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BY MR. JUSTICE RUMPF: Mr. De Vos and Mr. Maisels, we just want to inform counsel of the following. Yesterday and the day before, we made two rulings in connection with questions put to Professor Murray, and as far as I remember the effect of these rulings is that if a question is asked as to (5 whether communism accepts or recognises a particular occurrence, event, or situation as a fact, he is not entitled to answer that question unless he supplies the source on which he bases his answer. Now, after consideration, we are of opinion that these rulings impose a duty on Professor (10 Murray which may not be required by law. The matter has been argued, but in view of the doubt we entertain at the moment, we would like this question to be re-argued on Monday. I mention Monday because we have informed counsel for the Crown and for the Defence, that the Court will not (15 be able to sit tomorrow.

ANDREW MURRAY, still under oath:

EXAMINATION BY MR. DE VOS CONTD.: Professor Murray, you were dealing with A.37, under paragraph 1 on page 3. This is a composite document again, I think which you have before (20 you, A.37, and I have before me a photostat which is marked page...not in the original roneo numerical order, but something that appears to have been written in, and on which the page is numbered 17. Does that show on your original copy?-- No, it doesn't show, but I may have a (25 reference. Yes, I have it.

It is on page 246 of the record, under the heading "The Rise of Spirit of Resistance among Workers." The main heading is "African National Congress, Presidential address delivered by chief A.J. Luthuli, President-General (30 African National Congress to the 42nd Annual Conference held

at the Bantu Social Centre, Durban, on December 16th to 19th, 1954." It begins at page 245 of the record, and I refer you, Professor Murray, to page 246, where a sub-heading occurs, (c) The Rise of Spirit of Resistance among Workers." This whole paragraph (c) has been read in. (5 Professor Murray, I draw your attention to that paragraph, will you please comment on that?-- The point I may refer to occurs in the sentence beginning "Congress at both National and Provincial levels...." where the position is taken up that there must be closer co-operation between (10 this body called the Congress, and trade union leaders and organisations. The Communist doctrine teaches that the revolutionary movement must be carried by workers, and so in its theory of method, it argues, that there must be close co-operation between the leaders of the working class move-(15 ment, which on communist doctrine is the communist party, and trade unions, and that the trade unions shall not limit themselves to purely wage problems and immediate conditions of labour, but should co-operate on all aspects of life in the struggle of the proletariat. This sentence here, (20 the same position is taken up in connection with this particular organisation.

You refer to one sentence in the middle of that particular paragraph?-- That is all I have to say there.

At the next page of this document, it is page 249 of (25 the record, beginning with the paragraph "Let me here most emphatically state...." Professor Murray, I direct your attention to the paragraph beginning "Let me here most emphatically state to the end of that particular head, plus under the following head of small (b), the Ascendancy(30 of the Forces of Reaction..... "recognition to African trade

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unions." I think that stops on page 250 ?-- The point to which I would draw attention in the first paragraph is to the policy that a united democratic front must be established between all the forces, to challenge all the forces of reaction in this country. The policy of a united front again (5 forms part of the communist teaching on the point, of the Marxist-Leninist teaching on the point, and the phrase 'united democratic front' occurs in Marx-Lenin writing. The united front must be established, according to this document, to challenge the forces of reaction. Now the (10 phrase 'the forces of reaction again is a communist phrase, referring to the conservative-capitalist forces which would oppose the proletarian movement, in communist doctrine. In the next paragraph, there is a plea for trade unions . . . ."The objection is to the party not giving recognition(15 to African trade unions whereas the party at one time seriously considered giving recognition to African trade unions." And the party is criticised for not allowing trade unions. It is a part of communist policy to emphasise the importance of trade unions in the struggle of the proletariat, accord-(20 ing to its teachings and its principles, the Marxist-Leninist principles.

That completes your comment on that portion ?-- Yes, on this paragraph.

Now, turning to page 20 of the composite document again(25 under the heading of African National Congress, Report to the 42nd Annual Conference held at the Bantu Social Centre, Durban, from the 16th to 19th December, 1954, it appears on page 258 of the Preparatory Examination Record. There is first of all a Preface that has been read in on page 258, (30 and then follows B, Political Review. That is possibly at the

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end of 258, line 29, beginning under "The March to Fascism"  
Professor Murray, I draw your attention to the passage  
beginning under that head and continuing on to the following  
page of the document, marked 21, up to the last paragraph  
...the African National Congress and its allies." (5

?-- In the first paragraph before me, certain acts are  
referred to in this country, and the word 'fascism' is ap-  
plied to this policy embodied in these acts. The phrase is -

After six years of Nationalist rule fascism has ar-  
rived in South Africa. ....The reactionary anti- (10  
people legislation inherited from former South  
African regimes was made more efficient.

The term 'fascism' is applied to South African policy, and  
it is suggested that these laws -- it is held up that these  
laws are of a fascist kind. The use of the word 'fascism' (15  
there follows the Marxism-Leninism use of the word, referring  
as it does -- in Marxism-Leninism this word refers to the  
certain stage of development of capitalism when capitalism  
uses its legislative powers for purposes of suppression.

I read the last sentence - (20

In the last Act the Nationalist Government, following  
the Hitler pattern, prepared the legal machinery for  
crushing the most militant opponents of their rule, the  
working class and national liberatory organisations."

Are there other phrases too in that particular para- (25  
graph under the head of "The March to Fascism" which assists  
you in interpreting the position as you do, on the basis of  
that particular communist doctrine ?-- Yes, this phrase would  
suit the Marxist-Leninist interpretation of fascism -- in  
the middle of the paragraph - (30

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These laws were comprehensive not because they detailed and defined laws, but because they left all powers of making laws to individual ministers.

It is one of the qualities of fascism, according to Marxism-Leninism descriptions, that the rule of law is not observed (5 when this state of affairs arises. And I read the last sentence - no, I have read that.

Have you any comment to make on the phrase in the second sentence ...?-- I am still busy with the second sentence.

The description here is of fascism again following the (10 Marxism-Leninism description of it, and associating it with a certain condition of capitalism. I read the sentence -

Fascism arises when the ruling class can no longer look forward to unlimited profits and to acquiescent people willing to be exploited.... (15

That is the line Marxism-Leninism takes up in connection with Fascism, that it appears when capitalism reaches a stage when it has over-reached itself and can no longer make unlimited profits, and therefore entrenches itself as before.

