Ef3.3.8 HISTORY OF THE NON-EUROPEAN FRANCHISE. The Principle of the Vote. There are many varying conceptions of democracy. The word means "government by the people", and some theorists believe that all that is necessary to a ablish a democracy, is to have an elected legislature working on the classic British or American "two-party" system. Others deny this and maintain that unless ownership of the major economic resources of a country is taken out of private hands, the owners will in fact enjoy such disproportionate real power that they will dominate the legislature behind the scenes and make "democratic" formalities a farce. Whatever their ideology however, all modern states claiming to be democratic are based upon constitutions which provide for Government by elected Assemblies. Whether we look at Britain, The Soviet Union, China, France or India, we shall find that the following principles are implicitly or explicitly accepted in their constitutions: (1) State power is derived from and rightly belongs to the people. (2) The people delegate their power for a limited period (i.e. between elections), to their deputies assembled in the legislative chamber. (3) The deputies are chosen by direct, equal universal suffrage of the whole adult population. (4) All voters are themselves eligible for election if duly nominated as candidates. (5) There is no restriction of these rights on the grounds of race, colour, language or sex or of wealth and education. In the South African Constitution these principles are not conceded. Of S.A. Organisations, only the non-white Liberation movements and the Congress of Democrats concede and advocate them. All the parties represented in Parliament (including the Labour and Liberal parties) repudiate these universal and axiomatic democratic rinciples. And it is claimed that colour discrimination in the franchise is and always has been a national tradition. This claim is not quite correct; the following historical outline shows that whatever its motives, the white minority has not always defied democratic principle as blatantly as it does to-day. The history of the Non-European franchise in South Africa must of course be regarded against the background of the economic and political development of the country. Four periods of the franchise issue may be recognised :-Early Cape and the struggles of the colonists for self-government.

1854-1910 (a) The so called "liberal" neriod of the Cape and during which the franchise rights granted to non-Europeans in 1854 were gradually whittled down.

(b) The comparative period of the Boer republics and Natal.

liberties whatever. In 1806, when the English captured the Cape, the population consisting of approximately 75,000 persons, (half of whom were slaves or semi-free Africans), was engaged in a pastoral subsistence economy. Elected representatives played no part in central or local government. EARLY CAPE The slave issue, the influx of English immigrants anxious to improve their conditions, the expert and successful handling by the colonists of their differences with the Colonial Office, e.g. on the convict question, led to a growing antagonism between the the convict question, led to a growing antagonism between the colonists and the British Government. The demand for direct representative Covernment was regularly refused by the British Representative Government was regularly refused by the British Government on the ground that "the time was not vet ripe" and their petitions of 1827, 1832 and 1834 were rejected. Eventually after much negotiation the colonial office "relented" by submitting a much negotiation the colonial office "relented" by submitting a constitution which ignoring the slave-owning mentality of the Colonis provided for a non-colour-bar franchise. The insistence of the Colonial office on such a franchise placed, as was to be expected, a most formidable obstacle in the way of the colonists' acceptance of the proposed constitution. E. Roux says "Had the Colonists any voice in its drafting they would certainly not have allowed the Africans to share democratic rights with the Europeans". However, as at the time there were few non-Europeans who could have qualified for the franchise, and with "the tacit reservation that as soon as the natives and coloured peoples got on to the rolls in considerable numbers, steps would be taken to reduce their numbers", the colonists anxious to attain self-government, finally accepted in 1854 a constitution giving them Representative Government. This granted the vote to every man who was a British subject over the age of 21 years and who occupied a house or land worth £25.0.0. or earned a salary of £50.0.0. per year. The vote was thus given to Non-Europeans by implication since in the disqualification for the franchise, race and colour were not mentioned. Responsible Government was granted in 1872, and the administration was thereafter in the hands of a Prime Minister and Cabinet as we know it to-day. The following developments influenced the early history of the franchise :-(a) Annexation of Ciskei and Transkei 1865-1894. At first the number of non-European voters was small, but very gradually their numbers and influence was being extended. However, with the annexation of the Ciskei and Transkei, the African bopulation of the Cape increased by over one million persons, and bopulation of the Cape increased by over one million persons, and the number of African voters which was 14% in 1882 sprang to 47% in 1886. (b) Discovery of Gold and Diamonds. The diamond and gold investors required a cheap labour force with no political aspirations or rights. The period of Colonial exploitation by finance conital in S.A. had begun. the number of African voters, and to the demands of finance capital

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1910- 1948 Characterised by further inroads into the remaining constitutional liberties of the non-Europeans,

often under the guise of phoney slogans e.g. "trusteeship."

