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“A Munich Situation”: Pragmatic Cooperation and the Johannesburg Non-European Affairs Department during the early stages of Apartheid



Picture 1: 80 Albert Street (The old Johannesburg Non-European Affairs Department Head Office). Photograph taken by James Ball April 2011

“A MUNICH SITUATION”: Pragmatic Cooperation and the Johannesburg Non-European Affairs Department during the Early Stages of Apartheid.

James Ball

A dissertation submitted to the Faculty of Arts, University of the Witwatersrand, Johannesburg, in fulfilment of the requirements for the degree Master of Arts.

Johannesburg, 2012

ABSTRACT

This dissertation aims to reveal and explain how the evolving relationship between the Johannesburg City Council and the Native Affairs Department affected urban African administration during the early stages of Apartheid. It will add detail to a selection of key disputes between the levels of Government in the mid 1950s and examine the Department's onslaught against the Council towards the end of the decade. It will trace the emergence of a culture of pragmatic cooperation during the early 1960s and analyse internal divisions within the United Party group in Council. It will finish by tracing the emergence of the Administration Board system and suggesting that the period of pragmatic cooperation played a role in delaying the ultimate decision to remove urban African administration from local authorities. Throughout this dissertation the influence of key personalities like W.J.P Carr, Manager of the Johannesburg Non-European Affairs Department and Patrick Lewis, the Chairman of the Non-European Affairs Committee, will be explored.

DECLARATION

I declare that this dissertation is my own unaided work. It is submitted for the degree of Master of Arts at the University of the Witwatersrand, Johannesburg. It has not been submitted for any other degree in any other university.

James Ball

15 February 2012

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ACRONYMS

BAD:	Department of Bantu Administration and Development
GPC:	General Purposes Committee of the Johannesburg City Council
IANEA:	Institute of Administrators of Non European Affairs
JCC:	Johannesburg City Council
JNEAC:	Johannesburg Non European Affairs Committee
JNEAD:	Johannesburg Non European Affairs Department
NAD:	Native Affairs Department
NP:	National Party
SABRA:	South African Bureau of Racial Affairs
SAIRR:	South African Institute of Race Relations
UBC:	Urban Bantu Council
UP:	United Party
WARS:	Western Areas Removal Scheme
WRAB:	West Rand Administration Board
VTC:	Vocational Training Centre

CONTENTS

Introduction 8

Chapter One: The Rise of Urban African Administration 22

Chapter Two: Power Struggle 45

Chapter Three: Showdown.....68

Chapter Four: Pragmatic Cooperation.....91

Chapter Five: The Beginning of the End.....121

Bibliography 134

Introduction

The Johannesburg City Council (JCC) achieved notoriety in Nationalist circles in the mid 1950s for its high profile skirmishes with the Native Affairs Department (NAD).[1] Hendrik Verwoerd, then Minister of Native Affairs, took the Council to task for its persistent questioning of Government policy and misinterpretation of the flow of authority in the country. Towards the end of the decade the NAD launched an all out offensive against the Council and its Non-European Affairs Department which culminated in the demand for a number of assurances. The threat of a Government takeover of urban African administration and the potential destruction of the Council's mammoth building machine - churning out a house in Soweto every twelve minutes at its height – led a highly divided United Party (UP) dominated Council towards its 'Munich Moment'.

This dissertation aims to reveal and explain how the evolving relationship between the JCC and NAD affected urban African administration in Johannesburg during the early stages of Apartheid. It will add detail to a selection of key disputes between the levels of Government in the mid 1950s and analyse the showdown that led to a shift in the balance of power towards the Central State. It will then shed light on a culture of pragmatic cooperation that emerged in the aftermath of the Council's assurance to follow Government Policy as far as it was enshrined in law. Throughout this dissertation the role of key individuals such as W.J.P. Carr, Manager of the Johannesburg Non European Affairs Department (JNEAD) and Patrick Lewis, Chairman of the Johannesburg Non European Affairs Committee (JNEAC) will be explored.

In February 2011 I joined a multidisciplinary team investigating the history, people and uses of the 'Old Albert Street Pass Office' located on the south eastern side of central Johannesburg. During conversations with a diverse group of people who had come into contact with the building I noticed two frequent generalisations closely tied to each other and needing further examination. Firstly, the vast majority of people assumed that 80 Albert Street functioned solely as a pass office during the Apartheid era. While this certainly was its most notorious function, the building also housed the Administration Branch of the JNEAD which was responsible for planning and regulating almost all aspects of urban African life from housing, welfare and recreation to beer brewing, employment and research. Secondly,

[1] Renamed the Department of Bantu Administration and Development (BAD) in the late 1950s.

many people assumed that the work that went on inside the building was uniformly oppressive leading to assumptions about the type of person that must have worked there. The opportunity to interrogate these assumptions has been a key motivator in taking on this research.

W.J.P. Carr's name is inscribed on the bottom left hand side of the foundation stone of 80 Albert Street. He served the JNEAD for almost forty years, seventeen of those as Manager, and played a significant role in the creation of Soweto. Many sources highlight his paternalist style of administration and his desire to improve race relations in Johannesburg. The opportunity to explore the ambiguity of the role of Manager of the JNEAD and the ideological complexities of Carr, as well as other key individuals like Lewis, has been a significant catalyst for this research.



Picture 2: The JNEAD Foundation Stone. Photograph taken by James Ball April 2011

The Relationship between Local and Central Government

There have been a number of important contributions to the literature concerning the relationship between local and central government in South Africa during the early stages of Apartheid. In her book, *The Making of Apartheid,* Deborah Posel describes the shifting balance of power between the two levels of government and its influence on policy making. She shows how the Native Affairs Department (NAD) was initially dependent on experienced municipal administrators for the formulation and implementation of policy. In the early 1950s the National Party (NP) was too weak to make a sustained attack on local authorities resulting in the reality that the formulation of Apartheid during this time was premised on a high degree of municipal autonomy. As the NP improved its electoral performance and expanded the NAD bureaucracy in the mid 1950s it was able to chip away at municipal powers. By the end of the decade the balance of power had shifted firmly in favour of the state and the then renamed Department of Bantu Administration and Development (BAD).[2]

During the segregation era, the NAD focused largely on the reserves and abandoned many of its urban responsibilities to local authorities. Ivan Evans describes how urban administration was weakened by an ambiguous chain of command where local authorities and the NAD avoided final responsibility for policy and the rising militancy of poorly regulated African residential areas.[3] As the 1950s unfolded Verwoerd's authoritarian style galvanised the NAD which then mounted an unprecedented assault on the autonomy of local authorities.[4] Evans emphasises that the clarification of the NAD's dominant position over local authorities was a crucial development in the Apartheid era.[5] A large portion of this dissertation will build on this key theme.

Posel argues that the relationship between central and local government is critical in explaining the discrepancies between the policy and practice of influx control in the 1950s. Local authorities had to manage a number of competing interests: on the one hand they were answerable to the NAD and on the other they needed to be responsive to the needs of local

[2] D. Posel, *The Making of Apartheid 1948-1961: Conflict and Compromise,* Clarendon Press, Oxford, 1991, p. 263-264

[3] I. Evans, *Bureaucracy and Race: Native Administration in South Africa,* University of California Press, Los Angeles, 1994, p. 14

[4] P. Bonner, P. Delius and D. Posel, 'The Shaping of Apartheid: Contradictions, Continuity and Popular Struggles' in P. Bonner, P. Delius and D. Posel (eds) *Apartheid's Genesis,* Ravan Press, Johannesburg, 1993, p. 28

[5] Ibid, p. 17

rate payers, particularly large industrial and commercial concerns. In order to balance these commitments municipalities favoured a highly flexible approach to policy implementation.[6] The general picture that emerges is one of a local authority unable or unwilling to maintain order by enforcing government policy.[7]

Bekker and Humphries stress that while there was conflict between municipalities and the state prior to 1948 – mainly over finance – disagreement was much more marked in the years after the NP came to power.[8] Their main contribution to the literature is the argument that the divisions in the 1950s occurred predominantly along party-political lines. It appeared that the UP controlled municipalities consistently opposed government policies which raised questions at a national level about the wisdom of continuing to use municipal agents for the implementation of policy.[9] For Bekker and Humphries, the establishment of the administration boards in the early 1970s came about as a result of the long standing feeling within the NAD/BAD that municipalities were not implementing legislation as efficiently as the department had intended.[10]

Nieftagodien rejects the notion that the well publicised tensions between some UP dominated councils – especially Johannesburg – and the state can be generalised to include all UP dominated local authorities and contends that councils on the East Rand were important role players in the implementation of Apartheid.[11] His research reveals that the conservative wing of the UP which dominated the Springs, Germiston and Benoni municipalities developed unusually cooperative relationships with the Nationalist Government. The primary outcome of these relationships was that control was easier to achieve and government policies were implemented virtually without opposition.[12] This dissertation will reveal the tensions between the conservative and liberal wings of the UP in Johannesburg and show how the combination of conservative influence and Nationalist pressure resulted in the JCC adopting a strategy of pragmatic cooperation in the early 1960s.

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[6] Posel, *The Making of Apartheid,* p. 263
[7] Ibid, p. 247
[8] S. Bekker and R. Humphries, *From Control to Confusion: The Changing Role of Administration Boards in South Africa, 1971-1983,* Shuter & Shooter, Pietermaritzburg, 1985, p. 3
[9] Ibid, p. 5
[10] Ibid, p. 8
[11] N. Nieftagodien, 'The Implementation of Urban Apartheid on the East Rand, 1948–1973: The Role of Local Government and Local Resistance', Ph.D. Thesis, University of the Witwatersrand, 2001, p. 5
[12] Ibid, p. 197

Evans builds on the theme of cooperation and argues that local authorities were attracted to certain key aspects of the department's urban policy in the 1950s. The areas of mutual concern revolved around two principles adopted by the department: commitment to policies that gave preferential treatment to urban Africans and the stabilisation of labour. It was argued that the establishment of a labour bureau system would protect urban Africans from the competitive pressure of migrant workers. Liberal administrators such as Carr accepted the principle of the system but objected to the manner in which it was carried out. They convinced themselves that had they been in charge, the system would have been far less coercive and much more supportive of the settled African population.[13]

A significant portion of the literature has identified the JCC as a constant voice of opposition to Government policies. A central theme throughout Carr's history of Soweto is the ongoing conflict between his department and the NAD.[14] He highlights the Western Areas Removal Scheme (WARS) and ethnic grouping as major sources of tension and describes the appointment of the Departmental Committee for Johannesburg and its demand for assurances from the Council. He also stresses key disagreements between the JCC and NAD over housing policy and finance.[15]

Carr believes that his opposition to the concept of housing unproductive Africans in the homelands sealed the fate of the JNEAD. With hindsight, however, he argues that the seeds for the abolition of municipal African affairs were sown during the conflict surrounding the Western Areas Removal Scheme.[16] Van Tonder contends that continuities existed between pre-Apartheid UP policies and the NP policies of the early to mid 1950s. He shows how a decade before the removals, the UP controlled JCC drafted a similar plan to the one carried out by the Nationalists. His research contests the view that the removals were conducted by an 'overzealous NP anxious to impose its ideas of Apartheid'.[17] Carr conceded that the JCC agreed in principle to remove the residents of the Western Areas and confirms Van Tonder's argument that the delay in implementation was due to the high cost of resettlement at a time

[13] Evans, *Bureaucracy and Race,* p. 106-108
[14] W. J. P. Carr, *Soweto - Its creation, life and decline,* South African Institute of Race Relations, Johannesburg, 1990, p. 183
[15] Ibid, p. 123-134
[16] Ibid, p. 183
[17] Van Tonder, D. "First Win the War then Clear the Slums: The Genesis of the Western Areas Removal Scheme, 1940-1949", in P. Bonner, P. Delius and D. Posel (eds), *Apartheid's Genesis, 1935-1962,* Ravan Press, Johannesburg, 1993, p. 316

when the city was experiencing an acute housing shortage. Differences in principle regarding the implementation of the removals were a major test for local-central relations. Carr maintains that the JCC stood firm on three points which the NP could not accept: the scheme would initially be voluntary; the worst-housed should be moved first; and those with freehold rights should be given the same rights in Meadowlands.[18] The Government ultimately by-passed the JCC and created the Natives Resettlement Board to carry out the removals.

Evans argues that in demanding the right to either determine how the removal scheme would be carried out or to be relieved of all responsibility, the JCC presented itself as the primary defender of the historical autonomy of local government.[19] He highlights the significance of this event as it was the first time since the 1937 Amendment Act made it possible that the central government had invoked the Native Urban Areas Act to displace a local authority in the realm of Native administration. The JCC ultimately agreed to cooperate with the Resettlement Board in some areas (the provision of land and civil engineering services) on the grounds that it would alleviate some of the harshness involved in the removals.[20]

Another important strand in the literature is the centrality of finance in the relationship between the different levels of government. Nick Devas, drawing on global case studies, demonstrates how the control of the flow of funds can be used as a tool to ensure municipal cooperation.[21] Maylam has shown that financial issues caused tension between all the major stakeholders – capital, labour, local and central government. Each party attempted to shift the financial burden of the reproduction of labour onto the other.[22] Glaser provides a useful description of the historical struggle between the levels of government over the financing of African services during the early stages of Apartheid. [23] In the 1950s the NP relinquished all responsibility arguing that urban African communities should be self financing. The state went a step further in the 1960s and often deliberately prevented municipalities and private sources from subsidising Native revenue accounts. By the mid to late 1960s, in line with the

[18] Carr, *Soweto,* p. 86-87
[19] Evans, *Bureaucracy and Race,* p. 152
[20] Ibid, p. 154
[21] N. Devas, 'Urban Government: Capacity, Resources and Responsiveness'. In N. Devas (ed.), *Governance, Voice and Poverty in the Developing World,* Earthscan, London, 2004, p. 98
[22] P. Maylam, 'The rise and decline of urban apartheid in South Africa', *African Affairs,* vol. 89, 1990, p. 71
[23] C. Glaser, *Bo-Tsotsi: The Youth Gangs of Soweto 1935-1976,* David Philip, Cape Town, p. 100-101

policy of developing the homelands and attempting to reverse urbanisation, the BAD endeavoured to limit housing loans to the JCC and freeze investment in African areas. [24]

Parnell, in her description of the establishment of the Dube home-ownership scheme, shows how financial pressure was exerted on the JCC. The UP controlled JCC planned to create an elite, low density African residential suburb offering full freehold rights. As the title deeds of the farm Klipspruit excluded Africans from being registered freehold owners of property, the Council offered 99-year leasehold as the next best thing. The vision for Dube was eroded as Verwoerd insisted that the scheme be rezoned to achieve greater density and that leasehold be reduced to thirty years without the option of renewal. Threatened with the loss of funding the JCC reluctantly complied with these stipulations. [25] This pattern of financial coercion continued to play out in the 1950s and 1960s and is a significant theme in this dissertation.

A closely related area which produced friction between the levels of government was the definition of economic, subeconomic and sub subeconomic housing. Verwoerd's strategy to put native housing on a sound economic footing rested on three principles: the greatest number of Africans should be made to pay economic rentals, losses on subeconomic housing should be reduced to a minimum and subsidisation should only be available to Africans with Section 10 rights.[26] Evans argues that the JCC and other large municipalities took a sympathetic view and attempted to lower the income levels at which African families would become eligible for state subsidisation. Verwoerd predictably dismissed this action arguing that it would undermine all the work done by the department to reduce housing costs.[27]

Beavon provides an overview of the restrictions on trading rights in African townships which became another point of divergence between the JCC and BAD. Local Authorities controlled the allocation of formal trading rights and had the power to prohibit informal trading. The only formal businesses allowed were those that catered for the 'reasonable or basic necessities' of African people.[28] Bonner and Segal demonstrate how disease and death became the largest industry in Soweto - herbalism and funeral undertaking were the most

[24] Tensions were prevalent pre-1948 as the central government tried to offload the financial burden to the municipalities.
[25] S. Parnell, 'The ideology of African home ownership: the establishment of Dube, Soweto, 1946-1955', paper delivered to the History Workshop, University of the Witwatersrand, 1990, p. 6
[26] Evans, *Bureaucracy and Race*, p. 133-134
[27] Ibid, p. 143
[28] K. Beavon, *Johannesburg: The Making and Shaping of the City*, Unisa Press, Pretoria, 2004, p. 139

profitable business enterprises.[29] As the 1960s unfolded stricter controls were applied to both formal and informal traders in townships. Under the 'one man one business' policy of 1963, Africans were limited to only one business and were precluded from forming companies or partnerships with a view to expanding their business interests. This meant that the full benefit of economies of scale and lower prices could not be achieved. Patrick Lewis found this policy particularly objectionable and attempted to lobby the NAD to make amendments. His pleas fell on deaf ears.[30]

Pronouncing judgement on the relationship between the levels of government during the 1950s and 1960s, Mandy argues that the JCC was a prisoner of the situation. It was compelled to acknowledge that it would have to execute government policy but only so far as it was enshrined in law. Departmental instructions that lacked statutory authority would not be regarded as binding. He concludes that the JNEAD established a proud record of achievement under trying circumstances.[31] Glaser also argues that Carr managed to provide relatively efficient services despite monitoring and limited resources that were ultimately too meagre to make a real difference.[32] This dissertation will add significant detail to this thread of the literature.

Ideologies, Administrative Styles and Internal Divisions

In his study of the implementation of urban Apartheid on the East Rand, Nieftagodien shows that the UP and the NP were not politically homogenous entities. The UP had progressive and conservative wings while the NP had purist and practical tendencies.[33] Posel argues that Afrikanerdom was divided over the substance of Apartheid with opposing factions disputing the extent to which white economic prosperity should need and depend on black labour.[34] One division embraced a practical approach where the realities of economic integration and African urbanisation were accommodated. The other denied the permanence of Africans in the urban areas and believed that urbanisation could be reversed. The practical position was evident during Posel's first phase of Apartheid and resulted in a strategy of stabilisation of

[29] P. Bonner and P. Segal, *Soweto - A History,* Maskew Miller Longman, Cape Town, 1998, p. 34
[30] Archives of the University of the Free State (AUFS), Private Papers of WJP Carr (WJPC), PV423, 1/13/4/1, Vol 2, Lecture titled 'A City within a City – the Creation of Soweto', delivered by Patrick Lewis to the University of the Witwatersrand, 1966
[31] N. Mandy, *A City Divided,* MacMillan, Johannesburg, 1984, p.184
[32] Glaser, *Bo-Tsotsi,* p. 102
[33] Nieftagodien, 'The Implementation of Apartheid', p. 151
[34] Posel, *The Making of Apartheid,* p. 5

the urban African population and strict influx control.[35] Concessions - curbs on integration and a removals policy to reduce the size of urban African communities in white areas – were granted to 'Purists' as Apartheid shifted into a second phase from 1959-1961.[36]

The significant ideological differences within and between the political parties emerged from the central contradiction of Apartheid: how to maximise the exploitation of cheap labour while minimising the presence of African workers in the white urban areas. As Apartheid evolved, the BAD attempted to resolve this contradiction with a number of interventions including: the decentralisation of industry to the border areas; tighter influx control; the forced removal of Africans to townships and Bantustans; the development of commuter rail networks etc. Out of the central contradiction emerged new contradictions, divisions and struggles. Maylam argues that given these contradictions it was not surprising that urban policy was a contested terrain not only between the dominant and dominated but within the dominant class.[37] This dissertation will analyze significant divisions within the UP controlled JCC.

According to Maylam, the overall trend in native administration from the 1940s was a shift from paternalism to professionalism although elements of paternalism survived well into the 1960s. Evans argues that in the early years of Apartheid, a large portion of native administrators were united by a desire to expunge the paternalist ethos inherited from the segregation years.[38] Verwoerd shifted the NAD's focus from rural to urban areas and abolished all vestiges of decentralised administration. Evans shows how the rise of a new style of administration led to regulations being acted on more often than in the segregation era and restrictions being placed on courts to restrain judges that might give a liberal interpretation of the law.[39]

Chaskalson recognises that there are significant tensions inside and between different departments and different branches of the state. He argues that within the context of these tensions there is some space, although limited, for individual actors to have an effect on

[35] 1948-1959 (shift to the second phase from 1959-1961)
[36] Posel, *The Making of Apartheid,* p. 261
[37] Maylam, 'The rise and decline', p. 71-72
[38] Evans, *Bureaucracy and Race*, p. 10
[39] Ibid, p. 17

policy.[40] A number of studies have investigated the role of individuals acting in this limited space. The analysis of Carr and Lewis throughout this dissertation will contribute to this body of literature.

Sapire, for example, draws attention to the career of Dr F.J. Language, Manager of the Brakpan NEAD. She shows how he had an uncompromising attitude towards African urbanisation and urban controls.[41] Language was responsible for a few improvements in African areas but opinions towards him were ambivalent. His refusal to consult and his abrasiveness in dealing with Africans generated intense antagonism. Despite being found guilty of assaulting an African leader he went on to hold senior positions in various administration bodies and wrote widely on Native administration.[42]

Nieftagodien describes Language and A.S. Marais, Manager of the Boksburg NEAD, as purists. They were determined to limit and reverse urbanisation, placing great emphasis on influx control and avoiding the development of African urban areas. The UP sympathising NEAD Managers of Benoni, Germiston and Springs, on the other hand, emphasised the stabilisation of urban Africans and made solving the housing crisis through the building of new townships a priority.[43] Nieftagodien also reveals the key role played by J.E Matthewson, Manager of the Benoni NEAD in urban African administration. Matthewson was a critic of the NP but supported its practical Apartheid policies.[44] He became a leading figure and expert in urban African affairs and was driven by a 'paternalistic conviction regarding his role as guardian of the Bantu responsible for their upliftment and civilisation'. He believed that Africans were not ready to run their own affairs and needed to prove themselves by showing integrity, reliability and a strong work ethic.[45]

Carr features prominently in Evans' analysis of urban administration during Apartheid. He argues that Carr remained pre-eminently an administrator, a liberal who took great pride in his dual role of maintaining law and order while promoting the process of 'civilisation' of Africans. He sought ways to soften the impact of harsh laws and regulations but at the same

[40] M. Chaskalson, 'Apartheid with a human face: Punt Janson and the origins of reform in township administration, 1972-1976', *African Studies, 48, 2, 1989, p. 102*
[41] H. Sapire. 'Apartheid's Testing Ground', *The Journal of African History,* 35, 1, 1994, p. 100
[42] Ibid, p. 122
[43] Nieftagodien, 'The Implementation of Apartheid', p. 152-154
[44] Ibid, p. 6
[45] Ibid, p. 154

time ensured the system ran smoothly. It was not the principle of segregation but the severity of the laws that disturbed him. Evans goes on to argue that Carr's paternalist claims were undercut by his support - in principle - of the labour bureau system.[46] His commitment to the well being of the urban African population meant that he was unable to denounce influx control.[47] By implementing influx control measures to stave off the threat to the white population as well as the settled urban African population, liberal administrators including Carr become complicit in creating the 'human fodder' that farmers began to regard as their labour.[48]

Carr's own writings reveal divergent ideologies and administrative styles. He describes how he came into almost immediate conflict with Verwoerd whose opinions were 'almost diametrically opposed to his own on almost every aspect of native administration'. Apart from a few exceptions he found no evidence of compassion for African people in central government during his tenure as Manager of the JNEAD. He gives the example of the instruction given to his department in the mid 1960s that nothing should be done to create conditions of 'luxury' in Soweto which would act as a counter-pull to the policy of trying to repatriate as many Africans as possible to the homelands.[49] Glaser supports this view to a certain extent and asserts that while the JCC and JNEAD tried to improve the conditions for Africans, the BAD neglected and obstructed services and tried to make urban life insufferable.[50] One of the exceptions identified by Carr was Mr M.C. De Wet Nel whose tenure as Minister of the BAD was marked by a degree of compassion. Although he remained committed to Apartheid principles, he acted with a degree of sensitivity to the practical hardships experienced by ordinary Africans.[51]

Mandy provides a brief overview of the administrative style of Patrick Lewis. He describes how Lewis received an honorary doctorate from the University of the Witwatersrand for his massive contribution to the development of black housing in Johannesburg during a period when the JCC accepted the responsibility for the 'creation of a civilised mode of living for the Black population of the city'. The citation for the award stated that a splendid team of

[46] He includes other liberal administrators in this line of argument
[47] Evans, *Bureaucracy and Race*, p. 102
[48] Ibid, p. 113
[49] Carr, *Soweto,* p. 55-60
[50] Glaser, *Bo-Tsotsi,* p. 100
[51] Carr, *Soweto*, p. 59-60

municipal officers had been inspired by Lewis's 'single-minded devotion to the upliftment of the Urban Bantu'. This research project will add considerable detail to the role of Patrick Lewis in improving the relationship between the JCC and BAD during the second phase of Apartheid.

Glaser demonstrates how crime reveals the different approaches of the levels of government to the Advisory Board system in Johannesburg. For township residents, crime became a major grievance in the 1950s and almost certainly deteriorated in the 1960s. They were able to articulate their grievances through Advisory Boards calling for better policing, schooling and recreational facilities. The boards received a sympathetic hearing from the JNEAD which saw the solution in terms of improving urban social conditions. The BAD took little notice of the Boards and other township groups and believed the solution hinged on stricter control of African mobility.[52]

The following excerpt from Carr's memoir neatly summarises the difficult intermediary position in which paternalist local administrators operated:

> The administration of a large and complex multiracial department was both frustrating and rewarding: frequently frustrating because of the difficulty of trying to steer a middle course between the opposing views of the council and its master, the government; and rewarding because of the satisfaction which came from the few successful attempts to improve the lot of the hard pressed African community.[53]

* * *

It is well known that all sources have strengths and weaknesses and that it is the job of the historian to contextualise, assess and balance them in order to construct a coherent analytical narrative. Throughout this research process I have remained acutely aware that every source has its own problems of accuracy and subjectivity. The documentary record surrounding the activities of the JCC and JNEAD and their relationship with each other and the NAD/BAD is particularly rich while the search for surviving protagonists from the period under

[52] Glaser, *Bo-Tsotsi*, p. 100-101
[53] Carr, *Soweto*, p. 178

investigation has been fruitless. It is for these reasons that this research report is based exclusively on archival sources. The following substantial collections have provided the foundation for this dissertation: the private papers of W.J.P. Carr and Patrick Lewis; the annual reports of the JNEAD; Johannesburg City Council Minutes; internal records of the NAD; conference papers and speeches from the Institute of Administrators of Non-European Affairs (IANEA); and the Report of the Dube Riots Commission.

The variety of speeches, reports and correspondence contained in the private papers of Carr and Lewis combined with the annual reports of the JNEAD and relevant passages from Council Minutes have assisted my effort to build a picture of the anatomy of the JNEAD and the flow of authority between the NAD/BAD, JCC and JNEAD. The instructive speeches – many delivered to audiences with little concept of the work of these bodies – have been extremely helpful in distinguishing departmental and committee structures and functions. The Council minutes and JNEAD annual reports have breathed life into these descriptions by providing a sense of change over time.

Carr's personal writings as well as reports, correspondence and minutes of crucial meetings from his personal papers have been incredibly useful in shaping the 'Power Struggle' chapter. The documents surrounding the conflict between the JCC and NAD over ethnic grouping and the 'Locations in the Sky' legislation are particularly powerful and clearly expose the arguments and intrigue on both sides. The detailed record of the Western Areas Removals Scheme including crucial correspondence and minutes of key meetings has allowed me to add detail to this significant dispute between the levels of Government. The report of the Dube Riots Commission adds another layer to the ethnic grouping debate and itself becomes a key catalyst in the chapter describing the 'Showdown' between the Council and the NAD. The Lewis Collection contains explosive correspondence between the Secretary of Native Affairs and the Town Clerk regarding Carr's conduct during this time. The flow of letters not only highlights significant tensions between local and central government but reveals the emergence of a strong friendship between Carr and Lewis.

The Lewis Papers contain a large and diverse collection of newspaper clippings covering a wide range of events and issues from the late 1950s to the mid 1960s. These clippings have been particularly valuable for developing a sense of historical process during the period of 'pragmatic cooperation' between the JCC and NAD. They are also sensitive to waves of

public concern over particular issues and reveal significant internal tensions within the political parties of the time. I have taken into consideration the divisions between the English and Afrikaner press and have been acutely aware of potential political motivations and propaganda campaigns.

Chapter Outline

This dissertation will have five chapters excluding this introduction. Chapter one will set the scene for this study and provide a benchmark for the analysis of how the evolving relationship between the JCC and NAD affected urban African administration in Johannesburg. It will do this by highlighting the trends shaping the rise of urban African administration in South Africa, outlining the statutory flow of authority in the country and describing the core functions of the JNEAD. Chapter two will track the power struggle between the Council and the NAD during the 1950s through an analysis of three high profile disputes while chapter three will describe the extraordinary showdown which led to the Council's eventual acknowledgement of the statutory authority of the Central Government in the realm of African affairs. Chapter Four will examine the aftermath of the power struggle and reveal the emergence of a culture of pragmatic cooperation. It will also evaluate significant divisions within the United Party as a result of the improving relationship with the Nationalist State. The final chapter will briefly discuss renewed tensions between the levels of government over housing policy and influx control before describing the winding down of municipal administration in Johannesburg as the Central Government introduced the Administration Board system.

Chapter One: The Rise of Urban African Administration

This chapter is divided into two main sections. The first describes the rise of Urban African Administration in South Africa while the second explores the anatomy of the JNEAD. I will begin the first section by providing a brief account of the regional trends towards segregation and control before 1923 emphasising the high levels of municipal autonomy and the low levels of state intervention in the lives of urban Africans.[54] I will then highlight the dramatic growth in the size of the urban African population in the interwar period before examining the intense ideological debate amongst intellectuals and policy makers on how to approach the issue of African urbanisation. I will finish the section by exploring the growth of state intervention in Native affairs and describing the evolution of the state apparatus created to regulate and control the lives of urban Africans. In the second section I will outline the flow of authority between Central and Local Government and emphasise the ambiguous position of the Manager of the JNEAD. I will then provide an overview of the many divisions and functions of this Department before finishing with a brief description of the Council's Housing Division.

An awareness of the broad trends and patterns shaping Urban African Administration as well an understanding of the role of the JNEAD is important not only to set the scene for this dissertation but to provide a benchmark for analysing the evolving relationship between the JCC and NAD and its impact on the administration of Native affairs in the City.

Regional Trends in Segregation and Control before 1923

The early decades of the twentieth century were characterised by a low level of African urbanisation, a relatively undeveloped state apparatus for regulating and controlling urban African life and a high degree of provincial and municipal autonomy. Maylam emphasises that while there was little centralised state control over African urbanisation during this time, there were important regional trends towards segregation and control.[55]

One of the earliest forms of labour control in South Africa emerged in the diamond mining town of Kimberley in the 1880s. In the context of declining diamond prices and stubbornly high production costs, mine owners searched desperately for ways to prevent desertion and

[54] Maylam divides the development of urban policies and practices in South Africa into four overlapping and imprecisely bounded phases: 1) Pre 1923; 2) 1923-1950/52; 3) 1950/52-1979; and 4) Post 1979. The periodisation of this section is loosely based on the first two phases.

