

Radio Free Europe/Russia  
Evaluation and Analysis Department  
Background Information 0022

January 30, 1960

RUSSIA ON WAR JUSTICE

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## INTRODUCTION

Now that propaganda for "comradely" courts has become a regular feature of the Czech press<sup>1</sup> and is beginning in Poland,<sup>2</sup> it is worth taking another look at the judicial tangles for which they are responsible in the USSR. In some cases the Soviet comradely courts have been packed by the factory administration (see Trud, 4 February 1959) to secure a verdict favorable to it, while in others the workers have been able to protect those accused of stealing state property, for example, by reversing the process and packing the courts themselves (Izvestia, 21 November 1959).

Meanwhile the strange Soviet institution of trial by newspaper, which has virtually no equal outside the Communist bloc, continues to shed a dismal light on the present state of "socialist legality". Komsomolskaya Pravda (10 January 1960) devotes a long article to a crime in Cheljabinsk, where six young hoodlums, allegedly under the influence of de Maupassant, Remarque and "Broadway", recently raped a fifteen-year old school girl.

They were duly sentenced by a people's court, but then the complications began. The Oldest (higher) court annulled the sentence, on the grounds that the accused were first offenders, that a new breeze was blowing in Soviet justice, and that their fellow factory-workers had agreed to stand bail for them. In the case of one of the accused, Abramov, Komsomolskaya Pravda denies this and states that in fact the factory had twice refused to go bail for him. Another of the hoodlums, Khanchenko, was luckier. His father happened to be the deputy head of a shop which, by a small majority of votes, agreed to stand bail for him, although he had hardly ever worked in it. The third accused, Vlasov, did not work in the factory at all, but elsewhere in the region. Nevertheless since his mother is head of the technical office of the factory, bail was provided for him too. Repetition would appear to be a characteristic feature of the new system.

The theory of Khrushchevian bail is that a criminal's fellow-workers, after his release, begin an intensive effort to remodel and reeducate him in the pattern of the new communist man. It could only be effective, if at all, where there is continuity of employment, but in the cases of two of the accused, Khanchenko and Abramov, both of them succeeded in transferring to another shop, after their release, where they were unknown. Consequently they have

1 E.g. Rada Press, 23 December 1959.

2 Express Vostok, 6/7 January 1960.

evaded both punishment and "re-education". So whether it is being said in Chelyabinsk that the release of the criminals was not a social action, but an act of charity on the part of certain individuals.

Komarovskaya Pravda is now campaigning, in the name of public opinion, for the Public Prosecutor's Office of the RSFSR to reverse the acquittal granted by the oblast court. Yet on the evidence of its own report, Khramchenko and Vlasov were both freed by decisions of the factory "collective", in what amounts to an expression of public opinion, though tinged with nepotism. On this basis, the mob justice instituted by Khramchenko seems erratic enough. Even so it probably provides some legal safeguards for the accused when trial by newspaper, which allows the public virtually to say in the final verdict should the opinions of the editor and the public disagree.

Certainly the recent legal reports in Izvestia, Trud, and Komarovskaya Pravda leave little room for optimism about the success of comrades' courts and factory meetings in the administration of justice. In trivial cases they no doubt still have a function to perform, but when in serious cases they are repeatedly overruled by the party-controlled press, frequently on the grounds that they have been rigged, it seems to the reader that even the notorious people's courts are perhaps bere of a credit to "socialist legality". If Khramchenko needs the rule of law, as Victor Ierxa suggests in the article before, he still has a long road to travel. His innovations of comrades' courts, workers' meetings and social bail will require much modification before they can be said to form part of it.

I.F.G.

Katzenberg Guardian

January 18th, 1968

by Victor Soren

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Only a few years ago it would have been unthinkable for a Western visitor to collect around himself a crowd of Muscovites and to proceed to lecture them in public about some of the advantages of the Western way of life. Yet now it is possible for a Russian-speaking American economist - and any other Western visitor so inclined - to give just such a spontaneous lecture in front of the Metropole Hotel in Moscow, and in many other places in Russia. The American did not have it all his own way. One of the few hostile members of his audience demanded to be heard, and tried to counter the American's explanations with the argument that the important thing was for the people to own the means of production and the fruits of their labor. Before the American could answer, a young Russian in the crowd looked the inter-ruper straight in the face, and shot back: "And do you own the fruits of your labor?" (Soviet Survey, No. 36, 1969).

