

have the form of People's Democracy. In Poland, Bulgaria, Czechoslovakia, Albania, and the other European People's Democracies, this form sprang up, and is being utilised in conformity with the concrete, historical social and economic conditions and peculiarities of (5 each of these countries. It has been thoroughly tried and tested in the course of ten years and has fully proved its worth. Much that is unique in socialist construction is being contributed by the People's Republic of China, whose economy, prior to the victory(10 of the revolution was exceedingly backward, semi-feudal and semi-colonial in character. Having taken over the decisive commanding position the People's Democratic State is using them in the social revolution to implement a policy of peaceful re-organisation of private (15 industry and trade, and a gradual transformation into a component of socialist economy. The leadership of the great cause of socialist reconstruction by the Communist Party of China, and the Communist and Workers Parties of the other People's Democracies, exercised in(20 keeping with the peculiarities and specific features of each country is creative Marxism in action.

Those are the two quotations I wish to read.

Are there any further quotations on this particular subject, Professor Murray?-- I could read others, but I think(25 I have exhausted my present list.

In fact, are there further quotations you could read in support of<sup>most</sup> your opinions if need be?-- I think so, yes, in every case.

Now, just one further reference, under the heading (30

of "Fronts or Transmissions" -- either of the two, it is really immaterial, you quoted from a certain document about a report of the Seventh Congress?-- Yes, that is so.

Is there any further reference you wish to give the Court on that particular point?-- I would like to give a (5 reference to a passage already read. It is from Lenin, Left-Wing Communism, and the passage was quoted from Burns, page 863.

BY MR. JUSTICE RUMPF: This particular passage, is it incorporated in what has been read?-- I read it on a previous(10 occasion.

Could you not perhaps just indicate the passage ....

EXAMINATION BY MR. DE VOS CONTD.: Yes, if you could read the passage and just shortly indicate the relevance to your argument on that point, Professor Murray - (15

BY MR. JUSTICE RUMPF: I think you started at page 75 -- no, I'm sorry, that's a different section?-- It came under the heading of "Method" originally, I think. I haven't got my note here, unfortunately....

Just give us the passage .... (20

EXAMINATION BY MR. DE VOS CONTD.: I am reading "Left-Wing Communism" page 863 of Burns. And Lenin is discussing methods of propagating his particular doctrine, the doctrine of Marxism-Leninism. It is in the middle of the page. -

Undoubtedly, messieurs, the leaders of opportunism, (25 will resort to every trick of bourgeois diplomacy, to the aid of bourgeois government, the police, and of, course, in order to prevent Communists from getting into the trade unions, to force them out by every means, to make their work in the trade unions as (30 unpleasant as possible; to insult, to hound, and to

persecute them. It is necessary to be able to withstand all this, to agree to any and every sacrifice and even, if needbe, to resort to all sorts of devices.... this is the point -

....to resort to all sorts of devices, manoeuvres and (5  
illegal methods, to evasion and subterfuge, in order to  
penetrate into the trade unions, to remain in them and to  
carry on communist work in them at all costs.

The point is, the paragraph has to do with "Front" organisations. As I said yesterday, front organisations are the (10  
organisations which are directly communist party organisations, but which -- under communist doctrine, which have to  
be penetrated so that they can be used to propagate communist  
doctrine in spheres where the communist party cannot work  
directly. (15

Milords, if it suits my learned friend I would suggest that we now deal perhaps with the two documents which are in issue still.

BY MR. JUSTICE RUMPF: Have you completed this evidence in regard to references? (20

BY MR. DE VOS: Milord, all that I have in mind at present, that has been completed. It might be that a few references might crop up again, but that would be purely because of the vast subject matter and because of an oversight. It might be necessary to quote something further. But as (25  
for the systematic survey of the position, though perhaps  
Milord, there is one part of the subject matter, I could  
deal with further, and which might necessitate references,  
I think I had better do that, and we could leave over the  
documents for the time being, for another short time. (30

Professor Murray, in the theory of Communism, is the

existence of a body called the "First International" recognised?-- Yes. The "First International" was established by Marx in 1864, on the basis of his theory that capitalism is International and therefore the proletariat is international, and therefore the working men of all nations must unite.(5

What is, in Communist theory, the function, the role assigned to this particular body?-- It is the implementation -- communist theory, communist philosophy, as I said before, is a doctrine, and an action, it is realistic, it is materialist; it has to see things as they happen outside, and (10 the First Communist International of Working Men was the application of the doctrine, according to its tenets, in a situation which demanded that particular form of organisation.

What was the purpose, according to the Communist theory (15 again, the purpose of this organisation?-- The purpose -- Communist theory preaches the doctrine, as I said before, that capitalism is in decay and that there must be a world revolution and the purpose of the Communist activity and especially of the First International was to promote the inter-(20 erst of the world revolution and where possible to create revolution in the country from which the working men came. It was a revolutionary organisation.

It was organised then, from what you say -- was it organised merely on a national scale or....?-- It was an (25 international organisation because it started from the principle that capitalism is international and therefore the proletariat is international, and therefore the .....Marx built up this international working man's organisation.

Now, again in Communist theory, -- very shortly only -- (30 was there a body -- does it acknowledge existence of a body

called the Second International ?-- Yes, the First International died about ten years after its formation, round about 1875, I should say, and another attempt was made to create an international organisation of working men, in 1889, which was called the Second International. It had the same purpose, (5 to unite working men over the world for common action and for revolutionary activity. It operated until about 1917-1919, actively, when the more Communist element split away from it, and Lenin established the Third International.

The Third International, is that also a body known to (10 Communist theory ?-- The Third International is regarded as the continuation of the First International. The Communists criticised the Second International, that it became too Socialist-Democratic, and supported the capitalist wars, that is the First World War, whereas the Communist Party (15 did not wish to support that war, and Lenin split from the Second International. That created the Third International, about 1919.

By the way, Professor Murray, you have certain authorities on these propositions, which you could quote to illustrate the attitude of Communist theory to these bodies -- (20 not so ?-- Yes.

Are they near at hand ?-- I think so.

BY MR. JUSTICE RUMPF: Is it necessary? He says this is what is regarded..... (25

EXAMINATION BY MR. DE VOS CONTD.: As Your Lordship pleases, I will leave it at that.

Now, what again, in terms of Communist theory was the accepted role and purpose of the Third International ?-- The Third International has the purpose of uniting .....(30

You use the present tense, is that correct ?-- Well, I'm

sorry, I should say 'had.' It was dissolved in 1943. "Had the purpose" of organising the working people of the world, referred to as the proletariat, into a body which would centralise the activities of all communist parties over the world. It was an international body. Communist parties (5 to be recognised as communist parties, had to be affiliated to this body, and this body was the central organisation from which the common policy for all communist parties was dictated. Its purpose was international action on the theory of capitalism and the proletariat and to promote the inter- (10 ests and reaction of world revolution.

Did this body propound communist theoretical propositions from time to time, or what was the position -- was that part of the role of that body or not, or the function of the body?-- It was one of the functions of this body, this body's (15 status was to propagate the ideology, to popularise the Marxist-Leninist ideology over the world, because ideology is necessary for revolution reaction on communist theory and doctrine, and it took special steps to popularise Marxist-Leninist ideology internationally. (20

Are there documents known to you as a political scientist emanating from the Third International, and generally acknowledged as sources of information on communist theory?-- Yes, several. There are the famous "International Communist Programme" which was drawn up round about 1920 and accepted (25 at the third Congress in 1922. At the same time a body of 'Theses' was drawn up. In 1928 a further body of documents was drawn up called "Theses and Resolutions" and then a series of Congresses were held and the reports and speeches to these were published from time to time. (30

You have in fact made use of certain documents in this

case, I think you mentioned the Comintern Programme now, you have made use of that, of course?-- I have made use of the Comintern Programme and the Seventh Congress reports.

And you propose to make use of the Theses, of course?-- I wish to make use of the theses also. (5

That is the document you have just referred to as also emanating from and connected with the Third International?-- Accepted by the Comintern, the Third International in 1928.

Just as a question of terminology, Professor Murray, the Third International and the Comintern, that is the same(10 thing, is it, or is it not?-- The Comintern is the popular name by which the Third International of Working Men of the World is known by.

Now, again is there any later international body known to Communists in theory, subsequent to the third inter- (15 national?-- In 1947 the so-called Cominform, the Communist information Bureau was established at a meeting near Warsaw.

