

**Felicia Kentridge**

**LRC Oral History Project**

**Interview 1: 14<sup>th</sup> February 2006**

**Interview 2: 16<sup>th</sup> February 2006**

**Interview 3: 22<sup>nd</sup> February 2006**

**Interview 1:**

FK: My parents were...lawyers and my mother was the first woman advocate in South Africa.

Int:: Really...

FK: Yes. And...she, she gave up because of Colonel Sellers. At least, I believe it was because of Colonel Sellers.

Int: Colonel Sellers?

FK: Well, he, he was very unpleasant about women joining the Bar and he, he objected to her being there and and the fact that my father, who was an attorney, could brief her. So, she accepted that. And she left the Bar but that was before I was born. And then when I was born, she went to America, as a Carnegie scholar and came back and wrote a book called "Women and Children in South Africa", but it was not about Black women, it was about White women, and she at the age of 90 was sorry that it had been about Black women, that it had *not* been about Black women. And she screamed all my life at my father and at her, her pain. And she was a screaming mother. That was my impression of her. But my sister who was older than me, who was six years older than me, was really in her place.

Int: You mean, as a mother?

FK: Yes.

Int: You...?

FK: And then she died. But that was later on, at the age of 73. And my mother died at the age of 90. So, I am 75 and I am older than my sister and younger than my mother.

Int: Yes. So, both your parents were attorneys; they were both lawyers?

FK: Yes, and my father was a school master and he should have been a school master all his life. But he became an attorney. And my mother, I think, this was one of the questions I didn't ask her, was propelled into law by him. But she was a psychologist and she came into London and she learned psychology and she lectured in it at Wits.

Int: What do you think was the motivation for both your parents having different careers and then turning to the Law?

FK: Oh, I think there was a great affection between them. That's my impression but I didn't ask them. But I didn't, didn't ask.

Int: Growing up as a young person in South Africa, do you have any distinct memories of what that was like in terms of the wider society?

FK: Well, I remember the Zulu court was a background to my, to my thoughts but then I discovered that it was not so.

Int: The Zulu court?

FK: Hmm. But I dreamt of them coming up to the garden and laying waste but I didn't know what the waste was or, or anything about it.

Int: So, when you say you dreamt about them, was there some sort of fear?

Fk Yes

Int: And where do you think the fear came from?

FK: Oh, I don't know.

Int: Were you aware of apartheid and racial differences when you were growing up?

FK: No.

Int: So, at which point did you become more aware of this?

FK: Oh, when I went to Wits.

Int: Were you at Wits in 1946?

FK: No, '40..'49

Int: '49. So, you went to UCT before that. So 1946 was at UCT and you did your undergraduate degree there?

FK: Yes, at Cape Town and then I came up and did my law degree at Wits.

Int: And what motivated you to do law at Wits?

FK: Oh, I remember a conversation I had with a, a lawyer, with with an engineer, as he then was and he said a law is simply for picking up the pieces. And I said no, its for regulating the (inaudible)

Int: regulating the society?

FK: Hmmm (Nods for Yes)

Int: It sounds like you... this was a path that you chose for yourself?

FK: Hmm. But my father was very keen that I should become a mathematician or a scientist. And I, I was not keen. So, I became a lawyer.

Int: You mentioned to me earlier before we started the interview that you'd met Sydney (Kentrige) during your studies at Wits, but not at Wits, but during that period. Was Sydney (Kentrige) a lawyer at that time?

FK: Sydney (Kentrige) was, was established at the Bar at that time.

Int: And where did you meet him?

FK: I met him at a tennis party.

Int: So, you were married during your studies for your LLB?

FK: Yes

Int: After you finished your LLB, I remember you telling me that you finished in 1952. From 1952 onwards, what did you do?

FK: I joined the Legal Aid Bureau. I was there because somebody was not there. I think the, the Director was absent on maternity leave.

Int: Okay. So how long were at the Legal Aid Bureau for?

FK: Four, four months

Int: Four months. What was your experience of the Legal Aid Bureau?

FK: Oh, it, it annoyed me because it, it was the, the last refuge of the, of every, everybody and it shouldn't have been.

Int: Last refuge in the sense that people who were coming to the Legal Aid Bureau, it was really their last hope, as such?

FK: No, they came because they wanted something and because they, they, they, they were always put at the bottom of a pile.

Int: And, was this the point at which you became quite aware and perhaps a bit concerned...?

FK: No, I was upset by the fact, that, that, that Wits didn't teach anybody anything about the society.

Int: Right. Was this during your studies or after?

FK: No, it was during.

Int: During. And what sort of attempts did you make, if any during your studies, to address that?

FK: Hmm (shakes head to indicate a negative response).

Int: So, it was really after your studies that you became aware of the need for some alternative organisation?

FK: But that was... no, it was sometime after that. It was...I remember being furious at the outrageous behaviour of a clerk, of a magistrate. And I, I, I remember a cousin of Sydney's (Kentrige) said to me, 'you must never lose your outrage'. And I, and I've hung on to It. (Smiles)

Int: To the outrage. You see that as necessary?

FK: Yes

Int: In what way?

FK: Well ,that was the, that was a motivating force. But then, in the 1960s, there was the reference to the to the conference and Sydney (Kentridge) was invited to the conference.

Int: Where was this conference, Felicia?

FK: In Greece.

Int: Yes, you had mentioned the conference in Athens?

FK: In Athens and I went along because I wanted to see Bill (Pincus). I wanted to see the world. And I met Bill Pincus

Int: Of the Ford Foundation?

FK: Yes. And the, Charlie Ryan. No, I didn't meet him. I met Tony Lewis.

Int: The New York correspondent?

FK: Hmm. And a man whose name I've forgotten who was a World Bank man

*(Interruption- Break)*

FK: And we had a wonderful day and we came back and Sydney (Kentridge) was there and we, we listened to his accounts of the conference. And we, that was really the beginning.

Int: The beginning of?

FK: of the LRC. Of the, because that I was so outraged that Piet Cillier

Int: The magistrate?

FK: No, the lawyer, the judge had sentenced (Dikgang) Moseneke to 40 days or 40 years or 20 years after he said to him “ oh, we won’t keep you”. But, I was outraged and I went to America because my sister was in Canada. And I went to America and I saw Bill Pincus and I saw Tony (Lewis). And I saw that man whose name I’ve forgotten.

Int: The World Bank person?

FK: Hmmm, in Washington. And then I came back and I said to Sydney (Kentrige). Well, we, we were invited to Salzburg and we went to Salzburg and there I met Lloyd Cutler and he said to me: “What are you doing?” And I said: “I am starting the LRC.” And he said to me: “Well, would you like it if I set up a C3 company to help you? And I said: “Yes” And then I forgot about it. And he forgot about it. But he, he remembered sufficiently to invite further discussion about it.

Int: I want to take you slightly back in the sense that this conference was obviously a very important phase where you met key people in the formation of the LRC, in terms of funding, but one of the things I had read in some notes you had written and I want to just ask you more about this: You mentioned that during the 1960s, not only were you a housewife but you were also a lawyer in private practice and then at some point you started lecturing at Wits University and you were involved in the clinical services. I wondered whether you could tell me more about that and what your experiences of the clinical services were and what...

FK: Well, my clinical services were really feeble. They were, students and the lecturers but students mainly. And I remember who was charged with house... stealing?

Int: A client?

FK: No, a student. And he was amazed that anybody, should, should be upset by it. And I thought, well that shows an absence of a moral sense.

Int: This was a student at Wits University?

FK: Hmm

Int: You wrote in your diary, in your notes that the students worked extremely hard but that the clinics were inefficient in the sense that students were away on holidays and...

FK: That's right and that did not seem to me to add up because the students were away and they, they, they, they didn't try very hard. But they had no supervision and I tried to get lawyers to come and help with the supervision...

*(Interruption)*

FK: No, they didn't, they didn't have any supervision and they were not in the position of, of American students, who were supervised and who were prepared to, to undertake cases.

Int: I read somewhere that the clinical services you'd actually started them? Is that correct?

FK: Yes.

