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# WESTERN UNION CABLEGRAM

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Send the following message, subject to the terms on back hereof, which are hereby agreed to

LCL

(JANUARY 4 1937)

JOHN HAZARD  
AMERICAN EMBASSY  
MOSCOW (RUSSIA)

PLEASE SEND COPIES YOUR NUMBERS SEVENTY SIX AND SEVEN STOP PAID OPEN  
ROAD DECEMBER THIRTIETH FORTY FOUR EIGHTY GREETINGS

ROGERS

THE QUICKEST, SUREST AND SAFEST WAY TO SEND MONEY IS BY TELEGRAPH OR CABLE

## ALL MESSAGES TAKEN BY THIS COMPANY ARE SUBJECT TO THE FOLLOWING TERMS:

To guard against mistakes or delays the sender of a cable message should order it repeated, that is, telegraphed back to the originating office for comparison. For this, one-half the unrepeated cable message rate is charged in addition. Unless otherwise indicated on its face this is an unrepeated cable message and paid for as such, in consideration whereof it is agreed between the sender of the message and this Company as follows:

1. The Company shall not be liable for mistakes or delays in the transmission or delivery, or for non-delivery, of any message received for transmission at the unrepeated-message rate beyond the sum of five hundred dollars; nor for mistakes or delays in the transmission or delivery, or for non-delivery, of any message received for transmission at the repeated-message rate beyond the sum of five thousand dollars, *unless specially valued*; nor in any case for delays arising from unavoidable interruption in the working of its lines; nor for errors in cipher or obscure messages.

2. In any event the Company shall not be liable for damages for mistakes or delays in the transmission or delivery, or for the non-delivery, of any message, whether caused by the negligence of its servants or otherwise, beyond the sum of five thousand dollars, at which amount each message is deemed to be valued, unless a greater value is stated in writing by the sender thereof at the time the message is tendered for transmission, and unless the repeated-message rate is paid or agreed to be paid, and an additional charge equal to one-tenth of one per cent of the amount by which such valuation shall exceed five thousand dollars.

3. The Company is hereby made the agent of the sender, without liability, to forward this message over the lines of any other company when necessary to reach its destination.

4. No responsibility attaches to this Company concerning messages until the same are accepted at one of its transmitting offices; and if a message is sent to such office by one of the Company's messengers, he acts for that purpose as the agent of the sender.

5. The Company will not be liable for damages or statutory penalties in any case where the claim is not presented in writing within sixty days after the message is filed with the Company for transmission.

6. It is agreed that in any action by the Company to recover the tolls for any message or messages the prompt and correct transmission and delivery thereof shall be presumed, subject to rebuttal by competent evidence.

7. Special terms governing the transmission of messages under the classes of messages enumerated below shall apply to messages in each of such respective classes in addition to all the foregoing terms.

8. No employee of the Company is authorized to vary the foregoing.

**THE WESTERN UNION TELEGRAPH COMPANY**  
INCORPORATED  
R. B. WHITE, PRESIDENT

## CLASSES OF CABLE SERVICE

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January 5, 1937.

Mr. John N. Hazard,  
American Embassy,  
Moscow, USSR.

Dear John:

Your Nos. 79 and 80 came in a few days ago, apparently having crossed the Atlantic on the same ship. As is usual with your letters, they are both interesting and instructive.

There seems to be little information here in regard to the nature of the amendments that were made to the Constitution prior to its formal adoption. Did these amendments result from the public discussion that followed the publication of the draft version?

The Simpson book on Mexico is not available yet. The University of North Carolina Press promised that it would be out in November. Now the alibi is that it was thought best to hold up distribution until after the holidays. Probably some day we shall have copies, but I am getting decidedly impatient.

The other day I heard indirectly from Major Tolman, one of the editors of the American Bar Association's Journal, about your article. He asked "Sam" Rinaker, a Chicago lawyer, to get additional information about you. At "Sam's" request I wrote Tolman.

Yesterday Moe and I spent two or three hours discussing Institute problems. Now I have been talking with Victor Clark over the long distance 'phone. As usual he is working in his cubicle at the Library of Congress. He asked me to inquire of you the date when your work ends for the present year at the Law Institute.

He has vaguely in mind spending a few days in Moscow before you start on your summer vacation and then to go to the Far East via the Trans-Siberian. Would you be tempted?