BY MR. MAISELS: We have not objected, Milords, to statements made which might possibly have fallen into the Limbo of history, which can be supported by reference to recognised(20 books of history, but insofar as recent events are concerned, Milords, we submit that this witness cannot give evidence of events and insofar as he purports.....

BY MR. JUSTICE RUMPF: Is this dependent again on the type of question, the nature of the question? If it is asked...(25 I don't know why Mr. De Vos doesn't put in this way but he could have asked it in this way: 'Does Communist doctrine accept that there was a Cominform established in 1947?' If that is part of the Communist doctrine, those facts, then he can say so -- why not? He doesn't say it -- he says (30 "according to Communism, in 1947....."

BY MR. MAISELS: Yes, Milord, with respect, it is difficult to see how according ..... . Your Lordship means that in a particular doctrine a particular fact .....

BY MR. JUSTICE RUMPF: No, in the whole of Communism these facts are accepted. He doesn't say 'I say it was in 1947 (5 although the Communists say it was in 1948.' He says this is one factor which is accepted in Communism, that in 1947 the Cominform was established.

BY MR. MAISELS: Milord, may I suggest that the question be put to the witness in this way: Is the witness talking (10 about fact, or is he not? If it is not a fact, it doesn't matter.

BY MR. JUSTICE RUMPF: He is talking about a fact, that communism, according to communism, in 1947, the Cominform was established. He is dealing with communism as a science.(15

BY MR. MAISELS: Milord, he is dealing with communism, as I see it, as a doctrine, as a philosophy. Now, Milord, with respect, the question as to whether a Conference was held in 1947, is not a question of doctrine or philosophy.

BY MR. JUSTICE RUMPF: In this particular case, it may be. (20 It might very well be. Because we are not dealing with an abstract philosophy. We are dealing with a philosophy that has been put in action, and if that philosophy adopts, applies action and puts dates to that action for the purpose of dealing with its own philosophy..... how could that be (25 objected to.

BY MR. MAISELS: Milord, with respect, we submit that this evidence is inadmissible, just simply inadmissible as a statement of fact. I take it no further than that.

BY MR. JUSTICE RUMPF: In other words, if Lenin deals with (30 the October Revolution, then he is not entitled to say that



that was an October Revolution?

BY MR. MAISELS: No Milords....

BY MR. JUSTICE RUMPF: If Krushchev were to deal with the 1947 Cominform then he is not entitled to refer to that particular passage, because that is a statement of fact. (5

BY MR. MAISELS: No, Milord.....

BY MR. JUSTICE RUMPF: Well, what are you objecting to then? This witness says, that according to his knowledge as a political scientist, and dealing with communism, there was established a Cominform in 1947. . (10

The whole of his approach as far as we are concerned, is not that he gives evidence of historical facts, but that he presents to us Communism. If he says that in 1947 Cominform was established, we take it that that is according to communism, and no more. (15

BY MR. MAISELS: According to the doctrine or theory?

BY MR. JUSTICE RUMPF: The whole body of doctrine dealing with fact and pure philosophy.

BY MR. MAISELS: Well, the doctrine as expounded....

BY MR. JUSTICE RUMPF: As expounded, yes. (20

BY MR. JUSTICE BEKKER: On what basis do you place your objection, Mr. Maisels?

BY MR. MAISELS: Milord, Your Lordship made a remark that this philosophy is put into action.

BY MR. JUSTICE RUMPF: Yes. (25

BY MR. MAISELS: The question of ....

BY MR. JUSTICE RUMPF: Yes, that is according to the philosophy itself.

BY MR. MAISELS: Yes, Milords, but that is not quite the way in which it has been put and understood. In so far as the (30 witness talks about philosophy advocating that it should be

put into action, it is perfectly in order; but insofar as he purports to give evidence of it actually having been put into action, that's a different matter.

BY MR. JUSTICE RUMPF: Well, now, in the previous document, to which he has referred, Krushchev's Speech, or Report, (5 the reference was to people's democracies, and according to the speech by Krushchev, in terms of that publication, Poland, Hungary, Bulgaria, are regarded as people's democracies.

BY MR. MAISELS: By Krushchev.

BY MR. JUSTICE RUMPF: Yes. (10

BY MR. MAISELS: That is all he said. That's all right.

He read out Krushchev's speech, which is a document in our possession, and it is admissible.

BY MR. JUSTICE RUMPF: I am mentioning this, because that is a fact. (15

BY MR. MAISELS: Milord, with great respect, that's a matter which will be argued...I have not argued on that at all....

BY MR. JUSTICE RUMPF: I don't say as a fact that that is a people's democracy; I'm suggesting that in terms of that document, according to Communists, one of the expounders of (20 countries are Communism, those/ people's democracies. That 's all, no more.

BY MR. MAISELS: That is what that man said, he regarded that as .....

BY MR. JUSTICE RUMPF: Yes, and he is an expounder of communism. Now, on the same basis here, when this witness says (25 that the Cominform was established in 1947, then I assume that it is, in terms of communist philosophy, an accepted fact.

BY MR. MAISELS: Does Your Lordship assume that?

BY MR. JUSTICE RUMPF: It may not be so, I'm not prepared to hold as a fact that it was or was not; (30

BY MR. MAISELS: Milord, then I will wait until we see what

authorities are quoted.

BY MR. JUSTICE RUMPF: Yes, but I say again, it is the type of question -- it might have been put differently, because if it is read in the way it is answered, it may look as if this witness is giving evidence of historical facts, as (5 if he is an historian, giving evidence; if that is possible.

BY MR. MAISELS: That is why I objected.

BY MR. JUSTICE RUMPF: But that is not so. The foundation for that hasn't been laid. We are dealing with Communism. That is how I understood it. (10

BY MR. DE VOS: Milord, I should have phrased this particular question more carefully, but in fact, in the former instances of the other Internationals, I have indicated very clearly that I only require the witness to state what in terms of the exposition of Communism, does he know that (15 certain things are accepted or not accepted. In terms of Communist theory, in terms of Communist doctrine as expounded from time to time, he says a certain fact is accepted. But he does not testify to that fact as such, and I don't intend to lead him on that. It is merely -- I'm sorry, I should (20 have formulated the question more clearly, but that is certainly the intention of the question, to elucidate that particular point from the witness, nothing more.

BY MR. JUSTICE BEKKER: Shouldn't you make it clear whether he is talking about theory or fact; that is the whole thing. (25

By MR. DE VOS: I have done so in<sup>almost</sup> all the other instances -- if in this particular instance I didn't make it so clear, I will do it now.

BY MR. JUSTICE RUMPF: Well, if the witness gives evidence and he makes a statement to this effect in the particular (30 passage of his evidence, without that particular statement

specific  
being a specific reply to a question, then your duty is only  
immediately after that statement to say "You said that in  
1947 the Cominform was established -- is that accepted in  
Communist doctrine?" That is all. Then we know what the  
position is. (5

EXAMINATION BY MR. DE VOS CONTD.: Now, Professor Murray, you  
have given certain evidence there, made certain remarks about  
the Cominform, are those data intended to represent a view  
of Communism on that particular institution?-- Yes.

Is it accepted by Communist theorists that that is the (10  
position as you have expounded it -- is that the accepted...  
?-- Yes, that is the accepted interpretation.

And Communist theory has assigned a certain function and  
a certain role to the Cominform, is that so.....

BY MR. MAISELS: Milords, my learned friend is now giving the (15  
evidence. He has been leading consistently, and I have  
let it go, but it has now reached the stage where I really  
must object.

BY MR. JUSTICE RUMPF: Well, it hasn't been very bad.

BY MR. WELSH: Milords, I also object to this evidence, simply (20  
on the grounds that it is an attempt to introduce under the  
guise of a theory, what is nothing more than a fact. Milords,  
whether an organisation was formed in Warsaw in 1947 is a  
question of fact, and Milords, I don't understand, with res-  
pect, how it can be part of the doctrine of Communism that an (25  
organisation was formed in 1947.

BY MR. JUSTICE RUMPF: Why can't it be? The doctrine is  
founded on fact.

BY MR. WELSH: Milord, a doctrine, with respect, is a body (30  
of theories and principles, and Milords, one can't have a  
theory as to whether an organisation was or was not founded

ten years ago; that is my submission.

BY MR. JUSTICE RUMPF: You mean in terms of communist theory the fact of the establishment of the Cominform in 1947 cannot exist?

BY MR. WELSH: No, Milord, either it is a fact or it isn't. (5 It is not a theory.

BY MR. JUSTICE RUMPF: But a theory is a fact.