I go on to the third paragraph - (20

What follows on that sentence -- does that support your opinion, Professor Murray, or is it in any way relevant to your opinion?-- It is relevant to this extent, that in Marxist-Leninist doctrine the condition of fascism is the last stage of capitalism because under the use of force (25 the working class political consciousness is developed and the working class knows, learns that it has to create a revolution, and go forward to its own emancipation. Then it is in accordance with the teaching that the ruling class drops its methods, its peaceful and parliamentary methods (30 and resorts to force.

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Professor Murray, I think we misunderstood each other. I referred you to the second sentence in the first paragraph under the heading "The March to Fascism." Is there anything in that -- "The first five of these six years . . . ." ?-- I slipped that possible. The reference to the (5 police state joins up with what I said about fascism. The fascism is described also in Marxist-Leninist arguments, as the establishment of a police state for purposes of the exploitation of the underdog, the working class. In the next paragraph, beginning "Here in South Africa," the argument is continued by which the notion of fascism as interpreted by the Marxist-Leninist doctrine, is applied to South African conditions. It refers to contempt of rule of law, and contempt of the rights of parliament. That is the argument that is maintained, that when a certain condition has (15 been reached in the capitalist state, the rulers will emasculate Parliament, because Parliament will not be an influential body, and they will ignore the rule of law. And the reference to "assumes dictatorial powers" is also in line with the interpretation of fascism which is given on the Marxist-Leninist doctrine. (20

Will you indicate the phrases you are referring to, as you go along ?-- I refer to the concluding stage in that sentence "to suspend all laws and assume dictatorial powers."

And your comment on the status of Parliament, could you refer to the phrase you have in mind there ?-- I refer to (25 the sentence "The Nationalists have acted in complete disregard and contempt of the rule of law and the right of Parliament."

That is page 260 of the Preparatory Examination record. ?-- There are in the next paragraph, beginning "Today there (30

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more reactionary laws....."various phrases which continue the application of the Marxist Leninist theory to the local situation. There is firstly the reference to 'reactionary laws' which assumes the Marxist-Leninist interpretation.....

Will you just quote the phrase in full -- that will (5 enable the reference to be clearly understood?-- I refer to the opening phrase - 'today there are more reactionary laws.' I reference to the following sentence -

Meetings are totally banned in rural areas and vir-  
tually banned in urban areas. (10

It is a part of the analysis of fascism that the dictatorial powers assumed by the leading capitalist powers under that stage of development, use their dictatorial powers against the rights of the people.

BY MR. MAISFLS: I am sorry to interrupt, but we have sat (15 quiet for a long time. This is a statement of fact, and I don't understand the purpose of this questioning, with respect. The author says meetings are banned, and then in other areas they are virtually banned, and that is an objective fact of this country, and he says this is communism; (20 I don't understand where we are going with this case.

BY MR. JUSTICE RUMPF: He links that up, although Professor Murray may not have actually said that, with the communist theory, that fascism at a certain stage uses its power to deprive the people of their rights by banning. Although (25 he didn't say that, that is how I understood it. He linked this particular reference to the bannings.

BY MR. MAISELS: I understand that, Milord, that is the way I understood the evidence to be leading, that was the trend, that according to communists, fascist do this that and the (30 other. But this is, this purports to be a statement of fact

not doctrine. In other words, Milord, Your Lordship appreciates that if one of the Accused says, for example "This Government under this law has banned us from having meetings without the permission of the magistrate." That is a statement of communism, communist doctrine. (5

BY MR. JUSTICE RUMPF: Linked up with the evidence about fascism, which he has given.

BY MR. JUSTICE KENNEDY: Is it not a matter for cross-examination, Mr. Maisels.

BY MR. MAISELS: I am quite sure, Milord, it can be dealt (10 with in cross-examination, but the only purpose in my standing up at this stage was to enquire whether this was really going to go on in this way.

EXAMINATION BY MR. DE VOS CONTD.: Professor Murray, will you please continue commenting on the position as you find it (15 in this document, seen from the point of view of Marxist Leninist doctrine.

BY MR. JUSTICE RUMPF: Just before you go on, in any event Mr. Maisels, I take it that when a speech or an article is sought to be interpreted, one looks at the whole, at every-(20 thing, in that article.

BY MR. MASIELS: As Your Lordship pleases; it is a matter for the witness, the witness is giving his evidence.

BY MR. JUSTICE RUMPF: I know, but in the ultimate result that is the position. (25

BY MR. MAISELS: May we leave that over for a later stage?

BY MR. JUSTICE RUMPF: Yes.

EXAMINATION BY MR. DE VOS CONTD.: Professor Murray, in fact you have already said what you do when you interpret the position found in a document -- what do you do?-- I have said that.



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BY MR. JUSTICE RUMPF: We have that. Just proceed, Mr. De Vos.

EXAMINATION BY MR. DE VOS CONTD.: I merely wanted to make that point very clear; it is a question of procedure. Professor Murray, will you just explain what you do about (5 a document of any type that is put before you?-- When one has to analyse a document, you watch out for certain sentences, paragraphs, phrases, and you interpret, understand those phrases in terms of the meaning, the obvious meaning of the whole document. One cannot work piecemeal, one has (10 to take the thing together.

Now, will you please continue your comments on this particular portion of the document, down to, the first sentence in the last paragraph?-- On the Marxist-Leninist analysis of fascism, the fascist stage of capitalist devel-(15 opment, the dictatorial powers do use their powers to suppress the non-capitalist classes by infringing their basic human rights, such as the right to association, holding meetings, and so forth. They fight or suppress trade union organisations, and there is a reference to the limitation on trade (20 union organisations here.

Who are the 'they' -- you say 'they' fight and oppress trade unions?-- The fascist dictators at this stage of capitalist development.

And is that according to the doctrine?-- According to (25 Marxism-Leninism. They suppress as far as possible the national liberation movement, which stands for the liberation of the people; there is a reference here to the banning of the national liberatory organisations. According to the doctrine of fascism, the Marxist-Leninist doctrine of fascism (30 dictatorial powers are used to infringe the human rights in

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other ways, basic human rights, going beyond the law, and there is a phrase here which says that persons have been exiled and deported without trial and without regard to the welfare of their families. According to the Marxist-Leninist doctrine of fascism, particularly the police are (5 used to intimidate the people and to maintain the oppressors. There is a phrase here, 'armoured police intimidate people at meetings and homes.' I think that completes that paragraph.

