

GRAHAMSTOWN ADVICE OFFICE

(under the auspices of the Black Sash and the
S.A. Institute of Race Relations)

REPORT FOR THE PERIOD OF 1 JUNE TO 10 DECEMBER 1977

Office Hours Saturday 8.30 a.m. to 12.30 p.m.

Attendance record

	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Old cases	44	65	67	76	59	49	26
New cases	13	23	44	33	32	28	22
Total interviews	57	88	111	109	91	77	48

Analysis of interviews for this period

	Total	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
<u>Labour</u>	<u>62</u>							
Dismissals	27	6	8	-	3	6	1	3
Retrenchment	2	-	-	1	1	-	-	-
Gratuity/Pension	16	2	4	1	3	-	3	3
Holiday pay	9	6	-	1	1	-	1	-
Other	8	2	-	3	4	5	2	-
<u>Pensions</u>	<u>207</u>							
OAP	53	1	12	17	12	7	4	-
Disability grant	55	5	8	11	12	10	6	3
Foster care grant	32	1	2	8	7	9	4	-
Maintenance grant	51	-	2	10	12	11	11	5
Other	16	-	2	3	4	5	2	-
UIF	115	15	18	18	22	14	16	12
Poor relief	10	-	4	3	3	-	-	-
Domestic workers	21	1	3	-	6	5	2	4
Hire purchase	3	-	1	-	-	1	1	-
Marital non-support	22	1	7	3	3	4	3	1
Workmen's compensation	18	4	1	2	2	3	4	2
Housing	10	3	1	-	3	2	-	1
Identity documents	4	-	2	1	-	-	-	1
Education	17	1	5	3	2	1	5	-
Damages - for support of illegitimate child	11	-	2	1	3	3	2	-
Divorce	5	-	1	4	-	-	-	-
Medical	7	-	2	2	-	-	1	2
Legal	27	3	1	4	7	5	2	5
Residence	21	3	-	2	5	4	1	1
Property disputes	22	9	2	7	2	1	1	-
Rent arrears/eviction	18	-	-	9	1	3	5	-
Other	33	1	6	8	3	3	6	6

As the Grahamstown Advice Office ends its fifth year of operation we wonder what 1978 will hold in store for our black and white community. The general election has come and gone and the last 'Settler outpost' in the Eastern Cape has fallen to the Nationalists. It was not surprising but it does not augur well for the future. An electorate which could vote for the National Party while reading the daily reports of the Biko inquest; an electorate which could accept the Government announcement that the Fingo Villagers were to be finally disinherited and moved during the new year without protest; an electorate which seems to be totally unaware of the growing anger and impatience in the Black community; an electorate which does not seem disturbed by bannings and detentions, seems to be an electorate which believes that might is right. And even more disturbing, there seems to be a willingness and an eagerness to test that might in confrontation. As Sheena put it in a letter to me - forward together over the edge of the precipice.

In this situation how does one rate the effectiveness of the Advice Office? What counts as success? The fact that you have managed to prod a firm into obtaining a UIF card for an ex-employee? The fact that you have managed to stave off an eviction order? On one hand, assessment is impossible. On the other hand we are thankful every time one person is helped, but the awareness that what we do is minute in relation to the hardships created by our social system, remains with us. But we keep on trying because the system will change.

Housing There is still a chronic shortage of houses and housing problems would probably be brought to us much more often if they were not so obviously insoluble. Some land has been made available to Fingo Village title deed holders, but this will not alleviate the problem. Many title deed holders are living in substantially built houses with no desire to move. They are going to be forced to move and to build new houses on the compensation given them by the Government. Compensation that will not necessarily cover the cost of building an equivalent dwelling.

Land is available for housing but the Government is not prepared to appropriate it for housing the black community. Our community must be uprooted to satisfy an ideology. As one Government official said - Mrs Moulder, the problem is not a housing shortage - we just have too many blacks in Grahamstown.

Pensions The withdrawal of 315 pensions in Grahamstown earlier this year is being documented and the report will be circulated when it is complete.

Domestic workers Domestic workers in Grahamstown are as a whole the most exploited group of workers. Dismissal is usually with immediate effect. They do not receive pay in lieu of notice and holiday pay is not even considered. Minimum wage legislation is not the answer because the minimum would be so as to be ineffective. But something must be done to protect this group of workers from the following experience:

Ms D. was employed by a family living in Grahamstown. She had worked for Mrs H. for a period of three years and her salary was R31 p.m. She was dismissed because she was "hopeless". Dismissal was with immediate effect.

We phoned Mrs H. to ask whether she would consider paying Ms D. notice money. She said she was not prepared to. She felt she was well within her rights because Ms D. had broken her "contract". According to Mrs H. Ms D. was an unsatisfactory "girl" and told us the following to substantiate her claim:

Mrs H. had gone out one cold wet afternoon leaving the children in Ms D.'s care. When she came home she found that Ms D. had allowed the children to play outside and they had got wet. The children developed colds and a doctor was sent for and he prescribed medication. Mrs H. deducted the doctor's bill from Ms D.'s salary because she claimed Ms D. had been negligent and irresponsible in allowing the children to play outside.

A rape In August this year a woman came into the office and told us her 18-year-old daughter had been raped in February. The young girl had been seen by the District Surgeon the following day and he told her to go and lay a charge of rape against the man. They did this but after six months the mother came to us for help.

The police were helpful but explained that they had difficulty in finding the man even though they knew his identity. Whenever they managed to locate him he was warned by someone before the police could arrest him. The police suggested that a relationship existed between the girl and the boy. We questioned the mother about this and she strongly denied that a relationship existed between her daughter and the young man. We asked to see her daughter and although she was afraid she was absolutely sure that the young man was not her 'boyfriend'. We then decided to arrange an interview with the investigating officers, Mrs L., her daughter, and an Advice Office worker.

