

Int: Clinton, thank you very much for doing this oral history interview. I was wondering whether we could begin, since it is about you, with a little bit of personal background, in terms of what actually led you deciding to follow the legal profession, what your motivations were? So a little about your early childhood and where your motivations have come from?

CB Good lord.

Int (laughter)

CB Good lord, -- well, I'm a native Baltimorean. I was born here 81 years ago, --my grandfathers were both grocers, one an Italian grocer and one a German grocer. I -- guess my father was the first in his family to go college. I -- went to college here in Baltimore, because it was the Second World War; I had enlisted and was waiting to be called. When I got out of the army and finished college, I had no idea what I wanted to do. I knew that were things I didn't want to do but I thought if I studied law, it offered lots of possibilities. So, I went to Georgetown Law School. I had no relatives who had been on any side of the law that we would ever speak about and -- so I followed the usual path. I got a clerkship for a judge and then I through that got to work, with what was then considered, what was the largest firm in Baltimore. I was the fourteenth lawyer they hired. That firm has 3000 lawyers, all over the world, including South Africa. It's not a law firm anymore, it's a corporation. In, in fact...

Int And the name of this law firm?

CB Oh, it's called today, I think I can tell you what it was yesterday. They may have changed it overnight but its -- "DLA, Piper, Rudnick, Grey, Cary, LLP"

Int Right. Thank you.

CB When I last saw what its name was. -- and -- I did that for 17 years but I think I was always sort of itchy and these were, you know these were sort of exciting times. In the US, there was a civil rights movement particularly and -- I, I guess I was a slow learner but life at a big law firm can actually be pretty boring and so—. Do you want this much detail?

Int Yes, absolutely.

CB Well, -- I guess this is relevant to the South Africa thing because Sargent Shriver who was the Director of the War of Poverty, the Office of Economic Opportunity in the Johnson administration, decided that the Federal government should begin to fund legal aid for poor people, legal assistance in civil matters for poor people. And so he -- he knew that he'd need the support of the American Bar Association and he got that and then the President of the American Bar Association Lewis Powell, later a Supreme Court Justice, sent a wire to leading lawyers and to state and local bar associations. --- At your age, you may not know about telegrams. You may have read about them in history.

Int Hmm (in the affirmative)

CB This was pre- fax --- a wire-saying that the Federal government was going to create this legal aid program and while I guess the wire said that we should cooperate with it, I think there was an undertone that said that we'd better keep an eye on it. And so the President

of the Maryland State Bar called me up and said, 'Clinton, there's a thing that they're starting – in the Federal government about Legal Aid, and – we should have a Committee that gets involved in it. Would you like to do that?' He didn't know what it was and neither did I and I said yes, it was interesting. I was interested in Legal Aid. And – then things progressed and one day, I got a call from (Sargent) Shriver. Would I come over and talk to him about starting a program. So, I did and – that changed my life. I mean before that, I'd never gone overseas in the war, so, I actually thought that if you went beyond Hagerstown, Maryland, that you fell off. I wasn't sure all of those stories about going around the world were true, but it opened my eyes. I went past Hagerstown and I didn't fall off. So – so I was itchy. I came back to – Baltimore because I was asked to run for Attorney- General of Maryland and I had never done that, I'd worked as an Assistant Attorney-General but I'd never run for office. I thought that would be an interesting to do, so I did that. I hesitate to bring this up because I lost, but – I can tell you because I don't think you can verify this, that I, starting the campaign was fourth, and when it ended I was second.

Int That's impressive.

CB -- you could verify that. I went back to the law firm but then Maryland had a Constitutional Convention and I ran for that and I won that, I want you to know. WON. W-O-N. (elicits laughter from interviewer) but, and – it was pretty apparent to me and to the firm that I wasn't there for a long time. This was before there were lateral moves in law firms. At that time, I was a partner in the firm and once you became a partner, you were expected to stay there forever. The only reason you would leave is if you had an alcohol problem or you slept with the wrong secretary or the wrong partner's wife. – And so then somebody came to me, well the Catholic University Law School had a search committee for a Dean and a great, great guy by the name of Bob Drinan who was later a Congressman and he was a Jesuit Priest. (The telephone rings). Excuse me.

Int Sure. (switched off recording equipment).

CB ...whether I'd be the Dean of the Catholic University Law School. I thought that would be fun, so I did that for five years. And that takes us up to when I went to South Africa.

Int Right. So really, prior to this, what was your knowledge about South Africa, had you had any contact...

CB No, no. None. I, I knew no one there. I had participated in anti-apartheid demonstrations here. – But, no other knowledge other than reading the newspapers. I don't think I even read a book about anything in South Africa.

Int Hmm. So once you were Dean, how did you then get contact with South African...

CB Well, in 1974 (coughs) Excuse me, a – a courageous Dean of the Law Faculty at Durban-Westville, whose name I've tried all night to remember. I think his name was Tony (Mathews) but I'm not even sure about that. He – got funding from the Ford Foundation to have a conference about legal aid in South Africa. The government had a legal aid program but it didn't give very much aid, I think most of the money was spent on salaries of the Afrikaner staff. There wasn't much legal aid being given. So Ford invited seven or eight of us who were involved in legal aid here to go there. The South African government gave us our visas two days before the flight. We had to get somebody in Washington to push the State Department to intervene. And we went - have you heard about the Conference?

Int I'd like to actually hear more about it. I've heard about it but not in great detail.

CB Okay.

Int Tell me a bit about who else went. You were chosen and the others?

CB Who else went...

Int From here, from the US...

CB You need to turn up the volume of your pleasant South African voice.

Int Okay. Thank you.

CB -- Kenneth (coughs). Excuse me. Kenneth Pye who was at that time on the law Faculty at Georgetown and working in legal aid in the District of Columbia. David Nelson an African-American judge from Boston, a Federal judge Gosh, you've taxed my memory. Rod Boggs who ran the Lawyers for Civil Rights organization in the District of Columbia. One person from the Lawyers Committee for Civil Rights - who was on the Staff of the Lawyers Committee - had given speeches against apartheid. They wouldn't give him a visa, so he didn't go. Those are all the people that I can remember at the moment.

Int Okay, okay. Thank you.

CB The conference was at Durban-Westville at the Law Faculty.

Int At the conference, what are your memories? Who did you meet?

CB Well, -- the announcement that was issued included a lot of South African judges and people from the South African Ministry of Justice or whatever it was called then. I don't think any of them appeared. I'm sure the government sent word down that they shouldn't go. We went - I remember we went first to Johannesburg and met with John Dugard, who was then the primary, or the leading scholar on human rights in South Africa and on the law faculty at the University of Witwatersrand. And also we went there because there was a hotel, because of the nearness of Wits, there was a hotel, and I guess in Braamfontein, in which African-Americans could stay. The most that I can remember, well the thing that I remembered, a batch of white students from Rhodesia who were obviously there for a lark. They just partied through the whole conference. I also remember Kenneth Pye's father died while he was there and he asked me to speak on the subject that he was going to speak on, which was on political trials, about which I knew practically nothing, and I hope nobody ever recorded that speech. The most notable thing was that I met wonderful people. I met Sydney (Kentridge) and Felicia (Kentridge) Kentridge. Oh, another man who went from here, was Bill Pincus, who was a Ford Foundation person. I met Michael Zander who was on the Law Faculty at the London School of Economics and who is a friend to this day. -- But the most important thing was that that was where I met] - I don't think I met Arthur Chaskalson there. I think the only people I met were Felicia (Kentridge) and Sydney (Kentridge). I don't think I met Geoff (Budlender) there, but I could be mistaken. That began a friendship with Felicia (Kentridge) and Sydney (Kentridge).