I refer you to one particular sentence, Professor (10 Murray, and will you explain whether that has any particular significance: "The policy of the official opposition in Parliament has therefore been one of surrender all along the line." Page 261 of the Preparatory Record. ?-- It does not occur in the paragraph I have been discussing. (15

I'm sorry, I thought you were discussing that paragraph too at the moment ?-- I am going on to the paragraph "Yes, fascism has indeed arrived in South Africa." The reference here to the lack of parliamentary opposition is in line with the Marxist-Leninist analysis of fascism. The reference is (20 "On the parliamentary front, there has been no opposition to the Nationalists at all. There has not even been an attempt at a formal protest on the part of the United Party in particular." The analysis continues in the sentence "The policy of the official opposition in Parliament has (25 therefore been one of surrender all along the line. The same may be said of the liberals and the reformist trade unions." It is part of the Marxist-Leninist doctrine of fascism, that parliamentary opposition disappears, weakens and disappears, so that the ruling class in parliament (30 dominates the situation. There is a reference here to the

illusion of social change through parliament. The sentence is - "Not only did the Liberals and those of their kind encourage the illusion of social change through Parliament among themselves, but they spread the illusion even among those who have no parliamentary rights at all!" It is (5 one of the kernels of Marxist-Leninist doctrine, that the change-over cannot come through parliamentary procedure, but must come in other ways. The emphasis in the sentence I have quoted is on "illusion", "but they spread the illusion even among those who have no parliamentary (10 rights at all." My point is that in Lenin's doctrine, in many of his works, he takes up the attitude very firmly that social revolution, the social change is required, and this cannot come through parliamentary procedure, but must come in other ways. So that by referring to the possible (15 change through Parliament, as an illusion, this sentence would conform on this point to Lenin's teaching. The last sentence I will read, "The one major force which has fought the Government consistently and organised the people against fascism has been the African National National Congress (20 and its allies." This conforms to the communist doctrine that fascism is an historical necessity at a certain time, and must be fought by people's organisation, and in this particular case the people's organisation is the African National Congress; that is the reference here, not the (25 doctrine. The doctrine is that fascism must be fought by people's organisations, and this statement would conform to that element in the communist doctrine.

Now, will you turn to page 22 of the same document; page 263 of the Preparatory Examination, under the heading (30 "Two wrong views." ?-- Yes, I have that.

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The reference there is to the first paragraph in the document under that heading, ending with "colour or religion," -- I see on the record it is stated as "colour or prejudice," but it should read "colour or religion." Will you comment on that, Professor Murray?-- In this (5 paragraph the analysis and description of what fascism is, is continued, corresponding to the communist conception or use of the word fascism, applied to a certain state form, and the argument is maintained, as also communism does that this form of fascism must be fought for the sake (10 of freedom, equality and justice.

Could you refer to the passages you have in mind?-- I refer to the whole paragraph; it is all the same really.

You proceed to the bottom passage on page 22, the paragraph beginning "While it is dangerous to underestimate (15 fascism," approximately page 266 of the record (page 265, line 6) , and this reference is continued up to page 266 in the record "among their respective people, organisations will grow strong.... representative groups among the respective people to our side." That is on page 23, (20 under the title "Widen the Anti-Fascist Front." So the reference to you, Professor Murray, is from "While it is dangerous, on page 22, to the end of the paragraph under the heading "Widen the anti-fascist front" -- all three paragraphs under that heading. And the P.E. record goes to (25 page 266, line 27. ?-- When discussing, describing fascism, communist doctrine argues that fascism represents a minority and therefore the people should organise to fight it to promote the required revolution. In the paragraph beginning "While it is dangerous..." the same position is taken up (30. I read the sentence - "If the people are organised and

united, their power is invincible. The organised power and united actions of the people will defeat the fascist demons in South Africa....." And so further. In the next paragraph I read -

We know that in every country where the fascists came (5 to power they did so because the masses of the people did not wage determined struggles against those fascists, and in some instances, as in Germany and Italy, because the masses of the people supported them. Here in South Africa too, the fascists came to power because the (10 mass of those people who have political rights, those who decide governments and administrators, supported our local fascists. Fascism came to South Africa as a result of an electoral majority in an election in which non-Europeans have no say. (15

It is part of the doctrine of fascism, the Marxist-Leninist doctrine of fascism, that the fascist government does not represent the people, but represents a dictatorial group and that it is because the people are not, or have not been awake to the situation, that fascism has been able to (20 entrench itself. I read from the next paragraph -

From the point of view of the ballot box, therefore, the non-Europeans can do nothing to their overlords and tyrants. Yet all concerned can successfully resist and defeat these oppressors. They ~~ms~~ must be fought (25 outside parliament, in the towns, on the farms -- in the economic, political and industrial spheres; they must be fought everywhere!

It is a part of Marxist Leninist doctrine that fascism having entrenched itself in the police and the army, and having (30 made Parliament powerless, cannot be fought on constitutional

lines, but must be fought outside of Parliament in any way that it may be possible to use under the circumstances. From that point of view this paragraph would conform to the teaching of Marxism Leninism on the point.

BY MR. JUSTICE BEKKER: Is that not qualified by the next (5 sentence ?-- "The policy of the African National Congress ....." With respect, Milord, I don't think the position is qualified by that. The Marxist-Leninist theory is that all people who are against fascism must stand together against it, and this sentence asks that all people -- (10 against fascism obviously -- should come together in an inter-racial co-operation to fight fascism in order to be able to create a basis of mutual respect and equality. The next sentence I think explains that "This policy the African National Congress proclaims boldly to all inter- (15 ested groups and organisations and to the world at large." I read from the next paragraph -

Our policy of co-operating with other racial groups.... In the fight against fascism we must see to it that more and more of the other groups are part and parcel (20 of the struggle. The Africans as the leading element in this alliance, must do all they can to see that the Coloureds are really part of the fight, similarly with the Europeans. The Indian people led by the South African Indian Congress and inspired by that tried (25 and tested leader, Dr. Y.M. Dadoo, are old and trusted allies. ...

Once again, communist doctrine teaches that on the principle of a united front, that all people who are against fascism should unite in action to fight fascism. This follows the (30 line of theory on method, on how to fight capitalism at this

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stage of development which occurs in Marxism-Leninism.

There is a further reference not read into the record the next paragraph "The Congress and Rural Areas."