1948 --- The period of spartheid and open unashamed denial of the right of the non-Europeans to enjoy any constitutional

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3- NA82 .46 was very simple - the franchise qualifications were raised. Restrictions on Non-European Franchise. 1). The Parliamentary Registration Bill, ("Sprigg's Purge"), which provided that no person who shared in any communal or tribal occupation of land and buildings could have the vote. Heaton Nicholls said in 1936 that this Act disqualified 90-95% of the Africans. The provision was not applied equally to those Europeans who had the same type of tenure. 2). Native Franchise Act 1892 was introduced by the Rhodes Ministry which enjoyed the support of the Afrikaner Bono, (led by the "liberal" "Onse Jan" Hofmeyr), and of the liberals Rose-Innes, "liberal" "Onse Jan" Hofmeyr), and of the liberals Rose-Innes, Sauer and Merriman. The immediate effect of this measure which increased the property qualification to £75 and laid down an education test, was seen in the decrease of 3,348 Non-European voters against an increase of 456 European voters at the following registration. "The Bill contains no mention of a colour ber, but those who supported it, trust that it would neutralise the Native votes." Sir. J. Rose-Innes. An unsuccessful appeal to the British Government to veto the Bill by virtue of the power it retained under the 1872 constitution was made by the Non-Europeans of the Cape. 3). Constitution Amendment of 1893. In the Cape Town constituency a cumulative vote system was in force by which it was possible to register 4 votes for one candidate. The Amendment was hastily introduced abolishing this cumulative vote when it seemed likely that its use might permit of a Non-European being elected an M.P. for Cape Town at an immending election. 4). Administrative Measures. By the harsh application of

administrative measures in regard to the property and education qualifications, an increasing number of Non-Europeans were prevented from qualifying for the franchise. (This method of limiting the franchise rights of the Non-Europeans has been used continually over the years.)

Result of Restrictions.

In 1894 Rhodes, whom the Liberals had supported, could say "We have not given them - the Natives - any share in the government, and I am of the opinion rightly so"

Later Generations of Europeans quoted with approval the methods adopted by the "liberal" Cape to water do the Non-European vote whilst maintaining its token value.

Voortrekker Franchise.

In the Transvaal & O.F.S. it was a matter of written law that Non-Europeans were precluded from any political rights. The Transvaal Grondwet laid down that there shall be no equality between black and white in Church and State", and the Grondwet of the Free State defined a Burgher who alone had a vic rights as "a white person".

NATAL.

The basic constitution was the Royal Charter of 1856. Although it only prescribed economic qualifications, the procedure for application for registration by Non-European was so complicated

