

Moscow,  
April 27, 1935.

Dear Mr. Rogers;

Barnyard roosters crowing from bird cages hung from the wall light brackets; bear cubs mawling each other in one corner; kids prancing over a wooden hillside behind the banquet table; pheasants and canaries in a huge ten-foot aviary between the pillars in front of the orchestras, plates and plates of turkeys, salads, bananas, hams, cakes resting on a screen grating through which poked a garden of white tulips brought from Finland and set off to better effect by lights coming from beneath their pots; five hundred people dancing to the music of a Russian and a Czechoslovak Orchestra which played alternately; Georgian knife dancers; a shashlik restaurant up-stairs where good old kabobs and pillau were served touched off with Georgian red and white wines; champagne from France----this was the setting for the Ambassador's Ball for which the capital has been waiting for months. The white marble walls and crystal chandeliers of the old merchant's mansion have probably not seen such an event for a good many years. Most of Soviet officialdom was present including Commissar Litvinov and his wife; Tuchachevsky, Ass't Commissar of Defense and his wife; practically every one in the Commissariat for Foreign Affairs; staffs of all the Embassies and Legations, Correspondents of many a country besides America; students; engineers; business men; famous Soviet theater people including Meyerhold; premiere ballerinas; playwrights; and newspaper columnists. The early dawn, coming as it does here somewhat before three, followed by the sunrise shortly before five even failed to drive the guests home, and not until the curtains were thrown wide and all could see that day was at hand did the last stragglers leave. The Ambassador was his usual cordial self, and most certainly deserves the praise he received as a most perfect host. The unfamiliarity of dress clothes after so many months of flannel shirts made the evening even more notable for many of us who do not whirl often in the diplomatic life, and the chance to meet and to talk with old friends and brand new ones made the evening the most brilliant social event of the year.

But this was only a short interlude in the regular day's busy life. One afternoon a friend who is a factory executive took me out to an exhibit of machine tools made in the Union. Starting with an example of the only type of machine tool made in old Russia, and a type made in the Union ten years ago, the exhibit extended through a large portion of one of the huge buildings of a machine tool factory. Small machines used for training in the schools and huge ones used for boring "75's" and automatic turret head lathes all had their corners and many were working. Exhibits showing the method of making abrasive materials in the Urals and precision tools in factories out on the steppes completed the picture. It was a startling picture of the development that has been occurring in the Union, and my friend made it the more interesting for he had not so many years ago been buying the same types of tools in America. The exhibit is partly the answer to why the Union is not having to go abroad to buy much of its machinery today and does not need to make concessions to America to get machines. The *few*

machines that are needed are being bought from Germany on a new credit which has been arranged and from Sweden and England on similar credits. Many American representatives see little hope for a flood of orders when affairs do get straightened out. Even the subway with its mass of different kinds of materials was built, so the papers say, entirely of Soviet materials. After the exhibition the Director of the factory near by which made some of the machine tools in the exhibit took us through the plant. It was a busy place, although he complained that he had difficulty in getting trained workers and had to train up youngsters from the fundamental principles of a machine. Good ventilation and light made the huge sheds pretty decent places to work, and except for the girls at most of the heavy machines one would not have realized that he was in what was once undeveloped Russia.

