

JNH...WSR.. 124.

Chicago, Ill.,
November 6, 1938.

Dear Mr. Rogers;

This week brings to an end the first part of the course in the Soviet Form of Government. Twenty-four lectures have kept me busy since September and I rather delight in seeing the students do some of the work now as they enter their reading period.

Professor Harper has been very helpful in permitting me to take his place in this course for this year. He remarked at the start that preparation of these lectures would require me to review my experiences in the light of what others have written. Just that has happened, for I have been forced to read up on details which had never been needed in my study of Soviet law. The experience has been exhilarating, and if the students have had as much fun as I, it has been well worth while for us all.

A course in the Soviet form of government is not too easy to give in an American University. Most curriculums do not even include it, but Professor Harper has built this cycle up to the point where there is at least a background of experience on which I have been able to draw. His text book on the Government of the Soviet Union makes the task of the instructor infinitely easier, for it gives a good general summary of the whole subject. Nothing has been left for me to do but to fill in the details and the subjects for which he had no room.

Presentation of the Marxian theory of the state has been the hardest problem, for students have no background with which to appraise it. Another problem has been the inadequacy of American history books which have too often omitted anything but the briefest mention of manifestations of the Soviet form of government as they have appeared. No course with as broad a title as this one has any right to stick solely to the Soviet Union, and so we have looked into China, Germany, Hungary, and even Spain to find examples. Most of the class have never heard of the Paris Commune or the Hungarian revolution, and so that material has had to be given rather extensively.

Friends told me at the beginning of the course that it would not be easy to show that the Soviet form of government was unusual enough to merit a separate course. Placing that question before the class at the very start, I have asked the class to be ready at the end of the course to

tell me what it is, if anything, that does make the Soviet form different from any of the other forms to be found in the history of society.

To help answer this question we have examined the types of governmental bodies characteristic of each of the governments which have been called Soviet. We have looked at other features—their class character, the ideology underlying their actions, the Communist Party which guides them and provides leadership, and the legislation which has invariably issued from their bodies once they have seized power.

Theory has been of utmost importance throughout the whole course. It seems to me that understanding of anything Soviet hinges upon understanding what Marxian theoreticians believe. Doctor Sigerist demands that his readers follow through such material even before they approach the subject of medicine. How much more important it is when explaining political science! For that reason I have emphasized theory, but we have gone through a great deal more as well, from the structure of the Communist Party to agencies of propaganda, the planning system, agriculture, housing, trade unionism, the budget, taxation, social insurance, socialized medicine, the structure of the state, the family, the individual and the state, and finally foreign relations. Term papers are already coming in and it looks as if every one has found some subject of great personal interest.

With a class containing real conservatives, as well as a Trotskyite, a Communist, two Chinese, a Jesuit priest, and some average inquiring Americans I have been beset with searching attacks from all quarters. Some break forth in class with comments, though most come up to the office for long talks. No small part of the pleasure in the course has been in these personal conferences. I look forward to the two weeks of discussion after the reading period to hear the other reactions.

Needless to say the greatest gain has been to me, for there has been given an excellent opportunity to discover what features of the Soviet system arouse the most interest among American boys and girls. Also important has been the discovery of the method of approach which seems most helpful to them. On future occasions I shall be much better equipped to speak.

Greetings to you all,

JNH

file

JNH...WSR..125 No Copies

Chicago, Ill.,
November 7, 1938.

Dear Mr. Rogers;

You have asked for my experiences in preparing my thesis. Having no wish to present the subject as criticism, I acquiesce only because it might be useful to other members of the Institute who may have to face the issue some day.

You will remember that originally we had hoped for a general book on Soviet law, which might do for law what Dr. Sigerist did for medicine. No place seemed more suitable for the writing than the University of Chicago with Professor Harper to help in the field of Russian history, and Professor Rheinstejn in the field of comparative law.

From the very beginning of actual work it was apparent that Professor Rheinstejn would approve of nothing which did not take a very scholarly form. Any general approach such as I had expected to take was definitely put out of the question. It was with some reluctance that I turned to a narrower field--that of Soviet property law. For three months the writing progressed with a review of the Marxian approach to the law of property in past history and since the Proletarian revolution, followed by subsequent chapters taking up property law in the Soviet Union in the field of agriculture and in the city. Concluding chapters were planned on property in industry and owned by the individual.

The latter two chapters were never finished, for after considerable corrections and revisions, Professor Rheinstejn made up his mind that the subject was still too broad. We started April with a new idea--to discuss only land law as one phase of property law. This was to be an expansion of the last two chapters of the draft written from January to March, with additional chapters on forest, water, and sub-soil law.

Work on this plan proceeded for five months, and appeared to be meeting with some measure of approval from both Mr. Rheinstejn and Mr. Harper. The former finally said that he thought the 150 page study would meet the approval of the faculty, and the latter called up the Press to recommend it when completed. But it was never submitted to the Press since that afternoon the two advisers met and at Mr. Rheinstejn's suggestion decided to postpone any final decision until word should have been heard from Dean Bigelow.

The Dean had entered the picture only in June when he had placed himself on the Committee after I had asked him whether a third person was to be placed under the usual rules for theses. He seemed more than busy and asked me just to submit to him what had been prepared so that he might read it and make a few suggestions. He took the manuscript with him on his vacation in late June and early July. On his return he informed us that he could not approve such a paper for a Doctor's degree in the Law School. He felt that there was a definite lack of case analysis; that the whole thing was too much of an historical account of the definite stages of Soviet property law, and he admitted to being terribly bored by all of the discussion of historical detail.

Professor Harper and I had worked hard in developing this historical background which we thought necessary for a study in anything Soviet, while Professor Rheinstein had spent long hours pointing out places where statutory material wanted expansion. Now it seemed that what was needed was a case analysis similar to what would be done by an American lawyer probing some subject in common law.