As far as the Africans are concerned, the creation of an anti-fascist front means broadening the social (5 basis of the National movement. There is a danger of the African National Congress becoming an urban-based and urban-orientated organisation. It may tend to forget and ignore the vast potential represented by the peasants and farm labourers. During the Defiance (10 Campaign, a great deal of contact was made with people in the reserves and farming areas, especially in the Eastern Cape where there are many Congress branches in the country areas. This contact has not however, been sufficiently strengthened by concretely and actively (15 taking up the demands of the people in those areas and by incorporating into the programme of the Congress the immediate demands of the peasants and the farm labourers. As a national movement the Congress cannot afford to ignore the demands and interests of large sections of (20 the African population. Congress must voice and interpret the demands, feelings and aspirations of all sections of the nation. And let us not forget that our nation consists of these sections: The urban workers; the peasants; the farm labourers; the (25 domestic servants; the businessmen; the intellectuals and professional men; the women and the young people -- the youth. It is the business of Congress to draw up programmes designed to reflect the vital interests of all these groups, and to see that the pro- (30 grammes drawn up should reach the people for whom they

are drawn up.

The same applies to the women and youth sections. It is essential that they too should see to it that the demands of their respective sections are taken up seriously and that in both their short-term and long-term (5 programmes and activities they set themselves out to attract the mass of women and youth and get them to participate in the nation-building tasks in which the principal body, the African National Congress, is engaged. Congressmen must understand that the people (10 will not readily respond to mere appeals to them to fight for freedom in the abstract. They must be able to see what freedom would mean to them in terms of things they clearly see in their own lives as a result of oppression and lack of opportunities. (15

That is the reference, up to that point?-- The heading of this paragraph is "Congress in Rural Areas." And the emphasis obviously falls on "Rural Areas." I said before that it is communist theory on method of strategy and tactics that there must be co-operation between the two leading (20 working-class groups, the working men, the industrial working men, and the rural areas. And this paragraph conforms to that theory, in its reference that the rural areas must be brought into touch with the movement, this particular movement. I refer to the sentence: "This contact has not how-(25 ever been sufficiently strengthened by concretely and actively taking up the demands of the people in those areas, and by incorporating into the programme of the Congress, the immediate demands of the peasants and the farm labourers." It is also a part of Marxist-Leninist teaching on method (30 that to get people really politically conscious, to make



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them really see the problem, the method is to make them aware of their own daily problems, and to incorporate, to get them to stand together in connection with their daily problems. That is the method proposed here, actively taking up the demands of the people in rural areas by incorporat-(5 ing into the programme of the Congress the demands of the peasants and the farm labourers. Further the teaching of Marxism Leninism on method, teaches that all classes should be incorporated into the movement, and that each class should be treated accordint to its particular character- (10 istic. And here, in this document, various classes are mentioned, which should be -- whose assistance should be sought in connection with this particular struggle. The classes are the urban workers and the peasants; farm labourers, the domestic servants, businessmen, the intellec-(15 tuals and professional men, the women and the young people, the youth. The paragraph at the bottom of my page -

It is the business of Congress to draw up Programmes designed to reflect the vital interests of all these groups, and to see that the programmes drawn up (20 should reach the people for whom they are drawn up.... is in conformity with Marxist Leninist teaching on method.

In what way, Professor Murray?-- That groups should be formed and should be made politically self-conscious through a discussion, by means of a discussion, with them (25 of their own particular difficulties, so that according to Marxism-Leninism, they can see their problems form part of the struggle of the proletariat. The last paragraph refers to women and youth sections. I read the concluding two sentences - (30

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readily respond to mere appeals to them to fight for freedom in the abstract. They must be able to see what freedom would mean to them in terms of things they could clearly see in their own lives as a result of oppression and lack of opportunities. (5

The argument here in this paragraph is that women and youth sections should be formed, and that they should be educated to see what their own particular difficulties are and problems are, and in that way learn to fight for freedom. The Marxist Leninist teaching on strategy and tactics is exactly (10 this, that women and youth sections must be formed; that their daily problems must be discussed, and in that way they will realise to what extent they are not free, and how to fight for their freedom.

That completes this reference, not so?-- Yes. (15

At the end, as far as your reference is concerned on page 24, part Two, on the heading "International Situation" that is on page 267 of the record, the top of the page -- Professor Murray, the reference is there "From the heading onwards, including the whole of page 25, and page 26, to (20 the end of part two, that is to page 272, of the record of the Preparatory Examination. Line 5?-- In the third paragraph -- I don't think I need comment on the first and the second -- in the third paragraph beginning "The cardinal points of our policy..... (25

The cardinal points of our foreign policy are, opposition to war and an uncompromising stand for world peace, and opposition to colonialism and white domination.

The reference to opposition to war and uncompromising (30 stand for world peace, is of course part of communist

policy, as is also the opposition to colonialism,

The next paragraph reads -

Africa, the second-largest continent with its 200 million people and richly endowed by natural resources, is ruled over by no less than 6 colonial (5 powers. These powers are counted amongst the greatest powers in the world. Therefore the struggle to free South Africa and indeed all Africa is a serious problem that will mean a struggle against six major imperialist nations and their satellites such as Malan, Roy(10 Welensky, Blundell and others.

The interpretation here given of colonialism and imperialism is that which follows from Marxist-Leninist doctrine, that a country must be freed from imperialism and so forth, and that there must be a struggle against the exploiting powers(15 that imperialism is an exploiting force. The next sentence -

And yet the dynamics of history say that the imperialists are doomed to ignominious defeat at the hands of oppressed Africans.

The reference here is clearly to the dialectic, historical (20 dialectic materialism, which teaches that the downfall, the doom of the imperialists, is inevitable, they must be defeated, and in this particular case, by the oppressed Africans. The next sentence reads -

Already the whole continent is awaked and is tramp-(25 ing the road to freedom.

The Communist doctrine teaches that the fight against ... the fight for freedom is a fight against imperialism and that imperialism is an oppressing, exploitive power, and that the Continent as a whole must fight imperialism. Communist (30 doctrine also teaches that the fight against imperialism and

the oppressive powers, is not a fight of a single group or person, or nation, against it, but that it is an international fight and that all of the proletariat, the working classes, must join in this fight against imperialism. I read the next sentence - (5

The nature of our programme, the forces ranged against us, mean that the freedom of Africa can never be a local problem -- an internal or domestic affair, However we look at it, the freedom of Africa is an international question. (10

Point (i) after that paragraph reads -

Is this country or group in the imperialist camp or in the anti-imperialist camp?

