

Population - ~~4~~ Registration

1982 — 1983 AUGUST.

238

IMMORALITY ACT NEWS 222 IN 1979 AND 55 IN FIRST HALF OF 1981

SINCE Prime Minister P W Botha amazed South Africa three years ago by saying the Immorality Act could not be regarded as a holy cow and he would not tolerate laws that insulted people, prosecutions against lovers across the colour line dropped dramatically.

But indications are that prosecutions are increasing. From the beginning of 1981 until the April General Election only nine cases under the Immorality Act came before Johannesburg courts.

The total convictions under the act for the first six months of 1981 was 55. In 1980 98 people were convicted and 222 people were convicted in 1979.

In keeping with a trend that emerged in the second half of 1981 two Immorality Act cases were heard in Johannesburg in the week before courts went into recess for Christmas.

In the first a young Soweto musician and his White female manager were charged after a neighbour complained she had seen the two embracing at the manager's home in Crown Mines.

When police raided her home late that night the woman was fully clothed and the musician was hiding — clothed — in a cupboard, apparently because he

Mixed sex convictions creeping up again

BY CHARLENE BELTRAMO

fear he was arrested for sleeping at the home of a friend in a White area.

In the second case a British immigrant living in Roo-depoort and a young Indian woman were charged.

During October, when churches led by the Presbyterians, incurred Government wrath by pledging to marry mixed couples, these were some of the cases heard in Johannesburg.

● A 19-year-old domestic servant and her 58-year-old White employer were convicted by a Johannesburg magistrate of contravening the Immorality Act.

She received a six-month sentence and he a year's sentence. Both were suspended for five years.

● A White Johannesburg businessman and a Black woman were convicted under the Immorality Act of performing an indecent act in a parked car in Birdhaven.

They were sentenced to three months, conditionally suspended for three years.

● A 48-year-old Greek woman and a 29-year-old Black man in Pretoria were sentenced to six months jail without the option of a fine or suspended sentence.

At 12.30am two policemen banged on the door of the flat the woman shared with her 23-year-old son.

The police methodically searched the flat and found the Black man wearing nightclothes hiding in the son's cupboard.

They felt the woman's bed, which was apparently warm on both sides, and then took hair samples from the sheets. Experts identified the hair samples as being from a Black person.

The woman's evidence that the man, who had worked for her for some years, was sleeping in the passage because he had problems with his pass, was rejected.

Three years ago the Prime Minister referred to the Immorality Act as "an insulting law".

Some legal academics are scathing in their interpretation of Government contrariness with this law — and whether or not it will be followed by a vicious clamp-down similar to the Group Areas Act.

"Paralysed, the Nationalist Government cannot move forward," said Professor Willem Kleyhans, head of the department of political science at the University of South Africa.

"In an attempt to fulfil election promises by moving back to identity with traditional policy, P W Botha is ensuring that neither the verligtes nor verkramptes trust his promises."

"Mr Botha created unfounded expectations which can never be realised by the creation of the President's Council."

"On one hand the Government drastically cut down on prosecutions for sex across the colour line under the Immorality Act then on the other threaten to evict 8 000 to 10 000 Coloured and Indian people living in Hill-

● In 1979 the Prime Minister promised to look into 'insulting' laws

brow by tightening the Group Areas Act."

Prof Kleyhans said it appeared the Government had in the past decided to focus less on the Immorality Act by cutting back on prosecutions and warning individuals in many cases that their activities had been noted and they would be prosecuted if they did not desist.

"Only in extreme cases were there prosecutions. The aim was two-fold — to prevent the South African Government from being embarrassed by negative world opinion and to create the impression that these activities did not take place as often as in the past."

Certainly prosecutions for sex across the colour line dropped during the past three years.

From 1950 to 1978 10 000 people were convicted for sex across the colour bar.

In 1979, at the Cape National Party congress, Mr Botha became the first Nationalist Prime Minister to question the validity of the two acts — the Mixed Marriages Act and the Immorality Act — that make love across the colour line a crime.

At the time Mr Botha told delegates to the congress that no act could be regarded as a "sacred cow" and he would not tolerate laws on the statute books that insulted people.

He gave Biblical examples of mixed marriages. Although he said mixed marriages were, for practical reasons, undesirable, he said the Government would welcome suggestions about improving the Acts.

The Press and an astonished Opposition hailed Mr Botha's speech.

238

EVENING POST, MONDAY, JANUARY 4, 1982

Immorality prosecutions appear to be on increase

Post Correspondent

JOHANNESBURG — Since Prime Minister P W Botha amazed South Africa three years ago by saying the Immorality Act could not be regarded as a "holy cow" and he would not tolerate laws that insulted people, prosecutions against lovers across the colour line dropped dramatically.

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When police raided her home late that night the woman was fully clothed and the musician was hiding — clothed — in a cupboard, apparently because he feared being arrested for sleeping at the home of a friend in a white area.

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"On one hand the Government drastically cut down on prosecutions for sex across the colour line under the Immorality Act then, and on the other, threaten to evict 8 000 to 10 000 coloured and Indian people living in Hillbrow by tightening the Group Areas Act."

Prof Kleynhans said it appeared the Government had in the past decided to

focus less on the Immorality Act by cutting back on prosecutions and warning individuals in many cases that their activities had been noted and they would be prosecuted if they did not desist.

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THE PRESS AND AN ASTONISHED OPPOSITION HAILED MR BOTHA'S SPEECH

'Surprise' for police — couple weren't in bed

238

27/1/82

Argus Correspondent
JOHANNESBURG. — Police were surprised not to find a couple in bed when they raided a house in Crown Mines where they expected to find immorality taking place, a police constable told a Johannesburg magistrate today.

Constable Mark Venter was giving evidence at the trial of Miss Vivian Silvia Epstein, 23, of Crown Mines, and a Malopoets music group guitarist, Mr Abraham Lluze Mahlobo, 27, of Soweto.

They have pleaded not guilty to two counts of conspiring to contravene the Immorality Act.

MANAGER

Miss Epstein was described as the manager of the Malopoets.

Constable Venter was being cross-examined by Mr D. Kuny, for the defence, and said the police had received a report from a neighbour of Miss Epstein, Miss Sarah van Vuuren, and went to the house on September 17 'looking for two people of different races making love'.

He added 'We were surprised to find them not in bed together.'

'IN UNDERPANTS'

Earlier evidence, by Constable Peter Johnstone, was that he found Miss Epstein dressed but barefoot and Mr Mahlobo hiding in a wardrobe wearing only underpants.

'We would not have arrested Mr Mahlobo had it not been that he was dressed only in his underpants in the room with Miss Epstein,' said Constable Venter.

He would not have regarded it as unlawful if the police had found Mr Mahlobo fully dressed in the room.

'BED UNMADE'

When he entered the room he saw Miss Epstein sitting on a bed fully clothed and Mr Mahlobo standing in the room in only his underpants.

The bed was unmade and the bedclothes untidy. There were two dents in the two pillows, which showed two people had slept in the bed.

(Proceeding)

S. Post 23/1/82

Influx control may apply to all races

By BRIAN POTTINGER
Political Correspondent

CAPE TOWN — The Government is considering introducing legislation during the coming parliamentary session that will theoretically extend the same form of influx control to all South Africans — irrespective of race

The Bill — a result of recommendations by the Riekert Commission — will be handled by Mr Chris Heunis, the Minister of Internal Affairs, because of its relevance to all race groups

It is understood the proposed legislation will be drafted in the same "colour-blind" fashion as the recent and generally welcomed labour legislation

The move to extend, in principle, the same form of influx control to all race groups — until now the bitterly-hated "pass" system has been applicable to blacks only — is likely to come under fire from both Left and Right

The intention of the Bill is apparently to give effect to numerous recent promises by Government spokesmen that influx control will be modified and discrimination eliminated where possible

The Government hopes that by making influx control applicable to all irrespective of race it will defuse the accusations of racial discrimination that have always been levelled at the Government for its pass laws

It is being pointed out that many Third World countries experiencing urbanisation, many of them at a slower rate than South Africa, have instituted some form of influx control

It is not clear whether the legislation will contain the same elements as existing influx control, including the

requirement to produce documents on demand, but it will be structured around the principles of linking influx with the availability of accommodation and jobs

The Riekert Report recommended in 1979 that control was socially necessary but should in principle apply to all population groups

It proposed a distinction between established workers of all race groups within an area and contract workers

The former group, said the report, should be free to change jobs within that area — in effect all urban areas. The other group would require permission to work in the urban areas which would be granted only if housing and a job offer were available

Critics of the idea from the Left will argue that such a scheme will simply increase an already ballooning bureaucracy and will in its implementation still weigh the heaviest and almost exclusively on black South Africans

There is also the factor that many South African blacks are considered "foreigners" from the independent homelands and will in any case still be subject to existing immigration legislation

From the Right the idea of whites subject to a control system in the same way as blacks is likely to spark fierce controversy

The proposed legislation is likely to be only part of a number of other pieces of legislation — nicknamed the "Koornhof Bills" — aimed at adjusting the web of laws governing the lives of blacks

It is understood one of the laws will seek to remove the function of influx control from the administration boards where it presently resides to make it a Central Government responsibility

Two acquitted of sex charges

(238)

By MIKE LOUW ROM 28/1/82

A MEMBER of a black music group and the group's woman manager were acquitted by a Johannesburg magistrate yesterday of charges of conspiring to contravene the Immorality Act

Miss Vivian Silvia Epstein, 23, of Crown Mines, and Mr Abbey Abraham Duze Mahlobo, 27, a guitarist of Zone 1, Diepkloof, near Soweto, pleaded not guilty before Mr P J van der Walt to two charges

Contradictory

Acquitting them, the magistrate found prosecution evidence given by two policemen and by Miss Epstein's neighbour, Mrs Sarah Susana van Vuuren, to be unsatisfactory and contradictory

The State alleged the couple committed the offences at Miss Epstein's home on September 17 and 18 last year

Neither gave evidence

Mr D Kony, for the defence, applied for their discharge, saying there was no need for them to testify because the State's witnesses had turned the trial into "a mess"

He said the State had failed to establish its case

Granting the application for acquittal, the magistrate said the neighbour, Mrs Van Vuuren, had telephoned the police about what was allegedly happening at Miss Epstein's home in Crown Mines, but later gave contradictory evidence which was not corroborated by other State witnesses

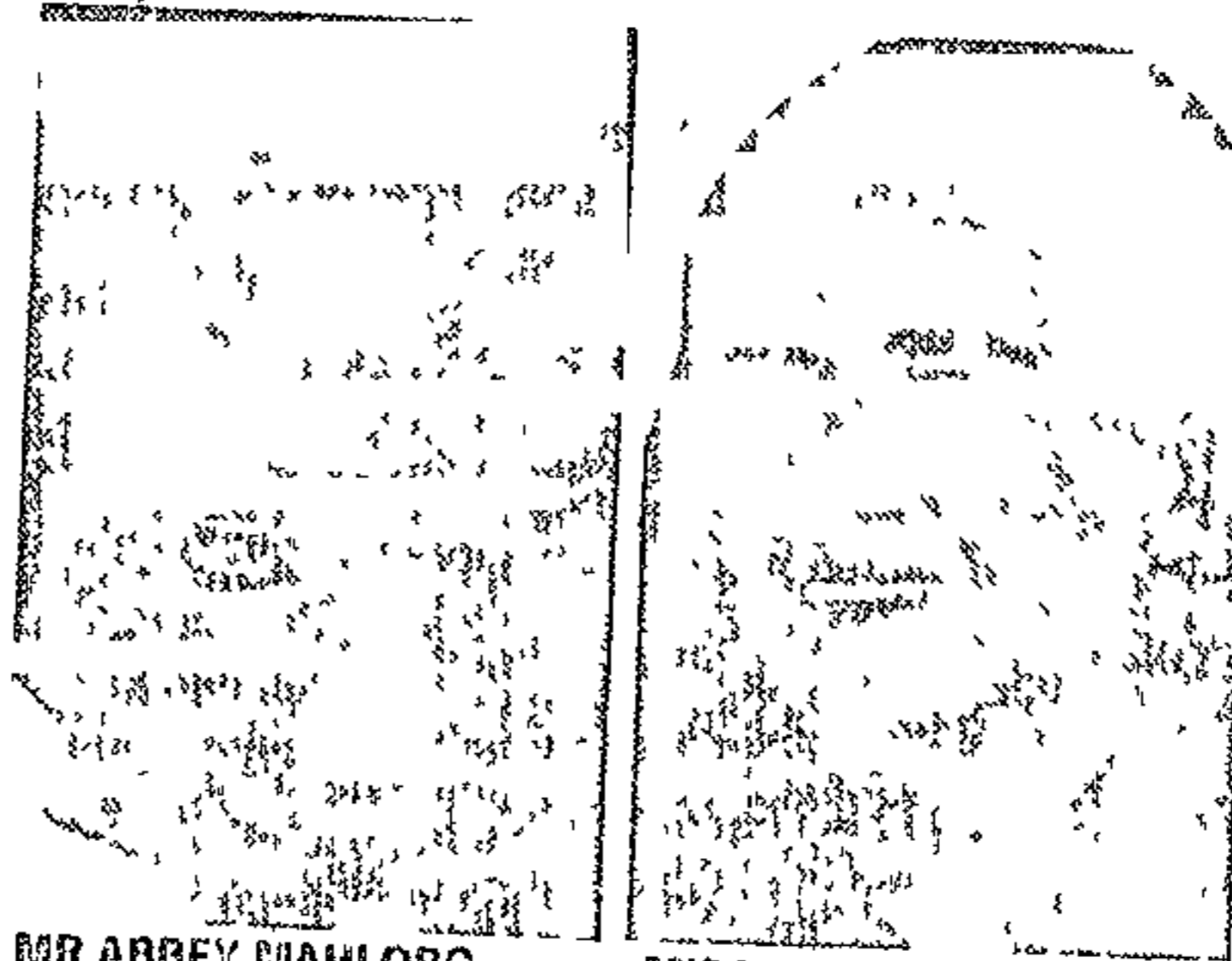
Mrs Van Vuuren had told the court she saw Miss Epstein and Mr Mahlobo and another mixed couple embracing in the backyard

She said she was shocked

She had told the court she later saw Mr Mahlobo and Miss Epstein through the window of a room in Miss Epstein's home. She said Mr Mahlobo was naked to the waist and Miss Epstein was wearing a bra

She said the couple then ducked out of sight. Constable Peter Johnston and Constable Mark Venter told the court they went to Miss Epstein's home on the night of September 12 and the next morning after reports from Mrs Van Vuuren

They said they found no-one there the first time that night. They returned about 1.30am the next morning when they found a backyard room locked



MR ABBEY MAHLOBO
Group's guitarist

MISS VIVIENNE EPSTEIN
Malopoets manager

They said the door was later unlocked and they found Miss Epstein sitting on a bed fully dressed, although she was not wearing shoes

They said Mr Mahlobo was wearing only his underpants

However, cross-examined by the defence, the constables said they in fact went to the house on the night of September 17 and the following morning

Arrested

They admitted they were mixed up about the dates the incidents were alleged to have happened

Const Venter said Mr Mahlobo was arrested because he was found with a white woman while wearing only his underpants

Mr Kony had earlier told the court that Mr Mahlobo and his group, the Malopoets, frequently visited their manager at home

Miss Epstein had offered to put Mr Mahlobo up for the night when he was unable to get a lift back to Soweto after performing in Johannesburg

It was arranged that Mr Mahlobo would sleep in an outside room, normally occupied by Miss Epstein and she would sleep in the main house

Mr Kony said police arrived after Miss Epstein had taken a cup of coffee to Mr Mahlobo

Police: Suspect led us to loot

By JOHN MILLER

THE Randburg Magistrate's Court heard yesterday how police were escorted to a hideaway flat where jewellery and Persian carpets, part of a R3-million theft, were stashed

A police officer was giving evidence at the trial of Mr Reginald de la Hunt, 32, of Crosby

Mr De La Hunt pleaded not guilty before Mr T Kleynhans to 10 charges of housebreaking, allegedly committed last year

Cupboard

Lieutenant J Pretorius from the Brixton murder and robbery squad said Mr De La Hunt was taken into custody on October 7 and after being questioned by the police he took them to his mother-in-law's flat at Alexander Court in Brixton

In the bedroom cupboard of the flat they found stolen Persian carpets worth R90 000

They also found a black leather bag which Mr De La Hunt said contained his personal belongings

Influence

Opening the bag, the police found jewellery, watches, two passports — Mr De La Hunt's and his wife's — and R12 270

In a statement read to the court, Mr De La Hunt said he had been under the influence of a man named Aubrey van der Wadt, 54, who was convicted on January 21 on four house-breaking charges relating to the same case

"He was like a father to me, and put me through school"

"He left the goods in my possession and because he was so good to me I did not want to disclose this to anyone I kept them for him I did not sell any of the goods"

The case continues today

Clayton file not closed

Crime Reporter

POLICE investigations into the murder of Johannesburg priest, Father Clayton Jackson, will continue until an inquest on his death is held

Fr Jackson

Child theft case woman in court

MISS Sussana van Wyngaardt, 27, who is alleged to have abducted a child to Vereeniging on January 5, appeared briefly in the Hillbrow Regional Court yesterday

She has pleaded not guilty to a charge of child theft

At a previous hearing Miss Van Wyngaardt told the court she thought she had been given the month-old girl by the child's mother, Mrs T Swart

She said she took the little girl, Colleen, and caught a train to Vereeniging where

Mail Reporter

she spent several days with some people she met at a Vereeniging hotel

During her time in Vereeniging she stayed up three nights and three days in the Vanderbijlpark Hospital looking after Colleen who had taken ill

Miss Van Wyngaardt was arrested in Vereeniging

She was warned to appear again on March 5

Sit-in for Dad

Bat man bites the dust

CHICAGO. — British rock singer Ozzy Osbourne, undergoing rabies treatment after he bit off the head of a bat, collapsed during a subsequent performance

It was apparently a reaction to the rabies serum, a doctor said

Osbourne was taken to a clinic in Champaign, Illinois, where he was treated and discharged

Osbourne bit the head off a bat during his act last week in Des Moines, Iowa

ITALIAN
LIMEN

Morals ^{Star} evidence ⁽²³⁸⁾ 'poor and ^{28/1/32} confused'

By Joe Openshaw

Because State evidence was meagre, poor and confused a Johannesburg Magistrate yesterday acquitted a 23-year-old Wits student and a Malopoets music group guitarist of Immorality Act offences

The couple, Miss Vivian Silvia Epstein, of Crown Mines and described as manager of the Malopoets group and Mr Abraham Luze Mahlolo, of Diepkloof, Soweto, faced two charges of conspiring to contravene the Immorality Act in September and both pleaded not guilty to both charges

Constable Mark Venter told the court that the police received a report from a neighbour of Miss Epstein's at Crown Mines, Mrs Sarah van Vuuren, and went to a house "look in" for two people of different races making love

DISCHARGED

"We were surprised not to find them in bed together," said Constable Venter, referring to Miss Epstein and Mr Mahlolo

Constable Peter Johnstone told the court that he found Miss Epstein in a room dressed but without shoes and Mr Mahlolo hiding in a wardrobe dressed only in his underpants

Applying for the discharge of the couple, Mr D Kuy said there had been the sad spectacle of two policemen

going along in the middle of the night expecting to find two people in bed together

"The light was on in the room, there were voices of people talking and the radio was playing. In any other country no conclusions would be drawn

CONFUSED

Giving judgment, the magistrate, Mr P J van der Wath, said the evidence given by Mrs van Vuuren had been confused and contradictory.

"Because it is clear from Constable Johnson's evidence that the two policemen had gone to the house and made the arrest and then got together and discussed the case, a big question mark must be placed on their evidence," said Mr van der Wath

In acquitting the couple, he agreed with Mr Kuy that the State evidence "was a mess"

MUSICIAN CLEARED OF IMMO

238
Soweto
28/1/82

A SOWETO guitarist of the well-known musical group Malopoets, Mr Abraham Abey Mahlobo (27) was yesterday acquitted in the Johannesburg Magistrate's Court of charges under the Immorality Act.

By NKOPANE MAKOBANE

He was found not guilty and discharged together with Ms Vivian Epstein (23) of Crown Mines on two counts of conspiring to contravene the Act.

Evidence before court was that the two were found by police in September when a house was raided at Crown Mines. This had followed complaints received from a neighbour, a Ms S van Vuuren.

When police arrived at the house, Mr Mahlobo hid in a wardrobe while dressed only in underpants because he realised he was in a white area, he said. Ms Epstein was fully clothed but bare-foot.

One of the police, Constable Mark Venter said when he entered the room he observed that the bed was unmade and the bed-clothes untidy. There were dents in the two pillows that showed two people had slept.

He told the court that

should they have found Mr Mahlobo fully clothed and visiting Ms Epstein, they would not have regarded it as unlawful.

In a statement read in an earlier hearing the two accused had said on that night Malopoets had played at a night club in Hillbrow and Mr Mahlobo had had no transport to go to Soweto.

Ms Epstein, the manager of the Malopoets, had offered to let him sleep at her home but in an outside room. She had decided to make coffee for both and brought it in the room and later police arrived.

In applying for the acquittal of his clients, Mr D Kuy said evidence before court was contradictory in that Constable Peter Johnstone had earlier said they went to the house on the night of either September 12 or 13

while Constable Venter said September 17 or 18.

He went on to say the conduct of police to go about at night to find out whether people were breaking the Immorality Act was unfortunate because the law had been created by the Government.

He said in other countries people found sitting together, playing music and one fully clothed would not suggest there was anything wrong. But in South Africa this led to suspicions that they were there for one reason — to commit an unlawful act.

He said the State evidence had failed to prove that there was even an attempt of preparation to act unlawfully. Also there was no shred of evidence given by the three to convict, because weighed together it left one in a "mess".

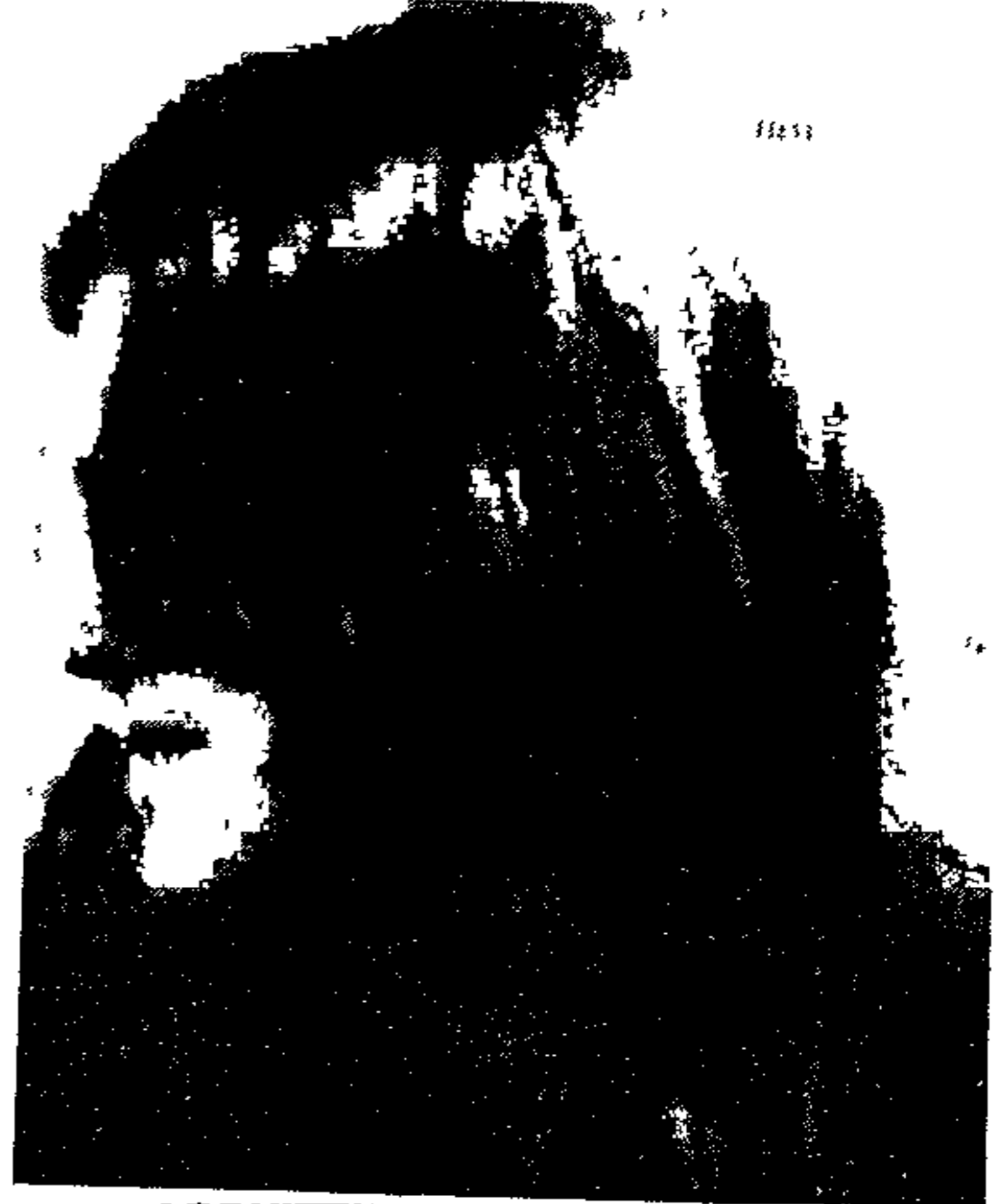
He described the evidence of the three as highly unsatisfactory, unacceptable, and contradictory.

In his judgement, the magistrate agreed with the argument of the defence and added that he also viewed some evidence of the witnesses as confusing, poor and unacceptable.

He said he found some of it should be rejected and ignored.



AQUITTED: Mr Abraham Mahlobo.



AQUITTED: Ms Vivian Epstein.

Coloured woman with a problem — she is no longer an Indian

E. Post 30/1/82

238

124

By CLIFF FOSTER

MRS Mavis Daya has lived in the Indian township of Malabar, Port Elizabeth, for more than 10 years — but now she needs a permit to live there

Unless she gets the permit — or gets herself reclassified — she cannot inherit the family home her husband left her in his will last year.

Mrs Daya was born a coloured, but when she married Indian taxi owner Mr Teikam Daya she was reclassified Indian

Her daughter grew up as an Indian and her grandchildren are also classified Indian

But when Mr Daya died last April, Mrs Daya's race group reverted to coloured

Now, to claim inheritance of the house in Ocean View Drive, Malabar, she must be given a special permit to live there or be reclassified Indian again.

If she fails in both bids she must sell the family home and move to a coloured township, leaving behind friends and neighbours, and a daughter and grandchildren who live nearby.

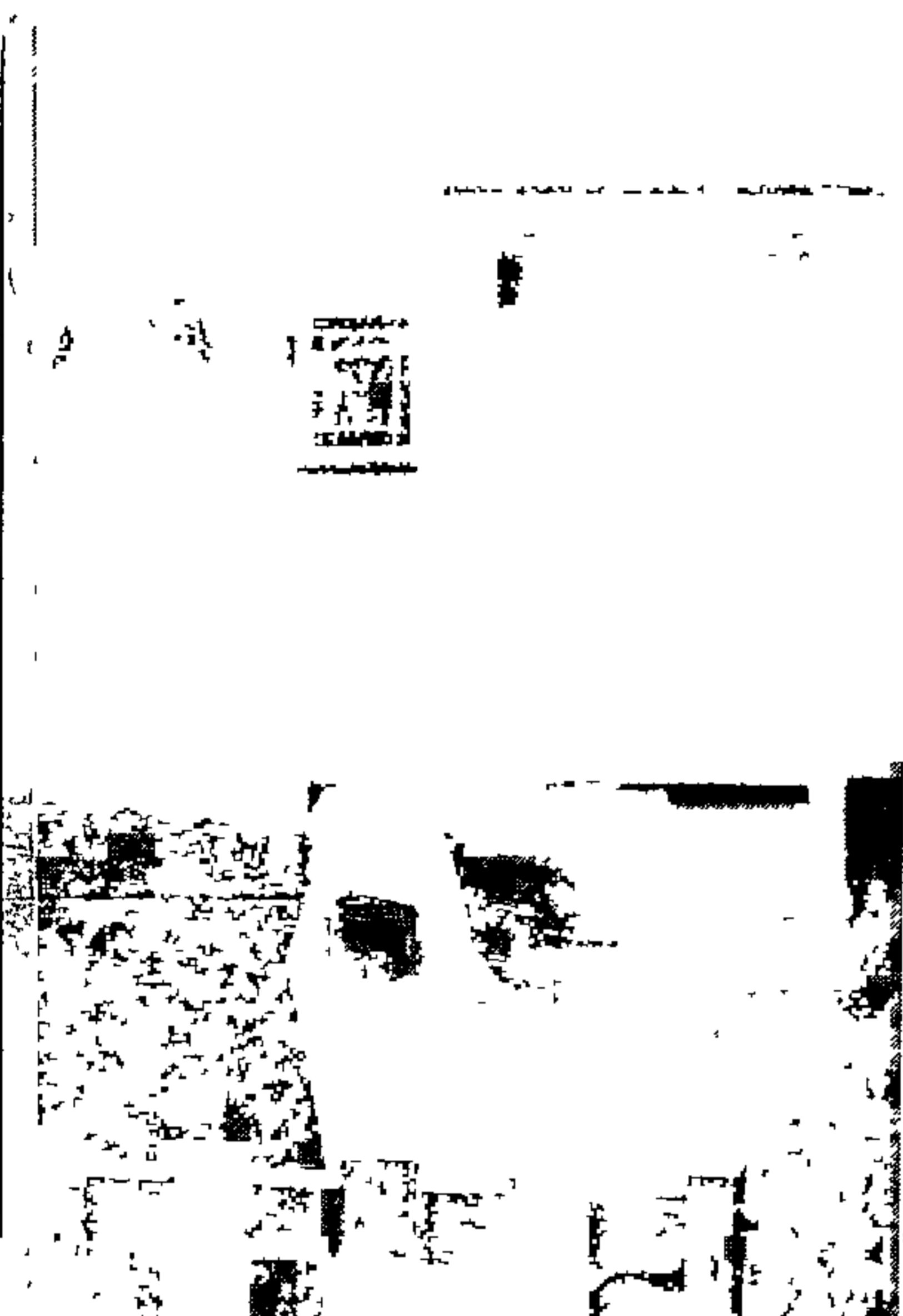
This week, the Indian Management Committee refused to approve a permit for her to live in Malabar — on the basis that the committee does not approve of permits in any form

The committee has no objection to Mrs Daya continuing to live there and Mr Raman Bhana, chairman of the committee, told Weekend Post "If Mrs Daya wants to seek reclassification I could assist her with her application."

Mrs Daya herself is puzzled by the predicament. At the moment she does not know exactly where she stands.

"The matter only cropped up when my lawyer set about transferring the house into my name. Then he found he could not transfer the house to a coloured and have a coloured person owning a house in Malabar"

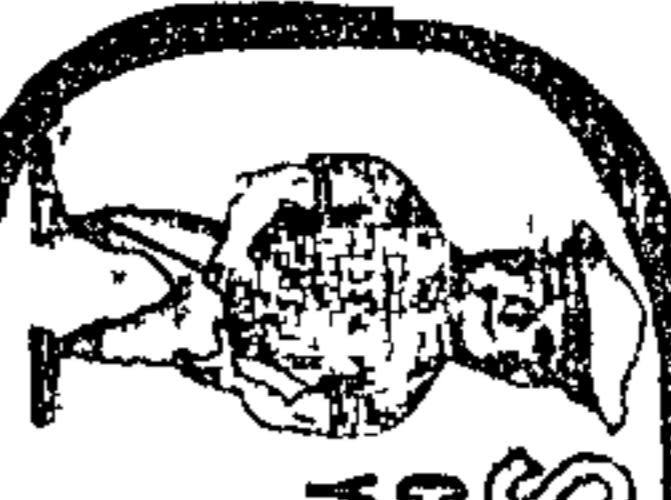
"There are a lot of coloured women married to Indian men and living in Malabar, but I think I am probably the first coloured widow there. I'm the guinea pig, so to speak"



Mrs. MAVIS DAYA, outside the family home she may not inherit without a permit.

- (vii) No price ceiling + exit hits the market from producers.
 - (viii) Tax
 - (ix) Limits in buyers + sellers
 - (x) Producers bearing the market. - Govt. P. can in future price.
 - (xi) Interference in market conditions. - no price determination
 - (xii) Product differentiation. Producers trying to split the market
 - (xiii) Price ceilings. or minimum price regulation.
 - (xiv) Monoplist can determine his own price.
 - (xv) Limits supply.
- ~~Get limited demand but own price by limiting supply~~
- Overage costs for monopolist decreasing.

228
13/2/82



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By NOREEN SUTCLIFFE

THE South African Indian Council is to consider petitioning the Government to suspend Group Areas Act provisions that oblige coloured women married to Indian men, who are then classified as Indian, being reclassified as coloured when they become widows.

Mr Raman Bhana, of Port Elizabeth, a member of the Executive Committee of the SAIC, has submitted an item for urgent consideration by the Executive Committee

Mr Bhana told Weekend Post he had made the representations following the call for assistance from scores of people who had married people of other race groups

He said the problem was highlighted in a report in the Weekend Post about Mrs Mavis Daya, who has lived in the Port Elizabeth Indian township of Malabar for more than 10 years but who cannot inherit the family home her husband left her in his will last year because she was born a coloured.

After the report appeared scores of people telephoned him seeking assistance because they had realised they faced similar problems

Bhana asks SA Indian Council to petition Govt over widow reclassified coloured

In his urgent application for the item to be considered at the Executive Committee's meeting on Wednesday, Mr Bhana said the social integration of races had resulted in Indian males marrying coloured females and vice versa

The situation, he said, was evident mainly in the Cape In South African law the wife and the children take the racial classification of her husband.

"But the Group Areas Act of 1966 makes it compulsory for a person or persons to become resident in a group area set aside for their occupation," Mr Bhana said. "In reality, therefore, the Indian husband with his 'coloured' wife and Indian children have become resident in an Indian group area

to her original identity and therefore becomes a displaced person in the Indian group area

"In most instances the coloured wife has been totally accepted by the community and even attends religious ceremonies but because of her new race classification she has to move with the Indian children to a coloured area

"This situation causes disruption within not only the family itself but the Indian community as a whole

"The children are caused immeasurable hardship, as they have to attend the Indian school but are not permitted to reside in the Indian group area.

"Second, their family and friends have become separated and quite often they lose that cultural contact

"Third, they have to become used to a new circle of

friends, culture, and environment, which is not psychologically advantageous to that person at all.

"The law, however, makes provision for a person to apply for reclassification but this procedure is a very tedious one and takes months to be concluded

"In the interim the family has to apply for a group areas permit to retain occupation, or be ejected from the area in which the children been born.

"It is therefore proposed that the Executive Committee make the necessary representations for people to obtain some form of relief from the Group Areas Act or the Population Registration Act so that a woman married to an Indian male is allowed to assume his identity.

"She should only have to report the marriage to the local office of the Department of the Interior so the necessary entries can be made in the Book of Life for her to become an Indian."

Mr Bhana said that when the case of Mrs Daya was first brought before the Indian Management Committee in Port Elizabeth, it had not refused the application for a permit to live in Malabar.

"We never condone permits. Even so a permit would not have helped Mrs Daya, it would only have given her legal occupation rights," he said

"She needs to be reclassified so she may inherit what is her right and what was bequeathed to her by her husband.

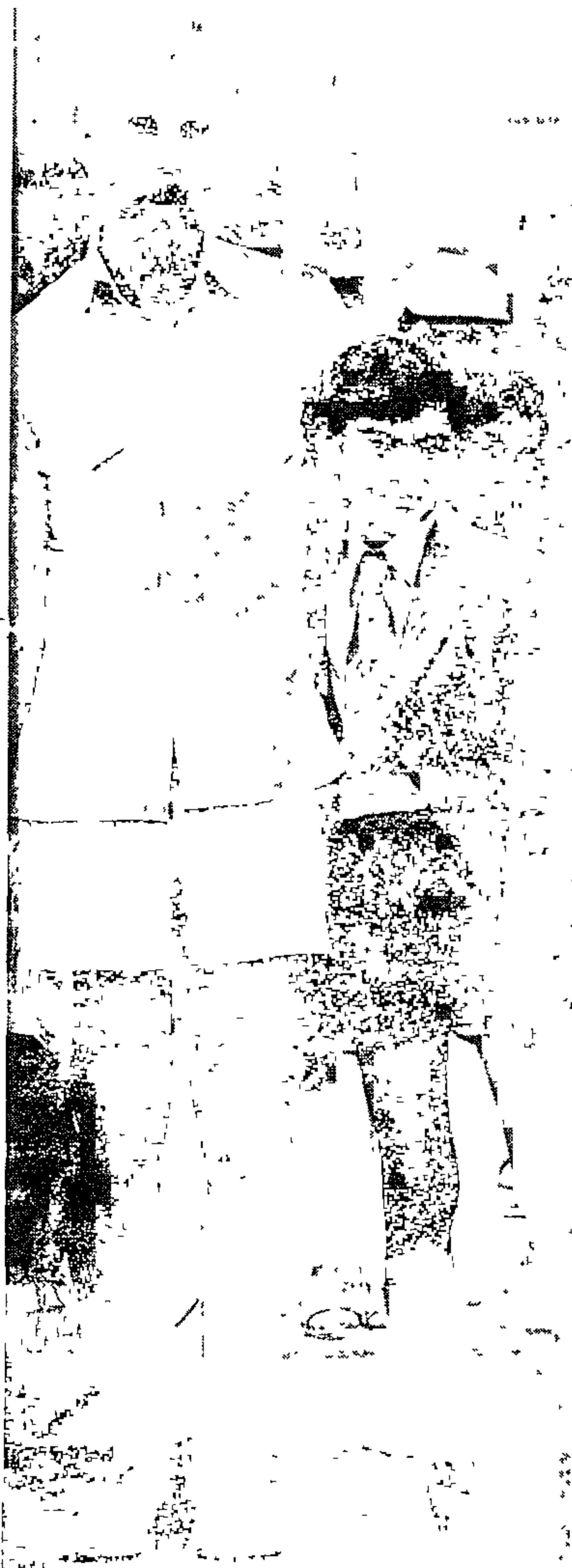
"I have now started the necessary proceedings for Mrs Daya to apply for reclassification as an Indian, and I feel quite confident the application will be successful

"I am also assisting scores of other people who face similar problems to apply for reclassification"

In the meantime, Mrs Daya, a popular and respected member of the Malabar community, is puzzled by her predicament and does not know where she stands.

Whiteley family back home in the

238 S. Express 28/2/82



● Ian Whiteley collects his elder son Raymond from his Pietersburg school.

IT TOOK Ian Whiteley and his wife, Shern, 12 years to find their nirvana — the state of perfect beatitude to which Buddhists aspire. Nirvana is also the name of the Indian area in Pietersburg where the Whiteley family live.

The Whiteleys are a South African enigma. Ian is white, Shern Indian — and for nearly five months they have lived together in one of the most conservative constituencies in South Africa with the permission of Prime Minister Mr P W Botha.

This week conservative Pietersburg MP Dr Willie Snyman joined Transvaal NP leader Dr Andries Treurnicht in his stand against power-sharing with coloureds and Indians but Ian is not interested in politics. "Discuss rugby with me and I'll talk all day."

And he says people of all colours stop him and his family — Shern and children Raymond, 10, and Derryck, five, in the street — to welcome them back to the northern Transvaal town which first persecuted them.

The welcome began the first time they went out publicly — to church — nearly five months ago. And while the Sunday Express was in Pietersburg this week the welcome continued.

The Whiteleys say they have had not a moment's unpleasantness in Pietersburg and they were willing to prove their acceptance by walking down one of the busier central Pietersburg streets arm-in-arm.

A police car was in the town street when we arrived. "Have we got our letter (from the Prime Minister)," asked Shern nervously.

"No," said Ian, climbing out of the car.

The family and photographer Horace Potter crossed the road to a busier pavement for the pictures.

The officer stayed in his car while Potter took the pictures. When the photographer passed the policeman to get another film, the policeman said, "Is that Mr Whiteley?"

When Horace said yes, the policeman smiled understandingly and waited until the family was well down the road before crossing the street to attend to his business.

While the Sunday Express was taking the pictures, people looked, but mainly at the photographer.

A 'bloukkie' walked straight past the couple and only turned to look — at the photographer when her partner pointed out that pictures were being taken.

Ian said people do look — but not as much or as maliciously as people in Britain or Norway — and far more South Africans accept the family than people overseas did, he said.

"Our fellow South Africans have never put us down," says Ian.

Report by GORDON EDDEY

But a final putdown in Britain forced Ian to ask Mr Botha if the family could return — a request he had made a number of times during 12 years overseas.

The final bid started when Shern was taking her children to school during the Toxeth race riots, near their Liverpool home.

A group of white thugs surrounded her, "Go home, Paki," said one

"I'm not a Paki. I'm a South African."

The thug then spat in her face.

That night she was in tears when Ian arrived home from work.

"It took me to come to England to be spat on by a white man," she cried and that spurred his last desperate plea. "Classify me coloured," he said in a letter to Mr Botha, "but let us return."



● Raymond Whiteley is only 10 but he already wants to be a Bok.



Come home was the reply, there is no need to re-classify.

Now nothing will separate Ian from the two most important things in his life — his family and his country, he said.

"We've tried the other side and it doesn't work." Ian and Shern left the

country 12 years ago after Ian had been acquitted on a charge under the Immorality Act. He spent three months in jail during the trial.

Ian, a storeman and former Permanent Force sailor, also kept up his other major interest — rugby. Both he and his son Raymond, 10, played rugby in Liverpool.

The club president said one day "Raymond has the

THE FAMILY HASN'T YET ENCOUNTERED EUROPEAN-STYLE RACISM

find nirvana platteland

238 S. Express
28/2/82



● The Whiteley family accepted on conservative Pietersburg streets. People who stared were more concerned by the camera.

● This is South Africa
mielies and a rugby ball. The Whiteleys are glad to be back after 12 years

Pictures by HORACE POTTER

makings of a young England player

"No," said Ian, "you mean a young Springbok"

And that is his greatest wish

There is no rugby at the school Raymond attends — only soccer. Ian is looking around for a local club, or school, where his youngster can play

Jan, 45, would also start a rugby club for coloureds and Indians in Pietersburg

but meanwhile is looking for a side he can play for

"I'll be very happy if I make the fourth team"

Is this the same kind of courage that made Ian love Sherin despite the Immorality Act and persecution?

"Do you need courage to love your wife?" asks the staunch South African

There has been change in South Africa, he says

"Just the fact that we are home proves that

"People have been wonderful. A builder has put all his workers on one of the 20 houses he is building to finish it for us

"People are people," he said "If you talk to them you will find you like them"

And in a book called 'People Only' that two publishers are considering Ian ends by saying

"Let's say a prayer for each other, because we are just people"

Improve your home . . .
with a

BURTIN BAR



(38) Immorality Act Q Co.
2/3/82 House no. 245-246
164 Mrs H SUZMAN asked the Minister of Justice

- (1) How many cases under section 16 of the Immorality Act were referred to each Attorney-General in the Republic in the second half of 1981,
- (2) how many of the persons concerned (a) were (i) prosecuted and (ii) convicted and (b) are still on trial or awaiting trial?

TUESDAY, 9 MARCH 1982

†Indicates translated version

For written reply

238 *9/3/82*
Reclassifications
Hansard Q. Col. 322-3
108 Mr R R HULLEY asked the Minister of Internal Affairs

Whether any reclassifications from one race group to another took place during the latest specified period of 12 months for

323

TUESDAY, 9 MARCH 1982

which figures are available, if so, how many in respect of each category of race reclassification?

The MINISTER OF INTERNAL AFFAIRS

Yes, the following reclassifications took place during the period January to December 1981—

Cape Coloured to White	558
White to Cape Coloured	15
Chinese to White	8
White to Chinese	7
Indian to White	1
White to Indian	3
Malay to White	6
White to Malay	2
Cape Coloured to Chinese	2
Chinese to Cape Coloured	1
Indian to Cape Coloured	40
Cape Coloured to Indian	20
Indian to Malay	21
Malay to Indian	13
Other Asian to Cape Coloured	2
Black to Cape Coloured	79
Cape Coloured to Black	8
Black to other Asian	4
Black to Indian	2
Black to Griqua	2

'I hated being white'

(238)

Sowetan

7/3/82



COLOURED: Dennis Mills.

"HOW CAN you cry over a lost pair of shoes when you have never worn them or even cared to know that the shoes are yours? I have never even regarded myself as a white man because I hated the idea of being white."

That statement came from a former white man now living in Eldorado Park after he was re-classified as Cape Coloured

"I did not even play with white children at school and white children called me a 'kaffer-boetie' because I was always in the company of black children and

even my lifestyle was more black than white," Mr Dennis Mills (40) told The SOWETAN in an interview

He said he was classified coloured on his own request, because since his youth, he has never liked the idea of being a white man

He said he spent the better part of his life in the company of blacks and when he was jailed for nine to fifteen years in 1976, prison life isolated him from blacks with whom he identified more than he did with whites

As a result, he applied to the Department of the Interior to be re-classified as a coloured Mr Mills said before

he was imprisoned for theft, he had been living illegally with a coloured woman for 12 years They were prevented by the law from getting married

But he started his new life as a coloured while in prison after his application was approved He said he was immediately transferred from the white section of the Pretoria Central Prison and sent to Witbank, where he shared cells with blacks

Mr Mills was released from prison on parole last week But he came out to a lonely life because his customary coloured wife, Elizabeth, was killed while he was in prison

Speaking in impeccable Zulu, sometimes mixed with Tsotsi-taal, Mr Mills said "Kusedladleni hierso" (this is my home) He showed me into his flat where he is now living with his two step-children, aged

24 and 23, and two grand-children, aged 10 and 8

He told me he does not feel by being classified coloured he is losing any of the privileges of being a white man because he has never enjoyed any of those privileges since he has always lived like a black man

In Parliament recently, figures were released showing more than 600 whites, coloureds, Indians, blacks, Chinese and Griquas had their races changed last year

Five hundred and fifty-eight Cape Coloureds were re-classified white, 15 whites were re-classified Cape Coloureds, eight Chinese became whites, seven whites became Chinese, one Indian became white, three whites became Indians and several blacks became coloureds and vice-versa

Changing to a darker shade

THAT a man who was born white can hate the colour of his skin to the extent of turning his back against his fellows and choose to live with blacks is an issue that would not make news headlines anywhere else in the world

But in South Africa the colour of a man's skin is of such paramount importance that it can determine your basic right of existence as a human being

Dennis Mills was born of an English-speaking family 40 years ago in Durban, where as a youth, he started showing strong inclinations towards black people. Though he attended a white school, he never had white friends and did not play with white children

Growing up on a farm, he hunted, fished and played with blacks. Not only did he learn to speak their language, but he learnt their life-style and he developed a stronger liking for them than for his own fellowmen

To him, life became what he saw through the eyes of a black man. Whites of his age group started shunning him and called him a "kafferboetie"

Dennis has lived in Alexandra Township for roughly 10 years, he spent another 12 years living with a coloured woman, Elizabeth, but they could not get married because of the laws of this country. When they met,

BY SAM MABE

Prison mates was unbearable for Dennis. To get away from it, he decided to apply for re-classification as a coloured

Although at first some white prison warders were opposed to what Dennis wanted to do, they could not stop him and in about two months his application was approved and he officially ceased to be white

By changing his race, Dennis denounced all privileges to which he would be entitled as a white person. These include the right to vote, reserved and plentiful job opportunities, higher wages, unrestricted freedom of movement and a host of other

social, economic, cultural and political freedoms which have always been a far cry to those who are not white

"But how can you cry over a lost pair of shoes when you have never worn the shoes or even cared to know that the shoes are yours?" he asked

I have never taken advantage of privileges of being white because I have always hated being white

In fact, comparatively speaking, I know so little about experience of being white that though I may look white, I don't think or do things the way they do. "I did not grow up leading a protected life like it happens with whites. My experiences are black and I feel

like being in a strange world when I am among whites. You see, I am so well known for instance in Alexandra that anybody in Alex who does not know Dennis, does not know Alexandra

"It's like when I was transferred from the Pretoria Central Prison to Witbank, where I started sharing cells with blacks. I was at home because I met most of my buddies there

"During my first days there, I sensed some hostility from the white warders but there was nothing they could do because it was official that I was not white anymore and they just had to accept me that way," he said

Dennis' cell mates called him "Mkhiz' omhlophe (white Mkhize). He speaks impeccable Zulu, which he often mixes with Tsotsi-taal. When I met Dennis

outside his two-bedroomed flat in Eldorado park I found his manners and the way he speaks and walks typical of many coloureds and blacks

He told me that when he got into a train from Witbank to Johannesburg after his release from prison last Friday he was app-

roached by a white policeman who questioned his presence in a black coach

After a lengthy explanation of his re-classification he was left alone. Being re-classified as coloured will save Dennis from prosecution for being found in coloured residential

areas or from being charged under the Immorality Act should he be found with a coloured woman

But there may be racial agonies to suffer in his lifetime, because to the black and the coloured communities, Dennis will always stick out like a sore thumb



CROSSED OVER: Mr Mills and the children of his adopted daughter, Raymond and Francis

Elizabeth had two children, a boy and a girl. Dennis accepted them as his step-children and they accepted him as their step-father

In 1976, he was jailed for nine to 15 years after being convicted for theft. While in Pretoria Central Prison, Elizabeth paid him visits. But because blacks and coloureds are not allowed to visit whites in prison, Dennis used to be transferred to the black section of the prison on visiting days, to allow Elizabeth to see him there

During the same year, Elizabeth was stabbed to death. Dennis was not allowed to attend her funeral

Prison life was not so pleasant for Dennis for it not only isolated him from society, but also from blacks and it forced him into closer contact with whites

The thought of spending between up to 15 years with white

~~177~~ 238
S. Post 20/3/82

Widow of Indian given permit to inherit her own home in Malabar

Weekend Post Reporter

Mrs MAVIS DAYA, the Indian's widow who could not inherit her own home in Malabar, Port Elizabeth, because she was born coloured, has now been given a permit to do so.

Mrs Daya's plight was featured in Weekend Post in January, when she faced the alternatives of being reclassified Indian (for the second time), obtaining a special permit to live in Malabar, or being forced to move into a coloured suburb

Mrs Daya was classified Indian when she married Indian taxi-owner Mr Teikam Daya but her race group reverted to coloured when her husband died

This week she was told that the Department of Community Development had granted her a permit to continue to live in Malabar

Mr Raman Bhana, Port Elizabeth member of the South African Indian Council, said he appreciated the "compassionate" attitude taken by the department. He said he was still going ahead with a reclassification application on behalf of Mrs Daya.

The Indian Council did not approve of the permit system and was seeking a repeal of the section of the Group Areas Act which had prevented Mrs Daya taking possession of the house when her husband died, he said.

THE MAN WHO WOULD BE COLOURED

Mills: 'Why I could never adapt to life as a white'

S. Ek/pers

238



● Dennis Mills reflects on the difficulties of his new life, having rejected the privileges that go with being white in South Africa to be with "his people" — his coloured step-family.

DEBRA CLEVELAND reports on the man who decided to change his race

FAIR, blue-eyed Dennis Mills qualifies for all the privileges of a white South African — but has rejected his white background to live as a coloured.

He was paroled from Witbank Prison — a jail for blacks — last week and now lives in Eldorado Park with his coloured step-family.

It was while he was serving an indeterminate sentence for a R30 theft that he applied for — and was granted — reclassification as a coloured.

This week, Mr Mills spoke for the first time of his upbringing as a white child and his ultimate rejection of his background.

He told the Sunday Express "I never regarded myself as white because I hated the idea of being white.

"I don't walk, talk or think like a white man because I've never thought of them as my people — I don't feel

at ease with them".

Mr Mills and his two sisters were raised in a rural area of northern Natal and, he said, he had preferred to play with Zulu children than with whites.

"I just didn't do the same things that the white children did and you can't take white children fishing and hunting and enjoy it as much as I did with my Zulu friends.

"But soon I couldn't have played with the whites even if I had wanted to — their mothers disapproved of my friends and forbade their children to associate with me.

"They thought I was a bad person".

It was precisely because he couldn't bear to be separated from his "own kind" — blacks and coloureds — that he applied to the Department of the Interior for reclassification as a Cape coloured while in Pretoria Central Prison in 1976.

The application was granted after "about a month".

And when it came through, the prison authorities said I couldn't stay with the white prisoners because I was no longer white — so they transferred me to the isolation wards for a couple of days".

He was then sent to Sonderwater Prison, returned to Pretoria Central and finally sent to Witbank.

He said "There were a lot of differences between the white and black prisons".

Sadly, the most important person in his life, his coloured wife Elizabeth, was not there to meet him on his release from jail. She was stabbed to death in 1976.

A placard — beautifully engraved and painstakingly drawn — he made in prison and sent to her reads "To my wife Elizabeth, I will love you forever and a day. God gave me everything when God gave me everything. From your ..."

Now, living in the Eldorado Park flat with Elizabeth's two daughters and his two step-grandchildren, he thought that he is giving up South African white privileges is foreign to him.

"I've never had white values. How can I miss something I've never had anyway? I've never gone into white restaurants or cinemas, or worried about owning things.

"If it gets cold outside, I won't start freezing and missing a big, warm jersey because I've never had one".

"I find that blacks and coloureds are more sincere than whites. They have nothing in this country and stick together. They are all I know I could never adapt to living with whites".

But he looks unpeppably sad while talking about Elizabeth and discussing his plans for the future.

is worried about how he will contribute to the family's earnings.

"I can't just sit here when they serve out the food and not give anything towards it. But the welfare people don't seem to realise my problems — they tell me to come to town and give me various addresses to go to to look for work.

"Getting into town costs me at least 50c a time and they don't see that I'm starving when I get there because I haven't eaten anything. I know I can get the money by stealing it, but I don't want to go back to that — I want to live the life of an honest man.

"So if someone asks me to cut their lawn, or fix something in their house, I do it to earn some money.

"I was told when I asked to be reclassified that I should expect difficulty finding work".

● It was recently announced in Parliament that 558 Cape coloureds had been reclassified white last year and that 15 whites had been reclassified Cape coloured. More than 600 people had their races changed last year.

Freed ⁽²³⁸⁾ but still in the colour trap

sta 25/3/82

By Tyrone August

Dennis Mills was released from Witbank Prison last week after serving five years for theft. But the 40-year-old former Natalian is still a prisoner.

He is a black man trapped in a white man's skin.

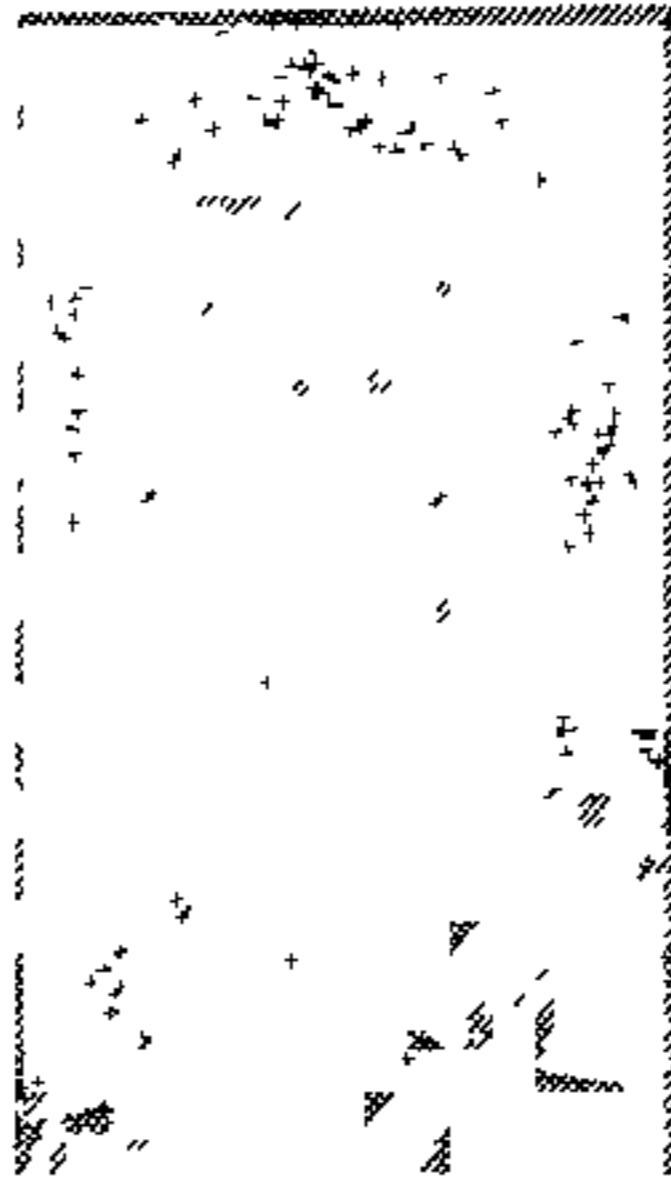
While in Pretoria Central Prison in 1976, he applied to the Department of Interior for reclassification as a Cape coloured because he could not bear to be separated from what he calls "my people."

"I never used to mix with white people even when I was young," the fair, blue-eyed Mr Mills said yesterday. "I always went fishing and hunting with blacks on the farm where I grew up in northern Natal.

"Other white children treated my Zulu friends disgustingly. This hurt me a lot, but only built up a stronger feeling in me for black people."

He said he had not taken advantage of the privileges of whites since he left school. "How could I live with blacks and still make use of the privileges enjoyed by whites?" he asked.

You cannot walk with a black man in the street and then



DENNIS MILLS

go to a white restaurant to have something to eat. It would be unfair and dishonest of me. Both of us must eat pap and meat."

Mr Mills says he has no regrets about being reclassified, and does not miss the privileges he could enjoy as a white.

"There are millions of other people who don't have the privileges of whites. And what is the difference between them and whites? Just the colour of their skin," he said bitterly.

"That is why I don't think it was unfair of me to take such a far-reaching decision such as reclassifying myself, a decision which would affect the future of my children, should ever I have

any.

"There are millions of little children who are already deprived of the privileges of white people. Why should they be denied those privileges, while white children have them?"

Mr Mills is fond of children.

But he says he will never have any children of his own. His wife Elizabeth — a coloured — was stabbed to death in 1976 while he was in jail.

"She was the only woman I ever really loved," he said sadly. "What made it worse for me was that I wasn't allowed to go to her funeral I felt so helpless."

Mr Mills is now looking after Elizabeth's two children, Wendy (18) and Wally (10), in Eldorado Park.

But Mr Mills is beginning to come to terms with himself and the political situation in South Africa in which colour determines the nature of a person's whole existence.

"Dis 'n swaar saak, boetie (it's a sad situation, little brother)," he said shrugging. "But I'm beginning to feel at peace with myself — and I'm very happy about it."

A couple who have been living together for three years was convicted in the Johannesburg Magistrate's Court yesterday for conspiring to have sex across the colour line

Wilfred James Venter (24) and Georgina Mansfield (25), both of Television House Central Avenue, Mayfair, were each sentenced to six months' imprisonment, conditionally suspended for four years

After their conviction Mansfield, classified coloured said she and Venter who is classified white planned to marry outside South Africa

We plan to marry - 238 Immorality Act couple

26/3/82 Stan

Both pleaded guilty to contravening the Immorality Act But after questioning them the magistrate, Mr G J Schoeman, changed their pleas to not guilty

Venter said he and Mansfield had been living together for about three years On the

night of their arrest they were sleeping together but had not had sex

Warrant Officer Wentzel de Bruin of the Brixton police said on January 21 he went to the accused's flat at about 1125 pm The front door was open He switched on the light in the sitting

room and saw the accused sleeping on a mattress on the floor

He pulled away the blanket and found they were naked He told them to dress and inspected the mattress for sperm but did not find any. Venter and Mansfield were then arrested.

After hearing

evidence Miss I.J Muir, for the State, asked that they be convicted of conspiring to break the Immorality Act

This was accepted by Mr Schoeman who said he could only conclude they had broken the Act

Venter admitted two convictions for possession of dagga, one for dealing in the drug, one for motor car theft and one for house-breaking

He said he no longer smoked dagga and worked for his living

"It is this woman who has helped rehabilitate me," he told the court

Sex Act couple plan to leave SA

By MIKE LOUW

238
KOM
26/3/82

A COUPLE found guilty yesterday of breaking the Immorality Act told the Rand Daily Mail they would leave South Africa to get married. Wilfred James Venter, 24, and Georgina Mansfield, 25, both of Television House, Central Avenue, Mayfair, pleaded guilty before Mr G J Schoeman in the Johannesburg Magistrate's Court.

He changed their plea to one of not guilty after they said they had not committed the alleged offence.

Warrant-Officer Wentzel du Bruin told the court he found the couple sleeping on a mattress at the flat on January 21.

He said he found the door open, entered, pulled the blanket away and saw they were both naked.

Venter and Mansfield said they had just returned from the Cape Province. They were exhausted and went to sleep on the mattress. They said they did not have sex.

Mr Schoeman found them guilty and sentenced them each to six months' jail, suspended for four years.

Mansfield later told the Mail she had lived with Venter for about three years. They were not prepared to part.

She said they would leave the country to get married. Venter confirmed this.

Immorality pair: We will still live together

By LIZ MCGREGOR

A COUPLE convicted this week under the Immorality Act declared yesterday they would continue living together in their home in Mayfair despite a suspended jail sentence hanging over their heads.

"They can do what they like but they won't separate us," Wilfred Venter, 24, told the Rand Daily Mail.

His girlfriend of three years, Miss Georgina Mansfield, was equally adamant. "The main thing for me is just if two people love each other, I'm coloured and he's white and I know the law doesn't allow us to be together, but I don't care. I think the law is unfair." Mr. Venter and Miss Mansfield, 25, were each

sentenced this week to six-months' imprisonment suspended for four years

Speaking in their tiny flat in Central Avenue, Mr. Venter said they would "definitely get married if the law said we could."

He said he and Miss Mansfield had just got back from Cape Town when the police arrived at their flat on January 21.

"We'd spent six days on the road and we were exhausted. I was fast asleep late that night when I woke up to find six or seven policemen in the room."

"They ripped the blankets off the bed. Georgina was naked and we asked them to leave the room while she put clothes on, which they did," Mr. Venter said.

"Then they took us to prison and kept us there for the next four days. They let us go after we appeared in court on the Monday."

"People shouldn't just be able to walk into your room without permission," he said.

Mr. Venter — a practising Catholic who wears a rosary around his neck — works at the Johannesburg abattoir as a slaughterman.

He said they had no intention of leaving South Africa.

"One of the policemen suggested to me that we should leave South Africa and go and live in Rhodesia if we wanted to stay together. But I said to him that I'm South African and I'm not going to leave South Africa, it's my country," he said.



Miss Georgina Mansfield and Mr Wilfred Venter: We would marry if we were allowed to.
Picture: ROBERT TSHABALALA

I'll change

my race

2588
S. Express 28/3/52

for Georgina

A YOUNG white wants to be reclassified coloured in the hope that it will mean he can live in peace with the woman he loves.

Wallie Venter, 24, and Georgina Mansfield, a 25-year-old coloured woman, were convicted of contravening the Immorality Act this week, and each sentenced to six months' jail conditionally suspended for four years.

They had been living together for three years before that, and both are adamant that they want to remain together.

Wallie said "I want a peaceful life I am willing to change my colour if it means

THE ROMANCE THAT IS FORBIDDEN BY LAW BECAUSE THE COUPLE IS 'MIXED'

By HELENE ZAMPETAKIS

we can be together and have children. It is a man-made law that says we must not love each other."

But, he said, they would not flee because of the laws of the country.

"I am a South African I was born here — it's my country. How can I leave,

Locked in the bare Mayfair flat where he and Georgina had lived, Wallie said fear had entered his life for the first time in their three years together on the night they were arrested.

"We had arrived back from a two-week holiday in Cape Town at 6am and went straight to sleep.

"My sister and brother-in-law were staying in our flat while we were asleep they disappeared and they must have left the door unlocked.

"In the court case the witness (a policeman) said someone had shown them our room."

Georgina told the Sunday

Express "When I woke up it was night and someone had pulled the blankets off us."

"I saw it was a cop and I tried to cover myself. They wanted me to stand up but I was naked. Then Wallie got cross and they left the room."

"There were three carloads of policemen and the whole building was out watching us."

"I felt like a real criminal, but we have done nothing. We haven't harmed anyone."

The couple first met at a Mayfair bus-stop. They became friends and within three months, a romance had blossomed.

"We had lived together for three years and never had any problems from our neighbours. People accepted us," Wallie said.

"The only problems were when Georgina went out to the shops at night. Then police wanted to know why she was in a white area. Once they picked her up for soliciting."

Now they both obviously fear the repercussions of the court case.

Georgina miscarried days before the case. She said the anxiety and the threat to their continued co-existence had caused the miscarriage.

Wallie Venter, 24, and Georgina Mansfield, 25, cannot live together because the Immorality Act forbids it. Now Wallie wants to be reclassified coloured.

Picture: HORACE POTTER

Bread price anger

By CHARLENE BELTRAMO

The price of bread is likely to go up as much as 10c a loaf this year — and consumer organisations are furious.

The increase will be a result of the change in the subsidy formula from the beginning of the new wheat season in October, announced by Minister of Finance Owen Horwood in the Budget last week.

The new subsidy will be 5% of the retail cost of white bread and 20% of that of brown bread.

Mrs Jean Tatham of the Housewives League said the Government was courting disaster by increasing the price of the most basic food so drastically during a recession.



Immorality Act couple Wilfred Venter and Georgina Mansfield... they won't stop us living together Picture: ANDRZEJ SAWA

S. Times 28/3/82
White lover wants to be classified as coloured

A WHITE man will apply this week to be reclassified as a coloured so that he can legally live with his coloured girlfriend.

And the couple, who were convicted under the Immorality Act last week, have vowed to continue living together — despite a suspended jail sentence hanging over their heads.

Wilfred Venter, 24, and Georgina Mansfield, 25, were each sentenced to six months' imprisonment, suspended for four years, in the Johannesburg Magistrate's Court

Legal aid

Now Venter is seeking to be reclassified as a coloured person.

"I will start proceedings this week, as this seems the only way that we can lead a normal life."

He will apply for legal aid tomorrow.

The couple, who were arrested after they were found together in bed by policemen, have been living together in a Mayfair, Johannesburg, flat for three years.

And they don't intend giving up their lifestyle now.

"We love each other and I believe there is nothing wrong with that," said Mansfield.

By PETER MALHERBE

"They can do what they want, but they won't stop us living together."

The couple had just returned from a trip to Cape Town when they were arrested on January 21.

"We were fast asleep that night when I woke up to find six or seven policemen in the room," said Venter.

"They ripped the blankets off the bed."

Well-wishers

"Georgina was naked, and we asked them to leave the room while she put her clothes on, which they did."

Then followed four nights in the John Vorster Square police cells for the couple.

Well-wishers crowded their little one-bedroomed flat yesterday, including

Mansfield's sister and a white couple who arrived arm-in-arm to lend moral support.

Venter, who works at the Johannesburg abattoir as a slaughterer, said they hoped to marry soon.

"This has only strengthened our belief that we belong together."

Accepted

He said they had met in Mayfair three years ago and "immediatly fell for each other".

"We didn't go out steadily in the beginning, but then we realised we were meant for each other."

"The laws can only part us temporarily, but we will always come back together," he said.

Although Venter believes that a member of his family reported them to the police, he said that most of his relations "now fully accept us as a couple".

When love is illegal

238
S Express
4/4/82

The Immorality Act convicted 66 people and prosecuted 110 in the second half of last year alone. It has also raised more controversy and caused the Government more embarrassment than any other apartheid law. ANGELA GILCHRIST takes a look at a cruel law that has not changed — despite indications to the contrary made by the Prime Minister three years ago.

WHEN 24-year-old white Wallie Venter last week declared he would change his race to live with the coloured woman he loves, South Africans were harshly reminded that one of the cruellest and most humiliating apartheid laws still exists.

In spite of Prime Minister, P W Botha's statement three years ago, that he would not "tolerate laws that insult people" the Immorality Act — in its original form — is still a fact of South African life.

So too, is its ugly sister, the Mixed Marriages Act, inspiring recollections of the traumatic Nazi period when marriages with Jews were legislated against in Germany and later banned in occupied countries



The Prime Minister gave Biblical examples of mixed marriages at a National Party Congress in 1979, but said such unions were "undesirable for practical reasons".

Prosecutions against those of differing races shown a decrease since the Premier's announcement of "improvement" of the Immorality Act. The total number of convictions under the Act in the first six months of 1981 was 55. In 1980, 98 were convicted, and 222 people were convicted in 1979.

In the year 1977/78, 295 people were charged and 355 people were convicted in 1978/79. However, this figure is slightly less than that for the year 1975/76, when 316 people were charged.

Head of the Police Liaison Department, Col Chris Coetzee, said the Police did not specifically look for breaking the law.

Follow up on all reported by individuals or people who charges. Obviously, though, if during the course of our duties we come across someone breaking the law we will investigate. This has been a viable substitute

gestions for improvements to the Act that the Prime Minister claimed to want.

The Immorality and Mixed Marriages Acts are deeply rooted in the entire philosophy of apartheid and regarded by many as the very foundation of the system.

It was generally felt that to scrap the laws would mean scraping other legislation and imply a change of course that the Government was clearly not prepared to take.

But those who argued for their abolition, said in view of the broad disapproval of sexual relations across the colour bar, the small number of people who indulged in it made such laws superfluous.

Liberals pointed to the considerable cost in human suffering.

Prosecutions have led to suicides, numerous "mixed" couples have been forced to leave the country, homes have been broken — and even those who escape prosecution are left with a stigma that can never be erased.

The lead-up to prosecution generally means barging in on a couple to gather proof of that which should be shared by them alone — thus destroying their intimacy and privacy.

Wallie Venter's girlfriend, 25-year-old Georgina Mnsfield, last week told the Sunday Express "When I woke up it was night and someone had pulled the blankets off us



"I saw it was a cop and I tried to cover myself. They wanted me to stand up but I was naked. She went on 'There were three carloads of policemen and the building was out there. I felt like a real criminal but we have done nothing. We haven't harmed anyone'."

Georgina miscarried days before the case. She said the anxiety and the threat to her continued co-existence with Wallie had caused her to lose her four-month pregnancy. In other cases, Police methodically premises, felt



the ending is sad

'I'll change my race for Georgina'
THE ROMANCE THAT IS FORBIDDEN BY LAW BECAUSE THE COUPLE IS 'MIXED'

individual judgement and public opinion were not enough to deter people from sexual relations across the colour bar.

If that were true, it could be said that decent people did not steal or murder, and logically, laws against these crimes should also be done away with.

The legislation was not discriminatory, they argued, as any white person involved was also prosecuted.

The Immorality Act was there to give protection to coloured, asian and black women who, "due to their weaker position in prevailing circumstances" might be vulnerable to exploitation by white men.

What was more, every common law impediment

on people's conduct encroached upon people's lives and resulted in suffering to their next of kin.

Said one Nationalist MP "Most coloureds are proud of their identity and want to maintain it. The purpose of the law is to prevent further miscegenation."

The Prohibition of Mixed Marriages Bill was one of the earliest pieces of legislation to come before Parliament after the Nationalists swept to power in 1948.

The subsequent amendments to the Immorality Act of 1927 were essential to the furtherance of the apartheid philosophy.

Dr T E Donges, then Minister of the Interior, said in introducing the Prohibition of Mixed

Marriages Bill in the Assembly in May, 1949 "The object of this Bill is as far as possible to check blood mixture, and as far as possible to promote racial purity."

General Smuts, then leader of the Opposition, said all South Africans agreed racial blood mixture was "an evil."

But he warned the Nationalists "I think we are attempting in this Bill to deal by legal means with a big social question which is not susceptible to legal treatment."

And while many prominent Afrikaners are increasingly critical of these laws, apartheid wins, and shatters the dreams of those torn apart from people they love — but happen to be the wrong colour.

CAPE TIMES 12/14/82

Morals

Act: 238

2 guilty

Staff Reporter

A COUPLE who attempted to have intercourse in a car under a bridge at Observatory station while a crowd of giggling schoolchildren stood nearby, were sentenced yesterday to eight months imprisonment suspended for three years.

Cedric Harry Brown, 28, of Montague Street, Maitland, and Linda Anne Sampson, 18, of Lither Street, Steenberg, had pleaded not guilty to a charge of contravening the Immorality Act on February 27.

Constable G J M van Zyl of the Railway Police testified at a previous hearing that he reported for duty at Observatory Station that day, and saw a crowd of children pointing and giggling at a car parked under a bridge.

He told the court he found a white man and a coloured woman lying naked on the back seat.

The magistrate, Mr. T H de Koker, said that the court realized the couple had not been aware of the children. However, the offence had been committed in a parking area in the presence of the public.

The court was also aware, he said, of the stigma attached to convictions of this nature and he was satisfied that a suspended sentence would act as a deterrent.

Mr G P C Kotze prosecuted Brown and Sampson were not represented.

ARGUS 15/4/82

238

A COUPLE who attempted to have sex in a car parked under a bridge at Observatory station were yesterday sentenced to eight months imprisonment (suspended for three years) by a Cape Town Regional Court magistrate for contravening the Immorality Act.

Cedric Brown, 29, of Montague Street, Maitland, and Linda Sampson,

Immorality Act: Couple convicted

18, of Liphers Street, Steenberg, pleaded not guilty to contravening the Immorality Act and an alternative charge of conspiring to commit an immoral or indecent act. At a previous hearing Sergeant Gerhardus van

Zyl of the Railways Police said that on February 27 last year he saw a group of schoolchildren laughing and pointing at a car parked under a bridge at Observatory station.

When he got close to the car, he saw Brown, a

white man, and Sampson, a coloured woman, naked in the back seat.

Sergeant van Zyl said it was clear they were having sex.

The magistrate, Mr T H de Koker, said the court

accepted that Brown and Sampson were unaware of the group of schoolchildren watching them and that a suspended sentence would act as a deterrent.

Mr G P C Kotze appeared for the State. The accused were not represented.

Death splits (238) up 'a ROM 16/4/82 family

By MARTIN FEINSTEIN

JEFFREY TSHABALALA, the 11-year-old black child who has lived for the past three years with a white family, has to go.

The "father" who rescued him from destitution died this week — and now his widow, Mrs Beggie van der Merwe, cannot afford to keep Jeffrey and her three children.

Yesterday she appealed to the Mail to help her find a new home for Jeffrey before she moves from her home in Belgravia, Johannesburg, to a more modest flat — a move that will leave her 11-year-old son Cyril heartbroken.

Cyril and Jeffrey have grown as close as two apple pips, they sleep together, eat together, play together.

But neither of them know yet they are to be split up, and end a friendship born when Mr "Sakkie" van der Merwe — the unofficial "mayor" of Belgravia and a flamboyant flouter of convention — brought glue-sniffing Jeffrey into his Nationalist home.

As the two boys played outside, Mrs Van der Merwe said "It is a tragic thing. My husband would have wanted Jeffrey to stay with us, but I am just not going to be able to afford it never."

An oxygen cylinder stood next to the couple's bed as a grim reminder of Mr Van der Merwe's last days — but, outside the two boys, speaking a tumbling mixture of English and Afrikaans, cavorted with a present Mr Van der Merwe gave Jeffrey just before his death a frisky goat.

"I don't want him to be put where he is not happy," Mrs Van der Merwe said. Jeffrey came from Jabulani in Soweto, but ran away from his homeless mother. Once since then has she visited him in Belgravia.

Last year Mr Van der Merwe refused to allow Child Welfare officials to take Jeffrey away, and scorned neighbours' complaints by saying "This is a child who was abandoned, and no politics can take the place of humanity."

238
NDM
19/4/62

Churches disagree on mixed marriage

By ANNE SACKS

CHURCHMEN are pessimistic about churches being able to agree on amendments to the Mixed Marriages Act.

And they have accused the Nederduitse Gereformeerde Kerk of being the stumbling block to change.

The issue, described as 'delicate' by NGK members, was highlighted again in Parliament last week when the Prime Minister gave assurances that the Mixed Marriages Act and Immorality Act would be amended if churches reached agreement.

There is speculation within the NGK about the role of the Government, which some believe is ahead of the NGK in its thinking.

Others believe it is hiding behind the NGK's commitment to the status quo.

Some fear the split in the National Party will seep into the church, and that the NGK can no longer be silent on such contentious issues.

Ds Herbert Brand of St Stephen's NGK in Cape Town described the issue as 'delicate' yesterday.

"The NGK realises that the Mixed Marriages Act is not based on the scriptures," he said.

"But it finds it difficult to admit this because it has always been a fundamental part of its dogma."

He could not see how the Act could be improved as the Prime Minister suggested — without being abolished.

He feared the NGK might want to extend the Act to keep the races even more separate.

In terms of the Act, a white is prohibited from marrying an Indian, coloured or African. But Indians, coloureds and Africans are not prohibited from marrying each other.

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Victims of the humiliating law the Prime Minister said three years ago he wanted to "improve": WALLY VENTER, who has declared he will change his race to live with the woman he loves, GEORGINA MANSFIELD.

Immorality Act still unchanged despite PM's 1979 statement

238 E. Post 24/4/82

WHEN a 24-year-old white man, Wally Venter, recently declared he would change his race to live with the coloured woman he loves, South Africans were harshly reminded that one of the cruelest and most humiliating apartheid laws still exists.

In spite of Prime Minister P. W. Botha's statement three years ago that he would not "tolerate laws that insult people" the Immorality Act — in its original form — is still a fact of South African life. So too, is its ugly sister, the Mixed Marriages Act.

The Prime Minister gave Biblical examples of mixed marriages at a National Party Congress in 1979, but said such unions are "undesirable for practical reasons".

SIXTY-EIGHT people were convicted under the Immorality Act and 110 were prosecuted in the second half of last year alone. Three years ago the Prime Minister, Mr P. W. Botha, said the law, and the Mixed Marriages Act, were not essential to preserve Afrikanerdom and that he would consider changes to "improve" them. Last week he told Parliament he was still waiting for suggestions, and this week it was reported that some of the major Afrikaans, English and black churches had met to discuss a uniform approach. ANGELA GILCHRIST takes a look at the law that has raised more controversy and caused the Government more embarrassment than any other:

broken the law, thus destroying their intimacy and privacy.

Wally Venter's girlfriend, 25-year-old Georgina Mansfield, gave

weaker position in prevailing circumstances, might be vulnerable to "exploitation by white men".

Cont ↓

238

E. Post

24/4/82

Prosecutions against lovers of differing races have shown a decrease since the Premier surprised the country with his intention of "improving" the Immorality Act

The total number of convictions under the Act for the first six months of 1981 was 55. In 1980, 98 people were convicted, while 222 people were convicted in 1979.

In the year 1977/78, 295 people were charged, while 355 people were charged in 1978/79. However, this figure is slightly higher than that for the year 1975/76 when 316 people were charged.

The head of the Police Media Liaison Department, Col Chris Coetzee, said the police did not "specifically look for anybody breaking the law".

"We follow up all crimes reported by informers or people who lay charges. Obviously though, if during the course of our duties we came across someone breaking the law, we would investigate the case."

But nobody has yet been able to offer viable suggestions for improvements to the Act that the Prime Minister indicated he wanted.

The Immorality and Mixed Marriages Acts are deeply rooted in the philosophy of apartheid and regarded by many as the very foundation of the system.

It was generally felt that to scrap the laws would mean scrapping other legislation and imply a change of course that the Government was clearly not prepared to take. But those who argued for their abolition said that in view of the broad disapproval of sex across the colour line, the small number of people who indulged in it made the laws superfluous. They also pointed to the considerable cost in human suffering.

Prosecutions have led to suicides, numerous "mixed" couples have been forced to leave the country, homes have been broken, and even those who escape conviction are left with a stigma that can never be erased.

The lead-up to prosecution generally means police barging in on a couple to gather proof that they have

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"I saw it was a cop and I tried to cover myself. They wanted me to stand up but I was naked."

"There were three carloads of policemen and the whole building was out watching us. I felt like a real criminal, but we have done nothing. We haven't harmed anyone."

Georgina miscarried days before the case. She said the anxiety and the threat to her continued co-existence with Wallie had caused her to lose her four-month pregnancy.

In other cases, police have methodically searched premises, felt beds to see whether they were warm on both sides and taken hair samples from sheets to determine their racial origin.

Bedding has been seized and photographs have been taken of suspects to prove they were caught in the act of "immorality".

Sometimes suspects suffer the indignity of policemen using binoculars, two-way radios and tape recorders, and intimate examinations by a district surgeon.

Those who are against the Act also point out that one of the country's main population groups, the coloured people, are the direct result of miscegenation.

Surely, say those who wish to see the laws scrapped from the Statute Book, they are insulting to coloureds as they imply an illegality, if not a denial of their existence.

But Nationalists have said individual judgment and public opinion were not enough to deter people from sexual relations across the colour bar.

If that were true, it could be said that decent people did not steal or murder, and logically, laws against these crimes should also be done away with.

The legislation was not discriminatory, they argued, as any white person involved was also prosecuted.

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What was more every common-law impediment on people's conduct encroached upon people's lives and resulted in suffering to their next of kin.

Said one Nationalist MP "Most coloureds are proud of their identity and want to maintain it. The purpose of the law is to prevent further miscegenation."

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The subsequent amendments to the Immorality Act of 1927 were essential to the furtherance of the apartheid philosophy.

Dr T E Donges, then Minister of the Interior, said in introducing the Prohibition of Mixed Marriages Bill in the Assembly in May, 1949:

"The object of this Bill is as far as possible to check blood mixture, and as far as possible to promote racial purity."

General Smuts, then leader of the Opposition, said all South Africans agreed racial blood mixture was "an evil".

But he warned the Nationalists "I think we are attempting in this Bill to deal by legal means with a big social question which is not susceptible to legal treatment."

While many prominent Afrikaners are increasingly critical of the Immorality Act, the law is still there. Until it is repealed or drastically amended, the lives of more people will be shattered because those they love happen to be the wrong colour.

Latest sports results and reports appear in the SPORTS FINAL edition of Weekend Post

Immorality Act in tatters? ^{(238) Stan}

29/4/82

By Jaap Boekkooi

In Nirvana ("the ultimate peace"), Pietersburg's Indian township, Ian and Sherin Whiteley are living together quietly—and just as quietly breaking three laws of Parliament, while the police look the other way.



Ian and Sherin Whiteley — living in Nirvana.

The laws are the Immorality Act, especially its sex-across-the-colourline Section 16, the Mixed Marriages Act, and the Group Areas Act.

To break all these three pieces of apartheid legislation openly and to have the police ignore the whole thing would be nirvana to a lot of South Africans of all colours.

People who now fear the knock on the door at night, the tap on the window, the invasion of a police squad, the snooping from behind trees and bushes, the examination of bedsheets for warmth, stains and hair samples and the whole messy-fleshy business.

In Durban pop star Steve Fatar receives visits from the police while he is in bed with his white friend Marianne.

The cops knock on the door politely, find the couple cosily blanketed, give a little morality lesson,

Compassionate

"Look," they say, or words to that effect. "What you're doing here is illegal, hey man. You make it difficult for us. We try to be compassionate, and we're aware the Government is more relaxed on this, so we're not charging you. But in future, you mustn't do this hey?"

the Immorality Act is growing fast: more than 50 percent of whites want to abolish the offensive racial Section 16.

Unbiblical

In Parliament this month the Prime Minister, Mr Botha, said he would wait until the churches spoke with one voice before amending the two Acts. He claimed two of the biggest black churches, with 8-million adherents, did not want the Acts changed, and the biggest white church, the Ned Geref Kerk, didn't either.

The Prime Minister seems to have been badly advised. In the first place the NGK no longer regards inter-racial sex or mixed marriages as unbiblical but only "extremely undesirable."

Secondly, black theologians deny that two black churches exist with a combined 8 million members.

"The 27 active independent African churches have a membership of about 4.5 million, with perhaps another 4 million in the 'mainline churches,'" says an expert, the Rev P Makhubu. "And no person can speak for all the independent churches. As far as I know even the big Zion Christian Church is non-committal on the

argument in mitigation of the sentence."

The sentences the lawyer speaks about are getting comparatively rare. So far this year there has been one conviction every three days, which is little compared to the days when the police launched snooping blitzes, when a kiss could lead to a summary arrest and when men committed suicide on receiving a summons with the words "Section 16" on it.

Today a number of churches have committed themselves to defy the law in contracting marriages between people of different colour.

Mr P W Botha says publicly the two laws "insult people" and are not holy cows. His Cabinet namesake, Pik, says he "cannot morally defend discrimination based on the colour of a man's skin alone."

In its 1978 national synod decision the NGK says "differences in religion, social structure, cultural patterns, and biological descent" would make mixed marriages undesirable for as long as "the impeding factors exist"

Now the churches, at a February meeting in St George's Church, Parktown, have drawn up a series of questions they will have to answer for

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Year	

Star

29/4/82

None of those niceties in Pretoria. There the fuzz butts in on a coupled pair and go through the paraphernalia of sex tests. The white woman and her black lover cool it in the clink for six months.

In Johannesburg, Chinese marry whites (not lawful under the Mixed Marriage law) and entertain police officers at the reception. A white dairy farmer lives with his Japanese wife, with ministerial permission. Yet poet Breyten Breytenbach was allowed to bring his Vietnamese wife, Golden Lotus, with him for only a three-month visit after years of "nyets" from Pretoria.

A few samples like these show that the Immorality Act is in tatters. And the Mixed Marriage Act in disarray.

So is the public's attitude towards them. A recent Report survey shows that opposition to

The most ambiguous attitude to the sex laws as that of our servants of the law.

In Pietersburg they look away from the Whiteleys, in Durban they give homilies to Steve Fataar, in many parts of Johannesburg they yawn and refill the coffee mugs when a complaint is made, elsewhere they look passionately under the bed, and into it.

Adultery

If such selective prosecutions can be proved would the proof carry any weight in court?

"There is no abrogation of statutory law, only of common law such as when adultery stopped being a crime in South Africa," says one lawyer.

"So the fact that half the population gets prosecuted and the other half not does not affect the court. But I would certainly use that

themselves before speaking to the Government with a single voice.

Synod

These include whether the churches have jurisdiction over the choice of marriage partners; whether they regard the circumstances which led to the Immorality Act 33 years ago still justified the implementation of the Act, and whether they are prepared to ask the Government to eliminate the racial aspect of the laws.

For the next few years, beginning with the big NGK synod in October, the servants of God and Man will be chewing over the answers.

The tattered, disarrayed, illogical, racial and unbiblical Immorality and Mixed Marriages Acts may vanish into the sunset of apartheid, but most likely with the agonising slowness of a hedgehog.

THE leadership of the White Nederduits Gereformeerde Kerk (NGK) has categorically refused to support proposals that the Prohibition of Mixed Marriages Act and Section Six of the Immorality Act be repealed.

Neither will it recommend to the general synod, to be held in October, that the NGK withdraw its backing for those laws which forbid marriage and sex between black and white

This was made clear at a private meeting of representatives of churches held in Johannesburg in February. The meeting followed a meeting in August last year when the leaders of four multiracial English-language churches asked Prime Minister P.W. Botha to repeal the two laws. The churches were the Presbyterian Church, Church of the Province in South Africa (Anglican), Methodist Church and the Congregational Church of South Africa.

Mr Botha told the delegation that Afrikaans and some other churches supported the laws. He could take no action on this legislation until all churches spoke with one voice on the matter. The Prime Minister suggested the churches agree first.

The inter-church conference in Johannesburg was attended by leaders of English-language churches; the white NGK, the coloured NG Sendingkerk, the SACC, the Catholic Church and the Baptist Church.

The NGK's key men attended. They were Ds Kobus Potgieter (acting-Moderator), Dr Dirk Fourie (actuary), Dr Pierre Rossouw (the chief executive officer), and Ds Tappies Moller (editor of 'Die Kerkbode', the mouthpiece of the NGK).

A lengthy debate chaired by Anglican Archbishop Phillip Russell took place after each church stated its official position.

An NGK spokesman explained that the NGK viewpoint did not differ as far as the ethical aspects of Christian marriages were concerned.

He stressed that the Bible made no pronouncements either in favour of or against mixed marriages. However, "in view of the South African situation", the church had an obligation to point out "that mixed marriages are extremely undesirable".

If they were allowed in South Africa, "the God-given identity of

By J H P SERFONTEIN

nations and the diversity of nations would be destroyed"

The NGK spokesman stressed that marriage was not only a personal matter, but also had a political significance. Thus, in "special circumstances", the State should "interfere" in the free choice of partners.

He explained that such a "special situation" arose when the contracting of racially mixed marriages threatened to destabilise relations in a multiracial and multinational society.

Thus "interference" of the State under such circumstances must be accepted by the church as an extraordinary measure. In the South African situation the church must warn against mixed marriages because of the social structures, the welfare of the marriage partners and of the children.

During the debate the Rev Peter Storey, president of the South African Council of Churches, asked for the co-operation of the NGK in the repeal of the Prohibition of Mixed Marriages Act although it held different views.

But in his response Dr Fourie, tipped as the next Moderator, made it clear that the chance of the NGK synod changing its view on these two laws was virtually nil.

Mr Storey pointed out that the NGK had, or could have, a tremendous influence on the Government and had thus a great responsibility towards change.

But acting Moderator Potgieter strongly denied that the NGK had any direct influence on the decisions of the Government.

As a result of the deadlock it was decided to inform the Prime Minister of the meeting, that some churches have already asked for the repeal of the legislation and that the NGK would discuss it at its next meeting.

Churches clash on repeal of SA's mixed sex laws

6 SUNDAY EXPRESS May 2, 1982
NGK SAYS STATE SHOULD NOT INTERFERE IN CHOICE OF MARRIAGE PARTNERS

- E. Nie
- C. Nkal
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- P.J. Roodt S.A. Footplate Staff Associati
- J. Roux Rustenburg Tabakwerkersverenig
- F. Sauls National Automobile and Allied

SOUTH AFRICA'S complex colour laws turned an Indian into a coloured — on paper — so that he can continue living in the Free State.

The switch was forced on highly trained technician Mr Abdul Ebrahim, 38, who gave up his Indian identity in a desperate bid to keep his home and job in Bloemfontein.

But now, after being ignored by the authorities for four years, Mr Ebrahim has lost the home he planned to buy — even though he adopted a new race classification to comply with the Free State laws.

Indians may not, by law live permanently in the Free State — however, there have been a number of cases where the authorities have turned a blind eye.

This week Mr Ebrahim told how the weight of officialdom fell on him when he applied to buy the house he had been living in since he and his coloured wife, Yvonne, and their two children first moved to the Free State capital.

BY PAUL LANGER

Instead of accepting the application to purchase the home in which he was living, the township manager sent him a letter telling him to vacate the house because he was Indian.

Now Mr Ebrahim and his family live with their relatives in a crowded home in the coloured township of Heidedal.

Meanwhile their former home has been sold to another coloured family.

The township manager, Mr Phillip Langenhoven, said he was responsible to the Bloemfontein City Council for the letting and purchase

Housing wrangle forces OFS Indian to become coloured

of township houses and that he made every effort to inform the management committee of his decision.

I spoke to the Ebrahims one evening this week. The children were crowded around a TV set watching the news bulletin on the President's Council proposals.

Mr Ebrahim was neither interested nor impressed by the news.

"I want a home of my own. I am a family man."

"We moved to the Free State from Johannesburg when our doctor said my wife needed a change in climate because of her lung condition. We have always been very happy in the coloured

community. I wanted to buy a home here," Mr Ebrahim said.

Mr Ebrahim's cause has been championed by the leader of the Heidedal coloured community, Mr T C Solomon.

Protest

He led his fellow management committee members out in protest after a row with the white township manager who, the committee claimed, made decisions without informing the coloured management committee of his actions.

"The manager never told me that he had given notice to Mr Ebrahim when he ap-

plied to buy the house he was renting," Mr Solomon said.

This, coupled with staff appointments by the authorities without reference to the management committee, induced Mr Solomon and other members to walk out.

This month Mr Solomon approached the Minister of Internal Affairs, Mr Chris Heunis.

He suggested that Mr Ebrahim be reclassified coloured.

The personal intervention by the Minister resulted in a speedy re-classification.

But it was too late. Their home had been taken over. "It is a relief now that both my wife and I are coloured. It is strange that in South

Africa one can change one's race so easily.

"In the beginning we felt very serious about this — now it is almost a joke," Mr Ebrahim said.

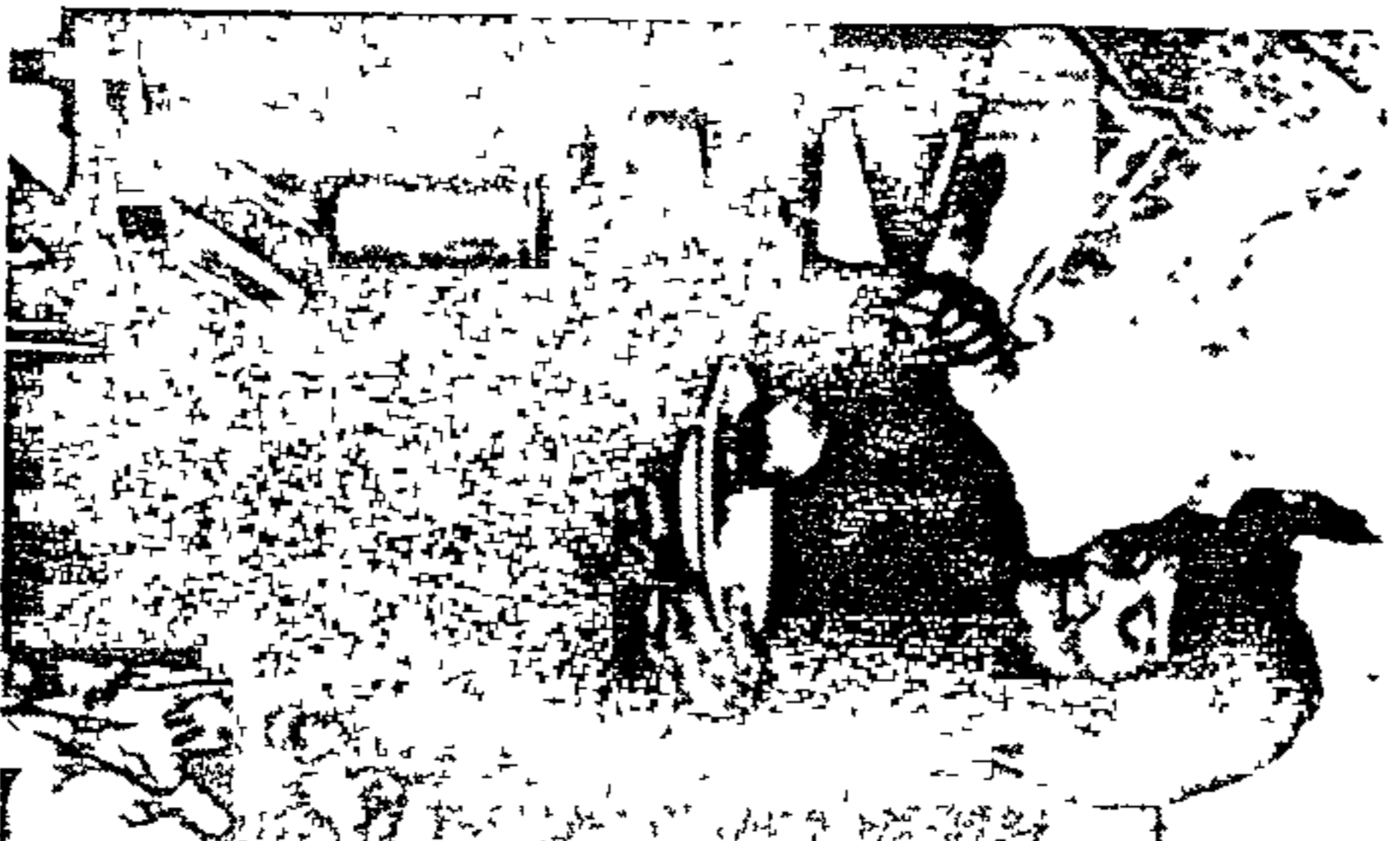
In fact Mr Ebrahim believes he will be happier as a coloured.

"In the Free State being an Indian makes you feel isolated. For me it is different now."

"I live in the coloured community, my children are part of the coloured community."

"The children don't really know what has happened — for them nothing has changed," he said.

"When all this was going on I was sometimes unhappy at work. But my employer stood by me all the way. So did Mr Solomon."



Abdul Ebrahim, wife Yvonne, Ro Anwer, 10

DW WOOS support for change

HE MAY TALK TO BLACK LEADERS, REPORTS POLITICAL CORRESPONDENT IVOR WILKINS

THE Government is expected to embark soon on a major round of intense negotiation across a broad political spectrum to thrash out the new constitutional dispensation.

The talks, which will be confidential and probably informal, could include people beyond the confines of political

constitutional recommendations flowing from the President's Council will be inside his own National Party.

Some Nationalists believe that further defections from the right wing could occur over the constitutional issue.

Predictions range from no more losses to "up to 10".

Defections

Some parliamentary sources predict that, depending on how the Leader of the Opposition, Dr F van Zyl Slab-

Opposition could be threatened each would then have 27 seats

Neither the Prime Minister nor the Leader of the Opposition has taken a final position on the President's Council recommendations, and in Parliament there is a powerful awareness that until the Government formally states its standpoint the situation remains fluid.

proposals and hear the Cabinet's views

Already, strong misgivings from Nationalist ranks have emerged on some aspects of the recommendations.

Misgivings

There are considerable vested political interests in the provincial councils, and any efforts to tamper with these can meet with fierce resistance.

Another source of concern among some Nationalists — shared by members of the opposition of checks and balances will be incorporated.

Following the split by Dr Treurnicht and his followers, the National Party has been engaged in a massive campaign to mend its broken fences, particularly in the Transvaal

But one said the Government's kander poll for years be mainly ably broken be no effort right wh "The s...

Political Staff

FINGER PRINTING will become compulsory for everyone with the issue of a universal identity document for all South Africans, including blacks

In terms of a Bill published in Cape Town today the existing "dompas" for blacks will be phased out, but this does not mean that influx control measures for which the "dompas" was designed will be repealed

Fingerprints will be required from all people applying for new identity documents from the date of the promulgation of

New ID

books -
AR 6005 21/5/82
prints
238
a must

was no intention to replace existing identity documents for any race group

Fingerprints would not be required from those already in possession of the "book of life"

The issue of fingerprints has arisen before and was strongly condemned by the opposition parties at the time as an "intrusion of privacy"

the Bill, which also makes provision for palm prints to be taken

A spokesman for the Department of Internal Affairs, said today there

The Bill provides for the population register to be continually updated. The Government has already announced that in future the voters' roll will be based on the register

unable to meet the cash requirements

Degrading saga, ends — Cynthia is white

29/5/88

238

By Andrew Davidson

A mother cuddled her three-year-old son last night and said: "Thank goodness the man up there does not make any distinction about what colour you are — black, white or pink."

It was a poignant comment and one that had special meaning for Cynthia Freeman — a woman who was first declared coloured and is now labelled white in law.

Miss Freeman has an English father and a coloured mother.

This led to her appearing in the Johannesburg Magistrate's Court on charges of contravening the Group Areas Act, which prohibits coloured

people from living in areas designated white.

She was found guilty

But the Supreme Court in Pretoria overruled that decision this week and the 38-year-old receptionist is now said to be "generally accepted" as a white person.

It is a bizarre turn of events, made even more strange by circumstance.

Miss Freeman lived in a block of flats in Braamfontein which housed black, and, coloured families.

That building, since her court appearances, has now been cleared of tenants for "refurbishment".

Miss Freeman has moved into Dunrobin guest house in Joel Road, Berea—still a

"white" area.

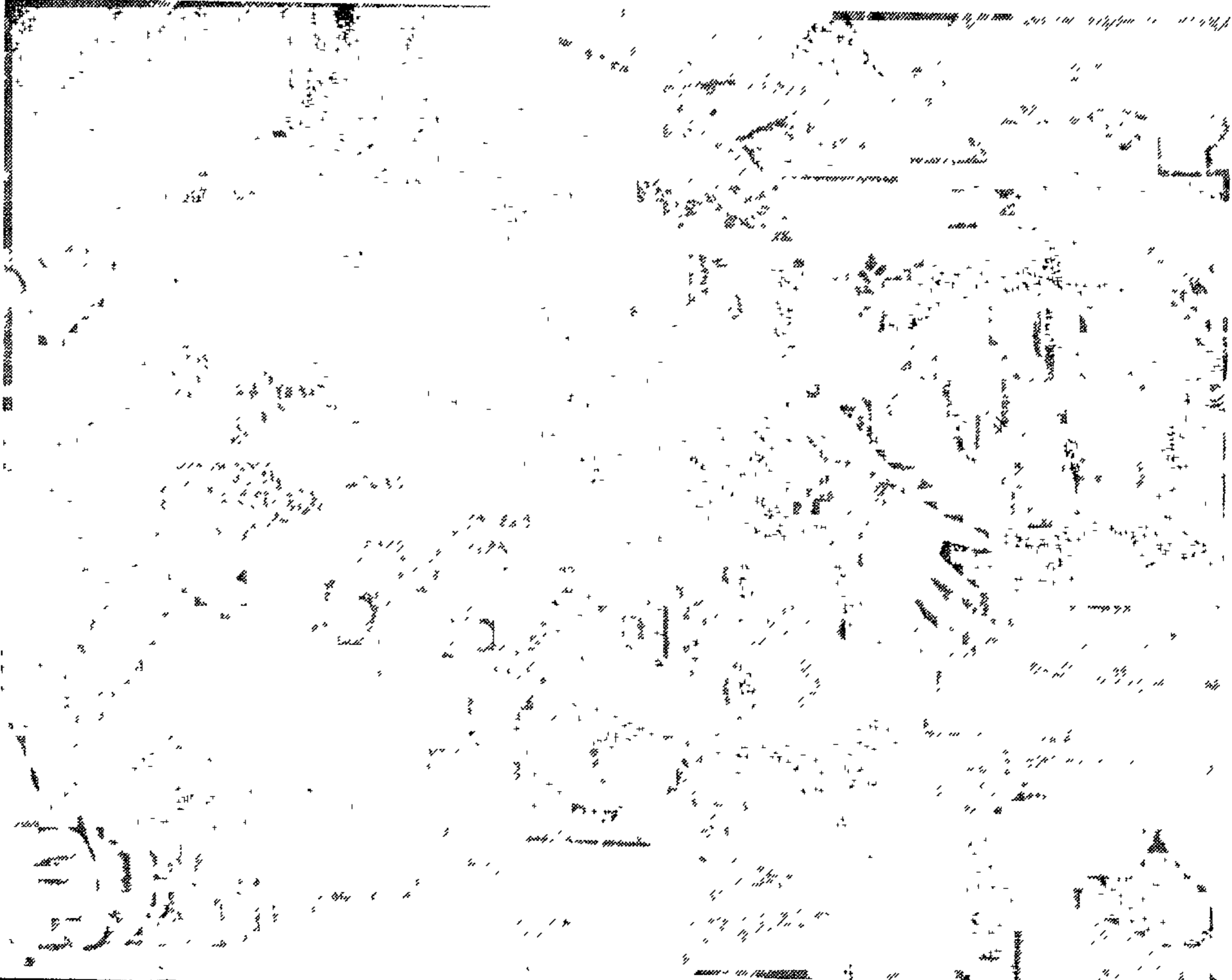
The owner of Dunrobin, where Miss Freeman pays R70 a month for a small room, describes her as "an ideal guest".

Other guests described her as a "very friendly and courteous person".

In an exclusive interview last night Miss Freeman said: "I have never let it worry me I always knew I was white. My main concern was my little boy, Carlos. I don't want him dragged through the courts as well."

Miss Freeman, an unmarried mother, is devoted to her son. She hopes Carlos will attend a white nursery school next year.

"I am not bitter," said Miss Freeman, "but I think what I have been through is degrading."



Cynthia Freeman and her son, Carlos

Picture by Clive Lloyd

She was white, then they made her coloured — and now the apartheid law

NE, MAY 30, 1982

POOF! and Cynthia's white bassain

By MARION WHITEHEAD and ANDREW DAVIDSON

HOW THE LAW DIFFERS ON THE WAY TO IDENTIFY A COLOURED PERSON

238
S. Indaba

SOUTH AFRICA'S apartheid laws have turned a Johannesburg woman into a racial chameleon, changing her from white to coloured and back to white again.

"I've all been so silly," said Cynthia Freeman, the shy blonde mother of a three-year-old son

She successfully appealed against a conviction under the Group Areas Act in the Pretoria Supreme Court this week.

Her colourful saga started in 1978 when she was happily living in a central Johannesburg flat. Her friends and work mates accepted her as white.

Then an unidentified person complained to the police that "illegal" were living in her block of flats and

Miss Freeman was charged, along with several others, with living in the "wrong" group area.

Years of worry and uncertainty followed as her case was postponed again and again until the Adams test case was heard.

In this case, Ahmed Adams, his wife and child were ejected from their home in a white group area in Johannesburg.

Adams' appeal against the decision was dismissed in October 1980.

Adams argued that he did not want to break the law but had been forced to do so because of the housing shortage in his own area.

He lost his case and a

flood of Group Areas prosecutions followed. Cynthia was one of them.

Much of the evidence brought before the Johannesburg Magistrate's Court in October last year centred on details of Miss Freeman's appearance.

Her hair, her nose and her cheekbones.

It was admitted in court that Miss Freeman was classified coloured in terms of the Population Register. But her attorney, Mr Gilbert Marous, argued that it was possible for people to change colour in the legal sense.

This was because different Acts defined race groups differently, so that one could be classified differently in

terms of the Population Registration Act (defined by descent) and by the Group Areas Act (defined by appearance) or general acceptance.

Prof Hammond-Tooke of Whits University's Anthropology Department said Cynthia was obviously white in appearance, and that her high cheekbones could be characteristic of a member of the white Caucasian group.

Her employer of two years, John Turner, testified that he believed she was white and that she had made use of white facilities, including transportation and entertainment.

But the magistrate ruled that she was coloured because of her speech and certain physical characteristics like a flat nose and high cheekbones.

He found her guilty

of occupying her flat illegally and fined her R100 or 50 days, suspended for three years.

He gave her six weeks to vacate her flat.

And so Cynthia remained coloured until her appeal this week when two judges at the Pretoria Supreme Court, changed her back to white, after hearing argument from Mr Jules Browde, SC, assisted by Mr Peter Levenberg.

Mr Justice B. L. S. Frankin, with whom Mr Justice C. F. Eloff concurred, found that Cynthia was generally accepted as a white person and entitled to live in a white area in terms of Section 12 of the Group Areas Act.

This section defines a white person as someone who is obviously white in appearance or who is generally accepted as a

white person.

Cynthia has now moved into a guest house in Johannesburg's Berea area — a white area only a few kilometres away.

Another Group Areas Act conviction appearing by Mr Norman Clyton, was upheld by the same judges this week.

They found that the State had not proved that the stand specified in the Surveyor General's certificate was the same as the premises which Mr Clayton was accused of occupying illegally.

Cynthia has now moved into a guest house in Johannesburg's Berea area — a white area only a few kilometres away.

The owner of the hotel where Cynthia pays R70 a month for a small room, describes her as "an ideal guest".

"I thought she was albino," he said.

Other guests described Cynthia as being "very friendly and courteous".

"I have never let it worry me I always knew I was white. My main concern was my little boy — Carlos. I don't want him dragged through the courts too," Cynthia said.

Her accommodation comprises a three metre square room and a small single bed with his mum.

"I'm not bitter," said Cynthia. "But I think what I have been through is degrading."

She hopes Carlos will attend a white nursery school next year.

Her accommodation comprises a three metre square room and a small single bed with his mum.

"I'm not bitter," said Cynthia. "But I think what I have been through is degrading."

Cynthia Freeman and Carlos . . . waving goodbye to life on the other side of the colour line.

Wt

Rosatu Annual Report 1980/81

Evil echoes in the law that judges us by our noses . . .

CYNTHIA Freeman has found that not only is the law an ass but that you need to be a chameleon to survive South Africa's contradictory and confusing race laws.

Ms Freeman, whose 'crime' is that she is coloured and whose 'burden' is that she looks white, this week won an appeal against conviction and sentence under the Group Areas Act

The case of the 'white coloured' highlighted anew the central absurdity and tragedy of the system of racial classification under which, like a chameleon, a person can change colour in the legal sense and simultaneously belong to different racial groups for different purposes

The Group Areas Act, the Population Registration Act, the Immorality Act and the Prohibition of Mixed Marriages Act each has a different racial definition

Ms Freeman's conviction and the accompanying remarks by the magistrate that she "just pretended to be white to enjoy more conveniences and facilities which were open to the white person and not to the coloured" caused an uproar last year

The minute public scrutiny of physical features to which Ms Freeman was subjected in an attempt to decide whether she was coloured or white prompted Mr Jules Browde SC, counsel for the appellant, to make what was seen as a clear allusion to Nazi Germany

He said there was an important principle at stake "You can't use physical characteristics to classify people We must remember a more tragic era of our history where a man was



● Examples of so-called 'Jewish features' (eyes, noses, ear and mouth) posted

Report by **CATHY KENNEDY**

judged by the size of his nose — we do not want that repeated in this country"

Under the Nazi regime, the Vichy Government in France, following Germany's example, put out anti-semitic propaganda, posting up in public examples of so-called "Jewish features" so that "loyal Frenchmen" would "learn how to recognise the Jew" and thus be able to "combat the Hebrew menace"

These photographic aids to identification were backed up by an array of anti-semitic laws relating to marriage, admission of Jews

to professions and university, compulsory registration and the wearing of yellow badges

The echoes in South Africa's racial laws are loud and clear This week Mr Justice B L S Franklin, concurring with Mr Justice C F Eloff, found that Ms Freeman was generally accepted as a white person

Last year on the evidence of one man, coloured Detective-Sergeant Edward Davies, Cynthia Freeman was convicted of contravening the Group Areas Act by being a coloured living in an area set aside for whites

She was fined R100 or 50 days' jail, suspended for three years, and given a six-week eviction order to quit her flat in Wolmarans Street, Joubert Park, Johannesburg

Today "generally accepted as white" she can live anywhere

But the process by which she was classified was in itself an exercise in humiliation comparable to the practices of the Nazis and the Vichy Government

In the magistrate's court, Sgt Davies said three features showed Ms Freeman was not white — a flat nose, high cheekbones and her manner of speech

Mr Gilbert Marcus, who appeared for Ms Freeman in the court, called two expert witnesses — Ms Gillian Schorman, a social worker, and Professor William Hammond-Tooke, of the Department of Anthropology at Wits University

Ms Schorman, of the National Institute for Crime and Rehabilitation, works exclusively among the coloured population and said that in her view "the accused is, by appearance, a white person"

Prof Hammond-Tooke

who specialises in the study of races and cultures, said his first impression of Cynthia Freeman was that she was white and that the wavy texture of her hair, her blue eyes and the colour of her skin were all characteristic of white people He also said that he had found "absolutely no information" as to cheekbones being used as "a diagnostic criterion to indicate race"

He concluded "There is not one element that I can single out that would make me suspect that she is not white"

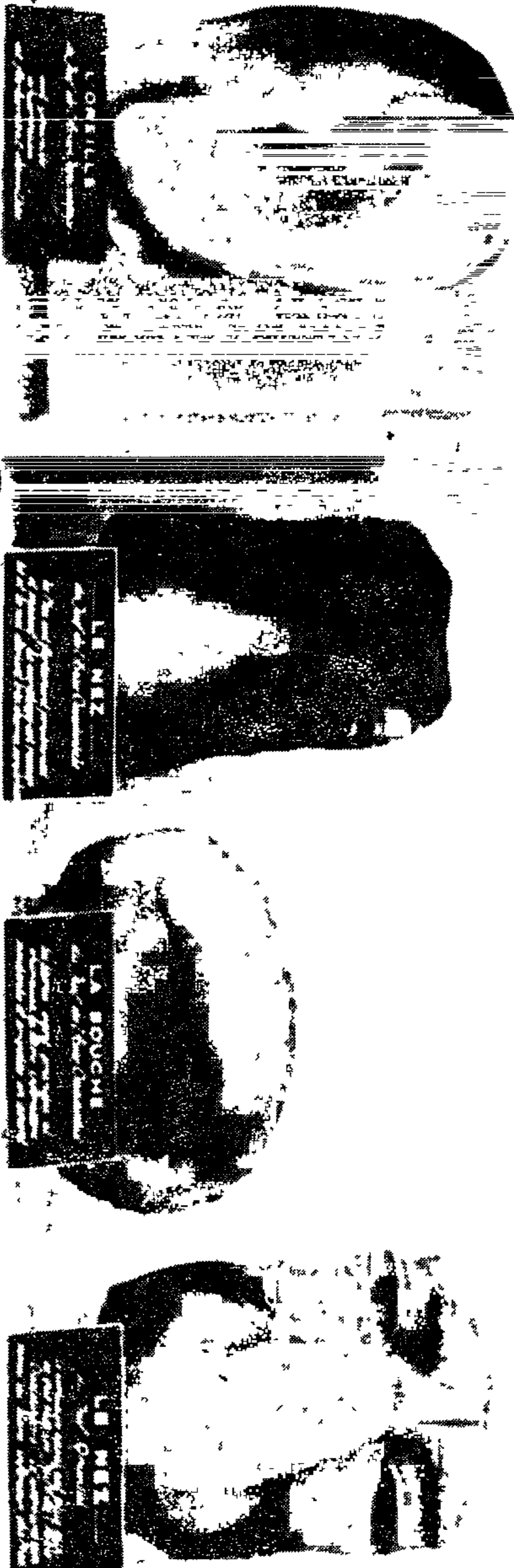
Mr John Turner, another witness for the defence, had been Ms Freeman's employer He testified he "naturally presumed that she was white" and "no-one ever questioned the fact at all" and everyone at her workplace "accepts her as white"

Mr Marcus drew the attention of the court and set



in public places under the Vichy Government to enable "loyal Frenchmen to recognise the Jews and combat the Hebrew menace".

238 S. Evans 30/5/82



Davies to a quotation by a former judge of the Supreme Court, Mr Justice Fagan, on the question of racial classification in connection with the Immorality Act

"The legislature has wisely refrained from defining the words European and Non-European in this Act, no doubt recognising that any attempt to draw a definite dividing line, when the Creator Himself has blurred it, will not only be unreal and artificial but also result in such tragedy as no civilised community can contemplate"

Mr Marcus pointed out that Sgt Davies, unlike God, could tell the court "with absolute certainty" that Ms Freeman was a coloured person

In giving judgment, the magistrate rejected the expert defence evidence in favour of that of Sgt Davies He dwelt on Ms Freeman's

physical features — "natural fair hair and blue eyes, flat nose and high cheekbones" and concluded "From the court's observation it was obvious from the accused's features that she was not obviously white"

The court also took into consideration her skin texture and speech At the same time the magistrate pointed out that Prof Hammond-Tooke "made no scientific classification of the accused, but that he based his opinion on the face of it"

Not that race classification is a simple matter of looking at a person and making a decision Mr Marcus quoted from a standard work, *Boberg's Law of Persons and the Family*, to illustrate the confusion and absurdity to which the different racial definitions can give rise "A man classified as a col-

oured person in terms of the Population Registration Act but who is 'in appearance obviously' a white person, would contravene the Immorality Act if he had sexual intercourse with a coloured woman, though he could marry without offending against the Prohibition of Mixed Marriages Act by proving that despite his appearance he is, in fact, a coloured person

"Conversely, a person who is 'in appearance obviously' a white person and who has intercourse with another white person does not contravene the Immorality Act merely because he has been classified as a coloured under the Population Registration Act"

Mr Cassim Saloojee, chairman of Actstop, an anti-Group Areas Act removals organisation, greeted Miss Freeman's victory with guarded delight

"It is the first time we have won an outright victory in court But it will not have tremendous significance for other people who fall foul of the Act

"People were beginning to despair of gaining any relief via legal channels, but from this victory it appears that sometimes we can achieve genuine redress through the courts

"This case demonstrates the brutality and degradation which is brought about by the racial definitions contained in our laws"

Towards the end of 1981 the Government appointed a Commission of Inquiry into the Group Areas Act, chaired by Mr Justice J J Strydom

Actstop made representations to both the Attorney-General and Mr Justice Strydom to stay all prosecutions pending the report of the commission These representations were without effect

This week in Parliament, in a written reply to questions by the Progressive Federal Party national chairman, Mr Colin Eglin, the Minister of Community Development, Mr Pen Kotze, stated that 80 053 coloured families, 38 472 Indian families and 2 242 white families had been moved since the inception of the Act

Mr Eglin said "No other legislation has done more damage to the fabric of society than this cruel Act"

The case of Cynthia Freeman showed why

BURRIM BARS



CYNTHIA Freeman's nightmare is over.

But the scars remain. the hurt she feels will be with her forever — a towering monument, perhaps, to the crass stupidity of the Group Areas Act.

"It has been awful," she says "A horrible, horrible experience. But if now people just leave me to get along with my simple life, I'll be quite happy."

"I ask no more than that. And I suppose I bear no grudges against those who dragged me through all this."

Cynthia Freeman is blonde and blue-eyed — a 38-year-old receptionist who is the proud mother of a three-year-old boy.

Her agony began last year when she was prosecuted in terms of the Group Areas Act for occupying a small flat in Wolmarans Street, Johannesburg.

The charge was that she was officially classified coloured and was living in a white group area.

Hers was one of many cases brought before the courts as part of the drive aimed at clearing Johannesburg's city centre of what officialdom regards as "those living outside their correct group areas."

Cynthia's case was, however, different. She did not deny that she was classified as coloured. But she argued that she was generally accepted as white and therefore entitled to live in the area.

The hearing of the charge against her occupied three days in the Johannesburg Magistrate's Court. Magistrate Mr J L de Villiers sat in judgment.

Police and other prosecution witnesses were called (the cost to the taxpayer of taking Cynthia to court is difficult to ascertain, but almost certainly substantial).

Defence counsel were employed when, in October last year, the trial took place, scores of legal experts and others were involved, at no inconsiderable cost, in the affair.

The case won particular attention because, while Cynthia stood in the dock, Mr de Villiers studied the texture of her skin, the colour of her hair, and the shape of her nose.

The nose, indeed, became a major issue. Cynthia contended that it was flat because of an accident she had suffered.

Mr de Villiers studied it to reach his conclusion that "she just pretended to be white to enjoy the conveniences and facilities that are open to whites but not to coloureds."

In the end, Mr de Villiers imposed a fine of R100 (or 50 days'), suspended for three years, and ordered Cynthia to leave her beloved little flat.

A few days ago, in a judgment that is being hailed

The agony ends as a court turns Cynthia white overnight

238
S. Times
20/5/82



CYNTHIA FREEMAN ... a question of colour

among those opposed to the Group Areas Act as a major victory, the Pretoria Supreme Court set aside Cynthia's conviction, sentence and eviction from her flat.

Mr Justice B L S Franklin, with Mr Justice C F Eloff, said Mr de Villiers's conclusion that Miss Freeman was not generally accepted as white was "totally unjustified".

Nightmare

With this judgment, Cynthia's principal nightmare ended. But at what cost, in terms of the actual prosecution and the damage which many believe the case did to our country's image abroad?

And what other lessons are there to be drawn from the conviction and the subsequent judgment in the Supreme Court?

Cynthia, it should be said, is an extraordinarily humble

woman. It is estimated that legal fees alone in her case would have been between R4 000 and R5 000.

She could never have begun to afford anything like this.

And when Mr Justice Franklin handed down his judgment, Cynthia's delight was matched only by that of a group of lawyers who have worked tirelessly and free of charge in preparing her defence.

At the Regional Court level, she was represented pro deo by Mr Gilbert Marcus. In the Supreme Court, her counsel was Mr Jules Browde, SC, assisted by Mr Peter Levenberg.

None charged for his services. Incidental expenses were paid by ACTSTOP, the organisation that has been campaigning against the Group Areas Act.

Without this sort of help, Cynthia could hardly have afforded legal representation at the first stage of the prosecution.

an appeal to the Supreme Court was out of the question.

While lawyers are able to quantify the legal bill she might have received, costs to the State of the prosecution are much more difficult to ascertain. There was a police investigation, the formulation of charges, three court days, mounds of paperwork and formality.

Cynthia's own agony is no less significant. She went through the process of having the shape of her nose discussed in court. For months, her otherwise quiet life was in upheaval. Eventually, after being convicted, she had to leave the flat.

Yet, according to Mr Marcus, she has no right of redress now.

"It was a criminal prosecution. She suffered greatly. But there is no comeback for her. That's the law," Mr Marcus explained.

Cynthia is, of course, only one of scores of people living in central Johannesburg who have, during the course of the past few months, been similarly prosecuted. Their offence: living outside their designated group area.

Not all have had Cynthia's good fortune of sustained legal aid and counsel. Not all have had their plight publicised in the way Cynthia's was (according to Mr Marcus, a Sunday Times photograph of Cynthia formed an important part of the record of the trial submitted to the Supreme Court).

Now, as she pleads to be "left alone to get on with my life again after the nightmare", those campaigning against the Act will doubtless seek to use the case to further their cause.

For they, at least, believe that Cynthia Freeman's experience highlights the futility, as well as the stupidity, of the Act and prosecutions in terms of it.

"Cynthia has suffered. She's suffered terribly. And what the Supreme Court's decision shows is that the whole thing was misconceived," said one ACTSTOP campaigner.

"I just want it all to go away. I want a quiet life now," says Cynthia.

But, as Mr Marcus points out, Cynthia's problems remain. She's now "white" in terms of the Group Areas Act. She can live in any white area. Yet she is coloured in terms of the Population Registration Act.

Her little boy is classified coloured.

Tragic

Cynthia's road from receptionist living quietly in a Wolmarans Street flat, to prisoner at John Vorster Square, to convicted felon, and later to woman whose innocence has been upheld by the Supreme Court, is in itself a tragic one.

One that is peculiarly South African.

But the real tragedy is that there are so many more Cynthias — so many others who have suffered and are continuing to suffer as a result of the Group Areas Act.

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Fingerprint provision ²³⁸ 'not sinister'

HOUSE OF ASSEMBLY — Fingerprints in identity documents were for identification only and had no sinister motive, the Minister of Internal Affairs, Mr Chris Heunis, said yesterday.

Replying to debate on the "fingerprint clause" in the Population Registration Amendment Bill, he said the fingerprints in identity documents would be used by his depart-



Mr Heunis

ment for the population register only and would not be available to the police or other parties.

Proposed amendments by the Progressive Federal and New Republic parties to remove the fingerprint requirement from the clause were defeated in divisions, with the PFP and NRP voting together against the government and the Conservative Party.

Mr Tian van der Merwe (PFP Green Point) said the public found the idea of being fingerprinted for identity documents offensive, an invasion of privacy and also messy. Fingerprinting was associated with criminality and that stigma would not be easily shaken.

"The measure will also aggravate grossly the administrative problem with which the department already finds itself."

Mr Derrick Watterson (NRP Umbilo) said that fingerprints should be used only as an alternative to signatures in the cases of illiterates.

Mr Van der Merwe and Mr Roger Hulley (PFP Constantia) also criticized a provision in the clause empowering the government to declare by proclamation in the Gazette what information should

appear in identity documents.

Mr Pierre Cronje (PFP Greytown) asked whether the population register could be used to trace people and who would have access to it.

Mr Heunis said the government's intention to introduce such legislation had been widely advertised and the bill had been published in January last year.

"Notwithstanding the fact of its wide advertisement and its prominence in the public media, the department has, at most, received three objections."

Mr Heunis appealed to opposition members not to "create a climate that doesn't exist against provisions in this bill."

Mr Heunis said there were a variety of products for taking fingerprints which were neither messy nor offensive and these were being investigated thoroughly before fingerprinting was put into practice.

"The fact that the clause relating to fingerprinting only comes into effect on a date to be determined by the State President is evidence of



Mr Van der Merwe

the fact that we want the best product to be used under the circumstances."

Mr Heunis said "Unless steps are taken, the country will be overrun by illegal immigrants from various other countries."

He said the aim was to provide a uniform identity document for all population groups, with the same provisions for all, and accepted an amendment moved by Mr Hulley specifying that the provisions would not be based on race or colour. — Sapa

Police will need a hand to solve the print poser

238 S. Express 13/6/82

By ARLENE GETZ

IT WOULD take one policeman 39 years to fingerprint the South Africans who don't yet have identity documents.

As the Government seems set to push ahead with its controversial law requiring all identity documents to have finger and palm-prints, the Sunday Express tried to find out how this would affect Book of Life applicants.

□ Would people wanting new proof of identity be required to travel to a special Fingerprint Centre?

□ Would they have to set aside half a working day before their whorls and ridges could be studied by interested experts?

□ Would their hands be studied by local policeman — or would a new breed of civil servant — the Fingerprint Taker — be appointed?

"A select committee has been appointed and is looking into all the details," said a spokesman for the Department of Internal Affairs.

Last year the department had to re-issue papers to 142 580 people who had either lost their books, obtained drivers' licences or changed their names because they had married.

Next year, you could be one of them.

If you are, it seems likely that you will have to visit your local police station to have your prints taken.

According to the commanding officer of the Criminal Bureau, General J. A. M. Grobbelaar, this did not require a special skill — all

officers were trained to take finger prints

If each of the 982 564 whites, coloureds and Asians over 15 who, according to the department have not yet been furnished with identity documents, spent just five minutes in a police station it would still take more than 81 880 working hours to process the existing backlog.

That's 2 047 working

weeks — or 39 years without holidays

And that doesn't provide for all new applications or re-issues

The costs of the proposed operation are not known, but in 1979 the Government disclosed the costs of the fingerprint section of the Reference Bureau for blacks had been more than R1-million a year for 1977 and 1978

At the time the bureau had almost 15-million blacks' fingerprints on record but the new Population Registration Amendment Bill makes provision for the taking of the fingerprints of all races

It has been criticised by the Opposition, but Minister of Internal Affairs Chris Heunis described it as being essential for the country's security

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Handwritten notes: 8131, 139, 11

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 before I try to promote
 it," he quipped
 "I will also ask vari-
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represented here and
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aret Nash's 'Black Up
 rooting from 'white'
 South Africa has been
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 the following:
 "Chocolates for my
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 iza) "Origin of the
 Family" (Frederick En-
 gels), and "The Under-
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 From today it will
 be an offence to import
 and/or distribute the
 following publications:
 "Trash (Hal Robin-
 son) "What Are You
 using" (Andrea Balis),
 'Unspeakable Acts
 (Simon Bond), "Real
 Woman" — Vol 3 No
 1 February 1982 (Har-
 ris Publications Inc
 New York), "Metasex
 Mirth and Madness"
 (Marco Vassi)

Lipizzaner fate still in balance

The Lipizzaner horse
 team may yet be saved,
 but until their fate is
 decided there will be
 no more official perfor-
 mances
 The famous team of
 dancing horses is one
 of the only two in the
 world outside the Span-
 ish Riding School in
 Vienna It is facing dis-
 bandment due to lack
 of funds
 Unless a last ditch
 "Save the Lipizzaners"
 campaign succeeds, the
 famous white horses
 will be sold by public
 auction

Sentrachem, the com-
 pany which has
 sponsored the team for
 18 years, announced in
 April that it could no
 longer meet the costs
 of R200 000 a year.

LEADER

Mrs Helen Laros,
 leader of the team
 which has been riding
 the horses for nine
 years, launched a
 fund-raising campaign
 last weekend The
 target is R250 000

A decision on the
 fate of the horses has
 been postponed for at
 least a month said Mr
 Dave Marlow, managing
 director of Sentrachem

"Many people and
 companies have ex-
 pressed sympathy and
 concern, but there has
 been no support of sig-
 nificance The team has
 achieved such a level
 of excellence that a sub-
 stantial effort would be
 required to ensure the
 continuation of the Li-
 pizzaners"

Anyone wishing to
 help should phone Mrs
 Laros at 702 1210.

Fingerprint scheme to be studied

238
 3/7/82
 Stan

Pretoria Bureau
 A special committee of
 inquiry has been ap-
 pointed to study the
 controversial govern-
 ment scheme to issue
 South African citizens
 with fingerprinted
 identity documents

The six-man com-
 mittee is a joint effort
 between the Depart-
 ments of Internal Af-
 fairs and of Co-opera-
 tion and Development,
 and has already begun
 working on the broad
 format of the docu-
 ment

A spokesman for the
 Department of Internal
 Affairs in Pretoria said
 no date could be set for
 the introduction of the
 new identity document
 until the group had
 also studied the prob-
 lems inherent in im-
 plementing the scheme
 and passed on its find-
 ings

Among the problems
 expected to be encoun-
 tered are getting every-
 one to register for fin-
 gerprinting, and a pos-
 sible long delay be-
 tween the times of ap-
 plication and issue

Once the committee
 had made its recom-
 mendations said the
 spokesman, they are
 likely to be accepted
 by the Government

People wishing to
 take out South African
 citizenship in the in-
 term will have to fill
 in the usual forms and
 be issued with the old
 document said the
 Director General of In-
 ternal Affairs, Mr S
 van der Merwe

He could not say
 whether these people

would then have to
 apply again for new
 identity books when
 they came into being,
 but that this would be
 one of the questions
 the committee of in-
 quiry would have to
 answer

When the scheme
 was introduced as part
 of the population Re-
 gistration Amendment
 Bill in Parliament earli-
 er this year, it was met
 with fierce criticism by
 opposition politicians

Both the PFP and
 NRP contended the
 issue was too emotive
 and that South Afri-
 cans would not readily
 take to being finger-
 printed like criminals

The two parties also
 maintained that such a
 register was an inva-
 sion of a citizen's pri-
 vacy

The Minister of In-
 ternal Affairs, Mr Chris
 Heunis replied the
 prints were for identifi-
 cation only in cases of
 illiteracy

Protest over archaeologist

LONDON — Britain has
 protested to Afghani-
 stan over the reported
 trial and 10-year im-
 prisonment of a British
 archaeologist accused of
 illegally shipping anti-
 ques to Britain

The Foreign Office
 said that Dr Ralph Pin-
 der-Wilson (63), sent
 the items to Britain for
 restoration At his re-
 quest about 100 coins
 were returned to Afgha-
 nistan authorities on
 June 13 — Associated
 Press

gives 100 to retired Mrs

became its first pre-
 sident in 1963
 Professor Martiens-
 sen distinguished her-
 self as an artist and
 professional woman
 She was first woman
 professor at Wits when
 the chair of fine arts
 was created in 1957 In
 1974 she retired to de-
 vote herself to writing
 She left most of her
 estate to Soroptimist
 International of Johan-
 nesburg
 It is hoped that the
 trust — to provide ac-
 commodation for re-
 tired teachers — will
 grow into a national
 institution

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WEEKEND
 ISSUE

Four Seasons
 Hotel
 81 Church Street
 Durban's best value for
 money hotel
 ROOMS

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71643 30/7/82

Group Areas 'unacceptable'

238

Religion Reporter
THE Group Areas and Mixed Marriages Acts are "unacceptable politically" in the light of the Bible, says Dr Willem Nicol, one of the 123 members of the Dutch Reformed Churches who signed the recent open letter.

Dr Nicol, minister to students at the University of Pretoria and minister of the Universiteitsoord congregation, said in reply to questions by Mr Johannes Froneman of Die Kerkbode that politics and religion could not be separated.

The interview is on the front page of the magazine.

Dr Nicol said the open letter contained nothing new. It set out the "old truths" in a clear, contemporary style.

AUTHENTIC

"That the Scriptures must be applied directly to politics is also authentically Reformed," he said.

The letter did not create differences between sections of the NGK, but made people more aware of the latent polarisation in the NGK.

Dr Nicol was asked the significance of the letter's statement that "a system

in which irreconcilability is elevated to a principle of society, and the various parts of the population are estranged from one another, is unacceptable".

He said "Some people have understood the reference to the 'system' as the whole present policy of the Government. However, that is not what stands in the letter.

"Numerous elements of present policy are a quiet acknowledgement that the original apartheid policy was partially wrong.

"What is rejected in this letter is the original apartheid ideal and attitude to life, in which the fundamental irreconcilability of people played a basic role".

Dr Nicol was also asked about a passage saying that "the laws which have become symbols of this estrangement, including the laws on mixed marriages, race classification and group areas, cannot be defended by the Bible".

He said "The letter means that the laws, as they now appear in the Statute Book and as now implemented, are wrong in the light of the Scripture.

Stop harping on Marriages Act — cleric

Religion Reporter
ADMINISTRATOR of the Ned
Geref Kerk has objected
to the continual "harp-
ing" on the Mixed Marri-
ages Act, saying marriage
is subject to the authority
of the State.

The Rev G J Hugo of
Kroonstad says in a letter
to Die Kerkbode — offi-
cial organ of the NGK —
that the authors of the
open letter signed by 128
ministers are "ideologists"
the concept of reconcilia-
tion

"The writers state that
the Mixed Marriages Act
cannot be defended by
Scripture. Agreed. But
the one-sided harping on
this monotonous string is
now beginning to exceed
the boundaries of one's
patience."

While marriages were
sealed by God, the Refor-
mers opposed the Catho-
lic concept of marriage as
a church sacrament. The
Reformers said marriage
was part of the "natural
order".

And if marriage
belongs to the "natural
order", then it belongs in
the first place with the
institution which was set
up by God (as his ser-
vant), for the ordering of
society — that is, the
authorities.

"We believe that our
good God, because of the
corruptness of the human
race, appointed kings,
rulers and authorities, it
must be governed by
means of laws and gov-
ernments, so that the
licentiousness of people
can be held in check and
all can be orderly — and
we can lead a calm and
quiet life."

"And so the authorities
determine the per-
formance of marriage
ceremonies by legislation.
And the authorities
appoint ministers as mar-
riage officers."

In this way, legislation
determined that the per-
mission of the Minister of
Internal Affairs was
needed for marriages be-
tween people under cer-
tain ages.

"Biblically this legisla-
tion is indefensible, but
the open letter makes no
prophetic statement on
this matter.

"On the other hand, the
authorities in South
Africa have not legislated
to prevent a marriage
between believers and un-
believers, because in their
judgment such a marri-
age does not constitute a
threat to the social order.

"But in the Bible, God
specifically prohibits such
a marriage.

"Why do the writers
of the open letter
not object to this and
other legislation?" Mr
Hugo asked.

JAAP DE VILLIERS
bank probe

THE US says they are alleged to
have given for the overdraft

THE BANK says in Johannesburg
before the court that since

contacted for comment.

the articles of association of
Gencor"

There was no immediate
reaction from Dr Anton Ru
pert and his Rembrandt
group

● Report — Page 11

Greece hit by quake

ATHENS — A tremor regis-
tering 4.9 on the Richter
Scale shook the north-west of
Greece yesterday, the Athens
Seismological Institute said

The tremor was centred
about 285kms north-west of
Athens in the Epirus region
Police said there were no re-
ports of injuries or damage
— UPI

3 bombs rock Honduran city

TEGUCIGALPA — Terror-
ists exploded three bombs on
Wednesday which rocked
American and Salvadoran-
owned buildings in the Hon-
duran capital and seriously
wounded four people police
said

The bombs went off less
than a minute apart and sev-
eral more people were slight-
ly hurt, police said — UPI

Wrong crossword

SOME copies of yesterday's
Rand Daily Mail had the in-
correct grid for the 30-min-
ute crossword We apologise
for this

(238) ROM 4/8/82

Couple found in gas-filled flat

By EMILIA JAROSCHEK
Crime Reporter

AN ELDERLY white man
and a young black woman
were found gassed and semi-
naked in a flat in Johannes-
burg's southern suburbs yester-
day after an apparent
double suicide pact

Mr Johan Erasmus, a 61-
year-old buyer, was lying
dead on the floor of the bed-
room of his flat in Holt
Street, Forest Hill

The woman, Miss Ningu
Reginah Dube, believed to be
in her 20s, is in a critical
condition in the Hillbrow
Hospital

The couple were discov-
ered yesterday afternoon
when Mr Erasmus' employ-
ers went to the flat to see why
he had not come to work

They heard a woman moan
inside the locked flat and
phoned police Flying Squad
men kicked the door open
and found the woman lying
naked and semi-conscious on
the kitchen floor

Two gas taps in the flat
were turned on Police im-
mediately called an ambu-
lance which took Miss Dube
to hospital

Mr Erasmus a father of
six children, was divorced
four years ago and was living
alone in the flat



MR JOHAN ERASMUS
from a 1961 photograph

Miss Dube did not work for
Mr Erasmus a woman who
cleans the flats told police

A neighbour told police she
had smelt gas at 4.10pm the
previous day but did not wor-
ry because she had smelt gas
before

A woman's clothing and
shoes were found strewn over
the flat and in the wardrobe

The Brixton Murder and
Robbery Squad were initially
called to the scene to investi-
gate the possibility of
murder

They said later, however,
that they did not suspect a
crime at this stage

during an interview with the Rand Daily Mail The
in Zimbabwe precarious

Picture: DANIE COETZER

I fails

had not produced any ac-
cidence to counter that given
Mr Justice James said,
i was left with the impres-
Saxena had told the truth
under threat.
to Hoare's appeal against his
judge dismissed his claim
"harsh, and bearing in mind
stances, inappropriate"
t was reconvened later in the
after a possible petition to the
but no decision had been
as respect by the convicted
counsel said However the
asked to consider allowing
om Hoare and Duffy in re-
ment three
these applications down as

Treetise on a monster

London Bureau

LONDON — The Loch Ness
monster is an ancient pine
log that occasionally floats
on the surface and its "snout"
and "fins" are lumps of resin
that have formed on it, says a
Scottish engineer writing in
the New Scientist.

The pressures caused by
the great depth of the lake —
230m — would crush the
trunk's soft outer cells which
would partly fill with gas,
claims Mr Robert Craig

The gas would form time
to time drive the log to the
surface, where it would make
a brief appearance and then
sink again as the gas was
expelled

Latest ABC figures

JAN-JUN 82 111 140	JAN-JUN 82
MAIL	
+4 381	
JUL-DEC 81 106 759	MON-FRI TUESDAY: 53 867



By KEVIN DAVIE

IAN and Sharon Whiteley, the mixed-race couple who returned to South Africa after 12 trying years of exile, have told their sad-happy tale in book form.

The book tells it all — their arrest and imprisonment in South Africa, their marriage in Botswana, their deportation from this multi-racial country, their plight as UN refugees in Norway, their refusal to give up their South African passports and identity.

When life in South Africa became impossible because of their love for one another, the Whiteleys fled to 12 years of hardship. Sherin had four miscarriages, they existed in poky hotels and dingy flats, and were often the targets of racial abuse, yet they never stopped loving and yearning for the country that had made them outcasts — South Africa.

Called "Peopleonly", the book is as Ian describes it, a "warts-and-all" account. He wrote the book since his return to South Africa late last year with the help of a lecturer in the Department of English at the University of the North, Mr Peter Cassidy.

The book has not yet been published and the authors are busy now looking for a suitable publisher.

The couple suffered a lot while they were overseas — the breaking point came in Liverpool.

Jobs were scarce, unemployment, especially high among West Indians and Pakistanis, was on the increase. Next came racial violence.

'Go home Paki'

"Go home Paki! We don't want you here!"

Sherin tried to explain she was not a Pakistani, but South African. This was the signal for even more abuse and they ended up spitting on her.

"I arrived home to find her sobbing bitterly as she recounted what had happened. She had to come all the

Our hell in exile



Ian and Sherin Whiteley and sons Deryck and Raymond... back in SA, the country that jailed Ian for wanting Sherin as his wife

He's white, she's Indian. They're married — and proud to be South Africans. Now they've written their story . . .

way to Britain, the home of modern, democracy, to be spat on."

He wrote to the Prime Minister, Mr P W Botha, who gave an answer they'd been waiting to hear for 12 years.

"You and your wife as South Africans holding South African passports may return to South Africa without first having to obtain visas to do so."

They arrived back just before Christmas. His last had been spent in jail. . . . Sherin and Ian had decided to get married, and had the

blessing of both sets of parents, but, of course, not South African law. They had decided to live together nonetheless.

One night "the cops inhuman reigned. One oily character, looking like starvation personified and adorned with a meerkat face, arrested Sherin, while six officers saw to me".

Gingerly

"One constable gingerly fingered a pair of panties and enquired whom they belonged to

"They're a souvenir from my Navy days", I told him. "He wasn't amused."

Sherin had to suffer an internal examination, and a couple of days later lost their first child.

She was granted compassionate bail, "husband" Ian spent several weeks in gaol as an awaiting-trial prisoner.

"We were ushered into the dock, which lo and behold, was partitioned, Sherin on one side and me on the other. "But our arms were long enough to hold little fingers around the edge of the division."

Sherin's father went into the witness stand, provoking general hilarity when asked if he knew Mr Whiteley, by answering:

"Yes! He's my son-in-law!"

Acquitted

The couple were acquitted — the charges couldn't be proved beyond all reasonable doubt.

Life had become impossible in South Africa so the very next day they left for Botswana, where they were married. But Botswana didn't want

the Whiteleys, and without any reasons gave them 14 days to leave.

They applied to the United Nations for help. From Gaborone, they flew to Bergen, Norway, via Lusaka, Dar-es-Salaam, and Copenhagen.

Ian got a job, Sherin sat in their small, hotel room day-in and day-out.

Eventually the UN representative there managed to arrange a deal — they could live rent-free in a small cottage just outside town, provided Sherin did some domestic chores for the people who owned the place.

After six years in Norway they were told they'd have to accept Norwegian citizenship, or leave the country.

They left for Liverpool, where Ian managed to get a job as a storeman in a hospital.

Six months later they were again served with a deportation order, but this time with the help of his union's lawyer, and massive media exposure, the British Government decided they could stay.

Then P W Botha came to power in South Africa. Earlier letters to Mr John

Vorster had not produced a positive response, but the Whiteleys had faith in the new Prime Minister, "who seemed all set for steady change".

Twelve years after their midnight escape to Botswana, they were coming home.

There was brief holdup at Jan Smuts as their passports were checked.

The official asked them to wait for five minutes, but Ian produced his letter from the Prime Minister and they were home.

A small town lives a controversy, yet last week saw two lovers arrested

PIETERSBURG is a town full of contrasts, but its biggest anachronism, Mail reporter **Geoff Allen** discovered, is the conservative majority who live alongside neighbours openly flaunting the Immorality Act

Pietersburg: ²³⁸ the colour bar ₂₀₀₄ overlooked... _{15/9/82}

PIETERSBURG, a small town of contrasts, swelters in the heat of the northern Transvaal

Farmers walk down the main street rubbing shoulders with European radar technicians, drivers travel at snail's pace or try to beat Sir Malcolm Campbell's records. Hotel guests sip gin and tonic around the pool while black beggars walk by.

But none of these is so contrary as the application of the Immorality Act in Pietersburg.

In the Indian quarter — bizarrely named "Nirvana" — a white man and his Indian wife live happily and unharmed by the law.

In the next street, a white woman and her Indian lover meet under the threat of six months' imprisonment.

Out in the main town there's a major black prostitution problem. But Major H A P Nel of the South African Police says the Attorney-General "tends to decline prosecution unless there is a definite complainant."

Lieutenant Henk Heslinga, head of the local Narcotics Bureau, says it was a string of very angry complainants from indignant town-folk that led to the prosecution last week of pretty ginger-haired Charmaine Deacon and her Indian lover Iqbal Anrod.

"They carried on so openly. He picked her up at her flat and they often stayed at his parents' home in Nirvana," said the lieutenant.

On his office wall, in pride of place, is a photograph of the night the law came down on Charmaine and Iqbal.

"When we entered the flat the Indian said we couldn't touch Charmaine because her father was a diplomat.

"She started telling me that her father was in the National Intelligence Service and we couldn't arrest her.

"I told her I didn't care if her father was King George," Lieut. Heslinga said. D van der Heever, clamed at her trial she had been raised abroad and was not as aware of the Immorality Act as a person brought up in South Africa might be.

Lieut. Heslinga tends to doubt this. He says Charmaine was educated at the local school and that her passport shows she only went abroad infrequently.

Charmaine herself isn't talking. "Goodbye" was the only word she spoke, leaving the draught from her slammed front door whistling through my hair.

So keen are she and Iqbal to avoid publicity they were arrested for reckless driving a few days ago while attempting to dodge a Sunday newspaper team. Ironically the policeman who made the arrest had shown the reporters to Iqbal's home.

But, despite the stares and glares of the

locals, Charmaine continues to drive Iqbal's sporty new car and neighbours at her flat say he visits her on most nights.

The couple met while Charmaine was a travelling representative for the Tedalex Electrical Goods Company. She walked into a nearby office to sell her wares, and walked out in love with the son of a man with whom she was doing business. It must have been a traumatic experience.

But not nearly so traumatic as the night of July 26 when, at 11.30pm, police armed with torches and cameras burst into Charmaine's flat and found her and Iqbal together.

"We knew they were there and when the lights went out, we went in," Lieut. Heslinga recalled.

While there's an undercurrent of anger among some of the ordinary townfolk, one couple at least are thrilled that Charmaine and Iqbal were given suspended sentences.

Ian and Sherrin Whiteley say they believe the suspended sentences indicate a softening of the law which forced them into exile in Europe 13 years ago.

Now Ian, who is white, and Sherrin, an Indian, are back in South Africa and living only a street away from Iqbal Anrod.

"The police pop around now and then to ask if we are okay and to check that no-one is giving us trouble," said Ian, who spent three months in a prison cell awaiting trial after being caught with his Indian wife.

The couple have two sons and are hoping that Sherrin's pregnancy will bring them a daughter.

"Sure, we got stares at first, when we came back a year ago, but that's all finished. I take Sherrin everywhere — the cricket club, out to meals and restaurants, we do our shopping as a family. It's great to be home," Ian said.

But things weren't always like that. Just over a year ago they were living in Toxteth, in Liverpool, England. When the race riots started there Ian decided he was coming back home no matter what the law said.

"The day a white man spat in Sherrin's face in Liverpool, I wrote to the Prime Minister" and said we were coming home.

"I told him he could classify me as coloured or do what he liked. We are South Africans and proud of it.

"P W Botha's reply was 'Come home. Keep a low profile and there won't be a problem,'" said Ian. And that's how it is for them in their spanking new house in Nirvana.

But in schizophrenic Pietersburg the black prostitution problem still lurks, the populace still feel angered by Charmaine Deacon's activities and an Indian used-car salesman complains bitterly that business is slacking off.



A mixed marriage that works, Ian and Sherrin Whiteley with their son Derrick outside their new home in Pietersburg's Indian township. The across-the-colour-line marriage is ignored by most of the residents of the town.

Picture RAYMOND PRESTON

viet KGB. — (Sapa-AP) to be made.

Envoy's daughter guilty in sex case

Mercury Correspondent
JOHANNESBURG—A South African diplomat's daughter, Charmaine Anne Deacon, 21, and her Indian lover, Iqbal Amod, 19, want to live in Venda together.

Lt Henk-Heslinga of the Pietersburg police, said yesterday he believed the couple wanted to live in Venda where Mr Amod works.

They had been found guilty under the Immorality Act and each had been given a six-month sus-

pending sentence

To trap the couple police used video cameras to film them entering and leaving Miss Deacon's flat, only 132 paces from the police station charge office.

Mr Amod's lawyer, Mr Y A B Ismail, said the couple had agreed to plead guilty.

Miss Deacon's father had been a senior diplomat for five years at the South African Embassy in Lisbon.

238 Mercury 15/9/82

First coloured, then Indian —
then coloured then Indian ...

Colourful world of Mavis Daya

w/E ARGES
25/9/82
238

by CASSIE du PLESSIS

PORT ELIZABETH. — Mrs Mavis Daya has a particularly colourful past — she has twice been a coloured person and twice an Indian.

But it is not any genetic metamorphosis which today makes her an Indian for the second time. It is apartheid's race classification.

Mrs Daya, 47, of Malabar, widow of a former Indian taxi fleet owner, said in an interview this week that she had just had the good news that she has "become" Indian again and can live in the house her husband left her in his will.

Had representations to the Department of Internal Affairs not succeeded, she would have had to move out of the house where she and her husband had lived together for 12 years before his death in 1981.

When she married Mr Tiekam Daya, an Indian, 27 years ago, before a magistrate, she was automatically legally regarded as an Indian.

However, when he died, she learned from her attorney that she would have to move to a coloured township as she was again being regarded as coloured.

She obtained a temporary permit to stay in

Malabar, and for many months her life there was uncertain.

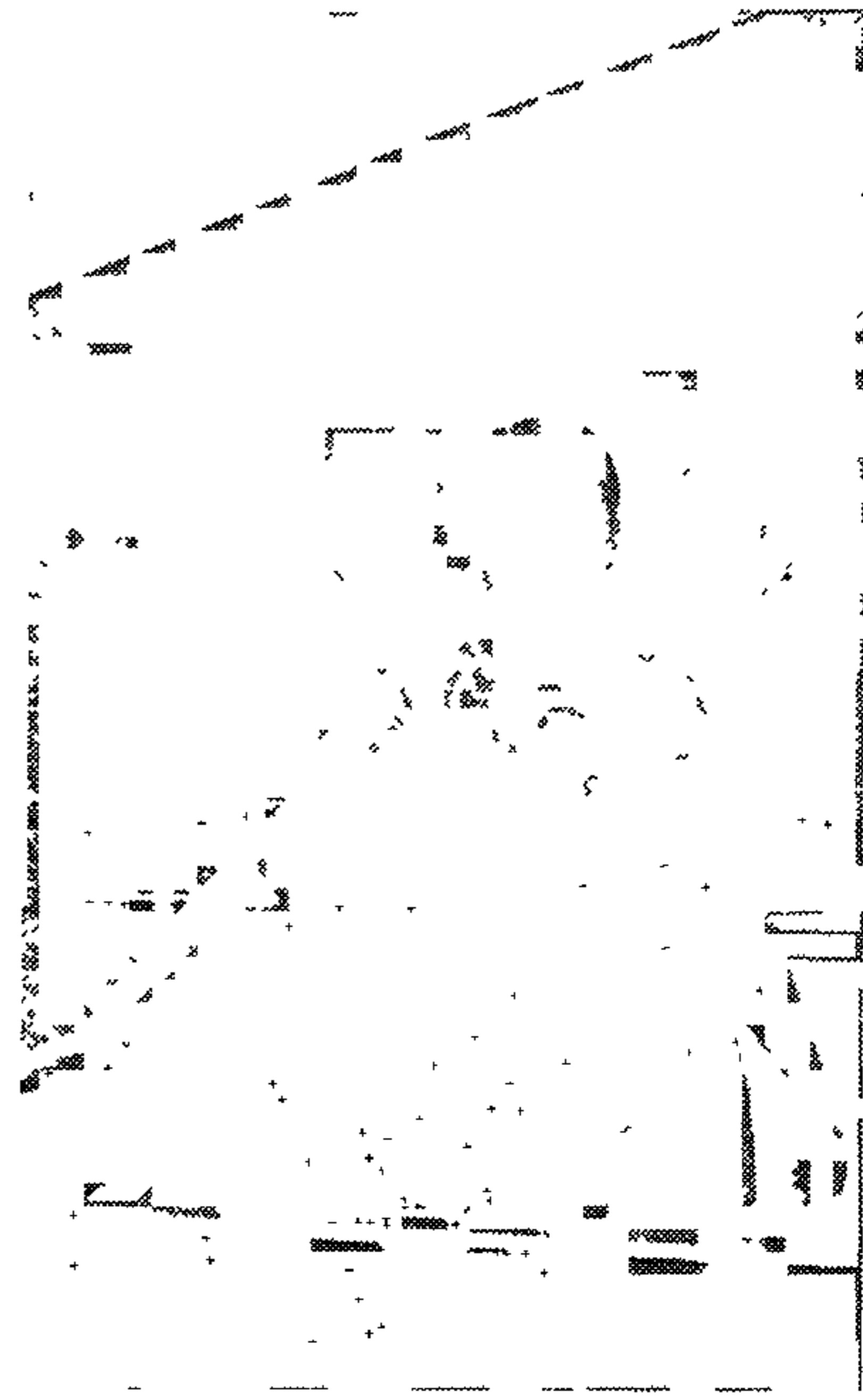
However, the chairman of the Port Elizabeth Indian Management Committee, Mr Raman Bhana, told her this week that he had received a letter from the Director-General of the Department of Indian Affairs, saying that she was being reclassified as Indian.

All she has to do is send her Book Of Life to the Department of Internal Affairs with two photographs of herself so that a new one could be issued.

"I am absolutely delighted to know I can legally stay in the only house I know, whatever race tag I have," she said.

She has a daughter who is classified Indian and married to an Indian.

Mr Bhana, an executive member of the South African Indian Council, who took up the case, said he was happy that this example of the "inhuman race laws" had been resolved.



MRS Mavis Daya, victim of a race laws flip-flop, at the home she can now — as an Indian once again — legally own

Mavis is Indian once and for all

238 S. Times 26/9/82
A COLOURED woman received long-awaited news this week... that she had been classified Indian.

This means that 47-year-old Mavis Daya may now continue to live in her three-bedroomed house in Port Elizabeth's Indian suburb, Malabar.

Mrs Daya's unique case shows up the absurdity South Africa's race-classification laws.

