

authorities he quotes. Now My Lord, if I may refer Your  
 Lordship to a discussion of a very analogous case, in my  
 submission, dealt with in English Reports, Volume 50. It  
 is a Report of the Rolls (?) Court, and the name is  
 Earl Nelson versus Lord Brigport, 50, English Reports, page 5  
 207. There My Lord it was a question of an expert having  
 to explain foreign law to that particular Court, and it  
 was a question as to whether the expert had to produce  
 certain authorities as a basis for his opinion on foreign  
 law, as to what foreign law says and what the contents of 10  
 foreign law is. The headnote very shortly, but not very  
 fully describes the position. I'll refer to the body of  
 the report in due course. The headnote shortly puts it  
 on this basis : "Witnesses in giving their testimony on  
 foreign law may, if they think fit, refer to laws or to 15  
 treatises for the purpose of aiding their memory upon the  
 subject of their examination, but in general it is the  
 testimony of the witness and not the authority of a law or  
 of a text writer detached from the testimony of the witness  
 which is to influence the Judge." That is rather over con- 20  
 cisely put and I proceed now to refer Your Lordships to  
 the body of the case where the matter is discussed.  
 I am proceeding more especially to page 211. I may, just  
 to give the context, mention that exception was taken on  
 the basis that the Master - to the Master's Report and 25  
 the exception is being dealt with in this particular case.  
 "The exception is to the effect the Master ought not to  
 have received the depositions of the witnesses of the  
 defendants, Lord and Lady Brigport without the production  
 of the laws and treatises therein referred to." And then 30  
 a full discussion is given of the way - the value of the  
 expert opinion on foreign law, the way it is to be treated,

and the value which is to be attached to (a), the opinion of the expert and (b) the sources which he quotes in support or to fortify his opinion.

BY MR. JUSTICE RUMPF :

There is of course this position in comparison 5  
between the political science and foreign law. The expert  
in regard to foreign law need not, that has been held, I  
believe, need not refer to his authority. He may do so if  
he wants to do so, obviously, he can be cross-examined  
about it. There is the difference between political science 10  
and law I think in this way that as far as I remember in  
English law the expert who gives evidence on foreign law  
is required to be a person perhaps - with certain exceptions,  
to have actually practiced the law. I say with a few  
exceptions. But isn't that the legal position in English 15  
law? Do they not as a rule require the expert to have  
practiced law?

BY MR. DE VOS :

My Lord, not as I understand the position.  
There is for instance... 20

BY MR. JUSTICE RUMPF :

Now that effects the case only in this way -  
you must tell me if I am wrong. It doesn't effect the ques-  
tion of admissibility of evidence, but the qualification  
of the expert, which is a definite matter. 25

BY MR. DE VOS :

Possibly in that manner My Lord, though even  
on that limited basis in my submission, as I understand  
the law of England, an expert on foreign law need not have  
been a practitioner, he must have been a man who in some 30  
way became acquainted with the workings of that law and his  
credentials are then examined, so as to qualify him. There

is another case for instance where a Bishop, a Sussex Peerage case, where a Bishop was considered to be qualified though he had never practiced law, because he had in fact from time to time to pronounce within the ambit apparently of his ecclesiastical duties on the validity of marriages, 5 without having had a professional study or in any way himself had practiced law, he was considered qualified or peritus as the expression is used in that case, for the purpose of expressing an opinion, and it seems My Lord, according to my reading of the papers, that there is no 10 real hard and fast rule in English law as to the qualifications that are essential for an expert in foreign law. But even if so, it could only as Your Lordship has mentioned and in my submission, go to the question of qualifications and not beyond that. My Lord, on this question 15 of the expert opinion on foreign law, foreign law being a fact that has to be proved or the contents of which has to be proved, as a fact before the English Courts, of which no note can be taken of the Judge concerned as a lawyer. In fact, on page 210 of the same report the question is 20 dealt with at length and the Judge refers to the many tests applied by an English Judge before he can come to a conclusion on English law, and then he compares his position in regard to foreign law and states that looking at the matter as an expert question of science as to what 25 the contents of the foreign law is, quite obviously a person not versed to the full extent in foreign law could not be asked to express any opinion, but must accept the opinion of the expert witness on that particular point. I do not wish to deal too lengthily with the introductory part, 30 but the gist of it seems to be My Lord this passage on page 211 to which I have referred, it is the last paragraph, and

