

TREASON TRIALS DEFENCE FUND

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PRESS SUMMARY

This is the twentysecond issue of a regular bulletin giving a factual resume of the proceedings of the Treason Trial.

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FASCISM IN EXTENSIO

Mr. I.A. Maisels, Q.C., resumed his cross examination of the Crown expert witness, Prof. Murray, at the beginning of the fifteenth week of the trial. Returning to Prof. Murray's explanation of the "extended use" of the term fascism, Adv. Maisels quoted passages from eminent historians and statesmen, inter alia Prof. Eric Walker, Adlai Stevenson and Winston Churchill; the witness agreed in most cases that the quotations contained the term in its extended sense, that these eminent persons were not likely to be influenced by Communist propaganda or to have accepted the Communist interpretation of a situation.

Mr. Justice Rumpff asked Adv. Maisels whether in the works quoted, he had come across any application of the term fascist to a particular state, or to any existing state, e.g. any reference by Winston Churchill to Great Britain as a fascist state. Adv. Maisels answered that he would have to look up this particular reference.

He then asked the witness whether left-wing and non-left-wing writers in Great Britain and in South Africa referred to "fascist elements" in Britain. The witness agreed that this was so. Adv. Maisels continued with examples of the extended use of the term "fascist" by such persons as President Truman, the violent anti Communist writer Douglas Reed, and also of its use in standard history books in use in South Africa. When a quotation from Prof. McIver, "one of the most eminent living sociologists", had been put to the witness, he replied that this use of the term "fascist" could have a Communist interpretation. Occasionally the witness asked to see the texts quoted before expressing an opinion on the use of the term fascist. Adv. Maisels continued putting quotations to the witness, suggesting at one stage that on this question of the use of the term fascism "You're the only man in the regiment in step!"

Mussolini - et alii?

At one point, Mr. Justice Rumpff suggested that the cross examination should return to the narrow issue. The witness had said that the term fascism applied to the system of government in Mussolini's Italy, and had then explained that Communism applied it to a type of bourgeois capitalist state at a certain stage of development. He had then admitted that the term fascism is used in an extended sense and may be used so by non Communists (wittingly or unwittingly) if they apply it to a bourgeois capitalist state, using it in its Communist interpretation. The difference between Nazism and fascism which the Defence was bringing in was not really the point at all. The point was that people may use the term fascism, using the Communist origin and giving it the meaning arising from the Communist origin.

Adv. Maisels "The point is whether or not it showed Communist influence. The witness claimed the use of the term as a "Communist characteristic."

Adv. Maisels then asked Prof. Murray: "You meant that what was Communist usage is now unwittingly often used by non Communists?"

Unconscious Sin?

Mr. Justice Rumpff then asked Prof. Murray whether he admitted that the term fascism had acquired an extended meaning. The witness replied that it was used occasionally as a term of abuse, or as a swear word, but he was not convinced that the usages quoted could not be ascribed to Communist interpretation; the extended use of the word implied the particular interpretation which had developed from the Marxist Leninist doctrine. Right wing writers could adopt this inter-



pretation, knowingly or unknowingly; this could only be decided by examining the whole chapter. He agreed that the right wing writer might use the term with the obvious intention to use it in its Communist sense, but not necessarily with the object of propagating Communism, but insisted that in order to ascertain the sense, it was necessary to look at the scope of the book. Assuming the general use of the word by popular writers, such as John Gunther, he would say that if it were applied to Spain, he would say that it was associated with the original meaning of fascism; if it were applied to any other country he would say that the user had either consciously or unconsciously adopted the Communist interpretation or had picked up the phrase; he then qualified the express "picked up the phrase" by stating that it did involve a certain attitude.

#### A Dirty Word?

Adv. Maisels then referred to the large number of writers, political, learned and popular, whom he had quoted, all of whom appeared to use "fascist" in the extended sense.

Prof. Murray admitted that the word could have two extended senses; it could be used in the Communist extended sense or as a term of abuse.

Adv. Maisels: "In many of the documents (of the accused) before the Court, it is clearly used as a term of abuse?"

Prof. Murray: "In some cases."

The witness agreed that in the works quoted by the Defence the term fascist had been applied to Germany, Spain, France, Britain, U.S.A., Poland, Austria, Rumania, Hungary, Bulgaria, Japan, Belgium and others.

Adv. Maisels: "Surely you agree now that the extended usage may not be in any way indicative of Communist belief or adherence to or advocacy of Communist doctrine?"

