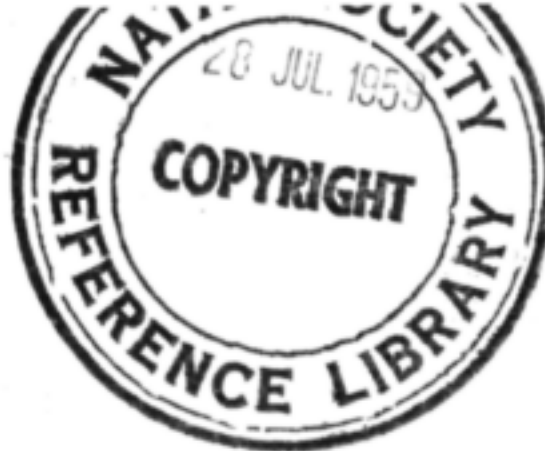


THE BLACK SASH



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WHY PASSES?

What this Issue is about

WHY MUST AFRICAN WOMEN CARRY PASSES? Why do they object to it? Why are they being forced? And what are the consequences of this conflict?

This issue of the Black Sash magazine is entirely devoted to asking and answering these vital questions.

The evil consequences of the Act which forced passes on African women (Natives Abolition of Passes and Co-ordination of Documents Act, No. 67 of 1952) have been so disastrous that words like "hardship," "misery" and "destruction of family life" have become commonplace in newspapers and on public platforms in this country, and well-nigh lost their meaning.

Meanwhile the process continues — wives are separated from their husbands, jailed, fined, thrown out of work and deported, children come home from school to find their mothers in jail, and small babies are left uncared for.

Is this necessary? Are these women not justified in opposing this law? Should white South Africans help them in their struggle, and if so, what form should that help take?

In this issue you will read the Nationalist point of view, which claims that these passes are necessary to facilitate "influx control" into urban areas, to

prevent vagrancy, to compel Africans to work, and to assist Union Africans in proving their identity and securing preferential treatment over "foreign Natives".

But these arguments are demolished by authorities speaking from every point of view — legal, moral, religious, economic, political and social.

And you will read the stories of simple everyday human beings whose lives have been crushed by the operation of these laws — ordinary, pleasant, normal people, with no political axe to grind, who have found suddenly that it can be a crime for a wife to try to live with her husband, that a daughter can be a prohibited immigrant in the place where her mother lives, that a married man can be sent to bachelor quarters and his wife and children deported to a place they have never lived in before, and that women can be arrested for forgetting to carry their passes with them as they move about their own backyards.

You will read the arguments of Government officials, claiming that the burden imposed on African women is no greater than that resting on European women who will have to carry registration cards under the Population Registration Act.

This is exposed as a blatant misrepresentation.

You will see the complex high-flown arguments of professional politicians shattered by the simple language of law-abiding working people who are the victims of a cruel system.

HOW IT ALL STARTED

IN 1952 the Nationalist Government passed a law entitled "The Natives (Abolition of Passes and Co-ordination of Documents) Act" — No 67 of 1952. From its title, and from the speech of the Minister of Native Affairs on the occasion, one might have been forgiven for thinking that a new era had opened in our national life, and that the most burdensome of the many restraints imposed on the African people were to be lifted, with a consequent reduction in race friction and an improvement in the relations between the majority of our population and the Government which controls them.

ONE WOULD HAVE BEEN WRONG! *Passes were not abolished by that Act, which provided merely for the consolidation in one "reference book" of all the documents carried under the pass laws.* Not only was it obligatory for the African to comply with all the existing requirements of the pass laws, but for the first time it became obligatory for African women to carry these reference books — after a date to be proclaimed by the Government. African women had previously been required to carry passes under municipal and provincial regulations applied in certain areas; the first struggle of African women against the pass laws was directed against such regulations in the Free State in 1913. But never before had legislation been passed by Parliament extending the scope of pass laws to cover African women on a Union-wide basis.

Extension of Passes

In fact, the Natives Abolition of Passes Act should more properly have been described as the Natives Extension of Passes Act. Not even Dr. Verwoerd's officials have been deceived by his pretentious entitlement of this Act. In the official Year Book for 1956-57 (the latest to be issued) we are gravely informed that in 1955 a total of 337,604 Africans were convicted under the Native supervision and control regulations "including pass laws . . . 22,012". So much for the much-heralded Abolition of Passes.

The Native Affairs Department had been busy trying to persuade (more bluntly, one should say trying to force) the women to take them out for several years before they became compulsory. Mobile teams of the Native Affairs Department have been concentrating mainly on the rural areas and the smaller country towns, where the political organisations of the African people are weaker, if they exist at all. Chiefs have been ordered to instruct their womenfolk to take the pass books; if they refuse they are deposed, often banished and sent into exile.

The bloody disturbances in Zeerust and Sekhukhuleni were in part provoked by the Government's attempt to force the pass books on the tribal women. Some chiefs have capitulated and tried to carry out the Government's instructions; in some cases successfully, in other cases only at the cost of ending peace and harmony in the tribe. Almost everywhere the introduction of pass books for women has caused bitterness and resentment, frequently open defiance and disturbance, in the most extreme cases bloody conflict between the people and the police.

The most dramatic opposition to pass books for women has been offered recently in Johannesburg, storm centre of the country's political life, where the political organisations of the African people are strongest. Over 2,000 women have fallen foul of the law in trying to demonstrate their opposition to the pass books and, while it was not at that time an offence not to be in possession of a pass book, they have been prosecuted for breaking municipal regulations relating to the holding of processions and demonstrations *and* in many cases also for breaking the Criminal Laws Amendment Act of 1953, which lays down heavy penalties for breaking a law in protest against a law or the administration of a law.

Convictions and Fines

At the time of writing, over 500 women had been convicted and sentenced to periods of imprisonment ranging from seven days to three months, with the alternative of fines from £3 to £50. In the case of 600 women from Alexandra, the magistrate, finding 445 guilty and noting their intention to appeal, insisted that bail be lodged in cash.

Since the total sum which had to be raised amounted to nearly £4,500, most of the women had no option but to remain in jail while waiting for their appeals to be heard.

The magistrate justified the severity of his sentence by referring to the women's actions as "subversive". Subversive of what? Can it be subversive for a woman to want to protect her home and family life? For that is what the African women feel is at stake. When they marched, 20,000 strong, to protest to the Prime Minister, Mr. Strijdom, on August 9, 1956, their petition read:

"We want to tell you what the pass would mean to an African woman, and we want you to know that whether you call it a reference book, an identity book, or by any other disgusting name, to us it is a PASS. And it means just this:



- That homes will be broken up when women are arrested under pass laws.
- That children will be left uncared for, helpless, and mothers will be torn from their babies for failure to produce a pass.
- That women and young girls will be exposed to humiliation and degradation at the hands of pass-searching policemen.
- That women will lose their right to move freely from one place to another."

These things have already happened to the women in many centres. In their protest to the Mayor of Johannesburg on November 27, 1958, the women said :

"For the past three years African women throughout this land have proclaimed their opposition to

passes. We know too well what misery and hardship the pass has brought to African men. Our husbands and fathers are torn from us and our children, flung into gaol, carried away for farm labour, not for crimes, but for pass offences.

"Must we, too, women and mothers be taken from our children and our homes, be sent to farms to dig potatoes, or sacrifice our wages, the few shillings we earn in kitchens and wash-houses, in factories and shops, to pay fines—for pass offences? Must our innocent young daughters be searched by policemen for passes, be flung into gaol?

"We say to you, and we speak from our hearts as mothers, whatever our race, that the pass system is in itself a crime against humanity; to inflict it upon women is an even greater crime — a crime against motherhood."

WHAT IT COSTS

By Nancy Dick

The Cost to South Africa

IT must be a great comfort to the responsible Cabinet Ministers that very few accurate calculations can be made about the cost of administering the pass laws in this country.

Like an iceberg, the really dangerous bulk is concealed, and things like the cost to the Africans of payments made for reference books, admissions of guilt and fines, loss of wages through imprisonment for a pass offence and time wasted by inefficient and high-handed officials can only be partially measured.

The statistical services relating to pass laws are scanty, as are those relating to other matters affecting the population, and the relative items of information are difficult to obtain. How many officials are employed by Labour Bureaux? How many are engaged in the special "teams" now going from place to place to issue reference books to African women? We do not know.

Information regarding the number of people convicted, fined, or imprisoned for pass law offences is not published. **Repeated questions put to the Minister of Justice by the Native Representatives for details of arrests and convictions under the pass laws have drawn the reply that the administration could not afford the time needed to extract these figures.** We do not know how many of those convicted paid their fines, how much the fines came to, what proportion go to jail, and for how long. The only figure published in the Police Commissioner's annual report is the total number of cases sent for trial. In 1956 this amounted to 199,885 for breaches of the pass laws, curfew regulations and "Registration and Production of Documents" system. This figure is the highest in the list of "predominant offences" for which persons were prosecuted.

But let us take a glance at even the small portion of the iceberg that sticks out above the water. We might start with the cost to the taxpayer.

First there are the books themselves. The Minister of Native Affairs told the Senate in 1952 that whereas the former passes had cost £10,000 annually to print, these reference books would cost £380,000, but the expenditure would not be repeated for at least ten years. £15,000 was allocated in 1954/5 for the plastic wallets containing the reference books. **The latest estimates (1959) set aside £33,500 for this purpose.** The number of new books issued each year will be determined by the number of persons reaching the

prescribed age of 16 during the period and the number of books needed to replace those lost or destroyed. The latter number is considerable.

