

# LEGAL CODES - SOVIET AND AMERICAN

By ALAN MAX

THE LEGAL code procedures in the Soviet Union are at present being subjected to sharp scrutiny and revision following the violations of civil liberties in the last 20 years of the Stalin era.

"K o m m u n i s t," the organ of the Central Committee of the Communist Party of the Soviet Union, insists that the

courts must presume a defendant to be innocent until he is proved guilty beyond a doubt. This would bring Soviet procedure in line with one of the high principles of Anglo-Saxon law (honored more in the breach than in the observance!). The principle is not prevalent in the codes of con-

tinental Europe, of which the Soviet code was an outgrowth.

"Kommunist" also takes up the question of convicting persons solely on the basis of their confessions in court and says this is not enough to prove guilt. The magazine notes that the late Andre Y. Vishinsky wrongly made exceptions to this rule in cases involving conspiratorial plots and other anti-Soviet acts and insisted on convictions based solely on confessions. "Kommunist" calls for repealing a now little used provision in the criminal code which permits a judge to accept a confession or a plea of guilt and close hearing evidence at that point.

IN THIS connection, it is worth examining the report in the Soviet press of the trial, conviction and execution of four Soviet Azerbaijan officials, charged with being accomplices of Beria and his frameup system. The report goes out of the way

to emphasize that the conviction was based not only on the admissions of the accused, but also on "the evidence of many witnesses called before the court and by original documents."

Unfortunately, the evidence itself remains unknown. While it is announced that the former Azerbaijan officials were tried in an "open trial," there is much which I, for one, find unsatisfactory. Especially since the first announcement of the trial is made, evidently, a month after the defendants were tried, convicted and four of them executed. An open trial, if the word "open" is to have real meaning, should be accurately reported in the press while the trial is in progress.

I have no doubt the Soviet government will tackle this question too, as it restores and extends all the civil rights of the individual, as essential for further advances in the social-

ist well-being of the individual.

BUT THE QUESTION arises: what are we going to do about the legal system in our own country? Take this matter of conviction by confessions which the Soviet Union is now doing away with. How many people realize that it is just on this procedure that the whole spy hoax of the cold war was built up, which eventually led to the execution of Ethel and Julius Rosenberg and the Alcatraz imprisonment of Morton Sobell? The trial of Harry Gold consisted of one piece of evidence—Gold's unsupported "confession." The basis for the Gold confession had been set by the prior "confession" of Klaus Fuchs in England. As the New York Times said on March 16, 1951, "Since he pleaded guilty, Fuchs never detailed his activities in open court."

Or—to take only one more instance of the procedures in

this whole fantastic business, consider the case of the chemist Alfred Dean Slack. He was arrested by the FBI in Syracuse, N.Y. Thirteen weeks after he told reporters that he was "completely innocent of anything wrong," he appeared in court and confessed that he had given secrets to Harry Gold and was convicted on that confession. Later he repudiated his confession from prison but the courts rejected his appeal.

So, no patronizing smugness, please, as Americans observe the much needed corrections in the first country of socialism! Legal procedures are being revised in the Soviet Union because they came into conflict with the socialist system and were an obstacle to its progress. But the confession system in our own country and other violations of the Bill of Rights, far from being obstacles to capitalism, have been instruments for many a Gold War fortune.