it reads as follows : "The considered and carefully formed opinion which is the result of any man's knowledge and experience applies to a complicated case. It is founded on views of the subject so extensive, upon authorities so far differing in value and upon such various degrees of practice that it would be impossible to trace all the sources from whence it is derived, or to examine and determine upon the elements upon which it is composed, and it is held to be sufficient if a person proved to be experienced and to have had the means of acquiring accurate knowledge thinks fit to state distinctly that in his opinion the law and its application to the case in question are such as he states them to be. An opinion so proved must be received and attended to subject to the observations which may be justly made upon the witnesses themselves, upon the circumstances under which their testimony is given and upon their opinion under consideration, whether contrasted to the opinions of other witnesses or not. Considering the nature of the case, it seems to me that the witnesses in giving their testimony may, if they think fit, refer to laws or to treatises for the purpose of aiding their memory upon the subject of their examination, but in general, it is the testimony of the witness and not the authority of the law or the text writer, detached from the testimony of the witness, which is to influence the Judge. The testimony of the witness or the information which the Judge is to obtain from him ought to be founded on the knowledge which he possesses, and which ought to have been derived not merely from his own observations as a percipient witness in the course of his own practice and experience, but also from a study of the law itself and the recognised commentaries thereon in connection

with own observations and inferences made in the course of his practice. And when he refers to laws and books in connection with the testimony he gives, he must be considered only as indicating them to be amongst the subjects of his consideration in the formation of his opinion. If 5 he does not distinctly say so, he is not to be understood as saying that the laws of commentaries to which he refers are the sole foundation of his opinion." My Lord, it seems to me to be of peculiar value in this case because it obviously must rest with the expert in political science 10 to make use of a - of his reading over many years of textbooks, his consultations with other experts on the matter, his making use of material which he considers reliable - all that is part and parcel, is wound up in the opinion to which he comes to when he gives a certain statement 15 or makes a certain statement on the state of Communist doctrine. It is quite impossible for that witness to put before the Court in intelligible form the complete source in the sense of the complete scientific basis for his opinion. That could not, if it took him so many years to 20 establish opinions, that could hardly be expected of him to be given in a coherent form in a short period of time before a Court of law. And in fact, My Lord, that is my submission that all the cases which deal with matters of expert opinion, where the grounds of the opinion are 25 enquired into, are requested by the Court, and that goes for Rex versus Jacobs too, 1940 T.P.D. case, referred to by my learned friend on the other side, - in all these cases reference to grounds of opinion reasons of opinion, merely amount to this that the expert is asked to explain 30 that he used certain tests which he considers adequate for a certain purpose and he has come to certain conclusions,

but he is not trying to bring the full source of his learning, the full background on which he bases his opinion to the notice of the Court. In fact My Lord, there is one English case - may I say before I leave this case of Nelson versus Brigport, on the basis of a very full discussion of 5 the matter of the value of the expert opinion and of the comparative value of sources quoted by him to refresh his memory as they put it, or to clarify his opinion or to indicate merely one of the factors on which he bases his opinion, after a very full discussion the decision of the 10 Court in this particular case was that the expert opinion was acceptable without any reference - without the production of books and treatises on the particular point he referred to. My Lord, in one other English case, that is Collier versus Simpson, English Reports, Volume 172. In 15 this case, page 883, the question was whether a certain prescription given by a certain physician was a proper or an improper prescription under the particular circumstances of the case, and it says here that "Sir H. Halford, the President of the College of Physicians was called and he 20 stated that he considered the medicine proper and that it was sanctioned by books of authority and he stated that the writings of Dr. Merriman and Sir Ashley Cooper were considered of authority in the medical profession." Then Tindall C.J. said : "I do not think that the books themselves 25 can be read, but I do not see any objection to your asking Sir Henry Halford his judgment or the grounds of it which may be in some degree founded on books as a part of his general knowledge." This case goes, My Lord, really further than I submit is necessary. In this case they 30 actually excluded these books, though they told the witness that he may make use of the books in the formation of his

