I chased these two, and caught them, these are the two that I caught, I saw them and they were there. That's what they were doing, because of course, they, you know, they, they wouldn't remember um, who did what and so on. But that's what they did. They, they uh, split themselves up and said: Right, I'll take two, you'll take two, and the next one will take two. And that was their evidence, virtually in all of these cases, that the moment they split up, I set my eyes on this youngster. And your client will say to you: No, he's not the policeman who caught me, it's somebody else. You know, but they succeeded and many, many youngsters went to jail.

Int You joined the LRC at a very crucial time in the history of the country, ...transition was underway, a new government was going to be coming into power, an ANC-led government. The LRC certainly from, uh, with people like Arthur (Chaskalson) and such as George (Bizos), quite early on, had...defended ANC activists etc. and then during the 1980s, it dovetailed very much with anti-apartheid activities. But come the 1990s, you suddenly find that the country's undergoing transition, the ANC's going to come into power. Was there, when you arrived, some understanding that the LRC will then have to take cases against the government, which would be an ANC government?

LM Yes, yes. No, no, that we knew. I mean, I, I, whilst I was in the LRC, I was uh, you know, after the unbanning of the ANC, I became a member of the ANC, a local member, and uh, we were part of the negotiating forum, local government negotiating forum, and I, I was...

*(Interruption: this is a loaned 'phone so I don't know how to silence this thing),*

Anyway, and I was heading the ANC component of the local government negotiating forum, and I was then appointed, or, ja, appointed, because uh, two chairpersons were appointed, um, and I was then appointed to represent the, the non-governmental side, as it were, with a fellow who was then Mayor of Grahamstown, Steve Birt, so we were the co-chairpersons of the local government negotiating forum. When it came to a time when a mayor had to be, had to be appointed, because it wasn't really an election, I was approached, you know, by our side, to become the first mayor, and I

refused. I said: No, no, no, I'm working for the LRC. We are probably going to have, you know, matters against even the local council, and I'm not, I don't want to be tied up, being a member of, you know, local government, when I'm working for the LRC. So we accepted that even in the new dispensation there will be cases that the LRC will have to take on. And that's why uh, with me, I decided not to join the Council officially, while I was still part of the LRC.

Int Right. This may have happened...the TAC case may have happened after you left, I think, if I'm not mistaken.

LM After I'd left, yes.

Int What do you think of the LRC taking on such a high profile case against government, such as the TAC case?

LM I, I don't have any problem with it. I mean, um, it, it's the kind of, kind of human rights case that the LRC would have been required or expected to take on. I mean, it's a human rights issue, so I think it was their duty to take on that kind of case.

Int Right. Do you think that that kind of case, the TAC case and perhaps more land restitution cases have positioned the LRC within ANC circles rather unfavourably? Is that your sense?

LM No, I don't think so. I don't think so. I, I think that the ANC government probably accepts that there are instances where they themselves um, may be wrong in, in, call it their policies, and so, I don't think that they would view the LRC as actually being in the other camp. I think they probably view the LRC as an organisation that contributes in putting the government right where it may be wrong. I mean, look at um, I was in the Constitutional Court as I mentioned to you earlier, second half of this year, and there was a case that the LRC brought to...it's a land case of course, uh, in which I'm writing the judgement. I'm still a Trustee of the LRC so what I do is I tell the Head of the Court that I'm a Trustee of the LRC, the LRC is involved in this case, can you tell the other party that I'm going to be sitting if they have any objection they must say so, so that I can withdraw, and in virtually all the cases that the LRC has brought, in which I have sat, the parties have not, have not objected to my sitting, even the last one, they didn't object to, to my sitting in court. So um, my sense is that government does not view the LRC as an opposition.

Int Right. Earlier you mentioned to me that working for the LRC was very enjoyable. I wonder if you could elaborate and tell me what were the enjoyable aspects?