First she was classified coloured. Then when she married an Indian, she was recognised as belonging to the Indian racial group.

Her husband bought a home in Malabar and the Dayas believed they had a secure home. They had been moved from their first home — in Rink Street, Central — when the area was classified "white".

However, when Mr Tiekam Daya died early last year, Mrs Daya was suddenly reclassified coloured.

Then came the housing bombshell Mrs Daya was told that she could not live in the house which she and her husband had shared for 12 years, and that she would have to move to a coloured township.

She was given a temporary permit to stay in Malabar while her case was being considered.

Now she has "become" Indian again and can live in the house her husband left her in his will.

"I am delighted that I can stay on in Malabar," said Mrs Daya this week.

"All my friends stay here, and I could not imagine living anywhere else."

She would probably have been made to move to Gelvandale, a coloured suburb in Port Elizabeth.

Her daughter, Lellita, is classified Indian and has married an Indian man. They live in Malabar with their two children, also classified Indian.

Kept faith

"Although I got a shock when they told me that I would have to move, I have always had faith that everything would work out."

Mrs Daya got the news from the chairman of the Port Elizabeth Indian Management Committee, Mr Raman Bhana, who received a letter from the Director General of the Department of Internal Affairs.

The letter stated: "I have pleasure in advising you that after careful consideration Mrs Daya's classification has been amended to Indian in terms of the Population Registration Act."

Mrs Daya was asked to send her Book of Life to the Department of Internal Affairs, along with two photographs of herself so that a new one, changing her race from coloured to Indian, could be issued.



MAVIS DAYA — glad to be Indian

By PETER MALHERBE

Mr Bhana is an executive member of the South African Indian Council and raised Mrs Daya's case in the council in April.

He criticised the red tape involved in cases where coloured people married Indi-

ans, adding that Mrs Daya should have been issued with an Indian identity document soon after her marriage.

The couple were married by a Port Elizabeth magistrate 26 years ago.

"The only thing we differed in was that he was a Hindu and I belong to the Catholic church," said Mrs Daya.

Synod to debate Group Areas and Immorality Acts

Agas 27/9/82

238

Religion Reporter

THE Sendingkerk synod will have strongly worded motions on apartheid legislation before it later this week in the light of the ethical demands of Christianity.

The Group Areas Act, Immorality Act and Mixed Marriages Act, all rejected by the Sendingkerk, will probably be debated when synodical commissions present their reports.

A motion calling on the Sendingkerk not to apply for permits under the Group Areas Act because the Act was sinful, has already been introduced.

The motion arose from a legal requirement on the church to seek a permit for one of its ministers to live in a manse in the "white area" of Vredenburg/Saldanha.

The Rev. A. J. Esterhuysen of Saldanha Bay introduced a motion recalling that the 1978 synod rejected the Group Areas Act as unscriptural. He said synod should support church-councils whose obedience to scripture led them to refuse to apply for residential permits.

Synod asked Mr Esterhuysen to bring his motion forward when the report of the church's commission on ecumenical affairs was discussed.

The Moderamen told synod it raised the issue last year with the Prime Minister, Mr P. W. Botha, and the then Minister of the Interior, Mr. A. L. Schlegbusch.

During that interview the Moderamen of the Sendingkerk asked

• That no further removals of families should take place from District Six,

• That District Six should be seen as the traditional residential area of the coloured and Malay community and should be made available to this community for development,

• That any portion of District Six set aside as a business area should be open to occupation by all races.

The Sendingkerk Moderamen also asked the Prime Minister to rescind the Mixed Marriages Act and Section 16 of the Immorality Act.

Subsequently, it was invited to join the Anglican Church in new approaches to the Government for the removal of both pieces of legislation.

Coloured LAC at loggerheads over mixed-marriage couple

Municipal Reporter

A DECISION to allow a 'mixed-marriage' couple to move into New Dawn Park — a coloured suburb — was carried by a narrow six-to-four margin at a Durban Coloured Local Affairs Committee meeting.

It has caused a serious rift between the committee members and two of the dissenters seen headed for disciplinary action from the coloured Labour Party.

The Department of Community Development had written to the LAC for comment on an application by Mr Z Timol, an Indian married to a

coloured radio-grapher, to acquire one of the houses in an Urban Foundation house-ownership scheme

8/10/92 238
Hessary

The department said Mr Timol had always associated with the coloured community and adopted its way of life. His wife had attended Park Hill High School where her mother was a teacher. Their son attended the Tiny Tots nursery school.

Personal

The four LAC members who voted against the application were Mr A F Christoffels, Mr E F Stewart, Mr E P Smith and Mr D C Young.

Asked to comment yesterday, Mr Stewart said his motives had been personal but added 'If I married a white woman they wouldn't let me live in Durban North.'

He said he intended taking the matter to the Department of Community Development to object.

Robbed

Mr Christoffels was more forthcoming. He said 'I was called a racist at the meeting but I am a realist. The Indians have far more land allocated to them than the coloureds and if we make one exception we will open the floodgates, which would not be very wise considering the mood of the people in Newlands East and the acute shortage of houses.'

'They feel they have been robbed. They live in areas they didn't choose.'

Mr Christoffels said there was a deep-rooted resentment of Indians 'who came along and swept coloured woman off their feet' because the Indian men tended to be more affluent than the coloureds.

Agreement

Mr Smith said he had been 'confused' and had not really understood the issue so he had abstained. Mr Young denied voting against.

But yesterday LAC chairman Mr A W Stowman confirmed that both had broken a gentleman's agreement not to oppose the Timol application.

Six of the eight-man LAC are members of the Labour Party, which has a policy of non-racialism.

Mr Stowman, also vice-chairman of the Labour Party, said 'The Timol application was debated at length at a caucus meeting of the Labour Party members. No punches were pulled and when it went to the vote in favour of the application everyone agreed to abide by the caucus decision at the LAC meeting.'

'We were taken by complete surprise and terribly embarrassed when Mr Smith and Mr Young argued against allowing the couple into the area.'

Married — despite race snag

By RENÉ
DU PREEZ

238

S. Times

10/10/82

HUNDREDS of people of all races, cameramen and a TV crew yesterday gathered at St Cyprian's Anglican Church in Langa for a wedding that nearly wasn't.

The glittering occasion was the marriage of Miss Nomasomi Makwela, daughter of the wealthy Langa business family, to Mr Abdel Magid Zakie, of the Sudan

Not allowed

The wedding almost didn't take place. Last week, a black Methodist minister in Guguletu, said he couldn't marry the couple because the groom, who is a Sudanese and of Muslim faith, is not considered "black" by his minister's licence.

The Rev J T. Tshabalala, of the Guguletu Methodist

Church, said "My licence to marry people does not allow me to do so if the man is not black.

"I can marry a black man to a coloured woman, but not a man who is not black. As Mr Zakie is Muslim, he is not considered black

"Because of this problem, I had no alternative but to tell the Makwela's that I could not marry their daughter

"It's very sad as they are parishioners of my church"

Saved day

However, the day was saved when the Rev Thami Moletsane, of the St Cyprian's Anglican Church, assisted by a white minister, the Rev

Mark Hye officiated at yesterday's ceremony

Mrs Lawukazi Makwela, Nomasomi's mother, said "I will never allow any of my children to marry out of church

"We experienced endless problems during the past month trying to arrange a church wedding for my daughter

"The main problem was because my daughter's husband is a Sudanese and belongs to the Muslim faith"

After the church ceremony yesterday morning, lunch was served at the St Francis Hall and, late yesterday afternoon, an Oriental tea was held for the Muslim guests

The couple met at London University where they have both been studying

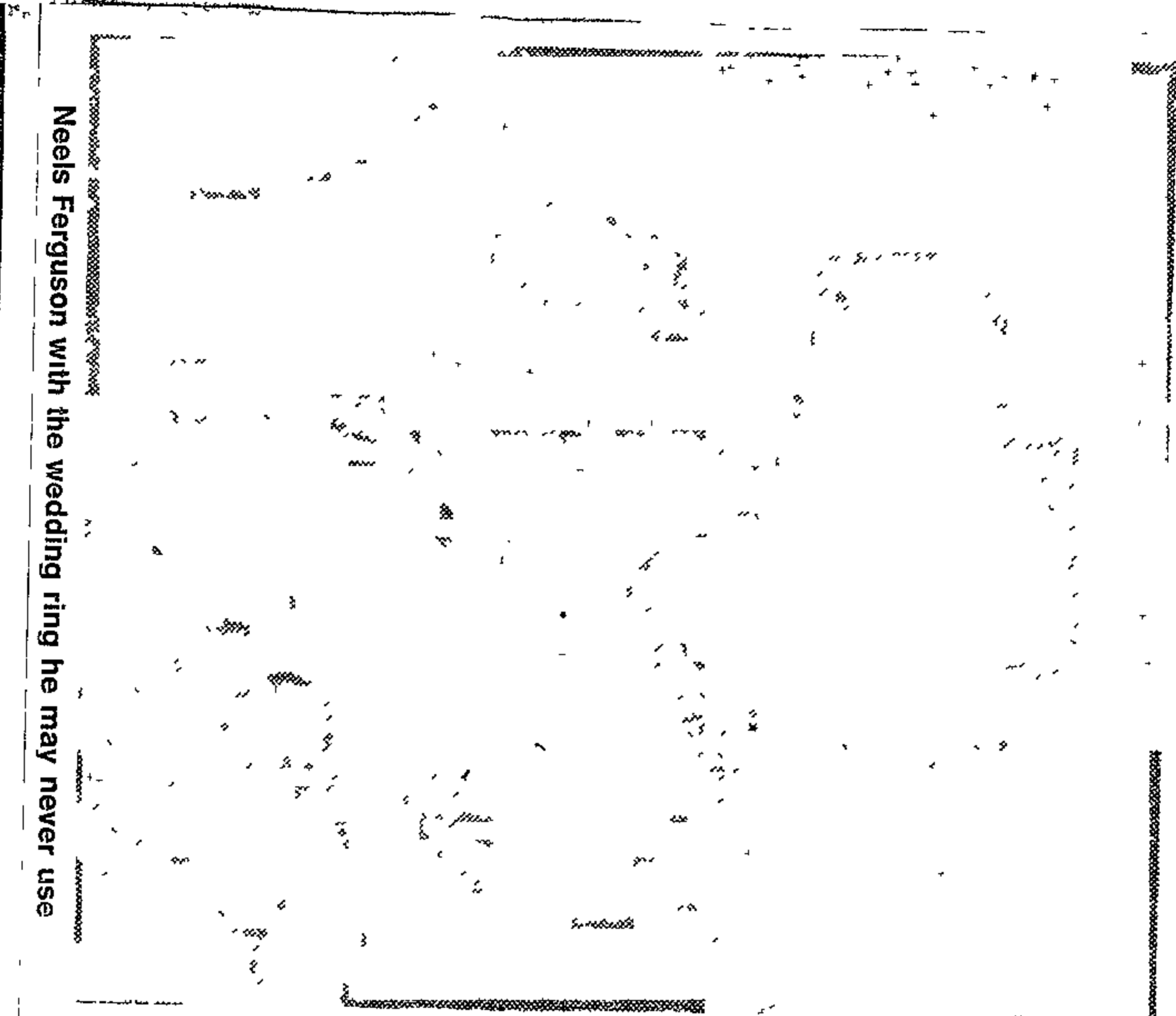
Their immediate plans are to return to London at the end of the month to complete their studies and then decide on their future

Law keeps the ring off Vanessa's finger

S. Jordane
24/10/82

238

Neels Ferguson with the wedding ring he may never use



NEELS FERGUSON doesn't know when he will be able to slip a wedding ring on to his fiancée's finger because he's white and she's coloured

"What's love got to do with politics?" demands Neels "Why do people in politics make your love their business?"

Neels, 25, a former security guard, met Vanessa Jansen, 19, when he was working at a shopping centre in Westridge. Mitchell's Plain, near Cape Town about 18 months ago

In January they decided to marry and Neels now in the army, bought her a R600, three-diamond engagement ring

Her family and friends accepted him, and he was a welcome

visitor to the home His mother was a little more hesitant

"But I told her I was over 21 and I had to get on with my own life and she understands this now," he says

They realised that they would not be allowed to marry while one was white and the other coloured, so Neels applied to be re-classified

For months they heard nothing, and then three months ago the refusal came through No reason given

Neels approached the Department of the Interior and was told he could re-apply

Neels then approached a priest who told him that the church could marry the

couple, but their marriage would not be recognised by the State.

"Then any time the police can come and catch you sleeping together and lock you up That's hard

"Or we could go overseas to live But we can't afford it, and anyway I'm South African and Vanessa is South African — and they say we can't live together in our own country. Why should we leave?"

"This builds up a hate in me."

Vanessa thinks the solution might be to go to Namibia "Then we'll be able to get married and stay there No I won't miss the Cape. There's no use staying here if we can't be together."

GOVERNMENT CAN STILL BUY TIME — Tutu
w/c ARGUS 20/11/82 238 28 149

Citizenship the answer

PORT ELIZABETH. — The Government can still "buy time" to solve South Africa's burning racial questions, but it can do so only on the basis of recognising blacks as South African citizens, says Bishop Desmond Tutu.

Bishop Tutu believes that in trying to "get rid" of blacks from urban areas, the Government is intensifying an explosive situation — "I believe the trouble will start in rural areas," he said.

"How long does a man watch his children starve?"

In an interview at the Anglican Provincial Syn-

od here, the powerful black Christian leader said the situation in South Africa today was "gloomy", and becoming more so because of the further enforcement of apartheid

"Things aren't getting better, they're getting worse," added the general secretary of the South African Council of Churches, who is widely regarded as an "optimist" about South Africa's future

"I say things have become worse, because one just has to see the continuing uprooting of people, the proposed Orderly Movement and Settlement of Black Persons Bill and all the other paraphernalia accompanying apartheid, such as

bannings, detentions and security legislation.

"I do believe that in the Orderly Movement Bill the Government believes it has found its own 'final solution' to the problem of blacks. It wants to push them out — out of sight — and then pretend there are no more blacks in South Africa."

Bishop Tutu said there were three classes of whites

● Those who are concerned and sincerely want real change — genuine change, not just "tinkering about with things."

● Those who know the crisis is real, but hope they can "stave off the

inevitable day of reckoning"

● Those who don't want to know about the situation, and choose to remain in "blissful ignorance"

The third class was promoted by the apartheid system "How do you know about black conditions — you actually have to get a permit to go into a black area, and how many people do?"

"How do you know about the conditions in resettlement camps, unless you travel great distances to get into them to see for yourself?"

Bishop Tutu said the Government was probably trying to solve the wrong problem. And in

so doing it was promoting an explosive situation

"My reading of the situation is that they believe trouble will come from urban areas. But I fear it will come from the rural areas — from the 'homelands'. And that is where all their 'resettlement' areas are"

Bishop Tutu said the Anglican Archbishop of Cape Town, the Most Rev. Philip Russell, had been realistic in his warning to whites this week "As long as you trust in the policy of apartheid, however backed by the SADF, the NIS, the Security Police and so on, you are doomed to failure"

"But it is not a picture so gloomy that it is without some relief, because there is still the possibility of change," Bishop Tutu said.

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because of a deliberate policy of the Government of throwing people into homeland resettlement camps, he said.

Bishop Tutu added: "We've heard the Afrikaners say it will be difficult for them to forgive or forget what the English did to them in concentration camps."

"We are going to find it difficult to forget, even if we forgive, what this Government has done to our people."

Synod approved without dissent a motion by Bishop Tutu asking the Archbishop of Cape Town, the Most Rev Philip Russell, in cooperation with leaders of other Churches to call for urgent discussions with the Government and "homeland" authorities to ask them "to end this evil policy" of resettlement

State 'cannot prosecute mixed marriage priests'

Star 25/11/82

Own Correspondent

PORT ELIZABETH — The State cannot prosecute clergymen for refusing to carry out the Mixed Marriages Act stipulation that they should determine the racial classification of people they marry. This was legal advice given to the Anglican Provincial Synod yesterday, before it began a debate on two motions.

One, due to be debated today, totally rejects the Mixed Marriages Act and section 16 of the Immorality Act.

The other states that "apartheid and its classification of people by race is contrary to the Mind of Christ".

It calls on all clergymen who are marriage officers to "refuse to act in any way whereby they are required to determine the racial classification of any person".

This motion was introduced by Canon Chris Gregorowski, of Cape Town.

Canon Gregorowski said that as a priest of God — "I am not a priest in the idolatrous temple of apartheid" — he refused to write anything in the marriage form about the race of those he married.

By requiring clergymen to determine the race of people they married and to refuse marriage to "mixed" couples, the Government was expecting ministers of religion to safeguard the cornerstone of apartheid.

As servants of God they found this intolerable.

The Government instruction manual to marriage officers put the onus on them to classify by race the people they married if they were not in appearance "obviously of the same race".



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CPSA Synod

Clergy 'can't be prosecuted' for ignoring race

Post 25/11/82

238

Post Reporter

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As the servants of God, they found this intolerable

The instruction manual issued by the Government to marriage officers put the onus on them to classify by race the people whom they married if they were not in appearance "obviously" of the same race.

The manual said that while birth certificates or identity documents were "a useful guide, they are not infallible"

But last month the re-

gional representative of the Department of the Interior sent a document to priests saying that identity documents were acceptable proof of race

Canon Gregorowski said this was apparent recognition that on this issue ministers were not prepared to "classify" people in terms of Government policy.

The Archbishop of Cape Town, the Most Rev Philip Russell, said legal advice had been sought

It was was that a marriage officer was not in contravention of the law in refusing to classify people by race, although he might lose his marriage licence. He was also not committing an offence if he refused to sign race declarations as a commissioner of oaths

Archdeacon Neville Whitford of Port Elizabeth said "Priests should perform holy matrimony in the eyes of God, and let the State do what they want to do"

By GARTH KING

A MOTION calling on Anglican priests to surrender their state marriage licences because of the "untold human suffering" caused by the Mixed Marriages Act and in its insistence that priests document race classification was defeated at the Anglican Synod today

Many delegates objected to the pastoral implications of the move in that civil marriages in South African Courts often entailed attendant "discomfort, delay and disrespect" for black Anglicans

The Rev P Campbell of Grahamstown who supported the motion, called the Act "of the Kingdom of darkness" which was compromising the position of priests

He urged delegates to see

Motion on marriage fails during synod

the "clear distinction" between the needs of the State and holy sacrament of marriage in the church

The Rt Rev K Oram, Bishop of Grahamstown asked "Why should we carry out the Government's immoral requirements?"

He pleaded for the church to follow a worldwide trend whereby the church's blessing on marriage was divorced from State legislation

Canon C J Gregorowski

of Cape Town saw the amendment as "a eunuch" and a mere repetition of what has been said before by the Church. He said "The State is not going to listen to us if we present them with soft options. They must be confronted and must be seen to be the aggressor."

Part of the amendment read "Believing that the system of apartheid and its classification of people by race is contrary to the mind

of Christ and has caused untold human suffering and noting the requirements made of marriage officers by certain legislation concerning the racial classification of persons, calls on the Synod of Bishops to

● Call on other churches to act with the Anglican Church in negotiating the elimination of all such requirements

● In the event of such negotiations failing to consider calling on Anglican churchmen to surrender their licences as marriage officers of the State

Bishop Desmond Tutu reminded the synod that the South African Council of Churches had already called on member clergy to surrender their State licences

● See Page 12

238

E-post 25/11/82

Church to defy

marriages law

15. Post
26/11/62
22
238

Anglicans will wed couples of 'mixed' race

Post Reporter

THE Anglican Church is to tell the Prime Minister, Mr P W Botha, that it will no longer obey the Mixed Marriages Act, and will in future marry couples of "mixed" race in any Anglican church in Southern Africa.

The decision, which is of immediate effect, was taken in Port Elizabeth yesterday by the church's top policy-making body, the Anglican Provincial Synod, without a single dissenting vote.

It was taken in the face of legal advice that any marriage officer who solemnised a mixed mar-

The synod decided that the church could not obey a State requirement which was in conflict with the law of God.

Introducing the motion, Archdeacon Louis Bank of Cape Town said the Mixed Marriages Act and Section 11 of the Immorality Act were created by the Government at the request of the Ned Geref Kerk as "the granite columns on which to build the temple of apartheid".

"Racial purity was the subject of the Second World War. This is precisely the same ideology," he said.

"I cannot see any difference, whether the people in power find it uncomfortable or not. We cannot have any part in it."

"If a church claims to have Scripture as its source, it cannot refuse to marry people of different races. If it refuses, it acts against Scripture."

One of the implications of saying that apartheid is a heresy is that if you act to bolster apartheid you are acting as a heretic. We must stop being heretics

about marriage."

Archdeacon Bank said the Presbyterian and Congregational churches had taken similar stands on these two measures.

In his capacity as Provincial Registrar, Mr Basil Corder asked the Archbishop of Cape Town, the Most Rev Philip Russell, to rule "out of order" that section of the motion calling on priests to marry couples in spite of the Mixed Marriages Act.

"It would be *ultra vires* for the Provincial Synod to pass a motion having the force of law in the church but which contravenes the civil law in South Africa."

Archbishop Russell ruled that the debate should continue.

The Rev V Mkhize of Maritzburg, who ministers to a dominantly white congregation, said "I'm looking forward to a colourless South Africa."

In an earlier debate, the clergy rejected a motion that Anglican clergymen who were State-appointed marriage officers should surrender their licences. It was suggested that "holy matrimony" in the Church would then be separated from the civil and legal aspects of marriage, as in most countries in Europe.

Mr James Willett-Clarke of Pretoria said "Marriage is a sacrament and we will apply it in terms of Church laws. And when it comes to State requirements we must tell them 'That, buster, is your baby!'."

● See Page 5

233 Stas 26/1/82

Church plans race Acts appeal

Own Correspondent

PORT ELIZABETH — Other churches will be asked to join the Anglican Church in a fresh petition to the Government to repeal the Mixed Marriages Act and Section 16 of the Immorality Act

This was part of a motion adopted without dissent at the Anglican Provincial Synod in Port Elizabeth yesterday allowing all Anglican ministers

to marry couples regardless of race

The decision says in part "This Provincial Synod of the Church of the Province of Southern Africa totally rejects the Prohibition of Mixed Marriages Act and Section 16 of the Immorality Act on the grounds that Scripture and the teaching of the Church about the unity of mankind deny that, in the teaching of the Church or in its law, there should be any impediment to the marriage of persons of different race"

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Churches asked to join petition to Govt

ARCUS
26/11/82

Religion Reporter

Anglicans join others in calling apartheid a heresy

Religion Reporter

PORT ELIZABETH — Anglican churches and the South African Council of Churches have joined other churches in calling apartheid a heresy today of the Anglican Provincial Synod. The Anglican decision branding apartheid as a heresy follows a similar decision by the Ned Geref Sending Kerk, Methodist Church, Presbyterian Church, World Alliance of Reformed Churches and the South African Council of Churches.

The only surprise in the Anglican decision on a motion moved by Bishop Desmond Tutu was that it was approved without a single dissenting vote.

Synod said apartheid denied that all people were created in God's image and also denied a central teaching of the Christian faith, which was that in Christ, God reconciled the world to himself.

The Archbishop of Cape Town, the Most Rev Philip Russell, was asked "to appeal to the white NGK to denounce apartheid as unscriptural and then to enter into dialogue with the SACC and other churches".

Synod also expressed its support of the stand taken by the recent Synod of the Sending Kerk in declaring apartheid a heresy.

● See Page 3

"Synod requests the Archbishop to petition the Prime Minister to repeal both the Mixed Marriages Act and Section 16 of the Immorality Act, and to seek the support of other churches in doing so."

"Synod calls upon all its ministers who are marriage officers and are approached by couples wishing to get married in South Africa, but prevented from doing so legally by the Mixed Marriages Act, to inform the church in regard to them of the position of the Acts, make them aware of the possible consequences of their living together as husband and wife; marry such couples in accordance with the church's formularies if there are no other obstacles to their marriage, and record such marriages in a register corresponding to the marriage register and keep the record in the diocesan offices of every diocese in the Republic."

"Synod supports all ministers who are marriage officers and refuse to fill in the racial classification of the couples they marry when completing their marriage registers."

The full text of the historic Anglican Church decision, applicable to Anglicans throughout South Africa, South West Africa, Lesotho, Swaziland and Mozambique, is as follows

"Rejects"

"This Provincial Synod of the Church of the Province of Southern Africa totally rejects the prohibition of Mixed Marriages Act and Section 16 of the Immorality Act on the grounds that scripture and the teaching of the Church or in its laws, there should be any impediment to the marriage of persons of different race"

Plea to petition Govt to repeal 2 Acts

E. Post 26/1/82
Post Reporter

OTHER churches are to be asked to join the Anglican Church in a fresh petition to the Government to repeal both the Mixed Marriages Act and Section 16 of the Immorality Act

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"This Provincial Synod of the Church of the Province of Southern Africa totally rejects the Prohibition of Mixed Marriages Act and Section 16 of the Immorality Act on the grounds that Scripture and the teaching of the Church about the unity of mankind deny that, in the teaching of the Church or in its laws, there should be any impediment to the marriage of persons of different race

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- "Inform them of the position of the Church in regard to the Acts
- "Make them aware of the possible consequences of their living together as husband and wife
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Americans to defy Mixed Marriages Act

AR665 26/11/82

238

Heresy

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'Ultra vires'

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See page 2

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From Brian Stuart Religion Reporter
PORT ELIZABETH. — The Anglican Church is to tell the Prime Minister, Mr P W Botha, that it will no longer obey the Mixed Marriages Act. In future it will marry couples of mixed race in any Anglican church.

The decision, with immediate effect, was taken here yesterday by the church's policy-making body, the Anglican Provincial Synod, without a single dissenting vote.

It was taken in the face of legal advice that any marriage officer who

solemnised a "mixed marriage" would be liable to prosecution under the Mixed Marriages Act.

Synod decided the church could not obey a State requirement which was in conflict with the law of God.

Archdeacon Louis Bank, of Cape Town, who introduced the motion, said the Mixed Marriages Act and Section 16 of the Immorality Act had been created by the Government at the request of the Ned Geref Kerk as "the granite column on which to build the temple of apartheid".

"Racial purity was the subject of World War 2. This is precisely the same ideology. I cannot see any difference whether the people in power find it uncomfortable or not, we cannot have any part in it," he said.

"If the church claims to have Scripture as its source, it cannot refuse to marry people of different races. If it refuses, it acts against Scripture

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rom 2/12/82

Catholics will do (238) 'mixed marriages'

DURBAN — The Catholic Church — now the largest church in South Africa — will marry people across the colour line provided there are no impediments in church law

This was revealed yesterday by Father Charles Langlois, the vicar-general of the archdiocese of Durban and head of the church's local marriage tribunal.

Father Langlois said that, in terms of canon law, there was nothing to prevent people of different race from marrying

He added that priests were obliged, at the same time, to tell the couple that this would be a purely sacramental and not a civil marriage and that there would be considerable legal complications

Bishop Frederick Amoore, executive officer of the Anglican Church in South Africa, said yesterday that when the Anglican Church decided at its synod in Port Elizabeth to solemnise mixed

marriages, it was made very clear that marriages across the colour line would not be regarded as valid by the State

Bishop Amoore was commenting on a Department of Internal Affairs statement that marriages conflicting with the Prohibition of Mixed Marriages Act would be invalid

He said such couples would also have to be advised that either party could leave the other and contract a civil marriage afterwards to another party without hindrance

Bishop Amoore said that Archbishop Philip Russell, the head of the Anglican Church in South Africa, had been to see the Prime Minister, Mr P. W. Botha, on the question of mixed marriages

Mr Botha had told the archbishop that he would consider the request to repeal the Act if all the churches could reach agreement on the matter.

Churches condone mixed marriages

By Tyrone August

South Africa's biggest churches have allowed their marriage officers to perform marriages across the colour line in the past year — the most recent being the Catholic Church this week. The other churches are the Presbyterian Church of Southern Africa and the Church of the Province of South Africa (Anglican Church). The Methodist Church has repeatedly called on the Government to repeal the Mixed Marriages Act.

An official said this week that, in October 1981, the Presbyterian Church was the first church to call on its marriage officers to marry people across the colour line.

The official said that, despite this, mixed marriages had been "very, very rare".

It was a low-key issue which was more a matter of principle, he added.

The Anglican Church rejected the Prohibition of Mixed Marriages Act and Section 16 of the Immorality Act on biblical grounds at its provincial synod in Port Elizabeth last month.

An official of the church said this illustrated how the church felt about mixed marriages.

"We also called on all ministers who were marriage officers, and who were approached by mixed couples, to marry them if there were no other obstacles," he said. The Catholic Church said this week that there was nothing in Canon Law to prevent a couple belonging to different race groups from marrying.

It warned, however, that priests were obliged to tell such couples that the marriage would be purely sacramental and not a civil marriage. Because of this, there could be certain legal implications.

Last year Mr Chris Heunis, then Minister of Internal Affairs, said marriage officers' licences would be withdrawn if they married people across the colour line.

To call on a marriage officer to marry mixed couples was "malicious incitement to break the law and challenge the State's authority," Mr. Heunis said.

The Methodist Church has not changed its stand since it passed a resolution in 1977, in Benoni in which it condemned the Prohibition of Mixed Marriages Act.

The Reverend Austin Massey, general secretary of the Christian Citizenship Department, said this week that the resolution pointed out that biblical teachings neither required nor supported the prohibition of marriages between members of different ethnic groups.

"But the conference expressed its understanding and respect for ministers who were compelled by their consciences to relinquish their appointments as marriage officers in protest against the continued implementation of the Act," he said.

RDM 3/2/82

238

Churches oppose marriage apartheid

By MAURITZ MOOLMAN

MOST of the churches in South Africa are opposed to the Mixed Marriages Act.

Two notable exceptions are the Nederduitse Gereformeerde Kerk and the Nederduitsch Hervormde Kerk.

Even the Gereformeerde Kerk (Doppers), the smallest of the three Afrikaans churches, declared at its synod in 1964 that there were no grounds to be found in the scriptures forbidding mixed marriages.

The Dopper church, however, declared that the scriptures expressly forbade marriage across religious lines. Over the past few years leading Dopper church members have repeatedly asked for the scrapping of the Mixed Marriages and Immorality Acts.

Yesterday the Catholic Church, now the largest church in South Africa, reiterated its stand that there was nothing

to stop a couple of different race from marrying.

This follows the stand taken by the Anglican Church at its Provincial Synod in Port Elizabeth this week to solemnise mixed marriages and to ask the Prime Minister, Mr P W Botha, to scrap the Mixed Marriages Act and Section 16 of the Immorality Act.

At its annual congregational meeting last year the Presbyterian Church called on its ministers to leave out all reference to race when marrying couples and to marry couples across the colour line after first informing them of the provisions of the Act.

And the Methodist Church of Southern Africa at its centenary conference held in Johannesburg this year, reaffirmed its opposition to the Mixed Marriages Act and called on Mr Botha to repeal it.

The director of the Muslim Assembly (Cape), Maulana Sulaiman Petersen, has

said Islam does not distinguish between people on racial grounds.

In April this year Mr Botha said in Parliament that if churches would agree on ways of changing these laws, he would be prepared to amend them.

But the Rev Gerrie Lubbe, a minister of the Reformed Church in Africa, reacted by saying that Mr Botha was "buying time".

At its general synod in September this year, the NGK overwhelmingly voted in favour of retaining the Mixed Marriages Act in what was described as a "crushing blow" for the verligtes in the NGK.

Couples breaching the colour bar have been warned by Government officials that their marriages could create serious legal problems.

Meanwhile Ian and Sharon Whiteley, the mixed-race couple who returned to South Africa after 12 years of exile, are still living in the country with the express approval of the Government.

Mixed couples marry ⁽²³⁸⁾ and there's no fuss



PW BOTHA
Passing the buck

By LEON BEKKER

MIXED marriages have been performed by the Anglican, Presbyterian, Congregational and Catholic Churches — but no Government action has been taken against the couples or churchmen who officiated.

The Sunday Tribune established this week churchmen have been quietly performing mixed marriages for some time, breaking the law and placing their status as marriage officers in the balance.

Churches decided at recent synods there is nothing in church law to prevent marriages across the colour line.

Church spokesmen were reluctant to say exactly how many mixed couples have been married, or disclose their identities. They said they had a duty to shield the married couples from unwanted publicity.

Churchmen said this week they told the couples of difficulties they faced in an apartheid society, and of the implications of a church marriage which defied Government laws.

Implications faced by people marrying across the colour line include

- The marriage is not legally valid.

- The legitimacy of children born in such a marriage is in question. They would probably be regarded by the State as illegitimate, and would have no legal relationship with their father.

- Neither the children nor the wife can participate in medical aid, or housing benefits.

- The couple will break the law if they live together. The Group Areas Act prohibits mixed residential areas.

- They will also break the law if they have sexual relations.

Reverend Bob Samson, deputy secretary of the Presbyterian Church, confirmed this week that "a few" mixed marriages were performed by his church after the decision last October that such marriages should not be refused.

Necessary forms had been completed and forwarded to the State, asking for the marriage to be recognised.

The Anglican Archdeacon of Cape Town, the Venerable Louis Bank, also confirmed that mixed marriages have been performed by the Anglican Church.

Father Charles Langlois, the vicar-general of the Archdiocese of Durban and head of the Catholic Church's local marriage tribunal, also confirmed this week that his church sanctioned marriage across the line.

It appears that only the Ned Geref Kerk's opposition to mixed marriages is keeping laws like the Mixed Marriages Act and Section 16 of the Immorality Act on the statute book.

The Prime Minister, Mr P W Botha, has been approached by English churchmen about the removal of the legal blocks in the way of the State's recognition of mixed marriages, but Mr Botha passed the buck back to the churches.

When the churches agreed on the issue, the Government would agree to consider changing the situation, Mr Botha told Mr Bank recently.

At its recent controversial synod in Pretoria, where right wingers convincingly won the day, the NGK reiterated its support for the legal strictures against mixed marriages as "necessary in the South African social context."

A spokesman for the Department of Internal Affairs said he could offer no explanation for the fact that no action had been taken against couples whose marriage registration forms had been forwarded to the department.

By Anthony Swift

BARENDINA MONNANE has a gentle, modest manner but when she joined the man she loved, she crossed the bitterest divide in the country's race laws, ran the gamut of public fury and gave up a comfortable home in a white Free State town for a simple stone and mud house in a Bophuthatswana township.

More than a year ago, in a blaze of local and overseas publicity, she married Frank Monnane, son of a white father and Tswana mother.

This week she said she was happy and had gained "a true life" by her move.

Her husband, she told me in the township government bottle store she now manages, had been too overwhelmed by previous publicity to take part in the interview.

When she met him in 1978 she was working as credit controller in a Thaba Nchu store and buying her own house in Kerkstraad in the town.

Like a number of whites in the town she had black friends and met Frank at the home of one of them.

"We went for a long drive together and suddenly," she smiled and laced her fingers together. "I was worried about the law, about the future and how friends and family would take it, but you come to a decision. It's a hell of a move, but I did it openly, not under blankets."

As the town became aware of the relationship, she faced a growing ostracism by the few hundred whites in the town.

Happiness across the bitter divide

238
S. Tribune
12/12/82

... FOR THE WHITE WOMAN AND COLOURED MAN WHO HAVE FOUND A 'TRUE LIFE' TOGETHER



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ABOVE: Barendina Monnane with her col-
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EIGHTEEN A GIRLS' ARTS CHRISTMAS

ALL DOLLS ENTERED IN THIS COMPETITION WILL BE DONATED TO A DURBAN ORPHANAGE FOR CHRISTMAS

Winn

Shopping Voucher
2 Tickets to Annie
Shopping Voucher
2 Tickets to Annie



est manner out when she joined the man she loved, she crossed the bitterest divide in the country's race laws, ran the gamut of public fury and gave up a comfortable home in a white Free State town for a simple stone and mud house in a Bophuthatswana township

More than a year ago, in a blaze of local and overseas publicity, she married Frank Monnane, son of a white father and Tswana mother

This week she said she was happy and had gained 'a true life' by her move

Her husband, she told me in the township government bottle store she now manages, had been too overwhelmed by previous publicity to take part in the interview

When she met him in 1978 she was working as credit controller in a Thaba Nchu store and buying her own house in Kerkstraad in the town

Like a number of whites in the town she had black friends and met Frank at the home of one of them "We went for a long drive together and suddenly..." she smiled and laced her fingers together

"I was worried about the law, about the future and how friends and family would take it, but you come to a decision. It's a hell of a move, but I did it openly, not under blankets"

As the town became aware of the relationship, she faced a growing ostracism by the few hundred whites in the town

"They never said anything or did anything to me. They just became distant or ignored me altogether."

They also stopped going into the shop where she worked and when her employer found out what was happening he sacked her. No-one else would employ her and she moved out of her house into the four-roomed home of Frank's mother in Bakwena location, adjoining the town

"She took the back two rooms and I took the front two. Frank was working in Bloemfontein then." That was in 1979 and it was two years before the couple married

"Everything was very different - I wanted time to see if it would work out

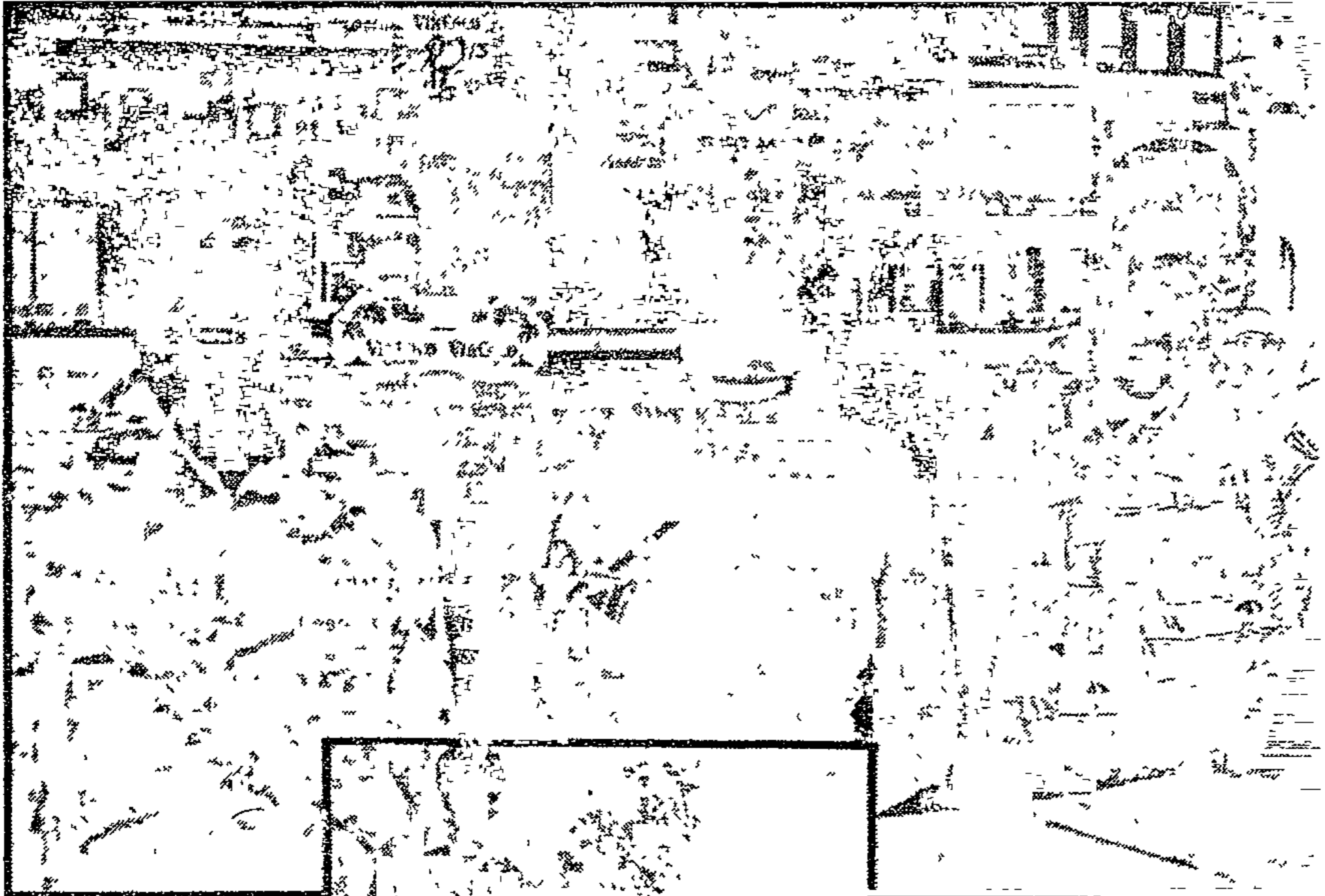
"The people all around us didn't live like us. I had to learn their language - now I speak it better than the white languages

"Their culture is far different from ours. I had to learn their ways. For

238 S. Tribune

the bitter divid

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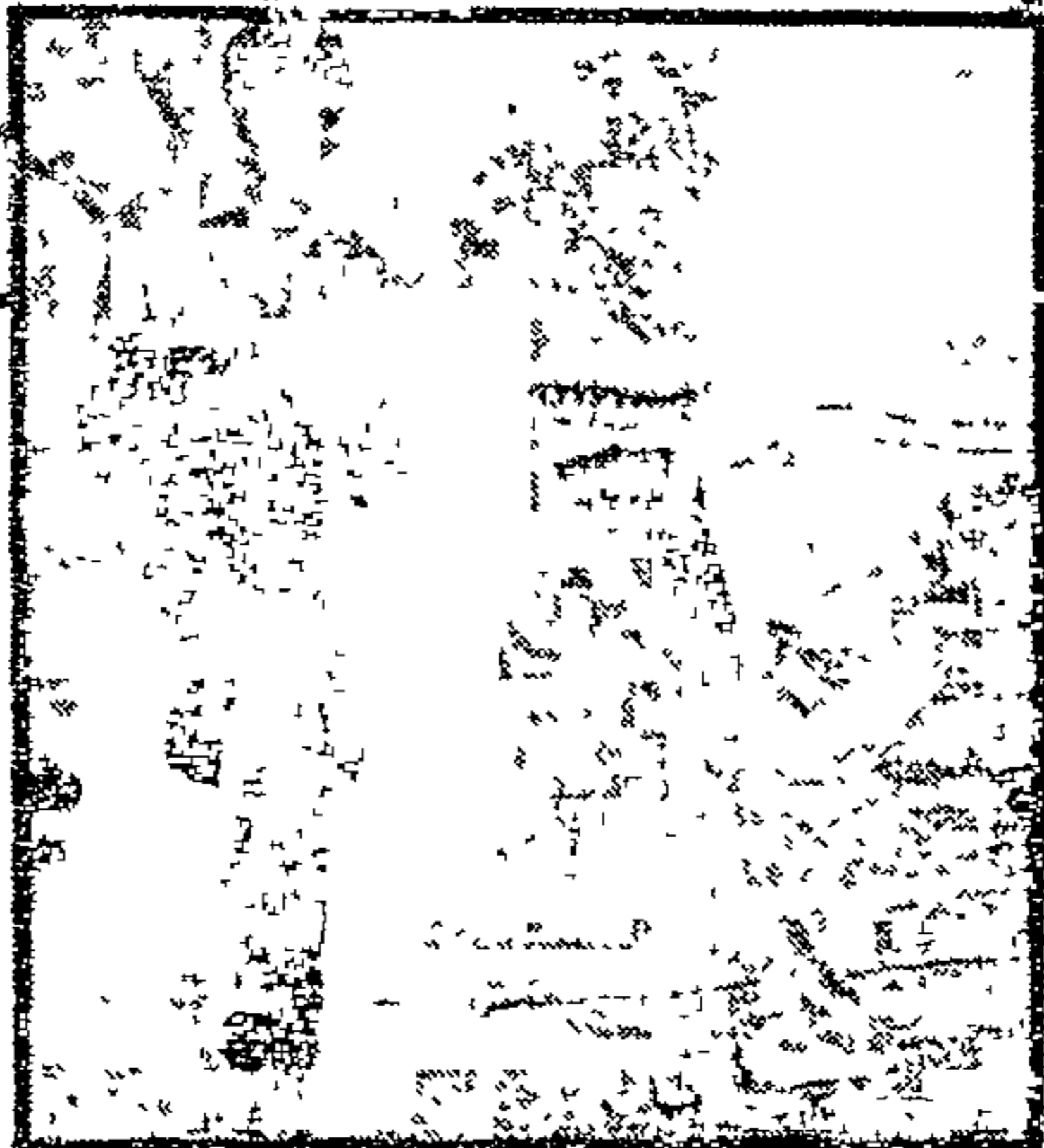
instance if I dreamed of my mother, who had died, they would buy a sheep or a cow and slaughter it and make a big party, recognising how important she was. I had to learn that kind of thing.

"Then you always have to remember to behave very properly so the people will respect you - much more than among the whites"

Her new neighbours were warm and welcoming and she finds the people more caring and more emotionally direct than whites

"When you see a dog is chained and angry, you know you mustn't come near. But most of our (white) people are harder than that - you can see nothing in their eyes but they can bite you harder than dogs. With their people they know where you stand - they show it at that moment if they don't like you. They also respect each other in a way we don't."

She had difficulty adjusting to life in a simple stone and mud house, with no electricity and no bathroom.



"There were moments when I wanted to run back to the town - but only for the comfort of my house. I had no job. Eventually I went to the local (black) magistrate and asked what I should do and he gave me this job as cashier in the government bottle store with a salary of R95 a month. My town job had paid R450"

After two years Frank suggested she had had long enough "to see what would happen"

"He told me 'If you don't want to marry tell me. I want to marry just now' I thought, fine. I can marry just now. But

we had no money. Frank was out of work and I just had my R95 salary. "When the people heard I wanted to marry and wear a wedding dress, they all gathered round. They would bring two rands and say put it with the rest, until I had enough to buy a dress and make a party."

Many people came to the wedding, held at the local magistrate's court, but there were no whites among them though Barendina had and still has some white friends in the town.

"They were too afraid of the newspapers." Asked whether the peo-

ABOVE: Barendina Monnane with her colleagues in the Barolong bottle store - "I will never turn my back on the blacks"

LEFT: Barendina and Frank before they were married

ple might have felt honoured to have a white woman marry among them, she said there might have been something of that - "but I don't see it that way. I see them as my real family and respect them for what they are."

Since then things have looked up at a material level. Frank has got a job as a TV repairman in Bloemfontein and Barendina has sold her house in the town and put a bathroom into their house and bought a generator. They have a fridge and a stove, a car and two tv sets.

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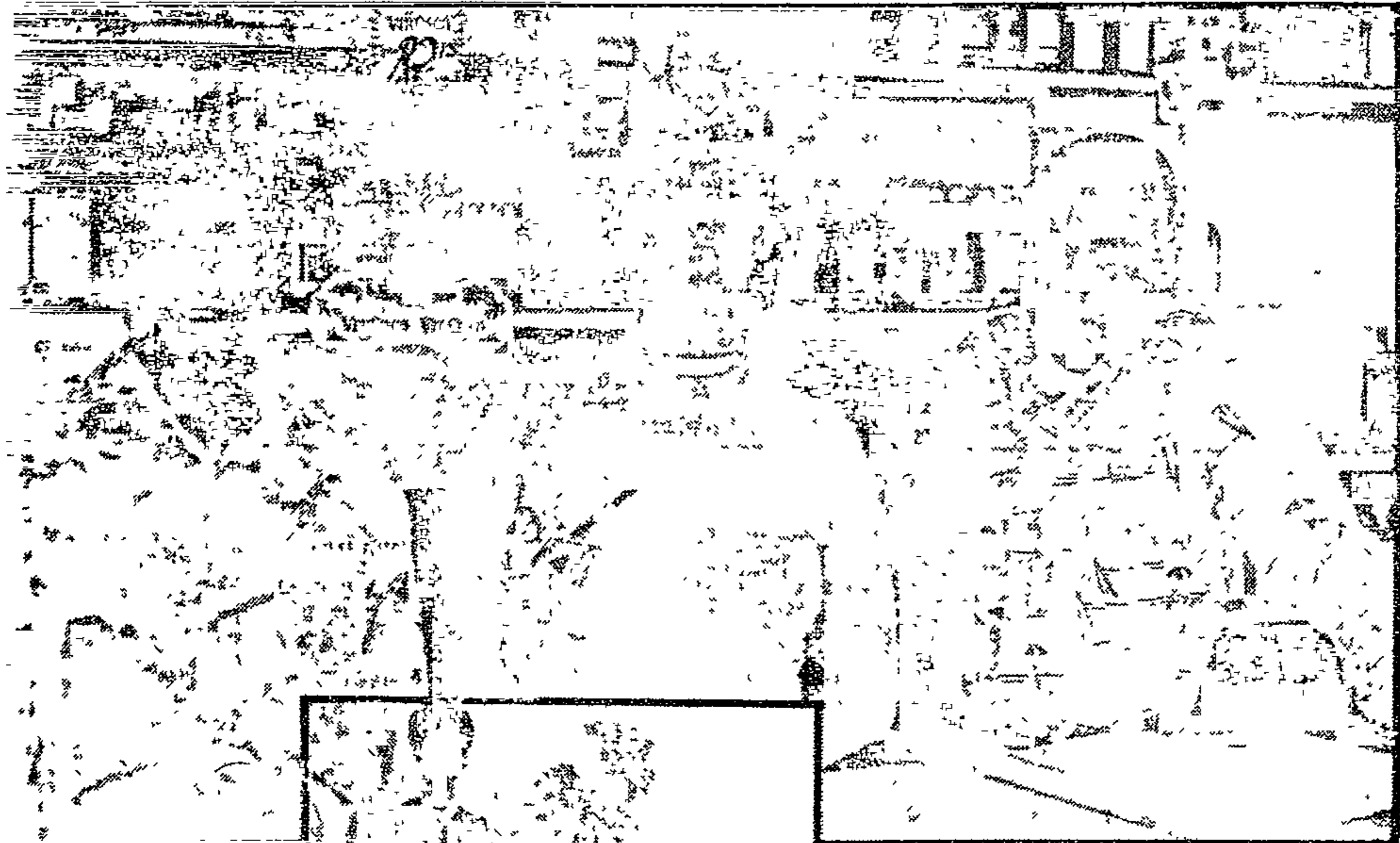
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"We started with a black and white set that

wards her very angrily. Then I changed my mind and went to the police and told them to warn her never to do that ever again in her life. Now she just turns her head away. Others have never hurt me to my face. Some won't talk to me. Others are very nice to me.

"I visit them and they visit me. I think that through seeing my new life the race attitudes of some people have softened"

She has found consideration from unexpected quarters, too.

"I was in hospital in Bloemfontein — Universitas, the white hospital. They knew I was married to a coloured and both whites and blacks visited me there. The people were very nice."

She and Frank also go shopping in Bloemfontein together. "I can eat out with my husband at the President Hotel. We can be together there but not sleep together. We have had no incidents."

Barendina was brought up on a farm near Clocolan, the daughter of a German father and a South African mother. Her maiden name is Barendina.

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"We started with a black and white set that ran off the car battery but now we have a big colour set."

Last September the couple had their first wedding anniversary. Five hundred people came

"Everybody brought something. One of my church members from Bloemfontein who made my wedding cake again brought cakes."

Barendina smiled fondly and indicated a light gold necklace "My husband gave me this hangertje and earrings. I don't know what they cost him — but there is a small diamond in it"

Again no white friends came "I was not sad at that I respect their feelings also"

Barendina said she had never regretted moving to live among black people

"I have met no hostility here. I have no tension or anxiety. I am more at peace. The only trouble is I'm so bloody fat. I wore a 32 dress when I left the town, now I wear 40 — because life is good. I have gained a true life by moving"

But she has one great sadness. Together in a flower-decorated frame on the wall of her bottle store office is a newspaper cutting about her wedding and pictures of a white boy and girl, her children by her former marriage

"I could not make so big a choice for them," she told me. And now her former white husband won't let the children see her or have any communication with her, though she has heard indirectly that they still love her most dearly.

The only incident in the town was a white woman who spat on the ground as she passed in her car one day

"I stopped and went to-

By then I was married to a coloured and both whites and blacks visited me there. The people were very nice."

She and Frank also go shopping in Bloemfontein together. "I can eat out with my husband at the President Hotel. We can be together there but not sleep together. We have had no incidents"

Barendina was brought up on a farm near Cloccolan, the daughter of a German father and a South African mother. Her maiden name is Bendecke

Asked what in her background had prepared her to make so strongly an individual move, she said "I have never thought of blacks as inferior"

"My father hated blacks but my mummy was a different person. When daddy was not at home she let me play with black children and told me God made black persons as well as white. So I grew up thinking like my mummy. When I got married my mummy was still alive — but too ill to come to the wedding. She asked me if I was deadly serious. Had I thought it over very well? And then she wished me luck. She wouldn't stand in my way"

"My father would have hanged me, but he was already dead"

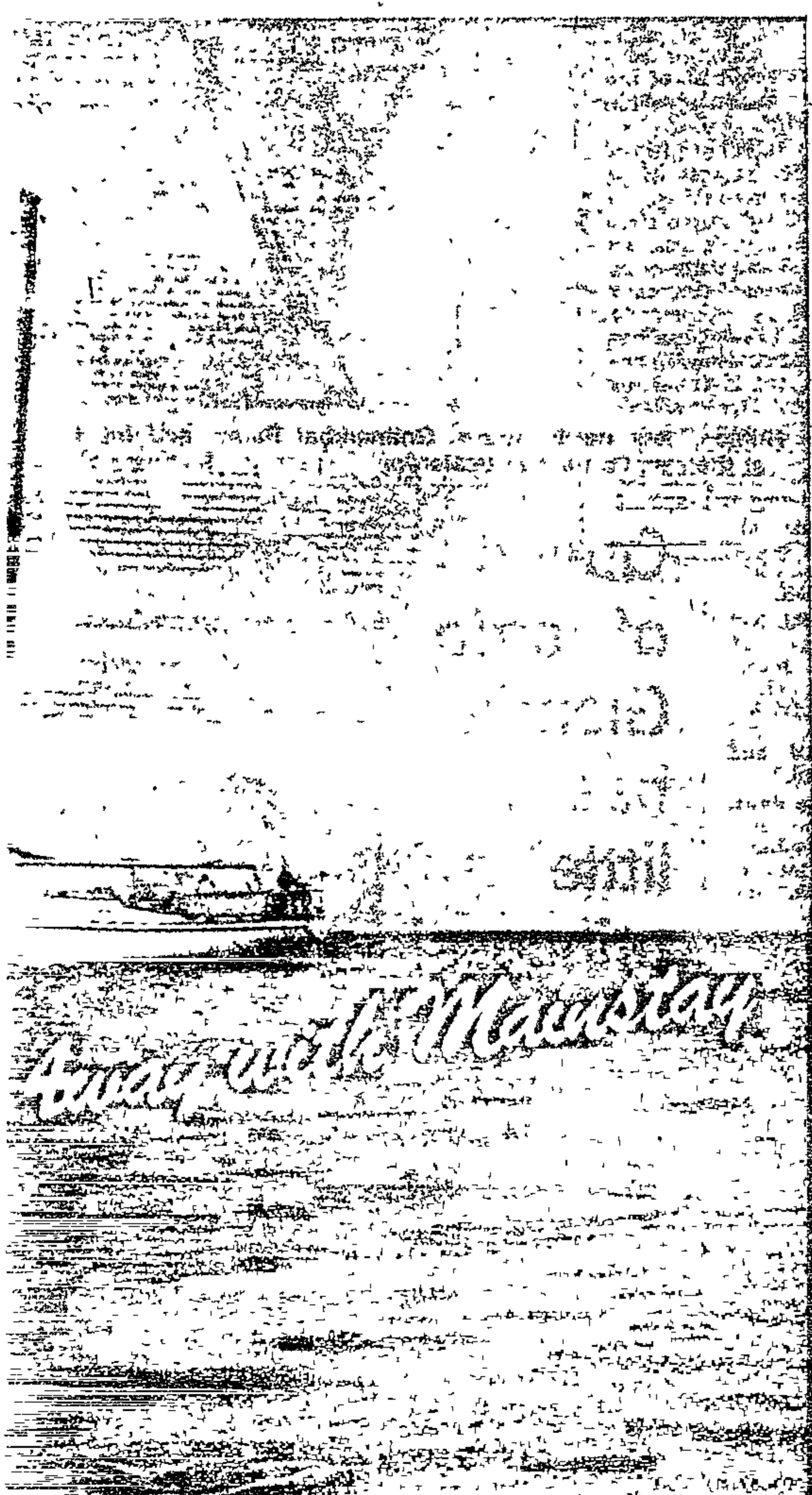
The couple have not yet had children and clearly there are difficult issues ahead.

"I would never want to live in a white area because it would mean turning my back on the black people and they treat me very nicely and I won't do that. But I would want to put my child into a white school. Such a child I would want to bring up very carefully. I would want the quality of education in a white school but not for the child to be taught to hate blacks"

Ideally she would like a multi-racial school

She is concerned that while her experience might help increase racial understanding it is not made into a political issue.

"I don't want to play one person off against another or force anyone to follow me. Each person must go his own way but if you decide to do such a thing don't let anyone stand in your way"



NEW churches appeal to PW On marriages, immorality

AKGUS 17/12/82 238

By Brian Stuart
Religion Reporter

CHURCH leaders are to discuss a new appeal to the Prime Minister, Mr P W Botha, next year to rescind the Prohibition of Mixed Marriages Act and Section 16 of the Immorality Act

The Most Rev Philip Russell, Anglican Archbishop of Cape Town, said in an interview "I believe the door is still open to Mr Botha"

Archbishop Russell said he had acted as convener of the delegation of church leaders who met Mr Botha in August last year to ask for the repeal of the legislation

Canvass

Mr Botha asked him to canvass other church opinion. At a meeting in February, other churches supported the removal of the laws, but the Ned Geref Kerk said its view would be determined by its October synod

The only other church which has supported the two race laws is the Hervormde Kerk

"I clearly have a responsibility arising from that February meeting to inform the Prime Minister of developments," Archbishop Russell said

"I have a compulsion to continue the dialogue with the Prime Minister"

also against the two laws)

He had two separate capacities in which he was required to act. As Anglican Archbishop, he would communicate the decision of the recent Anglican Provincial Synod to Mr Botha

But as convener of the last joint approach to Mr Botha, he would have to consult other church leaders on a renewed approach in 1983 by all the churches

Problem

On the Anglican Church decision to marry people in spite of the Prohibition of Mixed Marriages Act, Archbishop Russell said a major problem remained the fact that there was no legal protection for the partners and their children

"What (the Anglican) synod recognised is that when a man and a woman wish to get married, the Church would perform the marriage and declare them married in the eyes of God—a marriage by a minister of the Church, not an officer of the State

"But it is not the full answer to the problem. The only answer lies in rescinding the laws concerned"

Hardened

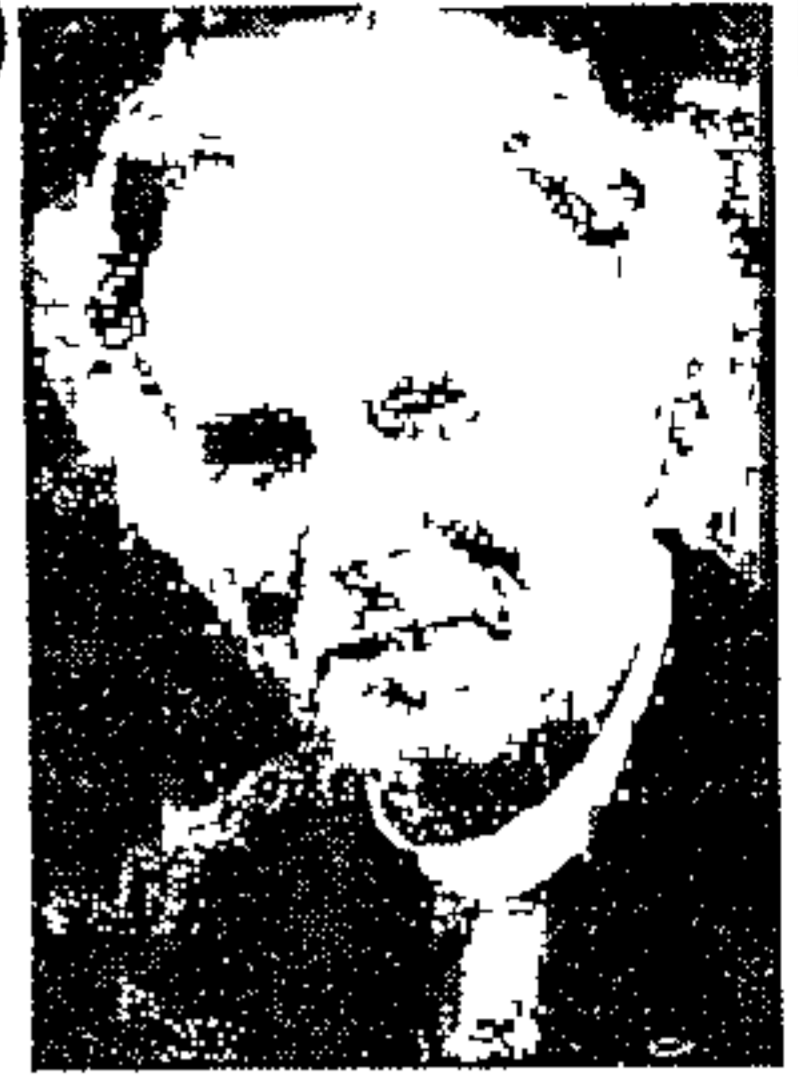
Archbishop Russell said that since February the attitudes of churches had hardened "The Ned Geref Kerk has now come out saying, in effect, that nothing in the world will make it change its mind in supporting the legislation

"But other churches, including the Anglican Church, have also sharpened their definitions on the issue. Their rejection of these racial measures is now more clearly stated"

Archbishop Russell said that while the NGK still remained adamant on the issue, the Ned Geref Sendingkerk and other members of the Dutch Reformed family agreed with the Catholic, Presbyterian, Methodist, Congregational and Anglican churches (The Gereformeerde Kerk is

Anglican Synod's attitude to SADF, mixed marriages

CAPE TIMES 11/1/83 .238



The Most Rev Philip Russell

THE SADF
IN a somewhat lengthy motion Synod made three points

(1) That it was conscious of the present state of war in Namibia, with the grave rise in violence, and with the possibility of civil war, and that an increasing number of men will be compelled by law to serve in the SADF, many of whom will face grave crises of conscience about this, considering the consequences of refusal to be drawn into the SADF

(2) That it believed that Christians should speak their minds on such subjects, that it recognized the difficulty of achieving peaceful evolution towards a more humane and just society in South Africa, not least since the SADF has become a protector of the unjust structures which have to be maintained by force (Hence the increasing number of men finding themselves facing a crisis of conscience about possible service in the SADF)

(3) That it wished to make it clear that as in respect of any action, a Christian, before taking up arms, must seek to ensure that this is the Will of the Lord for him — a search in which he has the right to expect the Church to guide him in the formation of his conscience, and that as far as South Africa is concerned, Synod expressed its doubts about the legitimacy of a military system whose role is increasingly seen as the protector of a profoundly immoral and un-

just social order in which the majority of the people suffer gross oppression and exploitation

The original motion was more specific as far as this latter point was concerned, addressing itself unambiguously to any Christian who shares the understanding of the Christian Faith as is ours in the CPSA, and its implications for life in South Africa. Though possibly less pointed, the inference remains

It was carried overwhelmingly (165 to six)

It is perhaps worth noting in addition that a commission has been set

up to study and analyse the whole question of a concept of a "just war" (a concept going back indeed to the time of St Augustine, and defining the conditions necessary to declaring a war "just"), and to look at the whole understanding of war, the possibility of civil war and conscientious objection in our land

In the Archbishop's letter in the January issue of Good Hope, the Anglican Archbishop of Cape Town, the Most Rev PHILIP RUSSELL, has reported on the proceedings of the Provincial Synod, 1982. These are extracts.

the diocese in which they serve, and that they be dressed in such way that they be not identified as members of the SADF, but seen quite clearly to be ministers of the CPSA

Certain amendments were proposed, the import of which would have been to have asked the Synod of Bishops to have made decisions in respect of these matters. Provincial Synod however felt that this was not something which should be left to the Bishops alone but something to which the whole Church should address itself, through the three orders represented

sisting the police in road blocks and if such road blocks seem to be operating primarily in terms of the black sector of our community, then is this not something to which all citizens must direct their attention? One of the speakers quoted the instance of an African bride en route to her wedding, who was made to strip completely at a road block, manned by the SADF and the police. I do not know of a single white bride who has been stopped at the road block, even less of one who has been made to strip. Surely, to take this one single

up to study and analyse the whole question of a concept of a "just war" (a concept going back indeed to the time of St Augustine, and defining the conditions necessary to declaring a war "just"), and to look at the whole understanding of war, the possibility of civil war and conscientious objection in our land

ARMY CHAPLAINS

This was a motion which was brought before the Synod and which was not accepted. It is nevertheless worthwhile noticing what it was saying. It began by recognizing (1) the need for the ministry of the Gospel to all people whatever their status or condition (2) that the CPSA should not be seen to identify with the SADF, which is a foreign occupying force in Namibia, and which is a vital function in support of the preservation of the support of the repressive structures in South Africa, and (3) the theological principle that the bishop of the diocese is the person for whom and through whom all ministry must flow

It asked the bishops of the CPSA to withdraw all licences of the CPSA chaplains of the SADF unless they fell under the authority of the bishop of the diocese in which they serve and that they be appointed and paid by

As I have indicated above, the motion did not secure the necessary two-thirds majority, and so failed. I believe this is one of the instances in which the mere statement of the facts in no way reflects the mind of Synod as a whole. It must be unequivocally stated that there was no one who did not believe the need of ministering to those who were serving on either side, or, as indicated by the resolution in respect of the SADF, above, nor was there anyone who did not recognize the increasing use of the SADF to bolster the status quo

As with the resolution on more or less the same subject at our own Clergy Synod, referred to in the November Good Hope, I have no doubt the failure to secure the necessary two-thirds majority was a source of great distress to many and a source of relief to others. Again as in respect of our Clergy Synod debate, I believe even more in the necessity of "hearing" each other. And possibly, going beyond the hearing

For example, if the SADF is to be used in as-

example, white parents have every right to appeal to the army not to allow itself to be involved in such activities

Again, as I wrote in the October letter, the increasing political thrust of the use of the army, if unchecked, can only exacerbate the racial situation in this country. However limited our powers, I believe that we as Christians, especially white Christians, must urge a complete re-thinking of this whole direction

MARRIAGE OFFICERS MIXED MARRIAGES

If what I say about this appears to be somewhat shorter than what I have written about the other three matters it is not because either the Synod or I regarded the subject as less significant, or that emotions were not as deeply expressed. The matter of marriage officers — having to declare the race of a person in terms of the requirements of the law as a marriage officer, and the prohibition of a marriage across the colour line, were the reverse and obverse of the same coin. Both were seen as examples of the

policy of apartheid, both were regarded as interference of the state in this area as being unwarranted and unjustified

Synod saw very clearly that the state had no right to intervene in a marriage which by law of God, as understood by the Christian faith, was valid

Negotiations for the rescinding of the Prohibition of Mixed Marriages Act, and section 16 of the Immorality Act, will continue. In the event of their failing, the Synod of Bishops will be asked to consider urging all clergymen in the CPSA within the Republic of South Africa to surrender their licences as marriage officers. In the meantime, Synod called upon all ministers who are marriage officers in the CPSA who are approached by couples wishing to get married in South Africa, but are prevented from so doing legally by legislation,

(1) To inform them of the position of the Church in regard to the Act,

(2) To make them aware of the possible consequences of their living together as husband and wife,

(3) To marry such couples in accordance with the Church's formularies if there are no other obstacles to their marriage,

(4) To record such marriage in a register corresponding to the marriage register and to keep the record in the diocesan offices of the dioceses in the Republic

Synod also decided to support all ministers who are marriage officers who refuse to fill in the racial classification of the couples they marry when completing their marriage registers

We'll make it work, says white husband

10/5

238

13/1/83

ZWELITSHA — A mixed race marriage required courage, said Mr T F (Johnnie) Carling, 47, after his marriage here yesterday to 35-year-old Miss Doris Tshanga-Tshanga of Zwelitsha

"We know the problems, but we are prepared to face up to them," he said

He said social life could be especially difficult for mixed-race couples

"We were not afraid of this marriage," he added

Mr Carling said he expected to see more mixed-race marriages in Ciskei soon. He said he knew of several mixed-race couples who were thinking about marrying

The couple made history when they became the first mixed race couple to marry in Ciskei

Mr Carling, who emigrated

from Britain 10 years ago, and his bride exchanged vows before Mr M Z Ngoqo, a local magistrate

The Ciskei Legislative Assembly repealed the Prohibition of Mixed Marriages Act in November last year

When the Carlings left the courtroom people in the corridors applauded and shook Mr Carling's hand, and a group of 100 people outside the building cheered the couple as they left

When told that the wedding was making history, Mr Carling said he did not want to make history

The couple will stay in Ciskei as Mr Carling is no longer allowed to live in King William's Town with his wife as it is part of the Republic — Sapa

Excited people clap and cheer . .



Hand in hand, Mr T F "JOHNNY" CARLING and Miss NONKULULEKO DORIS TSHANGA TSHANGA, enter the Magistrate's Court in Zwelitsha to be married.

1066 (238)

E. Post 15/1/83

... after 'mixed' Ciskei marriage

ZWELITSHA — An excited crowd cheered and clapped after a white man had married a black woman in Zwelitsha, near King William's town, this week

The mixed marriage — Ciskei's first — was between Mr T F "Johnny" Carling, 47, and Miss Nonkululeko Doris Tshanga TSHANGA, 35

It was made possible

when the Ciskeian Legislative Assembly repealed the Prohibition of Mixed Marriages Act in November last year

Mr Carling tried to avoid publicity but did eventually answer some questions

"We should have got married in Transkei — without all this fuss," he said, when questioned by reporters

"For my own part I don't care, but I have two grown-up children living in King William's Town

"They have South African friends" He shrugged "You know what things are like in South Africa"

Mr Carling, an English immigrant who has been in the country for the past decade, was divorced from his first wife two years ago

He said he had known Miss Tshanga Tshanga for the past two years, during which time she had not worked

"She has just been looking after me," he said

He and his bride would be going to Transkei for a while to visit friends, said Mr Carling, but he would not say where they intended to settle

Asked if he intended re-

turning to England, Mr Carling replied "No I have nothing to go back for I have no family left there"

His shy bride remained demurely at his side throughout their visit to the Magistrate's Court

Mr Carling works in the Weaving Department of Good Hope Textiles and lives in one of the company's houses near Zwelitsha

THE WEEK LOVE BROKE THE COLOUR BARRIER IN

SUNDAY TRIBUNE, JANUARY 16, 1983

SOUTH AFRICA AND CISKEI

The courage of Johnnie and Nonkululeko

Tribune Reporter

JOHNNIE CARLING and Nonkululeko Tshanga Tshanga were not sure that they would be married when they went to the Zweitsha Magistrate's Court on Wednesday morning.

They had gone to the court the previous week to wed but the magistrate was not certain whether or not the legislation repealing the Prohibition of Mixed Marriages Act had been promulgated, so the ceremony was postponed.

It was only a few hours before they were due to be married that they were told

the Act, which was passed in Parliament in November, had been gazetted and they could be married that afternoon.

Although they realised they were making history by becoming the first mixed marriage couple in Ciskei, they wanted to marry quietly and go, said 47-year-old Mr Carling.

There were no friends or relatives at the ceremony and an East London newspaper reporter stood in as a witness.

"We don't want publicity. I have two children living in King William's Town and I don't want to embarrass them. You know what things are like in South Africa."

"For myself I couldn't give a damn," Mr Carling, whose former wife also lives in King William's Town, said.

A mixed marriage took courage, Mr Carling said. "We know the problems with mixed marriages but we are willing to put up with them."

He has been working in the weaving department of Good Hope Textiles near

Zweitsha since he emigrated from Newcastle, England 10 years ago.

He was divorced from his first wife two years ago.

Miss Tshanga Tshanga, 35, looked shy and withdrawn and did not speak to reporters. The couple had known each other for two years.

The couple left immediately after the ceremony to stay with friends in Transkei. Crowds of excited, cheering well-wishers accompanied them through the court building passages to their car.

Young Immo Act couple slip out quietly

258

~~16/1/83~~

16/1/83

By Dirk Nel

A YOUNG couple convicted under the Immorality Act in Pietersburg three months ago have apparently left the country secretly to settle in Botswana or Swaziland

Mr Iqbal Amod, 20, and Miss Charmaine Deacon, 22, received suspended sentences

After the hearing, the couple said they planned to apply for Venda citizenship, but friends of Mr Amod said in Pietersburg this week that it was merely a cover for other plans they had made

Mr Amod's mother, who lives in Pietersburg, refused to comment, saying she did not know where they were

Efforts to trace them in Venda have been unsuccessful, while rumours that they are in another neighbouring state persist

Friends of the couple said Mr Amod was very secretive before disappearing from his Pietersburg home. He did not divulge his plans to anyone.

It is thought the couple left the country separately, having planned a rendezvous in a neighbouring state in December

Miss Deacon is the daughter of a former South African diplomat in Europe.

AFTER two years of living in a mud hut, Barendina Monnane is finally ready to move back into town

This time, the white Free Stater is bringing her coloured husband Frank with her and damn the consequences

The case of Barendina and Frank — a cross-colour love affair which shocked the arch-conservative eastern Free State community of Excelsior-Thaba Nchu in 1980 — has finally settled into a melodious day to day existence for the couple

But when the love affair first began in the late Seventies, they were exposed to the bitterness of racist doctrine in its most piercing form

Barendina, quite a relaxed kind of woman who holds views on life and seems to keep to them, was ostracised by her white family because she chose to love a coloured man

Suddenly, when she phoned up the family, she detected a strange chill on the line

Barendina then took a step which is probably firmly imprinted on the Free State annals of shock: she packed up and moved into a crude mud hut in the township

The dwelling belonged to Frank's mother That's where a Mail team found them on a rainy night in September 1980

The couple weren't inviting the Press anywhere that night They'd had a good blast from the Nat papers and were suffering from a more than mild case of Media Shock

But it was raining, you see And quite cold out there, too

They took pity on two bedraggled Pressmen who had spent many hours searching the mudpool streets of Bakwena township for this address

We drank their beer, and watched a flickering Michael de Morgan image cast from a tiny portable television which ran off their car battery

When the beer was finished we were invited to share the evening meal, cooked on a small cooker in the front room

Barendina and Frank actually wanted to talk to someone about the whole affair, but at first they were wary



Their cross-colour love lives in black and white

of possible judgments

Then, when the evening wore on and we all relaxed, the story came out

"I cannot tell others to do as I have done But I must be allowed to make my own decisions about my life," she said

Frank was quiet This was Barendina's decision, Bar-

endina's show

What passed that night is printed history Barendina spoke to us of how she came about her decision — a momentous one for a person of her upbringing — and how she planned to weather the storm of opinion

Last week, we paid her a return visit

Barendina was sitting at her desk in the township bottle store, a straw hat on her head which was bowed over a figures book.

She remembered us from that night and smiled

"See how fat I've got it's all this good living in the township"

We mentioned how the neigh-

bouring town of Thaba Nchu seemed to be practically denuded of whites

"That's because it's going to be part of Bophuthatswana soon," she said

"Although you'll find the white-run businesses will stay on"

Then she poured us some Coke and we laughed at a memory of the last

encounter

"You should see that hut now I made quite a few alterations I even set up a tent outside so we could entertain guests

"But I want to live in Thaba Nchu now Houses are going at reasonable prices and bringing Frank in will be no problem"

Barendina says they will be

careful about their friends

Those who accept the couple, well and good, those who have reservations will be avoided

"But that's what life anywhere is about, isn't it? You choose for friends those who give you approval And you steer clear of the others"

Frank was away that day,

Report: CHRIS MARAIS
238
ROM

17/11/83

Picture: NOEL WATSON

collecting sheep from a distant farm Barendina, speaking for both of them, said the marriage was going very well

"And even the family seem to have accepted us Last time we saw them they were friendly to Frank, and there was none of that icy-ness we had previously"

The remaining white town-folk have also grown used to what they previously viewed as the "odd couple"

So it was never a case of Barendina having to adapt to much Her environment had to undergo some changes of heart, though

And it seems both Barendina and her environment are the better for the experience after two years of adjustment

WILL SAATCHI ACCENTuate MY WHITER WATER?

238

~~268~~

S. Ex/Novo

23/1/83

Banned Windies star looks for new home

By SAM MIRVIS

WEST INDIAN wicket-keeper David Murray would like to stay in South Africa on a playing-and-coaching contract — if the Government will allow his white wife and their children to live with him here.

Government's life-long ban on the tourists His Australian wife Kerry, 27, is about to give birth to their third child in Adelaide and neither of them knows what the future now holds

He said "I spoke to Kerry yesterday and I'll be speaking to her again today She is very, very upset

"The rest of the chaps have tried to help me and have comforted me but the whole thing is terrible"

Cricket latest Pages 9, 34-35

The West Indies tour of South Africa has become a personal nightmare for the soft-spoken Murray, regarded by many as the finest wicket-keeper in the world today.

reflected in lapses of concentration on the field where he allowed 41 extras during the Boks' first innings

After obtaining permission from Gordon Armstrong, the players' representative, to speak to Murray at Newlands yesterday, I asked him if he would like to stay on in South Africa after the tour

"I would like to think about it," he said

Would he consider accepting a long-term coaching-and-playing contract — if the Government allowed his wife and children to join him in South Africa?

Sitting dejectedly in the dressing room during lunch, Murray said he would "view very favourably" an offer of such a contract

"I would view that prospect very favourably"

He has been shattered by the Australian

Cricket star will stay — if white wife is allowed in

would really like to think about it.

I got the impression during my short interview that Murray would definitely want to stay on — if the Government disregarded the restrictions of these Acts.

Mr Joe Pamensky, president of the South African Cricket Union, said yesterday if Murray approached

From Page 1

them to stay in South Africa, "we will have to look carefully into the matter to see what we can do to help". Mr Pamensky described the action taken by the Australian Prime Minister as "shameful", particularly in view of the fact that Mur-

ray's wife was to have a baby shortly. In his first comment on the ban, Murray said "It is a great blow. No way did I think they would take this sort of action. It is especially hard on my wife Kerry with the baby due at any time — and she has been told to take things easy."

Murray plays club cricket and coaches in Australia during the West Indian off-season. — in the same way that Springbok Barry Richards did some years ago.

He has a distinguished career of 19 Tests behind him. Alvin Kallicharran, the former West Indian captain

who plays for Transvaal and is vice-captain of Lawrence Rowe's side here, already has his family in Johannesburg.

His wife is black and the Transvaal Cricket Union have arranged for them to live in a flat in an exclusive Johannesburg northern suburb, close to the Wanderers

For R115 000 Earlier records show that Mr van Blommestein bought the property in 1969 for R24,750. Mr van der Vyver, who telephoned the Sunday Express after Mr van Blommestein had refused to come to the telephone, said that certain procedures were laid down when property was bought by the department from a departmental official and that they had been

but added: "It might well be the case." Housing allowances for chaplains depended on salary scales, he said. The neighbour added that Mr van Blommestein, who is at present in Cape Town for the Parliamentary session, had moved his Pretoria residence to a flat in the plush suburb of Faerie Glen, which adjoins Lynnwood, but this could not be confirmed.

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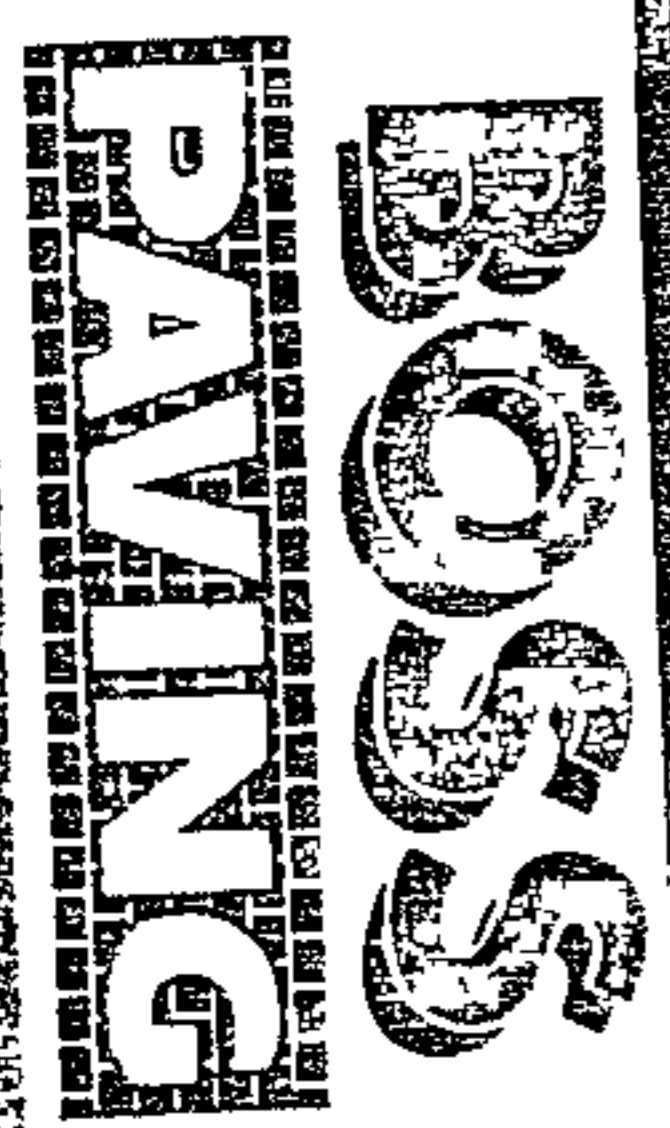
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Snared by the race trap

238



Pearl Samuels and her six-year-old son Isaac — waiting for a safe education

How a mum and her little boy have been caught in the red tape of apartheid

By Dominique Gilbert

A DURBAN mother who fears for the safety of her young son is enmeshed in the red tape of apartheid because it has been decreed he may not attend the school near their home

In a desperate bid to have six-year-old Isaac Samuels educated safely, his mother Pearl has had to stay off work and keep him out of school.

"I've had to run between various departments since last year, and I'm now at the end of my tether," said Mrs Samuels

"While I keep on waiting for the different departments to let me know where Isaac can go to school, he's had to stay home while all the other children have already started school

"But I won't give up — my child's life is at stake"

She has been trying to enrol him at the Parsee Rustomjee Primary, an Indian school within sight of their home in Merewent.

But the family have been classified "coloured" despite their Moslem faith and the fact that Mrs Samuels' father was Indian

She has been told to send young Isaac to the Merebank Primary, in Austerville, more than two kilometres from their home

The Merebank Primary was recently described by newspapers as a school where "school-boys are forced to stay away because they are afraid. It has fallen prey to the terrifying and bloody warfare that has dominated Durban's coloured township, Wentworth, over the past decade"

"How can I send a little six-year-old to a place like that when there's a perfectly good school almost across the road?" asked Mrs Samuels

"In order for him to reach the school he would have to walk down footpaths in the veld, where he could get beaten up, across a busy highway and through a bus-route all on his own"

If he had to attend Merebank Primary, there would be no other way for him to get there but walk what she considered a long and dangerous road for a child that young.

She said she had not encountered any problems when her son had gone to an Indian nursery and pre-primary school.

She experienced simi-

lar problems when her eldest daughter was ready to go to school

"I had to send her to live with my mother-in-law in Umhlali so she could go to school there," she said

She said the principal of the Parsee Rustomjee Primary school had confirmed the school had enough room to accommodate her child, but the different education departments were opposing the move.

"But each time I go into the departments they stall, telling me to come back another time, or that a director is in a meeting or away," she said

This week she was told twice to go to the education department's office for a final decision, only to be turned away both times after being given different excuses why she was unable to get it

When contacted by the **SUNDAY TRIBUNE**, the Chief Inspector of Coloured Education in Durban, Dr L Kathan, refused to comment

Gabriel Krog, Director for Indian Education, said there was nothing he could do about the situation because it was Government policy that if someone was classified coloured they could not attend Indian schools

"I don't do the classifications, and have no control over coloured affairs," said Mr Krog

He said if the family lived within three kilometres of the right school, the child would be obliged to attend it

Mrs Samuels said she had sent off additional forms to the different departments explaining her family's Indian background, and Moslem faith

"In the meantime we're just left waiting. A person's patience runs out after a while though," she said

Next year her youngest child will be ready for school, and she says she doesn't know whether she is prepared to face the same ordeal for the third time

"I've phoned a few private schools to see if they would take my children, but most of them are fully booked. It seems I may have to send all my children to Umhlali so they can be educated

"It's not that I've got anything against coloured education, but it's only normal that any mother is concerned about the welfare of her child"

(2) cases are treated, contacts are traced and treated, disease surveillance of cholera is comprehensive and tight, intensified health education programmes are carried out with special emphasis on the rendering and use of clean drinking water, improvement of personal hygiene and sanitary habits, and measures were initiated by the Department in co-operation with other Departments, for the supply of clean water to some susceptible communities in rural areas

14/2/83
 238 Immorality Act
 72 Mrs H SUZMAN asked Minister of Justice

- (1) How many cases under section 16 of the Immorality Act were referred to each Attorney-General in the Republic in 1982,
- (2) how many of the persons concerned (a) were (i) prosecuted and (ii) convicted and (b) are still on trial or awaiting trial?

The MINISTER OF JUSTICE

	(1) Cases referred	(2)(a)(i) Persons prosecuted	(2)(a)(ii) Persons convicted	(2)(b) Persons still on trial or awaiting trial
Attorney-General				
Cape Town	17	5	4	0
Grahamstown	21	30	20	6
Pietermaritzburg	19	6	3	2
Pretoria	74	135	102	27
Kimberley	6	4	0	4
Bloemfontein	15	10	6	2

(238) Race reclassifications
 Hansard Q 61 176-177
 115 Mr R R HULLEY asked the Minister of Internal Affairs:

Whether any reclassifications from one race group to another took place during the latest specified period of 12 months for which figures are available, if so, how many in respect of each category of race reclassification?

The MINISTER OF INTERNAL AFFAIRS

Yes; the following reclassifications took place during the period July 1981 to June 1982—

Indian to White	1
White to Cape Coloured	3
Cape Coloured to White	722

177

THURSDAY, 17

Cape Coloured to Chinese	4
White to Chinese	15
Chinese to White	7
White to Malay	1
Malay to White	4
White to Indian	1
Indian to Cape Coloured	34
Cape Coloured to Indian	39
Indian to Malay	19
Malay to Indian	16
Other Asian to Cape Coloured	3
Cape Coloured to Other Asian	1
Black to Cape Coloured	109
Cape Coloured to Black	11
Black to other Asian	3
Black to Indian	1
Black to Griqua	3

[Handwritten notes on the left margin, including "17/2/83", "Hansard Q 61 176-177", and various illegible scribbles.]

[Handwritten notes on the right margin, including "17/2/83", "Hansard Q 61 176-177", and various illegible scribbles.]

ID muddle
Over the
Lady who

'does not exist' (238)

By VAL CARTER-JOHNSON

TWO years after applying for an identity document, Mrs Verna Bruton has discovered she has no official identity

Mrs Bruton, who lives in Amanzimtoti, near Durban, first applied for a Book of Life two years ago when she returned to South Africa from Zimbabwe

As she had been born in South Africa, she was told that all she would need was a Book of Life and she could then resume South African citizenship

She duly sent off all her documents to the Department of Internal Affairs — and sat back to wait for her Book of Life

Now, despite repeated queries over the years, she has been asked to send her driver's licence and a residence permit to the Department

"The problem is that I have already sent my driver's licence to the Department with all my other documents and I have never had a residence permit," a worried Mrs Bruton said

"I was officially told that I did not need a residence permit and I never took a photostat of my driver's licence

Dilemma

"Now I am worried because my temporary Zimbabwean passport, which I was issued when I went to visit my family in Zimbabwe, expires in April

"I have been told to write a letter to them with a new application, explaining my predicament.

"It's really awful. Without identity documents you cannot open an account, pay by cheque or even open a banking account," Mrs Bruton 36, said

"What is really strange, though, is that my husband sent his documents in at the same time as I did and he got his back within six months

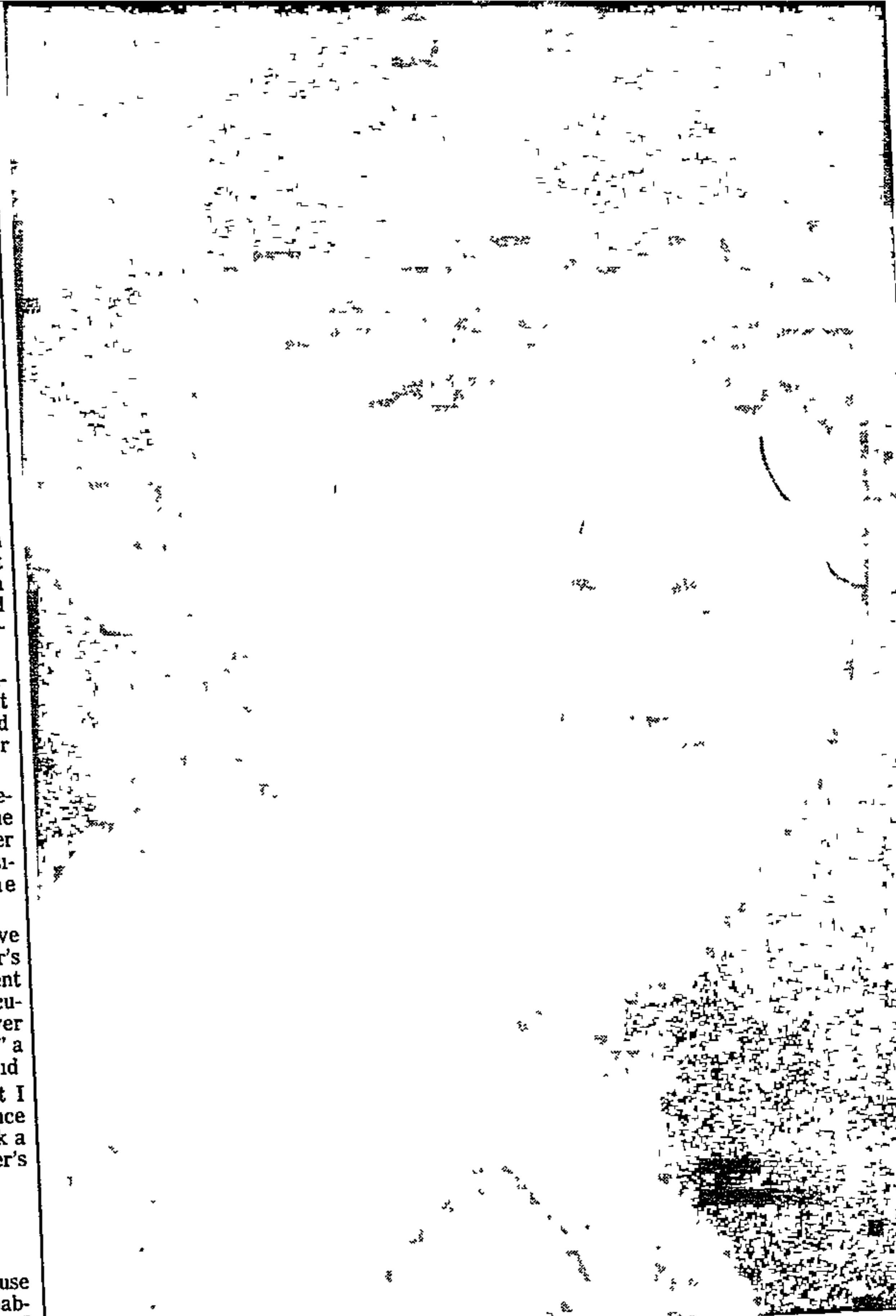
"I get nervous even driving my car now because if I had an accident I would not be able to prove I had a licence," she said

"It is a bit awful when you realise you do not officially exist"

Mrs Bruton has sent her new application and letter explaining her dilemma to the Department

A spokesman for the Department of Internal Affairs said that Mrs Bruton's case was being investigated and they were waiting to receive her letter explaining her problem

'We will do everything we can to help,' he said



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Kieran Kenny ... repaid the Queen's kindness by breaking an agreement

Kirsten's no-ball on Koeberg

By MIKE HEWITT

SPRINGBOK cricket skipper Peter Kirsten delivered a no-ball to the anti-nuclear movement this week when he failed to address a protest rally against the Koeberg atomic plant.



PETER KIRSTEN
"Not my department"

Kirsten had been linked to the mass meeting organised by Koeberg Alert, the only anti-nuke movement operating in South Africa

He had been named as one of the speakers at the lively rally

Nearly 400 people crammed St George's Cathedral hall in Cape Town to voice their disapproval of the nuclear power plant.

But the Bok captain baled out at the last moment because of illness — leaving hundreds of people disap-

S. Times
27/2/83

(S. Times)

STimes
6/3/83
238

'Other Asians' now in apartheid yo-yo

By FAY SALEH

THE race classifications of nearly 1 000 people were changed in a remarkable juggling of racial identities by the Minister of Internal Affairs, Mr F W de Klerk, last year.

A Cape coloured and three blacks, for example, were reclassified as "other Asians"

Mr de Klerk also changed three "other Asians" to Cape coloureds

Confusion exists over "other Asians" and their exact position in the order of South Africa's race classification system

According to a proclamation in the Government Gazette of May 26, 1966, "other Asians" are "persons generally accepted as Zanzibari Arabs (also called Zanzibaris or Kiwas), or people "whose national home is in any country in Asia except India, China or Pakistan"

Tribe

But there are exceptions. The Japanese, for instance, are "honorary whites"

"Other Asians" form part of the ethnic grouping under the race group "coloured" as defined by the Population Registration Act of 1950

This act is the cornerstone of race classification in South Africa

It divides the country's population into three groups: black, white and coloured

A black is a person who is or is accepted to be a member of any original race and tribe of Africa

A white is a person who is "obviously white in appearance and is generally not accepted as a coloured, or a person who is generally accepted as a white person although in appearance is not obviously white"

A coloured is defined to be a person "who is not a white or black person"

Defined

Every black and coloured is further classified into ethnic groups by proclamation

The May 26, 1966 gazette defines ethnic groupings for the coloured race group into seven categories: Cape coloured, Cape Ma-

It's na



Star Dallas running back Tony Dorsett races for a

apartheid yo-yo

By FAY SALEH

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Defined

Every black and coloured is further classified into ethnic groups by proclamation

The May 26, 1966 gazette defines ethnic groupings for the coloured race group into seven categories Cape coloured, Cape Malay, Griqua, Chinese, Indian, other Asian and other coloured

According to the definition Indians are people "whose national home is in India or Pakistan"

The category, "other coloured", seems to be the catch-all for people whose racial identity defies categorisation — an "other coloured" is a person who is not a Cape coloured



Star Dallas running back Tony Dorsett races for a touchdown

Kilos too late to save baby

By PETER MALHERBE

THE baby boy who needed to gain only 2kg more to undergo a life-saving liver transplant died in Port Elizabeth on Sunday

The battle for the life of

four kilograms
The struggle to gain, mass ended on Sunday morning when his parents,

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'SLUR' ANGRERS GRIQUA CHIEF

By NORMAN WEST

THE Paramount Chief of 30 000 Griquas, Bishop D J Kanyiles, is considering legal action against Professor Hans du Plessis, of the University of Potchestroom (UP), for claiming he may not be a true Griqua.

Professor Du Plessis was one of those giving evidence to the President's Council's Constitutional Committee, which this week was investigating the "needs and demands of the Griqua people in the political, economical and social fields".

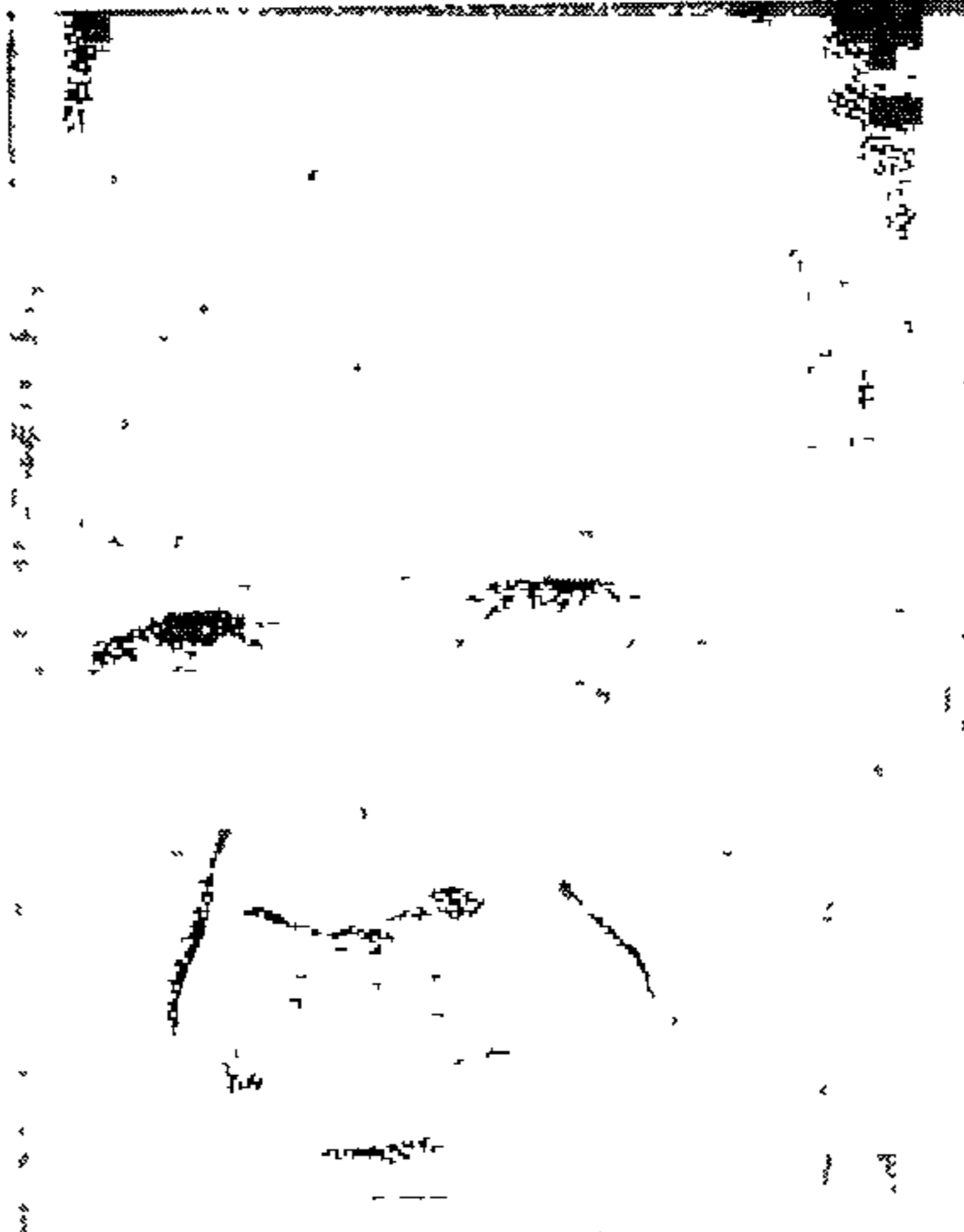
Dignity

Bishop Kanyiles said he considered the remark as a "slur" on the Griqua community and an attack on his personal dignity.

Professor Du Plessis, Director of the Institute of Linguistic and Literature Research at UP, told the Sunday Times he was "not questioning" Bishop Kanyiles' origins

Tape-recording

"I was answering a question put to me by Mr Sonny Leon of the President's Council committee and said that, on the basis of my research, which we academically and scientifically refer to as 'code-switching', I was not entirely convinced Bishop Kanyiles was a Griqua.



Bishop D J Kanyiles

"I have not personally interviewed Mr Kanyiles but listened to a tape-recording made by one of my researchers, Mr P J P Henning, who interviewed Mr Kanyiles

"When a person is at ease or angered, that person 'code-switches' to his normally-used code of language, our research has found.

"It did not happen in Bishop Kanyiles interview.

"This 'code-switching' goes for people of all races and nationalities.

"The purpose of the question put to me and the answer I gave was to establish the validity of the claim by Bishop Kanyiles to be a true Griqua leader

"My answer was not meant to imply — categorically anyway — that the man was, in fact, falsely claiming to be a Griqua and I would indeed be sorry if that impression was created," Professor Du Plessis said.

Chief Kanyiles, when angered, said the professor, had responded in "normal Afrikaans" instead of "Griqua Afrikaans".

"This makes me doubt that Kanyiles is a Griqua," Professor Du Plessis told the committee, although he conceded his methods of testing were "not entirely scientific".

Bishop Kanyiles, 58,

of the Independent African Orthodox Church based in Kimberley and Paramount Chief of the Griquas for Griqualand West and Albany, denied he had ever been interviewed by Professor Du Plessis.

Mr Eric le Fleur, chairman of the Griqua National Council (GNC) and a successor to original leader of the Griqua *volk*, Adam Kok, also gave evidence on behalf of the Griquas this week

Mr Le Fleur, said he, too, took "serious exception" to Professor Du Plessis' remarks about his leader's status as a Griqua.

"We are proud of our identity as Griquas and resist assimilation with or by other ethnic groups

Sacrilege

"To query the bonafides of this man as a true Griqua is an act of sacrilege to the Griquas," Mr Le Fleur said.

Bishop Kanyiles, a successor to the famous Griqua leader, Captain Nicolaas Waterboer, said

"As leader of the Griqua people, I feel deeply distressed at Professor Du Plessis' remarks.

"My home languages are Afrikaans and English. I have never heard of "Griqua Afrikaans".

"It may be that the old folk, just like some

Afrikaners, have retained certain Dutch customs, hymns, prayers and Dutch words in their language

"Does that make us Dutchmen? I fail to understand the professor's logic

Interview

"Apart from this, neither he nor any one else, has conducted a tape-recorded interview with me as part of an alleged research project."

Mr Kanyiles said he had already consulted

his attorneys in Kimberley and they would decide what action to take

"What is sure," said the Bishop, "is that I would demand a public apology from Professor Du Plessis or the matter will be taken to court. My dignity and that of my followers is at stake

Revered

"I regard his remarks in an extremely serious light and as a slur cast on the whole Griqua community who revere me as their leader."

S. Times 13/3/83 (238)

238 *Husband*
Q Col. 700
Immorality Act 16/3/83
408 Mrs H SUZMAN asked the Minister of Law and Order

(a) How many suspected contraventions of the Immorality Act were investigated in 1982 and (b) how many persons were charged as a result of these investigations?

The MINISTER OF LAW AND ORDER

(a) 225.

(b) 182.

Official checks colour of unmarried ²³⁸ boy ²⁰⁹ ^{12/14/83} ¹⁸³ baby

By DEBBIE REYNOLDS

AN UNMARRIED mother was made to take her baby for a "colour check" by Department of Internal Affairs' officials yesterday before they would register its birth.

Miss Fay Cash, from Johannesburg, was shocked by the rudeness of officials and by having to take her baby to the births and deaths registration counter for officials to check what colour it was.

Miss Cash, who chose to be an unmarried mother, said: "While my baby was still in hospital I phoned the Department of Internal Affairs and was told I could only register him if I took him there."

Yesterday Miss Cash's sister, Mrs Pamela Cohen, accompanied her to the Department

of Internal Affairs in Harrison Street.

I went with my sister because I thought she had probably misunderstood the procedure regarding the registration of the birth of her child. I had never heard of anyone having to take their baby with them for the registration," Mrs Cohen said.

"I went in to inquire if this was the procedure and if so, for what reason.

"The official told me, in front of about eight people in the office, that he wanted to count the child's fingers and toes."

He then said she had nothing to do with the child but he had to see what colour it was.

Miss Cash took her baby into the office and the birth registration form was completed. "Another man just glanced at my baby,"

said Miss Cash.

Nowhere on the form was there any reference to the race group of the child. The form merely states the baby's name, sex and date of birth and the mother's name.

Miss Cash and Mrs Cohen said they were embarrassed by the treatment they had received and not once had anyone told them why it was necessary for the baby to be classified in a particular race group.

"What I would also like to establish," said Mrs Cohen, "is what qualification those people have to decide what race group a baby belongs to by just looking at it."

The Mail phoned the births and deaths registration office and spoke to the official who dealt with Miss Cash.

He refused to give his name, but said the

law regarding birth registrations is that one parent and two identification books had to be brought to the office. If the mother was unmarried and registered the baby in the father's name, this was also the procedure. But if the unmarried mother wished the baby to be registered in her name the child had to be brought to the office.

He did not deny he had said he wanted to count the baby's fingers and toes.

"I am entitled to say what I like to the woman. She wasn't the child's mother — it had nothing to do with her at all," he said.

Asked who was qualified to say to which race group a child belonged, he said: "I cannot divulge any information at all, especially not to the Rand Daily Mail."

WOMAN'S PAGE

Could you adopt a twilight child?

A 'twilight' child is one who is of mixed nationality or race group — he or she does not fall into any particular family group. For some time now Durban Child and Family Welfare has been faced with the complex problem of placing these children in foster or adopted care. KAREN HODGSON asked the organisation about it.

MOST of the 20 'twilight' children Durban Child and Family Welfare is currently trying to place are the offspring of white prostitutes, a spokeswoman told us.

'Invariably the father is of a different race and cannot be identified,' she said. 'When we take the children for classification, they are nearly all classed as coloureds.'

In some cases, the children are taken to the welfare society by the mothers, who are unable to care for them because of their lifestyle.

In others, the society removes the child if it receives complaints of neglect and these are substantiated.

Some of the children are merely abandoned, not necessarily by prostitutes, but by young women who have had a liaison with a man of a different race.

'Until we can classify them, we are unable to put them up for fostering or adoption.'

'In the meantime they must remain in our children's homes, which although adequate, are no substitute for the love and care they would receive in a family environment.'

So why does classification prove such a labourous problem?

'We have to push for all these twilight children to be classified as whites.'

And why was this necessary, we asked? 'Firstly, there is a dire shortage of coloured people willing to adopt.'

'On the other hand, the number of whites wanting to adopt is far in excess of the number of children in our care.'

'Thus children have to go where there are homes, in the white sector,' said the spokeswoman.

She went on to explain how children are also faced with the dilemma of their cultural heritage.

'Those brought up by white mothers in a white culture are naturally placed in white children's institutions.'

'The ideal sequel, to nurture the child's identity, would be a white home, so they must get white classification.'

But couldn't coloured children be placed in a coloured children's home?

'Unfortunately there is no space in coloured children's institutions — they

are already overcrowded and in bad need of more facilities.'

The spokeswoman went on to explain that the available grants also exacerbated the situation.

'For adoption there is no grant. For fostering, the grant for whites is R90 monthly, compared to R71,80 for coloureds.'

Most coloured families comprise several children and parents cannot afford to take on an extra child for adoption. As for fostering, the grant is most inadequate.'

Suitability

But surely some coloured families do come forward to foster?

'Some of the few coloured families who do come forward may only be spurred on by the small financial gain, not the welfare of the child, and so are not suitable

material,' she explained.

She went on to tell of the many children who are of mixed white and oriental heritage, who should be eligible for white status immediately.

'Their racial origin is detectable by a bruise-like mark above the buttocks, which is always discernible on such children.'

By virtue of this so-called 'mongolian spot' these children are entitled to honorary white status.

'However' she added, with a shrug of the shoulders, 'the Department of the Interior will invariably label them as coloured or Malay.'

'Then begins our battle for re-classification, which in all of these cases can take years.'

Her irritation at this long, drawn-out struggle is clear, for, as she told us, 'children have to sit in in-

stitutions in the meantime, unable to join white families who wish to take them, both sides unclear of their eventual fate.'

Meanwhile white families may play 'host' to these children for holidays or days out. But this is a precarious situation.

'Should the child never achieve white status, there is the heart-breaking situation of a child being isolated from people it has grown to love, identity with and feel secure with.'

'Therefore we cannot afford for strong relationships to be forged, for the sake of both parties.'

Crisis

The spokeswoman went on to tell us how Durban Child and Family Welfare had seen some cases where 'twilight' children, of white mothers, identifying with white culture, had in the end to go to coloured families for adoption, because of classification problems.

'The results of this are extremely detrimental to the child,' she said.

'Inevitably there has been a terrific identity crisis and these children are

now under psychiatric counselling.'

So what are the chances for white couples who want to adopt 'twilight' children?

'As we said, white classification can take years. If achieved, the procedures thereafter are relatively smooth.'

'But the effect on the child in the interim period can be heart-breaking.'

Can the public help in any way to rectify this situation?

'Yes. For children of mixed coloured background, there is a desperate need for coloured people to come forward. We could also do with some kind of adoption subsidy to give initial assistance.'

'Obviously adoption is preferable to fostering, but it would be heartening to see an increase also in the fostering grants available to coloureds.'

'If we had substantial numbers of coloured parents as prospective adopters, this problem would not exist.'

It is because they are not there that we are faced with the trials of classifying children for white status.

It is imperative that people become aware of this tragic situation.

Existing coloured foster and adopting parents could help also, by appealing to people they know and making them aware of the situation.'

What about the oriental-mix children? How can they be accommodated? 'We would dearly love to see Japanese, Chinese and Malay couples coming forward. This would ease the problem considerably.'

DURBAN Child and Family Welfare hopes to publicise the needs of twilight children more this year.

To this end, it is holding an orientation programme at the Austerville Community Centre on April 16 from 9 a.m. to 1 p.m.

The programme will consist of a talk on what fostering and adoption involves, which will hopefully stimulate prospective parent candidates.

There will be material on the subject to read, and application forms for interested parents who may wish to assess their personal abilities to foster or adopt.

Durban Child and Family Welfare will be delighted to answer any questions relating to the orientation programme or any other aspects of fostering and adopting children. Ring 392004



Mixed marriage law offer by Botha

Political Correspondent

HOUSE OF ASSEMBLY. — The Prime Minister, Mr P.W. Botha, said yesterday that laws prohibiting sex and marriage between whites and other races might be reconsidered by a parliamentary select committee.

Mr Botha said during the debate on his department that the committee's report on the Mixed Marriages Act and the anti-miscegenation provisions of the Immorality Act would then be considered on merit.

However, there is no guarantee that the committee will be appointed or that either of the apartheid measures will be repealed.

Many South Africans do not consider these laws to be as basic to structural race discrimination as the Population Registration Act, the Group Areas Act and influx control.

However, they have been regarded as cornerstones of apartheid. Foreign diplomats have frequently pressed for their repeal as a demonstration that the government is prepared to consider more fundamental changes.

Churches

Mr Botha's offer is the first major development on anti-miscegenation laws since he indicated his willingness in 1979 to review them.

Mr Botha said then that if church leaders of all denominations could agree on changes to the two Acts, he could consider proposals.

He told Parliament yesterday that his subsequent discussions with church leaders had shown that there were still strong differences.

To page 2.

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Call Times 22/4/83

From page 235

between the churches with important black and white denominations favouring the retention of the laws.

He would nevertheless be prepared to refer the two Acts to an all-party parliamentary committee if the parties concerned would undertake to approach the matter on a non-party-political basis.

Challenge

Churches would be able to give evidence to the committee but he could see no sense in appointing the committee if some churches continued their agitation against the measures and their threats to break the laws.

This was a reference to decisions by several churches to conduct marriages in contravention of the Mixed Marriages Act.

Mr Botha's offer followed a challenge by the Leader of the Opposition Dr Van Zyl Slabbert to name one discriminatory law the government was prepared to repeal.

Mrs Suzman

Mrs Helen Suzman (PFP Houghton) said the PFP had no intention of making party politics out of the issue. The PFP had pleaded for years for an end to discrimination.

"We want improvements insofar as these laws are concerned. We want improvements in many other laws the Prime Minister has not mentioned," she said.

"We believe race discrimination to be morally unjust, economically unsound and politically untenable."

By the end of yesterday's debate, opposition parties were divided on whether the government was heading for reform.

Mr Colin Eglin (PFP Sea Point) said the government's treatment of coloured people and its refusal to reconsider the ban on Indian residence in the Free State showed Mr Botha was putting reform into reverse.

The New Republic Party leader, Mr Vause Raw, said Mr Botha's statement that the constitutional proposals were only a starting point reconfirmed Mr Botha's intention to press ahead.

238 Mercury 26/4/83

Chatsworth mixed marriage infringes law, says Senior Counsel

Mercury Reporter

A MARRIAGE across the colour line in Chatsworth at the weekend would be an infringement of the Mixed Marriages Act and the Immorality Act, according to a Durban Senior Counsel

He was commenting on the marriage of a white Johannesburg electrical designer, Mr Steve Green, to an Indian, Miss Gayathree Ramdin

They took Hindu vows of marriage in a ceremony in

Chatsworth on Sunday witnessed by more than 100 guests

Mr Green wore a fawn suit, a turban and sash, traditionally worn by Hindu bridegrooms

The bride wore a red sari matched by striking gold jewellery

After the hour-long ceremony the couple joined guests at a luncheon and then drove away to their honeymoon in Transkei

Although the couple went through a Hindu

ceremony, their marriage would still have to be registered to become valid

The couple were expected to do this, possibly in Transkei, and later settle in Johannesburg

The Senior Counsel said the couple's marriage would be recognised only in the Transkei if they registered it

Once they left the homeland to settle anywhere in South Africa the marriage would become null and void and if they lived together they would be in-

curring prosecution
The Prohibition of Mixed Marriages Act prohibits marriages between 'Europeans and non-Europeans'

Any such marriage solemnised in contravention of the Act is deemed to be void and of no effect

The Act says that any marriage officer who knowingly performs a marriage ceremony between a European and a non-European shall be guilty of an offence and liable to a fine of £50

Le Grange says: No govt plan to repeal sex laws

By MICHAEL ACOTT
Political Correspondent

THE Minister of Law and Order, Mr Louis le Grange, yesterday denied that the government wanted to abolish the Mixed Marriages and Immorality Acts or that they were no longer being applied.

Mr Le Grange issued a strong official statement following allegations about the two sex-across-the-colour-line measures made during the Soutpansberg by-election by the Conservative Party candidate, Mr Tom Langley.

Mr Le Grange's statement, designed to counter the right-wing by-election challenge in the Transvaal, comes less than a week after the Prime Minister, Mr P W Botha, offered to have the laws reconsidered by a parliamentary select committee.

Mr Le Grange emphasized the number of recent prosecutions under the Immorality Act and the fact that Mr Botha had told Parliament last week that a Christian State had a duty to make immoral acts punishable.

"The Prime Minister has also never bound himself and the government to abolishing the Mixed Marriages Act," Mr Le Grange said.

His statement quoted in full remarks said to have been made by Mr Langley at a meeting in Tzaneen last week.

Mr Langley is said to have stated that the government wanted the two Acts repealed and had not applied them for the past two years, during

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To page 2

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CAPE TIMES 27/4/83
A From page 1238

which there had been no prosecutions.
Mr Langley also claimed that the police had instructions to refer all complaints under the Immorality Act to the Minister of Law and Order.

"What Mr Langley says is untrue," Mr Le Grange said yesterday.

He quoted some of the remarks made by Mr P W Botha last week, without referring to the fact that Mr Botha had offered to have these two laws reviewed by a parliamentary select committee.

He mentioned only that Mr Botha had appealed to political parties not to approach this sensitive issue on a party-political basis.

Mr Le Grange said it was untrue that the police had orders not to apply the Mixed Marriages and Immorality Acts.

He had stated last year that in the last six months of 1981, police had investigated 140 allegations of contraventions of the Immorality Act and 122 people had been charged. He had told Parliament last month that in 1982 there had been 225 alleged contraventions of the Act, resulting in 182 people being charged.

Mr Le Grange denied ever having instructed the police to refer Immorality Act complaints to him.

He said he had no part in decisions about prosecutions, which were the task of the Attorney-General.

Morals Acts: ¹⁹⁶⁴27/4/83 Labour ²³⁸ warning

By HUGH ROBERTON
Political Staff

THE Labour Party warned today that it would not accept the retention of the Immorality Act and the Mixed Marriages Act and said that if the Government continued to prevaricate on these laws the entire reform movement would be seen as "just a gimmick"

The party's national chairman, Mr David Curry, said in an interview that there was a clear division in the Cabinet, which was shown by the contradictory views expressed by the Prime Minister, Mr P W Botha, and the Minister of Law and Order, Mr Louis le Grange

Mr Botha had said last week that he was willing to consider referring the two Acts to a select committee for review. This week, though, Mr Le Grange had said the Government had no intention of abolishing them

TORN

"These people are torn between reform and the status quo and it is obvious that there are divisions in the Cabinet itself. How can they campaign for reform from a verkrampte platform?"

"In the end, if they choose to meet the verkrampte challenge by trying to pander to verkrampte sentiments then they will have to realise that the verkramptes can do it even better. They will then have to out-verkrampte the verkramptes."

"It seems to us that if Mr Botha was like General de Gaulle and simply said he was going ahead with reform as a matter of principle, come what may, because it is the right thing to do, he would gain far more from the centre than he would lose on the far right."

Fewer trials for sex across the colour line

NR645 27/4/83

238

Political Correspondent

PROSECUTIONS and convictions under the sex-across-the-colour-bar clause of the Immorality Act have dropped considerably over the past five years.

It appears from official statistics that the highly controversial Act, along with the Prohibition of Mixed Marriages Act, is no longer being applied with the same strictness.

Expressing his "dis-may and displeasure" at such a statement by Mr Tom Langley, the CP candidate in Soutpansberg, the Minister of Law and Order, Mr Louis le Grange, last night emphasised that these Acts were in fact still being applied.

Figures given in answers to questions by Mrs Helen Suzman, PRP Houghton, show that convictions under the Immorality Act have dropped from 265 in 1978 to 135 in 1982. In 1978, there were 404 prosecutions, 265 convictions and 83 cases awaiting trial.

Figures

Figures for other years were.

● 1979 — prosecutions 299, convictions 222, awaiting trial 46

● 1980 — prosecutions 188, convictions 98, awaiting trial 65

● 1981 — prosecutions 212, convictions 121, awaiting trial 71

● 1982 — prosecutions 190, convictions 135, awaiting trial 41

In March of this year the Deputy Minister of Internal Affairs, Mr P.J. Badenhorst, said that seven mixed marriages, in all cases whites marrying coloured people, had taken place in South Africa since the beginning of 1981.

Not invalid

These had not been declared invalid by the department as only the Supreme Court could judge on such a matter.

It appears as if the State had decided to condone these marriages.

Mrs Suzman said today it was "just ridiculous" that the pace of change seemingly would be determined by what happened in a remote rural area of South Africa (Soutpansberg).

That Mr le Grange should have to do a complete about-face on the Prime Minister's statement was indicative of the absurdity of the situation.

Unchanged

The Prime Minister said in Parliament last week that the two Acts could be considered by a all-party select committee.

Mrs Suzman said the significance of the laws lay in the inherent insult they offered rather than the practical effect they had.

● The Ned Geref Kerk has not closed the door to changes in two Acts, according to Die Kerkbode, official organ of the NGK.

Agreement

In the editorial article, Dr Frits Gaum, executive director of Bybelkor, quoted the Prime Minister as saying in Parliament last week that he had asked the churches to reach agreement on the measures.

"The general synod (of the NGK) decided last year that these two laws should remain. But the synod did not thereby reject every attempt to examine again the formulation of these laws."

● See Page 3.

Couple defies Marriages Act 238

MARRIAGES across the colour line infringe the Mixed Marriages Act and the Immorality Act, according to a Durban senior counsel.

He was commenting on the marriage of a white Johannesburg man, Mr Steve Green, to an Indian, Miss Gayathree Ramdin.

They took Hindu vows of marriage in a

ceremony in Chatsworth on Sunday, witnessed by more than 100 guests

After the hour-long ceremony the couple joined guests at a luncheon and then left for Transkei on honeymoon

Although the couple went through a Hindu ceremony, their marriage would still have to

be registered to become valid

They were expected to do this in Transkei, and later settle in Johannesburg.

The senior counsel said the couple's marriage would be recognised only in the Transkei if they registered it there.

Once they left the

homeland to settle anywhere in South Africa the marriage would become null and void and if they lived together they would be inviting prosecution

The Prohibition of Mixed Marriages Act prohibits marriages between "Europeans and non-Europeans"

Any such marriage

solemnised in contravention of the Act is deemed to be void and of no effect

The Act says that any marriage officer who knowingly performs a marriage ceremony between a "European and a non-European" shall be guilty of an offence and liable to a fine of R50 — Sapa

21/8

(Interjections)
238 Harrison
Births registration 27/4/83
Q 61 116-1117
*17 Mr P G SOAL asked the Minister
of Internal Affairs

What is the procedure followed by his Department in the registration of births in respect of (a) (i) legitimate and (ii) illegitimate children and (b) cases where one or both parents are not in possession of identity documents?

†The DEPUTY MINISTER OF INTERNAL AFFAIRS

The procedure followed in the registration of births is outlined in the Births, Marriages and Deaths Registration Act 1963 (No 81 of 1963) especially sections 4 to 12 thereof the regulations published in terms of the Act under Government Notice R 1737 of 1 October 1971.

1117

WEDNESDAY

departmental directives. The relevant directives are contained in a manual and circular that are available in my office for the hon member's perusal.

Mr P G SOAL: Mr Speaker, arising from the hon the Deputy Minister's reply, could he tell the House whether it was necessary for officials at the Harrison Street Johannesburg office of his department a few days ago to view a baby before registering its birth?

†The DEPUTY MINISTER: Mr Speaker, as I have said this handbook and these instructions form a bulky document which provides for the various circumstances under which a child is registered. I suggest that the hon member study it first and then discuss the matter with me. He is most welcome to do that.

MORALS LAWS ON WAY OUT?

Political Staff

CAPETOWN — Prosecutions and convictions under the sex-and-colour-bar clause of the Immorality Act have dropped considerably in the past five years.

This emerges from answers which the Minister of Justice, Mr Louis le Grange, has given to Mrs Helen Suzman of the Progressive Federal Party.

Mr le Grange was countering Conservative Party propaganda in the Soutpansberg by-election that the Government wants to abolish the Immorality and Mixed Marriages Acts, and that they are no longer being applied.

Expressing "dismay and displeasure" at this claim by Mr Tom Langley, the CP candidate, Mr le Grange stressed that the Acts were still being applied.

His statement came within days of the Prime Minister, Mr P W Botha, saying in Parliament that he was prepared to have a select committee reconsider the Acts.

Mr le Grange pointed out last night that Mr Botha had not committed himself to abolishing the Acts, and rejected the sug-

gestion that they were not being applied.

Figures given in answer to Mrs Suzman's questions show that convictions under the Immorality Act dropped from 265 in 1978 to 135 in 1982. In 1978 there were 404 prosecutions, 265 convictions, and 83 cases are awaiting trial.

For other years the figures were: 1979 — prosecutions 299, convictions 222, awaiting trial 46, 1980 — prosecutions 188, convictions 98, awaiting trial 65, 1981 — prosecutions 212, convictions 121, awaiting trial 71, 1982 — prosecutions 190, convictions 135, awaiting trial 41.

In March the Deputy Minister of Internal Affairs, Mr P J Badenhorst, said that seven mixed marriages — all whites marrying coloured people — had taken place since the beginning of 1981.

They had not been declared invalid by the department because only the Supreme Court could judge on such matters, he added.

Mrs Suzman said it was "in-discriminatory" that the pace of change in South Africa should seemingly be determined by a remote rural area like Sout-

Prosecutions for sex across the colour line have dropped sharply in recent years, but the Minister of Justice has gone to pains in Parliament to emphasise that enforcement of the laws has not been relaxed. He was countering Conservative Party claims that the Immorality Act and the Mixed Marriages Act were virtually no longer being applied and that the Government wants to do away with them altogether.

That Mr le Grange should have to do a complete about-face on the Prime Minister's statement was indicative of the absurdity of the situation.

She said that if the morals laws were abolished tomorrow, the lives of most South Africans would be unchanged. Their significance lay in the inherent insult they offered, rather than the practical effect.

An article in the Ned Gerief Kerck's journal, Die Kerkbode, says it wants to participate in any review of the Acts.

The article says the NGK would certainly need to give "earnest attention" to the Prime Minister's request that South African churches agree on proposals to submit to the Government regarding the Acts. It pointed out that the General Synod of the NGK had decid-

ed last year that the two Acts should remain on the statute book — but this should not imply that the synod had dismissed attempts to review them.

The Labour Party warned yesterday that it would not accept the retention of the Acts, and said that if the Government continued to prevaricate on the laws the entire reform movement would be seen as "just a gimmick".

The party's national chairman, Mr David Curry, said in an interview that there was a clear division in the Cabinet on the laws — shown by the contradictory views expressed by Mr Botha and Mr le Grange.

"These people are torn between reform and the status quo, and it is obvious that there are divisions in the Cabinet itself. How can they campaign for

reform from a verkrampie platform?"

"In the end, if they choose to meet the verkrampie challenge by trying to pander to verkrampie sentiments, they will have to realise that the verkrampies can do it even better. They will then have to out-verkramp the verkrampies."

"It seems to us that if Mr Botha was like General de Gaulle and simply said he was going ahead with reform as a matter of principle, come what may, because it is the right thing to do, he would gain far more from the centre than he would lose on the far right."

"This sort of contradictory attitude to the Acts can only polarise South African society further."

"I want to say very clearly that the Labour Party cannot and will not accept the retention of the Acts. While they are on the statute book there will be no real chance of reform."

"It is not the Labour Party that is on trial here. It is the Government. We promised to go into the new constitution in order to test the Government, and we will test them on this and many other issues."

Times

The Sta

LONDON — Something lenbosch (the other dat) tions would never believe their own eyes.

"I had to rub my own first of a major series of

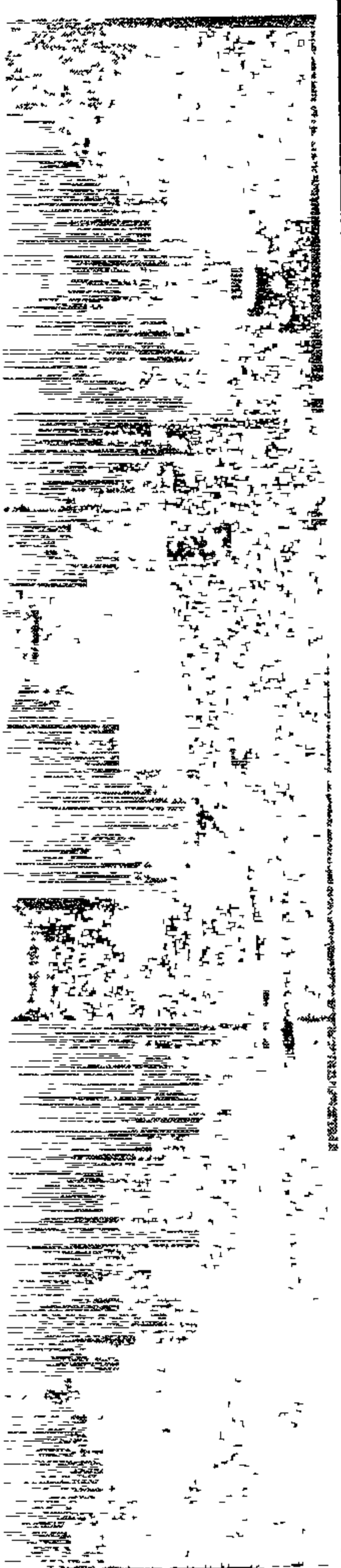
In heaping praise on t in South Africa, Miller markable that black r whites, being treated b and having their autog white boys — in Stelle

PW's reform

By Pamela Klemot

The Prime Minister, Mr P W Botha, seems to be dancing back and forth on his reform proposals, says visiting United States academic Dr Don Beck.

This impression results from the "psychological distortion"



Happiness is a G



A COUPLE who sp Immorality laws child in the coun

Ian and Sherin Whiteley, who moved to Pietersburg's Catholic residential area for

"We always wanted have a child in South Africa. This is our home Gareth our first South African," Ian as he cuddled the tyke

Nirvana means eternal peace, and was where first met and fell in love with Sherin on a visit to her father 15 years ago

The night that Sherin's mother invited Ian and a friend over for curry and rice, he had a relationship which survived more than a decade of sadness, humiliation and even prison

"I took one look at her and told my friend 'that's the one I'm going to marry,'" said Ian of that first night

Tears

"Sherin asked me what I was looking at. 'Can't you see how tanned I am?' she said, but I didn't even see her colour she was"

Soon after their relationship started, Ian spent 18 months in jail awaiting trial under the Immorality Act. He was acquitted and fled to Botswana with Sherin, where they married

But Botswana didn't give them 14 days to get out

They then applied to the United Nations for help, as UN refugees they went to Norway where their first two children, Ray, 11, and Deryck, 6, were born

But after six years in Norway the Government told them they would have to give up their South African citizenship and become Norwegians

They then left for Pietersburg, where Ian found a job as a storeman in a hospital

One day Ian returned from work to find Sherin crying

"Our first South African" ... Ian and Sherin Whiteley with Gareth

Picture: JAMES SOULLIER



238 CALLED 1/5/83 SUNDAY

... is a child called Gareth

By BLAISE HOPKINSON

A COUPLE who spent 12 years in exile from South Africa's Immorality laws have fulfilled their dream of having a child in the country they have struggled to call their own.

Ian and Sherin Whiteley, who returned to their home country nearly two years ago, now have had a son in South Africa, Gareth, who was baptised in Pietersburg's Catholic cathedral last month

"He is a South African I am a South African My wife is a South African," said the bearded Ian at the family's home in Nirvana, Pietersburg's residential area for Indians

"We always wanted to have a child in South Africa This is our home Gareth is our first South African," said Ian as he cuddled the dozing tyke

Nirvana means eternal peace, and was where Ian first met and fell in love with Sherin on a visit to her father 15 years ago

The night that Sherin's father invited Ian and a friend over for curry and rice started a relationship which survived more than a decade of sadness, humiliation and even prison

"I took one look at her and told my friend 'that's the girl I'm going to marry'," said Ian of that first night.

Tears

"Sherin asked me what I was looking at 'Can't you see how tanned I am?' she asked but I didn't even see what colour she was"

Soon after their romance started, Ian spent three months in jail awaiting trial under the Immorality Act. He was acquitted and fled to Botswana with Sherin, where they married

But Botswana didn't want them, and without any reason gave them 14 days to leave

They then applied to the United Nations for help, and as UN refugees the couple went to Norway where their first two children, Raymond 11, and Deryck, 6, were born

But after six years in Norway the Government told them they would have to give up their South African citizenship and become Norwegians

They then left for Liverpool, where Ian found a job as a storeman in a hospital

One day Ian returned home from work to find Sherin in tears

The Whiteleys now have a S African son— thanks to PW

Some of the harbour city's thugs had surrounded her and hurled racial insults at her "Go home, Paki," they yelled "We don't want you here"

That same day Ian wrote to the Prime Minister, Mr P W Botha, asking for refuge for his family in his own country

The Prime Minister wrote back "You and your wife as South Africans holding South African passports may return to South Africa without first having to obtain visas to do so"

After 12 years of wandering, Ian and Sherin returned to Nirvana with their two sons

Now, with the birth of Gareth, the family's roots in South Africa have taken a firmer hold

Boisterous

Raymond is as keen about rugby as his dad He hopes to be a Springbok one day and he's working hard to improve his Afrikaans at Pietersburg's Indian school

Deryck, a boisterous lad, started Grade One this summer, and accompanies his father and brother to school in the morning

Although the boys and their dad are an unusual sight among the other parents, "nobody bats an eyelid" says Ian

And most of Pietersburg is now accustomed to the Whiteley family

The family sometimes visits a local hotel for a meal and one day a hefty farmer there struck up a conversation with Ian over a beer

"What is it like being married to an Indian?" the man asked Ian

Guts

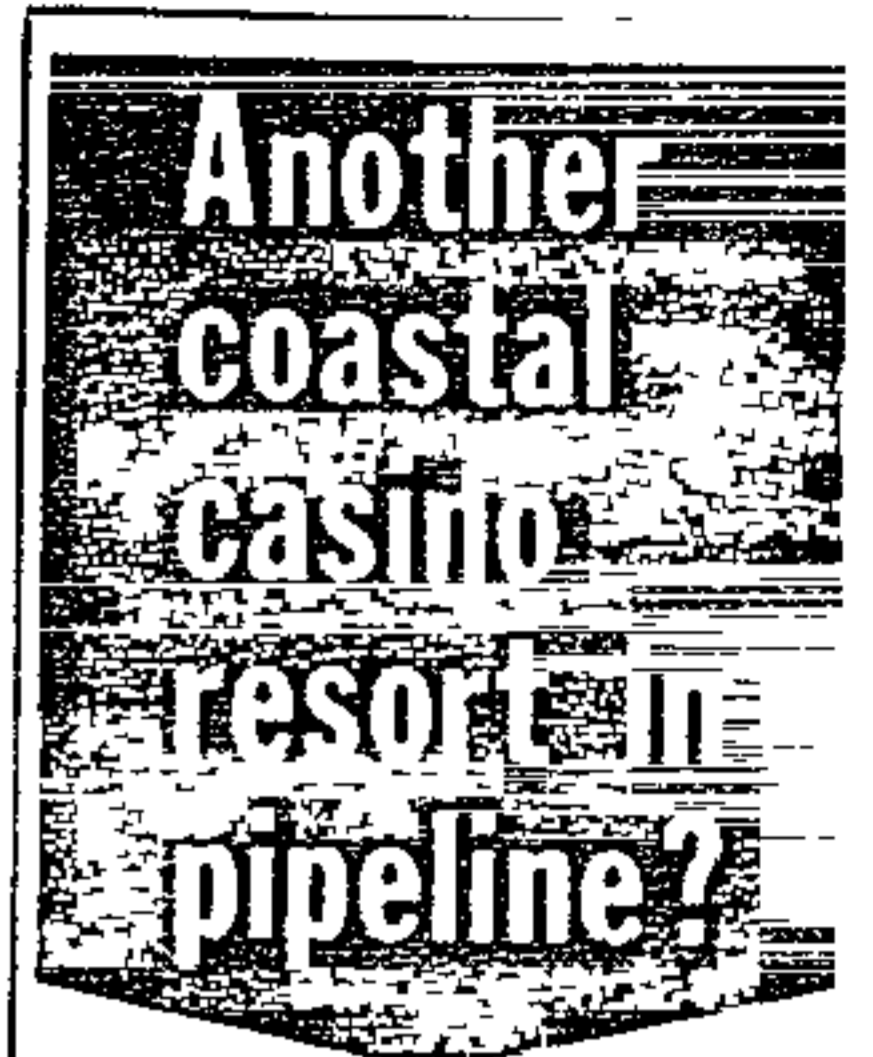
"I asked him if he was married," said Ian

"He said yes I told him he had his answer, there is no difference"

Although Ian avoids political talk, he believes that the Prime Minister is on the right track

"Give P W a chance People say I have guts living like I do P W has the guts for giving me the chance"

When you drive away from the neat brick house Ian and Sherin wave from the gate, Gareth cupped in his father's arms, just like any other South African family on a quiet Sunday afternoon



Sunday Times Reporter

A SLEEPY little seaside village at the mouth of the Keiskamma River is poised to become a major resort town

Hamburg, a prime fishing spot between East London and Port Elizabeth, has long been linked with reports of casino-hotel development by Ciskei and a big South African hotel group

Now Ciskei's leader, President Lennox Sebe, has revived Hamburg's development hopes

He said this week. "It is expected that spectacular changes and developments will take place at Hamburg to create one of the most attractive seaside holiday resorts in Southern Africa"

Decision

Southern Sun Hotels has a hotel at Bisho, near King Wilham's Town, due to open a casino next month

But Mr Sol Kerzner, managing director of the group, has also referred to further casino-tourist hotel development on the coast with the Ciskei National Development Corporation

A Southern Sun spokesman said a decision would be made this year

LifeStyle

Jet-pilot Nola, a woman who's flying high

Picture: JAMES SOULLIER

CHURCH VIEW

Spectrum

Argus 9/5/83

238

Mixed marriage 'not sin in itself but...'

Religion Reporter BRIAN STUART interviews a Moderator

THE Ned Geref Kerk is prepared to continue negotiations with the Government and with churches opposed to the Mixed Marriages Act and Section 16 of the Immorality Act

"The debate is not over. And among our own members there are different schools of thought on this issue," the Rev G S J (Tappies) Moller, Cape Moderator of the NGK, said in an interview in Cape Town

The Moderator, who returned this week from a visit to Europe, was asked to comment on the recent statement in Parliament by the Prime Minister, Mr P W Botha, that there were divisions among the churches on these measures but he was prepared to consider revisions to them

Leaders of a number of churches replied that the only support for the measures came from the white NGK and the white Hervormde Kerk, neither of whom defended the acts on scriptural grounds

Mr Moller said Mr Botha obviously wished unanimity on the issue, and there were points of agreement among all churches

"We are agreed that mixed marriage in itself is not a sin. The Bible makes no pronouncement on the matter, either for or against

"But at its general synod last year, the NGK held that there were other factors which could impede these marriages in the specific South African situation

"Other churches believe that race is no longer a factor in marriage. Our church decided there are factors — among them the factor of race — which require these measures to be retained"

Mr Moller, who as assessor is a member of the General Moderamen — the national executive body of the NGK — said that although the moderamen was bound to the policy laid down by the general synod, it was clear that there was not unanimity within the NGK on these measures

The general synod had rejected a minority report which said that "the State exceeds its powers when it interferes in the free marital choice of normal adults purely be-

cause they are of different race or colour" and therefore the measures should be withdrawn

Similar views had been expressed since the general synod by other groups in letters which had been published in the NGK official organ, Die Kerkbode, of which Mr Moller is editor

The general synod itself had directed a commission to review the Ras, Volk en Nasiona report which was the basis of NGK policy on race relations and which included the Mixed Marriages Act and Immorality Act

Asked whether the 11 regional synods of the NGK, which will be held in August, September and October this year, were bound by last year's general synod decision, Mr Moller said each regional synod

was free to adopt proposed changes to the church's policy

"Every member, every minister, church council or presbytery, is free to submit resolutions to their regional synod. If adopted, these are submitted to the next general synod for consideration"

It was therefore possible that the two controversial measures could be debated at any of the forthcoming synods

"The debate goes on. And the study and revision of our own policy goes on," Mr Moller said

The three Cape regional synods will meet at Kimberley (Northern Cape) from September 23 to 30, Cape Town (Western Cape) from October 18 to 28, and in Port Elizabeth (Eastern Cape) from October 19 to 28

Rev Tappies Moller.



Upswing in applications for colour reclassification

238

Pretoria Bureau

A marked upswing in the number of applications for colour reclassification during 1981/82 forced the Department of Internal Affairs to seek help from other Government departments in dealing with the deluge

According to the department's annual report for 1981/82, the second half of 1980 had seen the beginning of a spate of requests for reclassification

"Because of a shortage of trained staff a backlog developed with regard to the finalisation of these applications and a team of senior officers from other departments was trained to complete this complicated task after hours," the report says

According to the report, 1 189 appli-

cations were dealt with during the year under review and 997 of these were approved

The majority of those reclassified — 722 — were Cape coloured people who had been granted white status, 109 blacks were reclassified as Cape coloured and 39 Cape coloured people were reclassified as Indians

The report said good progress had been made during the year under review with the compilation of a population register.

"Up to June 30 1982 a total of 6 783 917 whites, coloureds and Asians had been recorded, 6 419 999 of whom were provided with identity documents, including childrens' identity documents and birth certificates".

Progress

in talks ^{1/16/83} _{25/5/83}

on Mixed ⁽²⁷⁸⁾

Marriage

inquiry

MUCH progress had been made in reaching an understanding between the parliamentary parties in preparing for an investigation of the Mixed Marriages and Immorality Acts, the Minister of Internal Affairs, Mr FW de Klerk, told the Assembly

During the debate on his department's budget vote he referred to the Prime Minister's indication that he was prepared to have the Mixed Marriages Act investigated by a select parliamentary committee

"It is a subject of much discussion and representations are continually made to the Government from various sources," he said

He had had successful discussions with the party leaders and the Minister of Justice

FRUITFUL

The Immorality Act would have to be looked at as it was closely connected to the Mixed Marriages Act

The discussions with the political parties had been fruitful, particularly on the question of non-political deliberations on the subject

"The next step is consultation on the terms of reference for such a select committee," he said

"If we agree, then we will go ahead" — Sapa

(238)

8/6/83 *House*
Immorality Act

929 Mr H E J VAN RENSBURG asked the Minister of Law and Order

- (1) How many suspected contraventions of the Immorality Act were investigated in 1981 and 1982 respectively, in the area falling under the Randburg police.
- (2) (a) how many persons were charged under that Act in that area in each of these years and (b) what was the charge in each case?

The MINISTER OF LAW AND ORDER

- (1) None
- (2) Falls away

11665
16/6/83
238

Cape leads NGK bid to scrap race laws

By BRIAN STUART
Religion Reporter

STRONG moves are being made within the Ned Geref Kerk for the repeal of the Mixed Marriages Act and the racial clause of the Immorality Act

Taking the lead is the Moedergemeente in Stellenbosch, which has also called on the NGK to open its doors and membership to all races.

The General Synod of the NGK last year condemned "racism"

The Stellenbosch Church Council has said that while the Immorality Act as a whole prohibits various forms of immorality, only Section 16, referring to relationships across the colour line, has a racial basis

"NOT JUSTIFIED"

"The issue does not concern the desirability or otherwise of mixed marriages and immorality across the colour line, but the fact that the laws make it a criminal offence, which cannot be justified," according to the council

"Scripturally, the Church Council finds no justification for these laws"

Stellenbosch's move has subsequently been supported by other Stellenbosch congregations and Peninsula congregations, such as Three Anchor Bay, which have consistently opposed racial discrimination

They will formally ask the Western Cape Synod of the Ned Geref Kerk — "mother" of the NGK in Southern Africa — to seek the repeal of these laws

MOTION

The issue will be considered by the Western Cape NGK doctrinal commission, which will report to the synod. At the same time the agenda will contain a motion calling on the synod to ask the Government to repeal both measures

The Stellenbosch Moedergemeente, which has opened its doors to all since its establishment in 1686, will also ask the Western Cape Synod to hold that, as a matter of policy, all NGK church services should be open to all Christians and that NGK membership should be decided "purely on the grounds of the personal religious confession of the applicant" — regardless of race

Historically, NGK doors have always been open, a policy followed by the two oldest NGK congregations, Groote Kerk (founded in 1665) and Stellenbosch (founded 1686), as well as most — but not all — Peninsula and Boland churches

PRIOR CONSENT

Some congregations, such as Oudtshoorn North, will not allow people of colour at their services without prior consent

Policy reviews on mixed marriages and "open church doors" would ease considerably the tension between the NGK and its three sister churches, as well as be-

(Turn to Page 3, col 8)

NGK moves to scrap race laws

(Cont from Page 1)

tween the NGK and other mainstream Christian denominations

The regional synods of Western Cape, Eastern Cape, South West Africa, Central Africa and Natal are all expected to face policy reviews during the September-October NGK

synod season.

But it is not clear whether Northern Cape, Free State and the four Transvaal regional synods will also review existing church policy with a view to change

Decisions taken at regional synod levels will be referred to the next

General Synod, as the top policy-making body, which meets again in 1986

The 1982 General Synod has already ordered a review of all current policy on race issues as contained in the Ras, Volk En Naste report of the NGK.

Stellenbosch
CAPE TIMES 17/6/83
238

NGK move against Mixed Marriages Act

Religion Reporter

A STUDY committee of the Ned Gerf Kerk Moedergeremeente in Stellenbosch has made a strong move for repeal of the Mixed Marriages Act and the racial clause of the Immorality Act

The committee, consisting of leading theologians, has studied both acts in preparation for submissions that have to be made before the end of the year for possible revisions of the NGK manifesto on race relations, human relations and the South African scene in the "light of the Scripture"

At the General Synod held in Pretoria last year it was decided that the manifesto, first published in 1974, had to be revised and a call was made to all members of the Synod to offer suggestions

The Rev Tobie de Klerk from the Moedergeremeente at Stellenbosch said yesterday the study committee had confirmed its stance on mixed marriages and the racial clause of the Immorality Act

Its view differed from a decision taken at the General Synod, when a motion calling for repeal of the racial clause of the Immorality Act was not carried

Mr De Klerk said the matter would once again be aired at the forthcoming Western Cape Synod of the NGK, to be held in Cape Town during October this year

The study committee found that no justification for these laws could be found scripturally. Their findings have been circulated among other Stellenbosch and Peninsula congregations

It was expected that they would join the Moederkerk in reports to the Scriba of the Synod. All proposals and motions have to reach him by the end of the week

● Sendingkerk's action 'could lead to a rift',
page 13

God and my mixed marriage

238

By PETER MALHERBE

A MIDDLE-AGED Afrikaans woman of 52 spoke this week of her marriage to a 22-year-old black man in Ciskei.

The woman, formerly Mrs Johanna Burger, a divorcee from Northcliff, Johannesburg, now lives with her husband, Mr Phumlana Mbane, in a modest two-bedroomed house in Mdantsane near East London.

Her new life is a far cry from the one she led with her former husband in Johannesburg. She divorced him in March 1977.

Mrs Mbane said of her new marriage "It is an act of God

"My family and friends will never be able to understand how I can marry a black man and live in this area. They will say that I have gone mad."

Mrs Mbane said that through her Christianity she had realised that skin colour meant nothing.

"There is no difference between those with a white skin and those with a black skin," she said.

Determined

She was determined to avoid publicity over the marriage.

"This is our private life and it has nothing to do with anyone else," she said. Mrs Mbane said that she came from a very conservative Afrikaans family.

The couple were married eight days after Mr Mbane's 22nd birthday.

Mrs Mbane is a minister for the Indtjine Crusade Her church is a small house near to the one in which she lives.

She said her services attracted up to 600 people a day.

Mrs Mbane said that her

Minister opts out of the white life for love in a township

attitude towards religion had changed when she went to pray with a group of black people in a small Free State town a number of years ago.

She was confronted by white people who asked her why she bothered to pray for blacks. It was then that she decided to take the message of the Lord into black areas.

"There is no colour difference in prayers," she said.

The marriage register at the Mdantsane Magistrate's Court records the simple ceremony on June 10. It gives Mrs Mbane's mar-

riage to Mr Burger, as Van Schaikwyk

Small home

Mrs Mbane was born on August 7, 1930. Mr Mbane is classified as a Xhosa and his date of birth is noted as June 2, 1961. The couple were married by Mr M C Kashe, a magistrate in Mdantsane.

The register states that the couple were married "in community of property and of profit and loss in terms of Section 22 (6) of Act 38 of 1927."

The second

The Mbane marriage is the second in the Ciskei since legislation prohibiting mixed marriages was repealed at a special session of the Ciskei National Assembly in November last year.

The first wedding was between a former domestic servant and her white employer at a caravan park near Zwelitsha last year.

Mr Mbane's parents live close to the couple in Mdantsane.

His father, Mr L T Mbane is a member of the Anglican St Francis church and also deputy principal of the Bulumko Higher Primary School in Zone 1 in Mdantsane.



"My family will say I've gone mad"

Mr and Mrs Phumlana Mbane

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White woman's love tamed a Xhosa thug

238

19/6/83

S. Express

By KEITH ROSS

A FORMER gangster in the Ciskeian town of Mdantsane told this week how he married the white woman he once set out to kill.

He is Mr Matthews Mbane, a self-confessed former gangster, robber and car thief

Last week Mr Mbane, 22, married Mrs Johanna Catharina Burger, 53, in Ciskei's second mixed marriage

But the marriage is not "of the flesh", according to Mr Mbane.

"God instructed us to marry," he said.

Mr Mbane met Mrs Burger, a faith healer from Northcliff, Johannesburg, two years ago

At the time he was the leader of the 'Mafia Gang' and had been imprisoned in East London, Port Elizabeth and Queenstown

He said that although his

PLAN TO KILL ENDS IN WEDDING

father was an Anglican minister, he hated Christians.

"Mrs Burger was ministering at the Teachers' Training College in Mdantsane and I went there to kill her," he said.

"I also meant to rob her and did not want to leave her alive to be a witness against me

"I thought she would have a lot of money because many people were going to her services"

He went to the college but when he approached Mrs Burger he was "overcome by the power of God"

Mr Mbane later gave Mrs

Burger the weapons he had used as a robber and she handed them over to the police.

He said he was a changed man and started to help Mrs Burger in her work as a faith healer

"Then God decided we should marry," he said.

Mr and Mrs Mbane hold daily healing services at a house in Mdantsane and he claimed many 'miraculous' cures.

The couple have been given two rent-free houses and a car by the Ciskeian Government, which is eager to encourage their work.

Mrs Mbane was unwilling to speak to the Press or be photographed.

She qualified as an accountant in Cape Town and became a faith healer 10 years ago

Mr Mbane said she had since ministered "around the world" before coming to the East London area.

Dual...

238 Hansard 19/6/83
Immorality Act
Q. 61, 1604
983 Mr. S S VAN DER MERWE asked
the Minister of Justice:

How many persons were (a) prosecuted
and (b) convicted under section 16 of the
Immorality Act, No 23 of 1957, since its
enactment up to the latest specified date
for which figures are available?

The MINISTER OF JUSTICE:

- (a) 1 916
- (b) 1 586

The statistics are for the period 1974 to
1982. Statistics prior to 1974 are not avail-
able.

238 *Hansard 22/6/83*
Immorality Act
Q Col. 1640
982 Mr S S VAN DER MERWE asked
the Minister of Law and Order

How many persons were charged under section 16 of the Immorality Act, No 23 of 1957 since its enactment up to the latest specified date for which figures are available?

The MINISTER OF LAW AND ORDER

Statistics for the period 1957 to 1977 are not available. For the years 1978 to 1982 the figures are 1 233

735 + 30 = 1035

50% (3)

EVENING POST, FRIDAY, JUNE 24, 1983

E Cape NGK unlikely to debate Acts

By CARLO MERCORIO

SOME of the oldest Nederduitse Gereformeerde Kerk congregations in the Eastern Cape have indicated that their church councils are unlikely to follow the lead of the Moedergemeente in Stellenbosch, which will formally ask the Western Cape Synod to seek the repeal of the Mixed Marriages Act and the racial clause of the Immorality Act

The Western Cape Synod — the "mother" of the NG Kerk in Southern Africa and one of the 11 regional synods of the church — will meet in Cape Town from October 18-28

The Eastern Cape Synod will meet in Port Elizabeth at about the same time — October 19-28

The Stellenbosch Moedergemeente, which has opened its doors to all since its establishment in 1686, will also ask the Western Cape Synod to urge that, as a matter of policy, all NG Kerk services be open to all Christians and that membership of the church should be decided on personal religious grounds, regardless of the race of the applicant

The issue will be considered by the Western Cape doctrinal commission, which will report to the synod

Dominee G C Cordier, of the Moedergemeente in Port Elizabeth, which was founded in 1907, said that up to now these issues had not been discussed

The oldest congregation in the Eastern Cape region, which comprises 113 congregations and stretches from Umtata in the east to Storms River in the west and Aliwal North in the north, is Graaff-Reinet, which was founded in 1792

Ds J C Coetzee of Graaff Reinet also said he was not aware of any discussions at meetings of the church council on the issues, but added that there was already no discrimination against members of other races in the congregation, and that coloured funerals and marriages were held in the church

Special permission was not required for such occasions and as far as he was aware this had always been the case

The Moedergemeente in Uitenhage — founded in 1817 and the second oldest congregation in the region — did not have any regular coloured members, but members of the local NG Sendingkerk had attended a mission weekend last year, according to Ds S I Strydom

He, too, said the matters which were to be raised by the Stellenbosch Moedergemeente had not been discussed by the church council

Ds G G le Roux, of the Cradock congregation, which was founded a year after Graaff Reinet, and Ds R J J van Vuuren, of the Colesberg congregation, founded in 1826, both said they were not aware of any moves along the lines of those in the Western Cape

EVERY CANDIDATE MUST enter in column (1) the number of each question answered (in the order in which it has been answered), leave columns (2) and (3) blank

	Internal	External
(1)	(2)	(3)
1a	1 1/2	
2a	1 1/2	
3a	8,5	
Examiners' initials		

238
E Post
24/6/83

NOTE CAREFULLY

- 1 Enter at the top of each page and in column (1) of the block on this cover the number of the question you are answering
- 2 Blue or black ink must be used for written answers. The use of a ball point pen is acceptable. Red or green ink may be used only for underlining, emphasis or for diagrams, for which pencil may also be used
- 3 Names must be printed on each separate sheet (e.g. graph paper) where sheets additional to examination book (s) are used

WARNING

- 1 No books, notes, pieces of paper or other material may be brought into the examination room unless candidates are so instructed
- 2 Candidates are not to communicate with other candidates or with any person except the invigilator
- 3 No part of an answer book is to be torn out
- 4 All answer books must be handed to the commissioner or to an invigilator before leaving the examination

Any dishonesty will render the candidate liable to disqualification and to possible exclusion from the University

A FARMER has agreed to pay maintenance for a coloured child whose mother claims to have had an encounter with him 13 years ago.

Mr Pieter Opperman, 36, of the farm Darkest Africa near Weenen, denies responsibility but said this week he had agreed to pay to protect his family from scandal.

