

# FIGHT THE GROUP AREAS ACT!

## PENINSULA-WIDE CAMPAIGN AIMS TO RUIN INDIAN PEOPLE

### BY COLOURED PEOPLE —N.I.C.

CAPE TOWN.—A planning sub-committee to arrange meetings all over the Peninsula to fight the implementation of the Group Areas Act was elected at a meeting of the Group Areas Co-ordinating Committee in the Rondebosch Town Hall last Wednesday night.

The sub-committee of seven, with the chairman (Dr. R. E. Van der Ross) and secretary (Mr. P. A. Ruiters) as ex-officio members, was elected following a proposal by Mr. George Peake, Cape Western Regional Chairman of the South African Coloured People's Organisation.

In addition to S.A.C.P.O., about 150 delegates from 25 other organisations were present at the conference, among them a large number of civic associations, the African National Congress, Congress of Democrats, Civil Rights' League and the Liberal Party.

"As an African, I know what

locations are like, and I warn the Coloured people that they must fight the Group Areas Act," said Mr. Z. Malindi, bringing a message of solidarity and support from the A.N.C.

Resolutions calling for the withdrawal of the Group Areas Development Bill and the repeal of the Group Areas Act were passed unanimously.

The former, said the resolution, although seeking to give the appearance of justice to the forcing of people from their homes, deprived the individual of the right to get

the best price for his property in the open market.

The meeting called upon the people not to be stampeded into selling their property, as this would be another way of implementing the Group Areas Act.

A motion that a petition be sent to the United Nations concerning the position of the people under the Group Areas Act was defeated, some speakers maintaining that India had already brought the South African case before U.N.O. without effect.

"THE Bills now before Parliament amending the Group Areas Act emphasise the real purpose of this law in all its nakedness and fully vindicate the stand taken by Congress," the Natal Indian Congress declared in a statement last week.

The N.I.C. points out that Non-Europeans have no representation on the Boards created under the amendments, and "we can say without hesitation that the Non-European people will receive a very raw deal."

The Chairman of the Land Tenure Board will in future be the sole arbiter as to who shall or shall not be heard, says the N.I.C., and "the Government is now seeking to enforce the Group Areas Act without any pretence whatsoever of giving the people an opportunity of being properly heard before the Board.

"The Natal Indian Congress issued a serious warning to the Indian community that it should not be misled by anyone as to the real motivating factors behind the Act," the statement continues.

"The Group Areas Act was enacted primarily as an anti-Asiatic measure. Its aim is to achieve the

ultimate expatriation of the Indian people by first reducing them to economic ruin. Pending expatriation, Indians are to be allowed to remain in South Africa as a sub-group under the Coloured group.

"There were certain misguided people who believed that by sacrificing their principles by abandoning residential areas they would be able to protect vested commercial interests. How wrong they were has been clearly demonstrated by the ministerial decree for the Durban Indian commercial area, where the position is to remain frozen for the next two years during which period no determination is to be made."

The N.I.C. ended its statement with a call to the Indian people to oppose the Act unitedly and not to submit any plans whatsoever for race zoning to the Land Tenure Advisory Board.

## COLOURED URGED TO ATTEND C.O.P.

JOHANNESBURG.—The Transvaal branch of SACPO has issued a special call to the Coloured people to take part in the Congress of the People.

What are you doing to secure freedom for yourself and your children? asks the SACPO leaflet.

Do you know that the Government is planning to remove thousands of Coloured people from their homes in the Cape just as they removed the Africans from Sophiatown?

Do you know that soon you will have a Minister of Coloured Affairs, who, like Dr. Verwoerd, Minister of Native Affairs, will bully you and control every phase of your life?

● DO YOU KNOW THAT now you cannot leave South Africa, and very soon you will not be able to go from Johannesburg to Cape Town unless you are prepared to say, "YES, BAAS! PLEASE, BAAS!" and are prepared to WALK, TALK, SIT and EAT the way the Baas wants you to?

● YOU MAY SAY THAT THESE THINGS WILL NOT HAPPEN TO YOU.

● WE SAY THEY CAN HAPPEN AND ARE HAPPENING, AND UNLESS YOU ARE PREPARED TO STAND UP AND DEFEND YOUR RIGHTS AND LIBERTIES YOU WILL LOSE THEM.

