

going age to begin with. It should be run by the Education departments of the various provinces.

The African teachers should be Civil servants under the Education department with pension rights and immunities. Their salary scales should be the same as that of other Non-European with same qualifications.

#### Play-grounds and Social Centres.

There should be play grounds for children and clubs which are properly supervised by trained social workers. In every area there should be one or more such workers. For adults there should be sports grounds that are open to the general public along the line of the Bantu Sports Club, Johannesburg.

As Johannesburg covers such a large area there must have to be small clubs where servants may go to meet their friends.

#### G. Transport.

Facilities should be provided for African workers to board European public vehicles which to go areas where the person works. It is a serious disadvantage for these people to have to hire taxis where trams and buses could take them cheaply.

#### H. DISCRIMINATING AND RESTRICTIVE LAWS.

We have been told that we cannot hope to see any change in the Native Policy for the next 25 or 50 years. We, however, feel that the policy of gaols instead of schools, of gaol wardens and police instead of social workers and teachers, has had its day. We do not believe in the immutability of the South African Native Policy and its laws as if they were laws of God and Nature. On the contrary, we believe that the South African Native Policy is against the laws of God and Nature and we therefore request the Committee to urge their abolition - the abolition of Pass Laws, Location Regulations, Masters and Servants Acts, Native Labour Regulations, Natives (Urban Areas) Act, Trespass Regulations and Native Taxation.

No doubt many people will deem recommendations for the abolition for the abolition of Native Taxation as ill-advised. They will argue that Native Taxation provides funds for Native Education and welfare. To this we agree. But we would like to point out that for the African Taxation under the Natives Taxation and Development Act No. 41 of 1925 has been an evil blessing contrary to the principles of taxation, it is not a contribution paid to carry on services by those who can. It is a penalty which was imposed indiscriminately to youth 18-21 years and old men over 60 years with or without income. Tens of thousands each year were convicted under this Act. Some had their stock sold to recover the tax.

Of those it has educated, one wonders how many it has demoralised.

South Africa has poor whites, poor coloureds, poor Indians. She is providing fine schools for these with fine buildings, free books, milk and so on. We congratulate South Africa for this. We only wish she will soon realise that she has long neglected her duty with the poor African - the poorest of the poor.

The needs of African children will determine how much need be spent.

#### (J) Liquor Acts.

We recommend the amendment of the Liquor Act so that were possession of Native Liquor will be no crime. Home brew will be permitted in certain areas; but selling without a licence will be severely punished.

Police raids should be abolished and there should be no alcoholic content limit. Licences should be given to people who desire to get other liquors for personal use.

Licensed center taverns run by Africans should be permitted instead of beer halls.

POLICE ATTITUDE TOWARDS AFRICANS.

To most Africans the police station is a place to be dreaded whether one is a complainant, witness or goes to report an accident. It is worse if the case involves black and white unless one is well known. Generally speaking to the African, a policeman is not looked upon as a protection but a persecution, someone to run away from.

Some of the police believe in bullying the African and may thus cause him to lead confused evidence because he is frightened out of his wits. On the 19th December, 1940 about 9 p.m. three of us entered the Vereening Police Station. We stood there nearly an hour before we were served. However, the constable who was there told us not to lean against the counter threatenly. Finally, the Officer who took the statement first lectured to me. He told me that what I was going to say was nothing but 'b...S,,,,' and in the end I would find that I was more in the wrong than the person against whom I was laying a charge.

A ~~little~~ ~~while~~ he had told me that everything I said was a d... lie and I should remember that I was black. But I knew that I was black before he was born and was proud of it.

Last week, one police officer in coming to a scene of a near accident said "I thought you had more sense than that" but on investigation, he found I had the right of way and not the European; but he had already condemned me on colour.

Besides, he started threatening the people to go away including those who wanted to be my witnesses. When he asked me for my witness, I said, "Well officer you drove them away."

Finally, he decided there being no grounds for prosecution, witnesses were not necessary.

