



## Rick Stengel on *Mandela: The Lost Tapes*

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**[00:00:00] Jeffrey Rosen:** Hello, friends. I'm Jeffrey Rosen, president and CEO of the National Constitution Center, and welcome to *We the People*, a weekly show of constitutional debate. The National Constitution Center is a nonpartisan non-profit chartered by Congress to increase awareness and understanding of the Constitution among the American people.

**[00:00:23] Jeffrey Rosen:** Nelson Mandela was an international freedom fighter with courage, integrity, and devotion to freedom and justice for all. In this episode, it's an honor to welcome Richard Stengel, who's a friend and a former president of the National Constitution Center. And he's here to discuss his wonderful new podcast, *Mandela: The Lost Tapes*, which is available on Audible. Rick, it is wonderful to welcome you to *We the People*.

**[00:00:46] Rick Stengel:** Jeffrey, great to be here with you. I wish I was there with you in Philadelphia.

**[00:00:51] Jeffrey Rosen:** That would be wonderful. And I'm so looking forward to our conversation. It's just amazing that you've collected these audio tapes, they'd never been heard before, from your years of conversations with Nelson Mandela. You collaborated with him on this incredible memoir, *Long Walk to Freedom*. I thought we'd start with a clip from your podcast about his early life. This was after the death of his father when Mandela's mother sent him away from his hometown village to become the adopted son of the king of the Thembu.

**[00:01:21] Speaker 3:** Mandela was quiet. He observed how the regent carried himself, how he dressed, how he led his people. Sometimes he attended council meetings. He noticed that the regent would listen and nod as one person after another spoke. Only at the end would he rise to speak, and it was then to summarize what others had said and try to find some consensus. It was here that Mandela first learned of African history, Thembu and Xhosa heroes who had fought for freedom in the previous century. During the century, long Xhosa wars and rebellion. He identified with them.

**[00:01:56] Nelson Mandela:** The counselors came to try cases-

**[00:02:00] Speaker 5:** Mm-hmm.

**[00:02:04] Nelson Mandela:** ... to settle disputes. Then, some days, they would finish very early with trials and then, uh, remain conversing. And I liked those moments because, you would gain

a lot. And I used to be amongst them, and listen to their stories. And of course, they would send me to go and get fire for the M-

**[00:02:31] Speaker 5:** Mm-hmm.

**[00:02:32] Nelson Mandela:** ... to tell the women that they want tea or that type of thing.

**[00:02:37] Jeffrey Rosen:** Rick, tell us about that clip. What does it tell us about Mandela's early life?

**[00:02:43] Rick Stengel:** So, Mandela's early life was so important to who he was. The child is the father of the man, as Wordsworth said. But what we forget is that he was an African aristocrat. He was the son of a chief when his father died, probably of tuberculosis, when he was 12 years old. He was raised by the king of the Thembu. He was a member of the Thembu community. His father had arranged for that to happen, and in some ways that was his life opening up. It was like Shangri-La to him. It would look not very impressive to us today; no paved roads, no electricity, no running water. But in Mqhekezweni as it was called, the Great Place, was the seat of the Thembu community.

**[00:03:29] Rick Stengel:** And he was raised by the king and the queen as though he was one of their children. In fact, his best friend was their son, Justice. And one of the things that's hard to remember is in an Apartheid society like South Africa and an oppressive white extremist society, a lot of people who were raised under that, who were people of color, were raised under this oppressive system. But he was raised in the Transkei, an area that the British never conquered for the most part. And it was an all Black world. He was raised and imbued with the history of the Thembu community, the history of African Kings in the 15th and 16th century. He knew those stories, he knew those names. He never had that sort of built in sense of insecurity and inferiority that that authoritarian white system tried to impose.

**[00:04:27] Rick Stengel:** So, this gave him confidence, confidence in himself, confidence in his worldview. And it really made him something that he was more than anything else, which was an Africanist. He was an African nationalist. That's what animated him from a young boy to all the years he was in prison and to his years as president of South Africa.

**[00:04:50] Jeffrey Rosen:** Wow. So important to learn about that Africanist influence. Tell us more about his education. He finished his BA at the University of South Africa. He studied for an LLB at the University of Witwatersrand. Tell us what he learned and who his intellectual influences were.

**[00:05:09] Rick Stengel:** So, he did have this very elite, exclusive upbringing as the charge of a king, the son of a chief. He was sent away [laughs] to a boarding school as a young man. There's a wonderful picture of him where the king took him to have his first suit made, and he's looking, very dapper in it. His education was important because he was raised to be, and this is his phrase, a Black Englishman. He went to these British style boarding schools taught by English teachers - in this Victorian sensibility. These were people, his teachers in his boarding school were alive when Dickens was alive, and so he had this kind of Victorian colonial education and he aspired

in some ways to be a Black Englishman. One of his aspirations as a young man was to be a translator at the Bunga, which was this all African parliamentary system in the Transkei.