opinion, but we don't want to hear about them, you are not  
 supposed to quote them. That goes further, My Lord, than  
 is in my submission necessary, quite obviously an expert on  
 foreign law is allowed to quote his authorities, and so also  
 in political science. But it indicates, in my submission 5  
 to your Lordships, the extent to which value is attached  
 to the opinion of the expert concerned, without the neces-  
 sity of necessarily quoting the sources of his opinions.  
 And if he does so, those sources are to be read in the  
 limited manner only as to some extent being the basis of 10  
 his opinion, clarifying the opinion, or perhaps refreshing  
 his memory on a particular point. That in principle, My  
 Lord, was also the attitude adopted in the Sussex Peerage  
 case where also evidence on questions of foreign law  
 had to be given, and the witness concerned was a Bishop 15  
 - it is English Reports, Volume 8, House of Lords, page  
 1034. The case is the Sussex Peerage case. I refer Your  
 Lordship particularly to what is said on page 1046. The  
 situation arose from the fact that the Right Reverend  
 Nicholas Wiseman, a certain Bishop was called and it says 20  
 here : "Having begun to give his evidence on the law at  
 Rome on the subject of marriage, referred while doing so,  
 to a work which was lying by him. This was noticed".  
 And then one of His Lordships, Lord Brougham said to  
 Counsel "You had better state to the witness that he may 25  
 refresh his recollection by referring to authorities in  
 the matter of law to which his evidence is addressed."  
 The Lord Chancellor says : "Do so. The witness may thus  
 correct and confirm his recollection of the law, though  
 he is the person to tell us what it is." Then Lord 30  
 Campbell said : "The most authoritative form of getting at  
 the law is to have a book which lays down the law, thus we

have had the Code Napoleon in our Courts. It is better  
 than to examine the witness' memory which may be defective,  
 and who may have a biased influence in his mind upon the  
 law." But the other Justices differed from Lord Campbell,  
 and Lord Brougham says : "My opinion entirely concurs with 5  
 that of the Lord Chancellor. The witness may refer to the  
 sources of his knowledge, but it is perfectly clear that  
 the proper mode of proving a foreign law is not by showing  
 to the House the book of the law, for the House has not  
 organs (?) to know and to deal with the text of that law, 10  
 and therefore requires the assistance of a lawyer who knows  
 how to interpret it. If the Code Napoleon was before a  
 French Court, that Court would know how to deal with and  
 construe its provisions. But in England we have no such  
 knowledge and the English Judges must therefore have the 15  
 assistance of foreign lawyers. This was fully considered  
 in Dalrymple versys Dalrymple in which the opinion of the  
 Scots lawyers was taken as a matter of fact, they being  
 examined upon oath. In those opinions they refer to  
 Scotch statutes and Scotch law books. It was agreed by 20  
 all hands (K) that that which was there in evidence were  
 not the mere statements of foreign text writers but the  
 opinions of skillful and scientific men who were examined  
 on oath." Then Lord Denmen adds : "There does not appear  
 to be in fact any real difference of opinion on this point. 25  
 There is no question here raised as to any exclusive mode  
 of getting at this evidence, for we have both the materials  
 of knowledge offered to us. We have the witness and he  
 states the law which he says is correctly laid down in  
 these books. The books are produced, and the witness 30  
 described them as authoritative and explained them by  
 his knowledge of the actual practice of the law. A skillful



man must state what the law is, but may refer to books and statutes to assist him in doing so. That was decided after full argument on Friday last in the Court of the Queen's Bench in Baron de Beau's case. There was a difference of opinion but the majority of the Judges clearly held on 5 an examination of all the cases and after full discussion that proof of the law itself in the case of foreign law could not be taken from the book of law but from the witness who describes the law. If the witness says I know the law and this book truly states the law, then we have the 10 authority of the witness and the book. You may have to open the question of the knowledge or means of knowledge of the witness and other witnesses may give a different interpretation to the same matter, in which case you must decide as well as you can on the conflicting testimony, 15 but you must take the evidence from the witnesses." Then Lord Campbell adds again : "I entirely concur with the law as laid down by the noble and learned Lord who has just spoken. Foreign law is a matter of fact to be proved by evidence. You call witnesses to prove that fact. You ask 20 the witnesses what the law is. You may - He may from his recollection or on producing and referring to books say what it is or that it is found correctly stated in such a book. He may here produce the book and say that that is according to the law of Rome. So likewise he may take 25 the book to refresh his memory." And on that basis, My Lord, this particular witness was allowed to give evidence on the law of Rome as he understood it, on the particular points concerned.