I have again suggested to Antonius that it might be well for him to pay you a visit late in the winter or early in the spring.

I have not yet had a chance to read carefully your Columbia Law Review article, but will do so enroute, for I start in a day or two on my trip that will take me as far west as California.

Yesterday I cabled asking for copies of two of your letters. If they arrived, they must have come while I was away. Part of the mail was handled by John Crane and part was forwarded to me. I can't find the letters here and have no recollection of having seen them.

Cordial greetings,

WSR..PJE

JNH...WSR..82

Moscow, USSR.,  
January 6, 1937.

Dear Mr. Rogers;

Midnight tonight is the hour. The census takers will take a final look into every room, into every train and boat to see who is there and whether there have been changes over the past twenty-four hours which have passed since we registered in the preliminary check-up. Elaborate precautions have been taken to leave no one out. Railroad stations will be canvassed from eleven to twelve; recorders will ride out on all trains leaving between those hours, and all boats sailing tonight. Instructions require that recorders register no one they have not seen between eleven and twelve. Exceptions permit earlier recording of the mass of peasants who will be on the road all night driving their produce to market, and to professional fishermen and hunters who will be on their jobs.

The army of recorders, totalling a million, each assigned to cover some fifty people, are mostly students in the various Universities and schools, doing this work without pay as part of their social work. Instructions from the Commissariat of Education extend the time for their midyears to February to allow for the work. My own record was taken by a girl from the IInd Moscow University, a language student who spoke English with a charming Russian-English accent, which was certainly not American in nature. Even then she welcomed a chance to converse in her native tongue.

Questions on the blank are revealing. Besides the usual ones of name, age, sex, citizenship, and marriage status, there are several peculiar to this country. They do not ask for color, but for nationality, which is far from our understanding of the word. A Jew who has always lived in this country will answer that he is a Jew, and not a Russian. When a mixed marriage takes place, the children are classified as the parents wish. Thus the eleven children of a Chinese-Russian combination were classed as Russians, since they knew no Chinese, and had Russian culture. There follow questions on native language and religion, this latter expected to show the tremendous growth of the unbelievers. Questions on literacy include information on what schools have been completed and where study is now being carried on if at all. Next to the end are placed requests for your type of work and place of work, and finally there is the question--To what social group do you belong. One might ask, what groups are there? Here is the choice: worker, office worker, collective farmer, private uncollectivized peasant, private artisan, person of free profession, servants of a cult, or non-toiling elements. Try and place your friends.

Papers and radio tell stories of the holiday spirit in which people received the census takers, hanging banners over the hallways, welcoming them, inviting them to stay for lunch if they dropped in at that time. Stories of census takers fill the press, telling of their odd experiences. Some have been refused admittance, and tonight the whole brigade will call to get the information. Strict secrecy has been decreed, and I noticed that the girl was careful to keep the other names on the list covered while she filled out mine.

After it is all over the Institute of Statistics will work on the figures for a year, and as the Director told Prof. Harper and myself, that task will be one of the largest for the students this season. All the latest tabulating machines using perforated cards will be used to record the results. Preliminary statistics already show Moscow to be huge, and they expect some 170,000,000 for the country as a whole.

The year 1926 saw the last general census, and things have changed extensively since then. Radio reports from Central Asia bring the kind of stories human interest writers love-- census takers riding through sand storms, and scorching deserts to query nomads, distant tribesmen coming in to centers when they thought they were being left out, rooms scrubbed and children dressed in party clothes to greet the recorders, 80 and 90 year old grandmothers telling that they no longer believe in God, but notice that the ones to rely on are your neighbors and yourself. On the other hand their middle-aged daughters say openly that they believe, while their Comsomol children declare themselves non-believers. What a land of contrasts, where even census taking is made into a celebration!

Greetings to you all,

JNH.

82 (5) PERSONAL

The results of your trip around America are most interesting. But as you say that you are to be off again during January and February, I presume that these letters will not reach you until your return. Your comments on the political situation in America are quite in line with the impression I receive from letters from friends who live all over America. The ones from the East remain quite the same as before and even grouse about 12 million people hardly represented in Congress, while the ones from the west, even from former conservatives are most surprising. One boy who is a son of a very well-off automobilist has told me of a circle they have to discuss affairs and that they were so interested in communism that they wanted more material on it. Another is trying to get the whole labor policy of a Co. reversed, since he feels the need so crying. America is certainly on the move.

