

MR. DE VOS :

My Lord, may I be permitted very shortly to deal first of all with Dr. Conco's evidence insofar as it relates to the A.N.C. policy on communism. My Lords, I prepared summaries of argument on this particular point and I propose to hand in copies to the Court.

My Lords, though the Crown does not submit that Dr. Conco was himself a communist in the sense that he knew and applied the communist doctrine of violent revolution, the Crown does submit that Dr. Conco's evidence: (a) assists to indicate the extent of communist influence on the A.N.C. and its policy; and (b) by the extent to which he himself was influenced by and accepted communist ideas shows the extent of infiltration of communist ideas in the A.N.C., and in this case of course My Lords, in the leadership of the A.N.C., because he was a prominent member

My Lord, this second fact, in my submission, can always be taken into account in assessing the communist policy of a particular organisation, when it is indicated in the membership and especially in the leadership of that particular organisation, the extent of communist influence shown by the members concerned. My Lord, that is a general submission that I make on the effect on the communist policy on every relevant organisation of the fact that communist influence exists in - to some extent in a certain person's makeup, beliefs, activities.

My Lords, as far as Dr. Conco is concerned, I refer here to his evidence on a number of points. First

of all I deal with his evidence on T.T. 28, A.N.C.Y.L. resolutions, April, 1953. Resolution No. 13 where the Accused said that this resolution - and I summarise it,- the resolution sympathised with the Soviet Union on the loss of Stalin, and said that Stalin was not only the architect of the Soviet Union but pledged himself to the cause of world peace and said that his death was a blow to all peaceful and freedom loving peoples of the world, that the South African youth hopes that the noble ideals of Stalin have been left as a heritage to the Soviet Union and the world, and that the greatest memorial to him would be to strive for peace and freedom. All that is consistent with A.N.C. policy. I refer to the record for that submission, My Lord.

On A.40, the Presidential Address of the A.N.C. Transvaal, 1954. It was an Address delivered by Moretsele, My Lords, which has been dealt with before, under the A.N.C. argument, the Accused said that the reference to 'imperialist powers under the influence and leadership of American imperialism' attempting to 'plunge the world into another bloodbath', and the reference to 'progressive powers such as the U.S.S.R. China, the New Democracies and India', to which the enslaved masses are indebted, contain nothing in conflict with A.N.C. policy.

My Lord, on the Message, B. 115, which has often been quoted to Your Lordships by the Provincial Secretary, P. Mathole, to the People's Republic of China, the Accused 30, Dr. C nco, conceded that this

represents the A.N.C. attitude to China, he admits that liberation in China was by a violent revolution. He says he could not explain what was meant by reference to China's role in the peace and friendship struggle or reference to warmongers. I quote that in fairness in addition, My Lord, to show that he said he could not fully understand the purport of everything that was said there.

Accused also admitted that the A.N.C. denounced the present state, describing it as a capitalist, fascist or imperialist state.

Accused also admitted that on A.86 a state like the People's Democracy envisaged by A.86 would conform to a communist state as he understood it.

He also agreed with the division of the world into two groups, namely the imperialist countries which he enumerated, who oppress and exploit colonial countries in Africa... and on the other hand a section - well, I am sorry, the same set of countries, these are described as a section of countries where the capitalist rules and exploits the people and a sector where the means of production has become the property of all the people and the exploitation of man by man is abolished. He sees the world divided into those two big sections.

Accused also said that countries like Poland, Hungary, Rumania and Czechoslovakia could be called People's Democracies. But he also said he understood by People's Democracy, a democracy for all the people. I add that, that is again in fairness to

the Accused himself. That must be interpreted in my submission, My Lords, in the light of what he said.

MR. JUSTICE RUMPF :

I don't know why you add that you are doing this in fairness to the Accused. If you argue a matter like that, you must put it before the Accused. It is your duty.

MR. DE VOS :

As Your Lordship pleases, I see it in that light myself. I merely point out that it was a negative statement appended to the other statements which I submit to be positive in the submission of the Crown.

My Lords, Accused admitted reading the lecture African Nationalism Today at the Youth League Summer School held for political training. Accused conceded that the revolution in Russia referred to was a violent revolution. Though he contended, unjustifiably it is submitted, that the whole passage cannot be read as advocacy of violent revolution in the Union. He denied knowing the meaning of qualitative leap, which was referred to in that particular lecture. He thought that it might refer to the time when everybody in South Africa would get his rights.