LM Well, I mean, the, the, for instance, the cases that we won, uh, it gave you a sense of satisfaction, you know, that here are people who might have ended up in jail, you know, criminal cases I'm referring to, people who might have ended up in jail, you've been able to save them, you know. I mean, I remember a case in um, emanating from

Barkley East again, we did in the Regional Court in Elliot with Brian Sephton, and, and I actually was troubled by, by the evidence that the police, a policeman was giving, and uh, but the prosecutor was honest enough, to, whilst I was cross-examining the policeman and he had committed himself to certain evidence, the prosecutor handed me his statement that he had made, which contradicted what he was telling the magistrate in court. And when we were acquitted, he actually came over to me and shook my hand and said: You got me this time. (Laughs.) I mean, that angered Brian (Sephton) because he felt that it's unforgivable for a policeman to come and lie in court and then when he's caught, frankly comes and says: You got me this time. I mean, as if nothing really serious had happened. But I mean, that is, that is, uh, the kind of case that gives you satisfaction, because you know, here's this policeman, lying so that an innocent person can go to jail. And, and when you are able to get that person off, then really, that gives you satisfaction. Uh, another one was a civil case, where a woman was arrested in Aberdeen. That case was done by Gerald (Bloem) in the Magistrates' Court, we claimed R4000 for this poor lady for unlawful arrest and detention, and Gerald (Bloem) lost in the Magistrates' Court, came to me, you know, in the LRC, and said...he was very angry, and said: I want to appeal. And I said: Fine, let's draft a notice of appeal. Drafted a notice of appeal. And I then got the record, you know, prepared heads of argument and I remember Clive (Plasket) asking me: What do you think? And I said: Ag, we should win this appeal, which we did. I mean, there again, it was a policeman lying through his teeth, saying that this poor woman ran into the house, closed the door but then there was a small gap, you know, between the uh, the doorframe and the door, and that this woman threw a bucket of water through this gap, and he says: *Ek was pap nat*. Meaning that I was soaking wet, from the water that she threw out of this small opening... and I mean, I argued before court, and it was the JP Zietsman and Leach, were the two judges, and sort of said: How on earth could water coming through this little *gleefie*, in Afrikaans it's a gap or opening, in the door, uh, would have caused him to be soaking wet, you know? And we succeeded on the appeal and we got our R4000. So yes, um, and another one that uh, that uh, that we won but again, it was finalised when I was already appointed as a judge, emanating from Port Alfred down the road here, of a poor woman, I know her very well, who was arrested, in the township, taken by this damn policeman at night to the beach, and she told him she wanted to urinate, and she said, you know, she'd been beaten by the policeman and said: I want to urinate. And he said: Right. He had the lights on of the vehicle that he was driving and forced her to go and squat in front of the lights, and urinate facing him, you know, facing the lights of the vehicle, and facing him. And at the time, you know, watching her, he was rubbing his genitals, which is disgusting really. And after that, she was taken to the police station to some back room that she described as a garage, and she was actually suspended. He made her stand on a chair, and there was no ceiling, so there were rafters running through, and he tossed a rope over a rafter and tied her wrists and then kicked the chair from under her feet, and she was suspended there. He denied it, here in court. But of course it was conducted by another counsel, because as I said, I'd already been appointed. But I'd prepared the papers and everything, so we were ready to go to court. And it was conducted by Shaun Cole, an advocate here, and uh, Shaun (Cole) reported to me that what, what actually persuaded or convinced the judge, was that they went down to Port Alfred, and she was able to identify this place, and they went there, and she pointed the kind of chair that she had to stand on, and the evidence...because the evidence of the policeman here is that that roof is too high, she's lying, it's too high, it couldn't happen. And they went there and actually demonstrated. She showed that it

can be done, and she succeeded in her claim. I mean, that, that gives you satisfaction. I mean, the kind of, that kind of one wants to say disgusting cruelty, it just drains you. So when you succeed, in that kind of case, you really feel a sense of yes, we've been able to show that uh, that these policemen are brutal.

Int What strikes me from, the stories about the cases you've, you've handled, is also the bravery of the clients that came to you, being able to challenge the police.