Slightly discouraged over my own foolishness in not having pushed earlier for the naming of a third member of the committee, and in not realizing that the third member would have a pretty absolute power of veto, I set out to pick up the pieces. I began reading such cases as I could find, but it was too late in August to do more than make a fresh start.

Once again the subject was narrowed to a small part of the second draft and an infinitesimal part of the draft prepared from January to March. We were to center attention solely upon the landlord tenant relationship as manifested in Soviet housing law. I felt ready to do anything so long as the plan met with the approval of the commission.

The new study has been undertaken, and the results have been pleasing, but opposition has appeared from a new corner. Professor Harper dislikes the primarily legal angle and in particular protests against the method of analysis built as it is on common law rubrics into which Soviet situations are being fitted. Since these rubrics were dictated by Professor Rheinstein the issue has become squarely put between the two men. My task has been to try and find a course between which would not unduly antagonize both, realizing that the Dean who has asked to be consulted only when something takes full shape will undoubtedly favor the approach which comes nearest to the common law.

Lessons for me have been numerous. I should never have set such a large field for a Doctor's dissertation. I should have pressed at an early stage for an appointment of a third member of the committee, and I should not have underestimated his veto powers when at last he was appointed.

As a result of my errors I am still working on a subject which I had hoped to finish last summer, and even now I cannot tell how nearly completed I am, for the commission may well call for some other approach when they see what I have done. But one learns by doing, and it has been splendid training. Many problems have been worked out which will never need working out again. Even though the material is not to appear in this study it will provide subjects for lectures and other articles. Time has not been wasted if the long view is taken, for I feel infinitely broader than ten months ago. It can be only discouraging if one thinks of the thesis as something in itself and not part of an educational process. With this in mind I have kept my enthusiasm and pushed on, but when I finish at last I shall have some very definite things to say about Doctor's dissertations.

Greetings,

JNH

THE HEAD OFFICE OF THE

SUN LIFE ASSURANCE COMPANY OF CANADA

MONTREAL

November 17, 1938.

Mr. Walter S. Rogers,
Institute of Current World Affairs,
522 Fifth Ave.,
New York.

My dear Rogers:

under separate cover

You may be interested to see the reaction of a local French Canadian paper to Hazard's talk to the Canadian Club - also a letter to the Montreal Gazette from Col. George A. Drew.

Le Devoir is an extreme right, clerical, ultra-French nationalist, pro-padlock law paper, but I am not sure that the very fact of their giving Hazard's talk so much space is not of some significance.

Col. Drew is the person who has recently attained notoriety in connection with the Ottawa probe of the Bren gun contracts. He has political ambitions and will probably become the leader of the Ontario provincial conservative party. He is an extreme right winger.

Yours sincerely,

G.R. Parkin:GJ

Gazette

17/11/38

Lawyers In Russia.

To the Editor of The Gazette:

Sir, — I was very much interested in the report in today's Gazette of a speech by Mr. John N. Hazard on the subject of law in Soviet Russia. I was particularly struck by the naive explanation that, following the recent trials for sabotage, "the legal profession was strong enough to criticize, through its journals, the defence lawyers in those trials, who, the editors contended, failed to get at the higher-ups who had directed those who were convicted."

Far from being an indication of the growing strength of the legal profession in Russia, this is merely striking evidence of the fact that the legal profession, along with all others in Russia, must play its part in the servile propaganda to support the dictatorship. It is common knowledge now to all who have bothered to study the trials that the lawyers, who appeared in the role of defence counsel, did nothing but emphasize their clients' guilt and offer some mild suggestion of reasons for mitigation of the penalty. The subsequent criticisms in their legal journals of the prescribed part these lawyers took in the carefully staged farce merely indicates that the Government is getting ready for another trial of some of the "higher-ups." Doubtless, General Bluecher and other one-time heroes, who have recently disappeared from the active scene in Russian affairs, will soon reappear with their carefully rehearsed confessions before the microphones in the old Nobles Club near the Kremlin where these annual tragic comedies are held.

I have no doubt Mr. Hazard made these remarks in the utmost of good faith and, having had some opportunity of studying the Russian legal system at first hand, I am sure that Mr. Hazard cannot possibly have intended to convey the erroneous impression that lawyers have any more freedom to criticize the reign of terror than have any other members of the same community.

GEORGE A. DREW,

Montebello, Que., Nov. 15, 1938.

Au "Canadian Club"

Un cours sur le droit soviétique

Le Canadian Club, à son déjeuner-causette d'hier midi, a produit un témoin d'une espèce rare, un certain John N. Hazard, diplômé de Yale et d'Harvard, membre du barreau de New-York, diplômé de l'Ecole de droit de Moscou, maintenant professeur à la faculté de droit de l'Université de Chicago. Le sujet annoncé: l'individu devant la loi et devant l'Etat en Russie soviétique, avait fait accourir des auditeurs en grand nombre. Le salon du Prince de Galles, en l'hôtel Windsor, ne pouvait tous les contenir; plein à craquer, il débordait dans la vaste antichambre et dans toutes les salles adjacentes. Il y eut en assez de monde pour peupler les vastes salons du rez-de-chaussée mais ils sont présentement occupés par l'exposition de la General Motors. Ça n'est pas tous les jours que l'on peut entendre parler de la Russie soviétique par quelqu'un qui a vécu dans ce pays pendant trois années, y a appris le droit en même temps que la langue russe, qui s'est familiarisé avec le régime communiste, y a suffisamment goûté pour se permettre de le juger et en parler comme ferait un gros livre écrit sur le sujet. C'est ce que laissait entendre l'avis de communication que le Club avait fait tenir à ses membres.

En présentant le conférencier, le président du Club, M. Brooke Claxton, avait renchéri encore, disant qu'il s'agissait du seul homme au monde, à part des Russes, qui fut capable de parler de ces choses.