BY MR. JUSTICE RUMPF :

Well, the English law is quite clear on that in regard to foreign law.

BY MR. DE VOS :

Now My Lord, if we look at the South African cases, and I would like to refer shortly to the case of Rex versus Jacobs which has been frequently mentioned. In my submission it is quite clear on the way it has been reported that what was there required of Dr. Laubscher was that he should have stated the tests he used in arriving at a certain conclusion. 5

BY MR. JUSTICE BEKKER :

In the same way as the present witness says, this document I regard as Communistic for these reasons. 10

BY MR. DE VOS :

That is so, My Lord, without stating his sources in science as it were.

BY MR. JUSTICE RUMFFF : 15

Have you got any other cases?

BY MR. DE VOS :

Yes, if Your Lordships are with me on that interpretation of Jacobs' case, I don't dealing intend - I don't intend dealing with it any further. But I submit that it is quite clear from what is said on page 143 by Milne J. and also page 147 by Ramsbottom J. that that is the position. Ramsbottom J. said it was not for a doctor to say that a man was drunk. That was the question that had to be proved to the satisfaction of the Magistrate. It was for the doctor to observe and decide what inference he drew from the facts which he observed. My Lord, I also referred Your Lordship to the cases of Rex versus Morela and Rex versus Smit, and though the expert opinion there was on a subject matter rather differing from that of political science, in my submission it is quite clear on the discussion of the cases there that what really counts 20 25 30

is the opinion of the expert, and he is not required to give a full scientific basis for the scientific propositions which he propounds, in the sense that he must give a full list of the sources he refers to. He merely applies to his - He merely applies his opinion to a matter before the Court 5 and tries to explain as fully as he can what he considers on the material properly before the Court the position to be in the light of his particular expert experience.

BY MR. JUSTICE KENNEDY :

Can you lay down any hard and fast rule about 10 that sort of thing? Won't it depend on the type of question?

BY MR. DE VOS :

My Lord, I submit that a hard and fast rule can to this extent be laid down, that the expert on a certain subject matter, especially on subject matter of 15 this particular type which must of necessity be founded - where the knowledge must be founded on diverse sources, on reading over many years and comparative knowledge, comparing the one source with the other and study over many years. In a question in a case like this it would be impossible 20 for the witness to convey to the Court the full source of his scientific ...

BY MR. JUSTICE KENNEDY :

Of course that may well be. In another case the Court may think it requires further reasoning, further 25 sources of reasoning from a witness.

BY MR. DE VOS :

My Lord, in fact I have not been able to come across - I have not traced one single case, I have tried to read all the cases on the point of expert opinion as 30 far as I could find them, I have not been able to trace one single case where an expert was asked to give the scientific

basis of the scientific propositions on which he bases his tests.

BY MR. JUSTICE KENNEDY :

On a question of admissibility of the question only, the admissibility. 5

BY MR. DE VOS :

It was not required of him. In some cases he might have mentioned it, but as far as I can see, it has never been required of any expert witness to give the full scientific basis for a certain proposition before he is 10 allowed to state that proposition.

BY MR. JUSTICE KENNEDY :

I suppose in the end the rule is that the Court must be satisfied about the evidence.

BY MR. DE VOS : 15

That is so, My Lord. And that is the point...

BY MR. JUSTICE KENNEDY :

And it is, as Mr. Maisels said, a rule of caution, or a precautionary rule in - and in a large number of cases it may boil down to that. 20

BY MR. DE VOS :

My Lord, my submission is that the approach of the Court should be this, that the opinion is always admissible. What the weight of that opinion is depends on the particular type of matter which is being dealt with, 25 and the Court may have regard - the method in which the expert arrives at that particular proposition, it may consider the propositions quoted to it, but always with this limitation attached to that as a rider, My Lords, that the expert can never be tested fully on the scientific 30 basis of his knowledge, merely on what he quotes, because

he cannot in full give a scientific basis...

BY MR. JUSTICE RUMFFF :

Mr. de Vos, you are repeating over and over again the question of scientific, experience and the acquisition of learning. That is not the point that we are dealing with. We are dealing with the question of a particular fact, as a fact, and that is in this case, a fairly simple answer, it is in the books, or in the literature, admissible or inadmissible - I am not for the moment concerned about that. It is not a scientific thing which he is asked for really, that is all. 10

BY MR. DE VOS :

My Lord, with respect, my submission is ...