- Int At this point in my interview with Felicia (Kentridge), I recall, this was the point at which they had started the idea of the LRC. I was wondering whether that was discussed with you at that point.
- CB Sorry?
- Int Was this something that was discussed with you at that point?
- CB Yeah, we had discussions about that. Yes. I think, they had started a clinic on Saturdays involving the labor union COSATU, or was it COSATU's predecessor. But they talked about having a legal aid program. Well, what I talked about at the conference was about having federal funding and about legal aid. In our meetings after the conference I don't think we talked much about that. The probability of significant government funding for legal aid wasn't likely in South Africa then. We talked about the NAACP legal defense fund. I had never worked with the Legal Defense Fund. They had much more important conversations with the Legal Defense Fund and later with Jack Greenberg, Michael Meltzner, and with David Hood, who was with, I think Carnegie and he was one of the funders. I think out of that grew the Legal Resources Centre. But then, after that, when Felicia (Kentridge) or Sydney (Kentridge) or Arthur (Chaskalson) or later Geoff Budlender came to this country, in New York or Washington, they often called and stayed at our house. – and or least visited us or we visited them. And we kept up that contact over the years.
- Int Okay, I do want to ask you about a bit more about this played out, but before I go into that, I just wondering, this was your first visit was to South Africa and what your impressions of South Africa were?
- CB (exclaims), I wouldn't go back. It was, it was very disturbing, I mean, I knew Maryland is a Southern State and while, there wasn't a lot of segregation, there was segregation in Baltimore, but not as bad as that. It was terrible. I can remember once we hailed a taxi and David Nelson, the Federal Judge from Boston, the African-American who was with us, and of course, the taxi wouldn't take us. And – we also had trouble with, we had to get sort of vet a restaurant that we were going to before we went. And I think also, I think yes, that must have been the time -- the Lawyers Committee for Civil Rights had a lawsuit that was filed or that they were considering filing against South African Airways, for their discrimination. And one of the things somebody asked me to do was to go around the Jan Smuts Airport and take some photographs because South African Airways claimed that there was no racial discrimination, so I took photographs around the airport and I also - you are taxing my memory - but I also, I also went to visit some people. I stayed after the conference for a while and – I went to visit, I went to Cape Town, there was an organization, a Methodist Church, that was opposing apartheid and – I went to visit a white Minister, who was the head of that organization. I remember going into his office, I think it was his house and he said to me, 'did you know that you had company?' And I said 'I'm sorry, I don't understand'. And he said 'Well, look out the window'. And there was a car out there with two white men and he said: 'Well, they came with you and they'll leave with you' And I talked to him about apartheid and what he was doing, trying to figure out if there was any way I could help, if I could stir anybody in the States at all. I also visited the, a wonderful, a Catholic Bishop (Archbishop Denis Hurley) in Durban. He, God I must remember his name. Maybe it'll come to me. He was a strong, vocal opponent of apartheid and he was ostracized by the Council of Bishops. Ostracized may be too strong a word, but they certainly, didn't invite him to dinner often. And I went to visit him because he, he wrote letters, (sneezed) I'm sorry. He wrote letters to people in the United States soliciting funds for an orphanage for black kids that he had. And Katharine (Bamberger) somehow got on his mailing list. Katharine (Bamberger) is my

wife. And so I, we, were there on the 4th of July and I was in Durban on the 4th of July and the American Embassy had a party. So, we went to the party and I saw this Bishop (Denis Hurley) standing there talking to some people around him. And I remember (laughter) I went over to him and I said ‘Bishop So-So, I am Clinton Bamberger from the United States, you’ve been corresponding with my wife for years. Well, that got his attention’ So (elicits laughter from both). And I then went to his house to talk to him about apartheid. And he said to me ‘You know, I have no doubt that our conversation is being heard, so take that in mind, as we speak’. And I also, and I don’t know how this happened. And I met in Cape Town, I went out to meet with a – somebody picked me up with a car and – took me way out somewhere and I met with a group of black students, they were all male and I think they were all eighteen, nineteen year old kids. So, I did that much to sort of learn about what was going on there. Or at least that was what I can remember.

Int So when you got back then Clinton, what were the events that led to your becoming involved with the LRC?

CB Well, I, I was then living in D.C. I was the Dean of the Law School at Catholic University. And my memory of the LRC, as I remember it was really begun by Felicia (Kentridge) and Sydney (Kentridge) with the people on this side, who worked on this side. (Lloyd) Cutler, what’s his firm’s name?

Int Wilmer?

CB Wilmer. No, that’s his firm.

Int Lloyd (Cutler).

CB Lloyd Cutler. Lloyd is looking down at me and thinking I forgot his first name. I’ll be punished. – and Erwin Griswold and the lawyer from Philadelphia who had been the President of the American Bar Association. A Jewish lawyer whose name I can’t even remember...

Int Bernie Segal?

CB Who?

Int Bernie Segal.

CB Segal, Bernard Segal. Yeah. And I guess somehow through them, through Felicia (Kentridge) and Sydney (Kentridge), I mean, as I say people kept coming by to the States and would come and stay with us. I mean, Geoffrey (Budlender) came, Arthur (Chaskalson) came, Felicia (Kentridge) and Sydney (Kentridge) came. – And so, I kept those contacts. And at some point, they decided to put together a Board for SALSLEP and they asked me to be on it. I can’t remember specifically when, but that’s how things began.

Int Okay, so in terms of the actual beginnings of SALSLEP, were you involved right from the beginning?

CB Well, I think I was involved from – not the conception but the delivery. That’s my best memory. I think that Lloyd Cutler and Reuben (Clark, Sr.) you know had really worked closely with Sydney (Kentridge) and Felicia (Kentridge). I have some memory, of going to a meeting at the Metropolitan Club that was chaired by Reuben (Clark, Sr.). I think

that we talked about it, but my memory is not very good. But I wasn't, I certainly wasn't the architect. I was a hod-carrier at some point. Hod-carriers carry bricks.

Int Right.

CB The architects were mostly (Lloyd) Cutler and I think Sydney (Kentridge) and Felicia (Kentridge).

Int Right, soon after the **inaudible** the LRC really came into being, and it seems to me that they managed to get very good sources of funding right from the beginning. Do you know much about that?

CB No, I think David Hood. I think I was involved in some conversations with David Hood too. I am sure at Ford others were much involved. Maybe (Bill) Pincus was. But no, I wasn't. I don't have many memories of this, other than with David Hood.

Int Right. In terms of your earliest conversations both in South Africa at the conference and subsequently here, about public interest law organizations like the LRC, did you have any reservations about its effectiveness within the South African context?

CB No, I don't think (pause) no I don't think so. I mean --, I – I – whatever reservations I had - I remember, you know, learning for instance that in putting it together, the Bar Council -- and whatever other governing body there was for the solicitors -- had to sort of agree that they could have solicitors and barristers, or lawyers and advocates, practicing together and they could get their funding from other than the clients. And it also seemed to me that recruiting people like Arthur (Chaskalson) to head it, that that gave it protection from the government. I don't think that the government would have killed Arthur (Chaskalson). A lesser lawyer they would have killed and they did. I don't have a memory of being so deeply involved to discuss those kinds of things. I knew it was happening. I think that after the conference, the conversations were really with Jack Greenberg because I think they had decided that that model of the Legal Defense Fund was a good model to have and they weren't interested, it wasn't feasible to think about the model that I knew about that was about government funding of legal aid , that wasn't going to happen.

Int Right

CB And I didn't have contact with big foundations, so I wasn't a player in that part of the game.

Int So, I am trying to understand how your involvement emerges with Lloyd Cutler and Reuben (Clark, Sr.), when they started it off, at which point did you then join the Board of SALSLEP.

CB Well, I think I joined the Board when the Board happened.

Int Right at the very beginning.

CB Yeah, whenever that was.

Int Right and I am thinking of what was your role, what were your responsibilities?

CB My memory is that the primary, the major, source of funding came under the Sullivan Principles. I had no contact with American corporations and that was the source of

funding under the Sullivan Principles. Lloyd (Cutler) did and (Erwin) Griswold did and (Bernard) Segal did. – I think in large measure, it was Lloyd Cutler who was doing all the work and Reuben (Clark, Sr.) of course was the person in the firm who Lloyd (Cutler) asked to work with him on that...I mean, I don't have any memory of calling a corporation. I wouldn't have any ability to do that. I do remember that one of the foundations in New York, I think Carnegie had a conference on legal aid in rural areas and I think it was principally in rural South Africa and they asked me to come to that and Geoff (Budlender) was there and I went to that with him. But no, I wasn't a big player in the formation.

Int Given your experiences of your first visit to South Africa, did you think that law could actually be used to fight apartheid, which was legalized?

CB Yes, I did, but I think I had a -- I don't think that I had a sophisticated knowledge of the legal system in South Africa. I was committed to the idea that law could be used because of my work here in the anti-poverty program -that law could be a factor. But I wasn't a scholar of South African law. I sort of believed that lawyers could change the world. But I am not so sure of that now. But then I thought they could But in any event I thought that there would be some strong advocacy against apartheid and that's what the Legal Resources Centre became.

Int So, what are your memories of the initial setting up of the Legal Resources Centre.? I am looking at the period from 1979, early eighties....Did you go back subsequently?

CB I didn't back until I think 1989. I really wouldn't go back.

Int So, you didn't want to go back?

CB No, I didn't want to go back. –Well, I didn't, I just didn't want to. I mean I wanted to respect the ANC ban. I didn't see where I could be really useful. I was willing to do whatever I could do here. I've forgotten your question.

Int Well, I was wondering between... in the initial stages of the LRC setting up, what were the main issues that you on the Board of SALSLEP had to deal with. And if you only went back in 1989, that seems to me like a very significant period of its growth and I am wondering what your memories of being part of SALSLEP?

