

May 18th, 1937.

Mr. John N. Hazard,
c/o American Consulate,
Moscow, U.S.S.R.

Dear John:

Your letters Nos.94 and 95 were awaiting me here upon my return today from Cornell. Also a letter from Henry Ware in which he said that in February he had sent a letter to "Mr.Rummel of Macy and Company" but had received no reply and that he was enclosing letters with request that I forward them to that gentleman. He had the name wrong: it is Beardsley Ruml. The letter to me wandered about because it was addressed to me "Crane Foundation, Room 920, 552 Fifth Avenue." Ware should learn to be precise. Ruml won't enthuse over a letter addressed to him as Rummel. I have written Ware that I have complied with his request.

Enclosed is the letter addressed to the Passport Office of the Militia duly signed and sealed. I have not sent a formal letter to Gumansky requesting that permission be granted you to continue your studies for another year. I spoke to him about the subject and he promised to write Moscow endorsing the request. Thursday or Friday of this week I expect to see him in Washington and will at that time hand him a formal written request.

Until reading your No.95 I hadn't realized the extent of the non-legal subjects included in the State Examinations. Under the circumstances, of course, there would be no point in your undertaking them. Don't harbor any regrets for we are all interested not in the passing examinations but in your acquisition of a knowledge of the law. Would you be permitted to take such of the subjects as you have covered?

No word as yet has been received here as to whether or not May will be permitted to take up the study of statistics in Moscow.

If you will need money for your return trip expenses please let us know fairly promptly.

Cordial greetings,

WSR/fc
encls.

[Copy for file]
[- please sign & return Russian original]

Нормо Логик, С. М. А.
25^{го} Ноябрь, 1937г.

Г-ну Карамышину Сергею Васильевичу Редукционному Управлению
Нашего Государства Министров
Народного Коммунистического Внутренних Дел,
Москва.

Уважаемый Г-н Карамышин!

As Director of the Institute of Current World Affairs, I beg you to grant to John Hazard an exit visa to permit him to return to the United States of America.

Citizen Hazard has now completed the studies of law for which this Institute sent him to the Soviet Union, and is now to return to New York to begin his work as a specialist on Soviet law.

May I take this opportunity to extend to your Otdel the appreciation of the Trustees of the Institute of Current World Affairs for the cooperation he has received in being permitted to continue this study over a period of three and one half years. We trust that in the future the Institute may send him back to the Soviet Union for short periods of time so that he may inform himself of new events in the field of law. We, the Institute will continue to look to your Otdel for assistance.

Very sincerely yours

Walter Rodgers, Director

JNH...WSR..97

Moscow,USSR.,
May 19,1937.

Dear Mr. Rogers;

Many novelties of the Stalin Constitution have already found reflection in our daily life. Not the least of these is the effect had by Art. 71* ,providing for the addressing of questions to members of the Government. This innovation in Soviet Constitutional law is already taking the form of questions put to the Commissars through the medium of the press. It is providing a means of transition for Commisars and people to the situation which will exist when the Supreme Council of the Union is finally elected.

Printing queries for the past month, the Government paper, Izvestiya, follows them with answers at intervals ranging from two to fifteen days. A review of subjects involved will serve to answer American questions as to what issues are being raised in open discussion. As the press prints only one or two questions a day, there may well be other problems for which space is not yet available.

Here are some of the questions, arranged according to Commisariats, and following them are summaries of the answers:

Commissariat for Foreign Affairs: To Litvinov

On what basis does Japan continue to fish in Soviet waters in the Pacific?

The Treaty of Portsmouth granted Japan these privileges. Some years ago the S.U. recognized the treaty as binding. Since then supplementary agreements have covered the execution of the privilege, the last being a temporary agreement for one year.

What measures are being taken to discover the crew of the freighter Komsomol, lost in Spanish waters?

Since the S.U. has no diplomatic relations with Franco, the question has been forwarded through Italy, which has such relations. The reply assures that the men are in a rebel prison.

* Art. 71- The Government of the U.S.S.R. or a People's Commissar of the U.S.S.R. to whom a question of a member of the Supreme Soviet of the U.S.S.R. is addressed must give a verbal or written reply in the respective Chamber within a period not exceeding three days.

Commissariat of Light Industry: To Lyubimov

What is being done to assure women good quality silk stockings, and why is there such a delay in this field?

The Industry has been extensively developed only during the last year. But even now 393 million pairs were produced during 1936. Production is being speeded up.

Commissariat of Heavy Industry: To Mezhlauk

Why is oxygen not used in non-ferrous metallurgy and in the chemical industry for the intensification of the chemical process?

Not enough oxygen is yet being produced, but factories are now being equipped, and the order has been issued to meet the demand by October 1st.

Commissariat of Foreign Trade: To Rosenholtz

Why were imports during 1936 from Germany greater than exports to that country?

Over 70% of the imports were under the trade credit made in 1935. Already purchases have been reduced from the 1931 figure of 1 billion marks to 47 million in 1936.

All-Union Council of Producing Cooperatives: To Chudov

Why has no change been made in the model charter in accordance with the Stalin Const., since the present charter allows only workers to be members?

The present charter was drawn up in 1932 and is very much out of date. A Commission is already discussing the redrafting along democratic lines.

Why are cooperative funds not being used to construct new apartment houses?