BY MR. JUSTICE RUMFFF :

There is no trouble - we have no trouble with that submission on the question of his scientific accumulation of knowledge, we haven't any difficulty with that. You can't analyse that at all. You can't do it with a case of a doctor or any other scientist. It is the totality of his learning which he applies when he expresses his learning. But we are concerned at this stage - the objections were raised in regard to specific questions. We don't want to go into the wide topical qualifications. That is all. 20

BY MR. DE VOS :

25

My Lord, my submission is this, that if the Court's ruling is to be applied in the way, as I understand it, that first of all certain sources must be quoted and these sources must then cover the full statement of fact to be presented afterwards or the full proposition to be stated by the expert subsequently... 30

BY MR. JUSTICE RUMFFF :

Mr. de Vos, your argument I take it is this that if the witness has given evidence about his qualifications, whatever that may be worth, and if he is asked whether Communism accepts as a fact a certain existence 5 of a situation, then he is entitled to answer that without referring to any source, and it is not for the Defence to object and say wait a minute, that is an inadmissible question, he must first supply his sources. If the Defence wants to attack that opinion which he gives, they can cross-10 examine on it and produce other evidence if they want to to weaken his evidence. If, through cross-examination, or his own evidence if he seeks to give it, it shows that he acquired that knowledge from sources which are highly suspect, then the weight of his evidence is effected, not the 15 admissibility.

BY MR. DE VOS :

That exactly is my submission, My Lord.

BY MR. MAISELS :

My Lord, may I just add one or two words. 20 With regard to the cases on foreign law quoted by my learned friend, Your Lordship will see on the English authorities that what is required is a person who has had practice, firstly, or has some working knowledge of the law and then he gives his opinion which he may or may not 25 support by authorities.

BY MR. JUSTICE RUMFFF :

It is not an absolute requirement. I think there are cases which say that if he occupies an official position at the Embassy and he says he knows the law... 30

BY MR. MAISELS :

As long as it is satisfied that he

has some knowledge, working knowledge of the law as opposed merely My Lord, - they don't think - they don't seem to think much of Professors of Law for some reason in England, a man who hasn't practiced it. For instance, My Lord, in England a man who frequently appears in the Privy Council on appeals from a particular colony couldn't give evidence as to the law of that colony, if he never practiced it, My Lord. But My Lord, the foreign law cases don't really assist. Because My Lord, again...

BY MR. JUSTICE RUMPF : 10

I am on the question of admissibility of questions, not on qualifications. You may have a political science which cannot supply active practice, unless you want to make the Professor join some rebel forces somewhere and say well, I have been in Cuba with the rebel forces of Fidel Castro and I now know what this is all about, although I only shot with a rifle a few times, I know much more than I knew when I read my books about the theory of the revolution. You see, we are not in the same position. On qualification. Now that is a different matter, the qualification is one thing, but the admissibility of the question is another thing. 15 20

BY MR. MAISELS :

My Lord, may we put it really on a simple footing. On the kind of question that we have been debating such as whether it is accepted in doctrine that the Russians supported North Korea, that is ordinarily speaking, My Lord, as I put it before, not a matter of doctrine. It may be. Now My Lord, once it may be, and it is purely on that basis, that is sufficient My Lord, for the Court to require, because of the initial doubt which springs to one's mind as a matter of common sense, My Lord, to say 25 30

to the Court - would you say this is Communist doctrine. My Lord, may I give Your Lordship an example. In the very same book that has been referred to, or pamphlet called E.P.M. 12 which the witness has constantly referred to, which purports to be a speech made by Mr. Khrushchev, a number of things were said. It was said here, My Lord, just in the same sort of way as they deal with what the Soviet Foreign Policy is, they talk about the Soviet internal policy, and they say that "since the war the Americans have got over almost exclusively to hybrid maize seed. This has raised the maize yield in the United States from 1.5 to 2.5 - 2.10 tons of grains per hectare. There are special seed producing companies..." and it goes on My Lord, and then says what the position is in Soviet Russia. That is a statement of fact. Now, My Lord, supposing a witness were to tell Your Lordship that it is accepted in doctrine that there is a higher yield of maize in Russia than there is in America. My Lord, it is the sort of thing to which the Court will say, doctrine?

BY MR. JUSTICE RUMPF :

I am not dealing with doctrine only, Mr. Maisels.