Int: But you found increasingly that they were inefficient and...

FK: And, I, I stopped, stopped that. But the IAS, the Industrial Aid Society, was one of them. And the Riverlea was one of them.



Int: Those were clinics...The Riverlea and the other one you mentioned?

FK: IAS

Int: IAS...

Fk: Industrial Aid Society.

Int: Can you tell me a bit more about those?

FK: Well, the Riverlea was about Coloured people and one of the problems was how, you you got out of Riverlea, and one of the ways of doing it was by pretending to be White. And I went to see Louis le Grange or Louis Steyn, anyway, he was a Minister. And I remember him saying “ Ag man, Felicia, you , you know, that September is September. But in Black terms, it’s, it’s a name of Coloured people.

Int: ...At which point did you decide that you wanted to actually start the LRC?

FK: Oh, that was in 1976.

Int: '76. What was going on at the time?

FK: I went to another conference. That was in London and it was the, the LRC was the memorandum I wrote. It wasn't it's name and that was David Napley and he was very, very much impressed by Sydney's (Kentrige) handling of the Biko Inquest. But Clinton Bamberger was there and he invited me to the conference. I had been in London simply because I went to London. And he said to me: “ Well, you can go back and write a , a report on it” So, I wrote a report on it.

Int: On the beginning of the LRC?

FK: No, on the conference. And the, the...David Napley was there.

Int: This conference, what was about it?

FK: It was about the Legal (inaudible), legal, legal aid corners (?) that they have in England. And I met Cyril Glasser and I asked him about it and he then said “ Oh well, why don’t you start something” And I came back and I started it.

Int: So, this was 1976. In South African terms, it was a year of turmoil, as well, with the Soweto Riots, and did that impact what was going on?

FK: Oh, well it did but it always seemed to me that was second-hand. I remember the student who was with me who said “Hector Pietersen has been shot” And I didn’t know who Hector Pietersen was or anything (inaudible). But that was the beginning.

Int: When you say that was the beginning, the idea of the LRC itself, was that based on the English model of Legal Aid Clinics or an American model or did you yourself conceive that it had to be an extension but a more full-time version of the clinical system you’d started at Wits University?

FK: It was a full-time system and it, it involved Arthur Chaskalson.

Int: Yes, one of in your notes, one of the things I found rather riveting was a memory you spoke about going down Krielson street and meeting David Hood, I think it was at the Carlton Hotel. Could you tell me about that?

FK: Well, that was up on the roof at the swimming pool. And I said” I have him. I’ve got the man who will head it.” And he said: “Well, come across and explain it” So, I did.

Int: And by this time you had decided to approach Arthur Chaskalson.

FK: No, I had already approached him.

Int: You'd already approached him. Why Arthur Chaskalson?

FK: Because he was Chairman of the Bar. He was General Leader of the Bar and he was a friend. And he and his wife agreed to, to our suggestion.

Int: In Arthur Chaskalson's speech, there is a passage of how the LRC was actually started. Do you remember that, the actual signing of the different constitutions and the different bodies and the people who were present? Could you tell me a bit more about that? That was in November of 1978?

FK: Well, it was all associated with me in the house and the sitting room and the dining room and the study. And I always felt sorry that Raymond Tucker was not a trustee. But Arthur (Chaskalson) explained that we needed the top, top people like Charl Cillier and Johann Kriegler and Ismail (Mahommed).

Int: And in terms of the funding, by this time, had you secured the funding or were you in the process of securing the funding?

FK: We were in the process.

Int: Could you tell me how you went about the funding process for the LRC?

FK: Well, I, I approached the Carnegie and Rockefeller Brothers the Rockefeller Foundation and the Ford. And Sheila, Sheila McLean and Bill Carmichael had come out and they had been enthusiastic. And David Hood, but he said that he was small (inaudible).

Int: Small?

FK: inaudible

Int: Why did he say that?

FK: Because he was able to give us only a small amount and Ford really carried us. But we needed South African donations and we got them from Harry Oppenheimer and Tony Bloom

Int: In your notes, you also mention the meeting that you had with Harry Oppenheimer, do you remember that?

FK: Yes, well, I remember that he said, well, he knew me because of William (Kentrige) and he knew of, of us and I traded on Sydney's (Kentrige) name. But I said: "Trust me" and he did. But he first asked Dion Steyn.

Int: What did he ask Dion Steyn?

FK: He asked about me, I think.

Int: You note that meeting was...that you found it intimidating but at the same time, he was extremely generous.

FK: Hmmm. Well, he was, he gave us 25 000 pounds or rand or what it was.

Int: So that was the South African source of funding?

FK: Yes. And then, then Tony Bloom of RAND gave us something and...But we started off with a very small budget, 118 000 rands and which we were paying Arthur (Chaskalson) and, and oh, what is her name, Debbie Dison and Cecilie Palmer and Vesta Smith, and Richard, Richard Mojapelo.

Int: How many attorneys were there?

FK: No, two.

Int: Two? And was that you and Arthur (Chaskalson)?

FK: No, Arthur (Chaskalson) and Debbie Dison.

Int: What was your role?

FK: My role was general dogsbody.

The remaining portion of the interview was not transcribed as Felicia Kentridge went upstairs and returned much later and she showed me photographs.

## **Interview 2: 16<sup>th</sup> February 2006**

Int: It is Thursday, 16<sup>th</sup> of February 2006 and this is an interview with Lady Felicia Kentridge. Felicia, thank you very much for meeting again to do this interview. I appreciate it.

FK: Oh, well that's a pleasure.

Int: Thank you. Last...the other day we had the first interview and we spoke very much about your early entry into the legal profession and some of the factors that led to the formation of the LRC...

FK: There was the... I have thought about it. In 1960s there was the Treason Trial and that was from 1959 on to 1962. And then, there was the Athens conference and then there was the Legal Aid Conference.

Int: That was in London?

FK: No, In Johannesburg...in Durban.

Int: In Durban, that was in 1973, the Legal Aid Conference in Durban at the University of Natal?

FK: Yes, and then there was, there were bits and pieces all the way through.

Int: Right. What was interesting was that around the time of the formation of the LRC, or the decision to form it, that was late 1978...how did it emerge that the Centre for Applied Legal Studies, how did that emerge in relation to the LRC because it was formed...

FK: Oh, that didn't emerge. That was John Dugard's and he chose Sydney (Kentridge) just beyond me and he, he, oh, that was separate.

Int: So it was a separate development from the LRC, itself? It started in 1978 and there was also the Black Lawyers Association.

FK: That was separate.

Int: Yes, that was separate as well. When the LRC was formed....initially, when you had the idea, who did you first contact and how did you get it started? What are your memories?

FK: Oh, I wrote the memorandum and I sent it off. And I started talking about it to Arthur (Chaskalson).

Int: Arthur Chaskalson?

FK: Hmm. (Nods). And he agreed to run it.

Int: So, in your notes, you wrote this wonderful piece about the meeting at your home in Houghton. I think it was the 8<sup>th</sup> of November. And there were people there who would later become trustees.

FK: Yes.

Int: Do you remember much about that?

FK: No.

Int: Okay. That was, that was when you decided to start the LRC – what made you decide to have both the LRC as well as the LRT? What were the reasons for that?

Fk: Oh, that was simply because of the handling of the money.

Int: Okay, so the LRT would oversee the funds, and, and how was it decided who would form part of the LRT and who would form part of the LRC?

FK: Oh, that was Sydney for instance was, was part of the LRT, but he was not part of the fundraising. That was me.

Int: That was your job. But you were also working as a full-time attorney, advocate.

FK: Yes.

Int: So, you had the role of the fundraising aspects of the LRC, as well as the legal aspects?

FK: But we didn't separate them in our minds.

Int: Right. So the initial stages of the LRC. Can you tell me a bit more about that? Where it was placed?

FK: Well, there was Debbie Dison, and there was Cecile Palmer and there Vesta Smith and Richard Mojapelo and he was our dogsbody, and Cecilie (Palmer) was the secretary and Vesta (Smith) was the telephonist.

Int: Right. And how many advocates or attorneys were there?

