

CIVIL RIGHTS

PC16/2/1/4/3
ALAN PATON CENTRE

News Letter

(Box 3807, Cape Town)

March, 1957

Requiescat

We add our tribute of respect and gratitude to the late Archbishop of Cape Town, Dr Clayton, who was a Patron of the League almost from the beginning of his tenure of office. We were particularly grateful for his ready response to our request for the lecture he gave us last year on "The Citizen and His Associations", in the series co-sponsored by the Institute of Citizenship. Dr Clayton was the first of our lecturers, not only to consent to the publication of this lecture, but to give us the material for so doing. Your Committee hopes to publish the lecture as a pamphlet fairly soon. Others will follow as we get the materials from our - alas! - all too busy lecturers!

Police and Documents

The Police Amendment Bill at present before Parliament includes a clause laying down that no police official shall be compelled to produce in court any document in either civil or criminal proceedings unless the Commissioner of Police has consented - and that if such consent is refused, the decision of the Minister of Justice on any appeal shall be final.

It has been pointed out in the Press that, should this clause become law, the public's safeguard of all evidence having to be produced in open court will be removed, and every man and woman in the country will be at the mercy of whoever is Commissioner of Police or Minister of Justice.

The League's Committee is bringing this matter urgently to the notice of the Bar Council and the Law Society.

"Here we stand"

Our readers will be aware of the implications of the clause in the Native Laws Amendment Bill which provides that any "church, school, hospital, club, institution or any place of entertainment" established outside Native residential areas after January 1, 1953 must seek the approval of the Minister of Native Affairs before allowing Africans to attend any of its functions.

No such institution may exist without the Minister's approval if it plans to allow Africans to its functions. Moreover, the

Minister may grant conditional approval and may withdraw that approval without reference to the local authority concerned.

The "Trans-Aler" is quite frank about the reason for this. The supporters of mixed gatherings, it says, "want to break apartheid in its tenderest and most intimate character, namely in the heart and conduct in life of people. It is not so much the overwhelming numbers of the Non-Europeans but the destruction of the feeling of difference and otherness which is the great danger for the preservation of the European and his civilization in this multi-racial land. As long as liberalistic bishops and canons, professors, students and politicians can freely attend church and hold meetings and socials together, apartheid will be infringed in its marrow. It is high time for this to end."

The English-speaking Churches are, so far, unanimous in their statement that such legislation cannot be obeyed by them. The Liberal Party, too, states that it cannot obey a law which cuts at the root of its principle of inter-racial co-operation.

But the principle of free association, as well as of religious freedom, is at stake for all of us. We urge all our readers to give all the support they can to any protests which take place against this Bill, which, as the Liberal Party has said, "is leading (the Government), and all the people in the country, into a desperate situation of hatred, fear and irreconcilability".

Courage

Rev. A. J. G. Oosthuizen, chairman of the Synod of the Nederduits Hervormde Kerk van Suid-Afrika, has told that Synod in Pretoria that "in the eyes of the Christian Church there is no worse blackguard than the man who oppresses others, no matter who they may be, and deprives them of their rights as human beings". The Church, he said, was particularly concerned with man and his rights in modern times. The Church could not allow people to remain shackled and deprived of their privileges. "There is no more praiseworthy Christian than the protagonist in the struggle for human rights."

Overruling Local Authorities

We are indebted to the Institute of Race Relations for the very able summary contained in their Press Bulletin of March 6 of the new powers conferred on the Minister of Native Affairs by the Native Laws Amendment Bill. Under this Bill

(1) the Government labour bureaux will exercise sole control over the entry of African workseekers into urban areas, thus depriving muni-

cipal influx control officers of any power or discretion in the matter (clause 30(a)).

(2) The senior officer of a municipal Non-European Affairs Department will be compelled to report not only to his own Council (as at present) but also to the Secretary for Native Affairs any irregularity or any occurrence he thinks it advisable to report (cl. 38).

(3) The Administrator and the Minister can amend or reject (d). draft regulations submitted by a local authority without first referring them back to the local authority concerned (cl. 47(i)).

(4) The Minister will now be empowered to impose such conditions as he may deem fit on the expenditure of moneys from the Native Revenue Account (cl. 35(c)).

Under the Bill, further restrictions on the freedom of movement of Africans are also introduced, as follows:-

(1) An African born in an urban area who, however temporarily, changes his town of residence loses the right to resume residence there; unbroken residence from birth will in future be required. Continuous employment for ten years with one employer, or continuous residence for fifteen years, will no longer give an African the right to be regarded as permanently resident unless he has continued to remain resident in the area concerned and has not accepted employment outside it. "Seasonal" labourers, formerly allowed to return within twelve months to their previous employers to engage in the class of work they were employed in before leaving, will no longer be allowed to do this (cls 30(a),(b)).

(2) Registering officers may in future be empowered to order Africans who have not complied with influx control or labour bureau regulations to leave the urban area concerned, without first referring the matter to the Courts (clause 39(c)). The process of removing African residents who have failed to comply with urban regulations is also simplified, which "does away with the need of resorting to costly civil process"! (cl. 48)

(3) An African convicted of being "wrongfully" in an urban area can now be removed to any place indicated by the Secretary for Native Affairs within a scheduled Native area or a released area, and not necessarily to his home or last place of residence (cl. 34).

(4) The power of the Governor-General to prohibit African men from working as casual labourers or independent contractors unless they obtain licences authorising them to operate for stated periods is now to be extended to include those working on their own account in any business, trade or other remunerative activity (cl. 39(e)).

(5) When fixing rents for Africans, the Minister is to be empowered to take into account the cost of providing educational services (cl. 36).

The Institute comments: "The Institute is convinced that the increasing power of dictatorial control wielded by the Minister of Native Affairs is inducing in Africans an antagonism and resentment which is tending to bring law and order into contempt, and is seriously worsening race relations in South Africa. If this process is allowed to continue, irreparable harm will be done to the whole South African community."

SUPPOSE IT HAPPENED TO YOU! Think of all the dislocation to individual and family life that will follow on such arbitrary action.

The Logical Conclusion

The Bill regarding university apartheid, which is being introduced as we go to press, provides for the transfer of the Fort Hare College from Rhodes University to the Department of Native Affairs; of the Non-European section of the University of Natal to the Department of Education, Arts and Science as a separate College; of the Natal Medical School to the Native Affairs Department. It also provides for the setting up of separate Colleges (under the Department of Education, Arts and Science) for the different non-white groups, and for the limiting of admission of students by the existing Universities.

Apparently no date is fixed for the implementation of the last provision, which will depend on when the alternative institutions are ready. We hope that this will not blunt the edge of opposition to this infringement of university autonomy, and of the right of the individual freely to choose the university at which he will study.

The "Transvaler's" comments are again enlighteningly frank. Separate facilities in one university, it says, do not comply with "all the requirements of apartheid... As long as Non-European students study with Europeans at the same institution, or a Non-European institution is a constituent part of a European institution, there is in principle no essential community between the two groups and therefore no apartheid ... the European students ... come intimately enough into contact with the Non-Europeans to blunt the feeling of difference ... the equalisation process, which is the greatest inner enemy of separate development, is advanced ..."

We quote Alan Paton: "If separation is wrong in church, it is wrong everywhere"!