L'auditoire, à la fois tout oreilles et tout yeux, s'attendait donc à des révélations sensationnelles, pour le moins intéressantes. Elle y avait droit, c'était le cas ou jamais. Ce M. Hazard, avocat, qui avait vécu en Russie précisément au moment des grands procès politiques que l'on sait, allait sans doute présenter comme une sorte de cours de droit comparé sur les lois de Russie et celle des Etats-Unis.

Ce qu'il ressort de la conférence de M. Hazard: rien, si ce n'est l'affirmation, à peu près gratuite, que le régime soviétique respecte les droits de l'individu, qu'il a produit toute une armée de juges, de conseillers juridiques et d'avocats pour faire respecter ces droits.

M. Hazard a raconté que, pendant son séjour de trois ans, là-bas, les sept universités de l'Etat soviétique ont produit annuellement environ 1,200 diplômés de leurs facultés de droit. Ces élèves se recrutent dans toutes les classes de la société de chacune des nombreuses républiques qui constituent la Soviétie. A l'école où lui-même suivait des cours, celle de Moscou, il se parlait trente-neuf langues parmi les étudiants et ceux-ci, à leur arrivée, ne connaissaient pas tous le russe. Cette langue, les étudiants venus d'Ukraine ou de Géorgie ou d'une autre province ayant sa langue particulière, devaient d'abord l'apprendre tout aussi bien qu'un simple étudiant venu des Etats-Unis.

De ses études de droit soviétique, M. Hazard ne dit pas un mot. Il note simplement que la révolution de 1918 n'a pas fait disparaître la corporation des avocats, que ceux-ci sont, en Russie, plus nombreux que jamais. Le nouveau régime a multiplié lois, décrets et ré-

glementés et il a bien fallu former des gens pour les interpréter. Le gouvernement d'un peuple de 400 millions d'individus ne se fait évidemment pas sans qu'il survienne des procès. A cause de la multiplicité des lois et de la complexité du régime juridique, un chef d'entreprise en Russie est dans l'obligation d'avoir un avocat presque constamment à ses côtés pour le conseiller.

Le régime peut donner à l'étranger l'impression d'être une pétardière où le droit de l'individu n'existe pas, disparaît devant le droit de la communauté, devant la raison d'Etat. M. Hazard affirme que tel n'est pas le cas, que c'est là une bien fautive idée que l'on se fait du régime. Au civil comme au criminel, il existe des tribunaux de plusieurs instances et qui sont accessibles à tous, où chacun peut librement exposer ses demandes, ses droits, ses griefs, sa défense. La preuve? Ce sont des preuves que M. Hazard veut donner, en les tirant, quelques-unes du moins, de sa propre expérience, de ses propres constatations.

En arrivant à Moscou, il alla loger et pensionner dans une ancienne famille bourgeoise qui n'avait pour abri qu'une étable en ruine. On décida de faire réparer le bâtiment, de le faire couvrir en papier enduit. L'ouvrier chargé de faire le travail s'en étant acquitté fort mal, on refusa de lui payer son salaire. L'ouvrier poursuivit et perdit sa cause. Dans cette même famille, la prospérité étant un peu revenue, on prit une bonne, en convenant avec elle d'un salaire qui lui fut payé mensuellement. Après cinq mois, la bonne prit congé, mais en présentant une réclamation assez forte. Elle prétendait n'avoir pas touché le salaire prévu par la loi. La famille porta l'affaire devant le tribunal, soumit que la bonne eut dû réclamer tout de suite et non pas attendre le moment où elle prenait congé. La domestique se vit débouter de sa demande.

Le conférencier raconte encore qu'il a ouï dire qu'à Tiflis, capitale de la Géorgie, un tribunal d'appel annula une sentence de mort portée contre trois hommes coupables de meurtre, parce que l'un d'entre eux n'était pas présent au procès de première instance.

C'est sur des faits de ce genre que le conférencier fonde son affirmation que les droits de l'individu sont parfaitement respectés en Russie. Il ajoute que s'ils ne l'étaient pas, le régime ne pourrait compter longtemps sur la loyauté de l'armée. Les soldats, fils de paysans et d'ouvriers, restent en relations suivies avec leurs familles et ne toléreraient pas que leurs parents soient maltraités, lésés dans leurs droits.

Les grands procès politiques qui ont précédé les purges pratiquées contre ceux que Staline tenait pour des saboteurs? M. Hazard n'en dit qu'un mot: La liberté de parole est suffisamment reconnue dans le monde des avocats soviétiques pour que ceux-ci se permettent de blâmer ouvertement les avocats des accusés, leur adressent le reproche de n'avoir pas fait la preuve que leurs clients n'étaient pas les vrais coupables ou les plus coupables.

Et voilà!
Les témoignages d'André Gide et de Roland Doragès sur la Russie soviétique, même si ces deux écrivains n'ont pas eu comme M. Hazard, l'avantage d'étudier le droit

pendant trois ans à Moscou, sont vraiment plus convaincants et probants.

C'est l'Institute of Current World Affairs, organisme créé aux Etats-Unis pour suivre les affaires de la Russie, qui a financé le voyage de M. Hazard, frais encourus d'Harvard, étudiant à Moscou. A son retour, l'Université de Chicago re-tendit les services de ce brillant juriste pour qu'il transmise sa science du droit russe aux étudiants de sa faculté de droit. Ces pauvres étudiants vont, en apprendre gros!

E. B.

Chicago, Ill.,
November 20, 1938.

Dear Mr. Rogers;

The swing through Canada was the pleasant trip it always is, although this time only Montreal and Ottawa were included due to a heavy schedule here in Chicago. In both places I spoke more than has been my custom.