The Coloured people are urged both to join the S.A. Coloured People's Organisation and to participate in the Freedom Assembly on June 25 and 26.

THE INITIATING COMMITTEE OF THE INTERNATIONAL MEETING OF JOURNALISTS will meet in Berlin this June, according to the first issue of the bulletin of the committee released recently. The bulletin said that the Initiating Committee's call for an international meeting of journalists had received a wide response, and preparatory committees were being set up in many countries. The Initiating Committee will plan the date, place and agenda for the forthcoming meeting of journalists, which will bring together for the first time leading journalists from all parts of the world to discuss such questions as the removal of restrictions on the freedom of information, improvement of relationships between journalists in all countries, conditions of work of journalists, etc.

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## APPEAL COURT DEFINES A GATHERING

The Appeal Court's verdict in the case in which Sam Kahn was charged with attending a gathering has been acclaimed by all progressive South Africa. In view of its importance, we give here some extracts from the judgment of the Chief Justice, Mr. Justice Centlivres.

It cannot in my view be said on the evidence which was called that the Crown succeeded in establishing that the gathering in question was any other than what it purported to be, viz.: a social gathering. Different considerations would, of course, have arisen if the Crown had proved that the invitations which were issued were merely a cloak to conceal the real purpose of the gathering. . . .

The question . . . is whether the gathering which the appellant attended was a "gathering" within the meaning of the definition of that word in Section 1(1)(V) of the Act. The word "gathering" is there defined as meaning "any gathering, concourse, or procession in, through or along any place, of any number of persons having a common purpose, whether such purpose be lawful or unlawful."

From the use of the words "having a common purpose" it is clear that the word "gathering" does not mean any gathering whatsoever. The magistrate convicted the appellant because he held that the words "common purpose," as used in the definition "merely mean, as contended by the prosecution, an intention to meet and assemble. In that view it follows that the Crown has discharged the onus of showing that the accused attended a gathering as defined in the Act."

It is important to bear in mind that in a prosecution for a contravention of Sec. 11(f) of the Act the purpose or motive which the accused had in attending a gathering as defined in the Act is irrelevant. All that the Crown need prove is that the gathering falls within the statutory definition and that the accused attended the gathering. If, for instance, the accused attended such a gathering with no fixed purpose of his own but merely out of idle curiosity he would nevertheless be

guilty of a contravention of Sec. 11(f) and it would make no difference whether the common purpose of those present were lawful or unlawful.

### FAMILY MEAL

It was contended by the Crown that a social gathering was a gathering which fell within the definition of that word. Counsel for the Crown argued that if the appellant had a meal in his own house with his own family he would not be attending a "gathering" but if his brother, who did not live in the same house as the appellant, shared a meal with him and his family he would then be attending a "gathering." On principle I find it impossible to find any valid reason for drawing a distinction between these two cases. It seems to me that either there is a "gathering" in both cases or that there is not a "gathering" in either case.

The words "common purpose" are well known in the criminal law and connote that there is a purpose shared by two or more persons who act in concert to do something. There may be an express agreement between such persons to achieve some object or there may be an implied agreement to the same end. See *Rex v. Duma and Another* (1945 A.D. 410 at pp. 414 and 415). **Directors of a company who call a meeting of shareholders to consider resolutions affecting the company have a common purpose and if the appellant were to attend such a meeting he would be contravening Sec. 11(f) of the Act.** Assassins who way-lay their intended victim in order to kill him also have a common purpose. In these cases the object which the persons concerned have in view is the purpose which those persons share in common with one another.

It is interesting to note that the Shorter Oxford Dictionary gives as

the first meaning of "purpose" the following: "the object which one 'has in view' and that the Afrikaans version of the definition of 'gathering' (the Afrikaans version of the Act was signed) conveys the same concept where it uses the words 'n (gemeenskaplike) doel voor oë.'" Consequently if persons assemble in order to achieve some common object by concerted action such an assembly would be a gathering within the meaning assigned to that word in the Act.

It follows from what I have stated that I am unable to agree with that portion of the judgment of the Provincial Division where it was said that "if the words 'having a common purpose' are given the restricted meaning of an intention to achieve some object by concerted action the prosecution would . . . be confronted in almost every case with the impossible task of proving that the accused, and each and every person present, assembled with the same motive."