[55] P. Maylam, 'The rise and decline of urban apartheid in South Africa', *African Affairs,* vol. 89, 1990, p. 58

diamond theft. The result was the design and creation of closed compounds to accommodate migrant African workers. The compound system enabled tighter discipline to be exerted over the workforce ensuring a more reliable supply of experienced labour while preventing working class mobilisation. While Kimberley did not represent an early model of segregation - about half of all Africans lived outside of the mining compounds in the town or locations – it did provide a mechanism for labour control which was replicated on mines and in mining towns across South Africa.[56]

Johannesburg was one of those towns that borrowed from the Kimberley model to create its own compound system. The period that followed the South African War was marked by a severe labour shortage on the mines which led to calls for greater discipline to curb absenteeism and desertion. The white compound manager played a key role in ensuring these goals were achieved. In addition to mineworkers, a considerable number of municipal and factory workers were also housed in compounds. A fundamental feature of Johannesburg during this early period was that there was no strict racial segregation outside of compounds.[57] Suburbs like Sophiatown, Martindale, Vrededorp and Doornfontein all contained multiracial communities.[58]

Cape Town evolved differently to the mining towns of the interior. The city was predominantly a commercial and administrative centre with highly casual and seasonal labour requirements. Rigid segregation was not historically entrenched in the city with the central area in particular having a long history of racial integration. While the beginnings of racial segregation coincided with the influx of large numbers Africans, a stronger motivation emerged from white middle class concerns about disease and sanitation.[59] In 1901, Bubonic Plague hit the city and was immediately associated with the presence of Africans. The Cape Town Council, responding to calls from white residents, decided that a location should be built to house Africans under sanitary conditions. The result was the construction of Ndabeni, a product of social pressure camouflaged by the rhetoric of disease and sanitation.[60]

[56] Maylam, 'The rise and decline', p. 58-59
[57] The one exception was Johannesburg's first municipal location established on the farm Klipspruit in 1904. After the outbreak of bubonic plague near present day Newtown, the JCC resolved to move the African people in the area to the farm twelve miles south west of the town.
[58] Maylam, 'The rise and decline', p. 58-59
[59] In 1890, the Dock Native Location was opened providing compound-type accommodation for dockworkers.
[60] Maylam, 'The rise and decline', p. 59-61

The port city of Durban had much in common with Cape Town. Both economies were underpinned by the docks and required casual and seasonal labour. The most significant difference was that Durban's labour force was made up of a large portion of migrants drawn from African reserves in close proximity to the city. The Durban Council was more concerned about controlling than segregating its urban African population and developed a bureaucratic structure to achieve this. The revenue derived from a monopoly on the production and sale of African beer enabled the municipality to finance the creation of its own Native Administration Department in 1916. Many of the practices that evolved in Durban during this time were borrowed by other local authorities and incorporated into subsequent parliamentary legislation. Maylam argues that the practices and structures that emerged in Durban reflect the relatively high degree of municipal autonomy that existed during this period.[61]

In all four cities, apart from compounds, there was no developed housing policy for urban Africans (there were very few segregated townships). The vast majority of Africans lived in private or leasehold townships or rented backyard quarters close to the centre of town. The degree of control over their lives was tiny compared to the tight regulations that were to follow in the coming decades.[62]

The Dramatic Rise in the Urban African Population

The three decades following World War I were characterised by a remarkable increase in the size of the urban African population. This was driven by the coalescence of two key factors: the dramatic growth of the manufacturing sector and the deterioration of the rural economy. Between 1921 and 1951, South Africa's urban African population grew from just under six hundred thousand people to close to three million people[63] and the percentage of urbanised Africans rose from fourteen to twenty-eight percent.[64]

The combination of protectionist policies, the diversification of mining capital, the influx of foreign capital and the stimulus of two World Wars resulted in the manufacturing sector

[61] Maylam, 'The rise and decline', p. 62-63
[62] Ibid, p. 63
[63] Maylam uses the exact figures of 587 000 to 2.8 million people
[64] Maylam, 'The rise and decline', p. 63

overtaking the mining sector in terms of contribution to Gross National Product in 1943.[65] This expansion drew increasing numbers of Africans into the urban industrial workforce and led to calls from employers for the creation of a settled urban workforce which would increase productivity. At the same time a number of government commissions documented the appalling conditions in the reserves including malnutrition and extreme poverty.[66] Hindson has shown that by the early 1920s the reserves were producing less than fifty percent of subsistence requirements.[67] For the landless there were very few employment opportunities and small farmers struggled to produce enough to sustain their families. Apart from a small prosperous peasantry, the vast majority of people depended on remittances from family members who had become migrant workers.[68] Between 1936 and 1946 the proportion of Africans living in the reserves declined dramatically.[69] Maylam highlights how the character of the urban African population was also changing during this time. The proportion of Africans living under family circumstances increased substantially reflecting the existence of settled urban communities.[70]

The rapid growth in the urban African population triggered increased state intervention in the regulation and control of the urban African population. Maylam emphasises that there was considerable uncertainty and debate amongst policy-makers and opinion-formers as to what form this intervention should take.[71]

Ideological Uncertainty and Debate

There were three key ideological positions in the debate over urban African policy in the first half of the twentieth century. The first supported the principle of stabilisation of the urban African population while the second denied the permanence of Africans in urban areas. The vast majority of commissions in the 1930s and 1940s endorsed a third position which recommended a pragmatic approach recognising the reality of stabilisation but stopping short

[65] D. Posel, *The Making of Apartheid 1948-1961: Conflict and Compromise,* Clarendon Press, Oxford, 1991, p. 25
[66] Ibid, p. 27
[67] D. Hindson, *Pass Controls and the Urban African Proletariat*, Johannesburg: Ravan Press, Johannesburg, 1987, p. 33
[68] Posel, *The Making of Apartheid,* p. 28-29
[69] Posel states that the proportion of the African population living in the reserves fell from 44.91% in 1936 to 37.91% in 1946. Maylam states that there is considerable evidence of outmigration during this period with the overall annual increase in the population hovering around 0.9%
[70] Maylam, 'The rise and decline', *p. 64*
[71] Ibid, p. 65

of encouraging urbanisation. This approach acknowledged the realities of the urbanisation process as well as the labour needs of different capitalist sectors. The manufacturing industry demanded a permanent and skilled workforce while the mining sector remained reliant on migrant labour. The agricultural sector hoped that a strategy of stabilisation combined with strict influx control would ameliorate the farm labour shortage.[72]

Social upheavals following the First World War and the devastating flu epidemic led to the government appointing a committee chaired by Colonel G.A. Godley to investigate the question of controls on movement and settlement by Africans.[73] The committee did not take up the question of African urbanisation directly but it clearly viewed urbanisation and the gradual stabilisation of the African population as necessary and economically viable. Committee members did not want labour supplies in urban areas to be restricted but at the same time they wanted the level of unemployment to be controlled. A key principle endorsed by the Godley Committee was the promotion of class differentiation through stabilisation. Africans who resided in urban areas would be treated as 'insiders' and not have to carry passes while newcomers in the towns would be treated as 'outsiders' and be subject to strict control.[74] The kind of future imagined by Godley was expunged by the Central Government's eventual acceptance of the Transvaal Provincial Government Commission's (Stallard) view that all Africans should be regarded a temporary residents of urban areas.[75]

The Stallard Commission was formed in 1921 to examine local government structures and finances. In investigating the rationalisation of local government, the commission took up the issue of African urbanisation rejecting the permanence of Africans in the urban areas. It recommended that the urban African population be kept to the bare minimum needed to meet labour requirements and asserted that all Africans without employment should be removed to the reserves. The Stallard report referred to the need to establish segregated locations in which family housing would be provided by local authorities, employers or Africans themselves. The commission wanted to reduce to the absolute minimum the number of Africans to be provided with accommodation and ensure that those who were housed were in a position to pay for rent and services. Housing and employment controls were to be tightly

[72] Maylam, 'The rise and decline', p. 66
[73] A. Mabin and D. Smit, 'Reconstructing South Africa's cities? The making of urban planning 1900-2000', *Planning Studies,* 12, 2, 1997, p. 199
[74] Hindson, *Pass Controls,* p. 35-36
[75] Mabin and Smit, 'Reconstructing South African Cities?', p. 199

linked to the point that no African would be provided with housing if he was not in registered employment. Another central principle that emerged from the Stallard Commission was that locations should be self financing with employers covering any excess of expenditure over income. The overall objective was to shift the financial burden away from white municipalities.[76]

Unlike Godley, which did not want to limit labour supplies to the town, Stallard recommended that the labour market be subjected to rigid controls as a means of restricting the flow of African labour to the towns and called for wide powers of removal. Municipal Departments of Native Affairs (DNAs) rather than courts would be the mechanism for the removals which would be conducted against all unemployed and economically inactive sections of the population.[77] The two reports agreed on the need to regulate the inflow of African labour to the urban areas and to exclude the unemployed. Where they differed was over the intensity of the measures needed to achieve these ends and the scope of removals. Both supported the principle of residential segregation but whereas Godley saw this as a means of promoting the gradual assimilation of Africans into urban areas, Stallard would give no recognition to an African middle class other than that of a group who could provide basic services to the African population.[78]

Both Godley and Stallard proved influential in the formation of urban African policy. They offered different strategies for regulating African urbanisation and for securing the conditions of urban reproduction. Hindson has shown that recommendations from both committees[79] found their way into the Native (Urban Areas) Act of 1923 which set out a national policy towards African employment and housing in urban areas.[80] This Act will be analysed in detail in a later section.

In 1935 the Young-Barrett committee was appointed to investigate the methods by which Stallard principles could be applied. To the surprise of a number of commentators, the committee rejected Stallardism arguing that Africans could not be expelled from urban areas if economically redundant. Agreeing with Godley, the committee called on the state to

[76] Mabin and Smit, 'Reconstructing South African Cities?', p. 35-38
[77] Ibid, p. 38
[78] Ibid, p. 39
[79] A number of sources do not mention the contribution of the Godley Committee
[80] Mabin & Smit, 'Reconstructing South African Cities?', p. 39

encourage the growth of a stabilised urban African population to serve industrial employers. Posel shows how this did not go down well with a powerful faction within the state that was more concerned with finding ways to solve the problem of acute farm labour shortages.[81]

In 1946 the Native Laws Commission, more commonly known as the Fagan Commission was appointed to enquire into the question of the laws then in force that had a bearing on Africans in or near urban areas, the pass system and the employment of migrant labour in the mines and industries.[82] The UP based its strategy for the urban areas on the recommendations of the commission. Many of the findings reiterated the view of several anti-Stallard commissions and committees. Some of the well known conclusions reported by the Fagan Commission were: 1) the differentiation of the urban African population into settled and migrant communities should be accepted as a fact; 2) total segregation is not a feasible strategy; 3) integration of Africans into the urban areas need not lead to the granting of political rights; 4) rural Africans taking up jobs in the urban areas should be allowed to settle permanently in the cities along with their families (numbers would be limited to industrial requirements)[83] and 5) the state should rationalise urban administration structures through the establishment of a centralised system of labour bureaus (but this should be on a voluntary basis).[84]

Posel argues convincingly that Afrikanerdom was divided over the meaning and interpretation of apartheid. She demonstrates that Afrikaner capital broadly supported a practical conception of Apartheid premised on continuing white access to African labour while other segments including a considerable number of Afrikaner workers, professionals, civil servants and intellectuals endorsed a purist policy of total segregation. The Sauer report emerged as a contradictory combination of these competing conceptions of Apartheid.[85]

In the first half of the twentieth century, the NAD did not speak with one voice on Native affairs. It chopped and changed between the major positions creating an inconsistent and ambiguous policy towards the urban African population.[86]

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[81] Posel, *The Making of Apartheid,* p. 42-43
[82] S. Parnell, 'The ideology of African home ownership: the establishment of Dube, Soweto, 1946-1955', paper delivered to the History Workshop, University of the Witwatersrand, 1990, p. 6
[83] Posel, *The Making of Apartheid,* p. 48-49
[84] I. Evans, *Bureaucracy and Race: Native Administration in South Africa,* University of California Press, Los Angeles, 1994, p. 86
[85] Posel, *The Making of Apartheid,* p. 50
[86] Evans, *Bureaucracy and Race,* p. 25-26

Growing Intervention and the creation of Legislative Framework

Maylam demonstrates how the state's growing intervention in the decades after 1923 laid the foundation for the era of 'high apartheid' and the rigid labour controls that were to follow from the 1950s. He describes how a legislative framework evolved and argues that although fragments of municipal autonomy survived, the overall trend was towards greater centralisation.[87]

Parnell has shown that much early town planning legislation, including the Public Health Act of 1919 and the Housing Act of 1920, played a role in securing the racial division of urban space. This was largely due to the reality that regulations on urban African settlement were incomplete or ineffective.[88] The need for a law to regulate and control the urban African population was recognised as early as 1912 but disputes over its content led to considerable delays.[89] Eventually in 1923 the Native (Urban Areas) Act was passed representing the first major state intervention in the field of urban African administration.[90]

The Act made it clear that the NAD would not interfere with the strong pattern of municipal autonomy inherited from the colonial era. The NAD would concern itself with policy while administrative functions would be delegated to local authorities.[91] This created a basic tension where local authorities had the power to carry out policies with national implications raising the possibility that not only might responses differ but the narrower focus of local authorities might conflict with the wider demands of the NAD.[92]

The Act empowered municipalities to create segregated locations, implement a basic influx control system, set up Advisory Boards[93] and establish a Department of Native Affairs (DNA) – later renamed an NEAD- under the control of a Manager, responsible for the urban African population.[94] The desired role of an NEAD was to promote expertise in urban Native administration, establish contact between urban Africans and the City Council and act as a

[87] Maylam, 'The rise and decline', p. 66
[88] S. Parnell, 'Creating Racial Privilege: The Origins of South African Public Health and Town Planning Legislation', *The Journal of Southern African Studies*, vol. 19, no. 3, 1993, p. 473
[89] Posel, *The Making of Apartheid,* p. 39
[90] Maylam, 'The rise and decline', p. 66
[91] Evans, *Bureaucracy and Race,* p. 31
[92] Ibid, p. 26
[93] Bodies which would contain a number of elected African officials able to discuss local issues with the City Council. They were often denied a serious hearing and had no power over policy.
[94] In order to avoid unnecessary confusion I will use NEAD (general) and JNEAD (Johannesburg) for the remainder of this dissertation.

link between local authorities and the NAD.[95] The Act also required municipalities to establish Native revenue accounts into which income from rents, fees, fines and beer hall sales would be paid.[96] Expenditure to the Native revenue account could only be charged with the approval of the Minister.[97] This system emerged from the principle that African communities should be self financing although some municipalities including Johannesburg subsidised the account from the general rates fund for a number of years.[98]

According to Maylam, the short term significance of the 1923 Act was limited. This was mainly due to the fact that most of its provisions were discretionary.[99] Many local authorities did not establish NEADs or Advisory Boards (or at least did so belatedly) and influx control measures were not widely initiated – only eleven towns had utilised the power of the Act in this regard by 1937.[100] Under the Act, once a Council had obtained a proclamation from the central government applying to the whole or part of the municipal area it could compel all Natives found within the proclaimed area to reside in locations, municipal villages or hostels provided by the council or on their employers' premises.[101] The vast majority of local authorities did not request proclamations[102] as they lacked the resources for implementation or opposed the Act on ideological grounds.[103] The NAD hesitantly reached the conclusion that effective control over the lives of urban Africans could only be achieved if local authorities utilised the powers of the 1923 Act. For the first time talk of compelling local authorities to take action began to emerge.[104]

In addition to the underutilisation of the Act, the legislation contained a number of loopholes in its influx control provisions. As there was no prohibition on entry to an urban area, it was

[95] Evans, *Bureaucracy and Race*, p. 33
[96] Local Authorities were granted the monopoly over the brewing and sale of African beer.
[97] W. J. P. Carr, *Soweto - Its creation, life and decline,* South African Institute of Race Relations, Johannesburg, 1990, p. 17
[98] Maylam. 'The rise and decline', p. 66
[99] Ibid
[100] Ibid
[101] J.P.R. Maud, *City Government - The Johannesburg Experiment,* Clarendon Press, Oxford, 1938, p. 102
[102] Even in cases where local authorities requested proclamations there were obstacles. The JCC successfully petitioned for a proclamation of its entire municipal area but in 1927 the courts found the proclamation invalid because the Council could not provide sufficient alternative accommodation for Africans that would be displaced. The Council was obliged to select smaller areas for clearance and have them proclaimed one at a time. The whole of Johannesburg (except Sophiatown, Martindale and Newclare) was eventually proclaimed in 1933. An amendment to the act in 1930 had made this possible.
[103] Posel, *The Making of Apartheid,* p. 41
[104] Evans, *Bureaucracy and Race,* p. 46

only after a workseeker failed to find employment within fourteen days that his presence became illegal. The task of enforcing the system became incredibly difficult and expensive.[105] The Act also only concentrated on males, leaving women and children free to enter an urban area. This compromised the principle that 'surplus' Africans should not be permitted into urban areas.[106] Subsequent amendments to the Act attempted to close these loopholes.

The 1937 Amendment to the Urban Areas Act took a far more aggressive Stallardist line, significantly strengthening influx control provisions and eroding municipal autonomy.[107] Workseekers were refused entry into a town if there was a surplus of labour while at the same time the control over labour leaving rural areas was strengthened. Labour tenants now had to provide proof that they had been released by a landowner before a contract could be registered and women had to obtain certificates from Native Commissioners in their home districts before being allowed to enter a proclaimed area. Stricter penalties would also be placed on employers who introduced workers to an area illegally.[108]

The Act reemphasised the NAD's control over policy and its statutory dominance over local authorities. The Minister was given the power to compel a recalcitrant municipality to implement any section of the Act or have the section executed by his Department at the municipality's cost.[109] Evans maintains that the Act brought a new discourse to Native affairs built around technical information, centralisation and bureaucratic hierarchy.[110] Officials within the NAD were divided over the merits of the Act and therefore failed to oversee its implementation in a consistent way.[111] Many liberal officials, opposing the Stallardist influence, resisted the implementation of the Act.[112]

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[105] Posel, *The Making of Apartheid,* p. 41

[106] Municipalities could argue that the task given to them had been made an impossible one by the general policy of the Union Government. This included heavy taxation on Africans in reserves, insufficient land and neglect of the reserves, inadequate control over Africans on the outskirts of urban areas, the policy of replacing Africans with Europeans on the railways and in industry. These elements contributed significantly to the influx of Africans. (Maud, *City Government, p. 103)*

[107] Posel, *The Making of Apartheid,* p. 43

[108] Hindson, *Pass Controls,* p. 45

[109] Maylam, 'The rise and decline*',* p. 67

[110] One of the provisions was for municipalities to conduct a census of the urban African population every two years.

[111] Posel, *The Making of Apartheid,* p. 44

[112] Evans, *Bureaucracy and Race,* p. 51-53

Maylam emphasises that the real significance of the Native (Urban Areas) Act lay in its broader long term affects. It provided the framework on which subsequent legislation and policy was built and contained the nascent principles of urban apartheid practice including segregation (and the subsequent practice of forced relocations), influx control mechanisms, a self financing system and an institution for the potential cooptation of potential collaborators. In 1944, the Housing Amendment Act set up the National Housing and Planning Commission. Maylam shows how this body was empowered to directly intervene in housing policy, further eroding municipal autonomy. The following year all legislation governing urban Africans was consolidated in a new Act which strengthened the power of central government and tightened influx control measures.[113] As briefly shown above, legal mechanisms were intensified and refined so that by the time the NP came to power the machinery for regulating and controlling the movement and daily lives of urban Africans was in place.[114]

The Anatomy of the Johannesburg Non-European Affairs Department

From a relatively straightforward administrative task confronting the JNEAD in the pre-war years, one of the most complex situations confronting any local authority in the world developed.[115] The huge industrial growth of Johannesburg and the rapid increase in the size of the urban African population meant that already stretched resources became completely swamped. Immense housing and other socio-economic problems emerged in the late 1940s and it was estimated that over fifty thousand African families were living in appalling conditions. In order to bring the urban African population under state control, a vast array of legislation was placed on the statute books during the early years of Nationalist rule.[116] It is in this context that JNEAD's phenomenal growth in size and complexity must be seen.[117]

At its inception in 1927 the Department consisted of a Manager, four clerks and a typist as well as a handful of superintendents in the field. By the early 1970s, shortly before the West Rand Administration Board (WRAB) took over from the JCC, the JNEAD was an enormous

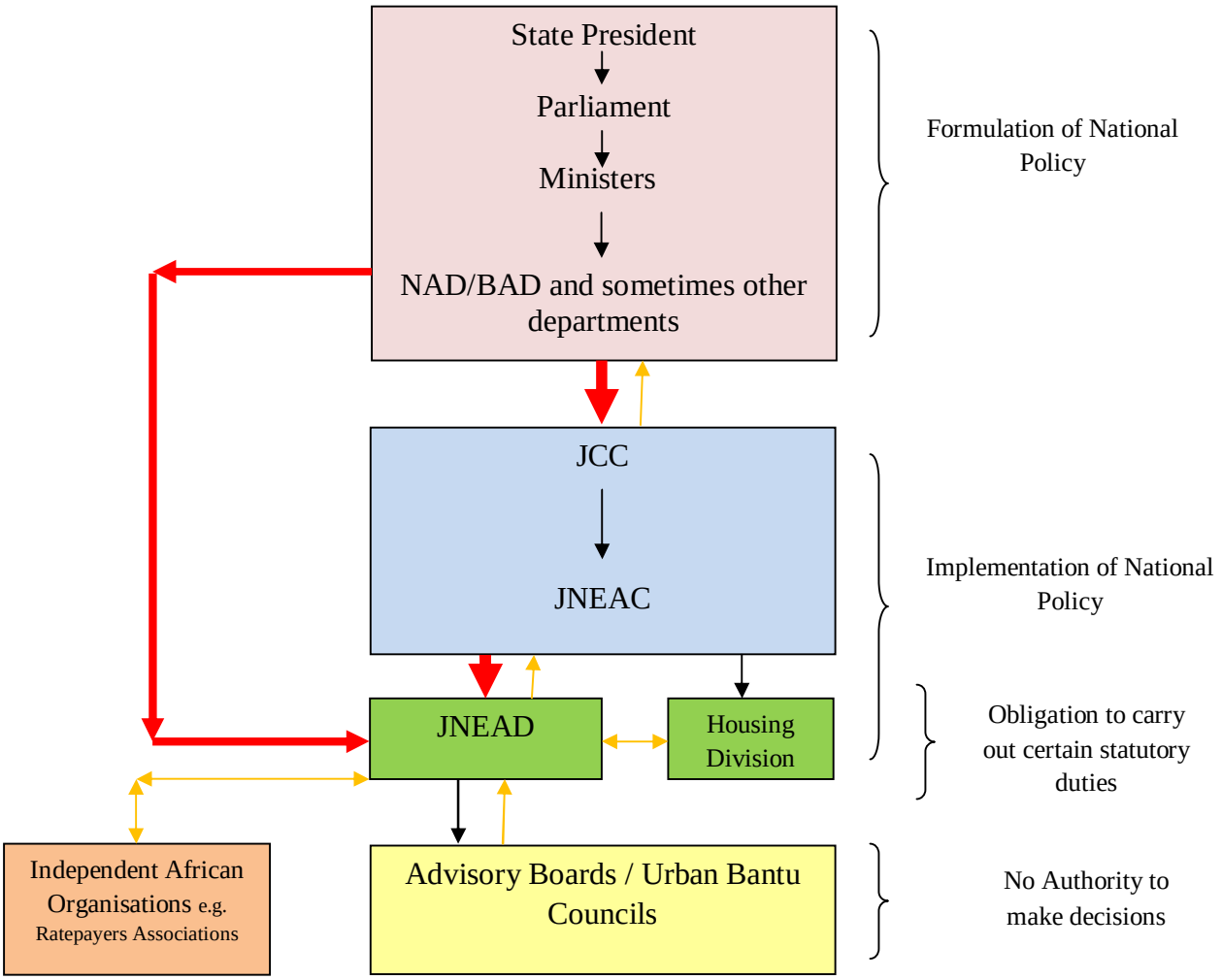
[113] Maylam, 'The rise and decline', p. 67
[114] Ibid, p. 67
[115] Archives of the University of the Free State (AUFS), Private Papers of WJP Carr (WJPC), PV423, 1/13/1/1, Vol 9. A Draft Review of the Growth of the JNEAD compiled by Patrick Lewis, Unknown date (approximately June 1959)
[116] Amendments of the Native (Urban Areas) Consolidation Act; Natives (Abolition of Passes and Coordination of Documents Act) 1952; Native Services Levy Act 1952; Native Building Workers Act of 1951; the Native Labour (Settlement of Disputes Act, 1953 etc.
[117] Liberal Administrators also hoped to improve the fortunes of desperate communities.

organisation employing approximately three and half thousand people[118] and overseeing almost every aspect of urban African life.[119] Department officials were involved with the employment, registration, residence, welfare and recreation of urban Africans presenting a daily situation of complexity and difficulty.[120]

The Manager of the Department operated in a highly ambiguous and potentially volatile space. On the one hand he was licensed by the Minister of Native Affairs and expected to implement government policy while on the other he was employed by the JCC and required to operate through the channel of the Johannesburg Non-European Affairs Committee (JNEAC). In situations where there was agreement between central government and the JCC the process could be expected to run relatively smoothly but if there was friction, the job of JNEAD Manager could be one of the most difficult in the country.[121] If the Minister felt that government policy in the field of Native affairs was not being followed he had the power to take the dramatic step of withdrawing an official's license and depriving him of his livelihood.[122]

Adding another layer of complexity to the situation was the JNEAD's responsibility for day-to-day liaison with the Advisory Boards and after 1968 the Urban Bantu Councils (UBCs). Once a month the Manager also chaired the Joint Advisory Board where policy measures, legislation, regulations and any issues that affected the African population were discussed. [123] While taking Advisory Board complaints and suggestions seriously he also had to communicate and enforce highly unpopular government policies and regulations. If there was disagreement over a particular issue, the Manager faced the unenviable prospect of being pressured by up to four sources: the NAD, the JCC, the Advisory Boards and independent African organisations (see diagram below).

[118] A Manager, deputy manager, five assistant managers, almost 500 'European' employees and over 3000 'Non-European' employees.
[119] AUFS, WJPC, PV423, 1/13/4/1, Vol 2, Lecture titled 'A City within a City – the Creation of Soweto', delivered by Patrick Lewis to the University of the Witwatersrand, 1966
[120] AUFS, WJPC, PV423, 1/13/1/1, Vol 9, A draft review of the growth of the JNEAD compiled by Patrick Lewis, Unknown date (approximately June 1959)
[121] The Manager also had certain statutory duties to fulfil. He was able to use his own discretion and was not subject to instructions from anybody.
[122] Misinterpretations of the flow of authority will be a central theme throughout this dissertation. See Chapters 2-4 in particular.
[123] A committee where all Advisory Boards were represented.



Black Arrows: Flow of Authority

Thick Red Arrows: Flow of Authority indicating Pressure

Orange Arrows: Communication/Consultation Lines without Authority

Figure 1: The Flow of Authority, Communication and Pressure

The department was to a large extent a self-contained organisation although other departments such as the Treasury, City Engineer and Health Department established divisions concerned with urban African affairs. Officials at the JNEAD were in daily contact with their counterparts at the NAD/BAD as well as other government departments regarding a multitude of administrative, financial and legal issues. The Manager of the JNEAD and the Chairman of the NEAC were also in daily contact. It was essential for these two men to cultivate a healthy working relationship in order to maintain high standards of service

delivery. The JNEAD at all times remained the coordinating body for policy implementation and planning.[124]

While the structure of the JNEAD changed over time it is possible to make a few general observations regarding its core duties and functions. The section below will consider the following: Head Office administration; public relations and the provision of information; research; township administration; registration, employment and inspection; the production and sale of African beer and 'European' liquor; and the provision of welfare, recreation and community services. It will also include a brief description of the City Council's Housing Division - established in 1954 to tackle the housing crisis.[125]

On the 1 June 1954, the JNEAD took occupation of its new administrative headquarters located at 80 Albert Street on the south eastern side of the Johannesburg Central Business District. The building became the nerve centre of Native administration in the city for over three decades as well as a symbol of the authorities' response to rapid African urbanisation.[126] From this command centre, highly qualified and experienced Head Office administrators engaged in strategic, financial and infrastructural planning. They also performed human resource and office management functions and aspired to play a guiding and coordinating role for all other divisions.[127]

The Head Office administration was responsible for maintaining relationships with other Council and Government departments. The City Treasurer stationed an accountant at the Albert Street offices to control all financial matters relating to the department while the Clerk of the Council assigned a legal assistant and a committee clerk to deal with all concerns pertaining to the JNEAC. The City Engineer and the Manager worked closely together to plan townships and develop services, and effective collaboration with the Medical Officer was vital for the provision of staff and clinics throughout the African areas. Close cooperation with the council's specially formed Housing Division was also a high priority as the city made a determined attempt to tackle the huge housing backlog in the mid to late

[124] AUFS, WJPC, PV423, 1/13/1/1, Vol 9, A draft review of the growth of the JNEAD compiled by Patrick Lewis, Unknown date (approximately June 1959)
[125] With the formation of this division the JNEAC became the Johannesburg Non-European Affairs and Housing Committee.
[126] The Head Office of the West Rand Administration Board replaced the JNEAD in the early 1970s.
[127] 80 Albert Street also provided facilities for the registration, employment and inspection functions which will be discussed shortly.

1950s.[128] Contact was also maintained with important outside organisations such as the Institute of Administrators of Non-European Affairs (IANEA)[129], the South African Bureau of Racial Affairs (SABRA), the South African Institute of Race Relations (SAIRR), the railways administration and a number of Universities.[130]

The demand for tours of the African areas and the need to publicise the activities of the JNEAD necessitated the appointment of a full-time information officer in March 1959.[131] By the early 1970s the number of European visitors to Soweto had exceeded a thousand per month and almost every conference of any importance included requests for most if not all delegates to be taken on a tour. Through the powerful network of relationships maintained by the JNEAD, many influential people from around the world visited Soweto and were exposed to the 'achievements' of the JNEAD.[132] The information officer initiated contact with the press - all daily and Native newspapers and periodicals in Johannesburg - and disseminated regular updates in an effort to reduce what officials in the department perceived as ill-informed criticism. In addition to this a significant portion of all news bulletins broadcast on Radio Bantu in the 1960s dealt with the activities of the JNEAD.[133]

The information section was also responsible for the printing of brochures dealing with a wide range of subjects from housing and welfare to employer-employee relations. The brochure 'Thousands for Houses' which documented the positive aspects of the JCC's massive housing programme in the 1950s required a number of print runs to keep up with demand from the Central Government. It appears as if it was used for propaganda purposes with the Department of Information ordering a thousand copies for its offices in the United States and another thousand for its offices around the world. Another successful publication was the advice booklet 'Your Bantu Servant and You' which was handed out to employers at the European counter of the Registration Branch at 80 Albert Street. It contained recommendations on how to treat employees compassionately and sensitively in an effort to

[128] See brief section towards the end of this chapter.
[129] The Head Office Manager was always a member of the executive committee.
[130] Carr, *Soweto,* p. 170-171
[131] University of the Witwatersrand Historical Papers (UWHP), Private Papers of PRB Lewis (PRBL), A1132, Ea26, A pamphlet compiled by WJP Carr describing the activities of the Non-European Affairs Department, February 1964
[132] AUFS, WJPC, PV423, Notes compiled by WJP Carr on the activities of the JNEAD for the Chairman of the Management Committee, 24 January 1962
[133] Ibid

improve race relations. It also provided an easy to understand explanation of the correct processes to be followed when dealing with the Labour Bureau.[134]

The Research section of the Department was closely integrated into the Head Office administration and conducted a wide range of surveys and investigations into the lives of urban Africans and trends in urban African administration. At various times this section provided key information regarding family size, occupations, wages, social condition etc. It also attempted to forecast population growth patterns and housing requirements. This information was invaluable to the Manager of the JNEAD as well as other council departments for planning and policy purposes.[135]

The frontline administration of urban African life was the responsibility of township superintendents. They had jurisdiction over an area of approximately two to three thousand households and, as with all JNEAD officials, were expected to implement government policy and regulations. Superintendents were responsible for maintaining law and order, collecting rents, allocating welfare services, providing information and advice, and settling disputes within the community. They also had the power to allocate trading sites and demolish illegal structures. The township superintendent was the chairman of the local Advisory Board and was required to keep 'Head Office' informed of progress regarding service delivery as well as any significant issues that could affect the stability of the community. As the JNEAD expanded rapidly in the 1950s and 1960s so did the superintendent's staff of African clerks. These clerks acted as the eyes and ears of the Department and played a key role in ensuring that the local office ran smoothly.[136] At times, superintendents were placed in difficult and frustrating positions when communicating government policy to communities on the ground.[137]

Local authorities were compelled to consult with Advisory Boards before any regulation affecting the township could be made, amended or withdrawn. Lewis argues that the JNEAD always took the boards and the principle of consultation very seriously. He believed that the relative success that Johannesburg achieved was a result of the degree or recognition afforded

[134] AUFS, WJPC, PV423, Notes compiled by WJP Carr on the activities of the JNEAD for the Chairman of the Management Committee, 24 January 1962
[135] Carr, *Soweto,* p. 170
[136] Superintendents' offices were placed physically in their area of jurisdiction.
[137] Carr, *Soweto*, p. 173

to the boards and the sincerity with which its deliberations and recommendations were treated. Advisory Board members in Johannesburg received a generous stipend, were given recognition and provided with training in the art of local government particularly financial management. Once a month all the boards would meet as a single Joint Advisory Board under the chairmanship of the Manager. A whole range of issues were discussed including policy measures, legislation and regulations. Officials from other Council and Government departments attended these sessions when issues affecting their departments were discussed.[138] Despite the best efforts of officials like Carr and Lewis the Advisory Board system was often perceived as nothing more than a grievance committee with no real powers.[139]

The Registration Branch of the Department was responsible for influx control and the employment of Africans through the operation of a number of labour bureaus. The Branch worked closely with the Inspectorate which was responsible for monitoring the behaviour of employers and employees and encouraging them to comply with the relevant regulations laid down by the state.[140] The legislative foundations for the work of the Registration Branch in the first phase of apartheid were laid between 1948 and 1953. The 1952 Native Laws Amendment Act was a key piece of legislation in this regard and while Section 10 was notoriously restrictive it did allow for the continuous growth of the urban African population by protecting Africans from removal if unemployed.[141] The Act nevertheless considerably tightened influx controls and sparked the creation of this large and complicated branch of the JNEAD.[142]

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[138] AUFS, WJPC, PV423, 1/13/4/1, Vol 2, Lecture titled 'A City within a City – the Creation of Soweto', delivered by Patrick Lewis to the University of the Witwatersrand, 1966

[139] It is important to note that a number of credible African leaders, including prominent ANC officials, served on Advisory Boards in the 1950s. They considered the Boards useful platforms for the articulation of grievances and for legal and political mobilisation.