These funds belong to each coop. to do with as they please in the bettering of the living conditions of the members. So far the funds have not been used in this direction but attention should be directed towards this side of the problem.

Committee on Art of the U.S.S.R.: To Kerzhentsev

Why are there no new Soviet plays being produced during the present season, which has been outstanding solely because of revivals?

(As yet no time for an answer.)

P.S. With this letter I conclude the season of letter-writing, as time will be too short before I come in on June 28th on the Normandie to send more. It is with the greatest expectation that I look forward to seeing old friends again, and so until July!

JNH.

97 Personal

I have received word that Mr. Crane will be in on the 22nd with his group. He is most interested in matters of Central Asia, and all of us are doing our best to get him the contacts he wishes. It is not a subject on which information is readily obtainable, and I trust that he is not going to be disappointed.

In my conversation with Mr. Neyman the other day, he seemed to have heard nothing from Mr. Oumansky about the sending of other students or extending my studies for a fourth year. He showed great interest, but could give no opinions due to the need to examine the situation further. In all probability the question will hang on until the summer, even for me, but we shall see.

I have been using this time to try and push along with such chapters of my work as are not to be changed by the publication of the new codes. It has been a godsend to have a little bit freer day to do some of the work in which I have been falling behind, as well as work harder on this language. In order to get a little bit earlier start on the summer to be able to return in time for September, I have booked on the Normandie landing on June 28th. I shall spend three days in Paris seeing the Exposition, which is apparently not to be missed. Please don't try to come down to the pier, as that is a torture on hot summer days, especially when there are the inevitable delays. If I get in early enough I shall drop down to the office. If not on time, I shall be in the next morning. In any event I shall be staying at D.E.Austen's, 333 East 68th, as before, and you can leave a message there should you have one which demanded immediate attention.

This has been a great year, and I am very anxious to have some long talks about it and the future, for I have much to tell you about work over here for us students. We are going to have a good chat, I can assure you, so prepare yourself for some good sessions, and bring in the new men if you can round them up.

Please forward no mail from NY after June 1st, but hold it until I call for it. My greetings to the office, and until June--

A handwritten signature in cursive script, appearing to be 'J. A. Austen', is located at the bottom center of the page.

INSTITUTE OF CURRENT WORLD AFFAIRS
522 FIFTH AVENUE
NEW YORK

JNH...WSR..98

Free

Moscow, USSR.,
June 1, 1937.

Dear Mr. Rogers;

These have been busy days, but now only Joe Bradley and Mrs. Hapgood remain. Mr. Crane and John have gone on to other countries, and we sink back into relative quiet again. Mr. Crane seemed extremely well, and reminisced interestingly about his previous trips. I enclose the photograph and interview from the Moscow Daily News, for I am sure that you will be interested.

My visa for the return has been granted, on the basis of a letter explaining in detail the problems of the study of law in this particular period and the necessity of continuing this study until definite theories are published to which we may cling with assurance. I am glad that I have been given the opportunity to continue, for my understanding has been so shaken by recent events, that I could not have the self-confidence I would need if I were to stop now.

Joe Bradley will be returning with me on the Normandie. I shall take him around Paris and the Exposition for three days before sailing, and we shall both be in on the Normandie, June 28th. He is anxious to catch the Century that afternoon, as he must be in Madison the next day. All this means that I leave here June 15th or 16th, and will be in Paris shortly after. You may reach me at the American Express if you need to cable.

So far nothing is yet definite about May, but I shall keep after the subject and hope to get a definite answer before I leave. I shall cable you in that event. I cannot now tell what the decision may be, as there is great divergence in the manner in which cases are now being handled..

Again good wishes until I come in, and may everything turn out as you have hoped.

Creetings,

JNH

РСФСР

Народный Комиссариат Юстиции

Московский

ПРАВОВОЙ ИНСТИТУТ

им. П. И. Стучка

Часть учебная

10 июня 1937 г.

№ 101/5

Москва, улица Герцена, 11
телефон 5-82-19

Hazard

СПРАВКА

Дана настоящая ХАЗАРДУ Джон в том, что, будучи студентом-волонтером-слушателем Московского Юридического Института им. П. И. СТУЧКА с сентября 1935г прослушал и сдал экзамены по нижеследующим дисциплинам:

- | | |
|---------------------------|---------------|
| 1. Гражданскому праву | - хорошо |
| 2. Уголовному праву | - отлично |
| 3. Гражданскому процессу | - отлично |
| 4. Уголовному процессу | - хорошо |
| 5. Жилищному праву | - удовлетовр. |
| 6. Семейно-брачному праву | - отлично |
| 7. Международному праву | - отлично |
| 8. Судеустройству | - отлично. |

ВР. И. В. ДИРЕКТОРА
М. Ю. И.