I am, of course, extremely interested in the results of your trip, both as to the Institute and as to my particular phase of its work. I shall hope for a more complete report later, for you may be sure that I am always most keenly interested in the future and its possibilities. I am trying to collect my knowledge now and put as much as possible on paper, because I feel the European situation so upset that I cannot feel certain that study may continue indefinitely. Realizing that no where will the opportunity for getting the facts of the law straight be as good as here I am working almost night and day to record my ideas, and get them corrected by people in the school. Then I will at least have something if the boys across the border start. But the work of collecting and recording all I wish is slow and very exacting, and at times so colossal that it makes my head ache. I only hope that I can get a general outline on which later I can build.

I have retyped No 76, but think 77 a bit undesirable and possibly better wherever it now rests. I would write more often if I were not so tied up in my work, and sadly enough this type of exacting checking up on every detail is so slow that there is little to show for hours of grind. Often I wish I were a novelist who just sits down and lets her go!

Your Christmas cable came and was a hearty reminder of the day which Mr. Henderson did not let us forget. I also appreciate your 1937 greetings, and I can only say that I only hope it will give me a chance to show the Institute that they have not bet on the less than best horse. It is that which always worries me during the dingy months of Jan., Feb., and March, just as you say it messes up Cornell.

And so, please do write again, and from California. If you see Prof. Fisher and Prof. Graham, do give them my greetings. If I come back through Siberia, I might be able to see them next July.

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January 9, 1937


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Mr. Walter S. Rogers,  
Institute of Current World Affairs,  
522 Fifth Avenue,  
New York, N. Y.

Dear Mr. Rogers,

I write to thank you for your kindness in providing me with a copy of the article by John N. Hazard entitled "Soviet Law". It arrived yesterday afternoon and I read it over last evening. I found it both clear and enlightening. I have quite a library of books on Soviet Russia and I am delighted to be able to add to it this exposition of Soviet Law.

Sincerely yours,

  
Frederick S. Winston

INSTITUTE OF CURRENT WORLD AFFAIRS  
522 FIFTH AVENUE  
NEW YORK

JNH...WSR..83

Moscow, USSR,  
January 15, 1937.

Dear Mr. Rogers;

Ten days of national art finish tonight as the Georgian State Opera complete their season in the Bolshoi. What a Georgian week it has been with every radio sounding out Georgian music and with the press packed with pictures and interviews of Georgian producers and artists! Were it only the manifestation of a love of music it would be interesting, but the significance lies far deeper than that.

"Nationalistic in form; socialistic in substance". That is the slogan defining the national policy of the Soviet Union, a slogan embodying the principle of national regeneration and education which has come down from the first decree immediately after the Revolution. That was a decree signed by Lenin as Chief of the government and by Stalin as his Commissar of Nationalities. Since that time there have been numerous elaborations of this principle, the best known being the volume written by Stalin himself.

To leave out of consideration former conditions is to entirely miss the portent of present acts. Compulsory use of Russian as the official language throughout the Empire, in government organs, in courts, in laws was the order of the day. From this dominance there grew up a resentful distrust so deep that the overcoming of it was one of the chief tasks of the early years of the Revolution. Russians say that no federation of the Union could have been possible without removing the fear in outlying districts that the new program of socialism and brotherhood of workers was not a hoax, designed in a clever way to hoodwink the national minorities into more years of servitude and submission to the Great Russians. Stalin has said that it would have been much easier to create a socialist economy and administer a socialist government in a unified country like France, but such was not the picture which the fathers of the Union faced.

Confidence is not easy to acquire after years of open domination, but the government set out to win it in all of the regions of minorities. Today's new Constitution



is a reflection of the methods they have used--restoring of national languages, creation of new Union Republics with a large measure of autonomy, use of nationals in the government apparatus and courts, and finally above all the creation of the Council of Nationalities, provided by the 1924 Constitution, and reinforced in the new Stalin Constitution of 1936.