### MAGISTRATE'S REASONS

The magistrate in his reasons said: "In the case of *Regina versus Sachs* (S.A.L.R. 1953 (1)) the accused . . . had attended a meeting, the avowed object of which was to protest against the notices which the Minister had served upon him. From the decision in this case it is clear that the meeting was found by the Court to be a 'gathering' in terms of the definition in the Act. If, therefore, the contention of the defence, namely that there can be no 'common purpose' unless there is an object to be achieved by concerted action in the future, is correct, the attendance of the accused, Sachs, could not have been held to fall within the mischief aimed at by the Section, inasmuch as the purpose of the meeting was merely to protest. There was no avowed object to be attained in the future."

I do not agree with the magistrate's reasons. In *Sachs*' case the common purpose of the meeting was to protest against the action of

the Minister of State and that meeting was a gathering within the meaning of the Act because a number of persons hoped that by their concerted action a resolution of protest would be passed. That was the object which they had in view. In the case of a social gathering there is no intention to achieve anything by concerted action.

In the present case the Crown failed to prove that any of those who were present at the party in the house of the Buntings desired by concerted action to achieve any object. The persons who were present at the party met together to enjoy a social evening and it cannot be inferred from the evidence which was led that any of them hoped by concerted action to achieve any object. **When a person decides to accept an invitation to a social gathering he does so because he individually desires to attend for reasons of his own; there may be many different reasons which induce different persons to accept and there cannot be said to be an intention on the part of those present to act in concert. Every person present is at liberty to please himself in regard to speaking to others who are present.**

For all these reasons it seems to me that the Crown failed to prove that the gathering which the appellant attended was a gathering within the meaning of the definition of that word in the Act.

The appeal is therefore allowed and the conviction and sentence are set aside.

SCHREINER, J. A.  
VAN DEN HEEVER, J. A.  
HOEXTER, J. A.  
FAGAN, J. A. concur.

LONDON COUNTY COUNCIL recently called for competitive tenders for the supply, delivery and erection of steelwork. The Council received 10 tenders, all quoting the sum of £57,517 1s. 8d. for the job. Commented Labour leader Herbert Morrison—"An example of how Conservative freedom works."



# WITS. MASS MEETING BACKS FORT HARE STUDENTS

## Shut-Down "Entirely out of Proportion"

JOHANNESBURG.

STUDENTS of the Witwatersrand University last week came out in full support of their Fort Hare colleagues and demanded the "unconditional re-admission" of every member of the expelled student body.

By 400 votes to one, a lively mass meeting of students expressed disapproval of the shut-down as being "entirely out of proportion to the situation existing at Fort Hare" and demanded a Commission of Inquiry, on which students are represented, "to investigate the grievances of students and the causes leading to the closing-down of the College."

At the beginning of the meeting there was some belligerent heckling and whistle-blowing from a group of segregationists at the back of the hall, but their mood changed when a Fort Hare student ascended the platform and quietly told of the unbearable conditions which had precipitated the break with the authorities.

### SHUT THEM UP

By the time he had finished, most of the segregationists (who before the meeting were brazenly scribbling "Mau Mau" on S.R.C. posters inviting students to hear "The Truth about Fort Hare") had slipped out of the hall or were quietly listening as the speaker built up his overwhelming case.

The student said that it was the iron-fisted regime of the authorities,

and not the intimidation of a mythical caucus that roused the student body to boycott the graduation ceremony.

The students were not allowed to question edicts of the authorities who time after time refused to disclose reasons for their drastic actions, he said.

Speakers from the floor drew the parallel between the suppression of liberties in the S.A. society and the development of authoritarian tendencies within the Universities, which had affected Wits no less than Fort Hare.

## U.S. GOVERNOR SAYS: "QUIT QUEMOY"

NEW YORK.

The Governor of New Jersey, Mr. Robert Meyner, has called for the evacuation of Quemoy and Matsu, the two Chinese islands off the mainland now being held by Chiang Kai-shek.

He was addressing a Democratic Party Women's Club in Reno, Nevada, where he went to see the latest United States atom explosions at Yucca Flats.

"It would," he said, "be the most savage irony of history if millions of people should die of atomic blasts over a few square miles of bleak rock in the Formosa Straits."