BY MR. MAISELS :

No, My Lord, but how does that come into doctrine?

BY MR. JUSTICE RUMPF :

That depends - we will wait and see.

BY MR. MAISELS :

My Lord, what we are really concerned about is this, and let us put the position quite frankly and plainly to Your Lordships. If doctrine is used to slip in contemporary history of facts, My Lord, it must not be permitted unless reasons are given. That is really the



position, My Lord. That is why, My Lord, we have objected. We are not really concerned whether Professor Murray says that Russia supported A or B. And that is the real point, My Lord. It is on the same footing, if Your Lordship pleases, as we objected to the historical facts. If My Lord the witness says it is doctrine and Your Lordships are satisfied with the ipsi dixit, that is a matter for the Court, at this stage. But My Lord, we submit that the Court cannot, applying ordinary common sense be so satisfied (?).

BY MR. JUSTICE RUMPF :

We will consider this further, and in the meantime will you proceed.

ANDREW HOWSON MURRAY, under former oath;

EXAMINATION BY MR. DE VOS CONTINUED F

Professor Murray, we are still dealing with Exhibit A.37, the same document you were dealing with. I think you stopped at page 26, approximately page 271 of the record, My Lord, line 21. Is there anything further on that last paragraph which you wish to add to what you have said so far? --- I have to point out that the position taken up is that the liberation struggle is linked up with the struggle against imperialism, against imperialism, and the struggle for peace.

In what way is that linked up, if it does, with Communist doctrine? --- I would like to read the whole paragraph. It is linked up with the Communist acceptance of the proletarian revolution and the rest of Communist doctrine in this sense that Communist doctrine gives a special interpretation of imperialism, namely that imperialism is a war making factor, and that the Communist

countries stand for peace and it goes on to say that South Africa being involved in certain manufactures, on this theory promotes war or will be involved in war, whereas what the people should do isto support the peace movement which the Communist movement propagates. And it concludes, 5 again on Communist lines, that the scourge of imperialism must be vanquished from the face of the earth, associating as Communist doctrine does, imperialism with war as an anti-peace movement.

You refer to the peace movement which Communism<sup>10</sup> propagates. How do you connect that up with the Communist doctrine you have expounded so far? --- On Communist doctrine, the world is of course divided into two camps, and the one camp is the imperialist camp, which is alternatively called the capitalist camp. The capitalist economic 15 structure by its very nature involves war and has now drawn itself, concentrated itself into certain countries, so-called imperialist countries, which in order to defend their profit will not hesitate to make a war. On Communist doctrine the proletarian movement and the proletarian 20 revolution will create an economic system which will not be based on the profit motive, and therefore the economic system will not produce either internal crises or external wars, and therefore the theory of peace on the proletarian basis is an essential part of Communist doctrine. 25

You proceed to page - there is a reference to page 30 of the same document. It has not been read in, and I will do so now. I quote from Part Four of this particular document, under the heading of "Organisational Problems", and I read the third paragraph as follows : 30

"We wish to emphasise that the report of the Executive and the Presidential address are the two basic documents

which will provide a central theme for Conference deliberations and decisions.

Your attention is directed to two important questions that emerge from this report.

(i) The growing oppression since the coming into power of the Nationalists in 1948. 5

(ii) The position of the African National Congress in such a situation. In other words, the re-organisation and the functioning of the African National Congress under conditions of a fully-fledged police state in which we live." 10

Is that the full reference you had in mind, Professor Murray? --- Yes. I would refer to the paragraph under (ii), beginning "The position of..". The sentence, "In other words, the re-organisation and the functioning of the African National Congress under conditions of a fully-fledged police state in which we Live". The term "police-state" is in Communist doctrine associated with the analysis of the modern capitalist state as a fascist state, which does not use parliamentary methods but has become a police state. 15 20

Does that complete your observation of this point? --- That is all I have to say here.