In Stalin's day the American would probably never have got a visa to go to Russia. But if he had got as far as that he could hardly have had a private conversation with a Russian about such sensitive topics, to say nothing of a crowd discussion. And certainly no Russian would have made the remark that the young man in the crowd made - unless he was determined to end up in a Siberian prison camp.

Camps Dissolved

Now each of the camps, though by no means all - have been dissolved. The secret Security Police tribunals which could put a man away for five years on mere suspicion of guilt have been abolished. Trials can still be held without undue publicity and the courts can impose sentences of up to fifteen years - The maximum has recently been reduced from 25 years - as well as inflict the death penalty on "traitors", spies, saboteurs, and murderers. But there is a new feeling abroad, and sometimes even the once dreaded - and still feared - Security Police will take the initiative to protect a young man from the consequences of his own folly. For it remains a folly in Soviet conditions to develop ideas that run counter to the Party's basic policy and try to propagate them. Agitation or propaganda by any person with the aim of weakening the Soviet regime, the spreading of calumnies against the Soviet state, or the distribution, preparation or possession with these aims of literature of the aforesaid content is punishable with imprisonment of up to seven years.

Just three years after the event the Soviet Press ("Izvestia", September 8, 1970) has revealed that at the time of the Hungarian Revolution "the State Security agencies learned that a number of young students" had fallen under what it described as enemy influence.

Then these young people got together, their conversations took on a more and more outright anti-Soviet turn.

Working themselves up, and egging one another on, they went so far as to decide to start a kind of "review" setting forth their "political" opinions...later they confessed that one of the group had even proposed to write and circulate disgusting leaflets."

The Security Police "took into account their ages and when, why, and how it had all happened," pardoned them of the error of their ways, and let them off with a warning. The Soviet press account of this was not written simply to represent the police in a new and favorable light, but also to convey certain lessons to all other readers who might take it into their heads to engage in similar "anti-Soviet" activities. The first and most important lesson was implied in the statement that the students "were honestly surprised to learn that the State Security agencies had been fully informed of all they had done." For anyone who ignores this reminder that the Security Police has eyes and ears everywhere, there is the further warning that "the students understood that they had been playing a harmful, dangerous, and stupid game that could have sealed their lives, their fate, and their future." And for those who would not heed even this warning the promise is held out that if, when caught, they cooperate with the police, they could still be saved: "The sword does not fall on a man who has confessed."

Other cases are known when rebellious students did not fare so well, when expulsions from universities and even arrests did in fact "seal their lives" by cutting short promising careers. Perhaps these were the people who were not prepared to cooperate with the police and to "confess" - that is, to inform on other members of their groups.

#### Rule of Law

It is conceivable that in some trials which did take place the students could have argued that their activities, while designed to propagate certain political ideas, were not in fact "anti-Soviet," that they were "pro-Soviet" in the sense that they were directed towards the evolution and improvement of the Soviet system. Then it is possible to argue in court in this way, and to get away with it. The Soviet legal system will have undergone an evolution which could have far-reaching political consequences. But so long as it is possible only to argue in this way without securing the court's acceptance of the argument, the path to freedom in Russia will remain strewn with insurmountable obstacles. There are many such paths, and the one which requires the establishment of the rule of law may be the most promising if only because Mr. Khrushchev himself and the party machine which he directs have come to recognize the need for "socialist legality", while remaining unalterably opposed to anything resembling "bourgeois political freedoms."

Mr. Khrushchev needs the rule of law because a society which has attained the stage of development now reached in Russia cannot be efficiently ruled without it. The Soviet people want the rule of law because all people have always wanted it everywhere, and the Russians are no different. Mr. Khrushchev's needs and the Soviet people's desires have to prevail not only

over a long tradition of misrule, not only over the vested interests and habits of mind of a generation of officials trained to rule by misrule, but also over the limitations which all totalitarian societies impose on the rule of law.