Montreal asked for three talks-- one to the Canadian Club, which is a large men's luncheon group; one to the Canadian Women's Club, which meets in mid-morning for serious talks of a professorial nature; and one to the Canadian Institute of International Affairs, which turns their evening meetings into a discussion after the main speaker has finished.

Of these three groups, only the Canadian Institute was a repeater, the last talk before them having been given on the general aspects of Soviet law. This time they asked for a discussion of Soviet foreign policy after Munich, a policy which is becoming clearer now that the extent of the German victory is being appreciated even by the French and British.

The Canadian Club surprised me by broadcasting the talk over the Canadian Broadcasting system. It was rather a surprise to find that such was to be the case, but one must always have a first experience, and fortunately I had something to say. The subject was "Law, the State, and the Individual in the Soviet Union". The review of a few cases which have recently been published, together with comments on the type of legal education being offered seemed to amaze many of the lunchers, so much so that one of the papers thought the discussion dangerous in that it led to the conclusion that Russia has not gone completely wild.

For the Women's Canadian Club the subject was "The Soviet Family", and I used it to outline the great change in attitude toward the institution of the family over the past twenty-one years. The group was extremely attentive and followed with interest the Soviet experience with juvenile delinquents.

Ottawa presented somewhat the same picture, but only two talks were given at the Ottawa branches of the Women's Canadian Club and the Canadian Institute of International Affairs. The former was in Ottawa a luncheon club, attended apparently as a very stylish function, for the speaker's table included several titled people as well as the wives of the various foreign representatives at the capital. The Institute included fewer lawyers and business men than had been the case in Montreal. Its membership seemed to be drawn from the government offices, with a sprinkling of Under-Secretaries from the various Ministries.

Impressions gained on the trip were varied. Clearly there is no great knowledge of Soviet conditions. There is among the French Canadians a rather clear antagonism to the imparting of any of this knowledge, even when it does not take the form of flag waving but of instruction in unemotional subjects. In contrast to the general lack of information on the part of the public, there is to be found a number of men who know more about old or early revolutionary Russia than I can ever hope to know.

One such man had been in Russia every summer some forty years ago and travelled widely with his father who went on business. A Colonel had been with General Kolchak and his White Army in Siberia when they tried to oust the Reds after the revolution. Men such as these give me a few more personal sidelights to add to the general impression.

Personal impressions of a city are always amusing when formed in such a limited way. Montreal was an old friend, but Ottawa was wholly new. It seemed so very British as compared with French Montreal and American Toronto. On the other hand the civil servants and Under-secretaries seemed quite American, if not even a little bit more earthy and weather-beaten than are our government people.

Now I am back at work finishing up the program of the Quarter before the Christmas holidays. There is much to be done, but the little trip was worth while not only because of its recreational value, but also because it was inspirational in bringing home to me once again the general interest in this field.

A Happy Thanksgiving to you all,

JNH

from the Montreal Gazette
(ultra conservative)

from the Montreal Star
(liberal)

SOVIET LAW COURTS DEVELOPMENT SEEN

John R. Hazard, Graduate of
Moscow Law Institute,
Speaks Here

Although Soviet Russia may seem to have a topsy-turvy idea of government, it has retained some idea of individual justice, operated as in other countries, through the criminal and civil courts, with lower and higher tribunals, according to the picture presented yesterday at the Canadian Club of Montreal by John N. Hazard, of the staff of the University of Chicago. The meeting was held in the Prince of Wales salon of the Windsor Hotel, as floor space downstairs was occupied by General Motors.

Having graduated in Soviet law—studied in the Russian language at the Moscow Law Institute—Mr. Hazard was able to speak definitely on his subject: "The Individual, the Law and the State in Soviet Russia." He pointed out that the general impression had been that with the revolution, they would get rid of lawyers; but that had not proved to be the case. With the new socialist regime it had been found necessary to train judges, legal counsel and lawyers to handle courts and legal machinery for more than 400 million people, and in ordinary life industrial and other problems were so intricate that it was necessary for a manager of a business to consult his lawyer at almost every step. "So you see law has not been forgotten in Soviet Russia," the speaker commented.

Illustrating his experiences in law, Mr. Hazard told of two or three cases before the courts, both civil and criminal, which indicated that the judges are guided by fundamentals in juridical policies, and if the lower courts appear unfair, the people have access to the higher and highest courts, the findings of the lower having been reversed in certain cases, whether on a wage claim or a murder trial.

Thus, the general impression that individual rights had been completely stamped out in favor of the group or community interest, was not correct, and latterly, said Mr. Hazard, some effort had been made to remind some of the administrators that they were dealing with human beings, for most of those now in power had never been accustomed to ruling before. Moreover, the great army was largely composed of the peasantry, and if their own people were trampled upon, there would soon be heard mutterings in the army, and that would mean the end of the regime.

Mr. Hazard told of his experiences in the law school at Moscow, where students were made up of people from all over the Soviet republics, speaking a variety of languages, though taught in the Russian language. He intimated that there was a certain touch of pride among the peasantry and other grades in entering the legal profession; gradually its status was being raised, so that he anticipated within a decade or so its standards would be up to a more normal line.

RIGHTS OF INDIVIDUAL IN SOVIET DISCUSSED

Russian Law School Graduate Addresses Club

Practical examples of how the individual is being protected in his civil rights in the present Soviet law courts, were given to the Canadian Club of Montreal today by John N. Hazard, who was sent by the Institute of Current World Affairs in 1934 to study Russian law.

The speaker, introduced as the only non-Russian to qualify as an expert on Russian law by graduating from the Moscow Law Institute, said that Russian universities were training 1,200 graduates a year to handle the four million civil and criminal cases that went through the Soviet courts each year.

The general impression had been, he said, that in Russia the individual had been completely stamped under foot, but this was not the case. The great army of the Soviets was mostly composed of peasants, and it was generally recognized that if the individual was pushed too fast or his individual rights too heavily stamped upon there would be muttering in the army and once the loyalty of the army was gone the Soviet could not stand.