On A.302, My Lords, Course on Economics and Politics, the Accused denied having seen the lectures before. He admitted that this is the type of lecture used to train people. He said : "Yes, I think they were used to train people... for instance our Summer School lectures - you'd find them lying

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in the office.

My Lord, then follows a comment on this particular document. This document was read into the record as N.A. 82, page 5229 in the course of Professor Murray's evidence. It gives the Marxist and Leninist analysis on several points, My Lords, capitalism, surplus value ..

MR. JUSTICE RUMPLE :

You have dealt with this document, haven't you?

MR. DE VOS :

No, My Lord, not in argument, not in argument at all. This is the first reference to this particular document on these particular points. My Lords, I refer to the points there in terms of Marxist-Leninist doctrine mentioned in the document, and I submit My Lords that apart from the numerous points consistent with communism, the document contains exclusively communist passages, inter alia those referring to the stages of history, to the capitalist state as being always used to keep the workers down, that is it assumes the unalterable hostility between workers and the capitalist state. My Lords, I give the reference there.

That is all on Dr. Conco's evidence, My Lord.

MR. DE VOS :

My Lord, if Your Lordship pleases, I propose dealing very shortly with the evidence of Luthuli as a witness on communism insofar as the A.N.C. policy is concerned. I have prepared a summary of argument on Luthuli's evidence. My Lords, on Luthuli's evidence the Crown submits that the evidence of Luthuli regarding communism in the A.N.C. is unreliable to the extent that he is clearly, in my submission, My Lord, trying to hide what he himself accepts to be the communist ascendancy in the A.N.C.

My Lords, there are at least two reasons I submit why a witness in Luthuli's position may be expected to minimize the existence of communist influence.

- (a) The existence of anti-communist legislation in the Union and anti-communist sentiments in the Union;
- (b) The existence of anti-communist sentiments abroad, especially in the Western Democracies where sympathy may be alienated and potential assistance foregone if the truth be known, namely - about the A.N.C.

My Lord, apart from the fact that motive (a) can reasonably be expected in my submission to play a part in his evidence, Luthuli also provides a striking illustration of the second case. I refer first of all to a letter written by the witness on the 8th June, 1956, to Tambo. It is referred to at page 11908 of the record, O.R.T. 17. I quote here, My Lords the cross-examination on that particular letter.

"If that is so, how do you explain this letter, O.R.T. 17, which bears your signature and which is marked 'Confidential'?"

'Dear Mr. Tambo ' - it is dated the 8th of June, 1956 -
 "Dear Mr. Tambo, In connection with the question of my preliminary exploratory approach to the Hauser Group for financial aid to launch our newspaper, you will note that in his letter, that Mr. Hauser raises even at this early stage the question of the editor. I suppose he wants to make sure that their money does not help leftist ascendancy in the African National Congress. Whatever we may do internally by way of editing the paper, could we not for their purposes say that You and I were editors. This would dispel American fears and suspicion. I do not like to raise this note sharply in my official letter on the subject, especially because I seem to propose myself, but if you have no strong feeling against my suggestion, you could pass on the suggestion to the Working Committee. Discuss the point with Dr. Blaxall. Yours sincerely, A.J. Luthuli".

My Lords, then the question was put by cross-examining Counsel :

"Why were you prepared to be dishonest about the leftist ascendancy in the African National Congress? --- I wasn't dishonest".

My Lords, I submit here that Luthuli denied in cross-examination on these following pages in this letter, that he intended dishonestly to observe the real position in the A.N.C., yet he fails signally to explain firstly why he referred to leftist ascendancy in the A.N.C. as a fact if he did not accept it as a fact.

My Lords, then I quote :

"These are your words. You say that Mr. Hauser raises

the question of editor. Now Mr. Hauser doesn't raise the question of leftist ascendancy. Now you say 'I suppose he wants to make sure that their money does not help leftist ascendancy in the African National Congress'. Now in plain and unambiguous language,

you state that there is a leftist ascendancy in the African National Congress? --- My Lords..."

"Was that so? Did you believe that there was a leftist ascendancy in Congress? --- Not in the light, My Lords, in which the questioner puts it. I have already indicated My Lords, that in the African National Congress we do have leftists of different degrees..."

"Mr. Luthuli...? --- Now their ascendancy, to what extent their ascendancy existed I don't - I couldn't say, but in this particular case I didn't want to take the risk".

My Lords, secondly I submit he also fails to explain the use of the words "Whatever our internal arrangements may be", except on the basis that the outer world and the U.S.A. public opinion in particular had to be hoodwinked in accepting an apparently non-Communist facade for the A.N.C. instead of the real communist structure. It is obvious, My Lord, in my submission from Luthuli's acceptance of his own personal position as moderately socialist and in that sense leftist, that the leftism he had in mind when he put his own person in the forefront when facing the U.S.A. was something far more leftist than that.