He said: "I wanted to settle to keep things quiet."

Mr Richard Lyster of the Legal Resources Centre, Durban, who acted for the mother of the 13-year-old girl, said this week he was happy that Mr Opperman had agreed to pay.

Mr Lyster said he had acted for the black woman after hearing about her child and alleged incidents while he was visiting the Msinga area on behalf of the Legal Resources Centre.

In terms of the settlement reached out of court between Mr Lyster and Mr Opperman's attorney, the farmer will pay R200 in a lump sum and R25 a month until the girl is "self-supporting".

Neither the 13-year-old girl, nor her mother can be identified.

While overseeing a gang of labourers mending the farm road leading to his house, Mr Opperman told the Sunday Times he did not remember having a relationship with the woman whose child he is now supporting.

"I obviously would remember if I had," he said.

Shocked

"I was really shocked when I was subpoenaed last year. In 13 years not even rumours from my workers reached me about the mother's claims"

Reluctant to talk about "the digging up of old cows", Mr Opperman said he had met the woman and her child for the first time when he went for blood tests he had agreed to.

When he saw the woman there he remembered "for the first time" that she had been one of a number of women who had worked for his mother as a housemaid.

"I have never been interviewed by the police about any claim of assault upon anyone," he said.

He said he had agreed to have a blood test because if he had not, it would have been "an admission of guilt".

He emphasised that agreeing to pay maintenance for the child in no way amounted to any confession of responsibility for the child.

"What's the use of fighting a case if all the evidence points towards me," he said.

"The legal expenses would have been too high and rather than go through the whole rignarole I wanted to settle to keep things quiet"

He said he did not resent having to pay R25 a month and said that although the payments would not be financially damaging to him, he regarded the monthly sum as "high".

Out-of-court deal of R25 a month after 13 years

In a statement to Mr Lyster, the 36-year-old woman said 13 years ago she had two encounters with a white man. At the time she was too frightened to tell anyone about it. "After a few months I realised I was pregnant but I thought it was my husband's



Mr PIETER OPPERMAN
Wanted to settle



Mr ELIJAH MHLONGO
Took statements

child as I was living with him at the time.

"About one month after the child was born I realised it was a white child," she said.

She said her husband questioned her about the child and she told him about the incidents. The matter was then reported to the police by her father-in-law.

Mr Lyster said that last year after he had taken statements from the woman, her husband and father-in-law, he had written to the Attorney-General of Natal asking if anyone had been prosecuted.

"I was told that the matter

had been closed 12 years ago I then sent copies of the statements I took from the woman to the police at Weenen.

"Later the Attorney-General informed me there was to be no prosecution as the case had been closed"

Mr Ehjiah Mhlongo, who left the police force in 1974 after 21 years' service and who now works on a farm in the area, said he was one of the policemen assigned to investigate the case.

"I took statements from the woman and her father-in-law and other people, but not the white man alleged to have been involved"

"It was the first time I had investigated a case against a white man, so I remember it well," he said

He did not take statements from the man the woman claimed had been involved because as a black he had "no authority" to question whites

"I presumed the investigation was complete," Mr Mhlongo said.

Evidence

Mr Frederick Dutton, a former police sergeant stationed in the area at the time and now retired, said he remembered the case.

"In my opinion there definitely was enough evidence for a prosecution but it all seems to have faded away and no one was ever charged."

A spokesman for the public relations division of the South African Police in Pretoria said police did not intend reopening the case as no new evidence was available.

Farmer pays up for coloured child

S Times 26/6/83

238

BY EVELYN HOLTZHAUSEN and ANDY VON GLEHN



30 WAYS TO DESTROY PINK

238
26/11/83

238
city
Rev

THE Nationalist Government, after only one year in power, introduced the Immorality Act in 1949 with great relish; it was to be one of their great trump cards against "Die Swart Gevaar."

There had been an earlier Act in 1928, to prevent whites and blacks from sleeping together, but it was not strictly enforced. The amended Act, which came into force in 1950, was extended to coloureds and Indians as well.

The police were inspired. They jumped into the Act with gusto, and soon magistrates were listening in various courts

throughout the country to as many as 30 cases a week. The rest of the world recoiled. It was just recovering from the Second World War and the Nazi holocaust. It was too similar to Nazi laws which prevented marriages between Aryans and Jews.

Yet this infamous Act has lasted for more than 30 years, far longer than the Nazi one, and despite an outcry almost from the beginning for it to be scrapped, it is still with us. Thus as much as anything, has made South Africa "the polecat of the world."

The Immorality Act is a destructive law. It has ruined lives, careers, torn families apart, led to suicides and shame and has become an embarrassment to the Government.

Not one section of the community has been spared, and the Afrikaner Nationalist has probably been involved far more than any other white

community in the country.

At the height of the police action it was estimated that there was only one arrest in a hundred cases of sex across the colour line.

The law provided for a maximum prison sentence with

hard labour of five years for men and four for women, and the courts showed little mercy in those early days, giving people as much as 18 months.

Very often it was a black woman who was jailed and her

white lover who was set free.

This happened because trials were separated and the black woman, who did not have money for a lawyer, would plead guilty and the white man would have a lawyer, plead not guilty, and go free.

The first people to be hurt were couples who had lived together for years, sometimes decades, and were suddenly thrust before court for "having illegal carnal intercourse with a person a different race."

Among those first but in this

way were a white woman and a coloured man who had lived together for 15 years in Swellendam in the Cape, and had three children aged between 10 years and 18 months.

They were quiet, respectable people, but this did not help

she was 16.

attempt was made to keep the case from the Press, and said that only the girl's evidence was in camera because

Mr X appealed against his conviction and sentence, but the judge said there was indisputable evidence that Mr X had enticed the girl, had entered her room and given her a pound note.

However, he felt that because Mr X had held a very high position, the magistrate had been more severe than he should in sentencing him.

He confirmed the four months, but withdrew the cuts.

Soon after this case a 29-year-old chauffeur to the Minister of Native Affairs was charged under the Immorality laws in Cape Town. He asked that the case be heard in camera because of the precedent set by the case of Mr X. His plea was

them. They were given six months.

The couple appealed, and the judge reduced their sentence to two weeks, but warned that if they were again found living together the sentence would be more

severe.

On October 13, 1950, Charles James Hillhouse, 67 White, and Meta Caxster, 70, Coloured, were arrested in Cape Town at 3 o'clock in the morning by the Flying Squad. They had been living

together for 25 years, a quarter of a century, but this did not stop cops, who were as young as some of their children, from fingering their bedclothes. But the Flying Squad had not finished their job for the night. They also pounced on

middle-aged neighbours, a white man of 48 and his wife, a 46-year-old coloured woman, who had lived together for six years.

All four appeared in court the following day and were given three months in jail

THE PWY'S SECRET AND THE 15 YEAR OLD

ONE of the greatest shocks to come out of the Immorality Act during the last 30 odd years was the arrest of a Prime Minister's secretary for enticing a 16-year-old black girl.

Mr X, private secretary to Mr J G Stridom, was caught in the dark in Pretoria with his hand up the young girl's dress in January 1956

He was a married man with two children. There was a furor at the time because it was alleged the Nats tried to cover up the crime and tried to keep

would take me far away, but I refused and he followed me to my room.

"When we were inside I closed the door. There was no light in the room, and and he looked under my bed to make sure there was nobody there and then he gave me a pound note."

They left the room and went to the side of the building, where he lifted up her dress and fondled her. "I told him I would go inside and get undressed. I left him and gave a pre-arranged

signal to the waiting police."

In court, Mr X pleaded for mercy. He said he was a married man with two children, and that as the Prime Minister's private secretary he was held in high esteem by the public.

"I do not drink or smoke," he pleaded, "I ask to be released with a warning."

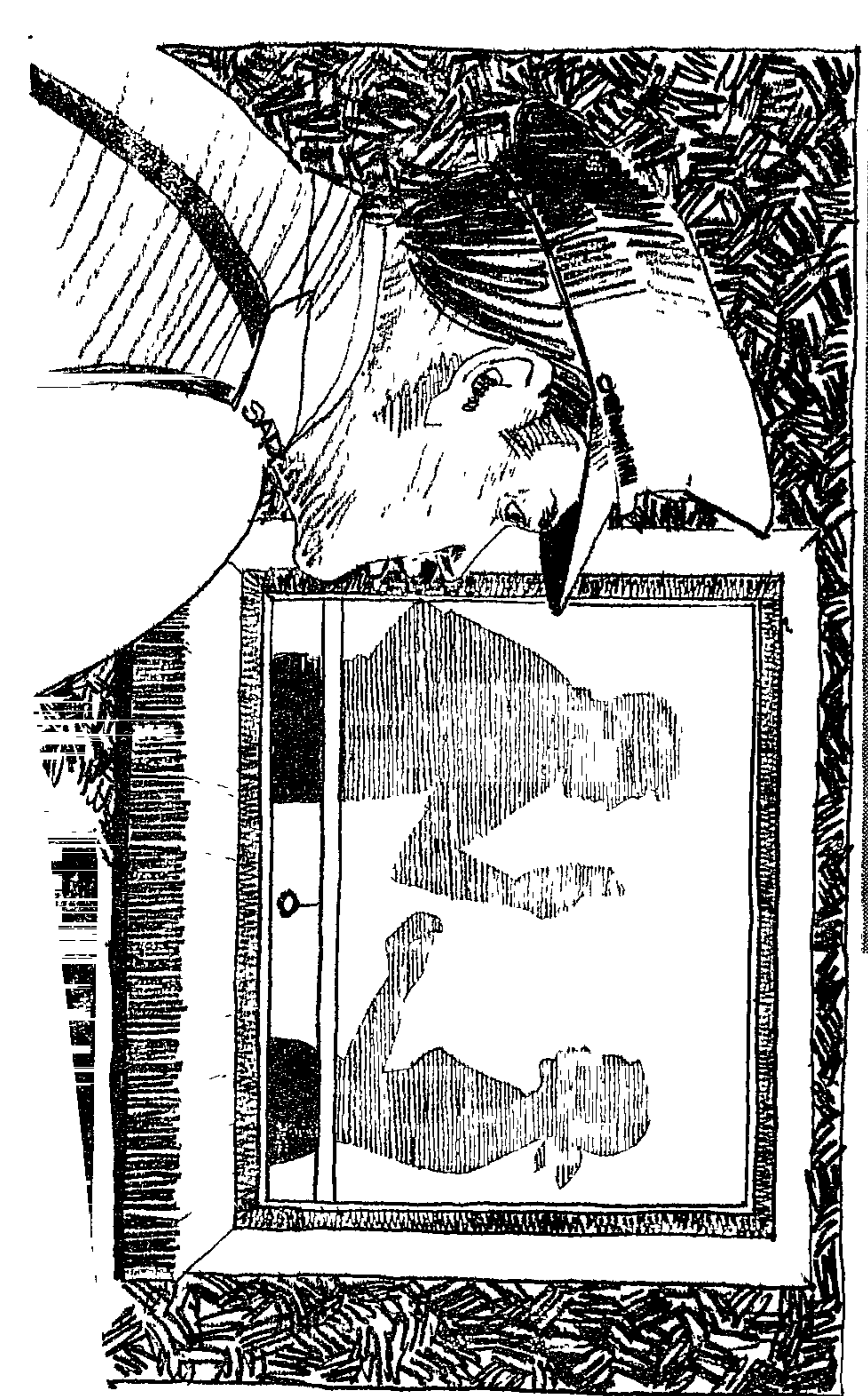
This story was that the girl had asked him to visit her that night as her mistress would be away for a few days. Mr P J van den

four months hard labour and four strokes of a cane.

The case was heard in a small out of the way court late one afternoon and there were allegations that this was to avoid the Press knowing about it.

One reporter did discover it, but when he tried to enter the court he was stopped and told that the whole case was in camera. A fuss was made and the Press were allowed the court record. A spokesman for the Department of Justice

Ber h sent...



TOUGHEST KIDS



Tough stuff for the rough stuff. That's Beta Toughness. For boys and girls in genuine leather. Guaranteed for 6 months, fair wear and tear on soles and heels. Your kids will give them top marks for style, top marks for comfort. You'll give them top marks for value! Bring us your children's feet and we'll wrap them in comfort.



BETA TOUGNESS
HERBOLD UBERL 1511256

PAGE 14 CITY PRESS, June 26, 1983

was alleged the victim tried to cover up the crime and tried to keep the case from the Press. According to the young woman she had gone to a dairy at Capital Park to buy milk. Mr. X was in the dairy and he nodded at her. He asked her where she lived, and she told him and she left the shop.

The following morning she again went to the dairy and she heard someone greet her "Good morning." It was the same man.

The man smiled at her "I would like to come and visit you tonight at 8 o'clock," he said.

She shook her head "No," she replied. He smiled reassuringly, "What are you afraid of?"

"Nothing," she replied, lowering her eyes and left.

On her next visit on January 22, he again approached her. He persisted in wanting to visit her and asked her if she had slept with a man. She replied "No," and walked away.

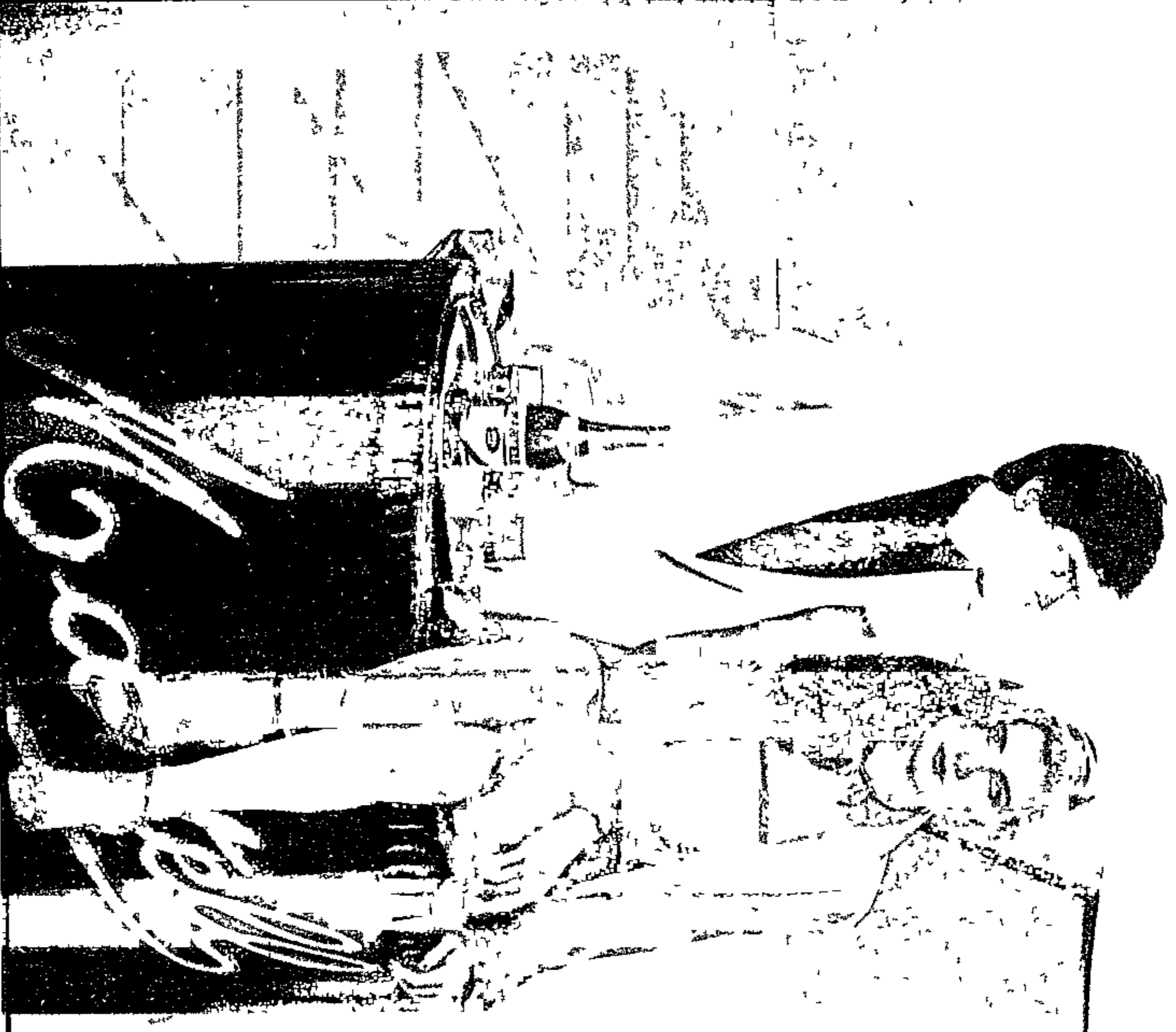
A week later he was in the dairy again. He asked if he could visit her that night and said he would give her one pound if she slept with him.

Thus time she agreed but went immediately to the police and told them.

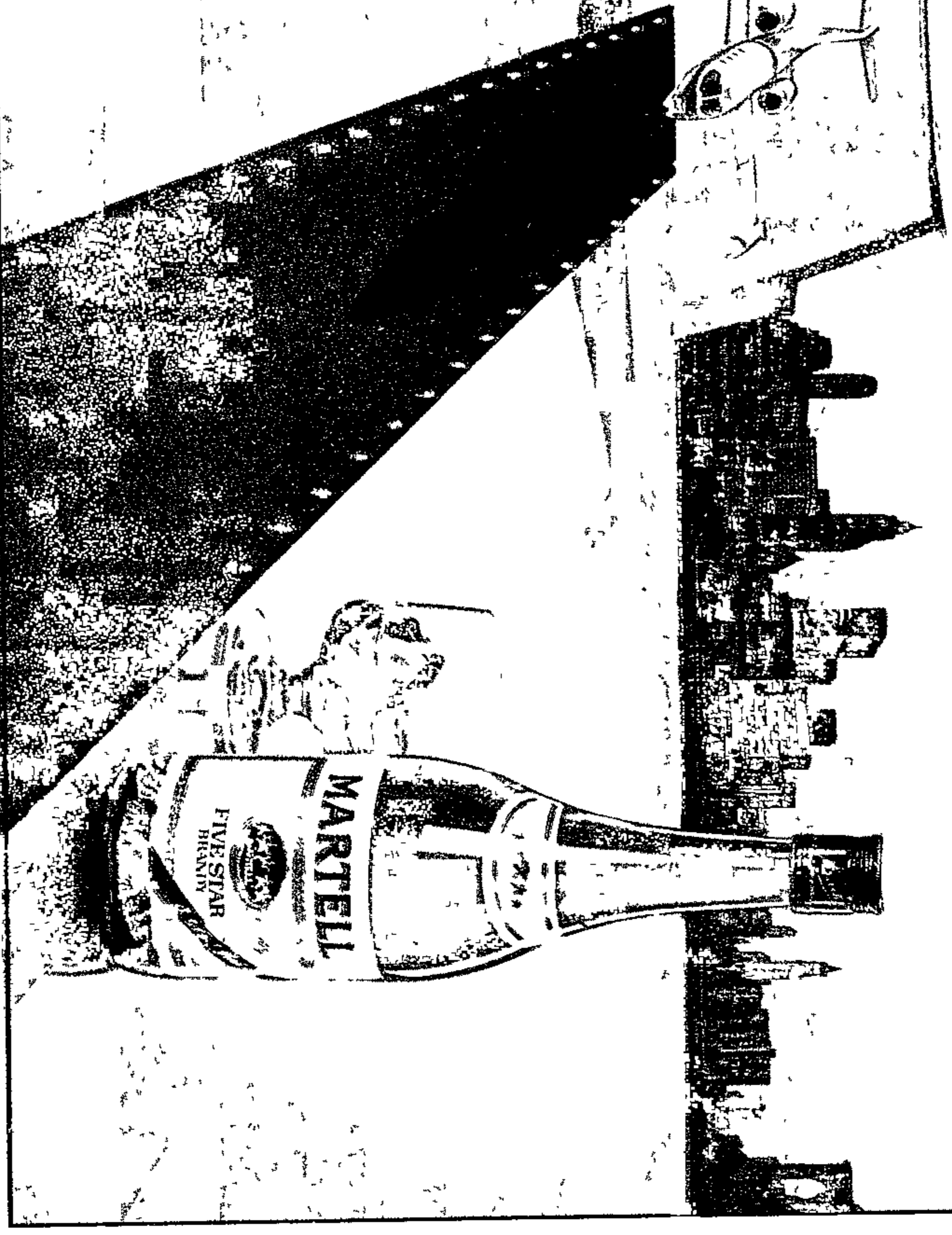
Acting on their instructions she waited for him that night. He arrived in a car at about 9:15pm, parked a short distance from her room and called her over to him.

"He asked me to get in his car and said he

was going to get me away for a few days. I dressed I left him and gave a pre-arranged Mr. P. J. van den Bergh sentenced him to Department of Justice later denied that any recent set by 131 (450) of Mr. X His plea was refused



MARTELL BRANDY. IT'S A QUESTION OF STYLE.



CITY PRESS, June 26, 1983

PAC

DEBRA FLEES

JO'BURG — A young black woman flew to Germany this week after "five months of hell" to join her white lover, who fled the country after they had been arrested under the Immorality Act.

They had thumbed their noses at the sex laws and were about to leave for Lesotho to marry when there was the dreaded banging on the door of their luxury flat at midnight.

On Tuesday Miss Debra Williams, 26, flew to Frankfurt just hours after the charges were withdrawn against her after four appearances in the Edenvale Magistrates Court.

Her attorney, Miss Monique Woods of Bertowitz, Cohen and Woods, had made representations to the Attorney General, and had produced the air ticket for Germany which Miss Williams' lover had sent.

And as she was about to board her flight, Miss Williams revealed that she was six months pregnant.

"I did not tell my lawyer or my friends because I was afraid that if it became known that I was expecting my white lover's baby the State would proceed with the charge against me, even though Stefan had left the country," she said.

Handsome

Stefan is the blond handsome Stefan Istvan, 37, an engineering technician, who was flown back to Germany by his company immediately he was released on bail.

He wrote that he wanted her to join him in Germany and be his

IMMORALITY BLOW

238

city Press 24/6/83

BY DESMOND BLOW



'I don't love Stefan because he's white. I love him because he's a kind and caring man' — Debra

HEARTBREAK

She flies to Germany to join her bail-jumping lover after neighbours called cops to love nest

SEX SPIES:

Page 14, 15



She's not the only one....

cont'd

At Jan Smuts Airport, Debra told me: "I don't love Stefan because he's white, but because he is always a gentleman. He is a man of responsibility and has never forsaken me. I am proud to be carrying his baby."

"He left instructions with a friend that I should have all the money in his bank account, about R800, and that I should have all his furniture."

"We had lived together for nine months in Hillbrow without any problem, but then we moved to a fancy flat in Bedford Gardens, Bedfordview, which his company had rented for him."

"Four months later the cops raided us at midnight. They were apologetic and polite and said that they were only taking action because our neighbour had complained about us living together."

"I told Stefan when

FROM 1978 to 1982, 1 233 people were charged under section 16 of the Immorality Act, the Minister of Law and Order, Mr Louis le Grange, said in Parliament this week.

the police entered the flat: 'Don't lie, let's tell the truth'. He agreed.

"He told the cops straight out: 'I love this woman and intend to marry her'."

She said the cops confiscated her photograph album.

"There were no indecent pictures in it. Just the two of us having fun, away for weekends and having dinner, and at a few parties."

"When the case was withdrawn I asked for my album back, but they refused. I think they were just being spiteful."

'I promise you a good life' writes Stefan

STEFAN wrote to Debra from Germany saying he had not deserted her.

He wrote: "My so lovely dear wife. The company has sent me back to Germany. My heart is so sore.

"I'll wait for you. I belong to you and you are my wife."

"Joseph must draw all my money for you and give you my autobank card."

"I'll meet you at Frankfurt airport as soon as possible."

"I can never come back to South Africa."

"You must trust me. I promise you a good life in Germany."

NGK call for repeal of race law

By STEVE GRBIC

A NUMBER of Western Province NGK churches are lobbying for the repeal of the Mixed Marriages Act, changes to the Immorality Act and for all-race membership of the church.

A list of recommendations drawn up by the Stellenbosch Moedergemeente and supported by other Stellenbosch and Peninsula congregations will be placed before the Western Cape NGK regional synod in October.

Recommended are the repeal of the Mixed Marriages Act and Section 16 of the Immorality Act referring to relationships across the colour line.

"The issue does not concern the desirability or otherwise of mixed marriages and immorality across the colour line, but the fact that the laws make it a criminal offence, which cannot be justified," according to the Stellenbosch church council

It adds that, scripturally, the church council can find no justification for these laws

The Western Cape synod will also be asked to open membership of the NGK to all races

The Stellenbosch church council recommends that all NGK services be opened to all Christians and that membership of the NGK be decided regard-

less of race and "purely on the grounds of the personal religious confession of the applicant".

Dominee Kobus van der Westhuizen, of the Grootekerk in Cape Town, confirmed that the regional synod of the NGK would be considering the recommendations, but stressed that only the General Synod of the NGK, which meets again in 1986, could make such fundamental changes in Church policy

"Even if the Western Province synod accepted the Stellenbosch recommendations we could not ask the Government to repeal the laws," he said

"Only the general-synod could take such a step."

238
S. Express 26/6/83

The classification system could end

238 Star 28/6/83
Dr Stoffel van der Merwe, National Party MP for Helderkruijn, continues the debate on the new constitution.

The Great Debate

The accusation is frequently made that race classification is at the basis of the proposed new constitution

A person's membership of one of the three houses in the new Parliament will be determined by his classification according to the population register. And the population register will also determine on which voters roll a person's name

Does this amount to an entrenchment of "apartheid," of racism?

It is unfortunately true that racial prejudice does exist at this point in time. To ignore it will be fatal.

The new Constitution determines that a white can only be represented by a white and a coloured person by a coloured person. But this also guarantees to a person that he will be represented by a person of his own group, who shares his group-interests.

In this way, a sense of group-security is created for all groups, or, at least, for those groups who have a need for it.

Given the sense of group-security,

it leaves the member of that group freer to experiment with co-operation with other groups and their members. They do not feel as hesitant about co-operation as they would have in a completely open society because the security of their group is guaranteed.

Through co-operation the negative effects of differentiation between people (i.e., the real discrimination) can steadily be eliminated until, hopefully, we reach a stage where it will no longer be important into which group one is classified because the status of all groups and their members would be largely the same.

There would then be no negative effects into being classified as an "Indian" or "coloured." As this process proceeds it will be possible to soften the provision of the classification system until, one hopes, it would be possible to gradually change to a system of voluntary association.

Classification is indeed indispensable for the new system at present, but it need not remain so in the future — especially if we can make the system work as well as it should.

**He wants
a change
of life**

Vereeniging Bureau

A 58-year-old white man yesterday asked a Vereeniging magistrate to reclassify him coloured so that he could marry the mother of his four children.

Mr Americo da Costo Leal (58) and Miss Letia Nozipho Mazibuko (34), both of 26 Edward Street, Vereeniging, are charged under the Immorality Act with having had sexual relations during the period 1973 to 1982, resulting in the birth of four children. Both have pleaded guilty.

The magistrate adjourned the case and reserved judgment

(238) City Press 31 1183

GANG-BUSTER

DESMOND BLOW
looks at more
celebrated Immo
Act cases



THE Peri-urban Areas Health inspector who bust the notorious Msomi gang which terrorised Alexandra Township more than 20 years ago suddenly found himself accused on nine charges under the Immorality Act.

The inspector, a married man with five children, was accused of having sexual relations with five African women.

The man, who has been acclaimed as a hero, was spat on by his neighbours in West Turffontein, Johannesburg. He wiped the spittle from his coat as they drove past glaring. His five sons were shunned at school.

"The Immorality Act has become an instrument of terror in the hands of unscrupulous people," the inspector's advocate

told the Johannesburg Regional Court.

There were many unscrupulous people who hated the 35-year-old inspector.

There were the remnants of the Msomis, and other gangs, and their friends and relatives. And there were the cops, both white and black, who had been the friends of the Msomis.

These cops had been transferred from Wynberg Police Station after reports by the tall inspector with the handlebar moustache.

I remember an old



father telling me how he had appealed to the Wynberg police to save his son after the Msomis had warned him they were going to kill the lad.

Barricade

"The Msomis told me I could save my son's life if I paid them more than they were being paid to murder him by someone who had a grudge against my son. I was unable to raise the money and went to the Wynberg police and told them about the threat. They just laughed at me and sent me away."

"My son barricaded himself in his house the night they said

they would come, but the Msomis broke in and murdered him and raped his wife. The police did nothing. The following day I saw the murderers driving around in a police van with the cops. They were laughing and joking together."

The father shook his shoulders. "We were quite helpless against them."

Then along came Inspector Z, as a security man for the Peri-urban Board.

He heard the people's complaints and single-handed set about destroying the Msomis, and lesser gangs, and exposing the bribery of the police.

Sixty-nine members

of the Msomis, including their leaders, were prosecuted in court. Seventeen escaped and he personally re-arrested nine of them.

He made reports about the dishonest police at Wynberg, and as a result they were transferred to other police stations.

Unsigned

Inspector Z was loved and respected in Alexandra, and then the disgrace of the Immorality Act fell around his neck.

After his arrest he was offered the opportunity of resigning and so leaving Alexandra rather than face prosecution.

"But I refused. I demanded that I be brought to court to prove my innocence," he said later.

Statements, some

Worried

signed, some unsigned, had been collected against him by his enemies who wanted him out of Alexandra.

The inspector had been arrested on March 3, 1960. For three days he was kept in the Johannesburg Fort, not allowed to communicate with his wife or lawyer, or even to change out of his uniform.

His worried wife made inquiries from the

The blonde and

By **DESMOND BLOW**

THE tall Railway cop stood in the witness stand in the Pretoria Regional Court and told the magistrate, Mr S J Erasmus, how he had caught his blonde, 26-year-old wife in bed with the "garden boy".

His wife was wearing only a pyjama top, and Frans, the "garden boy" was naked, he said.

This was one of the most curious cases to come out of the notorious Immorality Act charges during the past 30 years, because the wife claimed the whole story was a fabrication so her husband could divorce her.

The Immorality Act is so broad and has such a destructive stigma to all who are charged under it, even if they are later found not guilty, that it is

wide open to fabrication and blackmail.

The magistrate eventually acquitted the woman. He gave her the benefit of the doubt because the cop had admitted under cross-examination that he wanted a divorce and that the marriage had not been happy.

Although she was acquitted, the young woman's reputation was ruined, and her husband had no trouble divorcing her.

Afraid

The gardener, Frans, turned State evidence. He was a simple man, and was confronted with the risk of being sent to jail if he did not play ball, but by giving evidence against the woman, he was assured of the charge being withdrawn against him.

Even if he was innocent, he must have

been afraid that the evidence of the cop would be accepted against him, and it would have been simple to persuade him to confirm the "baas's" story.

We will recount here the story of the husband, and that of the wife. The magistrate in May 1959 could not decide exactly what was the truth.

The Railway constable told the court: "My wife and I were drinking with our lodger, Mrs Van Dyke, at our home in Capital Park, Pretoria. My wife said she was going to send the garden boy to buy some food at the cafe."

"She stayed away a long time, and I went in search of her. I found her in the garage. She was writing a note. She said that the gardener, Frans, was ill and she would send a note to the

neighbour's servant.

"I later went to bed and heard my wife telling Mrs Van Dyke she was going to read in the kitchen."

"She came into the bedroom and I pretended to be asleep. I heard her close the door and she left the house."

"After a while I went to look for her. It was dark in the garage. I called out: 'Frans, have you seen the missus?'"

Candle

"There was no answer so I lit a candle and saw there was someone in bed with Frans, but the person was hidden beneath the blankets."

"I pulled the blankets off. Frans was in the nude, and my wife lay beside him without her pyjama pants. I hit them both with my fists. Frans ran away naked and my wife

HERO WEEPS IN THE DOCK

238
City Press
3/7/83

police A policeman told her brusquely: "I don't want to beat about the bush - your husband was found with a native girl."

After a week-long trial, the prosecutor told the magistrate, Mr T E R Reichardt, that he could not ask for a conviction on the first seven charges, which included three of having unlawful sex with black women and four of importuning.

Kissing

The following day Mr Reichardt acquitted the inspector on the two remaining charges of importuning, kissing and hugging two Alexandra women named Mary and

Florence. Mr Reichardt found their evidence a "tissue of lies"

"The inspector has been placed in grave peril, his good name and his whole future are at stake because of this tissue of lies," he said.

The tough inspector burst into tears and was comforted by his counsel.

Saying that many innocent people could be dragged before the courts "through the machinations of the unscrupulous," Mr Van der Walt condemned the Act as presenting "a weapon of terror" against those whose duties brought them into contact with

blacks. The inspector held a party for 80 people at his home after his acquittal.

Singing

Men as well as women wept at his party. The inspector, with a microphone and tape recorder, led prayers and the singing of a psalm.

He also read a passage from the Bible.

The first part of the party was a get-together for members of the inspector's family, which included his brothers and sister and 32 little nephews and nieces, many of them infants.

His parents too had come from a farm in the Western Transvaal for the occasion.

The inspector spoke into the microphone while one of his brothers regulated the tape recorder to capture the joyous occasion. His mother wept throughout the religious service, which the inspector conducted. He sang part of Psalm 25 in Afrikaans.

Men stood and women remained seated as he asked his friends and relatives to join him in his prayer.

Afterwards he read a lengthy account of his experiences after his arrest.

the 'garden boy'

ran without her pyjama pants back to the house."

The wife said that her husband was a brute and that he beat her frequently.

She had laid charges against her husband on several occasions. Once his gun had been taken away.

The wife said that her husband had been a boxer but had been barred from the ring for losing his temper.

She said that on the night of May 22 she had gone to Frans' room at her husband's request. She wanted him to fetch some food she had ordered from the cafe, and sat down at a table in his room to write a note. Then she decided to send the next door servant instead.

"My husband came in and demanded to know what I was doing there. I told him

not to be mad as he had sent me there himself."

Later that night, she said, she heard fighting in Frans' room.

"I ran in and saw my husband on top of Frans, hitting him. He turned on me, hit me and threw me on Frans' bed. He pulled off the native's vest and I ran out of the room."

Foolproof

"I ran to the house and tried to telephone the police, but my husband snatched the phone away. He spoke to the police himself."

Mr M Silber, who was appearing for the wife, called a Mr Snyman to give evidence for the wife.

Mr Snyman said he did not know the wife and had seen her husband only once. He said his friends Palmer and Erasmus introduced the constable

to him.

Mr Snyman said that he was losing a divorce case and the policeman offered him advice.

He told Erasmus: "I know of a foolproof manner to get rid of my wife. I would pay a friend . . . and then catch them."

Mr Snyman said he did not know where Erasmus and Palmer could be found.

The magistrate said: "The husband has told the court that he was anxious to divorce his wife and that the marriage was not happy. It would be extremely dangerous to come to any definite conclusion on the evidence of the husband alone. He might have had a motive - just as his wife might have had a motive."

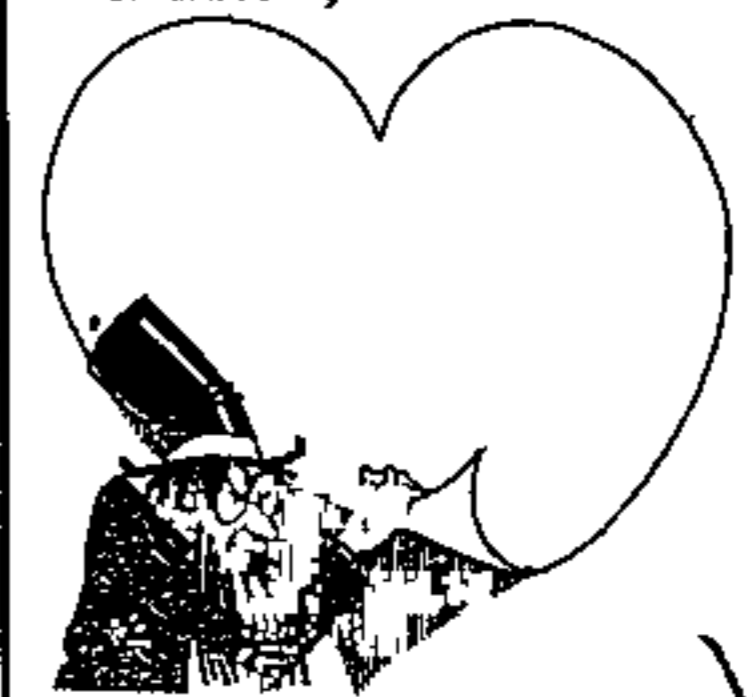
"The only inference one can draw from the evidence is that the wife was in bed

with Frans, the native. However, although the circumstances are very suspicious I am not convinced of what actually happened, and the accused is therefore found not guilty and discharged."

Meeting

He said that the evidence of Mr Snyman who told of a chance meeting with the constable during which he outlined a plan "to catch my wife in bed with a friend", was an extraordinary coincidence of events.

"I, however, have no comment," he said.



IMMORALITY ACT III
The man who swopped
dompasses for sex

238

City Press
 10/7/83

THIS WAS NATIVE AFFAIRS

THE big, tough Afrikaner who was manager of the Warmbaths Native Affairs Department was the man most feared by black residents of this hot northern Transvaal town in 1959.

An elder in the Dutch Reformed Church and an ardent Nationalist, he wielded the big stick of apartheid.

Yet this pillar of white society, a respectably married man, had an insatiable lust for the bodies of black women.

Any attractive woman who wanted a pass book or a permit to live in Warmbaths township had no trouble — if she allowed Mr V to grope, fondle her and have sex with her.

He was so sure of his power, he would send black policemen to arrest women who would not have sex with him.

And if they still refused his advances, they were ordered out of Warmbaths or found themselves under arrest for being in the area illegally.

Mr V brazenly scratched the palms of women who came to him for a permit, the age-old suggestion that a man wants sex.

He ordered them to come to his home for sex when his wife was away.

With others, he took what he wanted in his municipal office, while a black policeman stood guard outside his shut door.

It made no difference to him if the woman he wanted was married or not. She was his — if she wanted the right stamp in her pass.

He was all-powerful — no-one would report him, and even if they did who would believe them?

Then he met Marta S, a 38-year-old married woman.

He wanted her so much that even when she refused him, he gave her a permit for a month to work for a doctor.

He told her "Our skins may be different colours, but our blood is the same."

A month later he gave her another permit for a month.

But when she returned for the third month, Mr V refused to give her a permit unless she agreed to have sex with him.

She refused. Angrily he told her "Unless you do you must return to Johannesburg tonight"

AS PRACTICED BY Mr V

By DESMOND BLOW

"But baas," she pleaded, "I only have two shillings (20c)"

"I don't care," he stormed. "You must go."

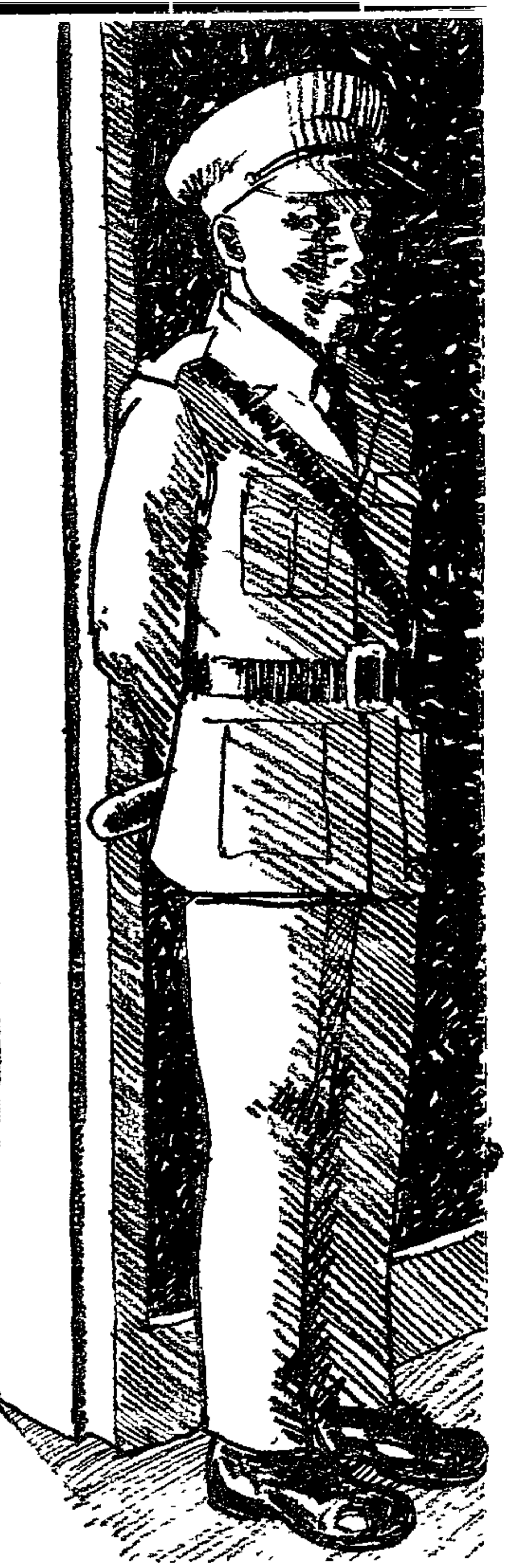
Marta left his office and went back to her employer and told him what had happened. He informed the cops.

The cops set out to get the betrayer of white baasskap, but it took two years to get sufficient evidence to charge him, and they were only able to do this by using a young Pretoria woman as a police trap.

When young Frieda, 22, went to his office, he "invited" her to his house — his wife was away — and cops burst in to his house and arrested him.



Warmbaths was agog when one of its most respected citizens, an upholder of all that was precious to Afrikanerdom, appeared in court charged with 10 counts under the Immorality Act, eight charges of indecent assault and one of giving liquor to a black woman. The offences were alleged to have



taken place between May 1957 and October 1959.

Frieda told the hushed court that Marta, the woman who had rejected Mr V's advances two years before, had taken her, on police instructions, to Mr V's office to apply for a permit to stay in Warmbaths.

Mr V told Marta to leave his office because she was 'cheeky', "but told me to stay behind."

"He fondled and kissed me and told me he would give me a permit."

The following day she was sent back, with a hidden tape recorder, and with her lips smeared with lipstick.

"He kissed me and gave me brandy to drink."

Later, when he was arrested, Mr V's handkerchief was found to be stained with lipstick smears.

The first witness against him was a young married woman, Brenda S, who told of her shock when she walked into Mr V's office.

"I asked the baas for a permit to join my husband in Warmbaths. He shut the door of his office, and pressed me into a corner and told me I was beautiful," she told the crowded court.

Brenda said he slapped her on the thigh and kissed her and told her he wanted to have sex with her.

Mr V gave her a permit and told her to come back the following day, but she did not.

So he sent a black constable to fetch her, handcuffed, to his office.

"He told me I was cheeky and took away my permit. My husband and I were both ordered out of the location."

Grace M told the court she had come to visit her sister in Warmbaths.

She went to see Mr V for a permit to enter the location. He agreed to give her a permit and asked her to come and see him again a week later.

Grace said that when Mr V handed her the permit he scratched her hand.

She asked him "Baas what are you doing?"

She knew, she continued, that if a man did that to a woman he wanted to have sex with her.

Grace said that when she left Mr V's office, she found a black policeman standing outside the door.

She told him "Hau, what sort of baas have you got!"

Mr V's wife was called to give evidence.

She said that lipstick marks on her husband's handkerchief which the police had taken from his pocket when they arrested him were not from the type of lipstick that she used.

Mrs V said she believed her husband when he said he was innocent.

Mrs V said many blacks went to their house to visit her husband to discuss permits and other matters.

He denied all evidence against him.

Replying to evidence by Frieda that he had kissed her in his bathroom he said "No, I never kiss native women."



Mr V said "It is all a plot against me because the blacks hate me. A native woman once passed me in a lorry and swore at me."

"I am hated because I introduced regulations to control influx to make Natives pay for their houses and boarding."

Mr V was convicted on only one charge under the Immorality Act, but was acquitted on the nine other charges. He was also acquitted on the indecent assault charges.

The charge on which he was found guilty was on the police trap, because Frieda's evidence had been corroborated by the police.

The magistrate also found Mr V guilty of giving Frieda a drink.

He said he was loathe to convict on any of the other charges as there was no corroboration, but said there was strong suspicion.



NEXT WEEK

The cops cringe as the beautiful blonde woman comforts her weeping black husband when they are charged with 'unlawful carnal intercourse'

738 City News 17/7/73

By DESMOND BLOW

IMMORALITY ACT IV
When marriage was put in the dock

PASSPORT TO HAPPINES

THE lovely blonde with the peaches and cream complexion stood in the dock beside her tall, swarthy husband.

The prosecutor droned out the charges in a monotone - that Barbara Jacqueson, 24, and Joseph (Solly) Jacqueson, 25 "being of different race groups are guilty of having unlawful carnal intercourse with one another".

The words resounding in the crowded Krugersdorp courtroom were ugly and sickening. They made love-making sound disgusting. Yet the couple being described in this uncouth manner were deeply in love. They were married and had a beautiful two-year-old daughter. They were both

law-abiding, respectable people. Solly's sensitive face contorted as people in court stretched forward to hear the hideous words, and tears ran silently down his cheeks.

Seeing her husband's distress, Barbara took his arm tenderly, and firmly wrapped it in her own.

A white policeman in court recoiled at the sight, and his eyes flashed angrily.

Barbara was born in Somerset, England, of an English father and an Irish mother. She had the deep blue eyes and a peaches-and-cream complexion typical of the women of the British Isles that made the average white South African women with their harsh skins look a darker race. Yet she had married a "coloured", the

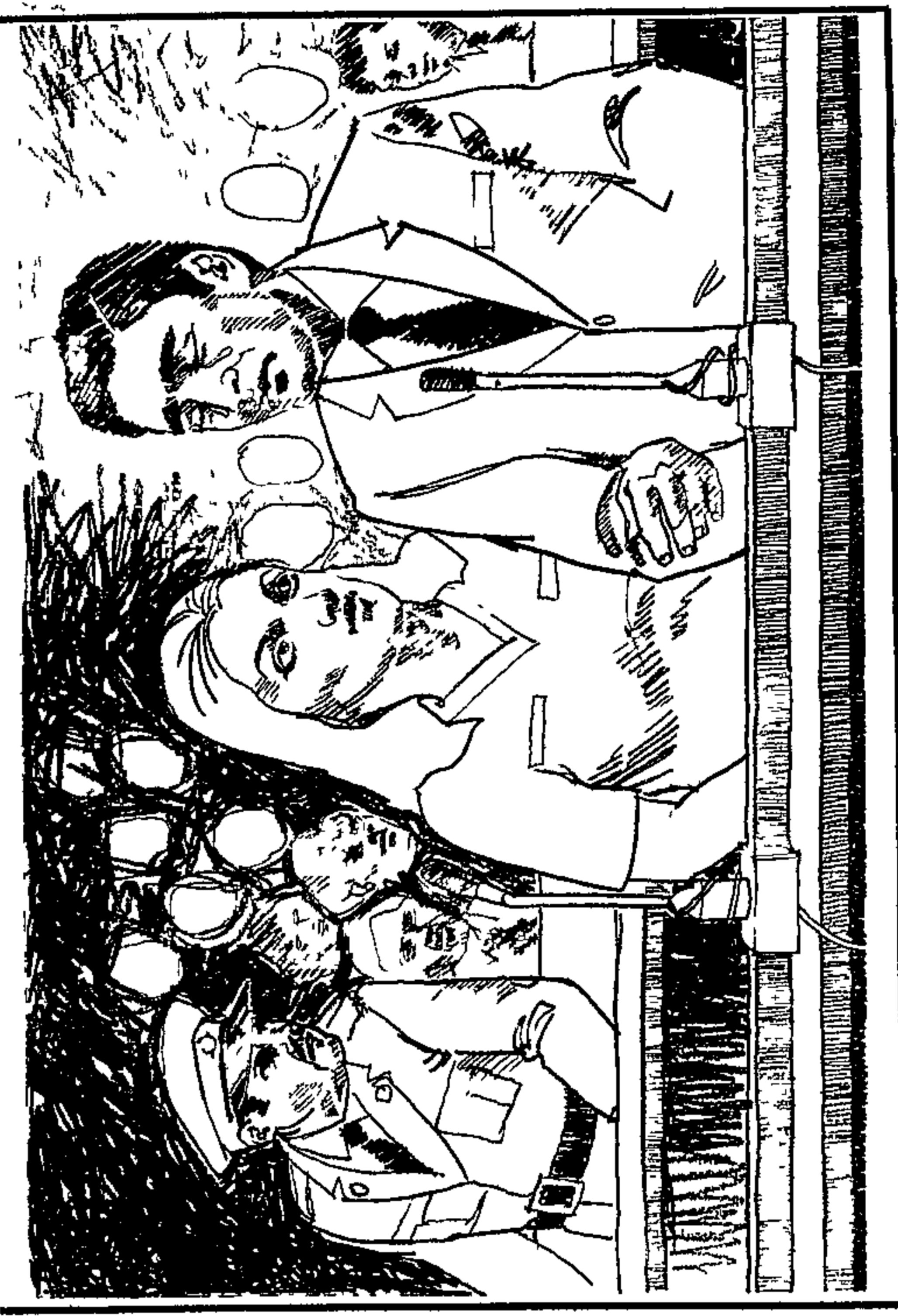
policeman must have fumed.

The Jacqueson case was one of the most widely publicised cases internationally, and caused the South African Government untold harm abroad.

It also severely embarrassed the Government at home, because the couple were found not guilty as they were not domiciled in South Africa. But, after their acquittal, they went on living together in Krugersdorp.

The Government felt it was being scoffed at and that the policy of apartheid was being threatened.

Eventually, Solly's citizenship was withdrawn and he and Barbara were deported. But again there was intense bad publicity for the South African Government when they arrived in England.



Solly and Barbara had married in England in 1966, and two years later had come to South Africa with their young daughter, Michelle, to assist Solly's banned father, Mr Alphonse Jacquesson, run his radio business

At midnight 14 months later, the cops burst into Solly's parents' house in Krugersdorp where they were living, and inspected the double bed where the couple were sleeping

They searched the bedclothes for tell-tale stains and felt the sheets for the warmth of their bodies

Michelle, then aged two, awoke crying. Solly Jacquesson was charged with sleeping with his own wife

For the quiet couple it was "a time of hell"

Representations were made by both the British and French Embassies because Barbara was British and because Solly held French as well as South African citizenship — but to no avail

Mr Jacquesson had received most of his education in England. He had left South Africa at 15 to go to school in England, and had then attended London University where he had studied law, economics and political history

The magistrate



● Solly and Barbara Jacquesson and their child Michelle.

found them not guilty as the State had not proved that they were domiciled in South Africa

It was Barbara's turn to break down. All the months of tension gave way to tears, and Solly put his arm gently around her shoulders and led her from the court

But the cops were out to get them

Six months later, Solly was informed that his South African citizenship had been withdrawn because he had made use of a French passport when visiting Swaziland.

Barbara was told that she would no longer be treated like a normal British visitor, but would in future have to apply for a visa to enter

the Republic

Mr Jacquesson had been given permission by the South African Department of the interior to use a French passport several years before, because he often travelled on business to countries unfriendly to South Africa

Now, they suddenly withdrew his citizenship because they claimed he had used the French passport to visit a friendly country

The couple left from Cape Town aboard the SS Orange but, before they left in January 1970, I flew to Cape Town to interview them and accompanied them to a white beach, Clifton, and to whites-only restaurants.

Everywhere we went they were accepted, holding hands.

Everyone was having too good a time on Clifton Beach to take any notice.

Barbara said with a twinkle: "There are

people sunbathing who are tanned darker than Solly."

Solly also claimed that the Security Branch had approached him after his acquittal and asked him to spy for them in England

He said he was told that, if he agreed "money would be no object, and you and your wife can come and go as you please without any problem".

Mr Jacquesson

said "I couldn't believe that after the agony they had put us through, they could make such a suggestion. I refused it of course"

Soon after this, he was served with deportation papers, he said

"I have no doubt it was because I refused to work for the SB," he said.

A spokesman for the Security Branch, when approached, denied that any such offer was made.

(238)
**'Why Lize's
race is
important'**
RDY
20/7/83

By J S MOJAPPELO
Pretoria Bureau

TESTS carried out on an infant found abandoned in the veld in Pretoria West 11 days ago were for registration purposes and not for race classification, a spokesman for the Department of Internal Affairs said yesterday.

The 12-day-old baby girl was found in a paper bag on July 9 and has been christened Lize Venter by staff at the Pretoria West Hospital.

According to police, Lize is technically the responsibility of the Department of Health, Welfare and Pensions.

A Department of Internal Affairs spokesman said tests were carried out to determine the race of the baby.

"Every child born must be registered under the law," the spokesman said.

By J S MOJAPELO
Pretoria Bureau

Depts dodging race test issue

238 RDM 21/7/83

The Department of the Internal Affairs — and the Department of Health, Welfare and Pensions — yesterday denied the responsibility for determining the race classification of a 12-day-old infant found abandoned in the Pretoria veld two weeks ago.

Social workers, lawyers, politicians and medical doctors have said the Lize Venter case was "baffling" and "unique"

The Department of Internal Affairs has registered the infant as "Lize Venter", a name given her by hospital staff, without stating her race

The infant was found inside a paper bag on July 9 and was then to the Pretoria

West Hospital

Dr D Malan, the superintendent of the hospital, said the condition of the child was "fine" She would be kept at the hospital until the police had completed their investigation to trace her mother, he said

A spokesman of the Department of Internal Affairs has stated that the department carried no test to classify the baby

"We would classify the in-

fant only after we have received information from both the police and the Department of Health, Welfare and Pensions At the moment there is no question of classification

"Classification may come when adoption is considered," the spokesman said

"Our department has nothing to do with race classification That is the task of the Department of Internal Af-

fairs," said a spokesman of the Department of Health, Welfare and Pensions

The head of the Department of Social Work at UNISA, Professor M de Bruyn, said the "Lize Venter" case was "unique"

A lawyer attached to the University of Pretoria said the normal criteria for determining race was from the facial features of the individual and in adult life from the associates of the individual.

The foundling, Lize Venter, asleep in her incubator

"But this a unique case," the lawyer said

Dr Oscar Wollheim, formerly of the Institute of Race Relations, said the case proved once again the "ridiculous and monstrous" race laws in SA

"There is no deciding test to determine medically, chemically or with a blood test whether a person has malay, white or black blood," he said

22/7/83
**Attorney
Merrin
is cleared**

238 Court Reporter

A DURBAN attorney, Mr Shanderden Sewpersadh, 46, was yesterday found not guilty and acquitted on an allegation that he had contravened the terms of his Prohibition Order

Mr Sewpersadh appeared before Mr B J Olivier in the Durban Magistrate's Court

It had been alleged that he was at Blue Lagoon after 6 p m on January 4 this year, when according to the terms of his order he should have been at his home at Reservoir Hills

The Court was told the prosecution had been stopped on the instructions of the Attorney-General

WHAT does the future hold for little Lize Venter?

So far she has been registered as having been born as a human being and nominated the name "Lize Venter" — that is all

Her birth documents at the Department of Internal Affairs have a blank space where, sometime, her race will be filled in

A phalanx of officials from desk-bound civil servants with rubber stamps to policemen on the beat, have been pressed into service to try to discover into which of the various race groups she belongs — in the meanwhile they have taken the precaution of giving her as surname after one of the white sisters at the hospital

Scientists and doctors say that a test for race simply does not exist.

Dr Marrus Barnard, the Progressive Federal Party spokesman on Health Affairs said bluntly that the child must be classified white because she had been kept at a "white" hospital for so long, and her features must be "white"

"But the case is a classical instance of the absurdity of the race laws of the country. It is the innocent who suffer in these matters

"We have, I suppose, fairly scientific ways of telling humans from other mammals but after that all we can say is that this is a person there is no way at all of determining race scientifically," Dr Barnard said

From Pretoria there are as yet no answers to the conundrum created by the lawmakers

Fumbled answers of, more usually, "no comment," greet enquirers as to what is to become of the baby

After the unsuccessful attempts by the police to trace her mother, Lize was handed over to the Department of Health, Welfare and Pensions

Because the law requires that every birth must be recorded, the hospital nurses gave the infant her name

The Department of Internal Affairs insists that Lize could only be classified racially after information was obtained from both the police and the Department of Health, Welfare and Pensions

"No," said the Department of Health, Welfare and Pensions, "we do not racially classify people. That is the responsibility of the Department of Internal Affairs"

(238) RUM
23/7/83
Lize?

The bureaucratic headache of a bundle of joy

To the staff of the Pretoria West Hospital little Lize Venter, the two-week-old baby who was found in a paper bag, is a joy to be fussed over day and night: To bureaucratic Pretoria she is nightmare come alive. . . is she white or black? Her saga started when she was found abandoned in a paper bag in a street in the blue-collar suburb of Hercules West, Pretoria. **GEOFFREY ALLEN** and **JOHN MOJAPPELO** report.

Who, then actually does tackle the awesome task of race classification?

The head of the liaison division of the Internal Affairs Department, Mr West, said Marrus, said a race classification board was responsible

"The board is constituted in terms of Section 11 (4) of the Population Registration Act for the purposes of considering objections by persons against the classification

Mr Marrus said the board did not sit in any particular centre but only in centres where objections were received against any particular application for classification

As an abandoned child, Lize's future after her race has been determined is adoption or foster care.

Both options are only open after her race has been determined, according to the Pretoria Welfare Society

Social workers, doctors and lawyers contacted this week said "nobody" case was "nobody" A senior welfare officer

person " "We would certainly want to know to which race group she belonged before arranging an adoption," a social worker said

Meanwhile several women, mothers included, have phoned the hospital and wanted to adopt the infant

But they will have to wait while the bureaucratic mills grind on

At the heart of the drama is a child going through the trauma of being thrust into the world

The latest news of her is that she weighs three kilograms, and is "doing fine"

Yesterday when she "posed" for photographs at the Hospital's children's ward, Lize refused to open her eyes for the photographer

Sister Salina Venter (no relation) tried in vain to cajole her to "look alive" for the photographic session

The infant with curly black hair was fed when the reporters came to the hospital

Dr D Malan, the superintendent of the hospital, said she was doing "fine" and had gained weight since July 9 when she was brought to the hospital by the police.

What if she is deemed to be coloured?

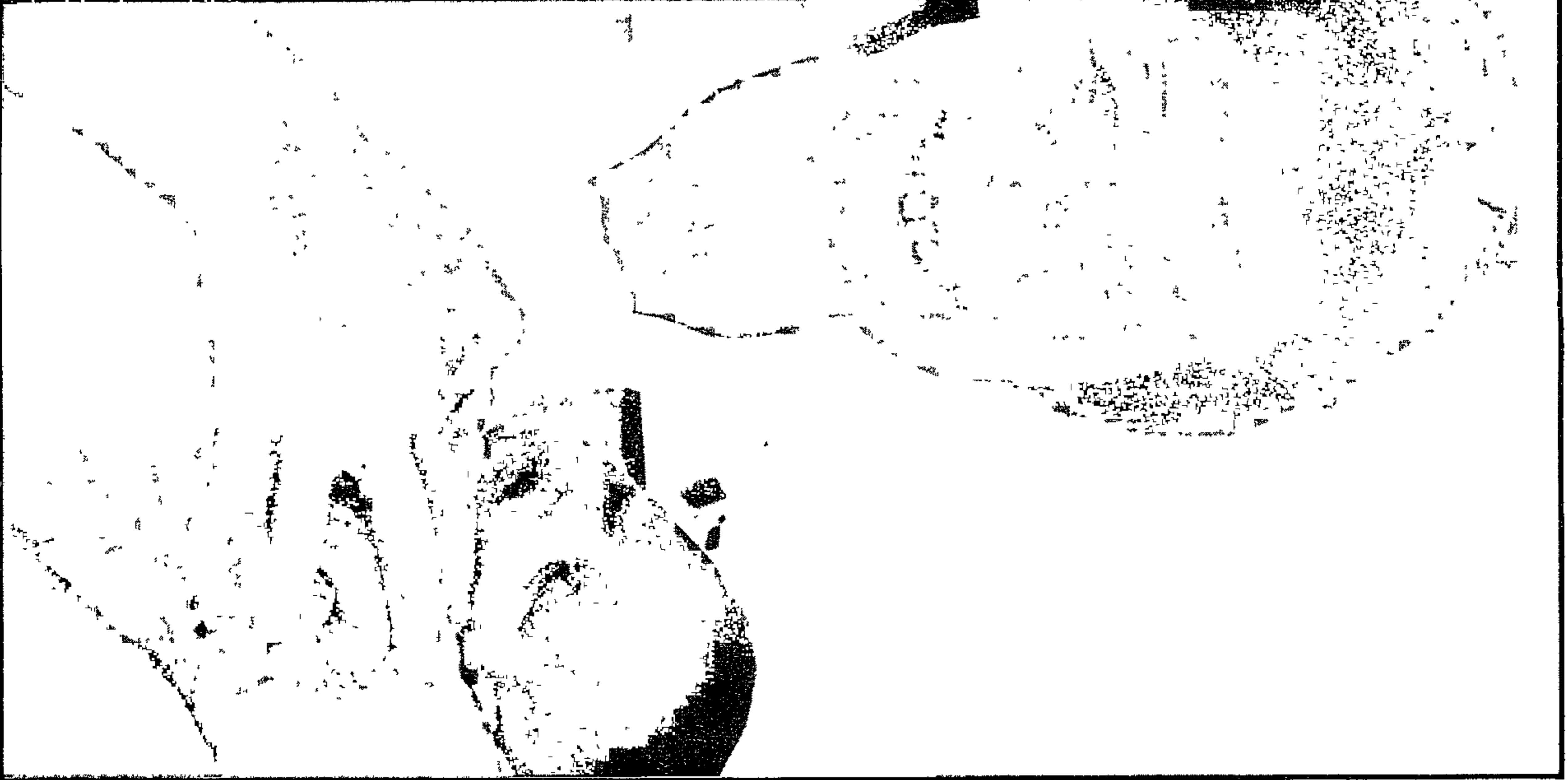
Then she faces an education in nursery schools, schools and universities which unanimously complain of teacher shortages and lack of Government subsidies for maternal

For example the Department of Education pays the salaries of white teachers at registered nursery schools whereas coloured children receive only a R10 a person quarterly subsidy based on average attendance

Later she would be confronted with a choice To live in one of the prescribed Coloured areas on the Rand with their continual shortage of housing and poor environmental conditions, or to become an "illegal" living surreptitiously in Hillbrow or Berea or the like with the constant threat of instant eviction and the daily game of hide-and-seek with landlords and security guards

person " "We would certainly want to know to which race group she belonged before arranging an adoption," a social worker said

Meanwhile several women, mothers included, have phoned the hospital and wanted to adopt the infant



Lize Venter with Sister Salina Venter, after whom she was named. . . for them it's a cuddle, not classification that counts.

Lize?

A flat nose and wavy hair could decide her fate

CHRIS FREIMOND reports on South Africa's tangled race classification laws

IN YEARS to come, "Lize Venter" may read with amusement or incredulity — or even shame — of the hullabaloo surrounding her present predicament.

But for the time being, the tiny founding who was abandoned in Pretoria soon after her birth earlier this month is unaware of the seemingly insoluble problem she has posed for South Africa's race-obsessed bureaucracy

The registration of her birth — a legal "must" within 14 days of the event — was relatively simple. But the other unique South Africanism concerning the birth of humans has not been fulfilled

Lize must, by law, be placed in a racial compartment which will order her existence in this country for the rest of her life. She must be allocated an identity number with a code from 00 (for white) through to 07 (for various categories of coloureds and Asians)

She is clearly not black in terms of the Population Registration Act of 1960. But she could be either coloured or white

No scientific grounds exist for this determination, so the decision — which in terms of the Act can be made by any official of the Department of Internal Affairs — rests on the criteria laid down in the law

But that is where the problem arises. The law makes no provision for abandoned, newborn babies

The relevant sub-section for determining if a person is white or not states "in deciding whether any person is in appearance obviously a white person or not a white person within the meaning of the definition of 'white person' in sub-section 1, has habits, education and speech and deportment and demeanour in general shall be taken into account."

The Act defines "white person" as someone who "in appearance obviously is a white person and who is not generally accepted as a coloured person, or "b" is generally accepted as a white person and is not in

appearance obviously not a white person" Clearly none of the above applies to Lize at this stage of her life and it appears that officials — rather than risk a mistake — are passing the buck and delaying the inevitable

Lize's case is not unique — although it is probably causing the Government more embarrassment than any before

During a similar controversy in 1972, the Deputy Minister of the Interior, Dr S W van der Merwe, told Parliament that if it was impossible to classify a child on the available information, the classification was deferred "until such time as sufficient evidence is forthcoming to arrive at a firm decision"

Unless her parents are traced, Lize faces the prospect of living in an orphanage — although for which racial group remains unclear — until an official is able to decide into which colour slot she should be slotted

The Population Registration Act — one of the pillars of apartheid introduced soon after the Nationalists took power in 1948 — affects all South Africans

The tragic tales of those who have fallen victim of the Act have filled newspaper columns for more than 30 years both here and abroad, and have been highlighted overseas on television

During the 1960s and 1970s in particular, newspapers carried almost daily reports of broken romances, broken homes, shattered careers, community ostracism, prosecutions under Section 16 of the Immorality Act which forbids intercourse between people of different race groups, children being humiliated at school and even expelled — all because they or a member of their family had been reclassified — usually

from white to coloured

In some cases, the racial reclassifications happened because a child of white parents developed "Bantu characteristics" such as tight, curly black hair and a dark complexion

Probably the most horrifying and celebrated case was that of Sandra Laing, born to white parents in the Eastern Transvaal. Aged 11, she was asked to leave her white school because it was decided she "looked coloured"

She was reclassified accordingly, but after a long legal battle the decision was reversed. The experience so shattered the young girl that she became alienated from her family and community and eventually lived with a black man and, ironically, applied to be reclassified so she could live legally with her lover

In one of the most startling remarks, a Johannesburg magistrate said in 1981 that a woman who appeared before him was "coloured" because she had "a flat nose, wavy hair, a pale skin and high cheekbones". She was convicted under the Group Areas Act for living in a white area

The conviction was set aside on appeal to the Supreme Court last year. The judges ruled that while the woman was not obviously white, she was "generally accepted" as such

For Lize, the future is unknown. If her parents are not traced, she will eventually be classified and probably adopted or fostered by parents of the same classification

But instead of a joyous occasion, that could be the start of her problems. For the sake of her future happiness, one can only hope that her characteristics remain compatible with those of the race group to which she is eventually assigned

'MIXED LOVE' OUT ON A LEDGE

238
City Press
24/7/83

IT WAS mixed love on the church balcony.

Nonkululeko Jamela of Mdantsane was having a drink with a friend when along came Mr Trevor Stewart Williams, 21, of Quigney

He offered her a wristwatch if she would have sex with him. She agreed and the two went to a nearby church where they had sex on a ledge of the balcony.

This week the two stood in the East London Magistrate's court charged with breaking the Immorality Act

Both pleaded guilty, but a plea of not guilty was entered when Mr Stewart told the court he was drunk that day and could not remember what had happened

A separation of trials was then ordered. Jamela described how they made love on the church ledge

Mr Williams was still dressing when the police pounced and arrested them

By BENITO PHILLIPS

Jamela's plea of guilty was accepted and she was found guilty. The magistrate sentenced her to six months jail suspended for three years

Mr Williams, who is out on R50 bail, was remanded to September 15

● In another case, Mr Garth David Duffey, 22, of Dupel Erasmus Hostel, and Miss Cora Clayton, 20, of 132 Douglas Smit Highway, Pefferville, appeared briefly charged with breaking the Immorality Act

They were not asked to plead and no evidence was led. Their case was postponed to August 10 and the two were released on warning

The jail super and his cell harem

238

City Press 24/7/83

Immorality Act V
by **Desmond Blow**

THE white superintendent of the Mafeking goal lived the sexual life of an Arab Sheik. The women in the black section of his prison were his harem and he used his "concubines" anytime he chose.

In fact, Superintendent F visited the women's cells alone on no less than 21 nights in one month.

When his wife, the matron of the prison, was away, he would often escort two women back to his house for his sex games.

But when she was at home he would sneak the bunch of jailer's keys off the hook in the kitchen where his wife had hung them, and slip away into the women prison.

There he would make merry with whomever he chose, while other women prisoners looked on.

The charges eventually brought against him made the Immorality Act ludicrous, because he should not have been charged with "having unlawful carnal intercourse" with black women, but with rape.

Yet even worse was to follow. After a week long preparatory examination at which several women gave evidence, Superintendent F was committed for trial on eight charges under the Immorality Act and one of rape.

But two months later the Attorney General of the Cape issued a statement that he had declined to prosecute Superintendent F. He gave no reason.

The evidence given against Mr F was startling, and he did nothing to rebut it in cross-examination. There was definitely a strong case



Anna said Mr F then searched their bodies in the most intimate places with his hands.

"Come on you two, give me sex," he ordered them. They refused.

He then sat on the bed and stroked their breasts, all the time coaxing them into having

lust.

A 24-year-old woman said that she worked in Mr F's house—although this was against the prison regulations—and that one day he grabbed and groped her. She shouted, and he left her alone.

Later he caught her at night in the jail kitchen. He tried to molest her, but she resisted. She called to the other women prisoners for help, but they walked out the kitchen.

Mr F then had sex with her, and the other prisoners returned and laughed.

She said that on one occasion Mr F had sex with another prisoner while she was sleeping in the same bed.

She said the police had come to see her about the allegations. Had they not done so, she would not have taken the matter any further.

Another woman prisoner said that she worked in Mr F's house and he had made suggestions to her.

He asked her: "Are you not a woman and I a man?"

One day he told her his eye was painful and asked her to put some medicine in it in the bathroom. As she was about to put the medicine in his eye he

grabbed hold of her

He gave her some gun to take back to her cell.

Evidence was given that Mr F was in charge of the whole jail, and was allowed to visit any section of it.

He was also allowed to visit the women's section provided he was accompanied by the matron, and she was in possession of the keys.

Head-Constable M P J Nothnagel said he and Det Sgt Markham kept the jail under surveillance on May 5, 1959. At about 7.30pm they saw Mr F with a black woman approaching a side door.

Mr F unlocked the door and they entered. They stayed there until 8.25pm, and Mr F did not appear again.

Lt G S Cloete, District Officer of Police at Mafeking, said he had arrested Mr F in his prison office on June 25,

1959

Before this he had interviewed a Colonel Snyman from the prison headquarters in Pretoria about the matter.

Mr F had been on leave at the time, but was recalled immediately, and when arrested on the allegations against him, he resigned from the Prison Department.

However, although hundreds of blacks and whites were jailed for consenting to have sex with one another, the "Beast of Mafeking" who forced himself on his helpless prisoners was allowed to go free.

NEXT WEEK:

More love across the colour line

Like so many other white men who abused their powerful positions, Mr F said the allegations against him were "false", and had been brought because he was strict, and punished the women prisoners for offences he alleged they committed in jail.

He said the women were rowdy at night and had been fighting, but only two of the many women who gave evidence against him had been punished for such offences.

One of the prisoners, Miss Anna R, said that Mr F made her and another woman prisoner undress so he could search them for tobacco.

sex with him. "Ek wil met jou slaap," (I want to sleep with you) he told them.

One of Mr F's favourite seduction sites was the prison kitchen floor, and his special concubines were told to make up their beds in the kitchen.

When Mr F's wife was in Johannesburg on one occasion he took her to his house outside the prison. They climbed into the double bed together, and later went to sleep.

She said that nothing happened on that occasion "because he was too drunk."

As a reward he sometimes gave women tobacco or two cigarettes after he had satisfied his

By MAURITZ MOOLMAN

POLICE yesterday refused to release the findings of laboratory tests which decided the fate of four-month-old Liza Venet. She has been classified coloured following scientific tests in a Pretoria police laboratory on a strand of her hair.

But the only trichologist (expert on hair) in South Africa recognised by and registered with the International Institute of Trichology, Mrs Francois Gibat, of Johannesburg, yesterday slammed the result of the finding as "meaningless".

There is no hair classifica-

Lize's race classification meaningless — expert

238

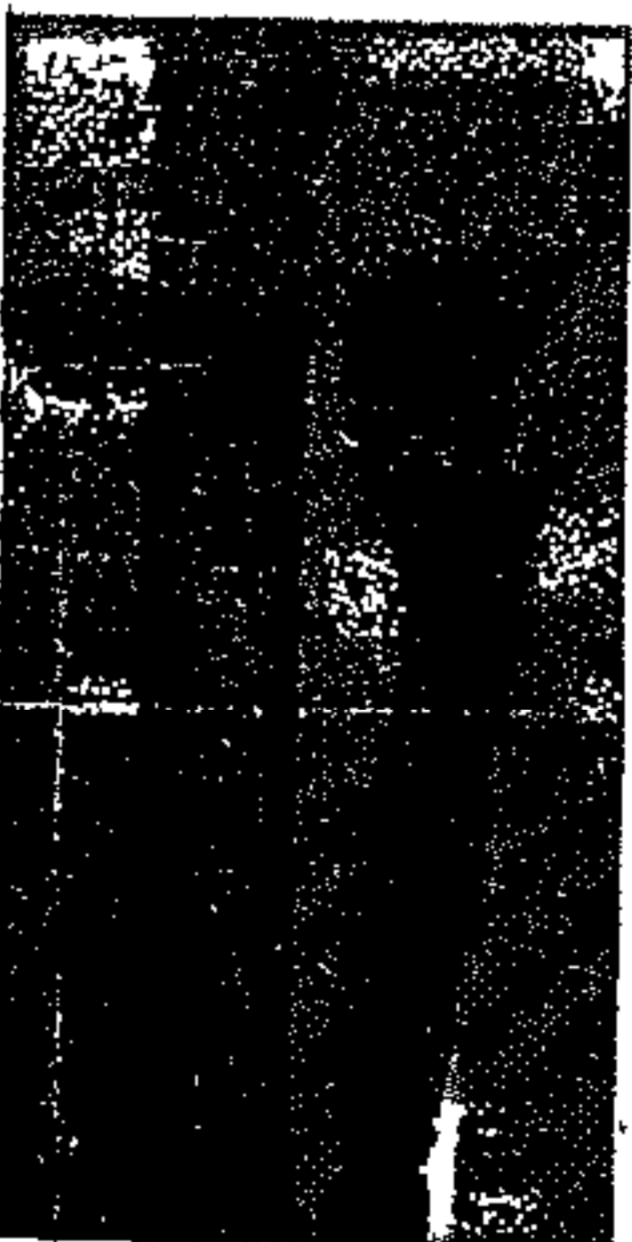
Rum

26/7/83



What the healthy hair of a white person looks like on a spectro-scope. The black stripe in the middle represents the medulla, the green, red and yellow the cortex, and the outside the cuticle or scales. The hair has been enlarged 200 times.

What the hair of a black person looks like on a spectro-scope. This sample has a well-defined medulla (black line in the middle) and the cortex does not show the green, red and yellow colours which cauc- casian hair does.



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tion for coloured people. People have either Negroid, Caucasian or Oriental hair, says Mrs Gibat. General Lothar Neethling of the forensic division of the

South African Police in Pretoria yesterday said scientific tests — including anthropological tests known since 1960 — had been used to establish that the fo-

was "non-white". He said he would not release the findings unless the Rand Daily Mail could convince him that it served a

purpose or that it was of scientific interest. Nor would he explain the processes used to establish her race saying "It needs expert knowledge and we would have to give

you a full training course to understand it." Mrs Gibat said if the test was really necessary, the police should wait till Lize was at least six to allow her to

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According to the Population Registration Act of 1950, as amended by Act 106 of 1969, a white person is defined as someone who is in appearance obviously white and not generally accepted as a coloured or is generally accepted as a white but in appearance obviously is not white. Factors to be taken into account when deciding whether a person is white are his habits, education, speech, demeanour and general appearance.

types of hair — Caucasian, Negroid or Oriental. Caucasian hair, whether it was French, Latin or Germanic blond, had a colour spectrum different from that of Negroid hair. Whether a person is white or Oriental hair is decided by the difference between the three types of hair. In the absence of proof that he is generally accepted as white, it shall be assumed that he is generally accepted as a coloured person," the Act states.

VOM 28/7/83 (238)

Lize classification row may end in Supreme Court

By MAURITZ MOOLMAN

A UNIVERSITY of the Witwatersrand lecturer in law, Mr Graham Barlow, is investigating the possibility of bringing an urgent application to the Supreme Court to have Lize Venter's racial classification nullified.

Four-month-old Lize has been classified coloured on the strength of tests in a police laboratory.

Mr Barlow last night said he believed it was possible for any interested party to apply for curator ad litem (legal guardian) of Lize with the Children's Court.

He said he also believed she had not formally been classified as coloured, despite a police announcement that it was scientifically established from a strand of hair that she was coloured.

"I also do not believe that the classification on that aspect is correct in terms of the Population Registration Act.

"I feel that an application to have that decision overturned could be brought successfully," Mr Barlow said.

Professor Johan van der Vyver, another legal expert at Wits, believes the application will be successful.

He said classification of race by analysing hair fell outside the ambit of the Population Registration Act of 1950 which only mentions appearance and social standing as factors to be taken into account.

Meanwhile Lize's case — which was supposed to come before the Children's Court in Pretoria today — has been postponed to an unknown date, said Mr Piet Venter, regional head of the Department of Welfare in Pretoria.

Lize was found earlier this month in a brown paper bag by a black man in Hercules, Pretoria is still in the Pretoria West hospital, according to Mr Venter.

Already her racial classification done on a strand of her hair has been criticised by a trichologist (hair expert) as scientifically meaningless.

● Just a hair's breadth
— See Page 12

Petty apartheid ailing, but grand ailing, but grand design is strong

5/11/83
29/1/83
1983

Petty apartheid is ailing and getting sicker. Blacks, Indians and coloured people are getting jobs, forming trade unions and eating, sleeping, studying and playing in places where this would have been inconceivable five or six years ago.

As the social and economic needs of the nation assert themselves, South Africans are finding desegregation easier than they had been conditioned to believe.

While the major pillars of apartheid remain intact, significant changes at lower levels are occurring steadily.

Perhaps the most important development has been in the minds of people, where a revolution of sorts has taken place.

Office canteenas and toilet areas throughout Johannesburg are largely integrated. Job reservation is virtually history, with all races serving behind cash desks, wrapping food, dealing with clients in banks and being employed as personal assistants and secretaries to managing directors.

A short time ago the idea of anyone but a white being employed in these capacities, or using a "white" toilet or canteena, would have produced instant protests.

Today few seem even to notice.

In the Johannesburg region libraries, parks, public toilets — and in increasing numbers — and lifts are fast seeing the end to the colour barrier.

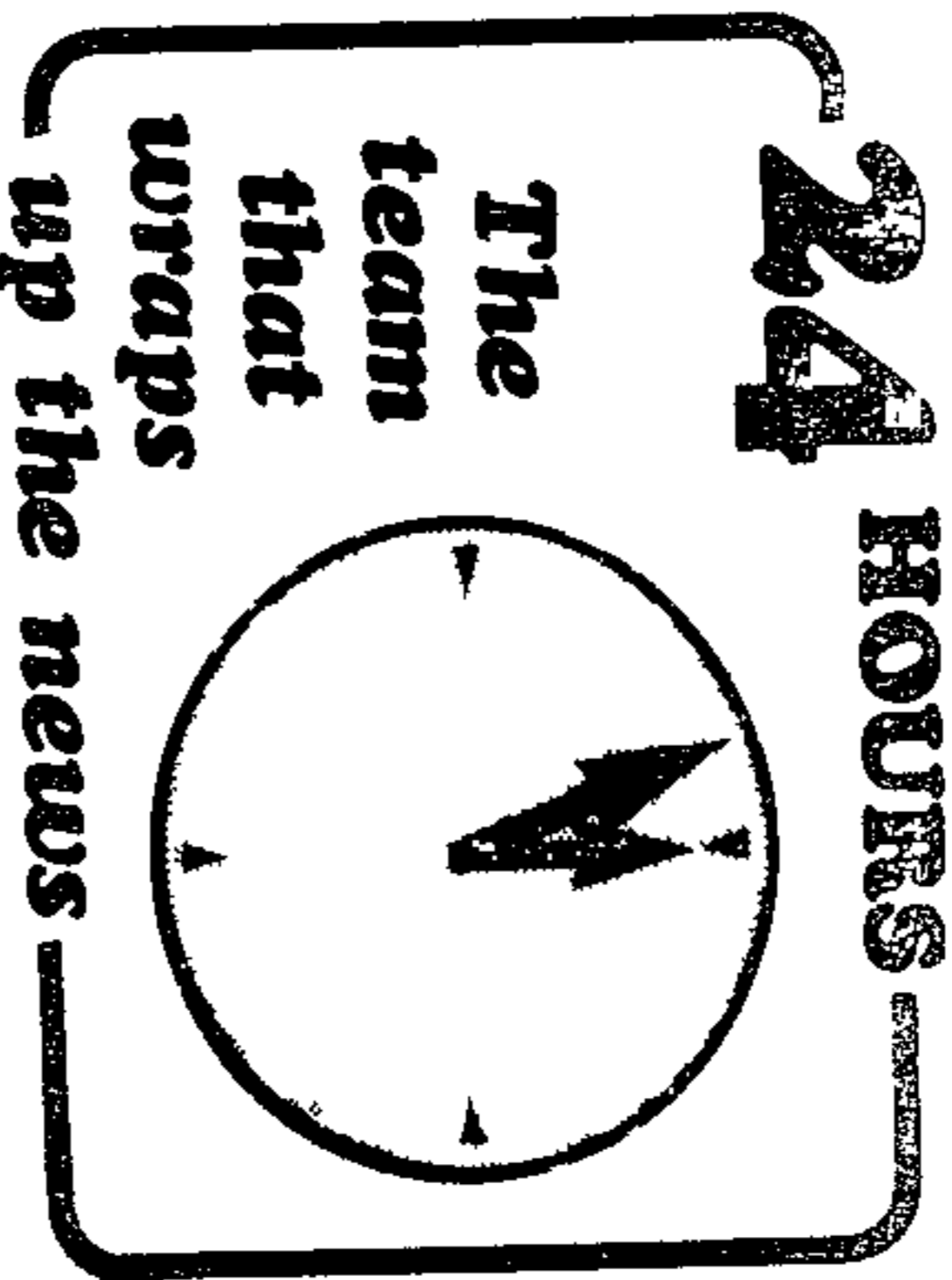
Many buses catering for whites have drivers of other races and frequently they transport people of other races.

Throughout South Africa petty apartheid has been taking a tumble.

In Port Elizabeth, bus services were integrated three years ago, ambulance services were desegregated in Edenburg four years ago, few bottle-stores and off-course totes now provide separate facilities.

Many sports are pursuing integration and some residential areas have Indians and coloured people renting flats and houses, without the authorities panicking.

Private hospitals are another area where nursing staff are composed of all races, and in some instances even the patients may be predominantly black miners.



By Russell Gault

Last year the outgoing United States Consul-General in Cape Town, Mr Alan Lukens, said he had noticed significant changes in his three years here.

"People are communicating and discussing. It's a new phenomenon," he said.

Earlier the Minister of Foreign Affairs, Mr P.K. Botha, had startled a National Party meeting when he said he wasn't prepared to die for a segregationist sign in a lift.

Professor A. Stadler, of the political studies department at the University of the Witwatersrand, dismissed such changes as insignificant while "grand apartheid" remains entrenched.

"My impression is that people are prepared to negotiate over small issues, but not the big ones. It's a case of whether you think what is happening today is terribly important. I don't see scattering of black faces is to kenism.

"We need surveys to deter-

mine people's attitudes. After all, look at the rise of the Her-siege Nasionale Party."

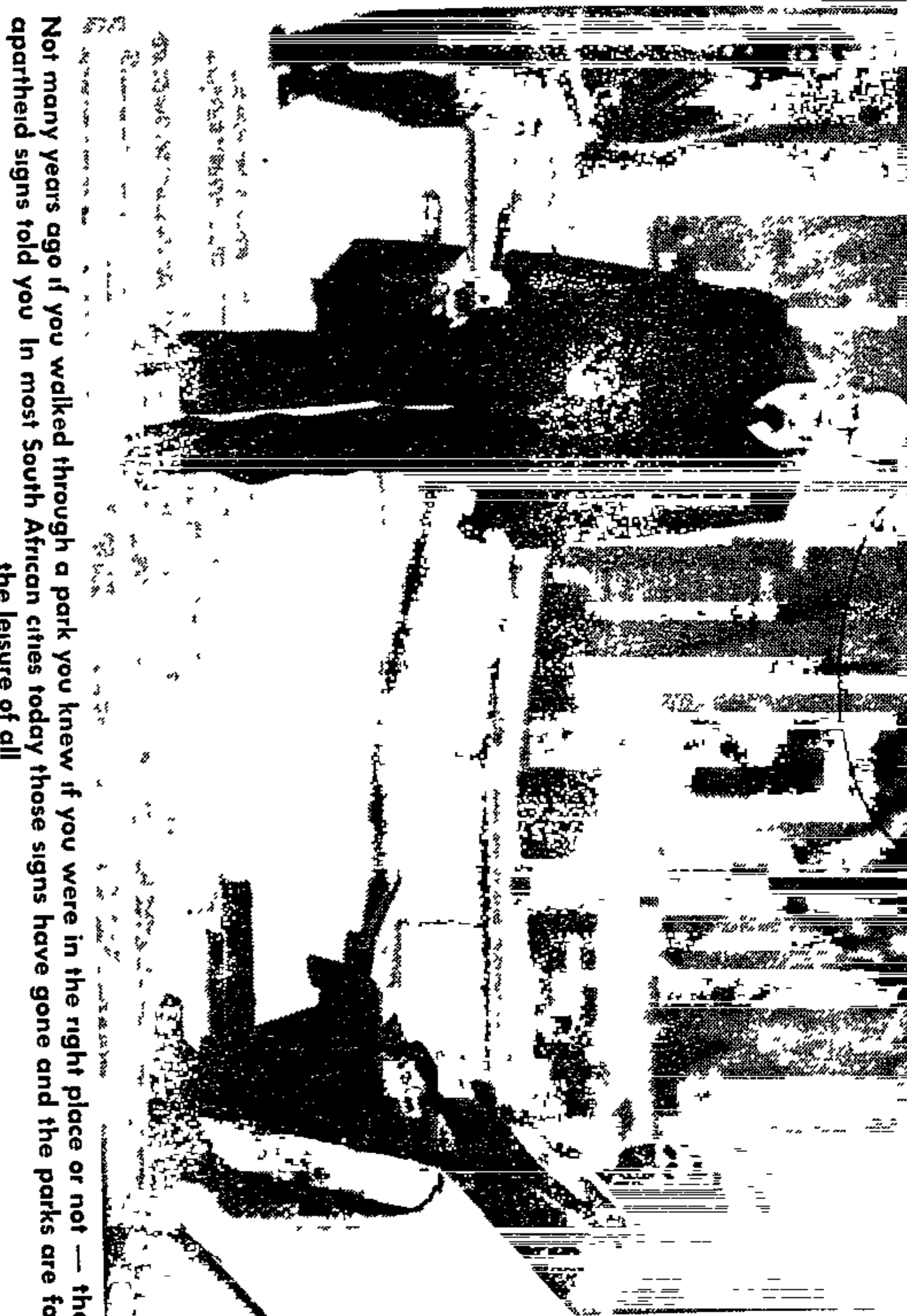
The director of the African Institute, Dr G.M.E. Lestner, said recent developments were very significant because, without the full participation of all races in the economy, many jobs would remain unfilled.

"But there is a need to bring in changes unobtrusively because there is a faction that sees racial changes as threatening. However, I don't have the impression that whites are suffering any heartache as changes occur."

The president of the South Africa Foundation, Mr Ted Pavitt, said changes were taking place sensibly without political motive.

OPPORTUNITY

"All these changes that are taking place almost daily have a significance most people probably don't appreciate. Indians, blacks and coloured people are moving into new areas of job opportunity and satisfaction in a ..."



Not many years ago if you walked through a park you knew if you were in the right place or not — the apartheid signs told you. In most South African cities today those signs have gone and the parks are for the leisure of all.

Heated debate that started 30 years ago

By Fiona Macleod

The Population Registration Act has caused much-heated debate in and out of Parliament since its inception in 1950.

A white person was defined in the 1950 Act as "a person who in appearance obviously is, or who is generally accepted as a white person, but does not include a person who, although in appearance is obviously a white person, is generally accepted as a coloured person."

This introduction of legislation classifying people according to their appearance and ac-

ceptance by society, was hotly disputed in Parliament before it was passed.

The definition was amended by Act 61 of 1962. The Act, which is still applied today, defined as white those people who in appearance obviously are white and are not generally accepted as coloured people.

Are generally accepted as white and are not in appearance obviously not white.

Have not freely and voluntarily admitted that they are by descent black or coloured people.

The Minister of the Interior, Senator J de Klerk, explained in

1962 that the amendment was introduced because too much importance had been attached to the ground of acceptance by society at the expense of the appearance of a person, and this had been abused.

He said only 3 593 formal objections to race classification had been lodged in the 12 years since the Act was passed. Of those classified white, many had applied to be reclassified as coloured people because they were not accepted in white circles.

"What is the use of classifying a person in a book as a white when he is rejected by public

opinion, which is the best judge and which has to accept him?"

"When we see a person walking in the street, we immediately form an impression and, by applying our own test, we say 'That is a white or coloured person' or whatever the nationality may be."

"It is not necessary to start a witch hunt into the question of descent to ascertain whether a person has a few drops of non-white blood in his veins."

Comments for and against the legislation, which were found in Hansard, included

"... we must prevent the blurring of the boundaries that Providence has ordained and which our forefathers have acknowledged and respected, not only in our legislation, but also in our social tradition through the ages." — the Minister of the Interior, Dr A.J. Stals.

"This is not a national register. It is a Nationalist register, a Nationalist plan to carry out the policy of apartheid." — the Leader of the Opposition, Field-Marshal J.C. Smuts.

"The people of South Africa have decided once and for all that we must keep the different races pure ... but in this legislation there is no single act of race discrimination; we merely recognise the differences between the races. It is clear today that where hybridisation does take place, it is between people who will not, or cannot, adapt themselves to society or to the conventions of the country ... They are called misfits." — Mr J.J. Fouché (NP, Smithfield).

"The only thing that will keep us white in this country — as it has done during the past 300 years — is the matter of our attitude. It is a question of education, cultural development and racial pride ... No law or pass law will ever keep us white." — Dr L.S. Steenkamp (United Party, Drakensberg).

Tobias concerns SA race concept

By Sheryl Raame, Pretoria Bureau

An internationally respected human biologist and physical anthropologist has questioned the whole concept of racial classification in South Africa.

Professor Philip Tobias, head of the department of anatomy at the University of the Witwatersrand, referred to Pretoria's founding, Lize Venter.

"A claim that she is non-white on the basis of the characteristics of her hair cannot be supported scientifically."

The attempt to classify a single individual upon supposed racial features was based upon a totally fallacious and outdated idea of the meaning of race.

Professor Tobias's book "The

Meaning of Race" recently had its second printing.

He said that for at least 30 years the modern concept had been based on the belief that human populations differed in the frequency with which they showed specific hereditary features.

Within each population or race there were usually many individuals who departed in one or more respects from the commonest pattern.

"It follows that human biologists and physical anthropologists no longer believe in the existence of 'pure' races."

"This fact is of paramount importance if we consider race in relation to the law in South Africa."

"Although differential legislation is for groups, it is the individual who is classified under South Africa's laws and who may be involved in legal proceedings."

"It is precisely when we consider the individual that the concept of race is most liable to break down."

Professor Tobias gave two examples.

"A white person with a dark complexion may resemble a so-called coloured or a light-skinned black or negroid person more closely than two caucasoid whites of northern and southern Europe resemble each other."

"A person who in South Africa is given the label of coloured may have a light skin, a high-bridged nose and wavy hair and may more closely resemble populations who are caucasoid than a white person who has high cheekbones and dark colouring."

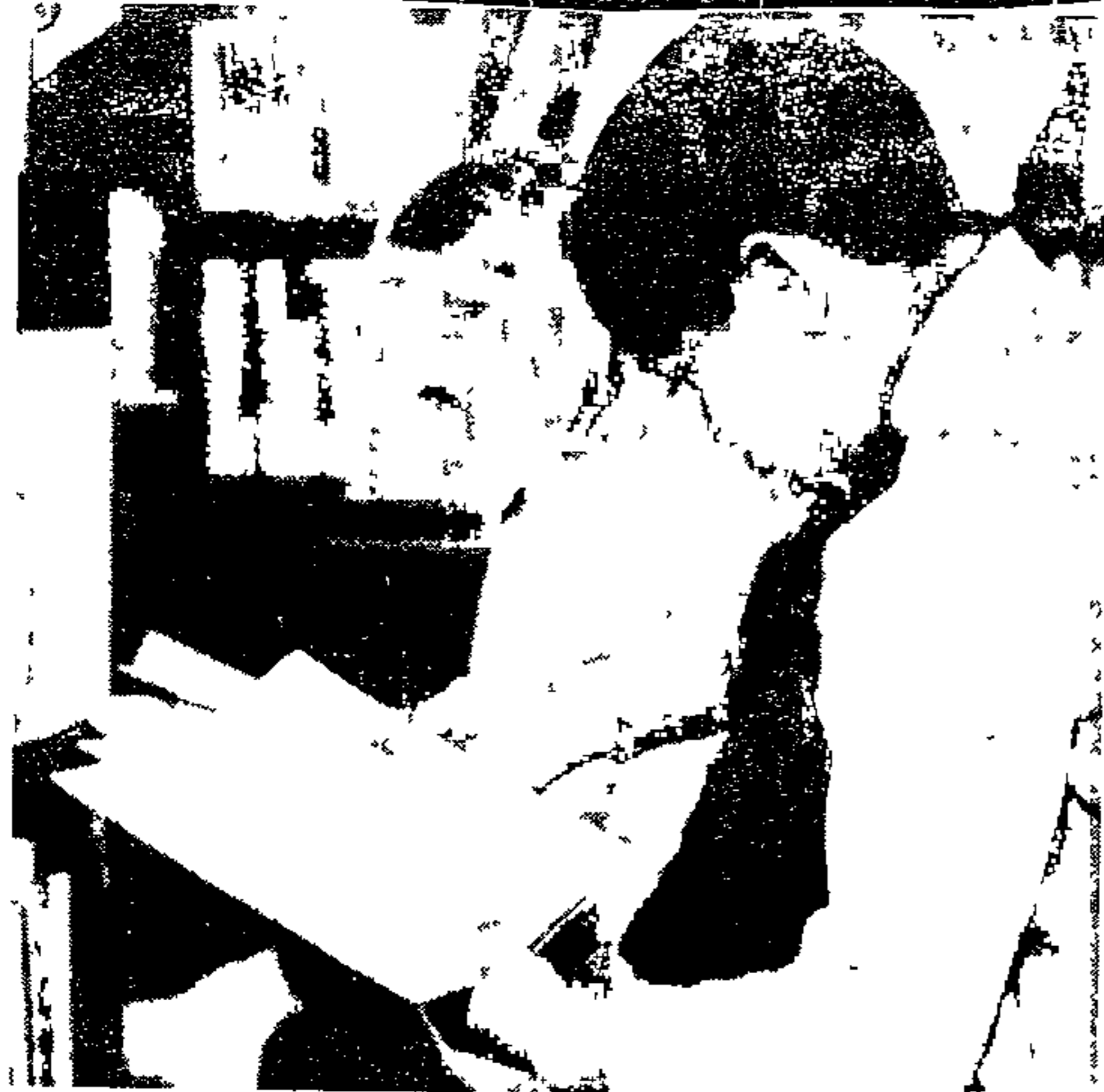
"No physical anthropologist or human biologist — and these are supposed to be the experts on the study of human variations — could or would set himself up as a scientific arbitrator of the imagined boundaries between different races."

"Nor could or would such an expert pretend that he could determine the race of each individual."

Professor Tobias said it was known that hair may change from early childhood to about the age of six and that hair of very curly or woolly form may occur in members of biological populations regarded as caucasoid.

In such cases hair gave no indication of the racial origin or affinities of the person concerned.

"The features of a single hair or even of several hairs could not unequivocally reveal the biological or racial affinities of Lize Venter."



Nearly all libraries and reading rooms in South Africa have now opened their doors to all races — and black people have been quick to take advantage of the educational purposes for which they are intended

... association and public relations consultant to Anglo American Life Assurance, helped start the desegregation moves in downtown Johannesburg 11 years ago

That was at the Carlton Centre. In 1980, the Johannesburg CBDA won an international award for its programme for "desegregating restaurants"

Today numerous restaurants are open to all races, with or without Pretoria's permission

"We had a situation where the laws had been written for a small platteland town. They didn't fit a cosmopolitan city. Now Johannesburg is a more relaxed town," said Mr Mandy

"I think television has also had something to do with the changes. TV has brought cultured blacks into everyone's living rooms. It is fostering changes in thinking

"I believe these changes in petty apartheid are more important than constitutional changes. They cut across party political lines and they indicate changes in the way people are now thinking"

Little Lize sparks off a 'guilt reaction'

By Russell Gault

Little Lize Venter's plight may have sparked a guilt reaction, says one of the men who embroiled South Africans in the interbreeding controversy 11 years ago — Dr J A Heese

His research found that the non-white factor in the make-up of Afrikaners was 6,9 percent

Similar but independent research by Dr M C Botha, then of the Groote Schuur heart-transplant team, produced similar results. The surveys caused wide resentment

Dr Heese said yesterday that many people now accepted that there had been widespread interbreeding in South Africa and this had produced the public reaction to the racial conflict surrounding the abandoned baby

"It is something of a guilt reaction," he said. The controversy indicated a change in thinking, a compassion for the baby

"When you get right down to it very few people don't have some sort of coloured blood. The mixing applies to English-speaking people as well as to Afrikaners"

Regarded as the nation's leading genealogist, Dr Heese said attempts by officialdom to identify Lize Venter were ridiculous because "you can't go on hair or how it looks — there is so little difference among babies. You cannot go on colour either. It will be some years before her race can be identified"

A tragic counterpart 27 years ago is now living in colour limbo

By Russell Gault

Foundling Lize Venter had a tragic counterpart 27 years ago — Sandra Laing, of Piet Retief

She was born of white parents but her racial characteristics changed as she grew older

She was forced to leave white schools because of her darkening colour, and became the subject of an international television series and other publicity which brought harsh criticism of South Africa

Sandra lived in a vacuum with little education and few friends. She was first classified white

Then the Department of the Interior declared her coloured

Later she was reclassified white after her parents submitted sworn affidavits that they were her natural parents

At 15 she eloped to Swaziland with a black man. They were arrested as illegal immigrants and sent home. She had two children and after nine years parted from their father

Sandra's father said the controversy had enveloped her life and left her mind and outlook deeply scarred

Her parents fought to preserve her white status and finally succeeded — but they lost their daughter, who has since remained in a colour limbo

It is understood she is now living in a coloured township



Sandra Laing, a young teenager when this picture was taken, cuddles her adored brother, Adrian. With them is their mother, Mrs Sannie Laing

Randburg is on the move

Randburg Municipality has been desegregating public facilities quietly but relentlessly

In an effort to keep abreast of the white population's views, the management committee commissioned the Human Sciences Research Council to survey people's attitudes. An interim report has been prepared but no public release will be made until August. The Star understands that public reaction has been encouraging

(238) 29/7/83

Classing Lize on her hair 'inconclusive'

By MAURITZ MOOLMAN

A DEPARTMENT of Internal Affairs spokesman yesterday rejected the racial classification of foundling Lize Venter by police on strength of her hair as "inconclusive"

This development follows worldwide reaction on reports that scientific tests done in a South African police laboratory have found that Lize was coloured

But yesterday the chief of the forensic department of the SAP, General L Neethling, said the police did not do the test for classification purposes but to narrow down the field in trying to find Lize's parents

Gen Neethling said the police were investigating a case of child neglect and adopted the test to see whether certain population groups could be neglected in the police search for Lize's parents

He said police statements that Lize was non-white were misinterpreted to mean that she was coloured

"We have found that she was neither Negroid nor Caucasian", Gen Neethling said.

Gen Neethling added that he wanted to warn the Press not to misinterpret a single word of his.

"If you do this you are in trouble Take care," he said

According to a hair expert quoted in the Rand Daily Mail on Tuesday, Mrs Françoise Gíblat, a hair test to establish race was scientifically meaningless

Mrs Gíblat also said that hereditary factors played a role in deciding hair types

A spokesman for the Department of Internal Affairs yesterday said the department had not asked the police to do the hair test and would never have done so because it was the department's duty to establish race

He said the department recognised that there were no conclusive scientific tests for establishing race The acceptable point of departure would be to find Lize's mother, the spokesman said

He added that the department had not received any reports from the police yet They were also awaiting reports from the Department of Health, Welfare and Pensions

"We are handling the matter with great circumspection and compassion. We do not want to make arbitrary race classifications," the spokesman said

The police officer investigating the case, Warrant-Officer W A Zaayman of Pretoria, yesterday said there were no new developments

If any, it would be released to the Press through the public relations department of the police, he said

Meanwhile, Mr Graham Barlow, a lecturer in the School of Law at the University of the Witwatersrand, is to go ahead with an application to the Supreme Court to appoint a legal guardian for Lize Venter irrespective of whether her mother is found or not.

The Department of Internal Affairs must find Lize's mother to be able to racially classify Lize Police are also trying to trace Lize's family

Mr Barlow yesterday said he planned to bring his application early next week before the Supreme Court as a private person on the grounds that the Supreme Court is the upper guardian of all children and was as such an interested party itself

He said Lize would need legal representation on issues such as her racial classification

He said if the application was granted the Supreme Court might have to decide who they would appoint

Mr Barlow said his paramount interest was in Lize's well being. He would also attempt to enlist other bodies such as Child Welfare to strengthen his case

City Press

From Page I

The white Zulu wife

238

31/7/13

Miss Brookes, her lover and their child driven away.

Police had to lock arms to open a passage through which the car passed.

But the car took five minutes to travel about 30 metres, being constantly stopped by the milling crowd.

The crowd cheered Tandi, the couple's child as she waved like royalty from the car window.

In sentencing them, the magistrate said he had studied the social welfare report on Miss Brookes and had found no mitigating circumstances in the case.

Miss Brookes' sister had been convicted under the Immorality Act, and she well understood that it was wrong to cohabit with a black.

Sgt Kumalo was a policeman who knew well what the penalties were, and in addition was married to a respectable member of his own race.

However, five months later the Appeal Court set aside their sentences. The court found that it had not been established that Miss Brookes was a white in terms of the Act.

Miss Brookes returned to Dube and her black sergeant. Twenty years later they are still together.

238



Love finds a way — over the border

BY CHRISTINA
PRETORIUS

A YOUNG couple — one of them white, the other an Indian — flouted the ban on mixed marriages in South Africa when they crossed the border and were married in Bophuthatswana this week.

Maria Sardinha and Gavin Perumal were married on Wednesday in a town not far from Rustenburg.

"I understand that what we are doing is probably seen by many as being unlawful," said 21-year-old Mrs Perumal. "But we intend to live as any other married couple."

The Perumals were on a three-day honeymoon at Sun City. They intend settling in Durban.

Although they were unwilling to discuss their relationship, Mrs Perumal said she and her husband had

known each other "for a long time" before deciding to marry.

They refused to reveal details of their plans for the future.

"Things have been difficult enough as it is," said Mr Perumal.

He said he realised they were taking "a brave step in marrying, and hoped they would not encounter any problems in South Africa."

"If this happens, I imagine we will have to consider leaving South Africa for good. But we haven't considered that yet."

"Right now all we want is to enjoy our honeymoon and our future life together," he said.

● The Perumals at Sun City. "We intend to live as any other couple," they say. Picture DOUG LEE

Throwback:

□ Sandra Laing, who was born to white parents but was forced to leave white schools because of her darkening skin colour. Her life see-sawed between racial groups. She eloped with a black man, who became the father of her two children, one of whom, Elsie, is pictured here with her.



THE MYSTERY parents of dark-haired little Lize Venter could be a white couple whose genetic heritage gave them a dark-skinned daughter — what laymen call 'a throwback'.

And that might explain why the tiny infant was dumped in a Pretoria suburb a mother, or a couple, terrified of the social repercussions of bearing a dark-complexioned baby in a white society.

"The idea of a throw-back is non-scientific," Professor P Beighton, head of the University of Cape Town's department of human genetics, said this week.

"But genetically it is certainly possible for white-skinned parents to give birth to dark children."

Most speculation has been that Lize was abandoned because her parents were from different racial groups and feared prosecution under the Immorality Act.

But there is also a possibility that she is one of the many South Africans for whom the combined genetic pools of their white parents might produce a child of darker hue.

In non-medical circles this phenomenon has been dubbed a 'throw-back' — living proof that somewhere along the line one of them had what some South Africans like to call 'a touch of

the tar brush'

Theoretically, the intermingling could take several generations to show itself, but the farther down the family tree the less chance of it suddenly appearing.

Of course, in Lize's case nobody knows — and it is a question which may never be answered if police do not find the biological parents of the foundling.

But the mounting controversy over the fate of the baby found with her head in a paper bag has highlighted the prickly problem of racial 'purity' in a society where one's racial classification determines one's future.

Five years ago Dr J A Heese — then a senior researcher in the University of the Western Cape's institute for historical research — stirred up a storm when he found that the racial composition of the Afrikaner was 6,9% non-white.

This racial intermingling

evidently came about when Indian slave women proved irresistible to many of the early white settlers in the Cape, and resulted in Dr Heese's claim that at least four percent of the modern Afrikaners' first maternal ancestors were Indian.

According to Dr Heese, the Snyman, Hegter, Claasen and Basson families all had slave ancestors.

His disclosures, which amazed and upset many Afrikaners, said that

● One branch of the South African Claasen family stemmed from a man and a woman who were both full-blooded Indians.

● Some of the Snyman family in South Africa originated from an Indian father.

● Some of the Hegter family originated from a man who was either a full-blooded south-east Asian or 50% white and 50% south-east Asian.

● Some of the South African Basson family came from an

Indian mother;

● Branches of the Vermeulen, Van Graan and Derrits families came from full-blooded Indian mothers.

● A maternal ancestor of the Vosloo clan in South Africa was probably an Indian and was definitely a slave.

● A branch of the Colyn family probably stemmed from an Indian mother.

Marriages between white men and slave women — who were usually of Indian origin — took place until the end of the 18th century, and the offspring were fully accepted into Afrikaner ranks.

This research was last supported by Professor J Hattings, also of the University of the Western Cape, who traced Afrikaners mixed blood back to a West African woman called Lysbeth who lived in the Cape in the 17th century.

Lysbeth and her partner, Louis van Bengale, could have had about 250 000 descendants, estimated Prof Hattings.

Some of those who resulted from this offspring included President Paul Kruger.

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The hunt continues for little Lize's mother

POLICE are still searching for the woman who holds the key to the mystery of baby Lize Venter — her mother.

Despite appeals to the public to come forward if they know of any pregnant woman who failed to produce a baby, they have had little luck in finding the mystery woman.

If she is found she could be prosecuted following the dumping of the child, but she could provide the answer to the all-important political question of Lize's race.

She could also give the necessary permission for the baby

to be adopted by one of the several couples who have offered to provide her with an overseas home.

The Department of Internal Affairs has postponed Lize's inevitable racial classification indefinitely, and are obviously hoping her mother will be found before it is forced to make a decision.

Although the department has imposed an official silence on the issue, it is understood that the baby will probably be classed in the same racial group as her mother.

However, problems will arise if the mother is white, the baby appears "coloured", and the identity of the father is unknown.

In terms of the Population Registration Act of 1950 every South African is forced into a racial compartment determined upon largely capricious grounds.

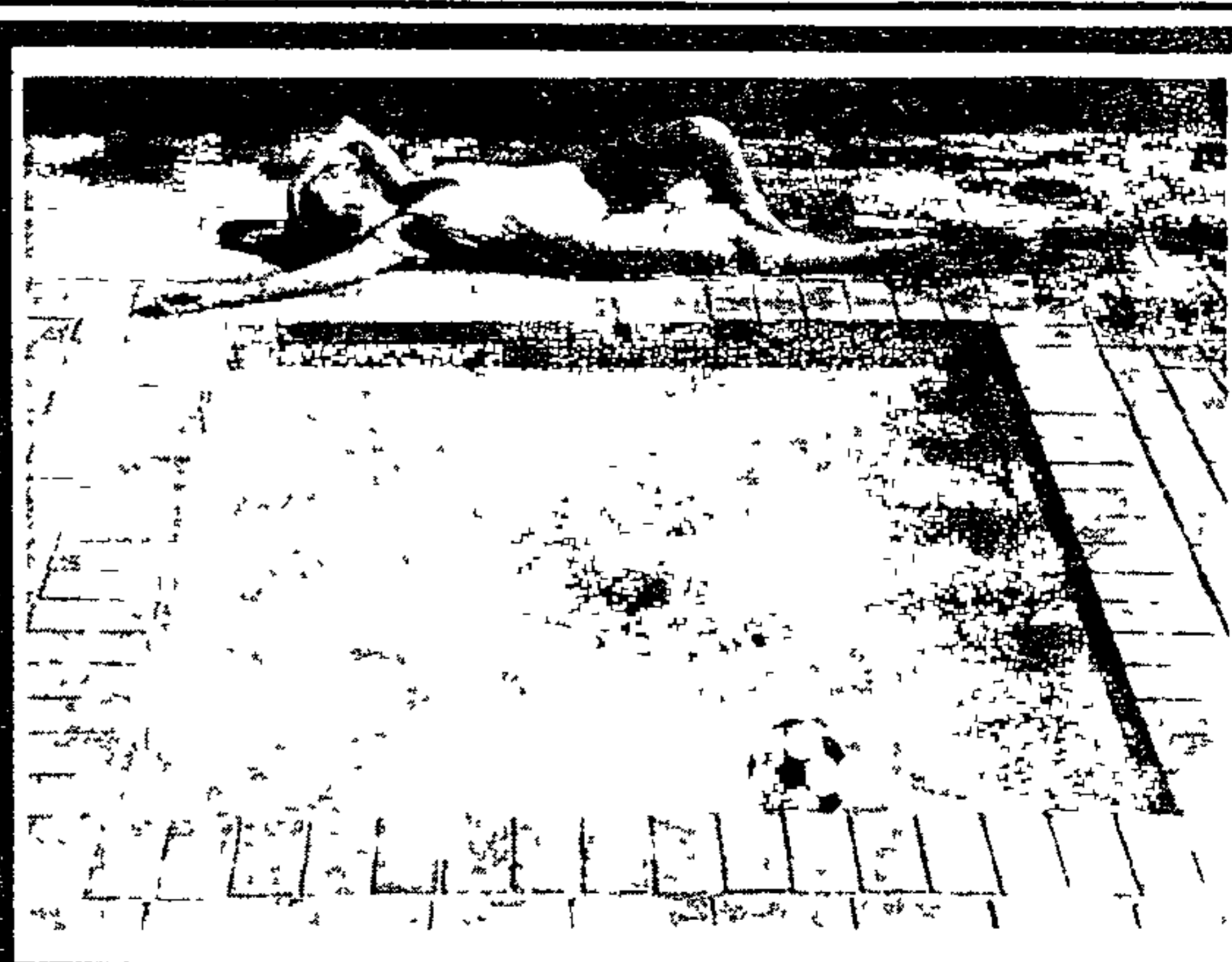
An Act once described by South Africa's critics as the Nuremberg Law, it has caused splits and tragedies in countless families.

In one case a coloured man whose daughter was classified black was forced to employ her as a servant to legalise her presence in his home, while a year later a 20-year-old coloured youth from Cape Town flung himself under a train because South Africa's race laws prevented him marrying his 17-year-old Afrikaans lover.

According to the Act Lize can only be classified white if she "in appearance is obviously a white person and is not generally accepted as a coloured person", or if she is "generally accepted as a white person and is in appearance obviously not a white person".

She can also be classified white if her natural parents are both white, "coloured" if both of her parents are either classified coloured, or one is white and the other coloured or black, or black if her natural parents are both classified black.

Lize's unknown background and tenor mean she could not be classified in terms of some of the other standards provided for by the Act.



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When white parents have dark genes, anything can happen

ger, voortrekker leader Andries Hendrik Potgieter and General Louis Botha, first Prime Minister of South Africa

For the founding Lize, this is more than academic. Her entire future depends on whether officials decide she is white or coloured. Scientifically, it cannot be done — there is no single conclusive test — but politically it must be done.

And socially, for Lize, it may mean the difference between a rich and pampered life in a white community, or a bitter existence in a deprived and rejected community.

One of the most well-documented instances of this was that of Sandra Laing, the Piet Retief woman who was born to white parents but was forced to leave white schools because of her darkening skin colour.

She was forced to live in a social vacuum as her life see-sawed between racial groups and her frantic mother and father submitted sworn affidavits that they were her natural parents.

At 15 she again became embroiled in South Africa's race laws, when she eloped to Swaziland with her black lover, Mr Petrus Zwane, in January 1971.

The couple were arrested three months later as illegal immigrants and handed to the South African Police.

Sandra spent three months in a Carolina jail. Mr Zwane was there for a month and the couple were warned by a Carolina magistrate they would have to part.

Their two children, Henry and Elsie, could be sent to a coloured orphanage, said the magistrate.

Sandra then applied to be reclassified black, but this move was blocked by her parents, Abraham and Sammie Laing.

Eventually she was reclassified coloured, and managed to keep her children. If she had not, they could have been placed in the same orphanage which might await little Lize Venter.

In between, Sandra had moved to the East Rand coloured township of Geluksdal, where a chronic housing

shortage forced her to lodge with a sympathetic family.

She was still there 18 months ago, but today she is understood to be living quietly in a black township in the area.

Those who know her describe her as so numbed by her mind-scarring experiences she is unable even to describe her feelings about them.

Often it is the parents who cannot take the strain, and in one case a white father — shattered by the gossip that broke out when he and his white wife had an apparently coloured baby — shot his wife dead before killing himself.

He left behind an infant orphaned by the sharp tongues of prejudice.

In another tragic racial mix-up more than two years ago a black baby was born to an all-white family of religious Jews in the ultra orthodox Israeli town of Bnei Brak.

Infidelity on the part of the young mother was immediately assumed, the child was put up for adoption, and divorce proceedings were instituted.

It was only later that concerned relatives, investigating the history of the husband, were told by his broken mother that she had been raped by a black man in America a month after her own marriage.

Distraught about the resulting pregnancy, the new grandmother had planned at the time to kill both her baby and herself.

She had failed to carry out this decision because the baby had appeared white at birth.



● Lize Venter asleep in the arms of the sister after whom she was named, Salina Venter. Lize's case highlights the issue of racial 'purity'.

LIZE Venter's immediate future is clear — she will remain in the white Pretoria West Hospital until somebody in the seat of the State bureaucracy gives her a racial label.

It is a process which could take years, as there is no reliable scientific test to determine race.

Meanwhile, as local and international concern mounts over the fate of the infant found suffering from double pneumonia with her head in a paper bag, the Department of Internal Affairs is frantically trying to drop the political hot potato of her ethnic classification.

Despite police forensic tests which claim to have established Lize's race as coloured, the department has still to give her the official tag — which will determine where she will live or attend school.

Late this week the department clamped down on news of the baby and denied having asked the SAP laboratory to carry out the controversial and discredited hair test.

Yet informed sources have made it clear that Lize will remain in hospital until she has been classified.

It is understood their main concern is that a rushed decision now might lead to traumatic reclassification later.

Row threatens reform plan

THE political reverberations over race row baby Lize Venter could erode necessary coloured support for the government's controversial constitutional proposals.

The government has been soft-peddling on traditional hardline apartheid — not enforcing the Group Areas Act in areas such as Hillbrow, Yeoville and Berea for example — to keep coloureds on its side.

Coloured Labour Party leader Rev Allen Hendrikse, whose party's support is a key element in the constitutional plans, said the hair test carried out by the South African Police had caused the country damage internationally.

If hair were used to classify race, more than two-thirds of South African whites would have to be classified coloured, he said.

The test found little Lize to be 'non-white' on the basis of a strand of her hair.

The basis for the test was that the cortex of a black person's hair does not show the green, red and yellow colours exhibited by caucasian hair.

The method was slammed by Johannesburg trichologist Mrs Francoise Gibrat on the grounds that Lize's hair was still embryonic and would not develop a core until she was at least six.

Meanwhile, the Department of Internal Affairs has denied asking the police forensic laboratory to conduct the hair test to determine Lize's race.

The chief of the SAP's forensic department, General L. Neethling, said the test was done to narrow down the field in trying to find Lize's parents.

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After twenty years she is still with her black policeman.

Regina choose to live as a Zulu wife

Q38 City Press 31/7/83

HOLDING her colourful child on her hip, the 22-year-old white woman bowed her head, and speaking softly in fluent Zulu told a packed Johannesburg Magistrate's court that she would rather live as a black than as a white.

The date was November 22, 1954, and Regina Elizabeth Brookes was appearing under the Immorality Act charged with living with police Sergeant Richard Kumalo, 30, in Dube

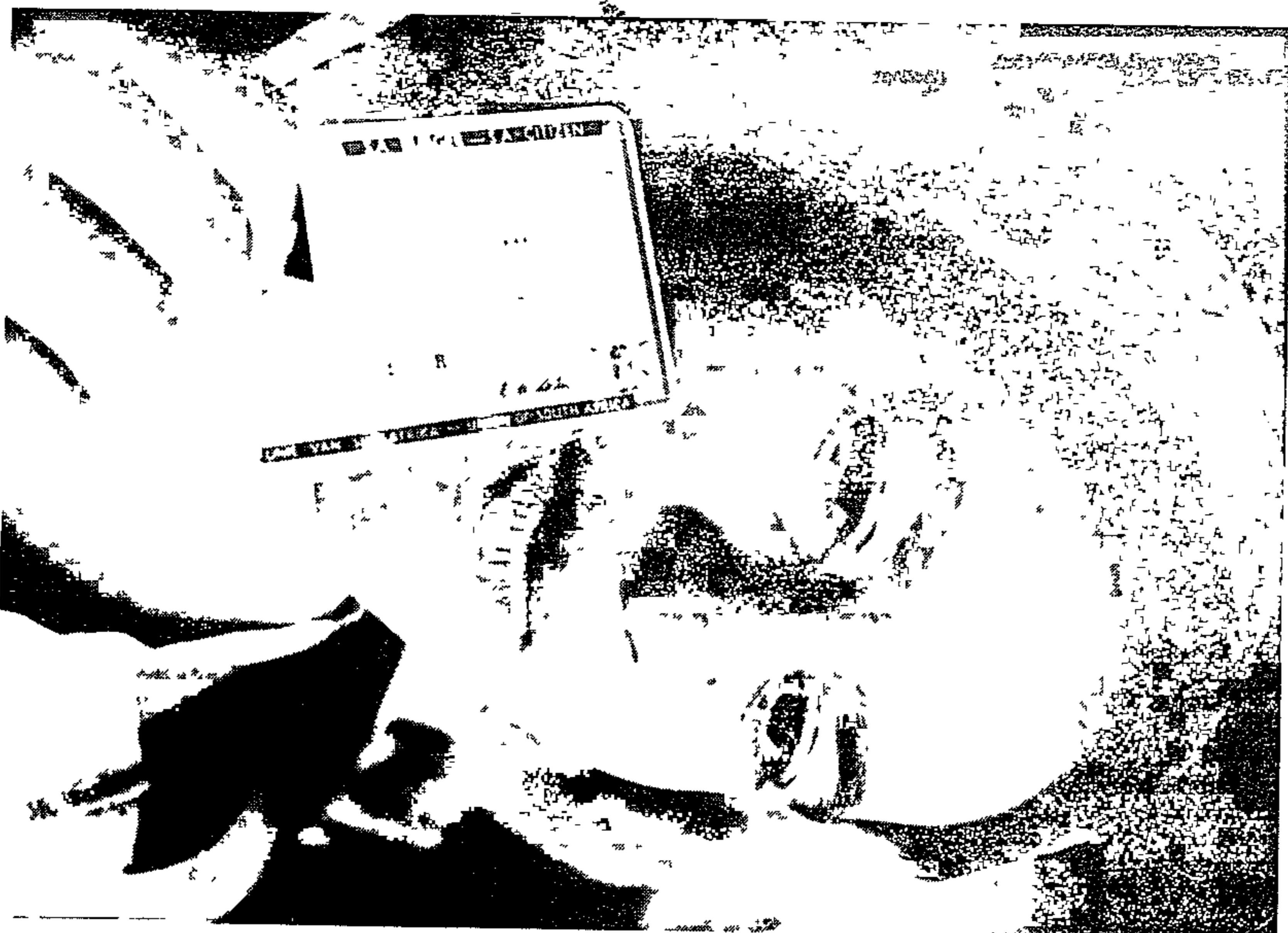
Contempt

Blacks and whites craned their necks in the court to hear Miss Brookes' evidence, as her child on her hip kept saying "hello" to the magistrate in Zulu, and reprimanding the interpreter by shaking a baby finger in his face.

Miss Brookes told the court of her early life. She said that when she attended a white farm school, none of the other children would play with her.

"They showed contempt for me, and now and again beat me. It was because my sister had a coloured child, and the parents of the other children told them not to play with me."

She left home when she was seven, and went to stay with her sister's husband on a farm in the Free State. Her sister had one child by her husband, and two coloured



Regina Brookes... none of the white children at school would play with her.

children, she said. Her sister was arrested twice with an African under the Immorality Act. Both arrests took

place in the Free State. Miss Brookes said she used to play with black children on the farm, and had no white girl

friends. Sometimes she slept at home, and at times with black girls in the African villages.

"I have never been in a European bistro, nor have I been to any hotel or travelled on a European train. I went to town only about once a year."

"When I grew up and began to go out with boys, they were all black boys."

She said there were no white visitors at her brother-in-law's farm. She used to have black visitors, but her brother-in-law would not allow them in the house if he was there. On such occasions she entertained her black boy friends in the maid's room.

She once had a white boy as a friend when she had been on holiday with her mother at Richards Bay.

Customs

The Africans gave her the name of Mlinga (one who tries), and she accepted this as her name. Miss Brookes said she had adopted African customs and used to weave mats, brew African beer, grind corn, and take part in tribal dancing.

"I lived on African foods, and attended African ceremonies and customs."

"It was at a black wedding that I met Richard Kumalo and fell in love with him. Shortly after-

ANOTHER in City Press' series on outstanding Immorality Act cases.

This week DES BLOW writes of the white woman who considers herself a Zulu and is still living with her black husband.

Next week: The Act that kills.

wards I went to live with him at Dube."

She told the court that she regarded herself as an African and that blacks accepted her as one of their own.

Asked how she would prefer to live, she answered "I would prefer to live as a Zulu person."

Miss Brookes said she was not prepared to dress as a white, and preferred to dress as an African woman with a doek on her head. She said that only blacks with money dressed like whites.

Mr Frank Kumalo, a Zulu teacher, said that Miss Brookes spoke Zulu as well as he did, without any trace of any accent.

The trial captured the public's imagination. Hundreds of people gathered at the court

when the case was resumed the following day. Miss Brookes arrived with her child strapped to her back. The crowd became so noisy that the court could not proceed. The magistrate ordered the court to be cleared. The crowd then congregated in the corridors and obstructed the entrances and exits.

Eventually extra police were sent and the crowd was shepherded out of the building.

Cross-examined by the prosecutor Mr J S P Kuhn Miss Brookes said her mother was dead. She had a number of brothers and sisters.

Unique

The magistrate, Mr R M Harrogh found the couple guilty as "it is obvious that Miss Brookes is a white person."

It was, however, a unique case and one of the most difficult he had dealt with, he said.

He postponed sentence for four days as he wanted a social welfare report of Miss Brookes.

Mr Kumalo was allowed R50 bail, and the vast crowd which had now swollen to a thousand outside the court, collected the money for his bail.

Four days later she and Sergeant Kumalo were each sentenced to four months imprisonment.

Two Flying Squad cars had to be called to control the crowd of a thousand who came

To Page III

STILL TIME TO PICK UP R1 000
Page III

18-YEAR-OLD BRENDA IS THE NEW SHOWBIZ SENSATION

A JOHANNESBURG woman walked up Linksfield Ridge in search of proteas and came on a small black car perched in an isolated place. Its motor was running, and she saw a rubber tube stretched from the exhaust to the window. Apprehensively she went forward.

She knew that in the car she would find someone who had taken their own life. She pulled out the rubber hose and opened the door. Perhaps there was still time.

In the front seat was a man in pyjamas. Besides him, as if she had fallen from his arms, was a baby girl. They were both dead.

The woman fainted. When she recovered, she ran down the hill to call the police.

'Fine officer'

Why had this man killed himself and his year-old daughter?

The answer can be told in two words: "IMMORALITY ACT."

It is the Act that kills.

The man was a Johannesburg fire officer, and was described by his chief "as a fine officer, a man who lived a decent life, and loved his family.

"I would lay down my life that this man was innocent of the charge against him. We, his comrades, are convinced that he would not have been convicted."

But fire officer X had decided that he could not face the shame and humiliation of appearing in court on such a charge and facing the publicity, the cold faces of people who had been proud to know him.

Leave taint

He no doubt knew that even an acquittal would leave its taint on him . . . that years later they'd still point him out. He also knew his wife and three children would suffer, two small boys and a year-old girl.

So he took what some people call the easy way out. The saddest thing is that he gathered up his child and drove up the hill to meet his Maker.

This he preferred to meeting his fellow men.

The Act that kills

238
City Press
7/8/83

This week Des Blow deals with the Immorality Act as the Act that kills, and lists some of the tragic suicides that it caused.

Perhaps he took the child because he never wanted her to hear of the "crime" he was alleged to have committed.

And what was this crime?

Even the police did not believe he would have been found guilty.

The man had been to a

party and the driver had dropped him from his car. He was drunk and went down a lane, entered a backyard and saw a light. It was a servant's

room. He blundered in and she began to shout.

The householder came out and saw the man emerging. He detained the man and called the police.

Fire officer X was charged on suspicion of an offence under the Immorality Act.

The Immorality Act had been amended in 1957 so that it was not vital to prove an arrested couple had had sex. It was sufficient to prove that they were together in suspicious circumstances.

The Immorality Act has led to scores of suicides, loss of careers, and other tragedies.

Yet although the Act carries such a stigma, it is not a crime anywhere else in the world. It is only a crime in South Africa, one that is normally committed by ordinary, decent human beings and not hardened criminals.



The shame of the Immorality Act suicides
Page 11

P.T.O

White man charged with unnatural offences

9/8/83

238

J. Mearns
Court Reporter

A WHITE man pleaded not guilty in the Port Shepstone Regional Court before Mr M P Tomlinson yesterday to a charge of committing sodomy with a black man



Mr Maartens yesterday

He also pleaded not guilty to three other counts of unnatural sexual offences with black men

Mr Charles David Maartens, 32, a former employee in the Bantu Commissioner's office in Port Shepstone, was charged with having unlawful and unnatural sexual intercourse with a man.

Defence counsel Mr D P Kent made an application for members of the Press and public to be excluded from the court proceedings. The application was refused.

The first complainant told the Court he went to the Bantu Commissioner's offices in September last year to apply for workman's compensation after being injured.

Evidence was that during the lunch hour Mr Maartens drove the man to an isolated spot at Albersville near Port Shepstone where he committed sodomy, telling the man he should co-operate if he wanted his workman's compensation money.

On another occasion two weeks later the complainant returned to the Bantu Commissioner's office and the accused again took him to a deserted area at Spillers, near Port Shepstone, where he committed an unnatural act on the man.

The hearing continues

With no scientific basis to race classification laws, all you need do is . . .

Say: 'Ek's 'n Hotnot baas' and you're it!

238

C. Herald 13/8/83

FIVE years after World War 2 when the horrors of Nazi racialism were dying, South Africa introduced the 1950 Population Registration Act which ensured the dominance of one racial group over the others and separation of the races.

South African racialism did not lead to concentration camps (but homelands), or to yellow stars (but pass-books), but as with all officially condoned or legislated prejudice throughout history it has caused not only untold misery but bizarre contradictions that make a laughing stock of the laws and their governors

Professor John Dugard, director of the Centre for Applied Legal Studies at the University of the Witwatersrand and an internationally-respected legal academic, notes that the Population Registration Act of 1950 is "the cornerstone of apartheid"

"The South African legislature is undaunted by the failure of the geneticist and the anthropologist to compile a complete grouping of people along racial lines and has constructed a racial classification scheme based on the criteria of descent, appearance and general acceptance," he writes

DEFINES

The Act itself, which has frequently been amended to prevent loopholes, defines race as

□ A white person is one who, "in appearance obviously is a white person and who is not generally accepted as a coloured person, or is generally accepted as a white person and is not in appearance obviously not a white person."

□ Provided that "a person shall not be classified as a white person if one of his natural parents has been classified as a coloured person or a Bantu"

□ A Bantu is a person, "who is, or is generally accepted as a member of any aboriginal race or tribe of Africa,"

□ And a coloured person is one "who is not a white person or a Bantu"

Much of that may sound like gobbledegook to you, but it is taken seriously in the stark offices of the Department of the Interior in Pretoria — and by the people whose lives it can dramatically alter

In deciding racial classification the Department's commissioners, who sit in Cape Town and Pretoria, take into account the person's "habits, education, speech, deportment and demeanour" as well as his social acceptability in the racial community of which he claims to be a part

Thus an apparently little thing, like a man who had been classified black, telling a commissioner, humbly "Ek is 'n Hotnot, baas," was sufficient to get him reclassified coloured Unlike an unhappy compatriot of his who obviously did not strike the right chord

This individual was employed as a coloured bricklayer in Cape Town earning R120 a month Unfortunately for him he was reclassified black Because of job preference for coloured people in the Western Cape he could no longer perform skilled labour, so was demoted to a construction labourer earning R30 a month — and told move out of his comfortable home in a coloured area into a migrant labourers' hostel

Take also the well-documented case of Sandra Laing

Her parents, Mr and Mrs Abraham Laing, both staunch Nationalist, lived in Piet Retief where she attended school, in 1966, when their world came crashing around them

After complaints about Sandra's dark complexion and "crissy" black hair, the school principal contacted the police who removed her from the school

RECLASSIFIED

The re-classification people took one look at the child and classified her coloured After intense legal battles and great publicity, she was reclassified white — but still could not get a school, not even a convent, to accept her

When her father was asked if he ever considered sending her to school in Swaziland, an hour's drive from their home, he replied "That means she would have to go to a multiracial school, and we are not in favour of that"

However, instead of Sandra clutching her white classification gratefully to her dark breast, she ran off with a black man and bore him three children She has successfully applied to be reclassified coloured, with her three children

But the case of Sandra Laing apart, there are yet more difficulties with the Act which have rather sinister overtones

OBJECTING

Professor Dugard notes "Third parties may write to the Secretary of the Interior (now the Director-General) objecting to a per-

son's classification and this may set in motion the machinery for a witchhunt into the racial history of an individual"

One particular individual in the 1950s had always lived as and considered himself to be European He had a good job and comfortable home in Johannesburg However, a school principal made reports about him to the Group Areas Board alleging the man and his wife were coloured

In 1954, the man was classified white, but two years later was charged in terms of the Group Areas Act for living in a white area from 1951 to 1955 The Group Areas Board claimed he was coloured

The accused told the Johannesburg Magistrate's Court, who ordered his name be withheld, that his father was Portuguese and his mother Scottish He produced a copy of their marriage certificate as proof

EXPOSE

However, their accuser told the court he had threatened to go to the wife's place of work "to expose her as a coloured"

He made the threat in writing and in a letter, which was handed into court, he said if he failed in this he would bring pressure to bear on several Afrikaans cultural organisations, who "would influence the women who worked with the accused's wife."

The letter also threatened to "expose the fact" that the "accused's son attended a prominent Johannesburg high school for whites"

The witchhunt did not stop there Witnesses were called from the

Professor Dugard notes "The purpose of the Act is to place each individual in a particular racial group to determine his social, economic and political status

"Both black and white are obliged to be classified in this way, with the result that it is argued that this statutory scheme is an example of differentiation rather than discrimination

"This argument fails to take into account that once classified as "coloured" or "Bantu" a person is automatically relegated to an inferior racial stratum with lesser rights

"This Act is, par excellence, an example of a statute which produces humiliation and a sense of inferiority

"What could be more humiliating than an inquiry into the precise racial mixture of one's parents, the colour of the friend's one keeps, and the extent to which one's hair, fingernails, lips and other physical features inclined toward "Caucasian" or "negroid?"

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C. Herald

B/8/83

238

Exposé

Department of Labour, where the man was registered as a white, and from the out-patients department of the Johannesburg General Hospital where the man had once received treatment, as a white

The court finally ruled that the man and his family were indeed white, in spite of four years of victimisation and harassment by their persecutor and the Group Areas Board

After three years of extremely poor publicity by journalists who covered the race classification hearings, the Government barred further media coverage and ever since hearings have been held behind closed doors — which to a large extent has helped ease public conscience

The two race classification boards in this country consist of three members under the chairmanship of either a judge, retired judge, or magistrate. The Department of the Interior, however, refuses to divulge any more details about the activities of the board and its members than is already contained in the Act

238

Hansard 19/8/83
Marriage officers prosecutions
Q. 61 1925
26 Mr S S VAN DER MERWE asked
the Minister of Justice



AUGUST 1983

1926

- (1) whether any marriage officers have been prosecuted under the Prohibition of Mixed Marriages Act, No 55 of 1949, if so, how many since the promulgation of the Act.
- (2) whether any persons have been prosecuted for making false statements to marriage officers in terms of section 4 of this Act, if so, how many since the promulgation of the Act?

238
 26 Dr M S BARNARD asked the Minister of Law and Order
 Foundling Lize Venter
 13/8/83
 1876
 Hansard Q.611

Whether any members of the South African Police recently conducted tests on the hair of the foundling Lize Venter, if so, what (a) was the purpose and (b) were the results of the tests?

†The MINISTER OF LAW AND ORDER

Yes

(a) Because the determination of the founding's racial group would have facilitated the tracing of her natural parents, scientific tests were conducted in an attempt to ascertain her racial group

(b) That the founding does not descend from the negroid or caucasian race, but that she is of mixed parentage

Dr M S BARNARD Mr Speaker, arising out of the reply of the hon the Minister, is he aware of any forensic test by means of which the race of a young infant like this can be determined?

†The MINISTER Mr Speaker, I do not have the knowledge required to give the hon member an adequate reply to that I can only give the information supplied to me as the reason why these tests were done, i.e. in an attempt to find the baby's natural parents. It is very important to try to find the parents

†Mr G B D McINTOSH Mr Speaker, arising out of the hon the Minister's reply, can he tell us who asked his department to institute this investigation?

†The MINISTER Mr Speaker, I do not know who made the particular request. As far as I know, the founding was found in the veld and was taken to hospital. There the baby was further taken care of by the staff. Naturally the circumstances were brought to the attention of the S A Police. As a result of the joint efforts of officials of different departments an investigation was eventually instituted. I do not have any more information. It is the duty of all responsible officials to try to find the natural parents of this child

AUGUST 1983

1876

Foundling Lize Venter

*27 Dr M S BARNARD asked the Minister of Health and Welfare

(1) Whether any officials of his Department conducted medical tests on the foundling Lize Venter, if so, what (a) was the (i) nature and (ii) purpose and (b) were the results of the tests,

(2) whether she is still in hospital, if not, where is she at present, if so, (a) when and (b) where will she be placed?

The MINISTER OF HEALTH AND WELFARE

(1) No,

(2) yes, (a) and (b) the Department of Health and Welfare will approach the children's court within fourteen days to issue a placement order for the child. Her placement rests with the court

Dr M S BARNARD Mr Speaker, arising out of the hon the Minister's reply, can he suggest any medical test that can be done to determine the race of this infant?

†The MINISTER Mr Speaker, these tests are all done by the laboratories of the S A Police

Dr M S BARNARD Mr Speaker, will the hon the Minister then agree with me that if the parents of this child cannot be found and if its race cannot be determined, she will remain raceless?

†Mr H E J VAN RENSBURG Mr Speaker, further arising out of the hon the Minister's reply, can he tell the House whether these tests will have to be carried out in future to compile the new voters' rolls for the three Chambers of Parliament?

Blue Hole area, Port Elizabeth

*28 Mr D J N MALCOMMESS asked the Minister of Transport Affairs

1877

WEDNESDAY, 17 AUGUST 1983

1878

(1) Whether the South African Transport Services have recently renegotiated or altered the lease of the Blue Hole area near Port Elizabeth, if so, (a) for what period of time was the lease granted and (b) what is the annual rental,

(2) whether the lease was put out to tender, if not, why not,

(3) whether any nature conservation bodies were consulted before the lease was signed, if so, which bodies, if not,

(4) whether the South African Transport Services have been requested to make details of the lease known to any nature conservation bodies, if so, to which bodies,

(5) whether they complied with this request, if not, why not,

(6) whether he will make details of the lease available to the public, if not, why not, if so, when?

†The MINISTER OF TRANSPORT AFFAIRS

(1) Yes, the existing contract which could have continued indefinitely, was amended

(a) 25 years with effect from 1 January 1983

(b) R180,00 per annum for the first year after which an escalation clause comes into effect

(2) No. The existing contract was only amended

(3) No

(4) Yes. The Zwartkops Trust

(5) Yes, in that only details which could have been of interest to the Trust were disclosed

(6) No. It is customary not to divulge in-

formation concerning business transactions with our clients

*29 Mr A B WIDMAN—Environment Affairs and Fisheries—Reply standing over
 Licence to fly
 Johannesburg—Pretoria route

*30 Mr M A TARR asked the Minister of Transport Affairs

Whether he has received any representations concerning the granting of a licence to a certain company, the name of which has been furnished to the Minister's Department for the purpose of his reply to fly the Johannesburg—Pretoria route, if so, (a) from whom and (b) what was (i) the nature of the representations and (ii) his response thereto?

†The MINISTER OF TRANSPORT AFFAIRS

Yes

(1) (a) Mr D P A Schutte, MP and Mr G B D McIntosh, MP

(b) (i) Mr Schutte professed sympathy with the existing air carrier and requested me to intervene and redress the matter.
 Mr McIntosh's standpoint was that an entrepreneur such as the existing air carrier should not be deprived of his business for statutory or bureaucratic reasons and that the principles of natural justice should prevail

(ii) Applications for air carrier licences are considered by the National Transport Commission based on criteria prescribed in legislation. I cannot intervene in decisions of this statutory autonomous body and should the Commission not act in accordance with the

The Immo Act finally took on the face of the silly season: it was the time when a white Drum magazine photographer was picked up by the cops for taking pin-up pictures of a black lass alone on a mine dump; when white men feared to take their domestics in their cars — and if they did, she always took the back seat.

It was also a time when the Act itself was turned inside out and used for evil. . . Now read on:

THE Immorality Act introduced by the Nationalists to keep the Afrikaner "pure" was soon seen by prostitutes as a means of blackmail to get more money from would-be clients.

Unscrupulous underworld characters are also alleged to have set up people on framed charges of having sexual relations with a member of another race.

It is not known how many respectable people may have been blackmailed in this way, but there have been cases where blackmail has been proved and the man has been acquitted.

However, his name has been ruined because of the publicity which accompanied the charges, and people are always inclined to believe that where there is smoke there must be fire.

Because of an amendment to the Immorality Act in 1956 which meant that it was not necessary to prove that sex had actually taken place between two people, but that one of the two people had conspired to have sex with the other, it became easy for a woman to allege that a man had tried to have sex with her.

She would lay a charge with the police, and the man would be charged under the Immorality Act.

This meant that there could be a miscarriage of justice.

This did not only apply to black women who blackmailed white men, but a white woman could allege that a black person whom she did not like, or a black employee where she worked, had tried to seduce her, and he would be charged.

It was unlikely that his chances of acquittal

would be very good. A Pretoria magistrate, Mr S J Erasmus, first raised this danger in a regional court when he acquitted a Pietersburg church elder and Sunday school teacher.

Mr Erasmus commented on the differences in the stories of two women who said that the 56-year-old Sunday school teacher had gone to their room on two nights and tried to have sexual relations with them.

By

**DESMOND
BLOW**

In Nigel a coloured man, Ben S, started a racket to get African women to ask white men for lifts, and then to extort money from them by threatening to lay false charges under the Immorality Act.

The racket first came to light when a 33-year-old farmer of Leeuwfontein, in the Nigel district, was brought to court in Springs under the Immorality Act.

It was alleged that he gave three women a lift, and then was intimate with two of them in a plantation.

Applying for the farmer's discharge, Mr Aaron Mendelow QC, for the accused, said that the Immorality Act was a potent weapon in the hands of unscrupulous people who wanted to get a person into trouble.

"It is not uncommon for a farmer to give his servants a lift, and here we have the opportunity of blackmail."

One of the complainants in cross-examination admitted there was "a racket afoot" at Nigel by H. S. to blackmail white men.

When 'black lover' could also mean 'blackmail'

238
City Press 21/8/83

Acquitting the farmer, the magistrate, Mr R E T Reichardt said: "The whole thing is a put up story by the three complainants to get money from the accused."

Later two white men who gave two black women a lift in Nigel were charged in the Nigel court under the Immorality Act.

They told the court that once the women were in the car they tried to blackmail them.

The women told the magistrate, Mr O Cullingworth, that the men took them to a plantation outside the town and had sex with them. They said they had been promised jerseys and shoes, but not money.

While they were in the plantation they saw lights of an approaching car. They ran away and the men drove off.

The women denied that they belonged to a gang of five or six women who went about blackmailing white men.

They admitted they knew Ben S who had told them he knew lots of white men whom he could invite to meet them as they liked black women. He said they should do whatever the men asked them to do.

One of the white men said that while they were driving home two black women stopped them and asked for a lift.

"A mile from the centre of the town I asked them to leave the car, but they refused. They said that unless we gave them R2 each they would make a lot of trouble for us."

Mr E M Park, for the defence, said the women were two self-confessed prostitutes, and were members of an organised racket.

Mr Cullingworth said it would be dangerous to convict the men on the uncorroborated evidence of the women.

Mr Ben S was later jailed for attempting to defeat the ends of jus-

tice.

In Cape Town a judge in the Supreme Court asked for an official investigation to find out how a woman he described as "evil" had been involved with four white policemen in different cases under the Immorality Act, and yet escaped prosecution.

Mr Justice Diemont said this when he dismissed an appeal of a white police sergeant for con-

Tragedy of my race-

By BOETIE ESHAK and CHARMAIN NAIDOO

A YOUNG white woman spoke this week of her tragic love affair across the colour line that ended in the suicide of her jilted Indian fiance.

And she said after hearing of his death this week that the pressures of a clandestine affair lasting three years had forced her to call off their engagement.

When 26-year-old Terence Abrahams accepted that Janet Ebben, 21, was serious about ending the relationship, he hanged himself on Monday in the passageway of his Lenasia home outside Johannesburg using an electric extension cord.

The petite brunette with large liquid eyes calmly explained this week. "I decided it was useless to go through life running and hiding and I knew that things would never work out for Terence and me.

"At first it was exciting because it was illegal — but then I became tired of the running and hiding. We were forced to meet always in the Indian areas where the people accepted me."

She said her family had been against the affair from the beginning and that she didn't blame them.

"I knew I was hurting them a lot by going out with an Indian man. The break was the best decision for both of us," she said.

The couple became engaged 20 months ago in Durban.

They met at a leading hotel in Johannesburg where Terence was employed as a barman.

Members of his family say Terence was infatuated with Janet. He doted on her to the exclusion of family and close friends.

Janet had tried to break off the relationship twice before but he wouldn't accept her decision, she said.

Last Saturday, after being told by Janet that it was all



Kiss-and-hide lovers ... Terence and Janet

Pressure of three-year clandestine affair led to Indian man's suicide

over once and for all, Terence's family noticed that he was deeply depressed.

His oldest brother, Mr Lionel Abrahams, said that after being told the engagement was off Terence had tried repeatedly, but unsuccessfully, to contact Janet by phone.

He spent the rest of the weekend in a deeply depressed state.

On Monday he didn't go to work.

Later in the day, after becoming alarmed at Terence's behaviour, Lionel and another brother, Trevor, went to his house.

His car was parked in the drive but there was no reply to their knocking or calling at the locked door.

Hanging

They forced their way in and found their brother hanging, already dead, in the passageway.

Before hanging himself Trevor had written several notes, some on the backs of photographs of Janet and himself in happier times which were found in his pocket.

One of the notes stated simply: "Janet I love you."

Please don't marry again. It won't work out. I know that."

Another stated, "To whom it may concern. Please make sure that Janet is looked after."

"I really don't know how she would take it. It's too late babe. Sometimes a man knows what he wants."

Disappointed

The findings of a post-mortem held at Diepkloof this week were that Terence Abrahams died as a result of hanging. The inquest will be held at a later date but police do not suspect foul play.

But Janet Ebben had the last word: "Terence disappointed me by killing himself."

"It showed that he was a weak man whereas I had always thought that he was very strong," she said.

"I'm really scared now of what people will think of me. I'm sure most of them never expected something like this of me."

"What will I do if I lose my job."

"I still have to pay off my car and my furniture. I'm sorry now that I ever got involved."



Happier days ... the clandestine race-bar couple

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(238) SUNDAY TIMES, August 21 1983 3

bar love

238

The case of Lize Venter, the Pretoria foundling who cannot be racially classified, has made headlines overseas MAURITZ MOOLMAN reports on the continuing saga . . . which is developing into a Catch-22 situation for the Government's policy of racial classification

AS D-day draws closer for Pretoria foundling Lize Venter, the South African Government finds itself in a dilemma concerning racial classification from which there seems to be no obvious escape

The Minister of Health, Welfare and Pensions, Dr Nak van der Merwe, recently told Parliament that Lize's case will come before the Children's Court within the next week

But the court cannot place her unless she has been racially classified and all the while time is running out for the police to try and find Lize's mother

Lize, now about two months old and still in Pretoria West hospital, is — unthinkable — the only racially unclassified human being in this country

Unlike most foundlings, she could not be classified on grounds of her appearance when she was found in a brown paper bag by a black man in tall grass in the white suburb of Hercules, Pretoria, about two months ago

She has still not been classified because her mother cannot be traced

For the Government there seems to be no way out of the dilemma — a Catch-22 situation — unless this happens

According to the Population Registration Act, all people living in — or visiting — this country must be pigeonholed as of white, coloured, black, Indian or "other" descent

The mother's race and background was the only acceptable point of departure in determining race, a Department of Internal Affairs spokesman told the Mail

Police have all but given up in trying to find the elusive mother

The investigating officer at the Hercules Police station in Pretoria is on leave and the case has been taken over by another policeman. So far, he has also failed to make headway in their widely publicised search for the mother

But the Mail has been told by the police that the public has been "highly unco-operative" in their frantic search but that investigations were continuing. They had no leads, they said

However, time is running out for the police, since tests done in their laboratories in Pretoria on a strand of her hair — which found that Lize was neither of "European" nor of "Negroid" descent —

Little Lize's still in a class of her own

was rejected by a hair expert, the medical fraternity and the Department of Internal Affairs

No date has been set for the court case, according to the Department of Health, Welfare and Pensions

A commissioner of a children's court has been quoted as saying that the court never decides on the race of child. In all cases this has already been decided by the Department of Internal Affairs at the time the case went to court

Legal experts are therefore of the opinion that, according to the Children's Act, the magistrate presiding at the Children's Court will have no other legal option but to refuse to place Lize unless her race has been determined.

The Children's Act stipulates that a child has to be placed by the court according to race. The onus thus remains on the police to find Lize's mother

Already moves are afoot by a white couple to adopt Lize, although no application has been received yet by the Pretoria division of the Department of Health, Welfare and Pensions

In the likely event that officials of the department reject the application, the prospective parents are expected to bring an urgent application before the Pretoria Supreme Court to have a curator *ad litem* appointed to see to it that Lize will have a future in South Africa relatively free of the trappings people of "non-European" descent have to contend with

If Lize is classified as coloured without her mother being found, it could cause another international furor because nobody will believe that the decision was not made on the strength of the now totally discredited hair test done by police

- (2) No (a) and (b) Fall away
- (i) There is no prescribed age
- (ii) No steps are being taken at present
- (3) No
- (4) Section 5 of the Population Registration Act, 1950, provides that when a person's name is included in the population register that person shall be classified Normally this takes place as soon as a birth is registered and it is done in accordance with the provisions of the Act The Director-General of Internal Affairs is of the opinion that it is not yet possible, and in the interests of the baby concerned that it would also be undesirable, to attempt to classify her at this stage The circumstances of a foundling whose parents may possibly still appear, and of whom no particulars are available, are complex Apart from classification, decision about adoptive parents or the religious milieu in which foundlings must be placed also give rise to problems In the meantime it is of cardinal interest that the sensitive matter should be accompanied by as little creation of sensation as possible It is essential that we allow those upon whom it is uncumbersome to take decisions regarding this case to do so without being harassed by everyone for reasons other than the interests of the baby My sympathies go out to the baby and my Department will do everything possible in the manner it considers best in the interest of the baby

(238) Howard 26/8/83
Foundling Lize Venter

D. Col. 1961
*1 Dr M S BARNARD asked the Minister of Internal Affairs

- (1) Whether his Department has registered the birth of the foundling Lize Venter, if so,
- (2) whether her race has been officially determined, if so, (a) what is her race group and (b) who determined her race, if not, (i) by what age it is required that her race be determined and (ii) what steps are being taken to determine her race group,
- (3) whether his Department carried out any tests on her to determine her race, if so, what was the (a) nature and (b) outcome of these tests,
- (4) whether he will make a statement on the matter?

†The MINISTER OF INTERNAL AFFAIRS

- (1) Yes
-

POPULATION - Registration

1983 - 1984 -

EOM 238
7/17/83

Foster home for Pretoria foundling

By MAURITZ MOOLMAN

A BABY girl who unknowingly sparked off an international debate on whether or not she was white has now been placed in a foster home

The two-month-old child — who cannot now be named in terms of the Children's Act — was given her home by the Children's Court in Pretoria last Friday after spending her first eight weeks in a white Pretoria hospital

No further details were available from the the Department of Health, Welfare and Pensions yesterday

The child's racial classification caused an international uproar following a police statement which claimed forensic tests on her hair had proved her to be non-white

A spokesman for the department yesterday refused to disclose with whom or where she has been placed, or

her racial classification, in terms of the Children's Act.

The Act prohibits the publication of any information on a child which could conceivably lead to the identification of a child who has appeared before a Children's Court

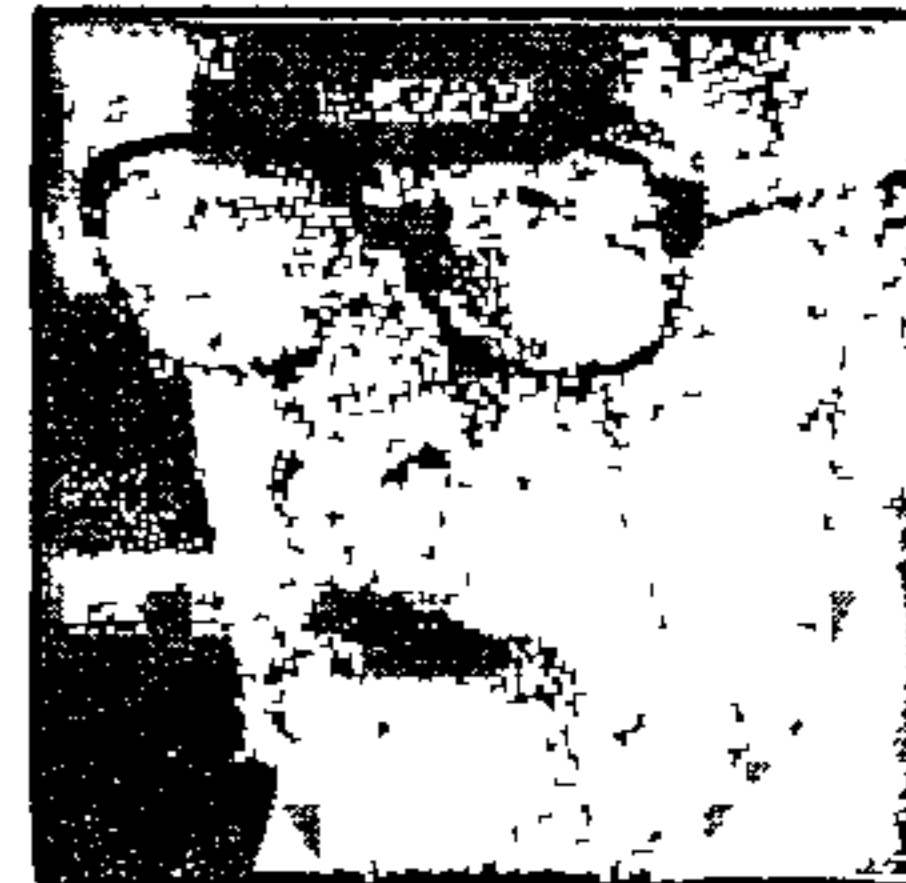
The baby was found in a bag in Pretoria on July 9

A commissioner of a Children's Court has been quoted as saying that the Children's Court never decides on race but only where a child is to be placed after classification by the Department of Internal Affairs

Meanwhile a University of the Witwatersrand lecturer, Mr Graham Barlow, is to make an application with the Supreme Court to appoint a legal guardian for the child.