FK: There was Arthur (Chaskalson) and me and Debbie (Dison) and that was all. And Geoff came..(Geoff Budlender) I have forgotten when.

Int: So, in the initial running of the LRC, what did you decide would be the focus areas?

FK: Oh well, we didn't decide. We waited for cases.



Int: Okay, and how did word get around about the LRC?

FK: Oh, just by word of mouth.

Int: My understanding is that the LRC was unique in that it was a public interest law firm, it was completely independent from the government and also one of the interesting things about the LRC, as opposed to maybe a very progressive law firm, such as Cheadle, Thompson and Haysom, was that you gave free legal service.

FK: But, we, we gave it but, we, we, we adopted a *kind* of test.

Int: Test cases? Tell me a little bit about the test cases you decided on?.

FK: Well, there was one that was not accepted. It was a man who had forgotten his pass and he was picked up. But we didn't take that one. And Geoff (Budlender) started the procedures for looking for Rikhoto.

Int: Yes, so prior to the Rikhoto case, you actually were involved as counsel for the Komani case.

FK: Yes

Int: Could you tell a little bit about how that arose, the Komani case?

FK: Oh, the Komani case was the, was the...

*(Interruption)*

FK: was... the Komani case was Geoff's (Budlender) case and he found it by looking and he knew that he wanted to the...to worry about the problem and he did...

Int: The Komani case was interesting in that it was about influx control and the pass laws and what was significant about it, from what I understand from your notes, is that it was about how women and children, so spouses and children could not live with their husbands in the urban areas?

FK: That's right. And we took it to the Appeal Court and the Chief Justice was hostile beyond belief and then he swopped and then he changed after lunch and he became mellow and he was interested and he was quite different.

Int: What do you think was the reason for that change?

FK: Well, he realised that, that... I never knew.

Int: How did that... was one of the first significant victories of the LRC, the Komani case. So how did the Rikhoto case, because that is also related to Pass Laws and Influx Control, if I remember correctly, how did that come about?

FK: Oh, the Rikhoto case, was one about the 10 year gap.

Int: A person, a person who was living in...

FK: who had been living in the urban area for the past 10 years had been regarded as having one year contracts but that was not upheld.

Int: Right, so that was another significant victory for the LRC. At what stage, so this was in the early '80s. At what stage did the LRC decide to expand and how did that come about?

FK: Oh, the Cape Town office began because, the Durban office began because Chris Nicholson thought it would be needed and he thought that it would be needed in Durban. And the Cape Town office was also the, was, was, was Richard Rosenthal.

Int: Okay, he was the first Director?

FK: Hmm, but he was part-time. And then there was Lee Bozalek and there was Steve Kahanovitz and then there was oh, Chantel (Fortuin).

Int: I recall reading in the Ford Foundation archives that during the early years the Trustees were very concerned about expansion and I think that's very related to funding and the need to secure funding before expanding?

FK: Yes, but that was so. But the Durban office got its funding from the Durban Trustees, the churches. And the Cape Town office got its funding from completely separate. And the Grahamstown office got its funding from the, the Americans.

Int: Okay, so around this time, Sydney (Kentridge) was living in England but did you continue to work full-time, this was...

FK: Yes, I was, I was there.

Int: And how did SALSLEP emerge?

FK: Oh, SALSLEP emerged because Lloyd Cutler set it up. And he, he came to our notice in the, through, through the Devlins.

Int: The Devlins were friends of yours?

FK: Through Lord and Lady Devlin. And then we met him (Lloyd Cutler) again in Salzburg and he asked me what I was doing and I explained. But then he said oh, well he couldn't because he wouldn't because he was full-time at that stage with (President Jimmy) Carter but his friend Reuben Clark, would take me on and I met Reuben Clark at the Yale Club.

Int: This was in America?

FK: Yes, and, and he was interested and he was the only one who I knew who had a non, non-secretary. He had a secretary who was ordinary. I mean she wasn't bad, she wasn't marvellous and she was, she was just a secretary.

Int: The initial... SALSLEP emerged and it began to provide funding?

FK: No, the Reverend Louis Sullivan provided the funding to begin with and it was simply SALSLEP's job to fund us. But Reuben (Clark) read the fine print and he said no.

Int: No to what?

FK: He said no to funding, without, without strings. And Reuben (Clark) was the man, Reuben Clark, and he was a great big teddy bear of a human being (smiles).

Int: Okay, what do you remember about the early '80s and how did the, when the State of Emergencies began, that was around the mid 80s, how did that impact on the running of the LRC?

Fk: It didn't. No, we ran in it in the ordinary way.

Int: Did you find that under State Emergency regulations, there were more cases of related to Security Police and...

FK: No.

Int: So, did the LRC for example handle cases related to detention, torture?

FK: Yes it was there, it's there in, in Sydney's (Kentrige) notes.

Int: What do you remember about that period?

FK: Oh, I can't remember when it was that Nic de Villiers was in Pretoria was busy.  
*(I am sorry, I have got my teeth in).*

Int: That's okay, that's okay. So, in 1985, the Legal Assistance Trust was formed in England. Were you involved with that at all?

FK: Yes, the, the Legal Assistance Trust was formed in England because it, it found that it needed to raise money and produce about 15 percent of the LRC's budget.

Int: At this stage, Sydney (Kentridge) might have been in England, I think 1984, 1985. Were you still in South Africa or were you spending some of your time here?

FK: I was spending some time here (England)

Int: So, did you become involved in running of the LAT as well?

FK: No

Int: You continued as a member of the LRC and at some point you became Director of Development?

FK: Oh, that was because Arthur (Chaskalson) worried about my, my lack of title. But it didn't change my habits.

Int: Tell me about that.

FK: Well, I was, I was, I was always dealing with the LRC and the, the title didn't mean a thing.

Int: So, you continued as normal.

FK: Hmm

Int: Your involvement as a legal practitioner in the LRC, apart from the Komani case, were there other cases that made quite an impact on you?

FK: Well, there was one in Cape Town, in Pretoria. I must find out why I always confuse the two. But there was a Rita, Rita someone who was in the Pretoria office and there was the Nic (de Villiers). Nic (de Villiers) was in Pretoria office and he was very, very prone to getting arrested.

Int: Nic (de Villiers) was an attorney?

FK: No, he was an advocate.

Int: Advocate...

FK: And but there was a girl called Kate, maybe it is Gail, who was, who was also arrested and he had written a little bit about that arrest.

Int: Okay. Were other staff members at the LRC, either at the Johannesburg office or one of the other offices... do you remember people being subject to harassment by the police at all?.

FK: Well, there was, there was the Pretoria office and the Port Elizabeth office, which was subject to harassment.

Int: What sort of harassments occurred?

FK: Oh well, the police would bug us.

Int: So, they bugged the telephones?

FK: Hmm, and they, they, they didn't actually help, hinder me in my searches.

Int: Were you ever afraid during this period?

FK: No, no

Int: Okay.

FK: I wasn't.

Int: I was just wondering, you know, the approach that the LRC used was the test case approach and the Komani case and there was the Rikhoto case and those dealt specifically with Influx control. Were there other types of cases that emerged?

FK: No, there was the Pretoria office, which had its problems with the police and but we managed.

Int: Did you feel during the eighties, that even though there was State of Emergency regulations, and the way apartheid was structured, Parliament was supreme, did you still feel, what you think actually helped against the threat of closure?

FK: Oh, well there was never a threat of closure. There was the, Charl Cilliers, who handled that very successfully.

Int: How did he do that?

FK: He, he took the policeman who was making these lurid threats and he showed him that he was wrong.

Int: Right.

FK: But Gie Kota helped and John Trengove helped.

Int: You mentioned a name before John Trengove?

FK: Gie, G.I.E.

Int: Okay, He was an attorney as well?

FK: No, advocate and he became a Judge of Appeal and John Trengove was, was one of the Judges of Appeal.

Int: ....

FK: Charl, Charl (Cilliers) was very firm with them. He wouldn't accept their word. They had to commit themselves and they were proved wrong.

Int: I want to go on a bit to how you perceived the relationship between the LRT and the LRC? How did that work?