[Signature]



проф. Кожевников /

ПОМ. НАЧ. ПО УЧЕБНОЙ
И НАУЧ. ЧАСТИ

[Signature]
Паниотов /

RSFSR

People's Commissariat of Justice

MOSCOW

LAW INSTITUTE

named for P. I. Stuchka
Department Curricular

June 10, 1937

No. 101/5

Moscow, Hertsen St. 11

Telephone 5-82-19

AFFIDAVIT

This is given to John Hazard in testimony of the fact that he, having been a special student at the Moscow Juridical Institute named for P. I. Stuchka, from September 1935, has heard and taken examinations in the following subjects:

- | | |
|--------------------------|----------------|
| 1. Civil Law | - good |
| 2. Criminal Law | - excellent |
| 3. Civil Procedure | - excellent |
| 4. Criminal Procedure | - good |
| 5. Housing Law | - satisfactory |
| 6. Family - marriage law | - excellent |
| 7. International law. | - excellent |
| 8. Judicial Institutions | - excellent |

Director pro tem - Prof. Kojhevnikov (sgd)
Ass't. Chief of the Curricular Div. - Paniotov

(Institute Seal)

Charge to the account of INSTITUTE OF CURRENT WORLD AFFAIRS-522 Fifth Ave. \$ _____

CLASS OF SERVICE DESIRED	
DOMESTIC	CABLE
TELEGRAM	FULL RATE
DAY LETTER	DEFERRED
NIGHT MESSAGE	NIGHT LETTER
NIGHT LETTER	SHIP RADIOGRAM

Patrons should check class of service desired; otherwise message will be transmitted as a full-rate communication.

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R. B. WHITE
PRESIDENT

NEWCOMB CARLTON
CHAIRMAN OF THE BOARD

J. C. WILLEVER
FIRST VICE-PRESIDENT

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

June 11, 1937

Mr. C. Cumansky
Embassy U.S.S.R.
Washington, D. C.

Have need Hazards manuscript entitled Soviet Judicial
Organs and Stalin Constitution sent you May fourth Please
let me have it soon

Walter S. 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 message should order it repeated, that is, telegraphed back to the originating office for comparison. For this, one-half the unrepeat message rate is charged in addition. Unless otherwise indicated on its face, this is an unrepeat 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 unrepeat-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 percent 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. Domestic messages and incoming cable messages will be delivered free within one-half mile of the company's office in towns of 5,000 population or less, and within one mile of such office in other cities or towns. Beyond these limits the company does not undertake to make delivery, but will, without liability, at the sender's request, as his agent and at his expense, endeavor to contract for him for such delivery at a reasonable price.
5. 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.
6. 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.
7. 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.
8. Special terms governing the transmission of messages according to their classes, as enumerated below, shall apply to messages in each of such respective classes in addition to all the foregoing terms.
9. No employee of the company is authorized to vary the foregoing.

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

CLASSES OF SERVICE

TELEGRAMS

A full-rate expedited service.

NIGHT MESSAGES

Accepted up to 2:00 A.M. at reduced rates to be sent during the night and delivered not earlier than the morning of the ensuing business day.

Night Messages may at the option of the Telegraph Company be mailed at destination to the addressees, and the Company shall be deemed to have discharged its obligation in such cases with respect to delivery by mailing such night messages at destination, postage prepaid.

DAY LETTERS

A deferred day service at rates lower than the standard telegram rates as follows: One and one-half times the standard night letter rate for the transmission of 50 words or less and one-fifth of the initial rates for each additional 10 words or less.

SPECIAL TERMS APPLYING TO DAY LETTERS:

In further consideration of the reduced rate for this special Day Letter service, the following special terms in addition to those enumerated above are hereby agreed to:

A. Day Letters may be forwarded by the Telegraph Company as a deferred service and the transmission and delivery of such Day Letters is, in all respects, subordinate to the priority of transmission and delivery of regular telegrams.

B. This Day Letter is received subject to the express understanding and agreement that the Company does not undertake that a Day Letter shall be delivered on the day of its date absolutely, and at all events; but that the Company's obligation in this respect is subject to the condition that there shall remain sufficient time for the transmission and delivery of such Day Letter on the day of its date during regular office hours, subject to the priority of the transmission of regular telegrams under the conditions named above.

NIGHT LETTERS

Accepted up to 2:00 A.M. for delivery on the morning of the ensuing business day, at rates still lower than standard night message rates, as follows: The standard telegram rate for 10 words shall be charged for the transmission of 50 words or less, and one-fifth of such standard telegram rate for 10 words shall be charged for each additional 10 words or less.

SPECIAL TERMS APPLYING TO NIGHT LETTERS:

In further consideration of the reduced rates for this special Night Letter service, the following special terms in addition to those enumerated above are hereby agreed to:

Night Letters may at the option of the Telegraph Company be mailed at destination to the addressees, and the Company shall be deemed to have discharged its obligation in such cases with respect to delivery by mailing such Night Letters at destination, postage prepaid.

FULL RATE CABLES

An expedited service throughout. Code language permitted.

DEFERRED HALF-RATE CABLES

Half-rate messages are subject to being deferred in favor of full rate messages for not exceeding 24 hours. Must be written in plain language.

CABLE NIGHT LETTERS

An overnight service for plain language communications, at one-third the full rate, or less. Minimum of 25 words charged for. Subject to delivery at the convenience of the Company within 24 hours.

SHIP RADIOGRAMS

A service to and from ships at sea, in all parts of the world. Plain language or code language may be used.

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CLASS OF SERVICE DESIRED	
FULL-RATE	
HALF-RATE DEFERRED	
NIGHT LETTER	
SHIP RADIOGRAM	

Patrons should check class of service desired; otherwise the cablegram will be transmitted at full rates

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PRESIDENT

NEWCOMB CARLTON
CHAIRMAN OF THE BOARD

J. C. WILLEVER
FIRST VICE-PRESIDENT

CHECK
ACCT'G INFMN.
TIME FILED

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

June 12, 1937

JOHN HAZARD
AMCONSULATE
MOSCOW (USSR)

AFTER WEDNESDAY GEORGE ANTONIUS OXFORD CAMBRIDGE CLUB LONDON
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

FULL RATE

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Half-rate messages are subject to being deferred in favor of full rate messages for not exceeding 24 hours. Must be written in plain language.