A commission of Soviet Engineers not long ago wrote their impressions of American radio broadcasting for the press. They had been studying the system in America, and were caught primarily by the precision with which the programs are run off, and the large net-works. In Moscow there are six big stations none of which are <sup>is</sup> hooked up either with ~~each~~ <sup>the</sup> others or with stations in other cities. The most famous and most popular is the huge 1500 meter station of the Comintern, said to be the largest station in the world. Its programs are sent out with such force that they practically monopolize a quarter of the receiving apparatus's dial space, and languages used run through a good part of the scale as foreign programs are prepared for transmission as part of the International Campaign of the Comintern. I often listen to the English hour late in the evening which is prepared for the British Isles, after-supper-thinking. The next most popular station is the one named for Stalin. It gives primarily material of local interest as do most of the other stations with the exception of the Comintern. There is the V.T.S.P.S. (All-union Central Soviet of the Trade Unions) Station, and the M.G.S.P.S. (Moscow Trade Union) Station. In addition to these are the stations of Ts.D.K. (Central House of the Red Army) and a Station called R.V.Z. All of them interchangeably give programs from the Bolshoi and Conservatory, and give them entire, with talks on the opera in between the acts, or even silent moments. In this feature the Soviet stations differ very materially from American ones. At home apparently no minute may be silent for fear people will dial away. Here if a program ends sooner than expected, families just go on talking until the next program starts up. I have seen a station silent as much as twenty minutes and sometimes a half hour. Many of the new apartment houses are wired with plugs which give a choice of two stations, usually the Comintern and the Stalin Stations, and for these families no set at all is necessary but only a loud speaker or ear phones. In the mornings are the usual chats for women, on children, or cooking or caring for the home; and as the day goes on there are the news broadcasts, the matinee concerts, the talks for children, the talks dealing with revolutionary education and history, ~~and~~ the evening concerts, or meetings. Except for the fact that advertising is never mentioned and there are breaks in between the programs the general entertainment ~~for~~ the listener is about what it is at home. Many a family has a set strong enough to pick up at least Germany and Poland, and a lot of sets reach France and England. Contrary to erroneous opinion sometimes heard at home, no interference is generated against any foreign program, and if you can understand German or

any of the other varied languages the Germans use, you can hear good Nazi propoganda as well as other kinds. Every afternoon at four thirty, our time, Germany has a program in German and English for "their friends in the Far East", who must be about going to bed, or perhaps getting up. And at midnight, our time, England sends us out here the news of the day and bids us all good night, while their watches show nine o'clock, and we hear "Big Ben" strike out the hour, while at the next point on the dial the Comintern station is blasting out the midnight record of the "International". This international aspect of radio plays a big part on the continent. Most of the states are members of the International Radio Convention and there is continual struggle to get <sup>the</sup> good hours when your neighbors on whom you wish to pour forth your propoganda are not asleep.

I am continually being surprised by the way in which articles in American magazines and newspapers are being translated in the Soviet Press. Lippman's article on "Britain and America" in the April Foreign Affairs was translated at great length, and the same day my May copy of Asia arrived there was a translation of large parts of Elizabeth Green's article "Economic Contrasts in Hawaii" in that same issue. Comments in American papers are constantly being cabled back by Tass, and most frequently the editorials in the Baltimore Sun and Washington Post are in part translated in the corner of the front page designed "Last Minute News." When Duranty is here the New York Times's stories get quite a flare, and of recent weeks Harold Denny's articles have been translated in part. Of course I have no way of knowing what the rest of the article said. Even when quoting without the necessity of translating, it is hard to give the true sense of an article, but we are kept up with snatches of contemporary thought about the Union, and general European "conversations, and inter-ludes in them." I always have my News-Week two weeks later to get an idea of what other papers are printing about world events. Time fell by the road after the December maneuvers they went through, so now News-Week is our source of information.

Your number 9 was received, as well as the clippings. Whereas I had a lot of fun in reading about myself and others, I wondered how much news value the stories had for Indianans. Of one thing I feel pretty sure, and that is that the author never thought those stories would be published. Doting parents often do tricks like that. I shall be delighted to sit in on the Harris Foundation session if I am invited. Of course, in that group I could have nothing to add, and would certainly appreciate the change to learn. I am to be sworn in <sup>on Jan 4</sup> at 10.00 A.M. at Rochester and can leave immediately thereafter for Chicago, by air if necessary. I only hope I shall not be missing most of the Conference. It is a pleasure to hear that Mr. Antonius has had such a successful time in the States. I do hope that I will have the pleasure of seeing him in the not too far distant future. The correction which Prof. Counts sends on has been worrying me ever since I wrote the original letter. I soon after heard something about priests being allowed to marry. I thought that my original informant said they were not in the old church, and the man in the street also usually says they were not supposed to but always did. I am going back and check up at the original source of my information, and am only too glad to bow to Prof. Counts' and others who have corrected me. Whereas I try and get accurate facts in most