The witness agreed, but added that the term might be used in the Communist interpretation.

#### The Crime of the People

Prof. Murray then produced authorities on the Communist attitude to religion which had been requested by Mr. Justice Bekker at an earlier stage of the cross examination, and read from Lenin and Stalin to show that there was no such condition as that members of the Communist Party must be atheists; on the contrary, they could hold religious views. An attitude towards religion was not prescribed, even priests could be members of the Party provided they were not reactionary.

#### Perverting the Young?

Adv. Maisels began his cross examination of Prof. Murray on youth organisations with the United Party and the Nationalist Party youth movements, suggesting that the relationship of these youth organisations to the parent organisation could, on Prof. Murray's evidence, also be said to be "in line with Communist method and tactics." Prof. Murray replied that, as both the Nationalist Party and the United Party differed from the Communist Party, it was reasonable to assume a difference in the youth movements, which would be more of an integral part of a Communist parent organisation. He dismissed the opinion of Gwendolen Carter in 'Politics of Inequality', quoted by Adv. Maisels, as that of a "hostile critic", and taken too often from newspaper sources. Adv. Maisels put a few questions to the witness on youth and organisations and then asked "Can we now forget about the African National Congress Youth League and the Transvaal Indian Congress Youth League indicating Communist influence?" Prof. Murray conceded that the references he had quoted were usually found in a context with possible Communist influence - but might not be so found!



### United We Stand

Turning to the reference to the United Front, contained in Chief Luthuli's speech, which Prof. Murray had claimed as an indication of Communist theory, Adv. Maisels quoted the passage again; the witness replied that the indication of Communist influence was not only there, but in other parts of the document. Adv. Maisels asked the witness to say what in the whole document induced him to believe that the reference to the United Front contained in Luthuli's speech had any possible Communist interpretation. Prof. Murray replied that the President of an Association did not speak in isolation, and that this speech must be considered together with the address by Dr. Naicker and also the Secretarial Report. The Court then adjourned for 20 minutes to give the witness an opportunity to study the documents.

After the adjournment Prof. Murray stated that the phrase "united democratic front" could be shown to have associations with the Communist line; there were Communist items in other parts of the document with which Luthuli's use of the phrase could be associated; there might be a stronger connection between this suggestion of a multi racial democratic front and Communist associations, than with non Communist theories.

Prof. Murray admitted that the A.N.C. represented people with no voice in the government of South Africa, that the Coloured people at least had no vote in the Transvaal, that the Congress of Democrats was a body of sympathetic white people, and that on his own evidence a united front could be an alliance between Communists and non Communists, but interjected that it would be for the purpose of breaking the Government so that the Communists could get power. Adv. Maisels then indicated several forms of a united front, which had at different times been adopted by both Communists and non Communists, illustrating the latter with the alliance of the Nationalist and Afrikaner Parties and the electoral alliance between the United and Labour Parties, and also the three cornered alliance in 1952 between the Torch Commando, the United Party and the Labour Party, referred to as a powerful democratic united front in "The Friend", issue of 17.4.52.

After Prof. Murray had admitted that he knew of the non-Communist use of the term united front in South Africa, but differentiated between this term, and united democratic front, Adv. Maisels put it to him that the term, whether of Communist origin or not, whether used by Communists or not, was used every day.

Adv. Maisels opened the following morning with the term police state, recalling the request for Prof. Murray to produce evidence of any use of this term in Communist classics as indicated in his evidence in chief. The witness replied that the concept had not occurred as that phrase in the earlier classics, but there were references to a similar type of state, the stage at which the state became what was now called a police state.

### Class Struggle

The cross examination then turned on the phrase "class struggle" and the view that the working class was exploited by capital. Prof. Murray agreed that this view was held by a number of people and that he himself had held it at one time, admitting under pressure that he had consistently expressed it in his writings, even up to the period covered by the indictment.

Adv. Maisels continued by quoting passages from the various articles written by Prof. Murray, and from his book, Die Volksraad, referring, inter alia, to united trade union action, to the relationship of capitalism, imperialism and war, the history of the class struggle. Mr. Maisels suggested that if these passages had been found in documents of the accused they would have been labelled by Prof. Murray as "in line with Communist teaching." Prof. Murray admitted that such things might have been said and had been said by non Communists, but added that he would suspect a Communist analysis.