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SHIP RADIOGRAMS

A service to and from ships at sea, in all parts of the world. Plain language or code language may be used.

INSTITUTE OF CURRENT WORLD AFFAIRS

John N. Hazard

Third Annual Report

June 1937

22

The Director and Trustees
Institute of Current World Affairs

Gentlemen:

I enclose herewith my third annual report covering my studies in the Soviet Union from September 1936 to June 1937.

For the purpose of continuity I have repeated in summary form the work carried out over the past three years, which was the original period of my appointment.

Details in the section devoted to future plans and to the Soviet Union today will serve to explain my desire to continue for a fourth year in the field.

Respectfully submitted,

John N. Hazard

SS Normandie
June 27, 1937.

The Russian Language

Whereas in the early stages the Russian language was approached primarily as a tool necessary for the study of Soviet law, the past year has been devoted to enlarging my comprehension of the language as a whole. This has been approached through extensive reading of Russian classics and attendance at classical plays.

Pressure of legal study even now has required the devotion of much time to the study of legal terminology. To meet this need lessons were taken twice each Russian six-day week for two academic hours each session, making a total of twenty academic hours each month. The sole interruption occurred during my two-week visit to Leningrad in January. With that exception study was carried on without interruption from August 29th, 1936 to June 11th, 1937.

Work was divided into three fields: (1) grammar and composition; (2) reading of literature; and (3) declamation in Russian on legal subjects listed in the programs of the Moscow Juridical Institute.

During the first part of the school year reading was selected from collections of Russian literature used in the high schools, selections being read from Shadrin, Chekov, Tolstoy, and Dostoyevsky. Later the reading of Turgenev's Nakanune was undertaken and nearly finished. Turgenev was chosen in view of the fact that in Soviet circles he is considered as the greatest master of Russian prose style.

Emphasis in grammar was placed upon the irregularities and exceptions to the rules. Preliminary work in the preceding two years had very nearly covered the fundamental regular rules. The greatest single problem now remaining is the remembering of genders of words ending in the soft sign and in consequence not declaring their gender in their termination. Another source of error is in the inability to grasp a feeling for idiom. It is still too often the case that a phrase is little more than a translation from the English, and in consequence unintelligible in Russian.

Declamation was the real means by which success was achieved in the oral examinations of the Institute of Law. My teacher who has had some training in law was exacting not only as to language but also as to context. In consequence the real examinations were slightly less frightening than her preliminary reviews.

One of the most disheartening realizations of the whole three years of study is that the language still remains unconquered. It has been possible to become rather fluent and to achieve a certain amount of accuracy in using a limited vocabulary, but attendance at any play makes it only too apparent that a full comprehension of the Russian vocabulary is still a dream. Not only is there the trouble with vocabulary, but there is still the difficulty with accent. Although students are at times heartening in telling me that they have seen great progress, my own ear has become so tuned to correct pronunciation that I am embarrassed by my own mistakes.

The Law

Work was continued throughout the year at the Moscow Juridical Institute. This study was centered on the legal subjects needed to complete the program which I had originally set out to cover.

The new decree on work in higher schools called for distribution of lectures over three of the five school days each week. This meant that on these three days the curriculum often called for six hours of lectures. The other two days were spent in reading the assigned texts and in Russian language work.

During the fall term ending in January courses were taken in International Law, Family Law, Housing Law, and Judicial Institutions. The second term had been laid out according to the printed syllabus to continue in various specialized fields of law. This plan suffered a complete change after the abandoning of the theories of E. B. Pashukanis. It became necessary for the Institute to hurriedly revive several of the basic courses studied in recent years and re-teach them to correct the theories now found to be counter-revolutionary.

The syllabus was changed and the only wholly new course was in Financial Law, the remaining being reviews in Constitutional Law, Criminal Law, Civil Law, and Civil Procedure. Even this repetition was not wholly satisfactory, due to the fact that those professors who had survived the cleanup did not themselves know what to teach. Most of the former text books were withdrawn from circulation, and references were made to pre-revolutionary texts, and texts published right after the revolution and wholly out of date. Matters reached such a state that students wrote to Pravda expressing their confusion, and this central party organ which serves as the chief newspaper for the whole country demanded that the Commissariat of Justice take action.

A change was forthcoming. Its first manifestation appeared in the withdrawal of Professor Gregory Amfiteatrov as chief of the curricular division of the Institute. Some weeks later his place was filled by Professor Kojhevnikov, who had held the same position two years previously but who had been in Persia in the Legation since that time.

Criticism of the Institute continued, although no account was taken of the fact that the error lay not with the administration but with the confusion underlying all Soviet law. By the end of May the Director himself, Professor Sakach, was withdrawn by a curt order of the Commissariat of Justice stating that he had been inefficient. Nothing was said as to his political position. He had taken every precaution to protect that by installing a loud speaker in his office through which he could follow every important lecture given in the great hall and check on political errors which might be included.

