

*For the Clerk's
information*
agreed

WLH/EI

John W. W.

MEMORANDUM TO THE TOWN CLERK

re JUDICIAL COMMISSION ON INDIAN PENETRATION.

Upon my return from Capetown during January last with the deputation which had interviewed the Minister of the Interior in this matter, I addressed a circular letter to all the Ratepayer Associations in the City asking them to co-operate with the Council in the presentation of a case to the Commission and to furnish to the Corporation the names of persons who would be willing and able to give useful evidence before the Commission. This letter served its primary purpose - namely to get the Associations busy in the matter - but it evoked a very mixed response. Some Associations were ready and anxious to assist the Council, but others were determined that they would present their own cases to the Commission and would have nothing to do with the Council in the matter at all. This has caused me to reconsider the strategy I had decided upon in the presentation of the case to the Commission.

I have now come to the conclusion that the best course to follow is to confine the Council's case to a broad objective treatment of the question as a whole, with such facts and statistics as are consistent with that method of treatment, and to avoid entirely any association between the Council's case and the subjective standpoint which individual burgesses called as witnesses would inevitably adopt. I have come to this conclusion upon the following main reasons:-

(i) More weight would inevitably attach to the Corporation's case if it presented it from a detached and objective standpoint than if it presented it from the subjective (and therefore partisan) standpoint of private witnesses.

(ii) The Municipality, is, after all, a public body to some extent representative of both Indians and Europeans, and it is ethically not entitled to be partisan towards one or the other, or to take sides in the matter at all. If it were to do so, it would afford to the Indian representatives who will appear before the Commission, an excellent opportunity to make capital for themselves which might do considerable damage to the Council's representations. I have no reason to anticipate that any opportunity of this kind, once given, would be allowed to slip by.

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not(iii) As the Ratepayers Associations are divided and are/unanimously with the Corporation in the matter, there is really no practical choice at all, quite apart from the tactical and ethical considerations I have mentioned.

If the Town Clerk agrees with my conclusion in the matter, I propose to write again to the Ratepayers Associations advising them of the position and explaining to them that private citizens will not be called as witnesses by the Council's representatives before the Commission.



LEGAL ASSISTANT.