Several proposals for amendments to the draft suggested abolition of this Council of Nationalities, which together with the Council of the Union forms the bicameral legislature of the Union government. The draft had provided for a small chamber of representatives chosen by the Supreme Councils (legislative bodies) of each Union and Autonomous Republic, and by the Soviets of the Autonomous Regions. As such it represented a small body elected in quite the same way as the American Senate before the XVII Amendment.

Going into the matter in some detail Stalin outlined in his speech at the Constitutional Congress the importance of this Council of Nationalities, but he went further in suggesting that the Congress adopt a proposal to enlarge the membership to that of the Council of the Union and at the same time provide for popular election of its members, so that election would be direct instead of two-stepped. He foresaw as a result the strengthening of the Council of Nationalities and the elimination of any misunderstanding as to the true nature of its position--equal in all ways to the Council of the Union, no higher and no lower. These suggestions were adopted, and the Council now stands as a keystone in the national policy.

It would be <sup>an</sup> error to suppose that the right of national autonomy includes the privilege of choosing to swing over to the bourgeois side of the fence. The slogan calls for a government "socialist in substance". To be sure at the very start of the Revolution, the Russian Socialist Federal Soviet Republic did not object when Finland and the Baltic States asked for permission to secede in accordance with the right of self-determination affirmed in the first decree on national policy. This principle of the right of secession has remained through the years, and is restated in the present Constitution. Stalin has said that it is so real a principle that one of the requirements for the rise of an Autonomous Republic (without the right to secede) to the status of a Union Republic (with this right) is geographical location on a border of the Soviet Union, which would make possible factual secession. He explains that secession of a Republic wholly within the Union would be an empty right if it were to find itself encircled by socialist republics. Therefore he demands that the aspirant be on a border permitting it to secede to the outside world.

Secession is not wholly as uncomplicated a problem as it might seem, for various considerations arise. Marxists point out that any small state in the capitalist world has no real freedom but is only an economic, and sometimes political vassal of one of the great imperialist powers. If a Republic were to secede, no Marxist would expect it to gain any freedom, but rather he would say that the result would surely be that the small state could not resist being swallowed up in the struggle of the imperialist powers. Pushing the argument further it follows that secession would bring not freedom but enslavement, and it is not likely that the other Republics would permit a sister Republic to exert its freedom in such a way as to deprive itself of freedom in the future, any more than organized society permits the individual to assert his freedom to commit suicide.

It is perhaps considerations such as these which influenced the decision years ago to assist the communists of Georgia to overthrow those mensheviks who sought to make of Georgia an independent state. Were the movement to be that of the overwhelming majority of the citizens we might have what the lawyers call a test case, but Russians point out that it is idle to assume such facts, for it is inconceivable that any Republic would wish to give itself up to the capitalists.

Pushing the cultural side of the national policy to its extreme limits the Union has aided remote groups to transcribe their languages, to educate their people, and to preserve and recreate cultures which have been slowly dying. The results are everywhere apparent, the festival of the Georgian opera only being one of many examples. Groups are proud of their nationality, as was shown in the census, when persons admitted that last time they had said they were Russians but now they were glad to tell their true nationality. It makes one wonder what we might have done or might still do with the American Indian.

Greetings to you all,

JNH

83 (4 -PERSONAL)



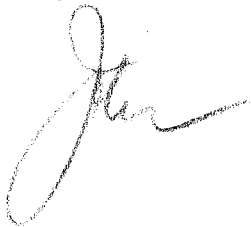
I received a few days ago two large boxes of dates with Mr. Crane's name on the sending cards. I am writing him to thank him, and have delivered boxes to the Besses, Habicht, Faymonville, and my former landlady in yours and John's name. It seemed that something of the sort must have been meant as there were so many boxes. You may receive cards from them in reply. In the future I suggest that no further shipments be made as these will last a long time, and the duty is humorously out of proportion to the value, being gauged by weight including the tin containers.

Your barrage of cables kept me in daily suspense, although it was gratifying to know that the letters had finally come through, and also that you like 81. I shall await your letter of January 6th to see what is new on your side.

On the 23rd I go to Leningrad for a few days, having given up the idea of a trip to Murmansk, primarily because the reports are that <sup>return</sup> railroad accommodations are impossible to get without waiting days, and I have no such long time to wait. But I shall enjoy Leningrad as I have never spent more than a day there, and in addition I have a friend there who will show me around.

