

1990 December, Volume II, Issue #2



Tejass

El gallo:

Back with New Flack

Hispanic decade

All Chicanos Got Was Older

by Cato Felan

South african trials:

Catching a Tigar by the Tail

by Arnie Montemayor

Compadres:

Baseball Unites Professor
and Players

by Thomas Larralde

Accreditation:

Part II

by Prescilla Barrera

SOUTH AFRICAN TRIALS CATCHING A TIGAR BY THE TAIL

Michael Tigar, UT professor of law, spends portions of his summers in South Africa's alien world teaching Black attorneys how to fight back. They polish their criminal defense tactics to better represent others under the oppressive fist of apartheid.

Tigar's sojourns to Johannesburg give him a rare opportunity to experience the cruelly efficient world of institutional racism. After their 1948 victory, the National Party imposed a strict racial segregation policy against the native Black population and other colored people in South Africa.

But this is by no means the first unconventional cause that Michael Tigar has adopted. It is, instead, the culmination of a long and successful career rooted in going against the grain. Born in Glendale, Calif., a racially segregated area, he attended Berkeley School of Law during the civil rights era, graduating first in his class. There his radical propensities emerged as he explored left-wing political activities and even flew to

Helsinki for an international youth festival with representatives from the Soviet Union.

Tigar's radical commitments cost him a Supreme Court internship with William Brennan. After already being accepted for the position, pressure from the conservative wing of the Supreme Court forced Brennan to withdraw the offer. Tigar's search for other employment may have changed the direction of his career.

In 1963 he took a huge cut in pay to serve as editor-in-chief of the Selective Service Law Reporter, a journal for lawyers defending draft resisters.

In 1969, Tigar was appointed to the faculty of the University of California at Los Angeles. During this time he defended the Chicago Seven, a group of radical protestors arrested at the 1968 Democratic Convention.

When Tigar arrived at UCLA Dr. Angela Davis, a Black philosophy teacher, had just been hired as well. In 1970, she was charged with kidnapping, murder and conspiracy in

connection with the shooting of a judge at the Marin County Courthouse. Weapons purchased by Davis were used in the shooting and, although not present, she was accused of planning the operation. Davis asked for Tigar's help. She was acquitted on all counts and, disenchanted with California politics, Michael Tigar resigned from UCLA.

Later, Tigar successfully defended Texas Gov. John Connally, the former Treasury Secretary under Richard Nixon, who was accused of accepting a bribe from a dairy lobby in exchange for political favors.

In a precedent-setting case, Tigar brought a wrongful death action against Chile involving the assassination of Orlando Letelier, a former Chilean ambassador, winning a \$2.9 million dollar judgement. It was the first wrongful death suit brought in the United States against a foreign nation, and remains one of Tigar's crowning achievements. Little surprise that Professor Michael Tigar, a man so obsessed with justice, should be drawn to the injustices of apartheid and South Africa.

"Johannesburg is a great deal like Houston," says Tigar. The main difference is that the streets are practically empty during the night, and the only real sound heard is the bark of German shepherds as they patrol through the city. But the sight of the South African military police walking down city streets with uzis chained to their waist quickly dispels the similarity.

The population of South Africa is 70% black. The white presence there began in 1652 when the Dutch East India Company landed settlers on the Cape of Good Hope. These people came to be known as Boers, or Afrikaners, and they spoke a Dutch dialect called Afrikaans.

The discovery of diamonds and gold caused an influx of "outlanders" into Africa. This changed the value of the colony, and in 1899 what the British called the "inevitable" war with the Boers finally broke out. The defeat of the Boers in 1902 is what led to the birth of the Union of South Africa—and eventually to apartheid.

According to Professor Tigar, there is more freedom around hotels and other public places in South Africa to give visitors the impression that segregation is not the problem it is made

out to be. But to see the real South Africa one need only travel a few miles outside Johannesburg to the Black Township of Soweto.

"The dominant theme of all of Soweto is one of severe Third World poverty," says Tigar. "There is little, if any, running water or electricity, and heating and cooking are done with very heavy, sulfurous coal, and wood which is ill suited for the purpose. To go into Soweto in the evening is to walk into a cloud of heavy smoke," remembers Tigar. "Your eyes burn and it is difficult even to breathe, while the level of despair and anger is so overwhelming; it is simply horrible."

An altitude of 6,000 feet makes the air in Soweto thin and dry. Nothing grows there because the military strips the brush from around the city as a precaution so that in the event of an uprising the police can quickly surround the township. Military police are constantly stationed just outside the city to further insure quick action.

