

# CIVIL



# RIGHTS



Box 3807

Cape Town

News Letter

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We proudly announce ...

Our long-awaited pamphlet on "The New Townsmen - the legal position of the African in the white areas today", by Dr O. D. Wollheim, M.P.C. This is a concise summary of the effects of the Bantu Laws Amendment Act and the Bantu Labour Act. Reading time, twenty minutes: price, 10c (1/-) plus postage 2c per copy. We enclose an order slip for those who wish to take advantage of it.

"Mixed gatherings" under Proclamation 26

As we go to press a report has appeared in the "Cape Times" of November 23 that permission has been refused by the Department of Community Development for non-whites to attend a bazaar organised by a local Scout group in the Mowbray Town Hall - they having always attended and strongly supported such functions in the past. A spokesman of the Department said: "It is the policy of the State that there should be no mixed gatherings under Proclamation R26, promulgated in terms of the Group Areas Act."

The Christian Council of South Africa, which wrote to the Minister some months ago pointing out the limitation placed on church fund-raising efforts by this rigid restriction, and saying that bazaars "cannot by any interpretation be considered as providing entertainment", received a reply from the Minister's Private Secretary stating categorically that "church and other bazaars fall within the scope of proclamation No. 26 of 1965. Simultaneous attendance (!) by members of different racial groups at functions of this nature is therefore prohibited in terms of the Group Areas Act, except under the authority of a permit. In terms of the said Act, a permit can be granted on only two grounds, namely if hardship will result due to the refusal of a permit or if the issue of a permit will be in the interests of the qualified group. ... The assurance can, however, be given that applications of the nature referred to have up to now been dealt with most sympathetically and have been approved where possible."

It does not sound as if this "sympathetic" attitude has

penetrated down to local level. One is tempted to remind Senator de Klerk of the old saying, "It is excellent to have a giant's strength, but it is tyrannous to use it like a giant".

### The Anglican Synod

It is heartening to read of the Anglican Synod's decision on the question of admitting non-white pupils to church schools. Whatever may be the practical difficulties, the unequivocal stand on principle is of great value, and may be the first step towards a change of heart and an awakening of conscience in white South Africa. The "five-point creed" which the Synod has laid down "to all Christians ... to be observed and adhered to in their everyday lives in the search for a social order in South Africa in which the needs of no racial group are placed above the legitimate needs of other groups" is worth quoting:

- \* To provide legislation to protect men from the results of race prejudice instead of giving permanent expression to racialism in legislation.
- \* To assert the right of every man to own land and live with his family wherever he is domiciled.
- \* To secure, as far as may be, equal educational opportunities for all.
- \* To provide an opportunity for individuals and representatives of all racial groups to participate effectively in the government of our country.
- \* To ensure that equal opportunities for recreation are available for all races.

Another valuable decision was to seek "ways of consultation between representatives of the Anglican Church and representatives of the Cape Synod of the DR Church on means of remedying the evils of migrant labour".

Space forbids our considering the Dutch Reformed Church's report on migrant labour in detail, but it was obvious from the press reports that this, too, was a courageous and valuable document which could have far-reaching results on Afrikaner thinking.

### Apartheid from the other end

To those of us who have, over the past seventeen years, been fighting apartheid primarily because of its humiliating effect on our non-white fellow citizens it is refreshing to read of the decision of the Natal Tamil Vedic Society, when faced with the instruction to provide separate seating accommodation at the final session of its Eisteddfod for its white guests (whose names and addresses it had been ordered to supply beforehand), to avoid the

embarrassment that such an arrangement would have created by not asking any white guests at all. Said the Honorary Life President, "As one who has been associated with these European guests in many walks of cultural life, I found it offensive to herd our European guests in one part of the City Hall ... As a South African and as one who has a passionate love for the Republic, I would plead with the Hon. the Minister of Community Development to remove this irritating restriction ..." He apologised to the European friends of the Society.

### Purpose of the Courts

"Responsible Africans", said an editorial in "The World", "are not interested in South Africa's gaining a bad name falsely abroad. However critical they may be of the conditions in the country, they still defend South Africa's good name ... There are however beliefs among some people that some methods used to extract information from people arrested are cruel ... Until it is convincingly demonstrated that there is no truth in these stories, so long will the people live under a cloud of fear. The statement by Dr Percy Yutar that more cases relating to allegations about conditions in jails are pending to clear the name of the country is odd. The purpose of the courts is to establish guilt or innocence of individuals. If in the bargain the name of the country is cleared, that is good. But that is scarcely the aim of the prosecution. We should like to feel that our courts are the bulwarks of freedom of the individual uninfluenced by other considerations - however laudable."

### New Afrikaans University and the Conscience Clause

Senator de Klerk announced recently that "a requirement which must be set for the proposed Afrikaans university in Johannesburg is to combat Liberalism and Communism, oppose nihilism and to destroy humanism root and branch. It will have to set itself the task of cultivating a South African view of life and of the world among its students," he said. "On that depends the survival of white civilisation in the country." The University, he said, "had to be the bearer of the Afrikaans idea with full acknowledgement of the Bible and His guidance" (sic).

The Johannesburg City Council has promised a grant of R100,000 a year for five years on the understand/that "religious freedom will be guaranteed" at the new university. In view of the Minister's statement it is not surprising that the "Rand Daily Mail" should ask how this is to be done. Says the paper, "The omens are not favourable for any sort of freedom, religious or other-

wise, at this university ... If any doubt about the character of the new university remained, it has been effectively removed by the Minister of Education."

The "Star" says: "... The question is whether the university will be legally entitled to make adherence to the 'right' beliefs a condition of employment, thus debarring large sections of the population to whom the City Council is responsible ... Without a conscience clause the proposed Afrikaans university will be something less than a public institution. It may collect all the private subscriptions it likes. But it will not have a claim on public funds."

#### What a ban means

We have recently had the opportunity of seeing a banning order served on a South African citizen. Under this order the individual concerned may not attend any social or political gathering; may not absent herself from the magisterial district in which she resides; may not be within any "Bantu compound", any factory, any place where a publication is "prepared, compiled, printed or published"; any place constituting the premises of any organisation specified in a certain Government Notice; any university, college or school; any harbour; any superior or inferior court (except for certain specified purposes); any area set apart for Coloured or Asiatic persons; and (the sting is probably in the tail) any place which constitutes the premises of the Defence and Aid Fund. She is further debarred from "communicating in any manner whatsoever with any person whose name appears in any list in the custody of the officer referred to in section eight of the Suppression of Communism Act, 1950, or in respect of whom any prohibition under the Suppression of Communism Act, 1950, or the Riotous Assemblies Act, 1956 (Act No. 17 of 1956) is in force". She may not have anything to do with preparing or publishing any publication, or give any instruction, except to "a person of whom you are a parent", and may not take part in any way of the Defence and Aid Fund or in the organisations already specified.

As far as we know this individual has never been charged with any offence. . . . area/

True, the Magistrate of her / is empowered to authorise exceptions to the prohibitions contained in the banning notice. We can only hope that he exercises his discretion in the most reasonable manner possible. But only the banned person can know how crippling these comprehensive prohibitions can be.