**[00:06:13] Rick Stengel:** So, he had this exclusive education and then he went to high school at a place called Fort Hare, which was the African boarding school for young, aristocratic African men from all across the continent. And he met other boys his same age from all across Africa, and this was a huge change in sensibility for him. And then when he ran away [laughs] to Johannesburg, which was because the king decided to arrange a marriage for him and Justice, and neither of them wanted to marry the girls that they were arranged to marry. He escaped to Johannesburg and he became the first Black law student at the University of Witwatersrand where he really struggled because the main legal professor said that no Black student was capable of understanding the law and passing the exams that were necessary to become a lawyer.

**[00:07:14] Rick Stengel:** And so that was a very pivotal moment for him, in part because he experienced the prejudice all around him in Johannesburg, but he also met these other young men who became his loyal comrades: Joe Slovo, George Bizos, who were other law students at the time. So, that was a very impressionable time for him, but it wasn't an easy time for him at all.

**[00:07:43] Jeffrey Rosen:** What happened after he graduated from law school, and tell us about his early political influences including, Z.K. Matthews who studied in the United States, and how they influenced his early freedom struggle.

**[00:07:58] Rick Stengel:** So, for the South African bar, you had to be apprenticed to a law firm and he apprenticed himself to a law firm. Then he started with Oliver Tambo, his great friend and colleague, the first Black law firm in South Africa, Mandela and Tambo. And they took all kinds of cases including civil rights cases. And it was at that time when he was practicing in Johannesburg that he became a member of the ANC, the African National Congress, the biggest influence on his life, I would say. And he became a member of the Youth League, which were these kind of young, crusading, Black men who felt the African National Congress had to become more progressive and more dynamic.

**[00:08:46] Rick Stengel:** He met Walter Sisulu, his great comrade and at the time I was working on *Long Walk*, I also interviewed some of his comrades, including Walter Sisulu, who is a truly great man and spent all 27 years in prison with him. And Walter talked about the day that he met the young Nelson Mandela and he said, "The ANC wanted to be a mass movement, and then one day a mass leader walked into my office." And he talked about that impression that Mandela first made. He's six foot two inches tall, he's handsome, he's magnetic, he had this brilliant smile. Walter just said, "Someday will be the leader of our movement," and he was right.

**[00:09:29] Jeffrey Rosen:** Mandela was influenced to embrace, of course, his philosophy of nonviolence, which leaders influenced him there, and how did he practice it?

**[00:09:40] Rick Stengel:** He did embrace nonviolence and then he eventually renounced it. The ANC was formed in 1912. It's the oldest African liberation movement on the continent, and it was formed explicitly as a non-violent institution. It was formed by lots of religious figures and

it always practiced nonviolence. But it became a sort of a sleepy organization and in the early 1960s, the ANC would have peaceful protests and then the government would respond with violence.

**[00:10:17] Speaker 6:** Police of the white minority government opened fire on several thousand members of the non-white majority. They had been demonstrating against the racial discrimination Apartheid laws.

**[00:10:29] Speaker 7:** The South African Security Forces killed scores of black protestors.

**[00:10:33] Speaker 6:** 180 were wounded. 69 men, women, and children were killed.

**[00:10:39] Speaker 7:** The shooting became known as the Sharpeville Massacre. The atrocity created headlines around the world.

**[00:10:46] Rick Stengel:** And Mandela was looking at non-violent protest and deciding, "Well, this isn't working." In one of the episodes of *Mandela: The Lost Tapes*, you hear him say for Mahatma Gandhi, who of course campaigned for freedom in South Africa for 20 years, for Indians, and believed in non-violence as an inviolate principle. Mandela says, "I didn't see it as an inviolate principle. I saw it as a tactic and since it was a tactic, if it wasn't working, I would abandon it."

**[00:11:20] Rick Stengel:** And he did. He led the formation of the armed military wing of the ANC, something called [Foreign Language 00:11:27], The Spear of the Nation, and that is eventually why he was sent to prison for 27 years. He was sentenced to life in prison for treason, for trying to overthrow the state, which is what he was trying to.

**[00:11:41] Jeffrey Rosen:** Wow. Before we talk about that pivotal trial, which led to his imprisonment, tell us more about those years of struggle. It was a time when he met the love of his life, Winnie, but the government conspired to keep them apart.