Sadly, Professor Tigar reflects that, "The thing about Soweto which is to me the most striking is not that the worst parts of Soweto are as bad as they are, but that much of it is no

"The most helpful way to view the problem of racism is to understand that white people are...a minority (among world populations) and that their attempts to impose their views and solutions on the world is doomed to failure."

worse than some urban ghettos I've been to in the United States."

Professor Tigar's work in South Africa allowed him the opportunity to recognize a number of parallels between the institutional racism which exist there and U.S. racial problems.

The concept of the Bantustans, or homelands, designed to be Black self-governance areas, is analogous to the

beginning of the reservation movement in the 19th century. The homelands never emerged as the entity they were supposed to be, just as the reservations of Native Americans never truly materialized as independent entities. It is clear, Tigar states, that the areas to which black rural people are relegated are those least desirable areas. White Afrikaners claim the more useful lands.

The ghettoization of Blacks in American urban areas has some parallels in South Africa. For example, the Blacks who live in Soweto come into Johannesburg from the townships, they work and then return home to their rural slums. The same type of urban collectivism exists in the United States, with the same combination of economic and racial factors drawing people together.

Tigar noted another similarity between these areas and the rural colonias in the lower Rio Grande Valley.

Blacks are forced into rural areas of South Africa by racial and economic pressure. In most instances it is a violation of the Group Areas Act for a Black to live within the city. Economics and racism tie most Mexican Americans to the Valley.

Professor Tigar noted that today the struggle for racial equality provides the most striking parallel between South Africa and the United States. The recent political and racial changes, such as the release of Nelson Mandela, are due largely to a summer of protest in 1989. Many of the actions taken during this time were inspired by the civil rights movement in the United States.

For example, says Tigar, the sit-in tactics of the civil rights struggle consciously became the tactics of the South African Mass-Democratic Movement. The MDM umbrella organization united multi-racial organizations into massive, non-violent demonstrations. Tigar believes this show of cohesive force had an effect on the government of South Africa.

However, Black South Africans face an obstacle which never troubled their American counterparts. "There are no constitutional principles to which the freedom movement can point when looking to change," notes Tigar. No provision in the South

Tigar

African Constitution guarantees any rights to Blacks. At least, civil rights leaders in the United States could look to the Constitution to fight discrimination. South Africans cannot, because in their country racism is constitutional.

Another striking comparison, the domination of all professions by whites in South Africa, is very similar to the situation in the United States during the 1950's and 60's. A prime example is the legal profession which distinguishes between barristers and solicitors. Two years ago there were 350 barristers in the Johannesburg Bar Association, six of whom were Black. When the first Black was reluctantly admitted to the bar he was not allowed to practice because rules required him to have chambers in the same building with other barristers. Of course this was impossible: Blacks were not allowed in the building. Only after a great struggle was he able to rent an office and practice law.

"A legal system is not what it says, but what it does," says Tigar. Today, there are 12 Black barristers in the Johannesburg Bar, and separate tables for Black lawyers have been abolished. There is even Hillbrow, a section of Johannesburg, where black professionals who can afford the astronomical rents can legally reside.

When looking at the level of change in South Africa, warns Tigar, one

must remember the extent to which racism is ingrained into the culture. Only last year did the Afrikaner church renounce its former theological insistence that whites have a "God-given" right to rule over Blacks. "How can you reason with that mentality?" asks Tigar.

Professor Tigar notes that the question of how to build a multi-racial society is the key issue in South Africa and the United States.

In regard to campus tension, Tigar says, "I find it difficult to accuse any one person of racism. I have enough

"I don't see any single solution to racism. The solution to the problem will arise, as these things usually do, through struggle."

trouble sweeping my own side of the street, and being clear about my own attitude." However, it is obvious that the standards applied in faculty hiring and student admissions are inherited from the past. "We must ask ourselves if what we think of as objective standards carry with them some sort of bias."

An excellent example of this is the debate involving multiculturalism. "We must re-think the standards being used in evaluating these classes. Alternative viewpoints must be examined from a truly neutral perspective using neutral criteria. I believe that these issues will be approached differently if we take into account the message we are trying to get across," says Tigar.

Professor Tigar also notes that, "The most helpful way to view the problem of racism is to understand that white people in metropolitan countries are ...a minority (among world populations) and that their attempts to impose their views and solutions on the world is doomed to failure. In order to illicit change we must see ourselves involved in a world-wide process. That is the right way to approach it."

"I don't see any single solution to racism," says Tigar. "The solution to the problem will arise, as these things usually do, through struggle, and more importantly, through attempting to understand struggle."