BY MR. WELSH: No, Milord, when one talks of an organisation being formed, we are talking about what people did. A theory is what people think, and evidence would not be admissible (10 to show that somebody thought that something had happened, except insofar as that casts light on the doctrine expounded by that person. Now, Milord, this is a pure question of fact.

BY MR. JUSTICE RUMPF: Mr. De Vos, would you like to reply? (15

BY MR. DE VOS: Possibly it is clear to the Court already but even so, Milords, I think I should make my submission very clear on this point, that communism has been explained by the witness as a living doctrine, a doctrine which is not merely found in certain text books and stops there, doesn't (20 go beyond that, but the doctrine, which in its own theory has a certain stand and a certain relationship to practice, and that in terms of communist theory, communist practice is always closely linked with this theory and the implementation of the theory is part of the communist aim. So that in (25 terms of communist theory, what is done, must bear a certain stamp, it must bear the acceptance or the non-acceptance of that theory; always linked and interwoven, the one can't be separated from the other. So it is not a question here of trying to prove that in the body of communist theory as a (30 whole, seen as an entity, theory including comments on facts,

developing from theory, that certain facts in themselves are true or untrue, the only purpose of this evidence is merely to show that in terms of the Communist theory taken as a whole, as a body, they accept certain things, they assign certain functions, certain roles to certain (5 institutions, and they say that certain things, certain aims are implemented by doing certain things. It is impossible for the witness really to give any effective evidence, purely on the sterile theoretical side of communism, as a theory only in the sense of a philosophy divorced (10 from action. But as a theory which is constantly being implemented in terms of its own nature, in terms of its own innate laws, which accepts or rejects certain facts in the surrounding world, which assigns roles, functions to other bodies, streams of thought and of action (15 in the contemporary world, that is the exposition of Communism the Crown attempts to put before the Court. Seen through the eyes of Communism, but not an attempt to build-up a world of certain specific facts as proof of those facts as such -- not as far as this witness is concerned. (20

BY MR. JUSTICE BEKKER: I want to put this to you, Mr. De Vos: The witness has said something, a fact, occurred in 1947 -- something happened in 1947. There are two possibilities; the one is the witness is testifying as to the facts; the other possibility is, he is testifying as to what in (25 theory a particular theory is accepted as a fact. Now, if it is a fact, an historical fact, and this witness purports to give evidence as to the happening of that event, he may not be qualified to do so. On the other hand, if it is purely a fact accepted in theory -- it may be, I don't (30 know what the position is -- it may be that he is an expert

and can express that opinion. But before he can do either, is it not incumbent on you to show that it is purely a fact accepted in theory, as opposed to a hard historical fact. And what I have in mind, should you not extract from this witness, on what grounds he alleges, before you (5 lead the evidence, on what grounds he claims as an expert that that is an accepted fact in the theory of communism.

BY MR. DE VOS: Milord, I submit on the last point, to begin with, no, that he is entitled as a political scientist (10 to give his opinion on that particular point.

BY MR. JUSTICE BEKKER: Is that then good enough?

BY MR. DE VOS: No, I would say that it would be highly inadvisable to leave it at that. I would say that I should then -- as a matter of fact, I suggested in the (15 beginning, when the witness began testifying on the First International, I had in mind putting certain documents to the witness or letting him explain the sources of his information on that particular point. That wasn't at that stage then considered advisable, and I accepted the position, but (20 on any statement of opinion he makes, where he says .....

BY MR. JUSTICE BEKKER: Assuming his statement, his opinion, is based on illegal or inadmissible evidence, is he entitled to air that opinion?

BY MR. DE VOS: Milord, let me put it this way -- may I (25 being with the illustration of a doctor. A doctor goes into court, he is asked about a certain operation, what his prognosis would be, how long a man would have a certain condition, and he is entitled in coming to a conclusion on that particular difficulty or problem and the Court is entitled to make (30 use of all his theoretical knowledge. That is my basic

submission, as far as that particular question is concerned. We must always distinguish between that matter which is brought before Court on which an opinion is sought and, on the other hand, the reasons for that opinion which is given on that matter. The reasons for that expert opinion lie (5 within expert fields, within the field of science, philosophy, whatever scientific school or scientific method might be needed to interpret that position. And that particular expert witness, for instance, a doctor, is entitled to make use of medical works, what he has heard from colleagues, to formulate his opinion as to that particular condition he is testifying(10 on. He could only say.....

BY MR. JUSTICE BEKKER: I don't think it is necessary to re-argue that branch; what I want to know from you is this: There is a clear passage in Phipson, that an expert is not allowed to air an opinion if it is based on illegal or in- (15 admissible evidence. That is the rule. Do you quarrel with that rule?

BY MR. DE VOS. Not at all, Milord. It doesn't touch the point I am trying to make.

BY MR. JUSTICE BEKKER. Now, the question we are concerned (20 with at the moment is whether, when the witness says something happened in 1947, he is testifying as to a fact. If so, it is hearsay and I suppose it is inadmissible.

BY MR. DE VOS. No, Milord, he is not testifying to a fact, he is expressing an opinion that Communism, in fact, accepts (25 that condition of things.

BY MR. JUSTICE BEKKER: Then isn't the next stage an enquiry and isn't the onus on the Crown to satisfy the Court before extracting this opinion from the witness, that it is based not on illegal



or inadmissible evidence.

BY MR. DE VOS: Milord, the passage in Phipson, I have to take it from that point, the passage in Phipson refers to this position, that I am not entitled to get the opinion of this witness on material before the Court, and hold it (5 against an Accused, an exhibit found say, in the case of any of these Accused, a certain book; that must be properly before the Court. That is the material properly brought before the Court and, quite obviously, on that material this witness must give an opinion. But when he gives (10 that opinion he could perhaps only confine himself to say one short sentence, technically; I wouldn't say that would be advisable in a case like this, Milord. But technically he could confine himself to one short sentence, he could say "I have looked at 1,000 documents. I have come to the con-(15 clusion that all these are Communist." And that would be, if he is properly qualified as an expert on that particular subject, that would be technically admissible, and it might be considered sufficient by the Court. But because<sup>of</sup> the nature of the subject<sup>it</sup> is advisable now to let him explain how he (20 arrives at that conclusion, and that process of explanation of giving the reasons for his opinion on what is properly before the Court, that can be and must be in effect, in the case of all scientists, be based on material that very often cannot be properly brought before the Court in the form of (25 usual evidence. After all, how is a man of science, who has the world as his field, and must glean knowledge from other experts, from many other sources, to take all that into account in formulating an opinion on a concrete situation before the Court; how could he possibly bring all those (30 facts which form the basis of his opinion on this particular

concrete fact. He must come to the Court equipped in terms and with the implements of his particular profession or science in his branch of knowledge, and so equipped to give an opinion.

BY MR. JUSTICE BEKKER: Just to satisfy my curiosity, could (5 you ask this witness on what he bases this statement that something happened in 1947?

EXAMINATION BY MR. DE VOS CONTD.: Certainly Milord. Now Professor Murray, will you explain how that as a political scientist, you consider that communism accepts that the (10 Cominform was established in 1947 -- will you do it as fully as you can?-- I think it is a question of method of work. In the first place, knowing Communism, one knows that creating an institution such as the Third International or the Cominform, is part of the doctrine of Communism; that (15 would be the first step. Then in science, one does not work alone, one has a number of colleagues with whom one is in contact, here and overseas, and there is correspondence and you correspond about matters and it appears that on various grounds they accept the formation of a document, or (20 of an institution, such as the Cominform. Gradually, books of standing, scientific books of standing emerge, discussing this particular body, and showing its results and implications, and actually possibly indicating what practical effect it has in the international situation, in this case. And (25 so a coherent body of knowledge is formed with, presumably, no contradictions, and on that basis one then concludes that a body such as the Cominform really was established by the Communists, and in conformity with their doctrine.

BY MR. JUSTICE BEKKER: What books have you in mind when you (30 say ....with reference to this particular question?-- Quite

a number. There are one or two, but the first one that occurs is Bachensie & Niemeyer; the second one that occurs is Carew Hunt; the third one that occurs is....

BY MR. JUSTICE RUMPF: Are you now on the question of the Cominform, not the date, necessarily?-- No, I am now (5  
answering the question which I thought was intended, how would a political scientist.....