### Criminal trials

Obviously, the question is not one of political freedoms or political trials but of ordinary criminal law and practice. When in all non-political cases tried by the courts the rule of law comes to be observed, when each observant has become a habit the slightest contravention of which is made by the press into a national scandal, then even political cases might come to be tried on their merits. With a legal profession worth its salt, as the Soviet legal profession has shown itself to be by the pressure for reform in recent years, it might prove difficult to maintain for very long different standards in criminal trials on the one hand and in political trials on the other, and in criminal trials the standards are certainly changing, slowly, against such opposition, for many aspects of the political framework which gave rise to the old habits are held to be immutable by the very people who are trying actively to promote the rule of law.

In January, 1951, a few weeks before Stalin's death, a young married woman was sentenced by the Vladimir Province Court to ten years' imprisonment on charges of stealing coal from the fuel dump of the power station where she had been employed. The liberal winds which began to blow soon after Stalin's death made it possible for the Soviet press to disclose that there had been a gross miscarriage of justice, that the evidence presented to the court did not justify a conviction, that she was sentenced because, in the view of the State prosecutor, "working as a weigher, she could not fail to steal." Her husband's attempts to get the decision reversed extracted from the Prosecutor's office the advice that he should divorce her - and the promise that this could be arranged for him without a fee (*"Izvestia"*, April 29, 1951).

Could anything like this happen in Russia today, after a drive for "socialist legality" that has been proceeding for several years? Certainly the advice that the convicted person should be divorced - so often heard - and taken - in the worst years of Stalin's police terror, is no longer given so freely. It was certainly not given, so far as the press account of the case goes, to the husband of a 26-year old woman, the mother of two small children, who was arrested on the charge that she had set fire to the stall in which the State employed her to sell goods. The expert whose opinion was sought believed that the fire had been due to a short circuit in the electrical fittings. But "as the State Prosecutor told the Court, she ought to be made legally answerable, if only because several other stalls and kiosks have been burnt down in the district, and no one has been punished." It was six months before it proved possible, in the face of persistent opposition from the Prosecutor's office, to secure the woman's release (*Izvestia*, August 14, 1952).

NOT TO BE REPRODUCED

Wrongful Sentences

"Unfortunately, such mistakes are not rare," says a Soviet legal journal in a review of wrongful sentences which the office of the State prosecutor of the USSR had failed to examine with the necessary dispatch. ("Sotsialisticheskaya Pravda," July 1959). An engineer who had been sentenced to eight years' imprisonment for "misappropriation of Socialist property" appealed in turn to the Prosecutor's Office of Moscow, of the Russian Republic, and of the USSR, getting in each case the reply that the appeal was "groundless". Only after he had appealed personally to the Prosecutor-General of the USSR was it found that he had been wrongly convicted. Why, the journal asks, could this not have been established earlier? Another man, condemned to fifteen years for robbery with violence, appealed on many times before it was established that he had taken no part in the robbery, but merely happened to be near the scene of the crime when it was committed. Yet another man, accused of an armed assault on a taxi-cab driver, was given a long sentence of imprisonment and his appeals were repeatedly rejected until "it was ascertained that on the day the crime had been committed he was in another town."

Mistriages of justice occur in all countries, but the cases reported in the Soviet press show that in Russia they are far more frequent than elsewhere, and that they are due to the great powers over the citizen which are still retained by the police - and by the State prosecutors who are supposed to check the activities of the police, but frequently were hand in glove with them.

The State prosecutors direct the preliminary investigation of criminal cases, and at the same time are charged with ensuring that the investigators, who are directly subordinate to them, commit no violations of legality. At the trial, they present the case for the prosecution; and at the same time are supposed to ensure that the Court and all other parties to the case, including presumably themselves, observe all the procedural requirements. The prosecutor is not also the judge, but his powers and position are such that he can very often come near to being one, and in his own case, too, for usually it was he who had issued the warrant for the arrest of the accused subject the case up for trial, and he would therefore want to justify his actions by securing a conviction. The entire apparatus of investigation, with the exception of that part of it which deals with certain State crimes and comes under the Committee of State Security forms an integral part of the Prosecutor's office. How does this affect the administration of justice? One recent case could serve as an example. (Izvestia, December 11, 1959).