If we accept the communist interpretation on its own principles of the international situation, in other words, that(15 the world is divided into two camps, imperialist and anti-imperialist. I refer to the paragraph beginning: "We are aware of the reasons for this attitude...." I had better read the previous paragraph -

As you all know, the Defiance Campaign of 1952 sharply(20 focussed the attention of the United Nations on the problem of racial discrimination in South Africa. We once more wish to record our highest appreciation to the United Nations Organisation for the continuous support it has given us, particularly do we want to do(25 so to the United Nations Commission on racial discrimination in South Africa and those countries who have supported our cause despite strong opposition from the imperialist countries, who are in league with South Africa. We are aware of the reasons for this attitude(30 on the part of the imperialist countries. The liberation

of the colonial and semi-colonial people will bring an end to the huge profits they are making through the cruel exploitation of subject peoples.

We have here the accepted or in conformity to the Marxist Leninist analysis of countries into a special type of imperialist country exploitive imperialism and others. We have here expressed conformity with the Marxist-Leninist analysis that imperialism is based on profit-making and that the disappearance of imperialism will remove the profits of the imperialist classes or countries. And we have here expression conforming to the Marxist-Leninist analysis of imperialism that "imperialism achieves its huge profits through cruel exploitation of subject peoples." I read the paragraph -

The expulsion of colonial powers in the great land of Asia is a source of inspiration to the African people. The emergence of the two great powers in this continent, China and India, both enemies of war and imperialism have shattered the hopes of the imperialist powers and made their rule impossible even under the military might of the United States of America, Great Britain and France.

In the expression "even under the military might" of the United States of America, Great Britain and France," there is conformity to the Marxist-Leninist analysis of the international situation on their principles that certain countries are military countries, while other countries are not military countries. I read the next paragraph -

We have year in and year out expressed our great concern over imperialist wars in Indo-China and Malaya. We now not only enthusiastically salute the victorious

struggle of the Viet Minh against the powerful imperialists of France and America, but have every reason to celebrate this victory and the end of the war in this part of South-East Asia. Yet, friends, the brutal wars are still being waged in Malaya, Kenya, (5 Algeria, Tunisia and Morocco, all of which are in the continent of Africa except Malaya.

The interpretation given of these particular wars, to which reference is made, is that they are imperialist wars, and that follows from the Marxist Leninist doctrine of modern (10 imperialism, the stage of imperialism, colonial oppression in the colonial and semi-colonial world. I read the paragraph -

We call upon the British and French Governments to withdraw their armed forces and to release the gaoled (15 leaders and thus pave the way for permanent peace in the world.

It is part of the theoretical analysis of imperialism, that imperialism uses at this stage armoured forces in its colonies, and this statement would conform to the analysis that (20 the British and French Governments are using armoured force in certain areas, and have put their leaders in gaol, with the suggestion that they should be removed.

How does that fit in the doctrine then, Professor Murray? -- It seems to fit in very clearly. The reference (25 is to the British and French Governments to withdraw their armoured forces. The doctrine is that colonial powers, the British and French are of course colonial powers -- the doctrine is that colonial powers at the present stage, as I said before -- I think we have read a paragraph about it (30 exploit their colonies through armoured force. The doctrine

is that it is only when armoured force is removed that permanent peace can be achieved in the world, and that these countries, in this particular case the British and French imperialist countries, are war making countries opposed to permanent peace. (5

BY MR. FISCHER: Milords, with regard to the last statement of the witness that it is part of the doctrine that France and Britain are imperialist powers who behave in this particular way; that as far as we can recall, is not one of the things on which the witness has given evidence, and (10 in accordance with Your Lordship's ruling, could I be permitted to remind my learned friend that he should now ask the witness for his source on this particular point, on which he has just given evidence, about the armoured forces of these nations. (15

BY MR. DE VOS: Milords, I must say I am clearly under the impression that it has been done. Professor Murray, has that been referred to you, that aspect of imperialism with reference to any document you have quoted on the position of standard communist doctrine. ?-- Speaking from memory -- I (20 have read a lot, but I believe it has been. I am pretty certain Great Britain has been mentioned in this connection and so has America. I am not as clear about France. I thought I mentioned Great Britain, America and France this morning.

Wasn't it mentioned as part of the extract from that (25 document by Molotov this morning .....

BY MR. MAISELS: If the witness says in the references he has already given, that is the basis for his present statement, it is quite all right, because we will know where to look. I am quite satisfied with that. (30

BY MR. JUSTICE RUMPF: Yes, it is very difficult. This is

now noted. Until one has the copy of the record, it will be very difficult.....

BY MR. MASELS: No, but the witness says-- he was certainly led that way by my learned friend -- that he has given the references; we have all forgotten, and I am quite happy. (5

EXAMINATION BY MR. DE VOS CONTD.: Professor Murray, will you please continue ?-- I will read the paragraph after the heading "Africa and World Peace," at the top of page 26.

The rise of the National Liberation movements in Asia and the Pacific regions and the loss of those vast (10 countries as war bases and centres for investment has forced the imperial powers to turn their eyes on Africa. Here the imperial powers of Britain, Belgium, France, Holland, Portugal and Spain have either their chief of their only colonial dependencies. The rivalries (15 amongst these colonial powers contain the seed of an extremely dangerous situation to peace and security in Africa.

We have here the Marxist-Leninist analysis of what imperialism is, that imperialism is at the moment, or has reached (20 that stage that it must entrench itself in war bases to maintain its centres for investment in various parts of the world. And that imperialism is now turning its eyes, its aims to Africa, and further we have the statement that this may breed war, and it is dangerous to peace and security in (25 Africa. The statement again conforms to the Communist analysis, the Marxist-Leninist analysis, of the stage which imperialism has reached at the present moment, namely that imperialism must entrench itself in war bases, to defend its large profits, and further that imperialism is a system(30 which promotes rivalries and therefore wars among peoples,



among the nations concerned, especially at this stage, and therefore there may be war and lack of security in Africa. The next paragraph continues this particular acceptance of the Marxist-Leninist doctrine,

To protect their markets and investments, to crush (5 the national liberation movements and to forestall the rise of revolutionary democracy in Africa and to ensure an abundant cheap labour supply, America and her satellites have established military bases all over the continent. (10

That accepts the Marxist-Leninist doctrine of the two world camps. It accepts the doctrine of the rise of revolutionary democracy, which is part of communist doctrine; it accepts the Marxist-Leninist analysis that military bases have been established all over the world by leading war-like count- (15 rias, for purposes of their own investment for protection of their own investment, and from that point of view this paragraph is in conformity with communist -- with the interpretation of the international situation based on communist principles. (20

How do you connect revolutionary democracy with communist doctrine?-- Because communism speaks, as I have said before of true democracy, or real democracy, which can only be achieved through the transition stages which we have already discussed, and which involve a revolution. Whereas (25 it refers to 'our democracy' Western democracy, as bourgeois, democracy, in which one class still oppresses the other.