A large and expensive staff of clerks and technicians have been engaged for this work: the printers who produce the books, the photographers who photograph every holder of a reference book (**£40,000 was set aside last year for photographic equipment and material alone**), the fingerprint experts who classify and file the prints of holders of books, and the clerks who issue them and record the transactions. A total of £193,000 was allocated in the Native Affairs Vote of 1952/3 for the maintenance of a Central Reference Bureau. **After dropping to £63,000 in 1954/5, the amount has risen every year until the total today is £328,935.** Dr. Verwoerd promised the House when introducing the "Abolition of Passes" Bill in 1952, that his new system would save the taxpayer £260,000 every year in printing and administrative charges. If this is so, the cost of the old pass system (which is still operating) must be enormous.

Under the system of registration of service contracts a monthly fee of 2/- must be paid by the employers. Here again, officials must record details of employment and discharge, issue permits to Africans entering an area to seek work, and endorse discharges and departures when they leave the area. Changes of employment within the area must be noted. **There is no way of estimating the time spent by employers and clerks in recording information on the books and for the Administration.**

The Cost to the African

The African pays 2/6 for the wallet containing the reference book and 10/- for a replacement. To date, approximately 3,500,000 reference books have been issued to men and women. The African community has paid to the Government nearly £500,000 which would otherwise have been spent on food and family needs.

There is no way of calculating the number of hours spent in getting to and from the Registration offices, the wasted time standing in queues to be attended to, the time spent in being cross-examined by the police. For the system would break down if there were not a great force of police, inspectors, Native Commissioners and magistrates to ensure that Africans do have their books, that their books are in order, that the Africans are not where they should

not be, and are where they should be, that they are not doing work from which they are prohibited but are doing the work which they are required to do.

If the African should be arrested for not having his pass in order, he may spend the night in a police cell. The Government must provide accommodation, food, and warders to see that he does not run away. If he comes before court he has a large staff of police, prosecutors, orderlies and the magistrate to attend to him. He himself has in all probability lost wages while awaiting trial. If he is convicted he must pay a fine or go to jail. We do not know how many Africans pay fines and how many go to jail, but if the 337,603 persons convicted for pass and allied offences in 1955 paid an average fine of £3 each, it would mean that the Africans transferred another £1,000,000 to the Government on

convictions alone. *If, on the other hand, the offenders go to jail, they must be maintained at Government expense and cannot contribute to the national economy.*

It might be said that the cost of infringing the pass laws is greater than the cost of their administration. But these laws are forced on an unwilling community which sees no benefit from them. Moreover, the African is not brought to court only when, in the normal course of events, it is discovered that his pass is not in order, as is the case in respect of Europeans who commit parking offences. The policy of the police is to go out in large numbers on a pass raid, comb through an area, and see how many pass defaulters they can discover.

Of course, the fines help to pay the cost of the raids, and the raids help to raise the fines, and the fines help to pay . . .

What the Law says

BY ADVOCATE CLIVE VAN RYNEVELD, M.P.

IN terms of the Natives (Abolition of Passes and Co-ordination of Documents) Act of 1952 all African men must carry a reference book, but it is not yet compulsory for African women to do so. Ultimately it will be compulsory, and reference books are already being issued in the Transvaal and Eastern Cape, but the date on which the Act will be applied to women has not yet been proclaimed.

Why then are African women in the towns arrested? In most cases they are arrested for failing to have the necessary permit in terms of Section 10 of the Urban Areas Act, which is the Act controlling influx of Africans into the towns.

Separate Document

In fact, it is usually this section which is responsible for most of the pass law offences committed by men. In the case of the men the permit under Section 10 is issued by way of an endorsement in their reference books. In the case of African women a separate document is given to them unless they have already been issued with a reference book.

What are the provisions of the Urban Areas Act? In terms of Section 10 the only Africans who have a *right* to remain for more than 72 hours in an urban area to which the Act has been applied are the following:

- (a) Africans who have since birth continuously resided in the urban area concerned;

- (b) Africans who have worked continuously in that area for one employer for ten years, or who have lawfully resided continuously in that area for fifteen years;
- (c) Africans who are the wife, unmarried daughter or son under the age of 18 of an African mentioned in (a) or (b) and who ordinarily reside with that African.

If an African does not fall into one of these categories he has to have a permit to remain in an urban area for more than 72 hours. If he has work he will normally be given a permit to stay. He may even be given a permit to remain if he is looking for work. But he has no right to stay; he is in the hands of the relevant official; at the mercy of government policy.

Prior to 1952 Section 10 of the Urban Areas Act applied only to men. In that year it was amended to apply also to women.

When will women be obliged to carry reference books? In introducing the Natives (Abolition of Passes and Co-ordination of Documents) Act in 1952 the Minister of Native Affairs (now the Prime Minister) said that African women would not be registered for reference books before European women were registered under the Population Registration Act for identity cards.

He clearly meant that reference books would not become compulsory for African women before identity cards became compulsory for European women. Is that still intended?

The Policy in the Western Cape

IN 1952, the Urban Areas Act was amended so as to ensure that the provisions of Section 10, whereby an African *has to have permission to remain in an urban area for more than 72 hours*, were made applicable to both men and women, and not men only. Permits (or passes) can be issued by any urban local authority, i.e. municipal, town or village councils, health boards, etc. They are documents giving Africans permission to remain in proclaimed urban areas for specified periods and/or specified purposes.

They take the form (as far as women are concerned) of either service contracts for those in employment, on which are entered all particulars of such employment, or for those not yet employed, of permits to remain in an area for certain specified periods.

The permits are different from reference books, which are being issued to every African man, woman and child over the age of 16, whether they live in towns, on farms, or in the reserves, by the Native Affairs Department. Since March, 1956, government teams have visited many centres, both urban and rural, and have issued reference books (latest figures) to some 1,400,000 African women. Comparatively few local authorities, however, have bothered about issuing permits to women under Section 10, and it would seem that as far as these places are concerned (but not those in the Western Cape), the issue of permits is more or less a preliminary to the issuing of reference books.

Why is the Western Cape different? In November, 1954, most of the local authorities there began to issue permits to the African women living in their areas, and have done so diligently ever since. It seemed inexplicable at the beginning. In the Cape, with its tradition of a "liberal" colour policy, why were town councils forcing African women to take out passes? (Do not forget that the first reference books were issued to women only in March, 1956.)

The inexplicable was soon explained. Dr. Eiselen, Secretary for Native Affairs, announced in January, 1955, at the annual meeting of SABRA that it was the Government's policy ultimately to remove all Africans from the Western Cape, which he defined as being south of the Orange River and west of a line drawn through the districts of Gordonia to Uniondale. This area, he said, "was the natural home of the Coloured people, and they had the right

to be protected against the competition of the Natives". Although both he and Dr. Verwoerd declared that this policy was "a long-term measure, not to be implemented overnight", it was obvious that the registration of African women for permits was the first step towards implementation.

"The Family Flood"

For Dr. Eiselen plainly announced that the government's policy was to allow (until the ultimate removal of all Africans) only so-called single migratory labour; that the "family flood was to be stemmed", beginning with the "freezing of the present position as regards Native families".

The issuing of permits enabled the authorities to compile a detailed register of all African women living in the Western Cape. This, in turn, enabled them to start the process of getting rid of "surplus native females". Dr. Eiselen gave detailed instructions to the various local authorities on the future housing of African families in their areas, and

bluntly said that such families were to be reduced to the minimum.

GET RID OF THE WOMEN! That has been the watchword since 1955 in the Western Cape. In village, town and city, the local authorities obeyed, and throughout the area there are very few African women who can look forward to living undisturbed.

They can remain only by permission of the authorities, for their passes say so. But what happens if that permission is refused?

Let us examine the position in the Cape Peninsula, where Cape Town's Native Administration Department began issuing passes in November, 1954. *It is compulsory for every African woman over 16 to have a permit and carry it at all times.* If she does not have this pass, or remains in the area after being refused a permit, she is guilty of a criminal offence and is liable to arrest, a term of imprisonment and/or a fine, and she can be ordered out of the area. If she does not leave within the specified period, she can be escorted out at her own expense, and sent back to her home or last place of residence in the reserves.

These are just some examples of what is happening every day to hundreds of African women. The

by FLORA SNITCHER

Graduate of the University of Cape Town. For the past nine years has taken a keen interest in all matters affecting Africans, and has worked with them continually. Started the Feeding Scheme for African children in Nyanga Township in July, 1956. Has had many articles published in leading newspapers and magazines dealing with subjects concerning Africans.

authorities are reluctant to reveal how many women have been "endorsed out" of the Cape Peninsula, but it is known that from January 1955 to July 1957 more than 4,000 women have been sent away from Cape Town. The numbers must be considerably more since then, for in recent months the regulations have been even more stringently applied. For example, in August, 1958, 236 women were arrested for pass offences in the Cape Town area. As there were only some 27,000 African women in the Cape Peninsula originally, it is safe to say that about a fifth have already been sent away, all of them for alleged pass offences. No wonder the women are cynical when it is said that a pass "protects" them!

And it is not only the "loafers and immoral" who are sent away. Decent married women, mothers of families, some of them here for more than seven years, whose only crime is that they want to live with their husbands and bring up a family normally,

are the majority of those "endorsed out". As recently as December 18, 1958, the local authorities announced that the majority of women living in the Cape Peninsula do not qualify for exemption from the terms of Section 10, and therefore will have to leave sooner or later.

The Exemption

The regulations that govern the granting of exemptions are so stringent that very few can ever hope to comply with them, and so very few women will ever have the right to remain permanently in the Cape Peninsula.

All others go periodically to the only office which deals with women's passes. Every single day a long queue of women wait and wait to see an official who may or may not renew their passes. Otherwise — a fortnight's warning, and out they have to go.

(Continued on page 9)



—Courtesy *The Star*.