Inconsistent evidence

A girl student named Hura Klaylova was found murdered just outside the village where she lived. Suspicion fell on her uncle, Ivar Klaylov, who had had frequent quarrels with the girl's parents. It was also found out that at about the time of the crime he had driven on his bicycle past the spot where the murdered girl was found, and on the strength of this

the prosecutor issued a warrant for his arrest. Kinylov protested his innocence, but to no avail. The investigator found that the clothes Kinylov wore during his escape side contained no trace of blood with which the place where the crime had been committed was spattered. Nevertheless, within fifteen days he was formally charged with murder. His persistent denial caused the local prosecutor to transfer him from the area of his own jurisdiction, in contravention of the law, to the city of Minsk, where more "experienced" police officers - who incidentally, had no legal relation to the matter - "obtained a confession" from him in next to no time. When he was moved to another place of detention, he immediately repudiated his confession, but no notice was taken of this and the case went forward to trial.

During the trial it was shown that the evidence was inconsistent even with his own confession. He had been made to say that the murdered girl had uttered no sound, but witnesses testified that they had heard her cries for help. He confessed that the weapon he had used was wrapped in a newspaper bought at the local newspaper kiosk, but during the trial it was shown that no such papers had ever been sold there. He testified that he had wiped his hands with the girl's handkerchief and had then burnt it, but the handkerchief had in fact been found, and without any traces of blood at that. "Next to it was found a shirt spattered with blood that was neither the girl's nor his. All these inconsistencies were ignored by the Court, which sentenced him on the basis of his confession to death by shooting.

#### Press criticism

Kinylov appealed, a new trial was held, but the new Court believed that "what was required of it was not to prove anything, not to establish whether he was guilty, but merely to confirm that he was, and to support the decision of the first court." Kinylov was again sentenced to death.

It was only thanks to the persistence of the defense counsel in the case, says "Izvestia's" special correspondent, that the sentence was not carried out. He also gives praise to the conscientiousness of the official in the State Prosecutor's Office in Moscow, who in examining the very case files which had been available to the investigators, the prosecutors, and the two Courts arrived at a conclusion diametrically opposed to theirs. "Now," says the "Izvestia" writer, "attempts are being made to represent the whole matter as an ordinary legal mistake. But was it really only a mistake?"

He criticizes the actions and the attitudes of the various officials involved in the case, he even hints that there may be something wrong with the legal system under which things like this could occur, but he stops short of criticizing the system. He says nothing of the way in which Kinylov's confession was obtained - perhaps because it has been a persistent theme among Mr. Khrushchev's propaganda that the use of force in the extraction of confession has gone, never to



Return again. All he says is that the prosecutors in the case - those guardians of legality - had "aimed their eyes to the improper means used in the conduct of the investigation."

If things like this can happen in criminal trials, what of the political cases? We do not know, because none is reported. But is it not a sufficient guarantee that Soviet public opinion and Mr. Khrushchev should be against such things, and that the press should report violations of the law when committed by the officers of the law? Such violations were also reported - through which laws frequently - under Stalin. The present press campaign against them is not in itself sufficient, if only because it has been in progress for some years, and cases like this are still not infrequent. Many more could be described than have been referred to in this article. Recent alterations in the Soviet legal code can help, but many of the things described here have happened in spite of the legal provisions in force at the time, not because of them.

#### Party's word

There is today in Russia much more personal freedom than a few years ago. But no freedom, personal or political can come to full fruition in a system where they are guaranteed only by the Constitution, only by the legal code, and not by the knowledge of every citizen that every injustice will be hunted down effectively, quickly and mercilessly. Soviet legal theory and practice are based, in effect, on the premise that the party's word is the law, but many members of the legal profession, - some, indeed, who had suffered during the Stalin terror - without explicitly refuting this premise, are pressing with increasing vigor the view that there is no law but the law. When that becomes the established view, innocent men will not be sentenced to death for crimes they had not committed, and students will discuss and propagate political ideas which, although they are now regarded as "anti-Soviet", will be found to be as pro-Soviet as Mr. Khrushchev's own speeches - if not more so.

RUSSIA'S DRIVE FOR LEGALITY"Re-education" of the Police

By Victor Gorn  
 The Manchester Guardian  
 January 28, 1960

One night last October the residents of a block of flats in Moscow were awakened by cries and sounds of fighting issuing from Flat No. 4. Citizen Yorenkin, who had acquired in the neighbourhood the reputation of a notorious wife-beater, was at it again. The neighbours called the militiaman on point duty. The door was locked. He knocked. Yorenkin's voice could be heard over the sobbing of his wife.