I refer here, My Lord, to a passage in cross-examination where he said the following :

"My own view would be this, that the Hauser Group will probably say that Luthuli leans towards socialism. I think they would take me that way, therefore to the left". So he is prepared, My Lords, to accept that his face as it were, as far as America was concerned, was leftist, yet he considered that to be a safeguard against antagonistic American opinion. It is clear that he must have known that the U.S.A. was afraid - that what the U.S.A. was afraid of was communism, in my submission, not some innocuous form of bourgeois socialism. I refer here My Lords, to the following passage :

"My Lord, I have said that at the time of writing this letter, I didn't have any specific names of people who would be editors. Naturally even a thing like that would have to be determined by Congress. I didn't have specific names, but I had in mind a thing which is this, that America is very much afraid of communism and anything left, and so I merely suggested here that the Hauser Group might be satisfied with people who they knew, and I took it that the Hauser Group would know me, and if they gave their money they would give their money in the light of - well, we know Luthuli." And Your Lordships will remember that they knew Luthuli, according to his own concept, as a leftist.

MR JUSTICE BENKLER :

May I just take you back, before you continue - no, continue first.

MR. DE VOS :

"I wasn't there having in mind certain people. But one of course knew that the Hauser Group

would know that there are leftists in Congress. The degree to which those men are leftists, whether they were or not, I didn't even want to take that risk, My Lord". He could hardly have meant, My Lord, in my submission, something for instance in the line of the British Labour Party to which he had previously also referred as leftist.

My Lord, the inference in this letter, in the submission of the Crown is that Luthuli was totally unreliable when it came to giving a frank and honest factual picture of communism in the A.N.C. and that he accepted as a fact the leftist ascendancy in the A.N.C. - leftist in the sense of communist.

MR. JUSTICE BEKKER :

Just turn back to page 2. How do you construe the phrase, "I suppose he wants to make sure that their money does not help leftist ascendancy in the African National Congress". What is your construction of that phrase?

MR. DE VOS :

My Lord, my construction is that he had in mind the leftist ascendancy in the sense of communist ascendancy in the A.N.C.

MR. JUSTICE BEKKER :

Do you suggest it means that Luthuli was of the view that the leftists had ascended in the A.N.C., or wanted to guard against leftist ascendancy?

MR. DE VOS :

In my submission he had the view that there was leftist ascendancy in the A.N.C.

MR. JUSTICE BEKKER :

Would you just look at the phrase and tell me why you say that suggests that Luthuli accepted that the leftists had ascended in the A.N.C., as opposed to guarding against leftist ascendancy?

MR. DE VOS :

My Lords, when ...

MR. JUSTICE BEKKER :

"I suppose he wants to make sure that their money does not help leftist ascendancy in the African National Congress".

MR. DE VOS :

My Lords, obviously he did not have that in mind, in my submission, because he did not envisage assistance for the leftist group coming from the United States of America. On the contrary, he was afraid for that very reason of showing leftist influence quite clearly My Lord, in the course of his cross-examination - he was afraid of showing leftist influence in the A.N.C. to the United States of America. Now there was no fear as far as he was concerned, that the U.S.A. would be assisting them...

MR. JUSTICE BEKKER :

Do you mean Mr. de Vos, that the very fact that he sought to hide the true internal working, means that he carried knowledge of a leftist ascendancy in the A.N.C. Is that your argument?

MR. DE VOS :

That and also the fact that he mentions leftist ascendancy in so many words, My Lords. He says -

he explains afterwards that he is afraid of the United States of America, of giving any impression of leftist influence in a particular sense towards the United States of America. Taking that altogether, it must be in my submission, My Lord, the only explanation that can be given of that particular letter.

My Lords, I proceed on page 5, paragraph 4 : Nevertheless it is submitted that Luthuli even in his evidence could not hide the communist influence in the A.N.C. nor could he hide the extent of his own knowledge of communist activities. That is apart now from the question of the letter, My Lords. This, in my submission, appears from the following :

(1) The Incident on Hungary. Luthuli's opinion in A.J.L. 58, the Crozley Exercise Book - My Lords, I did not note it down there, but he admitted that it was his handwriting, page 11900 line 10. It was put to him the sentence in that book : "We condemn the ruthless intervention of Soviet Russia in the affairs of some of the so-called People's Democracies in Eastern Europe, especially her recent action in Hungary. We wish the so-called great powers of the world stop dividing the world into spheres of influence, but allow small nations to adopt their own way of life..."