"I wonder how we would feel," he asked, "if a hostile power were in possession of Long Island? Quemoy is only a few thousand yards from the mainland—not even twice the distance from Manhattan to Staten Island in New York State."

## C.O.P. ELECTIONS

(Continued from page 1)

been divided and sub-divided so that every resident's voice will be heard through those of the 200 delegates Sophiatown will send to the Freedom Assembly.

A Sophiatown C.O.P. worker described to New Age how the elections are being organised.

The township has been divided into seven zones, each zone under a leader. The zones in turn are divided into blocks which are again sub-divided into four units each. Each unit is composed of ten stands.

The stand units have elected chairmen, secretaries and other officials which organise C.O.P. work among the residents in these, the smallest units.

Block leaders preside over the four unit chairmen who thus work as a block committee. The chairmen of the block committees administer the zones, which are in turn responsible to the volunteer-in-chief for the area.

Elections will continue in Sophiatown until every unit of ten stands has chosen its delegate to the Assembly.

### HUGE CONFERENCE

A huge C.O.P. conference of

Transvaal representatives attended by over 700 delegates was held in Johannesburg last week-end. "The Freedom Assembly will show we do not accept the baasskap policy," said speakers.

Mr. J. Matlo said that under Bantu Education Verwoerd, the psychologist, "was trying to perform an operation to change the minds of the African children. He wanted to make them accept slavery. An end had to be put to this horror. The A.N.C. had called on all to prevent the carrying out of this scheme. The boycott should be spread, this speaker said.

Mr. John Nkadimeng said that demands for the Freedom Charter must come from the people themselves—not only from organisations but from all the people. In street blocks, factories and villages delegates must now be elected.

A people's choir sang magnificently at the conference. Mrs. Doreen Motsabi appealed for funds, surrounded by children shouting "Afrika!"

### IN NATAL

The Natal Action Committee of the C.O.P. reports that in its drive for demands for inclusion in the Freedom Charter, it has encountered widespread feelings of resentment against the oppressive legislation and policy of the Government.

"A large number of people have demanded that all peoples, regardless of race, colour, religion, creed or sex, should have the right to elect and be elected to Parliament, Provincial Councils and City Councils," states the committee.

"There is no doubt that by the time the Freedom Charter is formulated, there is going to be tremendous support for it from all parts of South Africa, and the Charter itself is destined to become a historic document representing all shades of interests and the broad feelings and will of all the oppressed people of South Africa; a Charter of Demands, calling on the Government to implement them immediately."

The Natal committee aims at having 500 delegates elected by the middle of next month.

"Our slogan is 'Forward to the Congress of the People!' We call on every person to subscribe fully to the Freedom Charter by assisting morally, financially, and in all possible ways."

# STRAUSS IS STIFLING PEOPLE'S PROTEST

By PETER MEYER

Colonel Denys Reitz, in his well-known book "On Commando," says that the Boer forces made it plain to the "kafirs" that the 1899-1901 war was a "White man's quarrel."

Mr. Strauss wants to go even further with the Senate Bill. He is keeping out not only the "kafirs," but a lot of White men also. In fact, he wants to turn it into a strictly United Party show.

He has turned down appeals for a United Front; he has just about stifled the move to revive the Torch Commando; in Natal his first protest meeting will take place only on June 2; and daily he is turning down suggestions for new, vigorous ways of fighting the Nationalists.

Finally, last week he announced that "the Coloured vote issue is being used by the Government as a false front." Keep the Coloureds out too, Mr. Strauss.

Why? I went into the reasons last week, but let's look a little deeper into the thing.

### AN ALLY

There are a lot of sincere people in the United Party who believe that Mr. Strauss is genuinely fighting the Nationalists, even though his methods are sometimes open to criticism. It is time they understood that Mr. Strauss is a handmaiden of the Nationalists, an ally, not an opponent.

Capitalist society is a cunning affair. Its defences are arranged in depth and skilfully camouflaged to deceive the honest citizen. The first defence is the Government. In South Africa, the next defence is the United Party. The third defence is the Liberal Party and its fellow-travellers.