FK: It didn't work. It was nothing. We, we, we used the LRT and the LRC and them, it was difficult.

Int: It was difficult?

FK: No, it wasn't.

Int: So, from my understanding of the organisation, there was the LRT, which really oversaw the funding aspects. There was the EXCO which involved some LRT and LRC members...

FK: Me

Int: And you were on the EXCO committee?

FK: Yes.



Int: Tell me a little bit about what you remember about working on the EXCO committee?

FK: Well, I remember that, that, the LRC didn't accept the need for high wages and that Charl Cilliers always insisted that we always pay the proper wages, if we could.

Int: Yes, I remember in the interview with Sydney (Kentrige), he mentioned that some of the attorneys and advocates really did not want to accept increases in salary.

FK: Hmmm (nods in assent). That's right.

Int: That was quite important, wasn't it, to ensure that they were paid quite well?

FK: Yes, it was.

Int: One of the people that worked and this is something that we may be need to bring up is Morris Zimmerman.

FK: Oh, yes, he was an attorney and he was, for many he ran the Industrial, the Hoek Street Clinic.

Int: Could you tell me a little bit about the Hoek Street Clinic and how that emerged?

FK: Well, the Hoek Street Clinic was run out at Johannesburg station and it. I can't remember.

Int: So, it was actually, what one would call, a street law clinic? And people went there directly instead of coming to the LRC? The funding for Hoek Street was, formed part of LRC funding, as I understand it to be?

FK: Yes.

Int: In your notes, you write about Morris Zimmerman and how he always did things differently.

FK: Well, he was shouting. He'd, he'd shout across but he was a great man.

Int: Did you have to work very closely with him?

FK: No.

Int: Who were some of the lawyers or advocates that you worked very closely with?

FK: Arthur (Chaskalson), Geoff (Budlender) and Charl (Cilliers) and Charles Nupen and Karl Tip and Paul Pretorius.

Int: And amongst these working relationships, how did you find yourself placed as a woman? Was that ever an issue?

FK: No (shakes her head) But Charl (Cilliers) made it an issue. He, he would walk into an LRT room and say "Oh gentlemen but Felicia you don't mind being included" And I objected.

Int: You objected?

FK: Hmm.

Int: It must have been difficult...you had mentioned to me that your mum was the first woman barrister in South Africa and you of course were one of the few women at the LRC. Was that ever a problem at the LRC? Did that ever emerge as an issue?

FK: No, but maybe that was I was white and it may be that I didn't, didn't... feel the slights.

Int: I have asked you about the working relationship between the LRC and the LRT. What has been the working relationship been between the LRC and the LAT?

FK: Oh, it's gotten worse. It's gotten to a point to where they are not providing the information that they need.

Int: Who is not providing the information?

FK: The LRC.

Int: The LRC and has that happened in recent years?

FK: Yes, in the last three or four. In the last couple of years. It has been better.

Int: So it has been improving?

FK: Hmm

*(Break)*

Int: Just coming back, you were telling me about how Arthur Chaskalson resigned, Charl Cilliers continued from '93 until '97. And then you took over as Chairperson of the LRT and you were Chairperson for about three years. And we were discussing that during that time you went to see the Makuleku?

FK: Makuleke.

Int: Yes, the Makuleke. Could you tell me a bit more about what that case?

FK: No, that was there. It's all in there (points to pile of papers).

Int: Yes. What is the case about the Makuleke? Was it a case involving the LRC?

FK: The LRC

Int: I read here that it was due to the land that had been taken away from the Makuleke by the Kruger National Park and the LRC took this on as a Land Restitution case? This was one of the LRC's victories in the late 1990s.

FK: Hmmm

Int: Your period as Chairperson of the LRT, was that a difficult period?

FK: It was difficult because I was here.

Int: So, you were having to go back for meetings?

FK: Hmmm, but it was very much harder because the Chairman of the, the National Director of the LRC was Bongani (Majola) and he didn't know all that I knew of the LRC and the LRT. And he was restless and he was unhappy. And, well, we managed somehow and we got through that. And then, then, the National Director was Vincent (Saldanha), was Steven (Steve Kahanovitz) and Vincent (Saldanha) and then Steven (Steven Kahanovitz) and then Janet Love.

Int: And currently it's?

FK: Janet Love.

Int: Janet Love currently. In terms of controversies, it is difficult because the LRC has such a good purpose about it but what controversies...has the LRC been involved in, if any?

K: Oh, well, Vincent Saldhana was very anxious that we should pursue the social and economic rights, which are embedded in our constitution. But I was keener on the rule of law. And we stuck with the rule of law.

Int: And this was during your time as a Chairperson?

FK: Hmm.

Int: The LRC actually has expanded dramatically. It is now 26 years old and it now has 5 regional centres.

FK: That, that was pre-Arthur's (Chaskalson) departure.

Int: Yes. You had one more centre in Port Elizabeth and that had to unfortunately close. What were some of the reasons for that closure?

FK: Oh, that closed because the police were there. and there, there, there was always a problem of staffing. And so we decided to close it.

Int: Has the dramatic expansion ever had some concerns. Have you ever had some concerns about the expansion?

FK: Well, the Port Elizabeth arose because the big firms in the area wanted us. And we went to Port Elizabeth and East London and Grahamstown and Uitenhage. And Port Elizabeth, no in East London, they said to me " There are six women you can rely on but that's including a spy". And in Port Elizabeth, there were 35 women but they were walking dead. And in Uitenhage there was no one. And in Grahamstown there was...there was the office.

Int: And you chose Port Elizabeth as the Centre you would open?

FK: Hmmm

Int: When an, when an organisation grows exponentially and has so many regional centres, there are always problems due to expansion. What have been some of the problems the LRC has encountered?

FK: Oh, well, there were the housekeeping problems of how to get the Communications people flowing freely and there was the, the, the problem of how we arrange things. And there was the problem of, of communication.

Int: So, communication's largely been the issue; on how to develop better channels of communication?

FK: Hmmm

Int: Since 1994 when the change formally occurred and the new government came in. What have the differences in the change and the changes in the work that the LRC has undertaken?

FK: Oh, well it has become, it has become a pest and it asks on issues on Land Claims and how to handle and its, but its been busy with the Constitution.

Int: Yes, I understand that, I think it was around '95, '96, possibly later, that the Constitution Litigation Unit was formed within the LRC. Could you tell me a bit more about that?

FK: Well, it was formed within the LRC so it was Land Claims Unit and that was quickly split up into Land Claims and Housing and Land Development. But the Constitutional Unit was not. And its...its...It had problems because of staff.

Int: Because of staff. So, the Constitutional Litigation Unit is now staffed by George Bizos and previously by...

FK: And Geoff (Budlender) and oh, there was an attorney, Patric Mshu, Mshumana (refers to Patric Mtshaulana) was, was one of its and Kate Savage was (inaudible) and Kat, Katrina, Katherine, I've forgotten.

Int: The Constitution Litigation Unit, does it deal with core issues in relation to land or are there other constitutional issues that are particularly important?

FK: They work with HIV-AIDS and they work with (coughs) females.

Int: Gender-based issues?

FK: Hmm

Int: What has been some of the issues relating to the LRC's involvement in the case relating to the Treatment Action Campaign?

FK: Oh, it was the Nevirapine case.

Int: And this was to enable ordinary people to get access to anti-retrovirals. And has this been a successful case?

FK: Oh, it was successful. But Grootboom was also successful.

Int: So, Grootboom is the housing case?

FK: Yes., and the Alexander Bay was post '94 (inaudible)

Int: The Alexander Bay case was post '94?

FK: Was post '94.

Int: Was post '94 as well. What was the Alexander Bay case about?

FK: It was about the minerals and the right to land and it is all there (points to pile of papers)

Int: These have been really huge victories for the LRC as part of the Constitutional Litigation Unit?

FK: Hmmm (Nods vigorously).

Int: Although apartheid has ended more than 10 years ago, the LRC continues to thrive. What do you attribute its success to?

FK: Oh, well. It believes in the rule of law and the fact that, the LRC, that South Africa maintains it.