**[00:11:58] Rick Stengel:** Yes. He had... it's such an incredibly rich life. For a man who was in prison for 27 years, where his life was limited to a tiny six foot- six foot by four-inch cell he lived many, many lives before he got to prison. He was a lawyer. He was this revolutionary civil rights leader. He became an underground revolutionary, and he met Winnie.

**[00:12:28] Nelson Mandela:** I'll tell you what happened. [inaudible 00:12:30]-

**[00:12:30] Rick Stengel:** When he was the successful lawyer, he- he drove a big American-

**[00:12:33] Nelson Mandela:** [inaudible 00:12:34]-

**[00:12:33] Rick Stengel:** ... car-

**[00:12:35] Nelson Mandela:** ... to drop a friend of mine and I was driving along. I saw this woman waiting for a bus, which was going to Baragwanath Hospital. And when I saw her, I was struck by her beauty and I passed her, and then I forgot about her. Then she came to see Oliver one day in the office with her brothers, and I was introduced to her in the office. That's how I actually met her.

**[00:13:07] Rick Stengel:** Aha.

**[00:13:09] Rick Stengel:** Within really a few months they were married and she was not a political figure when he married her. She was only 22 years old, and yet she learned about it, she became radicalized. She became a participant in protests and within two years after their marriage, he was underground and then he spent most of their marriage in prison. He always said that he thought she had it harder than he did. She was trying to raise their two daughters. She was harassed by the police. She was put in and out of prison. She spent a year and a half at one time in solitary confinement. She really was brutalized by the white authorities, and it did break her, I think, in a way that that Mandela and his colleagues never were broken, and it was just a tragic, tragic story.

**[00:14:09] Jeffrey Rosen:** Wow. Well, tell us about the events that led to the trial. You talk about how the South African police stepped up their violent attacks against the protestors, Mandela launches a gorilla movement. He travels across Africa for military training, but then experiences, as you say, a life altering betrayal when he returns. What happened?

**[00:14:28] Rick Stengel:** Yes. Episode one begins very dramatically. He's just returned from his trip first across Africa, as you mentioned, where he gets military training and money for the [Foreign Language 00:14:40]. He crosses the border, goes down to Durban, and then he's driving back to Johannesburg, summoned back by the ANC. And he was posing as a Black chauffeur to a white member of the ANC, who was a wonderful, radical communist theater director. And he's on this road on a Sunday afternoon and a Ford V8 He pulls them over and he knew instantly what was happening. It was the South African Security Police, and as you hear on that first episode, he had a revolver that he was given in Africa and he had it with him and he had it in his pants pocket in the seat, and he had to make a decision about whether to use it or not.

**[00:15:27] Rick Stengel:** And I think he made the right decision not to use it because if he had, we might never have heard of Nelson Mandela. So, he puts the gun away and then he's arrested and taken back to Johannesburg and eventually tried for treason in the famous, *Rivonia* trial.

**[00:15:46] Speaker 7:** Mandela was the face of the trial.

**[00:15:50] Nelson Mandela:** We plead not guilty.

**[00:15:51] Rick Stengel:** But Mandela wasn't trying to evade conviction. He was determined to use the trial as a platform for his political philosophy and that of the ANC. For Mandela, it was Apartheid that was on trial.

**[00:16:04] Nelson Mandela:** Oh, the *Rivonia* Trial. It aroused emotions tremendously.

**[00:16:08] Rick Stengel:** Mm-hmm.

**[00:16:09] Nelson Mandela:** We made it clear that this was a unique trial.

**[00:16:11] Rick Stengel:** Mm-hmm.

**[00:16:12] Nelson Mandela:** And we said, "It is the government that should be in the dock, not us."

**[00:16:17] Rick Stengel:** The penalty for the trial was death by hanging and in this famous last paragraph of the four-hour speech from the doc that he gave. And he says, "All of my life I have campaigned against white discrimination and against Black discrimination. I hope to live, free and in peace-

**[00:16:41] Nelson Mandela:** But my lot, if it need be, it is an ideal for which I am prepared to die.

**[00:16:54] Jeffrey Rosen:** Wow. What more can you tell us about the trial? What law was he being tried under and what happened after he was in prison?

**[00:17:07] Rick Stengel:** So, in the next episode, you hear him talk about what happened when the judge came back 10 days later. And he talks about the judge sort of breathing heavily and they thought, "Oh my God, we're all gonna get the death penalty." And the judge said the first thing he said is, "I am not giving you the ultimate penalty, but that's my only leniency," and they all got life in prison. This will sound familiar to your listeners. I mean, he essentially was tried for seditious conspiracy. He had been in an earlier trial for treason, what's called a treason trial, and then they were on trial in the *Rivonia* Trial for trying to overthrow the government by force, which again, was punishable by death.