No one suggests that all the supporters of these parties are conscious allies of the Nationalist Party in its efforts to maintain the present system of White rule and exploitation. They may be honest in their intentions but muddled in their knowledge of political strategy. The fact remains that the effect of parties like the United Party, Liberal Party, etc., is to bamboozle the public and assist the Nationalists.

The present fight against the Senate Bill is a good example. It is clear to everyone that the people of South Africa are roused and are itching to fight the Nationalists. But what is Mr. Strauss doing?

Instead of arming the people and leading them into action against the Government, he is disarming them and leading them away from action.

This is not purely a question of party politics either, or a case of "bad" tactics. The U.P. leadership is fully aware that if the people of South Africa were to be fully roused and mobilised against the Nationalists, the Strydom Government would be destroyed. But so would the whole system of White rule, or at least it would never be the same again.

### THE STRAUSS PLAN

It is not "wrong advice" or "bad tactics" that makes Mr. Strauss muzzle his followers and stifle the shouts of the Torch Commando. It is cool, calculated thinking. Mr. Strauss wants to see the Strydom Government kicked out and the Strauss Government take its place, but not at the expense of the whole system of White rule.

The Liberals, Federals, etc., are only a few degrees removed from the United Party. Their principal

function is to obscure the issue, to bluff honest democrats that they are fighting for equal rights. The truth is that they are as much handmaidens of the Nationalist Party as all the other White-rule parties. As good citizens become disgusted with the United Party and look around for something better, they find the Liberal Party waiting for them, ready to lead them into a slightly more attractive wilderness.

Democrats who are puzzled by the political manoeuvres of the party leaders should ask themselves this question: Why is it that one political group in the White-rule camp merges imperceptibly into the next group, all the way from the Nationalist "extremists" to the "good" liberals? Dr. Verwoerd is linked with "moderate" Nationalists like Mr. Sauer; Mr. Sauer is close to "right-wing" U.P. members like George Hayward and Abe Bloomberg; they in turn share the same benches with U.P. "liberals" like Dr. Friedman and Mrs. Suzman; and then Dr. Friedman and Mrs. Suzman serve as the link with the Ballingers and Stanfords in the Liberal Party. The one blends quietly and unobtrusively into the other.

Yet, when you look at the whole lot together it seems that there is not the remotest connection between Dr. Verwoerd and Mrs. Ballinger.

### THE ACID TEST

But as one goes along the line of political peep-shows, there is a sudden break. This is when one comes to the camp of democracy. The test is simple and it divides politics into two distinct camps: those who believe in White-rule, and those who believe in equal rights for all NOW. The test is straightforward and conclusive.

If you apply this test to the Parliamentary Opposition, you can find the explanation for the sell-out on the Senate Bill. It is not only the U.P. that has sold out. All the Opposition groups must share the responsibility for this betrayal. At the moment, the smaller parties are standing around looking glum because the United Party won't have anything to do with them. The U.P. has disarmed them and they are wondering whether it is worthwhile even calling protest meetings of their own.

But they have no excuse. There are allies and, as we pointed out last week, better allies than the United Party: the people and their democratic organisations like the Congress of Democrats, the A.N.C., the S.A.I.C. and S.A.C.P.O. Here are the real fighters for freedom, the real opponents of the Nationalists. The choice is entirely in the hands of the Liberal, Labour and Federal party leaders. We agree with them that Mr. Strauss has sold out. But what are they doing?

THE INDIAN AND UNITED STATES GOVERNMENTS are considering a draft agreement which will guarantee future American investments in India against expropriation. It will also include arrangements for the remittance of profits in dollars. The agreement guarantees remittance and convertibility of profits equal to 200 per cent. of investment over a period of 20 years. According to the London Times, "the agreement will have the effect of reassuring investors . . . who may have been deterred by the announced Socialist programme of the Indian Government and recent amendments to the Constitution."

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Published by Real Printing & Publishing Co. (Pty.) Ltd., 6 Barrack Street, Cape Town, and printed by Pioneer Press (Pty.) Ltd., Forgate Street, Woodstock. Unless otherwise stated, all political matter in this issue by B. P. Bunting, 6 Barrack Street, Cape Town.



**Collection Number: AG2887**

**Collection Name: Publications, New Age, 1954-1962**

***PUBLISHER:***

*Publisher:* Historical Papers Research Archive, University of the Witwatersrand

*Location:* Johannesburg

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