Int: The rule of law?

FK: Nods. And the foreign funders were prepared to see it as a success.

Int: In terms of funding, post '94. there is a common discourse that South Africa is no longer the darling of the funding world? Would you agree with that statement?

FK: Yes

Int: What are some of the difficulties in relation to funding that the LRC is now experiencing?

FK: Oh the LRC, well, it didn't get any money from SALSLEP and got a very small amount from the LAT. But the Danes and the Canadians and the Germans continue to fund it.

Int: So there are some certain sources of funding that continue to remain. Is fundraising... you've been very involved in a crucial part of the LRC and I was



wondering whether what are your views on fundraising and how its being conducted?

FK: Oh, it's now the LAT which is my concern and it's really a problem with the LAT and the information it gets and the salaries it pays.

Int: You continue to be involved very much in the LAT?

FK: No

Int: You're no longer involved in the LAT?

FK: No

Int: I understand from Sydney (Kentrige) that both of you remain on the Board.

FK: Yes, we on the Board.

Int: But the day to day running of the LAT, who...

FK: Barbara Davidson.

Int: In terms of the Truth and Reconciliation Commission, what was the role of the LRC in relation to the Truth and Reconciliation Commission?

FK: Oh, I was strongly against it.

Int: Against the Truth and Reconciliation Commission?

FK: No, against the LRC being involved.

Int: Why was that?

FK: Because I didn't think it had any reason to explain itself or excuse itself and umm, but not that it was asked to.

Int: Has it also been involved in any of the judicial processes in relation to the TRC?

FK: Well, it provided one of the members, Richard Lyster. And it provided Kate Savage and it provided. Arthur (Chaskalson) and (Ismail) Mohammed and Mahomed Navsa and Douglas Mlambo.

Int: So, a number of the members of the LRC were actually involved in relation to some of the judicial processes in relation to the TRC.

FK: Well, I think Richard (Lyster) was.

Int: Richard (Lyster), as one of the Commissioners?

FK: Hmmm

Int: What are some of the criticisms that have been made of the LRC and by whom and why do you think these criticisms have been made?

FK: Oh, it was regarded as white but it was never white and was regarded as , as undesirable by the powers that be, that were. But we didn't take note of this.

Int: This was during apartheid?

FK: Hmmm

Int: And post-'94 what are the criticisms of the LRC?

FK: Oh, that it's white...

Int: That it's an all white organisation?

FK: But it's not.

Int: Yes. How do you deal with some of these criticisms given that it is something that you have really started?

FK: Well, I just ignore them.

Int: You ignore them. Okay. Has the LRC, post' 94 come under attack from the government itself?

FK: No.

Int: It hasn't. Has the ANC ever sought the help of the LRC?

FK: Yes

Int: Were there any specific instances that you can remember?

FK: No

Int: How much support has the LRC had amongst members of the legal profession?

FK: Very little. In South Africa

Int: Very little in South Africa, you would say?

FK: Yes., but in...in...England it had more.

Int: Why do you think that's the case that among the legal profession in South Africa, it hasn't had the support?

FK: Oh, I think that it's because they haven't had the opportunity of giving to large sums.

Int: That members of the legal profession haven't had the opportunity of giving legal aid to people?

Fk: Hmmm

Int: So, they have not had that experience. That's what you think it is. How widely known has the LRC become?

FK: Oh, I don't know.

Int: For example in England?

FK: Oh, in England, it's unknown.

Int: Its unknown you think generally but it's probably more well known amongst members of the legal profession?

Fk: Hmmm

Int: Currently or perhaps in the last few years I understand that you stepped down as a trustee last year, not last year in 2004. Is that correct? What are some of the crucial issues that you think, currently confronts the LRC and what are some of your concerns for the future?

FK: Oh, well, funding and the...there always, always lot of cases. So, it is not the work that the LRC does but the funding.

Int: So, the funding is really a crucial issue. What about staffing?

FK: There has been a high turnover recently

Int: What would you attribute that to?

FK: Oh the fact that they can earn large salaries in the private sector.

Int: Has the LRC..., one of its core functions as part of the fellowship program that was funded somewhat by SALSLEP, its managed to train some very prominent black attorneys and advocates. Do you think that continues to be the case post '94?

FK: Yes.

Int: And do these black attorneys and advocates that are trained, do they remain to work with the LRC or?

FK: No. They go off to earn these large salaries.

Int: What are some of your feelings about that?

FK: Oh, well, I am sorry about it. But that is nothing I can do about it.

Int: Sure, so, it's a bit disappointing you would say?

FK: Nods – Hmmm.

Int: Twenty five years ago, 26 years ago would you have been able to predict that the LRC would have been such an established institution in South Africa?

FK: No. I wouldn't have, I wouldn't have predicted it. But it was a long time in coming.

Int: It certainly is a remarkable achievement and it's something I am sure you feel very proud and close to the LRC?

FK: Yes.

Int: I have noticed in your notes that you have constantly made attempts to write about the LRC and at one stage that you were contemplating writing a book about the LRC. Has that been a difficult endeavour to undertake?

FK: No, I, I abandoned it.

Int: What was your reason for that?

FK: Oh, I, I thought somebody like you might be one day be interested.

Int: So, you have basically given it up for someone else to do. Would you say it is appropriate to say that maybe it is because you're quite close to the organisation?

FK: Well, I suppose so.

Int: In your mind what are some of the greatest achievements of the LRC?

FK: Oh, that they, they survived and that they stood for the rule of law. And I, I keep noticing that. We were in a conference in Tbilisi in Georgia, to the East and we again noticed that the LRC was not there. They had no idea of the rule of law. But South Africa had, had...kept it.

Int: And you think that that is due in part to the LRC?

FK: Yes, I think so.

Int: Doing this kind of public service work as, as someone of the legal profession, one feels a certain kind of reward. Do you feel any kind of you know, moments where someone you may have helped came back to thank you?

FK: No, no.

Int: You haven't had contact with someone who may have come back to the LRC to thank you. So where is the sense of reward and sense of accomplishment?

FK: That it, it maintains itself

Int: That it maintains itself. Okay. Do you have any cause for cause that it may not survive in the future?

FK: Well, funding problem but that's all.

Int: I was wondering whether there was anything else. I know you have asked me to look at your papers, but is there anything you would like to add on tape about the LRC or your involvement in it?

FK: No

Int: Thank you very much for your time. I appreciate it.

FK: Thank you very much for your time.

Int: Thanks Felicia.

*(Break and then interview resumes for a short while)*

FK: I thought I would write it myself but I abandoned it, partly because my mother always wrote a book and she would cut and paste. But now of course, you don't have to cut and paste. But I...I am more interested in Sydney's (Kentrige), speeches.

Int: Certainly, some of the, your notes reflect a deep understanding of the processes involved in the LRC. So it is very valuable the notes that you have written.

Fk: Well, I am glad they're helpful.

Int: Yes, thanks Felicia.



### Interview 3: 22<sup>nd</sup> February 2006

FK: Reuben (Clark Sr.) was my contemporary and Mary Ellen (Clark) was the winegrower in the family. And we went to his farm, their farm in, in or near North Carolina. And I discovered he was a Republican. He was the only Republican I knew. But he put me in touch with Bruce Beinart (this is not correct and is not indexed), no, Bruce someone, no, Bob someone. But I didn't take to Bob and I had taken to Bru...Reuben (Clark Sr.)

Int: You mentioned that...Reuben (Clark Sr.) is your contemporary and that around the time you turned 70, he was concerned about whether you would continue and urged you to retire.

FK: Yes, he was himself retired by then and he thought I should. I was glad of his advice and soon afterwards I retired.

Int: I wondered about these are your reminiscences that you have been having since our last interview, which was last week, (the second interview) and you have been thinking about your time at SALSLEP for its 25<sup>th</sup> anniversary and its 35<sup>th</sup> anniversary and I just wondered whether for this third interview, whether we could maybe go back and pick up some of the themes from the first and second interview. One of this is that I note that you came from a very strong legal background. Both your parents had been lawyers, Sydney (Kentridge) being a barrister and you also having a legal background. But I am curious that although you have had a great affinity for the rule-of-law, you haven't wanted to practice in the conventional sense and you once described yourself as a "lapsed lawyer".