LM Oh yes, yes. Well, all of them, all of them. I mean, you, you certainly wouldn't want to have a wimpish client who's not going to be able to stand up, you know. But of course, we knew that what they told us was true. It was just persuading the presiding officers, judges and magistrates, that these, these policemen are brutal and these things they do to our people. That was our difficulty, getting it across to the judges that these things do happen. I mean, what I was telling you earlier, I mentioned Judge Froneman here, I think he either did the case as, as counsel or he was sitting as a judge, I can't remember which one. But the evidence of this poor man who was claiming, you know, damages for assault, was being interrogated by the policemen and he was made to stand, uh, and the policeman pulled out the drawer of his desk, and he had to put his penis into the drawer and the policeman would slam the drawer closed. I mean, you can imagine the kind of pain that, that would cause. But, I can't remember whether it was a charge that was laid against the policeman or it was in the civil claim, where, when the policeman was confronted with that evidence, he sort of casually said: No, no, no. That could never have happened. In that drawer, I put my sandwich or lunchbox in that drawer, I wouldn't do that, you know, in that drawer. And of course the judge would be persuaded, that how on earth could the policeman put somebody's penis in a drawer where he puts his bread. I mean, you can imagine. That's, that's our police in South Africa at the time, at the time, yes. And I think he lost that case, precisely because of, you know, that evidence, that that's the drawer in which I put my bread, and of course, the judges would say, a policeman doing that kind of thing? Never!

Int When you were at the LRC, did you also take on any specific focus area cases like land restitution or any of those cases?

LM No. No, at the time that I was there, um, we, we took, you know, mostly matters in which police, where police brutality was uh, involved. Very few, in fact, land cases came just before I left, because I'm involved. We have a claim, my family has a claim. The property that my grandfather owned, that I was telling you about, we had to leave.

Int Was it a forced removal?

LM Yes, it was a forced removal. We had to leave in 1966, I think, ja, '66, we had to leave after a long fight. Because that, that side of Fort Beaufort was declared a white area and so uh, and so we had to leave. There were a few, you know, title holders: it was us, the Fundanis, next to us the Qeqes lower down but two families remained. I, I've learnt now that it was because they, those two families had engaged a different

lawyer to the one that my grandfather and the other owners appointed. They went to a attorney called Mtshizana, who was a thorn in the flesh of the South African government. He was banished to Herschel, he was practising in Mdantsane, banished to Herschel, so he was their attorney and of course, government would have wanted to show that, you know, who are you to come and resist the removal, so we had to move, and my grandfather got a place in Alice, in a village just outside Alice. That's where he died and my grandmother died and my mother's siblings, most of them died. So we, we are still claiming and, and, you know, this is one thing that really uh, angers me, and that is the slow pace at which restitution, land restitution is happening. Because we filed that claim, and when I say we, I mean the families that were titleholders, together with common, uh, we call them commonage people, people who didn't hold title deeds but who had their houses on common, on common land. We filed the claims in '95, I mean it's 2007 now and they haven't gone through yet. Yes, the difference that was, that was calculated between what the families received, which was really a pittance because, I mean, for a four-bedroomed house with a bathroom, kitchen, you know, and two verandas, um, my grandfather got R4000. And two big plots, he got R4000. So we were paid uh, a top up of R57 000 but the, the two plots have not been transferred as yet, and I can't tell you what's holding it. Sarah (Sephton) is now dealing with it in the LRC. So that's how the first land claim came...if it was the first one, because Brian (Sephton) also had some land claims in the Queenstown area, ja, uh, but they came close to the...just, just before I left.

Int Apart from...the enjoyable aspects and it's quite apparent that you're really passionate about your work, I'm just wondering what were the unenjoyable aspects of the LRC? Were there...issues around race, gender, what were some of the dynamics of working in an organisation...the LRC, in the three years you were there?

LM Um, I'm not sure whether you're talking in terms of the work that we did, or are you talking about the LRC as an organisation?

Int The LRC as an organisation.

LM I, I honestly cannot say that uh, there is anything that I, I didn't enjoy in the LRC. Fortunately, I was never Director of our local office, so I, I wasn't a person of management. Um, of course, Clive (Plasket) reported to us. Uh, but I think it was the year before I left, that there was some unhappiness in the office, when Gerald (Bloem) wanted to become the Director...

