

# Race Classification

people changing colours?



Bailey's African History Archive

## Legislation and Legal records as Historical Sources

In this lesson plan, learners will have the chance to interact with information from clauses of the Population Registration Act of 1950 as well as from various legal records associated with two cases of people appealing for reclassification.



### Race Classification Review Board (1954 - 1991)

The Population Registration Act was passed in 1950. Central to apartheid policy, it inaugurated a system whereby every person would be classified on the basis of one of the seven racial groups that existed in South Africa and issued with an appropriate identity document. Those classified as 'Native' or 'African' were further classified as members of ethnic groups. The Act laid down the guideline for the establishment of the Race Classification Review Board to review cases where people objected to their classification.

The first Review Board was set up in Cape Town because it was assumed there would be a lot of appeals arising out of African/Coloured classifications. The Board usually consisted of three or four members including the chair - a person who was either a past or present judge or magistrate appointed by the Minister of the Interior. In 1959, the Review Board was split into Appeal Boards established in the Transvaal, Cape and Natal. Little information is available on what the Boards actually did to establish people's racial identities. It seems members of the Boards made decisions based on what people looked like, how curly or straight their hair was, and what kinds of clothes they wore.

The Population Registration and Group Areas Acts were repealed in 1991.

**Ernest Holyoake, a coloured who was classified as a "Native", won his appeal and coloured again** Bailey's African History Archive, July 1956



This newspaper article told the story of Rita Hoefling, a white woman whose skin turned black because of a secretion caused by a tumour. She could not even attend her father's funeral because her family did not want to be seen with a black woman.

The Sunday Times, 20 May 1979



Drum, July 1958

**Source A: Extracts from the Population Registration Act 1950.**

1. (iii) "coloured person" means a person who is not a white person or a native;
  - (x) "native" means a person who in fact is or is generally accepted as a member of any aboriginal race or tribe of Africa;
  - (xv) "white person" means a person who in appearance obviously is, or who is generally accepted as a white person, but does not include a person who, although in appearance obviously a white person, is generally accepted as a coloured person.
  
2. (i) Any person who considers himself aggrieved by his classification by the Director ... and any person who has any objection to the classification of any other person ... may, at any time, object in writing to the Director against that classification.

'Population Registration Act of 1950 in Parrow, CP. Statutes of the Union of South Africa, University of the Witwatersrand, Government Publications



**Ernest Holyoake, a coloured who was classified as a "Native", won his appeal and became coloured again, July 1956** Bailey's African History Archive

**Source B: Oscar Henry Felton vs The Secretary for the Interior and Race Classification Board – an extract from the court case**

Oscar Felton appealed against his classification as Coloured by the Classification Board. His case then went to the Supreme Court in 1967. His father had been classified white.

Advocate (Adv). Kruger: And was the home language English?... Can you speak Afrikaans?

Felton: Yes.

Adv. Kruger: And was your mother a Cape Coloured?

Felton: No, I've never ... I don't know.

Adv. Kruger: You don't know whether she was a Cape Coloured or not?... She (now Kruger is referring to Felton's wife) never told you that she was a Coloured girl?

Felton: Never.

Adv. Kruger: Where did she work?

Felton: She worked at the Springbok Clothing Factory.

Adv. Kruger: ... But you knew that a lot of Coloured girls actually work as such at the clothing factory?... Now where are your children in Natal Mr Felton?

Felton: They're at Little Flower School.

Adv. Kruger: Little Flower is a Catholic school... Do you know that the Catholic schools don't mind if Coloured Children come in to school, you know that don't you?

The Supreme Court concluded that Oscar Felton was 'passing' for white.

AFFIDAVIT

I, the undersigned,

BEATRICE BABY SMALE residing at 301, Albertus Flats, Westbury Extension

do hereby DECLARE

1. I was born on the 28th May 1938 at Umtata in the Transkei. My father was Richard Molose and my mother was Selina Saunders. They were not legally married.

2. A Reference Book was issued to me on the 11th October 1958 containing the following personal data :

Ethnic Group : Xhosa  
Tribe : Xhosa  
Citizenship : South Africa  
N I Number : 1360357

3. I wish to submit that this classification was made in error and that for the following reasons I should be reclassified as a Coloured person :

4. I married a Coloured man, ALBERT EDWARD SMALE I D Number 173361220, in 1967 in the All Saints Cathedral Umtata. (ANNEXURE A).

We took up residence in Norwood Coloured Residential Area. From this matrimonial unity two children have been born :

1. MICHELLE MIRANDA SMALE on 11 July 1968(ANNEXURE B)

2. JACKQUELINE PATTRICIA SMALE on 22 DECEMBER 1970 (ANNEXURE C)

and both are classified as Coloureds.

5. A daughter LIND ANASTASIA SAUNDERS was born out of wedlock on 18 April 1960. She was classified as a Coloured with I D Number 600418-0187-011.

6. In 1970 my husband and I took up residence in Johannesburg, residing at Coronationville for five years, whereafter we moved to Westbury, another Coloured residential area. At present I am residing in Westbury Coloured Residential Area where my children are educated at the Newclare Primary School No 2 as Coloureds in the Coloured Community. The Director of Coloured and Asian Affairs granted me permission to stay in Coloured Areas. (ANNEXURE I)

*B. B. Smale,  
20/10/70*

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20/10/70*

AFFIDAVIT : B B SMALE : PAGINA 2

7. In November 1977 my husband and I were divorced in the W.L.D. (ANNEXURE D) and I was granted the custody of the children by Court.
8. BEING ACCEPTED AS A COLOURED PERSON :
- 8.1 I am accepted as a Colored in a Coloured Community, communicating and associating with Coloureds only from day to day.
- 8.2 My home language is English. I myself learnt Xhosa as a child in Umtata but I do not use it now. My children cannot speak any Black language.
- 8.3 My nieces and nephews are Coloureds. Our whole family structure is that of Coloured persons.
9. I attach hereto affidavits by members of the Community in which I live affirming that I am generally accepted as a member of the Coloured Community. These affidavits have been made by :
- 9.1 Rev J C Molenaar (ANNEXURE E)  
9.2 Mr Charlie Ford (ANNEXURE F)  
9.3 Mrs Mary Jones (ANNEXURE G)  
9.4 Mrs Ann Smale (ANNEXURE H)
10. In 1974 I applied for a position as a Pupil Nursing Assistant at the Coronation Hospital. At that Time I was accepted as a Coloured by my employer. After being employed for three weeks enquiries was made into my identity documents. In lieu of the fact I being classified as a Xhosa as per my Reference Book I had to resign from this employment. Matron Carstens at the Coronationville Hospital assured me that I will be employed as soon as the dispute re my identification is settled.
11. At present my eldest daughter is supporting the family. She is working as a nurse at the Coronationville Hospital. I am not employed. I truly want to become a nurse, working in a Coloured Hospital with my people.
12. I humbly request to be reclassified as a Coloured to settle the dispute re my identification. I wish to take up employment as a Coloured and be allowed a honourable life as a Coloured in a Coloured Community.

3/ ....