

INSTITUTE OF CURRENT WORLD AFFAIRS

JCB-9: The Mechanics of
Systematic Separation

16 Dan Pienaar Road
Durban, Natal
May 25, 1962

Mr. Richard Nolte
Institute of Current World Affairs
366 Madison Avenue
New York 17, New York

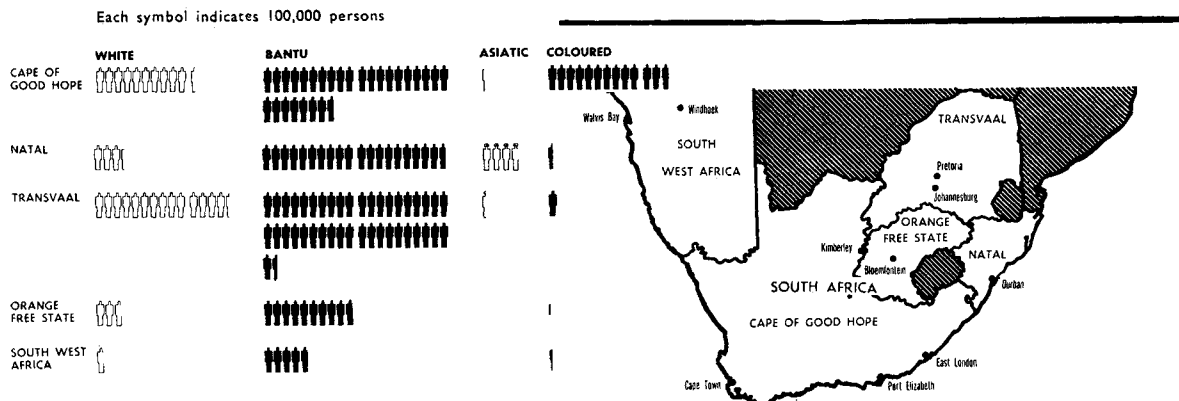
Dear Mr. Nolte:

Several pieces of legislation in the works in the present Parliamentary session will effectively undercut the last of the liberties afforded the Coloured people and will serve to make them completely subservient to the White community.

The term "Coloureds" covers a conglomeration of different groups which the Government has at best been able to define as neither White nor Native. By far the largest group of Coloureds are those living in the Western Cape who are descended from White and non-White unions of a century or more ago. Today the Coloureds are the fastest growing segment of the population and in the Cape Peninsula already outnumber the Whites and Africans combined.

For fifty
years before Union in 1909

Population 1960 (Estimated)



Cape Coloureds were allowed to vote, hold office and seek their own employment. The fact that they made little material progress during that time was more due to poverty and lack of education than to any legal withholding of rights.

Then came the Union Constitution which, among other things, deprived them of the right to serve in Parliament. They could still vote on a National level, but only for White office seekers. This provision was a compromise with the northern Afrikaner provinces (Orange Free State and the Transvaal) whom the Cape representatives hoped could be influenced in time to a more liberal racial attitude. (It is interesting to note that the Afrikaner trek from the Cape in the first place was at least partially due to their dislike of the increasing freedoms bestowed on the Coloureds by the English rulers.)

Since that time, slowly at first but with increasing urgency, legislation and administrative acts have been passed to diminish the rights and aspirations of the Coloured community. The economic opportunities of Coloured laborers were drastically limited by the formulation of the 'Civilized Labor Policy' of the 1920's. This policy, caused by the large influx of Whites from poverty-stricken farms into the industrial community, gave so-called 'civilized labor' (White) preference and higher pay than 'uncivilized' (non-White). At the same time Africans were also migrating to the cities and undercutting Coloured workers in the labor market. Thus they were caught effectively in a vice between Africans who made little demand on employers and Whites who wanted no competition from non-Whites in the better jobs. Eventually job reservation became law as well as custom.

A strong political voice might have helped remedy this situation. But in the 1930's a number of legislative acts were passed which served to counteract the growing Coloured vote. The Women's Enfranchisement Act (1930) served to double the White electorate by giving the vote to all White women. (Before this the vote was exclusively male, Coloured and White.) The Franchise Laws Amendment of the following year again increased the White electorate by giving the vote to every White male over 21 without regard to educational or property qualifications which the Coloured male voter still had to fulfill. At the same time an administrative act made it possible to challenge Coloured voters about their qualifications and to strike them from the voter's roll if they did not appear within a certain time to answer charges. In rural areas where great distances were involved this proved especially difficult.