The attack on "Trotskyites" which had been gaining momentum throughout the Union extended even into the Institute. In addition to the withdrawal of Pashukanis there also disappeared Professor Dotsenko who had taught the basic course in the theory of Soviet Law, and Professor Ettinghof, who had taught an equally basic course in the history of the Communist Party.

For some time I had hoped to be able to take the government examinations in addition to the regular examinations of the Institute. This additional privilege was denied me on the ground that the law creating the examinations required all candidates to qualify by passing all examinations given by the Institute in all subjects during the four years of the course. My study had covered only two full years with a preliminary period of half a year when the language was too sketchy to permit me to take even the Institute examinations. My disappointment in not being able to take the government examinations was in part assuaged by the Director's promise that I should receive a certificate to the effect that I had attended the school and passed the examinations which I had taken. This certificate was given me later after the Director's withdrawal, and in itself represents quite what I had hoped to get to qualify me as a specialist before an American Court. It reads as follows:

AFFIDAVIT

This is given to John Hazard in testimony of the fact that he, having been a special student at the Moscow Juridical Institute, named for P. I. Stuchka, from September 1935, has heard and taken examinations in the following subjects:

- | | | |
|--------------------------|---|--------------|
| 1. Civil Law | - | Good |
| 2. Criminal Law | - | Excellent |
| 3. Civil Procedure | - | Excellent |
| 4. Criminal Procedure | - | Good |
| 5. Housing Law | - | Satisfactory |
| 6. Family-Marriage Law | - | Excellent |
| 7. International Law | - | Excellent |
| 8. Judicial Institutions | - | Excellent |

June 10, 1937

Director pro tem -Prof. Kojhevnikov
Ass't. Chief of the Curricular Div.-
Paniotov

Foreign Worker's Club

Regular sessions of the English language seminar in the history of the Communist Party were attended throughout the year for five times each month. Progress was slow but thorough from the 1905 Revolution to the NEP period.

The class continued, as before, to emphasize not only historical data, but to explain theory underlying each step. It also dealt with the errors of all theoretical deviationists. During the past year this phase of the work has been of major importance, due to the very wide attack along the "theoretical front" as it is termed in party language. Without this study the understanding of the events of the past winter would have been extremely difficult.

No small benefit is to be found in the opportunity to speak in one's own language before a group. It is an art which is too easily lost and not so easily regained.

Letters and Monographs

News letters were dispatched about three times each month, covering any field which happened to be drawing attention at the moment. No attempt was made to make these scientific in view of the fact that they go to such a varied audience. Effort was made to strike all sorts of different subjects in the hope of giving material which might be interesting to all. Letters in response to these news letters indicated that the non-legal letters were best received by the majority of people. One amusing fact to be noted was that no letter ever was favored by two people, but each praised a wholly different type of treatment.

In addition to the letters some legal monographs were prepared. It was originally the idea to prepare these every month, but it soon became clear that to do them well required much more work than would have been possible each month. In consequence they were prepared when it seemed possible and when the material was at hand. One was mailed in the fall treating legal education in the Soviet Union and called "Moscow's Law Institute". In shortened form it has been accepted by the American Bar Association Journal and may appear some time during the year.

The Columbia Law Review published in December a study entitled "Soviet Law - An Introduction". In the short form necessary for a periodical there was no possibility of giving a complete picture. As it happened the article was published none too soon. It had relied on theories taught in the Law Institute during the past two years, and most of the citations were made to works of E. B. Pashukanis. With the repudiation of his theories and the withdrawal of his books, which took place in January, the article became in part historical.

In connection with the arrest of Pashukanis a memorandum was prepared for Ambassador Davies setting forth the problems involved as they had been disclosed in lectures at the Law Institute. A copy of this was sent to New York and has been distributed. It was of necessity little more than a preliminary statement, as nothing final can yet be written.

Another longer memorandum was delivered to the Ambassador treating the effect the new Stalin Constitution would probably have upon legal institutions within the Soviet Union. Under the title "Soviet Judicial Institutions and the Stalin Constitution" it was also sent to New York with a notation to hold until further events might show that the prognostications were not erroneous.

The Georgetown Law Journal wrote and asked for a paper. One was prepared on Soviet Housing Law and forwarded to Washington. At the same time a copy was given the Embassy since it dealt with material they were anxious to have.

Other monographs are in process of preparation, although their completion has been held up by the uncertainty now surrounding Soviet law. Work will be resumed when the confusion is resolved.

Legal Practice

Opportunities for practice were unfortunately few. On some questions of family law and arbitration the Economic-Legal Section of the Embassy asked advice. Close cooperation was maintained with the section so that every benefit might be accrued to both of us by a sharing of information on law.

The International Business Machines Corporation through their Moscow representative asked for legal advice on several matters involving both American and Soviet law. At their request a preliminary memorandum was prepared for them on Soviet Patent Law.

Several members of the American colony sought advice in writing wills, on inheritance matters, and on citizenship and nationality cases.

All legal services were performed without charge in keeping with the original agreement with the Institute. Their great value in making the study concrete far outweighed the amount of time necessary to prepare the advice.

Travel

During the winter vacation of ten days the opportunity was seized to make a trip to Leningrad. It being out of season the Intourist services rendered were most complete. In addition the presence of a good American friend employed as a research specialist in the city made it possible to see the whole picture with intelligent eyes.