We could multiply these cases almost without end, but they tend to show that the dice is loaded against the African and especially in interracial cases, the African may be bullied into trouble.

Bag snatchers, Pickpockets, Housebreakers and those who assault innocent persons are criminals of whom we take a serious view and we feel that all public spirited people must assist to have them stamped out.

The police that have been released from Pass Laws and Amended Liquor laws and so on could be concentrated in trailing these crimes. They could be augmented by C.P.S. and plain clothes men who would cover Native bus stops at week-ends, during peak hours when bag-snatchers and pickpockets operate.

Assaults are also carried out by groups that visit African townships during week-ends. Housebreaking requires routine police vigilance. Africans must realise that crime of any 'kind is a disgrace to their race.'

COURT INTERPRETERS.

We urge the re-introduction of qualified African Interpreters in Lower and Higher courts to replace European Interpreters.

LONG TERM POLICY.

- (1) Development of Industries in the Reserves.
- (2) Training of Africans in Skilled work to be employed according to ability.
- (3) Land Rights for Africans like other people to carry on all possible enterprises thereon including building houses which can be acquired and maintained with better wages and better education.
- (4) Trading Rights for Africans expanding with increasing education and consuming power of the African.
- (5) Development and Advancement of both our short and long term policies in the light of circumstances calculated to give the the/ best benefits to all sections of/population irrespective of 19.race/.....

of race and colour.

We regret to state that the Government, through its discriminatory and restrictive Native policy has contributed no small part in the problem of African criminality apparent and real. The present Native policy has been built and has thrived on the opinion of the Government officials, the so-called European experts on Natives - whatever that means, anthropologists and missionaries. The African opinion has been disregarded, suppressed and even to-day is refused publication or carefully censored before it is published in leading European dailies. This indicates that there are certain quarters which still hope to exploit the Native question in the interests of certain European experts.

You cannot solve this equation when you <sup>leave</sup> the main factor the African.

THE CRIME OF FORGOTTEN COMMISSION REPORTS.

Within the last ten or twelve years we have had the Native Economic Commission, Kaffir Beer Commission, the Smit Commission on Economic, Health and Social conditions of Africans, Farm Labour Commission and so on.

Most of these Commissions sat, reported and rose. People enquired about their findings and are being told that the Government is considering their findings. Governments have come, Governments have changed and with public pressure for reform they have constituted new commissions to enquire into new phases of old problems. The vicious cycle goes on.

We hope and pray most respectfully that the recommendations of this Committee will not be shelved as usual but will be acted upon as an emergency.

-----o-----

ABX/pd.

ABX. 420826

CRIME WAVE - 1942

26th August, 1942.

Dr. Louis F. Freed,  
Barbican Buildings,  
President Street,  
JOHANNESBURG.

Dear Dr. ~~Freed~~,

I wish to acknowledge, with thanks, the receipt of a copy of your evidence before the Committee of Investigation into the Crime Wave.

I have read it with interest; but did not get a chance to use it, as I had too many points to put forward.

I shall be returning it soon, and would seek an opportunity of meeting you.

Yours faithfully,

ABX/pd.

ABX. 420827a

JOHANNESBURG MUNICIPAL AFRICAN GRADED STAFF ASSOCIATION.

Dr. A. B. Xuma.....

104 End Street,

Doornfontein,

Johannesburg.....

P. O. Box 5382,

Johannesburg.

August 27th. 1942.

*Labour matters - trades unions*

Dear sir,

I have been instructed by the Executive Committee to invite you to attend a function on Friday, October 9. 1942 at 9 P. M.

The Committee also expressed a desire that you should be asked to give a speech <sup>in reply</sup> ~~at~~ that function, which is being organised to raise funds for the Association.

The next meeting of the arrangements committee will be held on Wednesday, September 2. 1942, and I would be pleased to get a reply before that date as the committee will be drawing up the Programme for the function.

I have the honour to be,

sir,

your obedient servant,

*P. M. Selokane*  
SECRETARY.

COPY.