In the late 1940's additional electoral laws, the Electoral Consolidation Act (1946) and the Electoral Laws Amendment Act (1948) made it more difficult for Coloured voters to register. In some instances the prospective Coloured voter, applying for

registration before a magistrate or a police officer, found literacy requirements as varying and as difficult as those which have faced the Negro in the deep South.

In 1943 the Government attempted to establish a Coloured Affairs Department under the Minister of the Interior. Most Coloured leaders saw this as another Native Affairs Department, designed to separate them from the White community, and effectively protested the move. Although the Government abandoned its original plan and instead formed an advisory council (Council for Coloured Affairs) under the Department of Social Welfare, the primary objection remained. It indicated to those in opposition that more segregation was to come. Economic and social problems were already well known and reform, not consultation, was the drastic need.

Nationalist Government comes into power - the speed-up.

This was how things stood when the Nationalist Party came into power. Since 1948 the Government, carrying out its policy of Separate Development, has segregated the Coloureds more and more.

All but four members of the Council for Coloured Affairs resigned in 1950 because they were not allowed to discuss whether or not they wanted Apartheid but only how best to implement it. In 1951 the Nationalists finally created a Coloured Affairs Department under the Department of the Interior, headed by a former professor at the University of Cape Town and an expert on the culture of the Cape Malay, Dr. I.D. du Plessis, who said the purpose of the department was to coordinate resources to deal with Coloured interests and needs and to help them with their problems.

Also in 1951 the Separate Representation of Voters Bill attempted to take Cape Coloured voters off the common roll and put them on a separate voter's roll from which they would elect four White people in the House of Assembly and one in the Senate. This act was twice declared unconstitutional by the High Court because of the manner in which it was passed. The Coloured voter was guaranteed a vote by the Constitution of the Union which could only be changed by a 2/3 majority vote of both houses of Parliament, a fact overlooked in the first two presentations of the measure. It finally became law in 1956 as the South



Dr. I.D. du Plessis

Africa Act Amendment Bill after the Nationalists had enlarged the Senate to get the necessary 2/3 majority.

Next steps in separation

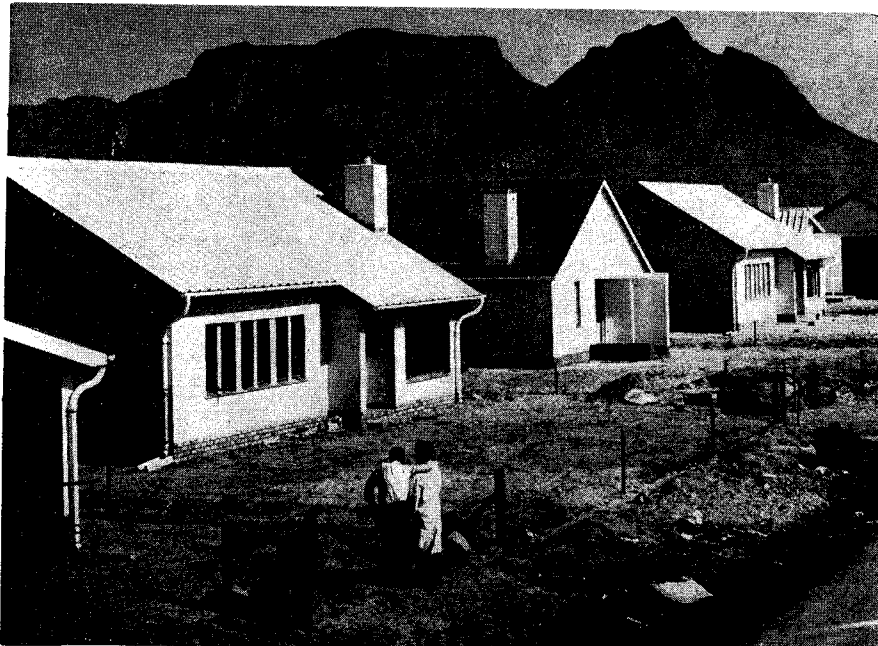
Law had now deprived the Coloureds from any meaningful national vote. Many Coloured voters, feeling the uselessness of their segregated vote, have not bothered to vote at all. Further legislative acts have worked to deprive them of the means by which they might have contact with the White man on any equal basis.