All goes well with me, and I find plenty to keep me busy as usual. I only wish there were a chance occasionally in one's career to sit down and catch up. My health has been unusually fine this winter, no doubt due to <sup>the</sup> better room and more regular food, so that the effective rate has hit a new high.

Again greetings to you all,



Chicago, Ill.  
Jan. 21, 1937

Dear John:

During the past few days I have been thinking about you a great deal. I have been at the University of Minnesota - ten below zero and considerable snow. The dean of the Law School Everett Fraser, comes from Prince Edward's Island and is a graduate of Harvard Law School. He is much interested in what you are doing and in the organization of the Law Institute. Some time ago he received the approval of the Trustees of the University of a plan that looks towards a reorganization of the Law School. His proposals were none too kindly received by the lawyers on the Board, but Dr. William Mayo, the famous one, urged their adoption and talked so forcefully that there was no active opposition.

Having received a letter about your article from Joseph R. Taylor, managing editor of the American Bar Association Journal I used it as an excuse to call on him. He is not very impressive and I suspect that he is more or less a victim of the intriguing that seemingly is a dominant feature of the Association. His idea seems to be an article about half the length of the one you prepared and more compactly written. He promised to write to you.

At the University of Chicago Law School is a Max Rheinstein, a German exile, who is supposed to be a world authority on comparative law. He spoke very highly of your article on Soviet Law and asked to see some of your letters. He may write to you. However, I made it clear to him that you are very busy and that correspondence puts a heavy burden on you. He has now been given a permanent appointment by the University.

Yesterday I lunched with the treasurer of Sears-Roebuck who is also a trustee of M. I. T. He is enthusiastic for our making a study of science and its implications. After I told him about you he insisted on being permitted to read some of your letters. He like every one else, whose judgment I prize, urges that you drive right ahead for a couple of more years at least. 1937 may prove a critical year and you are at one of the vantage points.

Today I have lunched with "Sam" Harper. He has prepared a memo on his trip but we hesitate to trust it to the mails. Our talk today was mainly about your No. 76, particularly with reference to the qualifications needed by any one working in the field of statistics.

Sordial greetings,

WSR.

Leningrad, U.S.S.R.,  
January 28th, 1937.

Dear Mr. Rogers:

Palaces, Cathedrals, hump-backed bridges, frozen canals, foggy streets - all this is the Leningrad of which I had so often read. Two days here in 1930 and three hours in 1934 had left it still an unexplored city until this trip during my winter holidays at the Institute.

To go through room after room of the Winter Palace stretching along the banks of the Neva, and to see the square in front through windows pierced with bullet holes, now carefully glazed over, is to catch glimpses of what that life once was, and to feel the crowd as it hurled itself across the Square. Nowhere has the spirit of the old recaptured so well as in the Grand Duke's Palace next door to the Winter Palace - for there nearly everything is intact, the Palace now being used as a club for scientists. Sitting in its great dining hall with one of my friends who is a member, under huge hewn beams and massive wrought-iron chandeliers, as portraits looked down upon us the contrast with the new seemed even more extreme. Around us in the hall, and later in the endless Palace rooms were scientists with their wives and sons lounging on divans and standing before the open coal fires which alone warmed the rooms.

A walk through the incomparable galleries of the Hermitage brings back many a memory of museums elsewhere in Europe, but in the vaults down below are the collection of jewelry and watches and du-dabs of the Czars which surpass anything the Bourbons ever collected. Then later to go out to the village where the country palaces put in bold relief the life of the Romanovs as well as their predecessors. Catherine the Great's Palace outdoes even Versailles in freshness and regality, and the neat, careful way in which it is kept and exhibited will gratify any one who reveres ancient treasures. Lenin's act in placing guards about all national monuments and palaces has saved for posterity the most telling argument in the whole list of propaganda. In the Czarina's quarters of the last Czar's Palace the hundreds of snapshots and photographs cause history to be very real as famous personages are discovered one after the other.

Massive Saint Isaac's Cathedral now serves as the Anti-Religious museum. Its heavy structure lends weight to the pictures and diagrams showing the terrible struggle to erect it in a day when cranes and building equipment were not known. The many photographs along its walls show how its former priests took part in the counter-revolutionary attempts of the early years of the Revolution. No further argument is needed for the good Communist to convince him that the Church was and is a menace to socialist society.