Spokesmen for the Government In Defence of the System

Dr. H. F. VERWOERD

DR. H. F. VERWOERD, the then Minister of Native Affairs, during the Second Reading of the Natives (Abolition of Passes and Co-ordination of Documents) Bill, said:

"It will mean that for the first time since 1867 Natives will have freedom of movement apart from the few restrictions which have to be imposed owing to the possibility of their being employed in certain urban areas. Those restrictions which are retained have also been decided upon in the interests of the Native himself. He has freedom of movement, but he is not allowed to go to certain prescribed areas when it is clear that there are no employment possibilities for him there, that he will enter into competition with others living there and that it will be to his own disadvantage if he goes there. Apart from this restriction in the interests of the Native himself, he will for the rest have freedom of movement in this country . . .

—*Hansard* 1952, vol. 80, col. 9161.

* * *

"The position in connection with females is as follows. The Native woman must in any case possess an identification card of her own in terms of the Population Registration Act. . . . Now when she registers for work or when the curfew regulation is applicable or when she enters a city—under influx control—there are various cases where she is also included and in such cases she must have such documents. In other words, what we are now going to do is this: when the European woman is registered under the Population Registration Act the Native woman will also have to be registered at the same time for her identification card, and so we shall also make it convenient for her at the same time by having the other documents, which she will have to carry in any case, added in the same way."

—*Hansard* 1952, vol. 80, col. 9166.

* * *

"When all races are registered, then Native women will also be registered. I gave the assurance in the Other Place, and I repeat it now that this registration under the Population Registration Act will not take place until the Population Registration Act is applied to European women as well, so there is no discrimination."

—*Hansard* 1952, vol. 80, col. 9335.

C. W. PRINSLOO

Chief Information Officer, Bantu Administration Department:

"The Department of Bantu Administration and Development believes that, except in isolated, artificially stimulated cases, Natives have accepted reference books as a boon.

"Up to now, 95 per cent. of all Native men have received their books, and about 35 per cent. of the women. Within 18 months the issue will be completed.

"The main advantage of the books is that they simplify identification."

Among the advantages, Mr. Prinsloo mentioned:

- Family funerals are tremendously important to Natives. Without reference books it often happens that dead Natives cannot be found by their relatives, and burials take place without the attendance of the families.
- The Tomlinson Commission estimated that Natives have invested £60,000 in Post Office savings banks. In withdrawing the money they often have difficulty in proving their identity. Reference books provide immediate proof.
- Since 1923 Natives have had to have a residential qualification before being able to claim a house in an urban area. *Reference books safeguard the rights of those who have the qualifications.*
- In proving their right to the best-paid work in urban areas, Union-born Natives have to compete with between 800,000 and 1,000,000 foreign Natives. This is sometimes difficult without a reference book.
- Tracing missing Natives, in particular young girls who are swallowed up in the urban areas and whose parents are anxious to find them, is simplified by the reference book system.

—*Rand Daily Mail*, Dec. 3, 1958.

H. S. ERASMUS, M.P.

"They [the Opposition] come along and they incite the Natives knowing that the Natives do not like the word "pass", instead of coming as responsible people and stating the truth, namely that it is an identification card."

—*Hansard* 1952, vol. 80, col. 9356.

F. E. MENTZ, M.P.



"The introduction of the Population Registration Act serves as a key for the abolition of this out-moded and obsolete pass system and it now gives us this excellent opportunity of introducing a single effective system for the identification of Natives, the canalization of the flow of labour and the tracking down of criminals."

—*Hansard* 1952, vol. 80, col. 9313.

* * *

"Under this system they have to carry identification documents if they are under 16 and if they leave the supervision of the parents or guardian. . . . In other words, we are here assisting the ordinary parental discipline. It is a very good and sound thing to do."

—*Hansard* 1952, vol. 80, col. 9343.

* * *

"I say with all the force at my command that the identity book is today one of the most popular measures amongst the Natives. I happen to know that they come to us in large numbers to thank us for these books."

—*Hansard* 1957, vol. 95, col. 8186.

* * *

"I say that is one of the things that has to be done, to lay the obligation on the employer, after the fixed date has been announced, not to employ a Native who has not been properly signed off, and that the same will apply to a Native who has not been signed off; then he should not be able to seek work elsewhere. Unless we do that I ask the hon. member [Dr. D. L. Smit] how we will ever control the movement of Natives."

—*Hansard* 1957, vol 95, col. 8185.

"We appreciate the gravity of the situation and because of that we are introducing this system precisely because we want to keep out of prison those thousands of Natives who land there as a result of technical contraventions."

—*Hansard* 1952, vol. 80, col. 9369.

"KEEPING OUT OF PRISONS"

Under Native Supervision and Control Regulations including "pass laws" the following were the numbers of Africans convicted according to the Director of Census:—

1950	...	...	...	...	...	217,387
1951	...	...	...	...	...	232,420
1952	...	...	...	...	...	264,324
1953	...	...	...	...	...	288,439
1954	...	...	...	...	...	314,208
1955	...	...	...	...	...	337,607

THE POLICY IN THE CAPE

(Continued from page 7)

"Influx control" is equally strictly controlled. No African woman can enter Cape Town from any other part of the country and remain here for more than 72 hours either to seek work, to join her husband, or for any other reason, without getting permission. This restriction keeps the number of women constant at the depleted number mentioned above.

There is always the insecurity of not knowing how long one will be permitted to stay, always the threat of ultimate removal. Always the fear of being locked up, if a pass is accidentally left at home or lost, of being arrested and having to pay a fine out of an income which is, in any case, too little to live on, of being harassed and in some cases brutally treated by police and municipal inspectors.

Can any words convey the havoc wrought by these fears on the domestic and family lives of these unfortunate people? Or show the end result in terms of human misery, broken homes and frustrated hopes? For this is what four years of passes have brought to the African women of the Cape Peninsula.

PASSES and the POLICE

THE London "bobby" is traditionally calm, imperturbable, stolid, friendly, and firm as a rock when "under fire". He directs traffic, breaks up demonstrations, tackles thieves and murderers with the same good-humoured efficiency. At least, that is the stereotype which has come to be accepted as typical.

A Violent Land

The South African "bobby" doesn't direct traffic at all, which is probably a pity, for it might provide the leaven that is missing from his performances in other spheres. So often he is tense and unsmiling in the performance of unpleasant duties; so often he feels so insecure that he resorts to unnecessary violence in order to achieve his object. Of course, he lives in a violent land, and he has to enforce laws which are unpopular with the majority of the population, who had no hand in framing them. When the "bobby" has a white skin, and the people amongst whom he is operating are black, an explosive situation results. At times, the white policeman must feel more like a member of an army of occupation rather than a public officer in whom reposes the confidence of all sections of the population.

A typical situation developed outside the Magistrate's Court in Johannesburg at the end of October when the first batches of women arrested for demonstrating against the issue of pass books were brought to trial. The courts were filled to overflowing with women, some with babies; the streets outside were jammed with their friends and supporters, who clustered round windows and doorways for news of what was going on inside.

Police were stationed on duty inside and outside the court. While most did their job without fuss, some seemed to be spoiling for a fight long before there was any sign of trouble. One is reported to have said in Afrikaans: "Today West Street (running down one side of the court) will be Blood Street."

And another, waving his baton from side to side, asked some of his mates standing nearby: "Hoeveel

The emphasis must be shifted from compulsory measures and from restrictive laws to machinery for advice, guidance and voluntary regulations, said the *Fagan Report*.

Kaffirs dink jy ek kan met hierdie ding donder?" (How many Kaffirs do you think I can beat up with this thing?)

Possibly good psychological warfare, if there is a war on; but when a policeman's job is to preserve the peace, this sort of conduct can only be described as provocative.

The police had come prepared for possible trouble. They were out in force, and in a truck nearby the court a load of tear gas bombs was kept in readiness. The police seldom use tear gas. They complain it is ineffective, and have preferred in the past to rely on the baton and the bullet. Perhaps the use of tear gas on this occasion was a concession to the fact that the majority of likely victims would be women.

At first all was quiet and peaceful. The large crowd had been waiting outside the court for some hours without incident, apart from occasional good-humoured taunts flung between the people and the police. Then shortly after noon a group of women from Sophiatown-Newclare were freed unexpectedly, the prosecutor having withdrawn the charges against them.

The Women Fled

"There must be no shouting in or around the building," the Magistrate warned them as they left. "There are other courts sitting and many people working, and you must not disturb them."

As the women came out into the street, they were greeted with excitement and enthusiasm by the waiting crowd, who gave the thumbs up salute and shouted "Afrika". There was considerable jostling and shoving as hands were pumped and backs slapped and a high-pitched babble of conversation broke the noon-day stillness.

It would probably all have died down in a few minutes, but the women were given no chance. "This street is going to be kept clear at all costs," the police chief said. And over a megaphone he gave orders to his men to "move them 50 yards down the street". Immediately after he had spoken, the police swung into action. Armed with a variety of weapons, ranging from whips and sticks to tear gas bombs, the police lashed out at the women indiscriminately.

George Clay, the reporter of the London *Observer*, describing the incident, said: "Several policemen carried thin canes with which they slashed at the backs of the running women. Others whipped the women round their buttocks and legs with leather pistol lanyards — one woman received a bad gash in



—Courtesy *The Star*.

her leg when the hook of a lanyard caught in her flesh. Other policemen took their handcuffs from their belts and lashed out at the fleeing crowd. Several tear gas bombs were thrown."

The women fled down the street. Later some of the crowd came straggling back again, and another baton charge was ordered, but the crowd kept their distance and there were no serious incidents.

Chief casualties of the police attack were press photographers. Two TV cameramen standing on a concrete parapet of a building opposite the court to photograph the scene were immobilised by a tear gas bomb which was thrown directly at them and burst against a wall next to them, although the main body of the crowd being dispersed by the police was some distance away at the time. One of the cameramen was rushed off to hospital and was still in bed a few days later, unable to see and suffering from burns on his legs.