The Prohibition of Mixed Marriages Act (1950) and the Amended Immorality Act (1950) made marriage and intimate relations between White and Coloured illegal, extending existing laws which had affected relationships between Whites and Africans. This law aimed at stopping infiltration of Coloureds into the White community and, incidentally, pointed out to Coloureds the fact that their existence was considered an affront to a White community who considered miscegenation the worst possible of crimes.

The Population Registration Act (1950) made possible individual classification by race without which Apartheid or Race Separation could not be effectively carried out. The classification of Coloureds has always been a difficult business because of so many borderline cases. In the past ten years the decision has been made on 58,000 White/Coloured borderline cases. While I don't have the exact figures, I've been told that the decision in most of these cases has been a White classification.

The Group Areas Act (1950) restricted each defined group to its own particular area - an area to be decided by the Government's Group Area Boards. It provided for special Coloured townships to be established "enabling them to maintain their national identity." An estimated 80 to 90,000 Cape Coloureds have had to give up their homes so far in this re-location project, as compared to 7,000 Whites. While in some cases the homes provided for them are better than their previous ones (see picture), most of those who had to move resent having to leave neighborhoods where they have always lived and houses they have built up with their own "sweat and toil".

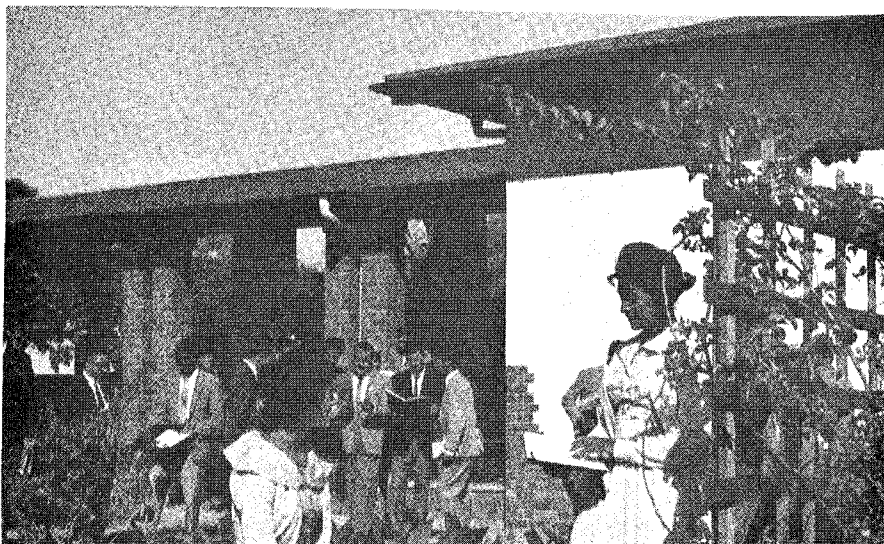
The Reservation of Separate Amenities Act (1953) made into law the already-established practice of separation on beaches, trains, buses, benches, counters in public places, phone booths, entrances, elevators, libraries, etc., and stated that such facilities need not be equal. In most instances the Coloured, to his consternation, is lumped together with the African as a non-White.



Housing built by the Department of Community Development for Coloureds near Athlone, Cape Town. They can be purchased for R3,900 each. (\$5,500)

The Extension of University Education Act (1959) provided for the establishment of separate University Colleges for Coloureds, Indians and three major African groups. Coloureds and other non-Whites could no longer attend any of the previously open White (English-speaking) Universities, except in special cases where courses are not available in the home-color college and where special permission has been given. The University College for Coloured students is located at Bellville, near Cape Town.

In August, 1960, the Coloured Affairs Department was raised to cabinet level.



Coloured students at the University College of the Western Cape in Bellville.

Finally, the Suppression of Communism Act (1951) allowed police to enter and search anyone's home or business at any time and gave the Minister of Justice the right to prohibit anyone from attending meetings, going outside a certain geographical area or holding office in a political group, trade union or in any organization which the Minister might decide was helpful to Communism. Obviously this has not encouraged the development of Coloured opposition to Government policy.