But all these are the dead past - as a link with today to provide a living past one need only sit in the State Opera House as the lights dim and the strains of Chaikovsky's "Swan Tales" rise from the pit. Here is what is reputed to be the finest ballet corps in the world - far better than that in Moscow. Certainly it did not disappoint me, for as artists appeared most of whom I have seen in recital in Moscow, I felt almost at home with friends. The staging is beautiful, and the dancing leaves nothing to be desired - at least to a layman like myself. The overfilled house applauds and cheers. This is now a worker's joy and a city pride. Communism has nothing against beauty and art - its struggle

is with a monopoly on this enjoyment which they find abroad due to high prices for seats and privileges of study restricted to those who have outside funds to support them during the long learning period.

And then there is the present - the factory and the worker. Going through a huge textile mill again and again I was struck with the raw material with which the management must work - faces which showed that machine experience was a matter of only a short period. Experts pointed out poorly woven products to girls who looked quite like charwomen, and instructed them to improve their output. On the other hand, I shook hands with Stakhanovite workers who have so increased the number of machines they can work that the factory has been able to run three shifts with the same total number of workers formerly needed for two shifts. This has not meant letting out of workers, as they never could get enough before for the three shifts. Now production is on a 24 hour basis with one hour out for lunch on each shift. Numberless inventions have been made to simplify work and eliminate fatigue, so that the speed-up is not to be taken out of human energy, but out of poorly organized work.

Here is a city of three million, catching up on Moscow. It may be different from the Capital - and most travel books tell us it is, but the similarities with the Capital are so many more than the dissimilarities that I cannot find anything which is not the Soviet Union I know. People are perhaps more polite - they sometimes offer their seats to women in trolley cars - and bus engines sound healthier than in Moscow which may reflect a population longer familiar with machines, but essentially the two cities are the same, at least to me. I prefer Moscow because it seems like home, but I could learn to like this town.

Now back to the Capital to start the second semester at the Institute, and put the cap on this preliminary part of the work. Whereas a vacation within the country is not as restful as one wholly away from the language and the problems of the press, it is a change, and a refreshing one.

Greetings to you all.

J.N.H.

Leningrad, U. S. S. R.,  
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But all these are the dead past: -- as a link with today to provide a living past one need only sit in the State Opera house as the lights dim and the strains of Chailovsky's "Swan Lake" rise from the pit. Here is what is reputed to be the finest ballet corps in the world -- far better than that in Moscow. Certainly it did not disappoint me, for as artists appeared most of whom I have seen in recital in Moscow I felt almost at home with friends. The staging is beautiful, and the dancing leaves nothing to be desired -- at least to a layman like myself. The overfilled house applauds and cheers. This is now a worker's joy and a city pride. Communism has nothing against beauty and art -- its struggle is with a monopoly in their enjoyment which they find abroad due to high prices for seats and privileges of study restricted to those who have outside funds to support them during the long learning period.

And then there is the present -- the factory and the worker. Going through a huge textile mill again and again I was struck with the raw material with which the management must work -- faces which showed that machine operation

was a matter of only a short period. Capt. pointed out poorly woven products to girls who looked quite like Charwomen, and instructed them to improve their output. On the other hand I shook hands with Stachanovite workers who have ~~not~~ increased the number of machines they can work that the factory has been able to run three shifts with the same total number of workers formerly needed for two shifts. ~~Before~~ This has not meant letting-out of workers, as they never could get enough before for the three shifts. Now production is on a 24 hour basis with one hour out for lunch on each shift. Numberless inventions have been made to simplify work & eliminate fatigue, so that the speeding is not to be taken out of human energy, but out of poorly organized work.

Here is a city of three million, catching up on Moscow. It may be different from the capital - and most travel books tell us it is, but the similarities with the capital are so many more than the dissimilarities that I cannot find anything which is not the Soviet Union I know. People are perhaps more polite - they sometimes offer their seats to women in trolley cars - and bus engines sound healthier than in Moscow which may reflect a population longer familiar with machines, but essentially the two cities are the same, at least to me. I prefer Moscow because it seems like home, but I could



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learn to like this town.

Now back to the capital to start the second semester at the Institute, and put the cap on this preliminary part of the work. Whereas a vacation within the country is not as restful as one wholly away from the language and the problems of the press, it is a change, and a refreshing one.