Int Is this Gerald (Bloem) Bloem?

LM Gerald (Bloem) Bloem, ja. And uh, I think he believed that Clive (Plasket) would step down so that he could take over, but then Clive (Plasket) made himself available, and so Geoff (Budlender) Budlender, who was in the National office, came down, you know, to sort of interview us, and I said: I don't have a problem. I was prepared to serve under any one of them. But um, I think maybe Gerald (Bloem) should now get a chance of being the Director. Then came the AGM where Directors were to be appointed, and it was reported that Clive (Plasket) had been re-appointed as Director,

and that upset Gerald (Bloem). He literally cried, tears, so much so that another assessment had to be done by Jeremy (Pickering), and Geoff (Budlender), as to what had happened, because Gerald (Bloem) was now saying, I have the support of Lex, so-and-so and so-and-so, and Clive (Plasket) would have had the support of so-and-so and so-and-so, and so I have the majority. So I was then interviewed again by Budlender and Jeremy (Pickering), and I said: Well, where did my name go? And the report was that your name went to Clive (Plasket). And so I said: But that's not correct. I said I can serve under any one of them, but maybe Gerald (Bloem) should be given a chance. And Geoff (Budlender) said: Well, my notes said that you supported Clive (Plasket). (Laughs) And I, it didn't make me feel good at all, because now I was appearing as a dishonest person. Uh, but that's, that's, I think, the only unhappy moment that I had in the LRC, otherwise I, I'm the kind of person who can work with anybody else.

Int Clearly. ...at the time that you were there, the LRC had a tradition from quite early on, in encouraging training of young black lawyers in the fellowship program, and then they became candidate attorneys. When you were there did you get a sense that it was...it was the case that there was an encouragement to train young black lawyers?

LM Yes, yes, certainly. In fact, well I think Gerald (Bloem) went as an attorney, a qualified attorney already, but he had recently been registered or admitted as an attorney. Jannie Coltman he did articles at, at Olckers and also went across as a very young new attorney, so that's where he got his training, you know, at the LRC. And then a youngster from Port Elizabeth came and joined us, uh, Justin Uren who was a coloured fellow, um, I think Brian (Sephton), oh, there was (Peter) Hathorn before Brian (Sephton), Peter Hathorn, but when I joined the LRC, Peter had gone to Cape Town, so Brian was the first white uh, and he was an articled clerk when he came, wasn't he? I think he was not a qualified attorney, can't remember. But he was the first white, so there were three blacks: it was Jannie (Coltman), myself and Gerald (Bloem). And then Clive (Plasket) and Brian (Sephton) came, came later. So yes, the commitment to train blacks was there, yes.

Int It's been said that now the LRC is in a very difficult position because...in a post-apartheid society, the opportunities for young lawyers, particularly black lawyers, is phenomenal, even in terms of salary, and so it becomes very difficult to attract young black lawyers, or lawyers, young lawyers in general, high quality lawyers, and it's difficult to sustain...maintain and keep them. I'm just wondering what your sense is of that?

LM Well, I think the, the problem really is funding. I mean if you look at the local office here, I think in the last report that I read, Sarah (Sephton) is virtually the only, the only lawyer in this office here, which is quite a pity, you know, um, because there was a youngster there, I've forgotten his name, I think he's now in Port Elizabeth, and Tabitha (Qangule), Tabitha (Qangule) has left, um, which really is quite a pity, and I think the reason is because there isn't sufficient funding in the LRC. They're sort of scaling down precisely because they can't, they can't get the funds. Um, in the last board meeting that I attended, not this last one but one some time either early in the year or last year, we were grappling with this problem of not getting sufficient

funding, and the view that we held, and I myself included, was that uh, that because of the demand for higher salaries, you know, the LRC is, is required to be competitive insofar as the people who are working for the LRC are concerned, now, uh, salary-wise. So the view was that well, if that's the case, then we must scale down, um, which then means that black lawyers are going to be affected, um, and of course you know, they are also attracted to other firms that pay competitive salaries. But I'm sure if the funding question were to be um, to be dealt with successfully, then, then more black lawyers could be, could be appointed. My concern now, with funding, is the fact that funding is now directed at specific areas. I mean, when I joined the LRC, we could virtually take on any case as long as it was a human rights case. Now it's more focused. Like people are prepared to fund for land restitution, prepared to fund for this and that, and not, for, for matters falling in other branches of the law, and that to me is the worrying fact. If the LRC could be free, you know, to do more than the specific fields that are being funded, I'd be happy if they could be allowed to do more.