Now, where does the revolutionary democracy come in?-- it is because the democracy to be achieved, true democracy to be achieved involves a revolution on communist, Marxist- (30 Leninist analysis.

Will you go on please ?-- In the last paragraph -

"It will thus be seen that the struggle for national liberation is inextricably linked up with the fight and for peace/against imperialism."

The view of national liberation, namely that national liberation is inexplicably linked up with the fight for peace and against imperialism, is part of communist doctrine and theory. The view is taken here, that the fight.....that imperialism will bring war, and that in the future war South Africa will be particularly involved. There are theories (10 of imperialism which analyse that phenomenon as not necessarily bringing war, but solving problems in another way. It is a feature of communist doctrine that imperialism must bring war, and the statement of this kind is in conformity with communist doctrine on imperialism. In the concluding (15 sentence -

It is because of this dangerous situation to peace and security in Africa that we urge the widest sections of our people to take up the cause of peace and to uphold it until the scourge of imperialism is vanquished from (20 the face of the earth."

One can refer to the communist doctrine that imperialism brings wars -- one can refer to the statement by Stalin which I could read here, and I have read it, that until imperialism is removed, there will not be war. The association of peace with this interpretation of imperialism conforms to the communist doctrine of what imperialism is, of the nature of imperialism.

COURT ADJOURNS:

COURT RESUMES ON THE 26th OCTOBER? 1959.

APPEARANCES AS BEFORE.

Mr. Kentridge hands in Affidavits by Medical Practitioners re Accused Nos. 23 and 26, S. Nkalipi and J. Nkampani.

BY MR. JUSTICE RUMPF :

Mr. Maisels, the Court indicated to Counsel that it would like to hear argument or additional argument on the rulings given. Would it be convenient for the Defence...

BY MR. MAISELS :

I must tell Your Lordship, My Lord, that we have considered the matter over the weekend, and we don't think we can usefully add anything to what we have said nor to the authorities which have been cited, My Lord.

BY MR. JUSTICE RUMPF :

What is your submission would the position be if on the assumption that you now indicate that what you have said you want to apply again? We don't want to re-argue, because we have argued the matter fully. What is the position in regard to a reconsideration of a ruling like this?

BY MR. MAISELS :

A ruling of evidence My Lord, a Court is always entitled - it is an interremoving (?), in the course of a case, and as I have understood the position, My Lord, it is always possible for the Court either to declare evidence it had previously considered inadmissible admissible or vice versa. I wouldn't submit, My Lord, that the Court can't alter an interremoving (?) because all rulings of that nature, My Lord, as I understand it are interim.

BY MR. JUSTICE RUMPF :

I perhaps could give you the difficulty which had been put in a different form, but which I might put to you on this basis. You see, if there is an analogy and if not, why not, when a medical practitioner is called 5 and he says he is a medical practitioner and he is then asked about say the phenomenon of pneumonia, and he then describes pneumonia as a medical practitioner, and he is then asked, did you see the patient X yesterday and what is your opinion, what was he suffering from yesterday, and 10 he then says I examined him, I found A, B, D and D, As I have said, pneumonia is diagnosed by the following factors, A. B, C and D, I find four of the five, in my opinion he is suffering from pneumonia. Now he is giving really his opinion evidence on the condition of the patient and the 15 disease of sickness that the patient was suffering from yesterday. That is his opinion evidence. When he gives the evidence about the pneumonia in general, what symptoms to expect, he really lays the basis for his opinion, that is part of his reasoning. He then applies that that he has 20 given to the particular patient and he explains it. Now what would be the difference in this case between the witness and the medical practitioner? The witness in this case says that on the evidence he has given, subject to cross-examination, that he is a political scientist. 25 As a political scientist he has to deal and he deals with the phenomenon of Communism. He then...

BY MR. MAISELS :

With the doctrine of Communism.

BY MR. JUSTICE RUMPF :

30

Like pneumonia. And then he says this is Communism, he describes what he thinks is Communism. Then he is - and that is I presume the object of all this evidence, pp

he is then shown the document, and he says - and he is then asked, does this document contain influences or aspects of Communism as you know it, and he then gives his opinion and he gives his reasons. He says well, I said this about Communism, so I look at this and for these 5 reasons I say this, that or the other is to my mind Communism. Is there any difference there?

BY MR. MAISELS :

That with respect, My Lord, is all that Your Lordship has ruled and that is all that the witness has been 10 doing.

BY MR. JUSTICE RUMPF :

No, except this, that - I haven't got the Report of the....

BY MR. MAISELS : 15

None of us have, My Lord.

BY MR. JUSTICE RUMPF :

To my recollection, the position is this, that we ruled that apart from historical statements divorced from the subject of Communism, when the witness makes a 20 statement about Communism accepting a certain fact, historical or otherwise, he should produce his source before he replies. I think, following upon the argument, we indicated that he should lay a foundation, a foundation as if what he was going to say, was not covered by his qualification 25 as a witness on Communism.

BY MR. MAISELS :

My Lord, I think there is an intermediate position, if I may suggest it to Your Lordship. As I understand the position, as we have understood Your 30 Lordship's ruling - I am dealing now, My Lord, with giving reasons for saying that this looks like a Communist phrase,

or this is the sort of thing that Communists teach in their doctrine, that sort of thing - My Lord, as we have understood the position to be, it is this: The witness has qualified himself in this way in this case. He said I am a Professor of political science and I teach Communism, 5 the doctrine of Communism. He then proceeded in answer to questions by my learned friend, to give what he considered Communism to consist of, and then he supported that in chief by authorities, quoted from Lenin, he quoted from Stalin, he quoted from Burns, he quoted from this and from 10 that.

BY MR. JUSTICE RUMPF :

If I may suggest that when he quoted those he was dealing with the philosophical aspect of Communism, the dialectic materialism. 15

BY MR. MAISEDS :

No, My Lord, he went much further than that, with respect. As I understood him, he was dealing with a large number of topics, democratic centralism for example, as a doctrine of Communism, tactics, strategy, revolution, 20 method - a large number of topics, all of which My Lord, he quoted authority for. Now My Lord, when he gave his evidence, pursuant to his - to Your Lordship's ruling, all he did was to say that this is in accordance with what Communism teaches. He wasn't required again to 25 state his authority, because presumably he had already done it. And My Lord, with respect, we don't see the difficulty at this stage.