Greetings to you all.

J. P. H.

Moscow,USSR.,  
February 2,1937.

Dear Mr. Rogers;

"Comrade Judges, I shall not hide from you that exceptionally hard and unusually difficult situation in which the defense attorney finds himself in this case. The defense attorney is a son of his fatherland and a citizen of the great Soviet Union, and the feeling of great indignation, anger, and horror which is now seizing the entire country from the smallest to the greatest, a feeling which is so clearly reflected in the speech of the Prosecutor, cannot be foreign to the defense attorney.

But Comrade Judges, it is the will of Soviet law and of the Stalin Constitution which guarantees to every accused irrespective of the seriousness of his crime the right to defense; it is our civil and professional duty to grant aid in realizing this right to any person who may wish to make use of this defense.

I am defending Knyazev, the chief of the Railroad, who derailed a train with workers and Redarmymen to oblige the Japanese secret service. I shall not hide the fact that when I read the material in the case, when I paged through the documents, when I heard the testimony of Knyazev, I seemed to hear the crash of the breaking cars and the groans of the wounded Redarmymen. Nevertheless I would not be correct if I should say that there are no bases for his defense."

With these introductory words, I.D. Braude began his speech in defense of one of the lesser defendants in the trial of Pyatakov, Radek et al. which has only just ended. No words could better portray the position of the Soviet defense attorney than these from the lips of the greatest of them all, the Clarence Darrow of the Union, whose name is known far beyond the ranks of the profession and whose announced appearance is enough to jam any court room.

After making his introduction Braude went on to outline the crimes of which his client was accused and to which he had pleaded guilty. The attorney pointed out mitigating circumstances:—shorter association with the gang, than was the case with others, a not-bad past record, an obvious lack of political training, and a plea that this trial not be the last event by which the defendant might be taught the error of his ways.

Students being trained for the profession are taught that the defense attorney's first duty is to the court-- to clarify every issue of the case, some of which the Prosecutor may have overlooked in his zeal to present a rounded accusation. To be sure the court is never bound in Soviet law to consider only the evidence presented by the Prosecution and the Defense, but in practice crowded dockets lead to an increasing reliance on the parties to bring out all evidence on both sides. Only when the good is fully known as well as the bad can the court perform its function of protection and education. Soviet jurists teach that a sentence which is too severe is just as harmful as one which is not severe enough, in that public confidence in the court as a deliberative body will be shaken. Failure to find the extenuating facts may cause the life of a man to be taken, when he could have been reeducated and replaced usefully in society. Just what the possibilities of reeducation may be must be sketched by the defense attorney. In that lies his greatest function under Soviet law.

Defense attorneys must also rebut evidence presented by the Prosecution if they are convinced that its introduction might mislead the court. He is a check on false evidence, but he could never be permitted to rebut true evidence with falsified material or deny the commission of a crime to which his client has confessed or of which he himself may be certain.

Defense attorneys do not hesitate to produce conflicting evidence when they feel that the prosecution has erred. I remember a case when the attorney was more active than the Prosecutor in digging out facts which suggested that either of two other persons had committed the murder of which his client was accused. His efforts so exposed the insufficient preparation of the preliminary investigator and of the prosecution that the court refused to continue the case until matters had been cleared up. Only three months later was the defendant found guilty and even then one could not feel absolutely certain of his guilt.

Persons who try to evaluate the quiet part played by the defense attorney in this recent trial must remember that Soviet procedure calls for a thorough preliminary examination by an investigator who is required by law to search for facts on both sides of the issue. The Prosecutor's work is independent of that of the investigator, and in consequence the record of the preliminary examination has been badly prepared if it does not provide the court with a set of facts into which neither side can in all probability throw any surprises. Before the trial the Court reviews the record to see if it thinks there is not promise of substantiating the indictment. Only after all of this preliminary work does the trial open. At that point there are few sensations which the defense attorney can bring to light.

It is small wonder that with this preparation the trial appears to run with precision. Surprises are few, although some did occur in this last case when some of the defendants confessed in open court to facts which they had withheld during the preliminary examination. Some Americans have expressed incredulity in some of the dramatic events testified to in the trial. They think of American criminals who rarely confess, except when they turn state's evidence and are subjected to lesser penalties for their trouble. Any expression of my feelings could be only a guess as I certainly have no access to records of events abroad or here. I can, however, add that after living in this part of the world and knowing the Russians almost no revelation can seem wholly improbable.