Int When did you become a Trustee, Lex?

LM I think after I was appointed as a judge. I was appointed '96, either '97 or '98.

Int And you've been a Trustee since?

LM I've been a Trustee since, yes.

Int One of the criticisms is that, in terms of funding, that the LRC hasn't made much..., is relying too heavily on external sources of funding, international sources and hasn't made more of an attempt to get internal sources of funding, whether it's the legal fraternity, the corporate world or the state. What's your sense of that?

LM I, I think that it's expecting too much of the LRC. Um, I don't think that the corporate world would be keen, you know, to fund an organisation like the LRC. I really can't give you the reason for that, but I'm sure that they will tell you that there are other things that are more deserving of funds. I don't think South African institutions, corporate world and the like, lawyers, lawyers organisations and so on...well, lawyers organisations I don't think that they have the capacity to be able to fund an organisation like the LRC. Corporate world yes, but I think the corporate world will probably say we would like to get involved in education and uh, you know, those kind of things, rather than, rather than fund the LRC. I mean, people have tried, you know, to source some funds internally, but it hasn't been successful. And I don't think that it is because no approach, or approaches are made, but because people probably believe that uh, there are more deserving things to fund, you know. I think so.

Int From the interviews I've done in the United States, the LRC is described as the greatest public interest law organisation in the world...

LM I'm glad to hear that.



Int In South Africa, do you think it's given that kind of recognition, whether it's the legal fraternity, or the general public, the media? Do you get that sense?

LM Well, it may have in the past and this is during the time that it really did a lot of work, public interest work, human rights issues. It was respected as, as the kind of organisation that you describe. But, but I don't think that that view is held now. Probably because of our democratic society now, that maybe um, there's no real need for an organisation like the LRC now. I don't think that that is correct, because I still think that there is quite a lot of work that the LRC could do: human rights issues. I mean, it, I think it is because of the LRC that the Eastern Cape government for instance, the Social Services Department, has now pulled up their socks. I mean, my cousin, I've just dropped him off in East London at the hospital, he's, he's, you know, he's got lung cancer. His wife had her leg amputated earlier this year. She applied for a pension, or a grant, and uh, and it took about a month and a half. And she got a response; it said yes, your application has gone through. Previously, it could take anything from a year to a number of years, and I think it's because of efforts of organisations like the LRC, who have taken them on, that they've decided to pull, to pull their socks up.

Int In terms of...the rule of law in a constitutionally based society like South Africa, what do you think are the key areas that a public interest law organisation like the LRC ought to be focusing on for the foreseeable future?

LM Um, it really is difficult to say. It's difficult to say now just off the cuff. But um, look for instance at...well, that's not a case that would recur, you know, um...the, the boundary demarcation cases that we have had: Matatiela and Khotsong and so on. The Khotsong matter is a matter I sat in the Constitutional Court, um, but of course that kind of case is a rare, a rare sort of case. But there are these housing aspects, you know, removal of, of people...

Int Like the Joe Slovo?

LM Yes, like the Joe Slovo case at the moment. Apparently (Geoff) Budlender is involved in that one. There's the Johannesburg inner city case that we have just done in the Constitutional Court. Those are cases that the LRC should be involved in. In fact, I think in the Johannesburg one, the Jo'burg office is involved in that case. But Joe Slovo, I'm not sure, I don't know whether the LRC is involved in that one, is it?

Int Yes, Steve Kahanovitz.