(At this point we are joined by the interviewee's daughter Eliza)

FK: Yes.

Int: So, I was wondering whether you could tell me more about that?

FK: The lapsing. That was because I wasn't in active practice and neither was I an administrator.

Int: Did the LRC provide you with a space to practice law in different ways?

FK: Yes, it did.

Int: In your notes sent to Oxford, I recall reading that Arthur Chaskalson exclaimed that you really didn't want to go before the Bar.

FK: Yes

Int: Do you remember that conversation?

FK: Oh, well he once said of me, you are the least likely candidate for judicial office but Sydney (Kentridge) disagreed with him.

Int: What did you think?

FK: I thought he was quite wrong.

Int: How did the LRC provide, I mean in what sort of ways did it fulfil the legal impetus of you?

FK: Oh, I didn't have any legal impetus. (EK gasps in surprise)

Int: Would you agree with that ?(directed to EK)

EK: No, I wouldn't agree with that all. You were always working in legal things Mum. How can you say that? At Wits you were training people. You set up the LRC. What was the impetus then, if it wasn't sort of legal.

FK: It was the rule of law.

EK: Rule of Law. But is that different? Why is it different?

FK: Well, it was different because it was an abstract concept and it wasn't training young lawyers and it wasn't...it wasn't...

EK: What? legal impetus? No, you were interested in the very hands on sort of lets get things done.

Int: You say it's an abstract principle but at the same time you really saw it...you gave it practical reality in the form of the LRC...

FK: Yes. Hmmm, I did but I had no feelings about regulations. I thought they were a terrible nuisance and they were the answer to the Rikhoto and Komani case because Geoff (Budlender) and Arthur (Chaskalson) who studied regulations found the loopholes there.

Int: And those loopholes really became the 'test' cases

FK: Hmmm, Yes.

Int: But you actually appeared before the court for the Komani case, didn't you?

FK: Yes

Int: What were your experiences of that case?

FK: Oh, I remember going down to Cape Town to Bloemfontein with Arthur (Chaskalson) and being his junior. But I was staggered by Roemf, who was the Chief Justice, who was changed so vitally over lunch-time.

EK: Why? What happened?

FK: Oh, he became the protagonist for the Komani case.

EK: Oh, really?

FK: Hmm, and he had been hostile to it.

EK: That's amazing.

Int: What do you attribute the change to, Felicia?

FK: I am sorry (*did not hear*)?

Int: What do you attribute the change to? You mentioned that he changed over lunch and he suddenly came around to arguments the LRC was presenting.

FK: Yes, but I think it was the thought that a young man of 15 could be lawfully with his parents and thereafter he couldn't be.

EK: Do you think he hadn't really thought of that before. He hadn't thought of what it meant until you and Arthur (Chaskalson) showed him.

FK: Yes

EK: I don't remember this very much.

Int: Oh, you're being very helpful being in the interview.

EK: Oh, good.

Int: We are just covering some of the ground that Felicia and I undertook the first and second interviews and I am trying to get a sense of Felicia's involvement in the LRC. And therefore recouping some of the older themes. I was just wondering what, as a family member, the LRC has meant in general (directed to EK)?

EK: Well, I mean from before it began, it was a major thing in our lives because there was a lot of things in preparing and you know Mum, and you talking to, I just remember you talking to so many people, Americans and...

FK: and South Africans

EK: South Africans. I don't know, it was quite exciting. There was lots of buzz, really. And you and Arthur (Chaskalson) starting it. And Charles Nupen, was he in it from the beginning?

FK: And Charles (Nupen). No, Charles (Nupen) joined it quite soon.

EK: He joined it quite soon. And there were people like, I remember, Edwin Cameron, you know, coming as a...

FK: A judge.

EK: No, no, I think he came and stayed. I think I was in Matric. He was like the pupil and he was the new boy in town. He stayed with us for a while and he had just joined the LRC as a, what were they called?

FK: As an articled clerk.

EK: Yeah, but they had another name. What was it called?

FK: A fellow.

EK: Was it a fellow? The young ones. No, it wasn't a fellow. There was a name for them. Anyway, it was like an articled clerk or something. I mean look at where he is. And Paul Benjamin...

FK: And Paul (Benjamin), yes.

EK: In fact, lots of people I knew. Lots of people who were there from student-hood or just after.

FK: And Alex.

EK: And Steve Kahanovitz who's now the Director

FK: He was.

EK: in Cape Town.

FK: He was the Director. No, he was Cape Town and then he was National Director.

EK: Was he? Well, he was someone I knew as a student. So, people were very keen to be involved and my mother was not just an administrator.

Int: Yes. You had very many roles within the LRC. And I am keen to understand how you juggled that, including being a mother, a wife an artist. You managed to...

FK: The artist was very minor. And the mothering, I kept to after 4pm (elicits laughter from interviewer and EK). And the LRC...

EK: No, you were full-time, very full-time on the LRC really.

FK: Yes.

EK: It was maybe how it should be.

FK: Hmmm

EK: And Dad used to talk about it a lot.

FK: Oh well, he was a Trustee.

EK: Yeah, I mean it was. You did do. I mean it was very encouraging to me, really, that you were doing all these things and that you were doing them not from your twenties but sort of later on. It gave me sort of, it was a good role model really.

Int: I was just wondering, when I read your reports, there is a strong sense of American support for the LRC

FK: Yes, there was.

Int: And I am just wondering what that is about in terms of.

FK: That was Reverend Sullivan and he was...his mantra was that, if one doesn't, one didn't work for the LRC, one would lose the LRC.

Int: Apart from SALSLEP, there has been American involvement right from the beginning. You have been a major part of getting that American involvement on board with lots of trips. I read through your papers at Oxford and I remember you described going to America and it sounds like a very intense visit...

FK: Yes. They were and Rev, Frank Sullivan I didn't meet and I got to know the chief philanthropists of the American companies and the, and the general feeling was that there was...

Int: Has that continued, the American involvement?

FK: No

Int: What has changed?

FK: Oh, well the LRC has changed and the ambience about South Africa has changed.

Int: Post '94?

FK: Hmm and the philanthropists have changed.

EK: Do you think that they give the money to different kinds of causes, now?

FK: Hmmm, but they don't give the money. They, they, did.

Int: You were incredibly lucky. I think it was almost fortuitous because I think that there was a point when the LRC was starting where you got three major foundations right from the very beginning. Ford, Carnegie and...

FK: And Rockefeller Foundation. That was very lucky. That was great luck. Ford was most important.

Int: Yes. I read through the Ford Foundation archives, their grants and one of their concerns in the early eighties, so really in the early part of the conception of the LRC was the idea that there weren't enough women on the Board of the LRT and no enough blacks. Do you remember concerns about that?

FK: Yes. But we met their concerns. And we carried on.

Int: As a women did you feel that there weren't enough women involved in the LRC.

FK: No, I didn't

EK: But you were never one for token gestures or anything like that, so just got on with it.

Int: So, gender has never been an issue that has been a concern really.

FK: No



Int: Okay. I also read that you were very concerned during the 1980s because there was a lot of disinvestment from South Africa. So, companies such as Mobile were leaving and in your papers you note that this is going to be a crisis. How did you manage to avert the crisis for the LRC?

FK: Well, the LRC was an exception. And we had for instance, 3M which gave us money and we found the money somehow. But there was Robyn Sealey and Ann Satchwill.

Int: Robyn Sealey was someone, I noticed that you had a very close working relationship with and you were quite saddened by her departure...

FK: Yes. I was.

Int: Have there been other people like that?

FK: Well, Ann, Ann Satchwill.

Int: Who continues with...

FK: Yes

Int: And what about Jill Williamson?

FK: Oh and Jill (Williamson). A friend in the UK. And Barbara (Davidson) is not.

EK: Who is she?

FK: She is the woman who has taken over from Jill (Williamson)

EK: Oh right but you and Jill (Williamson) used to work incredibly closely and to see each other a lot.