A white couple has — so far unsuccessfully — instituted proceedings to have the baby adopted

The dorp where tongues wag over a white farmer and a black headmistress



● Mr Cornelius van der Merwe

Citizens turn up in court to hear if the church elder really did axe his 'Ou Dingetje' to death



● Miss Simagela Sibeko — testified on her relationship with Mr van der Merwe

CORNELIUS van der Merwe was a pillar of the Winterton community. He did not miss a church service and took great pride in the little school he managed on his sprawling farm, 'Rustenburg'.

It was at the Glenrust school that he started having a torrid relationship with the principal, Miss Simagela Sibeko.

The affair did not go unnoticed by the conservative Winterton and Estcourt communities and tongues started wagging about the "social activities" of the wealthy dairy farmer.

Their gossip came to a head on the evening of March 31 when Christina Helena van der Merwe, 67, lying fast asleep at their farm, was brutally attacked with a kitchen axe.

She died of brain damage in the Ladysmith hospital the next day.

And this week people flocked in their finery to the Estcourt Circuit Court to find out if Neels van der Merwe had indeed done such a cruel thing to his 'Ou Dingetje' ('Little Old Thing').

Mr van der Merwe, 66, a tall and rugged-looking man, sat huddled in a corner of the dock, constantly weeping and sniffing.

The well-respected farmer and church elder, who boasted about being fourth generation of the Voortrekkers, this week stood accused of murdering his wife.

When medical evidence relating to his wife's wounds were given he covered his face with his large hands and wept.

But when Miss Sibeko was called as a witness he suddenly became enraged.

And as Miss Sibeko stepped into the witness box former neighbours and friends started whispering "Dis die meid, dis die meid".

When she was asked to describe to Mr Justice John Broome her sexual relationship with the accused, Mr van der Merwe desperately tried to grab one of his advocates by the sleeve, whispering "No, no, no".

Miss Sibeko, her back turned to Mr van der Merwe throughout, quietly continued to tell the court how she had met Mr van der Merwe nearly three years ago.

"I first met him when I started teaching at the school. He gave a friend and



● Dominee Willem Conradie

BY LIZ VAN DEN NIEUWENHOF

I a lift to Winterton After he had dropped the friend off, I sat next to him in his truck. He put his hand on my knee and said he was in love with me."

Miss Sibeko became principal of the little school a year later and frequently met Mr van der Merwe on his visits to the school.

"During his visits he would kiss me."

"On another occasion we went to his car. It was about nine in the evening. We were on the back seat of the car and the accused asked to have intercourse with me."

Hesitantly she gave exact details of what they did but some of her words were drowned by the clatter of two of Mr van der Merwe's former neighbours who stormed out of the court in disgust. Others dabbed their eyes with handkerchiefs or looked stonily at their former church elder.

During previous court evidence Mr van der Merwe said he had been impotent since 1960 and Miss Sibeko also testified that during their relationship he was incapable of being aroused.

Dominee Willem Conradie, preacher at the Winterton NG Kerk and close friend of the Van der Merwe couple, testified that the gossip circulating about Mr van der Merwe's affairs had reached his ears.

"But I didn't believe them."

He told the court that while he was on holiday with his family he got a frantic call to come back to Winterton because there had been trouble.

"On our arrival we were told of Mrs van der Merwe's murder. We went to the funeral and shortly after that left for a friend's resort."

Later he received another call from the police.

"They said Neels was in a terrible state, wouldn't I please come and help. I went as a friend. I wanted to help him with all my heart."

Mr Conradie went to great lengths to give an exact account of his conversations with Mr van der Merwe, who

he did such a terrible thing. "I asked him if he did it and he said 'no, no, no'. But then, your Honour, I got this feeling that it was him."

Mr Conradie said that he was told by the police they had a statement from the teacher.

"When I asked him if it was true that he had fiddled with black women, he vehemently denied ever having done such a thing."

He then allegedly told Mr Conradie that to put an end to all the questioning he would tell the detectives he had murdered his wife.

"I went back to the policemen and said that there were great problems and that I would return the next day. The next day he was 'stukkend' (broken). He said 'Brother, it was me who hit Ou Dingetje to death.'"

"He said how could I think

In a quivering voice and with tears in his eyes, Mr Conradie said Mr van der Merwe then confessed he had hit her on the forehead with a meat axe and then threw the axe in the farm dam.

He told of the argument they had on the way back from 'nagmaal' (communion) the night he had assaulted her.

"It was all to do with him being a church elder and of the affairs he had with women even black women."

"He said that she demanded he resign from all the church committees he belonged to or she would leave him. It was all so sad. To me they appeared to have had such a happy marriage," said Mr Conradie.

Judgment will be passed this week.

NOTE CAREFULY

- 1 Enter at the top of the question paper
- 2 Blue or black answers. The answer Red or underlining, which pencil
- 3 Names must be written in graph paper examination

Any dishonesty

Made in South Africa

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Tiny 'Tanya' is yet another thorny race problem...

238
S-Express
18/9/83

By AMELIA DE STEFANO

THE tiny infant 'Tanya', found abandoned next to the Malvern railway line 10 days ago, is a Lize Venter Mk II — but this time the authorities are not rushing in to run race classification tests

Yet, she could prove to be another thorny issue for the Department of Internal Affairs which, in the handling of baby Lize Venter, caused an international storm in July after she was racially determined as 'coloured' by means of hair tests conducted by the police forensic laboratory

But experts said this was no firm proof of race. She has since vanished into anonymity behind the Children's Act

Now tiny 'Tanya' — lying in her cradle at the Johannesburg hospital — may also prove to be a problem for the authorities, because nobody seems sure whether she is coloured or white.

And the Child Welfare in Johannesburg says she must be classified before she can be placed in a foster home

A police spokesman said that according to investigations, the child was "seemingly" white

After Tanya is discharged from hospital, she will be kept in an adoption home in Johannesburg

The director of the Johannesburg Child Welfare Society, Mr Howard Ferreira, stressed the importance of classifying Tanya, so that she can be legally placed in a foster home.

Authorities last week would not disclose when or how classification would be done

And no one would disclose whether hair tests would be conducted on this foundling as well

An expert in human genetics, Professor Trefor Jenkins, head of the department of human genetics at the South African Institute for Medical Research and the University of the Witwatersrand, said there were no ways of determining a foundling's race apart from the visual appearance.

The concept of race applied to population groups and was not a valid concept for a single individual.

"If I were given a 100 samples from one group I would be able to say what race group they were from, but an individual sample was much harder to identify," he added

MARK

Excelsior

SEVEN MEN AND 15
WOMEN ARRESTED

The case that knocked the Immorality Act

THERE is little doubt that the infamous Excelsior scandal in 1971 embarrassed the Government so badly, that ever since the Immorality Act has been handled low key.

No longer do the cops go out of their way to arrest people on the suspicion that they might be contriving to contravene the law that forbids sex across the colour line.

Today they act only on complaints made to them.

What was so embarrassing to the Government was that Excelsior was a typical little Free State dorp where, without exception, all the 700 inhabitants were Afrikaners. There had been two Greeks, but they left — and the vast majority of the population were undoubtedly staunch Nationalists.

The dusty dorp, 100 kms from Bloemfontein, boasted a cop force of one, yet he zealously arrested seven of the leading white citizens and 15 black women for having sex across the colour line.

The seven included the local secretary of the Nationalist Party. There were rumours

NEXT WEEK: The professor and the doctor

that more arrests were expected.

This news swept the world, and leading overseas newspapers sent out reporters to cover the case.

The charges first hit the headlines in early November 1970 when three wealthy Excelsior farmers appeared in court with 10 black women.

Farmer B (48) appeared with three women aged between 19 and 30, who each stood in the dock with a light-skinned infant strapped to their backs.

Farmer D (28) appeared with two black women aged 21 and 30, the second woman also

appeared with an infant on her back.

But farmer V (38) was the most virile. He appeared with five women aged between 18 and 32.

Two other white men were also charged about that time, Farmer A (42) the secretary of the local Nationalist Party, who was charged with a 40-year-old black woman, and Mr C (51) a local butcher and town councillor.

The following morning Mr C shot himself.

He left a widow and a son who was at medical school.

Five days later a sixth white man ap-

peared in court. Farmer S (45) who was charged with one woman, and two days later another farmer, Mr N (20) was also charged.

He was the only unmarried man among the seven. The others all had families, and he was remanded in the custody of his parents.

Later the charge against Farmer N was withdrawn without explanation.

On November 19 the tiny Excelsior court was crowded as the 18 accused — five white men and 13 black women appeared in court for remand.

Included among the women was the 22-year-old girl who had been charged with Mr C who had shot himself.

There were gasps from some of the spectators when seven of the accused women appeared with babies

strapped to their backs. At this time all the men had been released on bail, but the women had been imprisoned because they could not raise R50 each.

However, the defending attorney, Mr L C van der Walt, who appeared for three of the men, arranged for the bail for five of the women charged with his clients to be paid.

The people who crowded the court were mostly journalists and people from out of town. The local people withdrew behind their lace curtains.

"We don't like to pry when our own people are in trouble," one man said.

The secretary of the Nationalist Party, Mr B who was one of these charged, said in a Press interview "I'm too busy to worry much about the pend-



ing trial. Fortunately I have the most loyal wife. She believes in me."

He said his four children had not been treated differently in the town since his arrest. His one son had been made head boy at the school.

One of the two attorneys defending the men, Mr Andries Lombard, who was also the mayor of the town, said "I know these people. I believe in them."

People in the town denied it was the Government of the Free State. They said they were no different to any other Free State dorp.

A Nationalist MP in Bloemfontein said, "Punishment is not going to end this sort of thing, which is rooted in human nature. The Act should be scrap-

ped." In February 1971 the one hotel in Excelsior was booked out as journalists from all over the country and from overseas, and the Bloemfontein Regional Court all moved to the tiny dorp for what was to have been three weeks of sordid details, as the trials were to be spread over 21 days.

But minutes before the first trial was about to begin, Dr Percy Yutar, who was then Attorney-General of the Free State announced that all charges against the 19 accused had been withdrawn.

Dr Yutar said that he was doing this "because it is clear that witnesses were no longer willing to give evidence in the trials."

Some of the acquitted farmers spoke to the Press

238

city Press
18/1/83

No rush to classify Malvern foundling

By AMELIA DE STEFANO

JOHANNESBURG — The tiny infant "Tanya", found abandoned next to the Malvern railway line 11 days ago, is a Lize Venter Mark II — but this time the authorities are not rushing in to run race classification tests

She could prove to be another thorny issue for the Department of Internal Affairs, which caused an international storm in July in the handling of baby Lize Venter, who was racially determined as "coloured" by means of hair tests conducted by the police forensic laboratory.

Experts said this was no firm proof of race. She has since vanished into anonymity behind the Children's Act.

Now tiny "Tanya" — lying in her cradle at the Johannesburg Hospital — may also prove to be a problem for the authorities, because nobody seems sure whether she is coloured or white.

After Tanya is discharged from hospital she will be kept in an adoption home in Johannesburg.

The director of the Johannesburg Child

Welfare Society, Mr Howard Ferreira, stressed the importance of classifying Tanya so that she could be legally placed in a foster home

Authorities last week would not disclose when or how classification would be done

And no one would disclose whether hair tests would also be conducted on this foundling

An expert in human genetics, Professor Trefor Jenkins, head of the Department of Human Genetics at the South African Institute for Medical Research and the University of the Witwatersrand, said there were no ways of determining a foundling's race apart from the visual appearance

The concept of race applied to population groups and was not a valid concept for a single individual.

"If I were given 100 samples from one group I would be able to say what race group they were from, but an individual sample is much harder to identify," he added

GUILTY — of being friends

THE prosecution under the Immorality Act of the handsome Wits professor and the beautiful Indian doctor showed two of the most outrageous sides of this most infamous Act

Firstly, although they were found guilty, there was never evidence to disprove that the two people, both intellectuals and cultured, could have been more than extremely good friends with a lot in common

Secondly it showed the sordid side of the Act, not by the relationship between Professor John Blacking, 40, and Dr Zureena Desai, 24, but by the police methods which led to extremes in spying on couples

In this case young constables spied through curtains and climbed a tree to see what the couple were doing

As Dr Desai said from the dock "My guilt is not immorality. My only crime is that I was born with a complexion two shades darker than white"

The tall, handsome professor of social anthropology refused to defend his friendship with the young woman

"The friendship between Dr Desai and I was never surreptitious or sordid. Until there is a law in this country against people being friends, I will continue to choose what friends I please," he said in an unsworn statement from the dock.

Because the couple refused to go into the dock to defend themselves — they said it was against their principles to drag their relationship through such a mire — they were judged guilty

They were given suspended sentences but appealed. The Appeal Court confirmed the sentences, because they had refused to defend themselves.

There is little doubt that but for the fact that the two friends were of different races and sexes, what the "policeman saw from up the tree" would not have raised any eyebrows to anyone but one with a dirty mind

238
city
Des
21/9/83

**THE
IMMO ACT
SAGA!**

By **DESMOND BLOW**

Both Professor Blacking and Dr Desai later left South Africa, the professor to take up an appointment with an American university and the beautiful doctor to live in Scandanavia

No doubt their prosecution which restricted their relationships across the colour line had something to do with this. Anyway their departure was South Africa's loss

Professor Blacking told the court that human relationships were something that concerned only those

involved and those close to them. It was not something to be lustily banded before the world

He said his friendship with Dr Desai had started three years before and had developed into a mature relationship with many shared interests

She had frequently visited his home and had been introduced to friends and neighbours

His wife understood their relationship, but was naturally upset by the scandal stories

Professor Blacking said he had always had friends of all races. He had never chosen friends according to their racial group

"We were arrested for a crime which is not a crime. Blacks arrested under the group areas, influx control and pass laws are also arrested for crimes that are not crimes. Any suffering I have had has been experienced a thousandfold by Blacks"

Dr Desai said her relationship with Professor Blacking was a "beautiful" friendship. "Our relationship was never secretive or sordid — Professor Blacking spoke the truth."

nks in curtains during their investigations

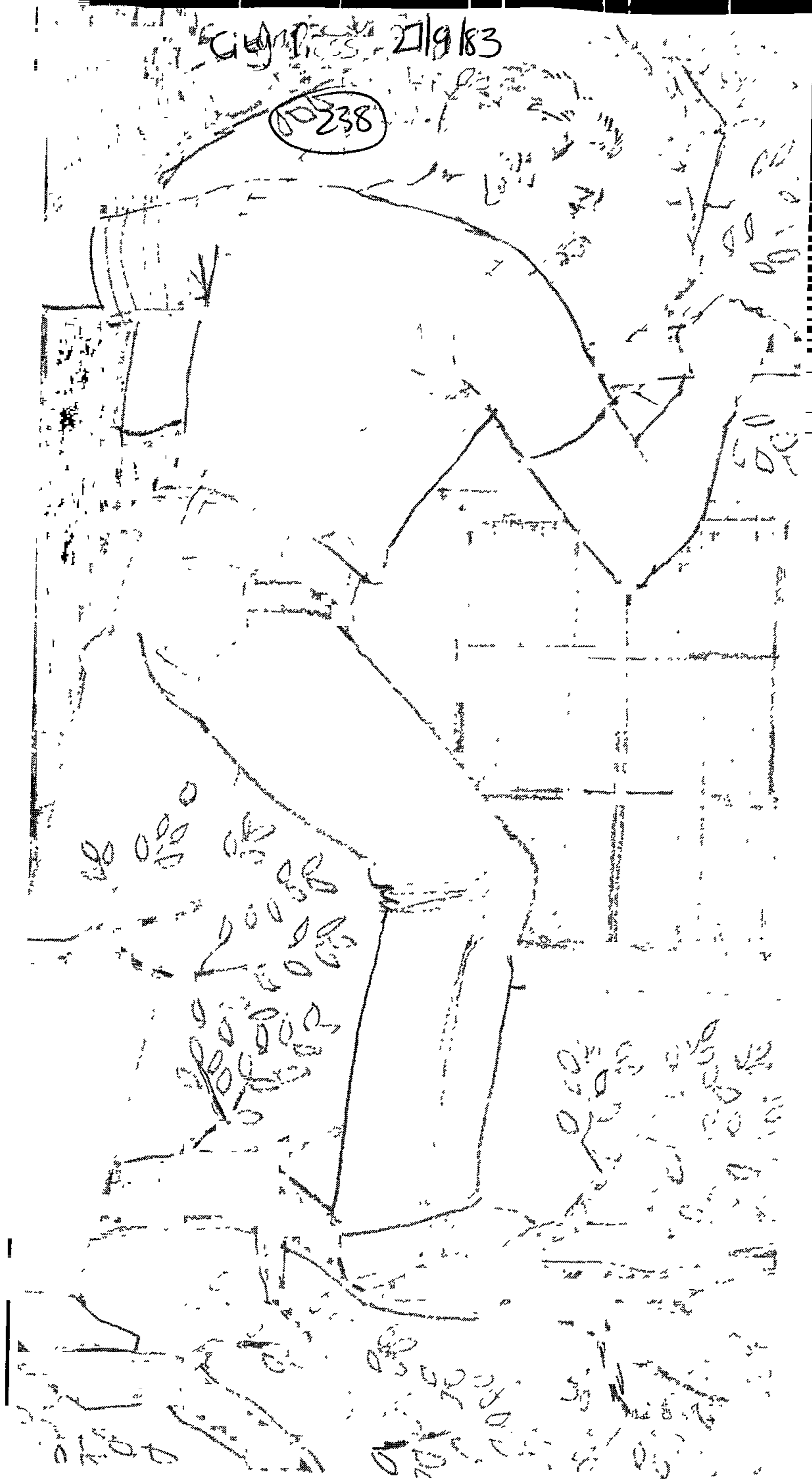
They had also taken Dr Desai and Professor Blacking to a district surgeon for tests to see whether sex had taken place. These had proved negative — sex had not taken place

Constable A W Olivier said that on the evening of January 10, 1969 he went to a house in Swansea Road, Parkwood, accompanied by Constable I C Meyer

He entered the property through the sanitary lane and stood among the fruit trees for about half an hour. The lights in the lounge and porch were on and the front door was wide open

He said he could see into the lounge. Professor Blacking was sitting on a chair. Dr Desai was on his lap. Her left arm was around his neck and the professor's right arm was around her

The constable said he saw the professor bend down and kiss her. He said he went to a small window in the dining room and watched them through the window. Dr Desai drew the curtain but there was a chink through which he could



● The cop peered through the fruit trees into the window, and saw the professor kiss his lover and she tickled his neck

City Press

27/9/83

238

he was looking and the bedroom light went on and he could hear the couple talking in the lounge.

At midnight Constable Olivier met Major P J Coetzee and Lieutenant J H L Jordaan, and the two officers went to the front door.

The major said before he entered the house he listened at an air ventilator outside the bedroom. He heard voices and the creaking of a bed.

After he had pressed the doorbell the bedroom light went on and the professor opened the door.

The major and the lieutenant went to the

bedroom and felt the double bed. They could feel warmth. There was nobody in the bedroom.

Major Coetzee said he went to the other bedroom. The professor objected to him going there. The major said in the other bedroom he found the doctor lying in bed. She was wearing a nightdress.

Major Coetzee said he told her who he was and warned her. She told him she was Dr Desai and that she was an Indian. She appeared to be annoyed.

Questioned by Mr G A Coetzee, SC, Constable Olivier agreed that

the couple had acted quite openly. Asked if the professor could have been stroking the doctor's neck and forehead to relieve a migraine condition, he said he did not know.

Major Coetzee said the professor had told him that the doctor had stayed overnight, so that she could take him to Jan Smuts Airport the next morning to fly to Natal to fetch his wife and children.

He said that Dr Desai lived at Coronationville Hospital.

Constable Meyer said that when the officers knocked at the door he spied through the bedroom curtains and saw a naked Indian woman jump out of the bed and run.

Mr Coetzee put it to Constable Meyer that he could not see the whole bed from his viewpoint.

The court was adjourned to inspect the house in Swansea Road. The magistrate, Mr A H de Wet, accepted that

Constable Meyer could see sufficient of the bed through the chink in the curtains.

Mr Coetzee told the court that Dr Desai and Professor Blacking were intellectuals and cultured people. Dr Desai at 24 was a practising doctor. Not many women, black, brown or white, could claim the same — nor could many men.

He said all indications were that they had no intention of committing any sexual act.

she said after the trial, she saw

During the trial several police witnesses gave evidence that they had

● climbed a tree to get a better view into the house,

● listened through a grille to the conversation between Dr Desai and Professor Blacking. They could not hear everything but had caught snatches of conversation and "the LSA" and "work,"

● crouched under a fruit tree in the garden to see what was going on in the house,

● felt a bed for warmth and

● peered through chi-

The professor sat on a couch with his back to the window and the doctor lay on her back on the couch with her head on the professor's lap. He tickled the doctor's neck.

Constable Meyer said he and Constable Meyer made a radio report to an officer.

Constable Olivier said he then climbed a tree overlooking the lounge. He saw the professor sitting there with his back to him, reading a newspaper.

The doctor sat on the couch smoking.

She then drew the curtain through which

Immorality Act ^{Stat 2} 24 19 83 convicted (238)

A German immigrant and his black lover were each sentenced to six months' imprisonment suspended for five years after a Johannesburg magistrate yesterday convicted them of breaking the Immorality Act.

Uwe Dirks (39) and Paula Magalane (32) had pleaded not guilty to contravening the Act or attempting to do so.

They were found naked while sleeping in a flat in Plein Street, Johannesburg, on June 1 by two policemen who had been tipped off by the caretaker of the premises.

Both Dirks and Magalane said they were drunk after spending the evening at a Johannesburg nightclub.

They were tired on arrival at the flat and went straight to bed. They denied having sexual intercourse.

Too light and too kris' taunts haunt little Tabu and Tinky

TINKI and Tabu are two children whose lives have been disrupted by leaving their Soweto school because fellow pupils taunted them about looking 'coloured'.

The plight of little Tinky, seven, and her nine-year-old brother, Tabu, started in 1980 when they lived in Soweto and went to school in Dube. Their skins were 'too light' and their hair 'too kris' or their fellow pupils. They were mocked and called derogatory names until, one day, they were asked to leave the school.

Now they live in Eldorado Park with their aunt, and seem more comfortable in their new environment.

Their family life has been disrupted. Their mother, who is classified 'coloured', and their stepfather, who is classified 'black', are living in Soweto, but the children are forced to attend school in Eldorado Park because of the way they look.

The school in Eldorado Park is a problem. Neither child can speak a word of English or Afrikaans, the languages in which school subjects are taught. They are now learning the languages at the Good Shepherd Community Services together with scores of other 'unclassified' children like themselves.

Tinky stood smiling bashfully in her pink ribbons and matching pink dress with Tabu behind her. She is not sure where she lives. But she knows she is 'unclassified'.

She also knows that children in Dube used to mock her and call her names and that she was 'chased away' from the school.

These youngsters are but two examples of the scores of 'unclassified' children in South Africa. Mr Don Mateman, director of Good Shepherd Community Services, said the children had been at school in Soweto for several years and were told to leave because they did not have the right documents. They did not have their birth certificates and the school decided to get rid of them.

"Their lives are affected because they do not look the same as the others. And they cannot live a normal family life with their parents," Mr Mateman said.



● Tabu and Tinky

they don't know their identity

S-EX/NEWS

● THEIR CRIME: BORN TO PARENTS OF DIFFERENT RACES. THE PUNISHMENT: LIFE IN A TWILIGHT ZONE

The Snowshere Kids

THEY are South Africa's 'nowhere children' — thousands of children who face a life of instability without employment, education or homes.

BY AMELIA de STEFANO

The entire world of the 11-year-old child fell apart in 1966 after she was removed from a white school and reclassified coloured because of her dark complexion and 'krissey' hair.

After a legal uproar she was reclassified white. But still no school would accept her. Later, she successfully applied to be reclassified coloured after she married a black man and had three children.

The manager, of the coloured division of the Child Welfare Society in Johannesburg, Miss Glenda Goldschmidt, said this week the problem of 'unclassified' children in coloured areas was extensive.

But the full extent of the

No attempt has been made to classify her, but the Sunday Express has learned that the child has been referred to the coloured division of the Child Welfare Society of Johannesburg.

These two infants made headlines. But they are just two of hundreds throughout the country who have not been pigeon-holed in terms of the race laws. If they are not classified they face an uncertain future.

The shortcomings of the Population Registration Act were expounded in the well-documented case of the 'white-coloured-white-coloured' Sandra Laing.

Their crime? They were born to parents of different races and were not classified under the country's race classification laws.

Their plight was highlighted recently by the case of 'Lize Venter', the infant abandoned in Pretoria in July and on whom race classification tests were carried out. A storm of protest raged around the wait until the Children's Court put her in a place of safety and she vanished behind the protection of the Children's Act.

Another case is that of tiny Tanya. The foundingling was dumped at the railway line in Malvern, Johannesburg, only hours after she was born, but was eventually saved and taken to hospital.

● Victim Sandra Laing

S/Express 2/10/83

Page 2

mined because many of these children did not apply for classification or late birth registration — a process children go through to obtain a birth certificate.

Figures for late registration applications were not available from the Department of Internal Affairs.

Testing time in a queue

THE process children have to go through in order to be classified can be humiliating.

In front of many other people their looks are assessed by the authorities, said Mr Don Mateman.

Miss Goldschmidt, of Child Welfare, said abandoned children had to be taken to the Department of Internal Affairs to be racially determined. Among other tests, their hair and skin colour are scrutinised.

According to the Act, the Department of Internal Affairs's commissioners take into account the person's habits, education, speech, deportment and demeanour — as well as his or her social acceptability in the racial community he or she claims to be a part of.

The one race classification board in Pretoria consists of at least three people, appointed by the Minister of Internal Affairs, who are under the chairmanship of a judge, magistrate or an ex-judge.

A spokesman for the department refused to divulge any more information on the activities of the board than is already contained in the Act.

He said it was not possible to say in a nutshell what the function of the board was because that "would be an interpretation".

It was necessary "to stick to the Act".



● Classroom for the 'unclassified' — the Good Shepherd 'pre-school' class

Pictures. HERBERT MABUZA

Children wait here to be told their ethnic group

AT THE Good Shepherd Community Services centre in Eldorado Park 55 children aged between six and 12 occupy a 'pre-school' classroom while they wait for the authorities to determine their race

They look bewildered, not understanding the implications of their predicament — at they know they are 'unclassified' they can't go to school like other children until the government decides what they are

In 1974, the centre had 400

homes to live with aunts and grandmothers in areas designated for their 'apparent' racial group

Some children were abandoned and their parents cannot be traced Other parents don't understand the importance of classifying children

Mrs Patricia Ryan, who teaches at the centre's pre-school, said many children were running around the streets sniffing glue, stealing, and doing "all sorts of funny things" before being recruited by the centre

"Some parents are unaware of how classification affects the child's future

When they eventually enrol

life," Mrs Ryan said Mr Mateman said "In some cases, parents live far away from agencies that would help classify them This is a recurring problem"

The long wait for classification before going to school is disruptive for the children

at a government school they have to adjust to a new environment

"This is just like a pre-school Once they get their documentation they go to a government school Most will go to government schools, but if they are not accepted they come back here," said Mr Mateman

Mr Mateman said the problem permeated the entire community Many children grew up without ever been classified

As a result, they could not be employed and many turned to crime

S/Express

2/10/83

Page 3

were attracted there by the soup kitchen.

Since then, the centre has helped hundreds of 'unclassified' children obtain their identity documents.

Although the number has been reduced to 55, there is still a constant and steady influx of children in need of assistance.

The centre's director, Mr Don Mateman, said the service started in 1974 to cater for the hundreds of vagrant children, who roamed the township streets.

"We found that many of these children did not have birth certificates and were unacceptable at government schools," he said.

So they started the laborious task of assisting with the classification of the children and obtaining identity documents for them through the Department of Internal Affairs.

"These children are neither coloured nor black. You just don't know their 'ethnic identity'. Some want to be coloured, but the government says they are not coloured."

Their lives are constantly insecure. Some of them used to live in Soweto, some live on nearby farms, some in Eldorado Park.

Many have had to be moved away from their

Key race issues for West Cape NGK synod

ARGG's
4/10/03

238

By BRIAN STUART, Religion Reporter

THE Western Cape Synod of the Ned Geref Kerk, meeting in Cape Town from October 18, may review its stand on the Prohibition of Mixed Marriages Act and the Immorality Act.

The synod, to be attended by almost 600 ministers and elders of 234 West Cape congregations, may also insist on congregations opening their doors to all worshippers, regardless of race.

The Western Cape synod has acted before. After the general synod declared mixed marriages to be "prohibited by scripture", the Western Cape asked for this statement to be removed.

It successfully asked the general synod to state that such marriages were "undesirable".

Last month, the Northern Cape regional synod said this statement, too, could not be justified from scripture. The Western Cape synod will now look at the whole subject anew.

Back a plea

Stellenbosch theologians have prepared a document to back a plea by Stellenbosch Moedergemeente for a repeal of the Mixed Marriages Act and Section 16 of the Immorality Act.

Many other congregations will support the move. The only question is whether there will be resistance from some of the country communities.

These congregations are also expected to back a plea for a firm stand that all churches should as a matter of policy be open to all Christians.

The 1979 Western Cape synod stated that "no service may be closed" and said that such actions disturbed race relations. It asked the general synod to clarify the situation. The general synod did not do so.

(News by B Stuart, 122 St George's Street, Cape Town)

W/C ARGUS (258)
15/10/83

Little pale-face

The light-skinned child crept into the affections of a Xhosa family 14 years ago

A PALE face stands out in sharp relief among the dozens of African workers straggling in small groups from the Koeberg power station site to the nearby compound where they stay

The end-of-shift slouch is the same as everyone else's, the manner when approached by a stranger the same mixture of polite diffidence. But the hair under the cap is auburn, and the eyes smoky-blue.

His name is Sephiwe, which means "gift" in Xhosa. This is what Mr Judick Matoti, 45 of Ashon, decided to call the grubby and ill-clothed little three-year-old coloured child that crept into his family's affections 14 years ago.

Driver

Now 17, Sephiwe, or to give him his "white" name, Philip, works as a labourer at Koeberg, where his father (the concept of foster-relations has no meaning for him) is a driver.

Also living with Sephiwe in the compound is

By GRAHAM BROWN
and WILLIE de KLERK
Weekend Argus Staff

brother Meshek, 19, and a cousin, who have not infrequently had to use their fists over the years to protect their brother from taunts that he is white.

Philip speaks perfect Xhosa, and not much English or Afrikaans. He has little to say, letting his brother and cousin, both a little older than him, do the talking.

Reticent

He is reticent about his origins, volunteering only that his father might know something.

Philip's relatives are highly protective, suspicious that the questions have something to do with the police. They can think of no other reason



Philip with Mza, left, his cousin, and Meshek, his brother.

for the sudden interest in leave his adopted brother Philip shown by two ers to go to a coloured journalists

Argus

15/10/83

238

Then Mr Matoti appears, satisfies himself about the motives of the curiosity, and relaxes into the story of how he and his wife Margaret came to find their "sephiwe"

One day in 1969 he hired a coloured woman to look after his children. She brought along a dirty, evidently neglected little three-year-old, the child of her sister

Ran away

"We (my wife and I) washed him, and bought him new clothes and some shoes. When we sent him back to his mother, he cried. He came back to us and when his mother came to fetch him, he ran away."

Of Philip's mother, Mr Matoti says "She neglected him through too much drinking." He adds that nobody knows the identity of Philip's father "We don't actually know that he was white." But the suspicion is there

The Matotis approached a Robertson magistrate, and formally adopted Philip, sending him to the local African school at the age of six because he would not

Through Philip's school years there were occasionally people who taunted him with being white or coloured "Hamba mhlope," they would say (Get lost, whitey) or "Hamba iushi" (get lost, you coloured)

Protective shield

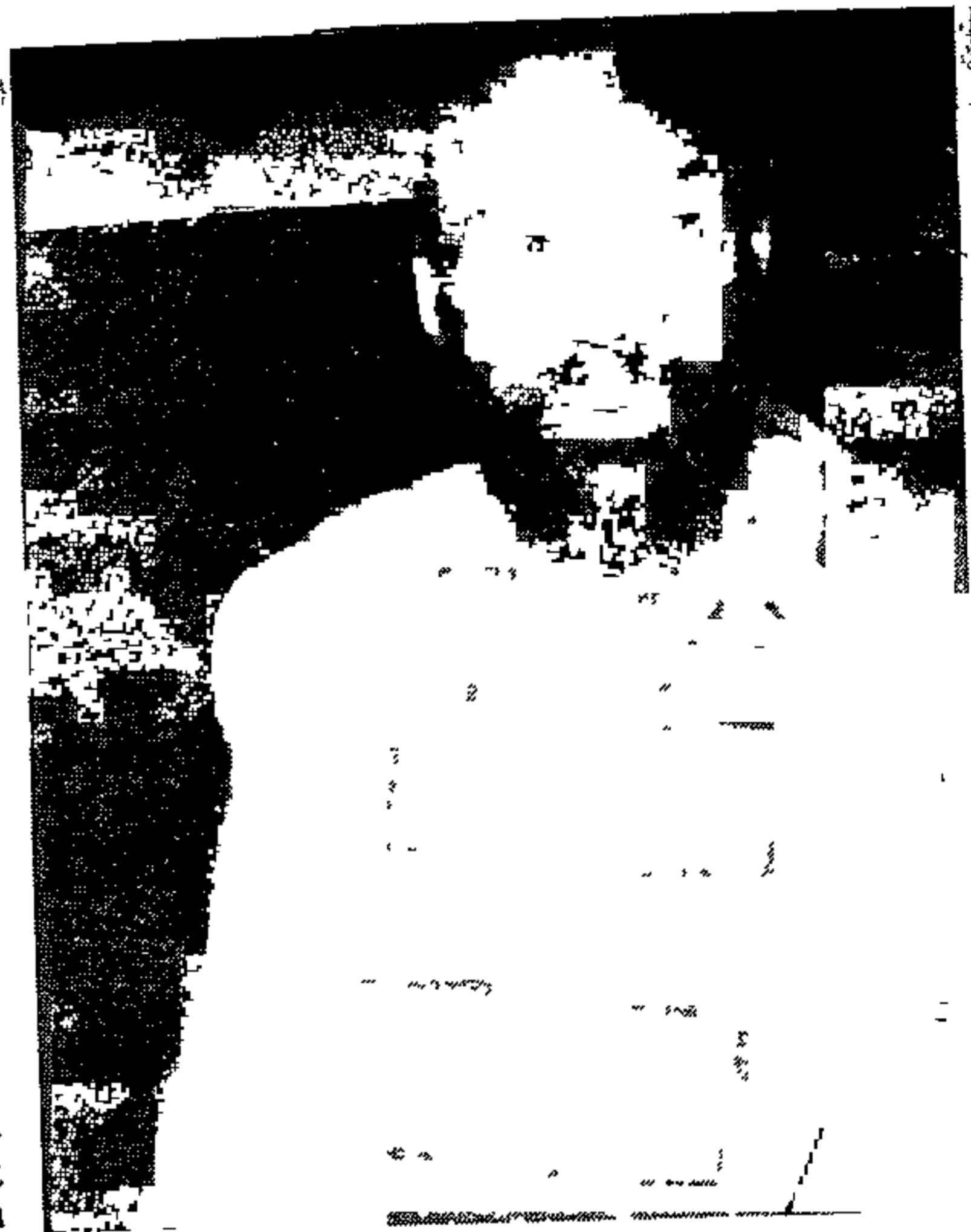
But Meshek and the rest of the family were always there as a protective shield, ready with their fists

Philip adds "In Robertson, at first, the teachers would hit the children who teased me. When we moved to Ashton there was no more trouble"

Going back

Last year, with his father away working at Worcester, Philip ran away from school, where he was in Std 4. So this year, when he got a job at Koeberg, Mr Matoti brought Philip along to sign up as a labourer

Next year, however, Mr Matoti says firmly, Philip is going back to school



Mr Ludick Matoti . . . "he was a gift, just like my other children".

Is there any difficulty at the compound, with Philip being so fair? "Sometimes people who do not know him, tease him. We do not like it I say. This is my son I die with him," Mr Matoti says. That soon puts an end to the teasing

CONSTITUTION '83 — THE CRITICAL ISSUES

Registration Act and little Lize

19/10/83

THE LAW which caused the Lize Venter incident earlier this year — and scores of similar tragedies since the National Party came to power 35 years ago — will be the main pillar of the Government's proposed new Constitution

Without the Population Registration Act — which provides for race classification — the new system will not succeed. The Act is widely regarded as the cornerstone of apartheid philosophy.

It is clear that the structure of the planned new Parliament makes it essential that this measure remains on the statute books.

The three racially defined chambers — for whites, coloureds and Indians — in the new Parliament will, according to the NP's plan, be for the exclusive representation of each group.

There will be separate voters' rolls

A series of commentaries by members of the Mail's Political Staff on aspects of the planned Constitution

By CHRIS FREIMOND, Political Correspondent

— based on race classification — for the three Houses Aspirant MPs will be permitted only to stand for election to the House representing their racial group.

It therefore seems clear that the Population Registration Act of 1950 — and consequently the planned new Constitution itself — will continue to play the leading role in perpetuating apartheid.

The seemingly endless misery that the Act has caused in homes throughout the country in the past 33 years is well documented in newspaper files

The most recent involved Lize Venter, a new-born baby who was abandoned in Pretoria. Because her parents were unknown it was impossible to register her race when her birth was registered.

A forensic test on her hair indicated that she was "coloured," according to police scientists. But it was later disclosed in Parliament that, despite the test, she had not yet been racially classified.

Some geneticists claim that in some cases it may be impossible to positively determine the race of a

child thought to be of "mixed" parentage until the child is 10 years old.

The files also tell of scores of lives that have been shattered by the Act when people have been "reclassified," sometimes after complaints by white neighbours that they were — or appeared to be — "coloured," even though other members of their families were classified "white."

The Government obviously intends maintaining the Act to enable the proposed new system to function.

It seems unlikely that the loudly acclaimed "era of reform" will see the scrapping of a piece of legislation — which — coupled to similar race laws — has been in the forefront of wrecking lives and smearing the country's image abroad since the NP came to power.

(Report by Chris Freimond, 171 Main Street Johannesburg)

Race laws 'degrade marriage'

Cape Times

28/10/83

238

Staff Reporter

THE Western Cape Ned Geref Kerk Synod last night adopted a resolution stating that the Prohibition of Mixed Marriages Act and Section 16 of the Immorality Act contradicted scriptural and Christian-ethical principles of marriage

Describing marriage as a God-ordained institution — in which mutual love and respect were the only real criteria — the synod said the laws harmed human dignity

This was so, it felt, because the criterion for so-called "immorality" was not in the nature of the relationship, but rested exclusively on the basis of colour

In a report tabled earlier in the day by a doctrinal commission, the acts were seen as being in conflict with the principles of Scripture which establish the essential unity of humanity — expressed in the belief that all people were created in the image of God

The report, along with the resolution and comments raised by mem-

bers, will be considered at the next General Synod, which sits in three years

Delegates to the synod also heard that these laws degraded a marriage between two persons of different colour to the level of an illegal and sinful association because the spouses could be charged under Section 16 of the Immorality Act.

It was the firm conviction of the synod that the Church could not prescribe to the State what laws it should pass, but it was her task to establish the basic moral principles from the Bible and advise the State accordingly

The reason for the interplay of these two laws was not to punish immoral behaviour as such but to maintain racial "purity", the report noted

The report said under the Prohibition of Mixed Marriages Act, sexual relations between people of different colour could lead to imprisonment of up to seven years

(348) (238)

Alexandra coloureds 'want to be black'

Some coloured residents of Alexandra Township are applying for reclassification as blacks so as to retain their residential rights in the area.

They have appealed to the Alexandra Liaison Committee, which administers the area, to have their residence rights upheld.

A spokesman for the Save Alexandra Coloured People's Party, Mr Arthur Magerman, said many people had applied for reclassification as blacks.

Their applications would be sent to the Department of Co-Operation and Development this week.

Mr Magerman said the Department of Community Development had threatened to remove coloureds from Alexandra once the township was repleved in 1979.

It was felt that for coloureds to retain their residential rights in Alexandra their children had to attend school in the area.

The school for coloured children in Alexandra was closed down during the 1976 upheavals, and the children moved to a Mayfair venue.

At a meeting in Mayfair last night, a row erupted over the fate of the children.

Parents discussed whether to return the pupils to Alexandra, to the old Catholic school building, or to move them to Westbury, near Western township.

Another alternative is to keep them in Mayfair.

The absence at the meeting of the chairman of the Alexandra Liaison Committee, the Rev Sam But, drew adverse comment.

The Save Alexandra Coloured People's Party plans to hold a meeting in Alexandra on Sunday.

(238) ROM 12/11/83

Bureaucratic tangle cuts the comment

By PHILLIP VAN NIEKERK

THE Department of Co-operation and Development in Pretoria declined to comment yesterday on the case of a coloured man who was reclassified black, because he has no identity number

Mr Thomas Sechel, who has now been classified as a Bophuthatswana citizen, has no identity number because he is unwilling to take out a Bophuthatswana travel document

Mr Sechel is Afrikaans-speaking, cannot speak Tswana and has never been to Bophuthatswana

A spokesman for the department said yesterday he could not comment because Mr Sechel had no identity number and the identity document of his uncle, Mr Richard Sechel, was that of a coloured man

Without an identity document the department was thus unable to locate Mr Sechel's records

Mr A Bayne, the department's commissioner for Johannesburg, said he had never heard of Mr Sechel. "Why does he run to the newspapers?" he said "Why doesn't he come to see me and sort it out here?"

Mr Sechel, who was reclassified black in

1974, has been involved in a lengthy bureaucratic battle

Being unable to change his classification as a black, he has had to apply for Section 10 rights and has now been referred by the Black Sash to a lawyer to resist having to take out a Bophuthatswana travel document

This would mean he would lose his right to South African citizenship

Mr Sechel was born to coloured parents in Johannesburg in 1944. His parents died without identity documents when he was a child, and he was never issued with a birth certificate

When he applied for a birth certificate from the Department of Internal Affairs in 1974 he was reclassified as a black.

Despite his reclassification, Mr Sechel says he has always regarded himself as a coloured and has lived with his uncle in Western Coloured Township and later in Eldorado Park, since 1960

When he applied for an identity document, he was told he could not get an ordinary reference book and was referred to the Bophuthatswana authorities to get a Bophuthatswana travel document

(238) Star 16/11/83

He knows who he is, but the authorities disagree

By Jon Qwelane

He exists in the flesh — but not legally, for the authorities will not issue Mr Thomas Sechel of Eldorado Park with any form of South African identification

The best they can offer is that he pack and move to Bophuthatswana where they claim he belongs — but Mr Sechel insists that he has no ties whatsoever with the homeland and has no intention of leaving Johannesburg.

"I was born of coloured parents in 1944 in Western Township. I had a sister who later died.

"My parents are both dead, and I am an orphan. All my life I have lived with my uncle in coloured areas, and I have been accepted as one by the communities in which I have lived," said Mr Sechel, an employee at a motorworks in Industria, west of Johannesburg, a short distance from where he was born 39 years ago

In 1960, when he turned 16, he applied for the identity document issued to coloured youths

"From that year on my troubles started I was refused the document and since then I have made application after application, all to no avail I went to every place and every person imaginable, but I am still without any document identifying me

"In 1981 I was reclassified from coloured to black When I appealed against this I was sent a reply telling me I was in fact Tswana. I took this up with the Legal Aid Bureau, who referred me to the Black Sash," said Mr Sechel

If the Black Sash failed in its efforts to help him, he would seek a Supreme Court order prohibiting the authorities from pursuing their efforts to repatriate him to Bophuthatswana, he said

"They will not give me an identity document for coloureds. A pass is out because I regard myself as coloured All I have been told — and it seems as far as they are concerned it's final — is that I will have to acquire a Bophuthatswana passport," said Mr Sechel.

But he believes he is



Mr Thomas Sechel ... no form of identification.

here to stay and nobody has the right to throw his future away "If the Sash

fails I will definitely take the matter to court"

The chief commissioner for Co-operation and Development, Mr Phillip van Heerden, said his department was not responsible for the issue of coloured identity documents It was the function of the Department of Internal Affairs, he said

"But if he is of Tswana descent and has been reclassified Tswana in terms of the Status Act he must apply for Tswana identity documents," Mr van Heerden said

'Revolutionary' draft marriage law gazetted

ARG 9/12/83 238
Argus Correspondent

JOHANNESBURG — The Government today gazetted revolutionary draft legislation which, if accepted, will give South Africa one of the most advanced marriage laws in the world

The Minister of Justice, Mr Kobie Coetsee, called for comment on the draft Bill, which is based on four recommendations of a Parliamentary select committee on matrimonial property law

The Bill, intended to become the Second Matrimonial Property Act of 1984, will be debated in Parliament next year

It provides for

- The abolition of the marital power a husband has over his wife and her property in existing marriages under the Common Law

- A discretionary power whereby the courts can order, on the dissolution by death or divorce of a marriage out of community of property, that an equitable share of one spouse's

estate be made over to the other spouse.

- A prohibition on the sale of the family home unless both parties have given their consent

The Bill also provides for couples married out of community of property before the commencement of the proposed Matrimonial Property Act of 1984 to change their marriage to an accrual system by a simple notarial contract within a year of the commencement of the Act

This contract would replace their existing ante-nuptial agreement

The accrual system provides for the equal sharing of the gains of a marriage at its end, whether by divorce or death

Comment on the draft Bill should be sent to the Director General, Justice, Private Bag X81, Pretoria, 0001 before January 31, 1984

An explanatory memorandum and questionnaire are obtainable from the same address.

sed

Morals Act jailing

JOHANNESBURG — A suspended four-month jail term for breaking the Immorality Act was put into operation by a Regional magistrate here yesterday after a woman was again found guilty of contravening the Act.

Margaret Reiters, 27, of Noordgesig, was sentenced to four months on November 28, 1980 for contravening the Act.

The sentence was suspended for five years on condition that she did not commit a similar offence.

On August 7 last year, two years before the period of suspension had expired, she was convicted again and sentenced to six months' imprisonment, as was the man convicted with her.

She will now serve an effective 10 months in jail — Sapa

a Huebers
the court a
conducted by
ctors, but it
invalid and a
doctor took a
mple
y has always
dged knowing
ebers but de-
mity, in spite
g her about
ver the past 15
support Bet-

ney was not in
the hearing —

3 juniors

admitted that on Wednesday supervisors had had to reprimand a junior player for throwing her racket on the ground.

Expressing his dislike for bad-tempered players, he said the usual reprimand practice was for officials to first warn a player. If bad behaviour persisted, the player would be removed from the court and the tournament. He said a disciplinary committee for juniors existed.

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The Facts correction service,
24-2233 (Mon to Fri)
Cape Times, Box 11,
Cape Town
(Registered at the GPO
as a newspaper)

The Cream of the Crop is in Rembrandt van Rijn



EACH CIGARETTE A MASTERPIECE

VRF 283/23E

not realize or refused to admit to themselves the real extent of the nuclear threat
"ONCE you realize the magnitude and the implications of the current arms build-up, you either get involved in the
"People distance themselves from the whole
"I've been on a lot of primitive tents in the freezing cold and they are continually harassed and humiliated.
"It's very important that the Greenham camp is a women's camp for various reasons
"For one thing I — subject

IM about WI

Immorality Act lovers talk about their feelings

238

Staff Reporters

TWO Pensinsula lovers convicted under the Immorality Act today talked about their feelings and the effect the court case has had on their lives.

"The whole thing could have been sorted out privately without a court case. We coloureds are not treated like people in this country," said Petty-Officer K W A Wentzel, who is married and has one child.

AREUS 13/1/84 AR & S
Petty-Officer Wentzel and Miss Wilna Lombaard — who had an affair for more than a year — were sentenced in the Wynberg Regional Court yesterday to six months' imprisonment, suspended for four years.

The couple admitted in court that they had had sexual relations in Simon's Town last year.

From his home in Belhar, Petty-Officer Wentzel said he and his wife were still together.

Miss Lombaard, a clerk at the dockyard in Simon's Town, said the relationship had ended in November when they had been "caught" by a navy guard.

"We knew the relationship had no future. We had nothing to look for-

(Turn to Page 3, col 2)

Convicted lovers discuss the case

AREUS 13/1/84 238
(Continued from Page 1)

ward to, so we agreed to end it.

"This law is right — I did wrong," she said.

"It was just so embarrassing. I did not tell my parents about it and they only read about it in the newspaper today.

"I think I will be kicked out of the house," she said.

Reacting to her daughter's conviction, Mrs J J Lombaard of Sandpiper Road, Southfield, said the court case had come "as a shock".

"We had been unaware of the case, although we had heard

rumours in the neighbourhood. When we read the report in a newspaper we were absolutely shattered.

"We cannot yet fully realise what has happened — the shock is too much.

When asked about her husband's reaction, Mrs Lombaard burst into tears and ended the conversation.

The liaison officer for the navy, Commander Dirk Visser, said both Miss Lombaard and Petty-Officer Wentzel were still employed by the navy.

Petty-Officer Wentzel is an auto-electrician at the Navy Transport Section, Dido Valley.

238 204 27/1/84

'Our colour-barred affair was doomed'

By MAURITZ MOOLMAN

A JOHANNESBURG lawyer who was found guilty this week of attempting to commit an offence under the Immorality Act, told the Rand Daily Mail yesterday of his "doomed" love for a black woman

"It started a long time ago and I have since married a dear and understanding wife. We have one child," said the lawyer, Mr Patrick Tucker, 34

He said that although it was not illegal in terms of South African law to have a mistress, he had been caught and "unfairly" exposed in public as one of many who were prepared to be untrue to their wives — because his girlfriend was black

Mr Tucker spoke to the Mail of his experience, after being found guilty in the Johannesburg Magistrate's Court of attempting to contravene the Immoral-

ity Act with his mistress, Mrs Josephine Marageloe, 33

Police entered the home of Mrs Marageloe on October 20 last year

Both pleaded guilty and were given suspended sentences of six months' imprisonment each

Mr Tucker said that because of the Immorality Act, he was unable to marry the sophisticated mother of two children who worked with him at the firm where he served his articles in 1973

"It is not unlawful to have a mistress. Many people have skeletons in the cupboard. But it is only with some that it falls out — especially in this sort of case," Mr Tucker said

"For some it may be immoral to be unfaithful to your wife, but it is not illegal

"This point of view is supported by the large number of divorces we have each year."

He said he believed the Immorality Act should have been scrapped long ago because it was out of keeping with modern times

"I was surprised when the Attorney-General decided to have the case brought to court, especially in the light of recent developments where the Prime Minister, Mr P W Botha, has declared himself prepared to change Section 16 of the Immorality Act."

But he will not "pack up and run away", he says.

He said he believed Mrs Marageloe would also suffer irreparable damage to her career and personal life

Asked about his future as a practising attorney, Mr Tucker said he doubted whether he would be struck off the roll for this offence

"It is not as if it indicates dishonesty, such as fraud or theft. It is actually a very personal thing"

†The MINISTER OF CONSTITUTIONAL DEVELOPMENT AND PLANNING

- (1) For guide plan purposes the Republic has not been divided into regions. Guide plan actions are undertaken according to a priority list for urban areas where guide planning is deemed necessary and which is revised regularly. In this regard the hon member is referred to the 1982 annual report of the Department of Constitutional Development and Planning which was tabled during 1983.
- (2) Yes. A draft guide plan for the East Rand/Far East Rand is being prepared at present.
- (a) Hopefully in the middle of 1984.
- (b) Sixty days.
- (3) All representations received are considered and are heard, if necessary.
- (4) (a) and (b) Yes. The draft guide plan will be furnished to them at the time of the release of the document.

238 Hanson Q Col 43
Mixed marriages 3/2/84

*12 Dr F A H VAN STADEN asked the Minister of Internal Affairs †

Whether his Department registered any mixed marriages during 1983, if so, (a) how many and (b) between members of which population groups were these marriages concluded?

†The MINISTER OF INTERNAL AFFAIRS

No. However, the Department received registration documents from marriage officers in respect of marriages solemnized by them that are apparently in conflict with the Prohibition of Mixed Marriages Act, 1949. In 8 cases marriages between members of the White and the Coloured population groups were solemnized and in one case the parties belong to the White and Indian population groups. There is as

yet no evidence that in any of the nine cases the marriages were deliberately solemnized in contravention of the Act.

55 Hanson Q Col 44 3/2/84
Oil pipeline
*13 Mr D J N MALCOMESS asked the Minister of Transport Affairs

- (1) Whether a pipeline for transporting oil is being or is to be built in the Republic, if so, (a) where, (b) at what cost, (c) by whom has it been commissioned and (d) by whom will it be (i) financed and (ii) administered,
- (2) whether a charge will be levied for the use of the pipeline, if so, (a) what charge and (b) who will receive the proceeds?

The MINISTER OF TRANSPORT AFFAIRS

(1) and (2) A pipeline for the conveyance of oil in the Republic is being planned by the private sector. The divulgence of any further information concerning the matter is prohibited in terms of the provisions of section 4A of the Petroleum Products Act, 1977 (Act 120 of 1977).

Tanker Salem

*14 Mr D J N MALCOMESS asked the Minister of Law and Order

- (1) Whether the South African Police have investigated or are investigating any matter arising from the Purchase of a shipment of oil which was landed in Durban from the tanker *Salem*, if so,
- (2) whether any progress has been made in the investigation, if so, what progress,
- (3) whether any persons have been charged, if so, who are they?

†The MINISTER OF LAW AND ORDER

(1) No

738

Hansard Q 61 97
Reclassifications

8/2/84

148 Dr F A H VAN STADEN asked the
Minister of Internal Affairs †

Whether there were any reclassifications
from one race group to another during the
latest specified period of 12 months for
which figures are available, if so, how
many in respect of each category of race
reclassification?

The MINISTER OF INTERNAL AF-
FAIRS

Yes, the following reclassifications took
place during the period 1 July 1982 to 30
June 1983

White to Cape Coloured	4
Cape Coloured to White	462
Cape Coloured to Chinese	8
White to Chinese	4
Chinese to White	9
Malay to White	2
White to Indian	3
Indian to Cape Coloured	31
Cape Coloured to Indian	37
Indian to Malay	15
Malay to Indian	26
Black to Cape Coloured	71
Cape Coloured to Black	11
Black to Other Asian	1
Black to Indian	2
Indian to Other Asian	2
Black to Griqua	2

462 Cape
coloureds
change
to white

23P
Parliamentary Staff

THE most popular reclassification in terms of South Africa's race laws is from Cape coloured to white, according to the latest figures supplied to Parliament

In the long list of official race "changes" no fewer than 690 had their classification changed.

Top of the list were 462 Cape coloureds who became whites

Other changes for the period July 1 1982 to June 30 1983 were whites to Cape coloured four; Cape coloured to Chinese eight; white to Chinese four, Chinese to white nine, Malay to white two, white to Indian three, Indian to Cape coloured 31; Cape coloured to Indian 37, Indian to Malay 15, Malay to Indian 26, black to Cape coloured 71, Cape coloured to black 11; black to other Asian one, black to Indian two, Indian to other Asian two, black to Griqua two

The question about reclassification is asked in Parliament each year. This year it was asked by a Dr Frans van Staden (CP Koedoespoort)

238 Immorality Act *Housmand*
Q 61 189 15/2/84
100 Mr S S VAN DER MERWE asked
the Minister of Law and Order

(a) How many suspected contraventions of the Immorality Act were investigated in 1983 and (b) how many persons were charged as a result of these investigations?

The MINISTER OF LAW AND ORDER

(a) 189 suspected contraventions,

(b) 141 persons

238 *Huns and*
Immorality Act 27/2/84
Q. Col. 362

226 Mrs H SUZMAN asked the Minister of Justice

- (1) How many cases under section 16 of the Immorality Act were referred to each Attorney-General in the Republic in 1983
- (2) how many of the persons concerned (a) were (i) prosecuted and (ii) convicted and (b) are still on trial or awaiting trial?

The MINISTER OF JUSTICE



363

MONDAY, 27 FEBRUARY 1984

364

Attorney-General	(1) Cases referred	(2)(a)(i) Persons prosecuted	(2)(a)(ii) Persons convicted	(2)(b) Persons still awaiting trial
Pretoria	63	109	86	12
Johannesburg (established on 1/11/1983)	2	4	0	4
Bloemfontein	14	17	13	4
Kimberley	8	6	3	2
Cape Town	22	3	0	0
Grahamstown	18	21	19	2
Pietermaritzburg	19	9	5	3

CAPL Times 28/2/84
**Immorality
Act: 126²³⁸
convicted**

ALTOGETHER 126 people were convicted in terms of Section 16 of the Immorality Act last year, according to the Minister of Justice, Mr Kobie Coetsee.

Replying to questions by the PFP's chief spokesperson on prisons, Mrs Helen Suzman, Mr Coetsee disclosed that 146 cases had been referred to Attorneys-General throughout the country.

Of the 169 people prosecuted, 126 had been convicted and another 27 were still awaiting trial.

The Pretoria division had the highest number of cases by far — 63 of the total of 146 cases throughout the country.

A Labour Party spokesman announced yesterday that the party had submitted a memorandum to a Parliamentary Select Committee calling for the scrapping of the Mixed Marriages Act and Section 16 of the Immorality Act.

In reply to another question, Mr Coetsee said 15 warders had been seriously injured by prisoners during the year, while 19 prisoners had been killed by fellow prisoners.

Replying to further questions by Mrs Suzman, Mr Coetsee said 364 prisoners were serving sentences for crimes against the security of the State and 84 656 for other crimes at the end of the year.

By ARLENE GETZ

THE conservative Nederduitse Gereformeerde Kerk (NGK) is about to be rocked by a cutting attack on its support for the controversial laws prohibiting sex across the colour line

The stir will come when a slim volume compiled by two Western Cape academics — both NGK members — rejecting the Mixed Marriages Act and Section 16 of the Immorality Act as discriminatory and morally unjustifiable, goes on sale tomorrow

The theologians also call on churches to speak out critically against discriminatory laws threatening otherwise successful "Biblically valid marriages"

"Rather than the government legislating against mixed marriages, the state should protect couples and their children from the discriminatory legislation which hampers those marriages," write Dr Johann Kinghorn, a lecturer in Biblical studies at the University of Stellenbosch, and Dr Etienne de Villiers, a lecturer in ethics at the Huguenot College, Wellington

"Frankly, the maintenance of these laws today disturbs, rather than contributes towards, the maintenance of peace and equilibrium"

The book — a collection of essays entitled 'Op die Skaal Gemengde Huwelike en Ontug' ('On the Scale Mixed Marriages and Immorality') — is expected to have considerable political impact at a time when the government is tampering with such cornerstones of apartheid as the Group Areas Act

A Parliamentary Select Committee is currently investigating the "desirability and necessity" of the two sex laws and Dr Kinghorn and Dr de Villiers will testify before the committee later this month

Submitted

'Op Die Skaal' has already been submitted to the committee for consideration

Although the NGK's Western Cape synod at its meeting last October also rejected the sex laws as unscriptural, the main body of the church stepped the question at its verkramp 1982 general synod in Pretoria

The slim volume that could rock the NGK

TOP THEOLOGIANS CONDEMN THE IMMORALITY ACT AS UNCHRISTIAN

OP DIE SKAAL

QUOTE

Who can positively say that the marriage between a white and a coloured who both speak Afrikaans and belong to the NGK... is inherently undesirable because of the difference in race?

The NGK — which has traditionally claimed the Mixed Marriages Act and Immorality Act were morally and theologically justified — has appointed a committee to report back to the next general synod in 1986

"We're convinced the marriage laws should never have been there in the first place," Dr Kinghorn said in an interview this week

"These laws are one of the essential issues of our society, and we have tried to take an intellectual unemo-

tional look at them," he said, adding "I suppose our standpoints are quite revolutionary within the Afrikaans community"

According to Dr de Villiers and Dr Kinghorn, Section 16 of the Immorality Act and the Mixed Marriages Act are motivated only by racial prejudice and conflict with the Biblical principle of love for one's neighbour ('naasteliefde')

Reject

They reject the argument that racial mixing is against the wishes of God on the grounds that, if miscegenation were against these wishes, the very existence of the

QUOTE

The generalisation that racially mixed marriages are undesirable has as little justification as the generalisation that marriages involving age or social differences are inherently undesirable

Afrikaans people — who were not "pure white" after mixing with the coloured people in the 17th and 18th centuries — could be considered a sin against God

"The maintenance of a nation's racial and cultural identity should never be elevated to a blessed principle alongside justice and neighbourly love," they write

Turning to the contention that even if inter-racial marriages were not illegal ('ongeorloof') they were undesirable ('ongewens'), the authors argue a couple's "suitability" is not dependent on their having similar cultural and biological backgrounds

Eve, the first woman, suited Adam not because she was different from other women, but because she was a person created in God's image and therefore different from the animals

Scrapped

Section 16 of the Immorality Act, which prohibits sex across the colour line, should also be scrapped as it was discriminatory, wrote the authors

The only alternative was to forbid all pre-marital sexual relations, which would involve an unjustifiable invasion of privacy and force police to waste time looking for such evidence as "warm sheets"

'Op die Skaal Gemengde Huwelike en Ontug', by Etienne de Villiers and Johann Kinghorn (Tafelberg, R10,50)

Sex laws humiliate coloured people, says prof

By ARLENE GETZ

LAWS forbidding sex across the colour line were offensive and humiliating to the coloured people, according to the rector of the University of the Western Cape, Professor Richard van der Ross

Describing the Mixed Marriages Act and Section 16 of the Immorality Act as "morally indefensible", he said they also belittled his ancestors by dubbing their relationships sinful

"It's not that coloureds want to marry or sleep with whites, it's just they don't want to be told whom they must marry and whom they must choose as friends"

Prof van der Ross, writing in the newly-published 'Op die Skaal Gemengde Huwelike en Ontug', said these restrictions caused many young coloured people to emigrate to Canada, Australia and England

In other contributions to the book

● Professor W P Esterhuysen, of the philosophy department at the University of Stellenbosch, described the sex laws as completely unjustifiable As "politically sensitive" symbols of the traditional apartheid system their cancellation could cause problems in white politics, but the laws were contrary to the maintenance of civilised and Christian standards

"It gives rise to the question as to whether an identity which has to be protected by laws on all fronts is actually worth protecting," he wrote

● Professor A H van Wyk, of the University of Stellenbosch's law department, pointed out that the number of prosecutions for contraventions of Section 16 of the Immorality Act had dropped sharply since 1971

In 1970 and 1971 1-110 men were prosecuted in terms of the Act, but a new policy — leaving decisions to the province's Attorney-General instead of local prosecutors — introduced after a scandal in the Free State village of Excelsior — caused prosecutions to decrease

In 1982 police investigated 225 cases and 182 prosecutions were instituted

● Two University of Stellenbosch geneticists, Dr C Boyd and Mrs A Grobler-Rabie, found there was no genetic basis for controlling racial "purity" by laws which prevented mixing

"There is no clear genetic proof that whites are inherently more intelligent than non-whites," they said

Weekend Argus March 10 1984

CALL TO ABOLISH MIXED MARRIAGES, IMMORALITY BILLS

Scrap Acts say academics

W/E Acts 10/3/84 238

By TOS WENZEL, Political Correspondent
A GROUP of prominent academics, including theologians, have called for the scrapping of the Mixed Marriages Act and the colour clause of the Immorality Act.

Their appeal coincides with an investigation into the two acts by a Parliamentary select committee Submissions to the commission, which was first appointed last year, closed on February 29 this year.

The academics' appeal is made in a new book, *Op die Skaal: Gemengde Huwelike en Onting*, published by Tafelberg Uitgewers (In the Balance, Mixed Marriages and Immorality). They back up their call with an incisive analysis of the various aspects of the debate that has surrounded these controversial laws.

Two theologians, Dr D E de Villiers of the Huguenot College in Wellington and Dr J Kinghorn of the University of Stellenbosch find that the laws clash

with the biblical doctrine on the nature of marriage and the biblical principle of neighbourly love.

Prof R E van der Ross, Rector of the University of the Western Cape, points out that there is no doubt about the whites' part in the origin and survival of the coloured.

It is, he says, offensive and humiliating for coloured people that a law exists which prohibits sex between white and non-white.

"It gives offence because our forefathers are belittled and insulted. It says clearly that our ancestors, white as well as non-white, were sinners because they gave birth to us. It is not our honour that is assailed but that of our white fathers or forefathers and their non-white wives, concubines or the other way round."

Emotionally Professor van der Ross says, the laws are insulting and morally they are indefensible.

Professor Willie Esterhuysen, philosopher and theologian at the University of Stellenbosch says that even in an adapted form (which seems to be the select committee's task) the existence of the two laws cannot be justified.

These are statutory measures which "contradict the civilised and Christian standards which we want to maintain here."

In a step-by-step reform of statutory measures the repeal of these laws would be the first credible step. From the Government's point of view the problem is that, politically, these measures cannot be handled as a singular or uncomplicated political question.

As Professor Esterhuysen points out, they form part of complex political reality which came about as a result of the ideology of racial separation.

For many Afrikaners these laws are symbolic of their claim to the maintenance of an own identity and the right to self-determination.

To them the recall of these laws would imply other desegregation steps.

One of the stumbling blocks is the Group Areas Act.

One of Professor Esterhuysen's suggestions is that this Act can be adapted to provide for areas where people could live out of free choice. One of the arguments against the repeal of the Mixed Marriages Act has been the problems that could be created for mixed couples and their children.

He also points out that pleas for the repeal of the Mixed Marriages Act are not at the same time pleas that "mixed" marriages must take place.

They are, however, pleas for orderly desegregation and the extension of individual freedom and responsibility.

Not sinful, not desirable

As one of the other contributors, journalist Dr Leopold Scholtz, points out the Prime Minister, Mr P V Botha, has stated that mixed marriages as such are not sinful, but that this does not mean that they are desirable.

The Government is, however, open to persuasion that these laws can be improved.

Which is where the problem remains. The contributors to this book find no way for "improvement."

As Dr Erika Theron once remarked there is no point in tinkering with these laws as as this would amount to "putting perfume on a dungheap."

It is interesting to look at the number of mixed mainly white-brown marriages which took place in the days before the Prohibition of Mixed Marriages Act.

In 1925 there were 133, 0.9 per cent of the white marriages. In 1930 there were 97 (0.6 per cent), in 1935 91 (0.4 per cent), in 1940 105 (0.4 per cent) and in 1945 92 (0.3 per cent).

Scrap insulting laws, say academics

7338
Sten
12/3/84

Tos Wentzel of The Star's political staff examines the latest contribution to the debate on mixed marriages and sex across the colour bar.



Professor van der Ross... "our forefathers are belittled."

The Prohibition of Mixed Marriages Act and the "sex across the colour bar" clause of the Immorality Act are again under scrutiny. A parliamentary select committee is resuming its work following the February 29 deadline for submissions.

Against this background an incisive analysis of various aspects of the debate on two controversial measures which have so badly besmirched South Africa's name has appeared in a new book "Op die Skaal: Gemengde Huwelike en Ontug" (Tafelberg Uitgewers).

A group of prominent academics, including theologians, are at one in calling for the scrapping of these laws.

Two theologians, Dr D E de Villiers of the Huguenot College in Wellington and Dr J Kinghorn of the University of Stellenbosch, find that the laws clash with the biblical doctrine on the nature of marriage and the principle of neighbourly love.

Professor R. E. van der Ross, Rector of the University of the Western Cape, says it is offensive and humiliating for coloured people that a law exists which prohibits sex between white and "non-white".

"It gives offence because our forefathers are belittled and insulted. It says clearly that our ancestors, white as well as non-white, were sinners because they gave birth to us. It is not *our* honour that is assailed but that of our white fathers or forefathers and their non-white wives, con-

cubines or the other way round."

Professor van der Ross says that emotionally, the laws are insulting and morally they are indefensible.

Professor Willem Esterhuysen, philosopher and theologian at the University of Stellenbosch, says even in an adapted form (which seems to be the select committee's task) the existence of the two laws cannot be justified. These are statutory measures which "contradict the civilised and Christian standards which we want to maintain here."

In a step-by-step reform of statutory measures, the repeal of these laws would be the first credible step. For the Government the problem

is that, from a political point of view, these measures cannot be handled as a single, uncomplicated political question.

Professor Esterhuysen points out that they form part of complex political reality which came about as a result of the ideology of racial separation.

For many Afrikaners these laws are symbolic of their claim to the maintenance of an own identity and the right to self-determination. To them, the repeal of these laws would imply other desegregation steps.

One of the stumbling blocks is the Group Areas Act. Among Professor Esterhuysen's suggestions is that this Act can be adapted to provide for areas where people could live out of free choice. One of the arguments against the repeal of the Mixed Marriages Act has been the problems that could be created for "mixed" couples and their children.

He also says that pleas for the repeal of the Mixed Marriages Act are not at the same time pleas that mixed marriages must take place. They are pleas for orderly desegregation and the extension of individual freedom and responsibility.

One of the other contributors, journalist Dr Leopold Scholtz, recalls that the Prime Minister, Mr P W Botha, has stated that mixed marriages as such are not sinful, but that this does not mean they are desirable.

The Government is, however, open to persuasion that these laws can be improved. Which is where the problem remains. The contributors to this book find no way for "improvement".

As Dr Erika Theron once remarked, there is no point in tinkering with these laws as this would amount to "putting perfume on a dungheap".

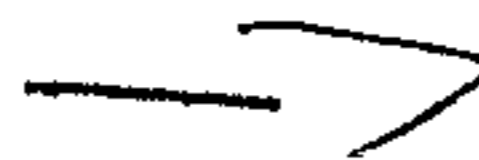
238

Harris and Q. 61 613
Immorality Act

14/3/84

12 Mr D J DALLING asked the Minister of Law and Order

Whether the South African Police have issued any (a) standing instructions (b) internal regulations, (c) memoranda and (d) written guidelines to the Police Force in connection with investigations concerning (i) contraventions of and (ii) prosecutions under section 16 of the Immorality Act, No 23 of 1957, if so what is the purport of each of these documents?



14 MARCH 1984

614

The MINISTER OF INTERNAL AFFAIRS (for the Minister of Law and Order)

(a)(i) and (ii) Yes Standing instructions were issued in 1971 admonishing members of the Force where possible, not to resort to arrest until the case has been placed before the attorney-general or senior state prosecutor for his decision Where however a member of the Force comes across the commission of such offence the offenders may be arrested

(b), (c) and (d) No

F.M. 238

synod in 1986

Apart from the Western Cape synod, many prominent N G theologians like Wilhe Jonker of Stellenbosch and Johan Heyns, moderator of the Northern Transvaal synod, have made strong statements attacking the Acts. In a recently published book, *Op die skaal Gemengde huwelike en ontug*, theologians Johan Kinghorn of Stellenbosch and D E de Villiers of Wellington said the two laws clash with the biblical doctrine on the nature of marriage and the principle of neighbourly love.

The president of the second biggest Afrikaans church, the Apostoliese Geloofsending (AGS), Fanie Möller, told the FM a special committee of the church will soon formulate the AGS stand on the two acts and send it to the PM. His personal feeling is that these acts are "not satisfactory. You must not base the law on colour. The Bible wants to guard the holiness of matrimony, not colour. The Bible is concerned with what is useful for a happy marriage and does not even talk about colour. Fortunately there is a new process on the go that will make a new openness about things like this possible. But it is still very delicate."

Dominee Pieter Bingle of the Gereformeerde Kerk, who gave evidence before the select committee on behalf of his church, told the FM his interpretation of the church's policy is that if there has to be a law like the Immorality Act, then the aspect of colour must be taken out and it must be against all sexual exploitation.

At the moment it seems as if racial discrimination is an integral part of the Act. The Bible did not make any laws against interracial marriages, why must the state go further than God was prepared to go, he asks.

The chairman of the general assembly of the small Hervormde Kerk, Bart Oberholzer, told the FM his church believes that under present circumstances, the two laws must remain as "temporary measures."

An FM survey of attitudes of prominent Afrikaner businessmen, writers, actors, academics and professional people this week shows that the overwhelming majority are in favour of immediate repeal of the two laws, although few were prepared to be quoted. One NP MP told the FM that surveys of opinion in the party showed that most MPs are in favour of repeal.

Certainly, he says, if a free vote were allowed in Parliament, the vast majority would vote for repeal. What is also considered to be important is that the most prominent Afrikaner "philosophers" like Willem de Klerk, editor of *Rapport*, Wilhe Esterhuyse of Stellenbosch University and Tjaart van der Walt, rector of Potchefstroom University, are strongly and openly opposed to the two Acts.

Scrapping the sex laws would be an appropriate symbolic act before the new constitution comes into force.

IMMORALITY ACT

Time for repeal

238

Two of SA's most controversial laws, the Prohibition of Mixed Marriages Act and section 16 of the Immorality Act, will probably be scrapped or changed drastically before the new constitution comes into force. Pressure for repeal from inside the National Party, certain Afrikaans church circles and from the coloured leaders has doubled in recent months.

The *FM* learnt this week that PM P W Botha has told coloured leaders he will be prepared to scrap the measures if he

gets enough support from the Afrikaans churches. That support seems forthcoming.

The pressure is for outright repeal of the laws — but the terms of reference of a Parliamentary select committee investigating the Acts may preclude that. Appointed in June last year under the chairmanship of Deputy Minister of Internal Affairs Piet Badenhorst, the committee was instructed to investigate the "possibility and desirability of amending the Acts without prejudicing the fundamental objective with which they were enacted and the principles contained in other existing laws".

Badenhorst tells the *FM* that there is no indication when the committee will report. It has not yet set a deadline for oral evidence. Asked whether the committee has *locus standi* to recommend repeal he replied "The members will still debate this point".

Labour Party leader Allan Hendrickse, the man government relies heavily upon to lend legitimacy to the new constitutional dispensation, says both the Mixed Marriages Act and section 16 of the Immorality Act "will have to go, and quickly. Both these Acts deny people the fundamental human right to make a choice on what they believe God wants for their relationships".

"Love transcends colour. People belonging to the same church and culture and language group are prevented from marrying because of the colour of their skins — but people who are fundamentally different like Catholics and Protestants or Portuguese and Afrikaners may marry if they are the same colour. That makes nonsense of these Acts. We do not need it."

"Women who are classified coloured are also insulted by the argument that the Act is there to prevent their exploitation by immoral white men. These Acts must go."

Time limit

"The basis of our participation in the new dispensation is that we want to dismantle apartheid and move away from all discrimination. We will go in for a period of five years and if there is no movement, we will go back to the people and reconsider," Hendrickse told the *FM*.

The moderator of the general synod of the NG Kerk, dominee Kobus Potgieter, told the *FM* the last formal decision of the synod on these laws was in 1982, when it was decided they must stay for the time being. The synod added that circumstances might change.

Potgieter would not comment further or give his personal opinion. There are, however, strong indications that the influence of a group of theologians who brought a mi-

nority report on the synod decision is growing. Recently the Western Cape synod pointed out that it is not the duty of the church to tell the state which laws must stay or go. The church may only point out what the Biblical principles of marriage are.

The Bible does not say anything about racially mixed marriages, the synod stated. According to the moderator of the synod, dominee Tappies Moller, this decision will have to be discussed at the next general

SEX TRIALS

In 1983, at least 286 South Africans suffered the humiliation of a police investigation into their sex lives in terms of the Immorality Act. According to information given to Parliament by Law and Order Minister Louis le Grange, 143 contraventions of section 16 of the Act were referred to the Attorney-General. This resulted in 169 people being prosecuted and 126 convicted. There were 27 people awaiting trial.

Section 16 of the Act is headed "Sexual offences between white persons and coloured persons." It says:

"(1) (a) Any white female person who — (i) has or attempts to have unlawful carnal intercourse with a coloured male person, or (ii) commits or attempts to commit with a coloured male person any immoral or indecent act, or (iii) entices, solicits, or importunes any coloured male person to have unlawful carnal intercourse with her; or (iv) entices, solicits, or importunes any coloured male person to the commission of any immoral or indecent act shall be guilty of an offence." The same applies, of course, to "a white male person" with a "coloured female person", a "coloured female person" with a "white male person", and a "coloured male person" with a "white female person."

Sub-section (3) reads "It shall be a sufficient defence under this section if it is proved to the satisfaction of the court that the person charged at the time of the commission of the offence had reasonable cause to believe that the person with whom he or she committed the offence was a white person if the charged person is a white person, or a coloured person if the charged person is a coloured person."

In terms of the Act, offenders are liable to a maximum prison sentence of seven years.

BRIDAL CHAOS

All marriages between whites and blacks in Namibia could be illegal — at least in SA. Legal experts approached by the *FM* this week were unable, at short notice, to give a clear opinion on the Namibian aspects of the "Prohibition of Mixed Marriages Act".

The Act prohibits marriages between "Europeans and Non-Europeans" and says that any such marriage solemnised after July 8, 1949, shall be void and of no effect. In terms of the SA Citizenship Act, people born in Namibia are SA citizens.

The Immorality Act and the Mixed Marriages Acts were scrapped in Namibia years ago. Since then a number of mixed marriages have been solemnised in churches and magistrates courts there.

There is a strong possibility that some of these marriages would not be recognised in SA. Section 1 (2) of the Mixed Marriages Act says "If any male person who is a SA citizen or is domiciled in the Republic enters into a marriage outside the Republic which cannot be solemnised in the Republic in terms of subsection (1), such marriage shall be void and of no effect in the Republic."

For some esoteric reason this applies only to "a male person". If such marriages are not recognised in SA the spouses could be charged under the Immorality Act if they live together in SA.

Marriages between foreigners across the colour line are apparently recognised and would not lead to charges under the Immorality Act. Only "unlawful carnal intercourse" across the colour line is specified as an offence, and the Act defines "unlawful carnal intercourse" as "carnal intercourse otherwise than that between husband and wife."

(238) S. Times 8/4/84

Love-bar laws to stay

THE chairman of a parliamentary select committee investigating love-across-the-colour-line laws has dealt a deathblow to hopes that the Government might repeal them.

Mr Piet Badenhorst, Deputy Minister of Internal Affairs, told Parliament this week the laws were necessary for the protection of people and it was irresponsible to suggest they would be scrapped.

The statement dashes progressive Nationalist hopes that the repeal of the laws could herald a first essential step in the direction of reconciliation with the country's new coloured and Indian co-governors.

It also gives another political weapon to the powerful boycott lobbies in the Indian and coloured communities who oppose participation in the new constitutional system.

Mr Badenhorst's statements came in response to Conservative Party taunts that the Government was about to ditch the Prohibition of Mixed Marriages Act and Section 16 of the Immorality Act — cornerstones of the Government's race policies.

The Deputy Minister pointed out that the terms of reference of the select committee appointed last year referred to the improvement or

By BRIAN POTTINGER
Political Correspondent

amendment of the laws — not their scrapping.

"There is not a country in the world with so many laws to protect people as in South Africa," he told Parliament.

"Name a population group in the world which has a law on Group Areas.

"Name a population group which has an Immorality Act to protect them.

"Name a population group which has a law such as the Prohibition of Mixed Marriages Act to protect them.

"All these laws offer secur-

ity and protection."

Mr Badenhorst said it appeared to him the laws were necessary and should be retained.

The forthright exposition of basic government approach to the two sensitive laws was made during a Budget debate characterised by Conservative Party charges that the Government had embarked on a policy of integration.

Credibility

The appointment of the Select Committee last year was widely hailed as an indication that the Government

was considering scrapping the laws which have drawn bitter domestic and international condemnation of the Government.

Prominent Afrikaner academics have argued for the dumping of the laws as a first step in winning credibility for the new constitution.

Although the select committee has had a number of meetings, there is still no certainty it will report before the end of the current session, thus opening the possibility that the sensitive issue will be left over to the first session of the tricameral parliament.

A range of church and other organisations have al-

ready made representations — the bulk of them apparently in favour of scrapping the laws.

But there are still some powerful lobbies in favour of their retention and amendment.

The Government's hard-line approach to the retention of the laws comes despite state legal advice apparently given to the Cabinet more than three years ago that the measures could only be retained or scrapped — not improved.

Meanwhile, the Conservative Party has challenged the Government to prosecute nine mixed couples who married in South Africa last year.

Hendrickse hopes for repeal of Morals law

ARGUS 17/4/82

23P

Argus Foreign Service

LONDON. — The Rev Alan Hendrickse said here he hoped the Immorality Act would be repealed before South Africa's tri-cameral Parliament met for the first time.

Answering questions at a press conference yesterday, the leader of the Labour Party said his party was participating in the constitutional dispensation because it believed the new deal was a beginning.

The party would watch developments carefully during the first five years of the new Parliament to see whether there was a move away from discrimination, oppression and dispossession.

Asked whether the new Parliament would do away with the Immorality Act, he said he believed the legislation would be repealed before the new Parliament met for the first time

Churches

The Prime Minister had said he would be guided by the churches on the issue. Most of the churches, including the powerful Cape Synod of the Ned Geref Kerk, could find no justification for the law.

Apart from this, the Government had appointed a commission of inquiry into the Immorality Act and the Mixed Marriages Act. This was a departure by the Government from the norm.

He said any move away from the Immorality Act and the Mixed Marriages Act would be a move away from discrimination, and this would give credibility to the Labour Party's decision to participate in the new system.

Asked whether he was confident that the Immorality Act would be repealed, he answered: "Hopeful, rather than confident."

He said he was participating in the system "to dismantle apartheid"

†THE DEPUTY MINISTER OF DEVELOPMENT AND OF LAND AFFAIRS.

- (1) (a) It is presumed that "Mabensu" refers to the Ntambanana area (released area 65).

No land was expropriated here.

- (b) It is presumed that "Nsumu" refers to the Ndumu-area (released area 68).

No land was expropriated here on behalf of the South African Development Trust. The farm Ndumu of one Mr Bell was however expropriated by the State long ago.

- (2) The Ntambanana lands are destined for incorporation in KwaZulu.

The future of the Ndumu lands is still in the balance in view of the Ingwavuma matter. The Ndumu lands do form part of the jurisdiction of KwaZulu.

- (3) Ndumu, yes Ntambanana, no

- (a) Certain development actions must first be performed on the land

- (b) As soon as these actions have been completed.

- (c) (i) The Ndumu lands are administered by KwaZulu

The Ntambanana lands are administered by the Department of Co-operation and Development and the KwaZulu Agricultural Company

- (ii) Both areas are used for agricultural purposes

Handwritten: **238** *Handwritten:* **Handwritten** *Handwritten:* **Q. 61-1067**
Handwritten: **Founding Lize Venter**
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*4. Dr M S BARNARD asked the Minister of Internal Affairs.

- (4) whether any criminal charges were laid against any persons as a result of the investigations of the board, if not, why not, if so, (a) how many and (b) what were the charges in each case,

whether any such charges resulted in prosecutions; if not, why not, if so, (a) how many and (b) what was the (i) verdict and (ii) sentence in each case,

- (6) whether the board recommended any measures to prevent possible malpractices by members of the security forces against members of the said local population, if so, what was the nature of the recommendations,

whether these recommendations have been implemented; if not, why not,

- (8) whether he will make a statement on the matter?

†THE MINISTER OF LAW AND ORDER

- (1) No

- (2) to (7) Fall away

- (8) No

Handwritten: **Neala railway line**

*6 Mr D J N MALCOMESS asked the Minister of Transport Affairs:

Whether he has received any representations or requests from any persons concerning the Neala railway line in Malawi, if so, (a) when, (b) from whom and (c) what was (i) the nature of the representations or requests and (ii) his response thereto?

†THE MINISTER OF TRANSPORT AFFAIRS:

No, but for the information of the hon member I may add that on request SATS appointed two senior technical officers to visit Malawi in order to evaluate certain schemes. They recommended that the rail-

way line between Balaka and Salima be upgraded and that the telephone route between Blantyre and Salima be rebuilt. The Neala section of the railway line was not involved in this exercise

- (a) (b) and (c) (i) and (ii) Fall away

Mr D J N MALCOMESS: Mr Speaker, arising out of the reply given by the hon the Minister, is he aware of a Press report which appeared shortly after the hon the Minister of Foreign Affairs returned from Malawi, to the effect that he would be talking to this hon Minister in connection with representations made to him about this Neala line?

†THE MINISTER Mr Speaker, the hon the Minister of Foreign Affairs has already discussed the matter with me.

Mr D J N MALCOMESS: Mr Speaker, further arising out of the reply given by the hon the Minister, were those discussions with the hon the Minister of Foreign Affairs not representations? If that is so, is his answer to the question then correct?

†THE MINISTER Mr Speaker, it was not the Neala line that was involved

Handwritten: **Mr M Chiavelli**

*7 Mr D J N MALCOMESS asked the Minister of Internal Affairs

- (1) Whether, with reference to his reply to Question No 27 on 13 April 1983, he has as yet come to a decision regarding the position of Mr Marnio Chiavelli, if not, (a) why not and (b) when is it anticipated that a decision will be taken, if so, what is the nature of the decision,

- (2) whether any steps have been taken as a result of this decision, if not, why not; if so, (a) what steps and (b) when;

- (3) whether he will make a statement on the matter?

ARGAS 22/6/84

238

Immorality Act pair sentenced

JOHANNESBURG — A Soweto woman and a Johannesburg man have been sentenced to four months' imprisonment, suspended for five years, in the Johannesburg Magistrate's Court for contravening the Immorality Act

Miss Alice Setothane, 24, of Diepkloof, Soweto, and Mr John James Allen, 39, of Hillbrow, were yesterday acquitted on the main charge of having, or intending to have, sexual intercourse in Mr Allen's flat on January 6

They had pleaded not guilty

A member of the Immorality Squad at John Vorster Square, Warrant Officer Willem Jacobus Botha, told the court that he, another policeman and a policewoman had gone to the flats about midnight after receiving information

The caretaker knocked on the door of Mr Allen's flat Mr Allen, who was dressed in jeans, opened the door slightly and then tried to shut it again

W/O Botha managed to get into the flat After presenting his police identification he went into the bedroom where he found Miss Setothane crouching on the floor next to the bed She was dressed only in her pants and the bedding was "upset"

The couple were taken to John Vorster Square

Mr Allen, a works manager, said in court he had not intended to have intercourse with Miss Setothane and they had not discussed it — Sapa

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June 1984

CAP. Times (S.A.A.) (238)

Discriminatory laws: Probe call

Staff Reporter
DISCRIMINATORY legislation such as the Group Areas Act, the Prohibition of Mixed Marriages Act, the Population Registration Act and the Immorality Act should be re-examined by a parliamentary standing committee, according to a recommendation by a committee of the President's Council.

In its final report on the adaptation of constitutional structures in South Africa, the Constitutional Committee says these laws are "ceasing to be relevant as time passes and circumstances change".

In the process of creating a favourable climate for co-operation in respect of common affairs, and in a spirit of mutual goodwill, it will be necessary to look anew at hurtful and discriminatory measures, the report says.

A standing committee of Parliament should be directed to examine such statutes on a continuous basis and advise

the cabinet on the desirability of adaptations.

The committee warns, however, that "this argument in favour of better inter-group relations must in no way be seen as approval of, or a plea for, biological mixing".

● The constitutional committee failed to make any concrete suggestions regarding the constitutional future of blacks in its report.

'Not excluded'

In a chapter on the position of blacks, the committee criticizes black leaders for refusing to co-operate with the government's plan for a "black council" and accuses them of "allowing a golden opportunity to promote white-black constitutional relations slip by".

The planned black council is cited as proof that blacks were not excluded from the new constitutional dispensation.

Blacks could not, however, be included in the same parliamentary sys-

tem as that created for whites, coloureds and Indians, as this would lead to group domination, according to the committee.

The committee reports that "its virtually unanimous opinion was that a system of undifferentiated majority government, or what is generally known as 'one man, one vote in a single political system' would be impracticable".

The government's homelands policy, black municipal elections and the Black Communities Development Act "to provide for the purposeful development of black communities outside the national states" are listed as examples of how blacks have been catered for under the new system.

The committee emphasizes the need for negotiation with blacks but declines to elaborate, on the grounds that the special cabinet committee is already "actively engaged in giving its attention to the problems mentioned".

Unveiled



of the portrait of Mrs Thatcher which was unveiled at National Gallery in London on Wednesday

Picture UPI

'Immoral sex' pair sentenced

CHE Tink 22/6/84
(238)

Own Correspondent

JOHANNESBURG — A Soweto woman and a Hillbrow man were sentenced in the Magistrate's Court here yesterday to four months, conditionally suspended for five years, for "conspiring to have sexual intercourse" on January 6 this year in contravention of the Immorality Act.

Alice Setothane, 24, of Diepkloof, Soweto, and John James Allen, 39, of Hillbrow, were acquitted on the main charge of having, or intending to have, sexual intercourse.

They pleaded not guilty.

A member of the Immorality Squad at John Vorster Square, Warrant-Officer Willem Jacobus Botha, said that he, another policeman and a policewoman had gone to the flat about midnight after receiving information.

The caretaker of the flats knocked on the door of Allen's flat. Allen, dressed only in his jeans, opened the door slightly and then tried to shut it again.

W/O Botha got into the flat and went into the bedroom, where he found Setothane crouching on the floor next to the bed. She was dressed only in her pants and the bed-clothes were untidy, he said.

The pair were then taken to John Vorster Square and charged.

Allen said Setothane

had come to his flat about 8pm to help him type some urgent documents. When they finished he decided that it was too late to take her home and she had gone to lie down.

W/O Botha confirmed that there was a typewriter and typed documents in the lounge.

Allen said that he had never intended having intercourse with Setothane and they had not discussed it. He planned to sleep on the couch in the lounge.

When the police arrived he said, he was drinking tea in the lounge while checking the typed work. The lights were on and music was playing.

Allen said that when he opened the door for the caretaker he had seen three shadowy figures in the background. Fearing they were burglars, he shut the door again.

"If I were doing anything wrong, I would not have opened the door," Allen said.

The magistrate, Mr P E S Bester, said that the reason given for Setothane being at the flat was not convincing, but there was not enough evidence to convict them on the main charge.

In mitigation of sentence, Mr F Joubert, for Allen and Setothane, said they had not harmed anyone else by their actions and "the conspiracy" had occurred in the privacy of the flat.

Zola runs gauntlet demonstrators

by IAN HOBBS

Zola Budd had to run a chanting anti-apartheid march as she entered the London's West End for the premiere of the documentary in England.

Protestors, watched by dozens of photographers, shouted "Zola can run — not apartheid."

She was kept under a close watch on the streets and shoved some protesters when they broke out of the ranks.

at the theatre, where she was given a big reception.

Her film started the moment she had taken her seat. It was a beautiful but simple recount of her life in England. She spoke of the torment of leaving friends, but said she had run into a dead end for her talent and wanted international competition.

She said she had felt the political pressure badly and was aware of what was being said in the papers — so much so that she no longer read them.

Pick
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Discount Supermarkets



Law to open CBDs to all

ARGUS
22/6/84

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238

Political Staff

LEGISLATION to allow central business districts (CBDs) to be opened to all or some race groups has been tabled in Parliament.

However, the Group Areas Amendment Bill does not give race groups, apart from whites, the automatic right to open shops in central business districts

The Bill, based on the Strydom Commission investigation into group areas, was drawn up by an all-party select committee of Parliament

The committee has made a significant change to the recommendation of how the race barriers in business districts should be removed

Reservations

The Strydom committee recommended that the bar on other race groups should be removed only on the recommendation of the local authority concerned

This raised immediate reservations from Opposition parties to the left of the Government, who pointed out that some local authorities would never make a recommendation

The committee has placed the responsibility on the State President to make the changes "after consultation with the Administrator of the province concerned"

The initial firm line of the Government on excluding blacks from the new dispensation has also been relaxed.

Relaxation

The Bill states that the State President may decide which

Chinese to be allowed to live in white areas

Political Correspondent

PEOPLE of Chinese descent will in future have the automatic right to work and live in white areas

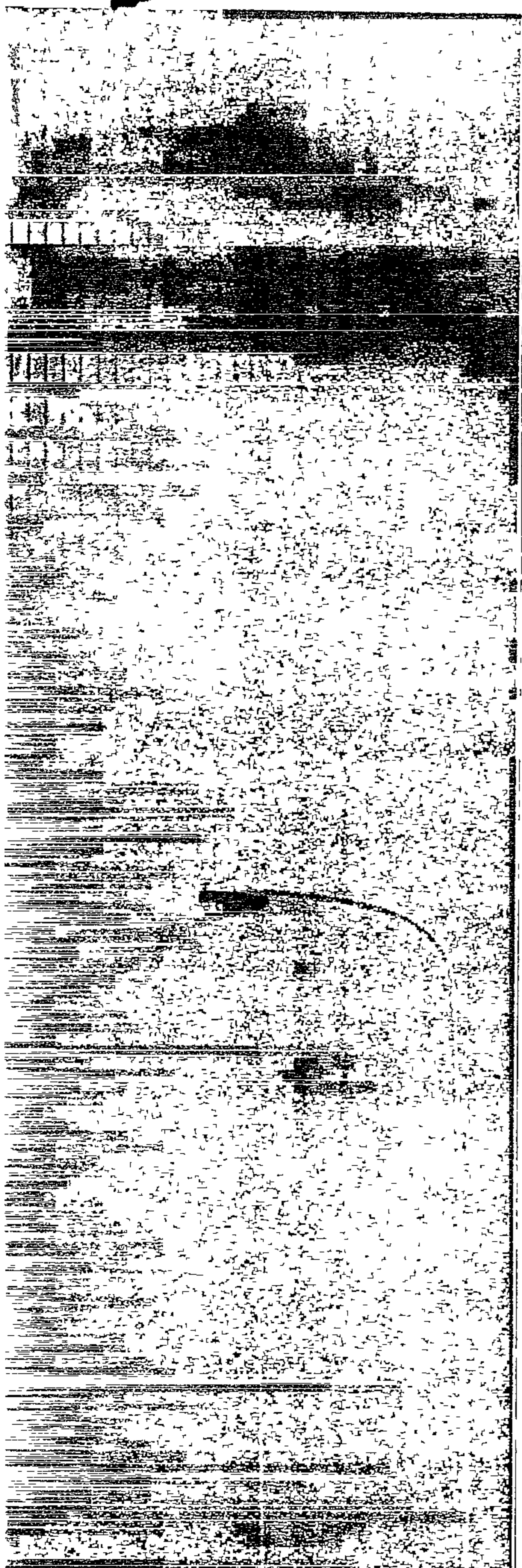
The existing Group Areas permit system for Chinese is being scrapped in terms of the Group Areas Amendment Bill which was published in Cape Town today

According to a spokesman for the Department of Community Development the amendment largely regularised an existing situation

FREELY GRANTED

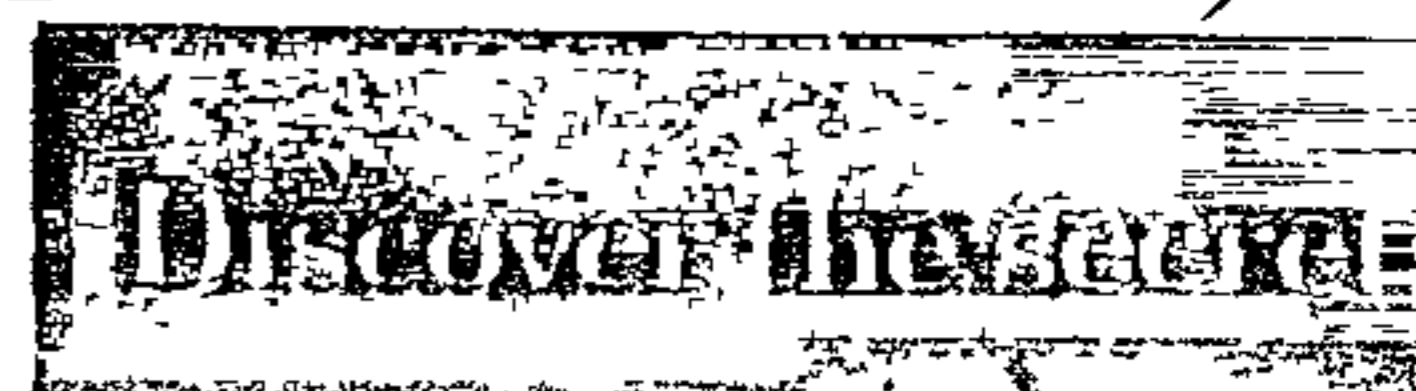
He said permits to allow Chinese to work and live as whites had been very freely granted in the last few years

While this legal concession is now being made, Chinese men who have coloured, black, Indian or Malay wives or who cohabit with women of these races will be deemed to be members of the race groups to which the women belong



Picture JOHN YELD, The Argus

edy, Cape Town's Trust Bank building on the
ed sun to burn upwards through city-shrouding
age yesterday of an illuminated rocket ship
morning mist.



to all

Political Staff

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The initial firm line of the Government on excluding blacks from the new dispensation has also been relaxed

Relaxation

The Bill states that the State President may decide which race group may be allowed into a particular area

The relaxation may also be restricted to a portion of a CBD or even part of a building

Any town planning scheme setting down conditions of use, such as for trading, religious or educational purposes, would be maintained

The committee has also removed restrictions which removed the rights of occupation and ownership of a woman married across the colour line in the event of death, divorce or "termination of cohabitation"

In future if any of these things happen to the woman she will retain the right to remain living in, or to continue owning property in, the group area in which she is resident.

Chinese to be allowed to live in white areas

Political Correspondent

PEOPLE of Chinese descent will in future have the automatic right to work and live in white areas

The existing Group Areas permit system for Chinese is being scrapped in terms of the Group Areas Amendment Bill which was published in Cape Town today

According to a spokesman for the Department of Community Development, the amendment largely regularised an existing situation

FREELY GRANTED

He said permits to allow Chinese to work and live as whites had been very freely granted in the last few years

While this legal concession is now being made, Chinese men who have coloured, black, Indian or Malay wives or who cohabit with women of these races will be deemed to be members of the race groups to which the women belong

tomorrow A C Parker's match report will appear in the later editions of Weekend Argus.

The second rugby test between New Zealand and France takes place at Eden Park, Auckland, and a report will appear in all editions of tomorrow's newspaper.

And Zola Budd makes her debut in an England vest in a quadrangular athletics meeting in Birmingham.

● A record R68-million in property transfers was recorded in the Cape Town municipal area last month. This is discussed in tomorrow's Argus Property section



Like an arrow...

SCOTTISH Archer can defy a stiff penalty increase and make it a winning double in the Jack Stubbs Memorial Handicap over 1 000m at Milnerton tomorrow. For The Rover's preview of the race plus our regular Friday racing features, turn to Page 19.

Don't miss your July competition

WIN R1 000! Don't miss The Argus on Monday for details of our exciting July Handicap Competition.

Discover the secrets of Richelieu



REPRESENTATIONS BY G. P. ...

'Integration' for Chinese

Cape Times 23/6/84

238

Political Staff

THE Chinese community in South Africa is likely to be fully integrated with the white community within the ambit of the new constitution

It is reliably understood that further concessions with regard to residence permits for Chinese will be announced next week and a decision on their incorporation in the white community can be expected once the new deal is firmly on its feet. And, it is understood, this means the Chinese will vote for members of the white House of Assembly, although one source said it would be wrong to expect an announcement on this in the immediate future.

Earlier this session, the Minister of Internal

Affairs, Mr F W de Klerk, indicated that the question posed by the Chinese community was receiving urgent attention

In the Select Committee which inquired into the constitution, the Progressive Federal Party proposed that the Chinese community be allowed to select with which population group they would like to vote.

'Open' CBDs

The first move towards assimilating the Chinese was disclosed yesterday with publication of the Group Areas Amendment Bill, in terms of which the provisions of the Act will cease to apply to the Chinese community

An exception is made in the case of a Chinese man married or living

with an Indian, Coloured or African woman. In this case the couple must reside in the group areas demarcated for the racial group of the women.

Other changes to be brought about by the bill are

- Central Business Districts will be opened to all, or some race groups, although only whites will have the automatic right to open businesses in CBDs

- Authority for deciding which groups will be allowed into an area will reside with the State President after consultation with the Administrator of the province involved

- The removal of the restriction which removed the rights of occupation and ownership of a woman married across the colour line in the event of divorce, death or "termination of cohabitation"

Welcoming the relaxation of the Group Areas Act as far as the Chinese were concerned, the MP for Port Elizabeth Central, Mr John Malcomess, called for the immediate classification of the Chinese "in such a way that they have all the benefits of full citizenship"

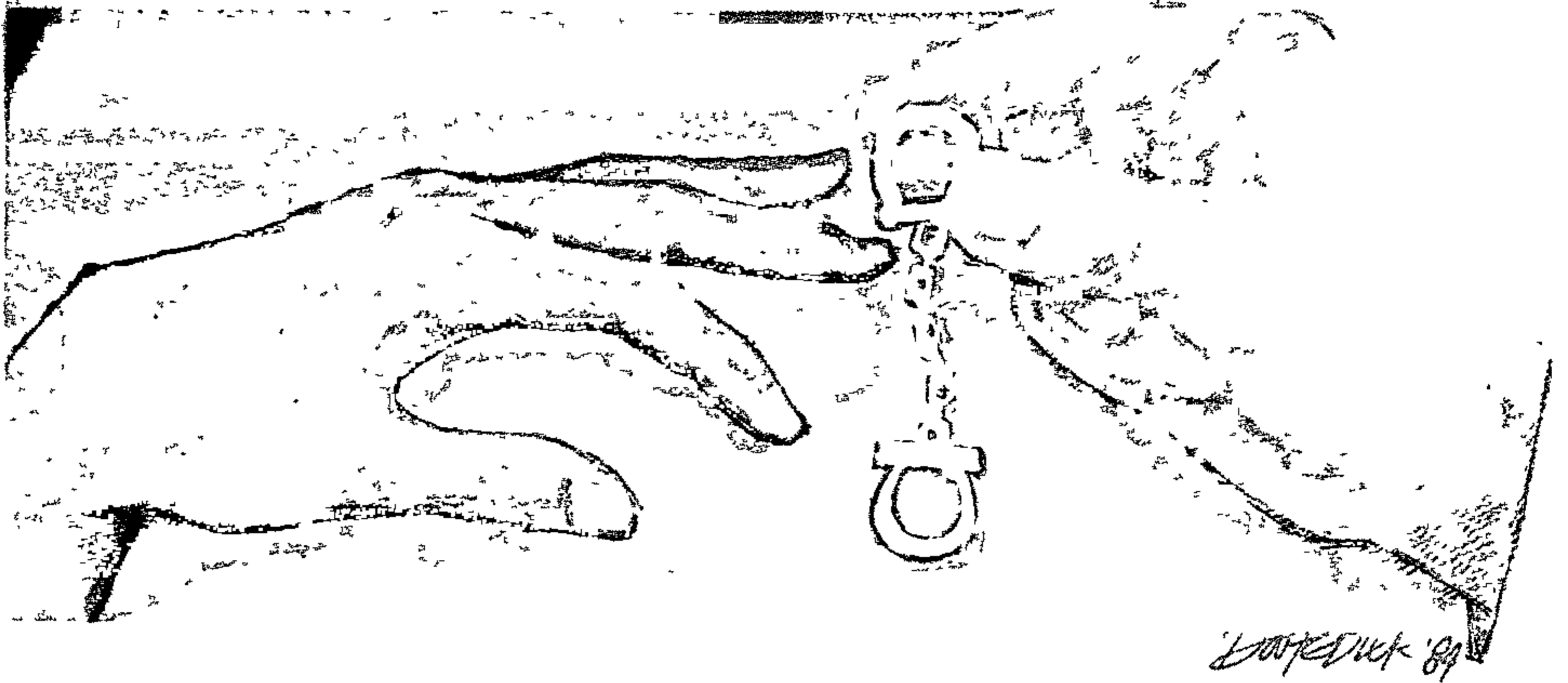
Port Elizabeth is the only city to have had a group area demarcated for the Chinese

- The Western Cape Traders' Association (WCTA), yesterday opposed the State President's prerogative to allow "a particular race group" in CBDs

"This relaxation with restriction is no relaxation," a WCTA spokesman said

"We had our fears that the report of the Strydom Committee would be retrogressive and reactionary," he added

"Whatever the dictates of the Nationalist ideology, the fact is that SA's different race groups come together in the market place, and no way more so than in the CBDs of our cities"



The

The Government's select committee to probe the Immorality and Mixed Marriages Acts said in its findings this week it is impossible to "improve" the Acts. Bar some unforeseen event, this spells the end of the 35-year aberration that the Acts represent. JAAP BOEKKOOI reports.

end of the line?

238
skw

14/7/84

EVERY dog has its day, and every law runs its natural course. The Immorality Act's clause 16, and the Mixed Marriages Act, together not that different from numerous anti-miscegenation laws in American states, Nazi Germany and even ancient Greece, is being snuffed out by the winds of time

"Improving them," in the immortal words of Professor Erika Theron, "is like putting perfume on a dung heap"

Thirty-five-years-old this year, and a bitter fruit of the Nationalist victory of 1948, the Immorality Act has often been honoured more in the breach than in compliance.

For 298 years of the country's history the kind of immorality law proscribes was legal and as common as pie. Blacks and whites slept together and so founded staunch Afrikaner dynasties.

view of what constitutes legitimate crime, and give Section 16 a low priority You can see this daily in Cape Town's red light areas where cops on the beat turn a blind eye to open interracial soliciting

What has brought the Immorality and Mixed-Marriages Act to their final whimpers is the once unimaginable fact that within a mere six months coloured legislators, themselves — by implication — the products of Clause 16 "immorality", will sit in Parliament to launch their promised total onslaught against the two laws that implicitly besmirch their ancestors, whether these were burghers nightly visiting the southern hemisphere's biggest bordello, the VOC Slave Lodge, or whether they descended from sturdy Cape pioneers like the first Basson, Vermaak or Van Der Sand who married blacks

To some who think that there must be laws to protect morals, the passing of the two infamous

With only two years of his current five-year term behind him Sir Lynden has categorically rejected the idea of an early election. Nonetheless the commission's revelations have badly shaken the PLP Corruption at official level has been one of the principal issues in each of the last three elections. Tied to this has been the flagrant peddling of favours by well-connected members of the party. The broad exposure given their activities by the commission has further undermined the administration's credibility.

Appointed initially for three months, the commission has recently been given its second three-month extension. The inquiry will terminate on September 28 at a cost to the government of more than \$1.5 million. Inevitably, the name of several cabinet ministers have surfaced during the hearings. A close friend of Sir Lynden, accused of influence-peddling on behalf of drug smugglers, told of paying the prime minister at least \$533 000. Sir Lynden has acknowledged the payments by Mr Everette Bannister in testimony before

ong Bahamians for years. But so many people should have been called to account publicly their actions has set off social and political tremors whose long-term effects are still hard to gauge. What clearly astounded Sir Lynden's critics was his decision to appoint the commission in the first place, and his apparent willingness to give full rein to its investigations. The three-member body, headed by a former Chief Justice of the Bahamas, began hearings in December following allegations by NBC, the American television

C. Herxler 11/8/84

(238)

They were the pillars of Afrikaner purity. To others they were simply . . .

Ungodly Acts



● **AFRICA'S best-known mixed couple, the late Sir Seretse Khama, and his wife Lady Ruth Khama. At the time of their marriage, both leading British government figures and their South African counterparts gave the couple a hard time.**

TWO of South Africa's most evil laws — the Mixed Marriages Act and the Immorality Act — are under siege.

While politicians are speaking about improvements to the Acts, dozens of South Africans are forming sexual liaisons across the colour line.

And Cape Town, especially, has become a haven for these cross-colour-line relationships.

Dozens of mixed couples, I learnt this week, are happily sharing kitchens, showers and beds — especially in areas like Schotsche Kloof and Sea Point.

And there is little the authorities can do about it, I was told.

One couple whom I traced to a house near the City centre, told me defiantly. "The law can't get in the way of love. The law can't prevent two people of different races, or of the same race, from falling in love."

Fahiem A (not his real name) and his white lover Jane A (also not her real name) met two years ago, through friends who were equally defiant about Section 16 of the Immorality Act and the Mixed Marriages Act.

PEPPERED

Since then, their relationship

cause "the cops hassled us when we were living in a white area".

COLOUR

"Love doesn't look at colour. It depends on how people feel about each other," Jane, 26, said. Her lover agreed.

Fahiem said "It doesn't matter how many laws they make to stop people of different races from getting close to each other. They will still fall in love with each other."

"Jane and I met through friends and we genuinely fell in love. Here we have a child today. He's here because we loved each other."

Fortunately for them, Fahiem's family made no bones about his relationship with a white woman.

POLICE

Jane came from a home where her English father had forsaken his German wife — Jane's mother — to shack up with a "coloured" whom he later married in the land of his birth and settled down with in Namibia.

But while their parents were tolerant, the police were not. Fahiem and Jane

MIXED marriages in South Africa are doomed and earmarked for legal extinction the minute the couple walks down the proverbial aisle.

Local marriage officers, many of whom are also ministers of religion, not only inflict the heavy hand of the law on the couple when blessing them, but also make themselves guilty of an offence in terms of the Mixed Marriages Act.

The 1949 Prohibition of Mixed Marriages Act says: "Any marriage officer who knowingly performs a marriage ceremony between a European and a non-European shall be guilty of an offence and liable to a fine not exceeding fifty pounds (R100)".

Another section of the Act makes it an offence "to make a false statement to a marriage officer", which can be regarded, in law, as perjury.

What is clear from the Act, is that such a marriage would be void and of no effect in law.

So, for marriage officers in South Africa, marrying a mixed couple takes more than just letting them rattle off the marriage vows. It could signify the start of a long, agonising brush with the law. TYPED BY ROME SEALE reports . . .

In one case, Jane was walking through the Cape Town railway station with racially mixed company.

This is how she described what happened there.

MISTAKE

"We saw this guy in plainclothes following us for quite a while. Then one of the girls, a white, made the 'mistake' of hugging one of the 'coloured' boys.

"Immediately, this cop came up to us and

court occurred while they were living in a white part of the city.

PROSECUTE

Fahiem said "They came there and took statements from us. They asked us separately how we felt about each other. They sent those papers away, so that they could decide whether to prosecute us."

"Eventually, we heard that we were not going to be taken to court. They said there was nothing they could

C/HAROLD

11/8/84

238

pered with sporadic police interference and the usual "funny" looks from passers-by. But they allowed nothing to get in their way to stop it.

Right now, they are raising a 15-month-old boy named David — a living pointer to what Fahiem, 24, describes as "the great feeling we have for each other."

I spoke to them at the home of Fahiem's mother. Fahiem told me later that they had had to move there, be-

regularly take walks through the city with their child, much to the amusement or disgust of passers-by.

On many occasions, they said, policemen approached them to probe the seriousness of their relationship.

"All we could tell them was how we felt about each other — the fact that we were in love. There was nothing they could do and there's nothing they can do to us now," Fahiem said.

eventually told her that he was going to tell her parents, but she just laughed at him. When he saw me, he must have noticed that I was older.

"He told me that there was no need for him to speak to me, because I appeared to be able to look after myself. I never took notice of him. It was just so funny. What is there to look after?"

The closest the couple got to ending up in

Even if we had to go to court, we would have told the magistrate the same thing.

"The point is, people fall in love with other people because of their feelings for each other, and not because of their skin colour. The Immorality Act laws and the Mixed Marriages Act must go. Things must change, not only as far as sex across the colour line is concerned. Everything in this country must change."

'Flush these Acts down the drain'

OUTSPOKEN Mitchells Plain preacher, the Rev Peter Mentoor, threw down a challenge to the authorities this week when he said, "I will marry a mixed couple."

"And I will do so because marriage does not become marriage once people sign the register. It becomes marriage once I bless them."

He added: "I believe that people who have the courage of their convictions MUST go ahead and prove this Act to be a farce."

The AME Church's man in Mitchells Plain told me: "Both the Immorality Act and the Mixed Marriages Act should be flushed down the drain."

BOOTED

"It is ridiculous that they should have been referred to a parliamentary select committee to look for possible improvements to its workings."

"All apartheid laws have to be booted out completely. Nothing else will suffice."

"Look," he said, "it will be difficult for the select committee to even touch on the Mixed Marriages Act without considering what contradictions it would bring about in the Group Areas Act."

What would be the results of the shelving of the two Acts? I asked him.

"Take Group Areas," he replied. "Where will mixed couples live? Will they create a special Mixed Couples Homeland for them?"

"And the Population Registration Act, in terms of which people in this country are classified according to their race - how will they classify descendants of mixed marriages?"

"No, it's apartheid that must go. And for that, one doesn't need a parliamentary select committee."

A 'facelift' for Act 23 of 1957

KEEPING people of different races from sharing beds and raising families together, has been a top priority in the National Party's recipe for a successful apartheid system

A mixed, unmarried couple in this country can get themselves into trouble if a policeman finds them close to each other in a car, on the beach or in a bedroom

Two scantily dressed individuals with contrasting skin colours and dented pillows and blankets in the back-ground, often constitute enough grounds for a policeman to charge them, depending on whether it's a white woman with a black man, or a white man with a black woman, with contravening Section 16 (1)(a)(i) or (2)(a)(i) of Act 23 of 1957 — the Immorality Act

Section 16 of this Act deals with the fact that it is illegal for black and white to have or attempt to have sexual intercourse with each other

It is also illegal to "entice, solicit, or importune" someone of a different race into sexual favours

PROSTITUTE

And this goes for everyone, from a prostitute to a prince

Very often it doesn't matter to the courts whether the carnal union is part of a sincere relationship based on love, or whether it comes after a one-night stand

Just a few weeks ago,

a magistrate in Hillbrow, Johannesburg, sentenced a white man and a coloured woman to four months in jail for immorality

The white man told the court that he was in love with his co-accused and that they had a child

The magistrate said that the Immorality Act was still on the statute books and that those who contravened it should be punished

But the significance of the Hillbrow judgment lies more in the fact that it was handed down not so long after the Minister of Law and Order, Mr Louis le Grange, told Parliament that the police had standing instructions, issued 13 years ago, not to arrest people under Section 16 of the Immorality Act unless they came across offenders

CONVICTED

Minister Le Grange made his statement in Parliament in March this year

However, last year, the same Parliament heard from the Minister of Justice, Mr Kobie Coetzee, that 126 people had been convicted in terms of Section 16 and that a further 27 were awaiting trial

Eventually the Government settled for the institution of a select

committee of Parliament to consider Section 16 of the Immorality Act and the Mixed Marriages Act for possible "improvement"

"How do you 'improve' a bad law?" many asked after this

Earlier this month, this select committee came back to Parliament asking for additional powers to consider scrapping both the controversial statutes

REPEAL

The committee, under the chairmanship of the Deputy Minister of Internal Affairs, Mr Piet Badenhorst, told Parliament that the legislation could not be "improved" as requested, and that there had been a "preponderance" of evidence pointing "to the desirability of the repeal of the two measures as they cannot be justified on Scriptural or other grounds"

The scrapping of the laws fell outside their existing terms of reference, the committee said

The Minister of Internal Affairs, Mr F W de Klerk then agreed to allow the committee to investigate the scrapping of the sex Acts, but that careful attention should be given to the "continued social, educational and constitutional ordering of communities"

C/HARGLA

11/8/84 (238)

'Reform drops of perfume on dung'

"MUSLIMS reject the Immorality Act because it seeks to separate people on the basis of colour"

So says Moulana Farid Esack, prominent Muslim leader and member of the Muslim Judicial Council

Moulana Esack said "The current rethinking on the Immorality Act is but a single example of the dinosaurian outlook of the Botha regime

"Van Riebeeck allowed mixed marriages when he came to the Cape more than 300 years ago. And if attempts to legalise legalise only now what was legal as far back as 1652, is not an example of slow thinking, then what is?"

"The sad fact that converted this comedy into a tragedy is that the very slow thinkers insist on governing this country

FREEDOM

"Laws which have no direct bearing on the most fundamental questions — freedom and justice — are going to be tampered with increasingly as a part of a whole reform package that the Government is attempting to sell to the West and to the 'coloured' and Indian people

"It is in this light that the present tampering with the Immorality Act must be viewed. Muslims, therefore, reject this reform gimmick in the same way that they reject attempts to co-opt them on the grand schemes of August 22 and 28

"We are indifferent to what they do to the Im-

morality Act or to the elections on August 22 and 28. Their reforms, to the oppressed, amounts to sprinkling a few drops of perfume over a heap of cowdung in the hope that its smell will disappear

(238) S - Times 26/8/84

Boost for moves to scrap love laws

Powerful lobby aims to bolster new Parliament

THE scrap-the-Immorality Act lobby within the Government has been given a powerful boost by the overwhelming weight of evidence before a parliamentary select committee.

The committee was appointed to investigate South Africa's amendment of the Immorality Act and the ban on mixed marriages. The 415-pages of evidence before the select committee has representations from more than 90 witnesses — and reveals only a minority rearguard of ultra-rightists unequivocally in favour of retaining the laws.

Such a powerful body of opinion offsets the findings of a controversial HSRC survey earlier this week which indicated 80 percent of Afrikaners, 40 percent of English-speakers, 24 percent of coloureds and 25 percent of Indians favoured the retention of the laws.

The select committee evi-



dence — published on Friday — reveals

- Nearly all witnesses believed the laws could not be "improved" but would have to be either retained or scrapped altogether — precisely the evidence state legal advisers had given the Cabinet two years ago
- The major English-language churches were strongly opposed to the Prohibition of Mixed Marriages Act and Section 16 of the Immorality Act and called for their immediate scrapping
- The powerful NGK through a battery of witnesses conceded the laws could not be defended scripturally and it was up to the State to judge the moment when it would be socially correct to scrap their provisions
- The Labour Party strongly argued for the scrapping of the Acts, warned the provisions would be quite incompatible with

the new system and rejected the original Government justification for them — that they would protect coloured women from unscrupulous white men

- A panel of medical experts argued there was no such thing as a "pure" race group and the law was thus based on a scientific impossibility

Only isolated far-right groups — such as the Kappie-kommando and AWB — tried to defend the laws

One witness claimed social interaction of any sort between different race groups was a "softening up" process which would lead to eventual intermarriage

Adopted

Much of the evidence — particularly from the Labour Party delegation under Mr Miley Richards — highlighted the horrific cost the laws have levied on the lives of ordinary people

In one Durban incident mentioned in evidence a

black woman, married to a white man, lived for years as the "maidservant" in her own house to protect her family

Her daughter's white fiancée committed suicide when he learnt his lover was actually coloured.

And the absurdity of the Act was also revealed in evidence by a panel of geneticists

One of them told how his own adopted child had come up for race classification

With all his knowledge he knew there was no scientific way of classifying the child "pure white" But a junior government clerk had no problems in identifying and registering the child as "white"

The hefty body of opinion either fiercely opposed to the laws or reserved in their defence has given another push to the already growing momentum in government to scrap the provisions

Two months ago the select committee under Mr Piet Badenhorst, Deputy Minister of Internal Affairs, asked Parliament to expand its terms of reference so that it could recommend if it wishes the complete repeal of the two laws

The move hastened already strong speculation that the Bills were destined for the scrap-heap in a major legitimacy-building operation by the Government aimed at bolstering the new tricameral Parliament.

Assembly by... a motion... nominated for... Council on a Party ticket... van Breda... Whip, said this... knowledge of... could not com-... proposed move... in some NP... further embar-... "crown prince"... his role in the... scandal when he... about... of the Citizen... some confusion... the House... would be com-... a vote of cen-... member of the... Council — a sep-... and not strictly... legislative arm

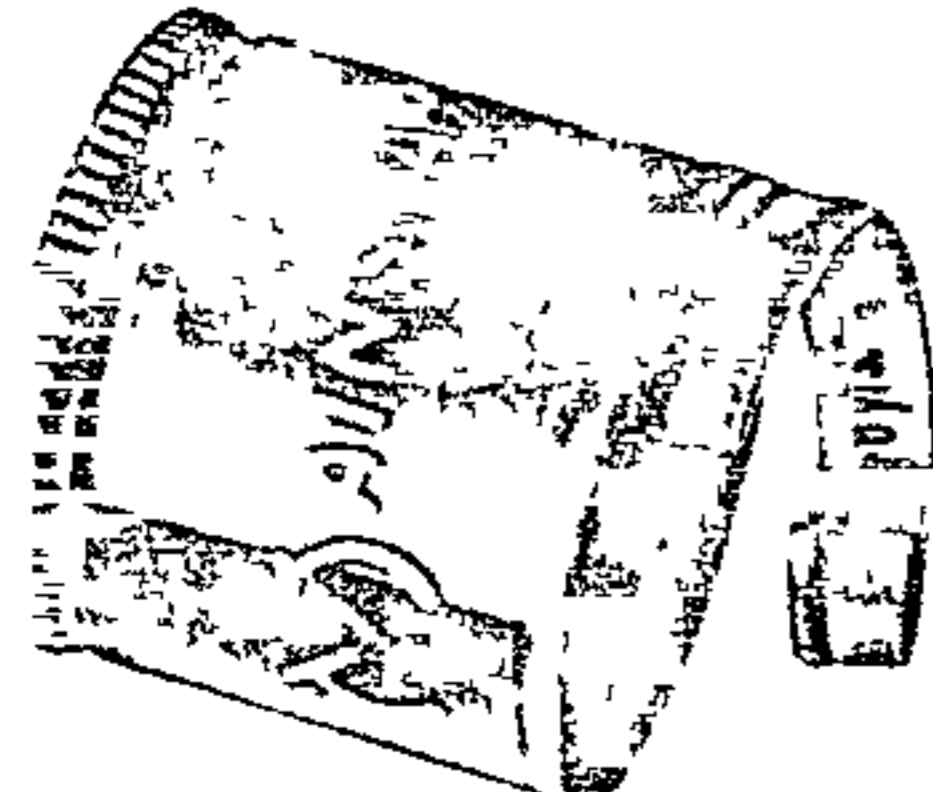
pentant

Mulder been re-... to Parli-... almost cer-... faced a call for a... of inquiry... in 1977 when... of Information he... there was no... in the Citizen —... scandal front

ervative Party... Dr Mulder as... of the President's... terms of the con-... which allows oppo-... representation... headlock-breaking

Dr Mulder was... tant at the Con-... Party congress in... this week He said... regrets about his... as Minister and... the same again if

said he had been... opportunity to de-... self against charges... looking forward to... in the future



WINNERS OF THE MAINSTAY "MESSAGE IN A BOTTLE" COMPETITION.

WINNERS GRAND PRIZE FOR 6 MAURITIUS... DAVID LESONG... MISS P LUBA NOZIBELE... HANS LESONG... M R MONGINHO... PETRUS MOHATLE... WILLIAM GAARATHWE... DUNCAN THIDI

ISAAC MOLETSANE... GONONO NIDO... TIMOTHY HLATS-MAYO... JOYCE BUTHELEZI... HOPEWELL ZUNGU... MR ANTHONY ST-HOLE... JOSEPH NOMANDE

JOHN MUNDRAL... ZAC MOLANTOA... GIDEON SELESONA... MR J W DELPORT... MR D STOWE... MS C JANTJES... MR P DAVIDSON

G LABBARI... J PARSHOO... MR M NAIDOU... RENUKHA RAMSOOLAM... RAJENDRAN MUNIEN... ADOLPHUS LEDIMO

MISS SANDILE BUTHELEZI... MISS NTOMBENINGI NOOLUYU... MR T J NSUMALO... LINCOLN VUKILE NEDBESE... T A M SIBI... STHEMBILA DLAMINI... WILLIAM DLAMINI

M S MAYHUBA... THANDI MTWBENI... ISAAC MOLETSANE... STEPHEN MABENA... MARGARET MANALE... MODISE R SASIANGOAKO... PHILLIP HANOVANDY... FRANCIS MABUNDA

Joseph Morge... Josephine Pule... Doc Mts... Mrs K Pile... W E L Fischer... Mrs Par Lucids... Mrs P. Abrahams

Joseph Morge... Josephine Pule... Doc Mts... Mrs K Pile... W E L Fischer... Mrs Par Lucids... Mrs P. Abrahams

MIXED MARRIAGE

(238)
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27/2/84

'Feelings of great hurt and bitterness'

CAPE TOWN — Most church groups were in favour of scrapping laws prohibiting marriage and sex across the colour line, a parliamentary select committee was told here. However conflicting viewpoints from the Ned Geref Kerk were also given to the parliamentary select committee on the Prohibition of Mixed Marriages Act and section 16 of the Immorality Act.

A top Ned Geref Kerk executive body asked for the retention of the laws on practical grounds, while prominent NGK theologians said the laws conflicted with Scriptural and Christian principles.

The Anglican Archbishop of Cape Town, the Most Rev PWR Russell, called for the "total repeal" of both laws.

Referring to the Prohibition of Mixed Marriages Act, he said there was no warrant in the Bible for depriving any person of choice of marriage partner on the grounds of race.

Section 16 of the Immorality Act had caused "feelings of great hurt and bitterness, denying human dignity to those whom the Act describes as coloured persons".

That had led to many domestic tragedies, the break-up of homes and even to a number of suicides.

Archbishop Russell said it was generally agreed that private and mutually consented acts of fornication were a sin, but not a crime.

The Roman Catholic Archbishop of Cape Town, Owen Cardinal McCann, said it was impossible to improve the measures, which could not be defended on the grounds of human rights.

Political Staff

Calling for the abolition of the laws, he said "There is no such thing as 'racial purity'. Every population group is of mixed blood.

"The upholding of public morality must, therefore, be effected without reference to the colour of the skins of the alleged offenders."

A SLUR

Dr DGL Cragg of the Methodist Church of South Africa said the two laws "cast a slur upon the humility and the worth of the majority of our countrymen".

He said "Gentlemen, racial purity of any sort is a myth, for human history is a story of constant migration and blending of races and peoples. Our racial make-up like our cultures are in debt to many people."

One of the arguments of the Methodist Church for scrapping the laws was that any

changes were unacceptable unless the principles of the laws were amended.

The Rev PW Bingle of the Gereformeerde Kerk said his church wanted the laws removed from the statute book.

The Ned Geref Kerk said the Prohibition of Mixed Marriages Act was justified in "South Africa's complex society". And while that law existed, section 16 of the Immorality Act should not be repealed.

The Hervormde Kerk asked for the retention of both laws.

Theologians of the Ned Geref Kerk's seminary at Stellenbosch, including Professor HJB Combrink and Professor BC Lategan, submitted evidence in support of the scrapping of the two laws.

Professor Lategan said the two laws gave the whole existence of a particular population group "a morally negative and criminal status".

No pure whites, say experts

CAPE TOWN — There is no such thing as a pure race and white South Africans in general have more than seven percent mixed blood, according to some legal men and psychiatrists.

Other statements made to a parliamentary select committee were that the Prohibition of Mixed Marriages Act and section 16 of the Immorality Act caused emotional and mental suffering, and that police methods of observation and entrapment in mixed marriages and immorality offences were of necessity humiliating and degrading.

Professor C J Dugard, of the Centre for Applied Legal Studies of the University of the Witwatersrand, referred to the degrading police methods.

He said that police time and energy could be more profitably spent investigating crime that truly constituted a danger to society.

The criminal law should never be used as "an instru-

Political Staff

ment of tyranny".

Race was the crucial factor in both the laws which were passed by a Parliament representative of only the minority of South Africans.

Professor JP de V van Niekerk, acting dean of the medical faculty of UCT, Professor P Beighton, head of the university's department of human genetics, and Dr E du Toit, a senior lecturer in the department, appeared before the committee.

Professor Beighton said inbreeding in a particular race group caused problems. There were examples of this in the Afrikaner and Jewish groups.

Dr du Toit said that among the Afrikaners and English-speaking whites there was a considerable admixture of so-called Southern African genes. These were mostly Khoisan, that is Hottentot and Bushman, as well as Negro and Asiatic genes.

As regards the difference between Afrikaans and English-speaking South Africans a figure of seven percent Southern African admixture was given by his predecessor, Dr MC Botha.

More sophisticated gene markers showed that this was probably higher.

The difference between Afrikaans and English-speakers was only that one had an admixture of Asiatic genes and the other not.

The Cape Western subgroup of the Society of Psychiatrists told the committee that the implementation of the two laws at times caused psychiatric disturbances including suicide and depressive disorders in adults.

Children born of clandestine unions had identity problems and conduct disorders.

The group strongly recommended the repeal of the two laws on psychiatric and humanitarian grounds.

STAR

27/8/84

238

Kappiekommando will fight

CAPE TOWN — The Hervormde Kerk and the Kappiekommando were foremost among the few bodies who opposed the repeal of the controversial Prohibition of Mixed Marriages Act and the sex-across-the-colour-bar clause of the Immorality Act when they appeared before the parliamentary select committee.

Of the 90 bodies and individuals who made representations to the committee only five opposed the repeal of the two laws.

A prominent leader of the Hervormde Kerk, the Rev Mosie van den Berg, who is also one of the leaders of the Afri-

Political Staff

kaner Volkswag, said his church did not find the two laws discriminatory.

Discrimination meant unequal treatment and in this sense there was not discrimination against people of a particular race group.

Coloured people should not only be asked about laws which hindered their aspirations to "try for white" but should also be asked whether they wanted legal protection against black nations.

If the two laws were to disappear there would be a tremendous campaign for an in-

crease in inter-marriage between white and coloured.

The leader of the Kappiekommando, Mrs M P J van Zyl, said the United States was prescribing to Mr P W Botha and Mr Pik Botha that a black-majority government must take over in South Africa.

This was why the laws must be questioned. The "volk" could then "bastardise" and die.

The representations of this ultra-rightwing body were frequently interspersed with references to the Bible.

Mrs van Zyl said the Kappiekommando would fight to the last drop of blood for the maintenance of the white Afrikaner.

Acts have negative effect — LP

Political Staff

CAPE TOWN — The retention of the Prohibition of Mixed Marriages Act and the sex-across-the-colour-bar clause of the Immorality Act would maintain the suspicion among coloured people that the new constitutional dispensation was merely a device to maintain white domination.

This is the view of the Labour Party (LP) in a memorandum to the parliamentary select committee on these two Acts.

The party said these laws had a negative effect on inter-group relations, particularly at a time

when co-operation was needed to make a success of the new constitutional system of shared power between white and brown.

The committee's investigation should result in the repeal of the two laws if hopes and expectations aroused by the Government's initiative were not to be dashed, the party said.

Many lives had been shattered and people's characters blemished by these laws, which also caused a general decline in public morals.

South Africa's image abroad became that of the "polecat" through these Acts which were essential components of apartheid.

Coloureds find laws repulsive

CAPE TOWN — The coloured people found it repulsive and degrading that their forebears were being belittled and insulted through laws which prohibited mixed marriages and sex among whites and non-whites. Dr R E van der Ross, Rector of the University of the Western Cape, told the parliamentary

Political Staff

select committee on the Prohibition of Mixed Marriages Act and section 16 of the Immorality Act.

He said the laws clearly maintained that the coloureds' forebears were sinners because

they had brought them into the world.

It was not that coloured people wanted to marry whites or sleep with them. It was only that they did not want to be prescribed to on whom they should marry or who should be their friends.



ger, with Northern ombard and flyhalf to stop him, crash-tries on Saturday



nsvaal clash at ms No 8 Tollie

Ivor Markman

Sex-law moves this week?

27/8/84

238 C - Times

By ANTHONY JOHNSON
Political Correspondent

A PARLIAMENTARY select committee draft report calling for the repeal of laws prohibiting sex and marriage across the colour line is likely to reach the cabinet this week.

The decision on whether to advocate the scrapping of the Mixed Marriages Act and the sex-across-the-colour-bar clause of the Immorality Act now — or to refer the issue to the new tri-cameral Parliament — will be made on Wednesday at the last scheduled meeting of the committee

The anti-Immorality Act lobby within the select committee received a strong boost at the weekend when it was disclosed that the overwhelming weight of evidence before it favoured the scrapping of the laws

Whether the offensive Acts get the thumbs-down this week or during the first session of the new Parliament, depends to an important degree on what the Prime Minister, Mr P W Botha, thinks is tactically correct in political terms

Timing crucial

Mr Botha, who has been examining evidence presented before the committee for 10 days now, is understood to be in favour of decisive action from the committee — but timing is crucial

In addition, if the recommendations to scrap the measures come from the present committee it might be easier for the government to extract



Mr P W Botha... in favour of decisive action

compromises on related legislation from white opposition parties sitting on the committee

However, allowing coloured and Indian MPs to be party to the dismantling of discriminatory laws next year could serve as a boost to the legitimacy of the new tri-cameral system

Although the majority of members on the committee — which has representatives from all four parties — are understood to favour repealing the two laws, some are apparently concerned that the objectives and principles contained in other existing laws are being threatened



Mrs Helen Suzman... the sooner the better

Another possible obstacle is the contentious HSRC survey published last week which found that 80 percent of Afrikaners, 40 percent of English speakers, 25 percent of Indians and 24 percent of coloured people favoured the retention of these laws

However, the powerful body of evidence contained in the parliamentary select committee's report released at the weekend might go some way to offsetting the findings of the HSRC

Evidence before the select committee found that

● Only five of the 90 bodies and people who sub-

mitted evidence were in favour of the retention of the two Acts.

● The major English-language churches were staunchly opposed to the ban on mixed marriages and the sex-across-the-colour-bar clause of the Immorality Act.

● Witnesses from the Nederduitse Reformeerde Kerk, although holding different opinions, conceded that the laws could not be defended scripturally

● Medical experts submitted that no such thing as a "pure" race existed in South Africa and that whites in general had more than 7 percent coloured blood.

'Incompatible'

● The Labour Party warned that the Acts were incompatible with the new system and that as long as they existed, coloured people would suspect that the new constitutional system was an attempt to perpetuate white domination

Mrs Helen Suzman, PFP MP for Houghton, who has been fighting for a quarter of a century to have the Acts removed from the statute books, said yesterday: "The sooner the government announces its intention to get rid of these insulting and humiliating laws, the better"

Further probe into sex laws is urged

Political Correspondent

CAPE TOWN — A Parliamentary select committee studying the possible repeal of laws prohibiting inter-race sex and mixed marriages has recommended that the investigation be continued by a joint committee in the new constitutional system.

The Nationalist majority on the committee has decided that the repeal of the Prohibition of Mixed Marriages Act and the sex-across-the-colour-bar clause of the Immorality Act without simultaneous essential adaptations of related legislation might lead "to the disturbance of the order in the various communities".

Nats accused of a 'cop-out'

Political Correspondent

CAPE TOWN — Nationalist politicians were today accused of a "cop-out" over the possible repeal of the Mixed Marriages Act and the sex-across-the-colour-bar clause of the Immorality Act.

Dr Alex Boraine (PFP Pinelands), who was a member of the parliamentary select committee which decided to refer further investigation of the two laws to the new constitutional system, said the Nats were trying to buy time

He said they had got cold feet after a Human Sciences Research Council survey found that most Afrikaners favoured retaining the laws

The Nat reaction came despite the fact that the survey contradicted other polls and that it was a restricted telephone poll.

Now they were trying to buy time even though the eventual scrapping of the two measures and other related laws was inevitable

ONLY RAY OF HOPE

Dr Boraine said the only ray of hope was that the investigation would now go to a joint committee of the white, coloured and Indian Houses of Parliament and that, in view of the declared viewpoints of coloured and Indian MPs, there would now be even stronger pressure for the repeal of the laws

In the select committee a PFP move to have the measures scrapped was voted down by NP and Conservative Party members

Labour Party MPs said they would continue to press for the repeal of the laws and related ones like the Group Areas Act

In its evidence before the committee, Labour said retention of the laws would maintain the suspicion among coloured people that the new constitutional dispensation was merely a device to maintain white domination

A Progressive Federal Party proposal that the two measures should be repealed and that other related legislation should be reviewed consequent upon such repeal was defeated in committee

A Conservative Party proposal that the measures should not be repealed was also defeated

The committee was appointed last year to inquire into the possibility of improving the laws

This July its terms of reference were widened in order to enable it to inquire into the desirability of repealing the laws

The committee asked for that because the overwhelming weight of evidence presented to it was in favour of scrapping the laws

The evidence, which was published last month, showed that only five of the 90 bodies and people who submitted evidence were in favour of the retention of the two measures

NOT SCRIPTURAL

In its report the committee said it had again evaluated the evidence

It confirmed the finding in its first report that the preponderance of the evidence before it pointed to the desirability of the repeal of the two measures as they could not be justified on Scriptural or other grounds

The committee was of the opinion that the repeal of these measures could lead to essential adaptations to related legislation in order not to prejudice the continued social, educational and constitutional ordering of communities

The repeal of the measures without simultaneously recommending essential adaptations to related legislation might lead to the disturbance of the order in various communities

FURTHER EVIDENCE

When the committee's terms of reference were broadened the then Minister of Internal Affairs, Mr F W de Klerk, added the proviso that due regard should be given to "the continued social, educational and constitutional ordering of communities"

In view of the complexity of the matter the committee decided it required further consideration and also further evidence

Due to the coming into operation of the new constitutional system it was not possible for the committee to conclude its work

A joint committee which would consist of white, coloured and Indian MPs and would take further evidence and consider submitting legislation was therefore recommended

NP, PFP agree on sex laws evidence

238

DURBAN — The Mixed Marriages Act and section 16 of the Immorality Act should be abolished, according to the chairman of the select committee that investigated the two acts, the deputy Minister of Internal Affairs, Mr Piet Badenhorst

Both Mr Badenhorst and PFP committee member Dave Dalling agreed the overwhelming evidence heard by the committee pointed to this end

But the full committee which tabled its report in Parliament this week recommended that a similar committee involving all three legislative houses should continue the work

However, a minority report submitted by Mr Dalling called for the immediate repeal of the two laws and a review of related statutes and ordinances

The government has yet to respond to the committee's recommendations

Mr Dalling accused National Party members on the committee of banking at the dismantling of "grand apartheid".

we heard far

reaching and authoritative evidence but the committee recommends a new investigation," said Mr Dalling

He did not doubt a joint committee would come to a similar conclusion as his and was confident the two pieces of legislation would be abolished within the next year

The two laws are linked to a host of apartheid laws. If they are repealed serious problems could arise over where mixed couples lived, where their children went to school, which hospitals they used and so on

"The abolition of the two laws would require a change in the Population Registration Act, the Group Areas Act, the Reservation of Separate Amenities Act, the Prohibition of Political Interference Act and various ordinances on educational facilities to accommodate mixed marriages," Mr Dalling said.

The effect of their repeal would be minor in that only a small group of people in the country would be directly affected by them but symbolically it would

boost faith in the new political dispensation

Other reasons for the National Party committee members' "timidity" were their fears that the Conservative Party would exploit an abolition recommendation to attract rightwing voters and the "mysterious" appearance of a Human Sciences Research Council survey that concluded the majority of whites were in favour of retaining the two laws, he said

Mr Badenhorst said the committee was unable to recommend the abolition of the two laws because it had run out of time before completing its work

Religious, moral, political, sociological and medical evidence all points to the need for the laws to be scrapped, both men said

Religious evidence showed there were no scriptural or moral grounds for retaining them, said Mr Dalling, and their greatest injustices were they only applied to relationships between whites and non-whites and not between black people of different races

This was seen as grossly discriminatory and coloureds especially resented them because it made their existence a political obscenity, he said — DDC

Editorial opinion P24

The immorality debate rages on

238
S. Turner

By NORMAN WEST

ONE of the first issues to be tackled by a multi-racial joint committee of the new trilateral Parliament, is whether to recommend the repeal of the sex-across the-colour-line laws.

The Minister in charge of Local Government in the mini-cabinet of the House of Representatives, Mr David Curry, said yesterday the Government could make an "excellent start" to the dismantling of apartheid if it scrapped these acts.

This week the all-white parliamentary select committee investigating the Mixed Marriages Act and the Immorality Act, referred the investigation to a joint select committee, still to be appointed, but which would for the first time include coloured and Indian members.

'Not justified'

In its third and final report, tabled this week, the existing all-white select committee reiterated its earlier findings that the "preponderance of evidence before it points to the desirability of the re-

peal of the two measures as they cannot be justified on scriptural or other grounds".

The committee, headed by the Deputy Minister of Home Affairs and National Education, Mr Piet Badenhorst, three months ago asked the Government permission — which was granted — to widen its brief in order for it to recommend the repeal of the two acts, if necessary.

In spite of this, the committee's third and most recent report did not exercise its option to recommend the axing of the acts from the Statute book.

Warning

Observers believe the reluctance to recommend that the act be repealed could stem from a recent warning by the Minister of Home Affairs, Mr F W de Klerk, that any recommendation of the committee should take into account "continued social, educational and constitutional ordering of communities".

This appeared to have put a damper on liberal thinking by members of the Badenhorst committee. The message to keep re-

23/9/84

form within the confines of apartheid and not to rock the boat appeared to have hit home.

This emerges clearly from the committee's statement this week which echoed Mr De Klerk's remarks when it said the repeal of the two acts, without simultaneously recommending essential adaptations to related legislation, "may lead to disturbance of the order in various communities".

The related legislation referred to include the Group Areas Act provisions, the Population Registration Act, the Reservation of Separate Amenities Act and the Prohibition of Political Interference Act. Adaptations to these laws, apparently fell outside the brief of the Badenhorst committee.

Survey

Another possible reason for the Badenhorst Committee's decision not to exercise its option to recommend the repealing of the acts, may be the publication by the Human Sciences Research Council of a survey of public opinion on these acts. The findings indicated

that 80 percent of Afrikaners still favoured retention of the laws. But there is no doubt, coloured and Indian members of a new multi-racial select committee would take into consideration the feelings of 80 percent of the people they represent.

They would favour the total repeal of the Immorality Act and the Mixed Marriages Act and, if given an expanded brief, would be likely to recommend the adaptation, if not total rejection of laws based on colour.

Mr Curry spoke against all forms of apartheid legislation and reiterated that his participation in the new constitutional dispensation remained conditional to the dismantling of all forms of apartheid.

Mr Curry, addressing the press in his capacity as Minister and LP MP for Pniel (Stellenbosch), said these laws were "clearly a repulsive invasion of the privacy of consenting adults".

Pillars of apartheid

OF all apartheid laws, the Mixed Marriages Act and the racial clause of the Immorality Act have been two of the most controversial. They have driven people out of the country, caused some to commit suicide, seen many into jail and have brought hardship to thousands and discredit to the country. In these articles Argus Political Correspondent TOS WENTZEL traces the origin of these discredited measures and the arguments for and against them, their heavy toll in human misery, and the complexities underlying the latest failed attempt to scrap them

THE Prohibition of Mixed Marriages Act and the sex-across-the-colour-bar clause of the Immorality Act are two cornerstones of the National Party's apartheid policy on which it came to power in 1948.

The Nationalist Government moved quickly after its victory of May 1948 to place the Prohibition of Mixed Marriages Act on the statute book the next year.

Existing prohibitions on miscegenation between whites and non-whites" were tightened up in 1957 in section 16 of the Immorality Act.

The law up to then dealt only with actual sexual intercourse between whites and blacks and it was extended to include also indecent or immoral acts be-

tween whites and all people of colour.

Up to that stage this law hardly seems to have been applied. It was only afterwards that thousands of prosecutions and convictions and the human tragedies going with them started.

When he introduced the Prohibition of Mixed Marriages Bill in May 1949 the then Minister of the Interior, Dr F E Dorges, said the object of the Bill was as far as possible to check blood mixture and to promote racial purity.

This was only the first step and it would have to be followed by the prohibition of extra-marital blood mixture. He said the Bill was aimed

at the prevention of the tragedy of a race that was not at home in one race element and unwelcome in the other.

The then Leader of the Opposition, Gen J C Smuts, said in that debate that all South Africans agreed that racial blood mixture was evil.

He added however, that many evils were not capable of being dealt with by law and this was one of them.

As the tremendous racial stigma these laws attached to South Africa in the outside world became clear through the years a gradual rethinking started in Nationalist as well as Afrikaner academic and church circles.

A big boost to the debate on

the desirability scrapping these two controversial measures were given by a recommendation of the Theron Commission on the coloured people in 1976.

It said that it had become aware of the serious moral and religious objections as well as the practical anomalies to which these methods gave rise, the humiliating connotations they had at individual level and the racist stigma attached to them all over the world and recommended that they should be scrapped.

In an article in The Argus in 1981 Dr Erika Theron, the noted academic who headed the commission, said that bad laws could not be improved and the two laws should be scrapped. President P W Botha, when

he was still Prime Minister in 1979, entered the debate by making it clear that he was prepared to take the sting out of the two laws.

But this did not mean that such marriages were desirable in a country like South Africa as it would cause considerable social problems for families and children.

He realised, however, that there was a problem where people genuinely loved each other and wanted to marry and any proposals to solve the problem would be considered by the Government on merit.

Mr Botha has had discussions on the matter with some churches and last year a select committee of Parliament was

appointed, initially to see how the measures could be improved.

When the committee found that the weight of evidence before it was in favour of scrapping the measures it asked for its terms of reference to be broadened to allow it to inquire into this.

This was done this year but time out before the start of the new constitution and the committee has now recommended that the inquiry be continued in a joint committee of the three Houses in the new system.

Among the snags the committee has struck is what should be done to related legislation such as the Population Registration Act and the Group Areas Act.

Prosecutions lead to mental suffering and even suicide

COUNTLESS human tragedies have been caused by the Prohibition of Mixed Marriages Act of 1949 and especially the sex-across-the-colour-bar clause of the Immorality Act.

Thousands of people have suffered the indignity of being arrested for contravening section 16 of the Immorality Act.

Between 1950 and 1971 more than 8 400 people were convicted and more than twice that number charged. Since 1971 2 782 people were convicted.

The usual sentence is six months, often suspended.

Suspension spares the unfortunate person from going to jail. It does not, however, spare him or her from the humiliation of the lurid publicity that accompanies such cases or from having a criminal record afterwards.

In a submission to the recent parliamentary select committee on these two measures of the Cape Western sub-group of the Society of Psychiatrists said the implementation of the two laws caused emotional and mental suffering which at times led to psychiatric disturbances and depressive disorder.

Children born in clandestine unions had identity problems and conduct disorders.

Extremely humiliating circumstances have surrounded some "immorality" investigations.

In some cases police have burst upon lovers across the colour bar having first observed them from a tree outside the room. In one case the temperature of the bed was tested.

A number of church ministers have been involved in immorality cases.

that it should be referred to a joint committee in the new constitutional system.

This means that white, coloured and Indian MPs will consider the matter and pressures to scrap them will inevitably be even stronger in such a committee.

Nationalist MPs in the select committee were not prepared to have white MPs alone take the decision to scrap the laws.

This was in spite of the fact that the vast weight of evidence before the committee,

including that of churches and political parties, was in favour of scrapping the laws.

Instead it was decided that further evidence and evaluation was needed.

The Nationalist majority on the committee decided that the repeal of the measures without simultaneous recommending essential adaptations to related legislation may lead to "the disturbance of the order in the various communities."

If the two laws are scrapped the implications for the

In the past two decades at least 16 white men committed suicide after being charged.

A number committed suicide before their trials.

One man killed himself and his 11 month-old baby.

Another drowned himself in the Vaal River.

Others gassed themselves in cars or hanged themselves in police cells.

A police sergeant in the railway police was found dead on the day he was to have appeared in court.

Group Areas Act and the Population Registration Act.

If the Government allows a black person to marry a white person it must in terms of its policy also specify where the children of the family and the children from the marriage can stay and for which chamber of the new Parliament they should vote.

Assuming the children of the marriage are classified "coloured" it will be difficult for the Government to say the chil-

A wealthy farmer at Brits in the Transvaal swallowed insecticide on the day he was to have appeared in court.

A week after appearing in the Pretoria magistrate's court, and while out on bail, a cafe owner fell to his death from the eighth floor of a block of flats.

A Ventersdorp farmer shot himself after the police had informed him that he would be charged.

In one particularly lurid case a white man was charged with killing his black lover when she was pregnant.

Children must live apart from the parents or must exercise a vote for a different chamber.

This means that the Group Areas Act will have to be changed, possibly to allow for "grey" areas and that the Population Registration Act will have to be amended to allow people to choose their race group in some circumstances.

The Nationalist decision not to press ahead at this stage with a recommendation to repeal the Prohibition of Mixed

The Prohibition of Mixed Marriages Act has added to the stigma South Africa's race laws have given it in the outside world while there has never been any major "problem" of a large number of mixed marriages.

It is interesting to look at the number of mixed marriages, mainly white-brown marriages, before the Act was passed.

In 1925 there were 133 — 0,9 percent of the white marriages.

In 1930 there were 97 (0,6 percent), in 1935 91 (0,4 percent), in 1940 105 (0,4 percent) and in 1945 92 (0,3 per cent).

.. and now the pressure is growing to scrap the laws

THE scrapping of the Prohibition of Mixed Marriages Act and the sex-across-the-colour-bar clause of the Immorality Act has become inevitable but some legal and political complications will have to be dealt with before this can happen.

How politically sensitive the issue still is to the National Party was shown by the fact that its majority group of MPs on the recent parliamentary select committee considering the possible scrapping of the apartheid measures decided

Marrriages Act and the Immorality was taken in spite of strong feelings among top Nationalists that South Africa cannot any longer afford to have these laws on the statute book.

The decision was strongly influenced by a recent survey of the Human Sciences Research Council which found that the vast majority of Afrikaners but also a substantial body of English-speakers, coloureds and Indian were in favour of the repeal of the laws.

On the brow
of the hill
the races
meet, mix,
and marry

Yussuf Nazeer

HILLBROW has it all, does it all and sees it all from massage parlours to porno movies.

Underground video producers are churning out high-profit porno movies by the dozen featuring "stars" who are paid up to R500 a time to lock into sizzling, breathtaking orgies under hot studio lights

But to the 'Brow's weary, seen-it-all population, nothing's new

"We've been doing it for years," says a white flash-dancer hugging his leggy coloured live-in girlfriend, a city secretary

She chips in. "What's happening here is shocking news only to those out of touch with South Africa's changing realities"

COSMOPOLITAN

Hillbrow's cosmopolitan immigrant population — Italians, Greeks, Portuguese, Spaniards and French, many of them dark and easily mistaken for Indians — frankly "don't give a damn" (as one hairdresser put it) about what "some nut from the farm" has to say about Hillbrow's mixed living

"This is one place with an international cosmopolitan character of its own that stands apart from the rest of the Transvaal where the Group Areas Act, the Immorality Act and the Mixed Marriages Act have failed"

DOESN'T WORK

It just doesn't work here in Hillbrow, says a bohemian artist whose "wife" is a pretty black model

"If some guy from a right-wing racist puritanical party, or any ox-wagon politician with Nazi ideas wants to get all browns and blacks out of here and keep this place lily white, he's going to need a miracle to do it," said a Hillbrow body-builder who regularly trains with black musclemen

When you speak to the people there, the consensus is that Hillbrow is the non-racial crossroads of all nations and the melting pot of all acceptable vices

And no one who lacks Almighty powers will be able to change it, say those who live there

There are mixed married couples by the dozen. White girls married to Muslim men, bonded by Islamic rites which do not require ID cards and court registrations

"Islam does not respect man-made laws which override God's matrimonial laws," said a young typist married to a Muslim artist

CONVERTS

Muslim marriage officers will join together a man or woman of any race or colour who converts to Islam. So there are scores of men and women living together in Hillbrow who did just that to beat the Mixed Marriages Act

But most of the mixed couples live with their coloured and Indian sweethearts without benefit of vows

"This is Hillbrow's unique character which neither Dr Andries Treurnicht nor his sidekick, Clive Derby-Lewis, and the other Mother Grundys will ever succeed in changing," concludes a white writer for whom Hillbrow is home

And those who live there wouldn't have it any other way

Scrap mixed marriage and sex laws — P W

By David Braun,
Political Correspondent

President Botha last night reiterated his support for the scrapping of the controversial Mixed Marriages and Immorality Acts

Answering a question at a public meeting to wind up the National Party's by-election campaign in Primrose, Mr Botha stressed he personally was not in favour of mixed marriages or immorality

South Africa needed all-embracing legislation to prevent immorality and indecency but this should not mention colour, he told an audience of more than 1 000 at Goudrif Hoërskool, Germiston

He added that South Africa had experienced problems with the laws, which were being investigated by a joint parliamentary commission. An example was that people married across the colour line while outside the country, but remained South African citizens.

Another problem was that not a single country in the world supported South Africa in this regard, and the Government felt pressure from every quarter

"These laws have made enemies for South Africa," the President said

There were people from the East with which South Africa traded and who had a culture dating more than 5 000 years, yet they were not allowed to marry whites

"There has been (racial) mixing since Jan van Riebeeck arrived here these laws were introduced in 1927, so what happened between 1652 and 1927?"