Viewing the evidence one must bear in mind that big trials have a double function in the Union. They have not only the burden of ridding the country of persons who are believed harmful, but they have the burden of educating those who remain. Flashy and dramatic evidence may be best suited to this purpose, when less spectacular accounts might have been sufficient to disclose the presence of a plot. Persons of moderate education must be taught the issues involved, and evidence must be brought out in the picturesque way that all can understand from the grade schools up. With that background one may come closer to understanding the introduction of items which seem too much like antics of the Rover Boys, or Tom Swift. After all when you believe in your goal, and you know that others are standing in the way of achievement, the Marxian teaches that it is the end that is all important--the discrediting of a movement which has threatened and tried to undermine to present administration.

Greetings to you all,

JNH

Moscow, USSR.,  
February 15, 1937.

Dear Mr. Rogers;

Pushkin is the name of the hour--on every radio, in every paper, on every stage. The one hundredth anniversary of his death after the tragic duel has occasioned a demonstration which could hardly be duplicated in a country where things were not centrally administered. The occasion serves as a new inspirational moment for carrying into the remotest corners of the Union the struggle for culture. Fifty national languages now carry his works and 10,000,000 copies of them have rolled from the press during 1936 alone as compared with 9,100,000 from 1898 to 1917. It is figures such as these which fill today's editorials.

It was my good fortune to find a seat at the commemorative evening held at the First Art Theater. Grace, simplicity, and exquisite taste ruled from beginning to end. From the moment the curtain opened on the simple classically decorated stage on which sat informally six actors and actresses to the final acts from Pushkin's Boris Goodenov one's interest never lagged.

These artists combined a reading of the greatest of the poems with the retelling of the story of the death. It is a story again and again emphasized and compared with the 1889 festival in which Pushkin was called a friend and counsel of Nicholas the First. That evening's recitations of letters, Imperial orders, reports from archives of the police told another story--a story of constant suspicion, of intrigue, of banishment to Siberia, of return, of revolutionary poems, of plotting by government spies to embroil the poet in a duel to defend his wife's honor, of the fateful early dawn, and finally of his death. Mme. Knipper-Chekova read these last words to close a series of recitations by each artist which had included poems known by every Russian who has been to school. There were no comments, no fiery speeches to point the moral. The first part ended and we returned to see excerpts from Pushkin's two great plays, the Stone Guest, and Boris Goodenov.

This was only one of many memorial sessions, varying in form according to the type of person listening and performing. Not all emphasis was on the political lesson involved. Radio programs, speakers' platforms abounded with readings by eminent writers and artists. Here was an opportunity to review the genius of the past--an opportunity which is not overlooked today. Izvestia's columns only recently



reminded the people of the heritage they had, an enviable heritage of the Russian people which as the oldest and most illustrious brother is pointing the way to the other peoples of the Union in their struggle to raise themselves from the backwardness of feudalism.

Revolution does not mean breaking with all that is the past. Marxists do not expect people to be more than they can in view of the economic-social relationships of the period in which they live. That a man does not see and fight against the true character of the society in which he lives is not to be held against him until he has an opportunity to become acquainted with its true nature. His talent is cause for rejoicing if he has used it in the best way he knows how. The past has provided this talent as the great names show: Pushkin, Lermontov, Tolstoy, Dostoevsky, Turgenev, Shedin, Chekhov, Pavlov, Mendeleev, Rimsky-Korsakov, Tschaikovsky, Repin and others. Slavs see no reason for Teutons to think they have a monopoly.

Today's society has produced political thinkers. It is quite natural that such should be the case, for Marxism teaches that man does not turn his ability in a direction not fostered by the surge of the time, but rather the historical moment calls forth and makes famous the man who can fill the need of that moment. Now that the first victories have been won the government is sparing no pains to provide education and learning to its people. It encourages art of all sorts in a manner so lavish as to bring down upon it criticism from those who think socialism means equality of wages. It is trying to awake a people to a culture of which most were never before aware. Time alone will be the judge of its success in turning out new Pushkins.

Greetings to you all,

JNH