Int: Have there other very firm friendships that have developed as a result of the LRC?

FK: Oh, well the LRC and Reuben (Clark Sr.) and George Cooper and Michael Meltzer and who else.

EK: What about your New York friend?

FK: Oh McLean

EK: Shirley?

FK: Sheila (Mclean)

EK: Yeah, Sheila (Mclean) is a good friend. Yeah.

Int: And what I noticed that the people who worked for the LRC leave and then return...

FK: No, there was a lot of movement. But nobody returned. There was Mahomed Navsa.

EK: Did he not return?

FK: No, he didn't return. He went up the ladder.

EK: Did he become a judge or did he just join the Bar?

FK: He became a judge. A judge of Appeal

EK: Oh, but you said that you noticed that people did come back? (Directed at Interviewer)

Int: I noticed that people such as Geoff Budlender....

EK: Geoff. Yeah, what about Geoff (Budlender)? Geoff (Budlender) came and went and came...

FK: Yes, but he came back because he wouldn't take up the National Directorship but he came back to the CLU. To the Constitutional Litigation Unit.

EK: Oh, there. Well, there is someone who came back. What about Arthur (Chaskalson)? Did he come back.

FK: No, he left.

EK: He did leave?

FK: Arthur (Chaskalson)...he became President of the Constitutional Court.

Int: Have any black lawyers left and come back?

FK: There was... No.

EK: What happened with Fikile (Bam)?

FK: Fikile (Bam) went to, came and he became part of the Port Elizabeth branch and he left because he was elevated. And Bongani (Majola) left because he became Chief Prosecutor of the International Court of Rwanda.

EK: Wow! I didn't know that.

FK: But I don't think they came back. They left because they got a promotion. And Fikile (Bam). Mahomed (Navsa) was a bright young man. And he became a fellow and he became a junior and then he became a senior. And then he became a judge and he continued in that judging.

Int: One of the aims of the LRC has been to actually train black lawyers. Not specifically black but young lawyers. Is that something that continues and do you have some concerns about black lawyers not being attracted to the LRC?

FK: Well, they won't because of the salaries. Because they could earn much more at the Bar and the Side Bar and in the companies.

EK: And does that continue now? Is that still the case?

FK: Hmm. Absolutely. That is the case now.

EK: But the LRC is getting new Fellows. It is fellows isn't it. They're getting new people now, do you know?

FK: They are but they...they are no longer people I know.

EK: You don't know do you, I mean what the state is now. I don't know.

Int: No, apart from what I have read. I think there is a concern that people don't really return. The other thing I was reading about, which I thought was very interesting in your papers, is that by late, the late 1980s, around say 1988, '89, you already had a sense that freedom in terms of apartheid was close...

FK: Yes

Int: How did you get that sense, what was happening around that time?

FK: Oh, because I had an incident with Vesta (Smith) and Vesta Smith said to me :” Well, when the change happens you will have to take all your furniture and pack into my house and I will take all mine and pack into yours (Elicits laughter from EK). And she had a tiny house and we lived in a comfortable house.

EK: But so what, that made you think that change will happen.

FK: Hmm (Nods in the affirmative)

EK: Because she was so sure of it. But she does not remember that.

Int: In your papers you are almost preparing for the LRC's almost changing with the times. Do you remember that?

FK: Yes but I remember Steve (Kahanovitz) saying that once we will have to worry about Black lawyers because they will be so in demand. And we will have to make do with White lawyers. And I thought that was a prescient remark.

Int: It is a fulfilling prophecy almost.

FK: Hmm (nods in the affirmative)

Int: Do you remember what the steps were that you took regarding preparing the LRC for the new government?

FK: No

Int: Not in particular....

FK: But we were always looking out for Black women and Black lawyers.

Int: ...Since 1994, with the ANC in government, has there been a problem in terms of creating further impartiality because the LRC has prided itself on being independent financially?

FK: Well, its...it was the impartiality phrase because the staff, the *non*-legal staff felt it very strongly.

EK: Felt what? In what way?

FK: They felt they were being discriminated against but we never found out why?

EK: That's strange

FK: No, but they, they, they just picked up the atmosphere.

EK: When was that?

FK: That was after '94.

EK: After '94. O...

Int: In the papers at Oxford, there is a curious exchange that happens with someone called Michael O'Dowd at Anglo American where he accuses the LRC of being biased negatively against the IFP the Inkatha Freedom Party.

FK: Against whom?

Int: Against Inkatha.

EK: Inkatha

FK: Oh, but he was right. We were biased against Inkatha.

EK: Who wasn't (laughs)

FK: We were right (EK and Int laugh) to be biased.

Int: He also was upset that the LRC...decided to have a memorial lecture in the name of Bram Fischer...

FK: Yes, he was, he was anti-communist. And he was anti-white. No, he was anti-black. And he was pro-Inkatha.

EK: Anti-ANC I suppose.

Int: Did that affect sources of funding from Anglo American?

FK: Yes.

Int: And did that happen because of the positions the LRC was taking?

FK: Because the LRC was taking a case against one of its members.

Int: Inkatha?

EK: Against Inkatha, someone supporting someone against Inkatha or something...

FK: Hmmm (nods affirmatively)

Int: That must have been a very difficult line to toe. I am just thinking. Because on the one hand, the LRC wanted to be impartial and not be seen as too closely aligned to the ANC but at the same time, you were in the same boat as the ANC in some ways...

FK: That was pre-'94. And we were against Inkatha and we were against totalitarianism.

Int: Post '94 when the ANC came into power. What has the relationship been between the LRC and the government, the ANC government? What has that been like?

FK: Oh, it has been warm.

Int: A warm relationship?

FK: Hmmm (nods in affirmation)

Int: There must have been some tensions though over the Nevirapine case. Were there tensions?

FK: Yes, there were.

Int: So there must have been tensions

FK: Oh, I didn't resolve those.

Int: So, you were not involved in that?

FK: (Nods to respond negatively)

Int: One of the key concerns was around '94 was the Bill of Rights and I think in some of your speeches you speak of the "toxins of apartheid".

FK: The toxins of apartheid? The poisons...

Int: Yes, could you tell me more about that?

FK: The poisons were non-development of the Blacks and the suppression and the oppression.

EK: Well, all those things.

FK: But there were the toxins of apartheid, I meant simply the oppression.

Int: You were concerned that the Bill of Rights wasn't getting the kind of attention that it ought to have gotten. That's obviously changed, hasn't it with the Constitutional Court?



FK: Yes, very much.

Int: What do you think the LRC has done to achieve more, an entrenched Bill of Rights?

FK: Well, it has brought its Constitutional Unit along. And its brought its cases under the Gender/Women and its brought the cases under the Land and Housing but that was not related to the Bill of Rights but I am afraid you are asking the wrong person.

Int: (Laughs) but you have had strong feelings about the rule of law?

FK: Yes.

Int: And that is quite important to you throughout the life of the LRC? In your personal papers you have made several attempts to write about the history of the LRC and one of the difficulties and you note this, is that in writing about the LRC, you say that there have been many friendships that have been established and we have spoken a bit about the friendships you have made. But you say one of the other difficulties you have had is having to separate personal family affairs from the personal public domain and that of the LRC. And I am just wondering what the difficulties were in that respect?

FK: Oh, it was simply timing.

EK: Timing of what, Mum

FK: Timing of family life.

EK: You mean the actual day to day, nitty gritty of separating the two and giving enough time to both?

FK: Yes.

Int: You also say that even though you have stepped down, you remain obsessed with the LRC, is that true?

FK: Yeah, I am.

Int: Could you tell me more about that? In what ways you remain obsessed?

FK: Oh, well, I, I have to stop myself from thinking that so and so is rich enough to support us or I have to stop thinking, LRC, LRC.

Int: (directed at EK) Is that something you can identify with? I am just wondering as a family member that the LRC has been almost a pervasive...?