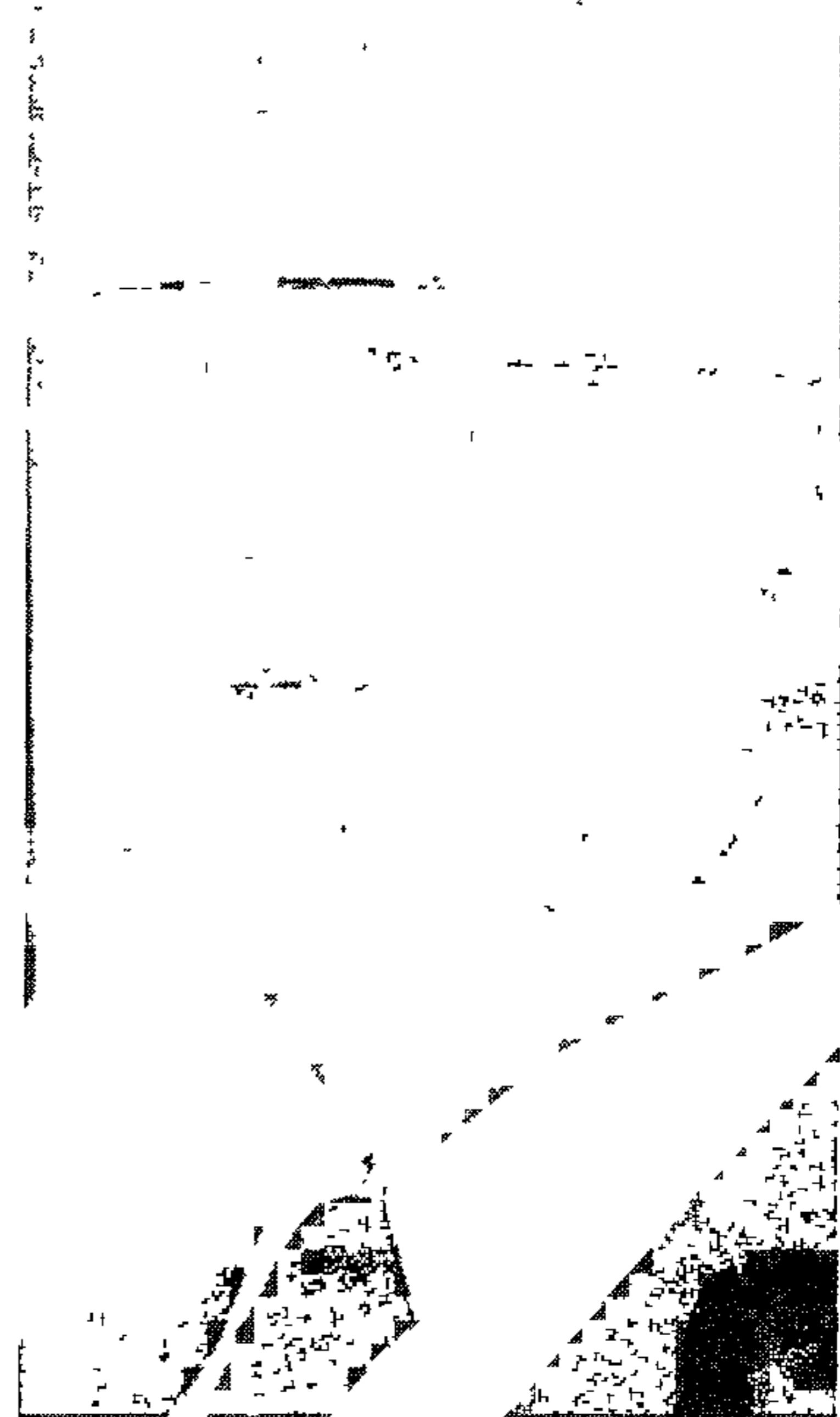
Mr Botha said that if a nation needed laws to maintain itself then it was not worth maintaining

In answer to another question, he said he knew a Human Sciences Research Council survey had found that most whites were in favour of retaining the laws. But that did not solve his problems, he said. He wanted to see the illogical removed from the law

President Botha, in a relaxed and jovial mood for most of his speech, said it had not been his intention to enter the Primrose by-election. As State President he had wanted to stay above that level of politics and try to make his office a symbol of co-operation

However, when he had learned that his person and his finances had been made an issue in the campaign he had not hesitated to come and face his opponents

(Report by D Braun 47 Sauer Street Johannesburg)



President Botha opposes immorality, but aims to scrap the Mixed Marriages and Immorality Acts

2/12/84

238

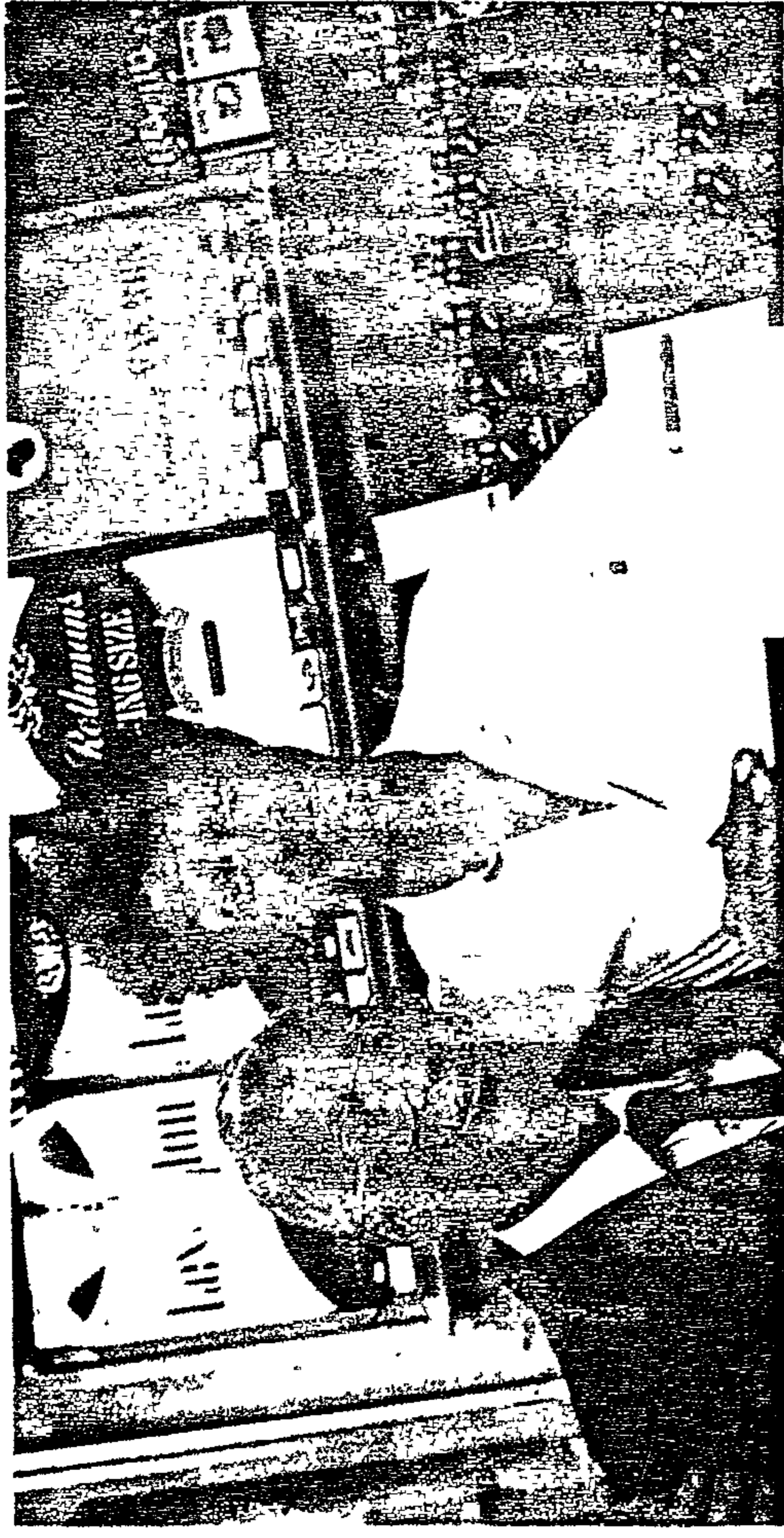
Singh I am, and Sing.

MR Harry Singh, one of the few Indian F regards his identity document as one of h possessions.

After living for 57 years in a world dominated by colour Africans, he still clings tenaciously to his Indian identity

SAYS HARR

THE OFS IN



Mr Harry Singh, one of only four Indian Free Staters, with a friend, Mr Stefan Oberholzer, in Bethlehem. Picture: M S ROY

"I won't change my surname or have myself reclassified, even if I were offered a million rands," says Mr Singh, who has his name proudly displayed in front of the store he runs in Bethlehem, in the province which bars Indians by law from living there

And he has made sure that his three children — nurse Mrs Edna Subramoney, 29, Hillary Premilla, 26, a secretarial student, and Dean, 23, who helps his father in the store — would maintain their racial identity by having them issued with Indian identity documents.

Mr Singh said he had never at anytime been asked to leave the Free State because of his race

"My grandfather and my

By JICKS CHETTY

father were allowed to stay in the OFS, and now my children and I have been accorded the same right."

Mr Singh showed me his identity document as proof of his Indian classification

Although Mr Singh lives in a coloured township, a stone's throw from Bethlehem's central business district, he steadfastly adheres

to all the... He eat... day, spe... and has... taboo in... can Stre... park tow... His s... Orange... between... coloured... He occ... multiraci... the to... He is r

am, and Singh I stay



Oberholzer, in Bethlehem.

Picture: M S ROY

MR Harry Singh, one of the few Indian Free Staters, regards his identity document as one of his proudest possessions.

After living for 57 years in a world dominated by coloureds, whites and Africans, he still clings tenaciously to his Indian identity and lifestyle

SAYS HARRY,

THE OFS INDIAN

"I won't change my surname or have myself reclassified, even if I were offered a million rands," says Mr Sing, who has his name proudly displayed in front of the store he runs in Bethlehem, in the province which bars Indians by law from living there

And he has made sure that his three children — nurse Mrs Edna Subramoney, 29, Hillary Premilla, 26, a secretarial student, and Dean, 23, who helps his father in the store — would maintain their racial identity by having them issued with Indian identity documents

Mr Singh said he had never at anytime been asked to leave the Free State because of his race

"My grandfather and my

would be allowed to drink in the bars of Bethlehem's white hotels. He has not entered one because he prefers drinking at home.

But he points out that some of the hotels do allow Indians to stay in them.

"Indians who visit me often ask how I get along with the whites here. My answer has always been that my relationship is excellent.

"They visit my home and I theirs

"And what's even more important is that they don't avoid chatting with me, or greeting me, with a friendly hello in the street, as many whites in other parts of South Africa do when they see people of colour they know in public

"It is all a question of respecting one another. It has nothing to do with race," Mr Singh says

Mr Singh is highly critical of the old Free State Republic law which forbids Indians from living there.

"It is about time the Government took another close look at this law and scrapped

it. In this day and age, there is no place for such a law

"As far as I am concerned, the majority of Free State whites are not opposed to Indians living here."

If Mr Singh has shed anything of his Indian identity, it is his adoption of the Christian faith

He is a member of the Ned Geref Sendingkerk, the coloured daughter-church of the Dutch Reformed Church.

"Since there are no Hindu temples here, I decided to become a Christian. I needed a place of worship to go to"

Mr Singh, whose late grandfather was also an OFS resident, married his wife Jean, 52, a former teacher and coloured resident of Bethlehem in 1954

Although Mr Singh has no regrets about choosing Jean as his wife, he says he would have had problems had he married an Indian.

"I would have had to obtain a permit for an Indian wife to stay in the Free State. And the permit would have had to be renewed every six months"

POPULATION - REGISTRATION

1985

Category	Current Hours: 45	Hourly Change 1975 to date: Nominal	Real	Current Real Weekly Wages: R
Casual Empl (2) F	40.78 56.25 56.88 61.88 86.51	73.88 91.17 76.53 66.97 64.93 57.18	+112.1%	49.29
Gen Asst F >18	12.00 16.00 17.60 20.31 20.31 30.00	21.74 25.93 23.95 21.98 21.31 19.83	+150.0%	17.09
Gen Asst M/F <18	10.20 14.00 15.40 17.54 17.54 30.00	18.48 22.69 20.95 18.98 18.41 19.83	+194.1%	17.09
Rec/Telephone st	25.40 34.62 38.08 38.08 80.83	46.01 56.11 51.81 41.21 39.96 53.42	+218.2%	46.06
Shampooist	14.00 19.00 20.90 24.00 38.08	25.36 30.79 28.44 25.97 25.18 25.17	+172.0%	21.70
Manicurist	19.80 27.69 30.45 35.08 57.70	35.87 44.88 41.43 37.97 36.81 38.14	+191.4%	32.88

Family planning on increase

238
Sew
12/11/85
By Sue Leeman,
Pretoria Bureau

The use of contraceptives among black women has grown to the point where 54,7 percent are now using some form of birth control

However, nearly 33 percent of those black women who told Human Sciences Research Council researchers they did not want further children were not using any form of contraception

The HSRC today released the results of a 1982 facility study carried out at the request of the Department of Health and Welfare.

Altogether 9 000 black, coloured and Indian women were questioned

OBJECTIVE

It was found that the use of contraceptives among Indian and coloured people was even higher than among blacks, with 78,1 percent of Indian women and 72,6 percent of coloured women using some form of birth control

However, the director-general of the Department of Health, Dr Francois Retief, said, today the widespread use of contraception did not mean that the department's national family planning programme had reached its objectives

The programme had to continue if the growing population of South Africa was to stabilise at around 80 million people

Sex laws to change?

w/E ARGUS 2/2/88 238
By TOS WENTZEL

Political
Correspondent

SEVERAL major apartheid laws may be scrapped or drastically changed following demands in all three houses of Parliament for the removal of discrimination

A feature of the no-confidence debates during the first week of the session was that all parties in all three houses, with the exception of the Conservative Party, recognised the need to move away from discrimination.

Most of the proposed changes were already in the pipeline before the new constitutional system came about — but they have now been given added urgency by the demands for a move away from apartheid

Coloured and Indian MPs, especially, wish to show their constituents as soon as possible that they have been able to make a positive contribution to reform

A joint parliamentary committee of all three houses is due to be appointed to continue an

investigation into the possible repeal of the laws prohibiting mixed marriages and sex across the colour line

In the old Parliament the Nationalist majority on a select committee on these matters decided that the investigation be carried over to the new Parliament

Nationalist politicians have some misgivings about how changes can be made to measures such as the Group Areas Act if the Mixed Marriages Act is repealed

238 Times 3/2/85

Colour-bar sex laws to go

Cornerstones of apartheid could be scrapped by June

By **NORMAN WEST**
Political Reporter

TWO cornerstones of apartheid — the Mixed Marriages Act and Section 16 of the Immorality Act — will be axed from the law books during the present session of Parliament, say highly placed sources.

The Mixed Marriages Act prohibits marriages between whites and other races, and Section 16 of the Immorality Act prohibits sex across the colour line.

The first hint that these measures — which have destroyed lives and caused enormous bitterness both here and abroad — may go, came this week in the form of a slip of the tongue by an Indian Cabinet Minister, Mr Armichand Rajbansi.

Interjecting during the no-confidence debate in the House of Delegates, Mr Rajbansi said the Acts would be scrapped by June.

Asked by the Rev Edward Mankam, Solidarity Party MP for Rylands, whether this was a solemn pledge, Mr Rajbansi said the Acts "should" be scrapped by June.

Other highly-placed sources, however, said there was little doubt the two

Acts would go before the end of this session.

The two controversial measures have been a source of tension within the National Party caucus.

Late last year the Government suggested they be referred to the President's Council for investigation — a move widely interpreted as Government hesitancy to act quickly.

Initiative

It was also seen as an effort to give the PC the initiative.

But the Rev Allan Hendrickse's Labour Party (LP) and the National People's Party (NPP), of which Mr Rajbansi is leader, apparently made it clear they wanted the measure submitted to a select committee, as had been resolved by the old Parliament.

Both Mr Hendrickse and Mr Rajbansi are members of Mr Botha's Cabinet.

The LP apparently also made it clear that it wanted quick action to justify its claims that it was participating in the

tricameral Parliament "to dismantle apartheid".

When asked if it was fair to infer from his remarks in the House of Delegates that the Mixed Marriages Act and Section 16 of the Immorality Act would be scrapped before June, Mr Rajbansi said:

"My bottom line for the 1985 session is not only the Immorality Act and the Mixed Marriages Act, but also other discriminatory laws, particularly those that restrict Indian movement in the Orange Free State and northern Natal."

Mr Hendrickse said "My party has great expectations that these laws will be scrapped this session."

The firmest indication yet that the Government intends ridding itself of the laws came on November 27 last year when President P W Botha reiterated his support for such a move.

He said South Africa was under pressure "from all quarters" to scrap the measures.

"These laws," said Mr Botha, "have made enemies for South Africa."

"There has been (racial) mixing since Jan van Riebeeck arrived here. These laws were introduced in 1927. So what happened between 1652 and 1927?" he asked.

RACE LAWS: TWO Ministers under fire

Mr Heunis

Mr de Klerk

238

1964/5 7/2/65

BY TOS WENTZEL and FRANS ESTERHUYSE, Political Staff
APARTHEID is increasingly under siege in Parliament, with the two top ministers responsible for its implementation under fire in the coloured and Indian houses.

There are strong demands from the Houses for the scrapping of the Prohibition of Mixed Marriages Act and Group Areas Act as the Government announced yet another inquiry into the scrapping of sex-related legislation.

The coloured House of Representatives heard strong demands for the scrapping of the Mixed Marriages Act and the sex-across-the-colour-bar clause of the Immorality Act, while the Indian House of Delegates was at the same time debating a motion asking for the scrapping of the Group Areas Act.

Earlier in the week the Indian House called for restrictions on Indians in the Free State and parts of Northern Natal to be lifted and next week the House of Representatives will deal with a motion calling for the Group Areas Act to be scrapped.

Feelings ran high in the House of Representatives yesterday and the Minister of Home affairs, Mr F W de Klerk, was jeered when he said that there would be a joint committee of the three Houses to investigate the sex-related legislation.

Coloured MPs wanted to know why this was necessary when it was clear that there were such strong feelings against the legislation.

Difficulties

He explained there could be practical difficulties with the application of the legislation if the sex laws were changed. This was a reference to measures such as the Group Areas Act.

He also said the base of the present constitutional system could be affected.

In the House of Delegates the Minister of Constitutional Development, Mr Chris Heunis, defended the Group Areas Act by saying it ensured peaceful coexistence.

In the debate the Act was described as "nasty, beastly and horrible".

The Act, with the Reservation of Separate Amenities Act, are under siege from another angle.

The President's Council has been asked by the President to advise him on the report of the Strydom commission on these laws and related legislation.

Council report

Parliament will receive a council report in a few months and the way will then be clear for changes to these laws.

One of the Strydom commission's recommendations was that the existing legislation on residential separation should be scrapped and replaced by an approach based, not purely on colour, but on title deed registration.

This opens the way for "grey" residential areas which in turn will solve some of the problems connected with the scrapping of the Mixed Marriages Act.

The coloured and Indian parties indicated today they would serve on the joint committee on the sex laws.

Dr Alex Boraine PFP MP for Pinelands who served on the last committee said he thought most of the committee would press hard for the repeal of the laws.

In a private member's motion another Opposition MP, Mr Colin Eglin of Sea Point, is pressing for sufficient recreational and bathing facilities in the greater Cape Town area on a non-discriminatory basis.

(h) 197 139 80
 (i) 107 82 9
 (j) 10 25 9

Howard Q. 61. 27
Alexandra Township: offences
5/2/85

35 Mr D J DALLING asked the Minister of Law and Order

The MINISTER OF LAW AND ORDER.
 No I still hold the view set out in my reply to the honourable member's question No 13 on 7 October 1981

How many offences relating to (a) murder, (b) assault with intent to do grievous bodily harm, (c) common assault, (d) burglary, (e) robbery, (f) theft of vehicles and cycles, (g) other thefts, (h) damage to property, (i) daggas and (j) rape were reported and investigated in Alexandra Township during the period 1 July 1983 to 30 June 1984?

The MINISTER OF LAW AND ORDER

(a) 156
 (b) 728
 (c) 451
 (d) 116
 (e) 140
 (f) 86
 (g) 253
 (h) 260
 (i) 163
 (j) 85

Police salaries

45 Mr D J N MALCOMMESS asked the Minister of Law and Order

Whether he will reconsider his decision regarding questions on police salaries; if not, why not, if so, what are the rates of pay for (a) White, (b) Coloured, (c) Asian and (d) Black members of the South African Police Force of each rank?

Bellville police district: offences

Howard Q. 61. 29
7/2/85

11 Dr A L BORAINNE asked the Minister of Law and Order

How many cases of (a) murder, (b) culpable homicide, (c) assault with intent to do grievous bodily harm, (d) common assault, (e) rape, (f) burglary, (g) robbery, (h) theft of vehicles and cycles, (i) damage to property, (j) housebreaking with intent to steal and (k) possession of drugs were reported at each specified police station in the Bellville police district in 1984?

The MINISTER OF LAW AND ORDER

	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)
Bellville	35	23	311	188	74	—	138	457	282	979	171
Goodwood	7	5	45	111	5	—	19	427	108	473	25
Parow	20	26	226	348	40	—	88	606	296	1 008	123
Eisies River	95	61	806	906	101	—	567	233	1 020	1 106	317
Kuilsrivier	31	37	218	154	39	—	84	186	137	485	73
Durbanville	18	2	93	41	14	—	13	155	70	293	27
Brackenfell	10	9	91	38	15	—	17	129	43	241	34
Kraaifontein	35	20	348	221	46	—	149	266	268	535	66

NOTE: For statistical purposes burglary and housebreaking with intent to steal and theft are codified under the same code

Howard Q. 61 29
7/2/85

Johannesburg North police district: offences

12 Mr P G SOAL asked the Minister of Law and Order

How many cases of (a) murder, (b) culpable homicide, (c) assault with intent to do grievous bodily harm, (d) common assault, (e) rape, (f) burglary, (g) robbery, (h) theft of vehicles and cycles, (i) damage to property, (j) housebreaking with intent to steal and (k) possession of drugs were reported at each specified police station in the Johannesburg North police district in 1984?

The MINISTER OF LAW AND ORDER

	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)
Norwood	8	11	32	267	19	4	12	25	5	16	16
Hillbrow	14	39	126	969	83	19	25	82	12	13	13
Fairlands	17	76	17	76	10	10	62	188	14	188	188
Lombardy-East	75	389	—	389	4	4	29	78	—	78	78
Parkview	1 008	4 037	797	797	130	130	321	1 188	82	1 188	1 188
	244	797	1 740	1 740	82	82	78	199	135	199	199
	907	1 740	132	132	135	135	461	813	20	813	813
	35	132	—	—	20	20	13	23	—	23	23

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107 82 9
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Howard Q. 6/1. 27
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163

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Coloured to White	518
White to Coloured	14
Chinese to White	7
White to Chinese	2
Malay to White	3
White to Indian	3
Indian to Coloured	1
Coloured to Indian	50
Indian to Malay	54
Malay to Indian	17
Black to Coloured	26
Coloured to Black	89
Black to Other Asian	5
Black to Indian	1
Coloured to Chinese	3
Malay to Chinese	4
	1
	795

HQA

Bellville police district. offences
Howard Q. 6/1. 29 7/2/85
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HQA

Race: 795 reclassified

Capit Times 8/28 Political Staff

238

NEARLY 800 South Africans became officially members of a different race group during last year. They included 518 former coloureds who were officially reclassified as white, 14 whites who became coloured, seven Chinese who became white and two whites who became Chinese. There were also three Malays who became white, one white who became an Indian, 50 Indians who became coloured, 54 coloureds who became Indian, 17 Indians who became Malay, four coloureds who became Chinese and a Malay who became Chinese. Then there were 89 blacks who became coloured, five coloureds who became black, one black who became "other Asian", and three blacks who became Indian. All told, 795 South Africans were reclassified from one race group to another group during 1984. These figures were given in Parliament yesterday by the Minister of Home Affairs, Mr F W de Klerk, when he replied to a question by Mr Tian van der Merwe (PFP, Green Point).

U

'Don't delay' Morals Acts scrapping

HOUSE OF ASSEMBLY — The Leader of the Opposition, Dr Van Zyl Slabbert, called yesterday for the scrapping of the Prohibition of Mixed Marriages Act and Section 16 of the Immorality Act to go ahead while a Joint Parliamentary Committee investigated the consequences and adaptation of related legislation.

He was speaking during a debate on a motion by the Minister of Home Affairs, Mr F W de Klerk, calling for the appointment of a Joint Committee to investigate the desirability of the scrapping of the two measures and of adapting related legislation "with a view to the continued social, educational and constitutional ordering of own communities".

He said Mr De Klerk's motion should not be used to delay the scrapping of the measures.

Dr Slabbert proposed as an amendment that the word "desirability" in the motion be replaced with the word "consequences".

Mr Albert Nothnagel (NP Innesdal) said the measures were capable of evoking much emotion and their repeal would stir even greater feelings.

The National Party had, over the years, demonstrated its belief that the laws could not remain on the statute book forever but many conflicting viewpoints on the matter had been expressed to the Select Committee of Parliament last year.

It was also of great importance

that members of the houses of Representatives and Delegates be given an opportunity to debate the repeal of the two measures, Mr Nothnagel said.

Their experience of the laws was 100 times greater than that of whites and they would be able to make a significant contribution to the debate, he said.

Mr Tian van der Merwe (PFP Green Point) said it was difficult to know whether the proposed Joint Committee was a deliberate delaying tactic, or a political laxative designed to help the government get rid of some problem stuck in its system.

"My definite impression towards the end of the sittings was that virtu-

ally every single member of the National Party serving on that committee was convinced in his own mind that the time had come to repeal the Mixed Marriages Act and Section 16 of the Immorality Act in toto."

The government had been "spineless" in allowing the committee to disband without coming to a conclusion.

Mr L Wessels (NP Krugersdorp) said he felt humiliated to think that other white people believed that he needed the two measures to protect his identity.

When coloured members of the Labour Party, who were now members of Parliament, had given evidence to the original committee, not

one of the Conservative Party representatives there had questioned them when they spoke of the hurtfulness of the measures.

"If we want to solve the problems of South Africa, we must address them squarely and ignore the Conservative Party," he said.

It was necessary to refer the Mixed Marriages Act and Section 16 of the Immorality Act to a Standing Committee of the three Houses, so that laws could be changed in an orderly way, Mr A Ivan Niekerk (NP Prieska), told the Assembly.

Dr Alex Boraine (PFP Pinelands) said in the debate that the big question was whether the NP had the conviction to continue what it had started — Sapa

amount has to be destroyed because it does not conform to the safety standards for functioning. Some of the ammunition which was used during the exercise would in any event have been used during annual training camps by participating units.

All these costs should therefore be considered as indirect expenditures on the exercise

Commodore D Gerhardt: recruitment of personnel

3 The LEADER OF OFFICIAL OPPOSITION asked the Minister of Defence

(1) Whether Commodore Dieter Gerhardt recruited any naval personnel for the South African submarine service from countries abroad; if so, (a) from what countries, (b) in what categories of work and (c) how many persons were so recruited,

(2) whether any such persons are still in the South African submarine service, if so, how many;

(3) whether these persons were recently checked by security; if not, why not; if so, when,

(4) whether they were cleared, if not (a) why not and (b) what steps have been taken in this regard?

The MINISTER OF DEFENCE.

(1) Yes

(a) The United Kingdom and Belgium.

(b) Technical musterings.

(c) 26.

(2) Yes—4

(3) Yes, three who are employed in posts for which security clearance is a requirement, were cleared during 1983. Although the fourth member is not

employed in a sensitive post, he is at present again being subjected to a security clearance due to a break in his service.

(4) Yes (a) and (b) Fall away

Commodore D Gerhardt: espionage activities

5 The LEADER OF THE OFFICIAL OPPOSITION asked the Minister of Defence

(1) Whether Commodore Dieter Gerhardt implicated any other South African Defence Force officers in his espionage activities, if so, how many,

(2) whether any (a) arrests have been made and (b) other steps have been taken as a result; if so, (i) how many arrests, (ii) what was the (aa) rank and (bb) length of service of each such arrested officer and (iii) what other steps have been taken to date;

(3) whether he will make a statement on the matter?

The MINISTER OF DEFENCE

(1) No

(2) Falls away

(3) No

8. Mr S S VAN DER MERWE asked Minister of Law and Order

(a) How many suspected contraventions of section 16 of the Immorality Act were investigated in 1984 or the latest specified period of 12 months for which figures are available and (b) how many persons were charged as a result of these investigations?

The MINISTER OF LAW AND ORDER

1984-01-01 to 1983-12-31

(a) 207 Suspected contraventions

(b) 171 Persons

10 Dr A L BORAINÉ asked the Minister of Manpower

(1) (a) How many industrial accidents occurred in 1981 and (b) what was the total cost of these accidents to (i) the State, (ii) the Accident Fund and (iii) assurance companies,

(2) (a) how many persons (i) applied for and (ii) received compensation in terms of the Workmen's Compensation Act, No 30 of 1941, and (b) what was the total amount paid out in compensation in this year,

(3) what was the total period for which the persons injured in such accidents were absent from work?

The MINISTER OF MANPOWER

(1) (a) 316 466.

(b) (i) R5 145 912.

(ii) R62 710 261

(iii) R32 658 146

(2) (a) (i) 324 016

(ii) 316 466

(b) R111 076 588

(3) 3 630 329 man-days

Workmen's Compensation Fund

40 Dr A L BORAINÉ asked the Minister of Manpower

(1) How many workmen in each race group (a) suffered permanent disablement and (b) died as a result of injuries sustained at work in 1984;

(2) (a) how many industrial accidents occurred in the Republic in 1984, (b) what amount was paid out by the Workmen's Compensation Fund in

respect of such accidents and (c) what was the total period for which persons injured in such accidents were absent from work in that year?

The MINISTER OF MANPOWER

The latest available figures are for 1981 and are as follows

(1) (a) Whites 1 719
Asians 196
Coloureds 1 568
Members of the Black-population groups . . . 21 408

(b) Whites . . . 204
Asians . . . 31
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(c) 3 630 329 mandays

Persons shot dead/injured at road blocks
12/2/85
Hansard Q 61 94
46 Mr P H P GASTROW asked the Minister of Law and Order

(a) What are the names of the persons (i) shot dead and (ii) injured by the South African Police at road blocks in 1984, (b) on what date was each such person shot dead or injured and (c) what were the circumstances surrounding the shooting in each case?

The MINISTER OF LAW AND ORDER.

(a) (b) 1984

(i) Pat Khumalo 25 November
Nqwenso Lenhard 16 March

(ii) Julius Ntsasa 9 November
Amos Madileng 20 April
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(3) whether these persons were recently checked by security, if not, why not, if so, when.

(4) whether they were cleared, if not (a) why not and (b) what steps have been taken in this regard?

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(a) 1984

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Deadlock averted on morals Act vote

Parliamentary Staff

A POSSIBLE deadlock in Parliament over the fate of the Mixed Marriages Act and Section 16 of the Immorality Act was averted when the majority of members in the House of Delegates voted in favour of a Government move to submit the legislation to a select committee for investigation.

The House of Assembly and the House of Representatives had already agreed to the move and objections to it by members of both the majority party and the opposition in the House of Delegates threatened to create the first clash between the Houses under the new constitution.

The motion was approved by 24 votes to 18 after amendments calling for the immediate repeal of the legislation and a change in the wording of the motion were rejected after divisions had been called.

All members of the ruling National Peoples' Party coalition in the House supported the motion, while the opposition, Solidarity,



Mr Amichand Rajbansi

opposed it. At a Press conference after the House had adjourned Mr Amichand Rajbansi, chairman of the Indian Council of Ministers, said that members of his party who had originally objected to the motion had had a change of heart.

Although they still objected to the wording of the motion, they believed that any amendment to it would delay the repeal of the Acts.

Earlier, Mr Rajbansi said in the House of Delegates that his party was satisfied with assurances given by the Minister of Home Affairs, Mr F W de Klerk, that the Government was affording the highest priority to the investigation and possible repeal of the Acts.

Mr Yunus Moolla (S Stanger) said that his party was not prepared to sacrifice its principles by supporting the motion.

Mr Kisten Moodley (Southern Natal) said that concern over the effect the scrapping of the two laws would have on other legislation was not a good enough reason to prolong the agony of having to live with the hurtful Acts.

Replying to the debate, Mr de Klerk said the repeal of the Acts would have to go hand in hand with the adaptation of other legislation.

It was for this purpose that the Government wanted the matter to be investigated by a joint committee.

WEEKEND FOCUS

'THERE ARE NO HISTORICAL GROUNDS FOR THE IMMORALITY ACT AND MIXED MARRIAGES ACT. THERE IS NO RACIAL PURITY ANYWAY.'

Names that cross the colour bar

MORE black bombshells are expected among race-conscious Afrikaner families soon when historian Dr Hans Heese publishes an A-to-Z of sex-across-the-colour-bar in his new book *Groep Sonder Grense — Group Without Boundaries*.

Dr Heese, whose father, Dr J A Heese, rocked the conservative Afrikaner establishment in 1971 by announcing that the folk contained about seven percent black blood, will include an appendix in his book painstakingly detailing the inter-racial affairs — legitimate and illegitimate — of all the burghers of the Cape in the 17th and 18th centuries

Among them are many of the prominent families of today. Where the father's book, *Die Herkoms van die Afrikaner* (The Origin Of The Afrikaner), shattered the complacency of the Afrikaners as a group, the son's book is expected to pop the pretensions of actual families, including many arch-conservatives

Among those named will be the family of a certain Conservative Party member whose feathers Dr Heese has already ruffled with his tar brush.

The man threatened to sue him when Dr Heese politely wrote to him to ask him for information about his not-so-lily-white ancestors. All in the interests of scientific inquiry, of course.

Dr Heese refuses to reveal the name of the MP. "But his name appears in the book. You can read it and draw your own conclusions."

Dr Heese is reluctant to name names at this stage because of the adverse reaction this has caused before. In 1978, in a paper delivered at a symposium, he named the Claassen, Snyman, Hegter and Basson families as having slave ancestors.

Dr Heese senior discovered that most of the off-white blood in the Afrikaner mainstream was Indian rather than African and his son's new book is expected to add much Oriental spice to the current parliamentary debate on the Immorality Act and Mixed Marriages Act, which have now gone before a Joint Committee of all three houses for further discussion.

In fact the book has already played what could prove to have been a decisive part in the predicted dismantling of the laws forbidding inter-racial sex.

Select Committee

For Dr Heese, a researcher in the University of the Western Cape's Institute for Historical Research, used the manuscript when he appeared before the Select Committee of Parliament which investigated the desirability of scrapping the laws.

"There are no historical grounds for the Immorality Act and Mixed Marriages Act because there is no racial purity anyway. You can't call the coloured people a race. 'Coloureds' is a cultural term of convenience for a group of people who are not this and not that."

When one of the members of the committee objected to this line of argument, on the grounds that history had no part in a debate that was a political matter, "I suggested he look at the appendix because his name was in it," said Dr Heese.

"I have given a manuscript of the book to one MP who intends to use it against the Conservative Party in the House of Assembly and also to one of my ex-students from the University of the Western Cape who is now an MP in the House of Representatives."

The theme of the book is that there was no colour bar worth speaking of in the Cape before 1800.

"Colour was not the main thing. Other factors were more important. There are very interesting examples of people making it in life in spite of their skin colour."

"It all came to this: if you were born within wedlock you were accepted as 'European'. Be-



Dr Hans Heese, author of the new book. Many prominent Afrikaner families of today are named. Their ancestors crossed the colour bar.

By **PETER FABRICIUS**

whose first ancestor in the Cape, Johan Fabricius, married his freed slave, Rosina, in 1785.

tween 1760 and 1780 you could have been pitch-black with an African mother and an Indian father, but if you were born in wedlock you were accepted as white.

"Religion was to a large extent the passport to being 'white'. Membership of the NGK helped tremendously. Even as late as the 1930s, with the coming of the poor whites to Cape Town, people who were regarded as coloured before, were accepted as white because they joined the NGK."

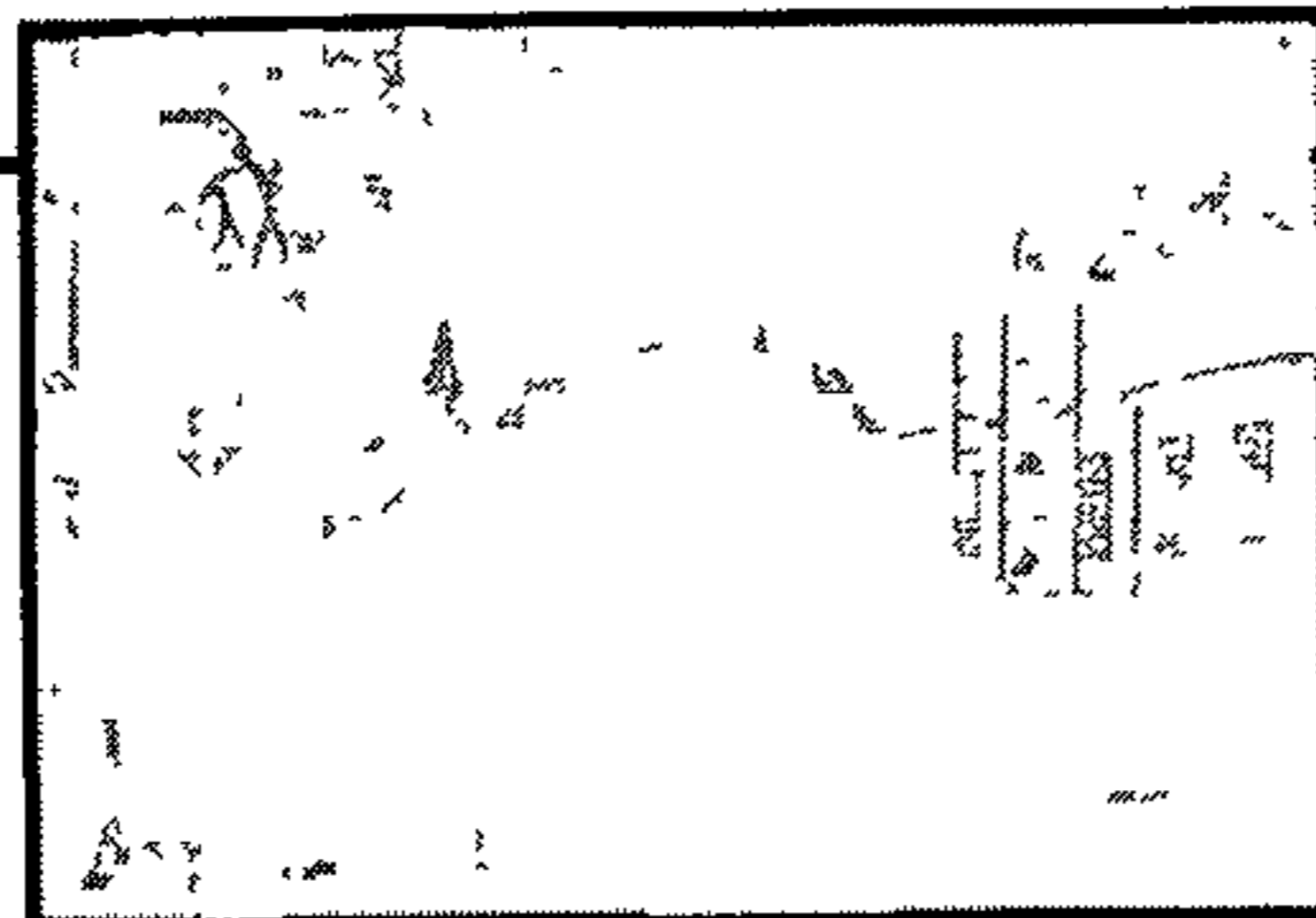
"You have the case in the Karoo of a still-prominent white family who descended from an almost pure Batavian slave who died in 1850, which is just yesterday in historical terms."

He was accepted

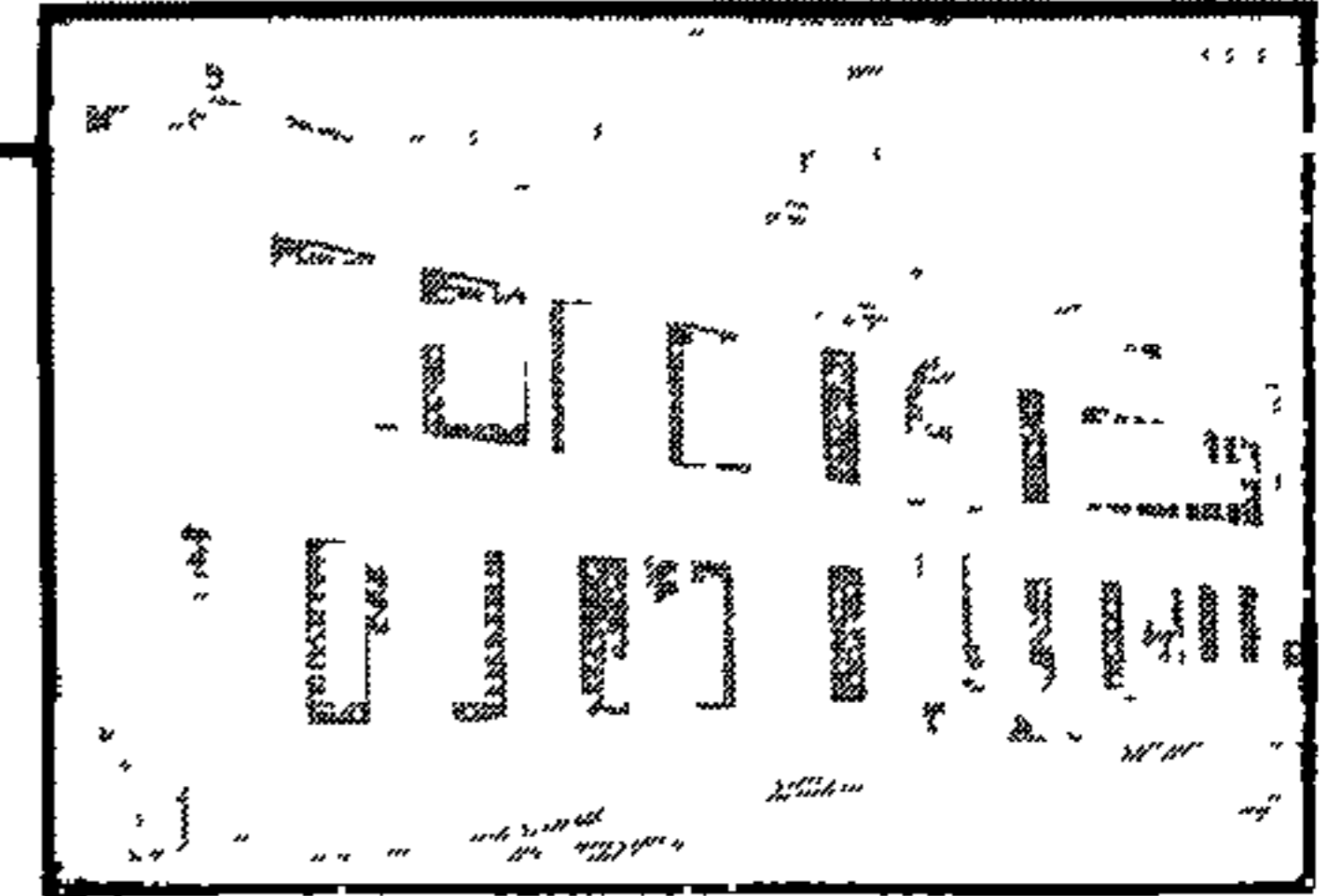
"Because he was a stock-farmer and prominent in the NGK, he was accepted."

The name of this family will also be disclosed in Dr Heese's book, which promises to cause an even greater furore in Afrikaner society than the Broederbond membership lists which were published as an appendix to Ivor Wilkens' and Hans Strydom's book, *The Super Afrikaners*.

There will be all kinds of interesting fruit lying on the ground when he has finished shaking all the family trees of Afrikanerdom.



THEN: The slave lodge, circa 1830. The architect Thibault moved its front some 6m back from the road.



NOW: The Cultural History Museum, formerly the Court of Justice. Once the town's most famous brothel.

BEST LITTLE WHORE HOUSE IN CAPE TOWN

THERE'S one rather fascinating piece of cultural history they don't brag about much nowadays at the Cultural History Museum in Adderley Street — it used to be the most popular brothel in Cape Town.

In fact some historians credit it with the creation of a large chunk of the country's mixed-blood population, and the injection of much of the "impure" blood into the otherwise snow-white arteries of the ruling class.

Before it took on its present function the museum was the Court

of Justice and before that — in the 17th and 18th centuries — the Dutch East India Company's slave lodge.

That was when it made its colourful contribution to the country's racial make-up.

"When historians discuss miscegenation at the Cape they are usually referring to the Company slave lodge which, according to numerous travellers, was the leading brothel in Cape Town in the 17th and 18th centuries," the historians Professor Richard Elphick and Mr Robert Shell wrote in the book *The Shaping Of South African Society*.

"Scholars frequently cite the anecdotes about the lodge and here we will only summarise the views of the most famous observer of this phenomenon."

Visits

"Otto Mentzel wrote that each evening European soldiers and sailors publicly entered the slave lodge at 8pm, the VOC officials locked the gates and counted the slaves and by 9pm all European visitors had to leave."

"The men entertained the slave women in the town in return for their favours and sometimes gave them hammocks and clothes

superior to the Company issue.

Lovers

"Even when semi-permanent unions existed between male and female slaves, the men often encouraged their women to take a European lover to augment the couple's income."

UCT history professor Hermann Giliomee says that in the 18th century Cape Town was the "immorality capital of the world".

"It was a long sea journey to Cape Town and it was very widely known that the slave lodge was also a brothel." — PETER FABRICIUS

First steps to scrapping sex laws

CANT TRIS 16/2/85 238

Political Staff

THE first tortured steps towards the inevitable scrapping of apartheid in sex and marriage have been taken.

Fierce debates over the appointment of yet another committee to consider the laws raged for over a week in all three Houses of Parliament.

But, in the end, the government got its way, and a committee will be asked to look at the "desirability" of scrapping the Prohibition of Mixed Marriages Act and section 16 of the Immorality Act.

It will also consider the implications of scrapping the measures "with a view to the continued social, educational and constitutional ordering of own communities" — which, in simpler terms, means the broader framework of apartheid.

The agreement, by all three Houses, to the same terms of reference was seen as triumph for the principle of consensus on which the new Parliament is based.

But behind the glittering consensual facade, the wrangling was a messy business.

And the government has been left with the message that consensus does not mean merely agreeing with its views.

Politically, the Nationalists have to go through the cleansing motions of yet another committee, this time including coloured and Indian MPs.

The government's obvious dilemma, and it is a serious one, is how to do away with some apartheid laws which are linked to others without threatening the whole apartheid structure.

The non-Nationalist parties in Parliament appreciated the

government's problem, and there was little resistance to a committee to consider the implications of repealing the two measures. But the insistence was that the repeal be immediate.

The fact that the government eventually got its way was due to a mixture of compromise and pressure.

On the one hand, the compromise was on the part of the Labour Party leader, the Rev Alan Hendrickse, and the National People's Party leader, Mr Annichand Rajbansi, both Cabinet members.

Both also want the immediate scrapping of the two laws. But a hard-line approach could have been counter-productive.

There was an implied government threat throughout the debate that if the committee was not approved consensually, it

was possible that the whole matter would grind to a halt or, at best, be delayed by referral to the President's Council.

Mr Hendrickse and Mr Rajbansi were obviously in a difficult position. If they opposed the motion, the matter might have been delayed further and the government might have blamed them for the delay.

By supporting the committee's brief, which is in conflict with their demands for the immediate repeal of the measures, they have compromised their principles and put their credibility in question — particularly if the laws are not scrapped before the end of this session in June.

The government's compromise has been a commitment, at Cabinet level, that the committee will report back before June and that the government will

react immediately, the implication being that the laws will go by mid-year.

The significance of the past week's debate is not so much in the possible scrapping of the two laws, but in the pains of reform that the Nationalists are clearly experiencing.

They have been talking of change since 1977. They are now faced with a practical test, the first challenge to dismantle two psychologically important apartheid measures.

Once they are gone, it will be easier to argue that reformist rhetoric is becoming reality.

The new committee's proceedings and the government's response might well point not only to exactly what the Nationalists consider "reform" to be, but also to whether or not South Africa can hope for a peaceful future.

HSRC 238

call for ^{low} sterilisation
19/2/85

By Colleen Ryan,
Pretoria Bureau

There is considerable need for sterilisation among black women on the Reef, says a Human Sciences Research Council report today

Growing acceptance of sterilisation among urban blacks will lead to wider use of the operation by rural blacks, it added

The report said ignorance was a main cause for relatively poor use of sterilisation.

The report's findings emerge from an investigation in the Pretoria-Witwatersrand-Vereeniging area by the Council's Institute for Sociological and Demographic Research

The report said a 1982 survey had found that only one in 20 black women was sterilised compared to one in five women for South Africa's other population groups

The investigation showed that six in 10 black women were aware of sterilisation as an alternative to contraception

Boesak affair:

^{Star}
'He will not
^{20/2/85}
be charged'

238

Political Correspondent

PARLIAMENT — No charges under the 'Immorality Act' will follow the recent allegations that Dr Allan Boesak recently had an extra-marital affair with a white woman

In answer to questions put by Mr Frank 'le Roux (CP, Brakpan) in the House of Assembly yesterday, both the Minister of Law and Order, Mr Louis le Grange, and the Minister of Justice, Mr Kobie Coetzee, said no action would be taken in the case

Mr le Grange recently told Parliament that the Security Police had discovered the nature of the relationship between Dr Boesak, a patron of the United Democratic Front, and Miss D. Scott, an employee of the SA Council of Churches, "during the course of their normal duties"

Dr Boesak himself later admitted at a public rally in Cape Town that he had a relationship with Miss Scott

CAPE TOWN 20/2/85 (238) (11/28)
Boesak: No prosecution

Political Staff
HOUSE OF ASSEMBLY
— Dr Allan Boesak and Ms Di Scott will apparently not be prosecuted under Section 16 of the Immorality Act

This emerged yesterday when the Deputy Minister of Law and Order, Mr Adriaan Vlok, answered questions by the Conservative Party MP for Brakpan, Mr Frank le Roux

Although neither Dr Boesak's name nor Ms Scott's were mentioned it was clear that they

were the couple referred to by Mr Le Roux

Mr Vlok said no action was intended against "certain persons" whose names were supplied by Mr Le Roux

The Minister of Justice, Mr Kobie Coetsee, told Mr Le Roux that in spite of "extensive inquiries" no representation to his department could be traced regarding alleged contraventions of Section 16 of the Immorality Act by "persons whose names had been furnished" by Mr Le Roux

Row over ancestry allegations

Dr Treurnicht

Political Correspondent

A FURIOUS row has broken out between Conservative Party MPs and a coloured MP following allegations that some of their ancestors were coloured

Speaking in the House of Representatives Mr Jac Rabie, Labour Party MP for Reiger Park, said that some Conservative Party MPs and leaders should not be sitting in the white House of Assembly.

He quoted extracts from Groep Sonder Grense, a survey of the genealogy of South African families by Dr Hans Heese, a historian at the University of the Western Cape, in which the names Hoon, Snyman, Meyer and Treurnicht were traced back to their Cape origins, with Batavian, negroid and slave forefathers

Mr Rabie also said that one of his uncles was chairman of a Transvaal branch of the CP

Dr Andries Treurnicht, chairman of the CP, said today it was the first time he had come across suggestions that he had forebears from Bengal or Batavia, and he strongly denied it

He regarded the allegation as "rubbish" until the contrary was proved

Dr Treurnicht said Mr Rabie's statement was nothing but part of a calculated attempt by liberalists and some coloured

to demolish white identity and to prepare the way for integration between white and coloured

It was also a transparent attempt to make whites ashamed of the fact that they were white

Referring to Mr Rabie's statement that one of his uncles was a CP chairman, Dr Treurnicht said the party would not allow itself to be intimidated

Another CP MP, Dr W J Snyman of Pietersburg, said Mr Rabie's speech was a further attempt to take away the pride of the white nation and to promote the equalisation process

He did not believe the allegation would withstand scientific investigation.

The first Snyman to arrive in South Africa was Christoffel, who was known as the son of "Antonie of Bengal" It was clear, however, that Snyman was not an Eastern name

● See Page 7

CAPE TOWN 21/2/85 (238) ~~183~~ ~~60/85~~

Motor trade chief takes govt to task

Own Correspondent

PORT ELIZABETH — The government must do away with the Mixed Marriage Act, the Immorality Act, the Group Areas Act and detention without trial to lay the spectre of disinvestment to rest

This was the message delivered here last night by Mr Lou Wilking, managing director of General Motors, in an address to the Institute of Cost and Management Accountants

Warning about the growing movement calling for disinvestment in South Africa, he said business was being urged to tell the world about changes in the country, and was doing so

“But when is the government going to assist the telling of the story by doing away with the Mixed Marriage Act, the Immorality Act, the Group Areas Act and detention without trial?”

“If this can take place, the disinvestment issue can be laid to rest and I will hazard an educated guess that the economy will begin to come right”

General Motors did not support disinvestment legislation affecting firms in South Africa because this would penalize companies which were contributing to the achievement of social justice and racial reform.

He said an emotional tone typified arguments in favour of disinvestment which were based on abstract moral values that failed to take into account the harm disinvestment would bring to black people who would be the first to lose their jobs

Mr Wilking asked those present what their assessment as businessmen would be of a country which had

- Double-digit inflation for over a decade
- Interest rates rising from 7 percent to 25 percent in four years
- Its currency devalued by more than 60 percent in a little over two years
- A government employing nearly 62 percent of all whites and increasing their salaries by 30 percent in the year of a major recession
- Raised general sales tax from 6 percent to 10 percent in less than six months and looked set to raise it by a further two to five percentage points in March

Cape Times 27/2/85 (238)

Sex-laws committee meets in City

Political Staff

THE new all-parties Standing Committee on the country's two controversial sex laws — Section 16 of the Immorality Act and the Prohibition of Mixed Marriages Act — met in Cape Town yesterday for the first time

On display was a large pile of written evidence and the text of oral evidence — largely in favour of repealing the two laws — which the new committee has inherited from the previously all-white select committee

There has been speculation that with the target

the committee has been set of reporting back to Parliament before the end of this year's session, it will not have to call for further evidence except if necessary on technical issues.

Observers feel new members will be hard pressed to digest all the evidence already before it during this session

Opposition MPs argued in Parliament that fresh evidence would be unlikely to throw any new light on the issue

The original committee was appointed in June 1983 and its terms of reference were widened

in July 1984 to inquire into the desirability of repealing the two laws and of adapting other related legislation if necessary

Mr Piet Badenhorst, Deputy Minister of Constitutional Development and Planning, who is also chairman of the new committee, reported in August last year that the committee had again evaluated the evidence

"Your committee confirms the finding in its first report that the preponderance of the evidence before it points to the desirability of the repeal of the said two mea-

asures as they cannot be justified on Scriptural or other grounds," he said then.

The committee felt that the repeal of the two measures could lead to essential adaptations to related legislation "in order not to prejudice continued social, educational and constitutional ordering of communities"

"Your committee is indeed of the opinion that the repeal of the measures concerned without simultaneously recommending essential adaptations to related legislation may lead to the disturbance of the order

in the various communities"

Last week, debating a government motion to appoint a new committee to consider "desirability" of repealing the two measures, the Official Opposition in the Assembly stressed that they should be repealed and any committee should simply consider the effects of this

It is expected to adopt the same attitude in the committee and to back any move for the committee to rest with evidence it already has favouring repeal of the measures.

100-yr plan 'last chance' for SA

CAL 10/13/85

238

238

AN ambitious 100-year plan to radically curb South Africa's population growth by actively encouraging the rapid urbanization of blacks has been accepted by the government as the country's "last chance" of survival

The plan, significant in its political implications for the status quo, was launched publicly a year ago, but was drowned out by the publicity given to the signing of the Nkomati Accord on the same day

One of its main features is the rapid urbanization of the impoverished black population and the subsequent upgrading of living standards, with particular emphasis on education, health and housing

Relaunched publicity drive

The plan also contains a political ingredient which demands rapid movement toward constitutional accommodation of blacks

This week Dr Boet Schoeman, the Department of Health and Welfare's Chief Director of Population Development, as the programme is called, relaunched the programme's publicity drive in Cape Town

The government, he said, had given the Population Development Programme (PDP) its full support

The inescapable reality was that there was water for only 80 million people in South Africa, and if the population continued to increase at its present average annual rate of 2,3 percent, the 80-million mark would be passed by the year 2020 and reach 138 million by 2040

The PDP aimed at reducing the population growth rate in order to reach replacement rate by the year 2100, when the total population would reach 80,9 million

Family-planning would not be a solution as it had not proved successful in reversing population growth rate in developing countries like South Africa

The only real counter to a high total fertility rate (TFR) was an increase in the quality of life, Dr Schoeman said

The target TFR (expressed in children per woman) was the replacement level of 2,1, reached by whites in 1982, who were now at 2,08

Coloureds were at 3,4, Asians at 2,7 and blacks at 5,2 to give a national average of 3,35

Significant factor

A significant factor was that when the TFR of urbanized blacks was isolated from that of rural blacks, the figure dropped to the same as that for the coloured population

It was in the urbanized situation that standards of living improved rapidly and that adequate education, health care, housing, employment and other factors contributed towards a falling fertility rate

The authorities fully appreciated the programme's critical nature

"We all know this is a last chance situation," Dr Schoeman said

If the TFR was not brought under control now, there would be no future opportunity to avoid the consequences of overpopulation and ever-increasing poverty, and their inevitable product, high fertility

Chief components

The main aim of the Population Development Programme was to raise the standard of living of all South Africans

The chief components consisted of

- An acceleration of social, economic and physical development including health, education, economic programmes, housing projects, urbanisation and rural development

- A comprehensive community development programme at regional level in each town, where self-help programmes would be used to improve individual and community life

- The expansion and reinforcement of the family-planning programme to reach remote rural families

- An information, education and training programme to broaden the aims of the PDP — Sapa

The dusky threads of Afrikaner slave ancestry

THE revelations of celebrated "slave ancestry" researcher Dr Hans Heese are based on many years of meticulous research into the dusky genealogy of many of South Africa's leading family names

And the source of much of the information contained in his yet-to-be-published book *Groepe Sonder Grense* (Groups Without Boundaries) is official.

It was gleaned from the tax rolls of the early Cape settlers between 1680 and 1773

"There is no doubt about it", says the quietly spoken Dr Heese "White men in those days had a sexual preference for Indian and Indonesian women — and these women became the maternal ancestors of prominent Afrikaner families"

What has surprised Dr Heese, a senior researcher for the Institute for Historical Research at the University of the Western Cape, is that reaction to his widely publicised findings has been one hundred percent positive

Hostile

Although he was not expecting hostile reaction from official Afrikaner circles, he is delighted that people are taking their mixed-blood ancestry so calmly



"Historians have recorded these facts before, so it's not all that new.

"But I must admit the book is coming out at exactly the right time (while abolition of the Immorality Act and Mixed Marriages Act is being debated.)"

The telephone in his office, in the Senate building of the old Coloured Representative Council in Belville, never stops ringing

Between the well-wishers and congratulatory calls, international reporters queue up for interviews

Dr Heese admits that one of the prime motivations behind his research was a claim by Dr Andries Treurnicht, the Conservative Party leader, that coloured people had not been accepted into the fold of the Afrikaner or as part of the white community since 1652

Dr Treurnicht's claim, he says, had to be shown to be far from the truth

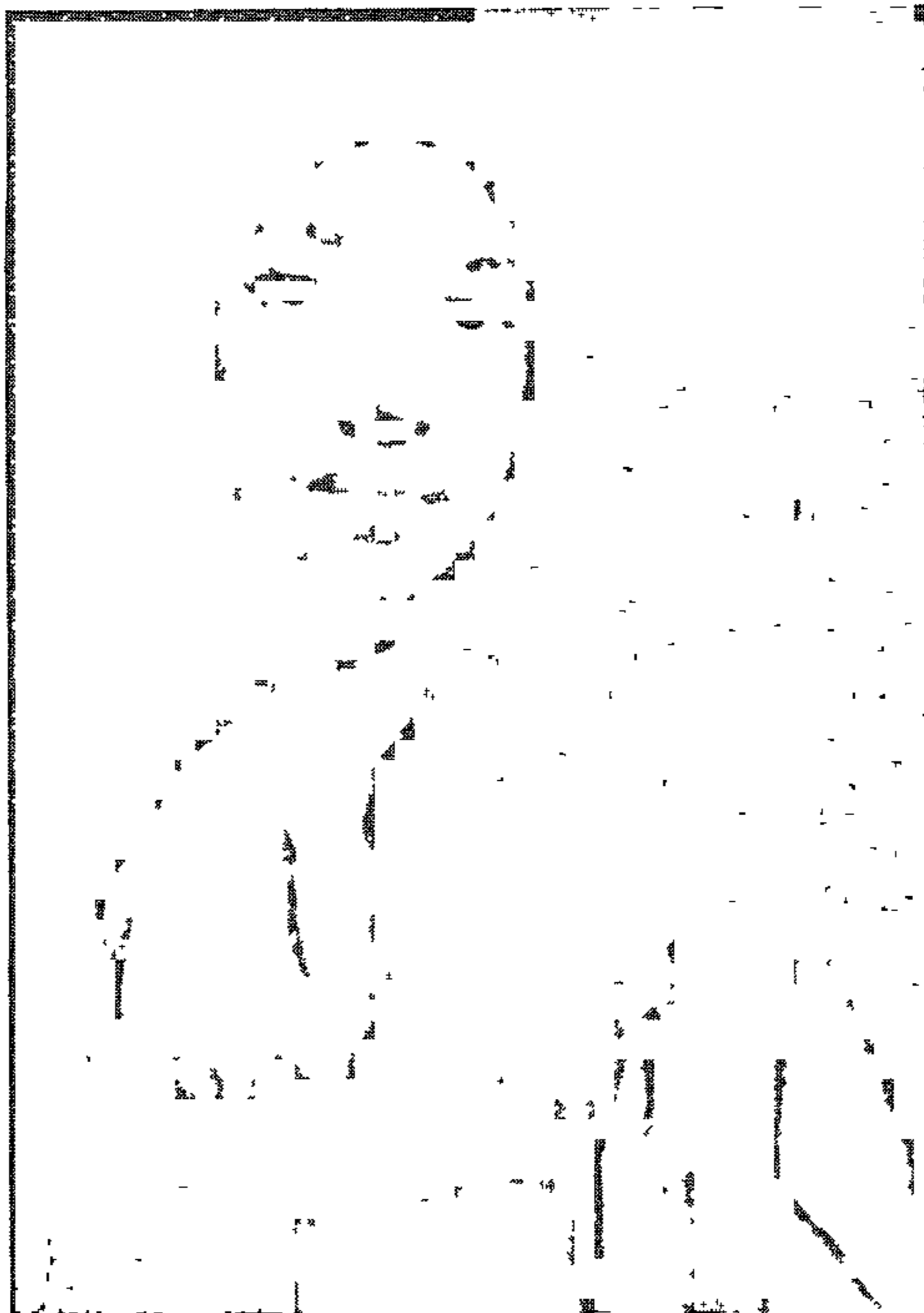
The facts recorded in history, and confirmed by his own and other historians' research, show that mixed-blood children born from marriages between Europeans and freed slaves were totally accepted into the white community

And they have fathered and mothered generations of mixed-blood Afrikaners since

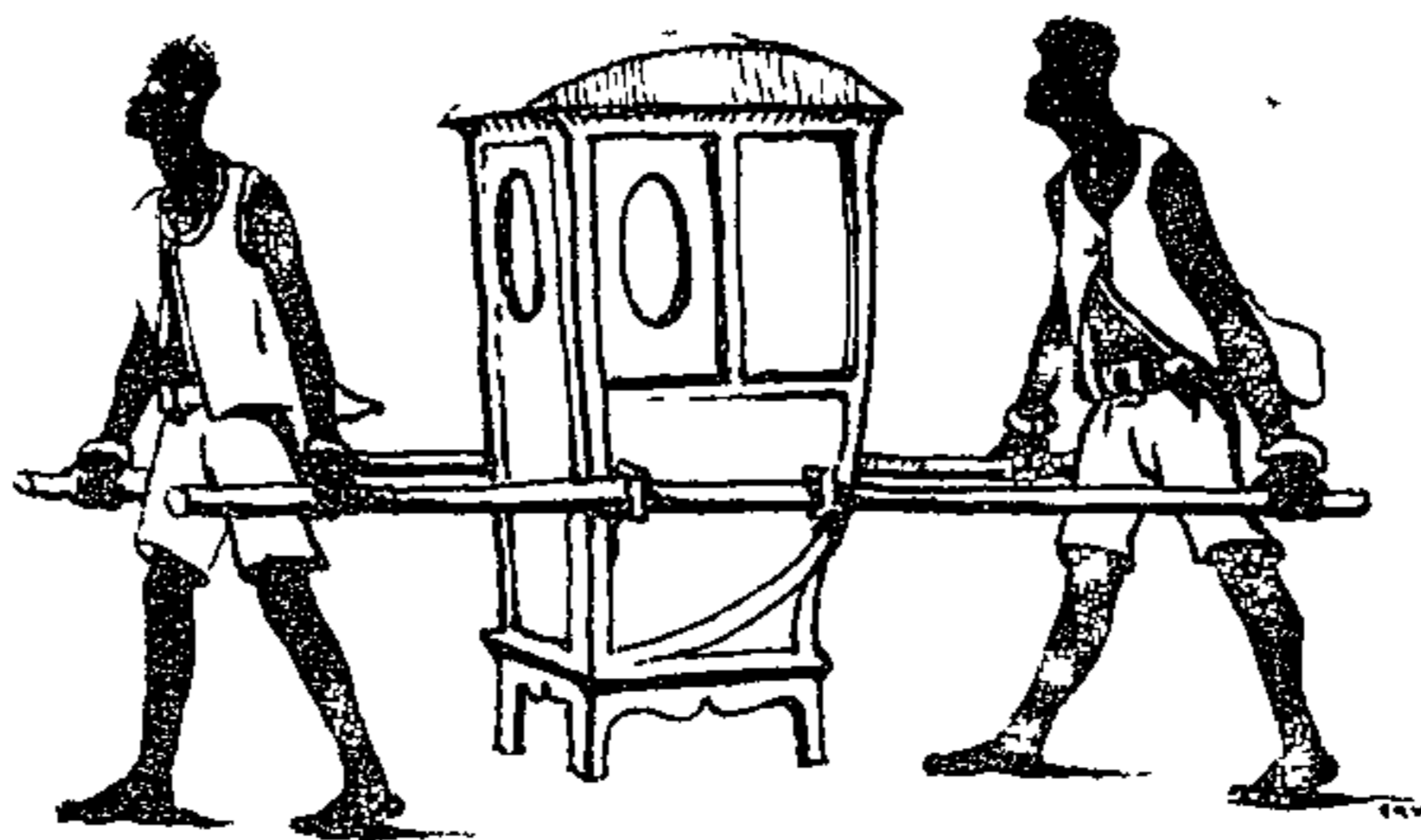
An example of their acceptability, says Dr Heese, is Simon van der Stel, the Governor of the Cape, whose grandmother was a full-blooded Indian woman named Maria de Costa.

Staff Writer TIM PATTEN interviews Dr HANS HEESE, author of a soon to be published book on the racial origins of some of South Africa's most prominent — and politically powerful — white families

Dr Heese



Simon van der Stel, a Governor of the Cape, whose mixed racial origin provoked no adverse reaction and who is revered today — even by whites who support apartheid.



A contemporary drawing of slaves in the Cape performing what was at the time a familiar labour.

The next resident at Groot Constantia, Hendrik Cloete, was also a direct descendant of a mixed marriage — and was totally accepted in white society

Dr Heese started his research in 1978 with the aim of showing how people of colour had played a significant role in South Africa's early history

When unable to find sufficient information in South Africa he travelled to Holland where he spent six months delving into the archives of the Cape Dutch Government in The Hague

From the official documents he took all the personal information from the perfectly preserved tax rolls.

The detailed information on each burgher in the Cape between 1680 and 1773

puter for further analysis

The details not only showed the number of cattle, sheep, vines and pistons but the number of slaves owned and children born to them from their white owners

They were listed as dependants on the tax forms

Dr Heese now has a "master directory" of computer printouts from which he is able to trace the background of the majority of Afrikaner — and some English-sounding — names

Children

With this he was able to analyse the ancestry of children born to freed and slave women. They are categorised into

Mestecos (half white, half black) and Castercos (three-quarters white, one-quarter black)



It was also possible to trace their subsequent acceptance, provided they were born from wedlock, as "whites"

Children born to Indian slave women from white fathers remained slaves

The first slaves to arrive at the Cape, soon after the arrival of Jan van Riebeeck, included a number of Bungali slaves.

Among them were a mother and daughter — Angela of Bengal and a daughter known as Anna de Coningh

Both women were freed, professed Christianity and married prominent white settlers

Angela married Willem Basson and Anna married Olof Burgh. They then became the maternal ancestors of these two prominent Afrikaner families

Intermarriage between European men and Indian women continued until the end of the 18th century

During the period 1670 to 1800 more than 50 Christian marriages took place between Europeans and freed slaves from Bengal, Coromandel, Malabar, Palicatte, Surat and Ceylon

A further 65 extra-marital relationships or common law marriages existed from which children were born to mothers from India and Ceylon

Wealth

A large percentage of the Indian slaves were probably of Indo-Germanic origin who resembled Europeans physically



This, says Dr Heese, is confirmed by an early portrait of Anna de Coningh

Dr Heese wanted to establish whether money could buy whiteness during those days, as it did in America and Brazil

He found a direct correlation between colour and wealth. Not surprisingly, the whiter the richer, the darker the poorer

There was only one case where he found that wealth had played a direct part in acceptability in white society, but Dr Heese is not disclosing this name until after the book is published in two weeks time

Dr Heese, mild in manner and adamant that he did not do the research to score any political points, followed in the footsteps of his father Dr Johannes Heese in producing evidence of Afrikaner mixed blood

In 1971 his father, a retired headmaster and archivist, published a book *Die Herkoms van die Afrikaner* (The Origins of the Afrikaner) which claimed that seven percent of Afrikaner blood was black

Says Dr Heese, with a smile: "My only claim to fame is that I'm the 10th generation descendent of a full-blooded Hottentot named Eva."

"She acted as interpreter for Jan van Riebeeck when bartering for slaves and married Meerhof of Copenhagen

Sandra Laing: another life now

E. Post
238
1/3/85



SANDRA LAING

Sandra Laing was 10 years old in 1966 when she was removed from her white school because she was "too dark". A white, she was reclassified coloured and then once again reclassified white because of her white family. Now she has once again been reclassified coloured. The bizarre story of Sandra Laing made world headlines 19 years ago.

KATE MAXWELL speaks to her today:

THE day Sandra Laing climbed into her lover's car and left home was the day she turned her back on white society in favour of an uncritical black community

Sandra Laing, now 29, remembers little about the event that was almost half her lifetime ago

Petrus Zwane, the man who delivered vegetables to her parents' Brereton Park store, 50km from Piet Retief, asked her to go with him to Carolina in the Northern Transvaal. So the 15-year-old Sandra went, asking no questions and leaving no explanation for her parents

By then she had become a symbol in the public imagination of all that is iniquitous about apartheid. In 1966, at the age of 10, she was removed from her boarding school in Piet Retief because complaints from various people about her dark skin and kinky hair had led to her being reclassified as coloured

A change in the race laws subsequently led to her being reclassified white because her parents were white. But no white government school would accept her. They regarded her as tainted parents threatened to take their children out of school if Sandra Laing enrolled

Today Sandra lives with the

Thabede family in KwaThema, a township outside Springs. Still she asks no questions. Every now and again she receives visits from the Press keen to hoist her up once more as a victim of an unjust political system. Quietly and politely she obliges, although she does not perceive of herself as a victim

For if Sandra has a sense of injustice done to her she keeps it deeply hidden. She holds no bitterness or resentment towards the people or institutions that made her different

Indeed, Sandra has nothing to say about herself

Her concerns centre around working for the benefit of her children and washing and cleaning

At her request she has been reclassified coloured and is entitled to live in the coloured township Geluksdal, not far from KwaThema. She chooses not to, not because she prefers living among black people than coloured, but because the township is too small and the rents are too high. In KwaThema she pays R25 a month for her own room which leaves plenty over for her children

She has four children, none of whom live with her. Three, Mr

Zwane's children, have been taken over by welfare and live in Brakpan (She left Mr Zwane, taking her children with her, in 1979). She cannot have them back until she has a house in Geluksdal. She doesn't know how to get a house

Her fourth child, Anthony, nearly two, lives in KwaThema with his father, Sandra's estranged husband. She can't have him with her because she has to work to save money for her children

The Afrikaner life she left behind all those years ago, Sandra has largely forgotten. She misses her parents who have moved to Natal, but, she says with some discomfort, "I don't worry any more". She is unwilling to express sadness. She hasn't seen her mother since 1974, although she does sometimes telephone her. She never sees her two brothers

Her feelings as a child when she was rejected she appears to have buried

Yet, despite her experiences, Sandra believes there is nothing wrong in racial segregation. "People are not the same," she says, pinching her arm to indicate the colour of her skin. In that case, how did she find living among black people after being brought up among white?

"Living with Petrus was different at first, but after a couple of months I didn't worry"

She is unwilling to enlarge on the differences, and it is clear she doesn't dwell on them. Sandra herself moves with ease between black and coloured people, although she finds coloured people critical of her association with black men

But these are things she accepts. She remains uninterested in politics — perhaps because politics cannot change her past — and she has not fought to gain an identity with any particular racial "group"

She has simply allowed life to take her where it will, quietly and uncomplainingly accepting her circumstances and doing as she's told. Unable to defend herself with words, when a situation becomes unbearable she simply leaves it and starts somewhere else, dependent on whoever offers a helping hand

Yet in a country where the race of a person determines so much about how he or she will live, Sandra Laing will always remain a symbol. And perhaps, as is the case with symbols, there is after all no need for words

CHE TRINIS 6/3/05

238

Treurnicht says no to blood test

Staff Reporter

PAARL. — Dr Andries Treurnicht, leader of the Conservative Party, last night rejected a challenge by Dr Chris Barnard to undergo a test with him to determine whether they had mixed blood

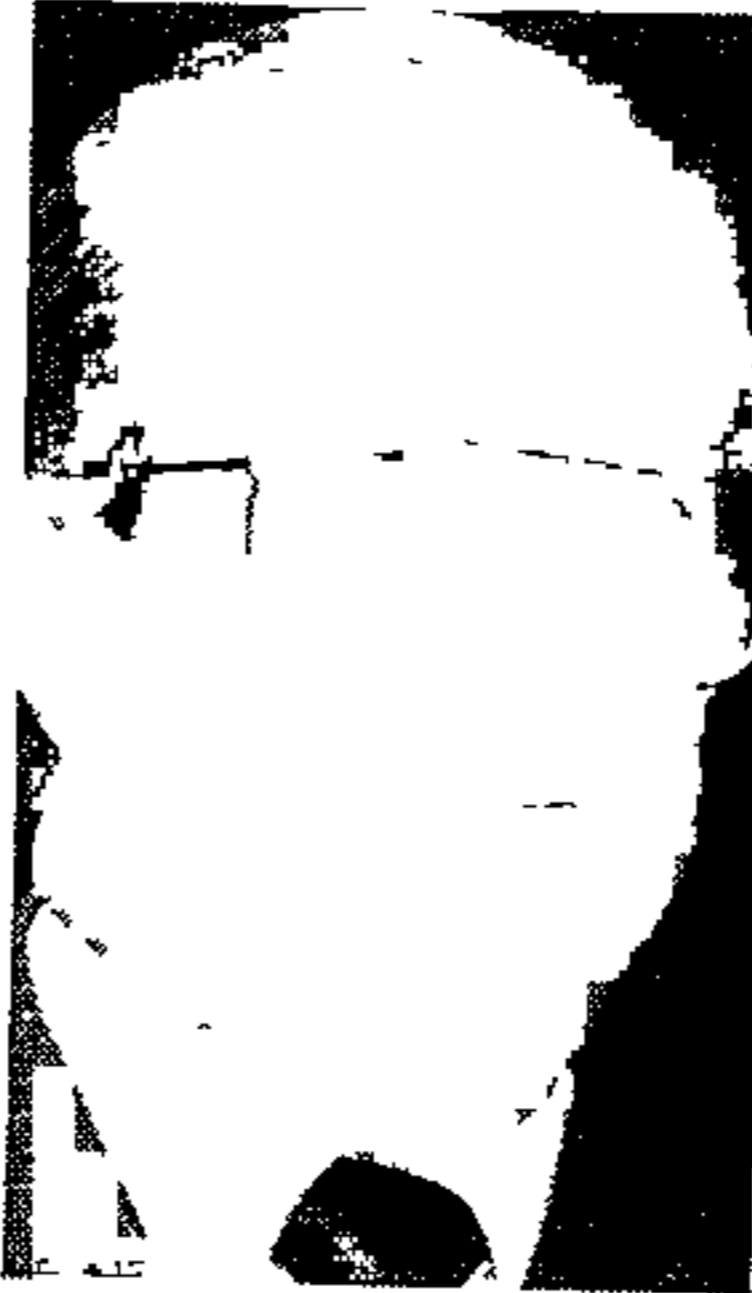
Addressing a Conservative Party meeting attended by about 850 people, Dr Treurnicht said "If we go back far enough, we both come from the Ark and before that from Paradise.

"I want to ask Dr Barnard whether he wants to go back to the Knysna bush that he mentioned and to the period of mixed marriages."

Challenged

Dr Treurnicht was replying to Dr Barnard's column in the Cape Times on Monday in which Dr Barnard challenged him to undergo a joint blood test with him

The challenge followed a speech by Dr Treurnicht in Parliament during which he said he was proud to be white and criticized alle-



Dr Andries Treurnicht

gations that he had non-white ancestry.

Dr Treurnicht said Dr Barnard's statement that the test could only show whether he was coloured but not prove whether he was white was "ridiculous"

Referring to the book to be published by Dr Hans Heese of the University of the Western Cape detailing mixed ancestry of several prominent Afrikaner families,

Dr Treurnicht said this was not the first attempt to prove that Afrikaners had mixed blood

These attempts should be seen in relation to the policies of the Nationalist government and its attempts to repeal the Mixed Marriages Act

"If the people who make these allegations can say we are mixed they can say the laws have not worked. Then they will succeed in changing the laws"

Reject

Dr Treurnicht said the reasons for holding the meeting were to reject the "astonishing" course the Nationalist government was taking with its "multiracial policies" and "to give to each other the undertaking that the struggle for white self-determination would be continued"

Dr Treurnicht attacked the economic policies of the government, saying the recent salary cuts of civil servants were the result of "government extravagance"

Mixed-blood row: Claims are piling up

Argus Correspondent

PRETORIA — Claims for defamation in the mixed-blood row are piling up and more than 50 Afrikaners have so far written letters of demand, according to the chief secretary of the Herstigte Nasionale Party Mr Louis Stofberg

The amounts claimed from Dr Hans Heese and the Sunday Times, following reports that he had traced non-white ancestors of 1 000 Afrikaans families, vary between R15 000 and R25 000

Mr Stofberg said today he had heard of "considerably more than 50" Afrikaners who had sent letters of demand to Dr Heese and the Sunday Times "Claims are piling up," Mr Stofberg said

Last week 16 people gave notice that they would jointly sue Dr Heese, author of the book Groep Sonder Grense (Group Without Boundaries), and the Sunday Times for R32 000

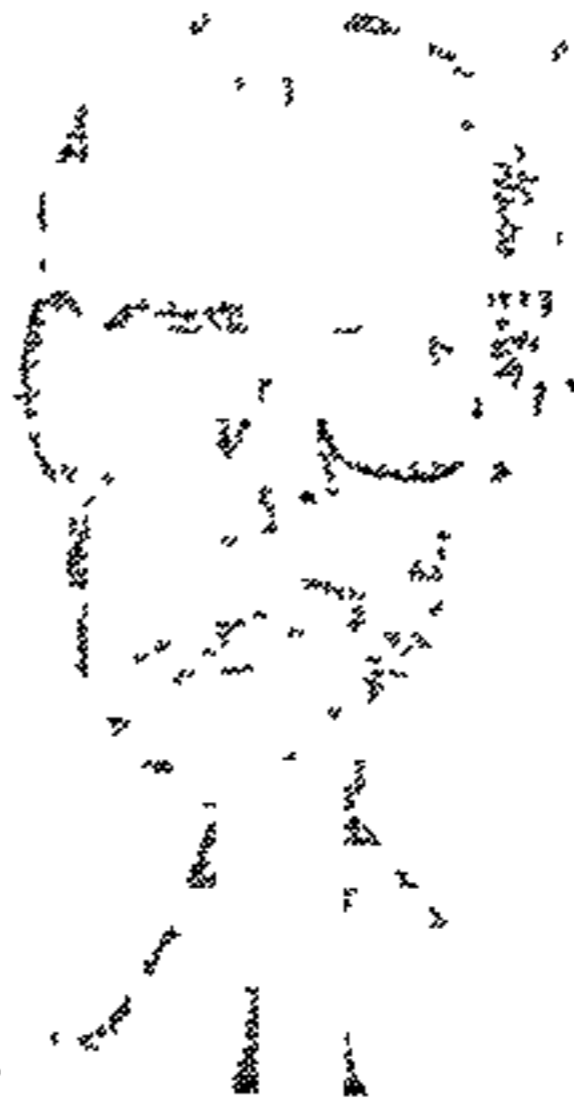
This was on the basis that there was no clear distinction between the pure and racially mixed ancestry of different branches of the same family name

The claim against the Sunday Times follows the publication last week of names from Dr Heese's list of early settlers who either married or had relationships with people of colour in the Cape

The claimants say the innuendo is that they are of mixed blood, that their ancestry is suspect, that they should "hold their tongues" on racial matters as there are doubts about their white ancestry and that they can have no objections against racial mixing

● Dr Heese today declined to comment, saying the matter was in the hands of his attorney

● The book is to be launched tonight



Dr Hans Heese

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Botha orders probes

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28/3/85

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238

Political Correspondent

THE President's Council has been instructed by President P W Botha to start four major investigations — including one into urbanisation, which has been labelled as a prime cause of the current unrest in black townships

The urbanisation investigation has been given top priority by Mr Botha, who wants a report by July next year

Announcing the investigations today, the chairman of the council, Dr Piet Koornhof, said they should be seen as part of the President's reform initiatives

The other investigations are into

- All aspects of the Immorality Act, except Section 16, which deals with sexual relations across the colour line

- Red tape that hampers economic development in general and the small business sector in particular

- The changing age composition of the various race groups and the resulting socio-economic implications

Dr Koornhof said at a Press conference today that the President's Council was giving priority to the investigations, which would contribute to an improvement of the standards of living of all South Africans as well as contributing to improved relations between the various groups

This was in accordance with the State President reform measures

Promiscuity

Dr Koornhof denied that the investigation into the Immorality Act was a political sop in reaction to the mounting criticism from the Conservative Party on the possibility that Section 16 may be scrapped.

The investigation followed a motion in the President's Council earlier this year in which concern was expressed about the quality of life in South Africa, including the high divorce rate, promiscuity, drug abuse, gambling and the number of road accidents

The committee investigating the Immorality Act would also investigate these aspects

Priority would be given to the Immorality Act, with the other aspects of the motion being looked into over a number of years

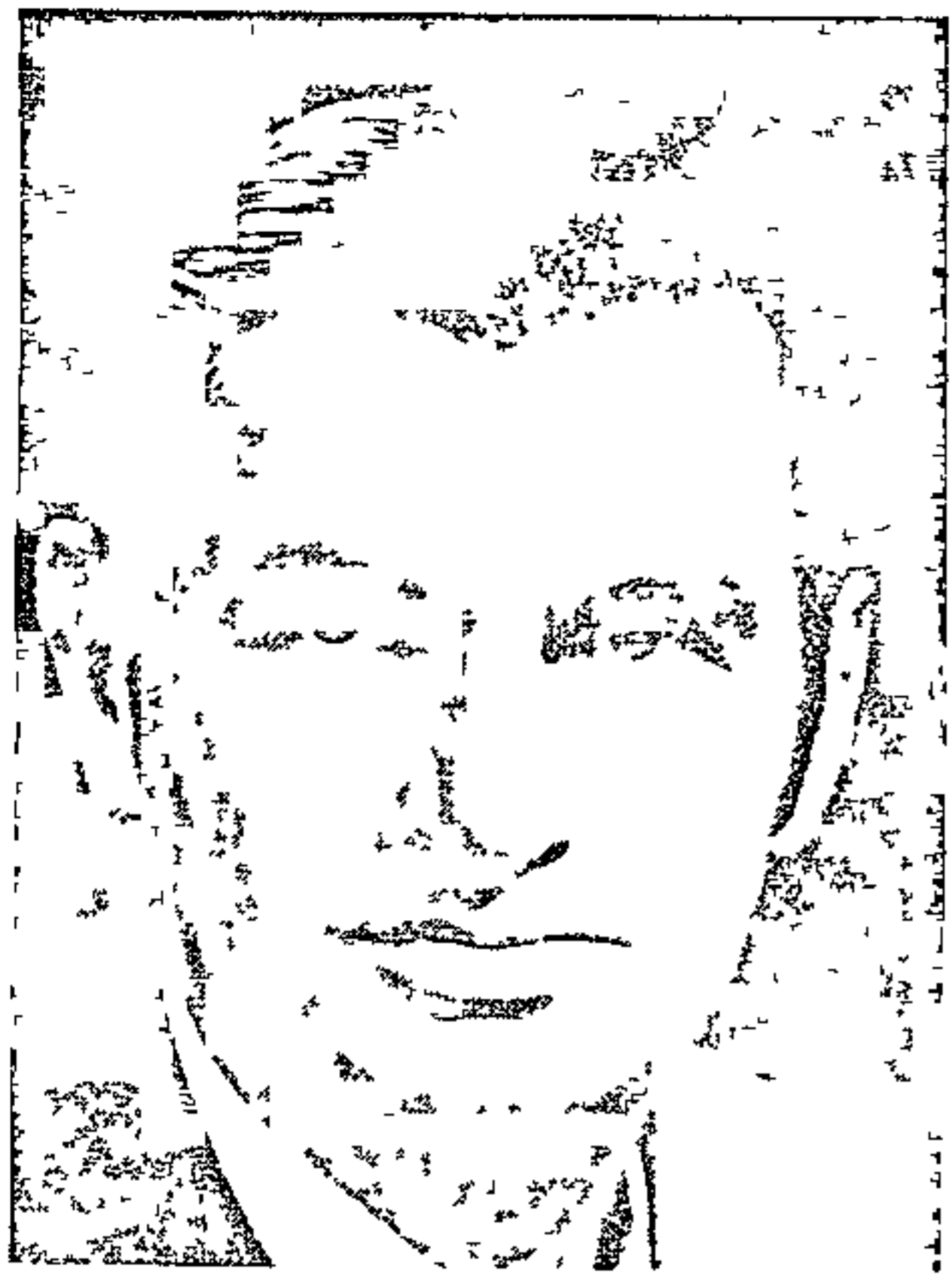
The investigation into red tape obstructing the economy would include laws such as influx control, which have been labelled by businessmen as one of the obstructions to a free market system

The committee on urbanisation would be headed by Dr A Oosthuizen, chairman of the Council's committee for Constitutional Affairs

The committee would be able to use experts from the CSIR and from the various universities, such as Durban sociologist Professor Lawrie Schlemmer

Dr Koornhof said the committee would look at the best way to "counter the present social, economic and physical problems resulting from rapid urbanisation"

All nine political parties on the President's Council would be represented on the committees Dr Koornhof said consideration would be given to co-opting blacks



Badenhorst . . . his task is complete

238 FM 5/4/85

the parliamentary session

There seems little doubt the sex laws will be scrapped, not least because of the positive international publicity value this will enjoy. Whether other apartheid laws will go this year is open to doubt, but that they will go in time seems beyond question.

One reason for this is the "domino theory" of apartheid legislation. The apartheid edifice is composed of many legislative bricks which are, to some degree, interlocking. Remove one or two, and the others must in due course collapse.

If interracial couples are allowed to wed and procreate, one of the cornerstones of apartheid — the Population Registration Act, which separates people into racial categories — becomes unworkable. The same applies to the Group Areas Act and other apartheid laws down the line.

The terms of reference of Badenhorst's original committee were extended to consider this very issue. If, as expected, the committee recommends, and government accepts, the scrapping of the sex Acts, the move will have more than symbolic significance. It will be the final signal that government is at least prepared to post notice of apartheid's funeral, whether or not some kind of short-term system of permits is employed as a sop to the Right.

After the events of the past few weeks, SA and the world — sorely needs a reassurance that reform is still on the rails. ■

AECI STRIKE

143 183 152

Back but still out

Fm 5/4/85

Black members of the SA Chemical Workers' Union (Sacwu) at AECI's Newcastle plant have returned to work after their six-day legal strike over wages, without gaining

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Sex Acts to go

The Joint Select Committee of Parliament investigating the desirability of scrapping the Mixed Marriages Act and Section 16 of the Immorality Act is understood to have completed its task. Its report — and recommendations — are likely to be tabled within a matter of weeks, probably on or around April 15

Members of Pietie Badenhorst's committee (certainly one of the most important joint committees in the new Parliament) are not prepared to say anything about their deliberations. It is, in fact, a contravention of parliamentary rules to leak a committee's findings before they are tabled.

However, there have been indications for months that even hardline Nationalists now accept that these two laws, certainly the most emotive and hurtful of the apartheid laws, must go. This is unlikely to have changed.

Coloured and Indian leaders have been saying with confidence that they have assurances "from on high" that the Acts — and others, including the Prohibition of Political Interference Act and the Separate Amenities Act — will be repealed before the end of

WHAT

Page 2

With the victims of the Langa shootings still unburied, the Kannemeyer Commission of Inquiry started hearing evidence last week in an effort to piece together the details of the incident that caused the death of 19 people on March 21.

The shooting in Maduna Road, Langa, was over within a few violent seconds. Some of the 15 policemen in two Casspirs involved in the confrontation with the crowd of between 4 000 and 6 000 fired only one round. But the inquiry — conducted in a subdued, formal atmosphere — will take weeks. The commission, chaired by Justice Donald Kannemeyer, has attracted a clutch of legal representatives to the ill-ventilated Uitenhage courtroom. They include representatives for relatives of the victims, Progressive Federal Party MPs and the police, all subjecting witnesses to detailed examination.

Apart from the press, sitting in the box usually reserved for the accused, two PFP MPs and senior police officers sitting near the door, almost all the available seating is taken up by some 70 black people. They sit in classic sardine-can

Report on sex laws next week

CAPE TIMES 12/14/85 238

From BARRY STREEK
Political Staff

THE first parliamentary moves to scrap South Africa's controversial bans on inter-racial sex and marriage are expected early next week

In the House of Assembly yesterday, the Conservative Party MP for Pietersburg, Dr Willie Snyman, disclosed that the report of the joint Standing Committee investigating the two laws would be tabled in Parliament next week

It is understood that the report will be tabled in all three Houses on Monday. The fact that a joint report is to be tabled means that "consensus" between the majorities of the representatives of all three Houses has been obtained

With the total opposition to Section 16 of the Immorality Act, which prohibits inter-racial sex, and the Mixed Marriages Act, which makes marriages between people of different races unlawful, in the House of Representatives and the House of Delegates, the consensus achieved in the Standing Committee is almost certainly that it will recommend the abo-

lition of the measures

In spite of reservations among some Nationalist MPs about the implications for other laws, such as the Group Areas Act, it appears that the Nationalists have agreed to recommend the immediate scrapping of the two measures

However, the committee may avoid the implications for other laws and concentrate on the two sexual measures

In Parliament yesterday the Minister of Justice, Mr Kobie Coetsee, said that 918 people had been prosecuted under Section 16 of the Immorality Act over the past five years. He said 187 people had been prosecuted in 1980, 212 in 1981, 190 in 1982, 169 in 1983 and 160 last year

The Standing Committee was empowered to consider the legal implications of its recommendations and for this reason it could draft legislation to give effect to its proposals. This could mean the three Houses will adopt legislation this year to scrap the two measures

It may also have considered whether or not to legalize inter-racial marriages which have been

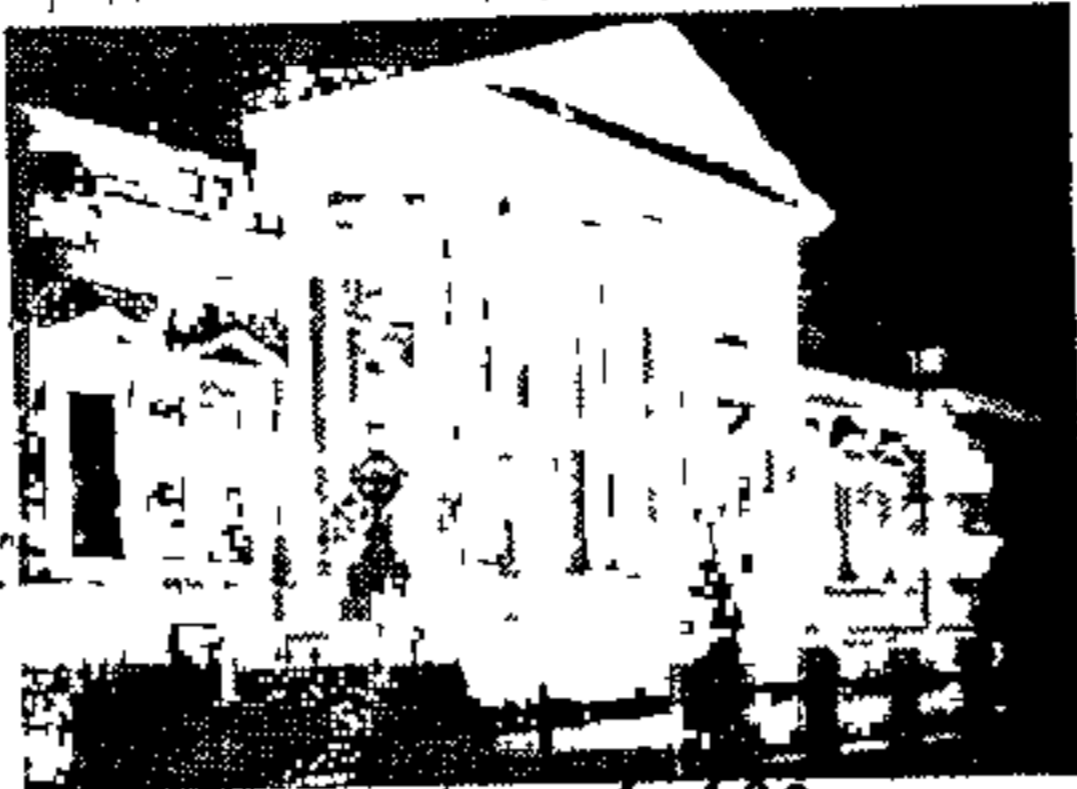
contracted outside the official boundaries of South Africa but are not at present recognized in the Republic. If it does propose the repealing of the two measures, it might well also propose the legalization of these marriages

With the coloured and Indian Houses of Parliament having little concrete to show for their participation in the new constitutional system, the ending of the ban on inter-racial sex and marriage could give the tri-cameral system a much-needed boost

Conservative

But the expected move will be seized upon by the Conservative Party in its campaign against government policy reforms. The Conservative Party is already circulating a petition calling for the retention of the two laws. The petition says "such marriages remain undesirable and the churches and the community have the responsibility to prevent them"

In spite of the right-wing pressure, the two measures are likely to be removed from the statute book this year



MR&US 12/14/85

Prosecutions for inter-race sex ²³⁸ still on decline

Parliamentary Staff

PROSECUTIONS for inter-race sex under Section 16 of the Immorality Act, have continued to decline

This was confirmed in Parliament by the Minister of Justice, Mr Kobie Coetsee, in response to questions by Mr Charles Redcliffe of the Labour Party

The number of people prosecuted year by year is: 1981 — 212, 1982 — 190, 1983 — 169 and 1984: 160

Mr Coetsee said statistics about the race and sex of those prosecuted were not readily available

Although the Minister did not say so, it is widely expected that a parliamentary committee's report about repealing the measure will be published next week and that the measure will be axed from the statute book

Angry whites sue after historian's race mix findings

Kruger clan joins row over ancestry

w/c Argus 13/4/85 (238)

By IRVING STEYN
Weekend Argus News Editor

THE storm surrounding a book claiming mixed blood in the ancestry of prominent Afrikaans families is threatening to become a major national issue, with legal repercussions amounting to millions of rands.

Latest developments include

● Defamation claims against the author, Dr Hans Heese, R2-million claims against a Sunday newspaper and another R2-million against a national Afrikaans magazine. These publications published the names of families which allegedly might have branches with racially mixed ancestry.



Dr Heese — facing 60 claims.

● The rallying of leading Afrikaans historians, geneticists and genealogists to counter Dr Heese's claims

● The briefing of top legal counsel to prepare court action based on the research, and

● A vendetta by a branch of the Kruger clan, led by Mr Paul Kruger of Cornelia in the Free State, whose great-grandfather was a cousin of the venerated Boer leader, President Paul Kruger

First report

The contents of Dr Heese's book — he is a researcher in the University of the Western Cape's Institute for Historical Research — were disclosed for the first time in Weekend Argus on February 16

Printed primarily as an academic work, the book, Groep Sonder Grense, caused an immediate far-right furore over its claims that people with at least 50 of the best-known Afrikaner family names might be related to ancestors in the 17th and 18th centuries who had progeny across the colour line



Kruger — family clan joins row.

Dr Heese named names and immediately unleashed the wrath of Afrikaners from many quarters

Within two weeks 50 claims for defamation landed in Dr Heese's post, each demanding between R15 000 and R20 000 in damages. There are now more than 60 demands

The latest claim is from Free State farmer Mr Kruger, for R500 000. He has demanded — through his lawyers — that Dr Heese prove before April 20 that the matriarch of a branch of the Kruger family had non-white blood, as Dr Heese has allegedly claimed

Rallying support

The Krugers have formed a laager over the issue, with members of the family across the country rallying in support

Mr Kruger told me this week that several members of the Kruger family had done private research into their origins and there was no proof of any blood of people of another colour

of the Conservative and National parties
"Although I don't know the details, many of our party members have written to us saying they were taking action. We have had letters from Worcester to Port Elizabeth, from Windhoek to Pretoria, from Queenstown to Potgietersrus — in fact, from all over the country, even Natal," he said in an interview this week

Most of the claimants are supporters of the Herstigte Nasionale Party but, according to the party's chief secretary, Mr Louis Stoffberg, defamation claims have also been sent by supporters



Mr Stoffberg — it's countrywide.

By TOS WENTZEL,
Political Correspondent

THE Prohibition of Mixed Marriages Act and the sex-across-the-colour-bar-clause of the Immorality Act are to be scrapped.

A parliamentary committee of all parties in the three Houses of Parliament has recommended this and the Government is expected to give effect to this end

This will see the end of two controversial measures which have caused countless human tragedies and which have besmirched South Africa's name in the outside world.

The report was tabled in Parliament today

The scrapping of the Prohibition of Mixed Marriages Act is to be made retrospective to 1949



The Minister of Home Affairs, Mr F W de Klerk, is expected to announce the Government's acceptance of the report

when the Assembly discusses his departmental vote in the Budget debate later today and tomorrow

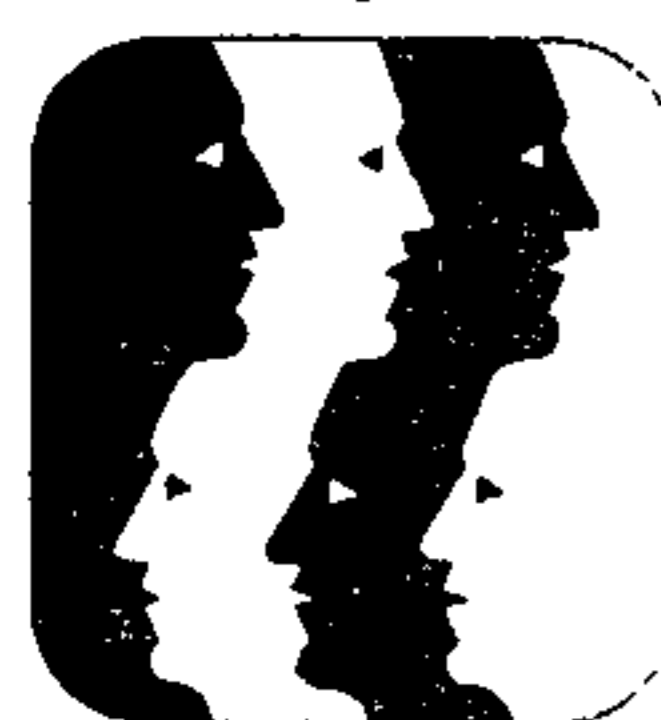
The main findings of the committee are:

"The Prohibition of Mixed Marriages Act of 1949 cannot be justified on scriptural or other grounds

"Since this Act and Section 16 of the Immorality Act of 1957 were placed on the statute book, provision has been made for group ordering by way of the classification of the population into groups, the determination of own residential areas, the attendance at own education institutions and the right to vote on a group basis."

All these measures, the report says, sufficiently ensure the continued social, educational and constitutional ordering of own communities

"The measures concerned are of a discriminatory nature because they do not



provide for equal treatment of the various population groups and single out one identifiable group only"

(The Acts prohibited marriages and "immorality" only between whites and

members of other race groups, but not between coloured people, Indians and blacks)

Legislation is necessary to make it possible to legalise those marriages which are invalid due to the Prohibition of Mixed Marriages Act

Marriages contracted overseas between South Africans of different race groups as well as some church marriages which were not legally valid will thus be legalised

The commission found that the one Act could not be repealed without the other one

It has prepared a draft Bill, the Im-



morality and Prohibition of Mixed Marriages Amendment Bill, which contains provisions to scrap the Acts and to validate existing marriages which have so far not been legally recognised. It will come before Parliament soon

The report also recommends that parties to a mixed marriage should be "counselled" by a marriage officer on the implications of such mixed marriages

The committee says it is deeply aware of the fact that the place of residence of such a married couple is a sensitive matter in the South African community context

It also finds that existing legislation and practice, particularly in regard to residential and educational rights and requirements are capable, by administrative means, of allowing for the accommodation of racially mixed families

It therefore does not recommend changes in any other legislation

the President's Council should give attention to the rest of the Immorality Act, especially to soliciting for immoral purposes and to ways of prevention as well as punishment

The committee also recommends that penalties in the rest of the Immorality Act must be increased substantially and that the President's Council must investigate whether existing measures are adequate

While basic apartheid measures such as the group Areas Act and the Population Registration Act are being maintained, the Government will clearly be willing to allow exemptions and reclassification

In terms of the Groups Areas Act classifications of mixed groups evolve to the group other than white — if a white marries a coloured, Indian or black the classification of the family and the children would tend to go to the "non-white" side

Mixed Marriages Act to be scrapped

AR 6/15/4/85

238

P.T.O.

SEX COLOUR BARRIERS TO GO

MRG 15/4/85 (238)

Sex colour bar to go

Cont from Page 1

who gave evidence to that committee were in favour of the retention of the two Acts

The present committee did not call for any further evidence

In today's report there is a considerable change of attitude to the changing of related legislation such as the Group Areas Act

In a report the white select committee issued in August 1984 it said the repeal of the two measures could lead to essential adaptations in related legislation "in order not to prejudice continued social, educational and constitutional ordering of communities."

That Committee also said that the repeal of the two measures without simultaneously recommending essential adaptations to related legislation "may lead to the disturbance of the order in the various communities"

In spite of new committee's decision that no other legislation needs to be changed it is clear that the measures such as the Group Areas Act will now be under strong pressure.

can, however, be granted in terms of the Act and in terms of the Population Registration Act people can be reclassified into other race groups

At the same time Nationalist politicians will be able to use the argument that none of the other pillars of apartheid have been affected by the committee's recommendations

This is a tactic they are preparing to use in order to rebut an onslaught from the right wing against the proposal to scrap the marriage and sex Acts

Another Nationalist argument is that, in the days when mixed marriages were allowed, there were very few. In 1945 there were 92, mainly between white and coloured. This represented 0.3 per cent of the white marriages of that year

the scrapping of the Acts

The CP, along with the Herstigte Nasionale Party, is organising a country-wide petition to protest against the step.

White, coloured and Indian MPs served on the 22-man committee and it had before it evidence given to a select committee of the old whites-only Parliament

In this evidence the two Acts were overwhelmingly rejected.

Only five of the 90 bodies and people (Turn to Page 3, col 1)

SPEARMAN RANK CORRELATION COEFFICIENTS

	Rate of growth of Y/hd (1960-65) N = 36	Average Y/hd N = 44
1 Income of lowest 20%	+0.12	-0.36
2 Income of lowest 60%	+0.02	-0.79

More sophisticated techniques would require more sophisticated and reliable data. But using these and similar data for the same countries, Adelman and Morris were unable to find a wholly satisfactory mathematical relationship between level of income and income distribution.¹⁶

This raises a second point. The cross-sectional evidence suggests an eventual improvement in income distribution. But such a trend is not inconsistent with a number of countries facing continuingly regressive income distributions at relatively high levels of average income. South Africa is an extreme example. Those economies heavily dominated by expatriate-controlled export industries are a less unusual case in point. In that situation, of course, *per capita* income is particularly meaningless. None the less, unless the government is able to enforce far-reaching redistributive policies (e.g. by using tax revenues imposed on the export sector to finance effective rural development policies) the usual experience is that a small urban elite, with relatively high incomes and advanced levels of living, contrasts with unrelieved poverty in the rural area. There is no automatic self-correcting mechanism here, particularly if one takes the view that political pressures on the government tend to favour the urban areas rather than the rural.

Third, it is worth repeating all the familiar caveats about generalizing from cross-sectional experience, particularly in the light of the effect of population growth on distribution. Given the fact that observed international experience is based on relatively low rates of growth of population during and after the process of industrialization, it is at least questionable how reliable a guide this experience is under modern demographic conditions. Only if it could be shown to be true that population growth rates fell uniformly across society at some (preferably early) point in the process would it be the case that high population growth rates could legitimately be ignored. In fact, of course, the evidence is too disparate to allow any such conclusion. In general, moreover, birth control permeates downwards with the result that the lower social groups, particularly those with high female illiteracy and unemployment, are the last to reduce the size of families. Even in the unlikely event of employment growth being adequate to ensure that these larger families are found jobs, one can safely assume under all normal conditions (i.e. explicitly excluding huge mineral wealth or freak technological progress) that the productivity of such labour is low and therefore that the distributional nadir is not reached. Historically, only when population growth has been such as to allow for the development of a chronic disequilibrium of under-supply in the labour market and (an included condition) when the poorest groups have ceased to breed away their scarcity value, has distribution become more equitable. Fourth, it is worth emphasizing that the assumption of trickle-down as-

Moves to scrap sex laws likely today

CAPE TOWN
15/4/85
238

Own Correspondent

JOHANNESBURG. — Parliament is expected to be advised today to scrap laws forbidding interracial marriage and sex.

The move will be widely regarded as the most significant step so far in the government's reformist drive away from old-style apartheid.

The recommendation is expected in a report due to be tabled today by an all-party committee which has been considering the repeal of the two measures.

There seems little doubt that the committee will advise the immediate repeal of the Prohibition of Mixed Marriages Act and Section 16 of the Immorality Act.

The committee is also expected to recommend that all existing mixed marriages which have been contracted outside South Africa and which are not recognized here be legalized.

Legislation enabling the measures to be scrapped could be approved before the end of the current session in June.

The legalizing of racially mixed marriages would necessitate a review of a whole range of other discriminatory legislation.

The government will have to decide, for example, where mixed marriage couples can live, where their children will go to school, which amenities they will be allowed

to use together and what public transport they will be allowed to use.

The government has for some time been concerned about how to handle these peripheral issues.

The committee will continue investigating the implication of the repeal of the two measures particularly with regard to related apartheid laws and is expected to report again within the next few months.

The repeal will end an era of considerable personal tragedy for thousands of South Africans, as well as years of international condemnation and ridicule heaped on the government for legislating against love.

The Prohibition of Mixed Marriages Act was passed in 1949—the year after the Nationalists came to power.

Section 16 of the Immorality Act, passed in 1957, expressly forbids sexual intercourse between whites and blacks.

The repeal of the two measures has been under consideration for some time.

Last year, the committee of what was then the whites-only Parliament came very close to recommending that the two laws go.

The overwhelming

weight of evidence to the committee from a broad spectrum of organizations and individuals favoured the immediate repeal of the laws.

Even the most powerful Afrikaans church, the NGK, to which most government leaders belong, said there was no scriptural justification for the laws.

However, it was decided to hold over the repeal until the measures could be considered by a committee of the new Parliament established last year under the new constitution and including, for the first time, a minority of coloured and Indian MPs.

The role of coloured and Indian people in bringing about the repeal of the sex laws through their participation in Parliament and on the committee is likely to be used to justify their decision to participate in the new Parliament.

The move will give the government's image a much-needed boost, both at home among blacks and liberal white opponents, and overseas. However, the Conservative Party and the Herstigte Nasionale Party have already launched vicious campaigns to oppose it.

Sex laws to go

THE Government yesterday accepted recommendations to scrap the two laws prohibiting marriage and sex across the colour line.

This follows an inquiry by the Badenhorst Committee, a joint select committee of all three Houses of Parliament, which tabled its report yesterday and recommended that the Mixed Marriages Act and Section 16 of the Immorality Act, be repealed.

The brief committee report was accompanied by a draft bill setting out the simplest form of re-

peal. ²³⁸ Another main feature of the report is that it found that the existing laws governing residential and educational separation were adequate to deal with the situation created by the repeal. *Sowetan*

No specific recommendations were made regarding other legislation the repeal was likely to affect. *16/4/85*

The Draft Bill accompanying the report amends the Immorality Act, the Criminal Procedures Act and repeals the prohibition of Mixed Marriages Act in toto.

The Immorality Act is

amended by deletion of the definition of "coloured" and "white" persons in Section 1 of the Act, totally repealing Section 16 and deleting Section 21, Subsection (2).

It also amends Section 22 (A) to provide for seven years imprisonment for persons who keep brothels or solicit for sex between coloureds and whites.

Reference to Section 16 of the Immorality Act is also scrapped from the Criminal Procedures Act.

Dr H M J van Rensburg (N P Mossel Bay) said there was no justifi-

cation for the laws in the scriptures. The decision to repeal the laws had been taken in the light of the need for better group relations and the bad publicity these laws had brought to the country.

Mr Alex Boraine (PFP Pinelands) said the decision was a tribute to Mrs Helen Suzman (PFP Houghton) who had campaigned against the laws for more than 20 years. He said the laws had never been necessary in the first place because the country had survived for 250 years before they were passed — Sapa

pamphlets, whose authors are apparently bent on creating animosity between shebeens and licensed liquor traders. Our week-long protest affects shebeens in three townships, not to mention township East Rand areas). (Far

who were last week arrested after they had allegedly picketed a Rosslyn factory, will appear in the Pretoria North Magistrate's Court on May 6. According to Mr Jack Masemola, a branch sec-



2 RDM 15/4/85 (238)

Scrapping sex laws will jolt apartheid

By CHRIS FREIMOND
Political Correspondent

CAPE TOWN — A report expected to be tabled in Parliament today which is likely to advise the immediate repeal of the Prohibition of Mixed Marriages Act and Section 16 of the Immorality Act is set to have profound implications for a wide range of other apartheid laws

The Government will be unable to ignore the implications, and far-reaching changes to aspects of social apartheid are expected within the next few months in the wake of the imminent repeal of the sex laws

In particular, the legalising of racially mixed marriages will necessitate a review of a whole range of other discriminatory legislation

The Government will have to decide, for example, where mixed marriage couples will be allowed to live, where their children will go to school, which amenities they will be allowed to use together and what public transport they will be allowed to use

The Government has for some time been extremely concerned about how to handle these peripheral issues, although Opposition spokesmen have said they pose no real obstacle to the scrapping of apartheid in marriage and sex

The all-party committee whose report will be tabled today will continue investigating the implication of the repeal of the two measures particularly with regard to related apartheid laws, and is expected to report again within the next few months

The committee is also expected to recommend that all existing mixed mar-

riages which have been contracted outside South Africa and which are not recognised here, be legalised

The scrapping of the laws forbidding interracial marriage and sex would be widely regarded as the most significant step so far in the Government's reformist drive away from old-style apartheid.

Legislation enabling the measures to be scrapped could be approved by Parliament before the end of the current session in June

The President's Council has also been asked to investigate all other aspects of the Immorality Act, such as prostitution, pornography and other immoral practices, possibly to pave the way for a tightening up on law enforcement in those areas

The scrapping of the apartheid sex laws will end an era of considerable personal tragedy for thousands of South Africans, as well as years of international condemnation and ridicule heaped on the Government for legislating against love

The Prohibition of Mixed Marriages Act was passed in 1949 — the year after the Nationalists came to power — in the interests of racial purity. It forbids marriage between whites and blacks

Section 16 of the Immorality Act, passed in 1957, expressly forbids sexual intercourse between whites and blacks

The repeal of the two measures has been under consideration for some time

Last year the committee of what was then the whites-only Parliament came very close to recommending that the two

To Page 2

Sex laws 238 to go RDM 15/4/85

From Page 1

laws go
The overwhelming weight of evidence to the committee from a broad spectrum of organisations and individuals favoured the immediate repeal of the laws

Even the most powerful Afrikaans church, the NGK, to which most Government leaders belong, said there was no scriptural justification for the laws

But it was decided, mainly for symbolic reasons, to hold over the repeal until the measures could be considered by a committee of the new Parliament established late last year under the new constitution and including, for the first time, a minority of coloured and Indian MPs.

● In Parliament last week the Minister of Justice, Mr Kobie Coetsee, disclosed in reply to questions that 918 people had been prosecuted over the past five years under Section 16 of the Immorality Act.

visit to Egypt by the Mr Shimon Peres, | ern Law

World welcomes repeal of 'sex' laws

The Argus Foreign Service and the Political Staff report on reactions at home and abroad to the scrapping of the Mixed Marriages Act and Section 16 of the Immorality Act

THE United States Secretary of State, Mr George Shultz, is expected to welcome the scrapping of the Mixed Marriages Act and Section 16 of the Immorality Act and when he makes a major speech on the US policy of constructive engagement at Washington's National Press Club later today

Yesterday, the State Department's chief spokesman, Mr Bernard Kalb, said the US was heartened by the move and approved of it

President Reagan's chief spokesman on civil rights, Assistant Secretary of State Elliot Abrams, told TV viewers last night that the scrapping of the two Acts was another sign that the South African Government was ready to face up to rightwing opposition

Mr Abrams, who oversees the US government's worldwide annual human rights report, noted that the US Supreme court had struck down anti-miscegenation laws in 17 states only in 1967 "We are not that far ahead of this ourselves," he said

Meanwhile, The Argus Foreign Service reports from London that the change in South Africa's sex laws is major news across Europe

Correspondents in Bonn, Paris, Lisbon and the Hague reported wide coverage of the news

British television carried interviews with mixed-race South African couples on their main news bulletins, and explained the background to the Government decision.

Every Fleet Street newspaper, with the exception of the tabloid Daily Mirror, featured the news prominently today

But Bishop Trevor Huddleston, the former South African civil rights campaigner, welcomed the abolition of the laws "in only one respect, that they should not have been passed in the first place"

He described the repeals as "totally peripheral" The laws which bolstered apartheid were the pass laws, the Group Areas Act, the Population Registration Act and above all the Bantu Education Act

Today, in her moment of triumph at hearing even Nationalist Politicians condemn the laws for their insensitivity and intrusion on privacy, Mrs Helen Suzman sadly recalled the thou-

sands of people who have suffered because of the laws

She first introduced a Private Member's motion to repeal the sex laws in 1962 It was rejected by every other MP A further attempt by her in 1971 met with a similar fate

"It is incredible when I think back on all those years of the misery caused by these laws Equally, we are going to think back as other changes take place, belatedly, of the misery caused by measures such as the Group Areas Act and the pass laws," she says

Dr Erika Theron, who was chairman of a major inquiry on the coloured people, today welcomed the decision but expressed disappointment because other apartheid measures, especially the Group Areas Act, will not be affected

She said the Group Areas Act was in fact the cruellest measure which had caused most dismay for many people

She said there were many misconceptions about what would happen if the this Act were scrapped There would not then be forced integration as people tended to associate with their own type.

The 'immoral' tragedy of 'sexual apartheid'

JO-ANNE COLLINGS records the tragic history of the Immorality Act and the Mixed Marriages Act, two of the first pillars of apartheid erected by the National Party after it came to power

BETWEEN 1949 and 1971 there were over 17 000 prosecutions under Section 16, the race clause, of the Immorality Act. Subsequent prosecutions would bring the total to over 20 000

The sheer extent of hardship caused by this law certainly does not rival that caused by the pass laws, for instance, but its enforcement has dealt a heavy blow to tens of thousands — the prosecuted (whether they are convicted or acquitted) and their families

When the Immorality Act was passed in 1950, the Nationalists argued that preventing the mixing of black and white blood was in the interests of "white civilisation" and a way of avoiding an increase in racial problems

The Prohibition of Mixed Marriages Act had in fact preceded it by a year and a 1927 law prohibiting extra-marital sex between whites and blacks (Africans) formed the foundation of the new Immorality Act, which extended the bar to cover relations between whites, on the one hand, and blacks, coloureds and Asians on the other.

The two Native Representatives offered the only fundamental challenge to the values

underlying the Bill. While the United Party opposed the measure, it — and indeed the liberal Press — went along with the idea that "every decent person is opposed to miscegenation"

What they questioned was whether sexual relations could be effectively governed by legislation. And what affronted them was the idea that the white man would show such "little pride of race and poor moral stamina" as to require a law to control him

Until 1957 — when merely conspiring to commit immorality became an offence — police had virtually to trap couples in bed to obtain a conviction. Police officers hiding in the boots of cars, in the ceilings of homes, perching up trees — all in the cause of obtaining photographic or other evidence of sex between two people of different colour — became part of the curious heritage of South Africa

The practices of police — feeling the warmth of the bed, searching for hairs on the bed linen, confiscating stained sheets, subjecting their suspects to examinations by the District Surgeon — were common knowledge

By the early '70s the tally of 34 morals cases a week in the Johannesburg Magistrate's Courts was regarded as "normal". Magistrates were surely inured to the methods of investigation the Act seemed to demand

The intended and unintended results of the Immorality Act have caused at least as much of an outcry as its methods. They have included a string of suicides, countless couples driven into exile, separation of parents from children, forgery, non-support of children

Most known suicides have been white men — many of them middle aged platelanders — threatened with charges under the Act. One of the seven men accused in Excelsior, the Free State town which won notoriety in 1970 as a result of the Immorality Act, committed suicide

And there were others in similar circumstances — in Ventersdorp, Brits, Pretoria, Vanderbijlpark, Durban, Stilfontein, Warrenton, Vereeniging, Potchefstroom, Barkly East

There have been those under suspended sentence who have separated because they dare

not risk a second prosecution and jail, which would leave their children homeless

At least one young white woman had her seven-month-old baby removed because it was not white and had the infant used in court to condemn her and her lover because of the dark skin it had inherited

And the very presence of the Immorality Act has left hundreds of black and coloured women bearing children of their white lovers — and quite unable to claim maintenance because they would have to reveal a "criminal" conception

By 1977 Die Transvaler was admitting that the Immorality Act was causing South Africa "incalculable harm" abroad. And leading Nationalists Mr Hendrik Schoeman, then Minister of Agriculture, and Mr Pik Botha, already holding the Foreign Affairs portfolio, made known their personal convictions that the racial sex Acts should go

It has taken another eight years for the National Party to accept this. But at last, finally, this immoral act is about to be done away with

MPs hail decision to repeal two laws

CAPE TIMES
16/4/85

238

By ANTHONY JOHNSON
Political Correspondent

THE government's decision to scrap controversial laws banning inter-racial sex and marriage was seen in parliamentary circles as a significant first step that would eventually lead to the dismantling of other discriminatory laws.

But the move was largely dismissed as a cosmetic concession by extra-parliamentary political groups who warned that it did nothing to remove the laws which denied fundamental rights to the disenfranchised majority.

The significance of the announcement by the government yesterday that it intended to scrap the Mixed Marriages Act and Section 16 of the Immorality Act during the current parliamentary

session was stressed by coloured and Indian parties, who have been at pains to justify their entry into the new tricameral system.

The National Peoples' Party leader, Mr Amichand Rajbansi, hailed the decision as a "giant practical step in the genuine move away from discrimination" and "a proud moment for the tricameral parliament".

The Labour Party leader, the Rev Allan Hendrickse, saw the im-

minent repeal of the measures as "very relevant to the whole process of reform in this land". He claimed the LP's presence in Parliament and his presence in the Cabinet had played a significant part in the decision.

The leader of the Progressive Federal Party, Dr Van Zyl Slabbert, said repeal of the two laws would "highlight the lack of necessity of other racist laws on the statute books" and pledged continued pressure for their repeal.

Dr Alex Boraine (PFP Pinelands) and Mr Tian van der Merwe (PFP Green Point), emphasized that "this is just the first step on a long journey" but that "the reform process will now acquire new momentum".

Conservative Party spokesman, Mr Daan van der Merwe, saw the government decision as the death knell for the National Party, as the "NP today drew a final black line through its principles, and through the spirit of Malan, Strydom, Verwoed and Vorster".

Announcing the decision to scrap the Acts in the House of Assembly yesterday, the Minister of Home Affairs, Mr F W de Klerk, said the government was convinced that the measures "can and should be repealed". Mr De Klerk said that while the government remained convinced that marriage between members of different population groups "can give rise to particular social, housing and educational problems effective measures do exist to protect communities against such consequences".

"As regards the individuals concerned in such marriages, it is preferable that the government should not interfere prescriptively with the intimate emotional lives of people."

Findings

Mr De Klerk's statement coincided with the tabling of the report of the Joint Committee on the Prohibition of Mixed Marriages Act and Section 16 of the Immorality Act.

The main findings of the committee are that

● The Mixed Marriages Act could not be justified on scriptural or other grounds.

● Since the introduction of the two acts, other (apartheid) legislation has been introduced so as to "sufficiently ensure the continued, social, educational and constitutional ordering of own communities".

● The two measures were of a discriminatory nature and legislation was necessary to make it possible to legalize those marriages which were invalid due to the Mixed Marriages Act.

The report also recommends parties to a mixed marriage "be counselled by a marriage officer on implications of such a marriage".

● More reports, page 4

Parliament and Politics

Parties signify their approval

CAPE Times 16/4/85 238

By ANTHONY JOHNSON
Political Correspondent

ALL Parliamentary parties — except the Conservative Party — yesterday approved the government's decision to back down on its ban of inter-racial sex and marriage

While the spokesmen for coloured and Indian parties were anxious to use the announcement as a justification for the controversial entry into the new tricameral parliament, the Official Opposition in the white house of Assembly cautioned that the import of the move should not be over-emphasized

The leader of the Labour Party, the Rev Allan Hendrickse said he believed that the imminent repeal of the measures was evidence of apartheid's dismantling

"There is much that still has to change but all change must start somewhere. We have started and I believe there is now no turning back or slowing down. Time will tell that our decision to participate was the right one

"The LP presence in Parliament and particularly on the Joint Committee has contributed, in no uncertain terms, to this historic decision

The fact that these laws were not referred to the President's Council for further evidence to be presented for further decision, must be attributed to my presence on the Cabinet"

The leader of the National Peoples' Party, Mr Amichand Rajbansi, said he believed that scrapping the measures would be a "giant practical step in the genuine move away from discrimination"

He justified his party's entry into the new parliament and paid tribute to President P W Botha as "the most potent force for reform that has ever come from within the establishment"

Solidarity spokesman, Mr Ahmed Arbee, said the decision would be welcomed by the majority of South Africans as "a meaningful step in the path of reform"

The leader of the PFP, Dr Van Zyl Slabbert, said he was gratified that the government had "at last plucked up enough courage for what is a rather timid step of reform in the area of racial discrimination"

He expected the move to highlight afresh that "racist laws" were unnecessary and promised that his party would con-

tinue to fight for the repeal of other discriminatory legislation

"We will be unable to combat disinvestment outside and rage in frustration inside as long as racial discrimination enjoys the sanctity of law"

A PFP member of the committee that recommended the scrapping of the laws, Mr Tian van der Merwe, warned that the move had to be seen in perspective. While some might see it as a drastic development, "it is but a small step on the long road we have to travel in order to achieve racial harmony"

New Republic Party spokesman, Mr Brian Page, said the repeal of the measure would herald a new era in South African politics

"I believe the recommendation for the repeal of these Acts should now be seen as symbols of enlightenment and reform and recognized as being the first steps in dismantling of the hurtful, discriminatory laws and practices in our plural society"

Conservative Party spokesman, Mr Daan van der Merwe, said "the game the minister has now started will not only lead to his own downfall, but that of his party"

CAPE Times 16/4/85 (238)

US welcomes decision on colour bar sex laws

THERE was positive reaction from diplomats, commerce and industry to the government's announcement yesterday that it accepted the recommendations of the Badenhorst parliamentary committee that South Africa's inter-racial sex laws be scrapped

But most extra-parliamentary, church and community organizations rejected the repeal of the laws as the National Party's attempt to give "legitimacy" to its reform efforts

Both Assocom and the Federated Chambers of Industries (FCI) welcomed the move, as did the United States Ambassador to South Africa, Mr Herman Nickel

Mr Nickel said the decision to accept the Badenhorst committee's recommendations was "a positive development"

However, Mr Patrick Moberley, British Ambassador to South Africa, was yesterday unavailable to make an immediate comment

According to an embassy spokesman, official reaction to scrapping of the laws would probably come from London "once they were removed from the statute books"

● Simon Barber reports from Washington that the United States State Department yesterday welcomed the decision

"We are heartened by such a move. These two acts represent the most odious aspects of apartheid. Their demise will not be mourned," a spokesman said

"The decision seems to be a step in the direction of a more just society, though we realize much more needs to be done"

A spokesman for the FCI said the decision to repeal the mixed marriages and sex-across-the-colour-line legislation was "greatly welcomed" and would "underpin the credibility of reform initiatives in South Africa"

A statement from Mr Raymond Parsons, chief executive of Assocom, also welcomed the government acceptance of the parliamentary committee recommendations

Mr "Terror" Lekota, United Democratic Front publicity secretary, said that while the



Mr Herman Nickel

repeal "will put to an end the unnecessary personal humiliation and suffering freedom of sexual association is not a basic right"

"What is in crucial need of repeal are those laws which deny the majority of the people political rights and freedom of movement and participation in one central government"

Mr Trevor Manuel, UDF Western Cape secretary said that "repeal does not address the demands of a country presently in flames"

Mr Arminen Abrahams, the Cape Action League (CAL) media organizer, said that the repeal did not "lessen the suffering of millions against high prices and unemployment which the system of racial capitalism — known as apartheid — is responsible for"



Mrs Sheena Duncan

● Mrs Sheena Duncan, National President of the Black Sash said in Johannesburg yesterday that the Black Sash welcomed any move that began to break down apartheid laws

However, it was disappointing that no amendments were contemplated to laws which enforced residential separation

● The leader of the Methodist Church of South Africa, the Reverend Peter Storey, said he was gratified the government had recognised the indefensibility of the Mixed Marriages Act and Section 16 of the Immorality Act

● A spokeswoman for the Southern African Catholic Bishops' Conference said that the scrapping of the two acts would be "only window dressing"

"Such steps remain meaningless until the cornerstones of apartheid, the Population Registration Act and the Group Areas Act, are repealed," she said

Commitment

● The South African Institute of International Affairs said acceptance of the report advising the repeal of the inter-racial sex laws would be seen by the outside world in the light of delivering further reforms

"However, the question is whether internally the black community will see this as pointing to a clear government commitment to act on previous reform promises," said Mr Brian Bench, an SAIIA spokesman

● The South African Council of Churches said the white community might regard the repealing of the two laws as a radical step in a new direction, but it would make very little difference to the basic issue of political rights for blacks

"It's a case of too little, too late, from the viewpoint of the blacks," said the Secretary General of the SACC, Dr Beyers Naude

● An Azapo spokesman, Mr Ban Habebi, said in Johannesburg that the repeal was intended as a means of stemming growing political activity — with the government using reform as a counter-revolutionary strategy — so the move would fall far short of black demands

● Margaret Smith reports from London that ANC reaction to the planned repeal was lukewarm

Sources close to the ANC said that the repeal would not radically change the nature of apartheid — Staff Reporter and Sapa

TO HAVE BEEN COMPLETED SHEPHERD — South Africa
late last year after a ministerial meeting between An-
shooker ace Silvio Francis
Reports by Mail reporters and correspondents
and Sapa, Reuters, Associated Press and UPI.

Mixed views on Govt move

238

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CAPE TOWN — The Mixed Marriages Act and Section 16 of the Immorality Act imposed a "restriction on love", the Deputy Minister of Constitutional Development, Mr P J Badenhorst, said yesterday during debate in the House of Assembly on Government moves to scrap the controversial measures.

Mr Badenhorst said the measures had caused immense grief and heartache to people who were not involved in court cases but who were connected by name to the guilty parties.

He said, however, that mixed marriages took place every day between coloured and Indian and coloured and black.

All the repeal of the measures did was to "put back" the whites.

The move was immediately heralded as a "blow to the disinvestment campaign" by Assocom last night, but was dismissed as "window-dressing" by church organisations and extra-parliamentary opposition groups including the United Democratic Front and the Azanian Peoples' Organisation.

The South African Institute of Race Relations, the New Republic Party and the coloured Labour Party welcomed the initiative as a signal of Government commitment to reform.

In a guarded reaction, the official Opposition's chief spokesman on Internal Affairs, Mr Tiaan van der Merwe, said although the move should be welcomed, it was a "small step on the long and difficult road we have to tread to reach racial normality."

He also criticised the manner in which the Government had announced its intentions to scrap the measures as indicative

that it had acted with the "utmost difficulty and dragging of feet".

Assocom said in a statement that although the proposed reforms must be pursued on their own merits, the business community was "keenly aware of the positive impact which progress along this road will have on overseas opinion, and especially on the current disinvestment debate in the United States".

The Southern African Catholic Bishops' Conference said from Pretoria, however, that the scrapping of the two acts would be "only window dressing".

"Such steps remain meaningless until the cornerstones of apartheid, the Population Registration Act and the Group Areas Act, are repealed," it said.

The secretary of the South African Council of Churches, Dr Beyers Naude, said he was relieved the laws would hopefully be repealed but warned it was a case of "too little, too late" for blacks.

The UDF's publicity secretary, Mr Patrick Lekota, said the move was an attempt to portray the tricameral Parliament as the force for change in South Africa and to justify the participation of those who sit there despite the low polls.

"The repeal of Section 16 will put an end to unnecessary personal humiliation to those couples who disregard racial barriers, but freedom of sexual association is not a basic issue and that is why the Nationalists chose it," Mr Lekota said in a statement.

"What is crucial and must be repealed are those laws which deny the majority of South Africans political, residential, labour and citizenship rights," he said — Sapa

Peace of

By CHRIS FREIMOND
Political Correspondent

PARLIAMENT — The repeal of laws against inter-racial marriage and sex was just a small step on the road towards racial harmony in South Africa, the Progressive Federal Party's spokesman of Internal Affairs, Mr Tian van der Merwe, said yesterday

Speaking in Parliament shortly after the Government had announced it had accepted the advice of an all-party committee to scrap the laws, Mr Van der Merwe predicted that their repeal would put added pressure on the Government to move away from other aspects of apartheid

As had been expected, the committee recommended the immediate repeal of the Prohibition of Mixed Marriages Act and Section 16 of the Immorality Act

It found that the measures

could not be justified on scriptural or other grounds

The Government accepted the committee's report, and thereby took the first real step towards removing significant apartheid measures from the statute books since the start of the current reformist drive

Although the repeals will in no way effect the political power balance, they are symbolically important

The committee also recommended the legalisation of marriages contracted outside the country and not recognised

in South Africa

It advised that the implications of repealing the measures be dealt with administratively

This appeared to mean that "mixed" couples and their children would be granted certain concessions by permit with regard to where they lived, which schools they attended and the use of certain public amenities

In a statement to Parliament on behalf of the Government, the Minister of Home Affairs, Mr F W de Klerk, said "It clearly emerges from the re-

port that the continued ordering of own communities at social, educational and constitutional level will not be affected. The Government's initial and inherent pre-condition has thus been met"

The chairman of the Minister's Council in the House of Representatives, Mr Allan Hendrickse, said the repeal was evidence that apartheid was being dismantled and would add to the momentum of reform

● Mixed reaction
See Page 2

RDM 16/4/85
238

Repeal of sex laws a small step, says PFP

Sex laws: Blacks 'not impressed'

By ALI MPHAKI

BLACK leaders and organisations were yesterday not "impressed" with the news that the Mixed Marriages Act and the sex-across-the-colour-bar clause of the Immorality Act are to be scrapped.

A committee of all parliamentary houses has recommended this, and the Government has accepted the recommendations.

In a statement released from Durban, the United Democratic Front (UDF) publicity secretary, Mr Terror Lekota said "Freedom of sex as such is not a basic issue of the South African problem, which is why the Nationalist chose it

"What is crucial and must be repealed are those laws which deny the majority of the people of South Africa political, residential, labour and their citizenship rights

"Black people want influx control laws repealed and their imprisoned leaders unconditionally released, so that a democratic constitution can be drafted and peace restored to this, our lovely land," Mr Lekota said

President of the Soweto Civic Association, Dr Nthato Motlana said "We are not interested in the repeal of these laws. We want effective participation in the running of our country

"But only if two laws can be repealed — influx control and the Group Areas Act — can we begin to take a serious look at the Government. At the moment we think they are playing with time," he said.

The Transvaal vice-president of Azanian People's Organisation, Mr Dan Habedi, said, "Attending in a half-hearted way the social problems of our country cannot be impressive to a people who have been politically oppressed, socially degraded and economically exploited for over 30 years.

"The scrapping of sex-laws is a reform means of stemming the growing tide of political activity in this country. The Government is using reform as a counter-revolutionary strategy."

ernment been appointed to serve on such a committee?

+The MINISTER Mr Chairman, I want to make a sincere suggestion to the hon member. If the hon member wants information on a matter which has already been debated and where reference was made to a committee of investigation that was appointed by the NP-leadership in the Free State, he should ask me and I will help him formulate the question. His basic problem is to get a correctly formulated question on the Question Paper [Interjections]

In order to help the hon member, I want to refer him to a statement made by the hon the Leader of the NP in the Free State the hon the Minister of Health and Welfare. This statement appears in a very respectable publication which was issued recently. I will say more about that in a moment. I quote from that statement:

As gevolg van die siening van die Eerste Minister dat die leiers van die Vrystaat self oor die heroorweging van Hoofstuk 33 van die Vrystaats Wetboek sal besluit het ek vier lede van die hoofbestuur

Not of the Government—

van die NP onder voorsitterskap van Minister Kobie Coetsee aangestel om die aangeleentheid te ondersoek en aanbevelings dienaangaande te maak aan die NP-leiding

+An HON MEMBER Did you not know that, Daan?

+The MINISTER I think the hon member will now agree that his question was formulated wrongly

This publication is titled the *Nat-Harri-smith*, April 1985. It concludes on the same page with this very correct call:

Ons het vertroue, ons skep vertroue, ons stem Nasionaal! [Interjections]

+Mr H D K VAN DER MERWE Mr Chairman, further arising out of the non-reply of the hon the evasive Minister, I want to ask him if the Minister is a member of the Government [Interjections]

HOA

+The MINISTER The nature and contents of the hon member's question explain why he is not a member of the Government [Interjections]

+The CHAIRMAN OF THE HOUSE Order! The questions are now deteriorating into a dialogue

Owaqwa

*25 Mr H D K VAN DER MERWE asked the Minister of Co-operation, Development and Education +

(1) Whether any land has been purchased since 1 July 1984 with a view to (a) consolidating and/or (b) extending the territory of Owaqwa, if so, (i) how many hectares and (ii) what was the total cost of the purchases.

(2) In respect of what date is this information furnished?

The DEPUTY-MINISTER OF DEVELOPMENT AND OF LAND AFFAIRS

(1) No

(a) and (b) (i) and (ii) fall away

(2) 16 April 1985

+Mr H D K VAN DER MERWE Mr Chairman, arising out of the hon the Deputy Minister's reply, can he tell us whether he will grant independence to the residents of Owaqwa if they request that?

+The DEPUTY MINISTER Mr Chairman, this has nothing to do with consolidation and is therefore not a supplementary question

238 Howard
Identity documents 16/4/85
26 Mrs H SUZMAN asked the Minister of Law and Order

Whether any (a) White, (b) Black, (c) Coloured and (d) Indian persons have been arrested for not being in possession of an official identity document during the

latest specified 10-year period for which figures are available, if so, (i) how many and (ii) in terms of what statutory provision in each case?

The MINISTER OF LAW AND ORDER

(a) No

(b) (i) 637 584

(ii) In terms of section 15 (1) of Act No 67 of 1952 and section 12 (1) of Act No 25 of 1945

(c) (i) 2

(ii) In terms of section 14 (2) of Act No 30 of 1950

(d) None

Mr D J N MALCOMESS Mr Chairman arising out of the hon the Minister's reply, does he not believe then that perhaps the police have not been as efficient as they should be in following up White offenders by comparison with others? [Interjections]

Mr Chairman, arising further

The CHAIRMAN OF THE HOUSE Order! There is nothing arising further out of the hon member's own question

Mr D J N MALCOMESS Mr Chairman, I want to put another question, not arising out of my own question but arising out of the hon the Minister's original answering of the question. Would it not then, Sir, in view of his answer, make one believe that the laws for the different population groups

The CHAIRMAN OF THE HOUSE Order! That is not a question, it is a supposition and, indeed, an indirect statement

Umgeni River: body of unidentified man

*27 Mr W V RAW asked the Minister of Law and Order

(1) Whether a case of a body of an unidentified Black man found floating

on the Umgeni River was recently reported to the police station responsible for the Clermont area in Natal, if so (a) when and (b) what is the name of this police station

(2) whether this body was found within the area of jurisdiction of the above-mentioned police station, if not, within the area of jurisdiction of which police station was the body found.

(3) whether the said body was eventually removed from the Umgeni River if so by members of which police station.

(4) whether there was any delay in removing the said body from the river, if so, (a) why (b) how long after the case had first been reported was the body removed and (c) what are the circumstances surrounding the incident

(5) whether he will make a statement on the matter?

+The MINISTER OF LAW AND ORDER

(1) Yes

(a) On 8 March 1985

(b) Kwa Dabeka police station

(2) No within the area of jurisdiction of Kwa-Mashu police station

(3) Yes, by members of the Kwa Dabeka police station

(4) Yes

(a) and (c) As a result of a difference of opinion in whose area of jurisdiction the body was found and the negligence of the responsible members to remove it

(b) 5 days

(5) No, except to state that the circumstances surrounding the case are being

HOA

The MINISTER OF PUBLIC WORKS

(1) A Board in terms of Police Regulation 64 (1) (b) has been convened to inquire into his fitness to remain in the Force

(ii) Constable N B Harker

(2) No

Mr P G SOAL Mr Speaker, arising out of the hon the Minister's reply, is he aware of reports surrounding this incident that a group of policemen—apparently they were policemen—laughed at the incident? If so, what action does he intend taking?

The MINISTER Mr Chairman, I am aware of those reports and, as I have explained, a departmental inquiry into the whole matter is being held

De Hoop area

*20 Mr P A MYBURGH asked the Minister of Public Works

(1) Whether his Department and/or the former Department of Community Development appointed any committee of inquiry in 1984 and/or 1985 to investigate complaints of property-owners in the De Hoop area regarding the expropriation of their properties, if so, (a) who appointed the committee, (b) who (1) was in charge of the inquiry and (ii) are the persons who served on the committee, (c) when was it appointed and (d) where did it sit

(2) Whether the committee has completed its investigation, if not, (a) why not, (b) what progress has been made and (c) when is it anticipated that the investigation will be completed, if so, (i) when, (ii) what was the scope of the investigation and (iii) what were the findings.

(3) Whether any action has been taken as a result if not, why not, if so, what action.

(4) whether he will make a statement on the matter?

(3) No

(a) Because the issue of identity documents are at present governed by two different Acts, namely, in the case of Black persons in terms of Act 67 of 1952 and in the case of other population groups in terms of Act 30 of 1950 I wish to add, however, that the issuing of a uniform identity document to all population groups will probably commence on 1 July 1986

(b) The identity document presently issued to Black persons differs in several respects as far as lay-out and contents are concerned, from the document issued to the other population groups. It is, however, impractical to specify the differences by way of a formal reply. The different documents now issued are, however available for perusal in the parliamentary offices of the Department of Home Affairs

Mr D J N MALCOMESS Mr Speaker arising out of the hon the Minister's reply may I ask him this question. If my colleague the hon member for Green Point were to say that he was forced to carry his identity documents at all times, would he not be telling the truth?

The MINISTER Mr Speaker, the reply is the exact opposite of what the hon member has just said. What I have read out as a reply is that in terms of our legislation it is necessary and I want to quote the specific section—unfortunately I only have it here in Afrikaans—of the Population Registration Act No 30 of 1950 Section 14 reads as follows

(1) Any peace officer (as defined in section 1 of the Criminal Procedure Act, 1955 (Act No 56 of 1955)) may, whenever he is under section 22 (3) of the said Act entitled to call upon any person to furnish such peace officer with his full name and address, request that person if his name is by this Act required to be included in the register and he has attained the age of sixteen years but is not a person to whom a certificate of citizenship has in terms of the National States Citizenship Act, 1970 (Act No 26 of 1970), been issued, to produce to such peace officer his identity document

Section (1) (f) reads
Any person who without lawful cause fails or refuses to comply with any of the provisions of section 10, 14 (2) or 15A (1) shall be guilty of an offence

Mr H E J VAN RENSBURGH Mr Chairman further arising out of the hon the Minister's reply can he give us an indication how many Whites, Coloureds and Indians have been prosecuted in terms of the provisions of this legislation?

The MINISTER I do not have any statistics with me, but from experience we know that it certainly does not happen often. If figures are available in this regard I am sure they will not be very high. The fact is that the juridical position has been corrected and that it is sound advice that we should all put our identity documents to far better use. In a lighter vein, I want to remind the hon member that he could not vote in the referendum unless he had his identity document with him

Mr D J N MALCOMESS Mr Chairman, further arising out of the hon the Minister's reply, does he not consider that to compare the regulations as regards Blacks in respect of the carrying of identity documents, with the regulations as regards Whites and the carrying of identity documents as being to any extent similar, is to give a wrong picture of what the situation is in South Africa?

The MINISTER Mr Chairman, the reply is "no". The hon member is trying to discredit the State President with regard to the statement he made on *Nightline* to American television viewers. The State President was absolutely correct, and I have just proved it in my replies to the previous supplementary questions

ernment been appointed to serve on such a committee?

†The MINISTER Mr Chairman, I want to make a sincere suggestion to the hon member. If the hon member wants information on a matter which has already been debated and where reference was made to a committee of investigation that was appointed by the NP-leadership in the Free State, he should ask me and I will help him formulate the question. His basic problem is to get a correctly formulated question on the Question Paper [Interjections]

In order to help the hon member, I want to refer him to a statement made by the hon Leader of the NP in the Free State, the hon the Minister of Health and Welfare. This statement appears in a very respectable publication which was issued recently. I will say more about that in a moment. I quote from that statement:

As gevolg van die siening van die Eerste Minister dat die leiers van die Vrystaat self oor die herooring van Hoofstuk 33 van die Vrystaats Wetboek sal besluit, het ek vier lede van die hoofbestuur

Not of the Government—

van die NP onder voorsitterskap van Minister Kobie Coetsee aangestel om die aangeleentheid te ondersoek en aanbevelings dienaangaande te maak aan die NP-leiding

†An HON MEMBER Did you not know that, Daan?

†The MINISTER I think the hon member will now agree that his question was formulated wrongly

This publication is titled the *Nat-Harri smut*, April 1985. It concludes on the same page with this very correct call

Ons het vertroue, ons skeep vertroue, ons stem Nasionaal! [Interjections]

†Mr H D K VAN DER MERWE Mr Chairman, further arising out of the non-reply of the hon the evasive Minister, I want to ask him if the Minister is a member of the Government [Interjections]

†The MINISTER The nature and contents of the hon member's question explain why he is not a member of the Government [Interjections]

†The CHAIRMAN OF THE HOUSE Order! The questions are now deteriorating into a dialogue

Qwaqwa

*25 Mr H D K VAN DER MERWE asked the Minister of Co-operation, Development and Education †

(1) Whether any land has been purchased since 1 July 1984 with a view to (a) consolidating and/or (b) extending the territory of Qwaqwa, if so, (i) how many hectares and (ii) what was the total cost of the purchases,

(2) in respect of what date is this information furnished?

The DEPUTY-MINISTER OF DEVELOPMENT AND OF LAND AFFAIRS

(1) No

(a) and (b) (i) and (ii) fall away

(2) 16 April 1985

†Mr H D K VAN DER MERWE Mr Chairman, arising out of the hon the Deputy Minister's reply, can he tell us whether he will grant independence to the residents of Qwaqwa if they request that?

†The DEPUTY MINISTER Mr Chairman, this has nothing to do with consolidation and is therefore not a supplementary question

Handwritten: 238
Identity documents 16/4/85
Q. 1100
*26 Mrs H SUZMAN asked the Minister of Law and Order

Whether any (a) White, (b) Black, (c) Coloured and (d) Indian persons have been arrested for not being in possession of an official identity document during the

latest specified 10-year period for which figures are available, if so, (i) how many and (ii) in terms of what statutory provision in each case?

The MINISTER OF LAW AND ORDER

(a) No

(b) (i) 637 584

(ii) In terms of section 15 (1) of Act No 67 of 1952 and section 12 (1) of Act No 25 of 1945

(c) (i) 2

(ii) In terms of section 14 (2) of Act No 30 of 1950

(d) None

Mr D J N MALCOMESS Mr Chairman, arising out of the hon the Minister's reply, does he not believe then that perhaps the police have not been as efficient as they should be in following up White offenders by comparison with others? [Interjections]

Mr Chairman, arising further

The CHAIRMAN OF THE HOUSE Order! There is nothing arising further out of the hon member's own question

Mr D J N MALCOMESS Mr Chairman, I want to put another question, not arising out of my own question but arising out of the hon the Minister's original answering of the question. Would it not then, Sir, in view of his answer, make one believe that the laws for the different population groups

The CHAIRMAN OF THE HOUSE Order! That is not a question, it is a supposition and, indeed, an indirect statement

Umgeni River' body of unidentified man

*27 Mr W V RAW asked the Minister of Law and Order

(1) Whether a case of a body of an unidentified Black man found floating

on the Umgeni River was recently reported to the police station responsible for the Clermont area in Natal, if so, (a) when and (b) what is the name of this police station,

(2) whether this body was found within the area of jurisdiction of the above-mentioned police station, if not, within the area of jurisdiction of which police station was the body found,

(3) whether the said body was eventually removed from the Umgeni River, if so, by members of which police station,

(4) whether there was any delay in removing the said body from the river, if so, (a) why, (b) how long after the case had first been reported was the body removed and (c) what are the circumstances surrounding the incident,

(5) whether he will make a statement on the matter?

†The MINISTER OF LAW AND ORDER

(1) Yes

(a) On 8 March 1985

(b) Kwa Dabeka police station

(2) No, within the area of jurisdiction of Kwa-Mashu police station

(3) Yes, by members of the Kwa Dabeka police station

(4) Yes

(a) and (c) As a result of a difference of opinion in whose area of jurisdiction the body was found, and the negligence of the responsible members to remove it

(b) 5 days

(5) No, except to state that the circumstances surrounding the case are being

The MINISTER OF PUBLIC WORKS

- (i) A Board in terms of Police Regulation 64 (1) (b) has been convened to inquire into his fitness to remain in the Force
- (ii) Constable N B Harker

(2) No

Mr P G SOAL Mr Speaker, arising out of the hon the Minister's reply, is he aware of reports surrounding this incident that a group of policemen—apparently they were policemen—laughed at the incident? If so, what action does he intend taking?

The MINISTER Mr Chairman, I am aware of those reports and, as I have explained, a departmental inquiry into the whole matter is being held

De Hoop area

*20 Mr P A MYBURGH asked the Minister of Public Works

- (1) Whether his Department and/or the former Department of Community Development appointed any committee of inquiry in 1984 and/or 1985 to investigate complaints of property-owners in the De Hoop area regarding the expropriation of their properties, if so, (a) who appointed the committee, (b) who (i) was in charge of the inquiry and (ii) are the persons who served on the committee, (c) when was it appointed and (d) where did it sit,

(2) whether the committee has completed its investigation, if not, (a) why not, (b) what progress has been made and (c) when is it anticipated that the investigation will be completed, if so, (i) when, (ii) what was the scope of the investigation and (iii) what were the findings,

(3) Whether any action has been taken as a result, if not, why not, if so, what action,

(4) whether he will make a statement on the matter?

(1) NO

(2), (3) and (4)
Falls away

Identity documents
238
Hansen
1092
16/4/85

*21 Mr D J N MALCOMESS asked the Minister of Home Affairs

(1) Whether (a) White, (b) Black, (c) Coloured and (d) Indian South African citizens are required to carry official identity documents on their persons, if so, (i) in terms of what statutory provision and (ii) why in each case,

(2) whether such identity documents are to be so carried at all times, if not, on what occasions are such citizens required to carry them on their persons,

(3) whether members of each race group are required to carry the same identity documents, if not, (a) why not and (b) in what respects do these identity documents differ in each case?

†The MINISTER OF HOME AFFAIRS

- (1) and (2) There is no imperative provision in either the Population Registration Act, No 30 of 1950, or the Blacks (Abolition of Passes and Coordination of Documents) Act, No 67 of 1952, that requires South African citizens to carry identity documents on their persons. Both these Acts, however, provide that identity documents shall be produced to an authorized officer on request. In this regard the hon member is referred to section 14 read with section 18 of Act 30 of 1950 and section 13 read with section 15 of Act 67 of 1952. It is therefore in the interest of all South African citizens to carry their identity documents on their persons or to have them readily available so that it can be produced on request

(3) No

(a) Because the issue of identity documents are at present governed by two different Acts, namely, in the case of Black persons in terms of Act 67 of 1952 and in the case of other population groups in terms of Act 30 of 1950 I wish to add, however, that the issuing of a uniform identity document to all population groups will probably commence on 1 July 1986

(b) The identity document presently issued to Black persons differs in several respects as far as lay-out and contents are concerned, from the document issued to the other population groups. It is, however, impractical to specify the differences by way of a formal reply. The different documents now issued are, however, available for perusal in the parliamentary offices of the Department of Home Affairs

Mr D J N MALCOMESS Mr Speaker, arising out of the hon the Minister's reply, may I ask him this question. If my colleague the hon member for Green Point were to say that he was forced to carry his identity documents at all times, would he not be telling the truth?

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cluded in the register and he has attained the age of sixteen years but is not a person to whom a certificate of citizenship has in terms of the National States Citizenship Act, 1970 (Act No 26 of 1970), been issued, to produce to such peace officer his identity document

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In a lighter vein, I want to remind the hon member that he could not vote in the referendum unless he had his identity document with him

Mr D J N MALCOMESS Mr Chairman, further arising out of the hon the Minister's reply, does he not consider that to compare the regulations as regards Blacks in respect of the carrying of identity documents with the regulations as regards Whites and the carrying of identity documents as being to any extent similar, is to give a wrong picture of what the situation is in South Africa?

The MINISTER Mr Chairman, the reply is "no". The hon member is trying to discredit the State President with regard to the statement he made on *Nightline* to American television viewers. The State President was absolutely correct, and I have just proved it in my replies to the previous supplementary questions

Mr D J N MALCOMES Mr Chairman, further arising out of this reply, I am aware of what the hon the Minister is referring to, because I watched the interview myself, but I want to repeat the question Does he not believe that to compare the situation between Whites and Blacks as regards the carrying of identity documents, where hundreds of thousands of black people have been arrested but virtually no Whites is misleading in the extreme?

The MINISTER Mr Chairman, the hon member is expressing an opinion I disagree with that opinion He is free to raise the matter during the discussion of the State President's Vote if he has the courage to do so

Hansard
Disinformation
& Col. 1095
16/4/85
22 Mrs H SUZMAN asked the Minister of Law and Order

(1) Whether it is the policy of (a) the Security Branch and (b) any other branch of the South African Police to use disinformation in regard to any persons or organizations, if so, (i) why, (ii) when did this become policy, (iii) what specified methods are employed in such disinformation campaigns, (iv) how are these disinformation campaigns financed and (v) (aa) on how many occasions has disinformation been used by the South African Police (bb) in respect of which persons or organizations has it been used and (cc) what were the circumstances surrounding each case,

(2) whether each case involving the use of disinformation requires special authorization, if not, (a) why not and (b) what procedure is followed in determining when disinformation will be used, if so, what factors are taken into account with regard to each case when taking such a decision,

(3) whether he gives the necessary authorization in regard to each case, if not, (a) why not and (b) by whom is such authorization given,

(4) whether he requires to be informed of the circumstances surrounding each case prior to authorization being given in this regard, if not, why not, if so, in what manner is he informed,

(5) whether he will make a statement on the matter?