that according to Professor E. Brookes only 3 Africans ever acquired the vote there and in 1910 there was a total of only 186 Non-European voters. BOER WAR. The mining interests which had set the basis for the country's economic structure required a unified government in its soheres of operation. The result was the Boer War, and following upon that, Union. UNION The varying conditions in the respective colonies in regard to N.E. franchise presented a problem to the framers of the constitution. However, despite the protests of all the Cape Liberal leaders that no form of Union would be entered into which imperilled the rights of the Non-Europeans, (e.g. "I find an insuperable obstacle in the way of unification and that is the question of native franchise" - Dr. Jameson 1908), when the National Convention met broad agreement had already been reached in respect of this issue, between the liberal Cape, represented by Merriman & de Villiers, and the implaccable North, represented by Smuts & Botha. represented by Smuts & Botha. The Convention decided that : (a) the status quo in the O.F.S. and Transvaal was to be retained.
(b) the position in Natal was not to be improved.
(c) In the Cape the Non-European franchise was to be whittled down by the loss of the right, never yet exercised, of electing a non-European to Parliament and the remaining franchise rights were to be "entrenched" for the future by the 2/3 majority provision. It is to be noted that the Act resulting of such agreement thus secured for the Union Parliament the right to abrogate the non-European franchise completely provided only that certain procedures were followed. Liberal and Non-European Reaction to the Draft Act. The Act which enshrines the principle of racial discrimination was supported by t of the Cape House of Assembly, and on a division on the franchise question only two former conservative members, Sir G. Sprigg and ".P. Shrainer voted against the proposals as being "a blot on the constitution." It is interesting that neither of these two gentlemen had previously been Liberals and the Liberals had in fact sold out. "The position of the Natives and coloured peoples in other parts of S.A..... will be greatly improved" it was argued by Sir Henry de Villiers. The Non-Europeans mobilised their forces against the Bill. Committees of protest were set up; there was a petition to the British Government: a deputation of coloureds led by W.P. Schreiner went to England to put their case before the British public and Government. Also to England went the "Liberals", Sauer, Merriman, J.H. Hofmeyr ("onze Jan") and de Villiers to argue that the non-Europeans "were satisfied" with the Bill. Schreiner writing of his difficulties with the Imperial Government said: "The big rock to the reversal of the Act by the British Parliament was its acceptance by the Cape Parliament and by the friends of the Natives, Merriman and Sauer": Despite the indignant protests of the Non-Europeans and those few Europeans who championed their cause, the Bill was passed by the Imperial Government, and became the Act of Union. The under-Secretary for the Colonies stated in England with ill-founded ontimism that "the Cape franchise was safe". Schreiner, however, said with more foresight "if only a few Cape members betray their trust, native and coloured parliamentary rights would vanish". And when the time was right the Cape members did betray their trust. Role of Cape Liberalism.

3- 1. A821 48 Rela of Gape Liberalism. (1) The restrictive legislation until 1910 and the Act of Union would not have been massed without the support of the Cape Liberals. (2) The conscience of the Cape Liberals was always satisfied with a mere token non-European vote. It placed relience on a civilisation test which could and was increased as the situation of the Europeans demanded. As the economic issues became more and more defined, the Liberals became more and more reactionary, and lent themselves to the aims of the dominant capitalist interests, (e.g. it was Sauer the Liberal who introduced the 1913 Land Act.) (3) Cape Liberalism was more an affair of a few European individuals than an ideology held by a large or important section of the Europeans, who, sharing in the benefits of non-European exploitation had never been really influenced by the Liberals. AFTER UNION. The result of excluding the mass of the non-Europeans from the franchise is seen in the legislation directed against them and in the growing volume of injustices to which they were subjected after Union. e.g. 1913 Natives Land Act Native Affairs Act Urban Areas Act 1920 1923 Native Taxation and Development Act 1924 Immorality Act 1926 Native Administration Act. 1927 The Riotous Assemblies Act. 1927 Native Service Contract Act. 1932 Nationalist-Labour Pact Government The next major development in the franchise question took place under this Cabinet which took office after the Rand Strik of 1922 and was pledged to safequard white S.A. In Smithfield Hertzog stated the fundamental postulates of its policy in regard to the franchise : (a) "Union could not go on with one extreme policy in the north and another in the South", and that "it was beyond belief that the north would accept the Cape franchise system". (b) Realising the potential influence of the Cape franchise he said "that unless this is taken away from the Cape Native or at least fundamentally altered, the Northern Provinces... cannot possibly continue to close the door against the Native franchise within its borders." Hertzog, at first needing support, woold the Cape Coloured voters (often with success). "In politics we must place the coloured people on the same basis as the Whites". Again "If I give the vote to a civilised White woman, then I am also prepared to give it to a coloured woman who has achieved civilisation... I pledge myself." Dr. Malan, Minister of Interior endorsed this view, (House of Assembly 1928) and at Stellenbosch said with favour "The Nationalists want to extend the franchise to the Coloureds". Hertrog's 1926 Bills proposed the extension of the Cape franchise to the coloureds in the other three provinces, but on a communal basis, whilst limiting the Cape African franchise. The Bills had to be withdrawn as they satisfied neither the extreme North nor those in the Cape who wished to retain the status quo. /In 1929

