

# On Judge Dimock's Decision

By WILLIAM FOSTER

AS THE DAILY WORKER said Monday, "The winning of a new trial for Alexander Trachtenberg and George Blake Charney, victims of Harvey Matusow's perjured testimony, is the biggest blow yet delivered to the odious informer system."

Every American intelligently alarmed at the vicious attacks now being made upon the Bill of



Rights will rejoice at this ruling and be encouraged to fight all the harder against the federal stoolpigeon system in general.

The Daily Worker also pertinently asks what about the other 11 defendants, convicted by perjured evidence along with Trachtenberg and Charney? Judge Dimock's "findings" on Matusow logically lead to the conclusion that they all should be given a new trial. It is fantastic, the Judge's argument, that while Matusow's damaging false statements may have injured Charney and Trachtenberg, they did no harm to the other defendants.

During the past several years a whole group of federal and state laws, especially directed against Communists and flagrantly violating the U.S. Constitution, have been put on the law books as part of the same campaign to jail Communists upon any pretext, regardless of justice. There has also developed to the same end elaborate court rulings and malpractices, under which Communist are denied even the most elementary protection in the courts. Even Judge

Dimock's ruling reflects the latter type of legalistic discrimination against Communists. Were a body of "respectable" criminals (gangsters, burglars, safe-crackers and the like) involved, instead of progressive-minded Communists, undoubtedly the unearthing of a Matusow's perjured testimony would be sufficient to get them all new trials.

THERE ARE SEVERAL other amazing things in Judge Dimock's decision. Thus, it shows, with much force and clarity, that Matusow's testimony at the trial of "the thirteen" was, on the face of it, a mess of lies. The judge goes on to analyze the unconvincing development of Matusow's "delayed action recollection." He says that "Matusow's stories unfolded in a way very different from the way one would expect that the testimony of an honest witness would naturally develop. . . ."

How, could it be that the Judge did not notice this flagrant perjury during the trial itself, especially as the defense lawyers were constantly attacking the witness' veracity? Why and how could such open-faced lying escape the attention of a man so skilled in gauging the truth or falsity of witnesses as the Judge?

The same question could be asked with even greater force of the prosecution, were one child-like enough to believe that the government lawyers were only "credulous," as the Judge says, and were not aware all along of Matusow's perjury.

Judge Dimock goes out of his way in his ruling to whitewash the reactionary Roy Cohn and the government lawyers in general, as having known nothing of Matusow's perjury. The whole burden of his argument goes,

however, to show that Matusow was being coached in his testimony. Who, then, but the prosecution did this coaching? Who, indeed, has been doing the obvious coaching of the many other perjurers used in railroad-ing Communists to jail?

THE JUDGE points out the difficulty of finding real force and violence evidence against Communists. He says, "The most difficult task that faced the government in the prosecution of the defendants on trial was that of establishing the presence of this personal interest of each defendant to cause the overthrow of the government by force and violence."

The difficulty of proving such interest against the Communists may well be appreciated, for it did not exist. The only way it could be "established" was to manufacture it by organized perjury, and this is what has been done by the government, not only in the trial of "the thirteen," but in all other Communist cases under the Smith Act. Not only did Matusow perjure himself, but so, too, did the whole body of the government informer-renegade witnesses.

The real essence of Judge Dimock's ruling is—although obviously he does not have this end in mind—an exposure of the perjury-frameup system now being used by the government in the Smith Act trials. While purporting to expose the lies of only one government perjurer, it in reality exposes the methods of the whole lot of such professional court liars. Judge Dimock's ruling should serve to swell the mass demand for the release of the many Smith Act victims now in federal prisons, all of them convicted upon the testimony of organized perjurers.