The MINISTER OF LAW AND ORDER

(1) No

(2), (3) and (4) Fall away

(5) No

Mrs H SUZMAN Mr Chairman, arising from the hon the Minister's reply, is he not aware of the fact that a police officer giving evidence before the Media Council gave exactly the opposite information? [Interjections]

The MINISTER Mr Chairman, I am quite aware of the evidence given by the police officer before the Media Council, but my reply to the question is as stated in the House, and that is the final statement on this issued by the South African Police

Hansard
Orange Free State: riots at schools
Q Col 1096 16/4/85
*23 Mr H D K VAN DER MERWE asked the Minister of Co-operation, Development and Education †

(1) Whether any riots have occurred at Black schools in the Orange Free State since 4 November 1983, if so, (a) at what schools and (b) when in each case,

(2) whether any damage was caused to property of the Department of Education and Training during these riots, if so, what is the estimated amount of the damage,

(3) in respect of what date is this information furnished?

The DEPUTY MINISTER OF EDUCATION AND CO-OPERATION (Reply laid upon the Table with leave of House)

(1) Yes

(a)

School

(b)

Town/City

Iketsetseng Primary	Welkom	November 1983
Teto Secondary	Welkom	July 1984
Embonizweni Primary	Welkom	August 1984
Phehlang Secondary	Parys	July—December 1984
Thotagauta Secondary	Welkom	October 1984 and January—March 1985
Vulamasango Secondary	Bloemfontein	September 1984
Rankwe Primary	Bothshabelo	October 1984
Ithabeleng Secondary	Wesselsbron	January—March 1985
Rearabetswe Secondary	Odendaalsrus	January—March 1985
Phehello Secondary	Odendaalsrus	January—March 1985
Lebogang Secondary	Welkom	January—March 1985
Mamello Secondary	Virginia	January—March 1985
Tshepang Secondary	Clocolan	January—March 1985
Bodibeng Secondary	Kroonstad	February—March 1985
Kananelo Secondary	Kroonstad	February—March 1985
Maokeng Primary	Kroonstad	February—March 1985
Phomolong Primary	Kroonstad	February—March 1985
Ntha Primary	Kroonstad	February—March 1985
Relebohile Primary	Kroonstad	February—March 1985
Reaitumela Primary	Kroonstad	February—March 1985
Boikemisetso Primary	Kroonstad	February—March 1985
Phuleng Primary	Kroonstad	February—March 1985
Seeisoville Primary	Kroonstad	February—March 1985
Boiteko Primary	Kroonstad	February—March 1985
Likubu Primary	Kroonstad	February—March 1985
Mophate Secondary	Bothaville	March 1985
Thaba Thokoza Secondary	Bethlehem	March 1985
Tusetsang Secondary	Bethlehem	March 1985
Motshhepuwa Primary	Bethlehem	March 1985
Matswathaka Primary	Bethlehem	March 1985
Bohlokong Primary	Bethlehem	March 1985
Nkgopoleng Secondary	Sasolburg	March 1985

(2) Yes, R710 000

(3) From 4 November 1983 to 29 March 1985

Q-61 1097 16/4/85
Orange Free State: freehold rights for Indians

Hansard
Mr H D K VAN DER MERWE asked the Minister of Justice †

(1) Whether any members of the Government have been appointed to serve on a committee in order to investigate freehold rights for Indians in the Orange Free State, if so, (a) when and (b) who are the members of the committee,

(2) whether he intends to report on this matter, if not, why not, if so, (a) when and (b) in what manner?

†The MINISTER OF JUSTICE

To the best of my knowledge no such committee with such terms of reference exists

†Mr H D K VAN DER MERWE Mr Chairman, arising out of the hon the Minister's reply, have any members of the Gov-

238

4 Cape Times, Wedr

17/4/80

Section 16 cases stopped.

Political Staff

THERE will be no further prosecutions under Section 16 of the Immorality Act and cases currently being heard are to be stopped.

This was announced yesterday by the Minister of Justice, Mr Kobie Coetsee, who said that a survey had shown that about 27 people were currently involved in cases which had already received the attention of attorneys-general.

The decision comes in the wake of the announcement by the Minister of Home Affairs, Mr F W de Klerk, on Monday that the government had accepted the recommendations of a Joint Select Committee that Section 16 and the Prohibition of Mixed Marriages Act should be repealed.

Mr Coetsee said the decision to halt further prosecutions had been made by all the attorneys-general.

He emphasized that the decision would not affect prosecutions in respect of other contraventions of the Immorality Act.

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Political Staff

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Mr Coetsee said the decision to halt further prosecutions had been made by all the attorneys-general.

He emphasised that the decision would not affect prosecutions in respect of other contraventions of the Immorality Act.

Speaking in the House of

Assembly yesterday, Mr De Klerk said the Government would waste no time in repealing the Mixed Marriages Act and Section 16 of the Immorality Act.

He said the current question was where mixed couples would live. The answer was that the Group Areas Act had always provided for people other than whites to live in white areas if they had the necessary permit.

He said all applications for permits would be consid-

ered with great care.

The British Government yesterday signalled its approval of the decision to repeal the ban on mixed marriages and interracial sex.

The decision was prominently reported in the British media, dominating BBC television news broadcasts on Monday night and receiving front-page treatment in the main Fleet Street newspapers yesterday.

A foreign office spokesman said: "Any move to re-

move discrimination in South Africa is a step in the right direction.

"We welcome this move which reflects changing attitudes in South Africa and which should be encouraged."

Commentators were cautious, however, to place too much emphasis on the interpretation of the repeal as the beginning of the dismantling of apartheid in other areas — such as education and residential patterns.

Meanwhile in Cape Town yesterday, Foreign Minister Mr Pik Botha accused the US of applying "selective morality" by setting higher standards for South Africa than the rest of Africa.

Mr Botha was replying to questions at a news conference concerning reaction his department had received from abroad to the announcement that the Mixed Marriages Act and Section 16 of the Immorality Act were to be repealed.

dards — African or Western norms," he said.

"This is going to require painful honesty."

● The Transvaal Indian Congress (TIC) has dismissed the scrapping of the Mixed Marriages Acts and Section 16 of the Immorality Act as a "non-event".

In a statement yesterday, TIC publicity secretary Mr Isu Thiba said the scrapping of these laws was merely an attempt by the Government to lend credibility to its reform initiative.

It was also an attempt to cushion the impact of international criticism against apartheid, he said.

There had been a positive reaction from the United States, he said, but noted he was disturbed by the American tendency to always add a "but" when reacting to new developments in South Africa.

South Africa, he said, should be judged by African standards.

"This goes to the heart of the problem of how a future South Africa must be ruled and according to what stan-

Common
RDM 17/4/85
ID for all
238
— De Klerk

PARLIAMENT — All population groups will be issued with a common identity document, probably from July 1, 1986, the Minister of Home Affairs, Mr F W de Klerk, said in the Assembly yesterday in reply to a question by Mr John Malcomess (PFP Port Elizabeth Central)

Mr De Klerk said there were no "imperative provisions" in South African law which required citizens to carry identity documents with them

However, both the Population Registration Act and the Blacks (Abolition of Passes and Co-ordination of Documents) Act provided that documents should be produced to an authorised officer on request

Different groups did not carry the same document because blacks fell under a different Act. However, the issuing of a uniform identity document to all population groups would probably begin on July 1, 1986 — Sapa

THE British Government yesterday signalled its approval of two potentially far-reaching decisions of the South African Government.

A British Foreign Office spokesman yesterday welcomed the decision to repeal the ban on mixed marriages and inter-racial sex and signalled approval of the announcement that South African troops would withdraw from Angola by the end of the week.

Both events were prominently reported in the British media yesterday dominating BBC television news broadcasts on Monday night and receiving front-page treatment in the main Fleet Street newspapers yesterday.

Responding to the announcement that the Government was to repeal the Mixed Marriages Act and Section 16 of the Im-

morality Act the Foreign Office spokesman said 'We welcome this move which reflects changing attitudes in South Africa and should be encouraged

Withdrawal

'Any move to remove discrimination in South Africa is a step in the right direction'

Commentators were cautious, however, to place too much emphasis on the interpretation of the repeal as the beginning of the dismantling of apartheid in other areas — such as education and residential patterns

In welcoming the announcement by the Foreign Minister, Mr Pik Botha, that South African

troops would withdraw from Angola by the end of the week the spokesman noted that the withdrawal would complete the disengagement process agreed by South Africa and Angola in Lusaka in February

'We hope that the withdrawal will make a positive contribution to the current United States-led negotiations between Angola and South Africa aimed at the international recognition of independence for Namibia,' the British spokesman said

The spokesman disclosed that the South African move had followed tough bilateral warnings from Britain — and the other four members of the Western contact group — that they would not countenance any moves that would undermine the implementation of the United Nations independence plan for the territory (Security Council Resolution 435).

'We made it clear to the South African Government that we would regard any measures taken to establish constitutional bodies for the transfer of government powers to the territory as null and void,' the spokesman said

Pressure

The troop withdrawal move is being interpreted in diplomatic circles here as part of a dual strategy to placate the West while proceeding with steps to set-up an internal administration under the umbrella of the Multi-Party Conference (MPC).

Some observers believe that the move will put the ball in Luanda's court and increase pressure on the Angolan Government to begin a withdrawal of Cuban troops

A possible revival of the stalled Angolan-South African ceasefire could also step up pressure on Swapo whose mobility is restricted by the agreement.

The announcement that the South African withdrawal will eventually be completed is widely seen as the result of diplomatic pressure from the Reagan Administration which is hard-pressed domestically to defend its faltering policy of constructive engagement with South Africa

Britain signals approval of repeal of S A sex laws

MM
2388

London Bureau

The Natal Mercury, Wednesday, April 17, 1985

Controversial book on 'mixed blood' Afrikaners

Author faces R2 m in defamation suits

NM 17/4/85

238

Mercury Correspondent

CAPE TOWN—Defamation claims totalling more than R2 000 000 face historian Dr Hans Heese, author of the controversial book *Groep Sonder Grense*

In it Dr Heese claims that branches of several prominent Afrikaner families could have mixed blood in their ancestry. He mentions a number of surnames and states the sources of documentation on which he has based his assumptions.

Soon after details of the book were made known, angered members of some of the named families from all over the country began to file defamation suits, the to-

tal of which has now passed R2 000 000.

Yesterday Dr Heese confirmed that a Free State man had threatened him with a R500 000 defamation suit if he did not prove by Saturday his allegation that a matriarch of a branch of the man's clan, had nonwhite blood.

It appeared that private investigations by the family had not brought to light any of the alleged information.

Dr Heese believes there is a reference to the woman's race in a document from the estate of a Jacob Vliet, as this was used in a book by his father, *Die Herkoms Van Die Afrikaner*, published in 1971.

The document was also listed as an archival reference in the book *The Personalia of the Germans at the Cape* written by Dr Johannes Hodge in 1946.

However, when Dr Heese looked for the document he could not find it in the Cape Town Archives.

'Although I was not unduly concerned about its disappearance, I asked the staff to look for it, as it had been used as a reference twice before.'

Dr Heese said the elusive document had now been found and he had immediately telephoned the Free State member of the clan with the relevant information.

Asked if he felt threatened by the massive defamation suits facing him, he said he believed most had emanated from a central source. 'The addresses, which were wrong, were the same on most envelopes and the contents of the letters were almost copies of each other.'

NM 17/4/85

Repeal of sex laws signals beginning of real reform

238

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THE repeal of South Africa's 'sex laws' which prohibit inter-racial marriage or sexual relations will be the first real reform brought about by the new dispensation that the Government — and the Indian and coloured participants in the system — can point to.

It is expected that the Prohibition of Mixed Marriages Act and Section 16 of the Immorality Act will be off the statute books before the end of this Parliamentary session in June

While the repeal of the laws, which are among the cornerstones of apartheid, will not directly affect many individuals, their removal will have considerable symbolic value

Other bases

The real effect will probably be felt, in the longer term, in the cracks made in other legislative bases of apartheid like the Population Registration Act, the Group Areas Act, the Reservation of Separate Amenities Act and the laws governing separate education

Separate laws prohibiting sexual relations between black men and white women were first introduced in the Cape, Orange Free State, Transvaal and Natal early this century

But the present Acts were passed only after the National Party was elected to power, although the Dutch Reformed Church, which claimed that racial mixing threatened white civilisation in South Africa with extinction, had lobbied the United Party Government for some years before that

The Nationalist Government fulfilled one of its election promises by passing the Prohibition of Mixed Marriages Act in 1949

In fact, the number of mixed marriages which took place in the years before the Act was passed represented a very small percentage of the total number of white marriages

60 years ago

In 1925, 133 white people married people of other races, representing 0,9 percent of white marriages in that year. In 1930, 97 (0,6 percent) mixed marriages took place, 91 (0,4 percent) in 1935, 104 (0,4 percent) in 1940 and 92 (0,3 percent) in 1945

The Immorality Act was passed in 1957 to plug a loophole which still allowed unmarried mixed couples to have sexual relations.

Almost immediately newspapers were filled with reports of policemen with binoculars, cameras or tape recorders spying on couples, or barging into homes to feel bed sheets for warmth and examine them for stains

The two laws, like many other apartheid laws still on the statute books, have caused untold human misery, hardship and humiliation

The prohibition on inter-racial marriage or sexual relations drove thousands of couples from their home country and, according to the SA Institute of Race Relations, was responsible for several suicides by people convicted of having sex across the colour line.

In 1983, 47 years after its memoran-

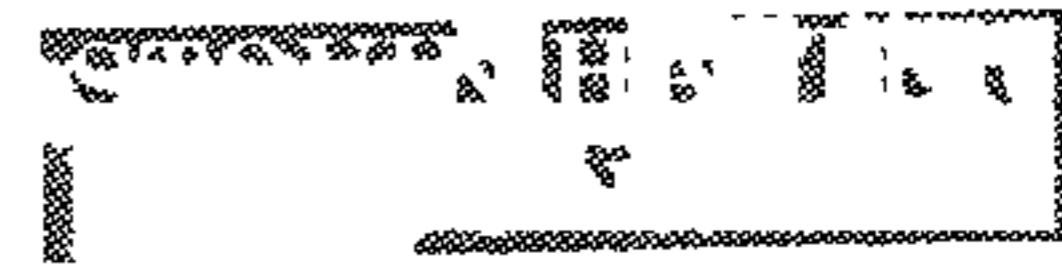
dum to the Government, the Western Cape Synod of the NGK passed a resolution declaring that inter-racial marriage was not a sin

While the General Synod of the NGK has still not reversed its official support for the laws, an increasing number of Afrikaans clergymen and theologians have said they could not be defended by scripture

Another Afrikaans church, the Gereformeerde Kerk, had already adopted a decision in 1982 that there was no Biblical prohibition on mixed marriages, and formally told Mr P W Botha, then Prime Minister, that the two Acts did not accord with Christian teaching

The English churches have been quite open in their opposition to the ban on mixed marriages, even to the point of marrying mixed couples in defiance of the ban

Hundreds of mixed couples — their marriages recognised by the



church but not by the Government — are living together in 'grey' areas around the country, especially in Cape Town. The Roman Catholic, Methodist, Anglican and Presbyterian churches, among others, have been marrying mixed couples for many years

In March last year the Minister of Law and Order, Mr Louis le Grange, told Parliament the police had standing instructions, apparently issued in 1971, that policemen were not to make arrests under Section 16 of the Immorality Act unless they came across offenders

More than 900 prosecutions have been made in the past five years alone under Section 16, according to figures given in Parliament by Minister of Justice Kobie Coetzee.

But the number of people prosecuted has declined steadily over the past four years. In 1981 212 people were prosecuted, 190 in 1982, 169 in 1983 and 160 last year

A Parliamentary standing committee was appointed in June, 1983 to look into the possible 'improvement' of the two laws. Its terms of reference were later widened to include an inquiry into the desirability of repealing the laws and of adapting other related legislation to make this possible

But as a seeming concession to Right-wing pressure the new terms of reference came with the stipulation that this would have to take place with regard to the 'social, educational and constitutional ordering of society'

The committee reported in August, 1984 that only five of the 90 bodies which submitted evidence favoured the retention of the laws

Earlier this year another committee was appointed — with the same brief — consisting of representatives of all the parties in all three Houses

On Monday the committee tabled its report recommending the repeal of the Prohibition of Mixed Marriages Act and Section 16 of the Immorality Act.

Sex law trials stopped

NM 11/4/85 238
CAPE TOWN—Prosecutions under the Immorality Act have been stopped, the Minister of Justice, Mr Kobie Coetsee, announced yesterday

In a statement he said the attorneys-general had decided not to institute any further prosecutions for Section 16 of the Immorality Act, and to stop prosecutions in cases that

were partly heard

A survey showed that 27 people were involved in such cases, and would be affected by the decision.

The decision does not affect prosecutions in respect of the other contraventions that are provided for in the Immorality Act, 1957, and which are retained in full, the minister said — (Sapa)

Common identity for all

ALL population groups will be issued with a common identity document, probably from July 1, 1986, the Minister of Home Affairs, Mr F W de Klerk, said in the House of Assembly yesterday.

Replying to a question by Mr John Malcomess (PFP Port Elizabeth Central), he said there were no "imperative provisions" in South African law which required citizens to carry identity documents with them.

However, both the Population Registration Act and the Blacks (Abolition of Passes and Co-ordination of Documents) Act provided that documents should

Sowetan
be produced to an authorised officer on request

Different groups did not carry the same document because blacks fell under a different Act to the other groups. However, the issuing of a uniform identity document to all population groups would probably commence on July 1, 1986.

In reply to a supplementary question by Mr Horace van Rensburg (PFP Bryanston), Mr de Klerk said all people had to use identity documents. White people without them had not been able to vote in the referendum.

Asked in a further

17/4/85
supplementary question by Mr Malcomess whether he realised that to compare the carrying of identity documents by whites with those carried by blacks was a "sinister and wrong picture", Mr de Klerk replied that Mr Malcomess was trying to discredit the State President, Mr P W Botha, with regard to comments made during the American television se-

238
ries Nightline

Mr Malcomess said he had seen the interview "Do you not believe that to compare the two, when hundreds of thousands of blacks have been arrested, is misleading in the extreme?"

Mr de Klerk replied that he disagreed and that Mr Malcomess could raise the matter during the State President's Budget Vote. — Sapa

CHC Tris 18/4/85

238

Author faces defamation claims

Staff Reporter

HISTORIAN Dr Hans Heese, author of the controversial book "Groep Sonder Grense", faces defamation claims totaling more than R2-million.

In the book Dr Heese claims that branches of several prominent Afrikaner families could have mixed blood in their ancestry. He mentions a number of surnames and states the sources of documentation on which he has based his assumptions.

Soon after details of the book were made known, members of some of the named families from all over the coun-

try began to prepare for defamation actions. The total of damages claimed is more than R2-million.

This week Dr Heese confirmed that a Free State man, known to him only as Mr P Kruger, had threatened him with a R500 000 defamation suit if he did not prove by Saturday his allegation that Johanna Kemp, matriarch of a branch of the Kruger clan, had non-white blood.

It appeared that private investigations by the Kruger family had failed to bring to light any of the alleged information.

Dr Heese believes there is a refer-

ence to Johanna Kemp's race in the document from the estate of a Jacob Vliet, as this was used in a book by his father, "Die Herkoms van die Afrikaner", published in 1971.

It appears that the document was also listed as an archival reference in the book "The Personalalia of the Germans at the Cape", written by Dr Johannes Hodge in 1946.

However, when Dr Heese went to look for the particular document, he could not find it in the Cape Town Archives.

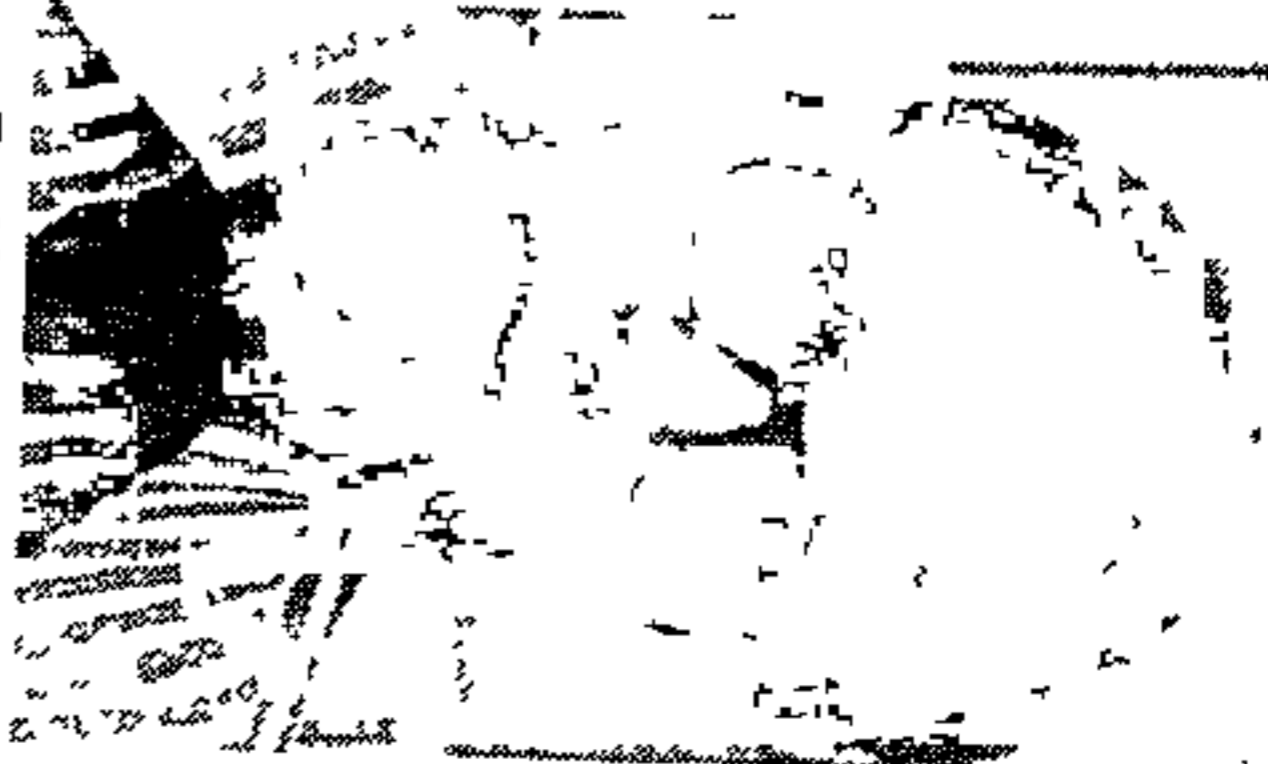
"Although I was not unduly concerned about the document's disap-

pearance, I asked the staff to look for it as it had been used as a reference twice before."

Dr Heese said the elusive document had now been found and he had immediately telephoned the Free State member of the Kruger clan with the relevant information to stave off the defamation suit.

Asked if he felt threatened by the massive defamation suits, he said he believed most had emanated from one source. "The addresses, which were wrong, were the same on most envelopes and the content of the letters were almost copies of each other."

Dr Hans Heese



ARGUS 19/4/85 238

Coloured classified 'in 13 categories'

THE concept of separate amenities was based on race classification, which in turn formed the basis of the Group Areas Act, therefore race classification had to go, Mr Jac Rabie (LP Reigerpark) said today

Speaking in the home affairs vote of the budget debate he said coloured people were classified according to 13 categories

They could be mixed, Hottentot, a coloured, coloured other, Cape coloured, Malay, undetermined, white-coloured, Zulu-coloured, Xhosa-coloured and so on

In his family he, his wife and their four sons were all classified differently

He asked the Minister of Home Affairs, Mr F W de Klerk, when identity documents would carry the same description for all South African citizen

"Whites have 'White — South African citizen' printed in them. Not Greek or Portuguese"

Mr Arthur Booyesen (FP Bostmont) said that if the race classification laws were to remain they should do so without harming the daily lives of people

He said many mixed marriages between blacks and coloured caused problems, especially when the coloured partner died, leaving the black partner living in a home in a coloured area

SEX AND MARRIAGE

Ending the shame

238

By agreeing to decriminalise mixed marriages and miscegenation, government has given the clearest signal to date that it intends to build a new order

The moment might have been slow in coming, but when it did come, it arrived in a rush. The report of the Badenhorst joint committee was tabled in all three Houses of Parliament on Monday afternoon. Almost immediately, Home Affairs Minister F W de Klerk was on his feet to announce that government had accepted the committee's report in full and the Bill proposed by the committee repealing the sex Acts.

Response in the House of Assembly was predictable. Impotent outrage from the right, acclamation from the left. But, like it or not, two of apartheid's most hurtful laws will be off the statute books within a matter of weeks.

Assuming the Bill follows the normal course, it will be tabled by submission to the Speaker, probably this week, before being referred to the Standing Committee on Home Affairs. The measure has already been agreed to by representatives from all three Houses (with the lone dissent of the Conservative Party's Daan van der Merwe), so its rapid passage through Parliament is simply a formality.

De Klerk assured the white House that the laws will be repealed during the current parliamentary session. But, at the same time, he was at pains to stress that the existing "order of society," in Nationalist terms, is not threatened.

The Badenhorst report itself makes the same point. It says "Since the Prohibition of Mixed Marriages Act, 1949, and Section 16 of the Immorality Act, 1957, were placed on the statute book, provision has been made for group ordering by way of the classification of the population into groups, the determination of own residential areas, the attendance of own educational institutions and the right to vote on a group basis, and these measures sufficiently ensure the continued social, educational and constitutional ordering of own communities."

In effect, this comes down to the committee ducking its brief to report on the adaptation of other related apartheid legislation. The assurance that sufficient regulatory measures exist to "order" society without these two fundamental apartheid laws looks like a self-conscious sop to the rightwing. The repeal of these highly symbolic laws does change SA society, and the domino effect on other apartheid legislation is now irrevocably in motion.

What does perhaps slip easily out of mind is the sad fact that the repeal of these Acts

means little, in the words of the PFP's Alex Boraine, to "young unemployed blacks in the townships who barely know these laws exist." For this reason, Boraine warns against "falling into the trap of either overestimating or underestimating the repeal of these two Acts." At the same time, he points out, it could "bring about an assault on apartheid legislation which will affect the lives of all South Africans, black and white."

Other MPs are more optimistic. Ebrahim Carter, a member of the House of Representatives Ministers' Council, sees this week's developments in Parliament as the lighting of "a slow fuse."

"I am tremendously optimistic," he tells the *FM*. "These Acts are important symboli-



Minister de Klerk . . . not threatening the social order

cally. The process of people being exposed to the dismantling of apartheid, and discovering it is not that painful, has started." Problems with the other apartheid Acts come next, says Ebrahim. And with them comes a new round of amendments and repeals.

What, then, of the troubled black communities? The repeals, says Ebrahim, will certainly have an impact on "the reformist black community, such as Gatsha Buthelezi's Inkatha and other moderates." As for the radicals, Ebrahim says "They've had their violence. All they have seen is blacks being killed. Is that progress?"

But the final word, poignantly, belongs to Boraine. "In the midst of real rejoicing that

these Acts will be no more, spare a thought for those who have committed suicide, for those whose families have been shattered, who have lost reputations, who have suffered under these shameful Acts. I don't want to dwell on the past, but we should at least pause and say what a waste of human life, what suffering. Let that be the spur to further progress."

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FM.
19/4/85

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MIXED MARRIAGES

David Breier

Political Correspondent

YOU will soon be allowed to marry a person of another race group in South Africa — provided you have at least three law degrees and a portable set of Butterworths Statutes of South Africa to carry around with you for legal emergencies

South Africa has a wealth of apartheid laws designed to keep people apart from the cradle to the grave — and perhaps even beyond. So anyone who marries across the colour line has to be either a legal genius or in love

You think this is an exaggeration? Well, all the political parties in all the houses of Parliament tried to grapple with the problem — and failed

They were simply bowled over with the sheer volume of apartheid laws that exist

The politicians concerned were members of the joint select committee of Parliament which this week recommended the abolition of the Prohibition of Mixed Marriages Act and Section 16 of the Immorality Act (which prevents racially-mixed sex).

The committee's brief was to look at the desirability of repealing the two laws and to adapt related laws "with a view to continued, social, educational and constitutional ordering of own communities"

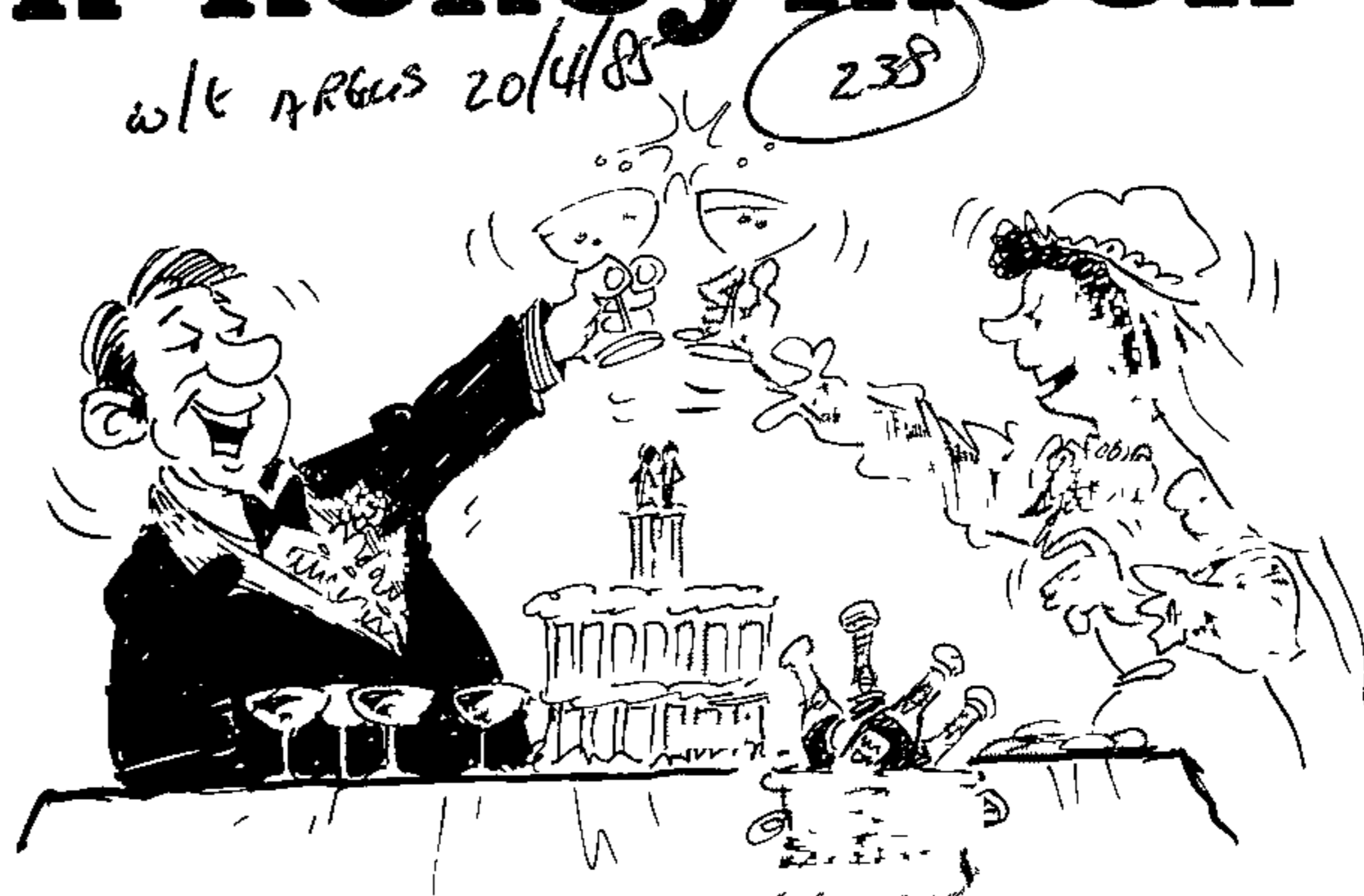
By all accounts, the committee began its work with great gusto. After all, its terms of reference were so simple

Then officials began to compile a list of the related laws that would have to be looked at and amended to make provision for mixed marriage and sex without actually abolishing apartheid.

This proved to be the legal limit. The list was so daunting that the committee gave up the task and simply agreed to abolish the two laws at issue and hope for the best

All the committee could say on this vast subject was: "The committee is deeply

Take a law book on honeymoon



aware of the fact that the place of residence of such a married couple is a sensitive matter in the South African community context

"The committee is convinced that existing legislation and practice, particularly in regard to residential and educational rights and requirements, are capable by administrative means of allowing for the accommodation of racially mixed families"

Let's give some examples of what could happen in practice

Say a white man marries a black woman. Where does the law say they must live? The Group Areas Act says they must live in a black area. Unless, of course, they can wangle a permit out of the Government to stay in a white area

You might say there seems to be some twisted apartheid logic in that, namely that the mixed couple must live in the group area of the darker partner in order to punish them. After all, in practice, white ghettos are more pleasant than coloured ones which are more pleasant than black ones

But just wait. What happens when a coloured man marries a black woman (which incidentally has always been legal)? Just to confuse you, the law says they must live in a coloured group area

The formula, put as sim-

ply as possible, is that you live in the group area of the husband unless he is white. Then you live in the group area of the darker partner

Let us now assume you manage to wangle a permit from the Government to live in a white group area. Where do your children go to school?

If you can afford the fees, they can go to a private school. Or if you are Chinese or a diplomat from a foreign country, your children may be able to attend a white provincial school

But if you are none of these, you have a problem. South Africa has strict school apartheid and there is no provision for other races to attend white provincial schools — even by permit

Of course, under the Population Registration Act, you could always apply for race reclassification. You, your wife or your children could apply to take on a whole new identity

Then suddenly your children who were the neighbourhood lepers will be able to attend the local school. Your dark-hued spouse will be able to ride with you in the same train or bus (where these are still segregated) and even see a movie together

On holidays you will be able to use the same beaches and stay at the same hotels (if you can't afford an international one)

You will even be able to vote in the same elections together to try to bring in a new Government to end the whole apartheid circus

But if the Government deems one of you too dark (or too light) to be reclassified, then you could find your family made up, ridiculously enough, of three official race groups

One of you could be classified white, one black while the kids could be "other coloured"

Outside of your home, you will have to lead separate lives. You will use separate amenities, vote for separate politicians and carry separate identity books

If there is a pass raid in your home, one of you may have to hide under the bed while the others say you are not at home

Fortunately there is no law requiring such a family to have separate toilet facilities within the home. If you are fortunate enough to have your own swimming pool, you may even swim together

And best of all, with the abolition of Section 16 of the Immorality Act, you can even sleep together. But that sort of thing can lead to the patter of little feet and more legal problems

So before you go to bed, do brush up on your Butterworths.

239

Sunrise focus

'No real change' — mixed couple

Churches differ on repeal of marriage law

by Shirley Woodgate

The Mixed Marriages Act is to be scrapped, but when the dust has finally settled, so what?

by Estelle Trengove

The Government's decision to repeal the Prohibition of Mixed Marriages Act has evoked widely different reactions from various churches in South Africa.

On the one hand there are churches which have been mar- rying "mixed" couples in defiance of the law all these years.

Opposed to these are churches which spoke out against the scrapping of the Act.

The Anglican Church, the Methodist Church and the Roman Catholic Church never recognised the validity of the Mixed Marriages Act.

"Any Anglican priest who, in conscience, felt it was right to perform a marriage prohibited under such laws, was free to do so," said Bishop John Carter, the information officer of the Anglican Church.

In the eyes of the church, those couples were always properly married even though their marriages were not regarded as such by the State, he said.

Reverend Peter Storey, President of the Methodist Church, said "We are deeply thankful that this blot on our statute book is to be removed."

"We have opposed it for as long as I can remember and have had to deal with many people who have suffered as a result of it."

In recent years a number of Methodist ministers conducted marriages of people of different races.

"In the eyes of God and the Church, these marriages are absolutely valid and sacred. Those couples can now enjoy the right which they have always been denied, namely that their marriages, which are first and foremost an act of God, will be recognised by the State," he said.

The Southern African Catholic Bishops' Conference dismissed the Government's move as "window dressing". Until such time as the Group Areas Act and the Population Registration Act were repealed, the step was seen as meaningless, a spokesman for the...

by Shirley Woodgate

The Mixed Marriages Act is to be scrapped, but when the dust has finally settled, so what?

What will change for those who have dared to marry across the colour line?

"It is window dressing for Washington. The law will go but this does not alter minds which have been warped over the decades," said Galeb Cachala. "How many more decades does it take to change minds and attitudes?"

Sitting in his home with his white wife, Jo- anne, and their one-year-old daughter Luiza, the young Indian businessman was mildly amused that any- one should think anything would really be changed.

"Because the Government chooses to make moral something which has always been unques- tionable in the eyes of the rest of the world is no cause for private celebration.

"There are too many other apartheid laws which affect the majority of the people in this country still on the statute books.

"People are still being denied the right to live where they choose, work where they choose, open businesses where they choose or vote for the Gov- ernment of their choice.

"All the prejudices still remain Under the Group Areas Act you are still graded from white down to the darkest skin colour.

"On the other hand it would be naive to say the repeal of the Mixed Marriages Act will not affect those who cannot afford to be cushioned from its effects. And of course those who have married across the colour bar now come in from the cold legally speaking."

Newspapers show toll of race laws

If the past 35 years, during which love and marriage be- tween races was a crime, were to be documented by statistics, then it would be seen that thou- sands of such crimes were com- mitted in South Africa.

Not even the Department of Justice could provide the exact statistics this week.

But old newspaper files re- veal that during the period 1962 to 1965, 2 330 people were charged and 1 151 convicted under Section 16 of the Immo- rality Act.

During the period 1965-66, 3 177 people were charged and 1 640 convicted.

In 1968, 91 people were charged and 459 convicted. The numbers were reduced

Mr and Mrs Cachala are different. Not because he is an Indian, educated at Water- ford School, Atlanta College in Wales and London University and she a northern suburbs white woman educated at a private school (St Marys in Waverley) and the University of the Witwaters- rand, who got married under Muslim rites and have lived as husband and wife for the past five years in South Africa.

But because they were prepared to speak out Driven underground by the Act which forbade mixed marriages, nobody knows how many cou- ples defied the law. Now that the law's death sen- tence has been pronounced, most of those who lived in fear of the midnight knock at the door simply want to be left in peace.

The Cachalas were luckier than some, those that left the country, those that simply threw in the towel and bowed to the law.

With the means to cushion the apartheid laws they experienced no official harassment. With some trepidation they went to cinemas, stayed in hotels and they didn't look for trouble.

"We tried to live as normally as possible in this ridiculously abnormal society, otherwise we would have lost our sanity," Jo- anne said.

"By and large those who had misgivings about our relationship never showed it and we accepted the occasional strange looks from shop assistants or people in the street."

Galeb's family, leading members of the Indian community, accepted their daughter-in-law with- out question. For Jo- anne it was raised eyebrows from several of her northern suburbs friends.

"It is silly to pretend we are not different," Galeb said. "But the significant difference is not skin colour, it is culture and if you can transcend that then you are able to remove yourself from the way petty minds work."

Breytenbach, Brink disagree on race laws

Pretoria Correspondent

The Prohibition of Mixed Mar- riages Act, which made mar- riages across the colour line il- legal, came into being in 1949.

Eight years later, in March 1957, the current Immorality Act went through Parliament.

A prophetic statement was made during the debate on the Bill which would gain notoriety as one of South Africa's most abhorrent pieces of apartheid legislation. "The Government will rue this day," said United Party MP Mr. Ahe-Bloomborg. His words were proved...



Some people were not deterred by the sex control laws of this coun- try... A couple from Eerstevus, Mr Frederic Opperman and his wife

The Star's Foreign News Service

PARIS — South African authors Breyten Brey- tenbach and Andre Brink are sharply divided over the significance of the dismantling of South Africa's immorality laws. Breytenbach, who has a Vietnamese wife, has attacked the move as a "refinement" of the apartheid system.

Interviewed by *Liberation*, the left-wing morning newspaper here, he said: "This is a ruse, not a concession. It is a tactic aimed at improving South Africa's image abroad." Dr Brink, also reported in Wednesday's *Liberation*, said the change was "minimal, but never- theless significant". He added: "It is not negligible. It is a tiny step in the right direction."

Lydia, were married about two years ago in Swaziland. "Our love, prevailed all these years, in spite of the laws," they said.

Only 7 mixed marriages registered

Officially only seven mixed marriages exist in South Africa. They were made public when the Deputy Minister of Internal Affairs, Mr Piet Badenhorst, in- formed the Assembly in 1983 that three such marriages had taken place in the Transvaal, three in the Cape and one in Natal.

He also confirmed that no prosecutions resulted from these marriages.

They may include the White- ley family who came home to South Africa in 1981 after writ- ing to the State President, who replied that they were welcome. Mr Jan Whiteley, his Indian wife, Sherrin, and their children now live in Pieterburg.

The tragic price that South Africans paid for the NP's sex laws

But, on the other hand, was the political need to create the basis for the introduction of all

The methods used by the po- lice to secure immorality con- victions also attracted much at-

would be sleeping. They insisted on waking her. The early 1980s provided the country with the spectacle of several policemen being sued by a young Sunnyside woman after they kicked down the door of her flat in the middle of the night, hoping to catch her in the act with her dark lover.

It turned out that not only did he sleep on the couch but he was a dark-skinned white man.

The Herald
**Colour-bar
sex laws**
(238) 20/4/85

kicked out

SOUTH Africa's notorious colour-bar sex laws are to be consigned to the scrapheap

A parliamentary committee representing white, coloured and Indian MPs has recommended the scrapping of the Mixed Marriages Act and Section 16 of the Immorality Act and the Government is expected to agree with its findings

In a report tabled in Parliament on Monday, the committee noted

- that the prohibition of Mixed Marriages Act of 1949 cannot be justified on scriptural or other grounds

- Since this Act and Section 16 of the Immorality Act of 1957 were placed on the statutes, provision has been made for group ordering by way of the classification of the population into groups, the determination of own residential areas, the attendance of own education institutions and to right to vote on a group basis

- legislation is necessary to make it possible to legalise those marriages which are invalid due to the Prohibition of Mixed Marriages Act.

The commission has prepared a draft Bill, the Immorality and Prohibition of Mixed Marriages Amendment bill, which contains provisions to scrap the Acts and to validate existing marriages which has so far not been legally recognised. It will come before Parliament soon.

The report also recommends that parties to a mixed marriage should be "counselled" by a marriage officer on the implications of such mixed marriages.

AKGUS 22/4/8

238

The tragedy and pain of SA's forbidden love

SYDNEY DUVAL recalls from his own experience and investigations some of the tragedies which were the product of two of the most infamous laws of the apartheid system

SCRAPPING those "nightmare laws", the Prohibition of Mixed Marriages Act and the colour-bar sex clause of the Immorality Act, marks the end of one of the saddest periods in South African history

The laws empowered police to pounce on suspect couples in the middle of night, to feel beds for evidence, to search cupboards for naked and shivering lovers, to spy on bedrooms from hidden posts, to confront and photograph men and women in embarrassing and intimate situations

To be ostracised and shunned by your own was the cruellest punishment for some victims. For others the shock of jail was terrible retribution.

Even now I can hear the voice of a ghost from the past that has haunted 24 years of journalism — the wail of a woman, obese, unattractive, of low intelligence and apparently unloved, who was jailed for attempting to find some solace and affection through sex with her black gardener.

They were cornered in her bedroom by her in-laws, who burst in armed with a gun. The gardener fled on his bicycle, while the woman was held until the police arrived.

"Your honour, what purpose will be served in sending this woman to jail? She needs counselling and help, not prison," pleaded the defence lawyer, while his client stood bewildered and overwhelmed by the due process of law.

In the public gallery the in-laws gloated with self-righteous indignation while the woman stood during sentencing. The magistrate said a suspended sentence could not be considered as the authorities had seen fit to prescribe severe penalties for contraventions of the Immorality Act.

"Six months' jail each"

Her loss of freedom was as sudden and irrevocable as that the firm gesture of a courtroom official and a stumbling walk down a cold flight of stairs.

An elderly white farmer was sjambokked by a woman neighbour who set a trap for him involving her domestic worker. The sjambokking was considered insufficient chastisement. He stood trial accused under Section 16 Sentence. Jail term, suspended.

The most sensational case involved a professor at the University of the Witwatersrand and an Indian woman doctor, who were spied on from a tree in the professor's garden.

The doctor told the court "My only crime is my complexion. My guilt was not immorality."

The professor said "I am not debating the nature of my relationship with the doctor. I don't owe anyone an explanation. If I debated my relationship I would be desecrating something far more precious than reputation or any public office."

Each was given a four-month suspended jail sentence for conspiring to break the Act. Both left the country.

Love across the colour bar developed into serious relationships for some couples. They took extraordinary care to live together undetected, from the law and from the prying eyes of neighbours.

A white woman, an Afrikaner and a graduate, shared a dilapidated Peninsula cottage with the coloured lover she was helping to put through university. The cottage, which they fixed up together, had a back and front door. To avoid attention they used separate entrances when returning home.

They knocked a hole in the wall dividing the cottage to put in a window frame without glass. A chair below each side of the window served as "steps" enabling them to climb through the wall to be together. Each had a bed on either side of the hole-in-the-wall. Any late-night banging on the door would have the student scrambling back to his side of the cottage in seconds.

The couple later married in Botswana, then settled in Zimbabwe though their hearts were in South Africa. They recently returned to the Cape on holiday with their two children. It was a train journey of nerves and fear once they reached the South African border.

A mixed couple with two children are now training for the ministry in the Cape after 14 years of marriage. "Our whole experience with the law has brought us to the full-time service of Christ in the South African situation."

They were married outside the country before moving to another neighbouring state.

The white husband, formerly a civil servant with a Dutch Reformed Church upbringing, could find work only in South Africa, while his coloured wife lived in a foreign city.

He made journeys of several thousand kilometres four times a year to see his family until political upheaval forced them to flee to South Africa where they have since made their home.

"I don't believe I will ever be able to tell anyone what we went through and what we suffered in body and in mind. If it wasn't for the freedom we found in Christ we would never have survived the material and mental hardship we went through."

2014 23/4/85
**Sex law Bill
likely for
Parliament**

PARLIAMENT — Legislation to repeal laws prohibiting mixed marriages and sex across the colour line is likely to be introduced for Second Reading in Parliament next Monday

At the start of proceedings in the House of Assembly yesterday the Chairman, Mr Rex le Roux, announced that the Speaker of Parliament, Mr Johan Greeff, had called a Joint Session of the three chambers for next Monday

On yesterday's Order Paper the agenda for the next Joint Session specifies as the first item the introduction of the Second Reading of the Immorality and Prohibition of Mixed Marriages Amendment Bill

The Bill seeks to repeal Section 16 of the Immorality Act, which prohibits inter-racial sex, and also the Mixed Marriages Act — Sapa.

**Race law
repeal
'treachery'**

M&S 25/4/80
238

Argus Correspondent

JOHANNESBURG. — Afrikaners would unite on the right to fight against the scrapping of the Mixed Marriages Act and section 16 of the Immorality Act, because this was the "greatest treachery committed in the history of the nation".

This was the message at a meeting in Pretoria last night, attended by 3 000 people and held jointly by Conservative Party leader Dr Andries Treurnicht, and HNP chief Mr Jaap Marais, to protest against the repeal of the laws, announced last week by the Government

R2 m claims on author

PRETORIA—Claims of some R2'000,000 have been instituted against the author of a book about South African families with mixed blood, according to the latest issue of the *Herstigste Nasionale Party* newspaper, *die Afrikaaner*.

238 NM 26/4/85
The newspaper said a Cornelia farmer and HNP member, Mr Paul Kruger, had recently challenged Dr Hans Heese, author of *Groep Sonder Grense*, to prove his claim that the first Kruger in South Africa had married a coloured.

A suit of R500 000 would be lodged against Dr Heese if he failed to provide evidence, the newspaper said. — (Sapa)

on what date, if not, (a) why not and (b) when will they be ready for use,

- (3) whether any pupils have been unable to obtain admission to Black schools in the Cape Peninsula in 1985 because of a lack of accommodation, if so, (a) why was the accommodation not available and (b) how many pupils were affected,

- (4) whether any action is being taken in respect of these pupils in regard to (a) providing schooling, (b) making up for lessons missed and (c) preventing a recurrence of this situation, if so, what action in each case,

- (5) how many pupils will be accommodated in the additional classrooms being provided,

- (6) whether his Department is being kept informed of what the pupils in question are doing in respect of schooling at present, if so, what are they doing in this regard?

THE DEPUTY MINISTER OF EDUCATION AND OF CO-OPERATION

- (1) Yes, the first classrooms were occupied on 3 April 1985 and the last three classrooms on 29 April 1985

- (2) Falls away

- (3) Yes

- (a) Due to the unforeseen influx of pupils and because townships were frozen, a shortage of classrooms were experienced

- (b) Approximately 200 secondary pupils
Approximately 300 primary pupils.

- (4) Yes

- (a) 42 classrooms were built

- (b) Extended study hours are being followed

- (c) 6 primary schools and 1 secondary school are to be built during 1985

- (5) Approximately 1 680 pupils

- (6) Yes Names of pupils were placed on a waiting list pending the completion of construction of the accommodation. As classrooms have become available for occupation, so have pupils on the waiting list been admitted to schools

*12. May R SIVE asked the Minister of Justice

*238 Howard Q. 61 1324
Immorality Act 30/4/85*

- (1) Whether any persons are serving prison sentences for offences in terms of section 16 of the Immorality Act at present, if so, how many as at the latest specified date for which information is available,

- (2) whether his Department intends taking any steps in respect of these persons, if not, why not, if so, (a) what steps and (b) when,

- (3) whether persons with convictions in terms of section 16 of the Immorality Act will have such convictions erased from their records, if not, why not, if so, what action will be taken in this regard,

- (4) whether he will make a statement on the matter?

THE MINISTER OF MINERAL AND ENERGY AFFAIRS (for the Minister of Justice)

- (1) Yes, six (6) on 19 April 1985

- (2) (a) and (b) Steps will be considered in terms of section 69 of the Prisons Act, 1959 (Act No 8 of 1959) when section 16 of the Immorality Act, 1957 has been repealed.

- (3) These convictions by a court of law resulted from an act which was in

force at the time of the contravention and will have to be dealt with accordingly, if at all

- (4) There is nothing I wish to add at this stage

Johannesburg: postal delivery points

*13 Mr A FOURIE asked the Minister of Communications †

- (1) Whether any progress has been made with the (a) purchase of land and (b) building of postal delivery points in respect of (i) Mulbarton and Mulbarton Extension 1, (ii) Mulbarton Extensions 2, 3 and 4, (iii) Glenvista Extensions 3 and 4, (iv) Glenvista Extensions 5 and 6 and (v) Bassonia in the southern suburbs of Johannesburg, if so, (aa) what progress in each case and (bb) when these postal delivery points will function, in each case,

- (2) whether his Department will consider the installation of public telephones at these postal delivery points, if so, (a) at which postal delivery points will public telephones be installed and (b) when is this expected to take place?

THE MINISTER OF COMMUNICATIONS

- (1) (a) and (b) yes,

- (i) (aa) the collection point is under construction, and

- (bb) hopefully by the end of May 1985,

- (ii) (aa) and (bb) the collection point was taken into use on 2 April 1984,

- (iii) (aa) and (bb) the collection point was taken into use on 7 January 1985,

- (iv) (aa) and (bb) the collection

point was taken into use on 28 November 1984, and

- (v) (aa) the collection point is under construction, and

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- (2) yes,

- (a) at all the collection points.

- (b) at the collection point⁴, in respect of Mulbarton and Mulbarton Extension 1—at the end of May 1985, Mulbarton Extension 2, 3 and 4 and Glenvista Extensions 5 and 6—within the next few weeks, Glenvista Extensions 3 and 4—on the completion of a cable work which must still be planned, and Bassonia—at the end of August 1985

De Hoop missile testing range

*14 Mr P A MYBURGH asked the Minister of Public Works

- (1) Whether, with reference to his reply to Question No 20 on 16 April 1985, (a) his Department, (b) the former Department of Community Development and/or (c) any body or persons attached to these Departments carried out any investigation into complaints of property-owners in the De Hoop area regarding the expropriation of their properties; if so, (i) which body or persons, (ii) when (iii) in respect of how many complainants and (iv) what were the findings, if not,

- (2) whether his Department has received any complainants from property-owners in the De Hoop area in this regard, if so, (a) how many, (b) when and (c) what action was taken in respect of these complainants,

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Parliamentary
Correspondent

NM 115/85
THERE were six people still serving prison sentences for contravening Section 16 of the Immorality Act on April 19, the Minister of Justice, Mr Kobie Coetsee, said.

And, he said, steps would only be considered in terms of the Prisons Act when this section had been repealed. 238

Mr Coetsee said in reply to a question tabled by Maj Rueben Sive (PFP, Bezuidenhout) that the steps would be considered in terms of Section 69 of the Prisons Act once Section 16 had been repealed.

Asked if people with convictions in terms of Section 16 would have these convictions erased

from their records, Mr Coetsee replied: 'These convictions by a court of law resulted from an Act which was in force at the time of the contravention and will have to be dealt with accordingly, if at all.'

He refused to make a statement on the matter because 'there is nothing I wish to add at this stage'.

Mr Coetsee recently announced the dropping of all pending prosecutions for alleged contraventions of Section 16.

On Monday, the Minister of Home Affairs, Mr FW de Klerk, moved the second reading of the Immorality and Prohibition of Mixed Marriages Amendment Bill, in terms of which Section 16 of the Immorality Act is to be scrapped.

Sex laws: 6 in jail ⁽²³⁸⁾

not in it
Political Staff

THERE were six people still serving prison sentences for contravening Section 16 of the Immorality Act on April 19, the Minister of Justice, Mr Kobie Coetsee, said yesterday

Mr Coetsee said in reply to a question by Major Reuben Sive (PFP, Bezuidenhout) that any action under the Prisons Act would be considered only once Section 16 had been repealed

Asked if people with convictions in terms of Section 16 would have these convictions erased from their records, Mr Coetsee replied "These convictions by a court of law resulted from an act which was in force at the time of the contravention and will have to be dealt with accordingly, if at all."

SA's apartheid laws still keep us apart

Cape Times 17/5/85 238 272

By BARRY STREEK

THERE is still a long way to go before legally enforced racial discrimination is abolished

In government circles there has been much back-slapping about the moves to scrap the Mixed Marriages Act and Section 16 of the Immorality Act, but the National Party's basic policies of racial separation remain. So does much of the legally enforced discrimination which used to be called "petty apartheid"

Couples of different races might marry or live together once the sex laws are changed, but they can still be forced apart by cinema apartheid, hotel apartheid and restaurant apartheid, beach apartheid, train and bus apartheid or parks apartheid

Cinemas

The government has decided twice this year to enforce cinema apartheid in Cape Town and Maritzburg, despite pressure since 1976 from the two major film chains to abolish racially segregated cinemas

Last year, actor Simon Bruintjers, one of the stars in the film *Broer Matie*, was unable to take his family and friends to see the movie because it was being shown in whites-only cinemas — and he is classified as "coloured"

A few luxury hotels in South Africa have been granted international status, which means they can admit local and foreign black people

Objections

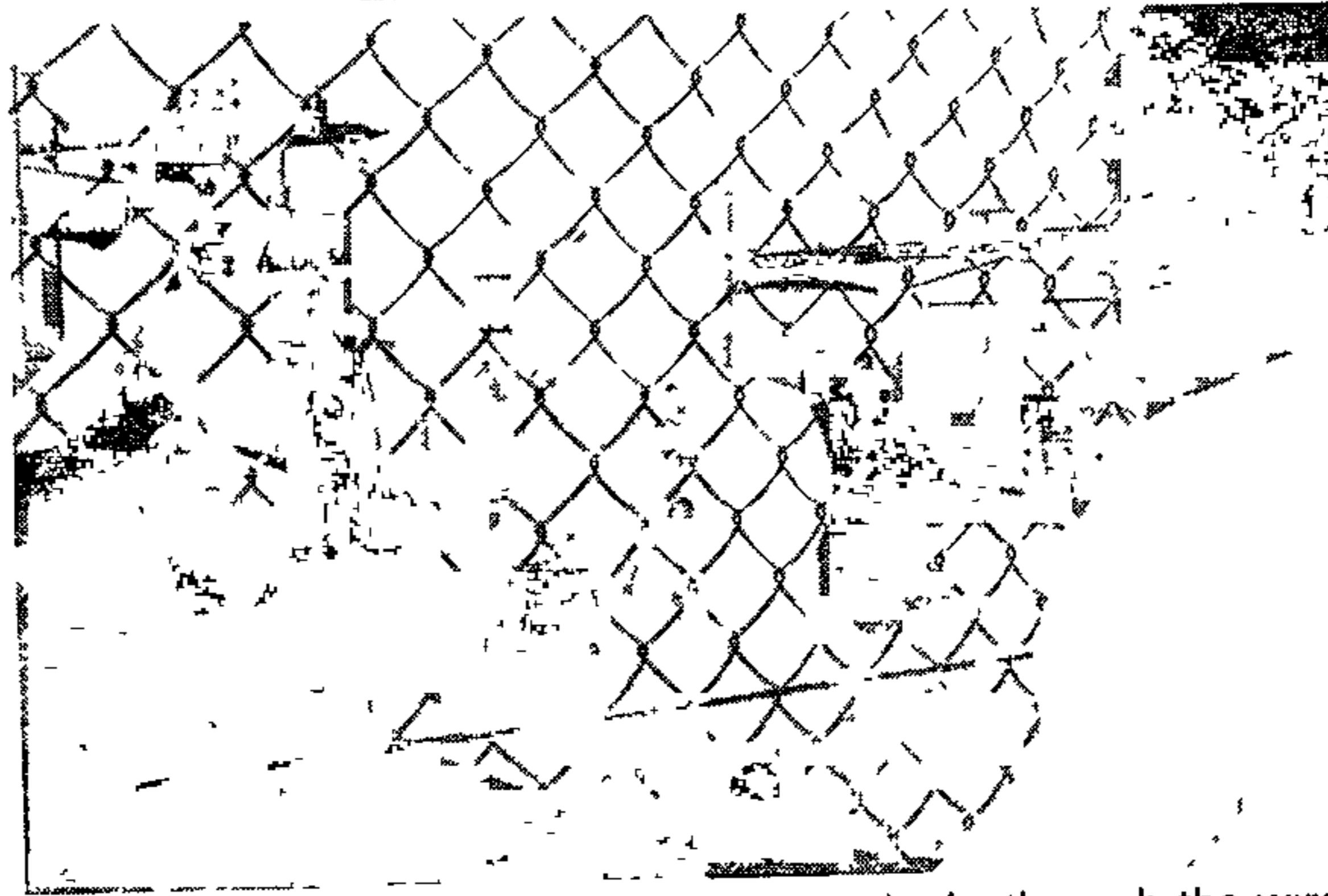
All hotels are allowed to admit foreign blacks, but the Federated Hotel Association of South Africa (Fedhasa) objects to the rule that hotels without international status may not freely admit local black people without first telephoning the the Liquor Board for permission

In January the Leader of the Opposition in the House of Representatives, Mr Denis de la Cruz, was turned away from a Mossel Bay hotel because of his colour

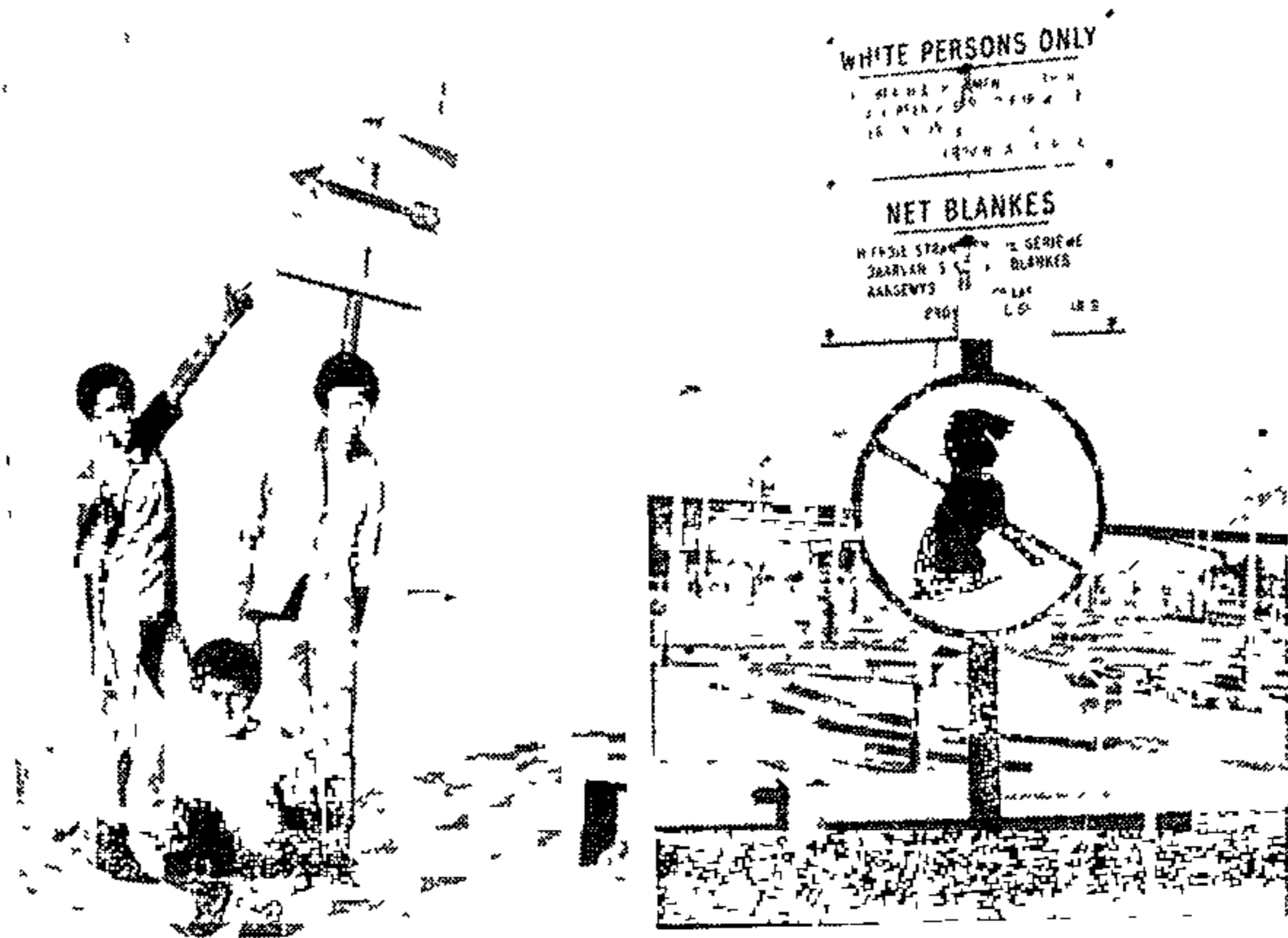
'Friction'

Train apartheid stays because the Minister of Transport, Mr Hendrik Schoeman, believes separate facilities on suburban and main-line trains "prevent friction"

In February, two



Mr Abubakar Abdol, of Parkwood Estate, looks through the wire mesh at the water slide at Muizenberg which he may not use. The slide is the only facility in the pavilion area not open to all races. The owner says he is not willing to risk prosecution and will only open the slide to all when the law is changed



Left The decision by the Cape Town City Council not to enforce beach apartheid does not protect individuals from prosecution. From left, Mr Colin Magnus, Mr Deon Smart (sitting) and Mr January Magnus, all from Steenberg, point to a sign which shows that government policy is still to retain segregated beaches. Right: The miniature golf course at Muizenberg. The signs are clear. No dogs, and no blacks.

Rhodes University students, who live in the same residence and use the same bathroom facilities, were refused permission to travel together on a train and were forced to eat their meals at separate tables in an "open" dining car

Racially integrated bus services have been allowed in some areas, notably Cape Town, but expensive segregated bus services are main-

tained in other areas, such as Johannesburg

Last year a "coloured" man, Mr Dan Cloete, was put in charge of the white municipal bus service in Durban, but he could not legally travel on the buses under his charge without a permit to do so

Although many restaurants, particularly in the cities, are now ignoring apartheid regulations about who they may ad-

mit, the technical position is that they should still be segregated and licensed restaurants should phone the Liquor Board every time a person of colour wishes to eat there

Last year, a newly-elected Labour Party MP was invited to lunch by two journalists on the pro-government Volksblad newspaper in Bloemfontein, but they were turned away by the res-

taurant owner "Why should I, a South African, be prevented from eating in my own country by an immigrant?" Mr Benjamin Grobber asked, but the restaurant owner, Mr Nico Theosopoulos, said it was "of little relevance" that Mr Grobber was an MP

Government policy remains that beaches should be segregated, although some steps have been taken to open some beaches to all races in Cape Town, Port Elizabeth and Durban. All the beaches along the Ciskei and Transkei coast are already open

Racism

The government has adhered to this policy despite numerous studies which have demonstrated blatant discrimination by findings that all best beaches have been reserved for the use of white people

At Kleinmond, near Hermanus, there are still signs on the beaches which say "Whites only no dogs allowed"

The new water chute at Muizenberg, potentially the delight of children of all races, is "whites only" because the Cape Town City Council cannot guarantee that the owner won't be prosecuted if he allows black children to use the slide

The owner says he would be quite happy for everyone to use the chute provided of course that they pay, but he is not willing to run the risk of prosecution

Parks

The Pretoria City Council decided last year to ban black people, including overseas visitors, from its facilities, reversing an earlier decision to open them. It said that only black diplomats will be able to use its facilities

When a mixed party of children from a private school went in November last year to the restaurant at the Voortrekker Monument, five of the children were refused admission because they were black. As a result, a take-away window was installed to serve those not permitted in the restaurant

The list is longer, but these incidents show that legally enforced social apartheid has not been scrapped, despite wild claims overseas to the contrary

Another merger

Persistent speculation ended last Friday when the merger of Robert Enthoven and Willis Faber (SA) was finally announced. The merger agreement is still to be signed, although the financial side is to be back-dated to April 1 1985. Safren will hold 60%

and Willis Faber (UK) 40% in the new broking group (see graph)

Since the original split between Willis and Standard Bank Insurance Brokers, the market has been waiting for Willis to find a partner (see *FM* February 3 1984). And when Rennies and Safmarine merged into a R1,2 billion conglomerate under Old Mutual last September, it became only a question of time before matters were rationalised. The move also follows shortly after the recent merger of the travel interests of Safmarine and Rennies.

The new broking group is to be called Willis Faber Enthoven, based in Johannesburg, and will have an estimated premium turnover, both in the long-term and short-term insurance market, of about R150m with a staff complement of 500.

Short-term is by far the larger side of the business with staff of some 450 and premium turnover of R112m. This makes the group fifth largest in the sector.

Explaining the merger, Charles Bothner, deputy chairman and chief executive of the new group, says that the two companies fit together well, complementing one another both geographically and in terms of specialist skills. Robert Enthoven is Johannesburg-based with emphasis on specialist fields such as contractors' all risks business and risk management, while Willis Faber, originally Cape Town-founded, is described as being "exceptionally good in marine and aviation".

The origins of both companies lie in family interests. Obvious, in the case of Robert Enthoven, but in Willis Faber's case the firm was originally founded by Don Rowand's father as Willis Faber Dumas & Rowand.

Chairman of the new board is one-time Mobil SA chairman Bill de la Harpe Beck, a Cape Town businessman on a number of boards, including the Reserve Bank. In addition to Bothner, also on the board is Robert Enthoven who continues as president, and Chris Marais as group MD.

Although full composition of the board is still to be finalised, other members are expected to be Roger Elliott, Mike Finlay, Buddy Horton, David Palmer, Bob Reinecke and Don Rowand.

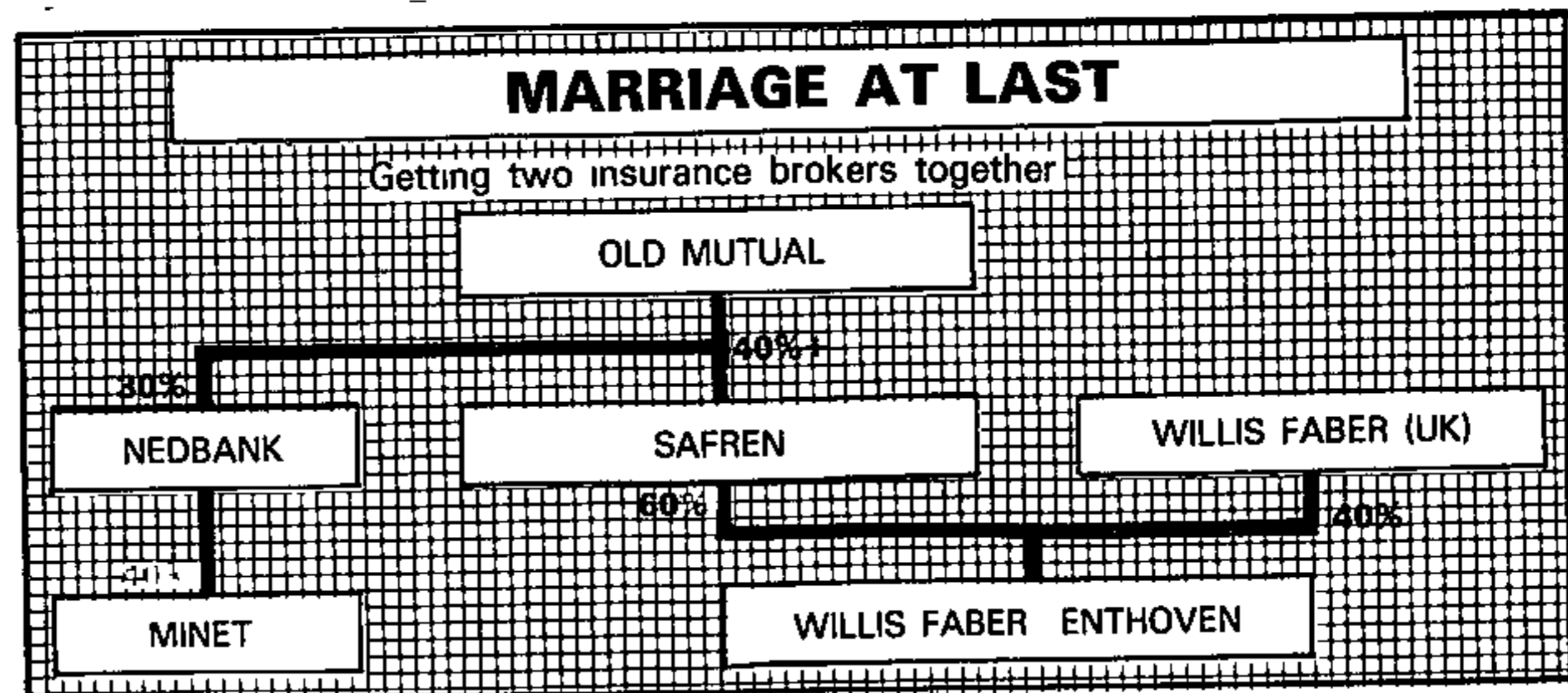
Previously, Rennies held 50% of Robert Enthoven, while Willis Faber (UK) and Safmarine shared Willis Faber 50/50 (see *FM* September 28 1984). The shareholding split 60/40 is now in favour of Safren suggesting it took the initiative. Market sources have always held that Willis was not well placed following its separation from Standard. The merger will provide it with a broader base, and should improve its profitability.

The advantage for brokers Robert Enthoven is the close relationship with Safren and its shareholders, and the strong international link through Willis Faber in the UK, and the Willis associate, Johnson and Higgins, second largest banking group in the US.

A major challenge for the new group will be to develop its life and employee benefit side. Says Bothner "This area has enormous potential." But to the suggestion that con-

Financial Mail May 17 1985

238



flikt may arise with Old Mutual, Bothner replies "I really don't think so. Our philosophy is geared to the best interests of our clients. There will be no automatic right to business, and therefore no conflict."

Bothner claims the new deal will be the "merger of the Eighties. And the others are going to be looking over their shoulders." He says that, on a five-year view, many "fragile associations amongst the other big broking groups" could cause problems, especially through a growing conflict of interests.

By ROGER WILLIAMS
Chief Reporter

IN one of the most sordid sagas in South Africa's political and social history, more than 10 000

Sex laws have left trail of misery

★ (238)

people of all races have been convicted of ethnic "immorality" in the past three decades, and the sex laws now being scrapped have left a trail of broken families, suicides and human misery in other forms.

Many, including prominent business and professional people, have fled the country rather than live in the shadow of the Mixed Marriages Act and Section 16 of the Immorality Act, and countless others

carry the stigma that a criminal record inflicts.

The history of South Africa's sex laws is liberally larded with what Mr Rene de Villiers, then MP for Parktown, referred to in Parliament in 1975 as "heartbreak cases, caused by this wretched and inhuman system".

An example of the kind of heartbreak Mr De Villiers had in mind had presented itself only a year previously. A

coloured youth in the Cape Peninsula who all his life had believed he was white, threw himself under a train when he learned from his mother that he was coloured, and that his relationship with the white girl he was in love with was therefore doomed — by law.

Methods used to secure convictions have included peeping through keyholes and bedroom windows late at night and in one celebrated case, in 1979, 14 men

were reported to have broken down the front door of a woman's flat in Pretoria in the early hours of a Sunday morning after suspecting her of contravening the Immorality Act with an Indian man.

Five policemen were subsequently convicted of trespassing.

It was at a little Free State dorp called Excelsior that the Jericho walls of the Immorality Act began to crumble, in 1971

Excelsior's small farming community hung its head in shame after a sensational trial drew wide attention to the misdeeds of seven white farmers, including a town councillor, who were arrested with 14 black women on charges under the Immorality Act.

One of the men charged shot and killed himself. Eventually all the charges were dropped — but only after the world

spotlight had been framed glaringly and revealingly on Excelsior, and on South Africa's sex laws.

After the Excelsior debacle the government took a long, new look at these laws and a significant drop was subsequently noted in the number of prosecutions under Section 16.

In the administration by the courts of the sex laws, judges have been divided in their approach and interpreta-

tion. While two Cape judges, Mr Justice Bloch and Mr Justice Broome, were quoted as saying that Immorality Act cases should be approached with leniency and a compassionate regard for human frailty, Mr Justice Schreiner of the Appellate Division took a different view.

Dismissing an appeal before him, he said there was no justification for dealing with sentences under Section 16 "upon

principles different from those applicable in other cases".

Mr Justice Schreiner added "If the legislature imposes so severe a strain on persons not otherwise criminally inclined that a change in the law is thought desirable, this must be done by Parliament itself. Courts cannot properly give effect to any views that they may hold as to the harshness of the provisions in the face of the manifest purpose of Parliament that such offences should be dealt with severely."

● Demise of sex Acts leads to stormy debate, page 4

Parliament and Politics

Demise of sex Acts leads to stormy debate

By ANTHONY JOHNSON
Political Correspondent

THE impending death of sex and marriage apartheid led to a series of stormy exchanges and bitter recriminations between government and Conservative Party MPs in Parliament yesterday.

PFP speakers emphasized the enormous legacy of human misery and international abhorrence spawned by "insulting and degrading" nature of the Mixed Marriages Act and Section 16 of the Immorality Act.

Several CP speakers accused the government of a "scandalous" betrayal of the principles and history of the NP by sanctioning the demolition of major apartheid pillars.

Some NP speakers acknowledged that the two measures were racist and that their discriminatory and hurtful character had bedevilled race relations.

But a number of government speakers were anxious to emphasize that the NP's willingness to scrap the measures did not amount to an endorsement of "immorality".

Introducing the debate, the PFP's chief Home Affairs spokesman, Mr Tian van der Merwe, said that probably the greatest tragedy of the acts was that they gave a cloak of intellectual respectability to racial intolerance.

No matter how political leaders tried to justify these laws on the grounds of lofty theories of retention of national identity, they knew that for the vast majority of their followers these laws represented an expression of their racism.

Mr Dave Dalling (PFP, Sandton) called on the Minister of Justice, Mr Kobie Coetsee, to release immediately re-

lease those in prison for contravention of these laws as well as "to expunge from the files of the State the criminal records of all those who have suffered convictions under this unsavoury legislation".

Mrs Helen Suzman (PFP, Houghton) warned that people should not bluff themselves that the repeal of the measures necessarily meant that South Africa was on the road to reform.

However, CP members made no attempt to disguise their sense of betrayal and distaste for the decision by the government to allow the scrapping of the sex measures.

Mr Daan van der Merwe (CP Rissik) said the NP was rejecting its history and forsaking the nation's ethical code and traditions through its ad-diction to liberalism and humanism.

Mr Louis Theunissen (CP nominated) said the tricameral dispensation had created a new form of NP political expediency "that made the NP throw all its principles overboard".

However, Mr Helgaard van Rensburg (NP Mossel Bay) said the measures earmarked for repeal were harming good race and community relations.

Mr Piet Clase (NP Virginia), who acknowledged that the two measures were racist, stressed that their scrapping would not bring about the demise of other laws which protected racial exclusivity in schools and residential areas.

But Mr Albert Nothnagel (NP Innesdal) said he hoped that scrapping the laws would pave the way for the removal of statutory discrimination in other areas.

ARKes 22/5/85 (238)

Church 'can refuse' to marry mixed couples

Staff Reporter

CHURCH ministers may refuse to marry mixed-race couples without running foul of the authorities, says an expert on Ned Geref Kerk canonical law.

But refusal would not solve the thorny problem, says Dr Dirk Fourie. And he doubts that the church should embark on "this path of conscientious objection by preachers".

This comes in the wake of the Government's intention to

repeal the Mixed Marriages Act and Section 16 of the Immorality Act.

Discussing mixed-race marriages in terms of church law in the latest edition of Die Kerbode, the mouthpiece of the Ned Geref Kerk, Dr Fourie says the Marriage Act of 1961 provides for objections in conscience by marriage officers if the proposed marriage conflicts with tenets of their religion.

"But do we then solve the

problems in a thorny situation?

"What happens if the church member concerned asks an outside marriage officer to conduct the wedding in the church, or goes to a neighbouring congregation where the minister has no conscientious objection to such a marriage?" Dr Fourie asks.

Dr Fourie proposes that the church adopt the policy of referring to church councils any requests for mixed-race mar-

riages in Ned Geref churches.

"It remains the congregation's church building, and repercussions could affect the congregation and the minister to the extent that congregational unity and the work of the church could be affected

"It is a situation which demands not only the decision of the minister in terms of his conscience, but the overriding decision of a church meeting," says Dr Fourie.

and Politics

House votes on sex laws

CPA - Times
23/5/85
238

Political Staff

THE demise of the Mixed Marriages Act and Section 16 of the Immorality Act came a step nearer yesterday when the House of Assembly voted 125 to 15 in favour of repealing the measures

Only the House of Delegates still has to vote on the matter before the unpopular laws are wiped off the statute books. It is unlikely that MPs in the Indian House will block their scrapping.

The debate in the Assembly yesterday was again marked by sharp clashes between the government and the Conservative Party, whose 15 members voted against scrapping the measures. The Official Opposition and the NRP both crossed to the government side of the House when the vote was taken at the end of the debate.

The leader of the Conservative Party, Dr Andries Treurnicht, spearheading the right-wing attack, said the government did not have the courage to say it stood for "preserving the identity of the white people".

It was not immoral or unbiblical for separate communities to exist.

Replying on behalf of the government at the conclusion of the debate, the Minister of Home Affairs, Mr F W de Klerk, said the laws had been put on the statute books under circumstances that were vastly different from present circumstances.

The repeal of Section 16 of the Immorality Act did not mean the government was in favour of immorality. The government was still "strongly opposed to all forms of immorality".

Rejecting CP claims that integration would result and whites would lose their identity, he said the government stood for "group identity and group security". But a distinction had been made between laws that were necessary to retain group identity and those that were necessary

Sex laws and their trail of misery

NM 23/5/85

238

IN one of the most sordid sagas in South Africa's political and social history, more than 10 000 people of all races have been convicted of ethnic 'immorality' in the past three decades, and the sex laws now being scrapped have left a trail of broken families, suicides and human misery in other forms

Many, including prominent business and professional people, have fled the country rather than live in the shadow of the Mixed Marriages Act and Section 16 of the Immorality Act, and countless others carry the stigma that a criminal record inflicts

The history of South Africa's sex laws is liberally larded with what in 1975 Mr Rene de Villiers, then

MP for Parktown, referred to in Parliament as 'heart-break cases, caused by this wretched and inhuman system'

An example of the kind of 'heartbreak' Mr de Villiers had in mind had presented itself only a year previously. A coloured youth in the Cape Peninsula who all his life had believed he was white, threw himself under a train when he learned from his mother that he was in fact coloured, and that his relationship with the white girl he was in love with was therefore doomed — by law

Doomed relationship

About the same time, an eight-month-old baby was paraded in court so the judge could decide whether its father was Indian or, as the mother claimed, Portuguese

The sex laws have in most cases blighted the lives of those who have fallen foul of them — and the victims have included policemen and parsons, academics and prominent farmers — and even a member of a prime minister's personal staff

Methods used to secure convictions have included peeping through keyholes and bedroom windows late at night, and in one celebrated case, in 1979 14 men were reported to have broken down the front door of a woman's flat in Pretoria in the early hours of a Sun-



Mr Rene de Villiers, former PFP MP, referred to 'this wretched and inhuman system'

Mr Justice Broome advocated a compassionate approach

day morning after suspecting her of contravening the Immorality Act with an Indian man

In a sequel, five policemen were convicted of trespassing

● It was at a little Free State dorp called Excelsior that the Jericho walls of the Immorality Act began to crumble, in 1971

Excelsior's small farming community hung its head in shame after a sensational trial drew wide attention to the misdemeanours of seven white farmers, including a town councillor, who were arrested with 14 black women on charges under the Immorality Act

One of the men charged shot and killed himself. Eventually all the charges were dropped — but only after the world spotlight had been trained glaringly and revealingly on Excelsior, and on South Africa's sex laws

After the Excelsior debacle the Government took a long, new look at these laws and a significant drop was subsequently noted in the number of prosecutions under Section 16

● In the administration by the courts of the sex laws, judges have been divided in their approach and interpretation

Different viewpoint

While two Cape judges, Mr Justice Bloch and Mr Justice Broome, were quoted as saying that Immorality Act cases should be approached with leniency and a compassionate regard for human frailty, Mr Justice Schreiner of the Appellate Division took a different view

Dismissing an appeal before him, he said there was no justification for dealing with sentences under Section 16 'upon principles different from those applicable in other cases'

Judge Schreiner added 'If the legislature imposes so severe a strain on persons not otherwise criminally inclined that a change in the law is thought desirable, this must be done by Parliament itself

'Courts cannot properly give effect to any views that they may hold as to the harshness of the provisions in the face of the manifest purpose of Parliament that such offences should be dealt with severely'

All immorality a sin, PC committee told

A7645

3/6/85

238

Staff Reporter

THE general commission for doctrinal and current affairs of the Nederduitse Gereformeerde Kerk says the law does not cover all forms of contemporary immorality

In a memorandum presented to the President's Council ad hoc committee investigating the Immorality Act, the commission pointed out areas of immorality insufficiently covered by existing legislation

It urged that both maximum and minimum penalties in such cases be increased to realistic levels

All immorality and indecency was a sin — the State had a duty to combat this as it affected the quality of the individual's life and welfare as well as

that of society. The State should not abdicate its duty in this sphere, as had happened in other Western countries

The commission believed that not all forms of contemporary immorality were covered by existing legislation and that it was impossible for the State to control immoral acts such as adultery and premarital sex. What happened in private was very difficult to control.

The commission suspected that escort agencies were fronts for prostitution. It recommended that the owners of escort agencies should be seen as bordello operators who could be charged with pimping.

The increase in prostitution troubled the commission and it expressed the fear that, in the light of reports from SWA/Na-

mibia, prostitution across the colour line here could increase sharply after the repeal of Section 16 of the Immorality Act.

The commission also recommended that the law be altered to include male prostitution. It noted that the current availability of soft pornography could lead to the sale of hard porn at a later stage which would be hard to eradicate.

It recommended that Section 20 (a), prohibiting male homosexuality, be extended to cover female homosexuality.

In view of the increasing number of reports of incest and sexual abuse of children the commission recommended stronger punitive legislation. It suggested that doctors should be forced to report cases of sexual abuse or incest.

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For mixed families the nightmare continues

AKG WS 12/6/85 (238)

BRUCE CAMERON of the Political Staff examines some of the absurd anomalies which will continue to afflict people in spite of the scrapping of the Mixed Marriages Act

LAWS that were brought in to solve the problems of existing mixed marriages when across the colour line wedlock was banned in 1949 are to be used again

Faced with a multitude of problems in dealing with mixed marriages now that the law is to be scrapped the Government has turned to a myriad of confusing and complex laws and regulations to help it decide how the affected people will live

But this will still not solve many of the problems. Conditions have changed since those days, with racial mixing becoming more accepted and in many cases people being more aggressive in refusing to abide by racial laws

Deputy Minister of Constitutional Development, Mr Piet Badenhorst, agrees there will be problems but feels these can be sorted out by permit and agreement

The problems stretch from which railway carriage a family would be

able to travel in through to the group area in which they would live

The issue is being studied by the President's Council but it could be years before it makes any recommendations and then these would still have to be processed by the Government

The basis of dealing with mixed marriages Mr Badenhorst says will be the Population Registration Act of 1950

But the confusion sets in almost immediately

In terms of the Act the children of a white father and a mother who was "Cape coloured", Griqua, Malay, Chinese, Indian, "other Asian" or "other Coloured", would be classified as "other Coloured"

But Mr Badenhorst says, since the classification was no longer used because of objections from Coloured leaders, the children would be classified as "Cape coloured"

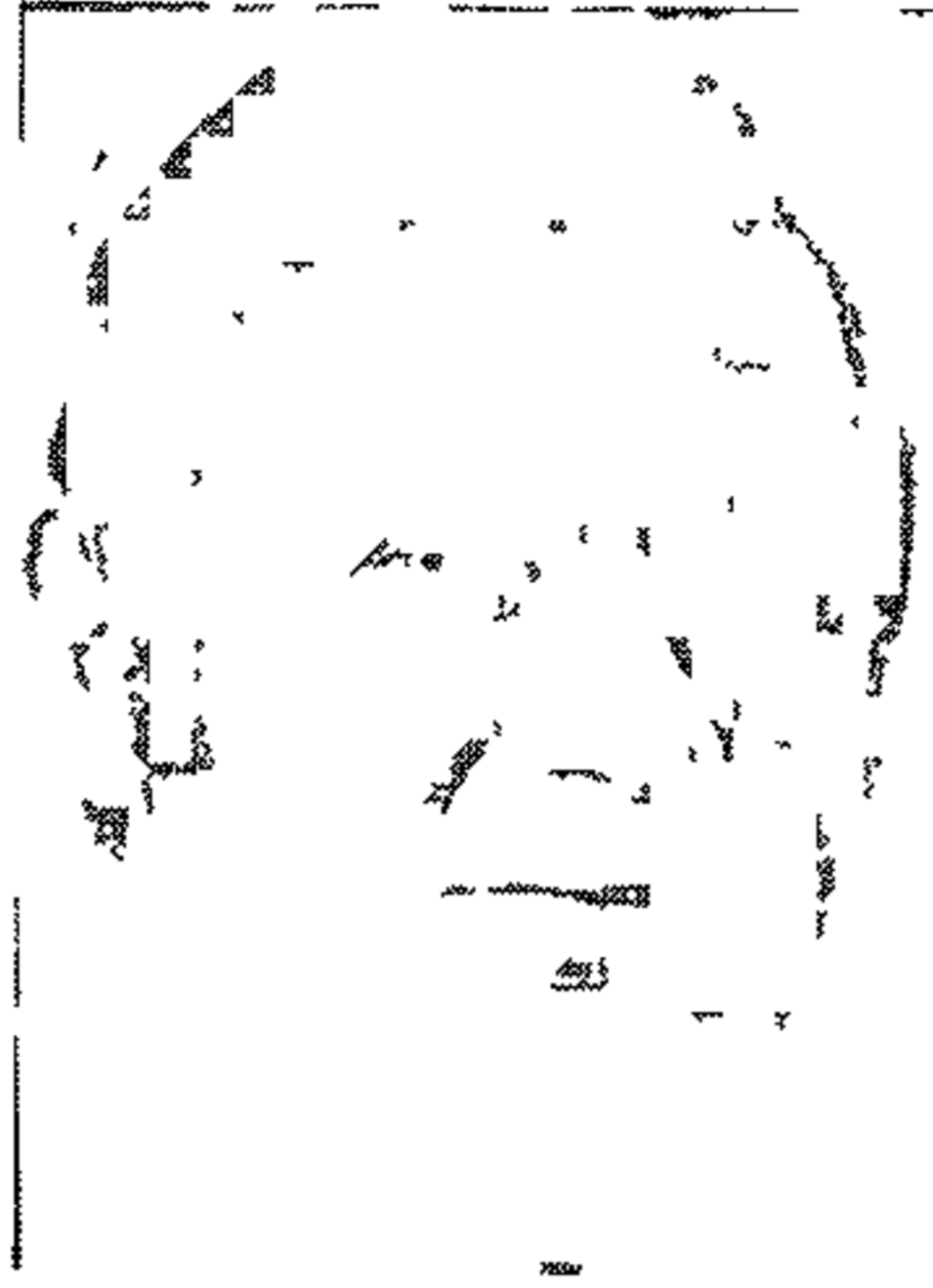
The "Cape coloured" classification had no geographical connotation

In the case of a white mother and a father belonging to any of these groups, the child would be classified in the father's ethnic group

Where a white person married a black, the children would be classified as "Cape coloured" regardless of which parent was white and which was black

Children from a white-black marriage must, in terms of the Act, be classified in a group of which neither the father nor the mother is a member

But it could be assumed they would be classified in the group



Mr Badenhorst

with which the parents associated

This has already happened with the children of black-coloured marriages where they were classified as Zulu or Xhosa or "Cape coloured" depending on which group they associated with

A touchy area is going to be where a "mixed" family lives

Here people fall under the Group Areas Act with the general rule being that they can basically live in any area but a white group area

No one can own property in a group area which was designated for a race group different from their own, except by permission of the Government

However permits could be issued to allow families to live in any group area

In the use of facilities, such as community facilities, hospitals and theatres, some were obviously more difficult than

others but again Mr Badenhorst is convinced the difficulties can be overcome in most instances and where they cannot the families will have to suffer the inconvenience

For instance there is little difficulty with restaurants nowadays but an overnight train trip is likely to cause difficulties

Mr Badenhorst says the family would have to accept that they would have to travel in separate parts of the train

On the sensitive subject of education Mr Badenhorst says children would have to attend schools set aside for the group in which they are classified

On franchise rights, Mr Badenhorst says each person would vote at the Parliamentary level in the group under which they were classified but in some instances would lose local government voting rights

If, for example, a white-coloured couple live in a coloured residential area the white person would not qualify to vote for the coloured local authority

However politicians are already predicting that there is still going to be plenty of confusion and controversy

The difficulties of families living under different racial classifications could be ameliorated to some extent by one of the spouses applying to the Government for re-classification as a member of the race of his or her partner. But in these cases the Government is unlikely to re-classify as white those people already classified as a member of a darker group

CAPE TIMES 14/6/85 (238)
Sex-apartheid law scrapped

Political Staff

BLACK and white people may now legally have sex with each other in South Africa — and get married. State President P.W. Botha has signed the Immorality and Prohibition of Mixed Marriages Bill, making the scrapping of sex apartheid official.

President Botha's assent to the bill was contained in yesterday's minutes of the three Houses of Parliament.

More than 10 000 people have been prosecuted over the last 30 years under Section 16 of the Immorality Act which prohibited sexual relations between black and white people.

W.E. Argus

15/6/85

238

Protas and Susan Madlala after their history-making marriage ceremony.

History made as couple tie the knot

Weekend Argus Correspondent

DURBAN. — The tiny community of St Wendolin's made South African history yesterday when one of its favourite sons, Protas Madlala, married his white American girlfriend, Susan McQuirk

Their wedding was the first in South Africa after the law prohibiting mixed marriages was officially scrapped yesterday

"I feel wonderful, ecstatic," the new Mrs Madlala said after the ceremony which was held in the hills of Durban's Marianhill area in the small St Wendolin's Catholic Church

Susan Madlala kissed and hugged her husband and the two of them scurried to a getaway car. All Mr Madlala would say is "I feel wonderful. I'm very happy."

"Absolutely thrilled"

Susan's mother, Mrs Alice McQuirk, said "I'm delighted, absolutely thrilled. This has been the happiest day."

"Susan and Protas met while they were both studying in America last year. They will be staying in South Africa for a while, then I don't know. I think they might come back to America," she said.

Mrs McQuirk said she had been in South Africa for about two weeks and intended to return to her Rhodes Island home next week. She was the only member of Susan's family to attend the wedding, but said "Everyone's very happy for her."

Hundreds of people of all colours gathered to

witness the history-making ceremony. When the couple said "I do," the crowd in the church stamped their feet, whistled, ululated and clapped.

Studying for Masters degrees

Outside the church a cock crowed loudly several times, seeming to herald the news to the folk who could not get into the tiny church.

Protas was studying for his Masters degree in Communication and Susan for her Masters in Anthropology, at Washington American University, when they met last year. After they graduated, Protas returned to South Africa and Susan followed him a few months ago.

"There is a love that goes beyond the racial and colour barriers in this country," Mr Reggie Hadebe, Master of Ceremonies, told the wedding guests.

"Recently we heard that the Government intended relaxing the Mixed Marriages Act, but this union would have taken place irrespective of the authorities' decision."

"Political statement"

"The preparation for the marriage started last year, before the announcements. This marriage can be seen as a tremendous political statement against the racial policies."

Throughout the service, Susan and Protas held hands. Mrs McQuirk, sitting in the front row of the small church, smiled happily when the couple made their vows.

Marriage across the colour line

Mercury Reporter

238

SOUTH African history was made at the weekend when Protas Madlala and his American sweetheart, Suzanne Leclerc, took their wedding vows in his hometown at St Wendolins Catholic Church near Mariannhill, outside Durban.

Protas and Suzanne became the first couple to marry across the colour line since the Bill scrapping the Mixed Marriages Act was signed last week. More than 600 villagers crammed into the church to

witness the marriage and when the couple exchanged their wedding vows, a few people applauded and they stopped, looking rather embarrassed.

Seconds later all the guests joined in and clapped hands enthusiastically, including an elderly woman who was peering through a window.

Father Christopher Hlengwa said he hoped the couple would stay in the community and asked Suzanne to 'try to learn about our culture and traditions'.

Protas worked as a trainee reporter at the Mercury

about five years ago before studying for a Bachelor of Arts degree at the University of Zululand.

He was later appointed Press secretary of the Southern African Catholic Bishop's Conference.

Suzanne, who comes from Rhode Island, met Protas while they were both studying in Washington.

The bride was given away by her mother, Mrs Alice Leclerc, who had flown out for her daughter's wedding.

The couple have said they would have got married even if the Mixed Marriages Act was not abolished.

'I do' makes SA history ^{CAPT TMS 17/6/85} 238

Own Correspondent

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More ⁽²³⁸⁾ race laws *Sunday Tribune* may be *30/6/85* dropped

By Carolyn McGibbon

A WIDE-RANGING Human Science Research Council report that cuts at the foundations of racial segregation is to be released on Tuesday.

And according to Dr HC "Bok" Marais, who headed the inquiry into inter-group relations, the Population Registration Act, one of the cornerstones of apartheid should go. This follows the dropping of the Mixed Marriages Act.

Dr Marais said last night "Classification for the purposes of categorising people into groups hasn't succeeded."

The report says the Government's policy of segregation is at the root of the conflict situation.

"This possibility of conflict can no longer be reduced within a system that is based on statutory determined group identity."

The study, which took four years to complete, included a barometer reading of racial attitudes. More than half the number of whites canvassed (60 per cent) expected South Africa to be fully integrated within the next 20 years while four per cent sought segregation.

The polls reflected increasing disillusionment among black South Africans, despite an increase in living conditions among some. Although a bleak picture for the future prevailed, there was still reason for hope, the report found. The reforms, recognition of the residential rights of blacks, the increasing willingness of different groups to engage in dialogue and the greater upward mobility of all races were cited as examples of this.

(238) 6/7/85

Few official blessings for mixed marriage couples...

by
JOHN
MACLENNAN
Political
Staff

THE Government is now warning couples who want to marry across the colour line of the pitfalls of apartheid, even though it has opened the way to mixed marriages.

The advice comes in the form of a circular which will be received this week by licensed marriage officers — including priests and magistrates — around the country.

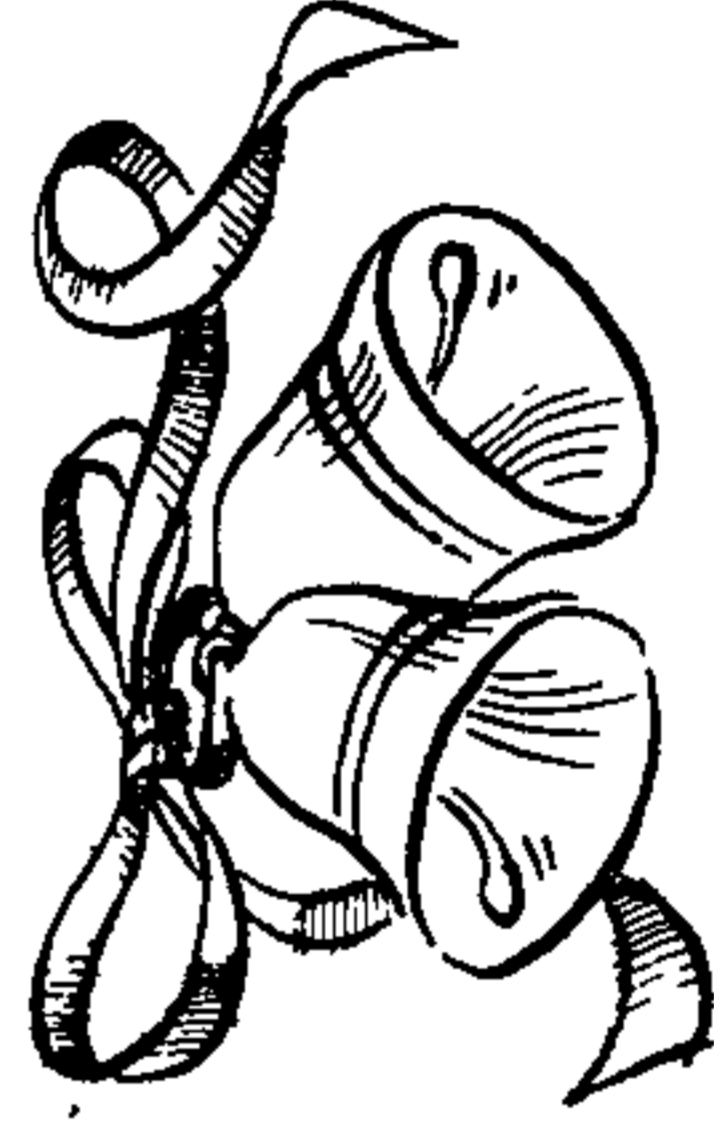
They will be told, in short, to inform inquirers there is no special dispensation for mixed race couples, even though the legal bar to their union was lifted during the recent Parliamentary session with the scrapping of

The way has been opened for mixed marriages in South Africa, but now couples are to be told that there will be no special dispensation for them, even though the legal bar to their union has been lifted.

It appears the Government is willing to accommodate mixed couples in a sort of legal limbo as long as officialdom suffers no embarrassment as a result.

the Mixed Marriages Act and Section 16 of the Immorality Act.

At the same time couples who were married illegally and without marriage certificates before the laws were removed from the statute books are still unable to obtain backdated marriage licences as this could be considered an admission of guilt by marriage officers who concluded the illicit unions in the first place



Nor can the couples now obtain marriage certificates by going through the ceremony for a second time. A spokesman for one church, The Church of the Province, says this would be in conflict with Scripture



FLASHBACK: South Africa's first "legal" mixed marriage. The happy couple are Profas and Susan Madlala, who became man and wife in Durban.

w/c ANews 6/7/85 238

'You won't believe how

many people who were not white are now living in white areas ...'

Reply to critics

The circular issued by the Department of Home Affairs follows the announcement in Parliament by former Home Affairs Minister F W de Klerk that his department would prepare guidance for marriage officers in the light of the Government's sanction for sex across the colour line

He was replying to various critics, ranging from Bishop Tutu on the left to CP leader Dr Andries Treurnicht on the right, who wanted to know how the Government could give the go-ahead to mixed race marriages without addressing a pile of related apartheid legislation

They wanted to know, for example, where mixed race couples would be allowed to live, about the classification of their children and schooling. This is governed by such as the Group Areas and Population Registration Acts which are still in force

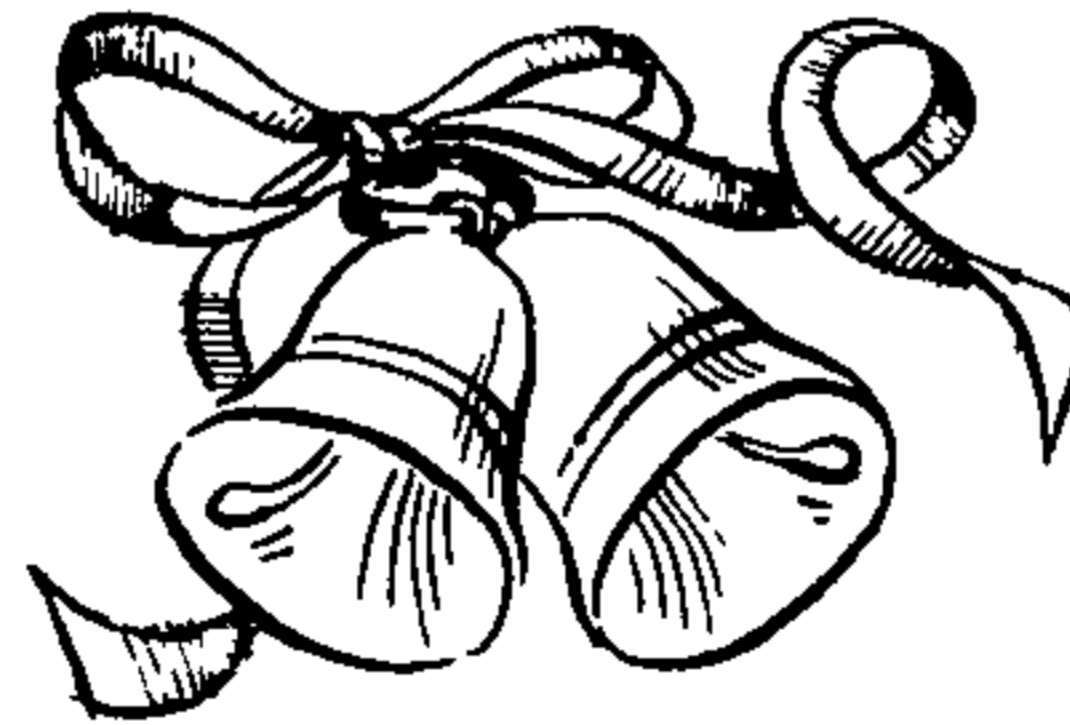
A new deal?

It was widely and inaccurately speculated the Government might, in the "guidance" mooted by Mr de Klerk, offer a new deal for couples who have endured marriages which are sanctioned by the church but illegal in the eyes of the law

A document spelling out the guidance was drawn up and put to Mr De Klerk for approval, but he turned it down because the approach was regarded as being too formal. Instead marriage officers will be asked to have an informal chat with in-

tending couples to discover whether they have given any thought to their future if they marry in our apartheid-riven society

If not, marriage officers are to suggest they obtain information from a lawyer or an MP. At the same time regional representatives of the Department of Home Affairs are also prepared to give them the bad news. The situation is, in fact, exactly what it was before



'Unqualified' white

If a white man marries a woman of another race then he becomes an "unqualified white" in terms of the law. He and his wife and children will not be allowed to live in a coloured area and his children will not be registered as white

Mr Gerrie van Zyl, director general of the Department of Home Affairs, says

there is some hope. A child will be reclassified as white if he or she is accepted by others as being white

The family may also be allowed to live in a white area if the department can be convinced this is in the interests of the white community or that a move to a coloured area will cause great hardship

These reclassification procedures existed before it became legal to get married across the colour line, and it seems both the police and affected couples have been turning a blind eye to the law for some time

Without trouble

Couples who agreed to be interviewed after the sex laws were abolished said they had previously moved into white areas without any trouble from the authorities or neighbours

It appears the Government is willing to accommodate mixed couples in a sort of legal limbo as long as officialdom suffers no embarrassment as a result

Mr van Zyl is of the opinion that those who apply for reclassification have and always will be accorded the greatest sympathy by his department.

"You won't believe how many people who were not white are now living in white areas," he says

Mixed race couple say 'I do' after big mix-up

238

NM 9/7/85

Mercury Correspondent

PORT ELIZABETH—At 11 a.m. yesterday Gary Townsend, a coloured man, was disgusted beyond words Karen Sorge, white, was in tears

The law forbidding weddings across the colour line had been repealed but they had just been told that officials here could not marry them.

But less than five hours later the Townsend household in Parkside was aglow with well-wishes as Court officials conceded their error.

It all started when the couple, together with witnesses, called at the Magistrate's Courts to honour an appointment made only a few days after the State President signed his assent to a Bill scrapping the Mixed Marriages Act and Section 16 of the

● TURN TO PAGE 2



Gary Townsend, 26, and Karen, 24, finally became the first mixed couple to be acknowledged by the law in Port Elizabeth after some hassles yesterday. With them is their two-year-old son, Ceth.

Mixed race couple marry

238

NM 9/7/85

Immorality Act

Mr Townsend said last night. When the lady who was supposed to conduct the ceremony came to the codes in our identity documents denoting race she asked me if I was coloured, and asked Karen if she was white. When we said yes she said she could not marry us because the repealing of the Act had not yet been promulgated.

'We could not believe it. We just stood there like fools. We had been following the developments in Parliament closely. I even kept a scrapbook. We were quite positive that the Mixed Marriages Act had been repealed and here were these people saying they could not marry us.'

After an enthusiastic build-up to this day, Gary and Karen were ready to crack. It looked for a moment as if they were going back to the 'dirty' promises. Life, they were forced to live.

'This was not going to make a world of difference to the country. It was only going to give us a bit of security and restore our self-respect,' he remembered, thinking as he stood there lost for words.

The couple met in 1979 and courted for three years before getting mar-

ried in a church-sanctoned marriage in Cape Town in 1982.

Mr Townsend, a teacher, recalled 'bitter experiences' such as 'stealing into a white hospital' to visit his wife after she gave birth to their son, Ceth, now two, experiences such as watching his wife having to go to a clinic for unmarried mothers.

It was not until a newspaper started making inquiries that Chief Magistrate Mr J A Coetzee discovered that 'we made a mistake'. An amendment to the Act had, in fact, been published in the Government Gazette.

The couple were promptly apprised of this development with due apologies and, according to Mr Townsend, it took five minutes to declare them legally married.

DRC still opposed ²³⁸ to mixed ^{Star} marriages ^{10/7/85}

Mixed marriages should still be regarded as undesirable, says an official publication of the Dutch Reformed Church, *Die Voorligter*

An editorial article in the latest issue of the magazine argues that a mixed marriage will succeed only in exceptional circumstances because of wide differences in culture and background

"Apart from that, a mixed couple in the South African society will have to face many problems, which will put a big strain on the marriage."

On immorality, *Die Voorligter* says the church has asked several times for a law against extramarital sexual intercourse. The authorities could not comply because it would be impossible to enforce such a law.

SYNOD DECISION

A decision by the General Synod in 1982 said that the abolition of the Mixed Marriages Act would make it impossible to maintain article 16 of the Immorality Act

"This does not mean that the church condones immorality. There is more than one sin — even direct contraventions of the Ten Commandments — which cannot be made punishable by law"

Article 16 could have given the impression, says *Die Voorligter*, that the church regarded immorality within the same population group as a lesser sin than extramarital intercourse across the colour bar

238

'Mixed' family face Group Areas Act prosecution

Argus Correspondent
DURBAN.— A white Durban man and his coloured common-law wife whose six year relationship became "legal" with the scrapping of Section 16 of the Immorality Act, now face possible prosecution under the Group Areas Act.

Former policeman Mr Les Westlake, now a security officer, Miss Adrienne Cross and their two children, Shane, 4, and Sean, 3, have been living in their home in Stott Road, a white area of Fynlands on Durban's Bluff for four months.

Before that they lived in flat in Hospital Road, South Beach, for six years.

"We've never been challenged before because of my relationship with Adrienne. When we go out together we have never been thrown out of any place anywhere," Mr Westlake said today.

He said he was asleep last Sunday when a policeman came to his house and asked him whether it was true there were coloured people living in the house.

He left saying he would return to have a look at Mr Westlake's identity document the next day.

The policeman called again on Monday, examined the identity document and told Mr Westlake he might be charged with breaking the Group Areas Act. He said the deputy attorney general would decide on whether to prosecute.

Miss Cross said she was raised by her grandmother who had also

lived with a white man. "I have never lived with coloured people. All my life I have lived with whites and I have always been treated as a white. Why now, all of a sudden should I have to go to live in a coloured area?"

They said the owner of the house knew Miss Cross was a coloured person but had no objections

"This is ridiculous

when there is so much talk about the repeal of Section 16 of the Immorality Act and the Mixed Marriages Act. What is happening?" asked Mr Westlake.

He said Shane attended a white pre-primary school in Durban and had had no problems.

"This is going to destroy our family," Miss Cross said "If we are prosecuted what is going to happen to us? We

may end up being split up with me having to go and live in an area like Newlands East. Our lives are going to have to change totally. I just can't understand what is happening"

Captain Winston Heunis, PRO for the SAP, said they had acted only after receiving a complaint. As yet neither Mr Westlake nor Miss Cross had been charged.



Mr Les Westlake with Shane and common-law wife, Miss Adrienne Cross, with Sean

Couple faces Group Areas split

Own Correspondent

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'SA Embassy refused visas to visit relatives because we're coloured'

LONDON — A former South African couple have accused South Africa of refusing them visas to visit elderly relatives because they are coloured

James and Thelma Cooke said they had visited South Africa in the '70s and had hoped to come this summer

Thames Television news reported that the South African Embassy in London had first told them that as British passport holders they did not need visas

But later they were told they did, and months later still they were told their application had been rejected

Thames said the South African Government had reserved the right to refuse entry and not to give reasons, but denied decisions were based on colour

A London spokesman told a reporter

for Thames News that "We feel Mr Cooke will be aware of the reasons why his visa has been turned down"

Mr Cooke, an Ilford teacher, and his wife, a nurse, were asked if any of their family in South Africa were involved in politics or may have aroused suspicion in any way

Mrs Cooke said she knew of nothing They were then asked if the authorities were aware of their colour

"Oh yes, as soon as they press the computer they know The conclusion I've drawn is that I am being refused a visa because of the colour of my skin," Mr Cooke said

To add insult to injury, Thames said the embassy had now asked the Cookes to pay a R13 telex charge between London and Pretoria

South African Theatre and Cinema Employees' Union	SATCEU
South African Typographical Union	SATU
South African Woodworkers' Union	SAWU
Steel, Engineering and Allied Workers' Union of	SEAWU
Steel, Engineering and Allied Workers' Union of	SEAWUSA
South Africa	
Sweet, Food and Allied Workers' Union	SFAWU
Transport and Allied Workers' Union	TAWU
Textile and Allied Workers' Union	TAWU
Transport and General Workers' Union	TGWU
Tramway and Omnibus Workers' Union	TOMU
Trade Union of South Africa	TUCSA
Textile Workers Industrial Union	TWIU
United African Motor and Allied Workers' Union	UAMAWU
Underground Officials' Association	UOA

Mixed views on sex laws

URBAN white South Africans have mixed feelings regarding the recent abolition of the Mixed Marriages and Immorality Acts. **SOWETAN**

A recent Gallup poll, conducted by the Markinor Research Group among 1 000 urban whites, reveals that 51 percent approved of the lifting of the sex-race bar, while 47 percent disapprove.

However, there are great differences of opinion within the various language and income groups, and in different metropolitan areas.

Only 35 percent of Afrikaners support the move compared with 65 percent of English-

speaking South Africans.

The poll also shows that the higher the income the greater the approval. Support rises steadily from a low of 42 percent for households earning under R1 250 a month to 70 percent for those over R3 500.

Reaction to the abolition varies greatly from city to city. Most support comes from Johannesburg (64 percent), while the adjacent Reef-Vaal area only half as many people (36 percent) approve. In Cape metropolitan centres, 59 percent support the change, followed by Durban (55 percent), Bloemfontein (53 percent) and Pretoria (41

percent) **6/8/85**
Approval is higher among men (56 percent) than among working women (50 percent) with housewives trailing at 42 percent — Sapa

11/1/85

Mixed marriage couple encounter legal problems

By Estelle Trengove

238

Mr Green immediately sent off an application for the validation of their marriage

In reply he received a short letter from the Department of Home Affairs Enclosed with it was an application form which had to be completed before a commissioner of oaths

"A copy of your marriage certificate is also required," the letter said

Mr and Mrs Green's very problem, however, was that they did not have a marriage certificate, because under the now defunct Mixed Marriages Act, their marriage could not be registered legally

The couple completed the form and returned it to the department

Mr Green said in an accompanying letter "If I had a marriage certificate I would not be troubling you for a ruling on the validity of my marriage"

MARRIAGE OFFICER

Last week Mr Green received a letter from the Department of Home Affairs, asking again for a marriage certificate and for the name of the marriage officer He said the marriage officer's name was already stated in the application form returned to the department

Mr Green telephoned the Home Affairs official who signed the letter to clear up the situation

She told Mr Green that the only way he and his wife could make their marriage valid, would be to marry again

He asked her if that meant children born before the "re-marriage" were illegitimate She replied such children would be considered legitimate

Two years ago a Johannesburg love-across-the-colour-bar couple said "I do" Now they have to do it again to make their marriage official

They thought their problems were over when the Mixed Marriages Act was scrapped earlier this year, but their problems had just begun Although their marriage was no longer illegal, they way they had done it was deemed invalid by the authorities

Their Hindu marriage was not recognised by the State and they would have to get married again, an official of the Department of Home Affairs told Mr Steve Green

HINDU RITES

Mr Green and Miss Gaythree Ramji Bhana were married according to Hindu rites on April 24 1983 in Chatsworth, Natal

Before 1984 no Hindu or Muslim marriages were recognised as valid by the State Couples married according to these traditions, had to take the marriage vows a second time before a magistrate to make it legal

Since 1984, however, the State has allowed Hindu and Muslim priests to become official marriage officers So now once is enough even for Hindu and Muslim couples

After the Mixed Marriages Act was scrapped earlier this year, the Deputy Minister of Home Affairs was reported to have said in the House of Assembly that "all applications for the legalisation of mixed marriages will be treated with sympathy"

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and will miss
Your baby
Lour

1 pc mixed
marriages 7/10/85

238

Less than one percent of all marriages since June 19 — the day the Mixed Marriages Act was repealed — have been between different races

STAR
Department of Home Affairs figures show out of 14 635 marriages between June 19 and September 10, there were 130 mixed-race unions — Pretoria Bureau.

AKGCS 14/10/85

238

Population registration laws must go — report

PRETORIA — The system of race classification as implemented in the Population Registration Act of 1950 was probably the root cause of ill feeling between South Africa's groups and it would have to go, a Human Sciences Research Council working committee has found

The committee's report was released in Pretoria today. The prime recommendation was that a fundamental rule of law be created and further developed to ensure the protection of group and individual rights

Declaration of intent

The first step should be accompanied by a declaration of intent by the Government binding itself to the creation of such a rule of law, as well as the announcement of a legislative programme for the elimination of existing laws and statutory prescriptions which threatened the creation of the fundamental rule of law

The second was that a "fully participant democracy" in the form of a real consociational central government should be created

Its third recommendation said it was logical that all subordinate forms of government be established with the same principles in mind

Fourthly, the four independent national states should be developed as full partners in the Southern African community of states, and the national states as autonomous regional governments in a decentralised system

Fifthly, the public service sector should be fully integrated

In three phases

The committee recommended that its reform guidelines be implemented in three overlapping phases. The first would be the declaration of intent

The second would be one of reorganisation, with an active transfer to acceptable citizenship arrangements, the establishment of regional governments as well as co-operation structures and institutions across national borders, and the institution of consociational governments at local level

The third phase would be a constituting one, where a consociational or co-operation government at central level would be brought about for members of all population groups through the process of consensus

The committee found that the implementation of the present system of statutory population registration had four "extremely negative" effects on group relations in South Africa

Juridically untenable

Firstly, because ethnicity was proven to be indeterminate and juridically untenable, population registration had effectively become race classification, with colour and origin as the almost exclusive criteria

Secondly, population registration had come under serious suspicion when the system, as far as blacks were concerned, had been coupled to citizenship of the homelands to the extent that some had statutorily been declared aliens in their own fatherland

Thirdly, the system had given rise to a number of racial laws — all with a greater or lesser degree of negative influence on group relations

Fourthly, the system had made it possible to determine the white racial group and to promote this group as holders of supreme constitutional power

— Sapa

Argus

14/10/85

238

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— Sapa.

Race classification laws 'root' cause of ill feeling, says report

Cape Times 16/10/85 238

THE system of race classification as implemented in the Population Registration Act was probably the root cause of ill feeling between South Africa's groups and it would have to go, a Human Sciences Research Council committee has found

The committee's report, with which the chairman, Professor Marinus Wiechers of Unisa, did not fully agree, was released in Pretoria this week.

The committee's main recommendation was that a fundamental rule of law be created to ensure the protection of group and individual rights

The steps it recommended were

□ That the government should make a declaration of intent and eliminate existing laws which threaten the creation of a fundamental rule of law

□ That a "fully participant democracy" in the form of a real consociational central government for SA should be created

□ That all subordinate forms of government should be established with the same principles in mind

□ That the four independent homelands should be developed as partners in the Southern African community of states and the other homelands as autonomous regional governments in a decentralized system

□ That the public service, as the vehicle for implementing the democracy, should be fully integrated

The committee said its reform guidelines were impossible to implement overnight and recommended three phases

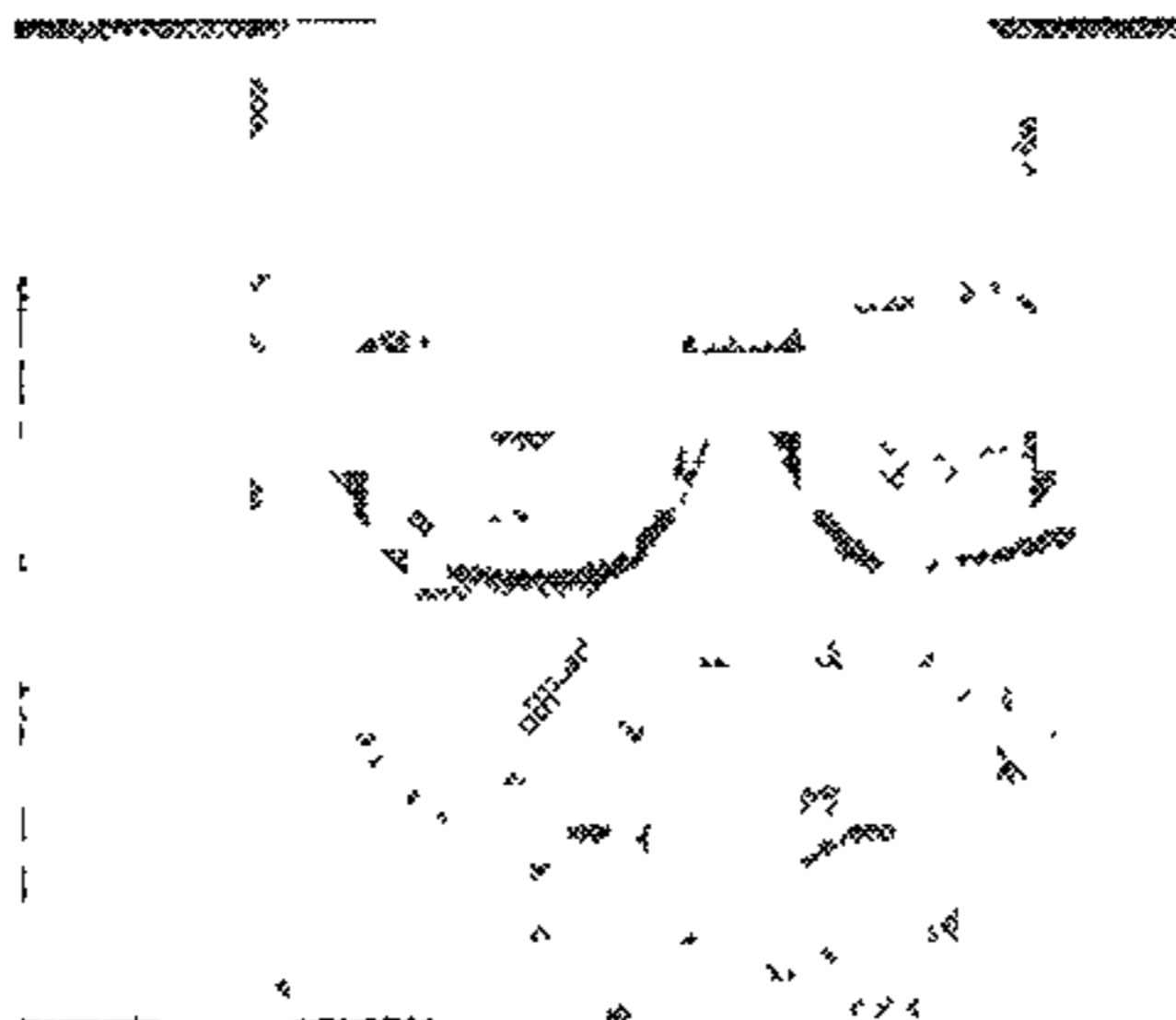
□ Declaration of intent

□ Re-organizing the establishment of regional governments as well as co-operation structures and institutions across national borders, and the institution of consociational governments at local level

□ A consociational or co-operation government at central level to be brought about for members of all population groups through the process of consensus

The committee found the implementation of population registration had four "extremely negative" effects on group relations

Because ethnicity was proven to be indeterminate and juridically untenable,



Prof Marinus Wiechers

population registration had become race classification, with colour and origin, as the almost exclusive criteria

Population registration had come under suspicion when the system, as far as blacks were concerned, had been coupled to citizenship of the homelands to the extent that some had been declared aliens in their own fatherland

The system had given rise to a number of racial laws — all with a negative influence on group relations. These laws aggravated relations between the blacks and other groups, particularly the whites

The system had made it possible to determine the white racial group — according to origin and appearance, but not ethnically — and to promote this group as holders of supreme power

"The clearly apparent link between population registration and the establishment and maintenance of white supreme authority is surely the deepest reason why ethnicity and official protection of group identity in SA is treated so suspiciously, has become unacceptable, and why the new constitution — which is based on the population registration system — has aroused so much resistance among other population groups," the committee said

It concluded that the legitimacy of the constitution and the political system underpinning it was questioned and opposed by most of the people and that there was

no possibility, in the long term, of sound intergroup relations unless the system was reformed quickly

Whites would have to accept the necessity of eventual equal political participation by all other groups

It was necessary — if a consociational democracy was to be established — for the system of racial classification to be "fundamentally reviewed and adapted"

Instead of a system where appearance and origin were the determining factors, the committee proposed a system where the emphasis would be on freedom of association

In a separate comment, Professor Wiechers said that he agreed with many of the findings, but disagreed with, particularly, the core ideas in the recommendations

He referred to the "changing of thinking" by the government as evidence so far by the extension of voting rights and political participation to 'people of colour', and the recognition of the constitutional needs of blacks who lived permanently outside the independent and self-governing homelands

'Ganging up'

Professor Wiechers said the retention of the Population Registration Act was, for the present, unavoidable

The perception of "numerous" South Africans of ethnicity was a negative one and if the Act was to be scrapped before the majority approach and experienced ethnicity positively, a large scale "ganging up" would take place against particularly the whites

The situation would become politically untenable and unacceptable, and order and stability would be threatened

Professor Wiechers said he doubted if the committee's report made a realistic contribution to solving the problem of group relations

In his opinion there was too much theorizing and too little "political engineering" and ran the risk of increasing confusion and tension among the groups — Sapa

W/F Argus 19/10/85 (238) (15/10)

Racists rock a marriage

Agony of a young wife

LINDA GALLOWAY

Weekend Argus Reporter

A COLOURED woman has returned to her white husband after death threats, obscene phone calls and stonings forced her to flee from their Villiersdorp home

Mrs Marinda Ackerman left her husband Pierre after just two weeks of marriage

A relieved Mr Ackerman said his wife "took off because the pressure and victimisation got too much for her"

The couple have known each other for two years and were married in the town

"Unpleasant"

Mr Ackerman said "Some of the people here made our lives hell and Marinda went to Bonnievale to stay until things cooled down"

He said reaction to his marriage from most of his colleagues had been good but the comments and actions of some people in the town had been "very unpleasant".

He said police had told him he and his wife could live together in his home after the wedding

But he said he now faced action under the Group Areas Act because he brought her to live with him and "I have had to apply for a special

permit so we can live as man and wife"

"Our house was stoned at three o'clock in the morning and my wife was threatened that if she did not move out of the house it would be burned down"

On one occasion "three men in a truck" stoned his house and tore down a pergola, he said

"The flood of obscene phone calls forced us to change the telephone number. It is now unlisted," he said

Mr Ackerman said police had asked "personal and degrading" questions about his wife when they arrived in connection with the Group Areas Act


"Open approach"

The regional representative for the Department of Constitutional Planning and Development, Mr George Erasmus, said every application for a special permit would be treated with sympathy.

"We have a very open approach and will try to help as far as possible," he said

A police liaison officer for the Bolland, Major Calhe Westraadt, said it was inevitable that personal questions would be asked in any investigation.

"I will confirm only that an investigation under the Group Areas Act is taking place," he said.



Mrs Marinda Ackerman left home because of death threats and abusive phone calls after her marriage to Mr Pierre Ackerman two weeks ago. She returned home this week.

Spotlight on the population laws

19/10/85 STAR

This week saw the political guns trained on the Population Registration Act, the law without which apartheid could not work

A working committee of the Human Sciences Research Council said the law was at the root of the ill-feeling between the various South African groups, and called for its demise

The Government's reaction is still awaited, but the betting is that it will strongly disagree

The committee had some strong criticism for the system of statutory racial classification

It found that the legislators of this country had tried to categorise the various population groups, with the exception of the whites, on the basis of ethnic origin, relatives, cultural identity or other physical factors such as place of residence or place of birth

White people have never been subjected to this type of classification, even though the two main sub-groups — the English-speakers and the Afrikaners — have as many of their own characteristics as do the various black groups

In fact the only time South African lawmakers have statutorily distinguished between the English-speaking whites and Afrikaners was the extent that some provincial ordinances prescribed that education up to Standard 8 had to be in the mother tongue

This distinction did not occur in any other field, the committee found

Whites have traditionally been registered as such by virtue of their obvious appearance and the fact that they were generally taken for white

A person with non-white forebears could not claim to be white

Coloureds have been classified as such on the basis that they are neither white nor black, but are designated to be of a particular category, such as Cape coloured, Griqua, Malay or "other coloured"

Origin is of primary importance here and not appearance or whether one is generally accepted as being of a particular group

Within the determinants of what a coloured is are various cultural, social, religious and other factors. Some of them may be Western and white, while others may be Eastern and even black

The committee found that because coloureds were neither white nor

black, it was impossible to arrive at a uniform definition of the coloured population group in the various racial laws

This inability to force a section of the population into a colour segment of statutory separation reflected the deepest dilemma in the South African constitutional system

A person may be coloured for the purposes of one law, black for another. In the case of a white who lives with a coloured, that white is coloured

The fact that an extended system of racial classification for all non-white groups was implemented in such an all-embracing way, while whites were at no stage so affected, was evidently one of the friction points in intergroup relations, the study found

To aggravate matters, the system of classification was drawn up by white legislators and implemented by white officials for the other population groups

It was not surprising then that the HSRC committee found that such a system had caused so much suspicion and ill-feeling between the groups

But how realistic is its recommendation that the law should go?

If the Government were to do that it would mean that there would be no system in which to categorise each person with a view to segregated voting and residential rights

Without that it would not be possible to implement the Group Areas Act or a racially segregated political system, such as the current tricameral Parliament

The Government is prepared to negotiate any political dispensation which would accommodate the political aspirations of each population group, provided that minority groups are in a position to be as autonomous as possible

The principles of group areas, giving each group the right to its own residential areas and schools, are not negotiable, according to the Government

Obviously, from the Government's point of view, the system of population classification and registration will not go

Each person will continue to be locked into the specific population group in which he is born

And that is something that predictably will be the focus of much angry argument

CAH TIME'S 19/11/85

Marriage-bar pioneer told to leave SA

Own Correspondent

DURBAN — An American woman who married a black man in the first legal mixed marriage after repeal of the Mixed Marriages Act has been told to leave the country because her temporary residence permit has expired.

Ms Suzanne Leclerc and Mr Protas Madlala were married at St Wendolin's near Pinetown on June 15 this year, the day after the Mixed Marriages Act was abolished.

Their wedding received international attention.

Expired

Yesterday Suzanne now Mrs Leclerc-Madlala, received a letter from the Department of Home Affairs saying that "according to the latest records of this office the period of validity of your temporary residence permit expired on June 6 1985. It would therefore appear that you are residing illegally in South Africa and unless you leave forthwith you will only have yourself to blame if legal action is taken against you."

"Should an extension have been applied for or granted, please contact this office immediately giving all particulars."

According to a senior Department of Home Affairs spokesman Su-

zanne had entered the country on a seven-day tourist visa which she had not renewed. He said he would contact the department in Durban and ask them to approach her so that she could apply for an extension to legalize her status. Being married to a South African did not change one's residence status, he said.

But Mrs Leclerc-Madlala said she applied for an extension to her residence permit soon after the wedding.

"A woman at the department's office in Durban told me that although the Mixed Marriages Act had been repealed they had never dealt with a case like mine. She said they had received no new instructions from Pretoria and did not know what to do."

"About two weeks ago I received a letter asking for my marriage certificate and I sent a copy off immediately," she said.

"I'm married to a South African. What more do they want?"

On return from a trip to Transkei, Suzanne was given a visa which is valid until January 17 and she has a receipt for her application for an extension to her residence permit.

She has also been refused a work permit, although she has a master's degree.

Mixed marriage woman ordered to leave country

By Stovin Hayter

AN AMERICAN woman married to a black man earlier this year has been told to leave the country because her temporary residence permit has expired

Suzanne Leclerc and Protas Madlala were married at St Wendolin's near Pinetown on June 15 this year, the day after the Mixed Marriages Act was abolished

Their wedding received international attention Yesterday Suzanne, now Mrs Leclerc-Madlala, received a letter from the Department of Home Affairs saying that 'according to the latest records of this office the period of validity of your temporary residence permit expired on June 6 1985

'It would therefore appear that you are residing illegally in South Africa and unless you leave forthwith you will only have yourself to blame if legal action is taken against you,' the letter continued

'Should an extension have been applied for or granted please contact this office immediately giving all particulars'

According to a senior Department of Home Affairs spokesman, Suzanne had entered the country on a seven-day tourist visa which she had not renewed

The spokesman said he would contact the department in Durban and ask them to approach her so that she could apply for an extension to legalise her status

Being married to a South African did not change her residence status, he said

But Mrs Leclerc-Madlala said she had applied for an extension to her permit shortly after the wedding

'I waited around a long time at the department's office in Durban until a woman came and told me that although the Mixed Marriages Act had been repealed they had never dealt with a case like mine

'She said they had received no new instructions from Pretoria and did not know what to do

'About two weeks ago I received a letter asking for my marriage certificate, and I sent a copy off immediately,' she said

'And now we get this 'I'm married to a South African What more do they want?' I just want to be left alone to get on with my life'

On return from a trip to Transkei, Suzanne was given a visa which is valid until January 17, and she has a receipt for her application for an extension to her residence permit

Suzanne has also been refused a work permit, although she has a masters degree in anthropology, specialising in development work

238
19/11/85
NMW



Suzanne Leclerc-Madlala and her husband Protas, who is deputy director of the St Wendolin's Development Centre, with the letter ordering her to leave the country.
Picture by PHILIP LITTLETON

ONE TIMES
20/11/81

Permit 'mix-up' resolved

Own Correspondent

DURBAN — An American woman, Mrs Suzanne Leclerc-Madlala who earlier this year married a black South African at St Wendolin's near Pinetown will not be forced to leave the country after all.

Mrs Leclerc-Madlala, who married Mr Protas Madlala the day after the Mixed Marriages Act was abolished on June 14, received a letter from the Department of Home Affairs on Monday saying her temporary residence permit had expired on June 6 and that she was staying in South Africa illegally.

But yesterday, a spokesman for the department in Durban said Mrs Leclerc-Madlala's temporary residence permit was valid until January 17 and that she had been mistakenly ordered to leave "forthwith" because of an administrative mix-up involving her maiden and married names.

Mrs Leclerc-Madlala said yesterday that an official of the Department of Immigration had apologized for the inconvenience and had told her to disregard the letter ordering her to leave.

She added that she would be applying for permanent residence.

Mr Roger Burrows, Progressive Federal Party MP for Pinetown, who yesterday attended a meeting between the couple and an Immigration Department official at the Madlala's request, said he was happy the matter appeared to have been resolved satisfactorily.

Administrative error blamed

Mixed marriage

20/11/85 238

WOMAN CAN stay in S A

Mercury Reporter

AN AMERICAN woman, Mrs Suzanne Leclerc-Madlala who earlier this year married a black South African at St Wendolin's near Pinetown will not be forced to leave the country after all.

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Leclerc-Madlala's temporary residence permit was valid until January 17 and that she had been mistakenly ordered to leave 'forthwith' because of an administrative mix-up involving her maiden and married names.

Mrs Leclerc-Madlala said yesterday an official from the Department of Immigration had apologised for the inconvenience and told her to disregard the letter ordering her to leave.

Anguish

'I'm glad it has all worked out and will again be applying for permanent residence,' she said.

Mr Roger Burrows the Progressive Federal Party MP for Pinetown, who

attended a meeting between the couple and the official at the Madlala's request, said he was happy the matter appeared to have been resolved satisfactorily.

'But it is particularly unfortunate that this sort of error can occur in cases like this, which involve particular personal anguish,' he said.

Emphasised

The Home Affairs spokesman said Mrs Leclerc-Madlala had originally applied for a temporary residence permit using her maiden name, Leclerc.

The administrative error occurred when she applied for an extension to the permit using her

married name, and another another file had been opened.

The spokesman said that until such time as she applied for permanent residence, she remained an alien and subject to permit control.

He emphasised that the same provisions applied to all aliens.

'This is not an exceptional case,' he said.

The pro forma letter that was sent to her specified that should an extension have been applied for or granted, she should contact the department immediately.

'Had she contacted us immediately, as the letter said she should, the matter would have been resolved.'

CAPE NEWS 21/11/85

Group Areas case postponed

Own Correspondent

PORT ELIZABETH — Uitenhage's first mixed-marriage couple since the scrapping of the Immorality Act, appeared in Uitenhage Magistrate's Court yesterday on charges of contravening the Group Areas Act

Mr Richard Coates and his wife Joan, who was charged under her maiden name, Cloete, were not asked to plead and no evidence was led

The case was postponed to February 10 next year for further investigation

Their attorney, Mr Eugene Peffer, told the court that the defence intended approaching the Attorney-General about the charge brought against the couple. The couple were warned to reappear on February 10.

Permit problems for couple

PRETORIA. — A mixed race couple from Villiersdorp near Cape Town, who have been told to move to a coloured residential area within three months, can appeal against a government permit limiting their stay in a white suburb, according to a government spokesman.

Mr. Pierre Ackermann, 55, and his 16-year-old wife Mirinda, who is classified coloured, have

been declared "unqualified" by the Department of Constitutional Development and Planning to live in the white part of the Western Cape town.

A permit was issued by the department which gave the couple three months to find alternative accommodation in a

coloured suburb.

Although the Prohibition of Mixed Marriages Act was repealed earlier this year, mixed-race couples are not entitled to reside in the residence of the white spouse.

The Group Areas Act

specifies that the white partner in a mixed marriage, whether husband or wife, always is reclassified the colour of the non-white partner, a department spokesman explained.

In marriages between non-whites of different races, the couple are

classified according to the husband, the spokesman said, adding: "Not only whites are protected by the legislation."

The spokesman, who asked not to be named, said that since marrying a coloured woman, Mr Ackermann, a senior storeman with the De-

partment of Water Affairs, had been living illegally in a white area.

The spokesman said Mr Ackermann could appeal to the Deputy Minister against the three-month permit and would have to supply reasons for his appeal.

Although Mr Ackermann said he would oppose the permit and would consult an attorney to contest the order, the spokesman said no appeal had been received.

The spokesman said very few mixed couples had so far applied for permits from the department, and added that most mixed couples were aware of the legislation forbidding residence in white areas.

Sapa

APR TIMES 5/12/85
238

Heunis promises change next year

Own Correspondent

JOHANNESBURG — All South African citizens will, as from next year, carry one identity document, as the first move to phase out the present passbook carried by blacks.

Property rights in the form of freehold would also be accorded to those communities who qualify for residential rights.

These announcements were made by the Minister of Constitutional Development and Planning, Mr Chris Heunis, when he and other senior officials of his department made a goodwill visit to Soweto and the various local authorities yesterday.

Mr Heunis said he hoped the government would by early next year announce the granting of freehold rights to all South African residents and those with permission to live in the country.

All South African citizens would carry the new identity document as from July next year.

In his announcement Mr Heunis said:

● Property rights would automati-

cally be accorded to all people who are South African citizens who qualify under the 99-year-leasehold title.

● Property rights would also be accorded to all who lost their citizenship to independent homelands but are legal occupants of South Africa.

● Negotiations would be held with others who did not qualify.

"Any man who qualifies under the 99-year-leasehold scheme will also qualify for freehold titles," Mr Heunis said.

"This move is being taken because I believe that we can co-exist in this South Africa and all can contribute towards the development and welfare of this country."

While on his "goodwill" tour of the townships the minister made a courtesy call at the home of the Bishop of Johannesburg, Bishop Desmond Tutu, in Beverley Hills, near Orlando West, but was told that the bishop was believed to be visiting Zimbabwe.

The minister also drove past the Orlando West home of Mrs Winnie Mandela.

Race absurdity

E-Post
NOTHING illustrates the absurdity of this country's race laws more graphically than the plight in which mixed race couples find themselves following the repeal of the Mixed Marriages Act.

238
~~scribble~~
6/12/85
Take the case of Mr Pierre Ackermann, a white senior storeman with the Department of Water Affairs in Villiersdorp, and his young wife, Mirinda, who is classified coloured. Quite naturally, Mr Ackermann brought his new bride back to his home, which is situated in a white suburb. Now the couple have been given three months to find alternative accommodation in a coloured area. A Government spokesman explained that the Group Areas Act specifies that the white partner in a mixed marriage is always reclassified the colour of the "non-white" partner. But in marriages between "non-whites" of different races, the couple are classified according to the husband's race. "Not only whites are protected by the legislation," the spokesman said.

So what many feared would happen when the Mixed Marriages Act was scrapped is now coming to pass: people who thought they would be able to live as normal married couples are running foul of other apartheid laws. There might well be moves soon to amend the Group Areas Act to make exceptions of mixed marriage couples and to stop the arbitrary reclassification of one partner. But this won't be enough. Clearly the whole ugly business of race classification and compartmentalisation must go.

Population - Registration .

1986

The image shows a large, empty grid of boxes, likely a registration form or data table. The grid is composed of many small, empty rectangular cells. There are some faint markings and lines in the bottom-left corner, possibly indicating a header or a specific section of the form. The rest of the grid is completely blank.

Told to shut shop



Shopkeeper Jack Salter and his coloured wife Imelda ... fighting back

By JEREMY McCABE

A WHITE shopkeeper was forced out of business yesterday after a right-wing storm over his mixed-race marriage

Shopkeeper Jack Salter was told to close his general-dealer business in Kirkwood, Eastern Cape, by the municipality and the police.

The sudden action, which has cost him thousands of rands in end-of-month trade, follows a row over renewal of his trading licence

Bewildered customers — white as well as black — stood outside the Salter shop waiting for the doors to open yesterday

But this was not the cheerful Cockney's first run-in with small-town conservatism.

When he shocked the town by marrying his attractive young coloured shop assistant in October 1984, in a Transkei magistrate's court, he soon became a target for intimidation from right-wing elements in the normally tranquil small farming community.

Last August he was detained for two weeks under the emergency regulations, and last November political graffiti was painted all over his shop walls — by whites, he claims

His detention took him completely by surprise

Astounded

"I was astounded. Nothing like that had ever happened to me before"

And, ironically, his unexpected detention created a business boom

"After they detained me my business went from all right to excellent," he said.

The fact that his shop was not boycotted by black shoppers during the consumer boycott last year made him even more unpopular with

'Mixed race' trader goes to court

opening of the shop

And he's confident it will be granted and that he will again emerge as the victor in his fight to lead a peaceful life with his wife and 10-month-old son, Lance

Mr Salter said he first suspected something was wrong when he went to a local attorney, who is a Commissioner of Oaths, to have his application for the renewal of his trading licence signed.

"He said he would rather not sign it as he knew some sort of action was to be taken

Offence

"On Friday I sent my cheque to the licensing offices to renew my licence but they wouldn't accept it

"Then on Friday I was handed a letter from the municipality saying that as I was married to a coloured woman I should be reclassified as a coloured and by trading in a white area I was committing an offence.

"Yesterday morning the police arrived at my shop and asked my wife, Imelda, for the trading licence.

"She did know where it was and they ordered her to close the shop and accompany them to the police station where she was handed a summons for R300 for trading without a licence," he said.

conservatives.

"They think they can make me leave the town because they want me to. Well they're wrong. I'm a stubborn man and I'll fight them."

The latest dispute will end up in court tomorrow when Mr Salter's attorney will apply for an interdict against the municipality for the re-

CAC Tents 4/2/80
238
New ID will
cost millions

Own Correspondent

PRETORIA — The scrapping of passes and their replacement by a new uniform identity document for all race groups will cost taxpayers many millions of rands, according to sources here

They say the numbers qualifying to carry the new document could exceed 20 million, and it could take up to a decade before the issue is completed

The operation will be handled by the Department of Home Affairs

The numbers to be issued will depend on negotiations between South Africa and the TBVC countries on the restoration of SA citizenship for their nationals

The actual form and content of the proposed new document still has to be finalized

It is understood that government law advisers are busy preparing draft legislation to provide for the new system, which will come before Parliament this year

Government sources

said the new document would be purely an identity document, and was unlikely to contain marriage certification and drivers' licences

It will include a picture of the holder, his identity number and his citizenship status

It is not known at this stage whether it will include a fingerprint

Details of the content are still being studied by cabinet, it was learnt

Meanwhile, our Political Staff reports that no decision has yet been taken by the government on whether the new documents will contain an indication of race

This was disclosed yesterday by a spokesman for the Department of Home Affairs

Opposition spokesmen have stressed that any identity document which is based on racial classification will be little more than "tinkering"

It has apparently been decided that the number in the document will, for blacks, indicate whether the holder is a citizen of an independent homeland

for ever, there will be an expanse of water with fountains, dozen trees which will have seats beneath them. A council spokesman told me that Von Brandis Park ne

Mixed couple's children turned away from Govt school

By Glenda Spiro

A mixed couple who live in the "white" suburb of Belgravia, Johannesburg, have been refused permission for their children to attend a Government school in Malvern — and the nearest coloured school is 30 km away.

Mr Morris Roux was told by the Transvaal Education Department for apply for the re-classification of his children.

He claims, however, that he has been trying to have the status of his three children changed for years.

Alexander (8), Francois (7) and Miranda (2) lived in a children's home for over a year and were re-

Education Department for apply for the re-classification of his children.

He claims, however, that he has been trying to have the status of his three children changed for years.

Alexander (8), Francois (7) and Miranda (2) lived in a children's home for over a year and were re-

Mr Roux said he was unemployed for a month when they took his children from him. His colour wife Rona claims she was "a dried-out alcoholic".

"Our problems were solved but we battled for a long time to get our children back," she said.

Times were hard on their family when the children were placed in the home and Mrs Roux's baby, taken from her when he was only 15 days old, died of a broken neck two months later while the children were at the SOS home in Vereeniging.

"They were then moved to the St Joseph's home in Triomf until they came home to me a few months ago," Mrs Roux said.

"Now my two boys need to go to school and although the principal of Malvern Laerskool said he was happy to have my sons we would need permission from the authorities."

NZ team start by showing strength

FREMANVILLE (Australia) — New Zealand's yachtsmen have struck a blow against their Australian opponents even before the start of this week's world 12-metre championship.

New Zealand crew member Paul Matich, nicknamed Sledge, proved his strength in a bar room arm-wrestling contest last night when he broke South Australian crew member Phil Dwyer's arm — Sapa-Reuters.



Alexandre Roux, his wife Rona, and their three children — Alexander, Francois and Miranda. They were told to apply to have the children re-classified.




Bickman Day

Discount Supermarkets & Superstores

CIGARETTES

915
Sive drafts 238
SNA 20/2/86
non-racial Bill

CAPE TOWN — A private member's Bill amending the Population Registration Act of 1950 to omit all references to race has been drafted by Major Rueben Sive (PFP, Bezuidenhout) and referred to the Parliamentary Standing Committee on Draft Bills

An explanatory memorandum said the Bill sought to rationalise non-racial identity documents by removing all reference to race, colour or ethnicity

"It therefore removes unnecessary and hurtful discrimination in the issue of such identity documents and paves the way for freedom of association among all citizens"

The Bill would repeal the Blacks (Abolition of Passes and Co-ordination of Documents) Act, 1952

The memorandum said this would remove a statute blacks have regarded as discriminatory and which in practice had caused tremendous suffering and resentment — Sapa

Hybrid populations — and South Africa

By Joe Openshaw,
Medical Reporter

238
20/2/06 STAR

The chances are remote that the removal of racial barriers in South Africa would lead to the rapid development of a predominantly hybrid population

This is the view of the authors of "The Peoples of Southern Africa and their Affinities" — a history from the very earliest prehistory to the present of the peoples of the subcontinent — just published in Britain

The book is the culmination of 15 years of research by Professor Trefor Jenkins, anthropologist and head of the Department of Human Genetics at the South African Institute for Medical Research, Dr George Nurse, his former colleague now working in Papua New Guinea, and the late Dr JS Weiner, physiologist and palaeoanthropologist, who was instrumental in the debunking of the authenticity of the Piltdown skull

On the current racial situation, the authors predict that with the removal of legislated social barriers increased interracial mixing can be expected, although this will not necessarily be considerable

As the number of hybrid peoples grows, however, the social significance of hybridity may be expected to diminish

Economic parity is likely to contribute almost as much towards easing marital mixing as it has to the slow breakdown of barriers between Boer and Briton

Change will be gradual and

increasing emphasis will be placed on non-racial considerations, but the likelihood of rapid development of a predominantly hybrid population is remote, say the authors

The book can be regarded as a history "written in blood" because the study of genetic markers and other blood factors made the greatest contribution towards piecing together the history of the indigenous populations of the region such as the Khoi (Hottentots), San (Bushmen) and Negroids

For many years Professor Jenkins and his team trekked to remote parts of Southern Africa to take blood samples which were subsequently studied for blood group frequencies

FEELING OF IDENTITY

"It is hoped this work will help give roots and a feeling of identity to populations who have no written records of their ancestry," says Professor Jenkins.

"Until recently the written history of South Africa started with the arrival of the white man

"This book is a logical extension of the trend established in the 'Oxford History of South Africa' in 1969 in which, for the first time, an orthodox history dealt with events before the whites' arrival"

The story of man in Southern Africa starts with the origins of early man and later chapters deal with intermixing and the development of hybrid populations before and after the arrival of the whites

1004 19 1 9224 11

'Don't mix custom'

23/2/86 238
CITY P

By ZB MOLEFE
NOW that the Prohibition of Mixed Marriages Act has been scrapped, should customary marriages be allowed between a man and a woman of different race groups?

No, says the SA Law Commission in a working paper on its investigation into black people's marriages and customary unions.

"Customary marriage is peculiar to the traditions and culture of black people and should not be extended to other population groups, to which it would in any event be completely foreign," suggests the nine-member commission.

The commission's findings and recommendations will pave the way for the Customary Law Amendment Bill which comes before the current session of Parliament.

The working paper suggests customary marriages should be recognised as

marriages. "Whenever proof of such marriage is necessary a Commissioner should be required to inquire into the matter."

When he's satisfied the marriage exists, he must issue a certificate.

The commission suggests a formal procedure to dissolve customary marriages. It should be done by a competent court. To avoid unnecessary costs, Commissioners' Courts should have jurisdiction to dissolve customary marriages.

"Should these courts be abolished this suggested function would probably be taken over by the new family courts that are to be instituted," the paper says.

Written comments, representations or requests on customary marriage can be sent to the Commission before March 31. The address is The Secretary, SA Law Commission, Private Bag X668, Pretoria 0001 (012) 26-1121.

on the hose and do with it whatever he likes on a Sunday. [Interjections.]

Consolidation: cost of land
 HANS WARD 25/2/86 asked the Minister of Education and Development Aid:

What was the cost of purchasing land for the purpose of consolidation as at the specified date for which figures are available?

†The DEPUTY MINISTER OF DEVELOPMENT:

R1 101 000 000 on 31 December 1985

Reclassification of non-Whites
 HANS WARD 25/2/86 asked the Minister of Home Affairs†

(1) What is the policy of the Government with regard to the reclassification of non-Whites as members of the White race group;

(2) (a) what total amount of Coloured persons, Indians and Blacks have been classified as members of the White race group in the latest specified period of 10 years for which figures are available and (b) what were the main reasons for this,

(3) whether he will make a statement on the matter?

The MINISTER OF HOME AFFAIRS:

(1) The directions regarding the classification of persons are contained in the Population Registration Act, 1950, and the hon member is especially referred to sections 1(2) and 5 of that Act

(2) (a) The hon member is referred to the annual reports of the department concerned, that were published since 1972 and are available for perusal in the library of Parliament

(b) The reclassifications are due to the correction in accordance with the Population Registration Act of incorrect classifications

(3) No.

Certain constable: Investigator
 HANS WARD 25/2/86 asked the Minister of Law and Order

(1) Whether, with reference to his reply to Question No 1 on 11 June 1985, the board convened in terms of Police Regulation 64(1)(b) has completed its investigation; if not, why not, if so, what were the findings,

(2) whether any action has been taken against a certain constable, whose name has been furnished to the South African Police for the purpose of the Minister's reply, as a result of the findings of the board, if not, why not, if so, (a) what action and (b) what is the name of this constable;

(3) whether he will make a statement on the matter?

†The MINISTER OF LAW AND ORDER:

(1) Yes, that the member is fit to remain in the Force

(2) Yes

(a) The Commissioner has decided to withhold the final ruling of the board for a period of twelve (12) months (that is until 19 June 1986) and has ordered that the member be seriously reprimanded by his Divisional Commissioner and that it will depend solely on himself whether he will remain in the Force any longer

(b) Constable N B Harker

(3) The Divisional Commissioner shall report three-monthly to the Commissioner on the member's conduct, pro-

ductivity and general fitness, with a final report as soon as possible after 19 June 1986, whereupon a final ruling will be made.

Black towns: amounts in arrears
 HANS WARD 25/2/86 asked the Minister of Constitutional Development and Planning †

Whether resident of black towns in the Vaal Triangle area are in arrears with amounts that are payable to the State; if so, what total amount was so owing from 1 September 1983 until the latest specified date for which figures are available?

†The DEPUTY MINISTER OF CONSTITUTIONAL DEVELOPMENT AND PLANNING

No amounts payable to the State are in arrears as these monies are payable to the Black Local Authorities

†Mr W L VAN DER MERWE. Mr Chairman, arising from the hon the Deputy Minister's reply, if any moneys are in arrears to the Black local authority, or if he knows the amounts, will it be recovered and from whom? [Interjections]

†The DEPUTY MINISTER. Mr Chairman, it is an extremely complicated process to obtain the amounts from all the Black town councils. As far as I am aware when amounts are in arrears, which is usually the case, attempts are made to collect them from the persons owing them

†Mr H D K VAN DER MERWE. Mr Chairman, arising further from the hon the Deputy Minister's reply, does the hon the Deputy Minister know whether in fact moneys are in arrears?

†The DEPUTY MINISTER. Mr Chairman, moneys are always in arrears; in all residential areas that is so, but attempts are made to collect these moneys

Black towns: amounts in arrears
 HANS WARD 25/2/86 asked the Minister of Constitutional Development and Planning†

(1) Whether residents of Black towns in which riots occurred in the past year, are in arrears with amounts payable to the State in respect of (a) rent and (b) municipal services; if so,

(2) (a) what is the total amount owing in each case in respect of the latest specified period of 12 months for which figures are available and (b) in what way has this loss of revenue been financed in the meantime in each case,

(3) whether any steps are being taken to recover the moneys in arrears from the people concerned, if so, (a) what steps, (b) by whom and (c) with what result?

