

THE TRIAL TAKES SHAPE *

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THE great Treason Trial has been in progress for six months now. The first stage involved the handing into Court of thousands of documents which had been found either in the offices of the various organizations concerned in the Trial or in the possession of the accused themselves.

These documents have been collected in a series of police raids over a period of years. There are documents of major political importance, like the Freedom Charter, the constitutions and programmes of the Congresses, the notes used in political discussion circles, and articles and pamphlets by the leaders of the Congress movement. Then there are hundreds of routine organizational circulars, letters and minutes. There is the private correspondence of the prisoners. There are numerous copies of publications freely available to everyone, such as the magazine *Liberation* and the newspaper *New Age*. There are copies of the works of Lenin, Stalin and Mao-Tse-Tung. There are also oddments, such as the two notices found at an all-day conference where lunch was being served to delegates—one reading "Soup with Meat," and the other "Soup without Meat."

With the next stage, the Prosecution led evidence of speeches made at Congress, and other political, meetings. The witnesses are detectives of the Special Branch of the Criminal Investigation Department who have regularly attended public meetings of the Congresses, the Peace Council, trade unions and other left-wing bodies. Some hundreds of meetings are to be dealt with in this evidence, which is still proceeding.

A feature upon which the Defence has commented in some instances has been the brevity of the notes of speeches taken by the detectives. Some witnesses had compressed the proceedings of a meeting lasting several hours into two or three pages of notes. In some cases the notes are so confused and incoherent that no clear idea of the speeches can be obtained from them. A number of the detectives have stated in reply to defence counsel that they have heard Congress speakers repudiate the use of force and violence and call for harmony between the Black and White races.

The third stage of the Crown evidence, which has been inter-

posed in the middle of the second stage, consists of expert evidence on Communism, the expert witness being Professor Andrew Murray, Professor of Philosophy at the University of Cape Town.

Professor Murray began his evidence with a brief account of the doctrines of Communism, touching on the philosophy of dialectical materialism, Lenin's theory of Imperialism, the doctrine of the class struggle, and the Communist view of the State. He was then asked to examine a number of the documents and speeches in evidence and asked whether they revealed Communist tendencies. He began by describing the method which he proposed to use:

"To find out whether a document is Communist, one applies four tests. The first is, you see if a document teaches direct Communism by quotations from the masters, Stalin, Lenin, Marx, and so forth. The second is, one tries to see whether the document paraphrases the Communist statements. The third is, one sees whether the policy supported by the document is what is called non-deviation, that is, whether it supports Soviet policy internationally. And then, finally, there is always a test of aesopism. One has to read the words carefully to see whether they have a superficial meaning, the facial meaning, or whether they are intended to convey something more."

The following are a few extracts from Professor Murray's evidence, illustrating his methods in operation:

- (1) **"I would point out that the second paragraph reads:** *The process of fascism has reached a stage in our unhappy country where it is becoming increasingly difficult . . . to make any effective impact on the situation. One knows that the accusation of fascism is often used, generally used by Communists against Capitalist countries. The second statement is this:* *The aims and objects of the Legion and its aspirations for ex-soldiers, economic, political and social, are now inextricably tied up with a state of democracy in South Africa. . . . Democracy in Western countries means one thing. In Communist language it means another thing, and if this document can be shown to be associated with Communist organizations, in any other way which I don't know, that sentence could be regarded as meaning democracy in the sense of a People's Democracy in the satellite states."*
- (2) **"Two paragraphs lower, the sentence agrees with Communist tactics, expressed Communist tactics.** *To meet this need at the moment there are the Springbok Legion, the Congress of Democrats and the Democratic League. None of these for various reasons is national in the sense that branches are established throughout the country. All of them are acting independently. There is a duplication of effort. All of them are relatively weak. It is obvious that it is in the interest of all that we should come together in one organization. Militant centralization is a very important part in Communist tactics."*

- (3) "The sentence reads: *The Annual Conference of the Springbok Legion re-iterates profound opposition to the Nationalist Government, to its practices of race discrimination and oppression and to the anti-democratic paths which it is pursuing towards a fully-fledged Nationalist dictatorship. The term oppression there deserves attention. Fully fledged dictatorship deserves attention. In line 5 the word fascism again occurs and in line 6 the term uncompromising democratic policy. This is a slogan now used by Communists in satellite countries and by Mao-Tse-Tung. . . . In line 7, the phrase occurs, Opponents of reaction. That phrase is a straight Communist phrase.*"
- (4) "This document falls into line with the Communist interpretation of the situation in this country. The basic argument is that the forces of reaction must be fought, and the document is aimed at fascism in South Africa."
- (5) "We read on page 1: *The movement as a whole is the people's answer to fascism and a drive to war. Also, The oppressed non-White majorities. Also, Relief from intolerable conditions. Also, The social, economic and political structure of South Africa has imposed on us this sectional form of organization. Also, We are presented with the need to withstand and defeat fascism. This is a non-deviation argument which interprets the South African situation according to the Communist interpretation.*"
- (6) "The following are a few of the non-deviation references to international politics which brand this document as Communist. Paragraph 1, referring to Kenya and the interpretation of the Mau Mau as a liberatory movement. Paragraph 2, in support of the policy described as peaceful co-existence or negotiation instead of war and the Five Power Peace Pact, which at that time was the proposal put forward by Moscow. Paragraph 5 remarks on the campaign against German re-armament. It is also in pursuance of Moscow Government policy."

After he had dealt with the documents, Professor Murray was asked to comment upon certain general propositions of political doctrine which were put to him by the Prosecutor. The Prosecutor said that the Crown would contend that all these propositions were to be found in the Congress propaganda of which evidence had been given. The Professor identified as characteristically Communist a large number of propositions, of which the following are a few examples:

That the property-owning class, referred to as the bourgeois or capitalist class must be destroyed.

That the South African state has reached the stage wherein capitalist imperialism has developed or is developing into fascism.

That the South African state is a colonial state wherein the liberatory movement must be promoted.

That ownership of property means control of political power.

That banks shall be transferred to the people.

That Russia must be defended at all times and remains the homeland of the revolution.

That action should be militant.

That contact must be made with youth associations and women's associations.