[140] UWHP, PRBL, A1132, Ea26, A pamphlet compiled by WJP Carr describing the activities of the Non-European Affairs Department, February 1964

[141] Posel shows how parliamentary and extra-parliamentary opposition forced Verwoerd to make a number of concessions which introduced loopholes and contradictions into the Act. Faced with strong pressure to ease conditions for residential rights and eager to get the Act approved as soon as possible with minimal debate, Verwoerd agreed to revise Section 10. The final version prevented an African from staying in an urban area for more than seventy-two hours unless: a) he had been born and permanently resided in the area; b) he had worked continuously for one employer for ten years or more or had proof of having lived in the area continuously for more than fifteen years; or c) was the wife, unmarried son or daughter of an African qualifying in terms of section a or b above. Africans who did not fall into any of these categories had to register as workseekers with the local labour bureau.

[142] AUFS, WJPC, PV423, 1/13/1/1, Vol 9, A draft review of the growth of the JNEAD compiled by Patrick Lewis, Unknown date (approximately June 1959)

The Registration Branch was inaugurated on 1 July 1953 when the Council took over control of the registration of service contracts and the operation of a male labour bureau from Central Government despite heated debate within the council (mainly over financial issues).[143] Between August and December 1953 around two hundred and eighty thousand reference books were issued to African Males from temporary rented premises while the JNEAD's new Head Office was being constructed. The huge workload experienced in these early months led to the JCC approving extensions to 80 Albert Street while it was still under construction.[144]

The law required all workseekers and employers to refer their requirements to the local labour bureau. If there was a shortage of labour in any area, permission could be granted by the government for 'outsiders' to enter under a permit system.[145] The Registration Branch provided information regarding the labour position of the city as well as key details of wages paid in different industries. This information was vital for planning housing schemes in the city and it was therefore important for the Branch and the council's housing division to work closely together.[146]

No African could be certified for work unless declared medically fit which required a medical examination consisting of a general physical inspection and a chest X-ray to test for Tuberculosis. Vaccinations against smallpox were carried out and in some case blood tests for typhoid and venereal disease were conducted.[147] The JNEAD offered one free medical examination per worker per year and the information section of the Department actively encouraged employers to make use of this service. In 1960 almost one hundred thousand examinations were carried out.[148]

On 9 January 1959 labour regulations were made applicable to women. The legislation had been in place since 1952 but had not been enforced for political and administrative reasons. Temporary arrangements were made for operations to be carried out at 80 Albert Street while

[143] Carr, *Soweto,* p. 170
[144] Johannesburg Public Library Archives (JPLA), Johannesburg City Council Minutes (JCCM), Report of the JNEAC, 30 March 1954
[145] UWHP, PRBL, A1132, Ea26, A pamphlet compiled by WJP Carr describing the activities of the JNEAD, February 1964
[146] Ibid
[147] UWHP, PRBL, A1132, Ed17, Overview of the Native Registration Depot for Males, Unknown date (approximately the second half of 1960)
[148] Ibid

facilities at 1 Polly Street around the corner were prepared. The female labour bureau was officially opened on 1 March 1959 and a medical examination and X-ray unit came into operation in 1961.[149] The Registration Branch also opened a juvenile employment bureau as the main labour bureau had found it difficult on the one hand to persuade employers to employ youths willing to work and on the other to persuade youths to accept employment. The opportunity to reduce crime and vagrancy in the city was another motivation for the introduction of this section.[150] By the end of 1961 the juvenile employment bureau had placed over six thousand young men[151] and around three hundred young women.[152]

The administration and legislation affecting the presence of Africans in Johannesburg was complex and seldom understood by employers and employees. Reference books were often deliberately lost or damaged by Africans while employers regularly disregarded what they perceived as an irritating and frustrating bureaucracy. One of the strategies to improve compliance was the establishment of the Inspectorate Division. Inspectors were sent to flat premises to scrutinise African living quarters to prevent overcrowding and checked on employers who had defaulted on their services levy or services contract payments.[153] The general practice, however was to warn and assist employers rather than issue summonses. At the height of its activities the Branch conducted over eight thousand routine inspections of employers' premises per year and around ninety special evening and night inspections planned in conjunction with the South African Police.[154] Despite these efforts the Inspectorate was plagued by capacity issues and many transgressions were overlooked, ignored or missed altogether.[155]

The fraudulent alteration of registration documents became a major problem in the 1950s and 1960s. The use of official rubber stamps stolen from Albert Street resulted in thousands of Africans obtaining forged documents. Many enterprising individuals made a tidy profit from

[149] UWHP, PRBL, A1132, Ed7, Statement made by the Chairman of the JNEAC on the reorganisation necessary in the JNEAD. Unknown sate (approximately January 1959)
[150] UWHP, PRBL, A1132, Ea26, A pamphlet compiled by WJP Carr describing the activities of the Non-European Affairs Department, February 1964
[151] Between the ages of fifteen and eighteen
[152] UWHP, PRBL, A1132, Ea62, Fact Sheets regarding the structure and operations of the JNEAD, 12 October 1972
[153] A brief description of the levy will appear in the overview of the Housing Division below
[154] The Inspectorate played a key role in the implementation of the 'Locations in the Sky' Legislation
[155] UWHP, PRBL, A1132, Eb8, Inquiry into the extension of Johannesburg's Municipal Borders, statement of evidence by WJP Carr, 29 November 1965

this black market activity. In order to combat the illegal practice the South African Police strengthened a special unit based in Auckland Park and asked for experienced inspectors from the JNEAD to be made available. W. J. P. Carr obliged immediately and even applied for further positions to be created.[156] Two inspectors were also permanently based at John Vorster Square[157] to assist in the ongoing battle against the illegal trade.[158]

In December 1937 the JCC decided to exercise its powers under the 1923 Native (Urban Areas) Act to brew and sell African beer. The delay was largely due to a number of financial and moral concerns within the council. The JNEAD established a separate branch to control the entire enterprise from the construction and operation of breweries to the distribution and sale of product in beer halls and beer gardens around the city and African areas. From the late 1930s until the mid 1960s the municipal monopoly on African beer generated profits of over eighteen million rand. Two thirds of the profits could be used to off-set losses from housing schemes while the remaining third could be spent on any service to improve the social or recreational amenities in an African area.[159] While the beer monopoly was certainly controversial, it is very difficult to see how housing and community services could have been provided without this valuable source of income. In 1962 the JCC received an additional boost in income when it was granted the monopoly over the sale of 'European' liquor to Africans.[160] Twenty percent of the profits which amounted to over two hundred thousand rand in 1965 were retained by the council and the remaining eighty percent was paid over to the BAD.[161] Lewis highlights how this move made the much hated raids to detect illegal liquor obsolete and improved the relationship between Africans and the police considerably.[162]

[156] UWHP, PRBL, A1132, Eb8, Inquiry into the extension of Johannesburg's Municipal Borders, statement of evidence by WJP Carr, 29 November 1965
[157] Johannesburg's central Police Headquarters
[158] UWHP, PRBL, A1132, Ea62, Fact sheets regarding the structure and operations of the JNEAD, 12 October 1972
[159] AUFS, WJPC, PV423, 1/13/4/1, Vol 2, Lecture titled 'A City within a City – the Creation of Soweto', delivered by Patrick Lewis to the University of the Witwatersrand, 1966
[160] 'European' liquor included branded beer, wine and spirits (everything outside 'traditional' African beer and illegal brews)
[161] A large portion of the BAD's share was allocated to Homeland development
[162] The Liquor Laws before this time were considered unjust and highly discriminatory. Continuous raids and the many arrests for liquor violations created significant tensions between the urban African population and the Police

In 1938, with the profits from beer sales flowing into the Native Revenue Account, the JNEAD was able to establish a welfare section which endeavoured to assist families in need by providing food, clothing and in some cases cash grants. Over the decades the number and diversity of services provided to African communities increased spectacularly driven by the council's belief that without the social development of the community modern housing could deteriorate into slums. This required a simultaneous increase in the organisational capacity of the Recreation and Community Services Branch. By the mid 1960s this branch had over seven hundred employees and an annual budget in excess of a million rand.[163]

The recreation sub-section of the Branch provided a wide range of sporting and entertainment facilities including football fields, tennis courts, swimming pools, golf courses, playgrounds and venues for film screenings and general entertainment. Department officials helped to organise school sporting leagues, adult football leagues and evening clubs for men to partake in boxing, weightlifting and bodybuilding. They even managed to arrange a few trips to the beach for small groups of children. Lewis believes that these facilities and services played a significant role in reducing community tensions by providing a 'healthy outlet for their energies'.[164] The JNEAD's ability to maintain the quality and extent of these services was severely constrained during the 1960s as Government approval and loans were hard to come by. The horticultural sub-section of the Branch aimed to beautify the townships by planting trees along the main streets. At the height of its activities over ten thousand trees were planted per year.[165] Officials also encouraged residents to establish private gardens by running competitions and vegetable shows.[166] The Branch actively encouraged the pursuit of the arts. Music, dancing, ballet and painting were taught amongst others. The renowned artist Cecil Skotnes was in charge of the art centre located on Polly Street for many years.[167]

A final community service worth mentioning was the operation of the Vocational Training Centre (VTC). It was registered with the Department of Education but managed by the Head Office Administration of the JNEAD. The Centre was one of the measures devised to combat

[163] AUFS, WJPC, PV423, 1/13/4/1, Vol 2, Lecture titled 'A City within a City – the Creation of Soweto', delivered by Patrick Lewis to the University of the Witwatersrand, 1966
[164] Ibid, p. 41
[165] The motive in this regard may have been questionable. The more attractive the townships looked the easier it would be to sell their existence to a cynical outside world.
[166] UWHP, PRBL, A1132, Ea26, A pamphlet compiled by WJP Carr describing the activities of the Non-European Affairs Department, February 1964
[167] AUFS, WJPC, PV423, 1/13/4/1, Vol 2, Lecture titled 'A City within a City – the Creation of Soweto', delivered by Patrick Lewis to the University of the Witwatersrand, 1966

juvenile delinquency during and after the Second World War and in its first year admitted forty students.[168] By the mid 1960s over one hundred and eighty young men were enrolled and on average fifty-eight students qualified each year as artisans in terms of the Bantu Building Workers Act.[169] The courses offered at the centre, at various times, included carpentry, plumbing, electrical wiring, motor mechanics and tailoring. After successfully completing a course many artisans were absorbed into various Council Departments including the Housing Division.[170]

As mentioned above, Johannesburg experienced a severe housing crisis in the aftermath of the Second World War as local authorities, the NAD and employers attempted to avoid the financial burden of providing African housing. Losses borne by the Council and the Central Government reached nearly six hundred thousand rand a year by 1952 resulting in the Council's building programme coming to a virtual standstill. As conditions within and surrounding Johannesburg deteriorated an urgent solution was needed. C.S. Goodman, Johannesburg's Chief Housing Engineer in the late 1960s, identified three key breakthroughs that allowed the JCC to tackle the housing backlog. Firstly, the passing of the 1951 Native Building Workers Act which allowed the Council to train and employ African artisans lowering the cost of housing significantly. Secondly, the introduction of the Native Services Levy Act in 1952 which required all employers of African labour to pay a weekly sum for each employee they did not house. This money was placed in a fund earmarked for the provision of bulk services in the townships again reducing housing costs dramatically.[171] The last breakthrough was the introduction of Site and Service schemes from 1953 which required municipalities to provide forty by seventy foot sites supplied with basic services on which African families could build temporary shelters.[172] These shelters had to be built at the back of the site leaving the front available for the construction of a permanent home.[173] Verwoerd encountered considerable resistance to the idea and had to use his Ministerial powers and in

[168] The VTC was opened in 1942
[169] AUFS, WJPC, PV423, 1/13/4/1, Vol 2, Lecture titled 'A City within a City – the Creation of Soweto', delivered by Patrick Lewis to the University of the Witwatersrand, 1966
[170] UWHP, PRBL, A1132, Ea62, Fact sheets regarding the structure and operations of the JNEAD, 12 October 1972
[171] Unsurprisingly employers opposed this Act and complained bitterly once it was implemented.
[172] Approximately thirty five thousand sites were provided and by 1967 only sixty eight shacks remained.
[173] UWHP, PRBL, A1132, Eb5, Highlights of the Housing Division compiled by CS Goodman, Unknown date (approximately late 1967)

some cases threats and ultimatums to push the policy through.[174] The following comments from Dr Ellen Hellmann of the SAIRR reveal the ultimate success of the site and service scheme:

> Many of us at the time viewed the scheme with misgivings fearing the emergence of new slums with the temporary shacks becoming permanent. It is a pleasure to record that these fears proved unfounded.[175]

These measures allowed the JCC to create a formidable building machine that, at its height, completed over nine thousand houses in a year (1958-1959).[176] From the early 1960s, however, activities in the Housing Division were curtailed due to limited government funding and the slow approval of housing schemes. This was in line with the Central Government's push to realise the Stallardist goal of reducing the urban African population to an absolute minimum. Instead of houses being built in Soweto the JCC was encouraged to finance houses in suitably placed homelands.[177]

* * *

As the 1950s unfolded the increasing power and reach of the Nationalist State triggered a number of disputes between the NAD and the UP dominated JCC. Chapter Two will explore three of these high profile struggles.

[174] The JCC had to be pressured into implementing site and service schemes. Although the Council and BAD were in broad agreement on the general principles of the idea, significant differences regarding implementation emerged.
[175] AUFS, WJPC, PV423, 1/6/2/1, Vol 4, Speech by Dr Ellen Hellman to the South African Institute of Race Relations, 13 April 1967
[176] This is a significant date as the NAD was able to use this 'building machine' and the construction of Soweto as the ultimate bargaining chip in its demand for assurances in late 1958. See Chapter Three for details.
[177] UWHP, PRBL, A1132, Eb5, Highlights of the Housing Division compiled by C.S. Goodman. Unknown date (approximately late 1967)

Chapter Two: Power Struggle

During the 1950s a dramatic power struggle developed between the JCC and the NAD over the formulation and implementation of Apartheid policy. The rising tensions between the two levels of government became evident in a number of high profile and overlapping skirmishes which had a profound effect on the administration of African affairs in the City. As the National Party expanded its capacity to govern and improved its electoral position, the NAD was able to step up the pressure on the recalcitrant JCC and ultimately bring it to heel in an intense showdown towards the end of the decade.

In this chapter I will trace the evolution of three key disputes between the Council and the State during the 1950s: firstly, the battle over freehold rights during the negotiations over the Western Areas Removal Scheme; secondly, the conflict over the NAD's policy of ethnic grouping in Johannesburg's African townships and lastly, the clash over the drafting and carrying out of the 'Locations in the Sky' legislation.[178] Throughout the chapter the following key themes shaping the relationship between the JCC and NAD will be emphasised: 1) the Council's frequent refusal to acknowledge its statutory duty to implement government policy in the field of African affairs; 2) the Council's persistent emphasis that the unique situation in Johannesburg demanded a flexible policy approach taking into consideration local conditions; 3) the NAD's use of threats and ultimatums – funding withdrawal and the appointment of alternative bodies to carry out Council obligations - to compel the JCC to cooperate; 4) the role of party politics in driving disagreements; 5) the defectiveness of existing communication channels creating an atmosphere of mutual mistrust and 6) the general disregard of African opinion by the NAD and to a lesser extent the JCC.

Freehold Rights and the Western Areas Removal Scheme

The conditions in the freehold areas of Sophiatown[179], Martindale and Newclare – commonly referred to as the Western Areas – deteriorated sharply during and after the Second World War as a result of the rapid influx of Africans to Johannesburg. Despite this, the Western

[178] There were a number of additional disputes that occurred during this period including the clash over the principle that African Institutions should be self financing and the quarrel over the planning and implementation of site and service schemes. The fact that these have not been included should not in any way reduce their significance. I hope that future researchers may consider adding detail and analysis.

[179] In 1905 Mr H Tobiansky, the township owner, decided to sell land to Africans as he was unable to attract sufficient white buyers. Many African owners struggled to keep up with the monthly payments and decided to build rooms at the back of their property to rent out and raise much needed cash. Sometimes as many as five or ten rooms would be squeezed onto one property without additional services.

Areas remained highly attractive for newcomers largely because they fell outside of municipal control and were in close proximity to town. By the mid to late 1940s, the demand for accommodation exceeded supply and approximately forty-six percent of Johannesburg's non-compound African population called the Western Areas home including a small section of relatively prosperous residents with freehold tenure.[180]

In the late 1930s the sanitary and political threat posed by overcrowding in the Western Areas led to calls from politicians and white residents in the surrounding suburbs for the removal of the black freehold suburbs.[181] The JCC supported the removals in principle and drafted a number of plans[182] but these never reached the implementation stage largely due to the huge financial cost of resettling tens of thousands of people.[183] A number of alternative solutions including upgrading the area to improve conditions and reducing overcrowding by removing some residents were raised but it appears as though pressure from white ratepayers and a political desire not to give the impression of being weak on segregation issues led the Council to favour complete removal.

The issue was revived in late 1949 when the Minister of Native Affairs, Dr E.G. Jansen, acting in response to vociferous representations made by a white deputation, enquired as to what action the Council intended to take in the immediate future.[184] The Council responded by forming a special sub-committee to investigate the matter and engage with NAD officials. Carr provides the following description of these early discussions:

> A number of joint meetings were held and broad agreement was reached. The council would conduct a detailed survey and would then carry out the actual removal, as well as build the necessary houses at Meadowlands – the area found to be most suitable – while the government would smooth out

[180] S. Parnell, 'The ideology of African home ownership: the establishment of Dube, Soweto, 1946-1955', paper delivered to the History Workshop, University of the Witwatersrand, 1990, p. 6

[181] W. J. P. Carr, *Soweto - Its creation, life and decline,* South African Institute of Race Relations, Johannesburg, 1990, p. 85-86

[182] Johannesburg Public Library Archives (JPLA), Collection of Johannesburg City Council Minutes (JCCM), 9 December 1952, Excerpt from a letter from the African Anti-Expropriation Ratepayers and Proper Housing Movement to the Town Clerk, 1 April 1952

[183] Carr, *Soweto,* p. 85

[184] JPLA, JCCM, 9 December 1952. Excerpt from a letter from the African Anti-Expropriation Ratepayers and Proper Housing Movement to the Town Clerk, 1 April 1952

> difficulties in acquiring the land, and would grant loans for the work of resettlement.[185]

The Council secured the cooperation of African interests and carried out the survey with financial assistance from the Government.[186] The results of the survey enabled the negotiating parties to refine their positions and at a highly significant meeting on 7 May 1952, they reaffirmed their agreement on the vast majority of issues. The Council continued to endorse the removals in principle while the Government committed to finance the scheme.[187] The NAD would now be responsible for the transfer of natives to the new area – a shift from the earlier broad agreement – while the Council through the JNEAD would be responsible for the planning of the new townships and eventually for their administration and control. Both parties agreed that adequate health, transport, welfare and recreational facilities would be provided in the new areas. Despite the broad consensus, one significant point of difference emerged and endured for the duration of the negotiations: the question of full freehold title compensation for those owners who legally enjoyed freehold title in the areas concerned.[188] Council officials made robust representations on this point but the most Hendrik Verwoerd, who had replaced Jansen as Minister of Native Affairs in 1950, was prepared to offer was ownership on a thirty year leasehold basis. In an attempt to compel the Council to comply with his version of the scheme the Minister issued a powerful warning reflected in the following excerpt from a summary of the meeting:

> ...it will be observed that the only major point of difference between the Council and the Government arises from the Government's refusal to allow freehold title and in lieu thereof it has offered a thirty year lease basis in the new township. The Minister is adamant on this point, and states that if the Council is not prepared to proceed with the scheme as outlined by him, the

[185] Carr, *Soweto,* p. 86

[186] In 1952 Dr A.B. Xuma argued that Council officials had misled African representatives as to the true purpose of the survey. This will be dealt with in more detail later in the chapter.

[187] When the Government agreed to finance the scheme a major obstacle to Council involvement was removed.

[188] National Archives Pretoria (NAP), Public Records of Central Government (SAB), File 51/313 N, Summary of an agreement between the JCC and NAD from a 7 May 1952 meeting between Council and Government officials

> Government intends to carry out the scheme itself and to debit the Council with any costs involved.[189]

This was a shrewd approach as the ultimatum played on two of the Council's biggest fears: facing a compulsory financial burden and losing jurisdiction over of an aspect of its administration. The pressure from Verwoerd had the desired result and the United Party dominated JCC agreed to proceed with the scheme but with one important proviso:

> ...the Council will however continue to press the Government to grant freehold rights in the township which is the declared policy of the United Party with this Scheme.[190]

It is understandable that the National Party Government was immovable on the issue of freehold compensation as it ran contrary to the national policy of Separate Development. The underlying principle of Separate Development was that whites could enjoy all their rights and privileges in white areas of the country while Africans could similarly enjoy their rights and privileges in African Areas. As African townships were officially part of the white areas it followed that no freehold rights would be granted. According to Verwoerd the offer to allow thirty year leases in the new areas as compensation was in line with national policy as this form of possession did not have any characteristics of permanency.[191] The United Party, by contrast, recognised the permanent nature of a considerable portion of the African population and pushed for greater citizenship rights to be granted.

A key part of the 7 May agreement was that the JCC would appoint an Ad-Hoc Committee made up of Council and Government officials to work out the details of the scheme.[192] The full report of this Committee was considered by the Council at a watershed meeting on the 9 December 1952. The Council abandoned its earlier commitments and insisted that the report be referred back to the Committee for further consideration on a number of issues in line with

[189] NAP, SAB, File 51/313 N, Summary of an agreement between the JCC and NAD from a 7 May 1952 meeting between Council and Government officials
[190] Ibid
[191] University of the Witwatersrand Historical Papers (UWHP), Conferences of the Institute of Administrators of Non European Affairs (CIANEA), AG2703, Box 1, Opening address by Dr Verwoerd at the 1956 IANEA Conference
[192] This included consulting African opinion, acquiring land and reporting on any additional powers needed to avoid delays.

Council policy[193] including the insistence that every African owner of freehold title be offered compensating freehold title elsewhere.[194] The following extracts from an open letter[195] written by a City Councillor and published by *The Star* a few weeks after the meeting emphasise the significance of this shift in position:

> On paper it may sound like all that needs to be done is to amend one or two aspects of the scheme for it to be approved and put into action. In reality the referral back sounds the death knell of the scheme as it was put forward by the Ad Hoc Committee.
>
> The terms of reference back have therefore only expressed in the polite language of diplomacy the Council's disapproval of the method advocated by the Ad-Hoc Committee and it is to the credit of the Council that this disapproval was so expressed.[196]

Various reports of the Council's change of heart filtered through to Verwoerd who felt that the Council's attitude and opposition on points of principle had now made cooperation impossible. In a letter to the Town Clerk, the Secretary of Native Affairs issued another explicit warning that unless the Council was prepared to proceed with the scheme in accordance with the plan submitted by the Ad-Hoc Committee the Minister would be forced to proceed with alternate arrangements for carrying it out in accordance with Government's intentions.[197]

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While this letter was making its way to Johannesburg, the Ad-Hoc Committee, intimately familiar the principles stipulated by the Minister, resubmitted all its original recommendations to the Council. On the contentious issue of freehold rights it reported as follows:

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[193] It is important to note that in the field of Urban African Affairs the Council had no statutory power to put forward its own policy. This is a point that will be emphasised throughout the chapter.
[194] JPLA, JCCM, Consideration of the Western Areas Ad-Hoc Committee Report, 12 December 1952
[195] The open letter also stated unequivocally that while the Council supported the removals during an earlier period provision was always made for the acquisition of alternate freehold rights in the new areas. Owners would also be able to demand arbitration to ensure that they received fair value for their properties.
[196] NAP, SAB, File 51/313N, *The Star,* 6 January 1953.
[197] NAP, SAB, File 51/313N, Letter from the Secretary of Native Affairs to the Town Clerk, 23 January 1953

> We feel that if the scheme is to be implemented at all it is not possible to insist on freehold title being given in compensation for freehold title and that the 30-year lease we have suggested as compensation is the utmost possible in the circumstances.[198]

After considering the Committee's full response to the points referred back in December, the Council shifted course once again and resolved to implement the scheme along the lines of the 7 May 1952 agreement. A signal that this would not be the end of the Council's political manoeuvring was the familiar resolution that while it understood that the Government was opposed to the granting of freehold rights it would continue to press for such rights when 'the time was opportune'.[199]

Verwoerd responded with caution and pointed out that the attitude of the Council to the initial report had compelled him to reconsider the manner in which the scheme should be implemented. He informed the Council that he had set in motion the process of drafting a bill 'to meet the new situation' and instructed the Lands Department to begin acquiring the necessary land as contemplated by the Ad Hoc Committee. He voiced his suspicions that the general attitude within the Council remained the same and that the recent change of heart appeared to have more to do with political expediency than a genuine commitment to cooperate. Verwoerd was concerned that time and energy would be wasted on all sides by the Council's continued requests for concessions he had repeatedly stated would not be granted.[200]

Although Verwoerd emphasised that he had made no final choice on the matter it appears as though he was favouring the formation of a legally constituted body to carry out the scheme. The following extract, in a letter from the Secretary of Native Affairs to the Town Clerk, reveals the Minister's reservations about the Council's ability to push through with the scheme:

> This body [a legally constituted body] may achieve a greater measure of success in bringing the scheme to rapid fruition and might ensure that

[198] JPLA, JCCM, Report of the Western Areas Ad Hoc Committee, 27 January 1953
[199] NAP, SAB, File 51/313N, Letter from the Town Clerk to the Secretary of Native Affairs, 28 January 1953
[200] NAP, SAB, File 51/313N, Letter from the Secretary of Native Affairs to the Town Clerk, 11 February 1953

> cooperation is less influenced by factors of political expediency than one that to a large extent of necessity [has] continually to refer to the Council for decisions on both principles and details and which might also feel compelled to react to the expressions of opinion of certain members of the public and the press.[201]

As the months passed the NAD refused to commit openly to a particular method of implementation but continued to pursue the acquisition of the necessary land for the scheme. Towards the end of July, the Department informed the JCC that the Minister had decided to appoint an Advisory Committee to move the scheme forward and had invited a number of Councillors to serve on the Committee in their individual capacities. On the 19 November 1953 the Council agreed to reaffirm its resolutions of the 27 January 1953 and appealed to the Minister to allow it to implement the scheme.[202] This was communicated to the Secretary of Native Affairs in early December and on Christmas Eve a reply was sent to the Council firmly rejecting the request. The Minister decided not to revert to the previous agreement for two key reasons: firstly, he would not be pushed on the question of freehold title and secondly, he believed that as the Council had shifted its position time and again there would be no acceptable guarantee that it would in fact implement the scheme.[203]

Despite this unambiguous reply, the Council persevered and in early to mid 1954, even as the Resettlement Bill was making its way through Parliament, Verwoerd assured Leslie Hurd, the Chairman of the Non European Affairs Committee, that the door was not closed to further negotiations in connection with the Council carrying out the Western Areas Scheme.[204] On the 14th May a deputation from the Council that included Hurd and Carr met with Verwoerd to make further representations. In a familiar pattern the Council urged the government to reconsider its position on the issue of granting freehold compensation.[205] It also added two further demands: 1) that the removal and rehousing should be on a basis of priorities determined by the JCC with those living under the worse conditions moved first and 2) that

[201] NAP, SAB, File 51/313N, Letter from the Secretary of Native Affairs to the Town Clerk, 11 February 1953
[202] NAP, SAB, File 51/313, Letter from the Town Clerk to the Secretary of Native Affairs, 4 December 1953
[203] NAP, SAB, File 51/313, Letter from the Secretary of Native Affairs to the Town Clerk, 24 December 1953
[204] It was around this time that discussions were taking place between Carr and the NAD regarding the settling of Meadowlands and Diepkloof according to ethnic grouping. A full interrogation of this controversial issue will take place in a separate section below.
[205] JPLA, JCCM, General Purposes Committee, 25 May 1954

the scheme would initially be voluntary.[206] In addition to this the Council representatives urged the Government not to proceed with the Natives Resettlement Bill which they felt was unnecessary and interfered with the prerogatives of the Council. Again they appealed for the Council to be entrusted with the scheme and for it to be given the space to secure the cooperation of affected communities in a way that 'promoted good race relations and prevented injustice and hardship'.[207]

Not surprisingly these representations were rebuffed and on 1 August 1954 the Natives Resettlement Bill came into force providing for the formation of the Natives Resettlement Board to implement the scheme. The Board immediately approached the Council to request the assistance of a few of its Departments including the JNEAD. In response, the Council repeated the offer made to the Minister on the 14 May 1954 and advised that if it was not accepted then the JCC would play no part in the planning, organisation and execution of the removals. It did, however, commit to take responsibility for the administration of the new areas when all families had been settled in their new houses and to give whatever support was necessary to ensure that when it took over, the conditions necessary for effective administration would be present.[208]

The debate over the response to the Resettlement Board's request for assistance took on a party political dimension when the National Party representatives in the Council proposed a motion that the Council should accept the principle of the official Resettlement Scheme and undertake to give the Board its full support. The United Party used its dominance in the Council to crush the motion. Adding an additional dimension of controversy to the meeting was the delay in considering a petition against the action of the Council submitted by Nationalist Councillors. Councillor P.Z.J. Van Vuuren addressed the Council and protested that the petition, submitted nine days before the meeting, should be considered immediately. The Mayor ruled against Van Vuuren and when the petition was eventually presented - after the report of the General Purposes Committee (GPC) - Nationalist Councillors left the chamber in protest.[209]

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[206] Carr, *Soweto,* p. 87
[207] JPLA, JCCM, General Purposes Committee, 25 May 1954
[208] JPLA, JCCM, Consideration of the Report of the General Purposes Committee, 30 September 1954
[209] The essence of the message of the petition did appear in Van Vuuren's motion for the rejection of the GPC recommendations.