**[00:17:55] Rick Stengel:** He had a group of wonderful lawyers including, the young Arthur Chaskalson who became the head of the Constitutional Court, the Chief Justice of the Constitutional Court after Mandela became president. And they all counseled him not to confess to trying to overthrow the government, to kind of fudge it a little bit so that he wouldn't get that ultimate penalty. But in our tapes, you hear him say, he said, "Look, I wasn't going to go light on what I had done. I wanted to explain the reasons why I had done it. I wanted to explain the principles for which I stood, and I wanted to be able to show people that I was willing to take the penalty for what I did."

**[00:18:44] Rick Stengel:** And so he, uh, gave this very, very long speech. And the one thing-advice he did take from his lawyers was to make that final sentence conditional, where they said, "Call the- the chief justice, 'My Lord,' and say, if needs be my Lord, it is- it is a result for which I'm prepared to die." Um, and he did take that advice and I have no idea whether that made a difference or not.

**[00:19:12] Jeffrey Rosen:** I have to ask because we're about to talk about the formation of South African democracy and the South African Constitution. Was Mandela tried under British common law of sedition, and was the death penalty the punishment?

**[00:19:25] Rick Stengel:** Yes. He was tried under that old South African Constitution, I think it was 1961. It was a combination of- of British common law, Dutch and Roman law. It was a very sort of a primitive legal system. In fact, I believe that it was his own experience of racism and racial prejudice and injustice that radicalized him because he had been taught this idea of British Fair Play from when he was a young boy.

**[00:20:05] Rick Stengel:** And then when he came to Johannesburg and he was treated as a subhuman, spat upon, the victim of every racial slight you can imagine... he said, "My God, if I

[laughs] Nelson Mandela, the son of a chief with this elite upbringing, is treated like this, what about my brothers and sisters?" That is what changed him. That is what set him on this course, as one of the greatest democratic freedom fighters in human history.

**[00:20:42] Jeffrey Rosen:** So, it really was an impulse for liberty and a demand that the ideals of the law be a reality. Let's talk now about the transition to South African democracy. We're gonna begin with a clip of Nelson Mandela describing conversations with De Klerk, the president of South Africa while Mandela was still in prison and right before he was released. Where De Klerk keeps talking about group rights.

**[00:21:14] Rick Stengel:** What I wanted to ask you is to get some of the detail behind your first meeting with De Klerk.

**[00:21:20] Nelson Mandela:** The central issue which we discussed was their five-year plan, which they had published, which contained the concept of group rights that group rights, they should be protected in any future dispensation. And that is how peace would be achieved. I told him that I totally rejected that, that, the concept of group rights was giving a wrong image of the police of the National Party because it was conceived as an attempt to bring Apartheid through the [inaudible 00:22:07].

**[00:22:08] Jeffrey Rosen:** Why did the whites at that time keep talking about group rights and what was Mandela's response?

**[00:22:15] Rick Stengel:** When I was working with him in '93 and '94, he was involved in these constitutional negotiations that would become the interim constitution, the acronym for the talks were the CODESA Talks. And it was frustrating to him, but he was patient. And the reason De Klerk, who was the head of the Nationalist Party, the president of South Africa, was talking about group rights is because whites were a minority who were oppressing a majority. And so, it sounds funny to American ears to have this white minority that's oppressing a majority, but they constantly talk about protecting minority rights.

**[00:22:58] Rick Stengel:** To American ears, that sounds like, "Oh, you're trying to protect the rights of people of color and minorities who are oppressed by the majority." No. In South Africa, the majority was oppressed by the minority and the Nationalist Party constantly talked about, "Oh, group rights have to be protected," because they were afraid of what, in Afrikaans, they called the [inaudible 00:23:22], the Black threat that...the Black majority population would wreak vengeance on them. And so, their idea of group rights was that groups would be protected and that they never wanted majority rule.

**[00:23:39] Rick Stengel:** They negotiate in the beginning that- that it would be the collection of these individual racial groups, Blacks, whites, what were known in South Africa as colored people, or now so-called color, Indian people and they... so that each group would have wouldn't be able to dominate the other. But of, course to the ANC and Mandela, they wanted majority rule, that was much more democratic with a small D, and that's eventually what happened.

**[00:24:07] Jeffrey Rosen:** Mandela's released from prison in 1990, after five years of negotiation, he becomes the first democratically elected president of South Africa. And what were the challenges during that period of transition from autocracy to democracy?