NA8249 In 1929 he introduced Bil. more retro ressive than the 1926 Bills, and these were referred to a Select Committee, where they were incubated for 5 years, During this period, however, the effectiveness of the Non-European franchise in the Cape was swamped by the following various effective and outflanking moves. SWAMPING THE COLOURED VOTE (1) Administrativo Measures In 1927, the peak year, there were 16,480 African voters in the Cape. From then on and owing largely to administrative action taken by Hertzog's Government, and under which officials were directed to apply vigorously the tests required by voters, their numbers declined. (2) Enfranchisement of European Women By the women's enfranchisement Act of 1930, which gave the vote to White women only, (despite the previous pledges of Hertzog and Malan that Coloured women would be included in such provision), the European electorate increased from half million to one million, and the effect of the Mon-European vote was more than halved.

(3) In 1931 the franchise was given to ALL White men in the Cape and Natal without any qualification, thus bringing these provinces into line with the Transvaal and O.F.S.

The qualifications, property and education, remained for Non-Europeans.

The following statistics show the effect of the above three methods of davaluing the vote of the Non-Europeans :-

CAPE	Total No. of Voters	European Voters	Coloured Voters	African Voters
1929	208582	167184 - 80.13	25618 - 12.3%	15780 - 7.6%
1931	391307	352658 - 90.23	26378 - 6.7%.	12271 - 3.1%
1936	417524	382103 - 91.5%	24793 - 5.9%	10628 - 2.6%

(In 1936 in the Transvaal and O.F.S. respectively, the 349,000 and 101089 voters were ALL White; in Natal, of the 92116 voters, 353 were coloured and I was an African) Government Gazette, 31/3/1936

Out of 61 Constituencies in the Cape only 10 had as many as 450 African voters, and in Tembuland, where the African vote was highest, it comprised less than one-third of the total.

With the swamping of the Non-European vote by these indirect methods, its influence was greatly diminished and the road was cleared for more effective and direct attacks.

HERTZOG-SMUTS COALITION, 1932

. This made such lirect attack possible and European unity (as always) brought further disaster to the Non-Europeans. Clause 6 of the Coalition Agreement sets out the aim of "providing separate political representation of White and Black".

The slogan of trusteeship, a euphemism for depriving the African, amongst other things, of his vote, was now increasingly used.

TRUSTEESHIP

After a fall start in 36, the Government introduced its Bill dealing with the Cape Native franchise.

of their direct roll for the sthree members of for the resons in the one for the resons are also y for "their ith the reasons s". These sed to reward I Native Represers.

(a) It deprived the Africans of the Cape of their direct franchise, and put them on a separate roll for the purpose of electing on a communal basis three members (Europeans) to the House of Assembly.

- Senators (European) to represent the Africans in the rest of the country (one for the Transkei, one for the rest of the Cape, one for Natal, and one for O.F.S. and Transvaal combined.

 (Under the South Africa Act, four Senators are also appointed by the Government supposedly for "their thorough knowledge and acquaintance with the reasonable wants and wishes of the Coloured races". These appointments have consistently been used to reward loyal followers of the Government in power)
- (o) It provided for the establishment of a Native Representative Council of a purely advisory nature.

REACTION OF THE AFRICANS TO THE BILL

The principles of the proposed legislation (together with the Jounterpart Bill - the Native Trust and Land Bill) had met with the united and spontaneous opposition of the Africans in the whole country. The abrogation of the direct vote in the Cape was most bitterly resented. There was not a single resolution in favour of the Bill from any one of the five conferences of chiefs and delegates of African Councils and Boards summoned by the Government in September 1935, or from the meeting of Natal Chiefs in October 1935, or from the countless meetings and conferences held spontaneously all over the country. Finally, in December 1935, an All-African Convention was summoned especially for the purpose of considering the Bills. It was a gathering that broke all records for its numbers, and, at that stage, its national character. The resolution of the Convention stated, inter alia, that the "continual discrimination (of Africans) has tended to relegate them to a position bordering on slavery."