LM Ok. And um, well they were involved in Grootboom. Maybe, you know, there should be a follow up for instance of Grootboom, because quite a lot still needs to be done, so those are cases that I can think of, at the moment. But I'm sure if I could sit down, and, you know, think more, I would come up with one or two more areas.

Int The dilemma for an organisation like the LRC particularly with its unique history in terms of the test case approach is how to continue doing high impact work, while at the same time trying to serve the needs of an ordinary person whose problems are important to them? What's your sense of that dilemma and that tension?

LM Well, that's why I said earlier that if the LRC could be free to do, to take on, you know, more cases, uh, and if they were allowed, each office allowed to assess for them, or by themselves, a case that comes through the door, and say, well, we think this is a case that we should take on, even if it's not a land claims case, um, and so on. If it involves, you know, if it's a human rights issue, I, I would have loved to see them being free to be able to take on any kind of case that they consider to be deserving.

Int The other thing is that the LRC seems to have undergone some kind of crisis in terms of um, there was a period Bongani was around as National Director, and then there was difficulties in terms of...organisationally, then there was a period where there were lots of acting stints etc. and then, now you have Janet (Love)...who is busy restructuring. What's your sense as a Trustee during that period, from '97 to 2007, of some of the organisational crises?

LM I quite liked Bongani (Majola) as a Director, but towards the end of his, uh, his reign, if I can put it that way, you know, these problems starting coming up from the various regional offices. I could never make out what the real complaints were against Bongani (Majola) , but there certainly were complaints. Uh, and then, I mean, I was one of the, a member of the panel that actually interviewed Bongani (Majola) and appointed him, and I was quite happy with him. Uh, I could really not put my finger on, on what the real problem was until, you know, he decided to quit. And then the period after him that you mentioned where people just had acting stints, I thought that, you know, a person like uh, who's this chap from Cape Town?

Int Vincent Saldanha

LM Vincent (Saldanha). I thought Vincent (Saldanha) would have made a good Director but the problem was him not wanting to relocate to Johannesburg, and other people as well, like Steve Kahanovitz and so on. I thought that the difficulty was really them not wanting to relocate, than whether they had the capacity and ability of becoming, becoming directors, National Directors. Uh, in the end, you know, we've been lucky to get Janet (Love) to be able to do it. But again, I think if I remember correctly, that's probably where the funding difficulties started, you know, and where people couldn't get out what they wanted. I mean, I remember, Directors of regions wanting increases for themselves and their staff, and the LRC not being able to accommodate them, and there was tension as a result of that, and so on. It was, it was a question of funding, again.

Int There's also the argument that certainly in a place like Johannesburg, there are smaller public interest law organisations that have cropped up, like the AIDS Legal

Law Project, I think it is called. So where do you think the LRC is positioned within that context of public interest law work?

LM They've certainly taken, you know, the kind of work that the LRC should really be busy with, um, I know there's Family Law Clinics, and there's just, this that and the next thing, and I sometimes wonder whether they get funding, and if so, where do they get it from, (laughs) so that the LRC can also go and ask for funding from those sources. Uh, no I just think that it's not necessary for the LRC to compete, you know, with those other public interest organisations, but simply to, you know, carry on and do their bit, um, and to also do the kind of cases that those institutions or organisations do, if they were to come uh, to the LRC, you know, just carry on doing their work. Um, I think they've got a good reputation, uh, I'm sure that people if they could, would still like to take their issues to the LRC, but it's because of people being told that, you know, unfortunately we don't do this kind of case anymore, we only focus on this and that kind of case, again, you know, that's why I really think that if their hands could be freed so that they can get involved and do other work as well.

Int You know, when the LRC started, it seemed to me that there was this very strong layer of very, very high profile people like Arthur (Chaskalson) and George (Bizos) at the top, and then there's a strong middle layer of very good quality lawyers, then there were the candidate attorneys or Fellows as they were called. And it seems to me that the upper layer and the middle strata seem to have, are not as prevalent within the LRC. What's your sense of that in terms of the kind of support system, mentoring... education and training that ought to be happening within the LRC?