My Lords, that was what he himself wrote. But the Report of the N.E.C. Queenstown Conference, in 1956 gave the following under "International Situation":

"Then on page 2 the African National Congress deals with the Hungarian situation." That was put to him in cross-examination. "We believe that every nation is entitled

to settle its own affairs, including the people of Hungary. The African National Congress feels a sense of disappointment and regret at the bloodshed in Hungary, and sincerely hopes that peace will be restored without delay in this country. We must point out that unlike the situation in Egypt, rational judgment at present of the Hungarian situation is made difficult by the undoubted hysterical whipping up of anti-Soviet feeling by the Western powers, as shown by the anti-Russian demonstration in some of our Universities in the Union, and by the manner in which the Union Government which proclaimed its neutrality in the Egyptian crisis caused by Great Britain, France and Israel has been quick to offer financial aid to Hungarian refugees, and - when it did nothing and is still doing nothing about alleviating the suffering of the people of Egypt brought about by the wanton attack on the people of Egypt by Great Britain. Under the circumstances we reserve final judgment on the situation in Hungary until the air is cleared of obvious partisan charges and counter-charges".

My Lords, clearly in my submission there was the conflict between what was his personal opinion and what the final conclusion was that was arrived at and the influence in my submission of leading communist members in the A.N.C., and there was no subsequent formal statement. But prominent A.N.C. members like Nokwe in fact defended Russia's actions in Hungary. My Lord, Luthuli admitted that the U.S.S.R. was never criticised by the A.N.C. on Hungary.

MR. JUSTICE BEKKER :

Well, what do you say about Luthuli's explanation as to how the final report came to vary from his view?

MR. DE VOS :

My Lord, he explained that they had a discussion, that is my recollection of his evidence, which is not quoted here verbatim - he explains...

MR. JUSTICE BEKKER :

He says that when this matter was settled, it was pointed out that they didn't have the full facts. What do you say about that?

MR. DE VOS :

My Lords, at no later stage was the matter ever raised again. First of all he had a positive opinion against Russia on the Hungarian position. That is the first point. That was when he was alone, not influenced by any people, any other members of the A.N.C. leadership. Then he came to a certain meeting of the A.N.C. leadership and then the attitude was varied in favour of Russia to the extent of almost apologising or setting out a apologia for the Russian action, and what follows on that further is action by the A.N.C. leader Nokwe, a prominent A.N.C. man, where he positively defends the Russian attitude in Hungary. So My Lord, he must have been in my submission quite clearly aware of the strong stream of communist and pro-Russian influence in the A.N.C. leadership when he raised that particular question.

MR. KENTRIDGE :

My Lord, if I may interrupt my learned friend,

I think he has got the order just a little bit wrong. I think he will see, according to his own note, it was at the beginning of November that Nokwe is alleged to have spoken in defence of Russia.

MR. JUSTICE BEKKER :

It was before this Conference took place. That is the point made by Mr. Trengove, that Luthuli said they wanted to reserve final judgment, but Nokwe was not prepared to do that, he - before this report went in, he had already addressed a gathering here in Johannesburg concerning the Hungarian position.

MR. KENTRIDGE :

A The only point I make, My Lord, is that it would appear that Nokwe's intervention was before this Conference.

MR. DE VOS :

My Lord yes, the word "subsequent" is not correct there. I see I have here : "There was no subsequent formal statement", but that is correct of course, My Lord. I think the way it has been put here, My Lord, is quite correct.

My Lords, I go on to a further point. Luthuli, according to his evidence, knew that communists were the inspiration in liberation struggles in Malay, Korea, China, Vietnam and he apparently knew that these struggles were violent struggles. My Lord, I put it apparently, because it is not quite clear. It seems to be rather in doubt. My Lord, in fact I do not seem - I do not want to press that point very far, because

it is not clear that he did accept the violence of the struggles in Malaya, but I do say he seems to do so in the course of cross-examination. He also co-operated with communists in the A.N.C. That is common cause, My Lords. Yet he purported to be ignorant of the communist policy on violence, though he conceded - he said : "I have not know then - " that is the communists - " to hold the non-violent policy as we hold it, that I must say". My Lord, it goes some way to indicate what he must have known to be the direction, the line taken by communism on violence. He says immediately afterwards about the view of Stalin as he saw it : "It would take it that insofar as he would be concerned, not being opposed to struggling by violence and not opposed to struggling by non-violence, he would appreciate the very fact of people seeking liberation".