A few months earlier resistance to the Natives Resettlement Bill had also taken on a party political dimension. The United Party fought the Bill on a National level and resorted to drastic measures to ensure that none of its members cooperated with the Resettlement Board.[210] This is reflected in the following passage from a letter from Prime Minister Strijdom's office to the Town Clerk:

> The City Council in accordance with the declared policy of the United Party vehemently opposed the Natives Resettlement Bill and the ruling party [in Council] carried this opposition so far even after the Act was passed that it prevented – under threat of expulsion from the party – those of its members from serving on the Board who wished to do so in a personal capacity.[211]

Throughout the negotiation process there was general indifference towards African opinion. The Ad Hoc Committee agreed to consult with affected communities on the practical aspects of implementing the scheme but unsurprisingly there would be no debate on the underlying principles of the scheme to which there was much resistance. The following poignant telegram sent by the African Anti Expropriation and Proper Housing Movement to Minister Verwoerd embodies African sentiment towards the scheme:

> Africans strongly oppose and protest against the Western Areas Removal Scheme. The scheme aggravates homelessness among Africans. It contributes to crime and other social evils. It disregards more urgent needs for the proper housing of Africans. It is retrogressive and detrimental to African interests, progress and security. It is a denial of elementary rights. It is contrary to Christianity, democracy and human decency. It engenders race hatred and colour conflicts. Africans will never thank the Minister for it.[212]

Dr A.B. Xuma, Chairman of the Movement, ex President of the African National Congress and a leading Sophiatown personality, added:

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[210] The fact that such action was necessary reveals the emergence of divisions within the United Party
[211] JPLA, JCCM, Letter from the Prime Minister's Office to the Town Clerk, 18 August 1954
[212] JPLA, JCCM, 9 December 1952, Excerpt from a letter from the African Anti-Expropriation Ratepayers and Proper Housing Movement to the Town Clerk, 1 April 1952

> We shall never thank the Council of Johannesburg for it either.[213]

Looking back at the preliminary negotiations between the JCC and NAD in the first half of 1950, Xuma believed that he and other African representatives had been misled regarding the true purpose of the Western Areas Survey by JCC officials. They were repeatedly told that the survey would help to relieve overcrowding and improve slum conditions. Articles in *The Star* and *The Rand Daily Mail* connecting the survey to a Western Areas Scheme and reporting on negotiations between the Council and the Minister were dismissed by Carr as sensationalist articles misrepresenting the true facts. Carr actively disassociated the JNEAD from the reports and urged the African representatives to accept statements made in their presence rather than newspaper reports.[214]

Councillor Atwell, chairman of the JNEAC at the time and mayor of Johannesburg during the eventual removals, gave the representatives the following assurances in order to gain their cooperation:

> The Western Areas Scheme can be forgotten at present. The survey is being conducted at the request of the government in order to give a clear picture of what has to be done for the African people. Until we have given the African people decent homes we cannot expect happier and safer conditions and the lessening of crime. I hope we will have your cooperation in this survey. The better the information the better the idea the Council will have to plan for the future needs of the people...
>
> ...the Council had a meeting with the Minister of Native Affairs but they did not plan the removal of natives from the Western Areas. There are still sufficient men in the City Council sympathetic to the Africans to give them a square deal. The City Council did not tie itself down to the government in the meeting.[215]

[213] JPLA, JCCM, 9 December 1952, Excerpt from a letter from the African Anti-Expropriation Ratepayers and Proper Housing Movement to the Town Clerk, 1 April 1952
[214] JPLA, JCCM, 9 December 1952, Excerpt from a letter from the African Anti-Expropriation Ratepayers and Proper Housing Movement to the Town Clerk, 1 April 1952 quoting statements made in a meeting between Council officials and African representatives on the 2 June 1950
[215] Ibid

The following passage from a letter written by the Secretary of Native Affairs to the Town Clerk reveals a level of Council opposition to the scheme at the time:

> After the conference called by Dr Jansen a survey of the areas concerned was agreed to and carried out with financial help from the Government. When the survey was completed considerable pressure by the Minister was required before the Council agreed to implement the removal.[216]

A full interrogation of the issue falls beyond the scope of this dissertation. It is sufficient to say that in the minds of the various African representatives the consultation process followed by the Council and the NAD was flawed, inadequate and unjust.

The dispute between the Council and NAD over the Western Areas Removal Scheme had a considerable impact on the work of the JNEAD throughout the 1950s and 1960s. The JCC through the JNEAD had always assumed that it would take over administrative responsibility for Meadowlands and Diepkloof as soon as the resettlement was complete. It is highly doubtful that any official considered the possibility that the Resettlement Board would remain in control for close to two decades. Carr argues that although it was not realised at the time, the breakdown in negotiations over the scheme sealed the fate of municipal African administration in South Africa and led to the creation of the Administration Boards in the early 1970s.[217]

The Council made frequent calls for the new areas to be transferred to the Council and argued that the existence of two organisations controlling an area, which for all practical purposes was within the confines of the Council's own African areas, caused considerable difficulties.[218] According to Carr, the Resettlement Board built houses to the lowest possible standards and provided inadequate social, health, welfare and recreational facilities. The people from Meadowlands made full use of the services in the neighbouring Council controlled areas adding considerably to the costs of the JCC and increasing the administrative burden on JNEAD officials. Residents in the Resettlement Board Areas were also required to

[216] NAP, SAB, File 51/313N, Letter from the Secretary of Native Affairs to the Town Clerk, 24 December 1953
[217] Carr, Soweto, p. 87
[218] A detailed comparison of the two areas under different administrative control would make a fascinating research topic.

pay economic rents whereas subsidies were available to qualifying households in the Council areas.[219]

Ethnic Grouping

The intense debate over the application of ethnic grouping in Johannesburg's African areas began in early April 1954 and was closely tied with the dispute over the Western Areas Removal Scheme. Carr and his Deputy were invited to a meeting where Government officials argued that accommodating Africans according to ethnic groups would improve community spirit and allow children to be educated in their mother tongue without having to walk long distances to school. Carr responded candidly that he believed none of these factors could justify such a serious step, one that, in his Department's experience, would quickly lead to bloodshed. He recalled the following events to support this position:

> This aspect was clearly demonstrated many years ago at the Wemmer Native Hostel when a particular employer insisted on engaging only Natives from one particular tribe and asked for all his employees to be housed together. This group very rapidly developed a spirit of racial arrogance and frightened and intimidated Natives from other tribal groups living in the same hostel. These banded themselves into their own racial groups for self defence and before long we had fighting in the hostel almost every weekend; invariably between rival racial groups.[220]

In addition to this Carr emphasised that the size and complexity of Johannesburg's African population[221] as well as the widespread occurrence of intermarriage would make the application of the policy in Johannesburg far more difficult than in any town or city in the country.[222]

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[219] Carr, *Soweto,* p. 87-88

[220] University of the Witwatersrand Historical Papers (UWHP), Dube Riots Commission Report (DRCR), AD1758, Annexure C, Manager's first report on Ethnic Grouping

[221] Carr states that it would be a very serious thing to have five thousand Zulu families living in a position adjacent to an equal number of 'Basutos' or 'Xosas' with possibly only a road separating the two groups. He speculates that if tribal fighting were to breakout between such large groups the military would need to be brought in to restore order.

[222] UWHP, DRCR, AD1758, Annexure C, Manager's first report on Ethnic Grouping

Nevertheless, the Secretary for the Advisory Committee for the Western Areas Clearance and Resettlement Scheme sent a letter to the Council stating that the Minister wished that the settlement of the Meadowlands-Diepkloof area should take place with due attention to ethnic grouping. On 27 July 1954 the Council considered a report compiled by Carr - outlining his strong arguments against ethnic grouping - and resolved to inform the Advisory Committee that the Council could not support the policy in the areas concerned.[223] Once again the Council openly opposed Government policy and placed itself in the firing line of the Minister.

Verwoerd received the news of the Council's defiance through the press and felt it necessary to issue a strongly worded statement sharply reprimanding the JCC and warning it of the consequences of non-compliance.[224] He affirmed that the lay-out of Meadowlands and Diepkloof would be on an ethnic basis, and that the JCC had no say in the matter. He also made the following statement which dramatically changed the nature of the ethnic grouping debate:

> It is not practical to consider each racial group separately with regard to accommodation in urban locations, but settlement according to the most important language groups is essential.[225]

There appears to have been a significant misunderstanding between the Council and the NAD regarding the meaning of ethnic grouping as indicated in the following statement made by Carr to the 1954 IANEA Conference:

> It was considered at the outset, Mr President, that what was meant by ethnic grouping was a rigid demarcation as between tribe and tribe, differentiation as between all the varying racial groups in our heterogeneous community. That principle or concept was very strongly resisted by my Council. But if, as is now apparently the case, the Department of Native Affairs is prepared

[223] JPLA, JCCM, 27 July 1954
[224] It is important to remember that Verwoerd's frustration at this specific moment was driven by the coalescence of three issues where the Council was actively opposing government policy: 1) Site and Service Schemes; 2) The Western Areas Removal scheme; and 3) Ethnic Grouping.
[225] Archives of the University of the Free State (AUFS), Private Papers of WJP Carr (WJPC), PV423, 1/9/2/1, Extract from *Die Transvaler,* 29 July 1954

> to accept something which is not a division on a racial basis, but which amounts to something on a linguistic basis, then I suggest the whole procedure is entirely different, and the objections earlier raised to a very large extent fall away.

Carr voiced his frustration that there was no adequate consultation process which could have easily cleared up the confusion:

> ...on an issue such as this which is purely a theoretical one, an issue which has never been tried in the Union anywhere as far as I know, that rather than the local authorities being confronted with a clear dictum "accept this policy or else", that it would have been possibly more advantageous for all concerned had there been a measure of discussion and consolidation as I mentioned last night in my talk to this Institute; because events have shown that had we in Johannesburg been aware of the standpoint now enunciated by the Department in a recent Circular or directive received from the Minister, some of the misunderstanding and objections which were first raised would not have been raised at all.[226]

Carr compiled an updated report for the Council discussing the government circular mentioned above and, while he questioned some of the advantages of ethnic grouping as well as the argument that various local authorities' concerns that the policy may lead to violence were misplaced, he nevertheless recommended that ethnic grouping now be accepted by the Council. This change in direction can partly be explained by the shift in the content of the debate from 'tribal' to linguistic grouping. The various warnings from the Government threatening the Council's Housing programme, however, appear to have played a more prominent role. The following passages from Verwoerd's attack on the JCC on the 29 July 1956 are worth quoting at length in this regard:

> I find it necessary to make this public statement as I do not wish the public to be under the impression that the Johannesburg City Council is able to thwart the Government's policy in regard to Meadowlands and Diepkloof in

[226] UWHP, CIANEA, AG2703, Box 1, W.J.P. Carr's introduction to a discussion on ethnic grouping at the 1954 IANEA Conference

this respect, and this impression to influence politically hostile City Councils elsewhere to depart from housing on an ethnic basis.

The Government who provides the funds must impose conditions in accordance with its policy with regard to the spending of the money, and no local authority can expect to receive money from the Government if such money is to be used in a manner which would undermine the Government's policy. The City Council of Johannesburg will then have to explain to the citizens of Johannesburg why other cities were solving their native housing problems by utilising the available money whilst Johannesburg could do nothing at all because it obstinately refuses to cooperate within the national policy. Unfortunately it is necessary to give this warning to the Johannesburg City Council as it has become a habit of that Council to oppose the principle laid down by the Government in respect of the serious native housing question in connection with which the Government is prepared to render all reasonable assistance. Not only does the Council oppose all proposals while doing very little itself but it also poses as the only competent body that is prepared to do everything, but is unable to obtain the necessary assistance from the Government.

The City Council is gaining nothing for Johannesburg by defying the Government's policy and making its own conditions and by refusing its cooperation. On the other hand, those cities which are not controlled by Government supporters, who are prepared to cooperate under the conditions, derive all the benefit. As the plan progresses from year to year, the benefits derived by them will become more and more apparent whilst Johannesburg, where vigorous action is needed most, will remain neglected.[227]

Despite ultimately endorsing Ethnic Grouping, Carr rigorously voiced a number of his reservations. Below are a few relevant examples:

[227] AUFS, WJPC, PV423, 1/9/2/1, Extract from *Die Transvaler,* 29 July 1954

> Only time will show whether this new principle is a good one or whether it is going to result in unrest and fomenting of disorder between the two groups.[228]
>
> I have said previously that from the experience gained by my Department over the past 25 years segregation of the various tribes on a racial or tribal basis is conducive to racial strife and one cannot say to what extent racial antagonism will be reduced or allayed if Natives are grouped not on a tribal basis but according to their language groups.[229]
>
> While accepting the principle of ethnic grouping on a language basis, for the three main groups of South African Bantu, as demanded by the Secretary for Native Affairs, I wish to make it clear that in my opinion the step is an ill-advised one and the possibility of inter-racial animosities and antagonisms will be accentuated so that the responsibility for any disorders which my eventuate in the future must be borne by the Government. [230]

These statements were particularly prophetic for the events that unfolded at Dube on the 14-15 September 1957 – described in chapter three.

The Council's shift in position over ethnic grouping placed increasing pressure on its relationship with the Advisory Boards that resisted grouping on any basis. At a special meeting between the JNEAC and the Joint Advisory Board on 20th November 1954 the following resolution was adopted by the Board:

> The Joint Board reaffirms its previous resolution rejecting in toto the creation of Ethnic Grouping of Africans, as such a policy is [ostensibly] intended by its authors to divert the Africans from the acquisition and adoption of the western way of life, which is the ultimate cultural goal

[228] UWHP, CIANEA, AG2703, Box 1, W.J.P. Carr's introduction to a discussion on ethnic grouping at the 1954 IANEA Conference
[229] UWHP, DRCR, AD1758, Annexure E, Manager's Second Report on Ethnic Grouping
[230] Ibid

which the less advanced countries are striving for in order to make their contribution for the good of mankind.[231]

The NAD dismissed the objections of the Boards and moved forward with its ethnic grouping policy. No amount of resistance from below could halt the NAD's social engineering during this period.

Locations in the Sky

Another key dispute that took place between the JCC and NAD in the 1950s was over the principle and implementation of the 'Locations in the Sky' legislation. The Native (Urban Areas) Act had exempted domestic servants from requiring a license to live in the 'European' areas of Johannesburg allowing tens of thousands of Africans to reside on the rooftops of flat buildings and offices throughout Johannesburg effectively outside of municipal control.[232] In reaction to several murders which took place in and around Hillbrow in the early 1950s, Verwoerd demanded action to limit the number of Africans residing in these areas. The Council took no firm action as many Councillors were reluctant to upset voters who were highly dependent on their servants. Verwoerd made an unsuccessful attempt to introduce appropriate legislation during the 1954 Parliamentary session but after many hostile Parliamentary debates and continuous opposition from the public and the press he eventually succeeded the following year when the Native (Urban Areas) Amendment Bill was promulgated with the express aim of reducing the number of Africans living in the 'European' areas of cities and towns.[233]

Clause Four of the Bill amended Section Nine of the original Act to prevent any person from housing more than five Africans on his premises, without the special consent of the Minister or an officer acting under his authority.[234] This clause became known as the 'Locations in the Sky' clause and was vociferously opposed by the JCC. In addition to concerns over the shortage of alternate accommodation, inadequate transport facilities and the unknown affects on the wage structure of domestic servants, Councillors felt that limiting the number of

[231] AUFS, WJPC, PV423, 1/9/2/1, Minutes of a Special Meeting of the Non-European Affairs and Housing Committee sitting in conjunction with the Joint Native Advisory Board, 20 November 1954.
[232] Servants were supposed to be under the supervision of building superintendents but Carr points out that in reality this was purely nominal.
[233] Carr, *Soweto,* p. 67
[234] It is under the second part of this clause that a local authority could apply for the delegation of powers.

Africans permitted in a building could have detrimental effects on the overall planning and development of an area.[235] Most significantly the Council objected to the lack of consultation in drafting the bill and the growing powers of the NAD at the expense of local authorities:

> ...Local Authorities should have some voice in determining the residence within their area of native employees. The Natives (Urban Areas) Act has hitherto recognised the position that in these matters the Minister should act only after consultation with and in many instances with the concurrence of the local authority. It seems that this principle is now being departed from and that without even consultation with the local authority, an official in the Union Department of Native Affairs can, without the safeguard of a right to appeal to a higher authority, change at will the nature of city areas and the composition of their inhabitants.[236]

The Council also argued that the Government needed to take the unique position of Johannesburg into consideration:

> In order to emphasise the objections brought forward to some of these amendments it is desired to point to the special position of Johannesburg which is equalled nowhere else in the Union. Some of the amendments will affect Johannesburg in particular and their affect in smaller communities will probably hardly be noticeable. The commercial, residential and transport position in Johannesburg requires, it is submitted, special attention when legislation affecting the residence and work of its inhabitants is contemplated and it is felt that the present proposals cannot receive proper consideration unless these special factors are taken into consideration.[237]

In the mid 1950s there was no effective platform for the JCC to present this kind of an argument and to discuss the unique practical challenges it experienced in implementing government policy. This would change by the turn of the decade.

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[235] JPLA, JCCM, Supplementary Report of the General Purposes Committee, 23 February 1954
[236] Ibid
[237] Ibid

Following the promulgation of the Act, the Council needed to decide whether or not it would apply for delegated powers to carry out the legislation. A deputation was sent to discuss the matter with NAD officials on the 23 November 1955 and the following day the Secretary for Native Affairs informed the Council that delegated powers would be granted subject to certain conditions including:

1) That the delegated powers are exercised in accordance with policy directives issued by the Honourable the Minister to the local authority from time to time;
2) That the delegation will, in the first instance, be for a test period ending 31 December 1956 so as to enable the Department, in the light of experienced gained, to evolve satisfactory formulae for general application in urban areas.
3) That the local authority undertakes to restrict approvals to the barest minimum number of natives, who must, of necessity reside on the premises where they are employed, and such numbers will, in any case, not exceed the numbers which, as at 6th May 1955 were lawfully accommodated on the premises where they are employed.[238]

Despite widespread criticism, the Council accepted these conditions and the powers under the Act were officially granted by the NAD in January 1956. A few years later the Commission appointed to inquire into the Dube Riots found that the Council was justified in taking this course as it was able to mitigate the severity of the measure in the interests of owners and employees. The Commissioners argued that because the Council had its entire administration on the spot and understood local conditions it was in a better position to carry out the transfer than a Government Department would have been.[239]

On the 27 March 1956 the Non-European Affairs and Housing Committee produced a report setting out the general basis for the removal of Africans in terms of the 'Locations in the Sky' legislation.[240] About half of the accommodation at the Dube Hostel which was then under

[238] AUFS, WJPC, PV423, 1/13/1/1, Vol 9, Draft Memorandum compiled by the Town Clerk
[239] UWHP, DRCR, AD1758, Commission Report, p. 21-22
[240] The NEAC changed its name with the formation of a special housing department in 1954 reporting into the committee. I will continue to use NEAC when writing about this committee.

construction would be allocated for this purpose.[241] The resolutions taken by the Council were approved by the Minister and everything appeared to be progressing smoothly. It soon became apparent, however, that the Dube Hostel would not be ready to receive residents before the one year grace period set out in the Act expired. The JCC acting under delegated powers took steps to legalise the position of all persons who had previously been licensed to be reviewed on 30 June 1956. On 21 June the JNEAD notified these parties that accommodation would be available at Dube from 1 July and called upon employers to begin the transfer of workers to the Hostel.[242] The Council was soon hit by a flood of complaints from building owners and, more specifically, by the owners of residential hotels and flats that the reduction in the number of servants would detrimentally affect their businesses. Numerous representations were made to the Council by owners and business associations and on 31 July 1956 the JCC resolved not to reduce the numbers of Africans lawfully accommodated until all Africans illegally accommodated had been rehoused.[243]

This resolution infuriated Verwoerd and was interpreted as the direct disregard of Government policy. He immediately arranged for a strong letter to be sent to the council:

> The proposal to concentrate only on illegal lodgers is considered to be in conflict with your Council's responsibility to implement the 'Locations in the Sky' legislation and is a departure from the understanding under which approval was given for the Dube Hostel Scheme.[244]

In view of the changed circumstances, Verwoerd issued a two part directive on the 7 August 1956 to bring the Council back into line:

> a) As and when hostel accommodation becomes available such accommodation should primarily be earmarked for the reduction of the excess licensed natives, as visualised by section 9(3) of the Act and as explained in my letter of the 24th November 1955.

[241] See chapter three for details of the conditions at Dube Hostel.
[242] The JNEAD had approved for a reduced number of workers to remain with their employers until 31 December 1956.
[243] UWHP, DRCR, AD1758, Commission Report, p. 23
[244] Ibid

b) Natives employed in Johannesburg but at present living illegally in the European area are to be dealt with as an independent issue, and not in stultification of the scheme devised to implement the 'Locations in the Sky' legislation.

The Council quickly realised that its attempt to make concessions to building owners and Verwoerd's reaction to the decision could lead to a rapid deterioration in relations. The seriousness of the situation was reflected in the following internal Council memorandum:

> The complete reversal of our 27th March resolution on the 31st July when we decided to ignore all licensed Natives and concentrate only on unlicensed ones is now being regarded by the Minister as a complete "volte face" and it is necessary to take stock of the position.

On 30 August 1956 a meeting between the JCC and NAD was arranged to try and remove any misunderstandings and to find a basis for a new arrangement acceptable to both sides. Council officials attempted to argue that they considered the problem of housing illegally accommodated Africans as the more urgent issue and this was the reason why the Council had favoured the policy in terms of its resolutions. NAD officials, nevertheless, demanded an assurance that the removal of legally accommodated Africans from buildings in the City would continue on an equal footing with the removal of illegally accommodated Africans. They emphasised that these were two separate issues which had to be targeted simultaneously.[245] While the motive of Council officials can certainly be understood, it appears as if they had still not grasped the fundamental principle that it was the Government and not the Council that formulated urban African policy.

A week later the Under Secretary for Native Affairs (Urban Areas), Mr Heald emphasised the importance of the Council and the Department arriving at an amicable settlement and in a veiled threat stressed the serious consequences for all concerned if the Council's inability or refusal to implement the legislation were to lead to a breach between the two levels of government. The Council was asked to work out the basis of an agreement acceptable to all sides and on the 14 September 1956 it submitted the following assurances: 1) that the Council

[245] UWHP, DRCR, AD1758, Commission Report, p. 23

accepts that the removal of the two groups of Africans are two separate problems and 2) that while regarding the removal of illegally accommodated natives as the more urgent problem of the two, every endeavour will be made to implement the 'Locations in the Sky Legislation'. This was not good enough for the NAD and a letter was sent to the Town Clerk demanding an unqualified assurance that an acceptable quota of Africans legally resident in licensed accommodation would be moved to the Dube Hostel without further delay.[246] In the same letter the NAD issued two strong warnings on the consequences of non-compliance:

> Further, I am directed to point out that the question of the Department's continued support of the other building activities of the Council is one that hinges on your Council's preparedness to deal energetically with 'Locations in the Sky Legislation' and allied problems, in accordance with a programme acceptable to the Honourable the Minister.
>
> Finally, I am also directed to state that it is considered a matter of great urgency that finality in regard to the present issue be reached as, firstly, the Dube Hostel cannot remain partly occupied whilst there is this delay and, secondly, other schemes – e.g. the three million pounds housing scheme[247] – cannot be proceeded with if the Council is not prepared to fulfil its obligations under the powers delegated by the Honourable the Minister and in accordance with his directive, as in such an eventuality the degree to which the Department will be prepared to co-operate with the Council in the implementation of such other schemes will have to be reconsidered.[248]

The pressure exerted by the NAD was sufficient to bring the Council back into line and the Government's directive of the 7 August 1956 was accepted. The Secretary of Native Affairs expressed the Department's regret that the Council had only taken this decision after repeated instructions from the Minister and emphasised that much unpleasantness could have been

[246] AUFS, WJPC, PV423, 1/13/1/1, Vol 9, Letter from the Secretary of Native Affairs to the Town Clerk, 3 October 1956
[247] In 1956 the Mining Houses of Johannesburg, led by Sir Ernest Oppenheimer of the Anglo American Corporation agreed to loan the City Council three million pounds to tackle the housing shortage. The activities carried out as a result of the loan had to be approved by the Minister.
[248] AUFS, WJPC, PV423, 1/13/1/1, Vol 9, Letter from the Secretary of Native Affairs to the Town Clerk, 3 October 1956

avoided.[249] At the end of the saga the Council had to make a decision similar to the one it faced during the dispute over the Western Areas Removal Scheme: accept the delegated powers for another year and adhere to the principles and policy laid down by the government or allow the Minister to appoint an alternative body to do the work. After much deliberation and consultation the JCC decided that it could not allow another body to take over aspects of its administration and it agreed to cooperate.[250]

Throughout the conflict described above the Council attempted to emphasise the special position of Johannesburg and argued that a one policy fits all approach was flawed. Although the NAD accepted a number of Council deputations there was still no effective platform where both parties could air their issues, find common ground and attempt to prevent an escalation of tensions. The Council's relationship with the Advisory Boards became increasingly strained as officials often resorted to the 'it is not our decision' defence when explaining government policy to members.

It is important to emphasise that the disputes described in this chapter formed part of broad pattern of JCC opposition to Government policy often driven by party political motivations. The NAD was able to bring the Council back into line by resorting to threats and ultimatums but only after a great deal of time, energy and goodwill had been wasted. The NAD did not yet have the power to break the trend of resistance but this would change as the end of the decade approached.

[249] JPLA, JCCM, Supplementary Report of the Non European Affairs and Housing Committee, 29 January 1957, Excerpt from a letter from the Secretary for Native Affairs to the Town Clerk, 24 December 1956

[250] The JCC consulted those organisations most affected by the legislation e.g. Hotel associations; the Transvaal association of Property Owners, the Institute of Estate Agents and Auctioneers of South Africa etc. They all said they would prefer the Council to continue to exercise the powers under the Act.

Chapter Three: Showdown

During the mid to late 1950s NAD officials grew increasingly frustrated by the recalcitrant behaviour of the JCC. Driven by the infuriating struggles described in the previous chapter and triggered by evidence given by Council officials at the Dube Riots Commission, the NAD launched an intense offensive with the aim of permanently subduing the JCC. In this chapter I will briefly describe four key elements of this offensive: 1) the severe warnings directed at the conduct of the Manager of the JNEAD; 2) the creation of the Departmental Committee for Johannesburg to ensure that the Council adhered to government policy; 3) the stationing of Government officials at the Head Office of the JNEAD to keep an eye out for non-compliant behaviour and 4) the NAD's demand for crucial assurances before Government assistance – predominantly housing related - would be forthcoming. I will conclude by arguing that the Council's acquiescence to the Government's demands towards the end of the decade represented a key shift in the balance of power between the two levels of government.

The Dube Riots Commission

As briefly described in the previous Chapter, the Dube Hostel was built partly in order to accommodate Africans employed in flats and other buildings in the 'European' areas who had to be resettled according to the 'Locations in the Sky' legislation. The vast majority of the men transferred to the Hostel were Zulu migrants whose quality of life deteriorated sharply as a result of the move.[251] From a relatively secure environment with access to adequate wages, convenient cooking facilities and opportunities to earn additional income the men now had to endure long commutes where they were harassed by gangs of tsotsis. In addition to this they had to pay for their own cooking fuel and adapt to life under close Municipal supervision. The harsh living conditions promoted a general attitude of bitterness, anger and resentment amongst new hostel residents.[252]

Largely as a result of the attacks they suffered at the hands of young gangsters, many of whom adopted a 'Basuto' style of dress, the Zulu residents of Dube began to group together

[251] Carr maintained that the Council was compelled to accept certain basic standards set by the Government when building the Dube Hostel. The capital cost was limited to approximately a third of what the Council regarded as a minimum and nothing 'luxurious' was allowed. All this was closely tied to the Government's underlying strategy of reducing the attractiveness of urban areas in order to slow and ultimately reverse urbanisation.

[252] University of the Witwatersrand Historical Papers (UWHP), Dube Riots Commission Report (DRCR), AD1758, Commission Report, p. 25

for protection and in some cases reprisals against their attackers.[253] On the 8 September 1957 the first known clash resulting in a loss of life occurred in Meadowlands where two Zulu men and a Basuto leader lost their lives. After this incident the South African Police reported finding mutilated African corpses almost every day. On the weekend of the 14-15th September large scale fighting broke out with the most intensive skirmishes occurring during the funeral procession of the Basuto leader killed the previous week. As the cortege made its way to the burial ground a standoff occurred between approximately two thousand Zulus and a police escort that had been brought in to protect the mourners. Witnesses reported that as the crowd rushed towards the procession the Police Captain on duty gave the order for his men to open fire. The crowd dispersed but six Zulus were left dead. Later in the day, for some unknown reason, the returning cortege was led passed the Dube Hostel where another clash took place and three more Zulu men were killed. All in all the death toll from the rioting that occurred during the second week of September was estimated to have reached fifty. The JNEAD had to call on leading Basuto and Zulu chiefs to address the rival factions and urge all involved to refrain from further violence.[254]

The scale of these events prompted the JCC to call for the Government to appoint a Judicial Commission of Inquiry.[255] The Government turned this request down stating that:

> ...in view of the previous inquiries which were instituted when similar occurrences took place and the known facts of the present events, the appointment of such a Judicial Commission is unnecessary.[256]

The Council disagreed with this decision and appointed its own Commission comprising of three retired judges including a former Chief Justice.[257] In the official report the Commissioners severely criticised the Government's reasoning and attitude in not appointing a Judicial Commission:

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[253] It is possible that the gangsters in Basuto dress described by the Riots commission were members of the notorious Russians gang.
[254] UWHP, DRCR, AD1758, Commission Report, p. 32-35
[255] As a statement of opposition to this move Nationalist Councillors called for a Judicial Inquiry into the 'administration and management exercised by the JCC over the Non-European areas, in order to determine whether it is adequate for the control of the undesirable elements responsible for these riots and for the prevention of a recurrence of these events.'
[256] UWHP, DRCR, AD1758, Commission Report, p. 32-35
[257] The Hon. A.van der Sandt Centlivres (former Chief Justice of the Union of South Africa), the Hon. E.R. Roper and the Hon. L. Greenberg.