LM Well, your difficulty would be...um, a commercial factor, as it were, commercial in the sense of earning capacity of quality lawyers. People have, I mean, we're now in a democratic society, some people may have said it's now time for me to make money, as other lawyers have been doing all along, and so you would find it difficult to have people, you know, who are able to sacrifice and, and come into the organisation again. But you still, you still have in other offices, quality lawyers. I mean, Cape Town, for instance. Cape Town, you still have people like (Steve) Kahanovitz, Vincent (Saldanha), um, who's the Director now?

Int William Kerfoot...

LM William (Kerfoot), ja. And you have Henk Smith and Kobus Pienaar. They're still there in that case, so that office is actually very lucky to have those people. Um, Jo'burg, it has bled. Navsa became a judge, well, it started with Arthur (Chaskalson). Well, George (Bizos) is still helping out isn't he? But Moray (Hathorn) has left, and other people have left. Durkje (Gilfillan) is still there. But I don't think that um, the LRC will be as lucky again as it was to have quality people like Arthur (Chaskalson) and them heading the organisation, having been involved, you know, in human rights cases, and built up a huge reputation. I don't think it will ever be so lucky again, you know.

- Int I've asked you...Lex, I've asked you a range of questions. I'm wondering what are some of the things that I may have neglected to ask you that you really feel ought to be included, in an oral history of the LRC?
- LM I think you've virtually covered everything.
- Int Well, I'm sorry if I've tired you out. (Laughs.)
- LM No, no, I think you've virtually covered everything, um, that I would remember. Uh, yes, it's just, it would be a pity you know, if the day were to come that the LRC's doors had to be closed. It would be a great, great pity.
- Int Indeed. I was wondering, what are the stories that remain to be told?
- LM I can't think of any at the moment.
- Int Do you have any fond memory or anecdote that you think you'd like to share of either a client or a case or just general LRC?
- LM You know, the AGMs were meetings to actually look forward to, when everybody would be there, where we would, you know, we would meet and reminisce and tell one another about cases that we've been doing and so on, and having people relaxing, you know, and enjoying themselves. We had a character in our office here, Jannie Coltman, he was quite a character. I remember in one AGM, after...this of course, these happy moments would happen after the happy hour, or during, after the happy hour in the LRC, when there were free drinks and so on, where after we would troop off maybe to one room, and sit there and chat. Jannie (Coltman) is a coloured fellow from Alexandria down the road here, and he's very proud of the fact that uh, that he's a coloured, sort of indigenous and (laughs) so one day, he was sort of saying: I'm now going to change the way I sign my name. And I said to him: Well, how are you going to do it? And he put a dot and he says: That's my name, that's my signature from now on. This was after a fellow called Bennie Alexander who was a member of the PAC who, uh, changed his name to Khoisan X, so Jannie (Coltman), Jannie (Coltman) took that from him and said: That's how his signature would henceforth be like. (Laughs). Ja, that's one of the very light moments in the LRC that I can remember, but there were many, many occasions where we enjoyed ourselves.
- Int When you look back on your time, it was three years...out of your long, illustrious legal career, I'm wondering if you feel that the LRC has shaped your professional development, and your personal development in any way?
- LM I think so, yes. I think the kind of cases that we did in the LRC, I think in my practice as an advocate, that's actually where I got experience. It's during my time in the LRC, a short period, but the number of cases and the kind of cases that we did, I gained a lot of experience from my time there, short time, but I gained quite a lot.

Int Lex, thank you very much for your time and your patience, and also for a very thoughtful reflective interview.

LM You're welcome. *(Recording turned off and then on again)*

Int The question I asked after I switched it off was that I was marvelling at the fact that you seem to be someone who didn't get embroiled at all in the racial dynamics whether it was at the LRC or within the legal profession. And that's quite unusual in a society that's mired in racial dynamics. You can't get away from race in South Africa. And I'm wondering how you rose above that?