My Lords, thirdly, he conceded that some of his closest associates in Congress were communists, including specifically a man like Kotane. He never bothered to ascertain their views. Somewhat surprising, it is submitted, in view of the world wide ideological struggles in the modern world and the interest he took in it. My Lords, the witness admitted that the A.N.C. was never critical of China. He knew of UNO action and UNO support for South Korea as well as support of communist China for North Korea. He blamed the United States of America for being the leading spirit behind UNO action. He took the U.S.A. to be closely associated with imperialist countries and seeming to support their policies.

Luthuli also accepted the division of the world into two camps, the East and the West, the Eastern camp led by Soviet Russia and Communist China.

The witness knew of visits of Congress leaders to Russia where they met leaders of these countries, these countries being the Eastern countries, and they discussed matters of common concern and came back and reported back. He mentioned the names of Sisulu, Nokwe, Joseph, Ngoyi, Masina. He knew that Kathrada was overseas for a time. Also he said that the Congress was critical of West and appreciated Russia's love of peace. He also said that the A.N.C. opposed the rearmament of Western Germany; and secondly the establishment of military bases in Africa by the West.

The witness knew that the World Peace Council, - he knew the World Peace Council and that it has Peace Councils in South Africa and other countries. He also said - he conceded that the Congress allowed the S.A.P.C. and perhaps, he said, the World Peace Council too, to spread propaganda at Congress meetings. The A.N.C. he said accepted the link between liberation and peace.

On A.15, the witness conceded that the commendation of the World Peace Movement and the condemnation of SEATO and NATO expressed the A.N.C. attitude.

MR. JUSTICE BEKKER :

What is A.15?

MR. DE VOS :

A.15, My Lord, is the A.N.C. Resolutions...

MR. JUSTICE BEKKER :

Are those the Youth League Resolutions about Stalin and the architect?

MR. DE VOS :

That was part of the same set of resolutions, My Lord. I will find out in a minute and give Your Lordship the correct reference. My Lords, it was dealt with also under the communist A.N.C. document No. 2, if I remember correctly, one of the first two or three A.N.C. documents dealt with under the communist argument on the A.N.C. Witness knew that Communist propaganda attacked NATO, SEATO, German rearmament, and witness agreed with that view. There was however, - he conceded no criticism of China on the action in Tibet, Chinese action in Tibet.

Witness knew that the NATO pact was an association of the Western powers for the purpose of common defence and co-operation. On T.T. 28, Resolution No. 13, the witness agreed with J.V. Stalin, architect of Soviet Union... pledged himself to world peace and national liberation. That is just the summary of the point mentioned there and he agreed with that resolution.

My Lords, on People's Democracy, Luthuli equated People's Democracy to a state where full political rights have been granted. He considered China, U.S.S.R., Poland, Hungary, Rumania and Czechoslovakia to be People's Democracies, but not the U.S.A. He said the A.N.C. would never call an imperialist or

capitalist country a people's democracy. The expression is always used in Communist Satellite countries.

MR. JUSTICE RUMPF :

What does that mean? The expression is always used in satellite countries?

MR. DE VOS :

My Lord, I understood him to mean it referred always to communistsatellite countries. I think these are the precise words that he used, but I submit that is what he meant.

MR. JUSTICE RUMPF :

What does the record say? You say here that the expression is used "in" communist satellite countries. Is that the record?

MR. DE VOS :

My Lord, I will check in a minute, I made a note some time ago. My Lords, A.15 was a composite document consisting of a number of parts. I here have in mind the Resolutions of the African National Congress Annual Conference, 1954, which is contained in that composite document, page 183 of the record, these were referred to at page 183 and subsequent pages of the record. My Lords, I am indebted to Your Lordship for drawing my attention to this. This is apparently my wording and it is more correctly put in evidence by the witness himself. My Lords, I read what is said here at page 13332, the question was put :
"And whenever the expression is used by reference to any existing state, that is the expression People's Democracy, it is always used by reference to the

so-called communist satellite countries, such as Poland, Hungary, Rumania, Czechoslovakia? --- I think so, My Lords, as it is so in general use." My Lords, in fact this should read, "The expression is always used regarding communist/satellite countries".

MR. JUSTICE KENNEDY :

He wasn't very certain about it, he said "I think so".

MR. DE VOS :

My Lords, I do not find very much doubt in the way he replied to it. He said "I think so, My Lord, as it is so in general use". He quite obviously in my submission had in mind that that was the general use of the term. He also said, My Lord, that the A.N.C. could not describe an imperialist or capitalist state as a People's Democracy.