An automobile trip was also taken to the city of Kalinin, some 150 miles from Moscow, noted for little except that it is a typical provincial Russian town. The drive, going as it did through the territory of the Moscow-Volga Canal also provided first-hand contact with penal labor camps.

One great regret is that the trip across Siberia was not a possibility this season due to the fact that a fourth year was decided upon. It is my greatest hope that next year when the work is completed that the return may be made through the Siberian taiga so that my picture of the Union may be more or less complete.

Philosophy

To fill the gap in my understanding of dialectic materialism, an English engineer was invited to come in each week and lead an informal discussion group in dialectic materialism. The group was essentially elementary and served to do little more than emphasize the need of taking a regular school course in the subject next year.

The group filled a need in providing a place where one could openly discuss problems of philosophy without being subjected to the wilting comment that an idea presented was a Trotskyism. As often happens with such groups some sessions proved little but others proved of great value. It must be remembered that Pashukanis was most severely criticized because he did not understand dialectic materialism. Its importance to the lawyer is obvious if one cannot be considered capable of understanding the law until principles of philosophy have been grasped.

A Fourth Year

No one could be more anxious than I to finish the study and begin practical work. All effort has been directed to completing the work this June which marks the end of the original three year assignment. Completion might have been almost accomplished, had it not been for the bombshell dropped into the subject of Soviet law in January of this year.

Most of the legal text books, and many of the lectures in the Law Institute were either written or given by E. B. Pashukanis and his assistants. His theories formed the basis for my exposé of Soviet Law printed in the Columbia Law Review. No one thought to question them even as late as last October, but in November with the new Constitution almost a reality, some of them appeared out of keeping with the new order. The result was an attack on his theories, an attack which was later levelled directly at him as an enemy of the people. We do not yet know just what Pashukanis' offense was. We do not know whether he actually took part in intriguing with groups desirous of overthrowing Stalin's government. We know only that he has disappeared and is now denounced, and articles in Pravda discuss the errors he has made. These errors have formed the subject of a paper already distributed by the Institute, and they need not be rehearsed here.

The result of this attack has been a complete reversal of teaching practices in the Law Institute. To date the extent of the change is not known, even to the professors, who themselves admit that they are still groping in the dark. They have contented themselves with exposing the errors of Pashukanis, errors which are now clear to any one who sees what type of a state is necessary in view of the capitalist encirclement of which Stalin has continually warned. But the pointing out of errors has not yet progressed to the substitution of new ideas. No one yet feels that he is willing to risk an idea which itself may prove to be erroneous as Soviet life advances. In consequence any student of Soviet law is now placed in the unenviable position of not knowing what are the theories of today and also not knowing what changes may come in the law with the abandoning of principles long favored by Pashukanis.

It is obvious in the face of this great change in Soviet Law that no study can stop at the moment of transition from the old to the new. Lectures must be attended, as books will lag by some two or three years, and these lectures are to be heard only in Moscow. It means that study must be continued for yet a few months abroad to catch hints as to what the future course of Soviet Law may be.

It is my proposal to return to Moscow for the Fall term of the Law Institute which runs until December 15th. During this term courses in the theory of Soviet law will be retaken and some few subjects previously omitted due to lack of time will be studied. An effort will be made to enlarge philosophical and economic knowledge, for without these so much of Soviet law loses association with the situations for which it has been developed.

With this newly garnered information in hand I propose to return to the United States in time to begin work on my report on Soviet Law with the first of the new year. I have been convinced by the past year that the preparation of such a report would be most difficult without the assistance of criticism of some professor in comparative law. To work in Moscow without expert guidance would be to waste much valuable time and might cause the mistakes which are too easy for a person writing without supervision.

With this in mind it is my intention of taking up residence at some American University beginning with January 1st and working upon the report as a thesis for which a Doctor's degree might be given. With nine months of intensive work it seems probable that the work could be prepared and some rounding out courses also taken in Comparative Law in general and in Jurisprudence. When the thesis is finished there might be a possibility of returning to the Soviet Union for a few months to check it with Soviet authorities, and then publication could follow.

It is my hope that the Trustees will see fit to grant this request to study in America so that the Institute may be assured of the most scholarly report definitely capitalizing upon the three and one half years of study within the Soviet Union.

As to what should follow after the completion of this work, I shall not here go into detail. Suffice it to say that I should like the opportunity of combining practice with some work teaching comparative law if this could be arranged.

SUMMARY OF WORK ACCOMPLISHED
AND WORK TO BE DONE

Accomplished

Classes attended at Moscow Law Institute from February 7, 1935 to
June 1, 1937

Examinations passed in the following courses:

Civil Law
Criminal Law
Civil Procedure
Criminal Procedure
Housing Law
Family-Marriage Law
Judicial Structure
International Law

Courses attended but no examinations taken (none given)

History of the State and Law- from Feudalism to Imperialism
Introduction to Soviet Law-Theory of Soviet State and Law
Financial Law
Public and Constitutional Law
Labor Law
Land Law - first half only

Surveys Prepared

Soviet Law - an Introduction - published
Usage of City Land Under Soviet Law (Housing Law) to be published
Family Law - Marriage and Divorce - to be published
Idem - The Child
Criminal Procedure
Judicial Structure
Constitutional and Public Law (half completed)
Moscow's Law Institute (Legal Education in the Soviet Union)
- to be published

Class attended at Foreign Worker's Club -

History of the Communist Party of the Soviet Union from 1848
to the New Economic Policy - - Two years