**[00:24:26] Rick Stengel:** Well, Jeff, in a way, that, in some ways was the biggest and hardest transition. Countries really struggle going from autocracy to democracy, and you even see that in South Africa now. But just to take us back a little bit, he and I were working together while they were writing the interim constitution, while they were preparing for that first Democratic election in which he was running for president.

**[00:24:54] Rick Stengel:** And so, the thing that he was actually most worried about was a possibility of a catastrophic racial civil war. While that election campaign was going on, there were riots of violence, tsunamis of violence from this extremist right wing white groups that were known as The Third Force...what in the press was called The Third Force and Mandela called The Third Force. And he believed they were trying to catapult the country into a racial civil war, avoid the election, which Black majority rule would happen, and so he was conducting one of the most extraordinary balancing acts in history, running for office, at the same time trying to prevent a civil war, and then doing a bunch of other things that he didn't need to do, like working on his [laughs] autobiography with me.

**[00:25:53] Rick Stengel:** So, that's what he was most worried about, and yet, when the election happened and when he was campaigning, he famously told people to forget the past as he said, that he wanted a politics of forgiveness, of a non-racial South Africa, where no group dominated another, even though the Blacks would have a majority, and they did win a majority. And he felt that was necessary to get the white buy-in to this new democratic republic that never had existed in South African history before. And he never showed any bitterness. He never showed any grievance. He never showed any desire for vengeance, and that was one of the reasons, I think, that they avoided that potentially bloody civil war, because people accepted him as a leader of all South Africans, white and Black.

**[00:26:55] Jeffrey Rosen:** What were the principles that Mandela put in the Constitution to avoid Civil war?

**[00:27:05] Rick Stengel:** Well, it's a very modern, very progressive, constitution. And some of the terminology is different to American ears. It wanted to enshrine what he called and the constitution calls non-racialism, he wanted to enshrine non-sexism. This idea that society had a kind of radical equality, that no one was superior, nobody was inferior. They enshrined all of the modern civil liberties that we know, they enshrined gay rights and gay marriage long before we did in the United States. And they created a kind of a federalized republic with a- with a l- less strong central government than- than their old system, separation of powers, um, a bicameral parliament.

**[00:28:06] Rick Stengel:** It's a very modern constitution, and in some ways it's really based, as most modern democratic constitutions are, on our constitution, but they also looked to Germany's constitution and the Canadian constitution. And that seems to be working pretty well.



**[00:28:29] Jeffrey Rosen:** So interesting. You were talking to Mandela one day and he asked you how you would define federalism. Tell us about that conversation.

**[00:28:39] Rick Stengel:** Yes, this was long before I had your job, Jeff... after that I could probably define federalism better, but one day we were out walking in the Transkei. So, we used to go down to this area where he was born and raised, and he had this little house that he lived in there that he built, which was actually based on the last house he lived in when he was in Victor Verster prison. And he was a super early riser, like 4:00 or 4:30 a.m., and we would go for these long walks, beginning at 4:30 or 5:00 a.m. And one day, he turned to me and he said, "How would you define federalism?"

**[00:29:20] Rick Stengel:** And I knew because I had been reading about what was going on in the constitutional negotiations at the time, and he was never comfortable talking about what was going on in the news. He just was very close to the vest about everything. So, I knew what was going on was the fact that there were kind of nine traditional provinces in South Africa, and those provinces wanted to have more independence and more rights. And I said to him, the way I saw federalism in the South African context was that these provinces would be like American states each of whom have two senators, each of whom have independence within the constraints of the federal constitution to make decisions for themselves. And that seemed to be a system that would work well in South Africa. And that's eventually what did happen, not because that's the way I defined it, but I think because people all realized that made the most sense.

**[00:30:28] Jeffrey Rosen:** You said also that the executive branch was less strong than had been under the previous system in order to separate and check powers. Tell us more about how the Constitution did that and- and how it worked out.

**[00:30:41] Rick Stengel:** That is just my kind of after the fact reading of the case that they didn't want to have as strong a president as existed under the old Apartheid system, which, of course, was an authoritarian system that had a kind of a fake constitution. They wanted to have more power in these two legislative branches, a parliament, which I think had 400 member and a senate that had I think about a hundred members. So, there was more devolved power.

**[00:31:22] Rick Stengel:** I think unfortunately, what we've seen since then, particularly under the regime of Jacob Zuma, who was an ANC president who was famously corrupt and, a man who had a lot of authoritarian tendencies himself, is that over the years, that the system has seemed at best, more power in the executive. The executive has commanded more power and it sways back and forth like our own system does in that respect.

**[00:31:57] Jeffrey Rosen:** Well, it will be fascinating to ask you about how the constitution's operating today, and let's do that now and introduce that with a clip.