CB Well, in – you've stirred my memory a little bit. You see I was at Catholic University from 1969 to 1974. In 1974 what had been the legal services program in the Office of Economic Opportunity was abolished by (Richard) Nixon but they created a successor to it, called the Legal Services Corporation and I was asked to come there and be the Executive Vice-President. So, I did and in that period of time, I was then back working in the administration of the Legal Aid Program. So when some people came from South Africa, they would come and visit us in Washington. And there were some conferences. I remember going to a conference in London about legal aid in South Africa. There may have been other conferences or meetings like that here. I may have gone sometimes with Arthur (Chaskalson) or Geoffrey (Budlender) to meetings with funders. Not to corporations. I don't ever remember going to a corporate funder but to foundations – that's the best I can remember about that. And then SALSLEP met somewhat infrequently. Essentially, because the things that were being done then Reuben (Clark, Sr.) or Lloyd (Cutler) did. And we would mostly meet whenever Felicia (Kentridge) or... and mostly it was Felicia (Kentridge), and sometimes Sydney (Kentridge) and then Arthur (Chaskalson) ...came to the States to visit foundations. We would have a Board meeting -- but we weren't as a Board in my memory functioning to raise funds. That was

done more by Reuben (Clark, Sr.) and the staff, and the person who was then the staff might make some appointments with foundations for Felicia (Kentridge) and Sydney (Kentridge) or Arthur (Chaskalson) to visit and some of us would maybe go along.

Int Right. What was the reception – in terms of how forthcoming were corporations in America towards giving funds to LRC?

CB Well, I think it was favorable. It was - certainly. Ford I think continued to fund. I think there was a woman that we dealt with there, by the name of Mary McClymont. But I don't remember the particulars of it. But it succeeded. I mean they were doing very good work. They would also have significant victories. We would know about that and we would use that to talk to people to encourage funding. I know also that some point I introduced Felicia (Kentridge) to a friend here in Baltimore. who is wealthy and she then made gifts to SALSLEP or to the LRC through SALSLEP. That's the best I can remember of that.

Int Clinton, you mentioned that you really didn't wish to go back to South Africa during the 1980s and you only went back in 1989, and I am wondering that period of the 1980s was very tumultuous and what your concerns about the work of the LRC and the staff of the LRC and how they would be impacted by the Emergency regulations?

CB Yeah, well, I worried about their welfare and we were in pretty good contact and I really don't have any memory about being concerned about them but those specific sort of thoughts and admiration of the work they were doing. Well, let's see, in 1979... I left the Legal Services Corporation in 1979 and I went to Boston to help a friend on the Faculty of Harvard Law School start a new, an innovative clinic operation at the Law School and at that time, Geoff Budlender came and stayed with us for some time in Boston. And actually worked in our office for a while and Arthur (Chaskalson) visited us and they may have been visiting Harvard or foundations in Boston. And my next significant contact was in 1982. , The Dean of University of Maryland asked me if I would come back and be the Director of the Clinic at the Law School and I did, and sometime shortly after that, I thought some students could go and spend some time in South Africa. Now that also reminded me that when I was at the Catholic University and the University of Maryland Law Schools and in Boston, Arthur (Chaskalson) and Felicia (Kentridge) came to both schools and came to the clinical office in Boston, in Jamaica Plain, and then, sometime in '83 I thought it might be interesting to see if students from the Law School could be helpful to the LRC. But it would be a good experience for the students and it might be helpful to the LRC. The LRC said yes, it could use some help. –And so we set up a program at the University of Maryland, where students were to work for the LRC for a semester. – It was a very rigorous program in its selection and it was the first program at least to my knowledge where there were students from the US going to help the LRC. Later, I think Jack Greenberg did the same thing. Those students went to work in the offices and that kept me in sort of constant contact with the LRC.

Int Right, well during the 1980s, what do you think actually acted or helped protect the LRC against the threat of closure? What were some of the factors?

CB Well, let me say that I I don't have any real knowledge that the prominence of people like Arthur (Chaskalson), and Felicia (Kentridge) and Sydney (Kentridge) and members of their Board, the trustees, that that and, the prominence of many of the other staff, who were lawyers in the other offices protected it - but that is speculation on my part. I don't know.

- Int Sure, In terms of legal strategy that the LRC employed, they employed the test case approach and I was wondering what your thoughts were on this approach?
- CB Yeah, well, that's something that was obviously the model of the Legal Defense Fund but it also was a model that we had in the Legal Services, in the Legal Aid Program in the United States. In fact, I think that there was actually some opposition to that within the--- I have some memory of some opposition to that within the LRC, but it is not a very clear memory. But that was something that was a cornerstone of legal aid in the United States. There were so many poor people and so many legal causes that you couldn't possibly afford enough lawyers to represent them. What you had to do was find an issue that was pervasive and figure a way to create a precedent. Which legal aid in the US couldn't do and you couldn't do in South Africa – they did not have the resources or the time. So you had to rely on an appellate division to set precedents that would set an example. In the United States, before there was the federal Legal Services Program no legal aid lawyer had ever appeared in the Supreme Court of the United States. I can't remember the numbers now but there is a book right up there, on that shelf that has them. A number of legal aid lawyers appeared in the Supreme Court. They won every case and they set precedents that cured problems of poverty throughout the country. So, I was a devotee of test case litigation. In South Africa, it was difficult of course, it was not that easy. You didn't have the same rules that we have here about appellate litigation– (coughs) - the court having the power to overrule the legislature. Here, if the court decides to set aside a statute as unconstitutional, the statute is *dead*. In South Africa, the problem was it could enact another one. So, it was more difficult. But because it brought the problems to public attention not only in South Africa but throughout the world. The government had to pay some price in terms of its relationships with other countries if they decided to just enact the statute again and just overrule the court.
- Int Right okay. In terms of....
- CB Let me say one more thing about that, if I could.
- Int Sure, of course.
- CB It obviously was an appealing thing to funders too.
- Int Yes, the test case approach.
- CB That there were these precedent settings that attracted the attention and that were pretty effective, as long as the government didn't overrule them.
- Int In terms of any major legal victories, do you have any memories of that, about the major victories secured during the 1980s?
- CB Well, the one I remember best, was the one that Geoff (Budlender) argued on the - I think he argued it, or at least he was very involved - on the – Pass Laws. I can't remember the name of it. That's the one that's most prominent in my mind because I think the government then didn't bother to re-enact the statute. I have one other thing to add. When we started this program at Maryland. before the students went to South Africa they had to attend a course, on South African law. Not for a whole semester but for about six weeks, I think it was. And every year I was able to get people from the Legal Resources Centre who were on sabbaticals to come and they stayed with us, while they were teaching. I think that at least a half dozen of the people who were Directors of the LRC Offices came and lived with us and taught the course - so that was fertile contact.

Int I know that you mentioned that you weren't directly involved with the funding through SALSLEP, but I was wondering whether you could speak about the LRC's funding relationship in the US, in terms of not just the major funders but corporations as well?

CB Well, I probably knew less about the corporate side than any other side, because I wasn't that engaged in any kind of practice or occupation that put me in touch with any corporations. So, I don't know much about that. I do know that Felicia (Kentridge) came here once and went to a corporation in Baltimore and I think I went with her once and I think I talked to them before she came and I think I talked to them after she came. At one point every Christmas and at the end of every year I would write a letter to people that I knew asking them to contribute and did collect smaller gifts but there was one that was at least two or three thousand dollars every year. I thought, I actually thought that the SALSLEP ought to do more of that. But we actually never had the resources to do much of it.

Int Sure.

CB So, I was more involved with any smaller gifts than any large gifts, except occasionally visiting a foundation or a corporation with somebody who was here. And I did more of that I guess when Bongani Majola became the National Director and he on a couple of occasions came and stayed with us and I went with him and Katharine (Bamberger) went with me to visit foundations in New York. I can remember one thing that is, when the big funder...(motions to turn off the recorder)

CB When the Atlantic Philanthropies was the secret funder for years. When Bongani (Majola) was here one time he asked Katharine (Bamberger) and me, if we would go with him to visit some foundations and other places with him in New York. One of the things that we were asked to do was to go to a dinner with Harvey Dale and we were not to mention money, we were not to mention Atlantic, we were not to mention the need for funds. We were just to have dinner. That was sort of a strange experience (elicits laughter from both). We went to... I think Harvey (Dale) went to Cornell and I think his class was having a reunion or something in New York and I think the President of Cornell was there, so we went to dinner in some restaurant in Greenwich Village and Harvey (Dale) and the President of Cornell and Bongani (Majola) and Katharine (Bamberger) and I were there and we just talked about everything under the sun but never the Legal Resources Center, never money, never Atlantic, it was hard, it was very hard.

Int Yes, I can imagine.

CB I mean that has very little place in any oral history, except that it sticks in my mind. (elicits laughter from both).