†The DEPUTY MINISTER OF CONSTITUTIONAL DEVELOPMENT AND PLANNING

(1) (a) and (b) No amounts payable to the State in respect of rent and municipal services are in arrears as these moneys are payable to the Black local authorities/development boards. The hon member is, however, at liberty to approach the Black local authorities/development boards concerned directly for information

(2) (a) and (b) Fall away.

(3) (a), (b) and (c) Black local authorities/development boards act in their own right without my or my Department's intervention and the information can therefore not be furnished.

†Mr S P BARNARD. Mr Chairman, arising out of the hon the Deputy Minister's reply, I would like to ask him whether the subsidising is done by the local authority or by the Government? I am now referring to subsidies which are necessary for reconstruction and alterations and for providing continued services in those areas

10/15/47
20/2/48
238
**Govt blocks
race request**

GOVERNMENT has re-
fused to permit two child-
ren born out of a mixed
marriage to attend a
whites-only school

Alexander Roux, eight,
and Francois Roux, seven,
were refused permission
to attend Laerskool Mal-
vern in Belgravia, Johan-
nesburg.

Their parents, N. A.
Roux (white) and Rona
Roux (coloured), live in
Belgravia.



Picture DEENA SHAPIRO

Hermina Jooste, Cassim Amod and their baby, Ameena, barely a month old.

The culture barrier

Weekend Argus
Correspondent

DURBAN. — Pretty, bright-eyed Hermina Jooste, 19, broke every rule in her Calvinist father's book by falling in love with an Indian and having his child.

Strictly brought up yet "denied affection", she has found love and security with a Muslim and his family. Her father was so enraged by her love for motor mechanic Cassim Amod that she fled her family home in Estcourt, Natal, she said.

She has since sought the protection of the Supreme Court in Maritzburg and has been granted an urgent interdict restraining her father, Cornelius Jooste, from interfering with her. He must show cause before March 19 why she should not be allowed to marry Cassim.

Welfare

The couple are in hiding in a run-down Johannesburg flat. With them is their child, Ameena, barely a month old.

Cradling Ameena in her arms, Hermina claimed she was four when she was re-

Girl braves father's fury for true love

Wilt Argus 11/3/86 238

moved from her mother whom she had not seen again until last year.

According to a report submitted to the court by a State welfare worker, Hermina was still at school when the Joostes' home circumstances came to the notice of welfare workers. They were living in a caravan and the children were not attending school regularly.

The report described Mr Jooste as aggressive and unrealistic in his dealings with his children. It alleged he still hit his daughters and that the eldest, Joanna, 21, feared him.

Mr Jooste had approached the welfare office, had said his daughter was pregnant by an Indian and had asked about abortions. He said that if the

baby was born he would see to it that it did not live. He said Hermina had been "hypnotised" by Indians and if the spell could be broken she would return to him.

In love

The couple said this week that initially Mr Jooste had been friendly towards Cassim, apparently wanting him to work at his garage, but he changed when he discovered they were in love.

"When I fell pregnant, my family turned against me," Hermina said.

Eventually she fled, hitching to Maritzburg where she stayed with strangers she met on the road.

"I have received more love from Amod and his family than I ever did from my own family. His family have accepted me completely."

The couple have not encountered problems in Johannesburg. "People stare but it doesn't worry me. I'm happy," Hermina said.

'Coloured' Indian may lose her home

By Kashvina Jaga

An Indian woman, who has a coloured identity document, is being banned from moving into her new home in Lenasia because she has the "wrong" racial classification

Miss Jacqueline Roy, who has Indian parents, was forced to get a coloured identity document during her school days because there were no Indian schools in Newclare.

Miss Roy, who has been living in Lenasia for the last 25 years, has already paid a deposit of R5 000 on the home and was set to move in at the end of March.

She said. "I was about to sign the final transfer deed papers for the house when the attorney informed me of the snag at the last minute

"He said I could not move in unless I obtained a permit to reside in Lenasia, an Indian area, or had myself reclassified as an Indian

TURN

"I am in such a predicament, I don't know which way to turn."

Miss Roy's attorney confirmed that her transfer could not go through as the Group Areas Act was still in force, and the house was in an Indian area.

Miss Roy said that to have new identity papers processed at this stage could lead to problems.

She could lose the R7 000 already spent on the house since her occupation would be delayed. She would also still be liable for the bond repayment.

The former Department of Community Development, now the Department of Local Government, Housing and Agriculture in the House of Delegates, has had her name on the waiting list for homes in Lenasia since 1974.

Miss Roy has moved from "back rooms to rented premises" all her life and did not qualify for a council home because her earnings were too high.

- (2) whether it is the intention to export surplus maize; if so, (a) when and (b) what quantity;
- (3) whether such maize will be exported at a profit or a loss, if so, at what estimated profit or loss,
- (4) whether the Maize Board intends importing maize; if so, (a) why, (b) when and (c) at what estimated cost;
- (5) whether he will make a statement on the matter?

The MINISTER OF AGRICULTURAL ECONOMICS:

- (1) It is at this stage not in the interest of trade negotiations to divulge the stocks of maize on hand
- (2) Yes, yellow maize only
- (a) and (b) On a continuous basis throughout the year depending on the size of the new crop.
- (3) Will probably be exported at a loss which can not be quantified as yet owing to a changing rate of exchange and the uncertainty regarding the local price which has still to be determined
- (4) Yes
 - (a) White maize will be imported to supplement the shortage.
 - (b) March/April 1986
 - (c) Owing to various factors not yet known finally but it is expected that the cost will be somewhat higher than the Maize Board's present selling price.
- (5) No

309. Mr P G SOAL asked the Minister of Transport Affairs:

- (1) Whether, with reference to his reply

HoA

The MINISTER OF EDUCATION AND DEVELOPMENT AID:

(1) (a)	Orange Free State	118 589 hectares
	Cape	1 555 803 hectares
	Natal	501 395 hectares
	Transvaal	3 135 569 hectares
(b)	R1 101 000 000	

(2) (a)	Orange Free State	20 hectares
	Cape	49 865 hectares
	Natal	8 932 hectares
	Transvaal	101 739 hectares

(b)	Transkei	20 536 hectares
	Bophuthatswana	None
	Venda	None
	Ciskei	None
	KaNgwane	None
	KwaNdebele	None
	Lebowa	None
	Gazankulu	65 900 hectares
	Owaqwa	None
	KwaZulu	13 925 hectares

The MINISTER OF TRANSPORT AFFAIRS

- (1) No Indications are that a report will be submitted to the Cabinet towards the middle of 1986
- (2) (a) and (b) Fall away

Land bought
 HANS SPAR D 10/3/86
 312 Mr R A F SWART asked the Minister of Education and Development Aid
 QCS 432

- (1) What was the total (a) area of land which had been bought in each province in terms of the Development Trust and Land Act, No 18 of 1936, as at 31 December 1985 and (b) amount paid for this land,
- (2) what area of land (a) was bought in each province in 1985, (b) was added to each national state and independent Black state in that year and (c) remained to be bought in each province as at 31 December 1985,
- (3) (a) what area of (i) land was added to each national state and independent Black state as compensatory land for the removal of Black spots and (ii) compensatory land remained to be purchased in each province, and (b) what was the total area of land held by the South African Development Trust, as at the latest specified date for which figures are available?

(3) (a) (i) and (ii) details of the total area of compensatory land which was added to each national and independent state are not kept in a special register and the information is consequently not readily available

(b) Approximately 6 650 000 hectares, of which by far the greater part forms part of the areas of jurisdiction of the respective national states

It will be noted that with regard to the area of land in paragraph 1(a)—Cape, the total of 1 555 803 hectares is less than the figure furnished in reply

HoA

The MINISTER OF HOME AFFAIRS:

- (1) (a) of Question 383 of 1985 viz. 1 647 488 hectares. The correct total for the Cape (1984) was 1 505 938 hectares
- (b) The area of land purchased in the Cape Province (item 2(a) of the said question) amounted to 26 582 hectares.
- (c) These facts were established during a recent audit

Blacks: citizenship
 HANS SPAR D 10/3/86
 320 Mr R A F SWART asked the Minister of Home Affairs.
 QCS 434

(1) How many Blacks in each independent Black state regained their South African citizenship between 1 January and 31 December 1985 in terms of the provisions of the National States Citizenship Amendment Act, No 13 of 1978;

(2) whether any applications were refused; if so, (a) how many from each state and (b) why in each case?

Blacks: citizenship
 HANS SPAR D 10/3/86
 320 Mr R A F SWART asked the Minister of Home Affairs.
 QCS 434

(1) How many Blacks in each independent Black state regained their South African citizenship between 1 January and 31 December 1985 in terms of the provisions of the National States Citizenship Amendment Act, No 13 of 1978;

(2) whether any applications were refused; if so, (a) how many from each state and (b) why in each case?

HoA

The MINISTER OF HOME AFFAIRS:

- (1) Transkei—960; Bophuthatswana—704; Venda—230; Ciskei—1 761
- (2) No. (a) and (b) Fall away.

Sentenced prisoners: mental institutions
 321. Mr A B WIDMANN asked the Minister of Justice: QCCOL 435

How many sentenced prisoners were transferred to mental institutions in 1985?

The MINISTER OF JUSTICE:

Fifty three (53). This figure includes twenty five (25) prisoners who were admitted to hospital prisons for psychopaths in terms of Section 30 of the Mental Health Act, 1973 (Act No 18 of 1973)

Deportations/arrests/prosecutions
 355 Mr K M ANDREW asked the Minister of Home Affairs. QCCOL 435

- (1) (a) How many citizens of (i) Ciskei, (ii) Transkei, (iii) Venda and (iv) Bophuthatswana were deported from the Republic in 1981, 1982, 1983, 1984 and 1985, respectively, and (b) in terms of what statutory provisions were they deported in each case;
- (2) whether any (a) employers and/or (b) employees have been (i) arrested and/or (ii) prosecuted in terms of the Aliens Act, No 1 of 1937; if so, how many as at the latest specified date for which information is available?

The MINISTER OF HOME AFFAIRS.

- (1) (a) (i) None.
- (ii) 1981—98
 1982—63
 1983—37
 1984—15
 1985—41

HoA

The MINISTER OF EDUCATION AND CULTURE:

	(a) Actual enrolment		(b) Potential capacity	
	(i) 1980	(ii) 1985	(i) 1980	(ii) 1985
College	1980	1985	1980	1985
Barkly House	130	122	150	150
Denneoord, Stellenbosch (1)	209	—	200	—
Graaf-Reinet (1)	295	—	400	—
Cape Town	256	261	450	450
Oudshoorn	290	190	350	350
Paarl	528	454	550	550
Port Elizabeth	259	242	350	350
Wellington	495	355	600	600
Durban	328	365	365	500
Edgewood	680	620	1 200	1 200
Natal	246	218	350	350
Bloemfontein	674	655	750	750
Potchefstroom	1 280	1 305	1 400	1 400
Pretoria Normal	2 395	2 036	2 200	2 200
Goudstad	1 148	1 477	1 500	1 500
Johannesburg	1 472	1 972	2 500	2 500
Pretoria College	93	469	550	550
Witwaterstrand (2)	104	17	125	125

- (1) Converted into Colleges for Continued Training in 1985.
- (2) Closed end of 1985

Teacher training colleges
 13 Mr K M ANDREW asked the Minister of Education and Culture. QCCOL 437

Whether any (a) new and/or (b) extensions to teacher training colleges for Whites are planned to be built by his Department or any provincial education department; if not, why not; if so, (i) where, (ii) when, (iii) what is the total estimated cost, and (iv) what will be the maximum enrolment, in respect of each such college?

The MINISTER OF EDUCATION AND CULTURE.

- (a) and (b) No, because there is no need for additional accommodation at this stage. Projects in progress will however, be completed.
- (i) and (ii) The following projects are in different stages of construction and the expected completion dates are as follows:
 Pretoria Onderwyskollege 1987.
 Durban 1988.
 Edgewood 1987.
- (iii) Pretoria Onderwyskollege of which R85 000 000 will be obtained by the alienation of a part of the old campus. The remaining part of the old campus will be retained for urgent other needs for which provision would have had to be made in any case.
 Durban R9 000 000.
 Edgewood R1 510 000.
- (iv) Pretoria Onderwyskollege 2 200.
 Durban 500.
 Edgewood 1 200.

HoA

1972 (Act 59 of 1972) which empowers an immigration officer in one instance and the Minister of Home Affairs in other instances to order the removal of persons who are not South African citizens by birth from the Republic. It is assumed that the hon member had these removals in mind when he referred to deportations and repatriations in his question.

(a) Whites 45
Blacks 74

(b) (i) Sections 16, 43 and 45 of Act 59 of 1972.

(ii) Whites

England	12
France	1
Germany	4
Italy	2
Portugal.	2
Spain	2
Amerca	1
The Netherlands	1
Canada	1
Greece	1
	<u>27</u>

(24 under section 43 and 3 under section 45)

Whites (continued)

Switzerland	1
France	1
England	6
Canada	1
Germany	2
Portugal	4
Zimbabwe	1
Israel	1
Greece	1
	<u>18</u>

(all under section 16)

Blacks:	
Malawi	2
Transkei	41
Lesotho	15
Zimbabwe	4
Bophuthatswana	1
Venda	2
Mozambique	6
Swaziland	2
Botswana	1
	<u>74</u>

(all under section 43)

ca con 664
Reclassifications
HANSWARD 20/3/86
238
575. Mr S S VAN DER MERWE asked the Minister of Home Affairs.

Whether there were any reclassifications from one race group to another in 1985, if so, how many in respect of each category of race reclassification?

The MINISTER OF HOME AFFAIRS.

Yes, the following reclassifications took place during 1985—

Coloured to White	702
White to Coloured	19
Indian to White	1
Chinese to White	3
Indian to Coloured	50
Coloured to Indian	43
Indian to Malay	21
Malay to Indian	30
Black to Cape Coloured	249
Cape Coloured to Black	20
Black to Other Asian	2
Black to Griqua	1
Coloured to Chinese	11
Coloured to Malay	3
Chinese to Cape Coloured	1
Malay to Cape Coloured	8
Black to Malay	3
	<u>1 167</u>

QUESTIONS UNDER NAME OF MEMBER

Andrew, Mr K M—

General Affairs

Constitutional Development and Planning, 203, 204, 205, 296, 367, 374, 479, 482, 483, 534, 536, 537, 546, 549

Education and Development Aid, 213, 295, 585, 586, 655, 656, 657, 659

Home Affairs, 435

Justice, 403

Law and Order, 97

Manpower, 495, 500

National Education, 143

Transport Affairs, 294

Own Affairs

Education and Culture, 117, 310, 311, 436, 437

Barnard, Dr M S—

General Affairs

Administration and Economic Advisory Services, 62

Agricultural Economics, 513

Constitutional Development and Planning, 647

Justice, 236

National Health and Population Development, 63, 144, 210, 420, 421, 425, 426, 427, 518, 642, 643, 646

Own Affairs

Education and Culture, 344

Barnard, Mr S P—

General Affairs

Finance, 175

Borraine, Dr A L—

General Affairs

Justice, 415

Manpower, 28, 92, 135

Burrows, Mr R M—

General Affairs

Administration and Economic Advisory Services, 198

Constitutional Development and Planning, 103, 180, 456, 603

Defence, 217

Finance, 436

Justice, 345, 419

Law and Order, 288, 289

National Education, 199, 301, 608

National Health and Population Development, 429, 457

Own Affairs

Budget, 492

Education and Culture, 116, 118, 119, 312, 313, 314, 493, 613, 619, 620

Health Services and Welfare, 207

Cronje, Mr P C—

General Affairs

Transport Affairs, 239, 579

Dalling, Mr D J—

General Affairs

Administration and Economic Advisory services, 334

Agricultural Economics, 128

Communications, 139, 148, 245, 333, 637

Constitutional Development and Planning, 363, 367, 373, 535

Defence, 125

Education and Development Aid, 166, 413, 494

Environment Affairs and Tourism, 334

Finance, 134, 227

Foreign Affairs, 262

Home Affairs, 142, 222

Information, 215

Justice, 240, 241, 371, 411, 413, 417, 575, 620

Law and Order, 165, 262, 263, 574, 576

Manpower, 141

Mineral and Energy Affairs, 364

National Education, 140, 145, 228, 415, 417

National Health and Population Development, 140

1985 had at
least 1 000
'chameleons'

21/3/85
Political Staff

PARLIAMENT — More than 1 000 people officially changed colour last year

They were reclassified from one race group to another by the stroke of a Government pen

Details of what is dubbed "the chameleon dance" were given in reply to Opposition questions in Parliament

The Minister of Home Affairs, Mr Stoffel Botha, disclosed that during 1985

- 702 coloured people turned white
- 19 whites became coloured
- One Indian became white
- Three Chinese became white
- 50 Indians became coloured
- 43 coloureds became Indians
- 21 Indians became Malay
- 30 Malays went Indian
- 249 blacks became coloured
- 20 coloureds became black
- Two blacks became "other Asians"
- One black was classified Griqua.
- 11 coloureds became Chinese.
- Three coloureds went Malay
- One Chinese became coloured
- Eight Malays became coloured
- Three blacks were classed as Malay
- No blacks became white and no whites became black.

(2) Yes.

(a) During January and February of this year

(b) and (c) Initially 180 persons left Mgwal. They represented 317 families who desired to move. These families, including the 180 persons representing them, were settled at Frankfort in Ciskei

(1) How many cases under section 16 of the Immorality Act were referred to each Attorney-General in the Republic in 1985 prior to the repeal of the legislation,

(2) how many of the persons concerned were (a) prosecuted and (b)(i) acquitted and (ii) convicted;

(3) what total number of persons were prosecuted under this legislation since its introduction till its repeal?

The MINISTER OF JUSTICE:

Seen 395 Immorality Act
HANS V R 36/3/86
348. Mrs H SUZMAN asked the Minister of Justice.

Attorney-General	(1) Cases referred	(2)(a) Persons prosecuted	(b)(i) Persons acquitted	(ii) Persons convicted
Pretoria	0	0	0	0
Johannesburg	4	2	0	2
Bloemfontein	4	0	0	0
*Kimberley	5	10	0	6
Cape Town	6	0	0	0
Grahamstown	3	0	0	0
Pietermaritzburg	0	0	0	0

*The cases were withdrawn against 6 persons
*The cases were withdrawn against 4 persons

Q 367 783
Lawsuits against Minister
HANS V R 36/3/86
367. Mr P H GASTROW asked the Minister of Justice:

(1) Whether any lawsuits have been brought against him in his capacity as Minister of Justice by members of the public, if so, (a) how many in each specified year and (b) what (1) were the circumstances of the lawsuit, and (ii) was the outcome in each case,

(2) whether he paid out any moneys (a)

as a result of successful lawsuits brought against him and (b) in out-of-court settlements; if so, what total amount in each specified year?

The MINISTER OF JUSTICE:

The Honourable Member is referred to the reply to written question No 103 of 1985. The information for 1985 is as follows:

(1) Yes. The given statistics include letters of intention to institute action

(a) 46.

(b) (1) Number Cause of action

10	unlawful arrest
16	unlawful detention
5	negligent cause of damage to private property
1	insufficient medical treatment
7	assault
4	malicious prosecution
1	maladministration
1	conduct of a messenger of the court
1	defamation

(ii) Claims settled out of court	Claims not furthered by the plaintiff	Claims pending	Claims dismissed
2	13	26	5

(2) (a) No

(b) Yes, R21 177,00

The amount includes settlements reached pursuant to letters of intention to institute action

Kwelera: income

375 Mr P R C ROGERS asked the Minister of Education and Development Aid

(1) Whether his Department receives any income from the residents of the area known as Kwelera, if so, (a) what total amount was so received during the latest specified period of 12 months for which figures are available and (b) how was this amount made up;

(2) (a) what total amount was spent by his Department in respect of this area during the above-mentioned period and (b) on what items and/or services was it spent?

The MINISTER OF EDUCATION AND DEVELOPMENT AID:

(1) No.

(2) (a) Nil

(b) Falls away.

The MINISTER OF EDUCATION AND DEVELOPMENT AID:

(1) No

(2) (a) Nil.

(b) Falls away

376 Mr P R C ROGERS asked the Minister of Education and Development Aid:

(1) Whether his Department receives any income from the residents of the area known as Mooiplaas, if so, (a) what total amount was so received during the latest specified period of 12 months for which figures are available and (b) how was this amount made up;

(2) (a) what total amount was spent by his Department in respect of this area during the above-mentioned period and (b) on what items and/or services was it spent?

Mooiplaas: income

The MINISTER OF EDUCATION AND DEVELOPMENT AID:

(1) No.

(2) (a) Nil

(b) Falls away.

Heckel: income

377 Mr P R C ROGERS asked the Minister of Education and Development Aid

(1) Whether his Department receives any income from the residents of the area known as Heckel; if so, (a) what total

Fugitive from race

238

CAF (30) (30)

w/g Affairs 5/4/86

'I can't fight apartheid any longer'



Flashback: This picture of Mr Jack Salter, his wife Imelda and their son Lance appeared in January this year when their supermarket was closed because he is white and she is coloured.

Weekend Argus
Foreign Service

LONDON — With his life threatened and his coloured wife forced from their home, Briton Jack Salter has declared "I can't fight apartheid any longer"

After 22 years in South Africa he has returned to Britain alone, hoping that his wife and son will join him soon so that they too can escape "this vile system"

But first the 54-year-old disillusioned emigrant has to find work and accommodation

"Obnoxious laws made it impossible for me to live in peace with my wife and carry on my business," he said

Mr Salter ran a supermarket in Kirkwood in the Eastern Cape and two years ago married one of the staff, 24-year-old Imelda

Their troubles began last year when African workers boycotted shops to try to win better facilities in their nearby township

To the fury of other traders Mr Salter's store was excluded from the embargo because he was British

Amid a campaign of hate the supermarket was daubed with graffiti and the proprietor subjected to obscene telephone calls

The municipal authorities ordered the premises to be closed down Mr Salter, accused of being "in league with the boycotters", says he was thrown in jail for a fortnight and kept in solitary confinement

On his release he met increasing hostility over his marriage

Because the couple married in the Transkei, Imelda was allowed to spend only 90 days a year in a white area

Although the laws banning sex between people of different races had been scrapped Mr Salter said "That was a cosmetic exercise to try to reassure the world that improvements are being made But South Africans replace one law with another."

When Mr Salter applied to reopen his supermarket he was told he could not do so in a white area

Mr Salter won back his trading licence a fortnight ago through a Supreme Court ruling, but the harassment continued.

Row over
mixed
marriage

Flashback: Weekend
Argus carried the
story

Fingerprinting 'stink'

PFP, HNP

238

slam new ID

CAPE TIMES 7/4/86

THE government's massive uniform documentation drive for all races — which will require the fingerprinting of all white, Indian and coloured as well as black applicants — has drawn sharp criticism across the political spectrum.

Organizations opposed to fingerprinting include such diverse groups as the Progressive Federal Party and the Black Sash on the one hand and the Hersigte Nasionale Party on the other

The PFP's spokesman on home affairs, Mr Tian van der Merwe, slammed it as "provocative" and predicted whites would "create one hell of a stink" if the government insisted on their being fingerprinted

He also added that the government's latest drive to furnish blacks with 15 million new identity documents was "stupid and meaningless" — unless this was tied to the scrapping of a host of other apartheid measures

"As long as ID documents contain any reference to race — and race classification in turn qualifies or disqualifies citizens from certain privileges — then they will remain stigmatized documents," he said

Privacy

"The whole thing is stupid, a madness, and yet another example of how the government is tinkering on the sidelines with discriminatory legislation instead of dealing with the root of the problem"

A Transvaal spokesperson for the Black Sash lashed out at the fingerprinting of applicants as an "invasion of privacy"

"What I would like to know is whether identification numbers of each person will reflect his or her race group



Mr Jaap Marais



Mrs Helen Suzman



Dr Andries Treurnicht

"If that is the case, then there would have been absolutely no change from the existing pass laws," she said

HNP leader Mr Jaap Marais said he was against fingerprinting

"This should not be done. It's regarded by people as closely associated with criminality and the vast majority of people are not involved in criminal actions

"To introduce fingerprinting is completely unwarranted and very humiliating"

CP leader Dr Andries Treurnicht said fingerprinted ID documents for everyone could lead, in the long run, to the abolition of race classification

While fingerprinting could be inconvenient, he said that he did not object to the practice in principle

But he said he would oppose any attempt to do

away with distinctions between races in the new ID documents

In terms of the Identification Bill to be tabled in Parliament later this month, the fingerprinting of whites, coloured people and Indians will all be kept in a central register. This practice already applies to blacks

A source close to the cabinet said that related legislation providing for full citizenship for all South Africans and for the abolition of influx control and the introduction of "orderly urbanization" was expected to be submitted at the same time

State President P W Botha has promised that the hated pass-law system will be scrapped on July 1

However, groups meeting the Minister of Constitutional Development, Mr Chris Heunis,

in recent weeks have been left with the impression that the removal of influx-control legislation will be replaced by a set of new measures aimed at significantly limiting the number of blacks intent on migrating to the urban areas

The source close to the cabinet said the Department of Home Affairs had been working on the massive task of issuing all South Africans with new IDs since last year

Priority in the operation would be given to the 15 million eligible blacks. They will exchange their current pass books for the new document.

Whites, coloured people and Indians will have to submit to fingerprinting before being issued with the new documents — Own Correspondent and Political Correspondent

ARGMS 7/4/86

Go-ahead for new ID plan

By BRUCE CAMERON 738
Political Staff

THE Government was sticking today to its new identification system, including fingerprinting, claiming that the "whole package" will remove the stigma of the "dompas"

President P.W. Botha will spell out the whole package, including changes in citizenship, in Parliament next week

The Government is moving ahead rapidly with the system and has started printing millions of copies of the new document

And according to senior Government sources today, last year's President's Council recommendations that virtually scrap black influx control will be accepted

The only stipulation in future will be the need to be able to get accommodation, while the Government will step up its provision of building sites

UNDER FIRE

The new uniform identification system has been slammed by white opposition parties, with the Progressive Federal Party and the Herstigte Nasionale Party opposing fingerprinting

The Conservative Party was, however, opposed to the new uniform document because it claims that it will result in the scrapping of the Population Register on which all apartheid laws are based.

No reasons were given today for the reasoning behind fingerprinting but Government sources today said there precedents for it in many Western countries, including France

Attempts by security officials, particularly the police, to maintain strict laws on carrying an identity document have, however, been defeated

NUMBER CODES

The production of identity documents, although it will be compulsory for all races, will not in future result in instant arrest for non-compliance.

But race classification will be carried in the documents although in a discreet way — colour will be included in the ID number of each person.

Number-coding will also reflect such things as sex and date of birth

Negotiations are still underway with the third section of the package — citizenship

Last week members of the Cabinet visited Bophuthatswana and Venda and within the next 10 days will hold discussions on citizenship with Ciskei and Transkei

- (e) Bloemfontein and Pretoria; and
 - (f) Bloemfontein and East London.
- Objectors
- (a) SATS,
 - (b) Putco Ltd,
 - (c) Greyhound Bus Lines (Pty) Ltd,
 - (d) Western Greyhound Bus Service (Pty) Ltd, and
 - (e) Eljomo Transport (Pty) Ltd
- An application for public road carrier permits by City Tramways Ltd for the conveyance of passengers between—
- (a) Cape Town and Port Elizabeth;
 - (b) Port Elizabeth and Durban, and
 - (c) Durban and Johannesburg
- Objectors
- (a) Jakaranda Bus Service (Pty) Ltd,
 - (b) Greyhound Bus Lines (Pty) Ltd,
 - (c) Eljomo Transport (Pty) Ltd,
 - (d) SATS,
 - (e) Mr J J Ferreira,
 - (f) Mr P P Motale,
 - (g) Copper Rose, and
 - (h) Trans Amzankulu Bus Service (Pty) Ltd
- An application for public road carrier permits by Greyhound Bus Lines (Pty) Ltd for the con-

veyance of passengers between Johannesburg and Durban.

- Objectors
- (a) South Coast Bus Service (Pty) Ltd, and
 - (b) SATS

An application for public road carrier permits by SATS for the conveyance of passengers between Durban and Bloemfontein

- Objectors
- (a) Jakaranda Bus Service (Pty) Ltd, and
 - (b) Greyhound Bus Lines (Pty) Ltd

The hon member's attention is, furthermore, drawn to the following

(1) The 63 applications referred to in (1)(a)(i) above are for the period 1 April 1985 to 31 March 1986. Likewise the figures quoted in (1)(a)(ii) and (ii) above refer to permits granted and refused during the same period. However, the figure of 40 applications referred to in (1)(b) above represents applications that will be considered after 31 March 1986, which includes applications submitted before 1 April 1985, less applications withdrawn during the abovementioned period

To summarise—

applications received	63
less applications granted or refused	3
less applications withdrawn	60
plus applications submitted before 1 April 1985	14
Therefore applications still to be considered	40

(2) The application by Mr K Acton referred to above was received on 29 August 1985 by the Local Road Transportation Board (LRTB), Port Elizabeth. Because of numerous applications which had been withdrawn and re-submitted with *inter alia* better route descriptions, the National Transport Commission (NTC) decided not to consider applications received after 1 January 1985. All such applications will be dealt with by the relevant LRTB's. The application by Mr K Acton was therefore not submitted to the NTC, having been received after the said cut-off date and has consequently not been included

in the reply to question 658 by the hon member since it did not form part of the applications to be considered by the NTC

Reclassification
HANSYMD 18/4/86
789 Mr S S VAN DER MERWE asked the Minister of Home Affairs

(a) What total number of persons in each category applied to be reclassified from one race group to another in 1983, 1984 and 1985, respectively, and (b) how many of these applications were unsuccessful in each case?

THE MINISTER OF HOME AFFAIRS:

	(a)	(b)
Coloured to White	1983 868	1984 707
White to Coloured	8	22
Indian to White	1	1
Chinese to White	4	12
White to Indian	7	3
White to Chinese	5	3
Malay to White	8	6
White to Malay	—	1
Indian to Coloured	39	61
Coloured to Indian	33	57
Indian to Malay	17	19
Malay to Indian	20	29
Black to Coloured	100	109
Coloured to Black	15	8
Black to Other Asian	—	4
Black to Griqua	—	4
Coloured to Malay	3	1
Chinese to Coloured	—	5
Malay to Coloured	—	2
Black to Malay	—	12
Black to Indian	3	5
Indian to Other Asian	4	—
Malay to Chinese	4	3
Coloured to Chinese	4	2
		14

Housing subsidies

797. Mr R R HULLEY asked the Minister of Public Works

What was the total amount paid out in the 1984-85 financial year in housing sub-

The MINISTER OF PUBLIC WORKS
R190 190 905.

dies in terms of the Public Service Act, No 54 of 1957?

Pass laws scrapped

Cape Times
19/4/86

238

By ANTHONY JOHNSON
Political Correspondent

PRESIDENT P W BOTHA yesterday pronounced the death sentence on the hated pass-book system, under which 18 million blacks have been arrested since Union in 1910.

In a dramatic announcement to Parliament, he said blacks would no longer be charged for pass-law contraventions after next Wednesday, April 23

In addition, those convicted under influx control laws and those in detention pending prosecution would be released

In the same address, Mr Botha also stated that

- The government had accepted in principle the establishment of a joint KwaZulu-Natal administration and similar bodies might be established elsewhere,

- The Group Areas Act was not a "holy cow" and he was not in favour of retaining laws just for the sake of having them on the statute book,

- The concept of apartheid was often driven too far and had led to "lunacies", and,

- The Conservative Party should "come out of the lager, in which you are bogged down"

Mr Botha also warned that the stubbornness of some Afrikaners would lead to their downfall

He said "doppass" arrests would end when the government's White Paper on Urbanization was tabled in Parliament in the middle of next week.

Legislation to provide for a uniform identity documents for all South Africans would be tabled next week, as well, he said



President P W Botha



Mrs Helen Suzman

"The Department of Home Affairs will be ready from July 1 to handle requests for new documents"

Mr Botha said that, in future, pass books would serve only as "temporary identity documents"

He stressed that people keep these until they had been issued with new documents

It is understood fingerprints will not appear on the new documents, but that applicants for the new identity documents may well have to submit to fingerprinting

It is not clear how many people in jail at present stand to benefit from the "doppass" moratorium, but a total of 132 397 blacks were arrested for influx control offences, last year

The scrapping of the

pass laws, according to one senior government source, will also affect related curfew regulations, in terms of which 250 000 blacks have been arrested in the last 10 years — 11 829 in 1985

Government sources have been hunting that the long-awaited Urbanization Bill, to be published in draft form next week, will not amount to a more-sophisticated form of influx control to replace the pass laws

Attention has been drawn to President Botha's advertisement blitz earlier this year in which he stated: "Our policy is one of encouraging development, not controlling movement"

However, various groups which have met with government ministers in recent months have been left with the

impression that the mobility of blacks will continue to be regulated through mechanisms such as health regulations and the availability of housing and land in the urban areas

Positive

The PFP's veteran campaigner against the pass laws, Mrs Helen Suzman, said last night "This is indeed something positive — at last."

"I can only hope the White Paper due next week on planned urbanization will in no way suggest any form of substitution for restrictions on mobility, which have been a major cause of racial friction over so many years"

The National Committee Against Removals has cautioned that in order for influx control to be scrapped completely, at least the following laws must be changed the Urban Areas Act of 1945, the part of the Aliens Act of 1984 which controls 'foreign' blacks, the Black Labour Act of 1970, the Land Acts of 1913 and 1936, the Group Areas Act of 1950 and the amendments to the Illegal Squatting Act of 1951, and the Slums Act of 1979 "which are hidden influx control".

In addition, it was crucial that enough land and money for housing and services be made available to facilitate the expected rapid growth in urban development.

ROWLAND Peart looks at race classification and how it impairs human dignity. The author served as a SAAF pilot during World War 2, represented both Transvaal and Northern Transvaal at golf, practised at Pretoria and Johannesburg Bars for 27 years and acted as a judge for a short while in 1978. Since 1980 he has been a senior partner in a law firm.

A change of heart can it be achieved?

SPEAKING in the House of Assembly recently, the Minister of Constitutional Development and planning, Mr Chris Heunis, said that white South Africans need a change of heart. Thereby he echoed what men of the calibre of Alan Paton and Laurens van der Post and Harry Oppenheimer have been saying for a long time.

Coming as it does from a senior member of the Cabinet, Mr Heunis's statement is to be welcomed. However, judging by other pronouncements of his (eg the Group Areas Act is not negotiable), his concept of change falls short of what is truly needed.

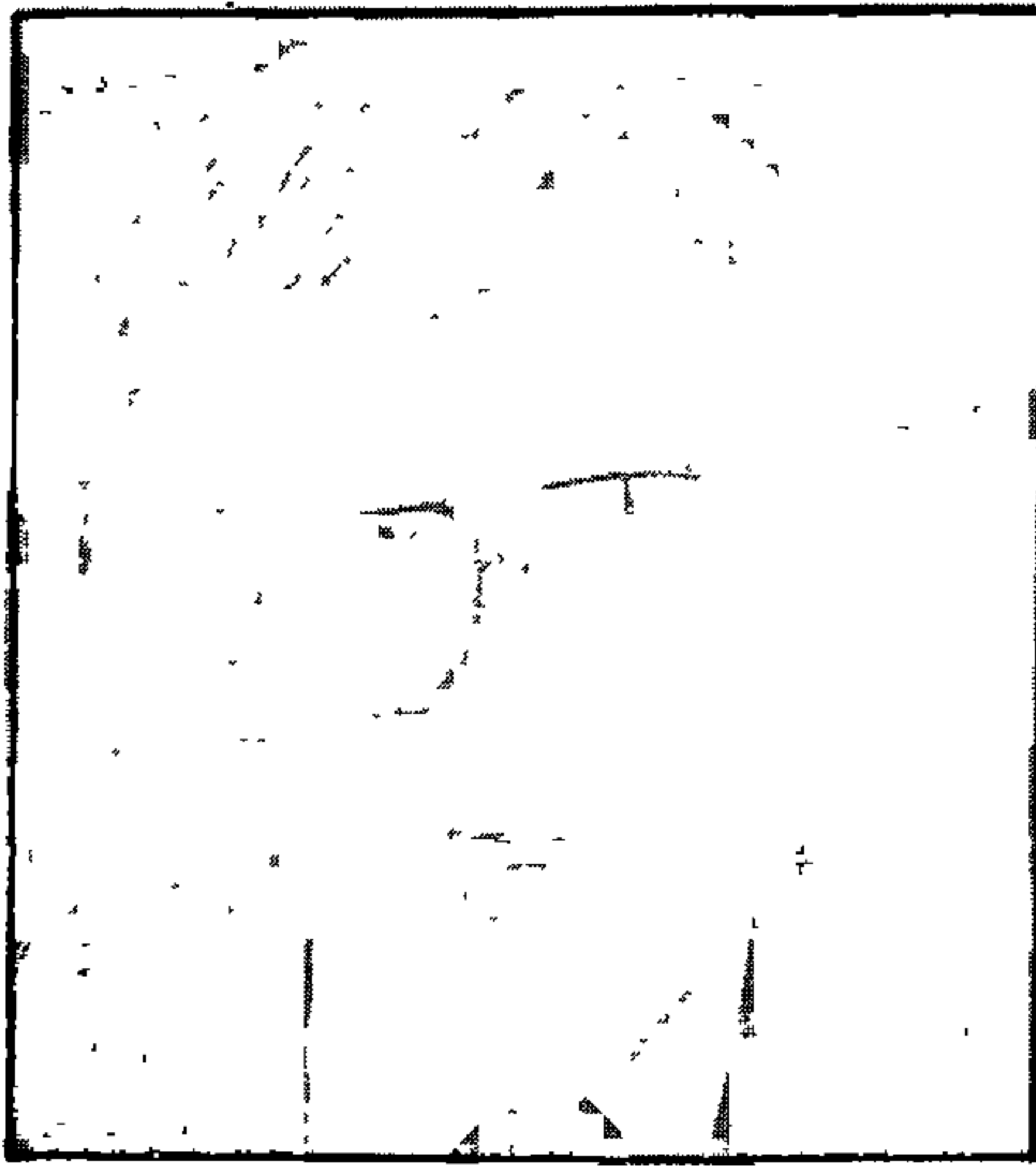
The fact is that until the general body of the electorate comes to the realisation that apartheid is fundamentally wrong and must be completely eradicated, reform is doomed and polarisation will continue unabated. So how is the change to be brought about?

Afrikaner tradition being what it is, there can be no hope that attitudes will change in the direction required unless the country's political leaders, and in particular the State President himself, demonstrate that their own outlook has moved in that direction.

THAT Mr Botha has undergone a metamorphosis in his political thinking is beyond dispute, but still doggedly refuses to concede that basic apartheid dogma lies at the root of our troubles.

He persists in addressing audiences on the theme that apartheid is the product of history and that white South Africa in general and Afrikaners in particular have no cause to feel guilty or conscience-stricken about what has happened since 1948.

There can be no hope of resolving our problems unless and until the whites in general, and Mr Botha in particular, can be persuaded that the corner-stone of all apartheid laws, the race classification



Mr Rowland Peart

sections of the Population Registration Act, is an affront to human dignity and must be abrogated.

In 1950, less than two decades after the Nazis had outraged the civilised world by passing laws to enable them to discriminate against, and indeed ultimately to decimate, Germany Jewry, and a mere five years after the end of a world war which had had to be fought at unbelievable cost in terms of human life and resources to eradicate Nazism, Mr Botha's party unfeelingly and arrogantly spawned similar classificatory legislation to provide the foundation for the whole complex structure of laws discriminating against non-white South Africans.

DURING the ensuing 35 years, millions of South Africans have suffered indignities and hardship through the application of these discriminatory laws, a process rendered possible only by initial classification as a matter of law of South Africans into different racial categories

based on ancestry, physical characteristics and acceptance by a particular community.

Deriving from the statute as they do, the classification procedures themselves constitute a disgraceful injury about which South African whites seem to have little knowledge.

The Population Registration Act compels every person whose name is to be entered in the population register to be classified according to race or ethnic grouping or both.

It affords the victim the opportunity object to a classification thus imposed upon him or her or their minor child, but imposes a heavy burden of proof on the objector by means of various specified presumptions.

An objection to a classification is considered and decided by the Race Classification Board. The Act provides for the proceedings to be held in camera at the option of the objector, and not surprisingly very few objections have ever been heard in public. This has undoubtedly contributed to the ignorance of most whites as to what is involved.

THE classification procedures themselves constitute a disgraceful injury about which South African whites seem to have little knowledge.

I HAVE represented objectors to race classifications on three occasions and I can honestly say that in 34 years of active professional practice, I have not experienced anything uglier. Perhaps my account of some of what I witnessed will help to persuade white South Africans who care to read further to realise that this legislation cannot be tolerated by a nation that wants to live with its conscience and to take its place again among the civi-

lised communities of the world.

On the first occasion, I received instructions from the Child Welfare Society acting as the nominal objector on behalf of a newly born infant which had been placed in its care.

A young girl from a coastal orphanage had conceived the child and been admitted to a Pretoria maternity home for her confinement. Based on information supplied by her, the race of her baby was entered in the hospital records as white. The day after the birth, the matron saw the child for the first time. She interrogated the mother who broke down and admitted that the father was a black man in the employ of the orphanage.

The girl was immediately deprived of her baby and both were summarily discharged from the hospital. The facts of ancestry were conveyed to the department, where a clerk recorded the race of the child in the register as "black," on the basis that it was standard practice for the progeny of mixed unions to be registered according to what was considered to be the "lower" of the races involved.

The hearing of the objection before the board thus became something of a test case on whether or not departmental practice was correct.

The legal representative of the department argued that no matter how white the offspring of a mixed union might appear or how established the acceptance of that offspring in the white community, he or she should receive the "lower" classification. The board refused to confirm the "correctness" of this procedure, and the child in question was classified as "coloured."

My second appearance before the board was on behalf of a widower and his adult son. The father was a long-time employee of a well-known Pretoria firm and the family had lived for many years among a respectable coloured community that was located on the eastern outskirts of Pretoria.

BUT the department had classified them as black and this meant that they would be compelled by law to leave their long-established home and their friends and to move to a black township where inevitably the quality of their lives would suffer dramatically.

So objections were lodged in terms of the Act. I remember only too well the cold and unsympathetic attitude of the members of the tribunal who heard the objections, and especially the heartless cross-examination by the representative of the department.

Argus

21/4/86

The questioning went along these lines

Q: You say that you and your son should be classified as coloured and not as black?

A: Yes.

Q: Do you agree that you and your son do not look coloured?

A: No.

Q: Come now, look at your son. Look at his nose, isn't it like yours, isn't it?

A: I suppose so.

Q: See how fat it is, and how wide are his nostrils. Those features are typical of a Bantu, aren't they?

A: No answer.

Q: Now look at your son's lips. They are also like yours, aren't they?

A: Yes.

Q: They are thick and fleshy, aren't they?

A: Yes.

Q: They are also typical of a Bantu, aren't they?

A: No answer.

It can thus be safely assumed that the degrading procedures generated by the Act are still being suffered on a large scale.

In the light of these facts, how can our elected leader persist in his attitude that we who fortuitously are white-skinned are free of blame and have no cause to feel pangs of guilt?

Our present situation desperately needs the introduction of a measure of humility into the utterances of our political leaders instead of the arrogance and humbug to which we have been subjected for so long.

Objection to race tag on identity documents

Political Staff

THE new uniform identity documents for all races will still refer to race but there will be no legal requirement to carry them at all times.

This emerged yesterday at a press conference in the City at which the government unveiled its new urbanization policy and the scrapping of the old influx controls.

The Minister of Home Affairs, Mr Stoffel Botha, said the new documents would be the same in format and appearance as those already issued to whites, coloured people and Indians but "the population group will be indicated by a code in the identity number".

This, and another provision contained in the Identification Bill for fingerprinting all applicants, is expected to spark off strong political reaction.

Mr Botha indicated that the government was prepared to reconsider the fingerprinting clause.

The new document, primarily aimed at replacing the hated "dompas", was being promoted by government spokesmen as being the same for all, but there

has already been strong reaction to the inclusion of a race tag in the identity number.

The Labour Party welcomed a common document for all, but said: "We object very strongly to the continued reference to race in the envisaged document and believe that this should be deleted in preparation for a new South Africa."

Asked why it had been necessary to indicate race in the identity document, Mr Botha said because this was the basis of the political system. He denied however that it was "discriminatory".

"This government is busy eliminating all laws which discriminate," he said.

Applicants' fingerprints would not be included in the document but in the population

register, he said.

Mr Botha said the bill still had to be considered by the Standing Committee on Home Affairs, which included members of all parties in Parliament.

A special programme had been launched to ensure that the issuing of documents to the black population, which begins on July 1, would take the shortest possible time.

Applications could be made from May and it was envisaged that everyone who applied before the end of the year would have their documents by the end of January.

"It is estimated that there are 14 million blacks in possession of valid reference books," said Mr Botha.

All legal residents of the Republic could call

at their nearest Home Affairs office or magistrate's office to complete application forms.

Two recent photographs of the applicant as well as reference book, to establish his or her identity, would have to be handed in with the application. The old reference book would then be returned to the owner until the new document arrived.

ARBUS 23/4/86

Identity document for all details

Political Staff

230

IN terms of legislation published today black people will no longer be forced to carry means of identification

But everyone must have their fingerprints recorded when applying for a common identity document

And the population register, the foundation stone of apartheid legislation, will be closely linked to the issue of documents

The Identification Bill introducing a common identity document for all race groups is the first step to scrap the influx control machinery.

The Bill contains clauses to repeal 18 Acts or parts of Acts which deal with the use of the "dompas" for influx control

Although the Bill eliminates the need for anyone to carry a document, everyone will have to identify themselves if asked to do so by an authorised officer

A STATEMENT

This can be done by producing any State-issued identity document or by making a statement.

A person can also be identified by someone else with identity documents. Refusal to meet the request could result in a maximum fine of R500 or six months' imprisonment

The Government has introduced measures to reinforce the legal obligation of individuals to submit details for the population register

And the obligation to submit details has been extended to employers and landlords.

The new identity document will contain the following

- Identity number and the date of issue of the document,
- Full name, sex and date and place of birth,
- Citizenship,
- A recent photograph, and
- Any other particulars contained in the population register which the Minister of Home Affairs stipulates should be included

HANSARD *Q 25/4/86*
 425 Mr P R C ROGERS asked the Minister of Law and Order.

Whether there are any police stations in the area known as (a) Heckel, (b) Wartburg, (c) Newlands, situated near East London, (d) Kwelela and (e) Moolplaas, if not, why not, if so, (i) how many in each of the above areas, (ii) in what villages or towns in each of these areas are they situated, (iii) what are their names in each case and (iv) what facilities are available at each of these police stations?

The MINISTER OF LAW AND ORDER

(a) to (e) No

(i) to (iv) Since the areas concerned are adequately policed by other police stations in the immediate vicinity

Q 25/4/86
 472 Mr D J DALLING asked the Minister of Law and Order

- (1) Whether any residents of Alexandra Township have been (a) detained in terms of security legislation and (b) (i) arrested for and (ii) charged with unrest-related offences since 15 February 1986, if so, how many in each case,
- (2) whether any such residents have since been released, if so, (a) how many and (b) when,
- (3) (a) how many such residents were still being detained as at the latest specified date for which information is available and (b) what are their (i) names and (ii) ages?

HANSARD *Q 25/4/86*
 544 Mr P A MYBURGH asked the Minister of Law and Order.

How many cases of (a) murder, (b) culpable homicide, (c) assault with intent to do grievous bodily harm, (d) common assault, (e) rape, (f) robbery, (g) theft of vehicles and cycles, (h) damage to property, (i) housebreaking with intent to steal and theft and (j) possession of drugs were reported at each specified police station in the Stellenbosch police district in 1985?

The MINISTER OF LAW AND ORDER

(a) (b) (c)

(a) (b) (c)

(a) (b) (c)

(a) (b) (c) (d) (e) (f) (g) (h) (i) (j)

HANSARD *Q 25/4/86*
 530 Mr P G SOAL asked the Minister of Law and Order

How many (a) Whites, (b) Coloured persons and (c) Indians were arrested for trespass by the South African Police in 1985 in each of the police station areas on the East Rand?

The MINISTER OF LAW AND ORDER

	(a)	(b)	(c)
	Whites	Coloured	Indians
Benoni	2	3	1
Puifontein	—	18	—
Petit	—	4	—
Hendelberg	—	7	—
Greylingstad	—	1	—
Grootvlei	—	—	—
Balfour	—	—	—
Brakpan	1	2	—
Nigel	3	5	—
Dunnotar	1	3	—
Devon	—	—	—
Germiston	3	8	8
Alberton	25	146	—
Bedfordview	—	5	—
Edendale	7	4	—
Elsburg	—	40	—
Primrose	6	—	—
Katlehong	—	—	—

HANSARD *Q 25/4/86*
 576 Mr S S VAN DER MERWE asked the Minister of Law and Order

- (1) (a) How many suspected contraven-
- (2) what total number of persons had

Note: Abovementioned statistics are furnished for the period 1984-07-01 until 1985-06-30. Statistics with regard to 1985-07-01 until 1985-12-31 are not readily available.

	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)
Stellenbosch	25	28	527	495	46	106	666	344	718	13
Strand	14	17	123	131	14	34	151	102	231	5
Villiersdorp	16	5	96	88	10	15	15	59	142	—
Stanford	1	1	16	42	3	2	2	12	15	—
Bredasdorp	6	1	146	135	4	10	20	78	119	1
Caledon	5	6	80	135	3	5	17	53	138	1
Elim	—	—	10	12	1	—	1	4	10	—
Gans Bay	1	1	40	52	2	1	1	17	59	—
Genadendal	—	1	27	43	3	—	1	12	13	—
Gordons Bay	3	3	10	51	4	3	10	8	62	1
Grabouw	15	4	215	151	15	36	16	96	228	1
Greyton	3	3	32	17	1	—	2	36	16	—
Herrmannus	4	1	121	106	11	11	36	56	255	7
Kleinmond	5	6	55	46	3	10	6	31	165	—
Naper	2	5	27	28	3	2	3	20	33	—
Riversoenderend	3	9	62	140	6	6	6	49	32	—
Somerset West	7	7	28	104	19	33	162	84	352	—
Maassars	6	3	106	258	13	11	37	98	66	9

tions of section 16 of the Immorality Act were investigated in 1985 and (b) how many persons were charged as a result of these investigations,

Row brews over

By MAX DU PREEZ
and NORMAN WEST

A CLASH between the Government and the Houses of Delegates and Representatives is looming over the Identification Bill.

The coloured and Indian parties are strongly opposed to the racial coding built into the new uniform ID book system, as is the case with present Books of Life carried by whites, coloureds and Indians.

There is also widespread opposition from the House of Delegates and the PFP to the taking of fingerprints and storing them in a central register.

More importantly, the fingerprinting is viewed with the utmost suspicion by blacks. It could lead to many not applying for the new document.

Firm

The Sunday Times was told that the Minister responsible for the Bill, Home Affairs Minister Stoffel Botha, and his senior advisers, were initially not keen on including fingerprinting in the Act, but that it was done on the insistence of Law and Order Minister Louis le Grange and the SA Police.

It is understood that there is a possibility that the provision for fingerprinting might be dropped in the Joint Standing Committee, but that the Government will stand

racial codes in new IDs

firm on racial coding as it is essential while the Population Registration Act still exists.

Mr Peter Mopp, Labour Party spokesman on justice, said yesterday that his party was opposed to any statutory race definitions and would have no truck with the Identification Bill while it provided for a racial coding.

He could not see his party supporting that aspect of the Bill in the Parliamentary Standing Committee on Home Affairs, where consensus must be reached on the wording of the Bill.

Mr Mahmoud Rajab, Solidarity MP for Springfield in the House of Delegates, said that to carry an ID book with a racial coding in the number denoting one belonged to a particular race group, clashed with the principle of equal citizenship.

He foresaw the House of Delegates supporting uniform ID books — "but minus the racial coding in the ID number".

If the two Houses reject the Bill, it will be referred to the President's Council for arbitration.

238 27/4/86

R.I.P.

The for

□ Ciskeian Mrs
Nomawethu.
tier

THE pass laws are dead. And in the immediate wake has come relief, scepticism and a large dollop of caution.

The dumping of the hated dompas system will return dignity to many millions of black South Africans no longer subjected to night raids, arbitrary arrests, summary trials and pointless imprisonment.

But for a large number of black South Africans — the eight million supposed citizens of the independent homelands — the case is not so clear-cut.

Last week, unemployed former mineworker Mr Shadrack Nomquondi believed he was a South African. He was wrong, born in the Transkei, he is counted a foreigner

● Special report by **JEREMY McCABE, SYLVIA VOLLENHOVEN, SHAUN HARRIS and CAS St LEGER**

Many like him are confused about the alien status they have and how the new system will affect them

"Must I now go home to the Transkei where there is no work for me?" is the question put to the Johannesburg Black Sash advisory office by Mr Nomquondi, 35, who held a job on Vaal Reefs mine for 16 years before last year's strike left him jobless

And many still fear to go without the book that has dominated their lives for so long.

Unsound

"It'll be a long time before I go anywhere without my reference book," is a typical comment.

There are also fears that the much-valued freedom of movement promised by the new pass laws may be eroded by future clamp-downs on housing, squatting, vagrancy or even loitering

As for the anticipated flood of pass law offenders released from prison, it has been described by the Black

Sash's Mrs Beulah Rollnick as "a damp squib"

There were very few, Minister of Justice Mr Kobie Coetzee gave the figure as at March 31 as 245

Mrs Rollnick said the Black Sash had ceased monitoring pass courts two months ago after a dramatic falling off in pass offence prosecutions over the last year

On the Reef, the new regulations mean that the 250 000 illegals in Soweto are now legal — providing they have suitable accommodation. A major effort is being made to solve the housing backlog

West Rand Development Board chairman Mr John Knoetze sees the new regulations as a major stride forward in the use of the country's manpower "Any person of any race or colour will be able to move freely about.

"Influx Control became indefensible, it became economically unsound and it became politically unwise," he said.

The new measures, coup-

led with accelerated artisan and technical training, would have a material influence on South Africa's productive capacity, he said.

He said the housing situation had been eased. In the past year, R500-million had been spent on upgrading by the private sector

"There are 100 000 matchboxes in Soweto; if you add one bedroom, you have room for another 20 000"

An influx of people from rural areas is not expected on the West or East Rand

East Rand Development Board chief director Mr Jan Opperman said no problems were anticipated.

The Orange Vaal Development Board officials are meeting with the Department of Constitutional Development and Planning in Bloemfontein tomorrow to clarify the new laws.

Nonsense

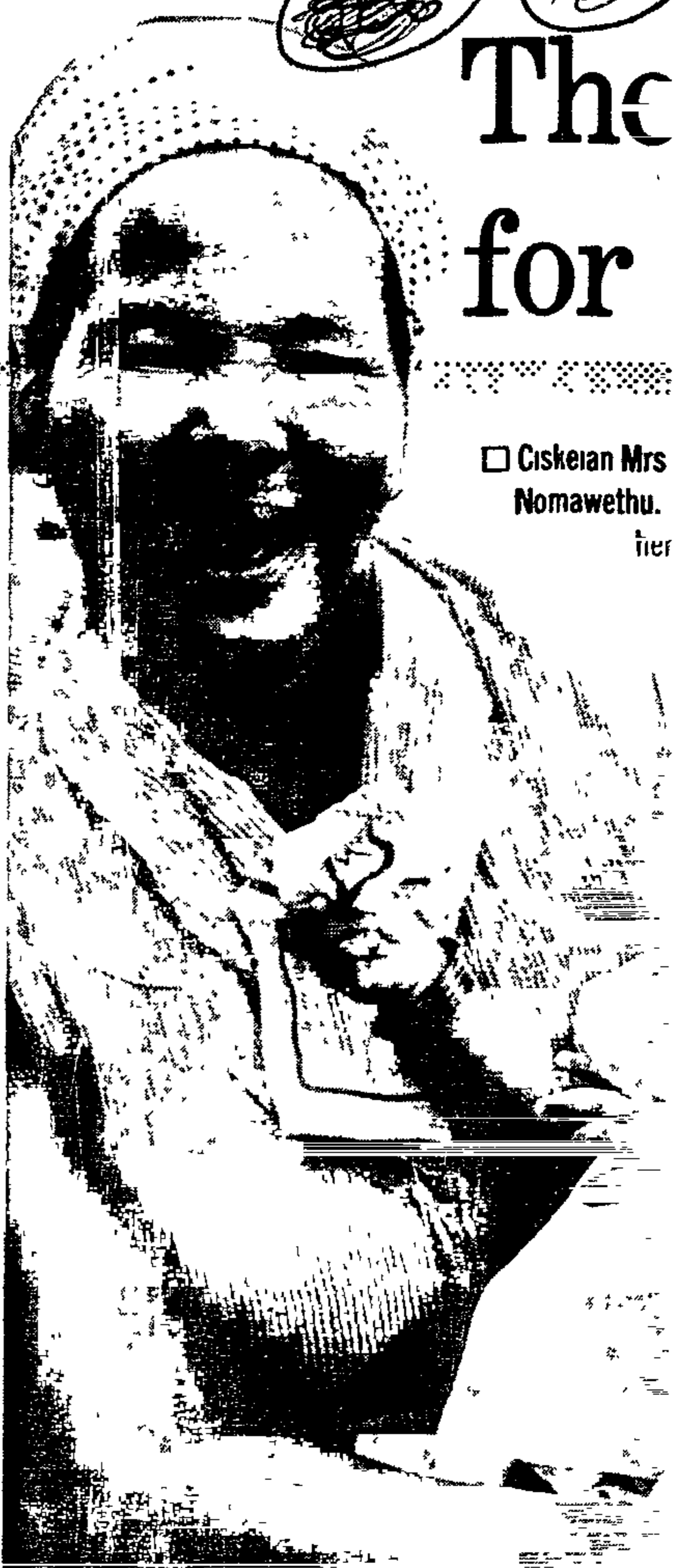
The development boards are being phased out; they will cease to function by mid-year and local authorities will be responsible for housing

The scrapping of the pass laws has drawn strong support from the Urban Foundation, organised commerce and industry and a range of political and social groupings.

But the United Democratic Front (UDF) publicity secretary Mr Murphy Morobe expressed strong reservations. So did Azapo's Mr Muntu Myeza.

"There is still a host of other measures. I can see the police continuing with arrests in one form or another," said Mr Morobe.

"People don't believe it when they are told they don't have to carry passes any



"Can I stay or must I go?" Shadrack Nomquondi consults Black Sash adviser Mrs Beulah Rollnick



more and they would rather not take a chance."

Mr Myeza predicted continuing problems until the entire system had been changed.

"People should be free to sell their labour and find residence anywhere they like,"

he said. "If that is the position, then some small thing has been done, but a lot more needs to be done."

In Cape Town's townships and squatter camps, those with residential and employment rights said they were very happy about the demise

5) S. TIMES 27/4/86
 (238)

pass laws are dead... but some it's not quite so simple

Regina Rala and her child
 She mistakenly believes
 pass troubles are over



of pass laws. Others expressed reservations about the nuts and bolts of the new measures.
 A surprising number of illegal squatters — people who have arrived in the area recently from mainly the Ciskei and Transkei — believed

firmly that all their influx control troubles were over. Mr Christmas Tinto, Western Cape vice-president of the UDF, said that if people were no longer arrested it gave him hope.

But Mr Tinto, a permanent resident of Cape Town's Guguletu township, slammed the new uniform identity documents as "a nonsense".
 "I'm sure that somewhere in their information about everybody, race will be recorded. We can't accept anything they say until we actually see what happens. People are saying to one another, 'Is this true?' They just can't believe it."

Fines

"We want a uniform document without it being recorded that people are coloured, white or black," said Mr Tinto.

A Crossroads resident community worker who has had Section 10 rights, Mr Elijah Klaasen, said there was neither happiness nor rejoicing in the squatter camp.

"It means the relaxation of one of the many pressures. It means some relief. But we still don't see this as answering the cry of the black man," said Mr Klaasen.

Another resident, Mrs Cecilia Stemela, a widow and mother of six who had left the Transkei in 1967, said:

"I am feeling very happy because now my money will be saved."

She was referring to the fines she had paid — Mrs Stemela estimated the total at about R200 — for pass law contraventions over the years.

Unsure

Six years ago she was given Section 10 rights, in terms of which she could stay as long as she had a job and a home. When we met her Mrs Stemela was selling vetkoek to the patients at the Crossroads clinic.

But not everybody could share Mrs Stemela's newfound security. Some Ciskeian and Transkeian citizens interviewed were unsure of their status, while others thought they were automatically South Africans again.

One squatter, Mrs Regina Rala, argued vigorously



Crossroads... migrant workers have built this sprawling squatter town

when cautioned that it was probably not legal for her to stay and to work, as she came from the Ciskei about a year ago and was a citizen of that territory.

"I have Ciskeian papers but I am here now and I am happy that the passes have been cancelled."

"Many of my people are living in difficulty because they didn't enjoy rights to settle here. Employment was so difficult because of the passes."

"I have now started a small business of selling fruit," she said confidently.

Mrs Rala firmly believed that she was included in the new deal, although she did not have any Section 10 rights and is still a nominal foreigner.

"I am equally privileged with everybody in the Western Cape," she insisted.

At the Cape Black Sash advice office, organiser Mrs Sue Joynt said she was unsure what effect the new measures would have on their work load.

Forgotten

"Already we have employers telephoning to ask whether their workers can now bring their families here from the Ciskei or Transkei. We tell them the main problem is that there is just no housing for any more people," she said.

Their office files are filled



CECILIA STEMELA
 Happy because she will no longer have to pay fines

with official letters — thousands that start with the dreaded words "Endorsement Out" and continue "You are hereby refused permission to remain in the prescribed area of"

But according to Mrs Joynt, case number N9/18/3/02/85 — his file has several of these letters — has one of the happiest endings.

Mr J L W — Black Sash is strict about confidentiality — was born in 1958 with a coloured mother and a black father. All his life he fought for identity documents.

Both his parents died when he was a baby and Mr W was reared by a black uncle who had a coloured wife in Guguletu.

Mr W never left Cape Town and worked for the same employer for 13 years after leaving school.

In 1981 he approached the Black Sash because he was unable to get Section 10 rights. The Sash had been battling for the last two years and until recently they were told that the matter was still being investigated.

"And now it doesn't matter any more," Mrs Joynt said this week.

In the Eastern Cape, however, the controversial laws have all but been forgotten by the authorities in the troubled region.

Neither the police nor officials of the East Cape Development Board have arrested anyone in this regard for more than a year.

Confused

But for many in the Eastern Cape there is still much uncertainty and confusion about how the Government's White Paper on Urbanisation and the moratorium on influx control will affect the lives of black migrants and their families.

"People who come here for help are confused and anxious about what this means to them," said Mrs Sheila Hurley, director of the Port Elizabeth advice office of the Black Sash.

The Pass Laws Mixed reaction to Government White Paper

CP Reporters

WHILE all the details of the Government's new influx controls are not yet clear one thing is - the death of the dompas will mean relief for tens of thousands of South Africans.

Outside Parliament experts reaction to the White Paper on Orderly Urbanisation tabled in Cape Town on Wednesday ranges from great enthusiasm, to guarded optimism to outright condemnation.

Announcing the Government's plans President PW Botha said "No-one will ever again suffer the indignities of the pass laws. Progressive Federal Party leader Colin Eglin welcomed the decision but warned "SA will need vast housing, township development, education training and job creation programs."

A Legal Resources attorney who is an expert on influx control law, said "It is not cosmetic and really is the abolition of influx control."

But the Group Areas Act still exists and black people will not be allowed to live in "white areas," he said.

A leading Johannesburg attorney said that although the White Paper would give relief to many people, the Identification Act could be used in the same way as influx control.

No-one can be forced to produce a "dompas" but they could be forced by a policeman to prove their identity "without delay." This seems to be a contradiction, replacing the dompas with another State document.

The lawyer said that although influx control in the broad sense had been abolished, the essential pillars of apartheid still existed. These were:

- The Group Areas Act
- Population Registration Act
- Separate Amenities Act

The Council of Unions of SA called the White Paper "merely a disguise to placate the international community as regards promises made in the past."

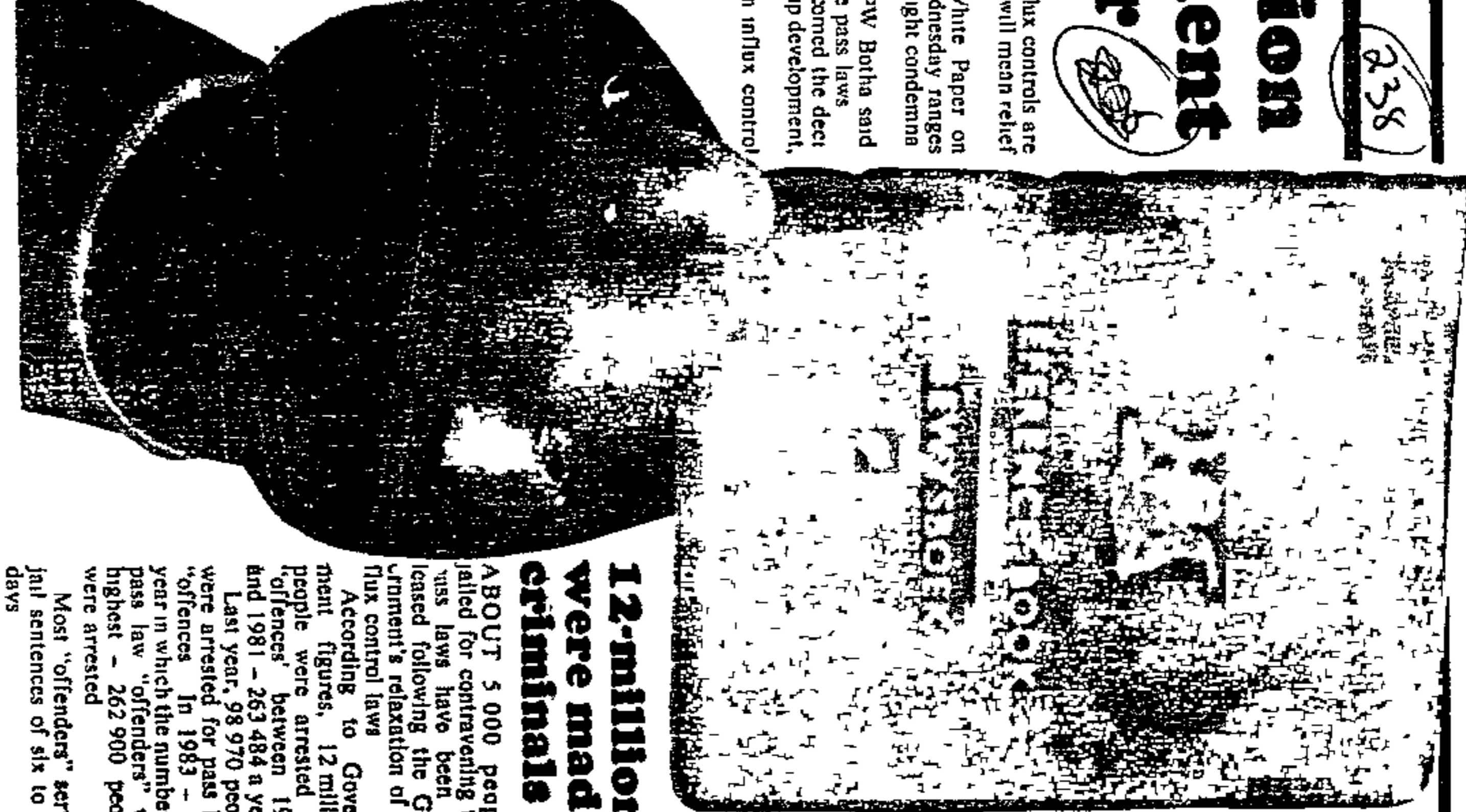
"It is quite apparent that the fingerprinting of all South Africans and the monitoring of ordinary people by employers and landlords merely shifts the responsibility for punishing workers," said Cusa.

At the time of going to Press Cosatu and the UDF were still "in conference" and could not give any comment on the White Paper.

**By MARY BURTON
Black South President**

THE White Paper on urbanisation must be seen against the background of widespread resistance to apartheid policies, and of increased pressure from abroad - particularly from foreign investors.

The Government has recognised the demands for an end to racial discrimination



12-million were made criminals

ABOUT 5 000 people jailed for contravening the pass laws have been released following the Government's relaxation of influx control laws.

According to Government figures, 12 million people were arrested for "offences" between 1916 and 1981 - 253 484 a year.

Last year, 98 970 people were arrested for pass law "offences." In 1983 - the year in which the number of pass law "offenders" was highest - 262 900 people were arrested.

Most "offenders" served jail sentences of six to ten days.

Registration Act will remain in force and that the responsibility for the control of the movement of people will be devolved to local authorities.

Those bodies will be based on racially separated groups.

This devolution of control to local level will take place within the framework of provisions to control squatting to enforce health regulations to deal

'Movement still restricted'

In planning to abolish influx control, it exchanges the hated dompas for identity documents which all South Africans must obtain "and the resistance to apartheid policies, and of increased pressure from abroad - particularly from foreign investors."

The Government has recognised the demands for an end to racial discrimination

Registration Act will remain in force and that the responsibility for the control of the movement of people will be devolved to local authorities.

Those bodies will be based on racially separated groups.

This devolution of control to local level will take place within the framework of provisions to control squatting to enforce health regulations to deal

"with lodging and congregating and to ensure that new migrants are informed of the availability of approved accommodation and employment."

This is not moving away from racial discrimination. It places considerable power in the hands of the authorities to curb the presence of black people in urban areas.

What PW's Orderly Urbanisation will mean for you

CP REPORTERS

THE Government is to scrap or amend at least 34 laws and regulations restricting black freedom of movement under its new influx control policies.

Laws to be scrapped completely, Constitutional Development Minister Chris Heunis told Parliament, are:

- The Blacks (Abolition of Passes and Coordination of Documents) Act - the Pass Laws
- The Blacks (Urban Areas) Consolidation Act
- The Black Labour Act
- The Black Affairs Administration Act
- The Blacks (Prohibition of Interdicts) Act

Heunis added that the Government planned to have these changes in the law passed this year - so far only the pass laws have been scrapped.

Full details of the changes in the law are not yet available, but pass law experts have identified exactly what the new policy will mean to you:

- ★ Whether you have a job no longer matters. If you have approved accommodation - that is you have your own house, or are a legal tenant - you can live in a town or city.
- ★ The ID(I) stamp no longer matters.
- ★ The Government's definition of housing is existing houses, core houses, shell houses, boarding houses, hostels, hotels, flats and informal housing structures on approved sites.
- ★ This freedom is restricted to black townships - the Group Areas Act, which prevents black people moving into white areas, will remain in force.
- ★ There is no indication yet on how the authorities will check on whether you have approved accommodation, nor what they can legally do to you if they find you have not.
- ★ Indicators are, say the experts, that you will not be charged in court, as happened under the old system when you were found in town without a valid stamp in your pass.
- ★ If you live in the rural areas and want to move to a town or city, you can do so, if you get a house or "approved accommodation."
- ★ You are no longer legally obliged to carry your dompas or identification of any kind. But, according to a new law to be passed this year, the Identification Bill, "an authorised officer" can still ask you to identify yourself "without delay". You can do this with your dompas or ID document, by making a statement giving details of your identity, or by being identified by someone who is carrying identification. If you refuse to meet the request of the authorised officer to identify yourself, you could be charged and sentenced to six months jail, or a fine of R500.
- ★ A prominent civil rights lawyer says, however, the new law does not provide for police stopping everyone in the street and demanding identification - but then nor does it exclude this.
- ★ South Africans of all races will be issued with a new identity document. But while all races will get them, the IDAs will categorise South Africans racially - they will contain particulars from the Population Register, that is, full details of your race classification.
- ★ Responsibility for policing the new policy will largely be switched from the SA police to local authorities - community guards and township blacklocks.
- ★ The experts say part of the new policy is to "de-racialise the laws - remove directly discriminatory references. But the Squatters' Act, the Slums Act and the Aliens Act will affect Africans far more than white, coloured and Indian communities.
- ★ The Squatters' Act and the Slums Act can be used, they say, to prevent a flood of people into the cities - by limiting the numbers of people in houses and the type of houses built. If community councils and black local authorities limit the land available for new houses, this will also keep people out - it is they who must approve "approved accommodation."
- ★ The position of "independent" homeland "villages" is not clear - Heunis told report on Wednesday it was still being negotiated, but there is a possibility that the Aliens Act could be used to retain dompas-like restrictions on them.
- ★ Another possibility is that by restricting available housing in the metropolitan areas, the authorities could force people to follow the Government's decentralisation policies - by making housing and land easily available in Ekurhuleni, for instance, while restricting housing on the Reef, the authorities could force people to endorse themselves out of the towns.

SA 'aliens' face the boot

ALIENS in "neighbouring states" (homelands) in "white" South Africa - and those entering the "country" illegally - are to be repatriated.

So says Deputy Constitutional Development and Planning Minister Piet Badenhorst. Opening the Lebowa Legislature Assembly at Seshego this week, Badenhorst said the influx of large numbers of "aliens" was a cause for great concern. "It may also have serious consequences for a stable labour market."

Much of the massive red tape has been cut

Scrapping of pass laws will affect millions

By David Braun,
Political Correspondent

CAPE TOWN — The announcements last week of the suspension of the pass laws and details of the Government's new urbanisation policy will affect the lives of millions of black people.

Much of the massive red tape which governed where people could move, live and work has been cut.

If you are a foreigner from a TBVC (Transkei, Bophuthatswana, Venda or Ciskei) country you will be treated the same as any alien. You need a valid passport or travel document to enter the country and you will not be allowed to work or to stay permanently unless you have the necessary work and residence permits.

Existing agreements between TBVC countries and South Africa allow TBVC citizens to enter South Africa without a visa for up to 14 days. Longer stays require permits.

TBVC citizens permanently resident in South Africa have already been promised that their South African citizenship will be restored. When this happens such citizens may apply for South African identity documents and will be free to move and work freely anywhere in the country.

It is possible that the discussions could lead to South African citizenship being granted to TBVC citizens permanently resident in their own countries.

However, the South African Government has already made clear that such dual citizenship will not accord political rights in South Africa.

South African citizenship for TBVC nationals (that is, those people permanently resident in one of those countries) implies political rights in the relevant independent homeland.

Free entry rights

Rights of free entry, movement and employment in South Africa for the TBVC nationals are, as mentioned, being discussed with the various governments.

● South African citizenship
You are a South African citizen unless you have been proclaimed a citizen of a TBVC country or you are from a neighbouring country such as Botswana, Lesotho, Swaziland, Mozambique or Zimbabwe.

You are a South African citizen even if you are a resident of one of the non-independent homelands such as kwaZulu, Gazankulu or kwaNdebele.

South African citizens have the right to move freely in and around the country.

You do not need a pass to remain in a city area, but you do

need a place where you can live.

You will not be allowed to simply live in the streets of a town or city as a vagrant.

● Domestic servant. If you have permanent residence in South Africa (no matter what your nationality) you may work for anyone who is prepared to hire you. You do not need a reference book endorsed with a permit to work in a certain area. There is no requirement to have the permission of any development board or official to look for work.

Your employer may want to see some sort of identification to see if you are who you say you are, but there is no obligation to produce any.

There is no obligation for an employer to give you a job if you cannot identify yourself, just as there is no obligation for an employer to ask for identification.

However, the Government is likely to encourage employers to check the identification of prospective employees so that for this and many other reasons it would be advisable to apply for official identity documents.

Exemption

A domestic servant may "live in" on the property of her employer even if that is in a group area other than her own. This is a special exemption provided for in the Group Areas Act.

However, in terms of the same Act the family of a live-in domestic servant may not live permanently in the "wrong" group area.

Domestic servants may live with their families only in the group areas of their particular population group and would then have to commute to work.

Domestic servants do not need any permission from a development board to work in any area and there is no such thing as section 10 rights to qualify anyone to be in an area.

Employers and owners of property, especially flat blocks, are restricted by laws and by laws as to how many people they may accommodate on their premises.

● Factory and office workers
Like domestic servants, no permission is needed to seek employment in any area.

Workers housed in hostels will not be able to bring their families to live with them unless their employers or the owners of the hostels provide for this.

● Residents of rural areas
If you want to bring your family to live with you in the city there is nothing to stop you except that they must have a place to stay.

Local authorities may regulate how many people may live in a particular dwelling on the

grounds of health hazards due to lack of adequate facilities.

You do not need to have a job to live in the city, but you will have to find approved accommodation in a group area of your population group.

That means you will have to find a house or at least serviced land on which you may build your own house.

Information about the availability of this and employment opportunities is to be made available in the rural areas by the Bureau for Information.

● Squatters. You may not simply set up a shack shelter wherever you please. Owners of private land have the right to have you evicted and prosecuted for trespassing.

Local authorities have the right to clear squatter settlements and slums.

If you join a squatter settlement you run the risk of being evicted and charged.

Some squatter camps may be declared emergency settlements in which people will be allowed to live until the area can be properly serviced and upgraded or until suitable ground elsewhere can be found.

28/4/86

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Own Correspondent

DURBAN — Mr Protas Madlala and Mrs Suzanne Madlala who were the first mixed couple to marry after the Mixed Marriages Act had been scrapped, say they are determined to stay together, despite being forced to live 400 km apart

Mr Protas, who holds a master's degree in communications, works for the Catholic Church and is based at St Wendolin's Church near Durban

His wife, who originates from the United States and has a master's degree in anthropology, is a lecturer at the University of Transkei in Umtata, about 800 km away

"All we want to do is to be like any other normal married couple and live together. We know that all these obstacles are man-made and we are determined not to let it tear us apart," said Mrs Protas

RESIDENCE PERMIT

The couple meet about every three weeks. Sometimes Mr Protas travels to Umtata or his wife to Durban. At times they meet near Port Shepstone and spend a weekend with friends

In spite of her qualifications, Mrs Protas could not get a job at a local university

After obtaining a permanent residence permit three weeks ago, she has discovered that she also needs a work permit. Though she did not have the necessary documentation, she approached two universities in Durban, but they said they were not employing anyone because of the economic squeeze.

Said Mrs Protas "It gets us down, but there is very little we can do about the situation"

Now it's apartheid without the pass laws

By Joyce Harris of
the Black Sash

The Government has abolished the pass laws — an event which should have been greeted with jubilation.

For so many years opponents of apartheid called for this as a desirable but unattainable end, believing that everything could resolve itself from there.

It probably would have, had it been introduced all those years ago, before dissatisfaction, frustration and anger had grown to the alarming proportions they have reached today.

Now the abolition of the pass laws and the introduction of so-called orderly urbanisation have at best received muted approbation and in many quarters are viewed as control by yet another name.

The Government has only itself to blame for this lack of confidence. It has destroyed its own credibility over the years by the semantic games it has played, by short-changing, not delivering and failing to match its deeds with its words.

One can almost feel sorry for it. Here it is, having finally brought itself to the point of uttering aloud those heretical words that the pass laws must go — a gigantic step for the National Party — and the move reverberates round the country like a damp squib.

Instead of the excitement which might have been expected, this tremendous concession is regarded with deep suspicion.

No one can quite believe that there will indeed be freedom of movement, work and living, that



Mrs Joyce Harris

families will no longer be separated, that labour may be sold on the best market, that people will be recognised as human beings, and that the humiliation of pass raids and summary arrests are things of the past.

Sadly there is good reason for this suspicion. The question of citizenship has not been resolved. If citizens of the "independent homelands" are to be treated as aliens how will they be identified? Presumably by little bits of paper or passports or identity documents which will have to be shown — if not on demand then pretty immediately?

White people will not be mistaken for citizens of the TBVC countries. Who, then, will be asked to prove identity?

The housing situation for urbanised black people is already critical as a direct result of Government policy which refused to recognise urban blacks as

permanent residents and to make provision for them.

If overcrowding, slums and squatting are to be controlled as an integral part of orderly urbanisation, freedom of movement will once again be lost.

People will have to live where provision has been made for them in the form of land, site and service etc and the Government will be the arbiter.

The Government is insisting that local government be based, inter alia, on community councils, which have been rejected by black people.

Everyone is to carry identity documents which are to be non-racial, but serial numbers can disguise a great deal of information without having to be explicit.

A mere declaration of identity is said to be sufficient, with a subsequent presentation of the necessary document, but much is going to depend upon how this is

administered. Again white people are unlikely to be stopped.

Given a police force which has become used to exercising authority over vulnerable black people, it is going to take a fundamental change of attitude for black people to be treated with respect.

Apart from the need to wait and see how the Government's present words are translated into deeds, the Group Areas and Race Classification Acts remain on the statute books, and these are the pillars of apartheid.

The pass laws can go and still leave apartheid intact, and that is exactly what is happening.

Black people are no longer calling only for the abolition of the pass laws. They are calling for an end to apartheid, to discrimination, to racialism.

They want to take their rightful place in the corridors of power and to exercise control over their destinies through full representation in government.

They are no longer satisfied with the abolition of the pass laws even should freedom of movement for all black people prove a reality.

The Government has allowed the situation to deteriorate to the point where violence has become endemic and is viewed by many as the only strategy for achieving a just society.

As usual it has come to light with far too little far too late, which is its and the country's tragedy. It will need to go much further much faster if it is to defuse the situation to the point where negotiation for an acceptable future becomes a possibility.

Govt likely to drop fingerprint clause

BUS. DAY 5/5/86 238

THE controversial fingerprint clause in the Identification Bill, tabled in Parliament a week ago, will almost certainly be excised

This appears to be the view of those keen to see it pass through the standing committee stage to its final enactment

That government is not tied to the provision — officially to cost at least R30m and probably far more — as indicated by Home Affairs Minister Stoffel Botha

Government's desire to see the Bill translated as soon as possible into a law providing for a uniform identification document for all has been stressed on a number of occasions.

Botha has indicated that government is not wedded to the fingerprint clause if

CHRIS CAIRNCROSS

it means it will slow down or halt the passage of the Bill through the legislative process

As the Bill reads at present, the proposal is that all those applying for the new identity document must have their fingerprints taken.

These will not appear on the document but will be held in the central population register

The merit of having these fingerprints taken, and the connotations of the practice, have been questioned.

It is now clear that if opposition is significant, government is prepared to back down

pector and explanations were given to the satisfaction of the pupils

Motivation courses for teachers were presented

The Township Council was requested to assist in normalising matters in the township

Stamps celebrating founding of Republic

*7. Mr P G SOAL asked the Minister of Communications

(1) Whether his Department is responsible for the (a) content, (b) printing and (c) distribution of the Philatelic Services and Intersapa brochure advertising the issue of stamps celebrating the 25th anniversary of the founding of the Republic; if not, who was responsible for each of these aspects, if so, (i) what is the name of this brochure, (ii) who compiled the text printed under the heading "25th Anniversary of the Republic of South Africa 31 May 1986" and (iii) what was the total cost to his Department of printing and distributing this brochure.

(2) whether the text was approved by him; if not, who approved the text?

THE MINISTER OF COMMUNICATIONS.

(1) (a), (b) and (c) Yes

- (i) Philatelic Bulletin 189,
- (ii) officials of the Post Office in consultation with the Department of Constitutional Development and Planning, and
- (iii) R2 881,76;

(2) no; it was approved by officials of the Department in the normal course of duty

Handwritten: 13/5/86 1691
 Voters asked the Minister of Home Affairs
 (Signature: 238)

HOA

Simon's Town naval base

THE LEADER OF THE OPPOSITION asked the Minister of Foreign Affairs.

(1) Whether any discussions were held or negotiations were entered into with any foreign governments over the past two years regarding the use by a foreign country of the Simon's Town naval base, if so, (a) with what foreign government or governments, (b) on what date or dates, (c) what specified use of the said naval base was discussed or formed the subject of negotiation and (d) what were the results of the discussions or negotiations in each case.

(2) whether any agreements have been reached with any foreign governments regarding the use of this naval base, if so, (a) with what governments, (b) when and (c) what are the terms of these agreements?

THE MINISTER OF EDUCATION AND DEVELOPMENT AID (for the Minister of Foreign Affairs)

(1) No (a), (b) and (c) Fall away

(2) No Not since the Simonstown Agreement with the United Kingdom was terminated on 16 June 1975 (a), (b) and (c) Fall away

New Zealand rugby players

*10 Mr B B GOODALL asked the Minister of Finance

(1) Whether a certain company, the name of which has been furnished to the Minister's Department for the purpose of his reply, will receive any tax concessions as a result of its sponsorship of the current rugby tour by New Zealand rugby players, if so, (a) what specified tax concessions, (b) in terms of what statutory provisions, (c) what is the estimated total loss of revenue to his Department as

HOA

a result of these concessions and (d) what is the name of this company,

(2) Whether any other special tax concessions are to be granted to this company in connection with its sponsorship of this tour, if so, (a) in terms of what statutory provisions and (b) what is the estimated total loss of revenue as a result of these concessions?

THE MINISTER OF FINANCE

(1) No, unless legislation is passed providing for a tax concession in respect of certain sponsorships

Attention is drawn to the press statement issued by me on 20 January 1986 in which the following was mentioned

"in the light of the special problems faced by sporting and other bodies in South Africa, the Government resolved last year to introduce during this year's Parliamentary session amending legislation concerning tax concessions for sponsors of international sporting, cultural and educational activities"

If the proposed legislation is enacted by Parliament, sponsors complying with its condition will qualify for tax relief. They will as taxpayers be entitled to have their affairs treated as confidential. Any public disclosure of the affairs of any particular sponsor would be contrary to the policy of the Income Tax Act

Since no legal provisions exist in terms of which a claim for tax relief may be made it is at this stage not possible to estimate the loss of revenue which will result from the proposed concession

(2) In view of the answer to (1), this question falls away

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 Arcadia school
 Mr S S VAN DER MERWE asked the Minister of Law and Order

HOA

- fluctuations in the exchange rate of the rand in the past year, if so, what factors gave rise to them,
- (2) whether the Reserve Bank took any steps in this period to stabilise the rand and to cause it to appreciate, if so, (a) what steps and (b) why were these steps no longer successful,
- (3) whether he will make a statement on the matter?

The MINISTER OF FINANCE (Reply laid upon the Table with leave of House)

(1) As is the case in most other countries in the western world, South Africa presently has a system of a floating exchange rate that changes continuously. Except for temporary short-lived fluctuations, the exchange rate of the rand was relatively stable during the first half of 1985. The value of the rand indeed fluctuated considerably against individual currencies, but from the end of 1984 until the end of June 1985 the weighted average exchange rate of the rand decreased by only 0,4 per cent. Thereafter, during July and August the rand depreciated sharply due to the announcement by some foreign banks that they would reduce their short-term credit lines to South Africa. This was an important contributing factor to the decline in the value of the rand which, from the end of June to the end of August depreciated by an average of 29,8 per cent against other currencies. The rand subsequently fluctuated around this low level until 18 December, whereafter it began to appreciate. From 18 December to 21 April the weighted average exchange rate of the rand increased once again by 27,9 per cent. The latter increase could be attributed chiefly to the improvement of the capital account of the balance of payments. The measures adopted early in December 1985 to permit the Reserve Bank to exercise greater influence in the foreign exchange market, and the achievement of an agreement between South Africa and

her foreign bank creditors on the treatment of South Africa's foreign debt have also created a more positive climate and thus contributed to the strengthening of the exchange rate.

Although the Reserve Bank endeavours under the system of managed floating to exact a stabilising influence on the foreign exchange markets it was not in a position to contain the sharp fall in the exchange rate during July and August 1985. For that purpose massive foreign exchange reserves would have been essential. The drastic step was therefore taken of instituting a standstill on the repayment of a part of South Africa's foreign debt and of again applying exchange control to non-residents. Exchange control on South African residents, of course, continued uninterruptedly.

After the standstill had been announced, trade credit to South Africa importers was initially largely curtailed, in some cases importers even had to make cash deposits when placing orders. This change in trade credit arrangements appeared as a large capital outflow in the balance of payments and was the chief cause of the sustained pressure on the rand until about the middle of December 1985. At the same time, repayments related to that portion of debt not subject to the standstill arrangements were made on the settlement dates in the normal manner. Under these circumstances it was naturally out of the question for the Reserve Bank to facilitate an appreciation of the Rand. Further adjustments were made on 6 December 1985 to the exchange control measures and the existing foreign currency market arrangements, aimed at strengthening the Reserve Bank's influence in the market. For example, it was enacted that the gold mines would henceforth be paid in rand for their full output, and that the Reserve Bank would itself sell in

the market the dollar proceeds of all gold sales.

By the middle of December the trade arrangements with overseas suppliers of imports by South Africa had in a measure been normalised and the large outflow of capital had declined. The Rand therefore began to appreciate again in line with the improvement on the Capital Account and the sustained surplus on the Current Account of the Balance of Payments.

(3) No. The matter is fully dealt with in the answers to 1 and 2 above.

Accor 1597
Mamelodi
6/5/86
Mr P G SOAL asked the Minister of Law and Order

(1) Whether, with reference to his reply to Question No 29 on 25 March 1986, the inquests into the deaths of the persons killed in Mamelodi on 21 November 1985 have now been completed, if not, why not, if so what were the findings in each case;

(2) whether the police investigation into this incident has now been completed, if not, why not, if so, (a) when was it completed and (b) what were the findings?

The MINISTER OF LAW AND ORDER:

(1) and (2) No, problems to trace witnesses so that statements can be obtained from them are still being experienced.

Accor 1597
Mrs H SUZMAN asked the Minister of Justice.

(1) Whether any persons serving sentences for offences related to reference books and influx control were recently released in consequence of a White Paper on urbanisation, the tabling of which was announced on 18

April 1986, if not, why not, if so, what total number of persons was released,

(2) whether any prisoners serving sentences for offences related to reference books and influx control remain to be released, if so, (a) how many and (b) when will they be released?

The MINISTER OF TRANSPORT AFFAIRS (for the Minister of Justice)

(1) Yes. A total of 188 persons were released by the SA Prisons Service. This figure is compiled as follows:

Sentenced	87
Male	32
Female	
Awaiting trial	
Male	49
Female	20
Total	188

(2) No

Furthermore, it can be mentioned that the SA Police also released 64 persons of whom 14 were sentenced prisoners and 50 awaiting trial prisoners.

Receiver of literary prize: travelling costs

*6. Mr F J LE ROUX asked the Minister of Transport Affairs:

Whether the South African Transport Services contributed to the travelling cost of a certain person who visited the Republic recently to receive a literary prize and whose name has been furnished to the South African Transport Services for the purpose of the Minister's reply; if so, (a) why, (b)(i) what form did this contribution take and (ii) what was the value thereof and (c) what is the name of the person concerned?

The MINISTER OF TRANSPORT AFFAIRS:

No (a), (b)(i), (ii) and (c) Fall away.

IN the past few weeks, five highly significant "reform" steps have been taken:

- The White Paper on Urbanisation, followed by
- The Identification Bill
- The Abolition of Influx Control Bill
- The Black Community Development Bill,

which provides for full freehold rights for blacks outside the homelands

● The acceptance of a joint administration for Natal and KwaZulu, followed by an announcement by Constitutional Development Minister Chris Heunis that the government will bring in legislation later this session enabling it to carve up the existing provinces into new geo-political structures

The problem with assessing all the above is the government's low credibility rating. The presence of the Eminent Persons Group in Cape Town probably has much to do with the spate of bills and press briefings which has kept correspondents scurrying between Heunis' department and their terminals

It probably has much to do, also, with the almost universal condemnation of all the above moves by extra-parliamentary groups, since the credibility gap between them and the government must be

Five great steps. But wh

measured in light-years

One instance of this is that the proposal to replace the dompas with a "universal" identity document is becoming bogged down in arguments about administrative details — although nobody has in fact seen the proposed new ID

Will the new law remove discrimination in this field?

The memorandum attached to the Abolition of Influx Control Bill says that "urbanisation" measures will not draw a distinction on the ground of race or colour

A bat's whisper of rumour in Cape Town is that the new documents will not, in fact, bear any racially identifying mark at all

Once again, that is conjecture while the government remains committed to group identity it needs an enormous leap of faith to believe that this may come about

And fears have been expressed that the old influx control will be replaced by squatter control. Indeed, the anti-squatter provisions in the bill are savage

It increases penalties for squatting and for allowing squatting with the added warning that "universal measures to combat nuisances such as disorderly squatting slums and conditions which may create a health hazard, will, where necessary, be amended and applied more effectively

And it widens the definition of bodies which may control squatting to include black local authorities. In the circumstances, this could be a sure-fire prescription for disaster

It also enables the State President to delegate power in terms of the Prevention of Illegal Squatting Act to "a particular authority or functionary"

Once again, accusations have been made that the

The government has taken steps in the past few weeks to... could amount to... of apartheid... switch from one set of controls to another. JEAN...

responsibility of administering unpopular laws being shuffled off on to somebody else other than the government

All of which conjures up the possibility of midnight squatter raids instead of the pass laws which have made life a misery for generations of urban blacks

Moreover Minister of Law and Order... Grange disclosed in a parliamentary reply to a question that 163 of the 172 people arrested in Lwandle township near the Cape Strand on A...

The laws may be temporary. The queues are forever

In the uncertain period between the announcement of reform laws and their actual adoption, confusion reigns. BARBARA LUDMAN reports from the Black Sash advice office where the queues are longer than ever

THREE weeks after the government announcement that influx control is on its way out, the Black Sash advice office in Johannesburg is busier than ever, with queues out the door and down the steps

The increase is due more to rising unemployment than to government announcements. Problems related to influx control haven't changed

There's a 23-year-old "foreigner" (last registered as a Bophuthatswana citizen) who needs a South African identity document, an old man who wants his pension paid here, not in the Transkei, a family whose citizenship is so tangled among two countries and a homeland that they're currently stateless

What might have changed are the solutions. In this interregnum between the government's announcement and the adoption of a law, what reigns is neither optimism nor despair. It's confusion

"The officials are as confused as we are," said advice office head Sheena Duncan this week

"One Wraib official told us people can work wherever they like, including people from the TBVC states

"Another official is saying only people with a housing permit can work wherever they like

"All we can do in this office is test it out to see what happens. At the moment the law is as it's always been, but it's no longer being enforced."

One day last week the Sash set a record of sorts: 138 people came in for advice. That's roughly 80 percent more than usual

What can the Sash tell them? "We don't expect to be able to be precise about what the new system is for a considerable time," Duncan says.

A major question concerns the status of people whose papers identify them as "belonging" to one of the TBVC states — Transkei, Bophuthatswana, Venda and Ciskei. Dual citizenship is not mentioned in the draft Identification Bill but is already provided for in a new form issued by the Department of Home Affairs

Another critical point — particularly for TBVC people — will be the legal definition of "permanent residence" — which, Duncan points out, is a difficult concept in law

"The new system is not clear," says Duncan. "If people come from TBVC countries, it seems they have got to prove permanent residence."

The Sash and its clients are caught between interpretations of what permanent residence

means. So "if somebody has a reference book or a passport from one of the TBVC states, and no urban rights," says Duncan, "and he is seeking unemployment benefits for example, we are now saying to him, 'We don't know what will happen but try to get your benefits here. For people needing new identity documents, we say 'Go and apply'."

One such is young A. Kubeka, born on a Transvaal farm to a Tswana speaking mother. His mother has urban rights on the East Rand, but the son's old reference book was issued in Bophuthatswana because his birth certificate, issued in 1973 — when he was 10 — says he holds Bophuthatswana nationality

He moved to town four years ago and a few weeks ago lost his Bophuthatswana passport. His timing was apparently excellent

"He happens to have lost his book just as everything was changing," says Duncan

Under the old system, he would have had considerable difficulty because he grew up on a farm, therefore he had no section 10 rights

"Under the new system, what he will have to prove — based on what the law is apparently going to be — is that he is permanently resident with his family outside Bophuthatswana."

The Sash is assuming an affidavit from a resident with urban rights or a lodgers' permit will prove permanent residence. Kubeka could well benefit from the change — as should the man who followed him to the advice office desk

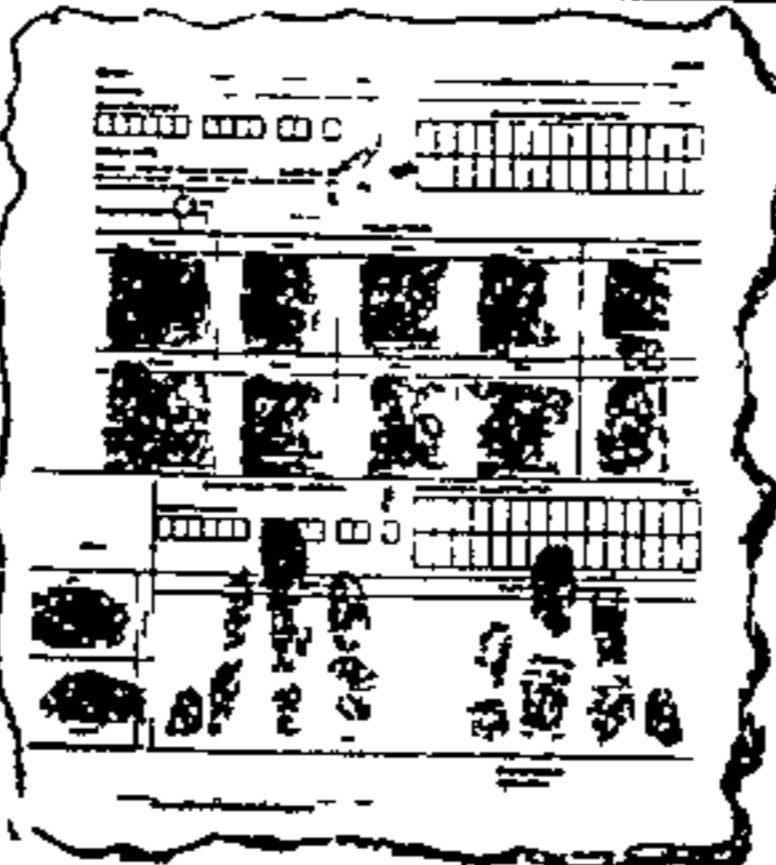
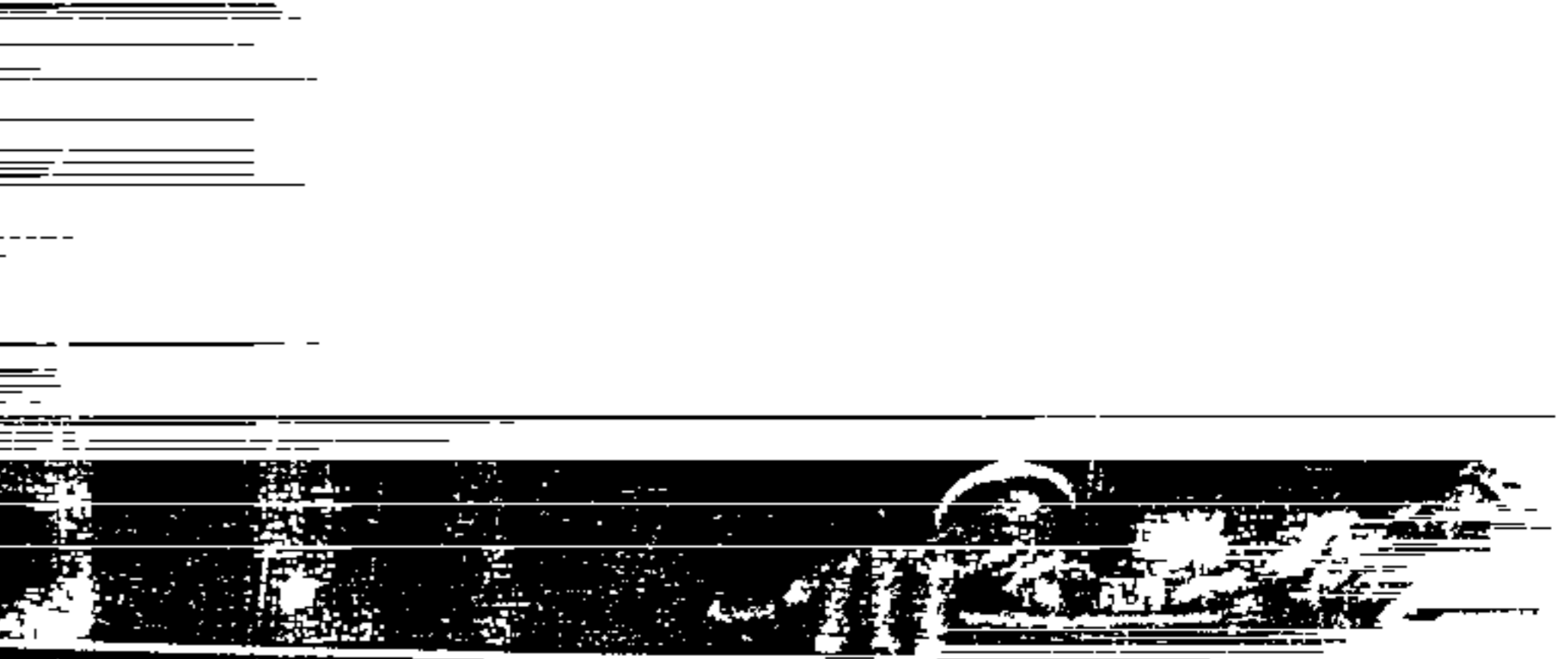
It was F. Nhlapo's second visit to the Sash. He first appeared at the advice office in 1981, when he arrived in Johannesburg from the Balfour district, where he had grown up on a farm

His case differs from Kubeka's because his home language is Zulu, not Tswana, so there is no danger of his being considered a citizen of an "independent homeland"

All the same, "when he came before, we told him he would not be issued with a reference book in Johannesburg because he had no urban rights. He couldn't work in the towns because he was born and grew up on a farm, and there was nothing we could do for him. He would only get his reference book in Balfour."

Nhlapo came back to check on the news that the pass laws had been changed

This time the Sash could tell him that according to the announcement and the white paper, he could apply for an identity document in Johannesburg — and because he is not a "foreigner" of any kind, he can look for work



Let the House po

THE Department of Home Affairs is not waiting for parliament to decide on the controversial aspects of the new urbanisation policy — they are already fingerprinting people and presuming they can hold joint South African and homeland citizenship

The department is handing out forms at all their offices for the planned new identification book. The form pre-empt many of the decisions still being considered by parliament or subject to negotiation with the

"independent" TBVC states. It asks people for and asks one can hold TBVC citizenships. The highly on fingerprinting is parliament and that this The State Pre issue of joint to negotiation

"As a single man with no children, he'll find it much easier to find a place to stay" — and with it what the Sash is assuming to be the crucial piece of paper, a lodgers' permit.

G. Jobe is a "foreigner" — born in the Transkei in 1918, employed in the Transvaal since 1933, self-employed here for the past 15 years. Nearly 70, he's ready for his pension. In the Transkei, it would amount to R49 a month. In the Transvaal, it will be R79 — and here he can supplement it with odd jobs

"Under the old system, we would have had to prove he had been resident in an urban area for 10

years," she says. "We would have tried to find Section 10 right for him somewhere

"Under the present setup, we have to prove that he is permanently resident in the Republic with his family"

He lives here, but without his family. "He's what the government calls a squatter," says Duncan, "living like thousands of others in the area called Grasmere, between Johannesburg and Vereeniging. He has less chance of being allowed to remain than he had under the old system, because his wife and children are in the Transkei. And without formal, approved housing, he won't

FOCUS ON THE NEW REFORMS

But where do they lead?

The government has taken five new steps in the past few weeks which could amount to a major dismantling of apartheid. Or they could amount to a switch from one set of controls to another. JEAN LE MAY reports

responsibility of administering unpopular laws is being shuffled off on to somebody else other than the government

All of which conjures up the possibility of mass midnight squatter raids instead of the pass raids which have made life a misery for generations of urban blacks.

Moreover Minister of Law and Order Louis le Grange disclosed in a parliamentary reply to a question that 163 of the 172 people arrested in Lwandle township near the Cape Strand on April

29 and 30 had been found guilty of trespassing. Ken Andrew (PFP, Gardens) said, "Trespass raids seem to be taking the place of pass raids."

"If that is so, the government is playing with fire."

Or the new law could, of course, be administered in the spirit in which the government says it is conceived.

Heunis maintains that it will not be used to control "informal settlement."

Significantly, the report of Heunis' department tabled this week has a few paragraphs describing a building method developed in the southern Orange Free State.

Instead of more conventional methods it uses "sods of earth, wire netting and hessian, wire netting and stone, or shuttering and filling with locally available materials."

Such dwellings cost R91 to R96 per square

metre instead of R158 to R184 psm, says the report.

The Urban Foundation, welcoming the bill to provide freehold spoke of "the urgent need to introduce innovative housing methods."

And Professor Nic Olivier, MP one of the PFP experts on the new urbanisation strategy told Weekly Mail the white paper showed the government fully realised the implications of its strategy and intended making provision for more land, finance and informal housing in a suitable administrative set-up.

It is clear that government intends allowing for a wide variety of informal settlement and this will not *per se* be regarded as squatting.

It also needs a leap of faith and a considerable crystal ball to assess whether the government is coming any closer to its announced intention of giving blacks the promised political rights.

The State President has spoken out, time and again, against federalism, but talk of the federal option persists, and it is known that Heunis talks frequently in private of his well known canton theory.

Coming to the nitty-gritty, the acceptance of a joint administration for Natal-KwaZulu could be a first tentative step.

So could some of Heunis' statements during the debate on his budget vote.

He spoke about the dismantling of the provincial council system.

He also spoke of a mechanism which would be developed to enable the existing boundaries and the "provision of joint executive bodies on the lines proposed for Natal and KwaZulu."

Significantly, his departmental report reproduced the map of South Africa's regions for development planning on which the non-independent homelands are shown as clearly falling within the various planning regions.

This could be a pointer to what we will hear about for the country's constitutional future at the National Party congress in August.

Heunis is a great one for kite-flying the kite he flew this week could be the map of a future South African federation.



The patient queues at the Black Sash advice office the officials are as confused as everyone else. Picture SANDY SMIT Afrapix

Let the House ponder; fingerprints are here

Department of Home Affairs is waiting for parliament to decide the controversial aspects of the new policy — they are fingerprinting people and they can hold joint South African and "homeland" citizenship. The department is handing out at all their offices for the new identification book. The pre-empts many of the decisions being considered by parliament subject to negotiation with the

"independent" homelands, known as the TBVC states.

It asks people for their fingerprints and asks questions which assume that one can hold joint South African and TBVC citizenships.

The highly controversial legislation on fingerprinting is currently before parliament and it has been suggested that this requirement may be dropped.

The State President has said that the issue of joint citizenship is still subject to negotiation with the TBVC

governments. Yesterday, J E Fourie, liaison officer for the Department of Home Affairs, said his department was faced with the choice of either waiting for the Bill to be passed or trying to get the process under way.

"We are trying to beat the deadline for the new ID books," he said.

If the legislation was changed then the unnecessary information — such as the fingerprints — would be disregarded.

Sheena Duncan of the Black Sash yesterday said the "bureaucrats" were "turning parliament into a rubber stamp."

"If you have any pretence to democracy, you have to wait for parliament to approve such moves," she said.

"I understand that they want to get things moving, but there are other ways to do this. In principle, it is just so wrong to pre-empt the legislation," she said.

calls on employers or landlords to notify the Department of Home Affairs (if so requested) of people taking up employment or residence, those people whose identification is demanded by a "peace officer" must produce it.

"One of the things that will be very interesting to see is how long it will be before people who benefit by this change realise what 'freedom of movement' means to people who are stopped and asked for their ID documents in the street," says Duncan.

"If they enforce the proposed law the way it reads, it means they can stop you in the street, and if they have reason to believe you are over 16 and have not applied for an identity document — because you do not produce one — they must 'without delay' take you to an office of a representative of the Home Affairs Department to check whether you're telling the truth when you say you do have an identity document."

The only way the representative has of checking is to take your fingerprints and flash them through on the computer to check the Population Register.

"This may not technically be an arrest — but if people are to be stopped in the streets and marched off to a government office to be fingerprinted, it is going to seem very like arrest to them."

11 years," she says "We would have tried to find a Section 10 right for him somewhere of "Under the present setup, we have to prove that he is permanently resident in the Republic with his family". He lives here, but without his family. "The government calls a squatter," says Duncan, "living like thousands of others in the area called Grasmere, between Johannesburg and Vereeniging. He has less chance of being allowed to remain than he had under the old system because his wife and children are in the Transvaal. And without formal, approved housing, he won't

be able to bring them here. "Somebody wins, somebody loses — but for the Moyos, there's no difference at all. [The Moyo brothers were born South Africans, children of a Zulu-speaking mother and a father who is a Botswana citizen. In 1977, with the Status of Bophuthatswana Act, the boys — who speak their father's language at home — "automatically" became Bophuthatswana citizens but did nothing about it. A year later, their father took out Botswanan citizenship for the entire family. The boys tried to register here, but were refused

reference books. So they tried to register in Bophuthatswana — which also turned them down. Meanwhile the Botswana government has also told them they are not citizens — because under Botswana law, a person who becomes a citizen as a minor keeps that citizenship only by renouncing his or her original citizenship before the 22nd birthday — and thus they didn't do. Changes in the law will not affect the Moyos, says Duncan, who is trying to help them to claim their South African nationality. In many ways the new system may seem much the same as the old. The Identification Bill

Blacks can retrieve SA citizenship

By Bruce Cameron,
Political Staff

CAPE TOWN — South African citizenship is to be restored on request to millions of black South Africans living legally in the Republic who became foreigners with the independence of the TBVC countries

Legislation restoring citizenship published here today effectively lays to rest the National Party dream of no black South Africans.

However, South African citizenship will not be restored automatically but only on written request to the Department of Home Affairs.

Negotiations are still under way to give blacks in the four independent national states — Transkei, Bophuthatswana, Venda and Ciskei — some form of dual citizenship.

Those blacks who are entitled to reclaim their South African citizenship will not lose their citizenship of the independent national state to which they owe allegiance at the moment.

4/6/86
ESP

Bill on citizens tabled

Political Staff

A BILL restoring South African citizenship to some who lost their citizenship when the TBVC homelands became independent was tabled here yesterday

The Restoration of South African Citizenship Bill restores South African citizenship to three categories of people

● Those born in the Republic prior to TBVC independence but who have been permanently resident in the Republic since

● Those who are citizens of the TBVC homelands by birth or descent but who have been permanently resident in South Africa for at least five years since the independence of the homelands And

● Those who are citizens of homelands by birth or descent who legally enter the Republic after the enactment of this Bill may apply for naturalization after five years.

The Bill also makes provision for the minor children of those granted citizenship to acquire the same status

● Full report, page 4

aware of a Buffel parked next to the
page 9

Picture: Stewart Colman

Political Staff

HOUSE OF ASSEMBLY
— Nearly four million black people will be entitled to regain their South African citizenship in terms of a new bill which was tabled in Parliament yesterday

But the four to five million citizens of the four "independent" homelands, who are resident in Transkei, Bophuthatswana, Venda and Ciskei, will have no such option

The people entitled to regain South African citizenship will in future have dual citizenship of South Africa and the homeland

Mr Nic Olivier, a PFP spokesman on black affairs, said last night that the Restoration of South African Citizenship Bill was "a big improvement"

The bill still had to go to a standing committee where the PFP would make further proposals, for instance in regard to the provision that black people permanently resident in South Africa would have to notify the Director-General of Home Affairs before they could regain their citizenship rights

Citizenship bill tabled

Cam Tink 4/6/86 23



Mr Olivier said he believed that "the millions of people in the independent homelands who arbitrarily lost their South African citizenship should have a choice and the possibility of them regaining their South Africa citizenship should not be dependent on them returning to the rest of South Africa, as defined in the constitution, on a permanent basis"

Mr Olivier said "The fundamental principle is

that people born in South Africa and who have permanently lived in South Africa will automatically become citizens on informing the Director-General of Home Affairs

"People born in South Africa after independence and living here permanently are automatically entitled to regain South African citizenship. They don't have to inform the Director-General

"Children of parents of these categories, even if they were born outside South Africa but who entered South African before July 1, automatically regain citizenship

"People who lived in those homelands at the time of their independence but after independence came to the Republic but have been lawfully resident here for five years shall be entitled to South African citizenship provided they apply to the Director-General

"Any child of a person why has regained South African citizenship may be registered as a South African citizen if the Director-General is satisfied they are permanently in South Africa

"Any person born in South Africa at independence and living permanently in South Africa is automatically entitled to regain South African citizenship provided the Director-General has been informed. People born after independence and permanently resident in South Africa before July 1 are automatically entitled to South African citizenship"

5 APR 4/6/86

Citizen status for all a must, panel told

238
238

By Alan Dunn
The Star Bureau

WASHINGTON — Common citizenship for all in South Africa was the Government's first priority now, a respected Afrikaner academic has told a special panel of top United States policy advisors. This was one of three things the country now needed, Dr Willie Esterhuysen, Professor of Philosophy and Theology at the University of Stellenbosch, said yesterday. He was testifying before a blue-ribbon panel appointed by President Ronald Reagan to determine how best the US can tackle the South African issue.

CLIMATE

Dr Esterhuysen told the 12-man panel the second move had to be the Government placing the population Registration Act and Group Areas Act on the reform agenda. This would create a climate for talks. Under questioning, he said the State President, Mr P W Botha, was a key figure in Afrikanerdom. There would be disturbances if Mr Botha put the two acts on the agenda, he said, "but he would carry the day". The third priority was releasing Nelson Mandela, unconfrontationally. Getting blacks to the negotiating table unless these three steps had been taken would be impossible. Dr Esterhuysen noted the deepening divisions in South African society. Thirty to 35 percent of the white electorate was among the Far Right — the Afrikaner was no longer a monolithic group.

LUXURY

Then there was the radical Left. Anyone believing that the ANC would restore order should try talking to the "Comrades" who held that the ANC was living in luxury while they were fighting in the streets. The largest group, the "international base" that cut across the race barriers and included most of the United Democratic Front and some of the ANC. Dr Esterhuysen noted sanctions would not influence the Government "one single inch". His experience was that if you dismantled apartheid it would act in quite a different way than expected.

8/4/88
#14 PK
238

'Allow them to be SA citizens'

THE Private Sector Council of Urbanisation has called for the restoration of citizenship to people in the homelands, the introduction of a uniform identity document and the provision of urban land for black occupation

The call came in a statement signed by all the organisations involved in the council - the Afrikaanse Handelsinstituut, the Federated Chamber of Industries, the Association of Chambers of Commerce, the Steel and Engineering Industries' Federation and the Urban Foundation

In the statement, the council also welcomed the government's presentation of the White Paper on Urbanisation

Council chairman JH Steyn said it was essential that an urgent and clear settlement be achieved with the authorities in the homelands that restores South African citizenship to all the residents

"Until that happens, many millions of South Africans could be denied freedom of movement and automatic access to the opportunities in urban areas

"Failure to act timeously in this area could undermine this bold new approach by the government," said Steyn

"The introduction of a uniform identity document for all South Africans should be dealt with as a matter of the greatest urgency but with considerable circumspection

"The statement regarding the proposed requirement for approved accommodation is in the light of the entire White Paper, interpreted by us to mean

- New urban settlement should take place on land set aside for residential accommodation

- There is no intention on the part of the government to substitute the mechanisms of 'approved accommodation' for old style influx control"

Steyn said the council believed that

- A process for the financing, acquisition and servicing of large tracts of urban land is urgently required

- The emphasis of government policy should be on facilitating the provision of well-situated urban land to prevent the illegal occupation of land by people who have no other means of finding shelter in the urban areas

- All societies need legal mechanisms to prevent the development of slums and the illegal occupation of land, but these measures should not be applied unless alternative affordable accommodation in the urban area is available for the affected communities or individuals

UFE Welcomes 'a part of the package'

THE Urban Foundation has welcomed the publication of the Black Communities Development Bill Amendment.

It represents "part of the package" of changes advocated by the foundation, executive director Fred Stiglingh said.

The changes - which include the abolition of influx control, the restoration of citizenship and a common identity document - are all components of "a process of transformation" of the SA society, Stiglingh said.

"This Bill is the result of a long and arduous process of research and negotiation to achieve full property ownership rights for black South Africans," he said.

Stiglingh said the Amendment Bill would help the private sector play a more active role in establishing and developing townships.

But, stressed Stiglingh, though the Bill would "do much to stimulate the provision of housing by township developers", more changes are "urgently required" before black people can fully enjoy the practical advantages of full property rights.

"Urgent attention should be given to the provision of land and finance, and the introduction of innovative housing methods that will promote a viable housing market and the creation of shelter for large numbers of South Africans," said Stiglingh.

"Moreover, racial tags attached to the allocation of land conflict with the fundamental principles supported by the foundation - such as freedom of choice and free enterprise," he said.

"A radical reconsideration of the Group Areas Act - and Land Acts is therefore an urgent priority."

"The elimination of influx control and other constraints - such as the red tape which has clogged access to ownership by black people - will also help to make property ownership more readily accessible," said Stiglingh.

235

Brain drain among DP^{9116/85}236 specialists *SM*

By Stan Kennedy

A call for higher salaries for specialised data processing professionals has been made by Mr Rob Davis, manager, training and education services, Control Data.

Mr Davis says that unless the computer industry looks into the question of salaries, perks and other incentives, it will be faced with critical specialised staff shortages. These could have wide-ranging, long-term effects on commerce and industry.

He was commenting on a report by the Computing Services Association (CSA) which said that at least 25 percent of professionals in the DP industry wanted to leave South Africa because of the economic and political situation.

"The future outlook is bleak but the industry, particularly CSA members, can do much to compensate for, or even stem, the tide of, the brain-drain.

"Professionals should be adequately remunerated on a par with, or even better, than what they would be offered overseas. Education programmes should be upgraded as a priority, with more emphasis being placed on training of unskilled staff of all races and sexes."

Arkans 16/6/86 (238)

Fingerprint files on all within five years

Political Staff

ALL adult citizens will have to be fingerprinted within five years in terms of the amended Identification Bill before Parliament today

Fingerprinting will be done automatically with each application for a new uniform identity document which will contain no racial identification — not even in code in the number

There will be no obligation on a citizen in possession of an existing identity document or reference book to apply for the new document

Existing ID and reference books will suffice as identity documents which all permanent residents will be obliged to have

AMENDED

However, every citizen, whether in possession of an existing or a new document, will have to be fingerprinted

This is the substance of the Identification Bill which has been amended by the joint-standing committee on Home Affairs

If passed by the three Houses

of Parliament, the Bill will become law on July 1

In terms of the legislation all permanent residents are to have their names included in the population register.

Each person whose name is included will be assigned a birth entry number and an identity number

ASSIGNED

The birth entry number will be constructed on the same basis as existing identity numbers which include race classification

An identity number assigned in terms of the Population Registration Act before the enactment of the new law will be considered a birth entry number

Holders of existing identity documents and reference books who do not apply for the new document will continue to use their existing identity numbers which will also be their birth entry numbers

Fingerprints will not appear in the new identity documents but will be held, along with race classification, in the population register

BUD DAY - 17/6/86

238

All references to race are to be removed from the new uniform identity document, in terms of amendments made to the Identification Bill by the standing committee on home affairs

The committee recommends the draft legislation be amended to provide that whites, coloureds and Indians be fingerprinted within five years for recording in the central fingerprint register.

The committee holds that fingerprinting remains the most scientific method of proving a person's identity

But it urges that fingerprints should not appear in the identity document

It advises the state urgently to investigate more sophisticated methods of taking fingerprints than the technique now in use.

It says great discretion is necessary in fingerprinting because of certain misconceptions relating to it

End to race code

CHRIS CAIRNCROSS

The only identity details now to be contained in the revamped identity document is sex, date of birth and citizenship

An identity number will be assigned to the individual based on the birth entry in terms of Section 6 of the Population Registration Act.

The identity document will no longer have to be carried at all times.

But an authorised officer may at any time request any person presumed to be older than 16 to provide identity without delay by producing the identity document or making an affidavit.

BUS DAY 18/6/86.

Poor black response to new ID

238

GERALD REILLY and Sapa

THE Department of Home Affairs aims to have issued all 14-million eligible blacks with new identity documents before the end of the year, Home Affairs Director-General Gerrie van Zyl said yesterday.

Up to the end of last week, 120 000 applications from blacks — 0,8% of the total to be issued in the next five or six months — had been received and were being processed.

Van Zyl said the inflow of applications so far had been disappointing — mainly because of uncertainty about the content of the Identification Bill, including the fingerprinting issue.

The department's advertising campaign, aimed at speeding up the flow of applications, had started.

The standing committee's report on fingerprinting whites, coloureds and Asians had recommended a period of five years to complete the task. Details of how this was to be done were still being worked on.

□ The Progressive Federal Party was opposed, in principle, to the taking of fingerprints but would not oppose the Identification Bill on those grounds, PFP MP Peter Soal said yesterday.

National Peoples' Party MP Boetie Abramjee said he saw nothing wrong with having fingerprints taken "strictly for identification purposes".

A Labour Party spokesman said the LP was "quite happy" with the Identification Bill, especially as everyone was now going to be treated in the same way.

CAP Times 19/6/86

Step closer to pass laws, end

HOUSE OF DELEGATES — A uniform population register for all South Africans and the compulsory fingerprinting of all races were provided for in the Identification Bill introduced for second reading in the House yesterday by the Minister of Home Affairs, Mr Stoffel Botha

The bill which, if passed by all three Houses, would effectively end the pass law system in South Africa, was intended to come into operation at the beginning of next month, Mr Botha said.

It provided for, among other things, details of all population groups, blacks included, to be recorded in one population register and uniform identity documents to be issued

Anyone reaching the age of 16 and those applying for a new identity document or a reissue of such a document would have to have fingerprints taken for inclusion in the population register

Fingerprints of all those in possession of an identity document issued in terms of the Population Registration Act of 1950 would be taken within five years of the bill coming into operation, he said

The minister said that in terms of the bill, every person would be assigned two numbers in the register — an identity number and a birth entry number

Fine of up to R100

The "population group" code currently appearing in the identity number would be replaced by a "neutral index number" for all population groups

The population group code would be retained in the register as part of the birth entry number.

Mr Botha said that in terms of the bill, anyone failing to provide proof of identity to an authorized officer on request could face a fine of up to R100

Existing identity documents and reference books would be recognized until such time as the new identity document had been issued to that person

The bill, which abolishes the reference book for blacks, was read a second time in the House

Replying yesterday to second-reading debate on the bill, Mr Botha said the vast number of new identity documents could be issued quickly if police stations helped with the formal applications

Welcoming the bill's introduction, Mr Mahmoud Rajab (Sol Springfield) said agitation against the pass laws began in the 1950s with the defiance campaign led by Chief Albert Luthuli and Mr Nelson Mandela — Sapa

STAR
y June 20 1986

7

ID Bill causing ²³⁸ confusion

The new Identification Bill has caused confusion among identity document holders

The Identification Bill was tabled after investigation by the Parliamentary Standing Committee for Home Affairs.

The committee recommended that everyone over the age of 16 be fingerprinted as this was the most scientific method of proving identity.

According to the Bill, all new identity document applicants will have to be fingerprinted immediately. Those already possessing identity books will have to be fingerprinted within the next five years.

A liaison officer for the Department of Home Affairs anticipated that current identity book holders would not have to hand in their books if the new Bill was passed, as long as they were fingerprinted within five years.

Fingerprinting is still a black mark

Sunday Times 22/6/86 238

THINGS haven't changed much since I last went to get my reference book at the old Department of Development and Co-operation

This week the only difference I noticed at the Department of Home Affairs was that I wasn't immediately asked to pay R5 to replace a missing "dompas"

And I wasn't told to go round to the West Rand Development Board to be cleared for Section 10 (1) A rights to live in Johannesburg

The rest was strangely familiar

With another exception

For the first time in my life I saw a basin of water provided for washing one's hands, which was emptied at intervals when the water became black with ink

Visible

So the visible traces of fingerprinting — down to the ink beneath the nails — was all too apparent

As I pressed my hands on to the ink block, I casually asked why we were being fingerprinted. The answer from behind the counter was that officials had been told to take the prints

I then received my Temporary Identification Certificate (TIC). The temporary document is exactly the same as that issued pending the arrival of a reference book

Birth

The TIC clearly spelt out that I was not authorised to be in a prescribed area without permission, and that I could not use it to get employment without the necessary qualifications — Section 10(1)(A, B or C) rights

Thanks to my birth I can still boast that I belong to a prescribed area — in this case, Johannesburg

Scores of applicants were queueing to have their fingerprints taken on the back of the application forms

They emerged from the department office, manned by five or six officials, with their hands black with ink

And the officials them-



Sunday Times reporter SAMKELO KUMALO took the plunge and applied for South Africa's all-race identity document, which replaces the old dompas system, hated by blacks for 30 years. This was his experience

selves were not escaping the effects of the ink. You have to be an expert to take fingerprints, advising your "customer" across the counter to relax the body and arm

Then, after cleaning my hands, it was time to fill in the application form

I said I had lost my reference book, and joined the queue which stood under the large green sign "LOST REFERENCE BOOKS".

Particulars were taken, and I went away with my valued TIC, which expires after three months

I understood the new document will come with completely new identity numbers which will include my year, month and day of birth

In the old days, the computerised numbers in the reference books contained my life story — what sex I am, and whether I was black or white

The next day I went to the

white section of the Department of Home Affairs to see what was happening there

Whites, coloured and Indians were standing in queues for late registration of births, to applications for identity documents

I watched the queue for identity documents. An applicant was served and given a white form, similar to the one I had seen used by blacks

Negative

I approached the man and asked whether he had been fingerprinted. The answer was negative

He was going to hand in his application form and the usual two accompanying photographs, and that was the end of the story. He had never heard of fingerprints being taken

There was no space for fingerprints at the back of his form

22/6/86 SAMES

238

By JEREMY BROOKS

MILLIONS of South Africa's new "all-race" identity documents are being churned out by the Government Printer in Pretoria.

And as officials get ready for the mammoth task of fingerprinting and posting ID books to every member of the population, queues are growing daily at Home Affairs offices across the country

The new documents will be issued in line with the Identification Bill which has not yet been passed by Parliament. However, it is expected to be implemented next month

Political opposition to the Bill has largely evaporated following a concession by Government that the new documents would not be issued on a racial basis

The digits in the ID number which denote colour or race are to be removed. The PFP have still expressed their opposition to the fingerprinting clause, but say they will not oppose the Bill on those grounds

Meanwhile, the Department of Home Affairs, in preparation for the big event, has announced it is already processing applications

Blacks, rather than whites, seem to be eager to see the last of the hated "dompas" and apply for the new identification

Files of men and women patiently entered the department's Market Street, Johannesburg, offices this week to have their fingers inked and pressed onto the back of their application forms

Whites, however, were treated differently at Harrison Street

There were no facilities for fingerprinting at the end of their queue, and none was taken over a two-hour period that the procedure was watched by the Sunday

Let your fingers do the printing for the all-race



MR NICO VISSER and the new ID

tered for the old reference books, have always been fingerprinted," he said

"As the old Pass Law has not yet been abolished, the situation remains the same

"When white applicants have no objection to having their fingerprints taken — and many do not — we go ahead and take them"

Mr Visser said about 130 000 applications for the new identification had been received

The printers were capable of producing "between 150 000 to 200 000 documents over a 24-hour period"

"At the moment we are slightly short-staffed, so we cannot work around the clock," he said

A standing committee has recommended that whites, coloureds and Indians be given five years' grace to obtain the new documents

Times

No whites were asked, as they filled in their application forms, whether they were prepared to be fingerprinted. This conflicts with a Department of Home Affairs explanation that whites were being routinely requested to be fingerprinted

Mr Nico Visser, Director of Population Registration 1 (Section 1 deals with blacks), explained that while the old legislation remained in force, fingerprinting for whites was not compulsory and could only be done if there was no objection. Until next month, that is

"Blacks, when they regis-

Race system here to stay

238

RACE classification remained the basis of National Party policy and would be retained "behind lock and key" in the population register, Home Affairs Minister Mr Stoffel Botha told the House of Assembly on Friday.

He was reacting to fears expressed by the Conservative Party that the removal of race identification from the

proposed new identity documents was the beginning of the end of race classification.

Mr Botha was replying to an all-day debate on the second reading of the Identification Bill which was fiercely opposed by the right-wing parties.


Abandoned

He said the principle of race classification was

not affected at all by the proposed legislation.

There was no ground for any fears that the principle of race classification would be "watered down" or abandoned.

Information about the race of South Africans would remain in the Central Population Register and would also be included in birth registration numbers on birth certificates.

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Dialogue and reconciliation urged

23/6/86
BUW DAY

Mozambican bishops appeal for ceasefire

23/6/86

LISBON — Mozambique's Roman Catholic bishops have appealed to the country's Marxist-led government and rightwing rebels to call a ceasefire and end the country's civil war

In a pastoral letter quoted by the Portuguese news agency Noticias de Portugal in a dispatch from Maputo, the bishops said dialogue and reconciliation were the only way to achieve peace

"We appeal to both sides for an early ceasefire, in arms and in words, to create a climate that can make peace talks possible," the letter said

It was the most direct appeal so far from the Church to President Samora Machel's govern-

ment and the Mozambican National Resistance (MNR) rebels

The bishops of Mozambique's nine Roman Catholic dioceses said the war had caused tragic consequences among the civilian population — sickness and hunger, paralysis of the country's agriculture and industry, and closure of schools

The Mozambican government has so far publicly ruled out dialogue with the rebels, whom it describes as armed bandits

The bishops expressed concern over what they said were alarming reports of cruelty, massacres, executions, destruction of property and forced movement of the civilian population

"To the guerrilla leaders we

wish to say from the start that the end does not justify the means. For this reason, we appeal to you to respect innocent and defenceless populations, their lives and their goods. We appeal to you to abandon the ways of violence and to courageously embrace the way of dialogue and reconciliation"

The bishops also called on government forces, who are being helped in the war by Zimbabwean troops, to show similar respect for civilians because "even in the most difficult of circumstances, this does not give the right to commit excesses"

The rebels are demanding the withdrawal of foreign troops from Mozambique and the holding of elections — Sapa-Reuter.

CAF Times 24/6/66
**Groups
still to be
classified
by race**

HOUSE OF ASSEMBLY
— The Identification Bill had "absolutely nothing" to do with race classification and did not affect the provisions of the Population Registration Act, which did, the Minister of Home Affairs, Mr Stoffel Botha, said yesterday.

Replying to second-reading debate on the bill he said every group would still be



classified according to race and that classification would be recorded in the Population Register.

The new identity document, with no race code number, was only an instrument to identify a person. It said who he was, not what he was.

All the suspicion-mongering that the NP was abandoning its principles over the measure was not founded on fact.

He said it appeared that the advertising campaign for the new document was bearing fruit.

Over 115 000 applications were pending. A total of 31 000 applications were received last week, 11 000 up on the week before.

The bill was read a second time after an amendment by the CP fell away when a division was called. — Sapa

PFP urges SA citizenship for TBVC

HOUSE OF ASSEMBLY — South African citizenship should be restored to all black people from whom it had automatically been taken when their homelands became independent and not just to those resident in the Republic, Mr Tian van der Merwe (PFP Green Point) said yesterday.

Speaking in second-reading debate on the Restoration of South African Citizenship Bill, he said that although the PFP supported the bill, it did so with a measure of

disappointment.

The general expectation had been that the bill would provide for restoration of citizenship to everyone in the TBVC states.

In calling for its ambit to be widened, the PFP was not saying that the independence of these territories should be completely dismissed.

The party was aware this status was "a fact of life whether you like it or not".

Dual citizenship, however, would be a "very

acceptable solution to the problem".

Mr Van der Merwe said there was no doubt the bill represented a decided departure from the separate-development principle.

It had been argued over the years that one of the reasons for the policy of black-white partition was to avoid giving blacks political rights in the Republic.

But there was no sense in recognizing the claim to political rights of citizens of the independent

states who lived permanently in the Republic if one said those living in those states had to retain that citizenship and exercise their political aspirations there.

● The Minister of Home Affairs should "take another look" at the provision of the new citizenship bill which laid down that black people would have to apply for South African citizenship rather than receive it automatically, Professor Nic Olivier

(PFP Nominated) said during the debate.

Whites were automatically granted citizenship on the basis of naturalization or residence because they were wanted for the Defence Force, but blacks "must first give notice or make application".

Citizenship was a fundamental human right, and should be granted automatically in the country in which one was born and lived permanently.

Mixed-race couples find it tough going

238

Star 26/6/80

By Maureen Johnson

A year after becoming the country's first couple to marry legally across racial lines, black South African Protas Madlala and his white American wife are living apart and contemplating emigration

Mr Madlala (30) and his wife Suzanne Leclerc Madlala (30) say that despite removal of the ban on mixed marriages — lifted the day before they were married — their lives remain snarled in this nation's thicket of racial codes and attitudes

"Some problems are tied up with people's identity — things that don't change just by changing the law," Mrs Madlala said "South Africa is just not geared to mixed marriages"

Limited in choice between living in a squalid black township or separation, and unable, as a foreigner, to get permission to work in South Africa, Mrs Madlala works at a university in Transkei

It is 375 km from her husband and his job as a community worker at Mariannhill, a church-run settlement outside Durban

Mr Madlala, who met his wife in 1984 while studying for a master's degree in communications at Washington's American University, lives alone in a tin-roof, three-room home. It has no running water or electricity and is surrounded by shanties, broken cars and squawk-

ing chickens in a dusty, rundown black settlement

The couple say they are tired of being gawked at by curious blacks and sometimes hostile whites. They say they avoid shopping or eating out together during monthly reunions

"If we can't get decent accommodation where we can be together, then we will go. I cannot sacrifice my wife to this," said Mr Madlala. "And it is not just the facilities. Culturally, she is isolated here"

About 450 couples have married across South Africa's emotionally ingrained racial lines since the Government, as part of its reforms, lifted a 36-year ban on mixed marriages last June

But a white who marries across the colour line takes on the legal status of the darker spouse. That means living in an area segregated for blacks, Indians or coloureds

Segregated

The provision effectively ostracises the white partner. The reform also in other respects has turned out to be a mixed blessing in a land where residential areas, state schools and some public transport remain segregated

While a mixed couple dining together might not turn too many heads in a five-star hotel with a worldly clientele, they become a conversation stopper in more recently desegregated cafes or suburban restaurants

Some of the mixed-race couples who, like the Madlalas, have the option to live in another country because one partner is a foreigner, have left

Briton Jack Sakter (54), who settled in South Africa 22 years ago, left in April with his 23-year-old coloured wife after suffering abuse from whites and having his grocery store shut down

The white local authority in Kirkwood, a suburb of Port Elizabeth, withdrew Mr Sakter's trading licence on grounds that he should be treated like a coloured person. Mr Salter regained the licence in a Supreme Court suit, but declared he'd had enough

The Herstigte Nasionale Party said lifting the ban on marriage and another on interracial sex symbolised "the immense threat to the continued existence of white society"

It used pictures of the Madlala wedding and spotlighted other couples in a successful parliamentary by-election campaign against the National Party last year in Sasolburg

Mrs Madlala said she had been intending to marry last June 15 as a statement against apartheid and would have done so regardless of whether the ban on interracial marriages was lifted

The law was changed the night before the wedding — and then the problems mounted. Mrs Madlala was finally given a residence per-

mit last April, but not a work permit. In any event, there are no vacancies at the three universities near Durban

For six months she lived in Mariannhill township — unable to take a bus to Durban with her husband or his relatives because public transport is blacks-only

There are no nearby homes for better off blacks. Mariannhill is particularly rundown because the Government had long hoped to force residents to move into a tribal homeland — a plan recently dropped under another apartheid reform

"I had all sorts of stomach ailments and something like typhoid," she said in a telephone interview from Umtata, where she teaches

Attitudes

"It is not only the lack of a work permit that keeps me in the Transkei, but also where are we going to live? We can't live in a white area and a black township is not an appropriate place to be living in at all"

Mr Madlala said he regretted the lack of privacy and the attitudes of black neighbours who disapprove of his helping with the housework — traditionally a job for the wife

"The people were very happy for her to be here but there is no privacy. They are around all the time. I just can't stand it — even

more than whites staring. There is no place left to hide."

Mr Madlala, during a drive from his home to his office past a white suburb, pointed out a small house, where they would like to live

"But then perhaps I'd start getting nasty phone calls from radicals saying I was a sell-out," said Mr Madlala, acknowledging another risk after months of anti-apartheid unrest

"But if we could get somewhere to live, I'd stay. We are very political and we believe the struggle is in South Africa — and we have skills to contribute." — Sapa-AP.

ARGUS 2/7/86 (238)

Many blacks apply for 'colour-blind' identity book

The Argus Correspondent

JOHANNESBURG — The Department of Home Affairs has confirmed that it will still keep race classification records, although the new identity documents will be colour blind.

The director-general of home affairs, Mr Gerrie van Zyl, said that in terms of the Population Registration Act people were entered on the population register according to their race group. Other Government departments would have access to this information, but it would be given only "in the strictest confidence".

However, he emphasised that the new documents would contain no reference to race.

Streaming in

Mr van Zyl said that until Friday the Pretoria offices of the department had received 152 000 applications from blacks for new identity documents.

However, applications were streaming in by the thousand at the department's offices throughout the country. The tide of applications was probably due to the Government's aggressive marketing campaign, which included full-colour inserts in major newspapers describing the advantages of the new identification.

Mr van Zyl said the first new identification documents would be handed out today in Pretoria. It was hoped to have all blacks' documents issued by December or early next year.

Photographs

People should approach their local office of the department, taking with them their reference books, two photographs and their marriage certificates.

Those without reference books should take birth certificates and if they did not have these, an application for a registration of birth would be made on their behalf.

A spokesman for the head office of Home Affairs in Pretoria said the department was discouraging whites, coloured people and Indians from applying for their documents now.

Thousands apply for new IDs

238

Hamba dompas! But race records are here to stay

By Sue Leeman and Abel Mabelane

The Department of Home Affairs has confirmed it will still keep records of an individual's race classification although the new identity documents will be colour-blind.

Director-General of Home Affairs Mr Gerrie van Zyl said in terms of the Population Registration Act, people were entered on the population register according to their race group.

Other government departments would have access to this information but it would only be given "in the strictest confidence".

Streaming in

However, he stressed the new documents would contain no reference to race.

Mr van Zyl said by last Friday, the Pretoria offices of the department had received a total of 152 000 applications from blacks for new identity documents.

However, applications were stream-

ing in by the thousand at the department's offices countrywide and applications now probably numbered several hundred thousand.

This indicated many blacks were eager to finally part with the dompas.

The tide of applications was probably due largely to the Government's aggressive marketing campaign, which has included glossy full-colour inserts in major newspapers detailing the advantages of the new identification.

Mr van Zyl said the first new identification documents would be handed out today in Pretoria.

It was hoped to have all black documents issued by December this year or early in 1987. The department had taken on extra staff and budgeted an extra R30 million to handle applications.

People should approach their local office of the department, taking with them their reference books, two photographs and their marriage certificates.

Those without reference books must bring their birth certificates and, if they do not have these, an application for a late registration of birth will be made on their behalf.

A spokesman for the head office of Home Affairs in Pretoria said the department was discouraging whites, coloureds and Indians from applying for their documents now.

"We would rather deal with black applications first," he said.

45 000 get new IDs

THE new identity books issued to about 45 000 blacks throughout the country heralded a new road which the Government must follow to eradicate unjust laws in the country, some of the recipients said in Pretoria yesterday.

Mr Nico Visser, the director of Population Registration in the Department of Home Affairs, presented the first ID books in Pretoria to eight people at a Press conference in the city yesterday.

Those issued with the new books, which do not denote the race of the holder, are Mr Charles Tsebe, Mr Saths Seopela, both senior officers in the Department of Home Affairs, Mr Frans Mathonsi, Mr Hendriek Rasetola, Mr Jacob Motau, Mr Samuel Nkabinde, Mr William Ndlovu and Mr Daniel Malatje.

Some of the recipients told the *Sowetan* in an interview that they hoped the new and uniformed identity documents by all races "will end the problems that have already plagued

By MONK NKOMO

this country" All of them welcomed the new books and said they were happy they did not denote the person's race or colour

"It is the end of ethnicity," said Mr Tumed Mack Sekokotla, who received his book yes-

terday morning

"To me, this is a road to the scrapping apartheid I am happy to be classified as a citizen of this country," said a delighted Mr Sekokotla who posed for photographs holding his ID

All the recipients had applied for the new book in May

More than five million identity documents have

been prepared for issue to black persons and several hundred thousand applications have already been received countrywide Scores of Home affairs Scores of people lined up to apply for the new books at the Pretoria West offices of the Department of Home Affairs at Lorentz and Von Brandis streets

tswana all the necessary documents, like the citizenship certificate, which were issued to him at the time of independence," says Mot-satsi

Bophuthatswana Cabinet ministers have said repeatedly in the past that their government would not allow any citizens to have dual citizenship because of "the evil system of apartheid." However, blacks have often said they suspect homeland governments feared dual citizenship would undermine their "sovereignty," and result in a loss of tax revenue

Nearly eight million blacks became foreigners and lost their SA citizenship when Transkei, Bophuthatswana, Venda and Ciskei (TBVC) were granted independence. The Restoration of SA Citizenship Bill, still to be ratified by parliament, makes it possible for them to reclaim SA citizenship.

Naturalisation

In terms of the Bill, individuals can apply for a restoration of their SA citizenship if they were born in the Republic, or are children of parents who were born in SA. People could also apply for citizenship by naturalisation

The Black Sash's Sheena Duncan has said the new legislation does not restore citizenship to those from whom it was taken away. It provides, she explained, for a limited granting of citizenship on stringent conditions only to some of those who were denationalised

Those who do not qualify by birth have to regain their SA citizenship by naturalisation, which requires obtaining permanent residence, then living in the country for five years. "People who cannot read and write English and Afrikaans satisfactorily may not regain their citizenship," she observed

Duncan estimates that five million people living in the TBVC states will not regain their SA citizenship because the Bill is "more stringent and complex" than people realise

When State President PW Botha first announced the reform, he promised to restore citizenship to those who had lost it under the government's policy of giving independence to some of the black homelands, but once again "this is just one more example of broken promises," Duncan claimed. ■

Our report last week (Western pressure mounts) stating that while in London, the ANC leader, Oliver Tambo, lunched with the British Industry Committee on SA (Bicsa) was incorrect. While some of its leading members were present at the lunch, it was not a Bicsa affair and included South Africans Chris Ball of Barnat and Tony Bloom of the Premier Group, as well as leading UK and US investment and banking groups.

In addition, Johnstone Makatini was unable to give evidence for the ANC to the House of Commons Foreign Affairs Committee. His place was taken by Aziz Pahad

THE CONSTITUTION

Awaiting moderates

One official reason for the State of Emergency is to remove the threat of intimidation and flush out black moderates to parley about a new constitution

According to Bureau of Information spokesman Leon Mellet, the emergency is succeeding in cutting down violence. Hopefully, such moderates will soon emerge from the barricades to get aboard President Botha's proposed National Council (NC).

The proposed NC, to be chaired by the State President, will comprise the five self-governing homeland leaders or their nominees, 10 people nominated by interested groups; not more than 10 people deemed by the President to be qualified to make fruitful contributions to its deliberations; and a variable number of Cabinet ministers, with the President having the final say in the appointments

However, the NC, officially seen as "starting point for power-sharing and the beginning of a government of more national unity," continues to arouse mixed feelings —



KwaZulu's Buthelezi ... will he join the National Council?

even among "moderates" in the black community

The Urban Councils' Association of SA (Ucasa), a national representative body of community councils, has opted for participation in the NC "without any pre-conditions." However, 20 of the 46 councils have resigned

Aside from some homeland leaders like Lebowa's Cedric Phatudi, other moderate black leaders have virtually ruled out their involvement so long as organisations like the banned African National Congress (ANC) and their leaders are not given the chance to participate fully in the proposed new body

Sam Buti, former Alexandra Council chairman whose home was firebombed, has rejected participation in the NC. Buti warned that the failure of earlier, similar structures would befall the NC too

KaNgwane Chief Minister Enos Mabuza

perceives little sense in his participation if Nelson Mandela, other political prisoners and political exiles are denied participation. Mabuza is also critical of the composition of the NC: "In terms of the provision of the Bill under which the NC is to be created, the five homeland leaders or their nominees, for instance, automatically become members of this council; but the majority of the black people have rejected the homelands. I believe it would be wrong for me to go into the NC pretending that I represent all the people in KaNgwane. They should have the right to elect their own people. Another flaw in the new body is that it is to act only in an advisory capacity"

Mabuza believes the whole issue of an NC hinges on the political organisations and the leaders who were banned, imprisoned or exiled because of their opposition to the status quo.

KwaZulu Chief Mangosuthu Buthelezi, viewed as a key potential participant, has said it would "not be possible for me to participate if Nelson Mandela was precluded from the possibility of participating" (see *Letters* June 27)

Ucasa, which last weekend decided it will take part in the NC, also suggests that Mandela and others be given the choice. It plans to convey this idea to government. However, Ucasa deputy president Tom Boya stressed that the "suggestions are not pre-conditions" but should be seen as an "honest and sincere request to ensure the NC can achieve its intended purpose." Boya also said Ucasa felt that the scrapping of the Group Areas, Population Registration and Separate Amenities Acts would create the right climate for negotiation.

In its report to the Commonwealth, the Eminent Persons Group (EPG) speaks of a "considered view that, despite appearances and statements to the contrary, the South African government is not yet ready to negotiate for a future non-racial SA — except on its own terms. Those terms, both in regard to objectives and modalities, fall far short of reasonable black expectations and well-accepted democratic norms and principles

"In the government's thinking, there were a number of non-negotiables, for example, the concept of group rights — the very basis of the apartheid system — was sacrosanct, the homelands created in furtherance of that concept would not disappear, but be reinforced with the emergence of an 'independent' KwaNdebele; the principle of one man, one vote in a unitary state was beyond the realm of possibility, the Population Registration Act would continue, and the present tricameral constitution which institutionalises racism must be the vehicle for future constitutional reform

"Negotiations leading to fundamental political change and the erection of democratic structures will only be possible if the South African government is prepared to deal with leaders of the people's choosing rather than with puppets of its own creation," the EPG concluded. ■

FINMML 4/7/86

CITIZENSHIP

238

during the five-year period 1978-1982

A further indication of the breakdown in family life is the number of social work cases handled by the various government departments and welfare organisations over the past few years. These involve marital conflict, children taken away from their parents, uncontrollable children, battered children and juvenile delinquents.

The causes of family breakdown can be classified in two broad categories: those larger, underlying social reasons like resettlement, poor living conditions, migrant labour, unemployment and a lack of adequate accommodation. Then there are other, more individual, reasons such as alcohol and drug abuse, immaturity, inadequate preparation for marriage, early marriage and unrealistic expectations of marriage.

The working committee proposes that a national family programme be launched. The programme would attempt to co-ordinate and build on efforts already rendered through public and private welfare and other agencies, and would be aimed at all population groups. The recommendations concentrate on education, counselling and guidance services, as well as projects that would promote marriage. There's little doubt that the programme will benefit many. But, given the scale of social breakdown documented in the report, its success will be limited unless there is a massive commitment to face up to the broader social causes — and this cannot be

undertaken by voluntary welfare institutions

The working party acknowledges this and calls on central government to take cognisance of those policies that have a bearing on family life

But it will take more than a change on the statute books to reverse the process of more than 30 years of social deprecation. Migrant labour and resettlement may have been ideologically inspired in the past, but they are now perpetuated by the physical development of the country. The pass laws are no more. Yet people remain living in townships and homeland settlements miles from where they work. Parents are still commuting and children are still being left to bring themselves up.

On a more positive note, the study is refreshingly free of the "own affairs" jargon that permeates government documents these days. But that does not mean it will escape this policy. The report was circulated for comment to welfare institutions along with the controversial "Report on an investigation into the present Welfare Policy in the Republic of SA" (*Current affairs* January 31). This policy was formulated within the framework of the new constitution and proposed the new welfare system be restructured along the lines of "own affairs." Reaction to the two documents is now being studied by the Department of Health and Population Development.

A complex route

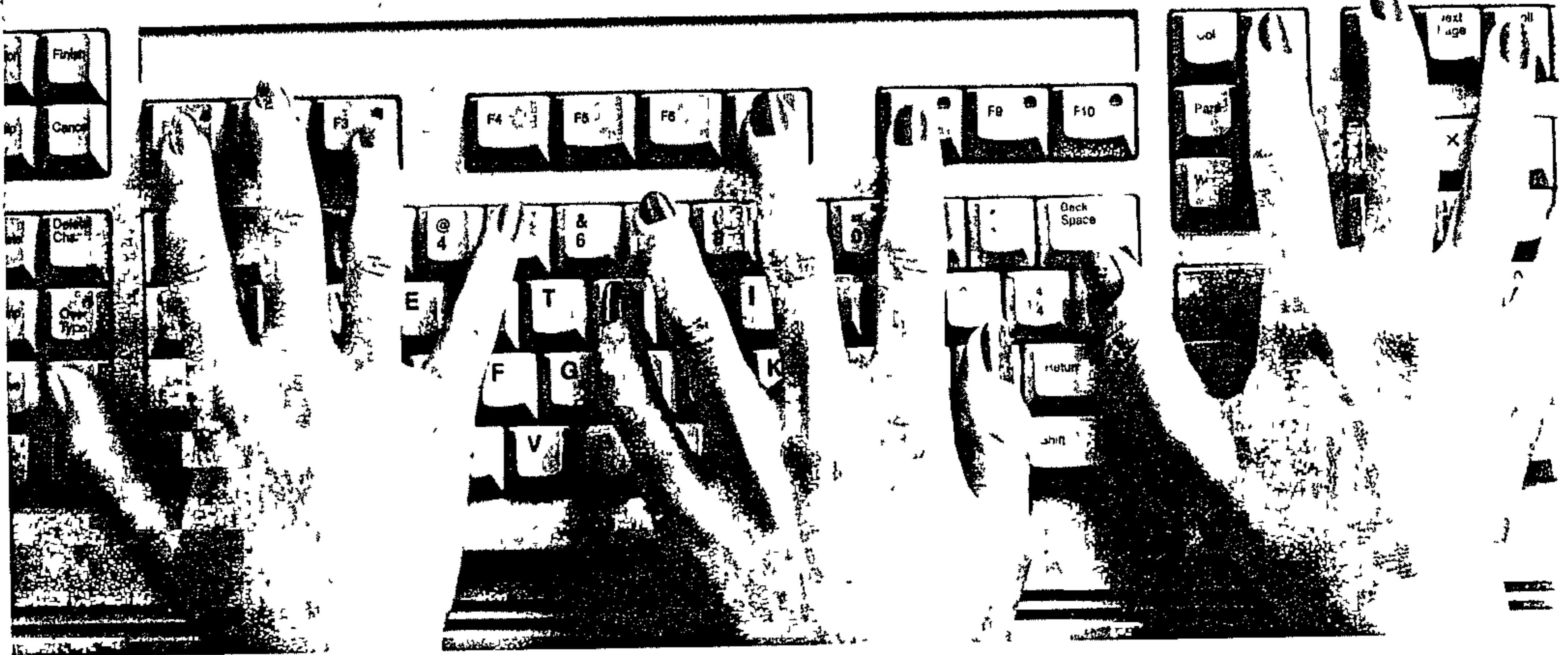
While SA is still processing legal measures to enable blacks — including those who legally hold independent homeland citizenship — to become citizens of SA, the Bophuthatswana government enacted a new citizenship law last Friday rejecting dual citizenship for its citizens.

Although SA had a dual citizenship clause in its original Restoration of SA Citizenship Draft Bill, the clause has now been dropped. This means Pretoria also rejects dual citizenship, but the Bill is only likely to become law in the next parliamentary session.

Bophuthatswana's Home Affairs Minister, Chief Motsatsi, tells the *FM* that Bophuthatswana citizens will not be allowed to acquire SA citizenship as well, but individuals who wish to renounce their citizenship in preference to that of SA can do so in terms of the new law.

However, he explains, such people will first be required to indicate their intention to renounce Bophuthatswana citizenship by completing an official form before applying for SA citizenship. If this is not done, Pretoria will not accept their applications. This is in accordance with agreements between the two governments.

"If an applicant for SA citizenship is successful, he is expected to return to Bophutha-



save you money...

Replace hated 'dompas' for millions of blacks New ID books ready

ABOUT five million new identity books are waiting in Pretoria to be claimed by blacks.

The books, which bring black identity documents in line with those issued to white, coloured and Indian people, replace the hated "dompas".

So far only about 155 000 applications for the new documents have been received but more are streaming in, according to officials of the Department of Home Affairs.

By FRANS ESTERHUYSE, Political Staff

The director of the black population register, Mr Nico Visser, said from Pretoria 8 000 more ID books a day were being prepared. Production would continue until a target of at least 13,5 million had been reached.

Mr Visser said 13,5 million names were on record from the old pass system. These included people in the self-

governing national states, but not in the TBVC countries (the independent homelands).

Each application received had to be checked against the information on record, including fingerprints.

Once an application, accompanied by photographs, had been approved, the new document was issued.