> Judicial Commissions of inquiry into riots in Native locations have from time to time been appointed but as far as the present Commission is aware no such Commission has been appointed to inquire into riots which took place after the coming into operation of recent legislation and of directives issued by the Government which have profoundly affected the lives of Natives and one or more of which, according to a number of witnesses who have given evidence before us, were a serious contributory cause of the riots. Moreover it is not the case that (as seems to be assumed in the reasons under discussion) that the causes of all riots in Native Locations are the same.
>
> The negative attitude adopted by the Honourable the Minister of Justice is surprising in view of the fact that the riots extended over two days and resulted in a great loss of life.[258]

The Council sent letters to the Commissioner of Police and the Secretary for Native affairs requesting the cooperation of their departments and emphasising the importance of an 'unbiased and worthwhile' inquiry. Both departments rejected the call and refused to allow any of their officials to submit evidence. The Commissioners commented on this decision as follows:

> Our task in arriving at the truth has obviously been hampered by the attitude adopted by the Government and its Departments of State. In view of the fact that the subject-matter of this inquiry is of great interest and importance not only to the City Council of Johannesburg, other public bodies and the general body of citizens of South Africa, but also, one would have thought, to the Government of the Union, the reasons for this attitude are difficult to understand.[259]

The retired judges interrogated the Government's decision not to participate in the Commission and put forward two potential reasons: firstly, it did not have sufficient

[258] UWHP, DRCR, AD1758, Commission Report, p. 2-5
[259] Ibid, p. 5

confidence in the personnel and secondly, it felt it would lose face after not appointing a Judicial Commission. In addition to this the Commissioners speculated on a third alternative:

> ...that the Departments concerned, and more especially the Native Affairs Department, might have felt that they would not emerge unscathed from an interrogation in regard to their part in the proceedings in relation to the townships that culminated in the riots.[260]

In any event one of the key findings of the Commission was that the Government's policy of ethnic grouping played a major role in the violence as reflected in the following extract from the official report:

> There can to our mind be no doubt that the implementation of the policy of ethnic grouping was one of the causes which led to and facilitated the rioting. The fact that the Basutos were concentrated in a portion of Meadowlands and the Zulus were concentrated in Zondi and the Dube Hostel in the immediate vicinity enabled both sections to gather in force in order to attack one another. It is significant that the rioting did not extend to the Orlando Township where ethnic grouping had not yet been implemented.[261]

The Commission criticised the NAD severely on a number of key issues. In a Circular sent to all local authorities on 26th August 1954 the Secretary for Native Affairs stated the following:

> A certain measure of anxiety still exists within some local authorities that clashes will occur when the system of Ethnic grouping is applied. The Department is, however, not aware of a single instance where faction fights originated solely because members of the two sides belonged to different Ethnic groups or even tribes. Thorough analysis of the few instances where unrest occurred in the past in certain urban areas showed that the cause

[260] UWHP, DRCR, AD1758, Commission Report, p. 6
[261] Ibid, p. 73

> could not be attributed to tribal enmity but rather to a lack of discipline which would have been in place had Ethnic grouping been in operation.[262]

The Commission found this line of argument flawed in respect of the African townships under the control of the JCC:

> When that letter was written the policy of ethnic grouping had not been applied by the City Council and, as in our view ethnic grouping will have the inevitable effect of maintaining and encouraging antagonisms, it is idle to rely on causes of past disturbances in support of the contention that ethnic grouping is not likely to result in clashes between ethnic groups. There is nothing to substantiate the suggestion that disturbances would not have occurred in the past had ethnic grouping been in operation.[263]

Similarly the Commission contested the NAD's argument that because the policy of ethnic grouping worked satisfactorily on the mines it would be equally successful in Johannesburg's African areas:

> Before such a contention can have validity one must be satisfied that the conditions on the mines are the same as the conditions in the Native Townships. The Manager of the Non-European Affairs Department of the City Council correctly pointed out that "one must not lose sight of the fact that the mine authorities are able to exercise far greater disciplinary control over their 'single compounded' employees than a local authority can over its thousands of tenants living under family conditions."[264]

The Commission also agreed with a view held by many Council officials that Johannesburg was a unique case requiring context specific attention:

> Having regard to the enormous size of the Native population under the control of the Johannesburg City Council, the diversity of racial origins, the

[262] UWHP, DRCR, AD1758, Annexure D, Government Circular regarding Ethnic Grouping, 26 August 1954
[263] UWHP, DRCR, AD1758, Commission Report, p. 72
[264] Ibid, p. 73

> degrees of westernisation and urbanisation attained by a large proportion of the permanent residents and the number of well-educated persons to be found amongst them, the position of that Council is, we think, unique and its problems different from those which other municipal councils may be called upon to face in the administration of their Native Townships.[265]

The commission concluded that it was possible but highly unlikely that the Government could have presented evidence that would weaken their conclusions on ethnic grouping. In order to do so would have required proof of additional advantages so great that these would outweigh the dangers of the policy.[266] The appointment of the Commission of Inquiry, the testimony of various Council officials and the ultimate condemnation of the Government's policy of Ethnic Grouping - and therefore the vindication of the Council's original stance - further weakened the relationship between the two levels of government and acted as a catalyst for the NAD's offensive against the JCC and its officials.

The Castigation of Carr

The Dube Riots Commission relied heavily on the testimony of the Manager of the JNEAD. The Commissioners were highly impressed by Carr's conduct as reflected in the following statement from the official report:

> In conclusion we wish to place on record our high appreciation of the services rendered to us by Mr Carr in placing before us the information we asked him to furnish. The City Council is fortunate in having, as its Manager of the Non-European Affairs Department, a man who has devoted the best part of his life to matters relating to the administration of Natives in the City and a man who, through his patience and tact, has won the goodwill of the natives.[267]

Verwoerd vociferously disagreed with this conclusion. He firmly believed that many of the problems experienced in Johannesburg were caused by the JCC's defective implementation of Government policy. In a speech to Parliament in January 1958 he even went as far as to

[265] UWHP, DRCR, AD1758, Commission Report, p. 76
[266] Ibid, p. 74-75
[267] Ibid, p. 89

say that if the United Party ever came to power 'it would create the misery for South Africa that existed in Johannesburg'.[268] As it was Carr's responsibility to carry out policy and inform the Council of its statutory duties, Verwoerd directed a large portion of blame and anger towards him. Between May and August 1958 Carr's future hung in the balance as the NAD accused him of dereliction of duty.[269] On the 5 May 1958 the Department issued a severe warning to the Council regarding Carr's conduct:

> ...I must inform you that the Honourable the Minister of Native Affairs has noted with grave concern the attitude of Mr W.J.P. Carr, your Council's Manager of Non-European Affairs, towards government policy in respect of native administration.
>
> Mr Carr is an officer licensed by the Minister in terms of Act No. 25 of 1945 and as such he is bound to implement government policy or show good reason for any deviation therefrom. He should therefore be informed that his indifferent and in some respect biased attitude towards government policy and its implementation cannot be condoned. Conduct on such lines is a source of embarrassment both to the government and the City Council and will inevitably lead to serious consequences for the officer concerned.[270]

A key source of Verwoerd's anger was Carr's testimony on ethnic grouping at the Dube Riots Commission which he felt was aimed at exonerating the JNEAD and placing the blame firmly on Government policy. He argued that Carr was biased in his presentation of evidence and had not set out the many advantages of ethnic grouping. The Council defended Carr emphatically and demonstrated that he had submitted a number of documents to the Commission which outlined the advantages of the policy including the NAD's 1954 directive

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[268] Archives of the University of the Free State (AUFS), Private Papers of WJP Carr (WJPC), 1/12/1/3, Vol 4, *The Star.* 25 January 1958

[269] An interesting example of the level control that Verwoerd attempted to exert over Carr during this time was the warning from the NAD that Carr's actions on a trip to America - awarded by the American State Department - would be scrutinised 'in the light of current official policy in South Africa'. In a thank you letter to Professor Melville Herskovits of Northwestern University in Evanston Illinois Carr revealed a high level of self censorship in his official report of the trip: "I hope you will find this report of some interest bearing in mind that I had to be very conscious of some of the authorities who would peruse this document locally. That has to a large extent vitiated the value of what I would like to have said..."

[270] University of the Witwatersrand Historical Papers (UWHP), Private Papers of PRB Lewis (PRBL), A1132, EC1, Letter from the Secretary of Native Affairs to the Town Clerk regarding WJP Carr, 5 May 1958

to all local authorities and various newspaper articles.[271] The Town Clerk went on to argue that it was not Carr's duty to present the Government's case in this matter and that if there were additional advantages not mentioned in the documents then the Government could only blame itself for refusing to be part of the proceedings.[272] In reply the Secretary of Native Affairs argued that as a licensed official Carr should not have offered evidence on matters of policy which were beyond his jurisdiction.[273] He should merely have informed the Commission of the flow of authority and the respective functions of the Government and a local council in the field of Native Affairs.[274]

Verwoerd also accused Carr of failing to report that the conditions attached to a £3 million loan granted by the mining companies were not being met. In order to understand this accusation it is necessary to provide some background to the mining loan agreement. In 1956 Councillor Boris Wilson invited Sir Ernest Oppenheimer of the Anglo American Corporation to accompany him on a tour of the South Western Areas in the hope that Sir Ernest would provide financial assistance to break the housing backlog.[275] At this time very few houses were being built and attaining finance from Government sources was proving exceptionally difficult due to the poor relationship between the JCC and NAD.[276] Sir Ernest witnessed the wretched conditions under which thousands of families lived and was stirred into action. He approached fellow mining bosses and within a short period of time organised a substantial loan to assist the Council with its housing programme. The Council hoped to use this money exclusively for rehousing the residents of Moroka and Shantytown, whereas Verwoerd wanted it to be used to resettle Africans removed from the 'European' areas under the 'Locations in the Sky' legislation. Carr provides a stinging critique of Verwoerd's behaviour during these negotiations:

> A deputation of leading councillors asked Dr Verwoerd for an interview and at this meeting on 13 August 1956, in his office in Pretoria, he showed himself at his petulant worse. Instead of welcoming the loan and the public display of generosity shown by Sir Ernest and his colleagues in the mining

[271] The Commission analysed these advantages in detail in order to weigh them against the various negative aspects of the policy.
[272] UWHP, PRBL, A1132, EC1, Letter from the Town Clerk to the Secretary of Native Affairs, 30 May 1958
[273] This point is linked closely with the Mentz Committee's demand for assurances described below.
[274] UWHP, PRBL, A1132, EC1, Letter from the Secretary of Native Affairs to the Town Clerk, 14 August 1958
[275] Carr accompanied Sir Ernest and Councillor Wilson on this visit
[276] See Chapter Two

> industry he was sulky and unfriendly. At one stage of the meeting he said, 'I'm not just going to agree to this loan...without attaching certain conditions.'[277]

Ultimately Verwoerd approved the loan as well as the use of serviced land for the scheme on condition that a certain percentage of new houses built as a result of the loan would be used for his purposes (resettling Africans from the 'Locations in the Sky').[278]

Again the Council firmly defended Carr by arguing that the 'working difficulties' being experience by the Manager did not warrant an official report to the NAD:

> ...the Manager has at all times since houses became available under the slum clearance scheme for occupation kept his committee fully informed of progress as well as practical difficulties experienced in immediately filling houses set aside for occupation by native families removed from the European areas.
>
> ...the committee [JNEAC] contemplated asking the Minister to receive a deputation but eventually after further consideration at the April meeting it was decided to instead take intensive action in terms of night raids in an effort to fill the 2000 houses. As a result of this Mr Carr prepared a memorandum and instruction to his staff dated 24th April, a copy of which is attached and which, it is suggested, shows that every effort was being made to comply with the Minister's conditions.
>
> ... the section [of the Act] has been interpreted as requiring the Manager to report any irregularity in his department or any occurrence which he may consider advisable to bring to the notice of his Council for transmission to yourself. It was not thought that working difficulties being experienced in

[277] W. J. P. Carr, *Soweto - Its creation, life and decline,* South African Institute of Race Relations, Johannesburg, 1990, p. 127-128
[278] A1132. Bb Vol 2. Press Clippings collected by Patrick Lewis. *The Rand Daily Mail.* 13 September 1958

> this matter required a formal report of the kind contemplated in this section.[279]

The response from the Secretary of Native Affairs to this reasoning was unequivocal:

> It cannot be conceded that the departure from the agreement reached in connection with the £3,000,000 scheme was based on "working difficulties". In this case there was a definite unilateral breach of a fundamental condition of the agreement, and a licensed official of Mr Carr's standing should have known he was in duty bound to invoke the requirements of section 22(6) of Act No. 25 of 1945.[280]

The correspondence between the Secretary of Native Affairs and the Council overlapped with two key events that will be described in a section below: the formation of the Mentz Committee and the demand for assurances. As a result of these events the NAD resolved to take no further action against Carr as long as two principles were accepted. These are reflected in the concluding passage of the NAD's 14 August letter:

> There can be no real co-operation with either the City Council or Mr Carr if the fundamental legal obligation resting firstly upon the Council to restrict itself to executive duties and not to try to create separate local policy and secondly on Mr Carr, to carry out the purpose of his license is not accepted.[281]

A key theme reflected in this passage and one considered in detail below is the Council's misinterpretation of the flow of authority in the realm of African affairs.[282] The Town Clerk's defence of Carr on 30 May 1958 reveals the Council's misunderstanding of the statutory duties of the Manager of the JNEAD and local authorities in general:

> ...it does seem that the Manager may be placed in an extremely difficult position where the majority party in the council may have a different view

[279] UWHP, PRBL, A1132, EC1, Letter from the Town Clerk to the Secretary of Native Affairs, 30 May 1958
[280] UWHP, PRBL, A1132, EC1, Letter from the Secretary of Native Affairs to the Town Clerk, 14 August 1958
[281] Ibid
[282] This theme emerges throughout the key disputes of the 1950s (see Chapter Two).

> from those of your department. While it is appreciated that such an official is licensed by the Minister in terms of Act 25 of 1945, he is directly employed by the City Council of Johannesburg and that body pays his salary.
>
> ...bearing in mind that your department and this Council have on occasions seen matters from a different standpoint, it is hoped that you will accept that the Manager has only performed his duty to the best of his ability in carrying out the policy and instructions of his Committee and the Council and should not be accused of having shown an indifferent or biased attitude towards Government policy and its implementation.[283]

In response the Secretary of Native Affairs bluntly corrected this misinterpretation:

> ...it cannot be accepted that Mr Carr has not erred because, as you put it, he was merely performing his duty to the best of his ability in carrying out the policy and instructions of his committee. He must know that the Committee has no authority to create basic policy or give instructions which conflict with the policy laid down by the Government. He is, in terms of his licence, guilty of dereliction of duty to the Government where he connives or gives effect to such unauthorised actions on the part of the Committee.[284]

It appears highly unlikely that a well qualified and experienced administrator like Carr was unaware of the terms of his license and the statutory duties of the Government and Council. Verwoerd's powerful and highly publicised speech at the 1956 IANEA conference left no doubt as to the roles and responsibilities of licensed officials and the levels of Government:

> Their [Municipal 'Native' Administrators] primary function is to ensure that their Councils - the members of which change from time to time – know precisely what the policy of the State is and how it is to be applied to their towns' administration.

[283] UWHP, PRBL, A1132, EC1, Letter from the Secretary of Native Affairs to the Town Clerk, 14 August 1958
[284] Ibid

> The facts are that there is only one policy source in the country in regard to Native Affairs and that is the government itself. All local authorities are concerned only with executive functions. The task of the local authorities is to put the country's policy into effect, not to create any basic policy for themselves or for the country. This is a very clear principle which has been laid down in our legislation from its commencement and only confusion and chaos would result throughout the country if Native Affairs were subjected to a diversity of policies. It simply cannot be permitted that differing policies be applied to the management of Native Affairs in different towns, or that policy is implemented piecemeal as a result of the variety of methods of approach which arise.
>
> It is necessary to obviate misunderstanding in this respect because of late when there has been the occasion to call a local authority to book or reprove or admonish it for not carrying out the government's policy, the accusation has more than once been levelled at us that the Central Government is usurping the functions of the municipality.
>
> I wish to make this very clear to those of you whose responsibility it is to interpret the Government's policy to your Councils – the Government is the body responsible for formulating Native policy and it does not usurp but merely fulfils its own obligations when it issues its directives and when it exercises its supervisory functions over local authorities which neglect to carry out their duty in regard to Native Affairs.[285]

It appears that Carr's decades of experience in the JNEAD and his high standing in the field of urban African administration gave him the confidence to voice his concerns that various Government policies would have detrimental consequences for Africans living in Johannesburg. Throughout the 1950s he was unwilling to implement policies without questioning their potential effects. He consistently emphasised the unique position of Johannesburg and appealed to the NAD to consult those with practical experience before

[285] University of the Witwatersrand Historical Papers (UWHP), Conferences of the Institute of Administrators of Non European Affairs (CIANEA), AG2703, Box 1, Opening Address by Dr Verwoerd to the 1956 IANEA Conference

passing legislation. The question of whether or not Carr was guilty of dereliction of duty hinges on how one defines 'duty'. In a pure legal sense as argued by the NAD he is more than likely guilty. In a wider moral sense strong arguments can be made that in resisting Government policy he did not believe in he was fulfilling paternalist responsibilities he felt he had towards the African people under his supervision.

The flow of correspondence between the Council and the NAD in the middle of 1958 also reveals the close relationship between Patrick Lewis, the newly appointed Chairman of the JNEAC and Carr. The men jointly prepared the key arguments that appeared in the Town Clerk's 30 May defence.[286] The following passage confirms that Carr had the full support of Lewis and the JNEAC:

> In the first place I would like to make it clear that Mr Carr has always acted in close consultation with his committee and in particular his Chairman and the Council through that committee must be regarded as taking full responsibility for the actions of the Manager.[287]

A handwritten thank you letter from Carr to Lewis at the height of the episode also reveals the extent of the growing relationship between the two most important men in the administration of African affairs in Johannesburg:

> I would like you to know that I appreciate your support and encouragement over the criticism from Verwoerd very much indeed. My job is very difficult at the moment and without the full backing from my Chairman and Committee would be quite impossible.[288]

The strong rapport between these two men and in particular the pragmatic influence of Lewis would play a major role in the relationship between the JCC and NAD during the 1960s.[289]

[286] See draft letters in UWHP, PRBL, A1132, EC1
[287] UWHP, PRBL, A1132, EC1, Letter from the Town Clerk to the Secretary of Native Affairs, 30 May 1958
[288] UWHP, PRBL, A1132, EC1, Letter from WJP Carr to Patrick Lewis, 28 May 1958
[289] Carr's book *Soweto: It's creation, life and decline* was dedicated to Patrick Lewis. The tribute paid to Carr on his retirement after a lifetime of service to urban African administration in Johannesburg was delivered by Lewis.

The Mentz Committee and the Assurances Saga

On 13th June 1958 Verwoerd appointed a Departmental Committee for Johannesburg to ensure that Government policy was carried out in the city. This body was more commonly known as the Mentz Committee – after its Chairman, the Deputy Minister of Native Affairs Mr F.E. Mentz - although the English Press quickly nicknamed it the Watchdog Committee.[290] It was appointed to keep an eye on all spheres where the NAD had an interest including housing, influx control, labour, removals and the implementation of the 'Locations in the Sky' legislation.[291] The Government stated that this measure had been taken in reaction to the Council's 'maladministration of Native Affairs' and repeated opposition to Government policy.[292]

City Councillors were not surprised by the creation of the Committee and some argued that such a body had always been needed in light of the numerous practical difficulties in implementing Government policy. The *Rand Daily Mail* reported that many United Party Councillors were, however, frustrated that despite forming the majority party in the Council their decisions could be changed by outside bodies.[293] Their annoyance at having policy decisions relating to African affairs overruled once again revealed an ignorance of the Council's statutory duties. Nationalist Councillors welcomed the move with Councillor Van Vuuren enthusiastically declaring that the Committee was there to ensure that the Council toed the line.[294]

A few weeks later the NAD implemented another element of its offensive against the JCC by informing it that two government officials, Mr PA Franken and Mr BT Steyn, would be stationed at the JNEAD Head Office to ensure the 'full and proper implementation of Government Policy'.[295] Carr provides an amusing description of this unprecedented event:

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[290] Bob Connolly, the cartoonist for the *Rand Daily Mail* produced many memorable cartoons portraying the Watchdog Committee.

[291] The official line was that the Committee would be a medium through which interested and affected parties could get clarity on Government policy in the field of African affairs. Journalists from the Rand Daily Mail speculated that the move was designed as a way for Verwoerd to keep an eye on Johannesburg and ensure that everything continued to run according to plan once he left the Department (at the time it was reported that he was seeking another Cabinet position - he would go on to become Prime Minister later in the year).

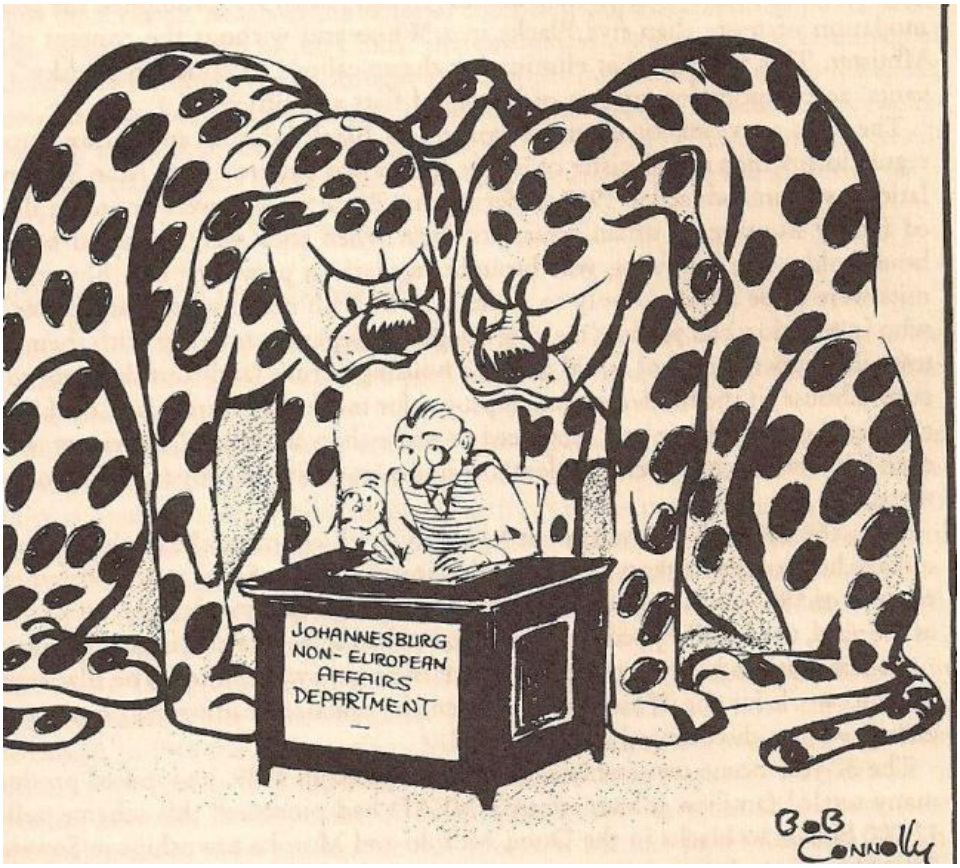
[292] UWHP, PRBL, A1132, Bb, Vol 2, *The Rand Daily Mail,* 14 June 1958

[293] The Local Transportation Board had jurisdiction over transportation in Johannesburg while the Wage Determination Board set the wage level for African Municipal workers. Both were set up in a way to ensure Government control despite the UP holding a large majority in Council.

[294] UWHP, PRBL, A1132, Bb, Vol 2, *The Rand Daily Mail,* 27 June 1958

[295] The officials were specifically keeping an eye out for breaches in influx control and labour regulations.

The outcome was not what the government department expected. In fact the situation became ludicrous. The two officials were immediately christened 'Frankenstein' by a wag in the department and after a relatively short period of trying to find non-compliance with government policy in the department failed to do so and quietly disappeared from the scene without even saying goodbye.[296]



Picture 3: Carr, *Soweto,* p. 99, A Bob Connolly cartoon depicting the stationing of government officials at 80 Albert Street

While many experienced Councillors were cynical of the action being taken by the NAD, Patrick Lewis argued that the Mentz Committee could be an effective consultation platform where Government officials could come face to face with the unique situation in Johannesburg and achieve significant results for the African people living within the areas administered by the Council:

[296] Carr, *Soweto,* p. 60

> Johannesburg because of its size and huge congregation of people on its boundaries has problems which are unique. By regular contact with the Mentz Committee it should be possible for these problems to be discussed with the object of finding a solution rather than developing antagonisms which help no one in the long run. I am hopeful that when the Mentz Committee comes face to face with some of the problems it will realise and appreciate the difficulties which face the Johannesburg City Council in its administration of a Bantu population larger than that of any other city in South Africa.[297]

He planned to approach the Committee to request assistance on a number of housing matters including the approval of new housing loans and tweaking the formula for filling houses built as a result of the £3 000 000 mining loan.[298]

On 7 August 1958 an historic meeting took place between Council officials, including Lewis and Carr, and the Mentz committee. In a dramatic move Chairman Mentz ruthlessly demanded nine assurances from the Council before he would allow any discussion on Johannesburg's housing problems. Carr provides a sense of what this meeting was like:

> Councillor Lewis had just been elected chairman of the council's committee; this was his first meeting of this kind. The meeting was held in a large committee room in the BAD headquarters in Pretoria, and many senior government officials from several departments were present. At the outset the deputy minister of Bantu Affairs, Mr F Mentz, said in a very offensive manner that before he was prepared to discuss the agenda, certain assurances were demanded from the council. The council representatives

[297] UWHP, PRBL, A1132, Bb, Vol 2, *The Sunday Express,* 29 September 1958

[298] Thousands of houses were standing empty due to difficulties the Council was having in meeting the conditions of the agreement made with Verwoerd that two out of every five houses needed to be set aside for Africans from the 'Locations in the Sky'. The reality on the ground was that there were not enough families from licensed premises and backyards in the European areas to fill the vacant houses. Most of the Africans being transferred from the 'Locations in the Sky' were single men and the type of housing needed was Hostel accommodation. While many Councillors and concerned Johannesburg citizens felt that the Government was forcing the JCC to fill houses in a certain way, Lewis argued that as the NAD was providing much needed land for the scheme, Verwoerd should have some say as to who was housed. He emphasised that it was the Council's duty to stick to the agreement it had made. Even at this early stage of Lewis' public career we can see his conciliatory and pragmatic approach coming to the fore.

> had been given no prior warning of this, which was essentially a matter which could have been dealt with in a confidential letter to the council. The manner in which Mr Mentz raised the issue was so provocative, and indeed insulting, that we from Johannesburg felt that it had been done publicly in this way with malice and with the intention of humiliating us before all the other government officials present. It was particularly embarrassing for Councillor Lewis because he was new and had no background information about the issues on which Mr Mentz demanded public assurances there and then. All we could do was undertake to raise the matter with the council on our return.[299]

Mentz emphatically stated that the Government could no longer tolerate the attitude adopted by the JCC and he was not ashamed by the steps taken by his committee to prevent this in the future. He also commented that 'the objections made to the actions of the NAD were that a small country like South Africa had the audacity to poke its nose into the affairs of the big city Johannesburg'.[300] The nine assurances demanded were as follows: 1) that the Council will carry out government policy and not form a basic policy of its own; 2) that Council-appointed licensed officers will not attempt to introduce different policies[301]; 3) that the Council will apply the Government policy of ethnic grouping; 4) that the Council will develop its site and service schemes by building on alternate sites; 5) that the Council will continue to administer the Influx Control and Labour Bureau systems; 6) that the Council will replace the Beer Halls in the European areas with similar facilities in the African areas[302]; 7) that the Council will give preference to essential workers in dairies, bakeries, butcheries etc. in the Denver Hostel and the new Eastern Native Township Hostel; 8) that African deputations will not be given the impression by officials and councillors that its laws and regulations are considered by them to be unreasonable; and 9) that the Council will continue to carry out the 'Locations in the Sky' legislation in terms of its delegated powers.[303]

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[299] Carr, *Soweto,* p. 79-80
[300] UWHP, PRBL, A1132, Bb, Vol 2, *The Star,* 17 September 1958
[301] The two principles from the Secretary for Native Affairs' 14 August letter matched the first two assurances demanded by the Mentz Committee.
[302] See Chapter Four
[303] UWHP, PRBL, A1132, Bb, Vol 2, *The Rand Daily Mail,* 25 September 1958

The demand for assurances by the Mentz Committee combined with the stationing of Government officials in the JNEAD and the threats against Carr left the Council in no doubt that the situation had escalated dramatically. The NAD offensive placed the Council in an impossible position as reflected in the following passage from *The Rand Daily Mail* describing the Council's core dilemma:

> To refuse to conform to policies coming from central government would be to invite the Government to take direct action in the city's affairs. To cooperate is to risk the displeasure of many of the citizens who elected it and perhaps worse still to share the responsibility for putting into practice policies which it regards as wrong and even dangerous. Both choices involve grave disadvantages.[304]

A leading City Councillor reflected the dilemma in a similar way:

> Our choice is to carry out legislation or face the possibility that the government will appoint a body which will do so which will not be in the interests of the citizens of Johannesburg or the Non-Europeans.[305]

Adding another layer of intensity to the dilemma was the fact that unless the assurances were given the huge housing division the Council had created would be scaled back dramatically due to a lack of orders placing thousands out of work, having a knock on effect on related industries and adding to the hardships of thousands of African families living in slum conditions.[306]

There appears to have been deep division within the United Party group in Council on the issue. The press reported that two factions had emerged: a 'Business Group' advocating cooperation in the interests of the City and a 'Political Group' opposed to any form of appeasement.[307] After intense debate the Council, influenced by the arguments of the 'Business Group', voted in favour of cooperation, arguing that it had chosen the lesser of two

[304] UWHP, PRBL, A1132, Bb, Vol 2, *The Rand Daily Mail,* 26 September 1958
[305] UWHP, PRBL, A1132, Bb, Vol 2, *The Star,* 1 October 1958
[306] UWHP, PRBL, A1132, Bb, Vol 2, *The Star, 8 September 1958*
[307] UWHP, PRBL, A1132, Bb, Vol 2, *The Rand Daily Mail*, 27 September 1958

evils.[308] On the central issue of implementing government policy the Council responded as follows:

> While emphasising that it is a democratically elected body responsible to its electorate, the council accepts that according to the act of Union there can only be one source, namely the state, of policy based on laws dealing with the Native administration in South Africa, and the council will restrict itself to executive duties in this regard as agents of the state. It is quite obvious to everybody that it is the duty of the council to carry out the laws of the land.[309]

On the issue of the manner in which officials communicated policy to African deputations the Council found it difficult to give an unqualified assurance but promised that it would make it clear that it was an agent of the Government and that when explaining a specific matter it would do so without suggesting that the policy was unreasonable. The Council also conceded 'on reflection' that it should have been the function of Councillors and not officials (specifically Carr) to offer evidence at the Dube Riots Commission.[310]

The Council assured the citizens of Johannesburg that it would continue to make robust representations emphasising the unique situation in Johannesburg and attempt to influence Government policy wherever possible. Lewis emphasised that all the Council had done was agree to carry out the law of the land and would not implement any policies that were not enshrined in law.[311] He also argued that by cooperating the Council had prevented an outside body from taking over a large aspect of the City's administration. Many councillors contended that the JCC was the only body that could apply the law to the best advantage of the people affected.[312]

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[308] A more thorough analysis of the divisions within the United Party will appear in Chapter Four.
[309] UWHP, PRBL, A1132, Bb, Vol 2, *The Rand Daily Mail*, 25 September 1958
[310] Ibid
[311] Ibid
[312] The themes that emerge here flow from the key disputes of the 1950s covered in the previous chapter. The Council's experience with the Natives Resettlement Board (not handing control over to the Council and providing facilities inferior to that of Council administered areas) was certainly a motivating factor in the decision to cooperate.

Shortly after the assurances were given, the conservative 'Business Group' attempted to take control of the City Council by securing a number of powerful committee positions.[313] Its plan was to retain the United Party 'ticket for election purposes but move away from the Party's policy of fighting the Nationalists. It aimed to promote greater compromise and cooperation with the Central State arguing that conflict between the two levels of Government had taken the Council's focus away from running an efficient City. It appears as though this group had much in common with conservative UP Councils on the East Rand highlighted by Nieftagodien.[314] Supporters of the existing Leadership argued that firm opposition to the Nationalists was fully justified as it was on this basis that the UP had retained its position and captured two seats from the Nationalists in the previous election. Ultimately the coup did not succeed but the Council remained highly divided influencing its relationship with the NAD for the rest of the decade and into the 1960s.[315]

The JCC also experienced considerable pressure from external sources in the aftermath of the assurances saga. A group of 'fourteen leading citizens' including a former MP and three former City Councillors challenged the United Party members of the Council on their 'humiliating surrender' to Verwoerd. They organised a petition signed by over a hundred citizens and presented it to the mayor calling on him to convene a meeting on the steps of the City Hall to explain to the people of Johannesburg why the Council had agreed to collaborate.[316] They demanded answers as to why the Council had agreed to implement ethnic grouping despite the findings of the Riots Commission and why the decision was taken without consulting the Advisory Boards. [317]

A United Party Councillor wrote an open letter published in the *Rand Daily Mail* defending the Council's decision to cooperate:

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[313] They hoped to install Keith Flemming, then Chairman of the Finance Committee, as Chairman of the powerful General Purposes Committee in place of Charles Patmore. Although this move failed Flemming went on to become Chairman of the Management Committee in the early 1960s. The Management Committee system transformed local government placing an enormous amount of power in five Councillors who would effectively run the City and serve terms of five years.