Int Well, it certainly is interesting. In terms of these sources of funding. When did they end? When did they dry up?

CB Well, I think when apartheid ended and when the –what was the – the -

Int The negotiations?

CB No, the funding, the – the funding that had the name of an African-American minister from Philadelphia. You know where corporations were not supposed to be doing business with South Africa, the

Int The Sullivan...

CB The Sullivan Principles. I think that when that ended, I think the corporate funding ended. And – there was at least one period of time when I think SALSLEP was moribund for a while. And, the meetings were I would say a few a year and they were mostly when Arthur (Chaskalson) and Felicia (Kentridge) were in town. If anything else was happening, I sort of didn't know much about it.

Int Was that during the 1980s?

CB The late eighties, or early nineties.

Int In terms of, in terms of when you say SALSLEP was moribund, what do you attribute that to?

CB What do I attribute that to?

Int Yes.

CB I think that – I think and I am - I hesitate- I think it was the lack of commitment or time or energy of the Chair of the Board - and you know that's an accusatory statement - as far as I can figure it out. You then have to say why didn't others on the Board push to do something about it. So, I think it was for reasons that I don't understand - ,it was a lack of commitment of the leadership, of the Board itself; more than just one person, a number of people. And there was an effort to make the Board more diverse and that fizzled after a while but --. I think the Board had to change because the Board was essentially a Board that had contact with corporations and foundations and could therefore take advantage of the Sullivan Principle and in foundations that had an interest in South Africa. I think America became less interested in South Africa. Once apartheid fell, South Africa wasn't on the list of fancy things anymore and so I think that affected the Board that affected the list of funders. South Africa just was not a popular cause. It should have been and I think the Board reflected the same feeling.

Int In terms of the late 1980s, you went back at a crucial time, it was jus before apartheid really fell and I am wondering whether you had any inkling during that trip and I am wondering you could talk about that trip?

CB Well, it was certainly different. I went back – I am hesitating because most jobs that I have had, somebody else turned them down. Then they came to me and I can't remember whether somebody turned it down or not. But – I don't think they did, that's (laughs). The university, Wits, decided to make the clinic compulsory for all final year law students and – so I think Felicia (Kentridge) might have put my name before them and so they asked me if I would come to do that. The ANC had relaxed a bit, sort of cultural, you know restrictions on cultural exchanges, so that I felt my conscience felt better about going to do that. And I wanted to go *back* because yes, I thought things were changing. I didn't know how much they were changing. Things were changing. It was just entirely different. I mean, I marched and toyi-toyied in Johannesburg with *Sydney Kentridge*.

Int This is 1989? In 1989?

CB Yeah, so can you imagine that? So, so I went back and it was very exciting and the clinic was really very good and there were things that I could help them with. The Dean at Law School then was a great fellow, Etienne Mureinik - and John Dugard was there, there

were just great people - and Arthur (Chaskalson) and George Bizos and all. It was wonderful, absolutely wonderful. In fact, - I was just there for like a semester, maybe not quite the whole semester, I'm not sure.

Int So about six months?

CB About that, yeah? Well, and Katharine (Bamberger) was with me. And when we came home and we came through Brazil, because I wouldn't fly SAA and - when we got to Brazil, we heard that Nelson Mandela had been freed.

Int Gosh...

CB So, we decided to go back (elicits laughter from both). So we got to Baltimore. I called the Dean of Law School and said that I liked to go back and told the people in South Africa and they said 'yes, come back'. So we went back for a couple more months. It is a shame that Katharine (Bamberger) isn't here, she is in charge of dates.

Int Right.

CB And she remembers these things. And we went back. But I've often said, it was inaudible being here in the sixties, things were changing and you thought you could be a part of it, so it was really, it was a very exciting time. It was also a dangerous time. I mean there were, - there was at least one member of the faculty who was killed as he walked from his car to his house. - And - but, yes, so we went back, we've been back since then. I went back for the election and the inauguration.

Int '94?

CB Yeah. And - then a couple of years ago when we looked at our birth certificates and also thought how old some of our friends there are, we thought we ought to go back just to be sure we saw them while we still could. And so we went back, I don't... I mean that's why I say that if you go back to the conference in 1974, I just met some wonderful people who have been friends since then.

Int Right, it's a long time since then.

CB It is a long time. You think it is longer than I think it is (elicits laughter from both). That's a relative term. But I mean, that's not what you want to talk about.

Int Well, actually really I'm interested in this, when you were there in 1989, at the LRC was there talk about the fact that things were going to change, that apartheid was coming to an end. You really heard about it by the time you were leaving, so you only heard about Nelson Mandela was being released, but during your time in South Africa, just before change happened in February 1990, what were some the discussions?

CB Yeah, well, yes, you knew that things were changing. - First of all, you knew some people were being freed and - (coughs) and there were public demonstrations that would never have happened five years before. Well, they did happen five years before, people, people died. So, you knew that things were changing. I was really very busy at the Law School but no, things were just different and there were black and white students at the clinic and - we went to work in, we went to do legal work in black areas, went out into the bush. I even (laughs) practiced some law under the bush. Things were, yes we knew that things were changing - I mean, I didn't know that things were changing but I knew from what I saw, from what I read in the newspaper from what I, what I saw or in rallies

or things like that. I wasn't involved in anything beyond that and I was really very busy in the Law School.

Int Right.

CB I don't know if that answers your question?

Int It does. In terms of the actual work of the LRC, when you went back in 1990. what was your sense then in 1990, what was your sense of transition, of how the transitional period would impact on the actual work of the LRC?

CB I don't remember thinking much about that. I have a very vague memory once of meeting with the staff in the Johannesburg office (coughs) and I had an idea, which was, was obviously stupid, because Arthur (Chaskalson) tore me apart. I shouldn't say...didn't tear me apart but bore holes in it. I can't remember what it was, except that it was a more radical idea of law practice, with, involving, it's all vague, so take it as vague. He asked me once to come and talk at a lunch meeting of the staff about their work, and I had some idea that they could make a close alliance with COSATU and, and bring some litigation and it was, it was I think a bit too radical, and maybe radical really means foolish, because I thought after I was through that Arthur (Chaskalson) really showed me that, that was not a very feasible idea. That's the nicest thing you could say about it. I really think it was dumb idea. So, we had those kinds of conversations about what the LRC might do. –Years earlier than that, I don't think that they could have any kind of alliance with COSATU at all, so that I thought that this really presented an opportunity. See, the truth of the matter is I was on the periphery on a lot of these things, I wasn't in the governing circle on almost all of these things.

Int Well, I think your perceptions and memories are quite important, so in a way, in terms of...

CB I have often said, let's talk about the LRC.

Int Sure.

CB I've often said and I continue to say, I think that the Legal Resources Centre is the best public interest law firm in the world and I do know something about good public interest law firms. And I mean, can you imagine, that in the United States of America, that a lawyer who was a head of a major Legal Aid service would become the Head of the Judiciary in the country? Can you imagine that the Chief Justice of the Supreme Court would be a legal aid lawyer? Never. There's lots of wonderful legal aid lawyers in this country. But the caliber and number of absolutely first rate lawyers in the LRC, is beyond measure of any other country. So, I think it really has been the best public interest law firm in the world ...

Int Besides good lawyers, what else do you think makes the LRC such an incredible organization?

CB What else makes it so good? I think the support they had not only within South Africa, but outside was helpful to them. If SALSLEP had never done anything more than be the names of (Lloyd) Cutler, (Erwin) Griswold and (Bernard) Segal supporting the LRC, the fact that they were supporting them gave them strength not only here but with funders, I'm sure. – It's not the lawyer quality of the people, it's their quality as people. Put aside the lawyer quality, as bright, moral, rational human beings. I never met an LRC lawyer that I didn't think I'd be glad to spend a lot of time with; and not just the lawyers but the

other staff, as well. There was a wonderful woman that was the gatekeeper at the Johannesburg office. What was her name? (Vesta Smith). She was like Arthur (Chaskalson)'s mother and she was an absolutely wonderful woman. She lived in Soweto and she sort of ran that office and she ran Arthur (Chaskalson) (laughs) and she ran George Bizos (laughs), which is a considerable achievement. – they were just wonderful people doing good stuff. I never heard of any bad work that they did, no bad is not the right word, but of any work that they did that wasn't first rate. I never heard – never heard of any criticism of them, except political - in South Africa or the US. – The AGM's, I went to a couple of AGMs, not only when I was there but I went over there just for them and they were wonderful AGMs. They just were splendid times...

Int The LRC is now 27 years old and in terms of growth, it really had grown exponentially. At one stage, it had about five or six regional centers and I recall reading in the Ford Foundation archives that there was some concern about, by Ford, about this expansion? I'm wondering as part of SALSLEP, did you have and other Board members have concerns about this growth and expansion? Did you feel it was necessary?