Anticipation of better things

About two years ago a wave of concern about the position of the Coloureds had built up among many of the educated White people of the Cape, especially the intellectual Afrikaners. This view was found in the leadership of the Afrikaner's South African Bureau of Racial Affairs (SABRA) who, because they regarded the Coloured people "as an irremovable adjunct of the White population", considered the policy of territorial separation for the Coloureds neither feasible nor justifiable. Leadership of the Afrikaner teacher's association agreed. In a lead article of their magazine Unie, in 1960, they said, "We can no longer afford to have people whose destiny is so closely linked with ours dissatisfied and embittered in our midst."

In July, 1960, Dawie, the political commentator for Die Burger indicated the trend in Afrikaner thinking when he wrote, "The drive to a forward movement in Nationalist policy for the Coloureds is becoming more and more strong. The most dramatic idea of course is....that the Coloured voters must be permitted to elect White or Brown members of Parliament. This of course is only one part of the complex of plans which are being discussed by thinking people...."

In November, 1960, eleven prominent professors and ministers of the three Dutch Reformed Churches published a book entitled Delayed Action in which they called for a new outlook on South Africa's racial attitudes. A month later at a meeting of the South African membership churches of the World Council of Churches, held at the Cottesloe residence of the University of Witwatersrand, certain major aspects of the Government's racial policies were criticized. Among other things the conference recommended more consultation between the Government and non-Whites, and the return to the Coloured people of their right to elect their own Coloured representatives to Parliament.

However, in December the Prime Minister made very clear that there would be no change in policy. He declared that Nationalist leaders would have to stand "like walls of granite" on their color policy because the existence of the nation (a White

one of course) was at stake. Soon afterward the Nationalist Party's Federal Council explained, "It is the attitude of the Nationalist Party that direct representation of the Coloureds by Coloureds is a form of political integration which will lead to further concessions on that road."

Since then strong measures have been taken to keep party dissidents in line. Under some pressure SABRA announced in February, 1961, that it would postpone indefinitely the congress it was to have held in April on the position of the Coloured people. Dr. A.L. Geyer, the Chairman, said a great deal of feeling about the Coloureds had been aroused and therefore they thought it wise not to discuss such a matter at that time. When SABRA did meet later in the year it was to discuss the much safer theme, "Relations between English and Afrikaans-speaking South Africans". Professor N.J.J. Olivier, leader of the liberals within SABRA who wanted to pursue a course independent of the Government, was voted out of his long-held post of vice-chairman. His supporters, seeing the tenor of the meeting, withdrew their candidacies for other offices.

Meanwhile developments stemming from the Prime Minister's granite wall attitude were drawing people and groups together within the Coloured community as never before. Plans were made to arrange a Coloured National Convention and some Coloured leaders made statements publicly associating themselves with plans made by Africans to demonstrate on Republic Day, May 31st. The Coloureds had been rebuffed; the Afrikaner intellectual was being told to be quiet and mend his ways. Many Coloured leaders indicated that if they were not to be welcomed by Whites then they would join the Africans whenever possible. In April of 1961 an editorial in Die Burger asked them to be patient while their White friends worked to get the necessary changes made. It stated that many prominent "Afrikaners and Nationalists" were doing some hard thinking about the Coloured people's future. Leaders of the Convention replied in an open letter to Die Burger that they could see no reason to be optimistic about the future and while they appreciated those Afrikaners who were thinking hard they had yet to see where this had removed a single hardship. They asked for practical action.

None was forthcoming. The Government refused to hold any top-level talks with the Coloured leaders because it considered the Council for Coloured Affairs (appointed for the most part by the Government) adequate to consult about Coloured problems. The Coloured Convention, to be held in Cape Town in April, was crudely banned at the last moment after many of the delegates had arrived or were on their way. Even Mr. George Golding, one of the major Coloured leaders who will most often

cooperate with the Government, reacted by saying that although he and the Coloured People's National Union (of which he was the President) were opposed to the Convention, he wished the Minister would reconsider his banning decision. He asked, "Has Mr. Erasmus forgotten the trials and tribulations through which the Afrikaner nation went in its struggle for freedom? They were never, however, denied the right to express their views and set forth their plans whether these were in line with the views of the rulers of the day or not....."