"What do you want?"

"Open up, this is the senior militiaman."

"Take yourself away; there is nothing for you to do here."

"Open up, I tell you!"

"And I tell you, go away!"

The militiaman explained to the incensed neighbours that he had no right to break in the door, except in cases of murder, and walked away. Four days later the man did kill his wife.

The paper "Soyetskaya Rossiya," which reported the incident on December 9, 1959, inquired about the legal position at the Moscow militia headquarters. "If the militiaman had smashed the door down and it turned out that there had been no fight," a senior officer explained, "Yorenkin would have been entitled to complain, and we would have punished the militiaman. We are very strict about such things." The reporter persisted. "But the neighbours had told the militia repeatedly that Yorenkin was threatening to wipe out his wife."

"Tarechie!" The militia officer shrugged his shoulders. "For a threat, we don't even have the right to bring a charge."

Power of militia

There could be no greater tribute to the success of Mr. Khrushchev's drive for "Socialist legality" than the description of this incident -- though the Moscow paper did not treat it as such. The burden of its article was that as

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Things stood the militia did not have sufficient powers, and the implication was that perhaps the drive for legality had gone too far. But has it? By no means all militia personnel have taken to heart the lessons of legality that have been drummed into them for several years past.

A village meeting in Tadzhikistan was discussing the poor work of some of the collective farm's members. A young man named Babayer came in for particularly sharp criticism. "He was a strong, healthy lad," said "Komsomolskaya Pravda" (October 4, 1959), "and he could have worked harder." Babayer was asked to stand up and face the meeting, but he refused. Militia Captain Sabirov went into action. He sprang up shouting "Come on, you so-and-so," rushed up to the young man, seized him by the collar, and pushed him into the middle of the room. "A clear case of hoodliganism," the paper commented. "The Court assembled, tried the case, and passed a sentence of four years. No, not on Captain Sabirov. On Babayer, for trying to defend himself against the Captain's violence."

Captain Sabirov is a busybody. But Captain Sabirov has influence. Captain Sabirov is the representative of the punitive arm of the State in his district, and he knows that unless the people are properly disciplined no work will be fulfilled, and the Soviet Union's entry into Full Communism might be delayed.

The cotton pickers were not doing their work properly. Militia Captain Sabirov took it upon himself to instruct them. This was too much for one of them, a girl with a rather lively temperament. She stuck out her tongue at the representative of authority.

"Arrest her," the captain shouted, according to "Komsomolskaya Pravda."

"Shut us earth for?"

"She has insulted authority. Lock her up for twenty days."

#### Peasen's Intervention

The girl was released after ten days, but only after the local youth leader had telephoned to Stalinabad, the capital of the Tadzhik Republic. A few years ago he would not have dared to tell on the captain. Even now it required much courage on his part. The cotton-picking incident occurred at a time when the young man who had refused to stand up at the captain's prompting had spent a year in prison, and all efforts to secure justice for him had proved unavailing. True, the captain did not get away with it.

His superiors, says the paper, wondered for a long time about what ought to be done. "Finally, they decided to take the captain by the scruff of the neck. But they took him very gently, in a fatherly way. They summoned him, gave him a reprimand, and left him at his job."

It is possible that after the paper's intervention another job was found for the captain. If not -- and these cases do not by any means always end with a dismissal -- the youth leader who had telephoned Stalinsk had better look out. And even if Captain Sabirov has left for other pastures, the militiamen who remained are not likely to forget the youth leader's interference. In another village in the neighbouring republic of Uzbekistan, a young teacher, the part-time correspondent of a local paper, had been taking his duties too seriously. When the militia brought a prosecution against "an entirely law-abiding collective farmer" ("Pravda," December 2, 1955) the teacher proceeded to "expose the true facts." As a result, some of the people concerned had had "to exchange their militia headress for a worker's cap." The militia, says the paper, had no kindly feelings for the teacher, in fact "they had it in for him." So when a cow of one of the villagers disappeared the militia lieutenant from the district centre asked the prosecutor for a warrant for the teacher's arrest. The prosecutor did ask if there was any evidence against the teacher, but when he found that there was none he, too, concluded that "there can be no doubt" that the teacher had stolen the cow. When the case came to trial, the judge, says "Pravda," had considerable difficulty with the chief witness, the woman whose cow had disappeared.