ABX. 4208276  
CRIME WAVE - 194

27th August, 1942.

Mr. S.H. Elliot,  
Chief Magistrate and  
Chairman, Committee of Investigation  
Into Crime Wave,  
Magistrates Courts,  
JOHANNESBURG.

Dear Sir,

I am sending herewith copies of my pamphlet "Kaffir Peer" which we beg to submit as part of our evidence and our case against the liquor law, since we will not be able to go fully and in details into this question at the sittings of your Committee.

Since it was generally known that the Transvaal Indian Congress, the African National Congress and the African members of the present Enquiry were going to give evidence on Tuesday last, enquiries have been coming asking why no publication of this evidence appeared in the daily press and wondering whether the leaders of these organisations had given evidence which they did not want the public to know.

It would seem, therefore, that in order to save some of us embarrassment, it would be advisable for you to release this evidence to the press.

Yours faithfully,

PRESIDENT-GENERAL,  
AFRICAN NATIONAL  
CONGRESS.

ABX/pd.

27/8/42.

How the African  
is driven into crime

(1) Overcrowding in the reserves and the ~~policy of the~~ government's policy of making these reserves the reservoirs of cheap labour are the root cause of African influx into urban areas.

(2) The unsatisfactory conditions of labour on the farms are also driving Africans into ~~the~~ urban areas.

- (3) Restrictive and discriminating laws and regulations, the existence of which is not known to most Africans have landed thousands of them into prison.
- (4) Poverty, low wages and bad housing.
- (5) Lack of educational facilities.
- (6) The tendency of European employers to prefer the labour of rural to that of urbanised Africans.



(7) The unjust treatment of the African has created in his ~~mind~~ heart a hatred for the white race and a disregard for law and order.

"When men are treated like beasts they behave like beasts?"

(8) African juveniles have got out of parental control and have no respect for their elders <sup>(a)</sup> because (a) the system of African

4

control of children is thought to be incompatible with civilisation (b) Europeans, ~~show no respect~~ old and young, show no respect for grown-up Africans and (c) the same treatment meted to Africans, both old and young.

(9) The prohibition of liquor to Africans ~~has been~~ is largely responsible for crime among Africans in that to get

liquor they become acquainted with the European underworld.

Suggestions

- (1) The abolition of all discriminating laws and regulations
- (2) Compulsory and free education
- (3) Registration of marriages under African laws and customs.
- (4) Advisory Boards should be given

(6)

powers to deal with domestic affairs  
and with juvenile delinquency.

(5) We should, while showing the causes  
of crime among our people, warn  
them against lowering the prestige  
of our race by not upholding  
its traditions. In our ~~to~~ ancient  
society robbery, housebreaking,  
murder and stealing were  
practically unknown.

ABX.420827d

136 Pritchard Street.  
Johannesburg.

August 27, 1942.

General - President,  
Transvaal African Congress,  
104 End Street,  
Johannesburg.

Greetings

Sir,

With regard to the Notice of the Executive of the African National Congress sitting at Bloemfontein on the 29<sup>th</sup> & 30<sup>th</sup> Aug. 1942, we regret to state that the Transvaal Executive shall not be represented owing to lack of finances.

I had instructed the Provincial Secretary, Moses Mphahlele, to write you a letter to that effect, and hope he has done so.

with Greetings

Yours Obediently,  
J.L. Mshadishane  
Prov. Organiser

ABX. 420828a

Bantu Welfare Trust

28th August, 1942.

Colonel J. Donaldson,  
P.O. Box 3308,  
JOHANNESBURG.

Dear Colonel Donaldson,

I wish to thank you for the opportunity I had of meeting you, and the conversation we had.

I appreciated very much many ideas you had, especially about the recognition you wanted given national organisations and also your desire to be personally in close touch with the work of the Trust so that it may carry out ideas that are nearest to your heart which are very sound.

It is so easy to have the usefulness of Trusts like yours diverted, unless the work is closely watched and the aims and objects clearly defined and adhered to.