MR. JUSTICE RUMFEE :

What is the difference between the first portion of (c) and (e)?

MR. DE VOS :

Yes, I am afraid that is repetitive, My Lords.

On the W.F.D.Y., My Lords, his evidence shows in my submission that the A.N.C.Y.L. affiliated with the W.F.D.Y. with full knowledge of the A.N.C., he conceded that point. The witness did not know its aims and activities specifically. That is the aims and activities of the W.F.D.Y. The witness however spoke at the Colonial Youth Day meeting in February, 1953, in Johannesburg. He conceded that that was so. Witness

does not dispute the statements in A.9, though he does not confirm them. My Lord, that was the Significance of World Youth Day, a document referred to under the communist argument, A.N.C. document No. 1, and also at several other parts of the argument of the Crown.

He also conceded that congress agrees that "capitalism had developed to monopolism and is now reaching the final stage of monopoly capital gone mad, namely fascism".

On A.84 to A.86 the witness agreed that the lectures propagated a socialist state, and that the lectures condemned imperialism and capitalism in strong terms. That no lectures giving the other point, that is the non-leftist point, of view, were prepared. He disagrees with paragraph 12 of A.84, because he believes in nationalisation but not in wholesale nationalisation. He agreed that wholesale nationalisation in general would mean communism. He agreed that paragraph 12 in A.84 in referring to socialism refers to communism as understood by the witness. He considered that the interpretation of the struggle as being between working class and masters is communist. He agrees that fascism is the open terroristic dictatorship of the most reactionary racialists a racialistic and bloodthirsty section of the imperialist ruling class.

My Lords, in conclusion my submission is that though there is no proof that Luthuli personally was a convinced communist, he was certainly in no sense willing or able to curb the - curb communism in

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the African National Congress, but accepted the assistance of communism to the extent of permitting communist ideological domination in the A.N.C.

My Lords, that concludes my summary of argument on Luthuli's attitude.

MR. DE VOS :

My Lords, may I also deal with Yengwa who also gave evidence on A.N.C. policy. That will be very short, My Lords. My Lords, I hand in a short summary of argument on Yengwa's evidence.

My Lords, it is submitted that the following points made by Yengwa in the course of his evidence have some bearing on the communist policy of the A.N.C. The first point is merely to qualify - to show to what extent he had knowledge of communism. He said that he had read certain books on communism. He conceded that he had organised the Youth League Summer School in Durban with Dr. Conco; that he knew of the lecture that had to be delivered by J. Matthews on African Nationalism, which has been quoted very often, My Lords, African Nationalism Today.

MR. JUSTICE RUMPF :

Is this a summary of the evidence, Now how has that got a bearing on the communist policy of the A.N.C. Assume that this is a correct summary, ...

MR. DE VOS :

For instance, My Lord, take point (b). It would have a bearing on the A.N.C. policy to show that here was a leading A.N.C. member who knew about the lecture, who tied up the lecture by J. Matthews to the Youth League Summer School in Durban. The quality of that lecture has been dealt with other - under other heads too, and he here confirms merely that that lecture was used at that particular Summer School.

MR. JUSTICE BEKKER :

What is it that you are really trying to say? Do you want to say that the A.N.C. was communistic from beginning to end?

MR. DE VOS :

My Lords, I have made certain submissions on the A.N.C. policy - on the communist policy of the A.N.C., and I submit that these submissions are supported - this is a factor to be taken into account in support of those submissions...

MR. JUSTICE BEKKER :

If you could assist me this way, Mr. de Vos, it may have a bearing - you use the words, these points have a bearing on the communist policy of the A.N.C. What bearing?

MR. DE VOS :

In support of the submissions made by the Crown on the communist policy of the A.N.C....

MR. JUSTICE BEKKER :

I will put it this way. What do you say these points prove?

MR. DE VOS :

These points go to support, My Lords, in my submission, what has been submitted by the Crown to be the communist policy of the A.N.C. in a former part of the argument. For instance, My Lords, he refers to the three lectures, which have been dealt with very often. He said he considered them to be Marxist, he said that he considered the line of New Age and Advance to have been Marxist. My Lords, the support of

of the A.N.C. for those bulletins have been canvassed. He also said that by Marxist he means Leninist and Communist...

MR. JUSTICE RUMPF :

This has nothing to do with Yengwa himself and his views on communism.

MR. DE VOS :

That is so, My Lord.

MR. JUSTICE RUMPF :

You are not submitting that Yengwa was tainted with communism?