A number of the Convention delegates did meet in Malmesbury when they discovered that it was an area overlooked in the banning order. Under the scrutiny of the security police they outlined their policy; that South Africa should be one country with one people with a bill of rights protecting the freedoms of all; that there be universal adult franchise; that an all-South Africa National Convention be called; and that compulsory education should obtain for all children (at present only Whites have compulsory education) with parents having the sole right to decide how and where children should be educated. It was also decided that the Coloured people were a group only because they were the victims of discrimination.

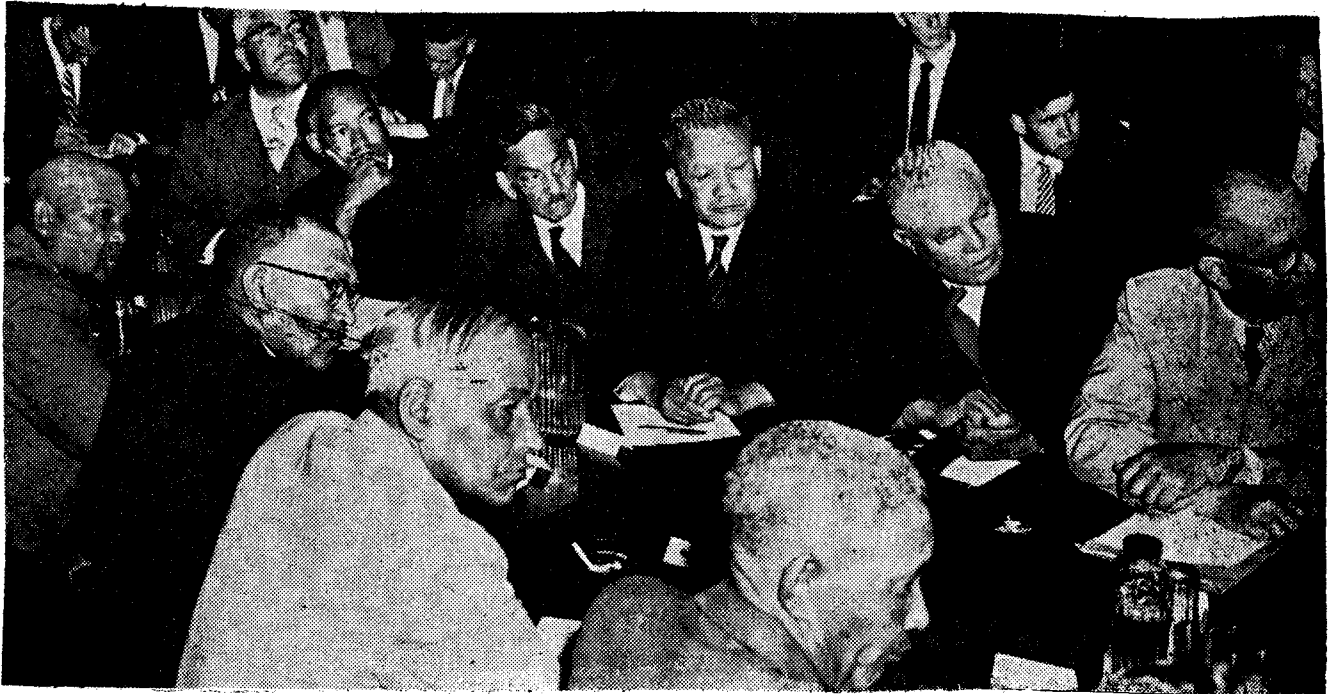
Parliamentary session, 1962

This was how things stood at the beginning of this parliamentary session. The banning of the Coloured Convention portended a bleak future for the Coloureds and this is being well brought out in the "big plans" the Government is now legislating.

The one spot where the Coloured voice can still be heard politically is the municipal councils of the Cape. Cape Town has Coloureds on its City Council and Coloureds at present still have the vote in municipal elections. Many Cape municipalities have refrained from carrying out legislation separating the Coloured Community and have left it to the Provincial Council to force the issue of separate amenities.