BY MR. JUSTICE RUMPF: How do you....how did you come to that opinion?-- I think on the way I have described. One knows standard writers, one builds up a body of co- (10  
herent knowledge, other people agree with that body, and in that way you conclude that since it is in conformity with Communist standards, communist doctrine, that such a body was formed by the Communist authorities, for certain purposes. (15

EXAMINATION BY MR. DE VOS CONTD.: Professor Murray, I want you to bear in mind that the reasoning I want you to give to the Court is why do you find that Communism accepts -- not necessarily you -- Communism accepts, you may or you may not -- that for the moment is not part of the evi- (20  
dence I am trying to lead you on; but Communism accepts that the Cominform was formed in 1947. ?-- Communism accepts that the Cominform was formed in 1947. There are two questions on two levels. Firstly because the Cominform is part of the Communist doctrine, the Communist doctrine (25  
indicates that this kind of thing should happen, and we should remember that for Communism thinking isn't in the head; the theory is out among the facts, and it is the facts that dictate the thinking. And secondly, Communist scientists, I presume have the same methods which we have, (30  
they have concrete bodies of information, by which they

build up a system of knowledge, from which they conclude that it is a fact that this type of body was formed. But my problem with the question is worked on two planes; the philosophical plane and the concrete plane.

Are you able to quote sources to the Court, Communist sources, for instances, accepting the existence of the Cominform; or indicating its existence in terms of an accepted Communist document, or a Communist source, ?-- (5

I would have to look round a bit; there are such sources, there is no doubt about it. I would just have to look around a bit, for such sources. Yes, I can mention one. (10

"Leonard, Child of the Revolution" mentions the Cominform. It is not a book on the Cominform, it is a book by a Communist which accepts the Cominform. If sources are required, I will look round for them. (15

Is there an official document on.....

BY MR. MAISELS: Just one moment. In regard to that last book Milords, we are told it is an autobiography of somebody, a biography of somebody; we would like to see that. That kind of reference to an authority is not a reference. (20

The witness hasn't got the book here, and I am not blaming him. But before any weight is put on it, may we see the book; that is all I request.

BY MR. JUSTICE RUMPF: Just before you go on. Mr. Maisels, does the objection also refer to the evidence of this witness in regard to the First International, 1864; second International, 1889; the Third International, 1919. (25

BY MR. MAISELS: Milords, we are not really objecting in so far as the First or the Second International are concerned, because whether it is admissible or whether it is not may be in the realms of history. With regard to the third (30

International, 1928.....

BY MR. JUSTICE RUMPF: 1919.

BY MR. MAISELS: 1928, I understand -- the Third International constituted in 1919, dissolved in 1943, and with regard to the question of the acceptance of programmes in 1928, (5 and matters of that nature, I didn't object because one of the matters I have to cross-examine this witness on relates to a document said to be a thesis, and I am objecting to that kind of evidence. So if Your Lordship will appreciate that the objection..... (10

BY MR. JUSTICE RUMPF: No, but on principle, we are dealing here with this particular aspect, he is dealing with certain organisations, and so far no objection came until the 1947 Cominform was mentioned. I am merely, in order to appreciate your argument..... (15

BY MR. MAISELS: In principle we are objecting to 1919 -- we are objecting to the Third International established in 1919.

BY MR. JUSTICE RUMPF: Why not to the Second and the First? On principle? (20

BY MR. MAISELS: No, Milords, we are not interested, that is why...

BY MR. JUSTICE RUMPF: Then from your point of view there is no difference.

BY MR. MAISELS: We are not worried.... (25

BY MR. JUSTICE RUMPF: Well, that is what I want to know. It is not the date that worries you?

BY MR. MAISELS: Your Lordship means.....?

BY MR. JUSTICE RUMPF: 1947.

BY MR. MAISELS: Oh yes, the date, that is important. (30

BY MR. JUSTICE RUMPF: That is what I want to know.

BY MR. MAISELS: In addition to the question as to whether the witness can say -- the witness can say as we understand it that it is Communist theory that bodies like Cominform should be formed. /Whether a Cominform was or was not (5  
formed on a particular date, are two further questions of fact.

BY MR. JUSTICE BEKKER: Mr. Maisels, yesterday I think you were going to refer to an authority dealing with historical facts -- what is the authority?

BY MR. MAISELS: The authorities are -there's a passage in (10 Phipson, and there are two passages in Wigmore to which I shall refer Your Lordships. Milords, the first question in Phipson -- Phipson states it this way - it is the eighth edition I am quoting from, at page 372: "Proved public and general histories are admissible as in the nature of public (15 documents or reputation to prove ancient facts of a public or general though not of a private particular or local nature." And the reason, Milords, is really a reason of necessity. Firstly, Milords, if Your Lordship would refer to Wigmore, Vol. V, paragraph 1597, at page 461. The (20 learned author is dealing with exceptions to the hearsay rule, and he says this: "The general principles of the branch of the exceptions covering events of general history do not differ materially from those of the preceding one..." which was another exception taken to ancient documents. (25 "But the line of precedence is a separate one and the scope of application is in some respects broader, so it seems more profitable to regard as a distinct branch of exception for reputation. Matter must be ancient, statutory regulation: The principle of necessity allowing the use of (30 this class of evidence is the same as that already examined,

namely, the matter as to which the history or other treatise is offered must be an ancient one, or one as to which it would be unlikely that living witnesses could be obtained. In other words, it must be a matter concerning a former generation." And then, Milord, in the comment, after (5 dealing with the question that the matter must be of general interest, on page 463, there is an extract from a judgment of Justice Storey, where the principle is put this way. "Historical facts of public and general notoriety may indeed be proved by reputation. That reputation may be established (10 by historical works of known character and accuracy. But evidence of this sort is confined to cases where from the nature of the transaction, or the remoteness of the period or the public and general reception of the facts, a just foundation is laid for general confidence." That Milord, (15 I think, was the principle Your Lordship had in mind about the fact, "Well, it always being so stated, never been contradicted, therefore it may be accepted." And then, Milord, before I refer to the next passage in Wigmore, I ought to refer Your Lordships to His Lordship Mr. Justice Schreiner's (20 judgment in Vulcan Rubber Works Case, which was cited yesterday at one stage by my learned friend, Mr. Nicholas, the reference is Vulcan Rubber Works, vs. S.A. Railways, 1958, Vol. III, S.A.L.R., page 285 at page 296, and His Lordship Mr. Justice Schreiner says this: Dealing with evidence given (25 by a person of reports from officials in the Railways. And His Lordship says this: "There is no doubt that Brunett's statements about the reports he had received from other officials were of the nature of hearsay. In several modern cases in South Africa, statements of a generally similar kind (30 have been admitted. (See Garment Workers Union vs. De Vries

and others." Your Lordships will remember that case. That had to deal with membership of a certain union. The question was how it was to be proved, and His Lordship Mr. Justice Price, took as an analogy, the question of how one would prove the gold output of the Witwatersrand over a particular period, and he said "Well, you would have to rely on a table of statistics," and that that would be admissible. And Your Lordships will see the Appellate Division expressly dissents from that view. And then further other cases, Rex. vs. Ferguson, and Gibson and Arlen. The last named (10 case, reference was made to Naicker & Pillay's Trustees. Then at page 477 De Villiers J.A. appears to give recognition to a principle of necessity as affording a ground for the admission of evidence that would otherwise be inadmissible. "There is no doubt that the exceptions to the (15 rule against hearsay have come into existence, mainly because there was felt to be a strong need for such exceptions if justice was to be done. But that is a different thing from recognising a principle that the rule against hearsay may be relaxed or is subject to a general qualification (20 if the Court thinks that the case is one of necessity. a necessity where What he calls/mercantile, or similar inconvenience dictates it, seem to be all American cases." And then His Lordship says "In England, the Evidence Act of 1938 contains provisions that presumably help to obviate some of the difficulties (25 when it is sought to summarise the activities of many and the evidence of one. But I do not find in the English text books any recognition of the principle of necessity as a basis for relaxing the rule against hearsay beyond the well-established exceptions. For (30 some purposes it is no doubt permissible to act on statements



that are strictly of the nature of hearsay, where no objection is raised to them. But that was not the case here." The point I am making is this. Matters of history, properly so called, are matters of exception under the hearsay rule. And If Your Lordships would refer to Wigmore, Vol. (5 VI, paragraph 1699, the following appears: "Dictionaries, history and general literature. Within narrow but undefined limits, the use is allowable of dictionaries and works of general literature, to give evidence, literary usage and definition, and of historical works to prove facts of (10 general history." And there is a passage quoted from the judgment of Pollok: "Standard authors may be referred to for such a purpose to show the literary significance of parodies or as showing the opinion of eminent men on particular subjects, but not to prove facts. In this case, (15 the Defendant's counsel proposed to read certain specific Church canons, not as a matter of speculative opinion, but as matters of fact," and that was inadmissible.