Mr. Hazard spoke of the recent trials for sabotage and said that the law journals in Russia criticized the defence lawyers because they did not probe the evidence far enough and discover who were the real higher-ups. Criticism had been made of the evidence given but there was, in his opinion, no question that the men had been wrecking.

The speaker instanced three cases in the Soviet Supreme Court in which the rights of individuals had been upheld, pointing out that there was considerably greater attention paid to the individual now than there was in the past.

In alluding to the recent trials for sabotage, the speaker, who had gone to study at Moscow in order to take to Chicago University an authoritative report on Russia, brought out the fact that the legal profession was strong enough to criticize, through its journals, the defence lawyers in those trials, who, the editors contended, failed to get at the "higher-ups" who had directed those who were convicted.

Brooke Claxton presided, and at the guest table were also Mr. Justice Gregor Barclay, Hon. A. K. Hugessen, Paul Lacoste, J. A. Mann, K.C., Pierre Beullac, A. E. Beckett, K.C., Dr. Charles Gurd, B. Panet-Raymond, Col. G. Victor Whitehead, A. L. Lawes, P. W. Rolleston, Roy Dillon, Pio de Fonville-Ethier, H. G. Lafleur, O. R. Parkin and R. E. Stavert.

SOVIET HOMELIFE REVIVING, IS CLAIM

Government Building Up
What It Once Destroyed,
Hazard Tells Club

Family life in Soviet Russia, which the Communist regime did its best to break up, is rapidly being revived today, John F. Hazard of the University of Chicago, a graduate of the Moscow Juridical Institute, told the Women's Canadian Club at a meeting in the Ritz-Carlton Hotel today.

The speaker contrasted the attitude of the Soviet Government toward family life at the present time with that of the government in the early 'twenties. In 1919, he said, the government's chief task was to stamp out all the old traditions and to eliminate the inheritance of property. The family was the chief thing that was preserving these, and so the government turned to the abolition of the family.

DIVORCE WIDELY SOUGHT

It was greatly helped in this task, he continued, by pent-up desire for divorce among great numbers of people, divorce being almost non-existent in the Greek church. Women who had been treated almost as slaves under the old regime, consequently were eager for any change. Another factor was the tremendous number of homes that had already been broken up by the number of men killed during the Great War.

As the years went by, however, it became evident that the plan was not working out, the speaker continued, and so gradually, especially in the last two or three years, the Government had come to see that family life was a necessity after all.

The attention of the Government was now directed toward building up home life again, he said. Divorce had been made less easy. Parents who were divorced were obliged to continue to look after their children. Parental control over children was increased and premiums were being given for families of seven children or more.

Mrs. J. B. Macphail, vice-president of the club, presided.

file
JNH...WSR..127

Chicago, Ill.,
November 26, 1938.

Dear Mr. Rogers;

Enclosed is a translation of an article from Montreal's Le Devoir. It comes at an opportune time, for it crystallizes criticism which has been levelled at me even by my friends.

I leave out of consideration entirely the distortion of the facts of the cases presented, for that is undoubtedly a privilege of an editorial writer. Were it necessary I could show that nearly every case has been presented in a way to make it appear only ridiculous. It is not that which concerns me, for I have come to expect it, but there is a matter of greater concern in the report. It lies in the observation that the editor came to hear "something sensational or at least interesting, yet he heard nothing!"

I have long been aware of the fact that most of my listeners have come hoping to hear things which will fit into such pattern as they have already developed for their thinking about the Soviet Union. They seek anecdotes and horror stories. I could provide them with just such material, but I doubt whether it would provide them with a true picture of Soviet land, for those features whispered by some and shouted by others have always seemed to me to represent only a superficial part of a transitory phase.

Time may show that Andre Gide was right and I wrong. Certainly all that he has written seems true, and I would be the first to admit that this aspect could become typical of Soviet life with only a very small change of emphasis in Soviet politics. But as yet it seems to me that the better elements in the Party have not lost control, and until they do, I cannot be pessimistic.

Perhaps you have some observations to make on the whole affair. I shall be glad to hear them.

Greetings to you all,

JNH

Le Devoir, Montreal, Nov. 15, 1938

Translation from the French:

A Course in Soviet Law

The Canadian Club at its luncheon meeting yesterday noon produced a witness of a rare kind, a certain John N. Hazard, graduate of Yale and Harvard, member of the Bar of New York, graduate of the Moscow Law School, now instructor in the law faculty of the University of Chicago. The announced subject, The Individual, the Law, and the State in Soviet Russia, had caused large numbers of listeners to come. The Prince of Wales Room in the Windsor Hotel could not contain them all; it was full to the breaking point, it overflowed into the vast antichamber and into all the adjacent rooms. There would have been enough people to fill the huge salons of the main floor but they were at the moment occupied by the General Motors Exposition. It is not every day that one can hear some one speak about Soviet Russia who has lived in this country three years, who has studied the law at the same time as the Russian language, who has made himself familiar with the Communist regime, who has tasted of it sufficiently to permit him to judge it and to speak of it as a great book on the subject would have done. This is what the notice sent to all members by the Club had led us to expect.

In introducing the speaker, the President of the Club, Mr. Brooke Claxton, had even improved upon this, saying that here was the only man in the world except for the Russians, who was capable of speaking on these questions.

The auditorium, all eyes and ears, expected revelations which would be sensational, or at least interesting. They had the right to expect such, for it was a case of now or never. This Mr. Hazard, a lawyer, who had lived in Russia at the very moment of the great political trials of which we know was without doubt going to present some sort of course in comparative law on the laws of Russia and those of the United States.

What came from the speech of Mr. Hazard: nothing, except for the affirmance, a little gratuitous, that the Soviet regime respects the rights of the individual, that it has produced a whole army of judges, of legal counsellors, and of lawyers to see that the laws are protected.