**[00:32:08] Rick Stengel:** I spent so much time looking for complexity and nuance in Mandela. I asked so many questions trying to find hidden depths. I was constantly trying to discover internal struggles and conflicts. Maybe they weren't there. When I first read what she said, I thought, "That is the secret." It's not that he doesn't have depth or an inner life, it's that he doesn't have inner conflict. He has a kind of radical simplicity about him, a simplicity refined even more by

all those years in prison. His thinking is complex, but his character is not. Prison was like the refining process of a metal, it just made him pure.

**[00:32:55] Jeffrey Rosen:** Rick, tell us more about that remarkable assessment you made of Mandela's legacy.

**[00:33:02] Rick Stengel:** Yes. Well, I've spent a lot of time thinking about him and, of course, writing about him. And when I was a younger man working on *Long Walk to Freedom*, when I made those tapes, I was 36 and 37 years old and I was sort of imbued with the 19th century idea of the great man theory of history, and I had an opportunity to work with a truly great man and how I wanted to try to understand him, to understand his motivation of what made a person great. And, I was looking for...maybe it was projection...I was kind of looking for the same conflicts that I might have had.

**[00:33:45] Rick Stengel:** And he was opaque in some ways. Remember, he'd spent all these years in prison trying to protect what was personal and intimate about him from the authorities where he had no privacy. The only thing that he had was self-control and self-discipline, so he didn't reveal things that easily. And I think I mentioned only when I'd read this interview with Graça Machel, his third wife and his widow whom he adored and she adored him, where he—where she said, "You know, he's really quite simple." And I think she meant that in the sense that he knew his own mind. He knew what he liked and he knew what he didn't like. He had this one overarching goal; freedom and democracy for his people and everything, and I mean everything was subordinate to that.

**[00:34:41] Rick Stengel:** I mean, that's pretty darn clear. And, I'd love to have that simple of vision and I think other than that he had the kind of normal desires for happiness and pleasures. He loved being around children, something he'd missed for all these years. He loved gardening, he learned to garden in prison and he kept gardening when he came out of prison. He missed all of these sort of simple pleasures that we're all lucky to have in a democratic system. So, I think Graça was right.

**[00:35:21] Rick Stengel:** And I think the other key thing about him was that he wasn't disabled by the past or disabled by what happened to him. He has that lovely line where he says, "Well, I just keep moving on," and it's not like he wasn't introspective or didn't think about the past, but it didn't hobble him. It didn't slow him down. He wasn't crippled by it, and that is an incredible blessing.

**[00:35:50] Jeffrey Rosen:** Hmm, such interesting insights about his self-control and how that was the main thing that he really could call his own, his devotion to freedom and democracy for his people and his refusal to be hobbled by the past. What was he like as president and how did he function under the new constitution that he helped to create?

**[00:36:13] Rick Stengel:** Eventually the parliament voted on that new constitution while he was in office. He became the first democratically elected president of South Africa. And he was never a micromanager. He understood that his role was in some ways symbolic. He got involved in issues, he was involved in creating a defense force. He was involved in setting up a justice

system. He was involved in foreign policy trying to settle disagreements across the African continent as a negotiator.

**[00:36:55] Rick Stengel:** But in some ways the single most important decision he made as president was not to run for reelection. It's very similar in a way in the United States where, when George Washington became our first president and there were no term limits then, and he decided to, after running for a second term, that he would stand down. He could have kept running for president for the rest of his life. He could have been president for life, which many people, even at the Constitutional convention wanted to enshrine. But Mandela said, "I don't wanna be an octogenarian president." But more importantly, he wanted to set an example on the continent where in the post-colonial era, there were many, many strong men who became president and then never left office. He wanted to set an example for the rest of Africa to voluntarily and willingly relinquish power, and I think that was a very, very powerful symbol.

**[00:37:57] Jeffrey Rosen:** So interesting, and as you say, that was Washington's most important legacy as well. Well, how is the constitution operating today? The current president of South Africa, Cyril Ramaphosa, was the main negotiator at the time the constitution was drafted. He's the president of South Africa. How's he doing and how's the constitution doing?

**[00:38:24] Rick Stengel:** So, I knew Cyril quite well in those days when I was working with him. He was then the fiery head of the National Union of Mine Workers. And he was a powerful, upstanding leader, and I think he was Mandela's personal choice to succeed him. Mandela was overruled and his successor became Thabo Mbeki, who ironically was the son of one of his ANC colleagues who was with him in prison, Govan Mbeki, and I think he may have been the one colleague that Mandela ever said anything unpleasant about. He wasn't a big fan of Govan. And then, Govan's son succeeded him. He felt that Cyril would be a better president because he understood what was going on on the ground in South Africa. He had never become an exile like Thabo did. But then when Thabo became president, Cyril left politics for many, many years and became a very successful businessman.