BY MR. JUSTICE BEKKER: You do not quarrel with the statement by the witness that it is Communist theory, probably? (20

BY MR. MAISELS: No. The witness is perfectly entitled to say, as I understand him on his evidence, that under Communism, Communism contemplates that certain bodies of this kind, this kind of body might be formed.

BY MR. JUSTICE BEKKER: Your objection relates to the fact (25 and the year....

BY MR. MAISELS: That is so.

BY MR. JUSTICE RUMPF: Now Mr. Welsh, I take it your objection also refers then to the three Internationals which were mentioned before the Cominform? (30

BY MR. WELSH: Yes, Milord.

BY MR. JUSTICE RUMPF: That must be.

BY MR. WELSH: Milords, the only other observation that I have to make about this, is this, that it appears from the witness' evidence, that he is not giving evidence about Communist doctrine. He is not saying that Communists (5 believe that this body was created in 1947. What he is really saying is that this body was created in 1947, and he has given three reasons for saying so. One is that having regard to the doctrines of Communism, it was probable that such body would be or ought to be created. Secondly, (10 he says that he has discussed the matter with his colleagues. And finally he says that this body has found its way into the text books. And Milords, the text books that he has referred to, are I think text books dealing with facts and not with doctrines. (15

BY MR. JUSTICE RUMPF: Well, he hasn't quoted one; he says he will have to look for this.

BY MR. WELSH: As Your Lordship pleases. But at any rate Milord, I did understand the witness.....

BY MR. JUSTICE RUMPF: What would be your attitude if a (20 question is asked to this witness: 'Does Communism accept the establishment of a Cominform in 1947?' And the answer is 'Yes.'

BY MR. WELSH: Milord, with respect, I don't understand the question, because I don't understand how Communism, which is (25 a body of belief, can have any views as to whether an historical fact took place.

BY MR. JUSTICE RUMPF: Communism, I take it, accepts that Leninism ..... It accepts that there was a man like Lenin.

BY MR. WELSH: Milord, it is not a peculiar doctrine of (30 Communism that Lenin lived. Nor I suggest, Milord, that ....

BY MR. JUSTICE RUMPF: But that there was a man Lenin who produced and who acted.

BY MR. WELSH: Yes, Milord, but that is simply a matter of historical fact. Lenin did once live.

BY MR. JUSTICE RUMPF: An historical fact. (5

BY MR. WELSH: Yes.

BY MR. JUSTICE RUMPF: And so is the Cominform in 1947.

BY MR. WELSH: Exactly, Milord. It is an historical fact, Milord, and therefore must be proved; it is not a question of belief. It hasn't been suggested, Milord, that there (10 is some peculiar theory or doctrine in Communism, which is peculiar to Communism, namely a belief that this body existed. And Milord, unless there were some such peculiar belief.....

BY MR. JUSTICE RUMPF: But I take it you will concede (15 that any doctrine may as part of the doctrine accept the existence of certain facts.

BY MR. WELSH: That may well be so, Milord. But there has been no evidence....

BY MR. JUSTICE RUMPF: I take it in this case Communism (20 accepts the fact, the existence of the working class.

BY MR. WELSH: As Your Lordship pleases.

BY MR. JUSTICE RUMPF: There is no need to deal with evidence to show that there was actually such a working class at all.

BY MR. WELSH: But Milord, the doctrine of Communism deals (25 with the working class; it doesn't merely deal with it as a matter of fact. It deals with its role, its function in society.

BY MR. JUSTICE RUMPF: No, but as human beings existing at a certain time.

BY MR. WELSH: But, Milord, if the question is whether the (30 Cominform existed or did not in fact exist; that, in my sub-

mission is a question of fact, and it is not....

BY MR. JUSTICE RUMPF: If he says, if he is asked whether in Communist theory it is accepted in 1947 -- if that is of any relevance -- that a Cominform was established, and if there is then to be further evidence about Communist (5 theory in regard to utterances from this Cominform -- I am merely assuming -- do you say that that basis can't be laid, in this way?

BY MR. WELSH: Milord, if the Crown wants to lead evidence about the utterances of the Cominform, in my submission the (10 Crown must first prove that the Cominform ever existed, and they can't prove it.....

BY MR. JUSTICE RUMPF: And the utterances of Lenin, they needn't prove? They needn't prove that he existed?

BY MR. WELSH: No, Milord. (15

BY MR. JUSTICE RUMPF: Why not?

BY MR. WELSH: Because, Milord, Lenin did exist.

BY MR. JUSTICE RUMPF: If that is the answer that you give...

COURT ADJOURNS:

COURT RESUMES:

(20

BY MR. DE VOS: Milord, I assume I have the right of reply. The argument passed again to the other side after I had replied, and certain points of law were mentioned that hadn't been mentioned while...or before I gave my reply.

BY MR. JUSTICE RUMPF: Well, we give you leave.... (25

BY MR. WELSH: Milord, I hadn't quite finished before the tea adjournment. May I just re-pitulate the argument. My learned friend has hitherto lead evidence as to Communist doctrine. But he says, and Professor Murray has said, that theory and action are linked in Communist thinking. (30 And Milords, in my submission, what my learned friend is

now trying to do, is to get in under the guise of doctrine and theory what is really Communist action. And Milords, our submission in this case now is, and will be if the matter crops up again that where the Crown wishes to prove what Communists do or have done, they must lead direct evidence by persons who have observed the facts, and an expert witness who was not present at the time of the act is not competent to give evidence as to what Communists have in fact done. Now, on this aspect of the matter, what Professor Murray said was that in 1947 the Communist body known as the Cominform was established, and he stated it as a plain matter of historical fact. Milord, it is possible that a belief in the existence of some past fact may form part of the doctrine. One has only to think of the doctrine of Christianity. Christians do believe that certain things happened a long time ago in history. But there is no evidence at all that it is a part of Communist doctrine or belief that in 1947 at Warsaw the Cominform was formed. And for that reason, Milords, I submit that this is a plain statement of historical fact, to which this witness is not competent to depose. Before the tea adjournment, Your Lordship asked me whether I placed the Three Internationals on the same footing. Milord, I haven't taken any objection in regard to the evidence of the First International, and it is no part of my purpose to do so. My submission is that in any event it does stand upon a different footing in the light of the authorities as to historical evidence which my learned friend Mr. Maisels has quoted.

BY MR. JUSTICE RUMPF: Has that foundation been laid?

BY MR. WELSH: Milord, it may or may not have been, but it is no part of my purpose to attack the admissibility of

that evidence. But, Milords, evidence may be led as to what the Comintern did. Now, this is a body which Professor Murray says existed until as late as 1943, which is well within living memory. It may be thought to be led, as my learned friend Mr. Maisels points out to me. This is a (5 body which is said to have been dissolved as recently as 1943, well within living memory, and my submission is that if the Crown wishes to prove what the Comintern in fact did, the Crown must lead the evidence of witnesses to the event to which the Crown refers, and also in the case of (10 this body, the Cominform, which is said to have been formed at Warsaw in 1947.

BY MR. DE VOS: Milords, very shortly, the Crown does not attempt to prove those particular facts about the Cominform as facts. The Cominform existed in 1947, or came into (15 existence in 1947, or the third Comintern ceased to exist in 1943. The Crown merely at this stage seeks to prove that in the view of Communism that was what happened. The Communists accept the existence of the Cominform, certain functions, a certain role, and what it did in broad outline.(20 As far as the Communist view is concerned, that view alone is the value of the Crown's evidence; that alone is what the Crown intends relying on. The authorities quoted by my learned friend, Mr. Maisels, I submit, are purely on the point of the admissibility of evidence in cases where that (25 particular fact referred to as a fact, must be proved. That, as I have just said, the Crown does not intend doing that by means of the evidence here. Mr. Welsh criticised the form, the contents of what Professor Murray said, that he in fact gave evidence in the form of facts. Milords, the difficulty(30 there is I submit merely a question of form of phrases, the

expert does not yet quite understand all the legal nice things to which he should conform, and it is only a question of correcting formally the contents of what the expert has to say. If that is, in any event, a difficulty, that can and should be corrected, and I submit that the expert (5 would have a very difficult task in deed in this particular case. He would have to consult a great number of authorities on a great diversity of points. He should be offered an opportunity then to correct his stated position on that particular point as an expert, and testifying from the (10 point of view of communism. That shortly, Milords, is my reply;