"But he never stole my cow," she declared hotly in court.

"Of course he stole it," the judge insisted. "Don't you remember how he led it away on the rope, telling it to get a move on?"

"Nothing of the sort," the woman replied.

"Of course he did," the judge concluded.

The teacher for whom the militia had "had it in" was sentenced to five years' imprisonment. As soon as the prosecutor in the supervisory department began reading through the files of the case it came to pieces in his hand, says "Pravda." What it does not say is how soon the file reached the prosecutor.

### Illegal Detention

A youngster who had been illegally detained by the militia was not released until seven months later, although

"Investia" said on June 21, 1959, the supervisory prosecutor established five days after the arrest that the boy was innocent. The boy, Vladimir Ivanov, had been in trouble before. He had served a sentence of one year's imprisonment for theft. He came back "firmly determined to put an end to all that," but he had not reckoned with the local militia chief. Ivanov tried to "go straight" and joined a motor-driving school to get a new trade. But the militia chief did not think that Ivanov was to be trusted, and ordered that he should not be allowed to take his test. He also arranged to have the boy shadowed.

When a coat was stolen at a dance that Ivanov was attending, he was immediately arrested by two militiamen, in the middle of the dance floor. After several days, when the real thieves were found, he was released. A local storm was broken into, and again Ivanov was arrested. This time he was detained for three months on a warrant issued by the prosecutor, who "felt by intuition that Ivanov was guilty." When all else failed, says the paper, the militia chief "decided to provoke Ivanov into stealing." One of his assistants

"Got the boy drunk, took him out into the street, and attacked a passer-by. A fight started. Ivanov came to the aid of his 'comrade.' During the fight the militia chief's assistant picked out from the pocket of the passer-by a wallet with money in it. In the morning he reported it all to the militia chief, who had Ivanov arrested."

The boy was lucky, because the victim of the attack recognized the man who had attacked him -- but not lucky enough to secure his release. After an investigation lasting five days, the local prosecutor -- the same who had issued the warrant for the earlier arrests -- learned the true circumstances of the case and reported them to his supervisory prosecutor. But he did not withdraw the warrant for the boy's arrest. If the boy was innocent, he explained, then the militia chief was guilty and would have to be arrested; "but I have no right to order this." (These above the rank of sergeant in both the militia and the political security police cannot be arrested without the special permission of the supreme authority in their own organization.)

The boy Ivanov remained in prison while the activities of the militia chief were being looked into. After seven months the youngster received a handsome apology, was released, and the militia chief was "punished" -- though the details of the punishment have not been vouchsafed to the readers of "Investia." Could it be that the punishment did not really fit the crime (after all, the State must retain the loyalty of the militia) and that the publication of the details would have revealed this? The two correspondents whom "Investia" put on the job hint that this may indeed have been the reason.

EX-PRISONERS

The moral indignation of the two correspondents knows no bounds. The Ivanov case alone, they say, that "the rights of Soviet men have been trampled underfoot in an intolerable manner." Yes, they say, Ivanov had once made a mistake, but he had suffered his punishment for this. "Our militia and procuracy are called upon to help a man to take his place in life," "they should not remain indifferent to a man's fate." This concern for the rehabilitation of ex-prisoners is a comparatively recent by-product of the legality drive, and again it can be traced to Mr. Khrushchev's initiative. Articles in the legal press have hinted for some time past at the obstacles to rehabilitation presented by the various disabilities imposed on ex-prisoners, but precious little was done about it. In a public speech in May, 1959, Mr. Khrushchev recalled how, when he was holidaying in his villa in the Crimea, he had received a letter from an ex-prisoner who was finding life very difficult. The man was earning 600 roubles a month, but he had to pay 200 roubles for a room that he was renting privately, since the State organization would not give him, as an ex-prisoner, a subsidized dwelling. He had got into debt, abandoned his family out of despair, and was now asking Mr. Khrushchev's help. After a talk with him, Mr. Khrushchev instructed the local party secretary to look after the man, and even promised him a loan. "Just think," he said, "a loan for a former thief! This is possible only in the Soviet Union." The ex-thief asked for a photograph of himself with Mr. Khrushchev as a memento, and his request was granted.