During the interview it became apparent that the police were confusing this particular rape case with another. This was confirmed by a black policeman who had been involved in the investigation. Once the misunderstanding was cleared up Mrs L. felt satisfied that the culprit would be punished. When the case came to court the young man was sentenced to six years' imprisonment.

Since then the young girl has given birth to a baby girl and we are trying to obtain a maintenance grant for the child.

UIF The register is being administered in a satisfactory way in Grahamstown. Confusion now arises because people are asked to do the initial registration on days when the register is not signed. Workers applying for benefits often misunderstand and interpret this request as a refusal to allow them to sign the register. A visit to the BAC's office with the workers concerned manages to clear up the misunderstanding. But the problems of the delays in paying the benefits is not so easily dealt with.

The delays are often caused by incorrect and/or insufficient information being given to the Labour Department by employers. And then there is the problem of employers not applying for cards for their workers until they are requested to do so.

Mr M. came to the Advice Office after he had been signing the register for four months. We contacted the Labour Department in Port Elizabeth who told us that Mr M. was entitled to benefits but that these could not be paid until they had traced the employer and the spelling of his name on the claim form was corrected.

The Advice Office agreed to see to both matters. Correcting the spelling of Mr M.'s name was easy, but tracing the employer was not. After many telephone calls we eventually discovered that the firm Mr M. had worked for had changed its name. The manager of the old firm had taken ill and the new manager was having difficulty sorting out all the administration. One of the things that had been neglected was notifying the Labour Department of the change of name of the firm.

This information was relayed to the Labour Department who assured us that Mr M. would receive his benefits within the next few days. Instead Mr M. received a letter saying he was not entitled to benefits at all! After further correspondence between the Advice Office and the Labour Department Mr M. eventually received his benefits on 23 November. He had been signing the register since March.

School disturbances On Thursday 5 October at about 10 a.m. the students at the Nathaniel Nyaluza High School started to walk in procession objecting to Bantu Education. They were all arrested and within hours were being tried in the courtyard of the local police station. We managed to obtain the services of a lawyer to appear for the students and he arrived at the police station at about 2.30 p.m., as the Public Prosecutor was addressing the court on the question of sentence. All the cases were then held over and the counsel was briefed.

Over a hundred students were arrested but the police were reported to have released all students under 16 years of age. 62 students pleaded guilty and 5 not guilty. Charges against 4 of these students were withdrawn and the fifth student's case was remanded until 11 October. He was refused bail.

Because the Advice Office could not handle the cost of the case we appealed to the SA Council of Churches to take care of the defence costs. Substantial contributions were made by the Black and White community to help cover costs.

What follows is a summary of a report submitted to the SACC.

The students who pleaded guilty were tried in three separate groups and the court was held in camera because many of the students were juveniles.

On Friday 7 October both the State and Counsel addressed the court on the matter of sentence. The magistrate indicated he was not in a position to deliver judgement until Tuesday 10 October - Monday being a public holiday. All cases were remanded until the 11 October. Counsel asked for bail but this was refused on the grounds of public safety over the long weekend.

The following sentences were passed on 10 October:

- 1 Moderate correction of two cuts on those male accused who were 15 years old. Five received this sentence.

- 2 Moderate correction of two cuts on those male accused who were 15 years old. 29 received this sentence.
- 3 Moderate correction of five cuts on those accused who were over 16 years old but under 21 years old. 36 received this sentence.
- 4 Fines of R30.00 or sixty days, or R40.00 or fifty days, depending on personal circumstances, were imposed upon those male accused over 21 years of age. Three men over 21 paid a fine of R30.00 or sixty days; and two men, also over 21, paid a fine of R40.00 or fifty days.
- 5 Postponed sentences of three years were imposed upon girls who were under 16 years old. Eight women had their sentences postponed.
- 6 Fines of R15.00 or thirty days were imposed on girls who were over 16 years old. 24 women paid the fine of R15.00 or thirty days.

Immediately after they had been punished 8 students, male and female, were detained by the Security Police in terms of Section 22 of the General Law Amendment Act. These students have since all been released.

On Tuesday 11 October the trial of McGlory Speckman took place. He is a theological candidate of the Grahamstown Diocese of the Church of the Province. In spite of a formidable line-up of State witnesses, the District Commandant, two Majors in the South African Police Force and a Sergeant, he was acquitted. He was immediately detained under Section 22 of the General Law Amendment Act. He is still in detention in Grahamstown. At present he is being held under the Internal Security Act and we have been told that he will be held in detention until August 1978.

The unrest spread to the Junior Schools and more trials and detentions followed. Some students were defended when they appeared in court; others were not as fortunate. In some cases when students were represented charges against the students were withdrawn.

The schools were eventually closed and although students were told they could write the end of the year examinations without threat of intimidation from 'outsiders' many of the students did not write.

The question of what sort of education is going to be offered to Black South Africans is going to be with us for some time. And in the light of this, one is doubly thankful that SACHED and Turret College are offering an alternative system of education to those who are studying by correspondence. Students will be prepared for the English G.C.E. examinations and UNISA have agreed to admit students who have passed this examination on condition that they have written and passed English Language as one of their subjects.

This is my last report for sometime as I will be living in Durban during 1978. When we open on 21 January Rosemary van Wyk Smith and Kathleen Satchwell will be directing the work of the Advice Office. My thanks to all the workers and especially to Mary Kota our interpreter and friend for the incredible amount of work and time they have been prepared to put into the Advice Office.

SHIRLEY MOULDER