BY MR. JUSTICE RUMPF: Well, in this matter, the witness has given evidence about the existence of certain organisations, or forms of organisations, beginning with the First (15 International, and his evidence has been in a form from which the only inference at this stage can be made that it was intended to be evidence of historical facts. He has said that the First International was established by Marx in 1864. He referred to the Second International (20 established in 1889; to the Third International established in 1919, or about 1919, and which was dissolved in 1943. Thereafter he mentioned the establishment of the Cominform in 1947. Now, the evidence, as it was given, as I have indicated, gives the impression that the witness states, (25 or made a statement concerning those historical facts. The evidence was not in the form of an opinion about Communist doctrine. The Crown admits that it does not purport to lead this evidence as proof of what is contained in that evidence. The Crown suggests that it is the intention that (30 this evidence should be read as if the witness had said

that Communist doctrine accepts the existence and the dates of these organisations. If the Crown wants this witness to give an opinion about Communist doctrine, insofar as it accepts all its doctrines, certain facts, historical facts, the Crown should lay a proper foundation for such (5 answers, for the evidence to be given. That foundation has not been laid in the present case, in regard to the evidence to which I have referred. It has been suggested by the Defence that the existence of a fact is not part of a doctrine, or that the witness in the present case, (10 when he deals with the doctrine of Communism, is not entitled to state as a fact the existence of some occurrence in the past, apart, perhaps, from occurrences which are to be regarded as historically accepted. With that submission I cannot agree. A doctrine may emanate from accepted (15 facts, historical or otherwise. But if it is the intention of the Crown to get from this witness evidence of facts which according to Communist doctrine are accepted by that doctrine as premises or facts on which that doctrine is based, then, as I have indicated, a proper foundation (20 for that evidence should be laid. It has not been done in this case so far, in regard to this evidence, and consequently we rule that the evidence given by this witness beginning with the existence of the First International is not admissible. I say the First International, al- (25 though it has not been argued by the Defence that that particular organisation falls within the scope of their objection.

BY MR. JUSTICE KENNEDY: I agree.

BY MR. JUSTICE BEKKER: I agree. (30

BY MR. DE VOS: Milords, I intended turning to this field



later, and in the meantime I proceed with other evidence.

EXAMINATION BY MR. DE VOS CONTD.: Professor Murray, have you heard of the existence of the World Federation of Trade Unions ?-- Yes.

Now, I want you to peruse certain documents which you (5 have before you, and with a view to obtaining conclusions from you on the material after you have read it out to the Court, I ask you now to proceed now to the reading of certain documents beginning with GN.47.

BY MR. WELSH: Milords, before the witness answers that (10 question, perhaps my learned friend would indicate what these documents are and what <sup>the</sup> <sup>of</sup> purpose/the evidence is going to be. It may be that it would be relevant to show that there is such a body as the World Federation of Trade Unions. I don't know if Professor Murray knows that. (15

BY MR. DE VOS: Milord, I intend asking Professor Murray from his point of view as an expert on Communism, what his conclusions are as to the nature and activities of these bodies, as they appear on the face of the documents given to him. (20

BY MR. JUSTICE RUMPF: Are you referring to exhibits now?

BY MR. DE VOS: Yes, exhibits -- all of them exhibits in the case. I ask him to read those documents and on the face of them as they stand, to give an opinion on the nature and activity of that particular organisation as reflected (25 in those documents ?-- I read from GM.47. The title is "The Seventh All-China Congress of Trade Unions." I read from page 21, "Speech by Louis Saillant on behalf of the World Federation of Trade Unions."

Professor Murray, may I interrupt you. With the Court's (30

permission, if you find the volume of reading somewhat irksome, I take it Milord, Professor Murray could ask us to assist with the reading.

BY MR. JUSTICE RUMPF: Yes, I take it you have no objection to that? (5

BY MR. MAISELS: No.

EXAMINATION BY MR. DE VOS CONTD.: I can continue for the moment.

I leave it to you, Professor Murray, to indicate if you wish us to assist. Now, first of all, Professor (10 Murray, you are reading from ...?-- From "The Seventh All-China Congress of Trade Unions." The exhibit number is GN.47. I am reading from page 21 ....

And could you mention the publication -- is there a publisher mentioned?-- Foreign Languages Press, Peking, 1953. (15

Yes?-- I am reading from the speech by Louis Saillant the Secretary-General of the World Federation of Trade Unions. Page 21 -

Is that the whole title you read out now?-- That is the title "Speech by Louis Saillant on behalf of the World (20 Federation of Trade Unions." -

Dear Comrades: On behalf of the 80 million workers united in the ranks of the World Federation of Trade Unions, I fraternally and warmly salute the delegates to the Seventh All-China Congress of Trade Unions and (25 all the workers of your great and wonderful country. I warmly wish the greatest success to the Congress, which is an important event in the national life of China, as well as an important event in the life of our international working-class movement. From this (30 rostrum I should like to extend my sincere thanks to

the All-China Federation of Trade Unions for its valuable assistance to and constant support of the World Federation of Trade Unions and its Trade Departments. By actively participating in the international working-class movement, in showing numerous proofs of (5 its international solidarity, the All-China Federation of Trade Unions is holding high the banner of proletarian internationalism in the countries of Asia and Australasia, a banner behind which the workers in the capitalist and colonial countries in the struggle (10 against their exploiters stand shoulder to shoulder with their brothers and sisters of the Soviet Union, the People's Republic of China, and all the People's Democracies, thus forming the world front of struggle of the workers on the glorious road to socialism. The (15 workers throughout the world follow with great sympathy the success of the Chinese people in the building up of a new State which protects the people who from now on are masters of their own destiny. Your first successes in your creative work, dear Chinese comrades, have (20 without any doubt put you on the road to even greater successes. You have taken this road under the guidance of your respected and beloved leader, Chairman of your glorious Communist Party, Comrade Mao Tse-tung. We view with great joy the progressive transformation of (25 China. The Chinese workers have the right to be proud of the achievements to which they are devoting all their efforts and all the passion of a people that loves its country. In their work of creating a new and happy life in your country, which without any doubt is laying(30

the foundations of socialism the Chinese people are drawing inspiration from the great historic lessons and the victorious experiences of the Soviet people -- the first people in the history of mankind to have shown that capitalism was neither universal nor eternal, and (5 who with the October Revolution of 1917, showed that the era of socialism had begun, opening new perspectives before all mankind. Comrades, while you men and women workers of New China are winning day after day new successes on the road to a better life, the situation (10 of the workers in the capitalist, semi-colonial and colonial countries is very different. In point of fact, misery is increasing in these countries, wreaking havoc among families. Unemployment is rapidly expanding. Wherever social welfare exists, it is subjected to (15 attacks. Social legislation is under constant attack. Repression is striking the working class, its militants and its organisations. Where the monopoly capitalists are accumulating maximum gigantic profits the living conditions of millions of working men and women are (20 becoming more and more unbearable. This is why the number of struggles for wage demands has increased considerably recently. The workers, with ever-increasing Unity of action, are switching more and more on to the offensive in these struggles. The recent strikes in (25 Japan, the many strikes in India and other countries of South-East Asia, and the general increase of struggles against unemployment, dismissals and the lowering of real wages, are proofs of positive developments of this mass action. Every case confirms the direct link that (30 exists between the workers' struggles for their demands

and the action of the people for national independence and the defence of peace. How is one to characterise the conditions under which the struggles of the workers and the activity of the World Federation of Trade Unions are developing in the capitalist, colonial and semi- (5 colonial countries? We can answer this question as follows: (1) The unceasing struggles of the labouring masses for better living conditions, for peace and national independence are resulting in the open violation by the ruling classes of the capitalist countries of (10 their own bourgeois laws. The bourgeois laws no longer sufficiently protect the ruling classes against the legitimate demands of the working masses. The ruling classes are resorting more and more to brutal, anti-democratic and anti-working class repression. They are changing (15 their regimes into police regimes, which will absolutely protect their class privileges. Political and social discrimination of a fascist character is one of the bases of the new laws which the ruling class is attempting to establish and extend. (2) Contradictions of interests (20 between the capitalist countries are arising and growing more open than in previous years. Other conflicts are rapidly maturing which are the direct consequence of the intolerable policy of the American imperialists in trying to achieve world hegemony. In the face of these contra-(25 dictions of interests, between capitalists eager for maximum profits, the working class with its vanguard organisations and its trade unions is developing its struggles on the basis of proletarian internationalism. In each country, the working class is furthering the cause of unity among(30 the workers, peasants, intellectuals and the progressive