SA citizens

Mr Visser said not all potential holders of the new ID book would be South African citizens. The books would indicate whether holders were non-citizens.

The new documents are being issued in terms of the Identification Act recently passed by Parliament.

The first were issued this week.

Classification

When the new system was discussed in Parliament the Minister of Home Affairs, Mr Stoffel Botha, made it clear that the Government's race classification system would remain.

Although race would not be shown in the new ID book, details would remain recorded in the central population register.

The system of race classification in the population register has been one of the main pillars of apartheid and also forms the basis of the tricameral system of Parliament and the racial division of its separate Houses for whites, coloured and Indians.

Mr Botha told Parliament that race classification was still the basis of the National Party's policy.

Group rights

"It supports group identity and group rights," he said.

The system was built into the population register, where it was "protected behind lock and bolt."

The legislation for the new ID system repeals the existing legislation under which the old "dompas" system was administered.

A spokesman for the Department of Home Affairs said the old documents would remain valid until they were replaced by the new ID books.

Deadly little ships join the navy

DURBAN. — The navy's latest missile-carrying Minister-class strike craft, the P1569, has been commissioned at Salisbury Island.

The ship, launched in March, has been fully equipped and armed and has passed harbour and sea-accept-

Boy shot dead — police marksman cleared

Weekend Argus
Foreign Service

LONDON. — Police marksman Brian Chester, who shot and killed a five-year-old boy in a raid, has been cleared of manslaughter.

The jury at Stafford Crown

Poll shows most want documents

Pretoria Bureau

SOAIC 5/7/88
238
Ninety percent of urban blacks polled recently by the Human Sciences Research Council indicated they were anxious to replace their old "dompasses" with the new identity documents as soon as possible.

The same percentage were still in possession of the hated dompas

Researchers questioned 1 422 black people in the urban areas of the PWV, Cape Town, Durban, Port Elizabeth and Bloemfontein in May this year

Other findings were

- A total of 81,9 percent of urban blacks felt positive about the need for an identity document for all citizens
- Nine out of 10 respondents were aware of the implementation of the new document system at the time of the survey
- Most urban blacks believed the new documents would contribute to the solution of problems such as prosecution, unemployment, housing and movement.
- The group surveyed was sceptical that the new document would be instrumental in preventing crime

STAR 5/7/86

5 million new IDs waiting to be claimed

238

Political Staff

CAPE TOWN — About five million new uniform identity books are already waiting in Pretoria to be claimed by black people

The books, which bring black identity documents in line with those issued to whites, coloureds and Indians, are to replace the hated "dompas"

But so far only about 155 000 applications for the new documents have been received. More applications are streaming in, according to officials of the Department of Home Affairs

TARGET OF 13,5 MILLION

The director of the black population register, Mr Nico Visser, said from Pretoria that ID books for blacks were being prepared at the rate of 8 000 a day. Production would continue until a target figure of at least 13,5 million had been reached

Mr Visser explained that the 13,5 million were people whose names were on record from the old pass system for black people

They included people in the self-governing national states, but not those in the TBVC countries (the independent homelands)

Each application received for the new ID book had to be checked against the information on record

This included the checking of fingerprints to ensure that they matched the prints in the old records

Once an application, accompanied by photos of the applicant, had been approved, the new document was issued

The preparation of the new documents began about two months ago. At one stage they were being completed at the rate of 200 000 a day

Mr Visser said not all the potential holders of the new ID book would be South African citizens. The book would contain information on whether they were citizens or non-citizens

There was no indication how long it would take to issue all the ID books to applicants

This would depend on the pace at which applications were submitted.

The new documents are being issued in terms of the Identification Act recently passed by Parliament.

The first of the documents were issued to black applicants this week

When the new system was discussed in Parliament, the Minister of Home Affairs, Mr Stoffel Botha, made it clear that the Government's race classification system remained untouched

Although the race of a person would not be shown in the new ID book, the race details would remain recorded in the central population register

A spokesman for the Department of Home Affairs said the old documents would remain valid until they were replaced by the new ID books.

10/7/86 'BUDL' 238 206
'No way of determining Section 10 rights'

Budlender: citizenship Bill hard to implement

DETERMINING whether a black is an SA citizen once government has enacted the Restoration of SA Citizenship Bill will be a "complete shambles", says Legal Resources Centre director Geoff Budlender.

Speaking in Johannesburg yesterday on the abolition of influx control, he said government's view was that the citizenship Bill would affect only blacks who were permanent urban residents holding Section 10 rights

But determining SA citizenship was certain to be a shambles because

□ After the abolition of influx control on July 1, blacks would object to having old reference books checked to see if they had Section 10 rights,

□ There was no machinery to examine whether someone had Section 10 rights, because administration boards had been dismantled, and

□ New identity books did not record if someone held Section 10 rights

The most fundamental objection to the citizenship Bill was that it affected only 1,7-million people — 20% of the citizens of Transkei, Bophuthatswana, Venda and Ciskei (TBVC), Budlender said.

CLAIRE PICKARD-CAMBRIDGE

While he believed the Abolition of Influx Control Act heralded fundamental change for thousands of blacks, citizenship would remain a major form of influx control for 7-million TBVC citizens who would remain "aliens"

He said land and housing policy would also be a critical test of whether government was committed to freedom of movement and increased urbanisation

Discussing what the abolition of influx control meant for employers, Budlender said "In general terms, it will no longer be a requirement to obtain permission from anybody to employ someone, although this is influenced by the citizenship question"

But as far as employers were concerned, there was no legal obligation for them to ensure a potential employee had housing. This did, however, present a problem for employees.

Blacks who were not TBVC citizens presented no problem for employers because they were not affected by the Aliens Act, which prevents people entering SA or taking up employment in

SA without government permission.

In addition, those from TBVC countries who had been living in SA at the time of these states' independence were also exempt from the Aliens Act and did not have to return to the homelands at the end of each year

The future problem could lie with the other employees from TBVC countries because it was an offence to employ an "alien" who did not possess a work permit

But at present these TBVC citizens are exempt from the Aliens Act, although it is not known for how long and the scope of the exemption is not known because it has not been gazetted, he said.

Budlender said his advice to employers was that they could employ anybody they wanted to, because it was difficult to know whether government would later enforce the full rigours of the Aliens Act against TBVC citizens

Implications of the repeal of influx control laws for most blacks were

□ Blacks no longer needed an exemption or permission to live or work in an urban area and employers could employ whomsoever they wished

Applicants for IDs encounter confusion, hostility

Former Black Sash president Mrs Sheena Duncan is an expert on influx control. In working notes for advice office workers she has highlighted some of the thornier questions posed by the new citizenship and documentation provisions. JO-ANNE COLLINGE reports.

Workers in advice offices have been told not to accept the official line as the final word on the new citizenship and identification laws.

The warning comes from former Black Sash president and Johannesburg advice office director Mrs Sheena Duncan.

She says: "In the first two days of July we had two examples of wrong information given to applicants for identity documents."

A Xhosa-speaking man, who had permanent urban rights under the old pass laws and who lived at Ekangala near Bronkhorstpruit, had been told — incorrectly — that he could not have a new identity document unless he had owned his house for five years

Regaining citizenship poses many problems

Many blacks who became "foreigners" when various homelands became independent and who want their South African citizenship back are likely to find themselves grappling with two slippery concepts — "permanent residence" and "lawful residence".

In most cases citizens of Transkei, Bophuthatswana, Venda and Ciskei (the TBVC countries) need to establish both permanent and lawful residence in SA.

Former Black Sash president Mrs Sheena Duncan says there are no black aliens with permanent residence permits. "Yet both the Restoration of Citizenship Act and the Identification Act talk of people who are 'permanently resident' in South Africa."

She suggests that in the absence of watertight legal definitions, the following classes of TBVC citizens should assume they are permanent residents

- People who have never lived in any independent homeland and who live anywhere else in SA *whether or not* they have permission to live where they do
- People who have lived in independent homelands but who left the homeland concerned before it became independent, *whether or not* this was done with official sanction
- Those who had obtained urban residence rights before June 30 this year in terms of section 10 (1) (a), (b) or (c) of the old Urban Areas Act

● Migrant workers who first left the homelands on contract before independence and who have lived in "white" South Africa ever since

● Anyone who has been sold or rented a site or house in a black township

● Anyone who came to South Africa — before or after independence — and obtained "some kind of official permission to reside in SA" with his family

The question of "lawful" residence is, if anything, more tricky than that of "permanent" residence, Mrs Duncan suggests. In the usual sense foreigners gain lawful residence in South Africa when they are given permission by a passport control officer to be here. But this doesn't fit the case of TBVC "foreigners" although it may apply to what Mrs Duncan calls "real foreigners".

She says "Those who left the homeland before independence or who have never lived in the homeland have always been resident in the Republic and must surely be lawfully resident here"

People who hold TBVC documents and who cannot claim both lawful and permanent residence in SA will have to see about reclaiming South African citizenship before they contemplate getting a new SA identity document

Advice offices run by the Black Sash, churches and civic associations will help people to make such applications

Cape Times 15/1/86 (258)

Shake-up over ID for blacks

Political Reporter

BLACK applicants for the new uniform ID document will no longer have difficulty at regional offices, a spokesman for the Department of Home Affairs said yesterday.

This follows a major shake-up after complaints of delays in the issuing of documents to blacks in Cape Town since the "dompas" (pass book) was scrapped.

A departmental

spokesman, Mr C Theron, said that some 50 000 new ID documents were ready to be handed to black applicants at various centres in the country.

Another three-million IDs had been prepared and were awaiting applications. Personal details of another 2,5-million people had been printed by computer ready to be bound in bookform.

Completed IDs are being posted daily to the 83 regional and district offices of the department.

DD/6/7/86

238

Govt shake-up in bid to end ID problems

CAPE TOWN — Black applicants for the new uniform identification document will no longer have difficulty at regional offices, according to a spokesman for the Department of Home Affairs.

This follows a major bureaucratic shake-up in response to wide-scale complaints of delays in the issuing of ID documents to black people in Cape Town since May 1 this year when the hated "dompas" (reference book) was scrapped

Mr C. Theron, a departmental spokesman, said 50 000 new ID documents were ready to be handed to black applicants at various centres in the country

"Another three million ID documents have been prepared and are awaiting applications from the persons concerned. Personal details of another 2,5 million persons have been printed by computer and are in the process of being bound in book

form," he said

Completed IDs are now being posted on a daily basis to the 83 regional and district offices of the department.

A report in the pro-Nationalist daily Die Burger last week pointed out that black people were still being issued the "dompas" and the paper complained about the unsatisfactory bureaucratic process involved

Mr Theron said younger black applicants — identifiable by higher numbers on their now outdated reference books — were given preference for the new ID books. This was because this category of applicants was "normally economically active"

He said several applicants for new IDs had insisted that they be issued a reference book as a temporary measure for identification and therefore many were in possession of one — DDC

Beware of ^{STAN} bogus ID ^{1977/8} officials (238)

Pretoria Bureau

Complaints have been received that people posing as appointees of the Department of Home Affairs are photographing and fingerprinting applicants for the new identity documents

The department said in a statement yesterday that it had also heard of people charging exorbitant sums in advance for pictures when they had no film in their cameras

No private people or organisations had been appointed to process applications.

An applicant should go to a reputable photographer for the two identical snapshots he would need.

He should then approach any regional or district office of the department or any magistrate's or development board office, where his fingerprints would be taken and his application processed.

The department reminded applicants that they need to bring their old pass books in along with their photos and application form.

THE Department of Home Affairs yesterday warned the public against people who masqueraded as Government officials and charge exorbitant fees to help with the requirements of the new identity documents.

Mr Gerrie van Zyl, director general of the Department of Home Affairs, in a statement issued in Pretoria yesterday, said it had come to their attention that advance payment for photographs was charged while the photographer had no film in his camera.

Mr Van Zyl said they had also received complaints that blacks who applied for identity documents were being exploited by people who professed to have been appointed by his department to

- Photograph applicants;
- Take fingerprints; or
- Complete application forms on behalf of black people and to receive payments thereof

"The public is warned against unscrupulous practices where the taking of photographs is concerned. Exorbitant

Govt warns on ID photos

prices are charged by some photographers,"

Mr Van Zyl said

He added: "The Department of Home Affairs wishes to state unequivocally that no private person or organisation has been appointed to render any such services to the public."

Forms

"Applicants for the new identity documents who require assistance in completing the application forms, may approach any regional or district office of the Department of Home Affairs or any magistrates or Development Board office where their fingerprints will also be taken. Only two photographs and the reference book need accompany an application"

238

Mangope understands violence

SA govt is to blame



● MANGOPE

BUS DAY

238

DIANNA GAMES

BOPUTHATSWANA may disagree about the tactics involved in freeing SA, including sanctions, but dared not condemn those who believed in extremes to achieve that goal, President Lucas Mangope said in Mmabatho yesterday.

And he said those who favoured extreme means had been forced into that position by the SA government's intransigence.

Mangope said "They have been forced by those who, even now, want to continue to enslave their own people just because the enslaved have a black skin.

"Though we were fortunate to find a way to be free without sanctions and without violence, we know there are those who don't feel their freedom will come without resorting to such methods.

"It is time for us to do whatever it takes to end apartheid"

But the Bophuthatswana people wanted to be certain that

sanctions would not cause further suffering "to the millions who have suffered under human repression for so long".

Mangope said there were many in SA who believed that full sanctions were absolutely necessary to avoid violence and there were others who were convinced that violence was better than continued enslavement.

He said "Those of us who live under other laws than those which are so cruelly applied in SA find it easy to condemn those whose ideas seem extreme."

At the time of Boputhatswana's independence, no infrastructure had been left by former rulers and, even now, the SA government was using electronic devices to stop its citizens from receiving the racially integrated and uncensored programmes of the local TV station

Warning to blacks of ID tricksters

NO private person or organisation had been appointed to take photographs, fingerprints or to complete identity document application forms for blacks, Home Affairs director-general Gerrie van Zyl said yesterday.

In a statement issued in Pretoria, he said complaints had been received that black members of the public who applied for the documents were being exploited by people who professed to have been appointed by the department to receive payment for their services.

"The department wishes to state unequivocally that no private person or organisation has been appointed to render any such services to the public."

Applicants for the new identity documents who required assistance in completing the forms could approach any regional or district office of the department, or any magistrate's or development board office, where their fingerprints would be taken.

Van Zyl appealed to whites, coloureds and Indians who already had ID documents not to apply for new books. The documents they had remained valid. — Sapa.

17/7/86
BUS DAY

AIRLINE MOVEMENTS

SUN 3 30 PM
THE NAUGHTIEST AIRLINE

EVE Post
18/7/86

238

8 827 apply for new ID documents

Post Reporter

NEARLY 9 000 blacks in Port Elizabeth, Uitenhage and Grahamstown have applied for the new identity document, Mr B R Buys, regional representative for the Department of Home Affairs, said today.

Last week 1 000 applications were received from people in the area, making a total of 8 827.

The figures included 3 019 applications from those who had never possessed any form of iden-

tity document during the days of the "dompas"

Mr Buys said he was satisfied with the response and officials were visiting factories to assist workers in completing application forms.

Applicants must have two passport size photographs and those in possession of a "dompas" must present them when applying

Application forms are available at the department's office in North End

SA's immigration clamps to stay

PRETORIA is to continue with its policy of reducing immigration levels — despite an alarming rise in emigration this year

This was confirmed late last week by Home Affairs director-general Gerrie van Zyl

He told *Business Day* government would continue its 18-month curb on immigration levels in the face of high unemployment in the country

"The department has been told not to recruit on so-called open schemes, but to focus on high-level manpower recruitment," Van Zyl said

238
21/7/86
HAMISH McINDOE
238
Latest Central Statistical Services (CSS) figures show a sharp drop in the number of immigrants during the four months to April — 2 603 compared with 7 959 over the same period last year.

"But there will be no overseas recruitment drive to balance the migration books," Van Zyl said

No advertisements aimed at encouraging immigration to SA have been placed in overseas publications for the last 18 months

BUS DAY.
Van Zyl attributed this year's low immigration levels to government's austerity policy

Government would, however, continue to scout abroad for professional and skilled workers to fill local shortages

CSS figures show that 81 engineers immigrated to SA in the four months to April, compared with 237 in the same period last year

Other key professions which show sharp losses are doctors 14 (62), accountants 19 (58) and educationists 41 (86).

1258

Uitenhage's mixed couple still suffers



JOAN COATES

By CATHY SCHNELL
MONTHS after their wedding in November last year, Uitenhage's first mixed-marriage couple are still caught in a web of legal and racial problems.

Today, for the fourth time since Mr Richard Coates and his wife, Joan, were married, the couple

appeared in the Uitenhage Magistrate's Court on a charge of contravening the Group Areas Act.

The case was postponed to September 9 for trial.

Standing in the now familiar passage outside the court, the couple spoke of their ordeal. Stones had been thrown

on the roof of their Fairbridge Heights home, a window was broken, their letterbox smashed and abusive phone calls have continued.

But love has triumphed over all for quietly spoken Mr Coates, 39, an electronics engineer originally from the United Kingdom, and petite Mrs

Coates, 34, who resigned from her nursing job to devote her time to being a housewife.

The couple met at a party in November, 1982, and lived together for a long time before their marriage.

It was not the first relationship for either of them and they both feel their

love is deep enough and they are mature enough to withstand the continued public harassment.

Mr Coates would like to take his wife, their 17-month-old baby daughter, Elana, and Mrs Coates's seven-year-old son, Thomas, overseas for a holiday to visit his mother.



RICHARD COATES

Journalists may join 'brain drain' Heard

CAPE TOWN — Journalists would join South Africa's "brain drain" if the state of emergency was not brought to an end quickly, the editor of the *Cape Times*, Mr Anthony Heard, warned yesterday

Addressing the South African Institute of International Affairs in Cape Town, Mr Heard said self-respecting journalists would not continue to work in a country where "consensus journalism" triumphed over Press freedom

Journalists in this country were "convulsed by an onslaught" on their right to do their primary job of seeking out new answers to national problems, caring for the afflicted and under-privileged and checking those who spend public money

on militaristic or ideological excesses
Instead of playing this role, "we must listen to the strictures of party politicians on how to perform our profession — as if more than a century of experience in the field of free expression meant little," he said

"In all this we as journalists are deprived and we are wasting a lot of our time and energy, and we as citizens are allowing our destiny to be forged without the help of a free Press which can assist mightily in the process of negotiation"

"Whether they still have a role to play, now depends on whether the emergency is brought to an end quickly, before irreparable damage is done to their craft," Mr Heard said — Sapa

23/7/80 SJAR

ANC appeals to South Africans not to emigrate

238

Own Correspondent

DURBAN — Don't go, we need you this the African National Congress's plea to South Africans who are thinking of emigrating because of the deepening political crisis

The ANC's information officer in Lusaka, Mr Tom Sebina, said the country could not afford to lose professional and skilled people in the growing exodus

It needed to harness all the expertise it could to build a new, non-racial nation in the post-apartheid era, he said

Droves of South Africans have decided to quit because of the uncertain political future. According to the Australian, British and American embassies in Pretoria, the number of inquiries about

emigration has rocketed with the increasing violence and confrontation

According to the Department of Central Statistical Services, South Africa had a net loss of 2 157 people in the first four months of this year

Last year, more than 1 600 professional and technical workers, including doctors, lawyers, engineers, accountants and computer technicians, were among the 11 401 people who left. In 1984, 1 169 professionals emigrated

The Director-General of the Department of Home Affairs, Mr Gerrie van Zyl, would not comment on the ANC's statement

However, he said the Government was worried about the emigration of skilled people

"Every person leaving is worth his weight and we would like to lure them back once we achieve economic and political stability"

Mrs Helen Suzman, Opposition spokesman on Law and Order, said the ANC was adopting a "good attitude"

"I certainly deplore the loss of expertise," she said

"The vacuum being created by the exodus of people will not be filled easily"

Mr Sebina said the brain drain was worrying because it would only prolong the post-apartheid problems.

"Our message is for people please to stay. They must stand up and be counted"

23/7/86
SAR

Colour-blind ID papers on way

Pretoria Bureau 238

A total of 55 000 of the new "colour-blind" identity documents are on their way to black South Africans

The Department of Home Affairs said they had been sent to the department's regional and district offices for distribution

The department said it was generally satisfied with the new system, saying between May 1 and July 18 it had received 361 985 applications

In one week 64 959 applications had been received

The personal particulars of more than 6 695 000 people had been included in the population register

CITY/NATIONAL

Argus 24/7/86 238

Family forced to move because wife is coloured

Staff Reporter

A CAMPAIGN by the Koeberg Residents' Association to clear their area of residents who are not white has led to the conviction of an Ysterplaat man under the Group Areas Act.

Johannes Meintjies, 53, of Da Gama Street, was found guilty in Cape Town Magistrate's Court yesterday of contravening the Act.

The chairman of the association, Mr Nicolaas Basson, said about 30 residents had complained of people who were not white living in the area.

They decided to investigate houses under suspicion.

Voters' roll

Mr Basson said he went to the Meintjies's house and said he was working on registration for the municipal voters' roll and needed information about all adults in the household.

He saw a woman in the house who looked coloured but Meintjies told him she was his wife. Meintjies refused to show him a copy of their marriage certificate.

He asked the Maitland police to investigate as he was convinced the woman was coloured.

Meintjies said under cross-examination he had never denied that his common-law wife, Miss Maria Herder, was coloured.

They had lived together for six years and had a three-year-old daughter.

He asked the court where he would be allowed to live in peace with his wife and child.

"They changed the Immorality Act but where are we expected to live?" he asked.

"Must I throw my wife and child in the street?"

Cautioned

The magistrate, Mr M Tolken, said he would not jail Meintjies, who would suffer enough because he would be forced to move out of the area as the other residents would not tolerate his wife's presence.

Mr Tolken cautioned Meintjies and warned him to apply for permission for his wife and child to live with him.

Govt slammed over new citizenship line

BW DAY.
25/7/86

238

GOVERNMENT has been described as insincere and as going back on promises made at the opening of the last parliamentary session with its announcement that millions of homeland blacks would not qualify for SA citizenship.

Attacks on President P W Botha's announcement were made by organisations including the Progressive Federal Party (PFP), after the Home Affairs Department released a memorandum on government's line yesterday.

According to the memorandum, a person will have permanent residence status if he has permanent employment, a suitable home and his wife and family live with him in SA.

If he lives in a hostel in SA and if his whole family remains in the homeland, then his permanent home is in the homeland, even if he has been employed and lived at one address in SA for many years.

Lashing at government, Opposition Law and Order spokesman Helen Suzman said government's new move on citizenship rights undermined the apparent good intentions on the restoration of citizen-

SIPHO NGCOBO

ship originally expressed by Botha earlier this year.

Suzman described it as government's means to reduce the number of black voters in the future.

She said: "This is a claim on future voting rights for blacks, because there will be a time when blacks will be granted such rights. And when these rights are finally implemented, it will be only for citizens.

"In a nutshell it means those who had Section 10 urban qualifications in the past will automatically qualify

"I believe there will have to be many test cases challenging it at the courts.

Meanwhile Black Sash official Beulah Rollnick said the "new somersault" by government was aimed at rendering homeland blacks "perpetual aliens" because of the so-called independence they did not even opt for.

"Black Sash has been fighting these unjust laws in the past and we will continue to do so," Rollnick said.

ARBUS 25/7/86 (238)

Victims of apartheid

CASE 1

By SHARKEY ISAACS

Staff Reporter

THE Smit family's future is uncertain after Mr Albertus Johannes Smit, 36, was convicted under the Group Areas Act of living with his coloured common-law wife in "white" Maitland

Magistrate Mr M Tolken warned Mr Smit of Parow Road to apply for permission for his wife and three children to live with him

When Mr Smit obtained the permit forms after leaving Cape Town Magistrate's Court this week he found he had to state whether his neighbours supported or objected to his application.

Complaints from two neighbours led to his court appearance.

However, Mr Smit is confident of winning support from other residents who have expressed sympathy

"A lot of people are in favour of my living here and the neighbours' children play with my children," he said.

Mr Smit and Miss Lorraine Blooms have lived together for 12 years. They have three children, Manolite, 5, Shanê, 3, and, Natalie, 11, who attends a Roman Catholic school in Woodstock

Mr Smit, a railway employee, described the past few months as a "very difficult chapter" in his family's life.

"I made up my mind Lorraine was the kind of woman I would like to marry when I met her 15 years ago," he said

"She felt the same way about me but Section 16 of the Immorality Act prevented us from marrying

"When I proposed after a three year courtship and offered to take her overseas she declined because she loved this country and felt she be-



Mr Albertus Johannes Smit of Maitland, Miss Lorraine Blooms and their children, from left, Natalie, 11, Manolite, 5, and Shanê, 3.

"We opted for the next best thing and decided to live together"

MR Smit said he bought the Maitland house on the understanding that it was in a "grey area" following the Government's repeal of the ban on mixed marriages

"We planned to marry before Christmas this year but Lorraine and I have been living under a cloud of uncertainty since I was summonsed," Mr Smit said

Because of the uncertainty he had not painted and renovated the Maitland house

"I have not even furnished all the rooms properly for fear we might have to sell and move somewhere where there may not be space for all the furniture," Mr Smit said

Mr Smit, who has done his national service, said he felt he had done a lot more for his country than some who did not want him and his family as neighbours

"I have been loyal to my country and think we have a right to live a normal life"

The family lived in Brooklyn, Observatory and Woodstock before moving to Maitland last November

"We had no trouble from neighbours in the other suburbs so we can't understand why problems arose when we moved to Maitland"

A Brooklyn man in a similar situation visited Mr Smit after his court appearance to express sympathy

"He told me there were many couples similarly affected," Mr Smit said

CASE 2

By LINDA GALLOWAY
Staff Reporter

THE Meintjies family used to live quietly in Ysterplaát, at peace with their neighbours and friends.

That was a while ago. Now their lives are in turmoil.

Mr Johannes Meintjies, 53, is white. His common-law wife of six years, Miss Maria Herder, 24, is coloured. They have a three-year-old daughter, Rochane.

Mr Meintjies was convicted under the Group Areas Act in the Cape Town Magistrate's Court yesterday after a complaint from the Koeberg Resident's Association.

But, said Miss Herder, support for the family from their white neighbours has been "overwhelming".

"People have come up to me in the street to ask why they are harassing us," she said.

"A lot of people phoned the police to ask them why they want to kick us out."

"We are very quiet and I think our neighbours prefer having us here than previous tenants who were noisy."

"Our landlord knew the situation when we rented the house and he did not mind."

Miss Herder posed the question "What do we do? My husband would be victimised if we went to live in a coloured area after I have been kicked out of a white area."

MR Meintjies said many mixed families lived in Ysterplaát.

"We lived around the corner for a long time, but moved here eight months ago



A life in turmoil — Mr Johannes Meintjies, his daughter Rochane, 3, and his common-law wife Miss Maria Herder.

because there was no garden for our daughter to play in."

Mr Meintjies said he wrote a letter to President P W Botha, before his case was heard.

"So far I have not had a reply," he said.

Miss Herder has been living in "so-called white areas" since she came to Cape Town 10 years ago.

The couple were introduced by friends.

● Chairman of the Koeberg Residents' Association Mr Nicolaas Basson told the court about 30 residents had complained that people who were not white were living in the area.

They decided at a meeting to investigate houses under suspicion.

He went to the Meintjies's house and said he was work-

ing on registration for the municipal voters' roll and needed information about all adults in the household.

He saw a woman in the house who looked coloured but Mr Meintjies told him she was his wife and refused to show him a copy of their marriage certificate.

He asked the Matland police to investigate.

Mr Meintjies asked the court "Must I throw my wife and child in the street?"

The magistrate, Mr M Tolken, said he would not jail Meintjies who would suffer enough because he would be forced to move out of the area.

He cautioned him and warned him to apply for permission for his wife and child to live with him.

Tolerance the answer

By ANTHONY DOMAN, Staff Reporter

LIFE as a mixed couple can be happy — but intolerant family and neighbours can make it a life of rejection and misery.

"In some areas there are lots of mixed couples who get along quite happily. But if only more people would learn a bit of tolerance," said Mrs Sue Joynt, organiser at the South African Institute of Race Relations advice office in Mowbray.

She said the events surrounding the Group Areas Act convictions of Mr Smit and Mr Meintjies were "quite stupid".

It was also "fatuous" for the magistrate to say that he could not advise the couple and was only supposed to carry out the law.

The advice office deals with three or four similar mixed marriage cases a year.

"These couples are so unhappy. They are always being shunted from pillar to post," she said.

They are often rejected by their families too.

"I have had men sitting sobbing across my desk."

"There is so little we can do. Mostly the people involved have very low incomes. It would be useless to tell them to rent a nice little cottage in Observatory."

Many mixed couples lived in the Observatory-Salt River-Woodstock area, she said.

LEGALLY speaking, the couple are supposed to "downgrade" — they can live in the group area of whichever of them is the "lower" race.

Or they could apply for a permit. This depends on their neighbours' approval.

"You might think there would be more tolerance in coloured areas. But this isn't necessarily so."

"One couple we interviewed were from Elsies River. Although the husband didn't look it, he was legally white. People kept hassling them to leave."

"This sort of thing is really very sad when we all should be changing our attitudes."

Argus

25/7/86

238

Kaunda accuses Howe of conspiracy

COL 7/1/75
25/7/86

286

LUSAKA. — President Kenneth Kaunda shocked Sir Geoffrey Howe last night, welcoming the British Foreign Secretary as “a human being”, but not as a representative of the British Government, and accusing him of participating in a conspiracy with the United States.

The British Foreign Secretary, who arrived in Lusaka after day-long and largely confidential talks in Johannesburg with politicians and businessmen, was visibly taken aback when, instead of the usual pleasantries and introductions as they sat down at a table in a reception room at State House, the Zambian president greeted him with a tirade.

Dr Kaunda noted United States President Ronald Reagan's policy speech on Tuesday night opposing economic sanctions against South Africa as a way to force an early end to apartheid and Sir Geoffrey's arrival in Johannesburg the following day to visit President P W Botha.

Dr Kaunda called it “a conspiracy between the American and British governments” and “a clear signal to the racists to carry on with that system . . . that they have nothing to fear by way of sanctions”.

‘Peaceful dialogue’

Sir Geoffrey replied that there was “no foundation whatsoever for your suggestion . . . I'm not engaged in any unacceptable process, any charade or conspiracy to promote anything other than that which you and all the other Commonwealth heads of state want a process of change in South Africa by peaceful dialogue”.

The exchange took place in front of a crowd of journalists who have been following Sir Geoffrey on his one-week mission to five southern African states.

Sir Geoffrey and his delegation were kept waiting for 20 minutes in the reception room, another departure from tradition on the part of the habitually punctual Dr Kaunda.

‘Fellow human being’

When he finally arrived, the Zambian president sat at the head of the conference table, stared grimly at Sir Geoffrey, on his right, and said: “I welcome you as a fellow human being. But as a messenger of your government, you are not welcome at all.”

“I am receiving you for two reasons:

and out of my respect for those governments of the EEC which have taken action against South Africa

“If you had come in your capacity as British Foreign Secretary . . . I would not have received you. You and President Reagan, by rejecting sanctions, are kissing apartheid”

Suzman pessimistic

Meanwhile leading Progressive Federal Party MP Mrs Helen Suzman yesterday said she was pessimistic about a successful outcome to Sir Geoffrey's mission after her mostly confidential talks at the residence of the British Consul-General in Johannesburg yesterday.

She and PFP leader Mr Colin Eglin spent about 90 minutes discussing South Africa's situation and the threat of sanctions

But while she doubted that Pretoria would be willing to accept concessions before the end of Sir Geoffrey's three-month mandate from the European Community, she argued that every opportunity to get people together to negotiate a reasonable and peaceful settlement in South Africa had to be grasped.

UDF Bishop Tutu

Asked if he was more hopeful after the talks, Mr Eglin said: “One cannot be full of hope in a situation which has been bogged down for such a long time.”

“To the extent that Sir Geoffrey may in some miraculous way make some contribution to getting negotiations going, good luck to him.”

The United Democratic Front and Bishop Desmond Tutu, among others, have spurned the peace mission by the British Prime Minister, Mrs Margaret Thatcher, to stave off demands for stricter sanctions against South Africa unless political reform speeds up.

When Sir Geoffrey starts his next round of talks on Tuesday, a number of other Cabinet ministers will also be

Where to get your new ID

TWO offices of the now defunct West Rand Development Board will be used as sub offices of the Department of Home Affairs until the end of the year to process applications for the new uniform identity documents.

A spokesman for the Bureau for Information in Pretoria said this week that although large numbers of applications were being processed at the Market Street offices in central Johannesburg, the offices of the now defunct Wredebo at New Canada and 80 Albert Street, Johannesburg, had not been fully utilised.

"Applicants are therefore encouraged to make use of the two offices. They are fully equipped to deal with the processing of all applications for the new identity document."

He said applicants could also apply at any office of the Department of Home Affairs.

The spokesman added that thousands of blacks on the Witwatersrand have applied for the new documents.

Smelker
25/7/86

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238

Group areas convictions condemned as 'racist'

By DENNIS CRUYWAGEN
Staff Reporter

ARGUS
25/7/86

HOUSE of Representatives Minister Mr David Curry has condemned prosecutions under the Group Areas Act as "racist and discriminatory"

Mr Curry, Minister of Agriculture, Local Government and Housing, said the Labour Party was fighting for the repeal of all discriminatory laws so that people "can live freely".

This month two Cape Town men have been convicted under the Act for allowing their coloured wives and children to live with them in white group areas

This week Mr Johannes Meintjies, 53, of Da Gama Street, Ysterplaat, was convicted and cautioned by a magistrate who warned him to apply for permission for his wife and child to live with him.

Mr Curry said he rejected "this kind of action on the part of whites with the contempt it deserves"

Mr P J Badenhorst, Deputy-Minister of Constitutional Development, said Mr Meintjies could apply to his department for a permit for his family to live with him. If this failed he could appeal to him

Or, if Mr Meintjies had reason to believe his application would succeed, he could apply to the Department of Home Affairs to reclassify his wife white

238
He said that in terms of the Group Areas Act a white person marrying a coloured person was deemed to be coloured and had to live in an area reserved for coloured people.

"Mr Meintjies committed a criminal offence when he violated this law," he said.

Mr Meintjies's conviction was the culmination of a campaign by the Koeberg Residents' Association to clear the area of residents who are not white

The chairman of the association, Mr Nicolaas Basson, has refused to discuss the campaign.

Mr Anthony Powell, councillor for the City Council ward which includes Ysterplaat, declined to comment.

He did not return calls after messages were left at his office.

Dr Jack Joffe, the other councillor for the ward, said he had just returned from a six-week trip overseas and was unaware of the residents' campaign.

"I cannot comment until I know more," he said

Mr Kent Durr, Deputy-Minister of Finance and National Party MP for Maitland, would not comment and referred all questions to Mr Badenhorst

● See Page 11.

A great disappointment, says Suzman

New rules for SA citizenship

By Kym Hamilton,
Pretoria Bureau

Only about 1,75 million blacks will qualify for the return of their South African citizenship while millions of commuters from independent homelands will have to obtain work permits when their present work contracts expire.

Mrs Helen Suzman, of the Progressive Federal Party, said yesterday that the conditions imposed grossly undermined promises made by the State President.

President P W Botha said at a National Party congress in December last year that the Government was prepared to return South African citizenship to millions of blacks living in Venda, Ciskei, Transkei and Bophuthatswana who had lost their citizenship as a result of independence.

Yesterday, at a Press conference in Pretoria, the requirements for the return of citizenship were given by Department of Home Affairs officials.

Asked to comment, Mrs Suzman said "They are certainly reducing to a minimum the number of blacks who will qualify. This will surely come as a great disappointment to many blacks and it will be viewed as a broken promise."

It now appears that the implementation of the Government's orderly urbanisation strategy will, mainly, fall to the Department of Home Affairs.

Residence status

Listing the mechanics of the various Acts which came into effect or were repealed from July 1 this year and now replace influx control and other regulations, officials of the department said that the main criterion in the functioning of these Acts was the question of permanent residence status.

The deputy director of civic affairs in the department, Mr Dirk Vermeulen, said the Restoration of South African Citizenship Act applied only to citizens of the four independent

homelands who resided permanently in South Africa.

By applying for an identity document, these people would regain the citizenship they lost when the various homelands gained independence.

Citizens of the Transkei, Bophuthatswana, Ciskei and Venda (TBVC) who were born in South Africa before independence and continued to live in South Africa permanently would become citizens by birth. Those who were born in South Africa and who lawfully took up permanent residence after the date of independence of a TBVC state and who had five years permanent residence before or after July 1 this year would also become South African citizens by birth.

But those who took up permanent residence after July 1 this year would have to apply for naturalisation as South African citizens.

Do not qualify

Citizens of the TBVC states who were not permanently resident in South Africa would not qualify for the restoration of South African citizenship.

Permanent residence meant a man who had entered the country lawfully, had a suitable home, and had lived in South Africa permanently with his wife and children.

Migrant workers or those who lived, worked or studied in South Africa while their families remained in the homeland, would not qualify.

The position of residents of homelands which, in the future, opted for independence would depend on the decision by the homeland Government as regards dual citizenship, said Mr Vermeulen.

Turning to the position of alien or foreign black labour, Mr Johan Pretorius, chief director of migration with the Department of Home Affairs, said the South African Government's first priority was to protect employment opportunities for its citizens.

With the repeal of the Blacks (Urban Areas) Consolidation Act of 1945 and the phasing out

of influx control from July 1, the employment of alien blacks within South Africa was now administered by the Department of Home Affairs.

Mr Pretorius said that aliens were people who were not South African citizens and this included citizens of the four independent homelands.

For the moment, employers and employees should continue to observe the terms of any contract of employment and the formal work authorisation endorsed in the employee's travel document.

Return home

But, when this expired, the person would have to return to his country of origin.

In future, TBVC citizens would have to be in possession of a work permit if they wished to work inside South Africa's borders.

The worker would have to report to the nearest regional or district office of the department to have his documents endorsed. He would have to be in possession of a valid travel document, a written contract of employment and would have to provide a set of fingerprints.

No foreign black person could now be employed in South Africa without the prior approval of the department. This approval would take the form of a work permit authorising employment for a specific period with a specific employer. Official permission would also be needed to change employers.

Mr Pretorius pointed out that these provisions applied to all aliens and not only blacks.

Mrs Suzman said "Although South African citizenship for blacks does not carry the normal rights associated with citizenship, it still means a lot with a view to demands in the future and freedom of travelling overseas."

Mrs Suzman said the State President did make it clear that permanent residence would be a condition for the restoration of citizenship but did not specify what permanent residence would mean.

Workers will need permits

By Hannes de Wet

Transkei, Bophuthatswana, Venda and Ciskei citizens working in South Africa will lose their freedom of movement under the requirements for the return of citizenship to TBVC blacks spelt out by the Department of Home Affairs.

Mr Nic Olivier, a PFP MP, said it boiled down to a direct breach of trust.

"When we brought up this point in discussions on the Restoration of South African Citizenship Act, the Minister said he would use his discretion in terms of the Aliens Act to grant workers from the TBVC countries freedom of movement."

"Now he has gone back on his word. The requirements announced yesterday stipulate that all people not qualifying for permanent residence will be regarded as aliens as long as they are here - which means they will require work permits to be in the country."

A memorandum released by the Department of Home Affairs said citizens of the four independent

homelands had to qualify for permanent residence before they could regain South African citizenship.

A person could have permanent residence status if he had permanent employment, a suitable home and his wife and family lived with him in South Africa.

However, a hostel-dweller with a wife and family in a homeland would remain a homeland citizen.

Mr Olivier said conditions for the restoration of citizenship did not represent a deviation from earlier Government statements.

"Without specifying what it actually meant, they have indeed been saying all along that 'permanent resident' would be a condition for citizenship. Although we were fighting this we were from the start aware of this condition."

"We were hoodwinked on freedom of movement for TBVC workers."

Mandela the key to peace — Howe

GABORONE. — The British Foreign Secretary, Sir Geoffrey Howe, yesterday said the success of his peace mission to South Africa depended on the government summoning up the courage to release jailed ANC leader Mr Nelson Mandela.

Sir Geoffrey was speaking to reporters on his flight from Zambia en route to Botswana, where he held talks with President Quett Masire. Zambia president Dr Kenneth Kaunda, who savagely attacked Sir Geoffrey's mission on Thursday night, yesterday said the British minister had extracted no concessions in his talks so far with South African leaders.

"I can see no succour, no hope at all from what Sir Geoffrey told me. There is nothing at all to bring hope to my troubled mind," he told reporters.

And the Australian Deputy Prime Minister, Mr Lionel Bowen, visiting Lusaka in the wake of Sir Geoffrey, yesterday dismissed his African peace mission as a ploy to delay the imposition of economic sanctions against Pretoria and "contrary to the spirit intended by the Commonwealth" at last year's summit in Nassau.

Asked about Dr Kaunda's threat to take Zambia out of the Commonwealth if Britain did not agree to sanctions, Mr Bowen said: "The Australian view is that perhaps the British should leave."

'Mission impossible'

Margaret Smith reports from London that Labour's frontbench spokesman on Foreign Affairs, Mr Donald Anderson, said Sir Geoffrey was "clearly doing his best on a mission impossible".

"He has been reeling benignly from snub to snub. There is no indication that he, decent individual that he is, can achieve the miracle which the Eminent Persons Group of the Commonwealth achieved after six months of meeting so many of the people concerned."

Sir Geoffrey said en route to Botswana that his mission needed "a leap of imagination" from Pretoria if it was to succeed.

"The question is whether those responsible in South Africa can summon up the necessary courage to take the steps I have been urging on them — set free the leaders of the black people, including Nelson Mandela, remove the restrictions on their

political parties and have the courage to enter into a dialogue," he said.

After arriving in Gaborone, Sir Geoffrey said Dr Kaunda's stinging public rebuke would not prompt him to abandon his European peace mission on South Africa.

Sir Geoffrey said Dr Kaunda was much less curt in private than in his public remarks to him during their meeting.

Dr Kaunda accused the British and American governments of conspiring to support the white-led South African Government in maintaining apartheid and resisting social change. He said Sir Geoffrey was welcome in Zambia as a human being, but not as a representative of Britain.

Sir Geoffrey will visit Swaziland and Lesotho today, Swazi government officials said.

Calls for sanctions

In Swaziland he is expected to hold talks with the Prime Minister, Prince Bhékipi Dlamini, and in Lesotho with military ruler Major-General Justin Lekhanya, they said.

Swaziland and Lesotho have openly opposed any trade embargo on Pretoria, saying it would cripple their economies.

During his visit to Southern Africa two weeks ago, Sir Geoffrey heard calls for sanctions against South Africa from leaders of Zambia, Zimbabwe and Mozambique.

Sir Geoffrey's talks in Botswana focused on the possibly severe effect that sanctions against South Africa would have on the poor desert state. Botswana's fragile economy is almost totally dependent on Pretoria.

Sir Geoffrey meets President P W Botha next Tuesday.

● The United States Assistant Secretary of State for African Affairs, Dr Chester Crocker, is to visit London to confer with Sir Geoffrey on Southern Africa, a New York newspaper, quoting unidentified administration officials, said yesterday. — Sapa-Reuter-AP

● Kaunda bid 'to export misery'

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mother, Mrs Amy Thornton. ... being released and that the respondents would pay her legal costs. Picture. Alan Taylor

Mixed couples

Staff Reporter

IN THE past week, two "mixed" Cape Town couples have been found guilty in the Cape Town Magistrate's Court on charges of contravening the Group Areas Act.

In both cases the magistrate, Mr M J C Tolken, cautioned and discharged the couples and suggested they apply for permits to live together, stressing that he had no power to change the law, only to apply it.

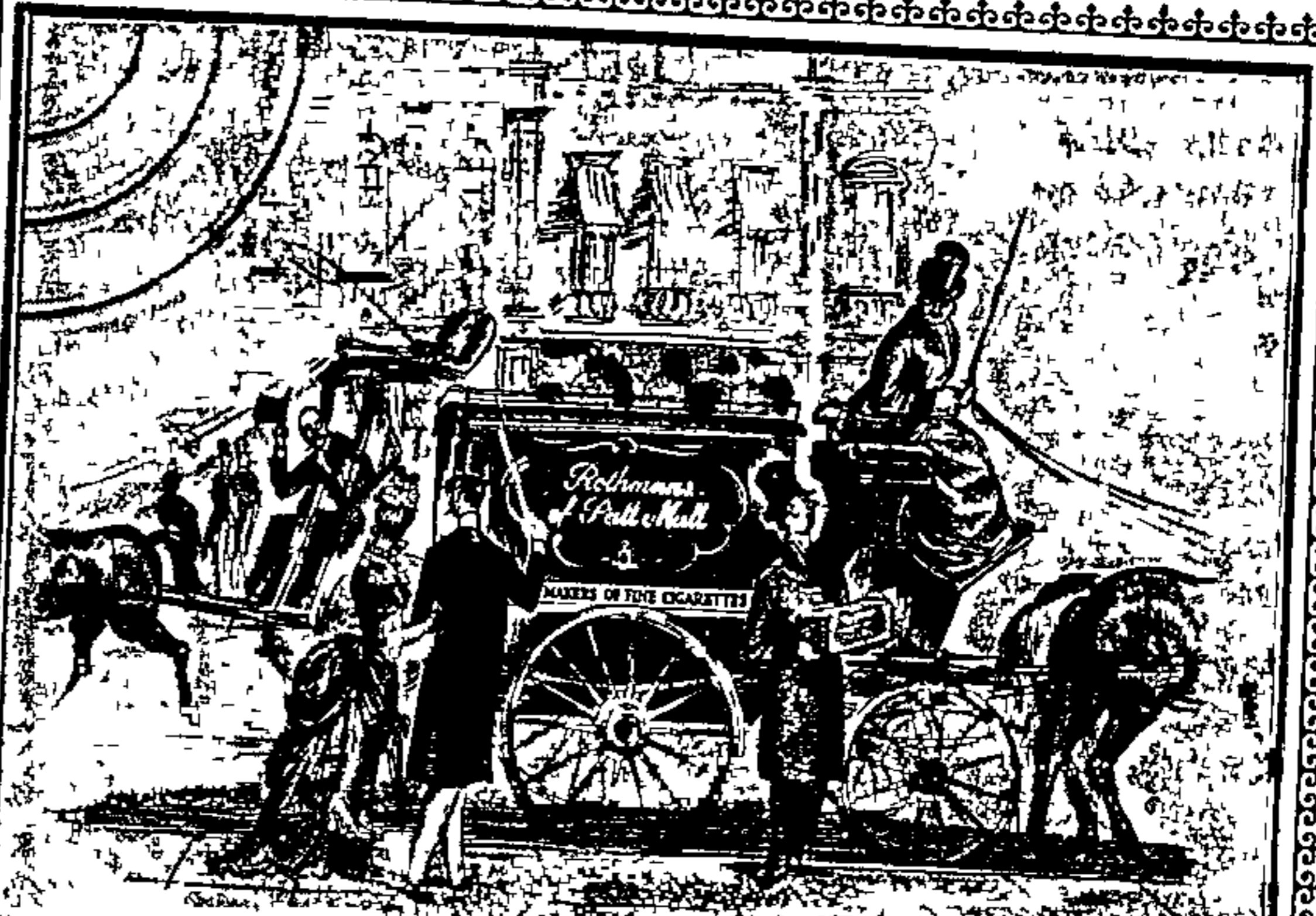
One of the men, Mr Johannes Meintjies, was reported by the chairman of the Koeberg Residents' Association

Meanwhile, the Deputy Minister of Constitutional Development, Mr P J Badenhorst, was quoted yesterday as saying a white person who married a coloured person was deemed to be coloured and had to live in a coloured area

● Reports, page 7

BUSINESS BRIEF

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Rand	\$0,3900/10
FT index (close)	1263,70
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Smoking fashions may come and go but Consulate will always give you three things:
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Israel launches 'head hunt' for S Africans

By SYBRAND MOSTERT

ISRAEL has joined the "head hunt" in South Africa with the arrival of two Israeli government agents who have their sights set on young accountants to swell the depleted ranks of their country's civil service

Mr Yair Rabinowitz, a senior official with Israel's revenue department, said in an interview from Jerusalem before he left for South Africa "I'm looking forward to seeing the country and I hope to persuade some good people to join us in Israel"

The latest recruiting drive follows a bid by the Israeli Government in August last year to encourage the emigration of South African Jews to Israel

While the Israeli Government sets about preparing jobs and houses for prospective South African emigrants, Prime Minister Shimon Peres is reported to have told Immigration Minister Mr Ya'acov Tzur to recruit more South African Jews, "as they are a decent brand of people, straightforward and efficient"

Mr Tzur visited South Africa in April. He announced then that Israel's kibbutz organisation and the South African Zionist Council had set up a joint task force to attract South African Jews to Israel

Mr Rabinowitz described

his visit as an extension of the continuing immigration drive

He also said he hoped to see emigration from South Africa to Israel double this year

He arrived in Johannesburg on Friday with Mr Noah Kupperman

After spending a week in Johannesburg, the two civil servants will visit Cape Town, Pretoria, Port Elizabeth, East London and Durban

Mr Rabinowitz said "We are searching for young accountants who have either just finished their university training or have been working for a short while"

Trickle

"Whether the applicants are married or single is irrelevant. They will be assisted with moving costs, and housing will be provided in Israel. Salaries will be about US\$700 (R1 700) a month"

● Against the background of a floundering economy and continuing unrest, many international firms seeking specialised workers have had no trouble in persuading highly skilled workers to leave South Africa

According to figures released by the Department of Statistics, the flow of people coming to this country has dwindled to a trickle, with only 634 immigrants arriving in the year ending March 1986

Emigration is up 40 per cent, with 1 316 leaving each month compared with 942 a month in the previous year.

Citizenship. A fine idea for a few

THE Restoration of South African Citizenship Bill passed by parliament this week will restore citizenship to only a fraction of the 9 000 000 blacks who were denationalised when their "homelands" were granted nominal independence, says former Black Sash president Sheena Duncan.

Her analysis was borne out by Home Affairs Minister Stoffel Botha who told the House of Assembly about 1 750 000 citizens of the four independent homelands were living permanently in South Africa and stood to regain South African citizenship.

Nine months ago, however, President Pw Botha announced that South African citizenship would be restored to all who had lost it when Transkei, Bophuthatswana, Venda and Ciskei became independent. He said there were 5 000 000 such people within the independent states and 4 000 000 in South Africa.

Duncan says the legislation means that citizenship will only be restored "with relative ease" to people with full rights to live and work in South Africa before the influx control laws were scrapped, to those who have freehold title to land in the "black spots", and those who have been lawfully resident on white-owned farms for many years.

"Everyone else is going to have to struggle and many will fail," she said. "It seems likely that a very small percentage of those who have been denationalised will regain their citizenship."

She describes the Bill as "just one more example of broken promises and another illustration of the Government's determination to persevere with the implementation of apartheid".

In terms of the Bill, blacks will be able to regain South African citizenship only if

● They were born in South Africa before their "homeland" became independent, were permanent residents

Less than a year ago the State President announced that South African citizenship would be restored to all who lost it when the homelands received independence. But the new citizenship Bill restores nationality to only a fraction of those affected. JO-ANN BEKKER reports

he may, without assigning any reason, grant or refuse a certificate as he thinks most conducive to the public good, and no appeal shall lie from his decision".

Duncan points out that until this year the Aliens Act ruled out the granting of a permanent residence permit to anyone not "likely to become readily assimilated with the European inhabitants of the Union of South Africa".

"What is certain," she says, "is that black citizens of the TBVC homelands who were resident in the homeland at the time of independence have not yet been able to apply for permanent residence in South Africa."

Neither can they apply as soon as the Restoration of Citizenship Bill becomes law. "They will first have to apply for permanent residence then, if it is granted, wait for a minimum period of five years and then apply for naturalisation."

Duncan says people with the old Section 10 rights to live and work in South Africa had these rights preserved and protected by the Status Acts and are thus permanently and lawfully resident.

But the position is not clear for the thousands of people who have been registered on contracts of employment outside the homelands for many years — people whose work contracts were renewed annually or bi-annually and whose families remained in the homelands.

The 5 000 000 people who live inside the independent "homelands" and have not benefited from the modification of influx control

before July 1 this year and notified the government in writing that they wished to regain South African citizenship (Their minor children would also qualify).

● They were born in South Africa after their "homeland" was granted independence, but have been resident in South Africa permanently since birth.

● They were citizens of South Africa before they were made citizens of an independent "homeland" and apply for registration as a South African citizen. But they must "convince" the director-general that they have been "lawfully and permanently" resident in South Africa for an unbroken period of one year before making the application and for an additional period of four years in the eight years preceding the application (Children whose parents successfully apply for registration will also become South African citizens).

● They apply for citizenship by naturalisation — on the grounds that they have been permanently resident in South Africa for a full year immediately preceding the application, and lived in the country for four of the past eight years (periods of imprisonment or detention do not count). Other conditions are that they are "of good character, (are) able to read and write one of the official languages to the satisfaction of the Minister, and (have) an adequate knowledge of the responsibilities and privileges of South African citizenship".

According to the legislation, the granting of naturalisation is at "the absolute discretion of the Minister and

she said. Neither will people who fall into the following categories:

● Migrant workers from the TBVC homelands who first came to South Africa after independence in terms of labour agreements between their governments and Pretoria. The Admissions of Persons to the Republic Act provides that periods spent in South Africa in terms of such recruitment will not be taken into account when determining if such a person has residence in South Africa.

● Those who refuse to notify the director-general that they wish to regain South African citizenship, because, in Duncan's words, "they have always refused to acknowledge legislation passed by a non-representative and non-democratic government to denationalise them".

● Those who cannot prove their birth in South Africa, or cannot prove permanent or lawful residence in South Africa because they have never been listed on any accommodation permit or been registered in employment, and have no Section 10 rights.

● Minors whose parents are dead or have disappeared and can therefore not regain their own citizenship in order for the child to become South African.

"Those who remain foreign in the land of their birth probably have a much more profound understanding, let alone 'adequate knowledge' — in the words of the law — of 'the responsibilities and privileges' of South African citizenship than do the Ministers of the government which has taken that citizenship away from them," Duncan said.

Blacks 'not being misled on controls'

*2/16
p. 26/7/86
238*

By DIRK VAN ZYL
Political Correspondent
CAPE TOWN — A senior spokesman for the Department of Home Affairs today denied that there had been a "massive breach of faith" on the issue of the treatment of millions of blacks from the "independent" homelands who work in South Africa

The "breach" lies in the fact that these blacks are to be treated as aliens on the labour market, according to weekend newspaper reports.

But the chief research officer of the Progressive Federal Party, Mr Nic Olivier, MP, has expressed his personal anger at what he said "is a clear breach of an undertaking given by Government officials in the Parliamentary standing committee on Constitutional Development and Planning".

Weekend reports said that "only about 1,75 million TBVC citizens with

'permanent residence' in SA can become South African citizens again"

The Department's spokesman pointed out that this had been clearly spelled out from the beginning by the Government

The Hansard of the House of Representatives for June 20 — it was the first of the three parliamentary Houses in which the second reading debate on the Restoration of SA Citizenship Bill took place — confirms this.

So does a re-examination of the Act, which became Law on July 1 with the scrapping of the pass laws and provisions for a uniform identity document for all South Africans

And, introducing the second reading debate in the coloured Chamber, the Minister of Home Affairs, Mr Stoffel Botha, also in fact detailed the number of blacks from the TBVC

territories who stood to benefit from the Bill — those who were "permanently settled" in SA as totalling 1 751 400

These are from Transkei (728 100), Bophuthatswana (595 600), Venda (94 100) and Ciskei — (333 600.)

Mr Botha said the figures were in his opinion a "conservative estimate" and investigations were being done to establish whether they should not be adjusted

He also said the SA Government had decided that SA citizenship should be restored to those who lost it through the independence of the TBVC countries, but who were "permanently settled" in SA

The Government had announced the step in 1985

The Act defines which categories of people qualify for permanent residence status

● Editorial comment
— See Page 12

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Engineer

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EVEN NESSEY

THE engineering sector seems hard hit by the brain drain.

According to P-E Corporate Services MD Martin Westcott only half the number of graduates and first-year students are entering engineering today than 10 years ago.

The problem of restricted access to overseas professional skills has been exacerbated by the number of emigrants.

Mainly young people are leaving and the long-term effect could have severe repercussions when the economy revives, Westcott says.

The standard of living has slipped over the years and both political and economic uncertainty have played decisive roles in the exodus of skilled people.

The skilled-labour shortage could be alleviated with technical innovations, such as computers and more emphasis on capital-intensive industry, he says, but increased training and education are more practical long-term solutions.

Quest Personnel MD Roy Silver says that, because of most Western countries' growth rates, there is a demand in certain fields, and SA skilled workers are regarded highly overseas.

238 ON 28/7/86

Mixed couple guilty under Group Areas

CAPE TOWN — Maria Herders and Johannes Meintjies have been living on friendly terms alongside their neighbours in the white suburb of Brooklyn here

Then the chairman of the Koëberg Residents' Association, Mr Nicolaas Basson, went to their modest house in Da Gama Street and told Mr Meintjies he was registering voters for the municipal voters' roll

Mr Basson said "I saw a woman who looked like a coloured. I asked Mr Meintjies who she was and he said she was his wife. Then I went to the police station and made a statement that a coloured woman was living there, I wanted the police to take further action against him"

Mr Meintjies, 53, and Miss Herders, 24, were charged under the Group Areas Act, found guilty and warned by the magistrate, Mr M Tolken, to apply for a permit for Miss Herders and their three-year-old daughter, Roxanne, to stay with him

"Now where must I stay?" Mr Meintjies asked Mr Tolken, who replied that, as a magistrate, he could not change the laws, he only applied them

Mr Basson said he had received "many complaints" about "non-whites" living in Brooklyn and the association had decided to investigate

Miss Herders, who grew up in Robertson, has lived with Mr Meintjies for six years

She said that on June 1, Mr Meintjies wrote to the State President, Mr P W Botha. She said he asked Mr Botha "What must we do? The Immorality Act has gone, but because of the Group Areas Act we can still not live together. Where are we going to go now? We can't stay in the bush"

Mr Meintjies, a mechanic, met Miss Herders when they were across-the-road neighbours in Kerk Straat, Brooklyn

"We just sort of fell in love, and for six years now we have lived together. We have stayed in back rooms and dingy houses, always trying to find a place where we would be safe together," Miss Herders said

"Before they scrapped the laws, we lived on the sly, I never went out of the house

"When I was breast-feeding Roxanne, I would sometimes run out of milk and I had to wait until Johannes came back from work, so he could go to the shops to buy some, I could not go out on the streets

"Then they scrapped the Immorality Act and

the Mixed Marriages Act and we felt safe. We have been waiting until I get a Book of Life and then we were going to get married," Miss Herders said. But now I just don't know I don't know if we can get married, if it goes on like this, because we will have nowhere to go to

"The court said I would have to move out. We have decided we will wait until we have heard from President Botha"

A spokesman for President Botha's office in Pretoria said the matter would be investigated

Miss Herders said when they moved into their home in Da Gama Street, it was "filthy and not fit for people to live in"

"We painted and decorated and saved enough money to buy nice things. When we moved in, Johannes went to speak to the neighbours and they said they have no objection to me living next door"

She said a number of mixed couples live in Brooklyn "Now they are in danger too" — DDC

238
FOCUS

MRS X has links with four "states" — by birth to the one, marriage to another and language to two others — and now the new citizenship laws have thoroughly frustrated her

Mrs X was born in Fort Beaufort 56 years ago and for 31 years she lived legally in Gugulethu near Cape Town with her husband and their six children. She had Section 10 (1) (b) rights and was in all respects, a South African citizen. But living in Cape Town was not good for her health. An asthmatic, she needed to stay in an area with a dry climate.

In 1970 the authorities helped her find a house in Taung, which is now under Bophuthatswana, while her husband moved to a hostel.

In 1977 she was registered as an annual contract worker in Johannesburg. She has worked for the same employer for nine years.

This week, she tried to renew her contract as she has done over the years and had to go to eight different people before she was told that she was wasting her time, because people from any of the "independent" bantustans can no longer work in "white" South Africa.

But Mrs X is not a citizen of Bophuthatswana, although she has lived there since 1970.

There are a number of reasons why Mrs X was sent to Taung — a place she had never known before.

Her husband, who was born in Kimberley and lived all his life in Cape Town, was Tswana-speaking. Taung was earmarked for incorporation into Bophuthatswana which was to become independent.

This meant that Mrs X's husband was going to become a citizen of Bophuthatswana. So when the authorities sent her to Taung, they were in fact sending her to her husband's potential homeland.

Otherwise, she would be classified as either Transkeian or Ciskeian because she is Xhosa-speaking by birth.

CITIZENSHIP

A jigsaw puzzle with ill-fitting pieces . . .

By SAM MABE

Mrs X is one of 9 million blacks who lost their South African citizenship as a result of the independence of Transkei, Bophuthatswana, Venda and Ciskei.

It is believed that only 1,7 million "citizens" of the TBVC bantustans could qualify for South African citizenship if they applied for it. But whether Mrs X will qualify remains to be seen.

She faces another dilemma. How does she keep her job? If she continues to work without a permit, she could face a stiff fine. Her employer will also risk being fined for employing her without a permit.

But if she applied for South African citizenship — which she's not likely to get — she could get into trouble with Bophuthatswana's

authorities. The President of Bophuthatswana, Mr Lucas Mangope, has made it clear that his bantustan's citizens will not hold dual citizenship.

If they got South African citizenship, they should renounce their Bophuthatswana citizenship.

This could give the South African authorities good grounds for refusing to consider any application from Bophuthatswana citizens.

Meanwhile, Mrs X's husband should qualify for South African citizenship because he was born in South Africa and has always lived here. But he might not qualify: he is not living with his wife and children inside South Africa.

His position was worsened by his living in a hostel and having no house — a factor that could determine the outcome of his wife's application.

Many blacks did not sing "Glory Hallelujah" when the pass laws were scrapped on July 1 because they suspected that influx control would



PRESIDENT Lucas Mangope no dual citizenship.

continue under another guise.

Professor Alf Adler, of the University of Witwatersrand, said the new citizenship regulations were another version of influx control, while Mrs Helen Suzman, of the Progressive Federal Party, said blacks were misled into believing that influx control had been abolished.

The Eminent Persons Group said in their report that unless the concept of bantustan independence was ditched, Government claims that

it intended doing away with apartheid would have no credence.

002/17/86238

Act restores SA citizenship to some

CAPE TOWN — The Restoration of South African Citizenship Act (No 73 of 1986) was gazetted in Cape Town yesterday

The act provides for the granting of South African citizenship to certain citizens of the

republics of Transkei, Bophuthatswana, Venda and Ciskei

The Identification Act (No 72 of 1986) was also gazetted to provide for the compilation and maintenance of a population register for the republic — Sapa

Reading the fine print



Sheena Duncan of the Black Sash is a leading authority on influx control. She discusses the new citizenship legislation.

It is high time that white South Africans and Western governments stopped believing what government spokesmen tell them about reform and started reading the actual legislation which is eventually produced

They would thus be spared the shock and outrage which they express when it eventually becomes clear that what is done is nothing like what was promised

On July 22 US President Ronald Reagan said "Citizenship, wrongly stripped away, has been restored to nearly 6m blacks" Someone should have told him about the Minister of Home Affairs' statement to parliament that the government's estimate of the number of people in SA who are likely to get their citizenship back is 1 751 400 None of them has yet had citizenship restored They have to apply for it in writing and prove that they are entitled to it in terms of the very restrictive provisions of the Restoration of Citizenship Act

In the five years between October 1976 and December 1981, approximately 8,25m South Africans were stripped of their citizenship and became aliens in the land of their birth through the coming to independence of the TBVC homelands The total number of Xhosa, Tswana and Venda people now is probably somewhere between 9m and 10m All of them are aliens in SA, wherever they may be living They amount to well over one-third of the total black population of SA

Of them, 5,75m are resident within the TBVC homelands Of the other 4m-odd who are outside the homelands, less than half can expect to get their South African citizenship back

Those who cannot, or who cannot get an identity document on the grounds that they are permanently and lawfully resident in SA, are subject to the same restrictions and deni-

al of freedom of movement in SA as are citizens of Lesotho, Zimbabwe, Botswana and Swaziland

In 1984 the Aliens and Immigration Laws Amendment Act was passed by parliament The amended legislation imposes a possible fine of R5 000 or two years' imprisonment on any person who employs, conducts any business or profession with, gives shelter to, lets or sells property to, or gives accommodation to an illegal alien

The alien person can be arrested and deported, or can be charged and sentenced to a fine of R600 or six months' imprisonment followed by deportation

At that time the Black Sash said "The government says it is not the intention to use this amended legislation against the citizens of independent bantustans We are not reassured by these statements"

Progressive Federal Party MP Helen Suzman said that no matter how sincere the government might be in its intentions with the Bill, there would come a time when it would be used in a crisis as an additional weapon in the influx control armoury (Race Relations Survey 1984) How right she was The time has now come

The millions of people who will not be able to get their South African citizenship back and who will not be eligible for identity documents (the two are different things governed by two separate Acts) are now in a much worse position than they were before the new system came into effect on July 1 They can no longer work their way to permanent residence through the 10 years' continuous employment laid down in the repealed Blacks (Urban Areas) Act

They are aliens and subject to the Aliens Act, which says that no alien shall enter or be in the Republic unless he is granted either a permanent residence permit or a temporary permit issued for a specific purpose under specific conditions

It is not likely that many TBVC citizens will be granted permanent residence One of the provisions in the Act is that the Immigrants Selection Board shall not issue such a permit unless the applicant "does not and is not likely to pursue an occupation, in which a sufficient number of persons is already

engaged in the Union to meet the requirements of the inhabitants of the Union"

Work permits are likely to be equally difficult to obtain The Department of Home Affairs says that the employer must first approach the Department of Manpower for a recommendation for employment and then approach the Immigration officer for a work permit for the employee. (Remember the coloured labour preference policy? What will now happen in the western Cape where the whole black population is alien and where there is much unemployment among coloured people? Will employers get the necessary clearance from Manpower?)

The work permit, if granted, will be temporary and will have to be renewed when it expires, as has been the case with contract workers in the past

One of the tragic results of all this is that within a few years people from the TBVC homelands will be totally cut off from job opportunities in SA

Red tape

If employers are able to take on workers who have identity documents and South African citizenship with no red tape and no need to obtain permission, they are unlikely to offer jobs to people for whom there must be a frustrating and uncertain procedure of applications for permits The process would also require filling in monthly returns for Home Affairs listing the name, birthdate, capacity in which employed, date of employment and residential address of every alien employed by them (*Government Gazette* No 10266 of 30/5/86)

The only way in which the aliens legislation can be enforced is by inspections at places of employment and accommodation with random spot checks in public places of people's identity documents It is impossible to distinguish an illegal alien just by looking at him So the new freedom of movement for South African citizens will also be infringed by the constant necessity of having to identify themselves whenever called upon to do so

The Black Sash is often accused of being negative and cynical It is sometimes very difficult to refrain from saying "We told you so"

Enforcing Aliens Act poses 'slight problem'

BUS DAY 11/1/86
230

LINDA ENSOR

THERE will be no enforcement of the Aliens Act as it applies to citizens of independent homelands until negotiations on dual citizenship have been concluded, a spokesman for the Department of Home Affairs said yesterday.

He could not say when this would occur.

Another spokesman said enforcement posed a "slight problem" for which there was not as yet any answer.

With the passing away of influx control and the development boards, the Aliens Act became the measure controlling the influx of citizens of the independent TBVC (Transkei, Bophutatswana, Venda and Ciskei) homelands.

The Department of Home Affairs became the enforcing agent but it has not worked out how this will be done.

A further conundrum is the fact that there are no penalty provisions in the Act to give teeth to any enforcement against TBVC citizens as long as they fall into the category of "exempted aliens"

The Act only penalises those entering SA without a temporary residence permit and Home Affairs Minister Stoffel Botha said in a statement released this week that TBVC citizens were exempt from the requirement to possess one.

Thus, in terms of the Aliens Act, there is nothing to prevent citizens from the TBVC countries coming to SA as long as they have passed through a border post with a valid travel document.

The offences outlined in the Act and the penalties associated with those offences do not apply to exempted aliens.

The Act states that offences, namely employing, harbouring or conducting business with an alien, only applies to those who do not

ENFORCEMENT of the Aliens Act is posing a problem for the Department of Home Affairs and has been temporarily shelved.

A spokesman told *Business Day* yesterday that there would be no enforcement until the finalisation of negotiations on dual citizenship at some future undetermined date.

For the moment citizens of the independent TBVC home-

lands (Transkei, Bophutatswana, Venda and Ciskei) have no problem about remaining in SA, says Geoff Budlender, director of the Legal Resources Centre.

But their presence is entirely dependent on administrative discretion and they can be deported at any time if exemptions granting them permission to be in the country are withdrawn.

have a temporary permit

Penalties for these offences are a maximum fine of R5 000 or imprisonment for up to two years on first conviction and to both on subsequent convictions.

Exemptions can, however, be withdrawn from a person who then becomes subject to the Act and can be arrested and ordered to leave the country. A person without an exemption who enters the country illegally faces a maximum fine of R600 or up to six months in jail on first conviction and R1 000 or one year in jail or both for subsequent convictions

Geoff Budlender, director of the Legal Resources Centre, says the exemptions are the central controlling measure and one which makes the TBVC citizens "utterly vulnerable" to administrative procedures.

They have no legal rights.

"The problem is not so much one of enforcement as the fact that the exemptions are not public documents. They have not been gazetted and can be withdrawn at any time as, for example, was done to 3 666 people in Crossroads in 1981

who were deported."

Budlender said that "for the moment" there was no problem about TBVC citizens remaining in SA but permission could be withdrawn at any time. The authorities could use the exemption as a means of influx control, to expunge unwanted squatters and to deport striking workers

In terms of labour agreements the TBVC citizens do require prior consent if they wished to work in SA and approval if they wished to remain in the country for longer than 14 days, Botha said in his statement

A labour contract attested to in the independent homeland served the purpose of a work permit, the departmental spokesman said. However, a Johannesburg lawyer said yesterday that agreements could decide the policy for dealing with the TBVC citizens but could not create offences

A departmental spokesman agreed that there was no legislation making it an offence for someone from the TBVC countries to come to SA.

For millions of TBVC citizens, the Government's promises have proved hollow

How the homelands were tricked out of their birthright

By David Braun, Political Correspondent

CAPE TOWN — The last week has revealed how the citizens of South Africa's independent homelands have been conned out of their birthright in exchange for a hollow promise

For years the Government has encouraged the homelands to opt for full independence on the basis that this would give each ethnic group sovereignty

The catch upon independence, every member of the population group involved had to exchange South African citizenship for that of the newly independent country whether he lived there or not

As every black person had to be classified a member of an ethnic group, it followed that if all 10 homelands took independence, there would no longer be any black South African citizens

Whites would be the majority in South Africa

Blacks who became citizens of independent countries would be better off than those who did not, Cabinet Ministers promised

Transkei, Bophuthatswana, Ciskei and Venda (TBVC countries) took their independence and their citizens overnight became foreigners in South Africa, allowed to work and live in South Africa on only a temporary basis

Bilateral agreements were signed, by the TBVC countries and South Africa, to regulate the flow of migrant workers

South African employers could employ foreigners without clearance from the Department of Manpower, whose function it was to ensure South Africans were not being deprived of work

If TBVC nationals wished to stay longer than 14 days in South Africa they had to apply for "consent"

The paperwork and controls were administered by Development Board officials who also implemented influx control and regulated the migration of South African blacks

In practice, therefore, blacks were restricted from working and living in urban areas whether they were TBVC nationals or not

In January last year, in a policy speech which set out his reform programme, President Botha accepted the permanent settlement within South Africa, outside the borders of the independent and self-governing states, of a large number of black people

The political aspirations of these communities would be accommodated by structures within South Africa, he said

In April, the Government allowed that the loss of South African citizenship would not necessarily follow a self-governing territory's decision to take independence

In September Mr Botha announced SA citizenship would be restored to blacks

The loss of it, he said, led to frustration among those who lived in South Africa or were born in the Republic

Women and children too

Last month Parliament passed the Restoration of South African Citizenship Act which gave effect to part of Mr Botha's promise

TBVC citizens granted SA citizenship included:

- Those born in South Africa prior to the independence of their state and who have since lived in the Republic
- Citizens by birth or descent of a TBVC states but before the commencement of the Act, and were lawfully resident in South Africa for five years
- Those who lawfully enter the Republic after the commencement of the Act and stay for five years

The Act also makes provision for the granting of SA citizenship to spouses and children

TBVC citizens born in those states before independence do not

quality for SA citizenship if they don't fit one of the categories of TBVC nationals who don't qualify for SA citizenship in terms of the Act remain foreigners if they visit South Africa

About five million TBVC citizens are estimated to be affected

The advantages black South African citizens have over TBVC nationals emerged when influx control was abolished and all South Africans became free to move around and seek work anywhere in the Republic

From July 1, with the repeal of the pass laws, the task of administering the migration of TBVC nationals has been transferred from the disbanded Development Boards to the Department of Home Affairs

TBVC citizens must comply with the provisions of the Aliens Act, like any other foreigners, with regard to residence and work permits

For the millions of TBVC citizens the promised advantages of independence have not materialised

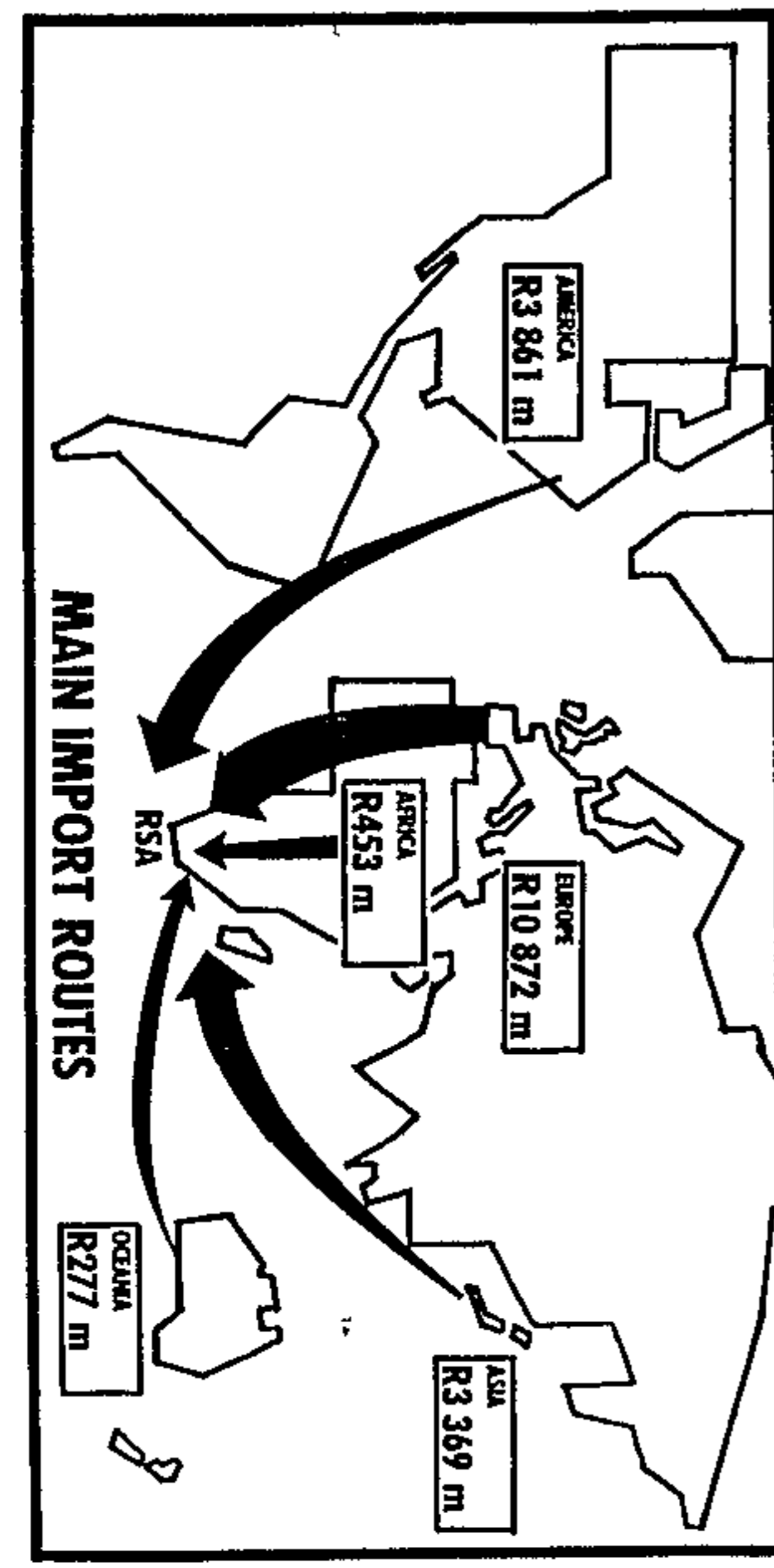
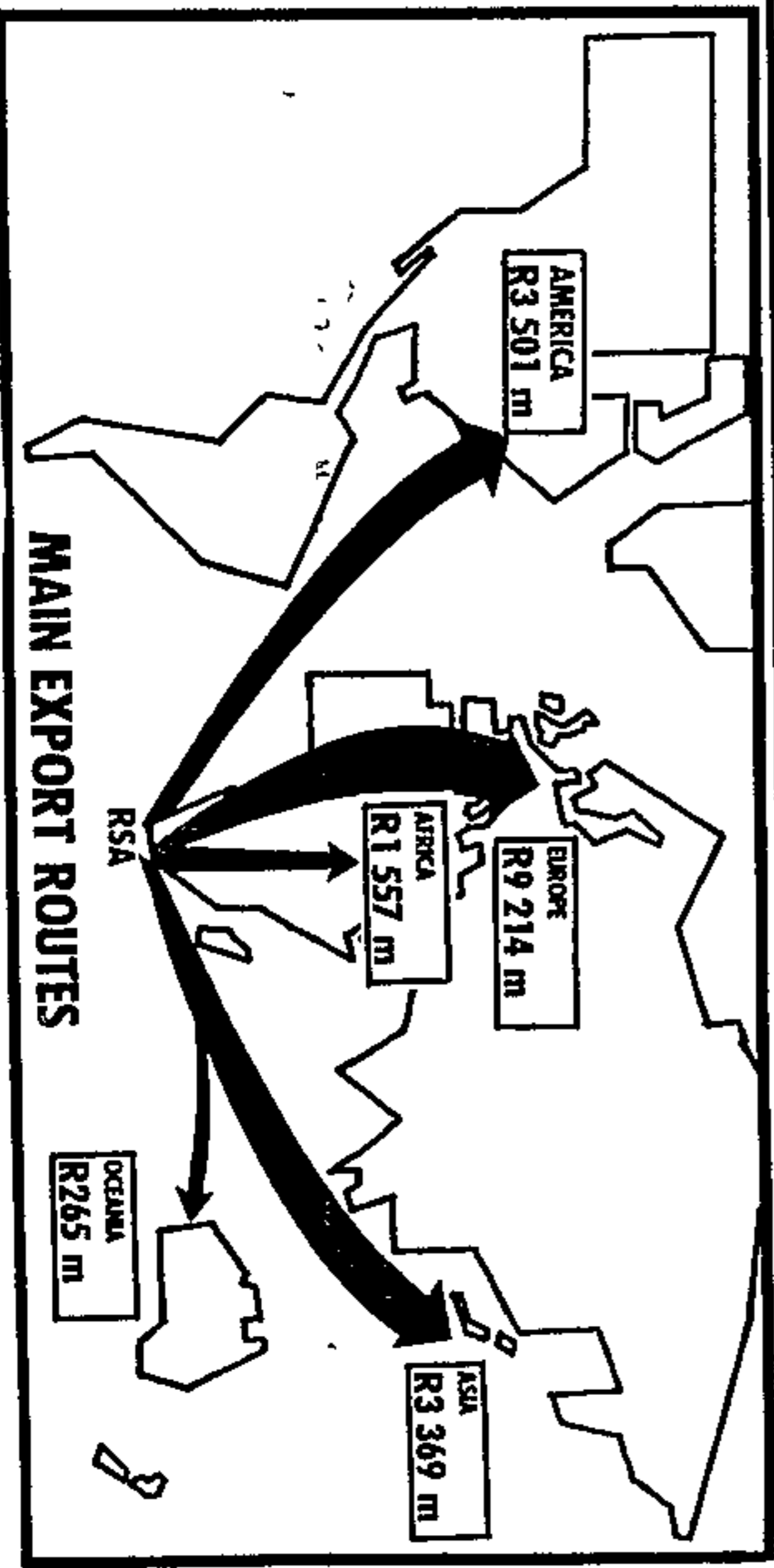
Their countries are not recognised officially by any country in the world, their travel documents are seldom acceptable abroad and they have lost their right to South African citizenship and all the advantages that may provide on the greater job market

The story has not ended for these people, however

There is still the second part of President Botha's announcement that South African citizenship may be restored to TBVC citizens resident in the independent homelands on the basis of dual nationality

Negotiations on this are in process on a bilateral basis between South Africa and each of the national states

Not much has been announced about their progress but it is understood that the TBVC states are concerned that the granting of South African citizenship to their nationals will undermine their sovereignty



By Hannes de Wet

Bophuthatswana has issued a veiled warning that its attitude towards South African citizens within its own borders could be influenced by the way in which South Africa eventually handles the black citizenship issue.

"We don't want to be forced to shunt people around in our country," Bophuthatswana's ambassador to South Africa, Mr A D Maherry told *The Star*.

Bophuthatswana, which is opposed to dual citizenship, wants South Africa to grant permanent residence to those Bophuthatswana citizens who qualify for permanent status in this country but prefer to retain Bophuthatswana citizenship. According to conditions spelt out by the De-

238 & SMR-118/86

Bop 'warns' about SA whites

partment of Home Affairs last week, all blacks who qualify for permanent residence could take up South African citizenship. If a person in this category prefers to remain a citizen of one of the four independent states, he becomes a temporary alien in South Africa.

Mr Maherry hinted that this could have a bearing on the position of South Africans in Bophuthatswana who did not want Bophuthatswana citizenship.

"What should our attitude be towards them if our own people who don't want South African

citizenship, will be regarded as temporary aliens? Will we also have to force them to choose between South Africa and Bophuthatswana if they want permanent residence in our country?"

"We certainly don't want to be forced to shunt people around in our own country."

"One point on which there was a specific agreement so far, is that South Africa would grant no Bophuthatswana subject South African citizenship unless certain procedures have been followed," Mr Maherry said.

"According to this agreement the Bophutha-

tswana subject has to formally inform our own internal affairs department that he was renouncing Bophuthatswana citizenship. We are then to inform Home Affairs in South Africa that the person in question could be granted South African citizenship.

"Then, and only then, could he become a South African citizen. But this is not happening. South Africa is carrying on regardless in issuing new identity documents," Mr Maherry said.

The Director-General of Home Affairs, Mr Gerrie van Zyl, responded by saying that he did not want to comment at this stage as "delicate negotiations" between South Africa and Bophuthatswana were still continuing.

'Doors open' for Chinese

14/8/86
Political Staff

STAR
238

DURBAN — South Africans of Chinese origin are likely to be able to decide by individual voluntary association with which group they wished to associate to gain political rights.

This was announced at the National Party federal congress by Minister of Constitutional Development, Mr Chris Heunis.

The Chinese community, which with its small numbers has always been a problem for the National Party's group policy, has gradually had the doors opened to it to live in the group area of its choice.

Most are now living freely in white areas.

Johannesburg delegate Mr Robert Rossouw said the Chinese community kept high standards and should be assimilated by whites.

Mr Heunis replied that he shared Mr Rossouw's sentiments. The Government was giving attention to arranging that the community be given political rights by individual voluntary association.

'Humiliated' in church — but now they wed

W/Weekend Argus 30/8/80 (238)
MARK STANSFIELD
Weekend Argus Reporter

PATRICK Crous was so humiliated he wanted to murder the minister and blow up the church — but instead he stood at the altar and promised Anne Goldstein, who stood waiting in her bridal gown that one day he would still marry her

At 10am yesterday — seven years since that 'horrible day' — he kept his promise, this time in a Cape Town Magistrate's Court

Yesterday there were only four witnesses, and Anne wore a pretty mauve dress. In 1979 she wore a white bridal gown, had the traditional bridesmaids and the church was packed with guests

The happy couple were standing in front of the altar at 11am on October 4, 1979. They waited silently as the minutes ticked by

Soon they would be married in the sight of God

A few minutes before the ceremony the minister told them quietly that he could not marry them

Patrick is classified white Anne is "coloured"

"I wanted to murder him," Patrick recalled yesterday

"I felt utterly humiliated," he said, minutes after a marriage officer at the Cape Town Magistrate's Court finally pronounced them legally man and wife

The day of their humiliation was "the most horrible day of my life," Anne said

"I wanted to cry — but Patrick took my hand and swore that one day he would marry me

"I remember leaving the reception. We pretended we had been married but everybody in that room knew what had happened

Their story is typical of many of those lovers who, before the repeal of the Mixed Marriages Act last year, had to hide their love behind locked doors

Patrick Crous was working as maitre d'hotel at one of Cape Town's top hotels in 1976 when he fell in love with Anne Goldstein, a Wolseley girl who came to the city looking for a job.

"We began living together in a Kloof Street flat, but in those days people still frowned upon relationships like ours, so I wore an apron and a doek and pretended I was Patrick's maid," Anne said

"We used to walk down the



Picture PETER STANFORD, Weekend Argus

Patrick Crous and Anne Goldstein — a promise made seven years ago was faithfully kept in Cape Town yesterday.

street, Patrick in front with our child, me walking behind as though I was a nanny," she said

"Things were easier when we moved to Woodstock. There people

have always mixed

"Even the police knew of our relationship, but because we made no trouble they turned a blind eye," Patrick said

"But now our problems are over. Today we finally exchanged rings we should have many, many years ago," Patrick said as the small party went to celebrate in a hotel close by

'Humiliated' in church — but now they wed

W/L ARBUS 30/880 (238)
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"But now our problems are over. Today we finally exchanged rings. We should have many, many years together," Patrick said as the small party began to celebrate in a hotel close by.

DD 12/9/86 238

Govt: no SA rights for Bop residents ID applications not accepted

PRETORIA — Bophuthatswana citizens living permanently in the independent homeland could not regain their South African citizenship, the government said yesterday.

The Department of Home Affairs said in a statement that citizens of Bophuthatswana "who reside permanently in Bophuthatswana do not qualify for regaining South African citizenship and therefore applications for identity documents are not accepted from them, although they may be working in South Africa on a daily basis"

The department was reacting to a press report on September 6 that Bophuthatswana citizens had been told to choose between working in South Africa — where their employers insist that they must have South African citizenship — or living in Bophuthatswana where they have to take out the citizenship of that country

"It was further alleged that their employers have threatened to dismiss them if they are not in possession of South African identity documents and that if they opt for South African citizenship, they would have to leave Bophuthatswana," the statement said

The working arrangement in South Africa regarding commuters remained unchanged, it added

"It follows therefore that their employment in South Africa is not affected by the fact that they do not qualify for regaining South African citizenship or for the issue to them of a South African identity document" — Sapa

Nightmare ends — illegal city migrant freed

5/12/86
15/9/86

338

Weekend Argus Reporter
A CONVICTED illegal immigrant has been reunited with his common-law wife and their three children in Woodstock after his attorney convinced immigration authorities he should be freed.

Portuguese Fernando Motto spent three nights in jail this week before a court found him

guilty of entering South Africa illegally.

After being convicted he should, according to the law, have remained in jail until the Department of Immigration decided whether to grant him permanent residence or deport him — which may have taken months

Motto's attorney, Mr Keith Hamblin, had earlier managed to have the case — originally

due to be heard in two weeks — heard this week, shortening the time the accused would have to spend in custody

Mr Hamblin said after Motto's release he was "extremely grateful" to the immigration authorities

"They were very helpful," he said

Motto's freedom means he can bring forward his marriage to the mother of his children. For nine years marriage was denied the couple because of the provisions of the recently scrapped Mixed Marriages Act

Marriage now will also help to speed his permanent residence permit

Motto, a fitter and turner, told Cape Town Magistrate's Court he came to South Africa from Mozambique in 1972 on contract to a Springs construction company

On his way back to Mozambique he was given a speeding ticket and was issued with a temporary permit allowing him to return to pay the fine. He failed to renew this when it expired in 1975

He applied for permanent residence but nothing happened

Complaint

He moved to Cape Town to take up a job offer, met his wife-to-be and was "so happy here" he did not want to leave. He did not want to return to Mozambique because of the political troubles there

He worked as a barman until last month, when he resigned

His common-law wife, Myrna Karriem, said Motto's "nightmare" began when a police officer arrived at his home, acting on a complaint from his neighbours who suspected the house was a brothel

A policeman started searching for an "Oriental man"

She told him she had never had Oriental men in her house but had her mother and young brother living with her. The policeman then arrested her husband

She said Motto was a loving husband, father and a good provider for her and their three children. They used his name and she wore his wedding ring

The magistrate, Mr M J Tolken, fined Motto R100 (or 50 days)

bush capital of Jamba, south-eastern Angola

However, in the last few weeks the situation has changed. Unita is no longer in control of Munhango

Western diplomatic and intelligence observers say the situation round the town on the Benguela railway line is fluid. Fighting is fierce between Unita and the 4 000 to 5 000 Fapla troops in the area

Bombed

Meanwhile, Fapla units have concentrated round Lucusse in spite of being harried by Unita guerrillas

It is understood that some elements of the Lucusse force have moved to the swollen Lungue-Bungo River where they will make an attempt to make a crossing

Fapla would then be in a position to strike at the Unita strongholds of Canganba and Gaga Coutinho

For the last two weeks, Fapla aircraft have bombed Unita positions and logistic centres south of the Lungue-Bungo River, including Canganba and Gaga Coutinho

Anger as 15 000 face forced removal

JOHANNESBURG — More than 15 000 people from two farms north of Pretoria are to be moved off their land despite the government's declaration that forced removals are over

Meanwhile, more than 10 000 others face the loss of their South African citizenship following the threat of inclusion of their land into Bophuthatswana

At a press conference

organised by the Black Sash here yesterday, leaders of the the 15 000-strong communities of Bloedfontein and Geweerfontein denounced government plans to hand over their land to Bophuthatswana, and to move them to Rust der Winter — an area to be incorporated into KwaNdebele

"We do not want to be incorporated into Bophutatswana, as

under that government we will be very much oppressed," a spokesman for the communities, Mr Marman Maila, said

In terms of the Borders of Particular States Extension Bill — passed on September 5 by all three Houses of Parliament — the two areas have been placed under Bophuthatswana

Residents of Bloedfontein and Geweerfontein first read of the re-

moval plans in the press, despite government statements that the communities had agreed to co-operate with the move

Progressive Federal Party MP, Mrs Helen Suzman, said white farmers in the Rust de Winter area earmarked for the removed communities "have not been consulted"

Two other Transvaal communities affected by

the Borders of Particular States Extension Bill are Braklaagte — a community of about 10 000 in the Marico district — and the Machakaneng of the farm Boschfontein, near Brits

Both areas face incorporation into Bophuthatswana Mr Simon Mpane of the Machakaneng said "Machakaneng bought this land in 1870, why must we now join a land that is ten years old?" — Sapa

DP (circled) (circled) (circled) 238 / 20/9/86

Govt: Bop citizens only Bop citizens

Dispatch Reporter

EAST LONDON — Citizens of Bophuthatswana did not qualify for regaining South African citizenship, which they lost when their country opted for independence, it was announced in a statement released by the Department of Home Affairs in Pretoria yesterday.

The statement said the South African Government made it "categorically" clear that although those citizens were working in South Africa on a daily basis, their applications for identity documents would not be accepted

The statement was in response to press reports that Bophuthatswana citizens had been told to choose between working in South Africa, where their employers insisted that they must have South African citizenship, or live in Bophuthatswana — where they had to take out the citizenship of that country.

The statement said the working arrangement in South Africa regarding commuters remained unchanged

The employment of Bophuthatswana citi-

zens in South Africa was not affected by the fact that they did not qualify for regaining South African citizenship, or the issue of them obtaining a South African identity document

Call M'sane Ext

EAST LONDON — Residents of Mdantsane Extension, which stretches from Zone 13 to 16, are now linked to the world by telephone

People in the area have been without telephones since 1979

A spokesman for the Department of Posts and Telecommunications in Ciskei, said private lines in the area started working on Monday

Mdantsane Extension numbers have a 63 prefix followed by four digits — DDR

Seascape stolen

Dispatch Reporter

EAST LONDON — An antique oil painting, a water colour and a cloth mural, were stolen from an hotel outside Idutywa a fortnight ago.

The manager, Mr Hubert van der Kolk, said the paintings were taken from the diningroom and his private flat while he and his family were away on holiday.

The 100-year-old oil seascape, depicting cliffs and a stormy sea, had a large black frame, while the water colour was of a woman in tribal dress with a gobozi on her

head

Mr Van der Kolk has offered a cash reward for information leading to the recovery of the paintings and mural.

New Canadian envoy for SA

PRETORIA — Canada has appointed a new ambassador to South Africa

He is Mr Ronald Stuart MacLean, 58, originally from Sedge-wick, Alberta, who replaces Mr E G Lee, who has returned to Ottawa

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Bursary snag for race-trap student



Famida Sayed . . . must be reclassified or change colleges to get a bursary

A STUDENT teacher has been told she must apply for a change in her race classification before she can qualify for a State study bursary

Both the House of Delegates and the House of Representatives have refused to give 20-year-old Famida Sayed a bursary because she is classified Indian but attends a teacher training college for coloureds

Her plight has been labelled "patently unfair" by a teachers' organisation

Miss Sayed, whose father is Indian and mother coloured, applied to both Houses for a bursary to continue her training at the coloured Bechet College in Durban

"The House of Delegates told me I must study at an Indian institution to qualify for a bursary from them," Miss Sayed said

"The House of Representatives said I must reclassify myself as a coloured before they can give me bursary

"Why should I reclassify myself? I am proud of my heritage and I do not have anything to be ashamed of

"And I will be working for the House of

By PRAVEEN NADOO

Representatives when I qualify, so they should give me a bursary, which I will pay back

"I have always wanted to be a teacher and this is not going to stop me," she said

Miss Sayed's mother, Mrs Ethel Sayed, said her daughter had attended coloured schools all her life.

"What makes me mad is that we are all South Africans so why must Famida suffer because of whatever race she is classified?"

"There are thousands of other children in the same position"

The Chief Director of Education in the House of Delegates, Mr A K Singh, said "We will give study loans only to people we are going to employ"

A spokesman for the Department of Education in the House of Representatives, Mr Henry Jansen, said "the department does not have the authority to grant bursaries to people who are not coloured"

"Prospective student teachers are made aware of this when interviewed for selection."

Victims

Mr Jansen said Miss Sayed would not be eligible for a bursary despite the fact that she was training at a coloured college and would work for the House of Representatives after qualifying

Mr Franklin Sonn, president of the Union of Teachers' Associations of South Africa (Utasa), said "We are the victims of complications resulting from the confusing bureaucratic proceedings in the tricameral system, of which this case is only one"

"The House of Representatives should give Miss Sayed a bursary"

Mr Sonn added that Utasa would make representations on Miss Sayed's behalf

SUNN Mad 2/9/86

New ID book in demand among blacks

23/9/86
Eve Post
238

By KIN BENTLEY

ABOUT 13,5 million black people living in South Africa are expected to take out the new uniform identity books, a spokesman for the Department of Home Affairs said today.

Speaking from Pretoria, Mr Charles Theron said 1 127 195 applications had been received to date. He said the department had no regional figures.

Applications started coming in from May 1. Illustrating the enormity of the task, Mr Theron said 18 559 applications for the new ID document were received daily. He said 90 per cent of whites, coloureds and Indians already had ID books.

Although influx control has been scrapped, concern has been expressed by the Black Sash that illegal aliens who do not qualify for the new ID documents will be deported to the homelands.

A UPE academic, however, who asked not to be identified, said today it was unlikely that this law could be implemented because of the enormous number of people involved. As with the Group Areas Act in Hillbrow, the academic said, the reality of the situation had overtaken the law, which would in time be changed to reflect the new reality.

The deputy regional director of the department in the Western Cape, Mr J M Terblanche, said yesterday that at "some point or other it is reasonable to assume that in the future, action (against illegal aliens and their employers) will have to be taken".

An estimated 2 million people — mainly Xhosa from Ciskei and Transkei — are expected not to qualify for the ID book, making them illegal aliens. Most of them live in the Western and Eastern Cape. About 1,7 million are expected to apply successfully to regain their SA citizenship.

Employers of aliens face a fine of R5 000 under the Aliens Act. Illegal aliens could be fined R600 or imprisoned for six months, followed by deportation.

Mr Theron said the figure of 13,5 million was made up of SA citizens, adding "it must include some from the independent states".

Blacks with "residential qualifications" could apply for the ID book, which enables them to get work freely in SA.

All non-independent homeland citizens are SA citizens in terms of recent legislation.

235

GOVT HOLDING FIRE ON FAITE OF TBVC BLACKS

EMPLOYERS will not be prosecuted under the Aliens Act while the status of "Alien" blacks and their rights in South Africa receives consideration "at the highest level".

This assurance, which affects most employers and about two-thirds of Africans in the Western Cape, was given by the Director General of Home Affairs, Mr B. G. S. van Zyl, to a delegation from the Cape Chambers of Industry and Commerce.

The delegation sought clarification from the department because of confusion and deep concern about the possible use of the Aliens Act as a form of influx control.

Mr Colin McCarthy, director of the Chamber of Industries, said the delegation has been assured that

employers would not be brought to book because they employed workers from the independent states.

Mr Alan Lighton, director of the Cape Town Chamber of Commerce, said the position was definitely being considered at the highest level and would be clarified shortly.

The Aliens Act makes it an offence for "aliens" to enter South Africa without official permission.

Fines

It provides for fines up to R5 000 or two years' imprisonment for a first conviction. For a second conviction a fine or imprisonment or both may be applied.

A recent circular from the department warned employers to meticulously observe the provisions of the Act as fault-

ure to do so was an offence which carried heavy penalties. Both chambers are concerned about the "impossible situation" created for employers.

Urged

The delegation, in view of discussions about dual citizenship with the government of the independent territories, urged the need for the Government to state "in unambiguous terms that they will extend the right of freedom of movement, including the right to live and work in the urban areas of the Republic, to all citizens of the TBVC countries."

Border

"The Aliens Act was never meant to apply to people from places so contiguous with South Africa that they can just walk across the border.

"How can an employer check whether a person has the right to be domiciled here when thousands are flooding into the urban areas every day?" said Mr McCarthy.

25/9/86. ~~25/9/86~~ Bus 047

MEMBERS of the Cape Motor Transport Owners' Association (MTOA) have given a mandate to the umbrella Public Carriers' Association to press government to abolish the permit system controlling commercial-transport operations carried out in terms of the Road Transport Act.

Cape hauliers want govt to scrap permit system

CHRIS CAIRNCROSS

"Our members want the present system scrapped rather than wait for it to be phased out," Dave Pieters, chairman of the MTOA and GM of Jowells Cape Transport, one of the biggest road hauliers in the Western Cape, said yesterday.

A promise that the permit system would start to be phased out before the end of 1986 was made earlier this year by Transport Minister Hendrik Schoeman.

This step was to follow publication of the National Transport Policy Study report covering deregulation of the transport sector and government's White Paper response to it

Both these events have been delayed until Parliament reconvenes.

Private road hauliers have continued to express considerable concern at the delay, noting that it reflects government's inability to respond quickly and timeously to

many of the problems impacting on the economy

Pieters said only a small proportion of freight moved by private hauliers within and from the Western Cape required permits.

Most operations were conducted in the exempted area, or involved exempted goods where competition was already open.

Pieters predicted that deregulation would herald in cut-throat competition between hauliers and SA Transport Services, and exert downward pressure on rates.

Missing voters sought

GERALD REILLY

GOVERNMENT'S campaign to clear up the population register mess is now under way.

It aims at persuading more than a million "missing" voters to notify the Home Affairs Department of their new addresses. The campaign includes spot appeals on radio and TV and pamphlets distributed with water and light accounts.

PFM spokesman on home affairs, Reuben Sive, said if an election were called before the population

register was updated, it would impose an impossible burden on political parties

The Klip River by-election reflected the kind of situation that would arise. About 8 282 of the 14 986 voters registered voted — 58,6%. Because of the intensity of the campaign, it could be assumed the vast majority of the remaining 41,4% had moved away

Church takes a look at 'just war'

HARARE — The Presbyterian Church of Southern Africa has rejected a suggestion that it should advise its 70 000 members not to serve either with the SA security forces or their black opponents

After a long debate the church's general assembly ordered its committee on a "Just War" to examine Christian doctrine with particular reference to the activities of the SA security forces, the ANC, the "Comrades" and Swapo — Sapa

STAR

September 26 1986 5

Rush for 238 all-race ID documents

Pretoria Bureau

Applications for the new "colour-blind" identity documents are pouring in at an average rate of 18 559 a day, the latest statistics from the Department of Home Affairs show.

This figure reflects a keen interest in the new identity documents, said a spokesman.

The figure has escalated dramatically from a daily average of 3 383 in the week ended May 23 to more than 18 000 a day in the week ended September 19.

Already 1 127 195 applications have been received by the department at its regional offices throughout the country.

The change in influx control laws and the law relating to the carrying of a uniform identity document for all races saw the new "colour-blind" books issued for the first time on May 1.

Applications are taking up to three months to be processed.

The increase in interest is reflected in the rise in the number of applications received daily. From 3 383 for the week ending on May 23, the weekly figures rose steadily to 5 062 for the week ending June 20, 12 992 the week ending July 18 and 16 250 the week ending August 22.

N/M
26/9/86

Govt
plans to
get tough
on aliens

238

Mercury Correspondent

JOHANNESBURG—The Department of Home Affairs intends to step up measures against the estimated 1 300 000 aliens and employers contravening the Aliens Act, but this does not apply to TBVC blacks

Director-General of Home Affairs Mr B G S van Zyl said yesterday that increased action was being taken to determine the location of aliens. The department, he said, was also considering conducting more employer inspections which might result in the increased prosecution of employers.

The Aliens Act provides for fines of up to R5 000 or two years' imprisonment for a first conviction.

The department, Mr van Zyl said, might have to increase its staff to conduct these measures. It also intends providing employers with guidance as to how to identify people illegally seeking employment, he said.

'They are taking up jobs of millions of South Africans who may have to be paid unemployment insurance,' he said.

However, Mr van Zyl emphasised that Home Affairs Minister Stoffel Botha had exempted citizens of the TBVC states of certain requirement under the Aliens Act.

He said they did not require a work permit in terms of the Aliens Act but appealed to employers to comply with certain requirements stipulated in a labour agreement signed at the time of the independence of the TBVC states.

2338
w/Post

4/10/86

Many are applying for new ID book

Weekend Post Reporter

TEAMS of specially recruited civil servants are playing a major role in encouraging factory workers to apply for new identity documents after the scrapping of the pass laws

Extra staff have been employed by the Department of Home Affairs to cope with applications.

These special teams of officials visit factories, hospitals and farms in the region to help workers with application forms.

They have visited about 75 factories in PE and Uitenhage since July — 1 800 workers applied for the new document at one factory

The department's Eastern Cape regional representative, Mr B R Buys, said this week 19 480 applications had been received for the document since May 1

In PE 10 070 people had applied to have their "dompas" replaced with the new document and in Uitenhage there were 5 540 applications for replacements

In PE 3 300 applications were received from people who had never obtained any form of identity document before and the figure for Uitenhage was 570

About 400 new documents had been issued locally, while 800 were waiting to be collected at the department's offices

Applicants have their fingerprints taken for the Population Register immediately and their dompas are endorsed and returned to them

The dompas is cancelled when they receive the new free document

The dompas can, however, be retained by the holder, or handed in to the department's offices when the new document is issued

The dompas is still a valid legal document for identity purposes for those who do not yet have the new document

238
12/10/86

**
over for

Workers urged to get new ID books

PRETORIA — Although the old "reference book" would remain valid, employers should encourage their workers to obtain the uniform identity documents, a spokesman for the Department of Home Affairs said in Pretoria.

In a statement he said the new document did not distinguish between "urban residents" and "rural workers," from the national states, for example.

"It is therefore clear that the ID cannot be used for influx control even if the latter was still in force"

He described the advent of a uniform ID as a "milestone" in the quest for equality in South Africa

"South African identity is something to be treasured and the ID is the best way to prove citizen status as far as the South Africa of today is concerned"

He explained that citizens of the independent homelands, Transkei, Venda and Ciskei who had always been permanently resident in South Africa or who had been resident for at least five years if they entered the Republic after the independence of their state were eligible for "South African ID's"

They merely had to indicate they wished to be South African citizens in terms of the Restoration of South African Citizenship Act passed this year "Procedural aspects regarding Bophuthatswana citizens permanently resident in South Africa, are still being negotiated by the governments concerned," the spokesman said

It also needed to be clearly stated that citizens of the TBVC states had been exempted from the provisions of the Aliens Act, and consequently did not have to obtain temporary resident permits and did not require work permits

Bilateral agreements relating to employment and the movement of citizens across common borders had been agreed to when these states became independent — Sapa

New ID 'the best way to prove' S A citizenship

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clearly stated that citizens of the TBVC states had been exempted from the provisions of the Aliens Act, and consequently did not have to obtain temporary resident permits and did not require work permits

Bilateral agreements relating to employment and the movement of citizens across common borders had been agreed to when these states became independent, and these were still in force

Among the stipulations were that before a TBVC-state citizen could enter South Africa to take up employment, he had to be in possession of a written contract of employment duly attested in his home country

'His travel document must also be endorsed to the effect that he is permitted to enter and sojourn in the Republic if he will remain in the country more than 14 days' — (Sapa)

238

238 (200) UN 10/10/76

Call to promote uniform SA ID

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972 2 77 5

N/M 22/11/86 (238)

Mixed marriages not 'unscriptural'

CAPE TOWN—The NGK decided yesterday that marriages between different race groups were not contrary to scripture.

The Church's General Synod warned however, in the debate on 'Church and Society', that certain social issues and other factors such as cultural and socio-economic differences could bring about serious stress in such marriages.

The Synod nevertheless believes that the Church should provide pastoral help in all facets of such marriages. A minority report that the Synod declare such marriages as undesirable was rejected. — (Sapa)

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PRETORIA, 24 OCTOBER 1986
OKTOBER

No. 10500

GOVERNMENT NOTICE

DEPARTMENT OF HOME AFFAIRS

No. R. 2207

24 October 1986

REGULATIONS IN TERMS OF THE MARRIAGE ACT, 1961 (ACT 25 OF 1961)

The Minister of Home Affairs has, in terms of section 38 of the Marriage Act, 1961 (Act 25 of 1961), made the regulations as set out in the Schedule hereto.

SCHEDULE

1. (1) In these regulations any word or expression to which a meaning has been assigned in the Act has that meaning and, unless the context otherwise indicates—

- (a) "controlling body" means the central body or the person administering the affairs of a religious denomination or organisation referred to in section 3 (1) of the Act;
- (b) "Director-General", for the purposes of these regulations concerning the designation of marriage officers, means—
 - (i) with regard to the White population group, the Director-General of the Administration: House of Assembly and also any person in the service of the State, or the holder of a post in the Public Service, acting by virtue of delegation by or under the control or by direction of the Director-General of the Administration: House of Assembly;
 - (ii) with regard to the Coloured population group, the Director-General of the Administration: House of Representatives and also any person in the service of the State, or the holder of a post in the Public Service, acting by virtue of delegation by, or under the control or by direction of the Director-General of the Administration: House of Representatives;
 - (iii) with regard to the Indian population group, the Director-General of the Administration: House of Delegates and also any person in the service of the State, or the holder of a post in the Public

GOEWERMENSKENNISGEWING

DEPARTEMENT VAN BINNELANDSE SAKE

No. R. 2207

24 Oktober 1986

REGULASIES KRAGTENS DIE HUWELIKSWET, 1961 (WET 25 VAN 1961)

Die Minister van Binnelandse Sake het kragtens artikel 38 van die Huwelikswet, 1961 (Wet 25 van 1961), die regulasies in die Bylae uiteengesit, uitgevaardig.

BYLAE

1. (1) In hierdie regulasies het 'n woord of uitdrukking waaraan in die Wet 'n betekenis geheg is, daardie betekenis en, tensy uit die samehang anders blyk, beteken—

- (a) "beheerliggaam" die sentrale liggaam of die persoon wat die sake van 'n godsdienstige denominasie of organisasie bedoel in artikel 3 (1) van die Wet, bestuur;
- (b) "Direkteur-generaal", met betrekking tot die toepassing van hierdie regulasies op die benoeming van huweliksbevestigers—
 - (i) ten opsigte van die Blanke bevolkingsgroep, die Direkteur-generaal van die Administrasie: Volksraad en ook iemand in diens van die Staat, of die bekleër van 'n pos in die Staatsdiens, wat optree kragtens delegasie deur, of onder die beheer of in opdrag van die Direkteur-generaal van die Administrasie: Volksraad;
 - (ii) ten opsigte van die Kleurlingbevolkingsgroep, die Direkteur-generaal van die Administrasie: Raad van Verteenwoordigers en ook iemand in diens van die Staat, of die bekleër van 'n pos in die Staatsdiens, wat optree kragtens delegasie deur, of onder die beheer of in opdrag van die Direkteur-generaal van die Administrasie: Raad van Verteenwoordigers;
 - (iii) ten opsigte van die Indierbevolkingsgroep, die Direkteur-generaal van die Administrasie: Raad van Afgevaardigdes en ook iemand in diens van die Staat, of die bekleër van 'n pos in die

Service, acting by virtue of delegation by, or under the control or by direction of the Director-General of the Administration House of Delegates,

- (iv) with regard to Black persons, and other population groups than those referred to in items (i), (ii) and (iii) of this definition and for the purposes of these regulations concerning the solemnisation of marriages between persons of any population group, the Director-General of Home Affairs and also any person in the service of the State or the holder of a post in the Public Service acting by virtue of delegation by, or under the control or by direction of the Director-General of Home Affairs,
- (c) "the Act" means the Marriage Act, 1961 (Act 25 of 1961),
- (d) "the marriage laws" means the Marriage Act, 1961 (Act 25 of 1961), and the Births, Marriages and Deaths Registration Act, 1963 (Act 81 of 1963)

(2) Unless the context otherwise indicates, a reference in these regulations—

- (a) to a section by a specific number shall be interpreted as a reference to the section of that number in the Act, and
- (b) to a form by a specific number shall be interpreted as a reference to the form of that number in the Annexure

(1) An application for the designation of any person as a marriage officer under section 3 shall be directed to the Director-General

(2) Such an application shall be made in writing by the controlling body of the religious denomination or organisation to which the person, with regard to whom application is being made, belongs

(3) The Director-General may direct that any marriage officer, or any person in respect of whom application is made in terms of regulation 2, be subjected to an oral or written test, or both, for the purpose of ascertaining whether such marriage officer or person has an adequate knowledge of the marriage laws and these regulations

4 The Director-General shall—

- (a) maintain a list of persons designated in terms of section 3 in which is stated in respect of each such person his full names, postal address, religious denomination or organisation, date of designation and any limitation in his designation referred to in section 3 (2), and
- (b) in such list note any change of address or change of the name of the religious denomination or organisation of which he has been advised and delete the names and other particulars of any person who has for any reason whatever ceased to be a marriage officer

(1) A controlling body shall notify the Director-General immediately of the change of address, the retirement or death of any marriage officer who belongs to its religious denomination or organisation and the name of any marriage officer who has for any reason whatever ceased to be a minister of religion of, or a person holding a responsible position in such religious denomination or organisation

(2) Any person designated a marriage officer in terms of section 3, shall immediately notify the controlling body of his religious denomination or organisation of any change of address.

Staatsdiens, wat optree kragtens delegasie deur, of onder die beheer of in opdrag van die Direkteur-generaal van die Administrasie Raad van Afgevaardigdes,

- (iv) ten opsigte van Swart persone en ander bevolkingsgroepe as dié bedoel in items (i), (ii) en (iii) van hierdie omskrywing en met betrekking tot die toepassing van hierdie regulasies op die voltrekking van huwelike tussen persone van enige bevolkingsgroep, die Direkteur-generaal van Binnelandse Sake en ook iemand in diens van die Staat, of die bekleër van 'n pos in die Staatsdiens, wat optree kragtens delegasie deur, of onder die beheer of in opdrag van die Direkteur-generaal van Binnelandse Sake,
- (c) "die huwelikswet" die Huwelikswet, 1961 (Wet 25 van 1961), en die Wet op die Registrasie van Geboortes, Huwelike en Sterfgevälle, 1963 (Wet 81 van 1963),
- (d) "die Wet" die Huwelikswet, 1961 (Wet 25 van 1961)

(2) Tensy uit die samehang anders blyk, word 'n verwysing in hierdie regulasies—

- (a) na 'n artikel met 'n bepaalde nommer uitgelê as 'n verwysing na die artikel met daardie nommer in die Wet,
- (b) na 'n vorm met 'n bepaalde nommer uitgelê as 'n verwysing na die vorm met daardie nommer in die Aanhangsel

(1) 'n Aansoek om die benoeming van 'n persoon as huweliksbevestigter kragtens artikel 3 moet aan die Direkteur-generaal gerig word

(2) So 'n aansoek moet skriftelik gedoen word deur die beheerliggaam van die godsdienslike denominasie of organisasie waaraan die persoon ten opsigte van wie aansoek gedoen word, behoort

(3) Die Direkteur-generaal kan gelias dat enige huweliksbevestigter, of enige persoon ten opsigte van wie kragtens regulasie 2 aansoek gedoen is, 'n mondelinge of skriftelike toets, of albei, afleë sodat vasgestel kan word of sodanige huweliksbevestigter of persoon oor voldoende kennis van die huwelikswette en hierdie regulasies beskik

4 Die Direkteur-generaal moet—

- (a) 'n lys hou van persone wat kragtens artikel 3 benoem is, waarin ten opsigte van elke sodanige persoon sy volle name, posadres, godsdienslike denominasie of organisasie, datum van benoeming en enige beperking in sy benoeming bedoel in artikel 3 (2), aangegeven is, en
- (b) in sodanige lys enige verandering van adres of verandering van die naam van die godsdienslike denominasie of organisasie waarvan hy in kennis gestel is, aanteken en die name en ander besonderhede van enigeen wat om enige rede opgehou het om 'n huweliksbevestigter te wees, skrap

(1) 'n Beheerliggaam moet die Direkteur-generaal onverwylid in kennis stel van die verandering van adres, die afrede of dood van enige huweliksbevestigter wat tot sy godsdienslike denominasie of organisasie behoort, en die naam van enige huweliksbevestigter wat om enige rede opgehou het om 'n leraar te wees van, of om iemand te wees wat 'n verantwoordelike posisie beklee in sodanige godsdienslike denominasie of organisasie.

(2) Iemand wat kragtens artikel 3 as huweliksbevestigter benoem is, moet die beheerliggaam van sy godsdienslike denominasie of organisasie onverwylid in kennis stel van enige verandering van sy adres

(1) Any marriage officer shall, in respect of every marriage solemnised by him, forward the documents referred to in subregulation (2), where applicable, together with the register and duplicate of the register mentioned in section 40 of the Registration of Births, Marriages and Deaths Act, 1963 (Act 81 of 1963), to the regional or district representative of the Department of Home Affairs for forwarding to the Director-General as contemplated in subregulation (3)

(2) The following documents shall, where applicable, be forwarded to the regional or district representative of the Department of Home Affairs together with the register and duplicate of the register referred to in subregulation (1)

- (a) Any affidavit referred to in section 12,
- (b) any written consent of the parents, guardian, Minister, Commissioner of Child Welfare or judge of the Supreme Court of South Africa, as the case may be,
- (c) any certificate or document for the purpose of a marriage obtained in terms of the Administration of Estates Act, 1965 (Act 66 of 1965), and any affidavit made by a party to a marriage concerning the estate of a deceased spouse of such party,
- (d) if applicable, for the purposes of the Black Admnistration Act, 1927 (Act 38 of 1927)—
 - (i) the written declaration by the masculine party in terms of section 22 (3) of the latter Act,
 - (ii) the certificate signed by a Commissioner or a magistrate, referred to in section 22 (3) of the latter Act, and
 - (iii) the written declaration by the parties in terms of section 22 (6) of the latter Act, and
- (e) the marriage officer's certificate referred to in section 6 (5)

(3) The regional or district representative of the Department of Home Affairs, as the case may be, shall forward all the documents mentioned in subregulation (2) received by him, together with the relevant registers to the Director-General of Home Affairs for safe-keeping

(1) The Director-General of Home Affairs shall—

- (a) keep any written permission referred to in section 26 (1) and any direction referred to in section 26 (2), and
- (b) attach any direction referred to in paragraph (a) to the register and a copy thereof to the duplicate of the register of the marriage concerned

(2) The relevant Director-General shall keep any direction referred to in section 6

(3) An affidavit referred to in section 12 shall be made on form B-I-31

(4) The consent by a parent or guardian to the marriage of a minor referred to in section 24 shall be furnished on form B-I-32

(5) Any marriage officer who receives a written objection to a proposed marriage in terms of section 23 shall file such objection and shall keep a record of his inquiry and of his decision with regard to the objection

(6) Any minor who requires the consent of a Commissioner of Child Welfare referred to in section 25, shall apply therefor on form B-I-34

(7) On receipt of such application the said Commissioner may, in addition to any inquiry which he may deem necessary, obtain and take into consideration a report by the probation officer concerned on either or both of the parties to the proposed marriage

(1) 'n Huweliksbevestigter moet ten opsigte van elke huwelik wat hy bevestig, die dokumente bedoel in subregulasie (2), waar van toepassing, saam met die register en duplikaat van die register en duplikaat van die register genoem in artikel 40 van die Wet op die Registrasie van Geboortes, Huwelike en Sterfgevälle, 1963 (Wet 81 van 1963), aan die streek- of distriktverteenwoordiger van die Departement van Binnelandse Sake stuur vir deurlewing aan die Direkteur-generaal soos beoog in subregulasie (3)

(2) Die volgende dokumente moet, waar van toepassing, saam met die register en duplikaat van die register bedoel in subregulasie (1) aan die streek- of distriktverteenwoordiger van die Departement van Binnelandse Sake gestuur word

- (a) Enige beëdigde verklaring bedoel in artikel 12,
- (b) enige skriftelike toestemming van die ouers, voogd, Minister, Kommissariss van Kinder Sorg of regter van die Hooggeregshof van Suid-Afrika, na gelang van die geval,
- (c) enige sertifikaat of dokument vir die doeleindes van 'n huwelik verkry kragtens die Boedelwet, 1965 (Wet 66 van 1965), en enige beëdigde verklaring deur 'n party by 'n huwelik aangaande die boedel van 'n afgestorwe egsinnoot of egsinnote van sodanige party,
- (d) indien van toepassing, by die toepassing van die Swart Administrasie Wet, 1927 (Wet 38 van 1927)—
 - (i) die skriftelike verklaring deur die manlike party ingevolge artikel 22 (3) van laasgenoemde Wet,
 - (ii) die sertifikaat onderteken deur 'n Kommissariss of 'n magistraat, bedoel in artikel 22 (3) van laasgenoemde Wet, en
 - (iii) die skriftelike verklaring deur die partye ingevolge artikel 22 (6) van laasgenoemde Wet, en
- (e) die huweliksbevestigter se sertifikaat bedoel in artikel 6 (5)

(3) Die streek- of distriktverteenwoordiger van die Departement van Binnelandse Sake, na gelang van die geval, moet al die dokumente genoem in subregulasie (2) wat by ontvang, saam met die betrokke registers aan die Direkteur-generaal van Binnelandse Sake stuur vir bewaring

(1) Die Direkteur-generaal moet enige lasgewing bedoel in artikel 26 (1) en enige lasgewing bedoel in artikel 26 (2) bewaar; en

- (b) enige lasgewing bedoel in paragraaf (a) aan die register en 'n afskrif daarvan aan die duplikaat van die register van die betrokke huwelik heg
- (2) Die betrokke Direkteur-generaal moet enige lasgewing bedoel in artikel 6 bewaar

(3) Die toestemming van 'n ouer of 'n voogd tot die huwelik van 'n minderjarige bedoel in artikel 24, moet verskrek word op vorm B-I-32

(4) 'n Huweliksbevestigter wat ingevolge artikel 23 'n skriftelike beswaar teen 'n voorgenoemde huwelik ontvang, moet sodanige beswaar bewaar en moet aantekeninge hou van sy ondersoek en sy beslissing ten opsigte van die beswaar

(5) 'n Minderjarige wat die in artikel 25 bedoelde toestemming van 'n Kommissariss van Kinder Sorg verling, moet daarom aansoek doen op vorm B-I-34

(6) Na ontvangens van sodanige aansoek kan genoemde Kommissariss benewens enige ondersoek wat hy nodig ag, 'n verslag van die betrokke proefdeurloop oor die een of die ander van die partye by die voorgenoemde huwelik, of oor albei, verkry en in aanmerking neem

(3) The said Commissioner shall keep such application and any report received by him and shall keep a record of any enquiries, his decision on the matter and his reasons for such decision

12 The certificate referred to in section 6 (5) which is to be printed or written at the foot of the marriage register as prescribed by the Director-General in terms of the regulations made under the Births, Marriages and Deaths Registration Act, 1963, (Act 81 of 1963), shall be signed by the marriage officer and shall be phrased as follows

CERTIFICATE BY MARRIAGE OFFICER

(Section 6 of Act 25 of 1961)

I hereby declare that at the time of the solemnisation of this marriage I was entitled in terms of the Marriage Act, 1961, or any prior law to solemnise this marriage

Signature of marriage officer

13 Where applicable—

- (a) the written declaration referred to in regulation 6 (2) (d) (i) shall be filled in on form B-1-168,
(b) the certificate referred to in regulation 6 (2) (d) (ii) shall be filled in on form B-1-169,
(c) the written declaration referred to in regulation 6 (2) (d) (iii) shall be filled in on form B-1-170

14 The regulations published under Government Notice R 1779 of 8 October 1971, as amended by Government Notice R 11 of 8 January 1982, and Government Notice R 115 of 28 January 1972, as amended by Government Notice R 71 of 18 January 1974 and R 849 of 16 April 1981, are hereby withdrawn

ANNEXURE

B-1-31E

Vir Afrikaans kyk keersy

DECLARATION FOR THE PURPOSE OF A MARRIAGE

(Section 12 (b) of the Marriage Act, 1961)

N B —Print clearly

Note: (a) Marriage officers should note that section 12 (a) of the Marriage Act provides that if an identity document has been issued to a prospective husband/wife such identity document must be requested by the marriage officer for perusal

(b) This declaration must therefore be completed by a prospective husband/wife only if an identity document has NOT been issued to him/her in terms of the Population Registration Act, 1950

Particulars of applicant

- 1 Surname
2 Maiden name
3 First name(s) in full
4 Date of birth
5 Country of birth
6 Marital status
7 Sex
8 Permanent residential address

Particulars of prospective husband/wife

- 9 Surname
10 Maiden name
11 First name(s) in full
12 Date of birth

I declare under oath/solemnly declare that the particulars given above are to the best of my knowledge and belief true and correct and that there is no lawful impediment to our prospective marriage

19

*Delete whichever is not applicable

Signature

I certify that before administering the prescribed oath/solemn declaration I asked the deponent the following questions and wrote down his/her answers in his/her presence.

(1) Do you know and understand the contents of the above declaration?

Answer

(2) Do you have any objection to taking the prescribed oath?

Answer

(3) Do you consider the prescribed oath/solemn declaration to be binding on your conscience?

Answer

I certify that the deponent has acknowledged that he/she knows and understands the contents of the above declaration which was sworn/affirmed before me and that the deponent's signature/thumbprint/mark was placed thereon in my presence

Signed

Commissioner of Oaths

First name(s) and surname

Address

Designation (rank)

Date

B-1-32E

Vir Afrikaans kyk keersy

CONSENT TO THE MARRIAGE OF A MINOR

We, the parent/s, the father/mother*/guardian of

Full name of minor

Date of birth

hereby consent to *his/her marriage to

Full name

Date of birth

Full name of *father*/guardian

Signature of *father*/guardian

Full name of *mother*/guardian

Signature of *mother*/guardian

Remarks

(Date)

19

NOTE

- 1 The written consent of both parents to the marriage of a minor is necessary
2 If one of the parents is deceased the consent of the surviving parent must be obtained and in such case "father deceased" or "mother deceased" as the case may be, must be stated clearly under the item Remarks
3 If the parents are divorced and sole guardianship (as distinct from custody or ordinary guardianship, which implies only care, custody, supervision and control) has not been awarded to one parent, the written consent of both parents must be obtained. If sole guardianship has been awarded to one parent, consent to the marriage of that parent must be obtained. In such case "sole guardianship awarded to father" or "sole guardianship awarded to mother" must be stated clearly under the item Remarks and the name of the court and the date must be stated, e.g. O F S Provincial Division—1-5-1960. The court order or the decree of divorce must state clearly that sole guardianship has been awarded to the parent concerned
4 In the case of a minor born out of wedlock only the mother's consent to the marriage must be obtained
5 A person can give consent as guardian only if he/she has been nominated testamentarily or appointed legal guardian of the minor by a competent court
6 If a minor has no parent or guardian or for any good reason is unable to obtain the consent of his/her parent(s) or guardian, application may be made to the Commissioner of Child Welfare of the district where the minor resides for the necessary consent. Provided that such Commissioner may in his discretion grant or refuse consent. The Commissioner of Child Welfare may not give his consent if the minor is a pupil or child as mentioned in section 59 of the Children's Act, 1960, or if either parent of the minor whose consent is required by law, or his guardian refuses to consent to the marriage
7 No boy under the age of 18 years and no girl under the age of 15 years is capable of contracting a valid marriage except with the written consent of the Minister of Home Affairs. Applications for such consent may be submitted to any regional office or district office of the Department of Home Affairs
8 Where any doubt exists as to whose consent to a marriage must be obtained, any regional or district representative of the Department of Home Affairs may be consulted in this regard

AANHANGSEL

B-I 31A

For English see reverse

VERKLARING VIR DOELEINDES VAN 'N HUWELIKSEWEGESTIGING

[Artikel 12 (b) van die Huwelikswet, 1961]

L W — Vir duidelik in in drukskrif

Opmerkinge

(a) Huweliksewingsers moet daarop let dat artikel 12 (a) van die Huwelikswet bepaal dat indien 'n identiteitsdokument aan 'n voornemende egeenoo/eggenote uitgereik is daardie identiteitsdokument deur die huweliksewingser ter insae aangevra moet word

- 1 Van
2 Noemensvan
3 Volle voornamme
4 Geboortedatum
5 Land van geboorte
6 Huwelikswet
7 Geslag
8 Permanente woonadres

Besonderhede van aanstaande *eggenote/eggenote

- 9 Van
10 Noemensvan
11 Volle voornamme
12 Geboortedatum

*Skimp wat nie van toepassing is nie
Handtekening

Ek sertifiseer dat voordat ek die voorgestekte eed/plegige verklaring afgeneem het, ek die volgende vane aan die verklaarder gestel het en sy/haar antwoord in sy/haar teenwoordigheid teesgeskryf het

- (1) Is u vertrouwd met die inhoud van bostaande verklaring en begryp u dit?
(2) Het u enige beswaar teen die alle van die voorgestekte eed?
(3) Beskou u die voorgestekte eed/plegige verklaring as bindend vir u gewete?

Handtekening
Kommissaris van Ede
Voornam/voornamme en van
Adres
Amp (rang)
Datum

TOESTEMMING TOT DIE HUWELIK VAN 'N MINDERJARIGE

Hiermee verleen *ons, die ouers/ek, die *vader/*moeder/*voog van
Volle naam van minderjarige

Geboortedatum
Identiteitsnommer
Volle naam van vader/voog
Identiteitsnommer

Handtekening van *vader/voog
*Volle naam van *moeder/voog
Handtekening van *moeder/voog
Opmerkings
*Skimp wat nie van toepassing is nie

Handtekening
Datum
Handtekening
Datum

LET WEL

- 1 Die skriftelike toestemming van albei die ouers tot die huwelik van 'n minderjarige is nodig
2 Indien een van die ouers overlede is moet die oortreende ouer se toestemming verkry word en in so 'n geval moet daar duidelik op die vorm versoor die item "Opmerkings" gemeld word
3 Indien die ouers geskeid is en die uitstulike voogdy (in teenstelling met gewone voogdy, wat met sorg, bevoing, teesing en beheer behels) nie aan een ouer toegeken is nie moet albei die ouers se skriftelike toestemming verkry word
4 In die geval van 'n huig-egtelike minderjarige moet net die moeder se toestemming tot die huwelik verkry word
5 'n Persoon kan net as voogd toestemming verleen indien hy/sy by resamenlente benoeming of deur 'n bevoegde hof as wetlige voog van die minderjarige aangestel is
6 Indien 'n minderjarige nie 'n ouer of voogd het nie of om die ean of ander voldoende rede nie in staat is om die toestemming van sy/haar ouer(s) of voog te verkry nie kan hy die Kommissaris van Kinderesorg van die distrik waarin die minderjarige woonstig is, aansoek gedoen word om die nodige toestemming
7 Geen seun onder die ouderdom van 18 jaar en geen meisie onder die ouderdom van 15 jaar is bevoeg om 'n geldige huwelik aan te gaan nie sonder die skriftelike toestemming van die Departement van Binnevlankse Sake
8 Indien daar enige twyfel bestaan oor wie se toestemming tot 'n huwelik verkry moet word, kan enige streek of distriktverteenwoordiger van die Departement van Binnevlankse Sake in die verband geraadpleeg word

APPLICATION FOR THE CONSENT OF A COMMISSIONER OF CHILD WELFARE IN TERMS OF SECTION 25 OF THE MARRIAGE ACT, 1961

- AANSOEK OM DIE TOESTEMMING VAN 'N KOMMISSARIS VAN KINDERESORG KRAAGTENS ARTIKEL 25 VAN DIE HUWELIKSWET, 1961
A PARTICULARS OF APPLICANT - BESONDERHEDE VAN APPLIKANT
1 Identity number
2 Surname
3 First names in full
4 Date of birth
5 Permanent residential address

- B PARTICULARS OF PROSPECTIVE HUSBAND/WIFE BESONDERHEDE VAN AANSTAANDE EGGENOTE/EGGENOTE
6 Identity number
7 Surname
8 First names in full
9 Date of birth
10 Marital status
11 Permanent residential address

C REASON WHY THE CONSENT OF THE PARENT(S)/GUARDIAN CANNOT BE OBTAINED REDE WAAROM DIE OUER(S)/VOOG SE TOESTEMMING NIE VERKRY KAN WORD NIE
I hereby certify that the particulars given above are true and correct and apply for consent to marry the person mentioned under B above/Ek sertifiseer hierby dat die besonderhede hierbo verstrekk waar en juis is en doen aansoek om toestemming om te trou met die persoon gemeld by B hierbo
19

Consent granted in terms of section 25 of Act 25 of 1961
Toestemming verleen kragtens artikel 25 van Wet 25 van 1961
Signature of applicant
Handtekening van applikant
(Official date stamp Ampelike kantoordatumtempel)

Commissioner of Child Welfare
Kommissaris van Kinderesorg

DEPARTMENT OF HOME AFFAIRS
DEPARTEMENT VAN BINNELANDSE SAKE
DECLARATION UNDER SECTION 22 (3) OF THE BLACK ADMINISTRATION ACT, 1927 (ACT 38 OF 1927)
VERKLARING INGEVOLGE ARTIKEL 22 (3) VAN DIE SWART ADMINISTRASIE WET, 1927 (WET 38 VAN 1927)

1
Ex
at present residing at
tans woonagug te
Identity number
Identiteitsnommer
in the
in die

District of
distrik
Proposed to be entered into with
huwelik te tree met
Identity number
Identiteitsnommer
residing at
woonagug te
in contemplation of a marriage
is van plan om in die

in the District of
in die distrik
do hereby solemnly and sincerely declare that there is "no customary union subsisting between me and any woman other than the above-named/
en verklaar hierby pleging dat daar "geen gewoontelike verbinding tussen my en n ander vrou as die bogenoemde bestaan nie" n gewoontelike verbinding
tussen my en n ander vrou bestaan
Signature/Handtekening

Witnesses
Getuies
1
2

N B—This form must accompany the marriage register when that document is forwarded to the relevant regional office/district office of the Department
of Home Affairs
L W—Hierdie vorm moet die huweliksregister vergesel wanneer daardie dokument aangesuur word na die betrokke streekkantoor/distrikkantoor van
die Departement van Binnelandse Sake

* Delete whichever is not applicable
* Skrap wat nie van toepassing is nie

DEPARTMENT OF HOME AFFAIRS
DEPARTEMENT VAN BINNELANDSE SAKE
CERTIFICATE UNDER SECTION 22 (3) OF THE BLACK ADMINISTRATION ACT, 1927 (ACT 38 OF 1927)
SEKERTIFKAAT KRAGTENS ARTIKEL 22 (3) VAN DIE SWART ADMINISTRASIE WET, 1927 (WET 38 VAN 1927)

Identity that
Ek sekerfiser dat
Identity number/Identiteitsnommer
at present residing at
at tans woonagug te
in the District of
in die distrik
marriage to
huwelik met
Identity number/Identiteitsnommer
at present residing at
at tans woonagug te
in the District of
in die distrik

bas, in connection with his intended
, in verband met sy voorgeseerde
complied with the
volgdoen het aan die
provisions of section 22 (1) of the Black Administration Act, 1927 (Act 38 of 1927), by making the required declaration before me with regard to the
bepalings van artikel 22 (1) van die Swart Administrasie Wet, 1927 (Wet 38 van 1927), deur voor my die nodige verklaaring af te lê ten opsigte van die
customary union subsisting between him and any woman other than the above-named
gewoontelike verbinding wat tussen hom en enige ander vrou as die bogenoemde bestaan

* COMMISSIONER/MAGISTRATE
* KOMMISSARIS/LANDDROS

N B—This form must accompany the marriage register and copy of the register when those documents are forwarded to the relevant regional office/
district office of the Department of Home Affairs
L W—Hierdie vorm moet die huweliksregister en duplikaat van die register vergesel wanneer daardie dokumente aangesuur word na die betrokke
streekkantoor/distrikkantoor van die Departement van Binnelandse Sake

* Delete whichever is not applicable
* Skrap wat nie van toepassing is nie

DEPARTMENT OF HOME AFFAIRS
DEPARTEMENT VAN BINNELANDSE SAKE
MARRIAGE SOLEMNISED IN COMMUNITY OF PROPERTY DECLARATION IN TERMS OF SECTION 22 (6) OF THE
BLACK ADMINISTRATION ACT, 1927 (ACT 38 OF 1927)
HUWELIK WAT BINNE GEMEENSAP VAN GOEDERE VOLTREK WORD VERKLARING INGEVOLGE ARTIKEL 22 (6) VAN DIE
SWART ADMINISTRASIE WET, 1927 (WET 38 VAN 1927)

1
Ex
Identity number
Identiteitsnommer
and I,
, en ek,
Identity number
Identiteitsnommer

declare jointly in terms of section 22 (6) of the Black Administration Act, 1927 (Act 38 of 1927) that it is our intention and desire that community of
property and of profit and loss shall result from our marriage
verklaar gesamenlik kragtens die bepaling van artikel 22 (6) van die Swart Administrasie Wet, 1927 (Wet 38 van 1927), dat dit ons voorneme en
begeerte is dat ons huwelik gemeenskap van goedere en van wins en verlies ten gevolge moet be
Signature/Handtekening
As witnesses/As getuies
1
2
In my presence/Voor my
Date
Datum

* Marriage Officer/Huweliksbevesuger
* Regional/District Representative Home Affairs
* Streek /Distrikverteenwoordiger Binnelandse Sake
* Magistrate/Landdros

* Delete whichever is not applicable
* Skrap wat nie van toepassing is nie

THE FLOWERING PLANTS OF
AFRICA

This publication is issued as an illustrated serial,
much on the same lines as Curtis's Botanical Maga-
zine, and for printing which no apology need be
tendered

The desire and object of the promoters of the pub-
lication will be achieved if it stimulates further inter-
est in the study and cultivation of our indigenous
plants

The illustrations are prepared mainly by the artists
at the Botanical Research Institute, but the Editor
welcomes contributions of suitable artistic and sci-
entific merit from kindred institutions

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AFRIKA

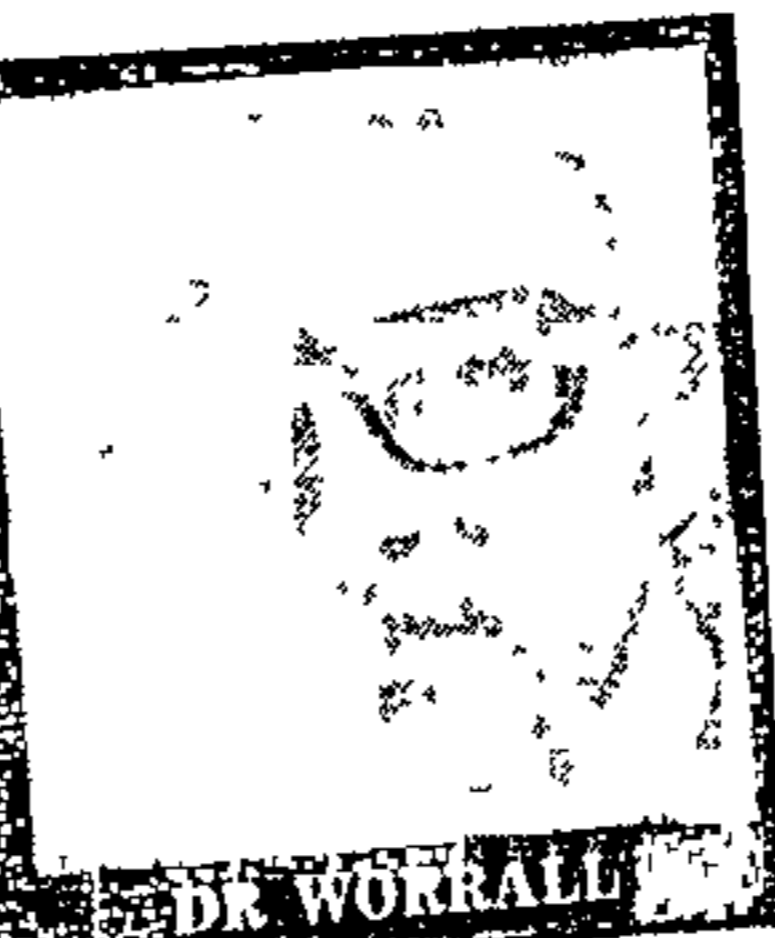
Hierdie publikasie word uitgegee as 'n geillu-
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tanical Magazine". Die doel van die werk is om die
skoonheid en variasie van vorm van die flora van
Afrika aan die leser bekend te stel, om belangstel-
ling in die studie en kweek van die inheemse plante
op te wek, en om plantkunde in die algemeen te
bevorder

Die meeste van die illustrasies word deur kunste-
naars van die Navorsingsinstituut vir Plantkunde ge-
maak, dog die Redakteur verwelkom geskikte by-
draes van 'n wetenskaplike en kunstenaar
afkomstig van verwante instellings

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van die werk in een omslag gepubliseer, maar met
onreëlmatige tussenposes, elke deel bevat 10 kleur-
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dele (buitelands R16 per uitgawe). Vier dele per
band. Vanaf band 27 is die prys per band in rexine
gebind R40, in lukse rexine gebind R45 (Bute-
lands, rexine gebind R45, lukse gebind R50)

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Verkoopbelasting moet by binnelandse bestel-
lings ingesluit word

Worrall: ANC film was distorted



DR WORRALL

Dispatch Bureau

LONDON — The South African Ambassador to London, Dr Denis Worrall, yesterday accused Britain's Independent Television (ITV) network of showing a "grossly distorted" and "flagrantly inaccurate" documentary this week on the banned African National Congress

Dr Worrall warned that the film had placed future reportage on South Africa by ITV companies in jeopardy

He said the ANC's commitment to "make South Africa ungovernable" through violence, murder and "necklacing" received 'very little emphasis'

In a formal written protest to Lord Thomson, head of the Independent Broadcasting Authority (IBA), Dr Worrall protested "in the strongest possible terms" that the 60-minute film failed to acknowledge the ANC's links with communism and its commitment to terrorism

Dr Worrall questioned why the documentary made no reference to Mrs Winnie Mandela's pledge at Munsieville on April 15 this year, that "with our boxes of matches and our necklaces we shall liberate the country"

"This is not the empty rhetoric that the producers could conveniently ignore if they were honest in wanting to make an objective film on the evolution of the ANC, its nature and its present policies," said Dr Worrall

"ANC terrorism has not only been indiscriminate, but it is also responsible for the brutal assassination of over 600 black people through 'necklacing'. Most of those killed have been moderates persecuted by radical ANC supporters under the arbitrary charge of 'collaboration' with the South African Government"

Dr Worrall protested that the film had created "a gross distortion of an organisation which, in the words of the British Prime Minister, 'is dedicated to the violent overthrow of a country with which Britain has full diplomatic relations'"

The ambassador said ITV had "done a disservice to democracy and the vast majority of law-abiding South Africans who oppose violence"

He said the decision to screen the documentary, titled Spear of the Nation, reflected on the credibility of the IBA, which is the controlling body of the 16 ITV companies in Britain

Dr Worrall said their future reportage of South African affairs had been "placed in jeopardy"

He emphasised that the term "pure propaganda" was taken from a Fleet Street critic's impression of the ITV film, screened on Monday by Thames Television

Illegal whites also sought



PRETORIA — There were many illegal white workers in South Africa and the government's search for an estimated 1.3 million people in the country illegally was not an operation against black workers, the Director-General of Home Affairs, Mr Gerrie van Zyl said yesterday

"I want to emphasise this is not an action against illegal black workers specifically there are many, many illegal whites in South Africa too and we are also looking for them," he said

Responding to media reports of a "crack-down" on illegals in the country showing results, he confirmed about 22 000 illegal workers had been repatriated from South Africa to frontline states from the beginning of the year to the end of August

The majority of these, 13 000, were sent back to Mozambique, while 5 000 had been returned to Botswana, 2 000 to Zimbabwe, 1 500 to Lesotho, 400 to Swaziland, 22 to Malawi, three to Tanzania and one to Zambia

Mr Van Zyl also said citizens of the TBVC independent states (Transkei, Bophuthatswana, Venda and Ciskei) were excluded from the provisions of the Aliens Act since legislation was passed earlier this year — Sapa

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20 31/10/86



More make a play for white classification

238
Cape Town 9/12/86

Staff Reporter
MORE and more "non-whites" are becoming "whites" while the reverse is not so.

According to figures in the annual criminological survey published by the University of Cape Town's Institute of Criminology, it would appear that this was an upward trend in the

number of applications for "population group" reclassification approved by the Department of Internal Affairs.

In the year ending June 30, 1984, 328 "non-whites" were classified "white", while a year later, this figure had jumped to 510.

In both years, most were "Cape coloured to white" reclassifications,

but others were "chinese to white" and "Malay to white".

Going the other way round — that is, from "white" to "Cape coloured", "chinese", "Malay" or "Indian" — the figures were 10 for the year ending June 30, 1984, and 22 for the following year.

There was also an increase in "Cape

coloureds" becoming "black" — from 82 to 153.

There seemed to be an equal interchange of "Indians" becoming "Cape coloureds" and vice versa.

Because of South Africa's racial classification policies 23 reclassifications were possible.

Total classifications jumped from 535 to 846 in the two years mentioned.

mont

Bop is rejected

SOWETO
17/1/86

238

MMABATHO — Thirty two Bophuthatswana residents have renounced their citizenship and applied for South African citizenship since the pass laws were scrapped and new identity cards introduced, according to Bophuthatswana's secretary for internal affairs, Mr S I Tire.

Asked what would

happen if such people were rejected by South Africa, Mr Tire said the law allowed for anybody who renounced Bop citizenship and failed to acquire another citizenship to apply for their local status to be renewed

Earlier this year, Bophuthatswana announced it was opposed to dual citizenship as

proposed by the South African Government

- A commission of inquiry into allegations by students of the Taung campus of the University of Bophuthatswana has been formed, the university's director of public relations, Mr Colin Knowles, said

— Sapa

Rush on for Irish passports

Dispatch Correspondent
JOHANNESBURG —

The Irish Consulate here has been inundated with enquiries from South Africans trying to claim Irish citizenship

The normally quiet office is a hive of activity as South Africans with Irish connections queue daily to seek advice on how to apply as the December 31 deadline looms.

An amendment to the Irish Nationality Act, passed by the Dail (parliament) at the end of July, will exclude great-grandchildren of Irish nationals from gaining citizenship by virtue of their grandparents

Passport applicants were not eager to speak to the press and all declined to be identified

"One day when a black government is in power we'll be able to travel on a South African passport, but we want to travel now. There are not many places we can go on a South African passport," said one young applicant

Applicants also wish to remain silent because they fear difficulties from the Department of Home Affairs. This is especially true of those who do not inform the South African authorities of their "unpatriotic" tendencies.

Parents said they were doing it for their children. "We have no intentions of leaving South Africa but it will be convenient for our children if they want to go abroad."

Eligible grandparents, worried about the future of their South African grandchildren and great-grandchildren, are also applying en masse for Irish citizenship to provide a convenient escape route for their descendants.

DD 4/12/86 238

N/M 9/12/86

More and more 'non-whites' become 'white'

238

Mercury Correspondent

CAPE TOWN—More and more 'non-whites' are becoming whites, but not so the reverse.

According to figures in the annual criminological survey published by the University of Cape Town's Institute of Criminology, it would appear that this was an upward trend in the number of applications for 'population group' reclassification approved by the Department of Internal Affairs.

In the year ending June 30, 1984, 328 'non-whites' were classified white. A year later, the figure had jumped to 510.

In both years, most were Cape-coloured-to-white reclassifications, but others were Chinese-to-white and Malay-to-white.

Going the other way round — from white to Cape coloured, Chinese, Malay or Indian — the figures were 10 for the year ending June 30, 1984, and 22 for the following year.

There was also an increase in Cape coloureds becoming black — from 82 to 153.

There seemed to be an equal interchange of Indians becoming Cape coloureds and vice versa.

Because of South Africa's racial classification policies, 23 reclassifications were possible.

Total classifications jumped from 535 to 846 in the two years mentioned.

19/12/85
2 million seek uniform ID

Pretoria Bureau SMM-238

Applications for the new "colour-blind" identity documents continue to flood the Department of Home Affairs at a rate of more than 22 000 a day.

A statement released by the department said that since the campaign started in May this year, more than 2 million applications have been submitted.

In the week ending on December 5, an average of 22 082 people a day sought a new uniform ID.

This rate is up on the preceding weeks when applications poured in at a rate of 17 971 up to November 28.

Mr. Tiers 12/12/81 (238)

Married couple fined under Group Areas

JOHANNESBURG — A white man, who had lived with his coloured wife in Roodepoort's white suburb for more than a year, has been found guilty of contravening the Group Areas Act.

Mr Ronald Alan Searle, 40, yesterday admitted in the Roodepoort Magistrate's Court that he continued to live in a white area after marrying a coloured woman in November last year.

Mr Searle was the first white man to marry a coloured woman following the abolition of the Mixed Marriages Act.

Mr H M Uys, for the State, said the Searle's neighbours had not complained. On the contrary, they considered them better neighbours than the previous occupants.

The magistrate, Mr George Bowen, fined Mr Searle R70.

The prosecution of Mr Searle was insisted on by the Roodepoort Ratepayers' Association — Sapa

'Far-reaching' housing, social implications

CMT Trib 16/12/86

70% city dwellers black in year 2000

By AUDREY D'ANGELO
Deputy Financial Editor

IN 14 years' time, 70% of city dwellers in SA will be black, according to Sanlam's December economic survey. There are expected to be 20,7m urban blacks by the year 2000 compared with 8,5m in 1980.

This rate of growth — about 600 000 a year — will have "far-reaching implications" for the provision of housing, education and jobs.

There will also be growing demands on public services. This will "further underscore the need for privatization".

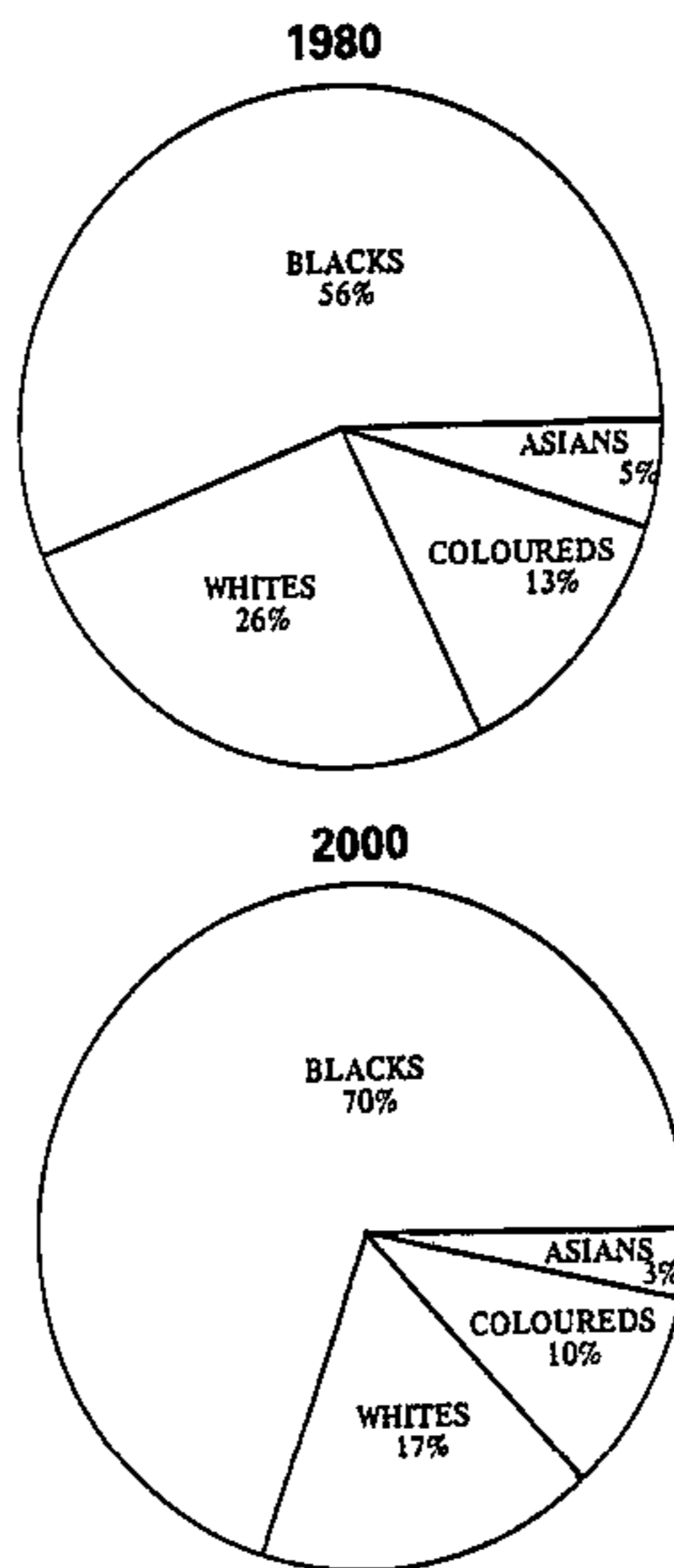
And an average of 144 000 houses a year will have to be built for black families. To achieve this, unconventional building methods will have to be used to a growing extent.

The survey points out that the accompanying redistribution of income could have a detrimental effect on the country's savings effort.

But, it says, "if this process were to be accompanied by a drop in the cost of labour in relation to that of capital, which should encourage the use of labour-intensive production techniques, it need not necessarily place upward pressure on interest rates".

It points out that a growing black urban population will mean more demand for basic, less sophisticated, goods and services which will boost local manufacturing industries including food, clothing, textiles, furniture and drinks.

SOUTH AFRICA'S URBAN POPULATION: Percentage composition



Source: Institute for Futures Research, Stellenbosch

"We firmly believe that inward industrialization, which is closely linked to the process of urbanization, will in future have an extremely important bearing on employment.

"This matter will be highlighted to an increasing extent, since the growing movement of the population to the urban areas will make unemployment even more noticeable.

"However, it is abundantly clear that a multitude of laws, regulations and ordinances are seriously hampering the informal sector and the establishment and development of small business undertakings.

"We therefore regard it as vital that regulations and practices having an unnecessarily restrictive effect on black entrepreneurship, in particular, be scrapped as quickly as possible."

Discussing the economy in the short term, the survey forecasts a mildly stimulatory budget.

Pointing out that real salaries and wages have been dropping for the past two years, it says that tax cuts and lower short-term interest rates are "necessary to stop economic growth from coming to a halt".

Sanlam says that merely granting generous salary increases, without a corresponding increase in productivity, would not solve the problem but would push up the inflation rate.

"We consequently expect the next budget to be fairly stimulatory, with markedly higher expenditure on projects related to the social structure."