The following day a photographer of *Drum* magazine was manhandled in a clash with the police, also outside the court. He was marched away from the scene with blood pouring from his mouth, but was later released.

There were other victims of the tear gas attack. Mr. Petrus Sithole, husband of one of the women under arrest, who had come to court to hear the case in which his wife was being charged, was in hospital for some weeks afterwards with severe eye injuries. For a week Mr. Sithole was missing. He did not go home at the end of that day, and his wife, when released from prison, could not trace him. Eventually he was found in a bed at Baragwanath Hospital with tear gas burns on the cornea of both eyes. He may not be permanently blinded, but his vision will be impaired. Meanwhile the Sithole family was deprived of a breadwinner, and Mrs. Sithole, mother of a three-year-old boy and an 11-month-old girl, was left destitute.

Was it all necessary? The eye-witness accounts leave little doubt about that. There seems to have been no call for violence. A good-humoured crowd was dispersed with a ferocity which can only increase the bitterness so often prevalent in the relations between Africans and the police. Especially when one considers that the crowd outside the court consisted mainly of women, some with children on their backs, one wonders why some other method of peaceful persuasion could not have been adopted instead.

Questions and Answers

By J. F. HILL

(NATAL COASTAL REGION)

MEMBERS in our Region have been asking why it is that the Black Sash opposes Reference Books for African women. They ask what the difference is between our identity cards and their books.

They speak of the usefulness of being able to identify individuals rapidly in case of accidents or other emergencies; they ask why law-abiding and respectable African women should object to carrying reference books, and suggest that the campaigns against them are "Communist-inspired". They admit that pass laws are sometimes applied harshly; but ask why in that case we do not oppose the application rather than the principle.

The Big Difference

As one of those who believes that the Black Sash was perfectly right to oppose the principle, but who also feels that it is important that we should as far as possible carry our members with us in any stand we make on principle, I should like to try to answer some of these difficulties, which may bother members in other areas also.

There is a difference between a means of identification, which can serve a useful purpose in various ways, and a pass, which is primarily a means of controlling the lives of other people. How our own identity cards will be used is not yet clear. But there can be no doubt about it that Reference Books, despite the new name, are passes, and not simply identification books. **The intention was and is to use these books to control strictly the movement of Africans about the country, and particularly their entry into towns.** Failure to produce the necessary reference book on demand renders an African liable to summary arrest and the probability of a prison sentence or a fine. African men also have to produce these books as evidence that they have paid their tax.

Though the Minister of Justice has recently promised Parliament that the police will be instructed to proceed leniently in future and not to arrest people immediately for non-production of their passes,* the pattern has been hammered out through years of ruthless application of a harsh law. The simple fact is that the women fear and distrust the extension of the system to themselves.

* *The Black Sash had requested the Minister to take this step, and welcomes this concession which will undoubtedly alleviate one of the harsher effects of the pass laws.*

What kind of control can a government legitimately exercise over people by means of identity cards? Like a census, they can be used for useful statistical purposes—for example, in Britain during the last war they were used in the issue of rations when food was scarce. But is it a good thing for a government to lay down where a man or a woman may live and work? To control his movements by means of a document which he is compelled to carry at all times? In feudal times, serfs were tied for life to the land and the job they were born to. *Do we want to go back to feudalism?* Under Hitler, identity cards were used to cow and hold in check those who might otherwise have opposed the Nazi regime. *Do we want that to happen here?* Communist countries direct their labour into the work which the Communist leaders think is most important. Do we want directed labour on the Communist pattern?

But though none of us, I am sure, would like to have our own lives controlled in this way, there may be some who feel that Africans are so different from ourselves, so much more "primitive", that it is necessary to treat them quite differently from the way white people are treated.

I believe that it is the prevalence of such thinking, the idea that one can have two standards, one for black people and another for white people, that lies at the root of our country's failure so far to throw off the yoke of a government which is becoming steadily more autocratic and dictatorial.

Controlling the Whites

Governments which are accustomed to dictating to some of the people get into bad habits. We have seen how a ban on more than ten Africans attending meetings, turned into a prohibition on the Sash holding a meeting on Johannesburg City Hall steps. *The same sort of thing could happen with passes.* When they have the African population well under control through the Reference Books, they may find it convenient to start controlling the white population. . . .

Already we have seen that passports, originally intended as a protection to the traveller, have become an instrument for preventing critics of government policy who have reasons for wishing to travel abroad, from speaking or acting as vigorously as they might otherwise have done.

So we have to make up our minds whether we think it is a good thing for governments to exercise this type of control over the people of a country. And if we feel that the pass laws are sometimes

useful, and that it is only their harsh application which should be resisted, let us remember that most of the abuses which impose unnecessary hardship on individuals happen within the framework of the law. The policeman who arrests, the magistrate who sentences, are nearly always only doing what the law says it is their business to do.

But what about the influx of Africans into towns? Isn't it necessary to control this? Ought people not to be sent to places where there are jobs and houses for them? That sounds sensible. But there are two big snags. One is that the present African reserves cannot support anything like their present population.

Only 13 per cent. of South Africa's land has been set aside as Reserves (although four out of five South Africans are Africans). Very few Africans can today hope to make an adequate living off the Reserve lands. So the refusal of a permit to seek work is a major tragedy in an African's life.

The other difficulty applies where Authority says: "Yes, you may work — but only where we tell you to." The effect of this is that employers have an immediate advantage, in that they can rely on labour directed to them, and need not increase wages or improve conditions to attract workers. But such workers are not likely to be enthusiastic in applying themselves, and may very well prove very expensive in the long run. Moreover, it is a fact that most non-Whites, especially Africans, earn far too little. The Black Sash recently decided that it is a matter of political morality to try to ensure that everyone earns a living wage — but controlling labour by pass

books tends to keep wages low.

But what about all the immorality, crime and loose living amongst urban Africans? *Don't we need firmer control to stop all this? Isn't it better to leave Africans to lead their own simple, carefree lives in the Reserves?* But even the simplest tribal life is impossible without food. And even if workers only leave the Reserves as migrant workers for short periods, they cannot help being affected by what they see and hear in town. Life moves on, even for Africans.

Here to Stay

At all events, *some* at least of our African population are in the towns to stay. The problem then is, how can they be helped to adjust themselves to town life, to become responsible, mature, and law-abiding citizens? The forces that can produce settled urban communities are things like good homes, active churches, well-staffed and well-equipped schools, well-run hospitals and clinics, adequate playing fields and recreational facilities, skilled social workers and youth leaders.

But perhaps nothing is more important than that people should acquire the sense of belonging; the sense of security, the feeling that it is worth trying because life has something to offer to the man or woman who works hard and obeys the laws. **And it is that sense of security, that sense of being free and responsible individuals, which the pass laws have done more than anything else to destroy.**





Dr. D. L. SMIT
M.P.

WHAT THE PUBLIC THINKS

IN an interview Dr. D. L. Smit, M.P. for East London City, the former Secretary for Native Affairs, referred to his speech in the House of Assembly when the Native Laws Amendment Bill was under discussion as reported in Vol. 95 of Hansard reports of that year (1957 columns 8183 and 8184), which set out the main objections which the United Party had to the application of reference books to Native women.

"The Natives have always strenuously objected to their women being requested to carry documents. Their objection is based on two reasons. The one is that, at any rate, the reserve Native regards the woman as being a minor under the guardianship of the head of the kraal, and the second reason is fear of police interference with their women. There have unfortunately been cases of women who have been molested by young policemen under cover of demand for documents. . . . The registration provisions of Section 23 of the Natives Urban Areas Act and the provisions of the Pass Proclamation of 1934 were confined to males for this reason. I submit that to force the issue during the present unrest is very injudicious and will only fan the flames of resentment that are already evident all over the country. It has been argued that European women are required to carry an identification card under the Population Registration Act. That is true enough, but the European woman is only required to produce that document in certain eventualities and she is given seven days' grace to produce it at the police station. In her case it is not a provision of summary arrest. . . . Another provision which I submit should be expunged is Sub-section (5) of Clause 14, which gives a Native Commissioner the power to detain a Native over 16 in a police lock-up or gaol pending inquiries. . . . Here the Native is not being charged with any offence, but whilst these inquiries as to his history are being proceeded with by the Native Commissioner he is liable to be detained in gaol. I say that is a most drastic and unjust procedure and it is one of the most objec-

tionable clauses in this Bill. The detention of a young Native in gaol—and remember that this clause applies to young Natives of 16 years of age—particularly under these circumstances, is another means of manufacturing criminals and converting these people into enemies of the State."

Dr. Smit added that he thought some form of identification certificate for Native women coming to the cities was desirable, but he felt that the method of administration had been responsible for much of the trouble that had resulted in the enforcement of the law.

Institute of Race Relations

THE pass laws have always been deeply resented by the African people. Naturally and justifiably so. For the denial to the African worker of a right to live and work in an urban or proclaimed industrial area (unless it happens to be the place of his permanent domicile) save under authority of a "pass" robs him of all security and renders his prospects of employment dependent on the arbitrary discretion of the pass officials.

The application of these restrictions to African women means that they can be prevented from residing with their menfolk when the latter are in urban employment, which, in turn, necessarily involves the wholesale disruption of African family life, with obvious attendant social evils.

A system which threatens every aspect of people's lives—their homes, their employment, their all—naturally invites evasion and resistance. The attempt to enforce the pass laws in the case of men has always led to tens of thousands of arrests and imprisonments every year. A similar attempt at general enforcement in the case of women can only have a similar result—is, indeed, having that result where it is being made.