sections of the bourgeoisie. Thus the ardent struggles of the peoples for their democratic rights and vital needs is linked with their no less ardent struggle for national independence. 3. The conflicts between the peoples of the colonial and semi-colonial countries (5 and the governments of the colonial powers are growing and becoming more intense. Within the last few years they have extended to new sections of the world. The whole colonial system is shaken to all its traditional and vital foundations. The colonial and feudal systems (10 are seeing the rise of millions of human beings in open struggle against colonial oppression. In these struggles, the estimations we made here in Peking in December 1949 at the Trade Union Conference of the Asian and Austral- (15 asian Countries concerning the role and tasks of the trade unions have proved to be correct. In the colonial and semi-colonial countries the trade unions are a real force of a genuinely national character from the moment when they take an active part in the people's resistance against colonialism and when they become important basis (20 for the development of mass action. This makes the colonialists want to subject the trade unions completely to their own policies. But they are meeting with in- creasing difficulties. We certainly foresee the time when the trade unions in the colonial and semi-colonial (25 countries will surge forward and develop fully. This will be the moment when the people, through a tremendous effort of patriotism, will have shaken off the hold of imperialism and colonial slavery. It is the honour and pride of the World Federation of Trade Unions to support (30 this great, historic struggle of the peoples for their

national independence and national liberation wherever it is necessary. It is the honour and pride of the World Federation of Trade Unions to have stimulated the great currents of international solidarity on behalf of the complete liberation of the colonial peoples. (5 It is the honour and pride of the World Federation of Trade Unions to have stood since June 25, 1950, side by side with the Korean people, who rose united and solid as a rock against the aggression of the United States Imperialists. In the last three years, the World (10 Federation of Trade Unions has continuously affirmed its active solidarity with the wonderful people of Korea. From this rostrum you will permit its representative to express his gratitude and pay homage both to the fighting Korean people and to the heroic Chinese Volun- (15 teers. The move for peace from the governments of the People's Republic of China and the Democratic People's Republic of Korea, shows the possibility of a peaceful settlement of the whole Korean question, and was welcomed last month by all the peoples of Asia and by those of (20 the other continents. Today the facts once more prove that there is no international conflict that cannot be settled by discussion and negotiation. We are now living in a period of major importance for the destiny of our generation and future generations. The (25 World Federation of Trade Unions, at the 22nd meeting of its Executive Bureau which took place a week ago in Vienna Austria, called on the workers of all lands to redouble their efforts and to use every means of pressure in their power to obtain an immediate ceasefire in Korea (30 and a peaceful settlement of the Korean question. Ex-

Expressing the will of these masses, the World Federation of Trade Unions considers that the recent debate at the United Nations on the Korean question now makes it necessary for that organisation to adopt truly effective measures for the establishment of peace in Korea. If (5 the United Nations does not take such measures it will lose forever all its prestige in the eyes of the people of the world. The United Nations, which to our regret has covered the imperialist operation against the Korean people with its flag, can become an instrument of peace (10 in the service of the peoples. For this the obligations for which it was created in 1945 must first of all be honoured. The United Nations organisation must thereafter, and without further delay, put an end to its own weakness by giving the Central People's Government of the People's (15 Republic of China the seat in the United Nations to which the great Chinese people is entitled. By taking the cause of peace in their hands, and defending it to the end, the peoples can, by their joint efforts, make 1953 a noteworthy stage in the strengthening of friendly co-opera- (20 tion between them the establishment of peaceful relations between all nations whatever their social system, and the starting point for the immediate building of peace.

The trade unions have a special role to play in the cause of peaceful coexistence. They can be in their respective (25 countries, in the capitalist, semi-colonial and colonial countries, the driving force for an economic policy based on great commercial interchange as opposed to the present discrimination fomented and desired by the imperialists.

This particular activity of the trade unions will buttress (30 in a concrete and solid manner their participation in the



struggle for national independence and national liberation. Comrades! One of the reasons why we attach great importance to the Seventh All-China Congress of Trade Unions is that it takes place five months before the convocation of the Third World Trade Union Congress which will be held in Vienna beginning on October 10 next. Organised by our Federation, the Third World Trade Union Congress will be effectively the Congress of all the workers of the whole world. This Congress will be a congress of unity in which organisations not affiliated to the WFTU but desirous of defending the workers interests and peace, may participate. On April 22, the Executive Bureau of the World Federation of Trade Unions appealed to the workers of the world to prepare for the Third World Trade Union Congress. What language does the World Federation of Trade Unions use to all the workers of the world, to all the trade unions, whether they be members of the Federation or not? It is the language of comradeship, of fraternity and of solidarity. The World Federation of Trade Unions said to them: Dear Comrades and Friends, We live in different countries. We represent all the races, all the nationalities, and all the political and religious convictions on earth. We speak different languages, but we have common interests for we are class brothers. We are united in the conviction that the conditions of the workers are deteriorating in the capitalist and colonial countries and that we must struggle for an improvement. We are united in the conviction that wherever it exists, social legislation should be improved, and that it should be instituted wherever there is none. We are united in the conviction that an end must

be put to super-exploitation and that discrimination against race, colour, sex or age must be abolished. We are united in the conviction that public health should be improved, and education should be extended. We are united in the conviction that no one has the right to (5 forbid the legitimate activities of the trade unions, nor rob man of his rights and his basic and sacred democratic liberties. Finally, we are united in the conviction that peace can be safeguarded and that war is not inevitable. We have then, a broad basis for unity. If we (10 want to win our struggles we must make this unity of common aims and interests into a unity of action. Wherever the workers are united success is assured. The World Federation of Trade Unions has always considered the struggle for international unity of action among the (15 workers as its greatest duty, it has always promoted the unity and action of workers. By preparing for it at all places of work, make the Third World Trade Union Congress a great congress of unity of all the workers of all countries. Undoubtedly no other organisation (20 is in the position so to speak to the workers of the world. The splitters in the ranks of trade union movement are the advocates of imperialist policies who support the colonial and semi-colonial systems because they personally are closely linked with the interests and actions (25 of the imperialist governments. It is not they who can speak this way to the workers of all countries. The World Federation of Trade Unions is conscious of its responsibilities before the workers of the whole world. We do not feel responsible only before the 80 million (30 members of the Federation or the workers affiliated to the World Federation of Trade Unions. More and more we

say, whether the union to which they are affiliated is a member of the World Federation of Trade Unions or not, every time workers take action in a capitalist, semi-colonial or colonial country, the needs of their struggle, its causes, and the creation of the conditions (5 for its success invariably lead these workers to take the banner of the World Federation of Trade Unions as their banner, and the essential parts of the Programme of the World Federation of Trade Unions as their programme, and to use the means of action which are recommended by (10 the Federation. This means that the World Federation of Trade Unions is responsible for its actions before the workers belonging to trade unions which are not affiliated to it. We gladly accept such responsibilities, because they testify to the increasing development of united (15 action among the workers in every country, as well as to the development of international united action. Once more we affirm that the question of united action is the foundation of all success in trade union activities and in the activity of working men and women. To (20 achieve united action everywhere, such is the essential and decisive task which confronts the trade union movement today. Our stand in favour of united action and of united trade union movement in all countries is a fundamental stand for the World Federation of Trade (25 Unions. The friends and partisans of the World Federation of Trade Unions must act from this fundamental stand and always respect it. In this way, they will constantly give rise to new moves for unity; in this way, they will create the conditions for a broad rallying of the (30 masses. The task of the trade unions and their leaders

is never to allow themselves to become detached from the masses of the workers, and to raise their class consciousness through everyday struggles and experiences. The task of the trade unions and their leaders is to know themselves how to learn from the masses and with the masses. We will forward the work of unity among the workers in the preparations for the Third World Trade Union Congress by developing new efforts in favour of unity and by exposing before the workers the anti-working class and anti-democratic policies of the die-hard enemies of unity. Long Live the unity of the workers of the whole world and their international solidarity! Long Live the Seventh All-China Congress of Trade Unions! Long live the World Federation of Trade Unions, the active fighter for peace among all peoples for national independence, for democratic liberties and the welfare of the workers of the world! Long Live the Central People's Government of the People's Republic of China, and the leader of the Chinese people, Comrade Mao Tse-Tung. (20

That concludes that section.