CB I don't remember any. Maybe, the, the higher councils within SALSLEP had some concerns but I certainly don't remember having any really. – I think one of the things, one of the things I would hear from time to time was some criticism about the LRC that - and I think that there was absolutely no basis for it - sometimes I would hear criticism at SALSLEP that there weren't enough black lawyers at the LRC, -- I heard that, for instance, there was an organization called Black Lawyers Association I think it was a guy named Justice somebody who was the head of it and they were often criticizing the LRC about not having enough black leadership. I never thought the criticism was justified, but I also didn't think that we at SALSLEP could ever really make a reasonable judgment about that because we were not there in South Africa. That's the only criticism that I ever heard. I did hear it from somebody whose opinion I respected very much, so I think sometimes there must have been some basis for it. But not much and I think that a lot of it was a product of some competition for funding and the product of change and people never thinking changes goes fast enough and we've had that experience in this country. We still have, but that's the only criticism that I ever heard.

Int In terms of... apartheid ended more than a decade ago, I am wondering in terms of the LRC's work since then, since 1994, what do you think have been their major areas of victories and what have been their main areas of difficulty with the new change in government ?

CB Well, I think two things about that. One, very good people have gone to work in the government, Fikile Bam, -- and – others and Geoff (Budlender). --I think first of the most important work since then and I, look I don't see their docket all the time, what I know what I glean from a little bit of information. There's the land reform, I mean and that's a very big thing. – It, I have sort of wondered, never thought about it a whole lot, but have sort of wondered, you know, what is their place now in the South African society – because...but there still isn't sufficient legal aid for poor people, so there still has to be some organization that is doing. (*Recording stopped*).

Interview resumes.

Int Okay, you were saying...

CB Well, I mean, I sort of wondered, I would love to sometime sit in a room and hear the LRC talk about what they see as their role now in the government, in the present government structure. And I know that. they address that, yes, I remember discussions

about that, maybe in an AGM, maybe in, when I was visiting or when they were visiting here about, you know, here were all their friends now, Geoff (Budlender) was becoming the Secretary of a department. What is that wonderful guy – anyway, -- and were they now going to be buddies with the government? And I remember them consciously thinking about that and saying no, we're still opposed, you know we are, our clients have difficulties with the government but we are still at odds with the government when necessary for our clients. So, they have addressed that issue, but sort of what is their role now? Is it, before they were essentially bent on reform, on change. There still certain things that they would want to change, but it is much more difficult now to think about what their role is. Is it like : what does the Brookings Institution do when the Democrats are in government I mean, what do the liberal think-tanks do when you've got a liberal government. That's not a very good analogy, but certainly the role of the LRC has got to be different and I'm sure they've thought about it and are doing well.

Int In terms of...

CB But, but it does, it does, it certainly diminishes their ability to raise funds outside the country and maybe in the country, as well. First of all, if you come to the United States, the United States has the least legal aid of any developed western democracy. I can show you up there (points to bookshelf) in a minute. If you compare the amount of legal assistance that's available for poor people in civil matters and you measure it by the number of lawyers per poor people or by the percentage of the gross national product or by any other measure, the United States is way down at the bottom, way below. So, it's – South Africa may be better than the United States. South Africa is not in the tables. I guess they don't consider South Africa as a western democracy, but so I, I think we need to solve our problems. If somebody came to me and said let's start another SALSLEP, I'd say let's start one for the United States.

Int Earlier you mentioned that funding really, the status of funding for the LRC really changed post-'94 and I am wondering whether in terms of recent times, what are the funding constraints that are being experienced by the LRC?

CB By the LRC? Oh, I don't know that. I think it is unfortunate... I don't think that the LRC has ever raised as much money, as they should have been able to raise in South Africa. – And I think sometimes that has affected their ability to raise money in the United States and in the UK. – But, what was your question?

Int It was really looking at the funding constraints of the LRC post 94?

CB In the US?

Int Yes as well.

CB Well, principally the fact that South Africa is off the radar screen. People think that they've done such a wonderful job of solving the problems without bloodshed, everything must be fine there. But it obviously isn't. But, you see, I also, if I was sitting in a room and somebody said I want to talk about combating poverty in South Africa, I'd say no, I want to talk about combating poverty in the United States. So that may be a factor in it too. That – poverty is worse in South Africa, but we're getting close.

Int In terms of the issues actually confronting the LRC in the past years, well in the recent past, do you have concerns about the actual life of the organization?

CB My, my, the first thing that comes to mind is no, because I think they're so smart and they have weathered so many storms, they'll weather this one. I think the only thing I can say in response to that is that they obviously have to rethink their mission, I think they have and I think they continue to and – I think what you really asking is do they serve a useful purpose in present day South Africa?

Int That too, yes.

CB The answer is yes. South Africa has terrible problems of poverty and we need somebody, an advocate for that. I think maybe that's what's different now, until 1990, the mission of, the prime mission of the LRC, was to combat racial discrimination. Now that is, that still exists, they were combating racial discrimination, as an official government policy and its effect and they were using the weapons of government, that is the judiciary to combat that. Now, the problem is the government isn't supporting racial discrimination. There are still problems of racial discrimination, I think they're doing a better job of addressing those problems than many other countries in the world but there is the terrible problem of poverty. And that is inherited, much of it - all of it has been an inheritance from the days of apartheid. So, maybe the LRC becomes different. You know, maybe the LRC ought to think of the model of some of the very good environmental law firms here in the United States, where you have lawyers and environmental scientists and economists and maybe what the LRC ought to think about now, is being a broader organization with different skills with economists and educators perhaps. The problem is different. In some ways before when apartheid was existing, the problem was easier. There was one evil guy and you just had to shoot the evil guy. Now, there are just lots of not evil people, but there lots of malfunctions of the system that are legal and economic and political and cultural and there is a role for lawyers. Not the primary role anymore. Maybe the LRC needs to - I feel, I just want to say what the hell am I doing sitting here saying this. Here I am, an American sitting in America telling the South Africans what they ought to do. I don't know what they ought to do. I think the questions are different and they are smart enough to solve them. And that might affect their ability to raise funds in this country.

Int In the United States?

CB Yes

Int Why?

CB Well, just because they have, I think that now people say in South Africa, there is no poverty anymore, there's no problem. – And it might be, they might say we have the same problems you do in South Africa. Some of them are worse, because of the different demographics and we want to learn from you to the extent that we can, and we might be able to teach you and we don't have the economic resources to do it, we need your help. Nice little sermon huh? (elicits laughter from both).

Int Thank you. Clinton, at what point did you resign from the Board of SALSLEP, now known as SALS.

CB Oh, I don't remember the exact time. For years, a couple of us said look this is a different Board now. We served a purpose as spokespeople to the legal community in this country, as spokespeople to the foundations and the corporations but now those aren't your sources of funding anymore. The sources of need, we need a younger Board, we need a Board that has more relationships to wealth. So a number of us, Jim Robertson, Reuben (Clark, Sr.), Peter Connell, Jamie Kilbreth said we have been here a long time, we need

to step aside. I think I was the oldest. I may even be older than Reuben (Clark, Sr.) , so I think I took the lead in that.

Int Right. In terms of the relationship between the LRC and SALSLEP foundation, now SALS, how has that unfolded over the years?

CB Say that again, the relationship between?

Int Between...

CB LRC and

Int SALSLEP

CB Well, I don't know, sort of looking at the spectrum, initially it was Felicia (Kentridge)'s relationship with (Erwin) Griswold and (Lloyd) Cutler and, and Sydney (Kentridge)'s. Then of course Arthur (Chaskalson) became a part of that. So, I think it is healthier that it has become less person-focused and more institution-focused. But institution focus takes more work sometimes than person focus. So, I think it has changed --I've often thought that what ought to happen now ----, in the past you see, you could nurture the relationship by having Arthur (Chaskalson) come and have dinner with the Board, or Felicia (Kentridge) come and have dinner with the Board, but now when the relationship is more of the institution and the problem and not the persons ---- I've often thought it would be good - and we talked about this at the Board from time to time - to organize trips of funder and possible funders and Board members to visit South Africa and visit the offices . I know that other causes do that - take people on trips - and I think that's something we talked about from time to time at the Board but never did --. Its moved from a personal and apartheid hatred relationship to an institution and a relationship with different problems, with socio-economic rather than government problems.

Int Looking back on your time as a Board of SALSLEP, I am wondering what you think you could have done or the Board could have done differently?