Mr. Hazard announced that during his three years over there, the seven Universities of the Soviet state had annually turned out around 1,200 graduates of their law faculties. These students are recruited from all classes of society from each of the numerous republics which constitute Soviet land. At the school where he himself attended courses, that of Moscow, thirty-nine languages were spoken among the students, and on their arrival these did not know the Russian language. The students who came from the Ukraine or Georgia or from some other province having its own particular language first of all had to learn the Russian

language just as much as a simple student from the United States.

Mr. Hazard did not say a single word about his studies of Soviet law. He simply noted that the revolution of 1918 had not caused lawyers to disappear but they were more numerous in Russia now than ever before. The new regime has multiplied laws, decrees, and regulations, and there was good need of creating people to interpret them. The government of a people of 400 millions ~~of people~~ would evidently not have existed if judicial procedure had not arisen. Because of the multiplicity of laws and the complexity of the legal regime the chief of an enterprise in Russia is under the obligation of having a lawyer almost constantly at his side to give him advice.

The regime could give the foreigner the impression of being a turbulent assembly where the right of the individual no longer exists but has disappeared before the right of the community, before the right of the state. Mr. Hazard asserts that this is not the case, that it is a false idea one gets of the regime. In civil law as well as criminal there exist tribunals of several instances which are accessible to all, where every one may freely set forth his demands, his rights, his grievances, his defense. The proof? These are the proofs which Mr. Hazard wishes to give, in pulling forth a few of them at least from his own experience, from his own verified cases.

In arriving in Moscow, he went to room and board with an old bourgeois family which had nothing for a shelter except a ruined stable. It was decided to repair the building and to cover it with tar paper. The workman charged with doing the job conducted himself very poorly, and they refused to pay him his wage. The workman went to court and lost his case. In this same family, prosperity having come back a little, they hired a maid, making an agreement with her to pay a monthly salary. After five months the maid took her leave, but presented a rather large claim. She claimed not to have received the wage provided for in the law. The family took the case before the court, arguing that the maid should have made her claim immediately and not waited for the moment when she planned to leave. The maid saw her demand rejected.

The speaker told that he had heard that at Tiflis, capital of Georgia, an appellate tribunal had annulled a death sentence against three men guilty of murder because one of them was not present at the trial of first instance.

It was on facts of this character that the speaker based his affirmance that the rights of the individual are perfectly respected in Russia. He added that if they were not, the regime would not be able to count for a long time on the loyalty of the army. The soldiers, sons of peasants and workers, remained in constant touch with their families and would never tolerate mistreatment of their parents and failure to observe their rights.

The great political trials which proceeded the purges carried out against those whom Stalin considers saboteurs? Mr. Hazard said only one word: that freedom of speech is sufficiently recognized in the world of Soviet lawyers so that they may be permitted to criticize openly the lawyers of the accused, reproaching them for not having proved that their clients were not the true guilty ones or the most guilty.

- - - - -
And here you are!

The testimony of Andre Gide and of Roland Dorgeles on Soviet Russia; even though these writers have not had, as has Mr. Hazard, the opportunity to study Soviet law for three years in Moscow, are truly more convincing and more searching.

It was the Institute of Current World Affairs, an organization created in the United States to follow the affairs of politics and of the world which sent Mr. Hazard fresh out of Harvard to study in Moscow. On his return the University of Chicago engaged the services of this brilliant jurist so that he might convey his knowledge of Russian law to the students of its faculty of law. These poor students are going to learn a lot!

(Signed) E.B.

Chicago, Ill.,
December 4, 1938.

Dear Mr. Rogers;

Howard took me along when he drove out to see Dr. White. The trip was an eye-opener for me, as I had never dropped into a small college community like that in which he teaches. It was a good-size college of some 1200 students coming from numerous middle western states representing industrial as well as agricultural regions.

While Howard went over the general background of international organizations concerned with science, I talked with Mrs. White. She seemed to be quite an alert person, now unfortunately wholly taken up with the care of her two children, one aged 5 and the other 3. Were it not for the burden of running this little family, she would undoubtedly be up and doing things. Even now she wishes she had time to teach French in the college. Her life in Geneva and Paris some two years ago seem to have given her quite an insight into European conditions, and in spite of her children she apparently keeps posted by reading magazines brought home from the college library for week-ends.

Her husband appears to be a man thoroughly posted on his subject. I suppose that there is not a detail that he does not know. He seems to belong to the school of internationalites who believe that the causes of war lie in the inadequacy of international organization, both as to institutions and law. He is an ardent exponent of the League of Nations, thinking that the political aspects can be divorced from the regulatory commissions. He believes the latter sufficient reason for the League to continue even after Munich.

His political thinking seems to be exactly at center. He deplored the attitude of the "right", particularly as he sees it evidenced in the industrialists of the little community in which he lives. At the same time I should say that he would be very frightened to see anything like socialism. His wife might go farther than he, for she is not quite certain what can be done under present conditions.

Teaching schedules in the college are heavy, and as a result Dr. White has little or no time for research and writing during the school year. He does use his summers for that, however, contrary to the general custom of the faculty which has grown older and left their research behind in their youth.

His personality seems to be somewhat shadowed by the cares and duties of his family. He looks somewhat harassed, although he seems to have become accustomed to the tumult of the children. He lets it break over him and pays no attention. If he were free of it all, and in Geneva, I imagine that he would be a well-informed student doing his bit in fighting for international organization, carrying no little conviction as he talked because of the vigor of his argument. But today his voice is tired and his shoulders stooped. He seems like a bottle of good wine which has lost its effervescence, though retaining its nutritive qualities.

He is apparently a gold mine of information, and is undoubtedly one of the best men on that campus. It is encouraging to me to see what good men are working with the average boy and girl of this part of the country. I hope there are more teachers like him who are content to do their best in such basic communities as that without being constantly beset with the desire to climb higher where they could exert no similar influence.