**[00:39:37] Rick Stengel:** And then, following the corruption of the Zuma regime, people thought, "We need to get Cyril back in here. He should be incorruptible." In fact, also ironically, he's facing a corruption scandal of his own now, where he had sold some cattle and, he's accused of taking the cash and not declaring it. I have no idea whether it's true. I think Cyril has been a strong leader in difficult circumstance because the ANC was so divided when he took power, there was indeed so much corruption and he's just been ratified for a second term. The Constitutional Court has been strong in trying cases of corruption.

**[00:40:33] Rick Stengel:** The court itself has been one of the few institutions that seems to be incorruptible in South Africa, but it's a very difficult time there. And I think they have to overcome this corruption. They have to enfranchise more people. It's still, in terms of economic inequity, it may be even greater now than it was under Apartheid. So, they have some gigantic challenges.

**[00:41:04] Jeffrey Rosen:** What would Mandela make of the charges of corruption in the ANC today?

**[00:41:12] Rick Stengel:** Well, I think he would say something we touched on before, and you mentioned in one of your questions that the transition from an authoritarian government to a democratic state is very, very tough and there haven't been that many examples of an overnight transition like happened in South Africa. Yes, there was this period leading up to it, and there was a temporary constitution. But literally, in that one vote in 1994, it went from a non-democratic system where only white people could vote to a truly democratic system with universal suffrage for all people.

**[00:41:54] Rick Stengel:** And so, the struggle is that you become a democratic state, but you don't have any democratic institutions. It didn't really have a democratic judiciary. It didn't have a functioning kind of foreign office. It didn't have a justice department. All of these institutions that we take for granted, as you know, are decades and even centuries old, and they had to kind of build the plane and fly it at the same time. And I think that's one of the reasons for the amount of corruption. They looked at that old Nationalist Party and that authoritarian rule, which was corrupt, where virtually every person in the Civil Service was a friend or a relative of somebody in government. And they thought, "Well, that's how you do it."

**[00:42:48] Rick Stengel:** And they didn't have the democratic institutions that said, "Hey, these are democratic norms and you have to follow them." And I think that's one of the reasons there was so much corruption. And Mandela would say, I think he would say all that I said, in that they didn't have systems that- that would regulate it. And that was the biggest challenge, to create those institutions that would become safeguards of the democracy. So, I think he would be very dismayed by the amount of corruption, uh, but I think he would see it as a- as a problem to be overcome, not something that was a reason to doubt democracy or even doubt the ANC.

**[00:43:36] Jeffrey Rosen:** And what would Nelson Mandela think about South African democracy today? It was a one-party state. The ANC won two-thirds of the vote in the first election, but that percentage has been going down ever since. Is it democratic or not, and what would Mandela think of it?

**[00:43:52] Rick Stengel:** It is democratic in the basic sense. I mean, when I first went there in the 1980s, it was an incredibly oppressive authoritarian state. I, even as a young journalist when I was there, I was followed around by security police. It's just hard to imagine what that was like. It's like all of the things we read about what the Soviet Union was like in the bad old days. And today, it is one person, one vote. There's a representative, a legislature, the provinces have powers. It's a functioning democracy.

**[00:44:30] Rick Stengel:** And I think they take for granted the fact that it's a functioning democracy, but they wish it was functioning better. I think that is the thing that he would say needs to be done, which is to try to improve how it works from a governance perspective. That's not something he ever had experience with, but it needs people who are professional political leaders who know how to govern and they're still far from that. And what you also have is that the ANC did for those first 20 years or so, govern like a one-party state, which they have- effectively were about two thirds of the votes, two thirds of the legislature.

**[00:45:20] Rick Stengel:** As you mentioned, the ANC now is probably gonna get under 50% of the vote. I actually think a more vibrant, multi-party democracy would be good for South Africa, that would force the ANC to evolve and progress. And, there are some impressive young leaders from all across the- the spectrum in South Africa. And I just think we're seeing what happens in the early days of a democratic state.

**[00:45:51] Jeffrey Rosen:** What were Mandela's views about America and the American presidents that he interacted with?

**[00:45:59] Rick Stengel:** So, one of the interesting things was that I discovered that he didn't actually know that much about America. And I think the fact that I was American was both a blessing and a curse to the project. I was a kind of a curiosity for him, so I became a kind of symbol of all America. I remember once waiting for him to take off on a plane, and I was wearing a suit and he smiled at me and he said, "Ah, you look like a superpower today." He told some funny stories about what he knew about America from growing up.