LM I don't know how I did, but...I mean, the time at the LRC to me was an opportunity, you know, to work in that kind of organisation. That had a diverse, you know, kind of people. And, I mean, when I qualified as an attorney I was elected as a secretary of the sidebar association which had been really a whites only organisation. It's probably because of my youth, of belonging, you know, to two groups as it were, to the coloured group, and to the African group. And so I could associate with any one of them. Much as I have experience of oppression, I think you know, as I grew older, I understood the situation, um, hated it of course, the fact that, you know, I was oppressed, but I think I was able to...maybe to use all that, my experiences growing up, when I became a lawyer. I had knowledge for instance of what the police were doing to people and so on and so on. I could communicate in Afrikaans and so could soften, you know, the hearts of even the strongest racist by using Afrikaans. And so maybe it's because of that that I have been able to mingle, as it were, and associate with...and be able to get along with anybody and everybody. Maybe it's because of that background.

Int The other thing that struck me as well was that it must put enormous pressure on someone like you probably other black lawyers as such, who have to under transition there's this rise where you get called to the Bench and then you have to really speed up in terms of your knowledge, etc. I'm wondering how you survived that and how you managed so well?

LM Well, I think my colleagues would probably say they were surprised as well, because in that week that the JP called me in East London to say that I must expect a call from the Chief Justice, another colleague who was in East London in that week was Nepgen, Judge Nepgen from here. And he invited me to go and have dinner with him and his wife one evening, and he sort of said to me: what worries me is that whilst, you know, we are so happy with you here, and I must say that you have just slotted in so well, you are doing well, you know, with regard to your work on the Bench, but they're going to take you away from us, he said. So I don't know how I did it, but I managed, you know, to apply myself, and I think because of the experience that I had gained during the time that I was in the LRC. That helped a hell of a lot in adapting on the Bench.

Int     When I interviewed Jeremy Pickering earlier, he said that your life story is worthy of a book, and I really think after listening to you I'd agree with that wholeheartedly (laughter).

### Lex Mpati–Name Index

Arendse, Norman, 14  
 Alexander, Bennie (Khoisan X), 28  
 Baninzi, Siphwe, 9  
 Bam Fikile, 14  
 Birt, Steve, 19  
 Bizos, George, 18, 27  
 Bloem, Gerald, 6, 20, 22, 23  
 Budlender, Geoff, 23  
 Chaskalson, Arthur, 15, 18, 27  
 Cole, Shaun, 20  
 Coltman, Jannie, 23, 28  
 Craven, Danie, 10  
 Eksteen, Jannie, 16  
 Froneman, (Judge), 17, 21  
 Gilfillan, Durkje, 27  
 Hathorn, Moray, 27  
 Hathorn, Peter, 23  
 Hughes, Anne, 5  
 Jansen, Judge, 17  
 Kahanovitz, Steve, 25, 27  
 Kerfoot, William, 27  
 Kriegler, Johann, 15  
 Kies, Ben, 9  
 Leach, Judge, 20  
 Love, Janet, 25, 26  
 Mandela, Nelson, 10, 11  
 Mbeki, Thabo, 10, 11  
 Mohamed, Ismail, 7  
 Mtshizana, 22  
 Mullins, Brian, 3  
 Negpen, Judge, 29  
 Nzo, Alfred, 10  
 Qangule, Tabitha, 24  
 Quinn, Richard, 16  
 Pickering, Jeremy, 5, 14, 15, 16, 23, 30  
 Pienaar, Kobus, 27  
 Plasket, Clive, 5, 15, 20, 22, 23  
 Pretorius, Paul, 12  
 Saldanha, Vincent, 26, 27  
 Sandi, Judge, 5  
 Sephton, Brian, 6, 17, 20, 22, 23  
 Sephton, Sarah, 6, 17, 22  
 Smith, Henk, 27  
 Smuts, Isak, 18  
 Soni, Vas, 14  
 Tambo, Oliver, 10, 11  
 Uren, Justin, 23  
 Van Rooyen, (Magistrate), 13

Zietsman, JP, 6, 17, 20  
**Jobodwana**, 10

**Cases:**

Grootboom, 26  
Joe Slovo, 25  
Johannesburg, 26  
Khotsong, 25  
Land Claim, 22  
Matatiela, 25  
Police brutality cases, 6, 18, 20, 21  
Unlawful arrest and detention, 20-21



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