The left wing pleaded in vain for strikes and passive resistance against the Bills, but the dominant leaders were all in favour of negotiation and moderation. So anxious was the Convention to retain the Cape vote, that it was persuaded by the moderates to accept a civilsation test rather than lose that franchise. The Convention appealed, without effect, to the King and British Parliament as the original "donors" of the Cape African franchise, for an expression of opinion on the proposed legislation.

REACTION OF THE EUROPEAN LIBERALS TO THE BYLL:

The contemporary European liberals Rheinalt Jones, Rose-Innes and representatives of the Race Relations Institute led deptations to Parliament and directed lobbying with the object of winning some concessions. With inherent opportunism, they consoled all parties with the fact that in 1903 there were 8,000 African voters and in 1936 only 10,000 ("there is not much cause for alarm in these figures" - Sir James Rose-Innes).

EFFECT OF THE REACTION:

The lack of effective action on the part of Non-Europeans and the lukewarm opposition on the part of the liberal Europeans resulted in the passing of the Act at a joint sitting of both Houses. Only limembers voted against it.

There was NO member of either House to demand a full equal and direct franchise for Non-Europeans in the Union. Senator F.S. Malan, reminding the House of Its obligations to honour the undertakings given at the time of Union, was told think South African.

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TOTAL PERSONS

To cover the betrayal of the Africans, it was said that the Cape vote was a"fraud and a sham" (Heaton Nicholls), and that "greater benefits would ensue to the Africans" from the principles of "trusteeship" embodied in the Act.

FRAUD OF GROUP RETRESENTATION AND TRUSTEESHIP

To every White person in South Africa there are 3.8. Non-Whites.

There are (after the incorporation of South West Africa), 159 M.P.'s in the House of Assembly. All are White. Three are elected by the Africans of the Cape voting on a communal basis - the Africans of the other three provinces have NO representation whatsoever. Of the rest, 102 M.P.'s (representing the Transvaal, O.F.S. Natal, S.W.A.) are elected exclusively by the Whites, and the remaining 54 M.P.'s representing the Cape) are elected by the White Cape voters and the Coloured Cape voters.

The Provincial electorate figures (May 1953) are as follows:-

CAPE:	Coloureds Africans(on	47849
	communal roll	21792
TRANSVAAL:	Whites	720394
AT THE PERSON	Coloureds	Nil
	Africans	Nil
NATAL	Whites	164862
	Coloureds	1337
	Africans	Nil
0.F.S.	Whites	137880
	Coloureds	N11
	Africans	N11
8.V.A.	Whites	26196
	Coloureds	Nil
	Africans	Nil
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The relative voting influence of the different population groups, if graphically presented, reflects the fraud of the franchise allocation.

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And the "greater benefits" of course never materialised.

The NATIVES REPRESENTATIVE COUNCIL, established under the Act, was heavily loaded with Government officials, and its functions were ostensibly "advisory". It was, however, a foregone conclusion, and one which proved correct, that any "advice" in conflict with Government policy would be disregarded. Finally, in 1951, after it had attempted to play a more dynamic role and had taken an independent attitude, opposing apartheid and racial discrimination, it was abolished.

Group representation was therefore merely a means of further disenfranchising the Africans and thus a means of introducing further oppressive and racialistic legislation. It prepared the way for the further assaults on the remaining franchise rights of all the Non-Europeans.

"Trusteeship" was a fraud.

UNASHAMED OPEN DISENFRANCHISEMENT

In 1948 the Nationalist Party was elected to power on the Apartheid slogan.

Its Party pamphlet of 1948 stated that it aimed at :- .

- (a) a revision of existing Native legislation with the aim of abolishing the African franchise from the House of Assembly and the Cape Provincial Council;
- (b) separate representation of the Cape Coloureds on the lines already laid down for Africans.

The Nationalists soon made their onslaught.

ATTACK ON THE COLOURED FRANCHISE

In 1951, they passed the Separate Representation of Voters Act removing the Coloureds of the Cape from the common roll and since they did not yet have the necessary 2/3rds majority for a Joint Sitting, flouted the entrenched clauses "safeguarding" the Non-White vote by passing the Act at separate sittings of the two Houses.

The Coloureds, in place of their franchise, were to be given three members (European) elected on a communal basis, and one Senator (European).