EK: Ja, it has been a huge thing that my mother and my father have been involved with and you know since my parents have been in England and my mother. In the early years of your being here, when I was here, you used to go back to South Africa a lot, frequently. And you were involved in meetings, and emailing and faxing all the time. You were very, very involved. And then you were more involved with the LAT and that took up most of your time. And also a huge amount of communication between the LAT and the LRC and what was going on, on the ground and not just providing money. So, its really been in the last...

FK: Last five...

EK year or two, you have been less involved but it has always been , a thing that people were talking about, it has always been a part of our lives. It was great, it was great for us to have around.

Int: There have been commemorations of your mom, I think there was one a party, a superb party it sounds like in 1999, when you stepped down as the Chairperson...

FK: Yes

Int: Were you present? (directed at EK)

EK: No, you mean in Johannesburg. No, I wasn't. No, I have lived here for many years and we don't go back very often. Ja, but I think you have had a lot of recognition, Mum, for your role and...

FK: I have, I have, I don't deny it.

EK: But I think it has been hard for you since retiring from the LAT, I think, I think it was a problem in a way, when you did, because you were so involved.

Int: This was in 1985?

EK: And you kind of had to make a choice in a way. To come and join my Dad who was working here.

FK: There was no choice.

EK: There wasn't a choice. But you had such a full life then and for many, many years you continued it for much as you could by going back frequently and by remaining as involved as you could. You have easily have carried on there in a full-time way. And you never found any, well, I mean you set up the LAT, which...

FK: The LAT was not a, not a replacement.

EK: No, it wasn't but there was nothing else in England that could have kept you interested in the same way and I don't think people understood and I think there are a lot of people in England who you know, don't know how involved your life was in a way.

Int: Do you think it is a sense of loss for you, Felicia?

FK: No

Int: How would you describe the sense of having to create that sense of separation, because it sounds to me that the LRC has been your brainchild and its 26 years old now and you continue to think about it very strongly.

FK: Well, its...I don't think about it much.

Int: Is that recently, do you think?

FK: Hmm.

Int: What's changed? (repeated)

FK: Oh, well, I have become a woman of retiring age. (elicits laughter from EK)

EK: But also maybe its changed and people there are different and you don't know them or a lot of them well and so you not as involved with the individuals.

FK: No. I am not. Actually....

EK: But you have the friendships with the people who you worked with for a long time and so on and so on. But a lot of the new people at the LRC, you are not close to.

Int: You would agree with that? (directed at FK)

FK: Yes, I do

Int: I understand that in 1999, when you had the party, they sprung quite a surprise on you, because they named a fellowship, there is a fellowship in your name....

FK: Yes

Int: Could you tell me a little bit about the fellowship and what that entails?

FK: There is a fellowship but I don't know much about it

Int: Okay. Felicia Kentridge fellows I think they are...

FK: No

EK: You haven't met any but they must have some. They must be some.

FK: But I haven't met any.

EK: Oh...

Int: Okay.

EK: I don't know anything about it. Maybe my dad does.

Int: In the previous interview, you mentioned some of the achievements of the LRC. I was just wondering what you think some of the weaknesses of the LRC are?

FK: The weaknesses are the internecine strife...

Int: Is that, the internecine strife is that between regional centres or is that within a particular core body?

FK: No, it is between regional centres and between Johannesburg and the LRC and the National Office.

Int: Okay. What do you think that is due? I understand that these are difficult things to talk about but what do you think. Is it something that is resolvable as such?

FK: No. Maybe, maybe.

Int: So, it is more organisational dynamics. Okay. And some of its (LRC) strengths. It has survived an amazingly long time.

FK: That would be the LRC lawyers. And there have been troubles with trying to get them to fill in forms and to stick with their timetables and so on.

Int: So those are some of their problems?

FK: Hmm.

Int: And what do you think is its saving grace? What makes it work?

FK: Oh, it works because the lawyers produce such amazing results.

Int: When I looked at your papers, you mentioned that the times you went back to Johannesburg for the meetings, you were always so impressed with the amount that had been achieved and the dedication. Is that something that you think was really crucial?

FK: Yes, it was. And they.....

EK: And do you think it continues?

FK: It continues.

EK: Oh, that's good.

Int: The LRC has certainly had some of the greatest legal minds attached to it. Anyone in particular that stands out?

FK: Well, Arthur (Chaskalson) does and Geoff (Budlender) does and Charl (Cilliers) and Charles (Nupen) and Paul (Pretorius). And Bongani (Majola) and..

EK: Was Mahomed (Navsa) very good?

FK: Mahomed (Navsa) was good and Duncan Mlambo was good and Kate Savage was good and I can't remember their names...

Int: I am just wondering, we have covered a lot but I am just wondering whether I have neglected to ask you something, which you'd like to include in the history of the LRC?

FK: Oh, the LRC being Lloyd's (Cutler)...SALSLEP being Lloyd's (Cutler) creation. And Lloyd (Cutler) was very reticent about it but he acknowledged it in the end.

EK: What was Lloyd's (Cutler) position outside of, I mean, what was his, where did he work or what was his?

FK: Lloyd (Cutler) was senior partner in Wilmer Cutler

EK: Ah-ha, which is a firm of Lloyd's (Cutler).

Int: In D.C.

FK: And he was a Senior Counsel to Jimmy Carter and Bill Clinton.

EK: Ah, right

FK: And he was the Chairman or on the Committee of the Non-proliferation Treaty.

EK: What about Clinton Bamberger?

FK: He was an ordinary foot soldier. But he was a special man.

Int: His commitment has spanned a long time, his commitment to the LRC.

FK: Hmmm (Nods)

Int: Anything else you would like to add, Eliza?

FK: There was the party, parties and I can't remember anything else.

EK: I am sure that is plenty I can add, if I can think of it. I don't know but I think the thing that really stands out about the LRC and about my mother and my father...

*(Interruption)*

EK: and everyone involved in the LRC is just their extraordinary commitment to this enterprise. I mean, you know, I think South Africans were very lucky, are very lucky to have it.

Int: Sure, absolutely. I think when Felicia and I spoke last week we covered, some of the concerns she has...

That you have Felicia, about the LRC and the one that stands out and it is something you have been very involved in is the fund, fundraising.....

FK: Yes.

Int: because the LRC budget continues to grow...

EK: Ah, I know (sighs)

Int: And, so there continues to be such a demand and need for the LRC.

EK: But continuing to have to rely on funding from you know



FK: Fundraising

EK: And doing the fundraising. I used to work for an organisation which also got funding from places like Ford Foundation. I just remember that it was endless. It was the Director's whole job really.

FK: But the LRC, I think, tried to start an endowment fund but Michael 'O Dowd scivvered..., scuppered that.

EK: By not giving enough start-up money or what?

FK: No, by not giving anything. By saying well, we prefer to give you...an annual donation.

EK: Right

Int: Do you think there is a possibility of the LRC actually securing more internal funding, South African funding?

FK: Yes, there is

Int: Okay, where do you think that would come from?

FK: From the lawyers.

Int: Lawyers? Okay

FK: And from the Attorneys Fidelity Fund.

Int: So, it does have the potential to secure sources of funding, internally as well. Because that's been one of the concerns, I remember from the last interview. Okay. Well, Felicia. Thank you again, is there something you want to add?

FK: Well, Eliza will make us tea

EK: I'll make you tea. I was about to offer.

Int: Thank you for your time...

FK: Oh, well, I am sorry that you didn't come a year ago.

EK: Well, I think Roxsana has got a lot out of you, Mum. I think you remember a lot

FK: I don't.

EK: And there is a lot to remember

Int: There's 26 years worth of memories.

EK: You recorded so much. That's the great thing. You always wrote things down. Recorded your thoughts. Presumably, you found quite a wealth of stuff.

Int: Absolutely, (inaudible) the Oxford collection is superb. I really, I think if I had had more time, it would have been very worthwhile. Eight huge boxes of material. That was quite a wealth...

EK: Yeah, yeah, that was through William Beinart, (William) Beinart...

Int: Yes, he arranged that and I think it's a great idea. There is also other papers that your Mum has. So it is fantastic.

EK: Yeah, I'll go and make some tea. Mum, you'll have some tea? Roxsana, you'll like some tea?

Int: I'll have some tea, yes, thank you.

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