CB That's a hard question. I think that we could have done earlier what we did finally, that is change the Board and change the focus of the Board. I think the best thing that has happened in all my association with the organization was Harvey Dale agreeing to be the Chair of the Board. It has been a more effective and properly focused organization, focused on the actual problems ,than it ever was before. I think its role now has to be to cultivate wealth. That takes time. I'm involved with another group that's trying to do the same thing. It takes years, if you don't begin with American wealth somehow involved in the organization, it takes years to cultivate. - I think in the beginning, SALSLEP was most effective in the early years because that' s when apartheid was high on the agenda of foundations and corporations in this country. As that diminished, SALSLEP had to find a new focus and it labored to do that. I think it has found it and I think it is doing well.

Int Right. You know, you said earlier that you think that the LRC is probably the greatest public interest law firm in the world. I am just wondering at the beginning in the late 1970s, early eighties, would you have been able to predict that the LRC would become the institution it is today?

CB No, because I wouldn't know enough about it. I wouldn't have been able to give a learned answer to that question but if anybody asked me now , I would tell them, yes, it is very good now and its going to get better.

- Int What would have made you give that answer?
- CB Well, my respect and admiration for the people and their ability. I mean, I've never met a finer man and lawyer than Arthur (Chaskalson). I was actually quoted the other day as saying that I think Arthur (Chaskalson) Chaskalson is the greatest, smartest lawyer I have ever met in my life. I think Geoff Budlender is a brilliant lawyer., just the – The commitment of the people and their ability at every rank in the organization to measure up to that commitment is outstanding..
- Int In terms of your own involvement through SALSLEP and with the LRC, what can you tell me, what have been the highlights of your involvement?
- CB The highlights of my involvement?, Knowing the people , the friendships. That's the highlights, the friendships, and – being on the fringes of such a – good work, good effort, good lawyering –but more than anything else, the highlights are the people that I know, that I met. I was just saying that did I ever meet anybody there that I didn't really like, that I, did I meet anybody there that I wouldn't go to a desert island with (elicits laughter from both). No, I never did, I never really did.
- Int Clinton, what do you think are the stories that are left to be told about the LRC and SALSLEP and the people involved in South Africa? What are some of the stories that you think need to be told?
- CB Well, somebody needs to do a good history of it. Penny Andrews did at least a beginning and a draft. There is a book, well there are two books actually. I mean, somebody needs to write a book. There's one book by Nadine Gordimer that the Legal Resources Centre served as the setting and I think Geoff Budlender is the model for a woman, a female lawyer in the book.
- Int Ahh, really.
- CB Yeah. And then there's a book written by Rick Abel that is a good book. – because there are lessons to be learned about what the LRC did, the role of the LRC against apartheid, the role of the LRC in representing the victims of apartheid. There is a story that I don't know yet, that thirty years, twenty years from now somebody can write that I think would be useful. And what would be useful? Its useful to think about it now, in thinking about what the LRC should be now. I think you need to think about what it was, what were its successes and what were its failures. Wallace Mgoqi was the fellow I was trying to think about. Do you know about Wallacedeen?
- Int No...
- CB Well, Wallace Mgoqi is a black South African who works for the LRC who did such good work that they named the town after him. Wallacedeen is the name of the town. Wallace Mgoqi did such good work. He was a para-legal and I don't think he is a member of the legal profession at the LRC (correction: he is an attorney) and he did such good work in representing a tribe or a group of people in some land claim that they named the town for him. And it is Wallacedeen. I think it is in the Western Cape.
- Int Right. That's amazing.
- CB And one, (laughs) this is of course no use to you, but one of the things that I remember about Wallace (Mgoqi), one Thanksgiving, Wallace (Mgoqi) was here in Baltimore, I

guess he was in Washington and also a woman, Kathy, a white South African woman, I don't think she worked for the LRC, but she worked on some death penalty cases and they came to Thanksgiving Dinner at our house and in Baltimore, in most places in the United States for Thanksgiving dinner, you have turkey and potatoes and carrots and peas and in Baltimore, you also have sauerkraut. Nobody can imagine eating sauerkraut with turkey. So, we had turkey and sauerkraut and other things and I made mielie pap. I bought some hominy grits and I made mielie pap for Wallace (Mgoqi) on that Thanksgiving. Well, you see, that's my point, that's the stuff I remember.

Int Well, that's the stuff that is very important. I'd wish you'd talk about that (laughter). It sounds like you have some wonderful memories and friendships that developed in South Africa.

CB I do, I'll tell you a tale, a Geoff Budlender story. We met at this Foundation and I think it was Carnegie, at a meeting to talk about legal aid in rural areas. I went up to the meeting and we met at the foundation and Fikile Bam and Geoff (Budlender). I think those were the two people from the LRC (coughs). I said to Geoff (Budlender), well the meeting ended about noon or something and I said 'Well, let's go up to the Museum of Metropolitan Art -and we were on 50th street near Fifth or Madison - 'we can walk up there'. Well, we walked up, it was Monday and the museum was closed and I said, 'well, I got another place to take you too, I'll take you to the best bookstore in the world.' Do you know the best bookstore in the world?

Int Is it the Strand?

CB Yeah. And I said ' I know its way south come on we'll walk' and we walked from the Metropolitan to the Strand. If you see Geoff (Budlender), ask him, he still has a tote bag from the Strand.

Int Right (laughter).

CB (laughter). That doesn't have to do much with an oral history. But I didn't...and I met Penny (Andrews). Do you know Penny (Andrews)?

Int I've met her. Was this through the LRC?

CB Yeah. She's a formidable character. What happened with Penny (Andrews) is oral history, and peripherally related to the LRC. Penny (Andrews) matriculated in law in Durban at Natal and she – Ford then used to give about ten fellowships to young, black South African law graduates to come to the US and do as Penny (Andrews) would say a Mahsters (using South African pronunciation) but what we call a Masters (American pronunciation) degree. I hadn't met Penny (Andrews), and Felicia (Kentridge) I think wrote to me Penny (Andrews) worked at the LRC as a law student. Felicia (Kentridge) said 'this young woman is coming and I told her if she needs any help in the States, to call you. Well, Penny came; first they went to Georgetown where they had a course for three or four weeks, sort of an introduction to American law and they were to go out to different schools. So, one day I had a call, 'this is Penny Andrews and so on, we'd like to come and talk to you, we have a problem'. There was a lawyer named, I'll think of his name as we go along, a male black lawyer. And – 'all of us have Masters degree studies for a year and she was going to Columbia and this fellow was – had been told that he was going to Howard and instead of it being a one year program, it was a two year program and – he can't really stay away from his family that long. So, we'd like to come and talk to you about it. Well, I then had an office, which was a long rectangle, the window was at one end, my desk was there and the door was at the other end. Penny (Andrews) and this

young man, what's his name – because now, I'll tell you what he is. They came and Penny (Andrews) sat at the door because I couldn't get out of the office, I'd would have to push her out of the way. (elicits laughter from both). And she told me 'Solve the problem'. I mean she didn't say it in those blank words, but I understood that there was little likelihood that I was going to be able to do anything else, until I solved the problem and we then became fast friends since then. I mean, she's one of our best friends. And he – is now the Head of Price water House of Southern Africa. I have his name somewhere there (points to book on table) and I didn't hear from him in years and I kept looking for him and then one day, I did sort of find him and wrote to him and he replied and he is now, he was a judge. He became an advocate, he was a judge in Natal, Kwa-Zulu Natal and was people said that he's going to be the next Chief Justice. But Price WaterHouse grabbed him and he's the Head of Price WaterHouse of Southern Africa. So, I think if SALSLEP needs to talk to some South African donors, they should go talk to him, Thabani Jole. Thabani Jole. That's his name. I mean, those are the kinds of memories. I have a memory of after Walter Sisulu was freed, -- I went with Felicia (Kentridge) and Arthur (Chaskalson) and visited Walter Sisulu in his home in Soweto.

Int That must have been a wonderful experience.

CB (exclaims) I will never forget it. At some point, I or somebody asked him a silly question, well, something about how he was treated by the warders and he then praised warders. He never said that they were lousy, he never said some of them were cruel. He just picked out a couple and talked, this warder he named him and he said, 'he gave me an extra blanket'. Now, that makes me teary when I think about it. But, that to me, that's ubuntu.

Int Yes, absolutely.

CB I mean, I have, I've tried to once, to say something about Ubuntu means and in our language we can't do it, in American, in English. But that one statement, that was Ubuntu.

Int Doing these oral histories on the LRC, I often hear stories about, you know, in addition, to there being great lawyers at the LRC, Arthur (Chaskalson) being one of them, Geoff (Budlender), there is also a sense that, it was also the clients that came to the LRC, who actually made the LRC what it is.