BY MR. JUSTICE BEKKER :

Take the point on which the ruling was given. 30 The question was, does the doctrine of Communism accept as a fact that the U.S.S.R. supported North Korea in its

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struggle. On that the Court gave a ruling, if he wants to say yes, he has got to quote his authority.

BY MR. MAISELS :

My Lord, may I suggest why? Because unless Communism is really a most esoteric sort of doctrine, it is 5 inconceivable to imagine that an incident like North Korea which the Court can take judicial cognisance of, occurred within the last few years, should ordinarily be incorporated into doctrine. It is the sort of matter, My Lord, upon which a Court would be required to be satisfied. 10

BY MR. JUSTICE BEKKER :

Now an expert, once he qualifies as an expert is entitled to air his opinion in Court. Now the witness says, I am an expert in Communism, I have studied the subject and I say, as an expert, my opinion is that Communism, 15 the doctrine of Communism does accept as a fact that the U.S.S.R. supported North Korea in its struggle. I say that is part of the doctrine, as an expert. The analogy may be this, does medical science accept that the first person who discovered the X-ray was Mr. Röntgen. The witness 20 says yes, I have studied the subject, medical science accepts that as a fact. There he is relying purely on his skill, his knowledge as an expert, airing his opinion, - cross-examination may destroy that quality that he claims to have, namely the expert quality. We have said, 25 if you, relying on your study of the subject, express this opinion, you must quote your authority.

BY MR. MAISELS :

And, My Lord, with respect, the Court did so correctly. 30

BY MR. JUSTICE BEKKER :

Now the other stage is, once the witness says

this document is Communistic, then he must of course give his reasons, -why, in his opinion as an expert, this qualifies as a Communistic document. That is the second stage. But, is it quite correct to say that if a witness says I am an expert and we assume for present purposes that he is an expert, and the science of Communism accepts this as a fact, that he as an expert must then qualify his opinion by authorities, in the same way as a doctor in airing his opinion may be called upon to tell the Court now where, did you get all your learning from, he has got to give the Court the benefit of his years of study. Now what is the difference? 5 10

BY MR. MAISELS :

My Lord, perhaps it is difficult to express it, but with respect, My Lord, I submit that Your Lordships put in on the correct basis when the question was put to my learned friend. It is really a rule of caution. 15

BY MR. JUSTICE RUMPFER :

That I put to Mr. de Vos, the desirability, having regard to the particular case that we are dealing with. 20

BY MR. MAISELS :

That is the point I was about to make, My Lord. Your Lordship will find in the books on evidence, he may be asked his reasons in chief or in cross-examination. There doesn't seem to be any hard and fast ruling, other than the judgment, My Lord, in Jacobson's case which has been referred to several times. But My Lord, it is a question, with respect, - I'll submit it this way, My Lord. Your Lordships have to be satisfied, irrespective of cross-examination of the Defence, that insofar as the Crown is asking the Court to place reliance on the evidence 25 30



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of this particular witness, that the Court may do so.  
My Lord, may I take an example far removed from the present  
case, in a case of rape, My Lord, where the Defence does  
not put up a defence of consent, but for example a defence  
of an alibi. The Court still there has to be satisfied on 5  
the evidence that there in fact has been no consent.

BY MR. JUSTICE BEKKER :

But that side is perfectly clear, that is the  
second stage. Why is this document a Communistic document,  
and there he must give his reasons. Must we also be satis- 10  
fied before we hear him that he indeed is an expert in  
order to air an opinion that these things are accepted in  
the doctrine, etcetera.

BY MR. MAISELS :

My Lord, if a fact is enshrined in the docu- 15  
ment, then My Lord, with respect, it falls within the same  
category.

BY MR. JUSTICE BEKKER :

The example that I have in mind is does medical  
science accept that Röntgen discovered the X-ray. Must the 20  
Court say, on what authority do you say that? And the  
witness must say well, I have spent years at the University,  
it has been taught to me...

BY MR. MAISELS :

Then My Lord, it is doctrine and it may be an 25  
accepted fact - it depends, My Lord, on the particular  
case. One can't lay down, with respect, a hard and fast  
rule.

BY MR. JUSTICE BEKKER :

If this witness says the doctrine of Communism 30  
accepts this, for example - isn't the stage where he is to  
be destroyed, if he can be destroyed, in cross-examination?

BY MR. MAISELS :

No, My Lord, with respect not, because it is exactly the same thing whether he says doctrine accepts this or doctrine is this. It makes no difference at all, My Lord, because if doctrine accepts this it becomes part 5 of the doctrine and it is doctrine. Then My Lord, the witness need merely say in this case - need merely have said the following : - He needn't have given Your Lordships any explanation as to what Communism is. All he need have done and all my learned friend need to have done was to 10 put a document before him and said, having said that you are a Professor of Communism, you teach it - a Professor of political science, and you teach Communism and you spent thirty years on it and you know a lot about it and you follow the reading, now look at this document. 15 Do you find anything Communist in it. The answer, yes. What do you find? This line. Finish.

BY MR. JUSTICE BEKKER :

Then he must give his reasons, in terms of Jacobson's case, to satisfy the Court, that he has drawn 20 the correct conclusion from the material before him.

BY MR. MAISELS :

That is the very point, My Lord. That is the very point, because once doctrine...

BY MR. JUSTICE RUMPF : 25

That is the matter stage. What we are on at the moment is to what extent is an expert, once he lays a foundation, and once he says, I am an expert, I have spent years studying the subject, to what extent is he entitled to say I, as an expert, say that this is the position. 30 To what extent must he as an expert - that is at the first stage - back up his opinion by reasons?

BY MR. MAISELS :

My Lord, on Jacobson's case he must give the reasons, he must say because Communism teaches this, because this is an accepted fact in Communism, because this, because this, because this. Now Communism teaches that, 5 and he says I get that from Stalin or from Lenin.

BY MR. JUSTICE RUMPF :

Why should he say that?

BY MR. MAISELS :

Because he says, My Lord, I know about Communism because it is what the people have written about. I am not a Communist, I am not speaking firsthand evidence. My whole knowledge is derived from reading books and his only function, My Lord, to the Court is really to tell the Court what books to read, because his interpretation 15 with respect, of what the books ....

BY MR. JUSTICE RUMPF :

But he needn't refer to books at all, need he?

BY MR. MAISELS :

Well, My Lord, that is the whole question in 20 this case. It is not like a medical man...

BY MR. JUSTICE RUMPF :

That is because he is an expert. He is, as it were, firsthand evidence....