MR. DE VOS :

No, My Lord, he may have been heavily influenced or influenced to some extent, but I make no point of that, My Lord. This is merely to indicate support for the submissions of the Crown on the communist policy of the A.N.C.

MR. JUSTICE RUMPF :

But then you should take your argument on the A.N.C. and its communist policy, and wherever it may be necessary refer to Yengwa in support. I am not going to do it. I am not going to page through your long argument on communism and look, where must I put (a) of Yengwa. That is the wrong method of arguing..

MR. DE VOS :

My Lord, at the time when the A.N.C. policy was argued, I put it to the Court that it might be more convenient to deal with the individual...

MR. JUSTICE RUMPF :

I don't mind what you put then. I am just

putting to you now, you can't expect us to wade through that argument and see where must we put point (a) being made by you, that the witness Yengwa had read the Communist Manifesto and parts of Das Kapital. Now where must we put that under your argument on the A.N.C., that Yengwa read Das Kapital, and how has that got a bearing on the policy of the A.N.C.?

MR. DE VOS :

My Lord, I mentioned initially that that point is only mentioned there to show that he had some knowledge of communism.

MR. JUSTICE RUMPF :

But that has got nothing to do with the A.N.C., has it?

MR. DE VOS :

Only to this extent that if he had no knowledge at all he couldn't say anything about Marxism or Leninism which he purported to do at a later stage of his evidence.

MR. JUSTICE RUMPF :

Where must we use this in regard to the policy of the A.N.C.? Take (b). He conceded that he had organised the Youth League Summer School. Now what must we do with that in regard to the policy of the A.N.C. on communism. You say Yengwa isn't a communist?

MR. DE VOS :

My Lord, I don't contend that he is a communist.

MR. JUSTICE RUMPF :

Well then this is an argument in favour of

the Defence then really, that the Summer School lectures was organised by a non-communist.

MR. DE VOS :

No, My Lord, no. I have referred before, My Lords, to the Youth League Summer School in Durban. Also the lecture of J.G. Matthews...

MR. JUSTICE RUMPF :

May I then ask you again, how has the fact that he, Yengwa, conceded that he organised this Summer School, how has that a bearing on the communist policy of the A.N.C.?

MR. DE VOS :

It confirms, My Lord, in my submission that a prominent member of the A.N.C. took the trouble of organising that particular Summer School and where this communist lecture...

MR. JUSTICE RUMPF :

Is there any dispute that it wasn't organised by somebody?

MR. DE VOS :

Dr. Conco also referred to that, My Lord. It is merely an additional point, My Lord.

MR. JUSTICE KENNEDY :

Doesn't this strike, if it strikes at all, at Yengwa's personal position?

MR. DE VOS :

My Lords, I do not purport to make any particular submission on Yengwa's personal position as a communist.

MR. JUSTICE RUMPF :

Well, is your real point really this, that Yengwa concedes that some of the documents used and lectures used are Marxist?

MR. DE VOS :

That is what it amounts to, My Lord. And he had a certain knowledge of Marxism, a limited knowledge possibly, but he had a certain knowledge.

MR. JUSTICE RUMPF :

Yes, well that one must assume for him to say that it was Marxist. Is that all really? So that the effect of this argument is that Yengwa knows something about Marxism and he concedes that - he says that some of the lectures and so on, in his view, are Marxist.

MR. DE VOS :

That is correct, My Lord.

MR. DE VOS :

My Lords, at a former stage of the argument I was asked by the Court - I refer to pages 19925/7 of the record, Volume 96, to elaborate on certain submissions or catchwords which were given on a schedule dealing with the World Peace Council. Your Lordships may remember that I handed in at the time a Schedule dealing with the World Peace Council and how documents and policies reflected in documents of the World Peace Council or purporting to emanate from the World Peace Council, was also reflected in documents emanating from local organisations. Only point - only one point was left outstanding. Your Lordships asked me to formulate the submissions which are very tersely referred to in the first column of this particular schedule. It is Schedule International 1. There were formulas used like "two camps", "anti-West", "pro-S.U." and so forth, and Your Lordships asked me to give a full formulation of the submissions formulating those points in column 1. My Lords, may I hand them to the Court, I have formulated them. I say here, the undermentioned submissions of the Crown are elaborations on the catchwords in sequence as set out in the first column of the Schedule International I. This is marked International ³ 3, My Lord, that was the number given at the time for this schedule which still had to be drafted in the form I have done so now.