To be done

Courses to be taken or repeated:

Introduction to Soviet Law - Theory of the Soviet State and
Law correcting Pashukanis
Land - Kolkhoz Law - to be completed
Dialectic Materialism
Political Economy
Administrative Law
Special Seminar in Civil Law

Prepare complete treatise on Soviet Law

The Soviet Union After the Stalin Constitution

On December 5, 1936 when the Stalin Constitution was ratified, few foreign observers really believed that it was to bring a great change in the method formerly used to administer "Soviet democracy". All foreigners including those who were very favorable to the Soviet system used to smile when any talk centered upon democracy as meaning secret ballots and unsupervised elections. Friends said these elements were not essential to democracy. They went further and said that in reality these elements were not even an index of democracy, for true democracy was not to be judged by the forms, but rather by the interests which it served. The greatest democracy was that government which served the interests of the majority, and the mere right to express a will secretly could not amount to democracy when subtle economic forces prevented this will from being effective.

The proponents of this conception of democracy would end by saying that it was worth while to sacrifice freedom of expression for well-being, and that they would rather have a home and food and education than all the freedom of the ballot box in the world.

Many writers, who found democracy in the Soviet Union, believed that the Soviet government was a truly worker's government and as such knew what was best for the interests of the workers. The fact that this mass of the people may not have fully understood its best interests and that the residue hanging over from the previous regime had no representation at all did not detract from the philosophical argument that in the Soviet Union the worker was more fully represented than the worker in any other country. Granting that the workers and the peasantry in any state form the majority, it followed that a government in the interests of the toiling masses was more democratic for the nation than any other government in the world.

The proponents of this view did not resort to theory alone to prove their point; they produced statistics showing the Soviet worker in the mass to be better off economically than workers of other lands in that he faced no unemployment, enjoyed vacations with pay, had a right to a free education up to and through the university, and was provided with free medical care when he fell ill.

It was widely understood in Soviet Union that during the transitional period following the revolution the toiling masses had to be led, if progress was to be made, by the enlightened workers - and these in the main constituted the membership of the Party. With expanding education and expanding production showing that the path chosen had really been in the interest of the toilers, it became time to do what Lenin had long envisaged - introduce forms which had been associated with democracy. It was time to initiate the secret ballot and to extend the suffrage to all. No one felt that there could be any longer a question of reverting to capitalism or turning away from the goal of communism. Leaders apparently believed that no worker could wish to vote to go back to the old, which had been demonstrated by the past eighteen years as outmoded. They felt that the world depression had more than proved Marx to be true. Leaders thought that the sole choice for the voters could be between alternative candidates all committed to the same general line although differing in their abilities to carry out the program.

Fully believing, apparently, that the time had come for broadening the base of the dictatorship of the proletariat, the leaders presented the draft of the new Constitution. It was to be followed by country-wide discussions. These in fact took place and many suggestions were published. The way in which these ideas were treated did not surprise any one who looked to Stalin as the most enlightened leader of all. Any other approach would have been a surprise. At the first session of the Constitutional Congress Stalin simply and quietly suggested which of the amendments he believed should be adopted and which should be discarded. The rest of the ten days of the convention was left for reports of Commissars and workers telling how they had been carrying on their work.

Foreign correspondents took all this to mean that the Constitution was to be little more than another document. In consequence every one began to be surprised as Pravda reported that men had been removed from their posts because people had complained bitterly about lack of efficiency and bureaucracy. Here was something which had rarely happened before, and it was heralded as evidence of the new order.

This step advanced even further with the publication of the speeches made before the Plenum of the Party in February. Here Zhdanov, Party Secretary for Leningrad, and Stalin outlined new rules for the elections within Party, Komsomol, Trade Union and other organs. This was of significance as it meant that these organs to which the sole right of nomination of candidates for election had been given by the Constitution were to choose their nominees by secret ballot. Many a sceptic now capitulated, for here was new evidence that the new democracy was really to come and be real.

The results of the first Trade Union elections under this system brought consternation to Pravda. Whole governing boards of various Trade Unions were ousted in the secret elections, and Party Secretaries fell by the way in many a Party cell.

Pravda's attitude implied that in many cases officials were ousted who ought in the opinion of party leaders to have been retained for the welfare of the mass of the people. Seemingly from the official point of view the question arose as to whether democracy had been too abruptly and widely introduced.

The wave of change swept on, until every one was beginning to ask where it would end, and hostile elements in the population were having many a good laugh. Talk even circulated to the effect that the priests were organizing for an election campaign, and it must have been believed, for the head of the Komsomols wrote an article in Pravda calling upon the Komsomols to be on their guard.

Coincident with this broadening of the electoral machinery the spy scare began to spread. The trial of Radek, Sokolnikov, and Piatikov in January brought out facts allegedly showing that foreign governments were interfering in the affairs of the Soviet Union. Stalin made this clearer when he asked everyone to be on his guard, and emphasized the fact that the capitalist encirclement, of which he had often spoken before, was even more dangerous today now that fascist powers were preparing for a new war. He pointed out that spies were everywhere in the Soviet Union, and particularly in very high positions of responsibility.

