

10th Meeting of Central Executive, 26th July 1957.

Page 2.

3. NATIVE LAWS AMENDMENT ACT. Cape Western.

Mrs. Petersen expressed the gratitude of Cape Western to the Central Executive for arranging this special meeting, as this matter was of great concern, not only to the Cape Western Region, but to the whole of the Sash.

It apparently was not appreciated that Cape Western was confronted with a live situation, and Cape Western knew that sooner or later they would face a crisis. All public meetings were attended by people of all races. For example the Institute of Citizenship held lunch-hour meetings which were attended by coloured people. Concerts in the City Hall were open to all. Because of the Native Laws Amendment Act, Cape Western foresaw that they would possibly receive a prohibition as so many of their meetings were on matters affecting the Non-European. The meeting called to protest on University Apartheid was supported by the Black Sash in the Cape. Many Africans attended this meeting. The meeting on the Native Laws Amendment Act which Advocates G. Gordon and D. Molteno addressed was also attended by Africans. Other meetings, which were educational but with a legal flavour, drew many Africans. These meetings were obviously distasteful to the government and the government could very easily forbid Cape Western to have Africans present at their meetings.

The next meeting the Cape Western Region intended organising would be on the Nursing Bill. At one hospital the staff was entirely Non-European. Cape Western might be faced with a decision either to back down or have a notice saying Africans were prohibited from attending this meeting, which would be against our Constitution, or they would back out completely.

In the event of the latter possibility, Cape Western believed that the influence of the Black Sash would be destroyed, and the public would not have much respect for what the Black Sash said or did. Natal Midlands and Natal Coastal were affected in much the same way as Cape Western.

Mrs. Petersen went on to say that the Central Executive might think that because Cape Western felt this way, Cape Western should go ahead. If they did the Press would naturally ask whether the National Body of the Black Sash endorsed their action. Some statement should come from the Central Executive.

Cape Western felt it was fundamental that each Region should understand that Cape Western brought up this matter at Conference, not as an academic point, but because of a live situation which existed in the Cape. Cape Western could possibly go ahead hoping there would not be a prohibition, but if it did it would be of tremendous value to Cape Western to have a guide from the rest of the country.

There was a movement for all organisations to present a united front. Cape Western had said over the last two months that the matter had been held in abeyance.

Cape Western did not wish to "hold a pistol" to anyone's head, but should Cape Western have to back down, most of Cape Western's committee who had led the Region would have to resign. It would be impossible for them to carry on as they would feel like hypocrites.

This did not mean that the whole of Cape Western would resign. There were some, even one or two on the National Council, who might stay on because they were not yet decided on what stand should be taken. Most of the dynamic members in the Branches would leave. The request originally came from the Rosobank, Rondebosch and Milnerton Branches.

Cape Western realised what the position was in other Regions, but there must be some solution, and Cape Western wished to know the true situation.

The Chairman, commenting on Mrs. Peterson's remarks, said that the Central Executive appreciated that in the Cape all public meetings were open to everybody. We must find some solution. Otherwise we would be faced with the following alternatives:-

1. Dissolve the Black Sash.
2. Break the Black Sash.
3. Climb down and made fools of ourselves.

Conditions in Johannesburg were different. There were very few places where multi-racial audiences were allowed and in some way we should protect Regions like the Cape Western, Natal and Border who found themselves in an invidious position.

The matter was fully discussed, and the following varying points emerged.

1. As the Central Executive were asked to implement the resolution subject to legal opinion and now, finding that Counsel advised that it should not be implemented, could not this resolution be rescinded?
2. The resolution could not be rescinded, as it was a Conference decision. Our saying that we could not implement the decision might have more effect.
3. If the resolution could be rescinded, it would be for only one reason, and that would be that it involved people who did not wish to be involved.
4. The question was asked, "could it be proved how many people at Conference objected to this matter."
5. It was also reiterated that had the information we now have been available at Conference, voting would have been quite different, and therefore it was extremely difficult for the Central Executive to make a decision which might involve others.
6. As Conference had delegated their power of decision to the Central Executive once legal advice had been taken, it would now be perfectly constitutional for the Central Executive to come out with a clear point of view.

Would it not be possible to circularise all Regions saying "In view of legal advice we have had, the Central Executive will not implement this decision."
7. A member of the Central Executive urged strongly that it should go to National Council that we do not implement this resolution. National Council might be able to formulate a resolution on which we could act. Feelings of all Regions should be made known to Council. Time would not be wasted if all members of Regions were spoken to, as this would probably be the best way to gauge what the general feeling was. Cape Western had never sent in a report of what they had done, and in some cases it had come as a shock to the Central Executive that decisions had been made and executed of which the Central Executive had no previous knowledge or warning.

Mrs. Petersen replied by saying that Cape Western had sent speakers' notes in March on the Native Laws Amendment Act with a report. Whilst admitting that the Central Executive could not keep 'tags' on each Region, Cape Western were under the impression that they had made their views on the Native Laws Amendment Act clear. The Central Executive pointed out that they had only thought vaguely that that was the reason behind the speakers' notes. Nothing was said about breaking the law.