The undermentioned submissions of the Crown are elaborations on the catchwords in sequence as set out in the first column of the Schedule International

1. Wherever the term World Peace Council is used, that is just an explanation of the way the terminology was used, My Lords, when making the submissions here - and I give references to twenty-five of these terse catchwords as I call them, My Lords, set out in the Schedule, and formulated in the form of submissions, My Lords. In a number of instances certain corrections on the schedule were noted, and I ask the Court to amend the Schedule in terms of these notes in every particular instance where they were necessary; to delete certain redundant documents or to give certain more precise references to documents and so forth.

My Lords, unless Your Lordship wishes, I do not propose to deal fully with every submission now, it had been dealt with at the time to the extent that I think the Court considers essential. This is merely a formulation of what has been indicated on that particular schedule.

MR. JUSTICE RUMPF :

Yes, very well, Mr. de Vos.

MR. DE VOS :

My Lord, the same request was made by the Court as regards W.F.D.Y. - the World Federation of Democratic Youth at page 19946, volume 96. I hand up a similar schedule, My Lords. My Lords, a similar schedule was handed in at the time as regards the W.F.D.Y. and a similar set of submissions had to be formulated on the catchwords as supplied on that particular schedule, and this has been done in this particular document. It was not given a separate number,

I just referred to it as "Re Schedule International 4", because International 4 is the Schedule to which this appertains.

My Lords, also on W.F.D.Y., a further request was made at the time, page 19947, Volume 96, to supply also a list of documents - Your Lordships may remember that in the Schedule itself documents were merely referred to with reference to their numbers, A.9 and so forth, and Your Lordship asked for a descriptive - a description of each document to be handed in. In the case of the W.P.C. that was given in open Court, and in the case of the W.F.D.Y. Your Lordship thought it would save time to have it in the form of a Schedule and that has now been prepared. This is marked International 5(a) My Lords, that was the number Your Lordship gave it at the time in the record.

A further point, My Lords, I have to mention, in connection with the bulletins Liberation, Advance and New Age, when arguing the communist argument as regards those bulletins, Your Lordships asked me to give the assurance that the passages on which I based the argument, which were contained in a summary or argument by Mr. Hoexter, that those passages taken in their complete form would not in some way alter the context and perhaps give rise to a different interpretation of those documents, as far as communism is concerned, and Your Lordships asked me to check those documents in full and see whether read in full they lead to any qualification of my submissions as far as communism is concerned. My Lord, I refer to page 21096 to 21101 of

the record, especially on page 21100 to 21101, that is volume 101. Your Lordship will note there that Your Lordship asked me to make the simple submission whether the articles supported my submissions, and whether in the light of the full articles I had to qualify or amend any of the submissions I had made. I have checked those articles, and I submit that in the light of the full text no qualification at all need be made.

My Lord, there is one further matter which has been left outstanding which has not been completed by the Crown. That is with reference to - if I may refresh Your Lordship's memory, certain difficulties cropped up when I was arguing the communist policy of the South African Peace Council, the South African Coloured People's Organisation, and the South African Congress of Trade Unions. Certain documents were there mentioned which had not yet been dealt with in argument, and Your Lordships then asked for an index containing the full evidence on each particular document, to indicate in what way that document was admissible against that particular organisation. My Lords, that has not been dealt with yet. The Crown is quite prepared, it undertook to do that, it is quite prepared to give that particular index, but it would respectfully ask the Court to indicate whether it still considers whether that would be helpful...

MR. JUSTICE RUMPF :

Where did we ask for that?

MR. DE VCS :

My Lord, that was dealt with at page

20453, Volume 98. The documents, My Lords, that were in issue there have all been referred to very fully subsequently. E.30 for instance, and the SACTU lectures, they were linked in fairly copious argument, in terms of the submission of the Crown, to those organisations. And as far as SACPO was concerned, A.84 to A.86 was in issue there, and that has also been dealt with subsequently very fully by my learned friend Mr. van der Walt, - or Mr. Hoexter, I think Mr. Hoexter dealt with that particular argument in Court. If the Court desires these further particulars on all the documents used by the Crown in the communist argument given, they will be supplied. I just wanted to be quite sure that the Court still considers that that will be helpful.

MR. JUSTICE RUMPF :

We will look at the page and let you know.

MR. DE VOS :

My Lord, that is all that I have to deal with this morning, and I leave it at that. My learned friend Mr. Trengove will continue to deal with certain individuals mentioned in the Indictment.

MR. JUSTICE RUMPF :

Has the Crown argument now been concluded on the individual positions of the Accused?

MR. DE VOS :

That is so, My Lord.

COURT ADJOURNS.

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