CB Yes, that's true. Well, I never (coughing – pause) well, I was only once ever involved in sort of, what I can remember with clients. Well, let me tell what I can remember. But one time, there was a woman that – the office used to go out to the bush, the paralegal would go out and the lawyer would go with her, him or her. They would go out to a village or a bush and I went to the house of some woman, whose first name was Beauty (Mkhize). You know, she had just a little concrete block house. Her husband had been assassinated and she, we were two white men and white woman and a black woman and -- you know, she put us up in her house, -- gave us dinner, breakfast – and we, we did go, go out in the field somewhere and talked to people most of them had problems with pensions, it seemed to me that that was the biggest thing and I, that's an experience that is indelible in my mind. I don't know if I ever knew of any other clients. (slightly longer pause). Oh yes, oh yes, -- this is I think when I went back, well, I don't know when it was (laughs). I think it was when I was at Wits. There was a group of people in – near the border with Mozambique, who the LRC had represented them in getting their land back and they got the land – and the lawyer and Felicia (Kentridge) and they decided on two, two occasions, that they wanted to have sort of a celebration and the lawyer, white male lawyer went up there and spent a day with these people and the better one I remember

(laughs), is Geoff (Budlender) had represented a group of people. And I mean, those people were just, they were just so grateful, but not in any kind of – silly—or –I can't find the word – or, you know they just quite frankly expressed and you understood. They didn't lose any dignity in being grateful, if you understand what I mean.

Int Sure, sure.

CB They didn't get on their knees or in any other way. – And another time, I went with Katharine, this was when I was teaching at Wits. There was a village, Geoff (Budlender) had represented the people and they wanted to have a celebration and so Katharine and I went way up in the bush somewhere and – the one thing I went, we went around and saw their land, saw their where they had had the sort of vestiges of old huts or houses. But then the leader **inaudible** gave a talk, citing Geoff (Budlender), this is a case they did with the Black Sash people. Black Sash brought the case to them. Those are other people that I met, those are heroes and heroines and the Black Sash brought the case and Geoff (Budlender) represented the people and the head of the tribe or organization, said 'Geoff (Budlender) was here all the time, he was always for us. ' Oh, first somebody did a praise poem (laughs) and then the Chief said 'Geoff (Budlender) was always here, he was always helpful. He was as close to us as our bakkies (elicits laughter from both). You know what bakkies are? Yeah, so now I always address Geoff (Budlender) as bakkie. You know, I mean the nature of what I was doing there, I wasn't going to meet many clients. I met more clients at the Wits clinic than I ever did at the LRC.

Int I am seated in your beautiful home and I see all these wonderful painting of William Kentridge and his etchings and I see artifacts from South Africa. It sounds like it has had an indelible impression on your life and your family's life as well?

CB Yeah. Yeah, yeah.

Int All these Ndebele dolls, these are wonderful.

CB Yeah those are. See the one with the stick figures, well, there was a guy, well, I never met him but Fiona, knew him and she used to go and people would bring things to sell to her and these are just carved. He would jus find these formations of twigs, he would remove the back and there would be a little figure. No, South Africa has been...we have lived. See I've never been able to hold a job very longer, you already heard a little bit about that (elicits laughter from both). But we've lived in – Australia, the Netherlands, Kathmandu and South Africa. But South Africa more than anywhere else, more often and for more longer periods of time. --- And that that's I mean the biggest gift to me, the biggest factor to me in my relationship to the LRC, as you can, have heard ,is the friendship not in anything I did for them but for the organization or them but for the friendships. Do you know Sydney Kentridge?

Int Well, I have met him, I have interviewed him, yes.

CB Well, I should have told you before the time you interviewed him but we lived in a little house about a mile north or them. You know Baltimore has lots of row houses. It was a row house and Sydney (Kentridge) and Felicia (Kentridge) stayed with us (coughs) and there was a guest bathroom and Sydney (Kentridge) went to take a shower and there was a tile wall in the shower, the shower was in the tub and it was in a little section and Sydney (Kentridge) reached for like a kind of a handle on the wall to help you and so you wouldn't slip, and he grabbed the handle and the whole tile wall came off (elicits laughter). I was mortified. I mean, here was this man who was only part mortal. (elicits

laughter). I put him in a bathroom where the whole wall comes off, the whole tile wall comes off.

CB When you talk to Felicia (Kentridge)... can you turn off the (motions to the recording equipment).

Interview resumes

Int Sure.

CB Can you imagine? I can't imagine Arthur (Chaskalson) toyi-toying. But can you imagine Sydney (Kentridge) toyi-toying?

Int No, not quite. That must have been an interesting experience. Was this in the early '90s?

CB Yeah, it was the early 90's, actually the late eighties. It was in downtown Johannesburg, right by the what was the prison, where people were always supposedly jumping out of windows?

Int CR Swart? Foster Square?

CR Forster building. I once met a fellow, who got arrested. Now people died all the time, either they jumped out of windows or they fell in the shower. Well, he was taking a shower and he was arrested, and taking a shower and he said 'My God, maybe it really did happen' (elicits laughter from both). I also, there was another, this is not so much LRC, well she worked for the LRC too. There's a wonderful woman named Carol Bekkie, and she had been a student at Catholic University Law School when I was there so we've kept in touch over the years and she at one point, went to South Africa, really emigrated to South Africa, worked for the LRC in Durban for a while and then she ran a clinic at – the University of Durban and Natal or the University of Durban in Natal and then she started a sort of network of paralegal offices in the bush and – she, this was when there were terrible things happening in Natal with (Mangosuthu Gatsha) Buthelezi and the ANC and she was close to a chief who was, I don't know whether, who wasn't a Buthelezi minion and I don't know if he was an ANC either but and – we went out and spent a weekend with her and I remember him holding court. I went to his court, he had court on Sunday mornings and people, it was a wonderful experience, couple of months later, he was assassinated. Terrible. Anyway, you are very nice. I don't have much to say about the Legal Resources Centre.

Int Clinton thank you very, very much for your time. I am wondering whether there is anything else you would like to add, that I may have neglected to ask you?

CB Not much left (elicits laughter from both). No, but call me about two hours after you leave.

Int Alright. (elicits laughter). Its always the case isn't it.

CB When I take a shower in the morning.

Int Thank you very much for your time, it is much appreciated and for sharing your wonderful memories.

CB Well, thanks for listening.

Interview resumes...

Int: A Reuben (Clark, Sr.) story?

CB I can't remember when this was but it was sometime between 1969 and 1974 and Felicia (Kentridge) was in Washington and Reuben (Clark, Sr.) had a dinner for her at the Metropolitan Club with some other people who were associated with the SALSLEP then. And I remember Reuben (Clark, Sr.) talking about how he met Felicia (Kentridge) and Sydney (Kentridge) and about the work that they did and he cried.

Int Oh...

CB I mean, that's another thing there's I think with all of us that had any association with the LRC, there was always an emotional component. It wasn't a rational business relationship. I never forgot that when he talked about Felicia (Kentridge) and the work of the LRC he started to cry.

Int Thank you.

CB It could never have survived if there hadn't been people of prominence of Arthur (Chaskalson) and Felicia (Kentridge) and Sydney (Kentridge) involved because as I said before because the government couldn't kill them. If the government killed them, there would an international reaction if – some lesser person had been at the head of it, the government would have certainly killed them. So, it was – it was also a courageous act on their part. I just read the book about the Rivonia Trial, there is a new edition of it by – who is it? (Reference to Joel Joffe) The guy who is in London, anyway, I'll think about it in a moment, I'll show you the book. It's a wonderful book to read. And you read about the trial and those lawyers and Arthur (Chaskalson). Arthur (Chaskalson) was I think 40 years old then when he did that. And it's a wonderful book. It is a really good book.

Int Thank you.

Interview resumes...

Int Right, so we had some stories.

CB Two (George) Bizos stories. First, straight when I met George Bizos the first time I went there and we met on a bench in a zoo because that was the safe place to talk. On another time, Richard Goldstone was conducting the Goldstone Hearings about atrocities, we went to...

Int Vereeniging.

CB Thank you for pronouncing it. And that was the first hearing and they weren't quite sure what the protocol was and the counsel was, Richard (Goldstone), George Bizos was representing the town and Richard (Goldstone) came on to the bench and of course when he came into the court room the two lawyers stood up. So, Richard (Goldstone) sat down and he said 'Gentlemen, it won't be necessary to stand, this is not a court proceeding, this

is a commission hearing so you can remain seated' So George Bizos said 'But your Honor, I talk more fluently when I am standing' And Goldstone said 'That's what I had in mind, Mr. Bizos' (elicits laughter from both). Another (George) Bizos story, is I was in the Johannesburg office once, it was when – the guy is now a judge, who was the Chief Attorney. Anyway, I went to see George Bizos. It was when Mr. (Nelson) Mandela was campaigning for the Presidency. Ahh (hears the door), good you just in time to fix lunch (addressing Katharine Bamberger).

KB Oh, I'm so cold, my hands don't even work.

CB You want some hot tea. We'll go out and have a sandwich. We'll go to Gia's and have a sandwich.

Int I was wondering Katharine whether you would have a moment to join us and share some of your stories on tape.

