

Section 2(1)(c) of the Bill provides that no person may directly or indirectly be a member of or take part in any activities of any organisation any of the objects of which are to discuss or study political views, if members of other population groups belong to such organisation.

The effect of this Section, should it become law, would be, not that the Sash becomes unlawful because it has, or its Constitution allows, "mixed" membership, but that every member and every person who takes part in any activity of the Sash (e.g. takes part in a "stand") commits an offence simply by being a member or by taking part in the activities of an organisation which has members from more than one population group.

Section (2)(1)(d) prohibits any person from directly or indirectly giving financial or any other assistance to any organisation which has members from more than one population group, or from making or preparing or disseminating propaganda in support of any such organisation.

The effect of this Section would be that if and while the Sash has members from more than one population group, any person who gives financial assistance directly or indirectly (for e.g. supporting a fete or cake sale) or assists in any way with propaganda (for e.g. printing or publishing the magazine) or in any other way, commits an offence.

In considering the action to be taken by the Sash, should the Bill become law, it must therefore be borne in mind that the Sash has obligations and responsibilities in this regard not only to its members, each and every one of them, but also to all those persons who assist or support it in any way.

The penalties attaches to these offences are heavy - for a first conviction a minimum of R300 fine and/or a minimum of six months imprisonment. For a second or subsequent conviction a minimum of R1,000 and/or 12 months imprisonment plus disfranchisement as a voter under any law (i.e. parliamentary, provincial and municipal franchise) for a period of five years.

What is the Sash to do in view of this situation?

Before considering possible courses of action it may be as well to repeat that the offences created by the Bill, should it become law, relate not to the organisation as such but to individual supporters of an organisation which actually has a "mixed" membership. Whether the organisation is in favour of non-racially exclusive membership or whether its Constitution provides for non-racial membership is irrelevant to the terms of this Bill. Any action which is to be taken to prevent members and supporters falling foul of the law will therefore (1) have to be directed at the actual membership of the Sash and (b) will have to be taken either before or co-incident with the Bill becoming law. It would not be necessary to make any change in the Constitution in regard to membership, aims and objects, principles or any other matter. What is required is that if and when the Bill becomes law the Sash shall not have members from more than one population group.

#### POSSIBLE COURSES OF ACTION:

##### A. Dissolution and no further action:

The extinction of the Sash by dissolution would be a simple but certainly drastic means of solving the question of "mixed" membership, by abolishing all membership. It has the merit (if merit it be) of relieving all members of the searching decision as to whether it is a greater good to pursue the principles and objects of the Sash in some new uni-racial but organised body or bodies or to pursue them as isolated individuals. (As all multi-racial organisation of the nature defined in the Bill will be similarly affected by the law, the possibility of pursuing the objects of the Sash in some other non-racial organisation does not arise.

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The crux of this proposal, the real issue it raises is whether the principles which the Sash upholds and the work which it does are best furthered by the enforced abandonment of the practice of multi-racial membership or by the total extinction of the Sash.

If it is felt that the work of the Sash and the furtherance of its objects should continue on an organised basis, three courses are open:-

**B. Dissolution of the Sash and Establishment of 4 Racially separate Organisations:-**

The implementation of this proposal will involve many and considerable practical difficulties. Apart from such matters as division of funds and assets (which will be dealt with under "C") there is the very real and serious question whether viable separate Coloured, Indian and African organisations can be established before the Bill becomes law.

Section 2(1)(b) of the Bill provides that no person shall directly or indirectly take part in or give assistance in regard to the establishment or organisation of any organisation to which members of any other population group belong.

This means in effect that from the moment the law is promulgated no White person can assist in any way in the formation or continuation of any Coloured, Indian or African "Sash".

Therefore, in order to give any real effect to the intention of this proposal, steps will have to be taken sufficiently well in advance of the law's promulgation to ensure the establishment and continuation of viable separate organisations. In other words, the Sash would have committed itself to a course of action and taken overt steps abhorrent to it in order to meet a danger that may not arise. This appears to be choosing the worst of both worlds.

**C. Dissolution followed by establishment of a White Organisation:**

This proposal avoids the necessity of taking any overt action well in advance of legislation but it still involves all the other practical difficulties attendant upon the dissolution of one organisation and the establishment of a new organisation.

The amount of time required for the dissolution of the Sash would be sufficient to (1) meet the provisions of its own Constitution and (2) enable the dissolution to take effect before or co-incident with the promulgation of the Act.

Among the practical difficulties attendant upon dissolution are:-

**Funds and Assets:** These would have to be disposed of in terms of the Constitution or, if no Constitutional provision exists, the funds would presumably have to be returned to donors, contributors or members. Any other assets would have to be disposed of, whether to trustees for the new organisation or by some other means.

**Contractual Obligations:** Leases, staff contracts, printing contracts, etc. will have to be terminated in terms of the relevant contracts or taken over by trustees or some other person or body.

**Membership:** All existing membership ceases automatically on dissolution and membership of the new organisation will have to be enrolled anew once the new organisation has been brought into being. How this will affect the membership (size) of the new organisation is a matter of conjecture. Those who have experience of canvassing membership will probably put their estimates of membership of the new organisation considerably below that of the present White membership of the Sash.

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What is, however, not a matter of conjecture is that the process of dissolution and, even more of re-forming will be time and labour consuming and since the Sash has no unlimited resources of time and labour it seems obvious that such consumption will be at the expense of the work at present being done by the Sash.

What is to be gained from dissolution and the subsequent establishment of a uniracial Sash is not clear. To dissolve the Sash in perpetuity (Proposal A) because members of more than one population group cannot lawfully be members of the Sash, would show that the Sash is so dedicated to multi-racial membership that it is not prepared to exist as a uniracial organisation. (Whether such dedication does or should outweigh the principles on which or the aims for which the Sash was formed or even the terms of the Sash "Dedication" was argued under "A"). But to dissolve the Sash one day because the law prohibits multi-racial membership and next day to set about establishing a uniracial organisation can surely only harm and nowise benefit the public image of the Sash.

What principle is vindicated by cancelling all membership of the Sash on Monday because the practice of multi-racial membership has been outlawed and on Tuesday asking all but two of the disbanded members to join a new Sash in which the practice of uni-racial membership is observed?

D. Resignation of members who are not of the White group:

This action will have the same practical result as proposal "C", namely the emergence of an all-White organisation, but, for reasons already given it will probably have a considerably larger membership than will be achieved under proposal "C". More important, it will achieve this result by more direct (in every sense of this word) means.

As multi-racial membership must terminate before or simultaneously with the Bill becoming law this proposal will require this much advance action that non-White members will have to be requested, in the circumstances of the Bill's provisions, to tender resignations to take effect immediately upon promulgation of the Act. As the non-White membership is small, it will be possible to take the necessary action between the time of the Bill's publication and its promulgation as law. This proposal has, therefore, the very real advantage of requiring no abhorrent action in advance of the Bill whereas the complexities of the courses advocated in proposals "B" and "C" do necessitate such advance action.

The practical difficulties considered under the previous proposals - cancellation of membership, disposal of assets, establishment of new organisation, re-canvassing membership - do not arise. The Sash survives and can continue without pause or interruption to pursue its principles and aims and do its work of enlightenment and alleviation.

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That it will/ deeply hurtful to members of the Sash that the principle of "open" membership can no longer be translated into practice, is beyond question. But if the Bill becomes law in its present form that is the only way in which the Sash will be able to exist. If its continued existence is worthwhile, then that continuance must be ensured by adoption of the course least damaging or dangerous to the Sash.