Professor Murray, I don't think it is necessary for you to read the other one, the other portion in that book, I propose not putting that one to you. On what you read so far, that is the total speech as reported in that book of Saillant?-- That is correct. (25

Now, taking what you have read into account, giving your opinion only on what you have read in that particular book, at the end I will ask you to comment on the World Federation of Trade Unions more generally. But as far as this particu-

lar portion is concerned, this particular extract you have been reading so far, speaking as an expert on communist doctrine and theory, what are your comments on that particular document ?--

BY MR. WELSH: Milord, I object to that question? What (5 my learned friend is asking the witness to do is to draw an inference from this document as to the nature or the activities of a body called the World Federation of Trade Unions. Now, this is a document.....

BY MR. JUSTICE RUMPF: As set out in that document. (10

BY MR. WELSH: As set out in this document. Now, Milords, the document is a document which purports to have been published in China. The only evidence about it in this Court, as far as I know, is this that it was found in the possession of one of the co-conspirators. And, Milords, it con- (15 tains what purports to be a report of a speech by the President of the World Federation of Trade Unions. Now, one of the issues in this case, is as to the actual nature of the activities of the World Federation of Trade Unions. Milords, it is referred to in the Summary of Facts, at page 53 of the (20 pleadings, where it is said that the World Peace Council has sought to achieve certain objects, through the activities of certain international communist sponsored organisations, such as the World Federation of Trade Unions, and certain others, who have co-operated with, supported and carried (25 out policies of the World Peace Council. Now, in my submission before any expert evidence of the kind which Professor Murray is proposing to give becomes admissible, it must be established, firstly that there is a body known as the World Federation of Trade Unions; but more especially, it must (30 be proved that this speech was as a fact made. Because what

this witness is purporting to do is to draw inferences based upon his expert knowledge of Communism in regard to the activities of this body and his drawing those inferences, his being invited to draw those inferences.....

BY MR. JUSTICE RUMPF: From his knowledge of the activities(5 of this body.

BY MR. WELSH: Yes, Milord.

BY MR. JUSTICE RUMPF: Well, here again, unless I am mistaken I thought that it may not have been clearly put by Mr. De Vos, but on the evidence so far of this particular (10 document, the question as I understood it was related only to the contents of this document. Not to the existence or not of any organisation.

BY MR. WELSH: Exactly, Milord. The very first question that was asked of professor Murray, was had he heard of (15 the existence of this body, and he said "yes." Now, Milord, it may be necessary to ask some questions as to whether he had any personal knowledge of the existence of the body. But I am not, Milords, concerned primarily with that at the moment. The point that I am making, is that (20 if evidence is to be placed before this Court as to what the World Federation of Trade Unions is and does, it must be properly proved, it must be direct evidence, and Milords, the mere fact that there is a speech in a Chinese document found in the possession of a co-conspirator, which purports(25 to be nothing more than the report of the President of this body, is not in any sense original evidence at all. This witness can only comment upon the original act of these bodies. If it is proved for example.....

BY MR. JUSTICE RUMPF: I still think that your argument (30 may be based on an assumption that is not correct. I'm not

certain, but all that at the utmost, the highest that this witness can be asked as to the contents of this document.....

BY MR. WELSH: But Milord, the inference which the witness is being asked to draw will be completely irrelevant unless this speech is proved. If my learned friend tells me that (5 he is going to call a witness who was present at this Congress of Trade Unions in China, and who will say what this President of the World Federation said, then Milord, as a matter of convenience no doubt.....

BY MR. JUSTICE RUMPF: But how are you going to confirm (10 in regard to this document, whether this speech was made at all?

BY MR. WELSH: Milords, if it wasn't made, this evidence is completely irrelevant.

BY MR. JUSTICE RUMPF: Why? (15

BY MR. WELSH: Because, Milord, as I understand my learned friend's purpose, what he is trying to establish is the nature of the activities of the World Federation of Trade Unions, indeed the nature and character of this body.

BY MR. JUSTICE RUMPF: In terms of that document. (20

BY MR. WELSH: Now, Milords, until it is established as a fact what this body is and does .....

BY MR. JUSTICE RUMPF: But is it not in terms of that document only? Whether it is a hypothetical organisation or not. (25

BY MR. WELSH: Milord, Your Lordships with respect are not concerned with hypothetical questions and the nature of the World Federation of Trade Unions. Milords, perhaps my learned friend can save time and indicate to Your Lordship precisely what his purpose is in leading this evidence. (30

BY MR. JUSTICE RUMPF: Yes, I would like to hear Mr. De Vos.

BY MR. DE VOS: Milords, the position of the Crown is shortly this. The Crown contends that on the basis of documents before the Court now, the existence -- or the Crown will argue that the existence of certain organisations will appear, will be proved, or be proved, although (5 at this stage I cannot present a coherent argument on all the documents before the Court. I don't ask this witness to testify to the existence of the W.F.T.U. or any other organisation for that matter.

BY MR. JUSTICE RUMPF: Do you say that on the documents (10 which have been put in, the Crown contends that there is evidence of the existence of the WFTU.

BY MR. DE VOS: Of the World Federation of Trade Unions, and how the Accused understood that particular body, the functions and so forth, of that particular body. But I (15 do not -- now I merely at this stage ask this witness to comment on a document which purports to deal with the W.F.T.U., and which will be part of the body of evidence about the W.F.T.U. when the factual position is fully argued. At this stage I ask this witness to assume that (20 there exists a W.F.T.U. for the purpose of his opinion. I am asking him to look at the document as it stands.

BY MR. JUSTICE RUMPF: The point that is raised is this that having regard to your allegation in your summary of facts, you should make your stand clear at this stage. (25 And you should not proceed on an assumption on the part of this witness. Or by the Court, that this exists. But if the argument is correct that the Crown must prove the existence of this organisation; if it fails thereafter to do so, this evidence may be irrelevant, and inadmissible. (30

BY MR. DE VOS: Milord, the difficulty of the Crown, the



practical difficulty is this, that that would involve a complex argument on all the facts in the case so far. First of all, to satisfy the Court that as against these Accused, the existence of a certain organisation by the name of W.F.T.U. has been established, as also the existence of its existence in a certain light.

BY MR. JUSTICE BEKKER: Is the basis of this expert opinion on the assumption that there is such a body and that this speech was in fact made?

BY MR. DE VOS: It is on the assumption, Milord, that there is such a body and as far as the Accused are concerned, the speech was made.

BY MR. JUSTICE BEKKER: Then I don't see why you should argue the matter at this stage. Why can't you say to the witness: Assuming that there is such a body, and assume such a speech was made, what is your opinion? And if you don't prove....

BY MR. DE VOS: I'm sorry, Milord, I should have put my position more clearly; that is what I had in mind when I said he should argue on the document as it stands. It reads there that a speech was made by a certain person, and he said A, B and C.

BY MR. JUSTICE BEKKER: If you don't prove such a body on the evidence which you have, and whether or not the speech was made, then of course, this opinion would fall away.

BY MR. DE VOS: That is so. (25

BY MR. JUSTICE BEKKER: That is the position. Because if there is no such evidence forthcoming then it is a waste of time to listen to this evidence

BY MR. DE VOS: I realise that, Milord.

BY MR. JUSTICE BEKKER: It may be. (30

BY MR. DE VOS: I realise that is the position, but I am

unable for practical purposes at this stage to adopt any other attitude as to the procedure. It seems to me that the only way of doing it is by way of asking this witness' opinion on that assumption. And Milords, I submit that that is not.....

(5

BY MR. JUSTICE RUMPF: But, of course, the difficulty is this. We are not here for a week or two; or we haven't been here for a week or two, and as far as I can see the end of this case is not yet in sight. Why should we embark upon a procedure of listening to evidence on the assumption of something being established by the Crown which may not take place. Surely in view of the nature of this case we shouldn't do that.

(10

BY MR. DE VOS: Milords, the position is simply this, that I intend -- the Crown's submission will be that on the evidence of this witness the documents before the Court label the W.F.T.U. as being so A.B. & C. And wherever reference is made in certain further documents to the W.F.T.U., it must be understood <sup>in</sup> that particular sense. Now, the witness is not asked could he possibly.....

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BY MR. JUSTICE RUMPF: May I ask you this: Is the Crown's evidence concluded as far as the existence of the World Federation of Trade Unions is concerned, and the allegation made by the Crown in its particulars.

BY MR. DE VOS: Milord, there will be speeches which will also deal with that matter and from which the inference can also be made; it will assist to come to a final conclusion.....

(25

BY MR. JUSTICE BEKKER: But you say the Crown will rely on further evidence?

(30

BY MR. DE VOS: On further evidence, that is so.

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