Formerly he taught in Oregon in a college which he and his wife found too stuffy and conservative to enjoy. They decided to move, and they find their new community more to their liking. Apparently he will not let himself be lost in a backward community, but at the same time I fear that the burdens of family life and a heavy schedule will cause that initiative to become weaker each year until he is either immobilized or jarred out of it by some gift from the Gods!

JNH

In accordance with our agreement, I enclose the first two pay checks from the University, endorsed by me to the Institute. There will be four more of these checks plus an honorarium from Columbia in April.

I have kept the honorariums from lectures here and there and used them to defray expenses for travel not charged up to the Institute. These sums do not amount to anything like the fee from the University, and it was my understanding that they were to be treated separately.

I may be in New York around noon on December 23rd on my way to Rhode Island for Christmas. If I do not get in then, I shall stop for a few hours on my way back to Chicago around the 28th. If you have a chance, please drop me a line as to whether you are to be in New York at either of those times. Do not stay around if you are going off for your own vacation, for there is nothing new to report at this time. Life moves on at a pleasant and normal pace. The thesis is coming nearer to completion. I hope to finish it in January, so that they can confer the degree when I leave in March.

Thank you for the copy of Harpers. The article on the Legal Profession had previously caught my attention. I have felt for some time that most of what the author says is true, as I have run into some of the Corporation lawyers in the course of my consultations. I look forward to the second installment, telling us how the profession might be socialized. If Harpers were interested I should like to follow that with a third installment, on what has happened when the profession was socialized in the Soviet Union.

Demaree Bess has a good article in this week's Saturday Evening Post. Only the other day I had a letter from him saying that he had been denied a visa to return to Moscow. Apparently you cannot say much and keep the privilege of return. It is not a reassuring thought.

Greetings to you all,

JNH

file

TNH...WSR..129 Personal

Chicago, Ill.,
December 15, 1938.

Dear Mr. Rogers;

Plans are now definite for the Christmas recess, and I am sending them along so that you may know where I shall be. December 22nd I shall be in Washington seeing as many of our friends there as I can find at home. Dec. 23rd I hope to drop in at the office around noon time and perhaps go on to Rhode Island that afternoon. I shall be there until December 27th, going to Skaneateles to get some things on the 28th. The 29th I shall be in Columbus to hear Bruce Hopper talk on the Soviet Government at the American Political Science Assn. The 30th I shall be in Chicago to give a talk before the Illinois Assn. of State's Attorneys on the State's Attny. in the Soviet Union. I hope on the same day to drop in at the meeting of the American Historical Assn., and meet Moseley and others in the Soviet field with whom I have not yet come into contact. The 31st I shall attend the round table discussion led by Prof. Rheinstein for the Assn. of American Law Schools. With that I shall conclude a busy week and probably retire to bed for New Years or perhaps brush up my first lecture for the course in Soviet law which starts on Jan. 3rd.

Mr. Axelson brought word of the Annual Meeting, and news that you might be out here on the 30th with Mr. Antonius. I hope that such will be the case, and will call the University Club to find out if you are in town when I come in on the morning of the 30th.

I enclose the bills from Bookniga for the renewals of the subscriptions to the various Soviet legal periodicals and newspapers which I get. All have been checked by me and found to be correct. Please see that they are paid directly to the Bookniga Corp. without sending the check to me.

Everything goes well with me. I had a great argument with T.V. Smith the other night of which you may hear unfavorably from Mr. Merriam. I learned never to take on again a politician and a philosopher. They can put you down and step on you by an artful twist of a phrase towards the ridiculous, but I am the wiser and I hope not forever lowered in his estimation.

A Merry Christmas to you all,

TNH

I mailed to you some copies of the Law Review which has not only my article on treason but a Book review on Chamberlain's last book. Reprints of the article will be sent eventually, but there will be no other copies of the Book Review.

file

January 6, 1939

Mr. John N. Hazard,
1005 East 60th Street,
Chicago, Illinois.

Dear John:

How would you like to go to Iowa City for a week-end to form an estimate of the writer of the enclosed letter and to get acquainted with the Iowa Law School? Rutledge would be glad, I am sure, to arrange for you to address a group of students.

If this appeals to you, I can give you a list of two or three other people about the place who are worthwhile.

I remember meeting Bartley, but I have no sharp impression of him.

Greetings,

WSR/fc
encls.

January 6, 1939

Mr. John N. Hazard,
1005 East 60th Street,
Chicago, Illinois.

Dear John:

Mr. Mallory of the Council on Foreign Relations would like to bring together a small group of leading young lawyers of New York City to discuss Soviet Law. He has in mind a dinner party to take place sometime at your convenience, preferably during the winter or during the first week in April.

I suggest that you communicate with him directly.

Walter H. Mallory,
Council on Foreign Relations,
45 East 65th Street,
New York City.

WSR/fe

Greetings,

file before
JNH...WSR..130 Personal

Chicago, Ill.,
January 11, 1939.

Dear Mr. Rogers;

Mr. David Hudson, Assistant District Attorney in the United States Attorney's Office in New York has asked me to come over next Monday for two weeks to assist him in taking the testimony of the legal adviser to the Soviet Union's Commissariat of Foreign Affairs. After consultation with Professors Harper and Merriam I have decided to accept as this seems to fall within the classification of useful services I could perform.

I shall arrive in New York Monday morning and stay at the Yale Club during my visit. I have no idea how much time will be required in court, but I presume that they will keep me busy. In any event I shall get up to the office now and then.

Enclosed is my last check from the University endorsed over to the Institute.

I trust that this plan meets with your approval. Mr. Harper thought it would, and as I had to answer within a few hours, I took the initiative and acted before being able to communicate with you.