### Clarification from the Bench

Mr. Justice Rumpff, addressing himself to Prof. Murray, referred to his evidence in chief on the doctrine of Communism and certain exhibits which had the appearance of being in line with Communist doctrine. He had the difficulty

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that he had not understood the witness to say in the majority of cases that the word or concept represented Communism exclusively, but that it was either in line with typical Communism, used in Communist literature, or an analysis as seen through Communist eyes or in terms of Communist doctrine, e.g. fascism, trades unions, the class struggle. "Is your evidence that in any particular document any of these Communist analyses of the situation may have been taken over by a political movement or philosophy which is not Communist, e.g. a bourgeois socialist? You do not say that the author is Communist but that it contains matter consistent with Communism? Do you purport to say broadly that all are exclusively part of Communist doctrine or that they show a Communist analysis, but one that may be applied by people not adhering to Communism?"

Prof. Murray replied "That is the position." The ideas in the documents were predominantly Communist, and fell in line, but others might use them too. He conceded that many of the Communist analyses had been adopted by bourgeois socialism, although often in a modified form.

Mr. Justice Rumpff: "That was the way you intended to give your evidence? The terms used might or might not represent Communism or might represent the extreme form of socialism? You did not intend to call any man a Communist or label any document Communist?" The witness agreed and then stated, in answer to another question, that the fundamental difference in theory between Communism and the extreme form of bourgeois socialism lay in the ultimate theory of capitalism. It centred round the attitude of the revolution, which was regarded as inevitable by Communism, whilst bourgeois socialism accepted the principle of reformism.

Adv. Maisels indicated that the questions put by Mr. Justice Rumpff were questions that were to be put later by the Defence unless the witness would concede at least that these phrases were in no way indicative of Communism.

Prof. Murray: "I accuse no one of Communism".

Adv. Maisels: "No, not one, except where you said "straight from the shoulder" Communism. We are concerned with a number of people who have been on a capital charge for a long time. We are not here to play around with highly skilled professional meanings, but with the meaning of the ordinary man in the street. Was your task to smell out Communism?"

Mr. Justice Bekker: "What was your mandate?"

Prof. Murray: "To report on the documents, to read them in full and to indicate where I thought there was Communist association, or attitudes of mind."

Adv. Maisels: "You mean it was no more than that? To be found in Communist literature?"

Prof. Murray: "Characteristically, but not exclusively Communist."

#### Alternative Sources:- Used by Communists and Non-Communists

Mr. Justice Rumpff commented that matter characteristically but not exclusively Communist might also be characteristic of bourgeois socialism.

Adv. Maisels pointed out that when commenting on the Freedom Charter, the witness had gone out of his way to suggest an alternative source, but had done this on only one other occasion in the whole record.

Adv. Maisels: "I want to show the Court that substantially the phrases you've pointed to are the small change of political discussion in South Africa, and in the western world, Communist or non Communist!"

Mr. Justice Rumpff asked the witness whether, when he used the phrase "accepts a Communist interpretation of the situation" he meant that the author had knowingly applied the Communist analysis or that it coincided or was consistent with the Communist analysis. The witness replied that it could be either, depending upon the document.



Adv. Maisels pointed out that the witness in his evidence in chief had not made it clear that a view was not exclusively Communist, but could be held by others. Why should the witness have assumed it to be common knowledge that the term fascism was used elsewhere?

Prof. Murray replied that he had thought that everyone concerned with this sort of thing knew that fascist had two meanings. He had thought that people of experience would know that it could be used also by non Communists.

Proceeding with the cross examination, Adv. Maisels referred to Prof. Murray's view of Marxism as expressed in his article written in 1935; the witness agreed that he was not a Communist in 1937 and that he had said that no one could understand contemporary world events unless he had read Marx. He conceded that there was a lot of Marxism in that article.

#### THE FACTS OF SOUTH AFRICAN LIFE

Adv. Maisels then referred to the statement in the Crown's opening address that the accused were inspired by Communist fanaticism, Bantu Nationalism and racial hatred and indicated that he would, by the presentation of objective facts, look for a simpler interpretation, the right of the human being to be treated as one.