[314] See N. Nieftagodien, 'The Implementation of Urban Apartheid on the East Rand, 1948–1973: The Role of Local Government and Local Resistance', Ph.D. Thesis, University of the Witwatersrand, 2001

[315] See Chapter Four

[316] The petition was handed over by Mr Leslie Cooper of the Liberal Party and Mrs Jean Sinclair of the Black Sash

[317] UWHP, PRBL, A1132, Bb Vol 2, *The Rand Daily Mail,* 27 September 1958

> Recent verbal assaults on city councillors in Johannesburg make odd reading. Very recently we had the Nationalist Press castigating a large section of UP city councillors (by name) as liberals masquerading as UP followers and now we are accused by another source of acting as NP executives.
>
> I am completely opposed to most of Dr Verwoerd's non-European legislation but it is stupid to defy it or attempt to evade it when by doing so the squalor and misery of tens of thousands of Africans are perpetuated.
>
> The 14 leading Johannesburg citizens must surely have been following events and thus must know that Dr Verwoerd has said in effect that if the City Council does not carry out policy the State will not advance any further money for Native Housing in the South Western areas.
>
> It is one thing to make high principled gestures of defiance from the luxury of Dunkeld, Melrose and Houghton and another to do so from the hovels and shanties of Moroka. It does not need the opinion of any advisory board to know what the people of Moroka and other cess pools want.[318]

In a powerful response to this letter the 'fourteen leading citizens' accused the City Council of allowing itself to be politically blackmailed and failing to realise the significance of its surrender:

> We have a typical Munich situation. Even you concede that the laws we are asked to administer are bad laws. A policy of expediency (in this case houses are more important than principles) has been the cause of disasters throughout history.[319]

Despite a detailed open letter from Councillor Patmore outlining the statutory duties of the Council and the reasons for cooperation, the 'fourteen leading citizens' continued to argue

[318] UWHP, PRBL, A1132, Bb, Vol 2, *The Rand Daily Mail,* 29 September 1958
[319] Ibid

that the Council was not legally obliged to execute policy and should have refused to cooperate:

> If [housing] can only be provided on Dr Verwoerd's terms then let him bear the responsibility for his own bad policy. The council should not soil its hands.[320]

The Rand Daily Mail reported that the Nationalist group in Council under the leadership of Eben Cuyler was clearly happy about the whole situation. This is understandable as not only was the balance of power shifting noticeably in favour of the central government but the NAD offensive had created significant divisions within the dominant UP group. He gleefully told United Party Councillors that if what they had done was a genuine effort in the 'interests of the State and the Natives' he would do all he could to assist. He added that he hoped that this would be the last time that the JCC made a public issue out of such matters.[321]

A former member of the UP who had joined the Liberal Party added to the pressure on the Council by publicly stating that approximately seventy five percent of the members of the Liberal Party had left the UP because 'their conscience would no longer allow them to remain in it'. He went on to say that every time the UP 'surrenders to the Nationalists or betrays a progressive principle more members leave to join the Liberal Party'.[322]

Councillor Patmore quickly reminded UP opponents that the Council had not relinquished its right to criticise. What the agreement in reality entailed was a separation of functions: the NEAC, council departments and officials would administer the laws to the best of their ability while criticism of those laws would be confined to the Council Chamber, public meetings and political platforms.[323]

The first major success of the Mentz committee and the Council's agreement to give assurances was that the NAD recognised the limitations of the formula for filling houses under the £3 000 000 loan agreement. Council officials were able to use the platform provided by the Committee to demonstrate that there were not enough families living in

[320] UWHP, PRBL, A1132, Bb, Vol 2, *The Rand Daily Mail,* 7 October 1958
[321] UWHP, PRBL, A1132, Bb, Vol 2, *The Star,* 10 October 1958
[322] UWHP, PRBL, A1132, Bb, Vol 2, *The Rand Daily Mail,* 17 October 1958
[323] UWHP, PRBL, A1132, Bb, Vol 2, *The Rand Daily Mail,* 26 September 1958

backyards or on licensed premises in Johannesburg's white areas to make it possible for the Council to meet its commitment of allocating two thousand out of every five thousand houses to Africans from the 'Locations in the Sky'. The Mentz committee agreed that what Johannesburg needed was more Hostel accommodation for the many single men awaiting resettlement. The unspent balance from the mining loan would be used for this purpose.[324] The result of this decision was that thousands of families living in slum conditions in Moroka and Shantytown could be housed immediately.[325]

The most significant outcome of the whole saga was that a government loan of £1 150 000 was approved allowing the Council's mammoth building machine to continue operations. This saved jobs, assisted the building sector of the local economy and ultimately allowed over thirty thousand people to be housed.[326]

After almost a decade of conflict between the two levels of government the NAD's offensive from May to September 1958 succeeded in bringing the Council to heel. It forced through the realisation of the limited powers of local government. Councillors and officials who had been punching above their weight for many years would now have to adapt to the reality of life at the lowest level of government. While the Council would continue to make representations throughout the 1960s it would no longer attempt to formulate an African policy of its own. This realisation represented a key shift in the balance of power towards the central state.

[324] UWHP, PRBL, A1132, Bb, Vol 2, *The Star,* 8 September 1958
[325] Overall the Mining Loan enabled over fourteen thousand houses to be built.
[326] UWHP, PRBL, A1132, Bb, Vol 2, *The Star,* 25 September 1958

Chapter Four: Pragmatic Cooperation

In the aftermath of the showdown between the City Council and Verwoerd a gradual process of relationship rebuilding took place. Initially the old habits of both sides were difficult to break but through the leadership of key individuals - Minister Nel and Councillor Lewis in particular - a new culture of pragmatic cooperation emerged. In this chapter I will trace the emergence, growth and consolidation of this culture through a number of incidents and events from the late 1950s to the mid 1960s. I will begin by describing the rebuilding process through the following key episodes: 1) the mixed meetings saga which resembled the power struggles of earlier in the decade but ended on an optimistic note; 2) the beerhalls crisis where robust representations from the Council achieved what some thought were impossible concessions from the Minister; 3) the preservation of Pimville where the BAD agreed to include the historic location and surrounding areas within the South Western Native Township; 4) the agreement on a revised formula for the continued implementation of the 'Locations in the Sky Legislation' and 5) the development of the Oriental Plaza to ameliorate the harsh removal of Indian Traders from Pageview. I will then explore the internal divisions within the UP, triggered by cooperation with the BAD, as well as attacks by the newly formed Progressive Party on the UP dominated JCC.[327] I will finish by emphasising that despite granting practical concessions to the JCC, the BAD continued to strengthen its machinery of control and accelerated the attack on the permanency of urban Africans.

Throughout the chapter the following key themes will be emphasised: 1) the importance of consultation and negotiation at the highest level; 2) the growing appreciation of local circumstances amongst BAD officials; 3) the transformation of the Departmental Committee for Johannesburg from 'watchdog' to an effective communication platform; 4) the growth in secrecy around urban African administration; and 5) the growing dominance of the BAD and the acceleration of Separate Development.

The Mixed Meetings Saga

Towards the end of 1958, shortly after the Council's acquiescence to the Government's demand for assurances, another conflict erupted between the two levels of Government, this time over the BAD's plan to ban all mixed gatherings in Johannesburg. In line with the

[327] The Progressive Party was established in the second half of 1959 by members who had left the United Party. Their views on political rights for Africans (and a whole host of other policy areas) differed significantly from official UP policy.

legislation of the time, the new Minister of Native Affairs, Michiel Daniel Christiaan De Wet Nel, sent a letter to the Council indicating his intentions and asking the Council to state whether it had any objections. Attached to the letter was a list of thirteen premises where racially mixed parties 'characterised by excess' were reported to have taken place regularly. As the law required the Council to respond within three weeks an urgent meeting of the General Purposes Committee was called.[328] The decision on whether or not to fight the matter revealed significant divisions within the Council.[329] The conservative 'Business Group' pushed for cooperation arguing that the UP stood for social segregation while the liberal 'Political Group' argued that any ban would set a dangerous precedent in Johannesburg. After heated debate the Committee resolved to fight and a registered letter outlining the decision was posted to the Minister.[330]

News of the dispute soon emerged in the Press with both parties accusing the other of leaking confidential details. In response to the Minister's claim that he only wanted to target a limited number of mixed parties *The Star* speculated that his real intention was to secure greater powers to impose a blanket ban.[331] *The Rand Daily Mail* argued that if the Minister's claim was true there would be no need for the ban as the Government could easily handle the small number of mixed gatherings using existing legislation:

> If he wants to stop these parties then he has plenty of weapons to hand without seeking a blanket authority to ban all mixed gatherings. If the drinking is illegal he can use the Liquor Laws. If he fears undesirable political influence he can use the anti-communist legislation. The kindest interpretation of Nel's actions is that he has been clumsy. The inference that most people will draw, however, is that he really would like to stop social meetings between the races even in private houses and if that conclusion is wrong then he only has himself to blame for the misconception.[332]

[328] The General Purposes Committee had the power to act on behalf of the Council while it was in recess.
[329] See the section at the end of this chapter for more on the internal divisions within the Council.
[330] The divisions within the United Party will be discussed in a section towards the end of this chapter.
[331] University of the Witwatersrand Historical Papers (UWHP), Private Papers of PRB Lewis (PRBL), A1132, Bb, Vol 2, *The Star,* 5 January 1959
[332] UWHP, PRBL, A1132, Bb, Vol 2, *The Rand Daily,* 6 January 1959

Ellen Hellmann of the SAIRR weighed in on the matter praising the City Council for fighting the ban and arguing that the Minister's proposal amounted to 'imposing a government monopoly on association with Africans'.[333] She stated firmly that race relations in the City would deteriorate dramatically if the ban was imposed.[334]

Nel was particularly angry with the Council's conduct in the matter and held it responsible for the media offensive which had been mounted against him. He defended the Government's decision to ban all gatherings arguing that it was the only effective way to put a stop to the mixed parties. He felt that the thirteen individuals in question would be able to evade a limited ban by meeting their African friends elsewhere.[335] The following passages taken from a letter written by Nel and published in *The Rand Daily Mail* reveal the acute frustration felt by the new Minister:

> The City Council of Johannesburg has for the umpteenth time, acted in a characteristic manner – without a proper appreciation of its statutory relation to the central government and above all without a proper conception of events occurring in the city entrusted to its care. For a considerable time, a fairly large number of Europeans in Johannesburg have held mixed parties – characterised by excesses – in their homes in contravention of well known South African custom. Lately, liquor has flowed freely at such parties and the results can be left to the imagination. If the JCC knows what is happening in the area under its jurisdiction – and we can rightly expect that it should – it will be well aware of the gatherings which occur regularly on the premises indicated. If its law advisors had advised it correctly it would be quite clear that the prohibition of such gatherings on only the premises indicated would be ineffective unless the prohibition was applied to the whole city, because the gatherings could simply be held on premises not mentioned in the proposed notice.

[333] She went on to say that 'to stop the activities of thirteen people the Minister is placing a ban on one million'.
[334] UWHP, PRBL, A1132, Bb, Vol 2, *The Rand Daily Mail,* 6 January 1959
[335] The thirteen citizens mentioned by Nel were well known for their 'controversial' political beliefs. Throughout the saga they urged the Council to resist the ban. They even opened a case of defamation against the Minister. There are a few instantly recognisable names in the following 'list of thirteen': A. Fischer; J. Slovo; J. Baker; R.E. Press; S. Goldsmith; L. Bernstein; M. Harmel; E. Brown; N. Levy; B. Arenstein; P.B. Benjamin; M. Goldberg; and E. Weinberg.

> In future nobody need be surprised at the steps taken by my predecessor when he appointed a Departmental Committee for Johannesburg. The appointment of the Natives Resettlement Board must be seen in the same light.
>
> Must I now accept that the JCC is well satisfied with the mixed drinking parties occurring in the city? Must I accept that it was completely unaware of what regularly happens on the 13 premises indicated? Must I accept that it does not know how to get in touch with my department or that it even refuses to do so? This is the council that regularly complains that the government trespasses on municipal terrain. A Government which does not – in such circumstances – protect the national interest would be neglecting its duty.
>
> In conclusion I must say that the discourteous behaviour of the council has deeply disappointed me.[336]

Over the ensuing days Nel continued to emphasise his dissatisfaction with the Council's handling of the matter but kept the door open for further negotiations:

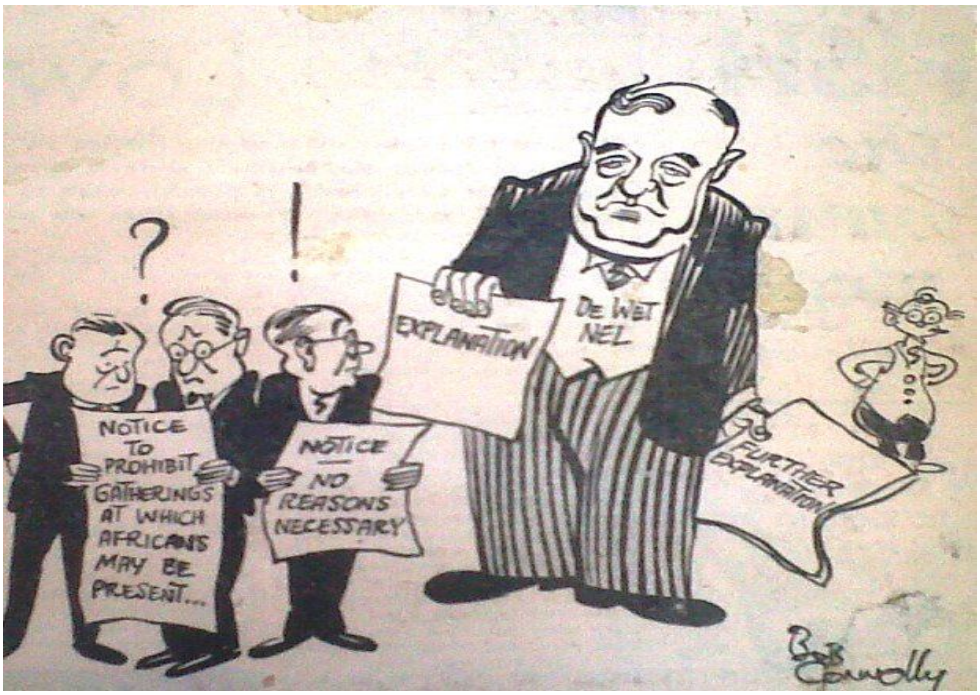
> I took the initiative and asked the City Council, as my partner in this matter, for its cooperation, trusting that the position would be rectified. Naturally if the Council had any doubts in the matter I would have been gladly available for any discussions with a deputation. Neither from me or my department, which was in any case always available, was any further information asked. Discussions or an extension of the prescribed period were never asked for. All of these possibilities of which the City Council availed itself in the past were in this instance ignored and only a blank refusal to cooperate was received, with the result that my hands are tied provisionally.

[336] UWHP, PRBL, A1132, Bb, Vol 2, *The Rand Daily Mail,* 5 January 1959

> I wish to point out however that the City Council will now have to assume full responsibility for the conditions to which I referred and about which the public is rightly concerned. If the City Council of Johannesburg wakes up and realises that action in the public interest is necessary and if the council is anxious to clear up the matter I shall be willing even at this late stage and after much malicious use has been made of this urgent affair to consider proper joint action.[337]

At the same time he used the strategy perfected by his predecessor and issued an ultimatum to the JCC:

> If cooperation in this matter is not given and the undesirable conditions continue to the annoyance of the public and the undermining of South African interests, I shall be obliged to consider asking Parliament to entrust to the State alone the responsibility with regard to such affairs and to relieve the local authorities who are unwilling to perform their duty towards the public of such responsibilities.[338]



Picture 4: UWHP, PRBL, A1132, Bb, Vol 2, *The Rand Daily Mail,* 6 January 1959, Bob Connolly takes a swing at Minister Nel's handling of the 'Mixed Meetings' saga

[337] UWHP, PRBL, A1132, Bb, Vol 2, *The Rand Daily Mail,* 7 January 1959
[338] Ibid

While the Minister was actively defending his conduct the General Purposes Committee met to consider the BAD's ultimatum. After fiery deliberations and pressure from senior UP officials the Council decided to reject Nel's request for cooperation.[339] Following the meeting a council spokesperson escalated tensions by asking the Minister to make a public statement that he had been wrong all along.[340] Despite this political posturing it was announced just a few days later that a Council deputation would go and see the Minister on the 15 January to discuss their differences. In a piece prophetically titled 'A New Start' a *Rand Daily Mail* columnist spoke candidly about the upcoming meeting:

> Mr Nel will enhance his stature if he takes another look at the matter and the Council for its part should see its function as that of persuasion rather than recrimination. If there have been misunderstandings it will be the task of the negotiators to eliminate them so that both sides can argue on a basis of hard facts. No one expects the Council and the Minister to agree – and certainly not to compromise – on matters of principle. It is expected from the Minister that if the council puts up a convincing case he should give their arguments careful consideration and concede what is right. And if he does so he should be given due credit.[341]

The open and direct discussions at this important meeting revealed that the distance between the parties was not as wide as it had been represented in the media over the preceding weeks. Nel told the deputation that it was never his intention to prohibit certain basic freedoms and admitted that the legal effect of the notice was far wider than the limited purpose he wished to attain. After listening attentively to the representations of the deputation he agreed to revisit the matter and draw up a fresh draft which would result in a ban on certain specified mixed parties in private homes only and not on all political and social contact between black and white as was originally indicated.[342] In reaction to this pronouncement a Councillor commented:

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[339] See the section towards the end of this chapter for further details of the internal divisions within the United Party.
[340] UWHP, PRBL, A1132, Bb, Vol 2, *The Rand Daily Mail, 10 January 1959*
[341] UWHP, PRBL, A1132, Bb, Vol 2, *The Rand Daily Mail,* 13 January 1959
[342] UWHP, PRBL, A1132, Bb, Vol 2, *The Rand Daily Mail,* 16 January 1959

> This is good news for everyone in Johannesburg. The Government has asked us for many assurances in the past and at last we have one from a Minister in return.[343]

Surprisingly little movement on the issue occurred in the weeks following the meeting and it appears as if this is where the matter ended. A senior Council official stated in early March 1959 that 'everyone was hoping that this embarrassing matter would be forgotten'.[344]

While a large part of this dispute resembled the heated struggles from earlier in the decade, the manner in which the 15 January meeting was conducted revealed the beginning of a new phase in the relationship between the Council and the BAD.[345] Glimpses of a spirit of pragmatic cooperation emerged with the Minister in particular showing that he was prepared to listen to Council officials and be swayed by sound logic.[346]



Picture 5: UWHP, PRBL, A1132, Bb, Vol 2, *The Rand Daily Mail.* Unknown Date (Approximately early January 1959). 'You realise of course the Minister frowns on mixed gatherings!' A humorous take on the 'Mixed Meetings' saga.

[343] UWHP, PRBL, A1132, Bb, Vol 2, *The Rand Daily Mail,* 16 January 1959
[344] UWHP, PRBL, A1132, Bb, Vol 2, *The Rand Daily Mail,* 2 March 1959
[345] The Mentz Committee and Lewis were largely absent during the relatively short-lived yet highly intense 'Mixed Meetings Saga'.
[346] Minister Nel also showed his ability to listen to reason during a controversy over the banning of African church services in Forest Town. Four residents from the surrounding suburbs submitted noise and hygiene related complaints to Nationalist City Councillors who lobbied the Minister to enforce a ban. The United Party argued that the services should be allowed to continue in line with the feeling of the majority of residents. On 12 December 1958 Nel acted against the advice of the Council and banned the services. Reverend J.B Webb organised a 'man to man' discussion with the Minister and the two came to an agreement. Nel would lift the ban as long as churchgoers were quiet at all times, dispersed as soon as the service was over and church services were decentralised immediately. Webb assured the Minister that the Church would be run along the lines of 'garage churches'. Nel was widely praised for the manner of his conduct and for making reasonable concessions.

The Beerhalls Crisis

Within a few weeks of this positive outcome the Council and Government were thrown into another crisis when a white man was murdered outside the Mai-Mai Beerhall to the east of the City.[347] The BAD responded by ordering the JCC to close all central beerhalls by the 16th June and build alternative facilities in African areas in line with Government policy. In order to understand the differences between the two levels of government on this issue it is important to trace the seeds of the controversy.

In 1937 the amendment of the Native (Urban Areas) Act made it legal for Africans to brew their own beer in locations or native villages where local authorities did not erect a beerhall. In 1938, rather than allow home brewing, many local authorities on the Witwatersrand including Johannesburg erected their own production and distribution infrastructure.[348] Over the years the practice attracted a great deal of criticism but the JCC forged ahead arguing that the Council monopoly had definite advantages including the following: 1) preventing the 'deterioration of health, morals and crime' by minimising illicit brewing and providing a standard quality product; 2) preventing overindulgence by maintaining control over supply and demand; 3) keeping Africans off the streets during their lunch hour; and 4) easing the financial burden of providing health, welfare, recreation and housing services.[349]

Largely due to the difficulty of finding suitable land Johannesburg's Beerhalls were located in industrial areas where a large number of Africans were employed. Only four were built leading to overcrowding and a number of dangerous incidents. The Central Beerhall was the largest in the city serving an estimated ten thousand patrons per day by the mid 1950s and drawing numerous complaints from nearby white ratepayers. Carr and other officials at the

[347] In a draft version of his lecture 'A City within a City – The Creation of Soweto' Lewis provides the following description of events leading up to the murder: 'Two Europeans returning from the Turffontein Race Course one Saturday afternoon stalled the very old motor car they were riding in near the Mai–Mai Beer Garden in City and Suburban just at the time when patrons were pouring out after closing time. The Europeans ordered the passing crowd to push their car to get it re-started, but the Bantu objected to the terms in which they were addressed and an argument started culminating in blows being exchanged, and finally the one European was so seriously assaulted that he died, but the other managed to run away.'

[348] The opinion of officials at the time was that home brewing would attract single male migrants and increase the chances of 'unpleasant' incidents.

[349] Johannesburg Public Library Archives (JPLA), Johannesburg City Council Minutes (JCCM), Report of the JNEAC submitted to the Council, 26 March 1957

JNEAD had given some thought towards improving the situation but a letter from the Secretary for Native Affairs on 8 November 1956 demanded action:

> As a result of recent disturbances at the Central Beerhall in Johannesburg the Department has given careful consideration to the advisability of locating institutions such as beerhalls, which are at the same time sources of potential danger, elsewhere than in central European or densely populated areas.
>
> As you are no doubt aware it is departmental policy that all institutions such as beerhalls catering for the needs of urban Natives should be situated in areas specially demarcated for Natives. Indeed the Department no longer sanctions the erection of beerhalls save where these are erected in accordance with policy in the location. The same remarks also apply in regard to Native hostels and recreational facilities.
>
> ...it is considered that the time is now opportune for the City Council to consider the desirability of removing all such institutions to the Native townships. It is appreciated that this can only be a long term policy but to commence with the City Council should be urged to give consideration to the early removal of the Central Beerhall. The removal of the other beerhalls should receive consideration when the hostels are removed and the Native population in the central area is reduced by the implementation of the 'Locations in the Sky' legislation.
>
> The primary object should be eventually to establish all the beerhalls in the South-Western Native complex.[350]

In response Carr presented a potential solution to the JNEAC. He showed how planning was already in place for beerhalls at the new hostels at Dube and Nancefield and suggested that additional smaller beerhalls be constructed in the African areas to reduce overcrowding. He emphasised the importance of keeping the Central Beerhall open until alternative facilities

[350] JPLA, JCCM, Letter from the Secretary of Native Affairs to the Council, 8 November 1956, NEAC report, 26 March 1957

became available and speculated that the loss of profits from closing the central beerhalls could be made up by the establishment of beer gardens and off-sale facilities in the locations. A central concern highlighted in the report was the high probability that Africans living in 'European' areas would turn to shebeens and dangerous concoctions if deprived of a convenient source of African beer. Carr argued strongly that this would create far more problems than those created by the beerhalls and believed that the solution was to maintain a presence in the 'European' areas of the city. At the same time he acknowledged the controversial nature of this suggestion:

> ...it would appear contrary to the Government's policy to establish Native beerhalls in European areas and it will be difficult, if not impossible, to find sites in the town where new smaller beerhalls can be established so as to relieve congestion in the four large ones existing, but this point is of sufficient importance to justify verbal representations being made on a high level to the Department of Native Affairs.

The Council supported the Manager's concerns and adopted the following resolution:

> That, in order to prevent the emergence of shebeens in the central area, the Manager, Non European Affairs Department, be authorised, in conjunction with other appropriate departments, to select and negotiate for the acquisition of two or three small beerhalls in predominantly industrial areas and that he be further authorised to make representations to the Native Affairs Department to obtain Government approval for this proposal, which, if necessary, could be on a temporary basis.[351]

As this resolution openly opposed Government policy the Nationalist leader in Council proposed a motion to remove it. The UP used its large majority to push the recommendation through but unsurprisingly Government approval for the plan was not forthcoming.[352] A year and a half later after sustained government pressure one of the assurances given by the JCC was that it would cooperate with the NAD and accept the principle that in certain cases

[351] JPLA, JCCM, Ordinary Meeting, 26 March 1957
[352] Ibid

hostels, beerhalls and other institutions and amenities should be replaced with similar facilities in Native Areas.[353]

During a meeting of the Departmental Committee for Johannesburg in January 1959 the Council presented two plans for the BAD to consider. The first involved closing the central beerhalls and replacing them with facilities in African areas in line with Government policy. The second, mirroring controversial resolution of March 1957, suggested providing well sited beerhalls in industrial areas to cater for employees and Africans residing in the 'European' areas.[354] While these proposals were being considered media reports of the murder outside the Mai-Mai Beerhall began to emerge and public opinion swayed firmly in favour of the immediate removal of all beerhalls to the African areas.[355]

Grasping the significance of the event and the dangers of a knee-jerk reaction from the BAD Lewis immediately issued a statement to the Press to reinforce the Council's position:

> We are naturally gravely concerned about an incident such as that on Saturday. But it would be neither feasible nor sensible to uproot all the beerhalls in the city. Johannesburg's natives consume 10 million gallons of kaffir beer a year. This proves their need for the brew, which is prepared under the best possible conditions and is virtually a food. Thousands of the beer-drinkers live and work in the city's environs both during the week and on the weekend. If they were deprived of this beer just at a stroke it is certain that they would turn to illicit and dangerous brews.
>
> The Council thinks a sensible alternative to the large, crowded beerhalls would be to have smaller beerhalls in the city at strategic points. Thus big congregations of natives at one point would be prevented.[356]

As mentioned above Minister Nel responded swiftly to the murder and ordered the Central, Mai-Mai and Wolhuter beerhalls to be closed before 16th June 1959. In addition to this he ordered that in the interim beerhalls in white areas should be closed on Sundays and that

[353] UWHP, PRBL, A1132, Bb, Vol 2, *The Rand Daily Mail,* 25 September 1958
[354] UWHP, PRBL, A1132, Bb, Vol 2, *The Rand Daily Mail,* 9 January 1959
[355] UWHP, PRBL, A1132, Bb, Vol 2, *The Rand Daily Mail,* 2 February 1959
[356] Ibid

construction work on beer gardens in the African areas begin immediately. In doing so he rejected the Council's plan – to maintain a decentralised presence in the 'European' areas - in line with recommendations from the Departmental Committee and overall Government Policy. *The Star* criticised Nel for ignoring the advice of the 'men on the spot' as well as the reality that tens of thousands of Africans still lived in the white areas for the convenience of their employers.[357]

On 27 February 1959 the Council met to discuss the Minister's instructions. Lewis requested that the contents of the meeting be kept from the Press as previous leaks had increased tensions between the levels of Government.[358] Despite this *The Rand Daily Mail* was able to secure details of the meeting and reported that the Council had decided to approach the Minister to make further representations.[359] Eben Cuyler argued that since the English Press had reported on the matter he would now reveal 'what the United Party had up its sleeves'.[360] *Die Vaderland* subsequently informed its readers that the Council had decided to request that the Malan Commission – investigating the supply of liquor to Africans - be expanded to include an investigation into the sale and supply of beer. It accused the Council of employing delaying tactics with the aim of pressuring the Minister to pass legislation to remove beerhalls.[361]

While the request for the Malan Commission to look into the matter was rejected the Council began construction of beer gardens in the African areas with the full support of the BAD. Lewis expressed his gratitude to Department officials for their assistance and cooperation but at the same time voiced his concern that the needs of Africans in the white areas had not been met.[362] Lewis repeated his concerns at every opportunity including a candid speech to the Rotary Club of Johannesburg in April 1959:

> If the beerhalls are to be closed can it be expected that the present patrons will suddenly change their habits, go without what they regard as their

[357] UWHP, PRBL, A1132, Bb, Vol 2, *The Star,* 24 February 1959
[358] The provocative role played by the media during the 'Mixed Meetings' saga the previous month appears to have contributed to this decision.
[359] UWHP, PRBL, A1132, Bb, Vol 2, *The Rand Daily Mail,* 28 February 1959
[360] He argued that any agreement with Lewis regarding confidentiality had lapsed due to the leak to *The Rand Daily Mail.*
[361] UWHP, PRBL, A1132, Bb, Vol 2, *Die Vaderland,* 2 March 1959
[362] UWHP, PRBL, A1132, Bb, Vol 2, *The Star,* 13 March 1959

> midday meal, reserve their thirsts for when they return to the Townships in the evening, and if they should live in the city are they suddenly going to drink ginger pop? I think the answer is to be found in some famous words of George Bernard Shaw – "not bloody likely". When it is considered that the return fare from Johannesburg to Orlando at the weekend is 1.10d. and that the travelling time would be a minimum of one and a half hours, I think it more than likely that it will be the shebeens that will get the patronage.
>
> It is my fear, and that of members of the Council, that the sudden closing of the central beerhalls will cause terrific resentment in the minds of the African people and that it will result in an increase in the patronage of shebeens and the illicit sale of European liquor.
>
> It is my contention that the unfortunate incidents that have occurred in the vicinity of the beerhalls will be nothing to that which will follow if the beerhalls are closed and the shebeen traffic gets under way.[363]

Negotiations between the Council and BAD continued behind the scenes and at a watershed meeting on the 5th June a Council deputation, led by Lewis and Carr, made a final appeal for the BAD to consider the perilous implications of not catering for Africans living in the 'European' areas. The Minister stood firm on his decision that the large beerhalls should go but in a momentous move he gave his permission for the Council to operate two to three small beerhalls on an experimental basis in industrial areas. The Minister received widespread praise for his overall conduct and for granting this concession. Lewis commended Nel by saying:

> The Minister displayed an awareness of the complexity of the problem and discussed the practical issues in a spirit of helpfulness.
>
> Indeed our reception by the Minister in Cape Town when we flew to see him on the matter was that we would not discuss the matter on political

[363] UWHP, PRBL, A1132, Bb, Vol 2, Address to the Johannesburg Rotary Club given by Patrick Lewis, 28 April 1959

> lines but purely on the merits. We deeply appreciated his understanding of our problems.

