

BULLETIN 12

A M E R I C A N S F O R S O U T H A F R I C A N R E S I S T A N C E

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February 27, 1953

Duncan and Gandhi Sentenced

On February 4th Patrick Duncan, the first white man to be arrested in the civil disobedience campaign, and Manilal Gandhi were convicted on charges of "having behaved in a manner calculated to cause Africans to resist and contravene the law". They had been arrested on December 8th for leading a group without passes into the Germiston location for Africans. Mr. Duncan was fined the equivalent of \$280 with the alternative of 100 days of hard labor. Mr. Gandhi was given a fine of \$140 or 50 days in jail. The others who were arrested at the same time were given lesser sentences. All of these resisters are out on bail pending appeal to a higher court.

Manilal Gandhi wrote to us on January 23rd: "Patrick Duncan of course is not a communist. He has made a deep study of Father's writings on non-violent Satyagraha and has been deeply impressed. He was also deeply impressed as I was by the non-violent spirit and the sense of discipline the African people had shown without any previous training."

In his newspaper, INDIAN OPINION, Gandhi wrote: "It is with a full sense of responsibility that I have now joined the Defiance Campaign against the unjust and immoral laws of this country. I have been deeply impressed with the bravery and courage shown by the vast number of men and women in this movement. It has been beyond all expectation and my head bows humbly to them. But now the testing time has come. The struggle will be a prolonged one, entailing a tremendous amount of suffering and sacrifice. We may have to lose our all, including our own lives and those of our near and dear ones. Despite all that there can be no flagging in our determination. It must be sustained till our goal is reached. Our goal is primarily to awaken the conscience of the white rulers of this country to the fact that disaster will come unless government is based, not on naked force but on the highest moral principles of justice and equity."

Repressive Law in Force

The text of a law that went into effect last November 27th has come to us. This law is the first one to become effective as a measure to meet the Defiance Campaign. Portions of this law are summarized:

"Any person who, without the permission of the chief or headman . . . and the approval in writing of the native commissioner or, where there is no native commissioner, of the magistrate of the area concerned, holds, presides at or addresses

any meeting, gathering, or assembly at which more than ten natives are present at any one time, or permits any such meeting, gathering, or assembly to be held in his kraal or house or on other premises under his control, shall be guilty of an offense."

This law "shall not apply to any meeting, gathering, or assembly held for the purpose of a bona-fide religious service or a funeral; the regulation of the domestic affairs of any kraal or household; a meeting of the members of a statutory body of persons, held exclusively for the purpose of transacting any business of that body; instruction imparted under any law; a bona-fide sports gathering, concert, or entertainment; a wedding; a meeting held by any senator, member of Parliament, or member of a provincial Council.

"Any person who at any time uses language or behaves in a manner or does any act or thing calculated to cause natives to resist and contravene any law or to prevail upon them to obstruct the administration of any law shall be guilty of an offense.

". . . Any person convicted of a contravention of these regulations may be sentenced to pay a fine not exceeding three hundred pounds or in default of payment to be imprisoned for a period not exceeding three years."

Bills to Combat the Campaign Introduced to Parliament

The current session of Parliament in South Africa, which opened early in January, has had at least two extreme bills introduced by the Nationalists as part of the government's campaign to stamp out the nonviolent resistance movement. That the government has felt it necessary to sponsor these measures is an indication of the seriousness with which it views the continuance of the Campaign. Both of these bills are now law, having passed both Houses of Parliament.

One bill is entitled "A bill to make provision for the safety of the public and the maintenance of public order in cases of emergency, and for matters incidental thereto". According to the NEW YORK TIMES of January 28th, under this measure the government could "suspend all civil rights, censor or suspend the press, prohibit public assembly, confiscate goods and property, impose the death penalty, search and seize and create concentration camps -- all in the interest of public safety. Any single proclamation would validate the regulations issued under it for a period of a year, but another proclamation could be issued before the year was out, so that in theory the same thing could go on as long as a Parliamentary majority supported the proclamation." In order for this law to go into effect the government would have only to proclaim that "Any action or threatened action by any persons or body of persons in the Union or any area within the Union is of such a nature and of such an extent that the safety of the public or the maintenance of public order is seriously threatened."

A second bill introduced is called the "Whipping Post Law". It provides that any person who "in any manner whatsoever advises, encourages, incites, commands, aids, or procures any other person or persons in general; uses any language or does any act or thing calculated to cause any person or persons in general, to commit an offense by way of protest against a law, or in support of any campaign against any law, or in support of any campaign for repeal or modification of any law, or variation or limitation of application or administration of any law, shall be guilty of an offense and liable upon conviction to: (a) a fine not exceeding 500 pounds [£1400]; (b) imprisonment for a period not exceeding five years; (c) whipping not exceeding fifteen strokes."