Adv. Maisels then put Prof. Murray various statutes relating to differentiation and deprivation of rights based on race and colour, beginning with the franchise position and the fact that the overwhelming majority of the population had no direct representation either in Parliament, on local bodies, or on statutory bodies. Prof. Murray stressed "consultative" facilities but eventually conceded the lack of direct representation and admitted that separate and unequal amenities for different races could create bitterness "if badly applied", that the elementary right of Africans to bargain through trade unions had been removed, and that even on wage boards, which affected the very stomachs of African workers, they had no representation. The very right of the individual to live was denied to non Europeans by statutes and regulations governing skilled employment in urban areas, in trades and even in professions. Property rights were denied to Africans through the Land Act and the Natives Urban Areas Act and to Indians through various statutes. Forced labour, child labour, farm prisons, imprisonment for failure to pay rent, conditions of labour, deportation without trial, pass and permit raids, influx control and forced movement of non white populations, and other harsh realities of the life of the non white were put to Prof. Murray, with the suggestion that echoes of all these were to be found in the Freedom Charter.

Asked whether it would be correct to say that the feeling against the pass laws was very violent, Prof. Murray conceded that this was so "in some areas. In other areas there is sympathetic administration." He admitted that between 1936 and 1956 the position had become worse. When Adv. Maisels referred to statistics relating to the unequal distribution of the national income between whites and non whites, Mr. Justice Rumpff asked what was the object of putting these statistics to the witness. "Where will it stop?"

Adv. Maisels: "Where did the Crown case stop?"

Mr. Justice Rumpff: "Assuming a reasonable man would expect dissatisfaction on the part of the non-whites, where does it get you in so far as the charge is concerned?"

Adv. Maisels: "Very far, because the Crown has alleged that the accused were inspired in varying degrees by Communist fanaticism, etc., whereas the real inspiration of the accused was the miserable conditions. Political speeches must be seen in the context of the situation. If a worker in England says he is "oppressed", it may be due to Communist influence, but in South Africa you don't have to look for foreign influences."



Mr. Justice Rumpff commented that he had not understood that the Crown case was that the accused protested without justification. Adv. Maisels pointed out that the Crown had stressed the violent language of criticism of the government. Continuing the exposition of discriminatory legislation Adv. Maisels paid particular attention to the Bantu Education Act, the Group Areas Act and the Western Areas Removal Scheme, involving the total loss of freehold rights, and the onerous and harsh location regulations.

The White Man's Law: On the following morning Adv. Maisels put to Prof. Murray that the laws made by the white man (in Nationalist and preceding governments) were such that they controlled for the African, Indian and Coloured, where they should live, where they might work, what work they might do, what wages they should earn, to what schools they should go and what kind of education they should receive, and where and how they should travel.

Prof. Murray objected that these were bald statements which did not give a balanced picture, and pointed to the discretionary powers given to the authorities. Asked whether he would agree that the African might very well regard this government as reactionary, fascist (in the extended sense) Nazi and undemocratic, Prof. Murray agreed that it could be so, depending upon the interpretation of the situation. Adv. Maisels put to the witness that the African might, with regard to the restriction of his liberty and the interference with his privacy, well say that he lived in a police state, and that in fact all the epithets stamped Communist could in the eyes of an embittered non-Communist be considered applicable, and also by unembittered objective white persons. Prof. Murray replied that it would depend upon the meaning given to the words used.

Adv. Maisels said that he wanted to show that Prof. Murray's basis was fundamentally wrong, and put it to him that if a Charter of Rights were to be drawn up, it could not be expected to reflect the future without the present grievances, to be linked with campaigns such as those against Bantu Education, the pass laws and the Western Areas Removal. It would be expected that any opposition party would link grievances with opposition to the government.

Adv. Maisels referred to the acknowledged tendency in South Africa for the use of strong language in political debate, referring to the judgement in the Star libel case, which evaluated intemperate language as the small change of political discussion "But this is a treason case and not a libel case!" Prof. Murray agreed that struggle denoted intense political effort, as in India, and not physical combat, that the political use of military metaphors such as fight, enemy, forces of nationalism or liberation etc. was a commonplace, that sacrifice was not connected with bloodshed, and that politicians were prone to say to their followers "Our cause is bound to triumph."

#### Imperialism Equals Communism?

Adv. Maisels then put a number of quotations and references to imperialism to the witness: "I want to destroy this myth of an attack on imperialism, capitalism and war being Communist." Prof. Murray conceded that the Communist line on the effects of economic imperialism was a common line.

When Mr. Justice Rumpff protested that the witness had said time and time again that non Communists say such things, Adv. Maisels pointed out that the witness had not said this in his evidence-in-chief.