Greetings to you all,

JNH

file

JNH...WSR..131 Personal

Chicago, Ill.,
January 11, 1939

Dear Mr. Rogers;

Since mailing you a letter at noon I have received a wire from Mr. Hudson informing me that if I cannot be free for more than two weeks he will have to get some one else for the entire job.

I called Professor Harper and together we think that matters had better be left that way. Several considerations have induced us to make this decision. (1) Mr. Merriam does not seem very happy when some one leaves his classes in the middle of the term, and whereas he approved a two weeks trip to New York, it was clear that he was not wholly pleased. (2) My thesis is still to be polished up and footnoted, which is a job in itself. It seems unwise to drop that ball while it is being carried.

You can imagine how disappointed I am that there should have been this conflict preventing my accepting something which comes in the field of practical work. My only consolation is that a job well done is better than two only partially done, and that might have been the result of this joint effort.

Greetings,

JNH

file

JNH...WSR..132 Personal

Chicago, Ill.,
January 15, 1939.

Dear Mr. Rogers;

This letter will catch up on some details.

(1) I should be glad to go out to Iowa towards the end of this month. Let me have the names of the people you suggest I see, and I shall write to the Dean and to Bartley.

(2) Howard and I are having lunch tomorrow with Church and will report our findings.

(3) I have written Mallory of the Council on Foreign Relations about the dinner he proposes as a medium for the discussion of Soviet Law. It sounds like a good idea.

(4) I read Sidney Hook's article in the Winter Number of the Southern Review. He has pointed out many of the sore spots, and there is not a point on which one can call him untruthful. I would not place the emphasis on things which he does, but I know plenty of people who do. Thank you for telling me of it.

(5) Prof. Harper has received a letter from his friend Ernst Freund in Germany--the German lawyer who has written much on Soviet law. He is running for his life and wants to get his library out. Apparently that is impossible unless some American Institution appears to purchase the library for its own use. Mr. Freund seems unwilling to sell his library outright. He wishes to get it to America and then to use it here. Prof. Harper says it is a fine collection of Soviet material. It occurred to him that our Institute might take title on condition that our agents be permitted the loan of any book at any time or the use of the library wherever it might be located. What would you say to this? Prof. Harper is ready to handle the matter if you think it wise. You may get in touch with him. Personally I should welcome the presence of such a library to which access might be had so informally.

Greetings to you all,

JNH

JNH...WSR...139 Personal

Chicago, Ill.,
January 17, 1939.

Dear Mr. Rogers;

Howard and I lunched with H. Victor Church, Jr. yesterday. He is worth while enough to deserve second thoughts.

In appearance he is up to any standards, being tall, thin, red haired and with a pleasant smile which would get him by any gate keeper. His way of talking is modest but authoritative and leaves an impression of willingness to learn as well as confidence that he places well in his own field of learning. Whether he does or not is, of course, a different question, but the impression is given.

His background is simple and apparently purely American. Born in Cicero he went through high school there, and then went to Carleton College where he studied chemistry. Coming under the influence of your friend Gould, he switched to Geology, apparently because of Gould's enthusiasm. Later he went for a year to California Tech. at Gould's suggestion and then came here. He has been here for two years and by June will have completed all technical course requirements for his Ph.D. There will remain only the thesis.

He knows no foreign language, although he can read his field in German. He doubts whether he could learn to speak a foreign language, having had no experience or occasion to wish to. He does, however, have an interest in the relationship of the world's resources to the problems of the United States and of the world, and in that connection he seems to come most closely to my own interests. Howard will examine further his comprehension of the relationship of his own field and society. I gathered that he had never thought much on that subject, being apparently like most scientists I meet lost in the intricate detail of his work and even taught never to think about the broader social aspects. Undoubtedly the new approach could be developed.

He would gain my unqualified approval save for one point, which may be minor in that it may be alterable. He seems slow in picking up an idea raised in conversation. He listens carefully and seems slightly puzzled at some of Howard's suggestions. He is like a motor which can run only 80% of the speed possible in similar type motors of the best quality. The 80% shows I put him near the top on alertness, but not quite there. Perhaps the complete unfamiliarity of the subject matter bothered. In any event he merits another chance, for he is good material.

Greetings, JNH

January 23, 1939

Mr. John N. Hazard,
1005 East 60th Street,
Chicago, Illinois:

Dear John:

This is in partial answer to your letter of January 15th.

As to Iowa City: In addition to Dean Rutledge and Bartley, I suggest you see (1) Professor George W. Stewart, a distinguished physicist who has travelled widely, a fine fellow and a friend of mine. I am going to lead a round table he has arranged to be held in June. Rutledge will 'phone him for you. (2) Professor Shambough, one of the country's big wigs in the field of political science. I have only met him once. Merriam no doubt will be willing to give you a note to him. (3) Jacob Van Der Zee, a brilliant young fellow in the field of international affairs. (4) Howard Bowen. I am enclosing copy of a letter he recently sent me. There are several very good people in the Department of Education, but the man I know is abroad at present. No doubt Rutledge will arrange for you to dine with a group at the Law School Commons.

I don't know that there is anything we can do about Ernst Freund's library. I showed the paragraph in your letter concerning it to Reed of the Carnegie Foundation who said he knew of no institution, except perhaps Harvard, that would be interested in purchasing the library and that no institution would be interested in merely taking nominal title to permit its coming to this country to remain the property of its present owner. Anyhow your paragraph offers very little to work on for it does not give information in regard to the size of the library, its scope, its value, etc.

Cordial greetings,

WSR/fc

January 24th, 1939

Mr. John Hazard,
1005 East 60th Street,
Chicago, Illinois.

Dear John:

I suggest you look through "The Constitution Reconsidered" edited by Conyers Read and published by Columbia University Press. There are one or two chapters in which Howard might be interested.

WSR/rc

Greetings,