**[00:46:39] Rick Stengel:** He was an amateur boxer and he knew Joe Lewis. He had been in a play about Abraham Lincoln in high school, and he was cast as John Wilkes Booth. He said he wanted to play Lincoln, but there was one kid who was taller than him and he got the part. He actually didn't know that much about American history. He was an Anglophile. He had really been educated in the English tradition, English history, English literature, and while he admired America, he also talked about the fact that when he was a revolutionary, when he was raising money for the ANC in the 1950s and '60s, he was considered a terrorist by the CIA and the FBI.

**[00:47:27] Rick Stengel:** He was turned down for funds by the, uh, American government. Uh, the CIA, in all likelihood, tipped off the South African Police as to his whereabouts, you know, when he was arrested. He had mixed feelings about America and certainly mixed feelings about colonialism. And, um, uh, and so he was, um, respectful. Uh, he loved the- the way he was treated and revered by Americans. But, he wasn't an Americanophile by any stretch of the imagination.

**[00:48:04] Jeffrey Rosen:** Rick, this has been a wonderful conversation and it's so great to share your light and wisdom with *We the People* listeners. You returned to these tapes, which you call the *Lost Tapes*, years after they were made, they were originally made in the course of a memoir that you wrote with Mandela that helped to cement his international reputation. They were laid aside for many years and then you came back to them when consulting on a documentary about South Africa years later and put them together as this great podcast series. Listening to them again and revisiting those moments, what did you learn about Mandela that perhaps you'd forgotten?

**[00:48:46] Rick Stengel:** So, as you know, Jeff, the tapes were never really lost. I had them for many years. I gave them to the Nelson Mandela Foundation in Johannesburg, a really wonderful organization that actually is the custodian of all of Mandela's papers and including the tapes. But, as you say, I had actually never listened to them at all, because a- back in '92 and '93, I had the tapes transcribed in real time, and when I started working on the book, I just worked from the transcription.

**[00:49:24] Rick Stengel:** So, it really was just a revelation to hear them again. It was so powerful to be back in that room with him alone, hearing his voice. And it's also powerful and disconcerting to hear your own voice 30 years earlier. And, one of the strange things about listening to it is that it's like a kind of a party trick. I could remember what I was thinking when I heard my voice asking those questions, and I could...when he wasn't giving the answer I wanted, I could remember what I thought at the time. And then I could hear the next question I asked and remember why I asked that question.

**[00:50:03] Rick Stengel:** It was really kind of wonderful and uncanny to be in touch with my younger self. And, it was an extraordinary time because I met my wife during that time. She was a South African photographer, so it took me back to that period in my life. And the important thing for me is really that other people can have this same extraordinary, life-changing experience that I had to be alone with a truly great man, to hear him speak personally and intimately about what animated him, what motivated him, what he believed in. And here, in a kind of informal way, it's just a ringside seat to history and it helps me feel like I'm paying him back for all the wonderful changes he made in my life, not to mention the changes he made in the lives of millions of other people.

**[00:51:04] Jeffrey Rosen:** It is indeed a ringside seat to history and I'm so grateful to you, Rick Stengel, for sharing it with *We the People* listeners. It's an honor to follow you at the National Constitution Center and it's wonderful to welcome you back to the family to talk about the legacy of the great Nelson Mandela. Rick, thank you so much.

**[00:51:24] Rick Stengel:** Jeffrey, thank you so much. And you have finally discovered how to actually properly run the National Constitution Center, so my hat is off to you. Thank you for having me.

**[00:51:33] Jeffrey Rosen:** Thank you. Thank you for that, Rick. Talk soon.

**[00:51:39] Jeffrey Rosen:** Today's show is produced by Lana Ulrich and Bill Pollock, it is engineered by Dave Stotz. Research was provided by Emily Campbell, Sophia Gardel, Liam Kerr, Sam Desai and Lana Ulrich. Please rate, review and subscribe to *We the People* on Apple and recommend the show to friends, colleagues or anyone anywhere who's eager for a weekly dose of constitutional education and debate.

**[00:51:58] Jeffrey Rosen:** And always remember that the National Constitution Center is a private nonprofit. We rely on the generosity, the passion, the engagement of people from across the country who are inspired by our nonpartisan mission of lifelong learning and constitutional education and debate. Support the mission by becoming a member at [Constitutioncenter.org/membership](https://Constitutioncenter.org/membership), or give a donation of any amount to support our work, including this podcast at [Constitutioncenter.org/donate](https://Constitutioncenter.org/donate). On behalf of the National Constitution Center, I'm Jeffrey Rosen.