Moreover, the bitter resentment which the system breeds is bound to be aggravated where it is applied to women. The truth of this is exemplified by the demonstrations against the issue of reference books to women in Johannesburg, Pretoria and elsewhere. Such demonstrations will no doubt increase both in frequency and intensity. Correspondingly the accompanying police reprisals are likely to grow in violence and provocation. The cumulative process thus set up, together with the rising anger of African men at constant police interference with their womenfolk, may well produce the most ugly and inflammable inter-racial situation that even the present Government has thus far achieved.

Donald Molteno, Q.C.

President, S.A. Institute of Race Relations.

The Church Council

THE Cape Peninsula Church Council is representative of all the major English-speaking Churches. These churches have long been opposed to the pass system in general, and its extension to the Western Cape in particular. Our objection to the pass system has been based on grounds of Christian principle in that we believe that it infringes some of the fundamental God-given rights of man. We have been alarmed at the large number of Africans who have been arrested and imprisoned for purely statutory offences against the pass laws.

We are concerned about the extension of a system which we regard as fundamentally wrong in principle, to another area of African life, viz. their womenfolk. We feel it is wrong that African women should be subject to arrest, search and imprisonment at the hands of the Police for pass law offences, with the consequent disruption of African family life and the problems occasioned in the case of infants.

We wonder whether the Government has ever fully appreciated the very deep feeling of hurt and concern which these things have occasioned in the African mind.

Basil H. M. Brown

President, Cape Peninsula Church Council.

The Church at Langa

IT seems clear that this subject cannot be considered in isolation. The whole pass system in its present form at least, is the cause of more evils than it prevents. By imposing passes on African women the authorities are extending the scope of a bad system.

The whole question of passes is closely related to that of compulsory migratory labour with its consequent compulsory breaking up of family life. One purpose of the pass laws is to force Local Authorities to put into effect restrictions on the liberties of African family life. In the Western Cape, women and children are only allowed to remain in the urban areas if their husbands have fulfilled certain conditions of residence or employment. Women's passes seem designed to make it easier to restrict their freedom of movement. I contend that if we want an African male labour force in our towns we are under a moral obligation to create conditions in which it is possible for them to live with their families, if they so desire. The imposition of passes for women seems to me but one of many indications that we are moving in the opposite direction.

No doubt others have stressed the incidental ways in which passes involve women in special inconvenience. From time to time one hears of a woman being locked up for the night in a police cell because she had not got her pass. In many ways, passes seem inevitably to bring with them harsh treatment and indignities. But my main objection to passes for women is that they are part of a much wider evil policy.

D. M. Gardner

Priest in Charge of the District of St. Cyprian's, Langa.

The Roman Catholic Church

THE dignity and worth of the individual person requires that his labour cannot be treated as a mere commodity. When an employer hires a man, he hires his person, and that person's responsibility to his family.

That is why we have to condemn the system of migratory labour as it is practised in South Africa with its almost enforced separation of husband and father from his family for long stretches. If South Africa needs the labour of the African then it must provide for him to live as a family man during his employment.

That means decent housing, reasonable access to work, sufficient amenities. This responsibility falls on industry and commerce, local government as well as the central authority, on all who benefit by that person's labour.

There is, too, a further responsibility. The worker must give his share, his full response to his work.

The Most Rev. Owen McCann

Archbishop of Cape Town.

National Council of Women

"The National Council of Women of South Africa requests the Government to repeal the relevant sections of the Natives (Abolition of Passes and Co-ordination of Documents) Act, No. 67 of 1952 as amended, and the Natives (Urban Areas) Consolidation Act, No. 25 of 1945, as amended, whereby African women are required to carry reference books and/or permits; in view of the discontent caused by the disruption of family life consequent upon unnecessary imprisonment for technical infringements of these Acts, and the 'endorsement out' of urban areas of African women under influx control regulations."

—Resolution passed by N.C.W.S.A. Conference at Rustenburg in April, 1958.

A Letter to the "Star"

IT is an illusion to suppose that the migration of Africans to the towns can be prevented by pass laws. Nothing whatsoever will be achieved by extending the pass laws to African women.

What about the immigrants that flowed into Johannesburg at the rate of 1,000 a month without being subjected to pass control?

Whose jobs are at stake anyway? The Government has already reserved certain jobs for certain races in a number of secondary industries.

What consultation do you suggest? Our leaders (not Government servants and the like) are being labelled as "inciters", "agitators" and "Communists". All constitutional avenues of consultation are closed to us.

Forty-five years ago, when the then Government tried to force African women to carry passes, exactly the same types of mass trial took place and there was the same form of protest against the introduction of passes for African women.

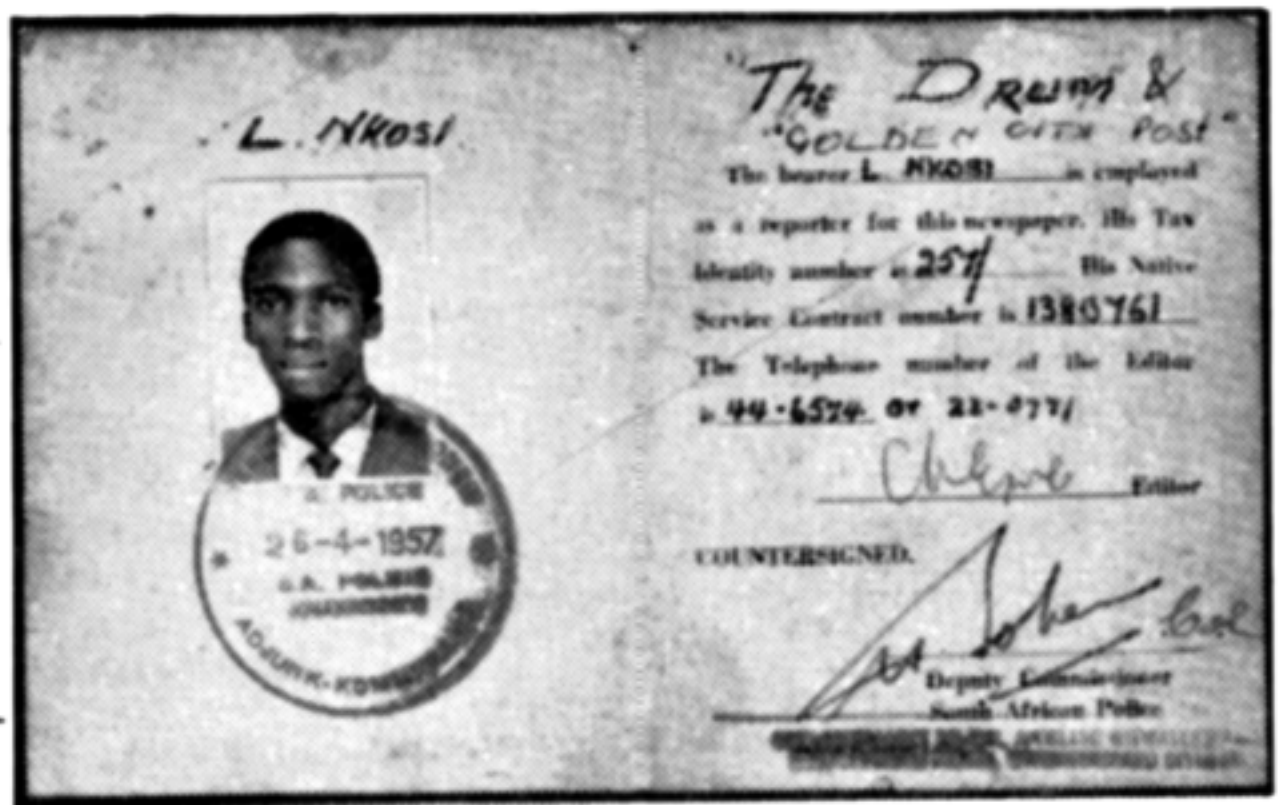
Mrs. V. Muthuri Hashe

I am a Reference Book!

BY

LEWIS NKOSI

The writer's press card — he is a reporter for *Drum* and *Golden City Post* — carries his identity number, service contract number and the telephone number of his editor.



THE headline in the paper said simply: "Two Men Die In Factory Blaze." But the full story of the two men who crept under the blazing factory walls to rescue their reference books is a terrifying one.

It tells — more eloquently than a dozen pages of angry propaganda — the tragedy of people whose life — whose very right to exist — is documented down to a series of entries in a book.

It takes guts for any man to rush into a blazing house to rescue a baby. But it is not heroism — and certainly nothing like bravado — that can make a man go to his death in an attempt to save a Pass Book.

The motive is simply FEAR — the realisation of what his life will be worth without a reference book.

For a reference book has ceased to be a mere form of identification. It is interchangeable with the man himself.

At times one is forced to the conclusion that the man himself has less dignity, has less claim to official recognition, than the book.

This rubber-stamp mentality reduces us to the level of mere entries in a book — denied the official right to exist unless we can produce documentary proof.

It has become a kind of Frankenstein monster for the people who created it. It has become the **MASTER** of the **CIVIL SERVANTS**, who have developed a psychological complex about reference

books. Try to talk to them without one, and they become baffled and frustrated.

Maybe at the post offices and the banks of the country they need this kind of documentary proof. But if I try to produce a Press card which has all the relevant facts needed for identification, the clerk smiles helpfully and insists on the production of a reference book.

I do not live apart from my own reference book any more. In fact I have decided I AM THE REFERENCE BOOK!

It stands for my personality. It delineates my character. It defines the extent of my freedom.

Whenever I see a police constable looking at me, the lifting of his eyes is at once adequate to make me understand that my right to walk the streets, to be seen in a White area, even to confront my White fellow being with the sheer physical fact of my existence is now being called into question.

And the only answer equally adequate is the production of a reference book.