New President-General Elected to African National Congress

At the annual December conference the ANC elected Chief Albert J. Luthuli, succeeding Dr. Moroka, as president. Luthuli was, until last November 12th, chief of the Groutville Mission Reserve, having been elected by the people to this position 17 years before. He was told by the government that he would have to choose between the chieftainship and his work with the ANC. Chief Luthuli chose the ANC unhesitatingly. In letters to us, Chief Luthuli has been described as an outstanding Christian layman. A few years ago he toured the United States with a preaching mission sponsored by one of the Church mission boards. He is now a member of the executive committee of the Christian Council of South Africa.

A recent statement by Chief Luthuli, quoted here in part, indicates the spirit of the man. The title he gave this statement was "The Road to Freedom is via the Cross".

"I have been dismissed from the Chieftainship of the Abase-Makolweni Tribe in the Groutville Mission Reserve. I presume that this has been done by the Governor-General in his capacity as Supreme Chief of the "Native" people of the Union of South Africa save those of the Cape Province. I was democratically elected to this position in 1935 by the people of Groutville Mission Reserve and was duly approved and appointed by the Governor-General.

"Previous to being a Chief I was a school teacher for about 17 years. In these past thirty years or so I have striven with tremendous zeal and patience to work for the progress and welfare of my people and for their harmonious relations with other sections of our multi-racial society in the Union of South Africa. In this effort I always pursued what liberal minded people rightly regarded as the path of moderation. Over this great length of time I have, year after year, gladly spent hours of my time with such organisations as the Church and its various agencies such as the Christian Council of South Africa, the Joint Council of Europeans and Africans, and the now defunct Native Representative Council.

"In so far as gaining citizenship rights and opportunities for the unfettered development of the African people is concerned, who will deny that thirty years of my life have been spent knocking in vain, patiently, moderately, and modestly at a closed and barred door?

"What have been the fruits of my many years of moderation? Has there been any reciprocal tolerance or moderation from the Government, be it Nationalist or United Party? No! On the contrary, the past thirty years have seen the greatest number of Laws restricting our rights and progress until today we have reached a stage where we have almost no rights at all; no adequate land for our occupation, our only asset -- cattle -- dwindling, no security of homes, no decent and remunerative employment, more restrictions to freedom of movement through passes, curfew regulations, influx control measures; in short we have witnessed in these years an intensification of our subjection to ensure and protect White Supremacy.

"It is with this background and with a full sense of responsibility that, under the auspices of the African National Congress (Natal), I have joined my people in the new spirit that moves them today, the spirit that revolts openly and boldly against injustice and expresses itself in a determined and nonviolent manner. Because of my association with the African National Congress in this new spirit which has found an effective and legitimate way of expression in the nonviolent Passive Resistance Campaign, I was given a two week limit ultimatum by the Secretary for Native Affairs calling upon me to choose between the African National Congress and the

Chieftainship of the Groutville Mission Reserve. He alleged that my association with Congress in its nonviolent Passive Resistance Campaign was an act of disloyalty to the State. I did not, and do not, agree with this view. Viewing Nonviolent Passive Resistance as a non-revolutionary and, therefore, a most legitimate and humane political pressure technique for a people denied all effective forms of constitutional striving, I saw no real conflict in my dual leadership of my people: leader of the Tribe as Chief and political leader in Congress.

"I saw no cause to resign from either. This stand of mine which resulted in my being sacked from the Chieftainship might seem foolish and disappointing to some liberal and moderate Europeans and Non-Europeans with whom I have worked these many years and with whom I still hope to work. This is no parting of the ways but "a launching further into the deep". I invite them to join us in our unequivocal pronouncement of all legitimate African aspirations and in our firm stand against injustice and oppression.

"Laws and conditions that tend to debase human personality -- a God-given force -- be they brought about by the State or other individuals, must be relentlessly opposed in the spirit of defiance shown by St. Peter when he said to the rulers of his day, 'Shall we obey God or man?' No one can deny that in so far as Non-Whites are concerned in the Union of South Africa, laws and conditions that debase human personality abound. Any Chief worthy of his position must fight fearlessly against such debasing conditions and laws. . . .

"As for myself, with a full sense of responsibility and a clear conviction, I decided to remain in the struggle for extending democratic rights and responsibilities to all sections of the South African community. I have embraced the nonviolent Passive Resistance technique in fighting for freedom because I am convinced it is the only non-revolutionary, legitimate, and humane way that could be used by people denied, as we are, effective constitutional means to further aspirations. The wisdom or foolishness of this decision I place in the hands of the Almighty.

"What the future has in store for me I do not know. It might be ridicule, imprisonment, concentration camp, flogging, banishment, and even death. I only pray to the Almighty to strengthen my resolve so that none of these grim possibilities may deter me from striving, for the sake of the good name of our beloved country, the Union of South Africa, to make it a true democracy and a true union in form and spirit of all the communities in the land. My only painful concern at times is that of the welfare of my family but I try even in this regard, in a spirit of trust and surrender to God's will as I see it, to say, 'God will provide'.

"It is inevitable that in working for Freedom some individuals and some families must take the lead and suffer: The Road to Freedom is via the Cross."

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