Mr. Khrushchev's speech

After Mr. Khrushchev's revelations about his doings at the Crimean villa, the Soviet press was in no time at all filled with articles about how ex-convicts are being helped back into society, and a great deal has been done since then to help them more. The speech was more effective than royal patronage of an ex-prisoner's aid society might be in this country, and there may be a lesson for Western statesmen in Mr. Khrushchev's way of doing things.

But even after Mr. Khrushchev's speech it has not all been plain sailing. Employers in the Soviet Union, although they are State officials, are as prejudiced against ex-prisoners as employers elsewhere. Several members of a gang of juvenile delinquents in the industrial town of Laporoskye resolved to revert to the straight and narrow path of virtue, but no employer would look twice at them. The town administration tried to help and gave the boys written recommendations to the employers, but this, too, proved of no avail. A militia man -- once a juvenile

delinquent himself -- took the boys under his wing. He arranged an interview for them with the local prosecutor -- who gave them the same useless recommendations. The militiamen did not give up. The source of all power in every Soviet locality is the local party secretary, and the militiamen turned to him. The party secretary called a meeting of the District's law officers, personnel officials from the larger factories, and youth leaders. The boys were given work there and then. ("Komsomolskaya Pravda," January 18, 1949.)

The party secretary no longer holds the power of life and death over the citizens -- as he often did during the Stalin terror, in association with the security officials, until his own turn came -- but he is still the undisputed leader of his locality. He can be removed only with the consent of the party officials at the higher level, and they are not always anxious to remove him, even when there is sufficient cause for it. Such dismissals would reflect on those who had appointed him in the first place, and might also undermine the authority of the party organization. Together with the local chiefs of the State Security forces, the militia, the procuracy, and two or three others, he often has great power over his area, and he can use it for good or evil.

### Local cliques

Party secretaries are by no means naturally evil men, and the career probably attracts people who are devoted to the high ideals of communism as well as the power-hungry careerists who are to be found in all societies, but rather more of the latter than of the former. Although their power is not now as absolute as it once was, it still tends to corrupt. The little cliques in charge of a town or a district, with the party secretary at its head, can pervert the course of justice as effectively as the Star Chamber. In the Georgian Republic, the Chief Prosecutor issued a warrant for the arrest of two men who were detained by rank-and-file militiamen for some misdemeanors. When he found that the two men were the relatives of the President-elect of the Republic he ordered their release -- and the arrest of the militiamen who had detained them. ("Novyetskaya Rossiya," May 30, 1959.) In Siberia, the Dombas mining region, the local prosecutor was repeatedly prevailed upon by a "responsible official" in quest cases against members of the "cliques," their associates, and relatives. ("Komsomolskaya Pravda," April 21, 1959.)

A classical example of the operations of the "cliques" was given in the Baku paper, "Bakinskiy Rabochi" on October 13, 1959. It described how the local party secretary, Abilov, assisted by the prosecutor, militia chief, and

judge of the Lenkoran district, "made short work of honest party members" who had dared to criticize the secretary. Criminal proceedings were brought against them on trumped-up charges, and convictions were secured. The atmosphere was reminiscent of the personality cult at its worst. Parades like "with the help of the party committee and Comrade Abilov personally, we have overcome our difficulties" cropped up in every speech at every meeting.

#### Arbitrary powers

This last quotation was left out of "Party Life" when it reprinted in November the "Bakinsky Rabochi" report as a warning to party officials throughout the country. Why? Because hardly a speech is made nowadays in the Central Committee in Moscow without the phrase "with the help of the party committee and Comrade Khrushchev personally, we have overcome our difficulties." Mr. Khrushchev wants to stamp out the exercise of arbitrary powers by the police as well as party officials, but he is not beyond using a little extra pressure himself when his economic or administrative measures do not yield the desired fruit. It is the local party officials who have to secure these results for him. So long as their powers are subject only to the supervision of higher party officials the re-education of the police will not of itself suffice. It may stop a great many abuses of the kind described here, but the system which gives rise to these abuses remains, and with it the possibility that they will continue. The Soviet people have every reason to be thankful to Mr. Khrushchev for launching the legality drive, and the time may not be far distant when the greater freedom resulting from it will cause them to press for a revision of the principles of one-party rule -- unless Mr. Khrushchev anticipates their wishes.