Mr. Justice Rumpff stated that the issue between the Defence and the Crown on the concept of imperialism was that where in a document a situation was analysed and called imperialism, the analysis was to be considered as more than consistent with Communist doctrine. Adv. Maisels replied that the witness had gone further and had said with regard to the concept of imperialism that the writer had accepted Communist doctrine by using this phrase. It could not be allowed to stand. If he had said consistent with Communism and six or ten other "isms" it would be a different situation.



If the witness would say that what he had called the Communist doctrine of imperialism was not a Communist doctrine at all but more likely to be non Communist than Communist....? Mr. Justice Bekker put the question to Prof. Murray who replied that he was not prepared to make that statement. Adv. Maisels asked the witness whether he would agree that it would be quite unsafe and unscientific to base any inference of Communism on the criticism of imperialism in these documents, reminding him of the same type of criticism made by many safe non Communist sources. Prof. Murray replied that it might be so, but it did not mean that certain criticisms of imperialism might not be associated with Communism. He conceded that such criticism could be used by liberals (who also read communist books) but it would still be a Communist analysis.

Mr. Justice Rumpff: "It has the stigma of being part of Communist doctrine but could also be a part of liberal or leftist doctrine?"

Prof. Murray replied that the test would be whether Communist principles were involved. No exclusive conclusion could be drawn. Mr. Justice Bekker put again to the witness Adv. Maisels's question, but the witness replied that it would depend upon the criticism of imperialism; he did not look at single points, but always took other points into consideration.

Prof. Murray "Completely Biassed"

Adv. Maisels indicated, in reply to a further question from the Bench, that the purpose of the cross examination was firstly to show that the witness was not qualified to give evidence by virtue of his ignorance of significant factors, and secondly that his opinions given in his evidence in chief might deceive the Court: "If you'd only said in your evidence in chief that it was Communist theory, but not only Communist theory, but you studiously refrained from this."

Prof. Murray denied this and Adv. Maisels exclaimed that he could go on for days but would put only four more examples to the witness. Returning to Chief Luthuli's speech, Adv. Maisels pointed out that far from dealing with the whole document, Prof. Murray had prefaced his remarks "This paragraph speaks...." "Your answers, Prof. Murray, have been less than candid, (and that's putting it euphemistically!) and show that you are completely biassed in your approach to this case."

After a few final questions on imperialism, Adv. Maisels turned to the concept of democracy and handed in to the Court a copy of the Declaration of Human Rights adopted by the United Nations as a statement of ideas accepted by non Communists as democratic ideals, accepted by all Western nations, but not by South Africa or the U.S.S.R. Adv. Maisels drew the attention of the witness to the close resemblance between the Freedom Charter and the Declaration of Human Rights, pointing out that there were only three matters in the Freedom Charter that had not close parallels in the Declaration, the nationalisation of industry, the re-distribution of land, and the clause relating to peace and friendship between nations, the latter, however, was in fact implied in the Declaration as a fundamental starting point. In some countries the Declaration of Human Rights coincided with the constitution; its ideals were common to every nation. The witness agreed upon the close similarity of phraseology between the Declaration of Human Rights and the Freedom Charter, and admitted that the nationalisation of industry was not necessarily Communist.

Nationalisation and Human Rights

On November 12th, the eighth day of the cross examination of Prof. Murray, Adv. Maisels continued to examine the witness on the nationalisation of industry, pointing out the many different schools of thought in this matter and also on the redistribution of land. The witness admitted that in non Communist thought the provisions of the Freedom Charter might be considered as a democratic step.



In reply to the question whether a state based on the Freedom Charter would be more democratic than the present state of South Africa, Prof. Murray stated that this would depend upon the interpretation of present conditions. He considered that the United Nations Declaration of Human Rights could not be applied with a special type of population; democracy would not work under such conditions. This was not only the Nationalist view but was held by others. He doubted if either the Freedom Charter or the Declaration would work out practically. Even taking the right to the universal vote as the final form of perfect democracy, a racially plural state, even without the full vote, might be more democratic than e.g. England or France; he agreed, however, that this view was open to dispute, and that different views from his need not be Communist. Prof. Murray denied emphatically that it was reasonable for some non Communists to believe that the majority of voters in South Africa could not remove the minority government from office; the view that there was a tendency in South Africa for the government deliberately to entrench itself could not be defended, but he agreed that the criticism of the United Party's lukewarm opposition was not a specifically Communist view, but was held by the Liberal Party, the Labour Party and also by a section of the United Party.