BY MR. MAISELS :

25

No, My Lord, he gives his opinions...

BY MR. JUSTICE RUMPF :

And that constitutes, if accepted and subject to criticism, that constitutes firsthand evidence.

BY MR. MAISELS :

30

My Lord, may I just take the matter this way. Supposing on the matter that is now being debated, supposing

Professor Murray had gone into the witness box and said, I am an expert on Communism, I have studied it, etcetera, etcetera, this document is Communist, and he sat down. My Lord, would the Court...

BY MR. JUSTICE RUMPF : 5

We are not on that stage. We are quite satisfied about that, we are not worried about that at all.

BY MR. MAISELS :

Then My Lord, with respect, if Your Lordships are with us on that aspect, then My Lord, evidence on 10 fact which is said to be presentable by this witness, is evidence of fact which is enshrined in the doctrine, it is part and parcel of the doctrine, and it is on no different footing My Lord, from any other, with respect. Because ...

BY MR. JUSTICE BEKKER : 15

What we have in mind is this position. An expert doctor or this witness or any expert, assuming him to be an expert, is asked a question, on what authority do you back that, and the reply may be well, I have studied the subject for forty years, I don't know what authority, 20 I have studied it for forty years.

BY MR. MAISELS :

It may be the kind of case and the Court may be satisfied with that kind of answer, or it may not be satisfied. 25

BY MR. JUSTICE RUMPF :

And that doesn't effect the admissibility.

BY MR. MAISELS :

The cogency, I agree, My Lord, I agree. But that depends, My Lord... 30

BY MR. JUSTICE RUMPF :

Isn't the position really this, that when he

gives his reasons, hearsay or otherwise, he should give them? Because without that, you can't test the weight of that.

BY MR. MAISELS :

My Lord, I was about to come to that point, 5  
My Lord, to analyse the thing on the basis of Your Lordship's ruling being changed. The situation would then be, My Lord, that he - that we would then have to ask in cross-examination, and then to consider whether to test and the whole procedure would be much more cumbersome, My Lord. 10

BY MR. JUSTICE RUMPF :

But Mr. Maisels, apart from the first part of the evidence, the first facts which were objected to, the historical setting out of the First International, the Second International, the Cominform in 1947 - which admittedly was given in a way as if the evidence constituted historical fact, not part of Communism as such. Well, that is a valid objection, because on historical facts as such he must lay a foundation, either to have been there or to have firsthand information. But, the Defence went much 20 further. Notwithstanding that the Crown said, after it had put the questions wrongly with respect to the Crown - did the U.S.S.R. support the North Koreans, which is an historical question, notwithstanding the Crown then saying well, the question should have been put, in Communism is 25 the U.S.S.R. regarded as having supported North Korea - and I am not on the wide frame of the question, I am not on that, it may mean anything, and I - then the Defence argued that that could not be asked without - in fact the Defence argued that that sort of question was inadmis- 30 sible, and the answer is inadmissible without the sources having been quoted.

BY MR. MAISELS :

That is so, My Lord, because the whole of this witness' evidence, and Your Lordship will bear that in mind, is based upon a study of what he calls the classics, the masters. 5

BY MR. JUSTICE RUMPF :

No, I am afraid there I differ with you. When he deals with Communism as such, he did not purport, as I read that little bit of introductory evidence, purport to confine that to the classics. 10

BY MR. MAISELS :

My Lord, if that is not so, then a serious question...

BY MR. JUSTICE RUMPF :

But be that as it may. Assume that he had based his evidence on that. If he then says that Communism has accepted - the difficulty arises that you want to confine him then to classics and classics only and not to current Communist literature? 15

BY MR. MAISELS :

No, My Lord. 20

BY MR. JUSTICE RUMPF :

Let us include in that authoritative Communist literature.

BY MR. MAISELS :

Or even, - the modern classics, he went up to 1956 I think. 25

BY MR. JUSTICE RUMPF :

Now if he then says, having laid that foundation, if he is then asked, does Communism accept as a fact that the U.S.S.R. supported the North Koreans in the Korean war, your argument was - the Defence argument was 30

that he couldn't reply to that without disclosing the sources.

BY MR. MAISELS :

Yes, My Lord, because that is on the face of it a piece of factual evidence as to what - that is not his own evidence. 5

BY MR. JUSTICE BEKKER :

What if the witness says my authority for that is my study of the subject over many years.

BY MR. MAISELS : 10

My Lord, with respect, Your Lordship asks...

BY MR. JUSTICE RUMPF :

Shouldn't he answer that? Shouldn't he answer that very question in order to show whether he has got any ground for it or not? 15

BY MR. MAISELS :

My Lord, that is what we are trying to say...

BY MR. JUSTICE RUMPF :

But you say it is an inadmissible question.

BY MR. MAISELS : 20

No, My Lord. Your Lordship will remember the question arose about the October Revolution, it was one of the things debated. Now that is a premise from which certain things flowed in Communist doctrine, therefore it is enshrined in the doctrine. We were unable, My Lord - 25 it may be obtuseness on our part, we are unable to see how it becomes a matter of Communist doctrine that last year or the year before something happened.

BY MR. JUSTICE BEKKER :

You may be right, but... 30

BY MR. MAISELS :

If we are wrong, My Lord, then prima facie

this is the kind of case which is not based on the empiricism which Your Lordship of in regard to the medical practitioner who says I have studied this for forty years, every doctor knows that when you get a cold this happens. It is a completely different thing, My Lord. 5  
 This witness' whole evidence is book evidence. That is all it is. It is nothing else but book evidence. And My Lord, the reasons for his evidence ...

BY MR. JUSTICE RUMPF :

How does that effect the matter, if he says I 10  
 have read this all, and in my study of the books this is an accepted fact.

BY MR. MAISELS :

No, My Lord, with respect, he is entitled to say to Your Lordship that in Communism a particular thing 15  
 has a particular meaning, because of the study of the books over all these years, when a Communist says a state is democratic, he means A, because Communism teaches that a democratic state has certain qualities. That is his function as an expert. But in regard to what Communism 20  
 teaches the indicia of a democratic state, that is what he gets from his book. I don't know really that I can take this matter any further.

BY MR. DE VOS :

My Lord, in the submission of the Crown the 25  
 expert witness, Professor Murray, is definitely entitled to give an opinion as to the view Communist theory takes of certain matters. He gives that opinion as an expert, he basis that opinion on his experience, his learning, the discussions he has had with other experts in his own 30  
 field and he tries to illustrate or clarify the opinion or refresh his memory on that particular point from certain



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