As advertised to help remove Native disabilities, the Trust was destined to do great work and will continue to do that effectively through the method you approve of giving annual grants to recognised national organisations.

I hope our meeting has not been the last.

I am sending you, under separate cover, a copy of one of my pamphlets "Kaffir Beer" and hope to send you other materials from time to time indicating our efforts in trying to educate fellow Africans in the way African thinking and ideas are developing.

I believe that, if reasonable people know one another's views, even if their views do not coincide, there is reasonable basis for understanding and cooperation.

Thanking you again in the interest you have taken in the cause of our people particularly in encouraging African organisations to do their part in helping to improve race relations,

I am,

Yours sincerely,

ABX/pd.


ABX. 4208286

T. 27. POST OFFICE TELEGRAPHS.—POSKANTOORTELEGRAAFDIENS.

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*Dr Kuma*  
*Sobysto Suptn*

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*Whalpa*

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# WHO SHALL BE SENATOR?

(BY JULIUS LEWIN)

(The writer of the following article is Lecturer in Native Law and Administration in the University of the Witwatersrand. He is the author of that well-known pamphlet "Africans and the Police")

Tuesday September 1, was nomination day for the elections now taking place under the Representation of Natives Act. These elections are a matter of the utmost importance to Africans everywhere in the Union. Although only a small number of Africans have the right to cast a vote, everyone has a right to approach and to influence those with whom the heavy responsibility of voting actually rests.

Who are the voters? For the election of Senators and members of the Native Representative Council, the votes are cast by certain voting units. These are tribal Chiefs, location Advisory Boards, and Electoral Committees which have been specially formed for the purpose. A Chief can cast his tribe's vote how he pleases but if he is a wise man, he will consult his councillors and tribesmen before finally making up his mind. The Advisory Boards in the towns usually consist of only six members who must hold a meeting to decide how to cast their Board's vote. In a few districts in the Transvaal, such as Pietersburg, Letaba, Rustenburg and Potgietersrust, there are Local Councils with a right to vote as a unit. But the most important voting units of all are the Electoral Committees in every district, because their blocks of votes are larger in value than any of the others. These Committees have been elected at ward meetings called by the Magistrate. Unfortunately, in many districts the people hardly heard of the meetings, with the result that the attendance was very small. So now the one or two men who were put on the Electoral Committee at such meetings, have to decide how to cast a big block of votes.

In Natal and in the Cape Province the present Senators will probably be returned unopposed. The really interesting elections are those taking place in the Transvaal and Orange Free State (which form one constituency) and in the Transkeian Territories; and most of the present M.R.C.'s are also having to face a contest.

By now the names of the candidates are well-known but perhaps their policies are not. Of the Council elections I know too little to write with confidence; what follows applies only to the Senate elections. The candidates are all busy visiting the members of the voting units with a view to getting their support. Some candidates have employed a number of African Agents who are now actively at work in their employer's interest. It is, however, rather foolish to listen to agents or to accept their arguments. An agent cannot make promises that bind his master. Moreover, being a man who is paid to do this job, an agent is inclined to say anything that will influence votes; what he says in another man's ear can never be tested and it is not necessarily the truth. Africans should remember that in European political elections no attention is ever paid to what an agent says.

The best way to judge a candidate is by his manifesto. By far the most impressive manifesto I have read is that issued by Mr. J. D. Rheinallt Jones, the present Senator for the Transvaal and O.F.S. who is again standing for election. It is a sixteen-page pamphlet which reports to the people what the writer has done during the last five years in Parliament, and what his future policy is.

The first subject is land. Mr. Rheinallt Jones knows that there are

many complaints about the way the Government is dealing with Trust land. He knows how many people are complaining. They have to pay rent; the plots are too small; they are forbidden to cut trees; and so on. He condemns the charges on wood and he is strongly of opinion that no European should be employed by the Trust who cannot treat the people properly or who will not respect their Chiefs and Headmen. He considers that more Africans should be trained and employed for responsible posts under the Trust. There is no doubt that Mr. Rheinallt Jones is right about the unsatisfactory state of affairs, especially in the Northern Transvaal. He and his wife have made a special study of land problems and his word carries great weight with the Native Affairs Department in these matters. I notice that he also writes with sympathy about the position of farm labourers and what can be done to improve it.