Dealing with extra Parliamentary activity, Adv. Maisels suggested that there were many non-violent forms of pressure outside Parliament, and referred to mass processions, strikes, and economic pressure, all legitimate extra Parliamentary activities. Prof. Murray agreed that full political rights would have to be given to the blacks in South Africa, and that it would be a bold man who would say whether or not it would happen in our lifetime or that it could not happen entirely by peaceful means.

#### Passive Resistance to Provoke Violence?

Adv. Maisels then turned to the cross examination of the witness on passive resistance, which he suggested might consist of non co-operation, actual breaches of law or passive acts, such as fasting and days of prayer, but in all cases implied the renunciation of the use of force as an instrument of change. Prof. Murray suggested that there was a difference between non violence and passive resistance. He agreed, however, that the independence of India and Ghana could be said to be partially a victory for non violent resistance taken in the wide sense, although he maintained that the passive resister might suffer violence in order to create a violent situation, even if he were not actively violent himself. On the question of the attitude of Communism to non violence, Adv. Maisels referred to Prof. Murray's quotation from the Comintern that Ghandhism is more and more becoming an ideology directed against revolution and must be strongly combated by Communists.

Prof. Murray argued that despite this, Communist theory also made a place for passive resistance which might lead to other things. He agreed with the suggestion by Adv. Maisels that passive resistance could have a profound effect on public opinion, and could make the task of governing more difficult, resulting in a change of policy, but maintained that not paying taxes would be a positive action rather than passive resistance, although not violent. Prof. Murray also agreed that many people other than the accused and their organisations, had thought in terms of extra Parliamentary action, but excluded the Torch Commando and the Black Sash on the grounds that their demonstrations were permitted constitutionally; such demonstrations were only extra Parliamentary because they did not happen in Parliament; he agreed that 'extra Parliamentary' had therefore two meanings, legal and illegal; neither was essentially violent but might lead to violence.

In reply to a question by Mr. Justice Bekker, Adv. Maisels described Parliamentary pressure as the franchise, while extra Parliamentary pressure was pressure by the unenfranchised. The Defence was trying to clarify the meaning of extra Parliamentary activity as used in the indictment. Prof. Murray agreed with reservations that Parliamentary activity could run the whole gamut from the letter in the newspaper to the person who lay down on a railway line. Cross examined by Adv. Maisels on the distinction between constitutional and unconstitutional, Prof. Murray classified as constitutional the Torch Commando, the Ossewa Brandwag (until it started performing certain actions),



and the Black Sash, but stated that he knew very little of the Broederbond. Disfranchising of all English speaking persons through a majority in Parliament, would be against the spirit of the constitution, but not unconstitutional. It was a basic concept that an unlawful act could never be constitutional, but he agreed that an unconstitutional act was not necessarily unlawful, and that there was not a direct relationship between unconstitutional activities and the use of force and violence. Adv. Maisels suggested that 'extra Parliamentary activity' was a modern word relating to political change, and asked the witness whether there was no middle course between the gaining of a Parliamentary majority on election day and the starting of a violent revolution; he suggested that ordinarily there was a middle course. The witness agreed that there could in fact be a middle course.

The Freedom Charter - The Crown "Out of Step"

Adv. Maisels then cross examined the witness in detail on the Freedom Charter, stating that it was part of the Crown case that drafting and adopting the Freedom Charter was an overt act of High Treason laid against seventeen of the accused and that it was part of a plot to overthrow the State by violence. The Crown argued that the use of violence was derived from the desire to see the establishment of a state in line with the demands of the Freedom Charter. He proposed to read statements from various sources and to ask the witness for his comments in order to show that the aims in the Freedom Charter had commended themselves throughout history to people other than Communists.

After a number of statements had been put to the witness on the Preamble and the first sections of the Freedom Charter, Mr. Justice Rumpff asked whether it were necessary to quote any more seeing that the witness did not dispute this point. Adv. Maisels replied that his object was to persuade the Court that the Crown allegation of Communist fanaticism, Bantu nationalism and racial hatred was without foundation, and more particularly the suggestion that the Freedom Charter was part and parcel of a Communist plot for revolution. The diversification of the reference was vital to the Defence argument, to show that far from the accused being out of step, it was the Crown that was out of step with the world. The Defence was not allowed to wait until the argument stage; these references had to be placed before the Court. Asked whether he really expected any expert to disagree with the references quoted, Adv. Maisels replied "I don't but I have had a lot of surprising answers in my cross examination.!"