The proportion of representation granted to the Europeans (numbering 2t million) and that granted to Coloureds (numbering 1 million) was to be fixed for all time in the House of Assembly at 156: 3.

There was a constitutional storm, in which Europeans and Non-Europeans joined. The Opposition rushed to the defence of the Constitution. (The Act endangered at least six Cape Seats held by the U.P.) The Act was then successfully challenged in the courts on the ground of its infringement of the Constitution.

The farcical High Court of Parliament Act, which was then passed and in fact established the Nationalists Parliamentary caucus as the final appeal Court of the land, promptly validated the 1951 Act. But this Court was declared ultra vires by the Appellate Division.

The opposition of the United Party to these measures was not based on the democratic principle to each man his vote, but on the grounds that the game of disenfranchisement had not been played according

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- 10 according to the rules of the constitution. The role of the TORCH COMMANDO which dissipated a magnificent opportunity to arouse the country on democratic issues, is an example of the current trend of European opposition to the Nationalists. The last session was another degrading exhibition of the ruling minority to abolish the remaining vestiges of those rights which Non-Europeans once enjoyed to have at least some say in the government of the country. ATTACK ON THE AFRICAN FRANCHISE The Nats have threatened to abolish the three M.P's representing the Africans in the Cape, leaving 8 million people without any Parliamentary rights whatsoever, and by means of the ANTII-COMMUNIST LEGISLATION, have in fact diminished this group franchise. Mr. Sam Kahn and Mr. Brian Bunting, the elected representatives of the Africans, have been expelled from Parliament under this legislation. HOW THE EUROPEANS HAVE BEEN AFFECTED: The disenfranchisement of the Non-Europeans, has had the effect of sharply reducing the working-class vote. The result of this may also be seen in the gradual lessening of the democratic rights previously enjoyed by the Europeans themselves:-

The freedoms of assembly, of the press, of speech, of organisation and trade unions, have all been attacked in legislation passed by Parliaments which exclude from representation those millions of people in South Africa who would have defended these democratic freedoms most effectively.

The Riotous Assemblies Act, the Suppression of Communism Act, the Public Safety Act, The Criminal Law Amendment Act, the Native Settlement of Disputes Act, are some examples of wuch laws which have brought the country far along the road to fascism.

CONCLUSIONS

The history of the franchise of the Non-White peoples shows that :-

- Any discrimination in the franchise based on racial, property or educational qualifications leads inevitably to a conspiracy against the voters and the eventual destruction of the (a) democratic principle itself.
- The progressive dirimuition of the rights granted in 1854 (b) has been accompanied by more and more oppressive legislation designed to entrench White supremacy in every field.
- "Safeguards" in the form of Imperial Votes, entrenched clauses, two-thirds majorities, traditions, "trusteeship", etc. have never proved effective to preserve, much less extend the democratic rights of Non-Europeans. (c)
- The former policy of Non-White leaders of reformism, (d) compromise and reliance on the goodwill of White liberals in the Union and in Britain has proved utterly brankrupt, resulting in the loss of all previously existing voting rights.
- 2. The only basic alternative to the Nationalist principle of total disenfranchisement is the principle of a full democratic franchise direct, equal suffrage for all men and women.
- The aims and aspirations of the oppressed majority of the peoples of South Africa are crystallised and symbolised in the demand for a democratic government, elected by such universal franchise -"VOTES FOR ALL."

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4. The only means of achieving that demand is in the powerfully organised, united, disciplined struggle of the Non-White people themselves, supported by that growing minority among the Europeans who have rejected the injustice of White supremacy and the illusion of a liberal "middle road."

5. This history of the franchise is a depressing chronicle, but the past year has been an advance of the African and Indian Congresses to a level and unity higher than ever before in their history. A body of White democrats has discarded liberal illusions and allied itself firmly with the main democratic force of the Non-Europeans. In this alliance lies the hope of the future.

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RECORDS RELATING TO THE 'TREASON TRIAL' (REGINA vs F. ADAMS AND OTHERS ON CHARGE OF HIGH TREASON, ETC.), 1956 1961

TREASON TRIAL, 1956 1961

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