Things moved rapidly once agreement was reached. Mr Heald from the BAD immediately toured the proposed sites and gave his approval. The Council put its construction teams into action and miraculously after four days of flat out work three new beerhalls were ready to serve customers.[364] Lewis described this outstanding achievement in a speech to the Council in 1960:

> I remember well the crisis we had on June 16th last year when the Central Beerhalls had to be closed and the Minister gave us permission to open new ones in the worked-out mining area. We were given the seemingly impossible task of constructing the new ones in three to four days. The officials of the Council responded magnificently and the change over went off without a hitch. Those who were in on it regarded it as a miracle.[365]

The successful resolution of the crisis was largely due to the leadership and commitment of Patrick Lewis and his growing relationship with the Minister. *The Rand Daily Mail* commented as follows:

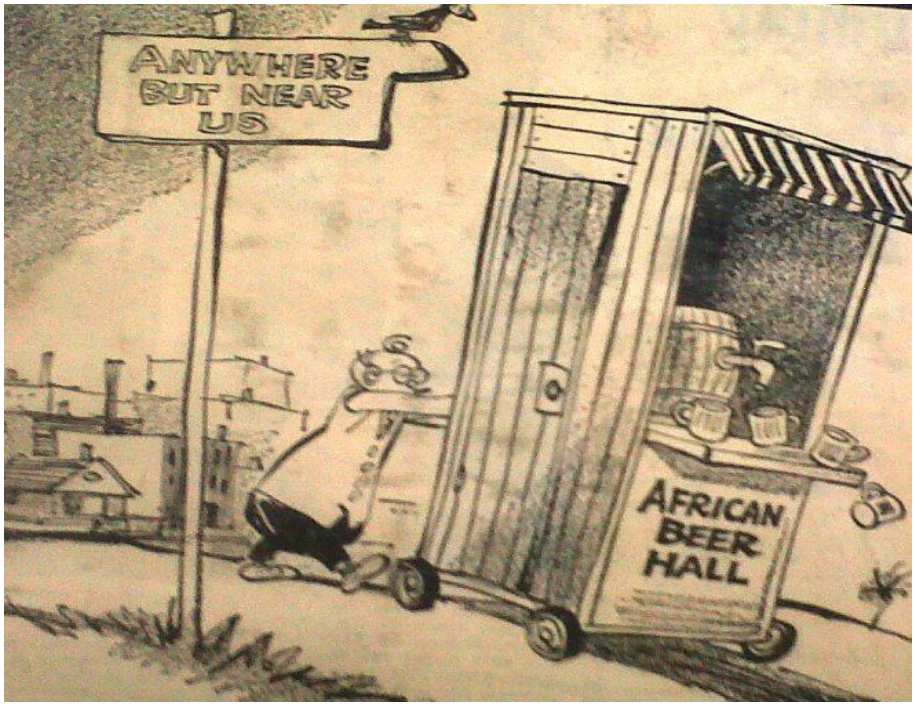
> In getting permission to establish the small city beerhalls Mr Patrick Lewis, Non European Affairs Committee leader, has achieved what even his friends said was impossible.

The beerhalls crisis continued for a few months with Nationalist Councillors protesting loudly against the concessions granted by the Minister. Backed by the Afrikaner Press they launched a campaign to 'fight to the bitter end' and secure the removal of the new beerhalls.[366] Cuyler even publicly appealed to Verwoerd to overrule Nel's decision.[367] In

[364] The Council threw a party for the African workers who had built the new beerhalls. While they were enjoying their reward – a feast of beer and meat – over a hundred African women protested outside demanding schools not beerhalls.
[365] UWHP, PRBL, A1132, Ed13. Speech by Patrick Lewis to the Council Chamber regarding the resignation of Councillor Jack Cutten, 12 May 1960
[366] The JNEAD received complaints from a number of whites living near the Denver beerhall and ultimately had to close it within a month of opening.

dealing with a number of complaints emerging from white residents near the beerhalls the Minister revealed the extent to which he had been convinced by Lewis's representations. While insisting that he would not hesitate to close the beerhalls if they were a threat to the peace and safety of nearby residents he added the following caveat:

> I must however be careful to put an end to one evil and create a greater evil in its place.[368]



Picture 6: UWHP, PRBL, A1132, Bb, Vol 2, *The Rand Daily Mail*, 25 June 1959, A Bob Connolly Cartoon commenting on the complaints against the new Beerhalls

The Preservation of Pimville

Another significant event demonstrating the improvement in the relationship between the Council and the BAD was the Minister's decision to allow Pimville to be included within the boundaries of the South Western Native Township. In 1904 after the outbreak of bubonic

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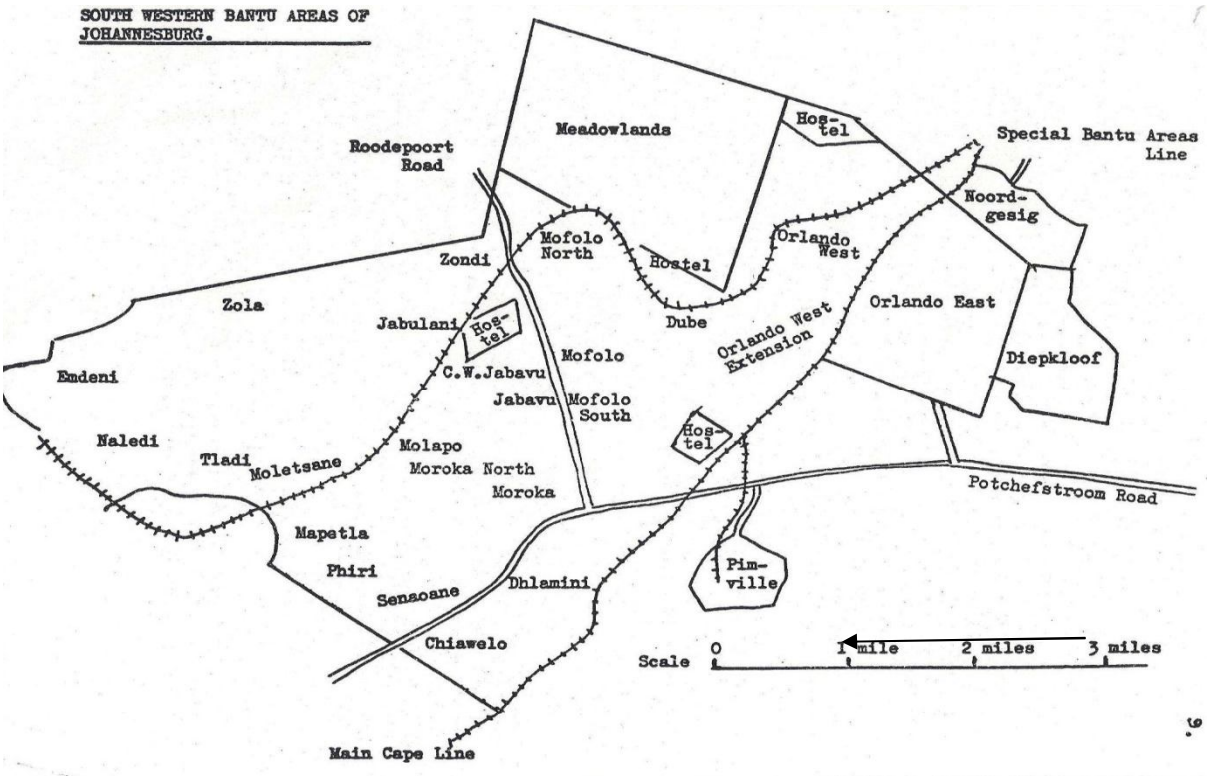
[367] Ironically the relationship between Lewis and Nel was far stronger than the one between the two National Party members. It appears as though Cuyler's dissent early in Nel's term led to him being marginalised by the Minister. In a tribute to Lewis on his retirement, Councillor Oberholzer spoke candidly about this: 'I think at times the then leader of the opposition was a little jealous of the position he [Lewis] held in the minds of those two gentlemen [Verwoerd and Nel]! I know on an occasion, Sir, het hy Raadslip Lewis gaan verkla by die Minister en die Minister het nie notisie geneem van gewese Raadslip Cuyler nie. Soveel so dat hy by geleentheid hier gese het in hierdie Raad, 'Yes, I know the reason why, it is because you are the Minister's blue-eyed boy'.

[368] UWHP, PRBL, A1132, Bb, Vol 2, *The Rand Daily Mail,* 24 June 1959

plague near present day Newtown the African population in the area was moved to the farm Klipspruit twelve miles south west of the city. This settlement became Johannesburg's first municipal location and was renamed Pimville in 1934.[369] In 1953 a planning committee chaired by FE Mentz responded to complaints from white residents in the Nancefield-Klipriviersoog area and recommended that the Potchefstroom road and railway be the dividing line between black and white (see map below).[370] As Pimville fell on the 'white' side of this line the committee recommended its removal – a long term project - so that tensions between the races could be eliminated.[371] Shortly after Verwoerd had approved these recommendations the Council appealed for the retention of Pimville as it was then in the process of considering a complete relayout of the slum dominated area.[372] The request was rejected and the Council was barred from incurring any further capital expenditure in the area which continued to deteriorate.[373]



[369] Named after Howard Pim who had dedicated a large part of his life to the 'upliftment' of Africans in Johannesburg.
[370] This committee was commonly referred to as the Mentz Committee. It is important not to confuse it with the later Departmental Committee for Johannesburg which was also referred to as the Mentz Committee.
[371] UWHP, PRBL, A1132, Ea 16, Letter from the Secretary for Native Affairs to the Director of Native Labour Johannesburg, 9 August 1954
[372] Lewis argued that the Council resisted the decision regarding Pimville as it had been occupied by Africans for many decades.
[373] UWHP, PRBL, A1132, Ea 16, Letter from the Secretary for Native Affairs to the Chief Native Commissioner, 23 December 1954

The Council was reluctant to accept this as the NAD's final policy and asked the JNEAD to prepare a detailed memorandum which was submitted to Government officials in 1955. The Department replied that nothing could be done until the Group Areas Board had made its recommendations to the Minister regarding the proclamation of group areas in and around Johannesburg.[374] This was where the matter remained until July 1958 when the JNEAC decided to make renewed representations. As Government policy had been firm on the issue the Town Clerk recommended putting together the strongest possible case. It was agreed that the Council should not approach the BAD for the relaying of Pimville but rather for the resettlement of families who would have been housed on Diepkloof land that had been surrendered to the Resettlement Board for housing Africans removed from Alexandra.[375] The following passages from a letter sent by the Town Clerk to Carr reflect the Council's strategy:

> It appears to me that the only possible approach to the Department of Native Affairs is that, the acquisition of Diepkloof by the Natives Resettlement Board having deprived the Council of the opportunity to provide housing closer to Johannesburg proper than the remote stretches of Doornkop, the Council should be allowed to develop available land fairly close to Johannesburg. But the emphasis must be on the intention to provide housing on this land for people who would otherwise have to be housed at Doornkop so that the relayout of Pimville itself becomes a secondary consideration.
>
> As to the reasons given by the Mentz Committee for the original decision to evacuate Pimville in the distant future, the Council has already provided in addition to a buffer strip of the maximum width now required by the department (500 yards) a public road and an avenue of tall trees. The complaints that have been made are no more serious than those from the

[374] UWHP, PRBL, A1132, Ea 16, A description of events relating to Pimville in a letter from the Town Clerk to the Manager of the Non European Affairs Department, 14 January 1959

[375] In 1954 the Council negotiated an option to purchase a portion of the farm Diepkloof number nine from Crown Mines. The Resettlement Board asked the Council to forego their rights as the Board needed the ground for the proposed removal of Africans from Alexandra. The Council was reluctant to give up this land as it would have provided over five thousand urgently needed sites in an area relatively close to the city. In July 1958 the Council agreed to abandon its rights to acquire the land in spite of the demands of its own housing programme.

> Europeans on the fringes of Doornkop and wherever we settle Natives the same complaints will arise. We shall have to make it clear that there will be no development along the present Potchefstroom Road until the new national road to the south has been opened.
>
> That will be the main argument but a secondary argument will be that the Council's proposal will make possible the relayout of the old village and the consequential avoidance of the necessity to pay £100,000 or more in compensation to families who might otherwise be dispossessed and move elsewhere.[376]

The Council was eager to get permission to use the land adjacent to Pimville as it had a number of advantages including: 1) it was large enough to enable the JCC to provide around seven thousand houses; 2) it was already owned by the Council; 3) it bordered existing African areas; and 4) it was well situated along transport routes. The Council raised the matter with the Departmental Committee for Johannesburg in August 1959 but negotiations were delayed due to the illness of Chairman Mentz.[377] The impetus returned in 1960 when MC Botha replaced Mentz as Deputy Minister and in December he and Nel visited the South Western Areas to see what was happening on the ground. Lewis gave a rousing welcome speech expressing his respect and gratitude to the Minister and revealing the essence of pragmatic cooperation:

> Mr Minister I feel you are endeavouring to carry out a policy which you believe holds the solution. I do not agree with many of the aspects of that policy, but I do accept your sincerity and I do believe you have a regard for

[376] UWHP, PRBL, A1132, Ea 16, Letter from the Town Clerk to the Manager of the Non European Affairs Department, 14 January 1959

[377] During this time a number of constraints on the activities of the Resettlement Board in the Western Areas provided a motivation for the BAD to come to an agreement on Pimville. The 'cleaning up of Sophiatown' was being delayed by the shortage of alternative accommodation for Coloureds. The Board therefore wanted Western Native Township, which had been proclaimed a Coloured Group area, to be cleared to provide the required temporary housing. The Council also needed to provide alternative housing for the Africans from Western Native Township but had no land for such a purpose. It appeared as though the deviation of the 'Mentz Line' to free up land adjacent to Pimville could be the key to the whole problem. An interesting aside is that Eben Cuyler made a political issue out of these events. He proposed a motion at a Council meeting in May 1960 for the JCC to hand over control of the removal of Western Native Township to the Resettlement Board. Lewis accused Cuyler of trying to drive a wedge between the Council and the Board. He suspected that Cuyler wanted the NAD to take over full control of 'Native' Administration in Johannesburg. Lewis went on to defend the Council's record in African administration stating that it had been 'a credit to the City'.

> the Bantu and wish to do right by him. I hope Mr Minister that you have the same feeling towards us, that although you may not agree with all our requests you will accept that they are sincerely made and that we, as much as you, are endeavouring in our small way to deal with the difficult problems of the Urban Bantu that are our responsibility.[378]

Nel's personal visit and the strong case put forward by the Council resulted in the Minister reversing the decision of the Mentz Committee – a move that would have been unheard of a few years earlier. On hearing the news Lewis travelled to Pimville to inform the communities on the ground:

> This is great news that I bring you. The Minister of Bantu Development Mr De Wet Nel has reversed a former decision of the Government that Pimville should become a white area and has agreed to allow us to build you new homes here.[379]

In a report of the achievements in African affairs for the year 1960/61, Carr gave the following summary of events:

> The protracted negotiations with the Government for the deviation of the Mentz Line further to the East to include the Pimville area within the South Western Native Are complex came to fruition during the Mayoral year with the receipt of the desired approval of the Minister of Bantu Administration and Development after a personal visit by himself and his deputy. The relayout of Pimville and the consequent rehousing of 7,000 families living under slum conditions in the township has, therefore, now become a matter of urgency and has been the subject of discussion with the Department of Bantu Administration and Development at a number of meeting of the Departmental Committee for Johannesburg.

[378] UWHP, PRBL, A1132, Ea 13, Speech by Patrick Lewis welcoming the Minister and Deputy Minister on their official tour of the South Western Areas
[379] UWHP, PRBL, A1132, Bb, Vol 2, 21 January 1961

Once again Nel received wide acclaim for considering the situation on its merits and enhanced his reputation as a man of reason and compassion. A key theme of Nel's term as Minister, reflected in this decision, was his effort to understand the conditions on the ground in South Africa's richest and largest city.[380] Even Carr, who was highly critical of many BAD officials, praised Nel:

> There was however, one notable exception, that of Mr De Wet Nel. His tenure as Minister of the Bantu Administration Department was marked by humanity, compassion and humour, and although he did not depart from National Party Policy, he did apply it with a real sense of the difficulties and hardships experienced by ordinary Africans.[381]

Although the retention of Pimville can be considered a success it is important to note that over time the Council was stalled in its implementation of the scheme as housing loans from the Government dried up. This was largely due to the BAD's focus on developing the homelands and reducing the attractiveness of urban areas in the hope of reversing urbanisation.[382] The Mining Houses once again came to the rescue and in 1966 they organised a loan of R750 000 as a gift to Johannesburg on its 80th birthday to facilitate the completion of the Pimville scheme.[383]

The 'Locations in the Sky' Formula and the Development of the Oriental Plaza

With pragmatic cooperation firmly embedded in the relationship between the levels of Government, the BAD and JCC began negotiations on revising the formula for the continued

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[380] Nel was not the only high level government official making a contribution to rebuilding the relationship with the Council. Willie Maree, the Minister of 'Bantu' Education played a significant role in saving the Vocational Training Centre (VTC) setup by the JNEAD in 1942. The VTC provided artisan training for young men from the townships with the objective of improving their chances of finding employment. Despite the centre's relatively small scale and the apparently benevolent intentions of the Council, its continued existence drew objections from white trade unions and the BAD. The trade unions did not want Africans being trained as artisans while the BAD argued that subsidising the centre was contrary to the policy that all African institutions should be self financing. The JNEAD, fearing that Government officials would close down the VTC, invited the Minister of Bantu Education to tour the facilities. It appears as if the Minister's ultimate visit in August 1961 had a profound effect on him as shortly afterwards he gave his approval for the centre to remain open and for a new course to be added enabling the VTC expand.

[381] W. J. P. Carr, *Soweto - Its creation, life and decline,* South African Institute of Race Relations, Johannesburg, 1990, p. 60

[382] This process will be covered in more detail in the final chapter.

[383] W. J. P. Carr, *Soweto - Its creation, life and decline,* South African Institute of Race Relations, Johannesburg, 1990, p. 60

removal of Africans in terms of the 'Locations in the Sky' legislation. The BAD wanted to increase the pace of removals while the Council was concerned that a more stringent formula would upset property owners and investors. Estate agents around Johannesburg had warned Councillors of the potential disruption to the property market if the existing formula of one servant per five flats was changed.[384] At a meeting of the Departmental Committee for Johannesburg in September 1963, the Minister outlined his plans to amend the formula to one servant per eight flats. Lewis highlighted the concerns of hotels, businesses and investors and appealed for the formula to stay the same. It appeared as if negotiations were heading for a stalemate which would ultimately result in the BAD pushing through its formula against the advice of the Council. The Deputy Minister then highlighted a matter that he thought had been overlooked. He felt that any new formula should include compassionate cases placing the onus on property owners to decide how servants would be allocated. He intimated that he would be happy to agree to keep the existing formula of one servant for every five flats (plus a boiler attendant and a watchman) if the Council agreed that this would include all compassionate cases.[385] The terms were acceptable to Council representatives and another pragmatic 'success' was achieved.[386]

The BAD also wanted old buildings to be brought into line with the new formula as soon as possible. The Council argued that due to a lack of alternative accommodation very little could be done on this matter in the immediate future.[387] The Minister suggested that, as a temporary measure, vacant housing in Alexandra be used to house female servants currently living in Johannesburg's Northern Suburbs. Lewis was hesitant to agree to this line of action as the houses were in disrepair and had inadequate cooking and washing facilities. Botha then proposed that the accommodation be used for males but again Lewis was reluctant as in addition to the poor facilities there would be no guarantee of proper control. The Deputy Minister had the power to disregard the Council's reservations but instead asked Smuts and Carr to carry out an inspection and prepare a report on the suitability or otherwise of the rooms. Although a resolution on the matter was deferred to a future meeting both parties continued to pursue cooperation over conflict.[388]

[384] Estate Agents argued that investors would shy away from purchasing new stock knowing that they would struggle to find tenants because of the strict limitation of servants compared to older buildings.
[385] UWHP, PRBL, A1132, Ea 25, Minutes of the Departmental Committee for Johannesburg, 28 November 1962
[386] The people being removed would hardly call this a success.
[387] Carr was placed under immense pressure to expedite the removals in line with overall Apartheid policy.
[388] UWHP, PRBL, A1132, Ea 25, Minutes of the Departmental Committee for Johannesburg, 28 November 1962

An additional episode revealing a high level of cooperation between the levels of Government in the realm of African affairs was the idea and development of the Oriental Plaza. In 1963 a State committee was appointed under the chairmanship of Mr J.H. Niemand to 'assist' the Council with the planning and redevelopment of Pageview. The Council, aware of the flow of authority in the Country and hoping to ameliorate the harshness of the removals, nominated its full Management Committee to work in conjunction with the State Committee.[389] The manner in which the resettlement of traders was to take place fell outside the terms of reference of this powerful body and it was initially assumed that traders would have to use their own resources and initiative to re-establish themselves in business in Fordsburg. Appreciating the difficulty of establishing a business at the best of times, Lewis approached Niemand and they speculated on the possibility of a massive redevelopment project in the form of an Indian market to assist traders in getting back on their feet.[390] An analysis of the extent to which the Plaza succeeded in this regard falls beyond the scope of this dissertation. It is sufficient to say that the drive and leadership of Patrick Lewis played a significant role in enabling officials from all levels of government with different ideological backgrounds to work together and bring the mammoth project to fruition over eight years. Councillor Oberholzer paid tribute to Lewis's contributions on his retirement shortly before the Plaza opened:

> Sir, some of the things he has done will be everlasting monuments to his 'memory'... I think of the Oriental Plaza. He is the father of the thought, of the displaced Indian traders, who will ultimately be removed from Pageview... he thought that something unique should be done to assist these people in their plight, and this was agreed to by the higher authorities, for that too, Sir, we are thankful.[391]

Internal Division and Party Politics

The JCC's strategy of pragmatic cooperation, from the late 1950s until the mid 1960s, revealed considerable internal divisions within the UP group and triggered a number of

[389] The Management Committee system came into existence in the early 1960s in an attempt to speed up decision making and improve the functioning of the Council. An extremely powerful group of five councillors made up the Committee.
[390] UWHP, PRBL, A1132, Ea 54, Speech by Mr JH Niemand at the opening of the Oriental Plaza, 6 December 1971
[391] UWHP, PRBL, A1132, Ea 58, Tribute to Patrick Lewis on retiring from the Council by Councillor J.F. Oberholzer, 22 February 1972

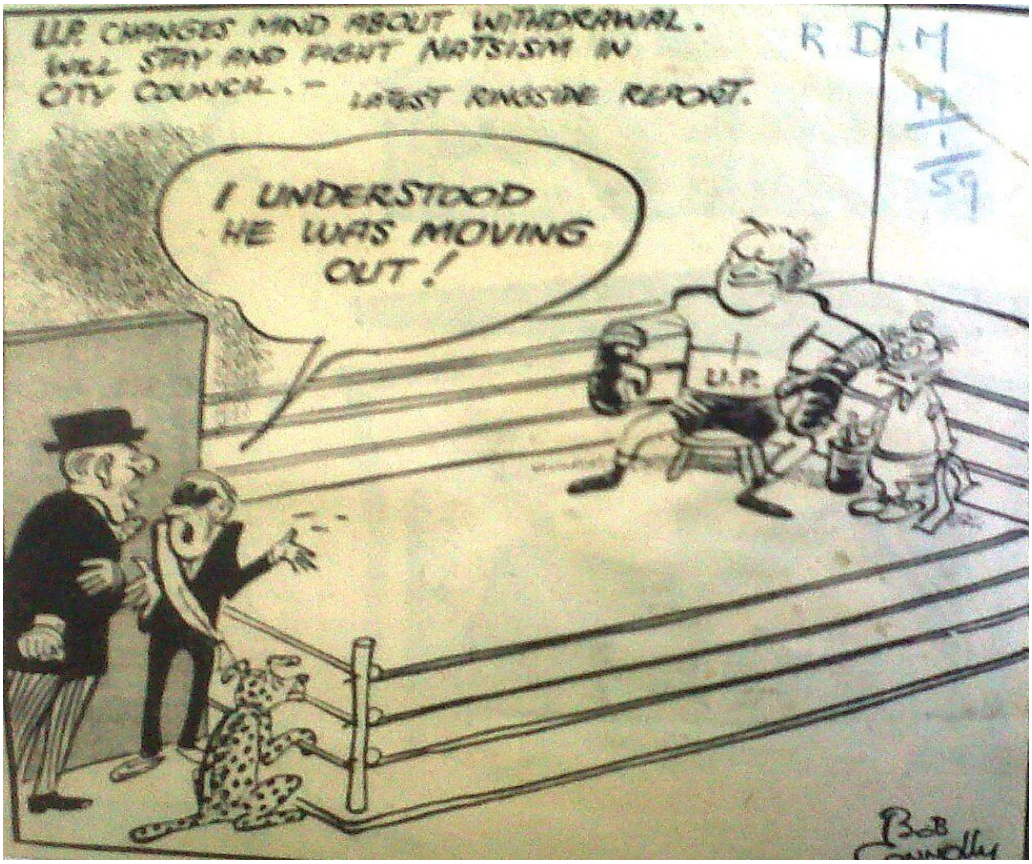
attacks from its political rivals.[392] The previous chapter highlighted a split between a conservative 'Business Group' and a more liberal 'Political Group' on whether or not to accede to the Government's demand for assurances.[393] In the aftermath of the decision to cooperate tensions continued to mount leading to the decision of at least five influential Members of Parliament, as well as other high ranking Party officials, to attempt to withdraw the UP from the JCC and replace it with an independent yet anti-nationalist ratepayers group. Senior Party members argued that it would be better for Johannesburg's population, white and black, if municipal affairs were free of party political influence and anti-UP discrimination. They also hoped to censure a considerable number of their JCC representatives for not toeing the party line. These representatives were accused of promoting Government plans for the running of Johannesburg including Nel's proposed banning of mixed gatherings.[394]

A momentous meeting took place on the evening of the 14th January 1959 where a near record number of UP executives from centres across the Witwatersrand assembled to consider the proposal to leave municipal politics. After two and a half hours of heated debate the suggestion was rejected and the UP resolved to continue to 'play its leading part in the City's fight against the Nationalist Government'. A key factor in the decision was the general agreement that the UP had a duty to represent the people of Johannesburg at a time when traditional freedoms were being eroded by the Central State.[395] The timing of the proposal, at the height of the 'mixed meetings' controversy, appears to have played a significant role in its defeat as reflected in the following political commentary from *The Rand Daily Mail:*

> While it is accepted that the principle of non-party local government is a good one, the UP's decision to stay in the JCC is understandable. The idea of withdrawal has strong support and the likelihood is that this would have been agreed were it not for Mr Nel. The Government has been going out of its way to embarrass the UP through the council. Had the UP pulled out at this moment it would have looked liked running away.

[392] Threads of pragmatic cooperation continued until the end of the municipal administration of African affairs in the early 1970s.
[393] It is important to note that while many primary sources describe a clear division between the groups there were a number of Councillors including Patrick Lewis who tried to walk a middle line judging each situation on its merits.
[394] UWHP, PRBL, A1132, Bb, *The Rand Daily Mail,* 14 January 1959
[395] UWHP, PRBL, A1132, Bb, *The Rand Daily Mail*, 15 January 1959

Both groups appear to have taken something out of the occasion. The liberals were pleased with the resolution to continue to fight the nationalists while the conservatives were satisfied that the UP remained in municipal politics and had managed to avoid a 'liberal coup'.[396]



Picture 7: UWHP, PRBL, A1132. Bb, Vol 2, *The Rand Daily Mail,* 17 January 1959, the United Party decides to remain in the JCC

It is important to emphasise that the divisions within the UP group in the City Council were closely tied to a rift in the party at a national level. *The Rand Daily Mail* argued that party members were in broad agreement on general principles but diverged significantly over their interpretation. The newspaper identified a 'Liberal Group' which wanted to take a firmer stand against the Government and push for more progressive race policies and a 'Conservative Group' which complained bitterly that they had suffered in the general election when rural audiences asked them to explain some of the statements made by their liberal counterparts in the cities. The conservatives argued that the Party should freely admit when its policies were similar to those of the Nationalists and not attempt to fight every issue

[396] UWHP, PRBL, A1132, Bb, Vol 2, *The Rand Daily Mail,* 23 January 1959

whereas the liberals believed that there were few areas of congruence between the two parties.[397]

It was not long before Nationalist Councillors shrewdly played on the noticeable divisions within the UP group. In March 1960 Eben Cuyler suggested that a luncheon be organised to celebrate the Resettlement Board's completion of the Western Areas Removal Scheme. This proposal placed the UP in an impossible position. If it resolved to take part in the celebrations it could be attacked on all sides – by internal liberals, Progressives and Nationalists - for the hypocrisy of the decision. If it chose to reject the idea it would open itself up to renewed Nationalist accusations of non-compliant behaviour and anger conservative councillors within the Party pushing for cooperation. Ultimately the Council decided that organising the luncheon was the lesser of the two evils and proceeded with arrangements. *The Rand Daily Mail* provided the following memorable description of the decision:

> For the Council now to join the Board at a commemorative function will be like rejoicing over the loot after having condemned the burglars. The less they have to do with it the better.[1]

As expected the Nationalists were able to extract some political capital out of the matter when an official gave his smug assessment of the Council's move:

> This will mark the final defeat of the Council. It put up so many scare stories about Sophiatown. Now it will fete the men it criticised so vehemently.[1]

Despite calls for party unity on the matter, a small number of Councillors, including Jack Cutten, boycotted the lunch on principle and were severely criticised by the Mayor for doing so. A few months later Cutten was no longer able to tolerate the Council's strategy of pragmatic cooperation and resigned from the Council.[398]

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[397] UWHP, PRBL, A1132, Bb, Vol 2, *The Rand Daily Mail,* 16 January 1959

[398] Cutten was criticised heavily by many of his United Party colleagues for his lack of consistency. He had remained a Councillor after the assurances saga in 1958 despite threatening to resign if the Council 'surrendered' to the Government.

The divisions within the Council were exacerbated by Nel's appointment of Marthinus Smuts as 'Information Officer' in late 1960. His role entailed 'assisting' local authorities across the Witwatersrand with the correct implementation of Government Policy as well as communicating this policy to urban Africans through the Advisory Boards. The Press reported that a new 'Watchdog' had been unleashed on Johannesburg with the power to attend confidential JNEAC meetings. The liberal group in Council interpreted the appointment as another attack on municipal autonomy and called for the UP to resist the move. It appears as though the conservatives considered Smuts's appointment a relatively minor matter with the potential to improve communication between the two levels of government. Lewis had approved Smuts' attendance at a November meeting of the JNEAC and was caught off-guard by the criticism directed towards him by the Press for doing so. He moved swiftly to walk a middle line between the conservatives and liberals stating that while Smuts had attended the meeting he had done so only briefly to address the Committee on specific items. Lewis went on to emphasise that although the Committee had nothing to hide from the Government it would never allow Smuts to take part in its private conversations and deliberations.[399]

A key aspect of Lewis's leadership approach was to engage in behind the scenes negotiations keeping many details away from reporters.[400] Considering the negative aspects of media battles during the disputes of the 1950s this appears to have been a prudent strategy. Ironically Lewis's desire stay out of the newspapers resulted in a well publicised running skirmish with Progressive Party Councillor Kathleen Mitchell. She criticised Lewis's secretive approach arguing that the citizens of Johannesburg had a right to know what negotiations were taking place in their name. She also accused the Council of failing to protest loudly enough against unjust laws. Lewis defended his actions and those of the UP unequivocally:

> I can assure your readers that we do protest vigorously. That these protests don't always appear in the press, I freely admit. If we seem to be constantly bickering and sniping at the Government and highlighting a particular area of

[399] UWHP, PRBL, A1132, Bb, Vol 2, *The Sunday Times,* 13 November 1960
[400] On his retirement from the Council *The Rand Daily Mail* published a farewell article titled 'Mr No Comment Bows out'.