The next big subject on which Mr. Rheinallt Jones explains his own policy is education. He gives facts and figures to support his criticisms. Then he advocates a ten-year plan. By this he means that we must demand enough money, schools and teachers so that in ten years' time—and not later—every single African child will be in school. It will, of course, be necessary to train more teachers for all the new schools and to pay them higher salaries. When there are enough teachers and enough schools, then education must be made both free and compulsory. This is a practical plan which must be put before Parliament next session.

Mr. Rheinallt Jones deals with many other subjects such as the colour bar, workers in industry, compensation for miners, housing, health, and trading rights (especially in the Orange Free State), but I have no space to quote his views on all these things. Yet I must mention that he says that in the future Africans should not be limited to choosing only Europeans to represent them on public bodies.

Readers of this manifesto (and any voter can get a copy by asking for it from P. O. Box 97, Johannesburg) can judge for themselves what this man stands for. He is a modest man who does not blow his own trumpet. He simply lets his past record speak for him. He makes no wild promises, as some candidates do. He does not utter a single word of abuse against his opponents in this election. He does not depart from his usual habit of dignity and good manners to all men, even in the midst of an election. He merely says, quite simply: "Your representatives in Parliament are now heard with respect, and your cause has gained by that. Do not send to Parliament any man who will fail to retain that respect."

Those are wise words. Let every African on every voting unit consider them carefully. The candidate with the loudest voice and the noisiest manner is not necessarily the best man. The candidate who promises Heaven on earth will not be able to fulfil his promises. The candidate who pays the most agents to speak for him is a man who feels a weakness in his own heart. Mr. Rheinallt Jones is not such a candidate. He is a straight-forward, honest man who has devoted nearly all the years of his adult life to the service of the African people. His work in the Senate has won for him an honourable place there. Africans must send him back to that place to carry on in the future the good work that he has done in the past.

ABX.420830a

Received from the President -  
for a.B.X.ams  
The sum of £2-10/- - Travelling  
expenses to Executive  
meeting at Blynton

James Abalata

Blynton  
30/8/42

A H C  
30/8/42

COPY OF RESOLUTION.

At a meeting of the Executive Committee of the African National Congress held at Bloemfontein on SUNDAY, 30th AUGUST, 1942, the following Resolution was passed:-

"That this Executive Committee feels that the accusation against the President-General of alleged interference with the domestic affairs of the Cape Province is unjustified, that the action of the Cape African Congress and the Western Province African National Congress in taking part in the elections is a deliberate violation of the National Conference decision; therefore, this Executive Committee instructs the President-General to deal with this matter and to take whatever steps and disciplinary measures which he may deem fit."

(Sgd.) James A. Calata.

Secretary-General,  
African National Congress.

A. B. Xuma.

President-General,  
African National Congress.

ABX/pd.

## African Peoples Organisation.

(GENERAL : EXECUTIVE.)

TELEPHONE 2-6670.

Acting President,  
 REV. FRANCIS H. GOW, D.D.

General Secretary :  
 P. J. POOLE.

Organising Secretary :  
 G. RICHARDS.

Headquarters:  
 42a, Long Street,  
 Cape Town.

31st August, 1942

Politics - General

Dr. A. B. Xuma,  
 Sophiatown, Joburg.,  
 Transvaal.

Dear Doctor,

After expressing the hope that you and the family are well, this comes to congratulate you upon the success attending your leadership of Congress. On all sides one hears of your influence in the slow, but certain indications of less harsh human relationship between our various groups.

In my new, although unsought, position of Acting Presidency of the A.P.O. I am undertaking a tour which will bring me to Joburg on Sunday morning, 13th Sept. I have just learned that I am scheduled to preach in Sophiatown on that morning and am looking forward to the opportunity of renewing our friendship and also of talking with you on approaches to problems common to our people generally.