Considering the responsibility towards all Regions, no decision could be taken without all Regions having fully considered this question. Speakers should go to all Regions and Branches, and Council members must be fully aware of the feeling of the Branches in their Regions.

The basis of all this was Cape Western's failure to send in reports and minutes. Mrs. Petersen agreed that this was a great pity. No-one knew why this was so. There was, however, the feeling that Cape Western should not advertise themselves. Had full reports been sent in Conference would then have known what Cape Western's difficulties were. It was pointed out to Cape Western that the Secretary had written to all Regions asking for monthly minutes and reports. Cape Western had not sent minutes but said they would send a report, which had not been done. Mrs. Petersen endorsed heartily what the former speaker had said, and extended an apology to the Central Executive for this, and assured them that this matter would be rectified in future.

Natal Midlands.

Mrs. Corrigan felt that holding a Council meeting in September was a little late. This Region had Non-Europeans at meetings. The question of freedom of association worried them. There was the suggestion that a freedom of association committee should be formed to protect freedom of association. Conference agreed that Mesdames Corrigan and Scott should go as members of the Black Sash to this meeting. The next Executive meeting would be on August 8th. Literature would be sent on to the Central Executive after this meeting. This committee subscribed to the following three points:-

1. To uphold the right of freedom of association.
2. To protect any individual or association victimised thereunder.
3. To associate itself with any similar organisation in the country.

Mrs. Corrigan went on to say that it would be impossible for them to remain on this committee as Black Sash. The implication of breaking the law was there.

Mrs. Corrigan was asked what the position was in Natal regarding public meetings and she replied that the Pietermaritzburg City Hall, for example, was open to all races. It was not sure whether this was a provincial decision.

Further discussion revealed the following varying points:-

1. We had made the mistake of trying to rush this matter. A memorandum should have gone out to each member of the Black Sash. It should go out now. Was it worthwhile breaking the movement over this because we had made a mistake? Regions might break away.

2. In view of legal advice, the Central Executive felt it could not decide for other women. Counsel felt it was a matter for individual conscience.
3. It was recommended that one lot of all Native Laws Amendment Act literature should be sent to each Region, and if possible the Central Executive should visit each Branch.

We should evolve a statement that the Central Executive could not implement this decision because of terms of reference of legal advice. Council must meet having considered fully in Regions and Branches and determine how far we could go. Different conditions existed in different Provinces.

At the close of discussion, Mrs. Dietrich proposed the following resolution:-

Further to the recommendation passed unanimously at the meeting of the Central Executive on 10th July 1957*, the Central Executive, in view of the legal advice obtained, unanimously refuses to ratify the resolution "that in those instances where the Black Sash finds its work is affected, or its principles outraged by the Native Laws Amendment Act, it may feel itself morally bound to disregard the prohibition made under the Act, but that legal opinion shall be sought. Any decision should be postponed until after legal advice has been obtained."

The National Council will be asked to confirm this decision.

(N.B. *Recommendation passed by Central Executive 10th July reads:-

"It was agreed unanimously by the Central Executive that the National Council must decide upon the action to be taken in those instances where the Black Sash finds its work is affected or its principles outraged by the Native Laws Amendment Act, bearing in mind the advice given by Counsel to the Central Executive. All Regions were urged to discuss the legal opinions and every aspect of the Native Laws Amendment Act completely and exhaustively before the Council Meeting, so that each Region would be fully aware of the feelings of all their individual members.")

Mrs. Petersen proposed that we add an addendum that how the Native Laws Amendment Act affects the Black Sash would come up at Council.

The resolution was proposed by Mrs. Dietrich, and seconded by Mrs. Fisher, and PASSED UNANIMOUSLY.

The following statement was drafted by Mrs. Petersen:-

The Black Sash, having considered the implications of the Native Laws Amendment Act, reaffirms that it exists, among other things, to uphold civil rights and liberties in every way, and will continue to work in the future as they have in the past.

Mrs. Petersen went on to say that she realised that the Black Sash was identified with the Freedom of Association organisation, and she felt that her statement referred to "civil rights and liberties" and would therefore cover this.

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PLEASE PUT WITH PAPERS ON NATIVE LAWS AMENDMENT ACT.

12th Meeting of Central Executive, 7th August 1957.

Page 2.

C. Native Laws Amendment Act.

Mrs. D. Hill (Chairman Southern Transvaal Region) and Mrs. M. Dey (Vice-Chairman, Southern Transvaal Region) had been asked by Mrs. Sinclair to attend the Central Executive meeting at this point in order that they present the suggestion from Southern Transvaal Regional Committee.

Mrs. Hill pointed out that this suggestion had not been discussed by all Branches in the Southern Transvaal. However, this was being organised. (Copy of the suggestions attached.)

IT WAS AGREED that the Cape and Natal Regions go on as usual.

If meetings were banned, the Central Executive agreed that they should hold protest meetings.

After the Southern Transvaal suggestions had been fully discussed, Mrs. Hill and Mrs. Dey left the meeting.

Further discussion took place. It was finally agreed that discussion on the Native Laws Amendment Act cease and that a special meeting be called for Saturday, 10th August to continue the discussion. .TA/

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