My reference book has assumed greater importance than I can ever have. It has become my face.

What began as a system purporting to smooth my efforts to earn a living and move about with sufficient proof of my claim to the citizenship of this country, has now completely subordinated me.

As long as this is the case, obviously more of us will die in hellfires in future, groping for our reference books. **Our Souls!**

— Condensed from *Golden City Post*.

The Sash Campaign Against Passes

THE Cape Association to Abolish Passes for African Women was started by the Black Sash Cape Western region as an *ad hoc* committee in association with the African National Congress Women's League, the Anglican Church Mothers' Union, Cape Town Branch of N.C.W., the Society of Friends and the Federation of South African Women in August, 1957.

Its purpose was to work for the abolition of passes for African women because investigations revealed that the application of these laws would destroy the family life of Africans, cause more hardship and generally result in the demoralisation of the African people.

It undertook the organisation of a joint protest meeting which was attended by many hundreds of white and African women. Since then it has been collecting evidence for submission to the Secretary for Native Affairs to show that the present laws cannot be executed without the gravest hardship and injustices.

At the beginning of 1959 the N.C.W., Society of Friends and Anglican Church Mothers' Union found it necessary to withdraw, but their places on C.A.T.A.P.A.W. were taken by the Civil Rights League and Institute of Race Relations.

C.A.T.A.P.A.W. has sent deputations to the Chief Native Commissioner to acquaint him with the difficulties which face the African women.

It is also trying to arrange for the services of prisoners' friends and legal aid officers to be made available to the victims of the pass laws.

It hopes to achieve its purpose by —

- Making the public aware of the difficulties with which African women are faced through the application of these laws.
- Persuading the Government to abolish the existing laws.

INTERPRETERS NEEDED

A BLACK SASH office has now been established where case work will be done in connection with the bail fund.

It is hoped that African interpreters will volunteer their services.

Address: 2 Tigne Place, Mowbray, on the Klipfontein Road.

BAIL FUND AND LEGAL AID

FOR AFRICAN WOMEN ARRESTED

THE Black Sash aims to uphold the civil rights and liberties of all South Africans and was, therefore, distressed when it learnt that many African women were being arrested under the pass laws. They did not know about their bail rights or lacked the necessary money, and after appearing in Court were being convicted for offences of which some of them were not even guilty.

The Sash therefore decided to assist women who were victims of the pass laws.

An appeal for money for a bail fund was made and within a very short time over £200 had been collected. This money is not donated to the Sash; it is given only as an interest-free loan.

In addition, the Chairman of the Cape Bar Council was asked for permission to have a panel of young barristers who would appear *pro amico* for African women who might be "not guilty" of Pass Law offences for which they had been arrested.

Members of the Black Sash have asked women in African Churches and other organisations to inform their friends of the Bail Fund services and in this way the Sash hopes to alleviate the hardships of those affected by pass laws for African women.

The Farm Labour Scheme

BLACK SASH women of the Southern Transvaal Region recently demanded and secured the release of three "voluntary" farm labourers who wished to "terminate their employment".

Sashers acted on appeals from relatives of the men concerned.

It is alleged that on certain farms in the Transvaal workers are forcibly detained and harshly treated. Many of these workers are men who accepted "employment" on the farms in lieu of fines or imprisonment for offences against the pass laws.

The Black Sash is pleased to note that the farm labour system has been suspended and that it is under official investigation.

A BRAINS TRUST

on

PASS LAWS

BEFORE an enthusiastic audience, a Black Sash "brains trust" pooled ideas on the subject of the pass laws in St. Saviour's Hall, Claremont, on June 9.

Mr. A. Gordon Bagnall was the able and witty question master.

Members of the team were: Mr. Donald Molteno, Q.C., president of the Institute of Race Relations; Mr. Tulani Gcabashe, a senior student at the University of Cape Town; Dr. H. J. Simons, senior lecturer in Native Law and Administration at the University of Cape Town, who is also well known as a sociologist; and Mr. B. R. van Wyk, a Nationalist and a leading member of the Cape Parliamentary Debating Society.

Before the brains trust began, Dr. Simons gave the facts of the pass laws and their effect on the Africans.

Some of the questions and the summarised replies are given below.

★

Is the right to move freely in one's own country a basic human right?

Mr. Molteno: "Yes." In no country is a right of free movement accorded to aliens. Because the African is a Union national according to legislation, and therefore not an alien, he ought to be accorded this basic human right.

Mr. Van Wyk: "Theoretically this is correct. But you must be more practical about it. You must ask yourself the question: is it not in the interests of the people themselves to restrict their movements? There is no necessity to restrict the movement of Europeans because they can cause no problems by moving. But for the Bantu, restriction is in his own interests, on account of the great numbers. There is not enough housing and work for Bantu people to be allowed to move into urban areas, unrestricted. As industrial development takes place, more Africans will be allowed to go into these areas."

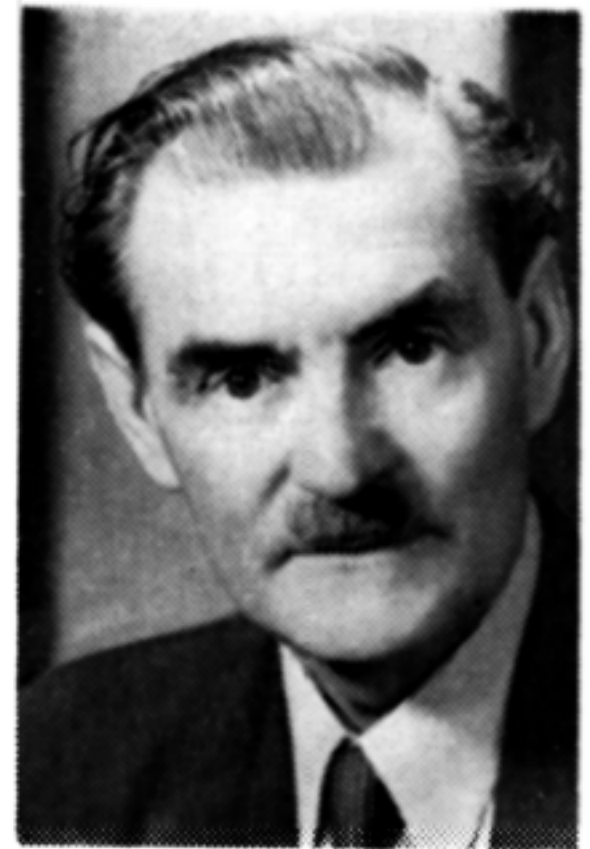
★

Question Master

A. Gordon Bagnall

★

—Courtesy
Cape Times.



Is it a denial of a basic human right to prevent African men from having their legal wives with them?

Mr. Van Wyk: This is a good thing [to allow their legal wives to be with them], if it is possible. But the African in the urban area does not generally earn enough to provide a healthy home for his family. We must provide for them to live like human beings first. (Cries of: "Why don't you do it?" from the audience.)

Mr. Gcabashe: In reply to Mr. Van Wyk's statement that the African had not the means was it not a fact that if he was unable to have a family in an urban area the position would be the same in the reserves? If one took Mr. Van Wyk's statement to its logical conclusion it would appear that the African was not to have a family at all.

★

Have the restrictions helped to counter crime?

Mr. Molteno: The way to combat crime is to improve social and economic conditions. Where you have slums you have crime. The pass laws restrict the opportunity of the African people to earn more; they are therefore contributing to conditions of poverty, hence deprivation, and hence crime. So the pass law system helps to promote crime. The pass laws cannot be enforced without wholesale gaoling of people, otherwise law-abiding, for technical offences. They meet people who are real criminals — and they learn some of the tricks of the trade.

Dr. Simons: The argument put forward for passes was that they were a means of identification. But did this stop crime? There were 2,000 deaths a year due to murders or crimes of violence — an average of six a day. In Britain murders totalled one fortieth of the number in South Africa, although Britain had a population nearly four times greater than ours.

It was said that we should remember the tribal African among us. But in traditional tribal society unlawful killings within a tribe were uncommon. The Transkei for many years had the lowest incidence of crime. Not many people realized that we lived in one of the most unlawful and violent societies on the earth's surface. The pass laws definitely did not stop crime.

★

Is control of African influx into urban areas necessary in order to protect the wage standards of the established African population in these areas?

Mr. Van Wyk: "No. It has nothing to do with wages. It is a question of supply and demand. Unrestricted influx will bring about tremendous unemployment problems—and crime will be the first thing to increase. Influx will not lower wages, but will cause these unemployment problems."

Dr. Simons: "Since influx control has been operating, there has been no relative increase in African wages. The gap between the European wage and the African wage is widening. The available evidence shows that the African is getting poorer all the time. Controls have no effect in protecting the Africans in the towns."

Mr. Molteno: "The only way to protect wage levels is by means of minimum wage legislation and conceding full rights of collective bargaining to the workers—something which is denied by law to the Africans. I would like to know how the unemployed African is better off when he is chased back to where he came from."

★

Do problems such as housing shortages and public health make uncontrolled influx into the towns undesirable?

Mr. Van Wyk: "Can a man be happy if his family lives in bad conditions . . . can he put his soul into his work if he is worrying about where his family is to sleep that night? If we allow Africans to come into the cities we must provide housing for them. While we cannot provide enough, we should restrict their influx."

Mr. Gcabashe: "It appears we presuppose here that in the reserves the Africans are well provided with houses. In the reserves the position is just as hopeless. This is really a national problem, not something which can be solved by restricting certain groups from entering the towns."

Mr. Molteno: It is not possible to limit the population of any town to the extent of the housing available. You cannot solve the housing problem by chasing away the homeless. Nevertheless, influx control of Africans has never been on the basis of available housing . . . there have always been four to five times more Africans than can be accommodated in houses. If influx were limited according to available housing, then it would mean the dismantling of great sections of commerce and

industry. To say that housing is the deciding factor is wrong and hypocritical.