With every good wish, and praying God's continued favour on your endeavours, I remain,

Yours in bonds of friendship,

Francis H. Gow

ABX-4208316

H. M. BASNER

ATTORNEY

HYMAN MEYER BASNER

TRANSCAAL AND CAPE PROVINCIAL  
DIVISION ALSO SWAZILAND AND  
BASUTOLAND HIGH COURT

P.O. Box 3210

TELEPHONE 33-4129

SUITE 8-8a SOMERSET HOUSE

(First Floor)

110 FOX STREET

JOHANNESBURG

Transvaal

When replying please ask for

31st August, 1942.

Dr. A. B. Xuma;  
85 Toby Street,  
Sophiatown,  
Johannesburg.

*Natives Regs*

Dear Doctor Xuma,

My attention has been drawn to an article by Dr. Seme ostensibly signed by the African National Congress in which he advocates the return among others of Mr. Rheinallt Jones.

You probably know by now that all the Chiefs in the Northern Transvaal, including the Local Council of Sekukuniland have nominated me. There is no possibility of the Chiefs changing their minds as they do not even want to meet Mr. Rheinallt Jones in connection with the election.

May I point out to you as Leader of the Congress that this action on the part of Dr. Seme can in no way assist Mr. Rheinallt Jones, as the indications are that I will not only beat him, but possibly beat him by three to four hundred thousand votes, but his attitude may do the Congress a great deal of harm. I have no greater wish and no other aim than to help to bring the Chiefs back into the African National Congress and thereby give the Congress the necessary authority in the rural areas, to become the voice of the African nation; but a situation like this makes my task much harder, because if an organiser of the Congress links himself with Mr. Rheinallt Jones, the Chiefs who are very bitter about the Native Trust Lands will have nothing to do with the Congress.

I hope you will take this as advice from me as a friend of yours and a friend of the African National Congress. You have consistently taken up the attitude that the Congress is not participating in the election. I think it would only be fair, therefore, seeing that your officers are using the name of the Congress on behalf of Mr. Rheinallt Jones, to issue a statement to the effect that they are not entitled to use the name of the Congress in this manner.

Yours sincerely,

*H. M. Basner*

Under

1942?

Question No 1.

ABX 420800.

Handwritten initials or scribbles.

Under the Union Native Policy the educated Africans and those of the enlightened and progressive section of our people are subjected to humiliating restrictions. They are denied the right to vote individually and to elect for themselves men to represent them and their interests in Parliament and on the Native Representative Council.

What efforts have you made in the last four years, in the Senate and in the Representative Council, respectively, to have this stigma removed and to obtain for our people a more sound and satisfactory form of franchise and mode of election, namely, individual votes based on certain given qualifications?

What was the result of your efforts?

(arch. label)

## Question No. 2.

Under the Union Native Policy, unlike the Europeans and other Non-Bantu sections of the Union population, no facilities are made for individual Natives to purchase land by or through the aid of the South African Native Trust or some other similar Government institution, from the Trust land or from ~~from~~ land owners within the released areas, notwithstanding the fact that Parliament has provided £10,000,000 for the purchase of land for Native occupation, in which case there is the likelihood of the Trust buying all the land available for tribal or communal occupation and leaving little or nothing for such individual Natives who may wish to buy land ~~for~~ for themselves.

What action or efforts have you taken or made to remedy this glaring injustice?

## Question No. 3.

According to the journal named "The Good Shepherd" of September last, Mr Thema, in his address before the Transvaal African Teachers' Conference at Kilnerton, stated that the "Native Representative Council was condemned and suggestions have been made to the effect that the Provinces should meet individually".

Is it a fact that the Provinces do now meet individually?

If so, who asked for this unreasonable and harmful change? If it was asked for by the members of the Council or by Senators representing us, on what grounds did they adopt this questionable course?

Were the views of other members of the Council ascertained and obtained? Did they concur?



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