> disagreement we thereby place the Minister concerned in a position in which if he alters his decision he would lose face.
>
> Is it not better in the interests of the African people for us to use reasoned negotiation to endeavour to change the situation and then having achieved success leave it at that rather than crow about the apparent victory and then make it impossible to conduct in the next set of negotiations in a calm atmosphere?[401]

Although this response from Lewis was calm and considered, the consistent, and in his mind unfair, attacks from the Progressives infuriated him. He argued powerfully that they created various myths about the UP which were then repeated ad nauseam to voters in the hope that something would stick. One of these was the allegation that there was no difference between UP and NP policy. In the realm of African administration Lewis produced countless examples to debunk this myth including the UP's stance that the Pass Laws were unnecessarily harsh and in need of considerable amendment, its opposition to the Government's plan to remove Indians from Johannesburg in terms of the Group Areas Act; and its continual emphasis on the importance of freehold title for urban Africans. He strengthened his point by providing the following commentary on Government policy:

> Those who have come face to face with Nationalist policy can only regard it as evil – where frank discussion is regarded as Treason, where people are banished without trial, where a totalitarian doctrine pervades everything...[402]

Another myth which Lewis was keen to expose was the claim by the Progressives that they were the only ones who cared. In doing this he mentioned the achievements of the UP as well as his own paternalist credentials:

> I believe that the United Party controlled Johannesburg City Council has, within the confining legislation of the Central Government, and within the

[401] UWHP, PRBL, A1132, Bb, Vol 2, *The Rand Daily Mail, 7 February 1962*
[402] UWHP, PRBL, A1132. Fa, Provincial Election Speech by Patrick Lewis, 24 January 1962

> means at its disposal, come down to earth and proved by action and not words that it has the welfare of the Native People at heart.
>
> I claim to be a friend of the Non-European Peoples. Over 25 years ago I was Chairman of an organisation called the Joint Council for Europeans and Africans. The South African Institute of Race Relations honoured me by appointing me as one of their honorary Life Members after my many years of association with them as Honourary Treasurer, I think the efforts I have made, while no doubt subject to criticism, have nevertheless been a genuine attempt to contribute to their well being.[403]

Progressive Party members respected Lewis's credentials and even approached him a number of times to join their ranks. In explaining his decision to stay within the UP and arguing that others should do so as well he used the following analogy:

> I am interested in forestry. If there are dead trees in my forests I don't burn down the forests, I replant the affected areas.[404]

In addition to this he had very little confidence in the ability of the Progressive Party to be a viable political alternative. He often repeated the *Sunday Times'* clever use of Churchill's famous speech to emphasise this point:

> Never in the field of Political Activities have so few trumpeted so loudly about so little.[405]

A key trend described in this chapter has been the vast improvement in the relationship between the JCC and the BAD from the late 1950s to the mid 1960s. This is reflected in the following key passage of a letter from Lewis to Deputy Minister Botha:

> During my period of office, I have tried to establish a relationship between our Council and your Ministry whereby a modus vivendi was preserved. In

[403] UWHP, PRBL, A1132. Fa, Provincial Election Speech by Patrick Lewis, 24 January 1962
[404] Ibid
[405] Ibid

> a large number of matters we have not agreed on policy, but I like to believe that where I have been able to put up a good case, my views have been respected as being views sincerely held, and I would like to thank you for the consideration you have given to my representations. I would also like to state that I have at all times received the utmost consideration from the members of your staff with whom I have to deal.[406]

The transformation of the Mentz Committee during this time was also highlighted by Lewis in the following statement to the Press:

> The City's deputation has found the meetings with the Deputy Minister most helpful in sorting out many of the difficulties necessarily associated with the administration of its complex task. While at one stage the term Watchdog Committee might have been justified the recent meetings have not been conducted in this atmosphere. These days the Government comes to us for information and there is no tension between us. They know we have a difficult task and that we do it well.[407]

Looking back on this period of the relationship between the JCC and BAD, Councillor J. F. Oberholzer emphasised the huge changes and significant influence of Patrick Lewis:

> You know, Sir, when he first entered the Council and took over the Chairmanship of the Non-European Affairs Committee, it was a rather torrid time... there were many difficulties, the late Dr Verwoerd was then Minister of Native Affairs and after him Mr De Wet Nel. It was Patrick Lewis through his personality, and also through his example, and his approach, was able to put the relationship between the Council and those two Ministers on an amiable and sound footing. It was then, Sir, that things began to happen in Johannesburg.[408]

[406] UWHP, PRBL, A1132, Ed28, Letter from Patrick Lewis to MC Botha, 17 February 1964
[407] UWHP, PRBL, A1132, Bb, Vol 2, *The Rand Daily Mail,* 18 January 1962
[408] UWHP, PRBL, A1132, Ea 58, Tribute to Patrick Lewis on retiring from the Council by Councillor J.F. Oberholzer, 22 February 1972

Although the JCC achieved a number of notable concessions through the strategy of pragmatic cooperation it is important to emphasise that during this period the BAD extended its dominance over local authorities and ramped up the implementation of its overall policy of Separate Development.[409] Regulations were extended and strengthened and their effects on the urban African population became increasingly severe. From the turn of the decade there was a noticeable shift from a policy of stabilisation of the urban African population in the name of 'practical Apartheid' to the Stallardist ideal of reducing the number of Africans in urban areas to an absolute minimum. Influx control measures were tightened, housing loans become increasingly difficult to obtain and any schemes that were approved had to be on a self financing basis. In this context a number of JCC representations to the NAD were rebuffed. Various Councillors and officials, including Carr and Lewis, protested forcefully against the removal of the Indian Community from Pageview. They pushed for changes to the harsh restriction on trading rights in African areas which were designed to 'encourage' Africans to move to the homelands. They put forward numerous suggestions on improvements to the pass laws hoping these would ameliorate some of the hardships on ordinary Africans. All these complaints and suggestions fell on deaf ears. The dominance of the Government and its attack on the permanency of urban Africans would intensify from the mid 1960s onward.

[409] A pragmatic two-way relationship emerged during this period. Although the Council was far from being reduced to the role of an 'Agent of the State' there was no question that the Central State was the dominant partner.

Chapter Five: The Beginning of the End

In his memoirs Carr describes the mid 1960s as 'the beginning of the end' with the BAD adding impetus to the implementation of Apartheid.[410] In this concluding chapter I will briefly describe the renewed tensions between the JCC and BAD over housing policy and influx control and trace the emergence of the Administration Board system which brought the era of municipal control over urban African administration to an end.

As the 1960s unfolded Government policy became increasingly focused on homeland development and reducing the size of the urban African population to an absolute minimum.[411] Housing schemes were still approved in urban areas but as a general rule, local authorities were expected to solve their housing problems via homelands as a first step.[412] JNEAD officials argued that this approach was not the answer to the genuine waiting lists for family housing in urban areas.[413] The output of the JCC's Housing Division declined dramatically from the early 1960s, largely as a result of the reduction in housing loan approvals (see graph below). In 1966, despite the housing backlog approaching eighteen thousand units (including Pimville), the Division continued to be starved of work and the JCC contemplated shutting it down. The Management Committee vetoed the move but the episode reflected the growing housing crisis in Soweto at the time.

In a description of the challenges related to the redevelopment of Pimville, Lewis reveals the frustrations of the Council and the ideology of the BAD during this period:

> The Johannesburg Council, for a long period, were frustrated in the implementation of this scheme by the delays in obtaining approval – constant requests for 'motivation' were used by the Department of Bantu Administration and Development, even though the removal scheme had been approved by the Minister. The list of houses built portrays the slow-down in catering for the growing backlog in housing. One realises that

[410] W. J. P. Carr, *Soweto - Its creation, life and decline,* South African Institute of Race Relations, Johannesburg, 1990, p. 183

[411] A number of sources point to the late 1950s for this shift.

[412] The JNEAD, for example, was encouraged to build family homes in Ladysmith. The BAD's plan was for workers to commute over three hundred kilometres to work in Johannesburg. Carr believed this suggestion was absurd and refused to play any part in its implementation. In his memoirs he argues that this sealed the fate of the JNEAD.

[413] University of the Witwatersrand Historical Papers (UWHP), Private Papers of PRB Lewis (PRBL), A1132, Ea63, Presidential Address at the Fourth Biennial Meeting of Officials, 13 November 1972

unlimited funds were not available[414], but at the same time that these funds were wanted for housing in Soweto, the Department of Bantu Administration and Development were endeavouring to induce the Johannesburg City Council to embark on housing schemes in Ladysmith in Natal, the idea being that families could be housed there while their menfolk commuted to Johannesburg.[415]

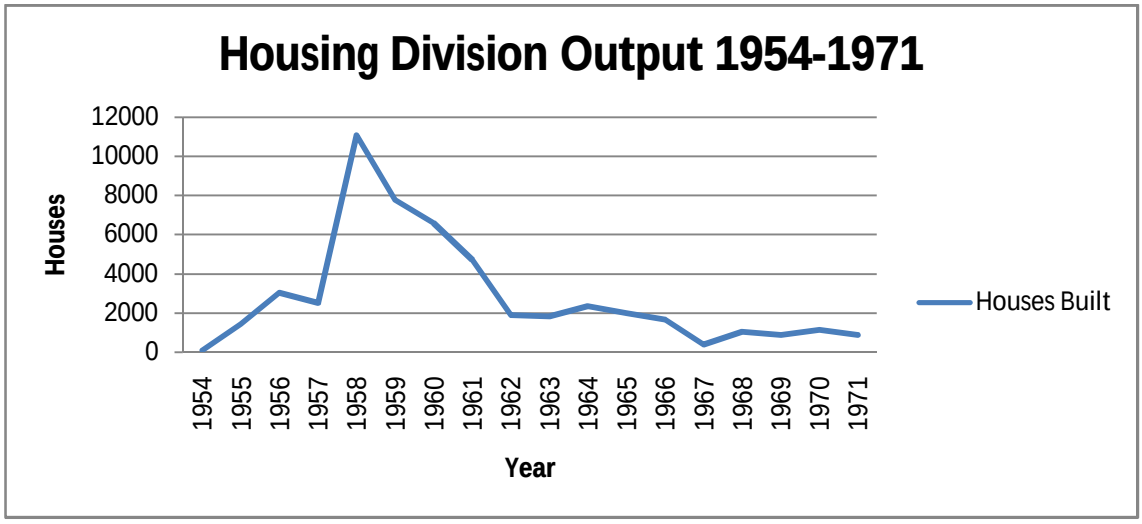

Figure 2: Output of the JCC's Housing Division 1954-1971. Core figures taken from UWHP, PRBL, A1132, Ed28, Evidence submitted by Lewis to the Riekert Commission in the late 1970s

In March 1967 Carr and the City Engineer co-authored *Forward Planning Report No 4* - an investigation into the growth of the urban African population in Johannesburg and its housing requirements. The report argued that the character of Johannesburg's African population had changed dramatically since the 1940s. The majority of residents were now part of a settled population whose children knew no other home other than Johannesburg. The report estimated that the population of the African areas under the control of the JCC would increase by over one hundred and fifty five thousand people by 1980 requiring an additional

[414] An interesting meeting occurred in December 1966 between JCC and BAD officials. The BAD was looking for support for its homeland development projects and asked the Council for money from its accumulated beer profits fund. The Department had been finding it difficult to subsidise homeland services and amenities with existing funds - this position was exacerbated by a severe drought that year. The BAD felt that as the Council had 'completed' most of its housing projects this would not be too much to ask. Lewis quickly pointed out that this was not the case and the JCC was waiting for approval from the BAD to continue its housing programme. Government officials continued to emphasise that the Council should not spend all its money in the urban areas as this would make it difficult to attract Africans to the homelands. Whether the Council contributed or not is unclear but it is nevertheless interesting to observe the inverted power relations in this brief example.
[415] UWHP, PRBL, A1132, Ed 28, Evidence submitted by Patrick Lewis to the Riekert Commission, Unknown date (approximately 1978-1979)

six square miles of land for housing.[416] The authors argued that Johannesburg faced an urgent and immediate housing problem and recommended that additional Group Areas be created as Soweto was virtually circumscribed. It also highlighted that rental subsidisation would be necessary for higher density housing schemes and that improved transport infrastructure was urgently required to cater for the growing population.[417]

A copy of the Forward Planning Report was sent to the BAD where its predictions and recommendations were not warmly received. Deputy Minister Blaar Coetzee, who had staked his political career on halting the movement of Africans to the cities, described it as the biggest load of nonsense he had ever read.[418] The Afrikaner Press heaped criticism on the report and its authors while the English newspapers humorously highlighted the foolishness of Johannesburg's officials for pointing out a reality that was contrary to Government policy.[419]



Picture 8: AUFS, WJPC, PV423, 1/5/2/4, Vol 2, *Die Transvaler,* 4 April 1967, A cartoon representing the Nationalist feeling towards the Forward Planning Report and the JCC.

[416] The predictions of the report would have been amplified if the areas under the control of the Resettlement Board were included.
[417] Archives of the University of the Free State (AUFS), Private Papers of WJP Carr (WJPC), PV423, 1/5/2/4, Vol 2, Forward Planning Report No 4, 10 March 1967.
[418] Carr, *Soweto,* p. 174
[419] The English Press took a similar line when describing the Border Industry Policy designed to 'reverse the tide of African labour'. *The Rand Daily Mail* stated that 'officials can argue all they like but they will always be defeated by the basic arithmetic of the exercise'.

The BAD immediately set up a committee under the Chairmanship of I.P. van Onselen to investigate the report's findings. Apart from being asked to take a busload of officials around Soweto, the Committee did not consult the JCC in any way and its findings were never released to JCC officials. The effects were, however, immediately apparent as housing loan applications were frozen.[420] In a memorandum to the BAD Carr candidly described the potentially volatile housing situation in Soweto:

> The position today is one with which the Council is concerned. Non-consideration of all housing loan applications, until the Committee appointed by the Minister to consider the long term effect of a projected increase in the Bantu population, can have serious effects. [It is one] that will leave the lawful population of Soweto not only unhoused but disgruntled, disruptive and potentially explosive.[421]

The housing schemes proposed in the Forward Planning Report were never carried out (approximately twenty three thousand houses) and the housing backlog continued to rise.[422]

In the midst of the fallout from the Forward Planning Report Carr decided that it was finally time to bow out of the JNEAD. At the beginning of 1968 he informed the Council of his intention to take early retirement on his sixtieth birthday in February 1969.[423] Despite surprising overtures from a few members of the BAD asking him to reconsider, he decided to let his early retirement stand and to push forward with as many projects as possible in his final year.[424] His rationale was that the policies of the BAD during this time were so repugnant that he had to get out as soon as he could. There appears to be slightly more to this

[420] UWHP, PRBL, A1132, Ed 28, Evidence submitted by Patrick Lewis to the Riekert Commission, Unknown date (approximately 1978-1979)
[421] UWHP, PRBL, A1132, Ea40, Memorandum compiled by Carr and submitted to the Bantu Administration and Development Department regarding housing and related problems in Johannesburg, 5 August 1968
[422] UWHP, PRBL, A1132, Ed 28, Evidence submitted by Patrick Lewis to the Riekert Commission, Unknown date (approximately 1978-1979)
[423] Lewis delivered a moving tribute to Carr as the curtain fell on his almost four decade career with the JNEAD. He emphasised the courage it must have taken to have accepted the role of Manager in 1952 in the midst of a housing crisis, extreme poverty and high unemployment. He highlighted the many crises Carr overcame from the Dube Riots and the implementation of the 'Locations in the Sky Legislation' to the Appointment of the 'Watchdog' Committee and the onslaught from Verwoerd. Lewis could not explain how Carr had managed to retain the confidence of the people of Soweto despite overseeing constantly changing laws that were of often harsh and unjust. Lewis finished by saying 'His monument is Soweto, that 'City' within a City which, without his painstaking endeavour, could not have been created'
[424] Carr. *Soweto.* p. 184

decision as Carr had long regarded many Nationalist policies as 'repugnant'. His vocal and persistent opposition to ethnic grouping in the 1950s is a prime example. In a letter to the Town Clerk, at the height of the NAD's offensive against the Council in 1958, Carr not only highlighted the difficulty of his position but revealed concern over losing his livelihood:

> The threat which is implied in the final paragraph of the Secretary's letter is disturbing because it means in effect that an official holding a very difficult position, where often strongly conflicting views are held by members of the two opposing political parties, quite apart from the views of the Native Population whom he is expected to keep in order and contented, can be deprived of his livelihood for trying to do his duty honestly.[425]

It is conceivable that by 1968 Carr had achieved a level of financial security after almost forty years with the Council - seventeen as Manager of the JNEAD. Perhaps this enabled him to make a decision he had been contemplating for many years.

Carr's strong relationship with Patrick Lewis, their shared paternalist convictions and the period of pragmatic cooperation in the early 1960s may also have delayed Carr's decision. As emphasised in chapter four, Lewis played a significant role in improving the relationship between the JCC and BAD after the assurances saga. He not only reduced the amount of political wrangling compared to the 1950s but attempted to cushion Carr and other top officials from Government criticism. From 1958-1969 Lewis and Carr worked closely together to try and achieve the 'best' possible results for Johannesburg and its urban African population within the legal framework of the time. A final scenario that may shed light on Carr's decision was that he saw the writing on the wall for municipal urban African administration. He would no doubt have digested the findings of the Van Rensburg report (see below) and seen the legislative machinery preparing to relieve municipalities of their responsibilities. The most likely explanation for the timing of Carr's decision to take early retirement is a coalescence of the factors described above.

[425] UWHP, PRBL, A1132, EC1, Letter from WJP Carr to the Town Clerk, Undated (Approximately mid-May 1958)

In August 1968 a high level JCC deputation, including Carr and Lewis, met with the Deputy Minister to discuss the deteriorating housing situation in Soweto. Carr prepared a detailed memorandum highlighting the major issues concerning the Council. He politely stated that the intention of the memorandum was not to challenge the intent of Government policy but to indicate to senior officials what was happening on the ground as a result of 'circulars which appear to be issued without always realising the possible consequences'. The Council urged the BAD to reconsider the directive that proclaimed that all dwellings should be made available on a lettings only basis. The JCC was being asked not to grant any further thirty year leases although the promulgated regulations of Johannesburg, approved by the Minister, allowed this. Carr argued that thousands of homeowners were proud of their possessions, felt they had a stake in the community in which they had lived for many years and were, in general, responsible citizens. In the following passage Carr not only emphasised his strong ideological position but issued a subtle prediction for the future of Soweto:

> To deny teachers, professional men, shopkeepers, Urban Bantu Councillors and other important Bantu, the right to continue to possess buildings in the area in which they have lived for many years and are likely to live for many more years and who have no direct connection with the Bantu Homelands, is to run the risk of creating frustration, fear and all its consequent evils for the future. There is class distinction amongst the Bantu people and they should be allowed to put up dwellings which they themselves may own, if not on a freehold basis then certainly on a 30 year lease in terms of the existing Bantu Village Regulations.

Carr also made a general comment an overall housing policy. While acknowledging that hostel accommodation would become increasingly important as a result of tighter influx control, he urged BAD officials to recognise that family accommodation was equally important due to the natural increase of the population. A survey conducted a few years later by the JNEAD, on behalf of the BAD, regarding the origins of workers in Johannesburg confirmed Carr's position by revealing that Johannesburg had become its own biggest supplier of labour.[426]

[426] UWHP, PRBL, A1132, Ea63, Presidential Address at the Fourth Biennial Meeting of Officials, 13 November 1972

At the end of 1968 in reaction to the renewed tensions between the JCC and the BAD over the Forward Planning Report, general housing policy and the report of the Van Rensburg Committee (see below), Lewis, now Mayor of Johannesburg, decided once again to try and improve relations between the levels of Government. The idea was a big one: to invite over two hundred MPs, Senators, Cabinet Ministers and Heads of Government Departments to visit Johannesburg and Soweto to observe conditions on the ground in South Africa's economic hub.[427] He believed the event would be an excellent networking and public relations exercise to bring lawmakers, high level government officials and local councillors and administrators closer together. *The Sunday Times* fully supported the idea:

> What a wonderful opportunity it would give our legislators to study the complexities of this great city first hand – to observe its achievements, to acquaint themselves with its problems and to note its weaknesses.[428]

Lewis hoped that a comprehensive tour of the African areas would not only highlight the Council's achievements but draw attention to the urgent housing problems emerging as a result of Government policy. Councillor Francois Oberholzer, Chairman of the Management committee agreed:

> We believe that as a result of the shortage of funds for housing we are reaching a critical stage in Soweto. People are becoming restive. We want the Government to see that additional funds are urgently needed. Soweto is becoming increasingly overcrowded. Families are sharing houses and doubling up all over the township. We have a waiting list of more than 10 000. We believe there are thousands of others who are living with other families and have not reported it.[429]

[427] The idea emerged from a discussion between Lewis and Speaker of the House of Assembly J.H. Klopper. Klopper mentioned that the mining industry had extended an invitation to Parliamentarians to visit various industry sites to get an idea of conditions on the ground. Lewis believed this would be a fantastic method to improve local-central relations.
[428] UWHP, PRBL, A1132, Ea44, *The Sunday Times,* 10 August 1969
[429] UWHP, PRBL, A1132, Ea44, *The Star,* 5 August 1969

Prime Minister B.J. Vorster liked the idea but made his support conditional on the acceptance of the proposal by all political parties in Johannesburg.[430] Eben Cuyler was kept in the picture throughout the process and City officials fully expected the NP in Johannesburg to support the scheme. As momentum behind the idea grew, Cuyler made the dramatic announcement that the NP in Johannesburg would not endorse the event. This effectively wrecked any chance of moving forward. He justified his decision by arguing that it was important for relations between the levels of government to improve before a visit of this nature could be successful. This reasoning appears highly dubious as the overall purpose of the visit was to build relationships. A second line of argument used by Cuyler to defend his decision was that there was already too much contact between the JCC and BAD resulting in the Provincial Council being ignored. While this claim was broadly accurate, *The Star* rightly pointed out that this was a procedural matter that could receive attention through existing channels without derailing the visit.[431]

Councillor Oberholzer spoke out strongly against Cuyler's political intervention:

> I think Mr Cuyler has done [Johannesburg] a disservice with his bigoted, small minded attitude.[432]
>
> I think he is afraid to show people that the city is not the Sodom and Gomorrah he has always made it out to be. He was afraid the visitors would see for themselves and would naturally question the accuracy of the statements he had made in the past.
>
> In many ways I consider it a calamity for the City that Mr Cuyler exercised what amounted to a veto, otherwise a great step forward would have been taken in forging a real understanding of our difficulties and problems and hopes in the minds of the Government.[433]

The entire scheme ultimately succumbed to party political intrigue despite Lewis's intention to make the proposed visit a non-political event in the interests of the City. It appears unlikely

[430] UWHP, PBRL, A1132, Ea44, *The Sunday Times,* 10 August 1969
[431] UWHP, PBRL, A1132, Ea44, *The Star,* 7 August 1969
[432] UWHP, PBRL, A1132, Ea44, *The Star,* 5 August 1969
[433] UWHP, PBRL, A1132, Ea44, *The Sunday Times,* 10 August 1969

that the BAD would have granted significant concessions to the JCC in any event as, during this time, it was moving steadily towards the creation of the Administration Board system.

Bekker and Humphries argue that the shift to this new system – which ended municipal jurisdiction over urban African administration - was largely a result of the perception within the BAD that various municipalities were not implementing Government policy as efficiently as desired. The BAD made numerous attempts to expedite policy implementation in Johannesburg during the early stages of Apartheid but remained frustrated with the overall rate of progress.[434] The Department was particularly concerned about halting the flow of Africans to the urban areas and in 1965 the Minister appointed an Inter-departmental Committee, chaired by P.S.F.J. Van Rensburg, to review influx control policy. The Committee's report, released in 1967, condemned the existing system and revealed a number of flaws and inadequacies in legislation and various administrative procedures. It severely criticised Section 10 of the Native Laws Amendment Act for undermining influx control and argued that the effectiveness of the labour bureau system was being diluted by the inability of local authorities to police the employment of illegal residents.[435] The report highlighted that spot checks on large employers in Johannesburg revealed that approximately sixteen percent of the workforce was illegally employed.[436]

The Van Rensburg report reinforced the idea that local authorities harbouring an opposing ideological outlook could not be trusted to implement policy as effectively as required.[437] The publication of the Forward Planning Report placed renewed focus on the ideology and conduct of the JCC. In a debate in the House of Assembly in early February 1968, Mr Coetzee made his feelings towards the Council abundantly clear.[438] After conceding that the JCC was cooperating more effectively with the BAD in a number of areas he swung onto the attack criticising the Council on three major issues. Firstly, he condemned the JCC for operating its 'Bantu' Revenue Account at a loss. He believed that a large portion of Council spending was unnecessary and was annoyed by the city's refusal to collect economic rentals:

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[434] The issuing of threats and ultimatums during the disputes of the 1950s; the appointment of the Mentz Committee and the demand for assurances during the showdown of 1958; the appointment of Marthinus Smuts as 'Information Officer' on the Rand; and the numerous requests for progress updates.
[435] The Committee argued that Section 10 was in opposition to Government policy as it allowed many 'unproductive' Africans to enter and remain in urban areas.
[436] S. Bekker and R. Humphries, *From Control to Confusion: The Changing Role of Administration Boards in South Africa, 1971-1983,* Shuter & Shooter, Pietermaritzburg, 1985, p. 7
[437] Ibid
[438] Mr Coetzee publicly staked his political career on halting the flow of Africans to the cities.

> I want to give the Johannesburg City Council a light warning today. They must please pay attention to our instructions regarding the collection of economic rents because all they are doing now is to subsidise this account from the White revenue account because they cannot do their own work properly.[439]

Secondly he denounced the Council's attitude towards the BAD's directive that local authorities should not grant any further 30 year leases and lastly, he severely criticised the findings of the Forward Planning Report warning that 'the Government in the further execution of its policy will not tolerate that any City Council thwarts it.[440]

Two months after this attack Mr Coetzee formally opened the Urban Bantu Council in Soweto and further berated the JCC.[441] Carr provides the following description of Coetzee's attitude during the ceremony:

> He was not pleased with the standard of the building because it conflicted with his department's policy of not creating anything in the urban area which would serve as a magnet for Africans to remain instead of returning to the homelands.

Following the publication of the Van Rensburg Committee's findings, the BAD announced its intention to form Labour Boards which would relieve local authorities of jurisdiction over influx control and labour regulation. *The Star* commented that the move was seen as an all out effort by the Government to halt the increasing flow of Africans to the urban areas.[442] A

[439] AUFS, WJPC, PV423, 1/5/2/4, Vol 2, *The Star,* 28 February 1968
[440] Ibid
[441] The Soweto UBC replaced the various Advisory Boards in 1965. The UBC system supposedly gave African communities more autonomy and power over their own affairs.
[442] The all encompassing effects of this policy were revealed in a tragic event that occurred at the Registration Branch of the JNEAD. In mid-1968 a JNEAD staff member – in great distress – reported to Carr that an African man had hanged himself in the lock-up attached to the labour bureau at 80 Albert Street. Following an investigation into the tragedy it came to light that the man was desperate for employment but as his papers did not entitle him to be in Johannesburg he was put into the lock-up until he could be handed over to the Native Commissioner for 'repatriation'. Carr was deeply troubled by this incident and addressed all the senior staff at the JNEAD on the need for compassion and understanding. He asked them to put themselves in the shoes of the applicant on the other side of the counter before coming to a final decision. Shortly after this incident Carr was summoned to the Mayor's office and informed that a serious complaint had been lodged

draft bill aimed at decreasing labour turnover, increasing the ability of authorities to remove superfluous labour to the homelands and ensuring that employees and employers complied with regulations was circulated for comment. It was withdrawn later in the year after receiving widespread criticism for placing labour controls and housing under the jurisdiction of two different bodies. BAD officials accepted the criticism and in 1969 the first draft of the Bantu Affairs Administration Board Bill was circulated. It combined housing and labour under one body effectively ending municipal jurisdiction over urban African administration. After a number of redrafts the Act was passed in 1971.[443]

A number of individuals and organisations spoke out firmly against this centralisation of urban African administration. The SAIRR released a statement outlining its suspicions that a new authoritarian style of administration would replace the JCC's humane approach and lead to a deterioration in race relations in the City. Soweto's Urban Bantu Council voiced its fears that the new Boards would focus more on removals than providing housing for legally entitled families. These fears were confirmed when Kallie van der Merwe, Chairman of the East Rand Administration Board, stated that one of the greatest aims of the Boards was to ensure that economically inactive Africans would gradually disappear from 'white' South Africa.[444] The principle that the Boards would be financially self supporting also stirred up significant concerns. The SAIRR argued that this would adversely affect the provision of medical, welfare and recreational services and drive up rentals. It heaped praise on the JCC for having the foresight to subsidise its native revenue account for many years despite Government pressure.[445] The response from the BAD was that the new system could not be worse than the old one and that critics should wait until the Boards were operational before evaluating them.[446]

A common argument in favour of the new system was that it would increase labour mobility and make life easier for employers and employees. Carr exposed weaknesses in this reasoning in an interview with the *Financial Mail* in June 1973 by pointing out that the

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against him regarding his 'instructions to staff to disregard government regulations and let people into Johannesburg who did not qualify'. According to Carr, an NP aligned member of his staff reported his actions to a leading NP Councillor who took up the matter officially with the BAD.

[443] Bekker and Humphries, *From Control to Confusion,* p. 10

[444] UAFS, WJPC, PV423, 1/1/2/1, Vol 2, *Financial Mail,* 29 June 1973

[445] The SAIRR argued that the JCC's humane approach to urban African administration had played a significant role in improving race relations in the city.

[446] UAFS, WJPC, PV423, 1/1/2/1 Vol 3, *Natal Mercury,* 28 June 1973

largest movement of labour on the Witwatersrand was between Johannesburg and the East Rand where two different Boards were in operation.[447] If a business owner based in Johannesburg and employing workers from Soweto wanted to relocate to Kempton Park he would be unable to take his employees with him in terms of the legislation. This reality diluted the strength of the labour mobility argument.

Looking back on the transition to the West Rand Administration Board, Lewis argued that no proper planning was undertaken to enable the establishment of a viable administration.[448] He maintained that if it was not for the JCC, the disarray at the time would have been much worse. He also accused WRAB officials of having very little experience in the administration of urban African affairs. In his opinion, Board members were chosen more for their Nationalist credentials than their ability to do a proper job. Lewis believed that African communities were acutely aware of the different standards of service delivery between the JCC controlled areas and the Resettlement Board areas and did not support the change. The almost immediate hike in rentals and deterioration in services confirmed their reservations.[449]

Bekker and Humphries were surprised that the Government took so long to remove the responsibility for urban African administration from the municipalities.[450] Carr was equally surprised:

> The removal of African urban administration from local authorities was, however, a logical step, and it was not unreasonable for the government to exclude a hostile local authority such as Johannesburg which was a constant irritant with its endless querying of government policy. In fact I was surprised that this had not been done earlier.[451]

He believed that the seeds for the abolition of municipal African administration were sown in the mid 1950s when the Resettlement Board was formed to clear the

[447] Carr supported the idea of declaring the entire Witwatersrand region a single labour area.
[448] WRAB took over in July 1973
[449] UWHP, PRBL, A1132, Ed 28, Evidence submitted by Patrick Lewis to the Riekert Commission. Unknown date (approximately 1978-1979)
[450] Bekker and Humphries, *From Control to Confusion,* p. 10
[451] Carr, *Soweto,* p. 183

Western Areas.[452] The Council had always assumed that the Board would be a temporary body and requested clarification on its future from the NAD on numerous occasions. Eben Cuyler was one of the most vocal supporters of centralisation and used every opportunity he could to suggest that the Resettlement Board should become a permanent body with expanded powers and ultimately replace the 'defiant' JCC.

In 1956 Verwoerd argued that that there was no reason for the Government to take control of urban African affairs if all parties were aware of their statutory duties and respected the flow of authority in the country. He used the UP controlled Benoni Council as an example of what could be achieved if local authorities rigorously implemented Government policy.[453] It is conceivable that the assurances given by the JCC in 1958 and the period of pragmatic cooperation that followed delayed the Government's ultimate decision to remove local authorities from the realm of urban African administration.[454] It would be interesting to know whether or not other large UP dominated councils experienced a similar period and pattern of pragmatic cooperation.

[452] Carr, *Soweto,* p. 183
[453]University of the Witwatersrand Historical Papers (UWHP), Conferences of the Institute of Administrators of Non European Affairs (CIANEA), AG2703, Box 1, Opening Address by Dr Verwoerd to the 1956 IANEA Conference

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