Mr. Van Wyk: "I disagree with Mr. Gcabashe, who says that the African housing in the reserves is bad. The Natives may build houses in the reserves in a primitive way, but they are hygienic."

Mr. Gcabashe: "In the reserves there are big families living in one rondavel. This is not healthy. Is it logical that it is bad in the towns but good in the reserves to have eight in a room?"

★

What would happen if there were no influx control, and are there ways of controlling people's movements without unjust discrimination?

Mr. Molteno: "If there were free entry, the tendency would be for Africans to establish themselves on a permanent basis, together with their families. As local labour needs were satisfied, the influx would gradually come to an end in that particular area. The problem is economic and social, and requires to be dealt with by economic and social means and not by administrative and police means."

Mr. Gcabashe: "If control was lifted, we would not expect everyone suddenly to be perfectly happy. But it would alleviate a lot of unnecessary hardship; it would reduce the numbers of those going to gaol for technical offences; it would reduce the forced farm labour that is going on today."

Dr. Simons: "The effects of lifting control would hardly be noticeable; the changes would be gradual. (Because the laws were ineffective.) One result would be that many Europeans would have to find other jobs (because of the great bureaucracy that has been built up to enforce the laws); and there would be more room in the gaols. But I do not think there will be a huge increase in the urban population. The growth of African urban-dwellers has been an integral part of the growth of industry and agriculture. If it is desired to limit influx, there is only one way to do it: make it possible for Africans to produce independently as farmers or in industries in other areas."

Mr. Van Wyk: "I cannot accept that it (lifting of control) will not make much difference in the towns. There is a strong tendency for Africans to go to urban areas, therefore influx control is necessary. If the Africans from the Native areas are allowed to come to Cape Town in their thousands, what about the Coloured people, who live here and are part and parcel of Cape Town? They cannot be moved. They must be protected. The Coloured unskilled worker cannot compete with the African, because the African receives a lower salary."

At the end of the meeting Mr. Van Wyk thanked the audience for the way in which it had listened to his arguments. He asked that such meetings might be held more frequently so that different viewpoints might be expressed, and offered to speak again at Brains Trusts sponsored by the Black Sash.

“WHY WE DON'T WANT PASSES”

I HAVE read a number of newspapers, especially the readers' views columns of the *Star* and *Rand Daily Mail*, about the issuing of passes to African women and many words have been written about this. What African women feel about this can be very shortly said: African women do not want passes. This is a fact. We are afraid we, too, will be manhandled by the police. We are afraid of being subject to all the pass laws that keep our husbands, sons and brothers unhappy day and night.

The police listen to no explanations when they raid. If they want a pass or permit and you put your hand into the right pocket, forgetting the pass is in your left pocket, they often hardly wait for you to change your hand from the one pocket to the other.

No Mercy

Permit raids have been taking place every night in Johannesburg's Western Areas. Women have been arrested in their nightgowns, dragged from under the blankets and from their beds, old women, sick women and mothers of young, crying children. It has all along been bad enough for our children to watch their fathers being arrested and taken away in the middle of the night, before their eyes. When women have to carry passes they will see fathers and mothers taken from them, and which policeman will make time to listen to women explaining that this child is breast-fed and can't be left alone, or that one is sick, or the eldest in this family is still too small to be left to look after the youngest? When you protest or try to explain to the police they say "The law is the law" and we know only too well what the pass law means.

The Government says over and over again that the passes are to help with the identification of women in cases of accident. But how many African pass-bearing men who have met with accidents "benefit" from this so-called advantage of the pass system? The authorities never take the trouble to notify their family or relatives. I can quote a very recent case of my own father who on November 5 was knocked down by a car on his way from work. At the time of the accident, which we later discovered took place in Durban Street, Johannesburg, he had all his papers, and his green pass book on him. He was knocked



—By BERTHA THAGE—

down by a hit-and-run motorist and was taken to Baragwanath Hospital with a fractured neck. Now, though this happened on November 5, I found my father only on the 14th after I had checked personally at all the hospitals on the Reef, at the Fort and the Boksburg and Germiston jails, and at many police stations, including those of Doornfontein (the area where the accident occurred), Jeppe, Booysens, Regents Park and Fordsburg. I even went to the Native Commissioners of Germiston and Johannesburg and asked their help in tracing my father. One said, "Put it in the *Bantu World*", and the other advised, "Go to the *Star* and *Rand Daily Mail* offices!" Eventually I traced my father to a ward of the Baragwanath Hospital. Here was a man who had his pass on him, and if this is so useful for identity purposes, why did the authorities who removed him to the hospital not report the accident to his family or employer?

This again is not just one case. Every hospital, police station and jail I visited had a long queue of women hunting for their husbands or sons.

So we simply do not believe this story that the pass system is to help us out.

Our own lives have given us a very good idea of what the pass system will be used for. For the pass is only the start of it all. At back of the pass book is the Urban Areas Act and all its restrictions on living in the cities, finding work of our choice, moving freely about, getting homes in the townships, and living a decent family life.

Those who support passes say they are necessary to control us and, above all, to put a stop to the activities of domestic servants who take jobs one day and flee out the back door with the household spoons

The Sash Saves a Home

ON WEDNESDAY, 30th October, 1958, the Black Sash were able to bring together a husband and wife whom the law had separated for three long years. But for the gifted advocate briefed by the Sash, Eugenia and Birthwell Mzanai would almost certainly have been prosecuted and separated again.

Eugenia and Birthwell were married in Maclear in 1955, and shortly afterwards he returned to his work in Cape Town while she remained behind.

In August, 1958, she decided to leave the Transkei in order to be with her husband. She feared she would not get permission to be with her husband and so she came without a permit. She was therefore arrested when the police raided her husband's home one night. Like so many others, when asked for her permit she tried to pretend she was "coloured" because coloured women do not need permits to be in Cape Town.

In court this pretence did not hold up proceedings long. It was accepted that she was an African, and no one found it remarkable that she had resorted to this stratagem in order to evade these inhuman laws which apply only to African women.

No Home

Our counsel pointed out that this couple, legally married, had no home except his home here. He quoted cases in Britain and South Africa, and submitted that if a couple who are married meet again, for however short a time, provided that their intention is to set up home together, they establish the state of marriage once again and that it is this intention which is more important than the period of time they spend together. He submitted that the laws were "surely made to support the reliable and hard working".

Since 1942, when Birthwell had first settled at the Cape, he had never been before the courts or been in any trouble with the police.

The public prosecutor established that she had no written permission to come to Cape Town and declared that her husband could not claim fifteen years'

uninterrupted employment in the area, to give them exemption under the Act.

On the morning of the 30th October we sat in a car discussing last-minute arrangements and trying to comfort Eugenia. A very solemn Birthwell remarked that he had the fine in his pocket, and we told Eugenia of the 20s. worth of groceries that C.A.F.D.A. would supply if she had to be sent back to the Transkei.

While Eugenia stood motionless and uncomprehending in the dock for over an hour and a half, counsel submitted that Birthwell qualified for exemption, since the only period during which he was not registered at Langa between 1942 and 1958 was August 1st, 1951, to November 12th, 1951. During that time he had been employed in a home in Sea Point, from where he left of his own accord to take up his present job. Before 1952 the onus of registering employment lay on the employer, and because she had not done this, it did not mean that Birthwell was "unlawfully residing" here.

The Public Prosecutor, when asked if he had anything further to say, said he had no doubt that given time he would find something to establish his belief that the husband was not residing lawfully in Cape Town for that period.

Appreciation

In summing up, the magistrate expressed his appreciation to the advocate for the time and trouble he had spent on all the aspects of the case.

He continued that on the face of it Birthwell's residence in Cape Town did not appear lawful throughout the period, but that counsel had shown that it was so and that provided that Birthwell had not been in prison for six months or subject to a fine of £50 during the period, he qualified under Section 15 1 (b) of the Act.

It was only when we were outside that Eugenia understood the one thing that matters in her life — that she will now be one of the few privileged African women in the Cape who is allowed to remain with her husband.

WHY WE DON'T WANT PASSES — Continued

and linen the next. Of course there are thieves (as in every community), but how many honest people are there not for every law-breaker? Why must all African women be subject to raids and arrest and heavy fines for petty infringements of a petty law just to "control" a small minority of bad eggs? The European people would never let themselves be penalised as a community for the acts of a small group of wrongdoers, and we feel the same way about it.

In any case, the pass laws seem a strange way of controlling crime, because as far back as we can

remember the pass laws have been tightened up, yet crime is said to be getting worse and worse. Perhaps, after all, this is not the way to tackle crime.

There are very many other reasons why African women are so bitterly against passes. We know we are to be taxed soon, for the first time in the history of the Union, and pass books and the taxation system will go hand in hand. Every day in the cities we see lines of our men handcuffed together as they wait to be driven to the jails and police stations. Are we to see rows of handcuffed women too? We dread this. We haven't the money to pay the fines. Our hearts bleed for our children. . . .

SASHERS IN ACTION

A day at Langa and Nyanga

WHEN is a wife not a wife? When she is black and separated from her husband by the pass laws. This we Black Sash observers learnt when we began to attend sittings at the Langa court.

Before we entered the court we saw rows and rows of men and women, patiently waiting for their passes or permits to be signed, or for an extension to be granted, or a doctor's certificate stating that the person required regular medical treatment at a hospital or clinic, to be passed. The little black children play around, as accustomed to the scene as our children are to their own neat gardens; some of the babies wail and are fed; others, a little older, play in the sand. . . .