But in December came the announcement that Coloured municipal representation would come to an end. At the same time the Prime Minister announced Independence for the Transkei, he outlined ambitious plans for Coloured self-government. While no territorial grant could be made for a Coloured nation, as it had been to the Xhosa, national identity could be encouraged within scattered municipalities and farm areas in which all Coloureds would live, be educated, work and decide their own destinies, subject of course to the White parliament.

This plan for territorial separation, the Group Areas Amendment Bill, will go into effect this month. It will create Coloured municipalities in which Coloureds can elect their own



Members of the Council for Coloured Affairs listening to the Prime Minister outlining his plan for Coloured independence.

management and/or consultative committees. These committees, however, would be under the control of the Minister of Coloured Community Development as well as the neighboring White municipality of which it would be a part. (Up to this time Coloured people have been given little opportunity to learn from White example and experience since they have had no representation on the Group Areas Board, the Group Areas Development Board, the Wage Board or the Coloured Development Corporation. Mr. P.W. Botha, Minister of Coloured Affairs, said that he could not consider them for any of these positions because he needed people with "a very sound business sense and experience." Coloured people would become victims of pressure from other Coloureds. "We need people who will be able to say 'no'.")

In the discussion of the bill, Mr. P.S. Marais, a prominent Nationalist, gave what is undoubtedly the underlying reason for this gift of a Coloured nation. If Coloureds are allowed to remain on the municipal common rolls, he said, they would soon be able to gain a majority in some Western Cape towns. The existing municipal voting system contained many anomalies where Whites were being represented on town councils by Coloureds who had not even registered on the separate roll for the Parliamentary vote. It is much safer, his Nationalist colleagues agree, to remedy this situation by removing the Coloured voter from the municipal roll and give him a little community of his own to rule than to allow him an equal franchise with the Whites in the Parliamentary vote.

This isn't the first time this removal has been attempted. In 1958 the Provincial Administrator brought the question before the Cape Provincial Executive Committee. He said it had been decided in 1954 that only names of municipal voters who were also Parliamentary voters should appear on the municipal voters rolls. There was considerable protest at this attempt and although it passed the Provincial Council it has never been applied. The present Parliament decides the matter for the Province, giving them no choice in the matter. Nationalist power is so entrenched in Parliament that the President of the Senate was able to announce in relation to this bill that Parliament is absolutely sovereign and not answerable to the courts - a law unto itself.



Mr. P.W. Botha

Is there any hope left?

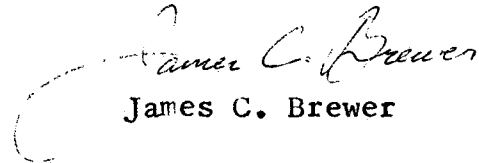
The Coloureds, a singularly diverse group (JCB-10) in most opinions, are uniform in their dislike of their present situation. They merely differ in how much of it they will allow themselves to go along with. Whatever their feelings, however, any possibility of future protest appears to be cut off by one of the most spine-chilling bills ever to reach the floor of Parliament; the General Laws Amendment Bill, commonly known as the Sabatoge Bill. This bill enables the Minister of Justice to label any protest against government policy, or any reporting of such a protest, or even possession of a report of such a protest, as an illegal act. All in all things look pretty grim.

Speaking in the Coloured municipalities debate (before the Sabatoge Bill was introduced), Senator H.A. Fagan said the position had been reached in South Africa where a White person could not drink a cup of tea with a Coloured person or ride next to him in a taxi to have a discussion without being told that he was committing an offence. "What opportunity have we to know what they think?.....It is almost impertinent for us to make laws for them." In response to Mr. Botha's definition of good neighborliness as the maintainance of good neighbor-relations within proper boundaries, Fagan replied, "Good neighborliness with proper boundaries, yes, provided the one neighbor does not issue prescriptions to the other, but as soon as one says how the other must live, then there must be an opening in the fence to enable the

neighbors to talk the matter over."

Right now there would appear to be a block of granite in the opening that may be rather hard to remove.

Sincerely yours,

A handwritten signature in cursive script that reads "James C. Brewer". The signature is written in dark ink and is positioned above the printed name. There is a large, sweeping loop at the beginning of the signature, and the letters are well-defined and connected.

James C. Brewer

Pictures courtesy of South African Information Office and the
Cape Times