Page 33, the written in number, not the typewritten one, the typewritten page 14. It is on page 278, line 27, My Lord. Professor Murray begins with "Now how are we going to begin, how are we going to start remedying the weakness mentioned above?" It goes down to the bottom of that particular page, typewritten page number 14? --- I would draw your attention to the paragraph 2(b) on that page, which reads "That every member of the Executive must undertake a course of theoretical political and 25 30

organisational training for at least two months". And  
2(c), "That every Freedom Volunteer must undertake a course  
of political and organisational training for at least one  
month". It is an important part of Communist teaching that  
theory, ideology is closely connected with practice, and 5  
that Communist leaders, indeed all members of the Party  
must be thoroughly trained in the political conditions -  
in the political theory which they must apply to the  
particular conditions. These two phrases express that  
opinion. I turn to paragraph 5 on that page, at the 10  
bottom, which reads "That it be the accepted duty of all  
branches to build up a powerful mass youth organisation  
which must be subordinate to the branch and also the  
women's section". It is a part of Communist teaching on  
method, commonly called Strategy and Tactics, that the 15  
Party must build up Youth Organisations and Women's sections  
which should be subordinate to the Party to propagate the  
doctrine and achieve the purpose of the Party.

Does that complete this passage? --- That  
completes this passage. 20

Turn to page 34. Is there a reference you  
have noticed on the second paragraph on that page of -  
that is the typewritten page number 15, 34 is the written  
number, and it occurs in the record at page 280 of - line  
3, beginning with "Friends, you are all aware"? --- I read 25  
the second sentence in that second paragraph. The para-  
graph begins "Friends you are all aware..." The second  
sentence reads : "Thus, the predictions of your leaders  
have once again proved true - as we have warned you  
before, we are heading for a fully-fledged fascist state 30  
not unlike the Hitlerite regime in Germany". The use  
of the term "fascist", associating it with more than the  
Italian form, is in line with Communist doctrine of what

the fascist state is, - what the nature of the fascist state is.

I think Professor Murray, this concludes your references to this particular document, A.37. Are there any further references you know of? --- No, I think these 5 are all that I can remember.

Just before going on to a further document, have you any general comment to make on that document from the point of view of Communist doctrine? --- I would say that this document accepts the Communist interpretation of 10 the situation in South Africa, basically; that it interprets the international situation as Communist doctrine would interpret it, and that on the matter of method it shows a knowledge of Communist teachings on method.

What do you mean by accepting the situation in 15 South Africa as Communist doctrine would accept it? --- It uses for instance the word "fascist" and other terms, the way Communism uses it, and interprets the - whatever the situation here may be in terms of those words and the meaning ascribed to those words. 20

In what doctrine - and the meanings you say, the meanings ascribed to those words in what doctrine? --- In the Communist doctrine.

Now Professor Murray, will you proceed to the following document, that is A.40, page 293 of the 25 record, My Lords, line 15. The document is headed "Presidential Address of the African National Congress (Tvl) submitted at the 42nd Annual Provincial Conference held at the Communal Hall, Western Native Township, Johannesburg on 9th-11th October, 1954." I refer you , 30 Professor, to the first page of that document...

BY MR. JUSTICE BEKKER :

Does that document show who made the speech?

BY MR. DE VOS :

No, it refers merely to the Presidential Address, A.N.C. Transvaal. Professor Murray, I refer you 5  
to the first page of the document, beginning with "Mr. Speaker, Ladies and Gentlemen" up to the end of the second paragraph under the words "South Africa" ending with "with a view to intimidating and breaking up the organisation of the people". That must be on page 295, 10  
I think. line 9? --- Yes. I refer to the first paragraph, beginning "Mr. Speaker..". I read the line, "On the other hand, we witness attempts by the reactionary imperialist powers under the influence and leadership of American imperialism to plunge the world into another blood-bath, 15  
that will bring nothing but death, misery and starvation to suffering humanity. With this object in view, the imperialist-capitalist powers are intensifying their oppression and exploitation of the colonial and semi-colonial masses". Then I read the second sentence, "The 42nd. 20  
Session of the African National Congress (Transvaal) assembles at a time when the struggle for national liberation and independence has assumed dimensions hitherto unknown in the annals of the fight between oppressor and the oppressed." In this paragraph the interpretation accepted 25  
of the term "imperialism" is that indicated by Communist teaching, namely imperialism as reactionary and as making for war and oppression, and exploitation. This interpretation of imperialism is associated with the liberation movement, with the argument that the liberation movement 30  
is a movement against this particular type of imperialism. Both those points are in line with Communist doctrine.

**Collection: 1956 Treason Trial**  
**Collection number: AD1812**

**PUBLISHER:**

*Publisher:- Historical Papers, The Library, University of the Witwatersrand*

*Location:- Johannesburg*

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