At first this scare centered upon the foreigners. There was the change in the chiefs of the G.P.U. from Yagoda, who was arrested for subversive activities, to Ezhov who was apparently determined to clean all halls of doubtful foreigners, some of whom had been agents of Yagoda. Man after man was given an exit visa when his permit de séjour came up for renewal. Some were even called in before their permit expired. One American who had been granted a return visa in March was told that he must leave again even though he had a Russian wife and child and had been heartily recommended by the place where he worked. This went on in every field, until it became almost a matter for joking when a person was not molested. The rumor went about that only persons who worked in the Union under contracts made abroad, or as diplomatic or press representatives could stay. No one knew what would be the lot of the student who had come for a long period. Later events showed that the line here seemed to be drawn between those who came under a definite arrangement for study and those who had come for a short time and stayed on for a period of years. No one yet knows whether new students may enter.

All revolutionists teach that a people may cry in the wilderness indefinitely but no one need fear as long as the army supports the status quo. Everyone who knows Russia knows that the Russians like to grumble about any situation in which they may be. In consequence few people paid any real attention to the grumbings circulating about the city or coming in from the country. They seemed chronic and harmless since Russians rarely get up and act. The fidelity of the entire army to the government was taken for granted.

By May rumors came that the morale of the army was breaking. They seemed incredible at first, but in June the official report came that Tukhachevsky and seven others, including the commanders of the Leningrad and Moscow military districts and the chief of the division of military preparedness among the population were to be tried as traitors. The next day's paper announced their sentence and that they had all been shot. It was generally assumed that these men were not without followers.

Even after this blow many of us foreigners living in Moscow did not feel that the Stalin government was due to fall. It has long been firmly entrenched, but should Stalin die, one could hardly foretell what would follow. Those who have lived and worked with the young Russians know their enthusiasm and their belief that their system is best. They are not likely to permit a return to any other, unless war so enfeebles the country that the return is forced upon the people by a victorious power, either working alone or with the assistance of disaffected elements who could be set up as a puppet government.

It stands to reason that the Stalin government is not going to take any chances with hostile elements, and by hypothesis, a foreigner, even an American, falls within this classification until he has proved himself individually. It is for this reason that the opportunities for study in the Soviet Union would seem to be diminishing at the moment, but once the crisis is passed successfully, there is no reason to believe that the liberal policy of the past will not be resumed.

Written on June 26, 1937.

CURRICULUM FOR INSTITUTES OF LAW
Approved May 21, 1937

Course	Hours			Semesters							
	Total -	Lecture,	Practice	1	2	3	4	5	6	7	8
A. General Cycle											
1. Political Economy	239	239		88	88	63					
2. Dialectical Mater. & Histo. of Phil.	128	128			44	84					
3. Leninism	88	88					88				
4. History of VKPb	88	88		88							
5. Principles of accounting	44	22	22					44			
6. Foreign Language	336		336	88	88	42	44	44	30		
7. Latin	154		154	88	66						
8. Gymnastics	248		248	44	44	42	44	44	30		
9. Military Science	132		132	66	66						
TOTALS	1457	565	892	462	396	231	176	132	60		
B. Specialized Cycle											
10. Theory of State and Law	132	88	44	132							
11. Hist. of St. & Law	132	88	44		132						
12. Idem of Peoples of USSR	126	86	40			126					
13. Public Law of bourgeois states	84	84				84					
14. Soviet Public Law	88	88			88						
15. Soviet Admin. Law	84	84				84					
16. Civil Law	331	196	135				132	88	60	51	
17. Criminal Law	287	152	135				88	88	60	51	
18. Judicial Structure	88	88					88				
19. Labor Law	94	47	47						60	34	
20. Land-Kolkhoz Law	94	47	47						60	34	
21. Civil Procedure	118	59	59					88	30		
22. Criminal Proc.	118	59	59					88	30		
23. International Law	96	96									96
24. Financial Law	44	44					44				
25. Criminology	138	60	78							102	36
26. Court Medicine	36	36									36
27. Court Psychiatry	36	36									36
28. Legal Statistics	44	44						44			
TOTALS	2170	1482	688	132	220	294	352	396	300	272	204
Field Practice	360								210	150	
GRAND TOTAL	3987	2047	1580	594	616	525	528	528	570	422	204

Notes:

"Practice" means seminars or recitation sessions in small groups

Field Practice means work as a clerk in court, prosecutor's office, or legal department of state trust

Two semesters fill each year, beginning Sept. 1st and Feb. 7th. They are numbered in chronological order from 1 to 8

Examinations come only at the end of the complete course. Government Examinations are given at the end of the four years.

Hazard file

Group Collected at Roundtable at Prof. Samuel Harper's
July 15, 1937.

Mr. Walter Lichtenstein of the First National Bank

Mr. Barker of Seers Roebuck

Prof. Pitman Potter, Prof. of Internat Law at the Ecole des Hautes Etudes
Internationales of Geneva Switzerland

Prof. Henry Schultz, Prof. of Economics, U. of Chicago

Prof. Louis Gotschalk, Prof. of History, U. of Chicago

Prof. Max Rheinstein, Prof. of Comparative Law, U of Chicago

Prof. Malcolm P. Sharp, Prof of Law, U. of Chicago

Mr. Thomas Randolph Hall, Fellow of the Social Science Research Council

Mr. William B. Ballas, Instructor in International Law, U. of Chicago.

met at lunch on following day

Prof. Leonard D. White, Prof. of Public Administration, U. of Chicago

Prof. Harry A. Gideonse, U. of Chicago