Once we entered the courthouse we were horrified to see the number of men and women on trial simply because they did not have the correct piece of paper—the bewilderment and confusion of these people was so apparent that it was decided that the Black Sash had to do something tangible to help them to find bail for their defence against the Pass Laws. It was then that the Bail Fund was established.

Night in Cells

Many of the women who appeared in court had had to spend the whole night in the cells—leaving their small children to the care of neighbours. They had been arrested because they had left their passes inside their houses while hanging up the washing, or borrowing a cup of milk from the neighbour. We were told that even if they pleaded with the police to allow them to fetch their passes from the house, they were not allowed to do so and were jailed until the next session of court began.

Small wonder some of the women looked angry.

Case after case appeared before the magistrate—£1 or 14 days, £5 or one month . . . and so it went on. The magistrate, we felt, did not enjoy his work at all, and tried in many cases to help the people concerned. But the law is inflexible and “justice” must run its course.

One case was that of Mr. X, who had been ill and unable to have his pass renewed in time. He appeared in court, was fined and then went to join the ever-growing queue to have his pass extended. If he was lucky, he would be seen by the officials on the same day, otherwise he would be given a ticket to say that he had had a place in the queue and could take that place the next day. The complaints of the employers are many, when their maids go off to Langa to renew their passes—but we saw the truth of their patiently reiterated reply, “Madam,

we had to wait so long.” So although the stamping of a permit or endorsing out takes up but a minute of the official's time, the number in the queue is great and the wait is very long.

Bailed out

Then there was Bellina Motseka, who had been arrested for being without a pass—she was bailed out with the Sash fund and next day in court pleaded guilty and was fined. Also we met Deborah and Grace—both had been arrested; Grace paid the fine, but Deborah had spent the night in the cells. Both have been endorsed out of the area, and must return to the reserves. These are but a few of the typical cases heard every day at Langa.

And it is not the worst of it—there was one case won for an African woman by a wide-awake young lawyer. When she left the courthouse the public prosecutor said audibly that had he not been on holiday and had more time to read the case history he would have got her on some point or other. There are few laws and by-laws that do not trap most African people some time or another.

There was the woman who came to Cape Town to bury her son. Bereft and bewildered she had been arrested as she came from the station. She is legally allowed in the area for 72 hours, but the onus to prove this to the police is on her. She came up in court—old, sad and quivering with fear.

The attitude of the police is at times difficult to understand. They appear quite amazed that Africans should desire a normal home life at all. One was heard to shout at a woman who had had the temerity to want to live with her husband. “Don't you know you are not allowed to sleep with your husband?” And so the bachelor quarters at Langa are filled not with unmarried men, but with men whose wives and families are in the reserves.

Extra Money

Some women, like Mrs. Mtizi, come to the towns to be with their husbands and to earn a little extra money to help those in the reserves. Her relatives care for her children—most African women do not live with their husbands and children at the same time. She left behind her mainly women—women who live like men, rearing their families single-handed, waiting for news and partial support from their husbands; they sow and reap the crops year after year, they educate their children as best they can, they nurse their sick children and often bury them without the comfort of their husbands' presence.

We realised at Langa and also afterwards when we followed up some cases to help get proof that some husbands had worked in Cape Town for the requisite fifteen years, that the laws and regulations in the towns are so many that there are very few Africans who are not affected by them.

The Black Sash had also drawn up questionnaires, which their members had handed out to the women of the locations — as many as they could, and these questionnaires were to be used as proof to show the Minister of Native Affairs how great was the suffering under these laws. At the beginning of our visits these mornings left us hurt and bruised; we are no less hurt, but determined to carry on. From the officials themselves we have met with courtesy and kindness, and one receives the impression that they don't relish their jobs.

Another person we contacted because she had applied for bail, lived in the depths of Windermere in a rusty pondokkie, neatly papered with Lux advertisements and brown paper. Within minutes of realising that we were sympathetic and there to help her, we were surrounded by people — bewildered, resentful and questioning.

All asked the same questions — how could they stay in the area? How could they get a job? What would the man at Langa say? . . .

“TRANSKEI WIDOWHOOD”

WE first met Barbara on a trip to Nyanga to hand out the C.A.T.A.P.A.W. questionnaire. She told us she had no pass and was desperately afraid she would be arrested.

We took down details and said we would write to her. The following week a phone call from a friend told us that Barbara had been arrested and was at the police station. The friend was very distressed and begged us to bail her out. We dashed out at once.

At the police station we found there wasn't a bail form in the place. We sat and waited till they were fetched.

Meanwhile Barbara's child began to cry. The crying got on the policeman's nerves, and he yelled at Barbara to keep the child quiet. Barbara was reduced to tears and the whole office was in chaos by the time we had the forms filled in.

We found a barrister to defend her and when her case came up in due course it was disposed of within minutes, the magistrate agreeing that Barbara could have a permit at once as she would in any case have qualified to reside in Cape Town within a few months.

The whole case took up a great deal of energy and time, rent slips had to be checked, and as it is not possible to phone, each new query necessitated a visit to Nyanga.

But the Sash learnt a tremendous amount about the effects of the pass laws, and we were happy to have saved Barbara from becoming just another “Transkei widow”.

Then we met a highly respected, well-educated African man, who had been allowed to settle here with his family. However, when his daughter married a man whose birthplace had been the reserves, she was endorsed out of the town and had to go to a place that was utterly strange to her and live among people she had never known, as her husband's parents had long since died. She has no choice.

Scar Grown Deeper

When these people we have met feel confident that we are their friends and not their enemies, when they see our real and deep concern for them, they begin to talk — and to offer us the hospitality of their homes — but with all gestures and overtures of friendship there remains a scar which grows deeper and bigger every day, between Mrs. Mtizi and Mrs. Smith; the hatred and suspicion that grows more frightening with every new stamp put upon a piece of paper called a pass, with every child who wakes at night in fear of the young policemen who come on the pass raids, with every young wife separated from her husband, with the children of the reserves who grow to manhood hardly knowing the father who is but a provider and lives in town . . . For all this hate and all this fear there is but one cure — the total abolition of the pass laws.

DENIED MOTHERHOOD

IN the West Cape an African woman wanted to have a baby. She told a Black Sasher that her husband had made a special trip home to the Reserves for a month some time ago, but she had failed to conceive.

He could not afford to leave his work again for another trip back to the Reserves and it was becoming an urgent problem to them, as it is considered a disgrace for a married African woman to be childless.

She therefore came to Cape Town on a permit to have herself examined at a hospital. After several visits the hospital authorities said that there was nothing wrong with either her or her husband. She was then presented with a form which bore the laconic instruction that given time to cohabit she would conceive.

Extended Permit

The City extended the permit for another month, and she obtained a job as a domestic servant. Her mistress was pleased with her and interceded on her behalf, but the officials remained adamant.

She could stay no longer, even though in steady employment, as she had not come here originally on a permit to seek work, they said.

A Black Sasher asked a leader of the Dutch Reformed Church to intercede. He said he was unable to help although he realised that the result of Government policy was to deny the Church's first instruction for marriage — the procreation of children.

OUR SUMMING UP

NO Government measure has brought so much hardship and suffering to the people of South Africa, and placed such a strain on race relations, as the imposition of passes on the African women. In the space of the last year alone, attempts to get the women to take out the so-called "reference books" have resulted in loss of life, destruction of property, slaughtering of cattle, the break-up of tribal communities, the flight of refugees to neighbouring territories, repeated bloody clashes between the people and the police, and the arrest and imprisonment of thousands of women who have in one way or another tried to express their opposition to the extension to them of the hated pass laws.

Race Discrimination

The Government claims that the issue of the pass books to women is necessary for identification, and that the burden imposed on the African woman is no greater than that resting on European women who will have to carry identification cards under the Population Registration Act.

But no White woman has yet been imprisoned for not carrying her identification card. No White person has been forcibly removed from the place she has lived in all her life—just because she did not have the appropriate book or card.

And no Government in this country would ever dare to suggest that such things should take place.

Some say that passes are necessary to prevent vagrancy and to compel Africans to work. But elsewhere vagrancy and laziness tend to disappear with settled, prosperous conditions. There is no reason why they should not do so here also.

Some say that passes are necessary to prevent a flood of Africans from swamping the cities. But when the poor whites flooded into the cities in the twenties and thirties—did anyone ever propose that they carry passes?

Some say that passes are necessary for the control of crime. But this argument only has to be stated for its stupidity to become obvious. Passes do not suppress crime: they create criminals. 337,604 people were convicted for pass and allied offences in 1956—nearly a quarter of the immense total of one and a quarter million people sentenced by the courts in that year—one in four! In any case—criminals carry forged passes!

The issue of reference books to African women makes them subject to pass laws on the same basis

as their menfolk. The right to work, the right to move freely, the right to remain in an urban area, the very right to love and marry and found a family—all these basic human rights are thrown overboard.

The true reason for these laws is that the pass system is devised to "keep the kaffir in his place". It is designed to keep Africans in their place geographically, socially and economically.

The geographical place can be defined as "near enough to be able to do useful, underpaid work, and far enough not to destroy the illusion that South Africa is a white man's country."

Human Misery

The social place can be defined as "below the situation of the most inferior white man."

Economically, Professor Hoernle has called their place—"basically, a determination that cheap labour shall always be available, and that white shall always be master."

The Archbishop of Cape Town, the Most Rev. Joost de Blank, has confessed that it was the human misery wreaked by the system of permits for women as he saw it operating in Windermere which first forced him to cry out against the evil of apartheid as applied in practice. No Christian, he said, can remain silent in the face of injustice. No one can sanction laws which have the effect of destroying family life.

Work for a
JUST SOCIETY
Through the **BLACK SASH**

Enrol Your Friends NOW !

Write to the Secretary of your local office
or The Black Sash, Estella House,
47a Main Road, Claremont, Cape.