CB Oh, now wait a minute, wait a minute. (elicits laughter). She's going to tell the truth. (elicits more laughter from all).

KB You've been talking for all these hours. How long?

CB Wait a minute, I'll tell you...

Int You were telling me about George Bizos...

CB (Addresses Katharine Bamberger) Get warm and come sit with us. I told you the story about we went to Ver?.

Int Vereeniging.

CB And (Richard) Goldstone told George (Bizos) to be seated and George told Goldstone I talk better when I am standing up (Katharine Bamberger laughs)

KB So I am not sitting down.

CB But this time he had gone down from his office, he had gone down to the tuck shop to get something and the man in the tuck shop. Mr. (George) Bizos, 'I have just heard a terrible thing, I've heard that Mr. Mandela, Nelson Mandela had a heart attack, whilst he was out campaigning. And so George rushed up the office and he said (?unclear) and he rushed up to the office and he called the woman who was running the campaign and travelling with Mr. Mandela and no, no he hasn't had a heartache. No, she wasn't travelling with him, she said ' I haven't heard, I'll call right now and I was sitting there. And it was Nelson Mandela and Nelson Mandela, the story was going through different hands and it got distorted and Nelson Mandela had heard that George Bizos had had a heart attack.

Int Oh dear.

CB So, they were both having a conversation assuring each other that neither had had a heart attack. But you, you must talk to him.

Int I hope to, I hope to if I get the opportunity.

CB But take a couple of tapes (elicits laughter from both).

Int I'll be prepared.

CB He's written a couple of books you know. At least two. One is about Nelson Mandela and I think he's now done a sort of biography. But you might look out. Do you know how he came into South Africa?

Int No.

CB Well, he was born in Greece and his father was a Partisan against the Nazis and they heard that the Nazis were coming out of them and were going to take their passports. So, they got into a rowboat, his father and George (Bizos) and some other men and a British boat found them and took them to South Africa and that's how they got to be there. Yeah and he's been I mean, he's a lawyer on a par with Arthur (Chaskalson). You know Arthur (Chaskalson) and Lorraine (Chaskalson) were once ambushed. They came home one night and – this is when he was a Chief Justice. Yes, they didn't have any guards at their house or anything. There was a sort of covered place where they parked the car and when they parked the car, there were a couple of guys with guns who were waiting for them and made them get out and they took, made one of them lie down on the floor and made the other one, I can't remember which was which but I am guessing went into the house with them and I think you know that they must have thought that at some time they were going to be killed. But after that they had a guard at the gate of their house. But you are right. My, my memory, I have just been very lucky to have those experiences and meet those people. Have you talked to Jack Greenberg?

Int Not yet. In fact there was some discussion yesterday that I really ought to be interviewing him so we are hoping that we can do that soon.

CB Well, you should do that. He and Felicia (Kentrige) I think have always been very close. He won't be, my guess is that he won't be as garrulous as me but you may have to push a little. But yeah, you should talk to him. The David Hood fellow, I don't think he is around. The last thing I've heard of him he was in Hawaii. (Bill) Carmichael.

Int Right. I have interviewed Bill Carmichael.

CB Good, oh good. (Bill) Pincus.

Int Well not yet. He is certainly that we ought to consider.

CB Well, he was certainly involved in the, in the. I think he was involved. Bill (Pincus) might know better. You might ask Bill Carmichael if (Bill) Pincus is somebody you should talk to.

Int Yes, certainly from reading the Ford Foundation archives on the LRC, (Bill) Pincus' name does really come up at the beginning. So, you are quite right.

CB Well, I can tell you where to get a hold of him. He is retired and he lives on Long Island. I can tell you where to get a hold of him, if you want I can give it to you before you leave today.

Int Right.

CB And you talked to Jamie (Kilbreth)?

Int Yes, I've interviewed Jamie Kilbreth.

CB Who else on the SALSLEP Board have you talked to?

Int Well, Reuben Clark the III, Reuben Clark Senior, Jamie Kilbreth, - Bill Carmichael. Now you. I am hoping that, I think at some point we really should interview Ann (Satchwill), because she's been with SALS for so long and she knows everybody, so yes, definitely interview Ann.

CB Oh yes. Jim Robertson, he was the Chair for a while.

Int Yes, in fact yesterday that was also mentioned that I should interview Jim (Robertson). At the moment, what we trying to do is compile a list of the most important people over the history of the LRC in South Africa and of course Arthur (Chaskalson) is definitely on the list, and so is Geoff (Budlender) and so is George Bizos and Janet Love and Steve Kahanovitz and Richard Rosenthal.

CB Mahomed Navsa.

Int Mahomed Navsa.

CB Is that off?

Interview resumes...

Int This was Sandile (Ncgobo)?

CB Sandile (Ncgobo), yes, he came here and did his Masters degree and then he ...I can't remember.

KB His wife was here.

CB His wife was here. I actually helped her. She wanted to do a Masters degree in Social Work and I helped her to get into the University of Baltimore to do that and he worked for a while with a Philadelphia law firm - Hamilton and **inaudible**. Then he worked as a sort of research assistant/ law clerk for a judge—

KB Higginbotham.

CB See that, now we get names right. And we – and he and when we saw him mostly recently he was at –

KB NYU

CB Where?

KB NYU, Washington Square.

CB And we went up to. He spoke at a, there is a South African reading group and we went up and spent the weekend. Sandile Ncgobo. (does it with a proper click sound). I am ashamed of you (elicits laughter from all).

KB I can't do that, you can.

Int Katharine, Clinton, we were really talking about...

CB You want to sit here.

Int I'm okay.

CB Will this (points to external microphone on table) work?

Int Yes, it will. We were really talking about the trips to South Africa that you made with Clinton and I was wondering what your memories were and your first impressions and your subsequent impressions of South Africa and the people at the LRC that you came into contact with?

CB (addressed to Katharine) When was the first time you went? Was it when we went to Wits?

KB We went twice. No, you went to Zimbabwe, Rhodesia and then South Africa.

CB But I only went to South Africa before that, '74.

KB For that conference.

CB And then you went in '88?

KB Right. Actually in '89, early '89, 'cos we were in Israel first. And the next time I went, it was '99. Ten years later. We went back for an AGM up in Grahamstown but that's not correct. Do you know where it was?

Int Was it Pretoria?

KB No, no, no. It was not a game park but it was a resort somewhere up in the hills.

CB Arthur (Chaskalson) had a flat tire. Ask Arthur (Chaskalson) if he knows how to change a flat tire.

KB Anytime.

CB My memory is that he didn't.

KB I don't remember that at all and that the next time, you went.

CB I know but she wants to talk about...

KB My impressions. My first impression was when we went to live there and of course landed in Johannesburg and then went to Houghton Drive in the Kentridge's house. Of course, that was a bit overwhelming. And then –

CB Nobody else was there.

KB No, no, no. just the ladies and then we settled right in and I remember the only mishap I had in South Africa, was I worked down or tried to help out in the health clinic in Alexandria, Alexandria and as I drove home one day, just as I pulled the car out, I pulled the Kentridge's car out to get on the main road to get home and there was a group of men standing on the road and I'd heard that it wasn't the safest place in the world to be and I

- thought well, I'll just keep going. And then they started to pick up stones and so I really gunned it and I got out of there. But other than that...
- CB But didn't they rock the car at one point?
- KB No, no. I don't remember that dear. I think that I'd remember if they had. And then what else. Oh, I travelled around with you (addresses Clinton) when we would go to Cape Town or Durban but – I was pretty much on my own. Oh, a good friend, Selma Brody, Jools (Brody) wife had – asked if I would like to help out at the hospice there and I would go often to Soweto with her. The people in Soweto were so anxious to have a program set up in Soweto because they were really, beginning of the height of the Aids epidemic and she of course being a doctor, that's why she was so anxious to go there.
- CB Well, we used to go to Soweto on Sundays.
- KB Oh right. We would go up to Mass on Sundays, to...
- CB Regina Mundy.
- KB Regina Mundy, the church. Right and...
- CB Which was a Mass in the morning and a political rally in the afternoon.
- KB Often that's right.
- CB One time they asked you to come up and speak.
- KB Oh, right. The first time we went there. We had met the priest before the Mass and said how pleased we were to be there and that was that and at the end of Mass, he said he wanted to thank all the Parishioners for coming and the guests and the international visitors and all that. And he said, now there is a couple here from America and we presumed that we were the only ones and – he asked us to come upfront and we did and then he introduced us and we nodded like that and I thought then we'd sit down and thanked the people around us for having us. And then he said, would I speak. I started to say how pleased and honored I, I'll cry now, honored and pleased I was to be there and I broke down completely and I just couldn't go on. Other than that, it was a great adventure.
- Int Oh, thank you that was wonderful.

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