of my reviews, and in all that are important, I find that working in another language in a country where accurate facts are hard to get even by the most able (witness several glaring errors in Laski's Law and Justice in the Soviet Union) I every now and then get misled. I make no excuses, but shall attempt to improve my methods of fact gathering.

(PERSONAL\*\*\*\*\*NO COPIES-----from here on-----)

I will need no more money to buy my ticket home as the Intourist order which we bought last fall has remained pretty large in view of the fact that I spent so few days at the hotel at the start, and it will cover the return ticket on the Normandie. I also have enough cash to get me through the remaining month and a half. But I shall need money in America when I get there. If you prefer paying over the money each month, please deposit the May and June checks to my account in the National City Bank of New York, City Bank Farmers Branch, 22 William Street, New York. I have bought nothing here except food, room, books, and a little entertainment. New York is cheaper, and so the replenishing of necessary supplies of shirts, socks, et. al. awaits my landing. Since it is easier not to have to draw money out of the bank here for use back in the States, I suggest that you deposit it there where I will be using it. But any plan you suggest will of course meet my approval, as there is no big principle involved.

Spring is not yet quite here, for no leaves are out, and there is hardly any new grass, but perhaps it will be along soon. I see in the New Yorker that it is now with you, and I know what a treat it always means. It is going to be even more of a treat to us here, who need a touch of green.

Best of good wishes,

JNH

*Clippings are being returned  
in separate cover.*

MOSCOW  
May 2, 1935.

Dear Mr. Rogers;

"Our country, the country of the dictatorship of the proletariat, today hails the first of May on the occasion of the ~~development~~ development of the great creations of the millions of the masses and on the occasion of the superior development of Soviet democracy. Formerly in Czarist times, there hung a great ikon of Christ over the very gates of one of the largest evil hard-labor prisons of Imperial Russia, Butirka, on which was written the Biblical inscription, "Come unto me all ye who travail and are heavy laden, and I will refresh thee." This was in itself a remarkable symbol of Imperial despotism. Hiding itself under the sign of the cross, the autocratic government of the landlords turned the entire country into a prison of peoples, where "those who travailed and were heavy laden" lived under conditions of persons under arrest, fettered with chains. Their energy was fettered, their ideas, all their creative impulses were enchained. .... Today the proletariat and collective-farm peasantry, which under the leadership of the Lenin-Stalin Party has made truly historical progress with gigantic strides, can justly be proud of its successes...." So runs Izvestia's leading article on the great spring holiday, setting the key note for the day.

On the "October" I watched from the Embassy, but on May Day I marched with the millions. And that is no exaggeration, for practically the entire population of Moscow turned out and followed the military demonstration through Red Square. Solidly they marched in six columns, eight abreast in each column at a brisk pace from ten in the morning until long after five at night. My Institute formed at ten, as we knew we would be nearer the end of the demonstration, and ~~end~~ end and center men were given red flags and placards bearing pictures of various members of the Polit-Bureau, while the first rank carried the four red banners which the school has won in competition with the other Law Academies in scholarship, political work, and the other arts. Round the streets we marched to find our place in line, while the hundreds of airplanes roared over head, flying low in military formations giving us our only glimpse of the military part of the program, which I had seen during the "October". Finally we came to a halt behind the student body of the Moscow State University, which has an enrollment of some 5,000 students, while behind us was an Upper School with its brass band. All of us are used to waiting, so few were surprised as the hours dragged by. ~~Each~~ Each had brought a sandwich, which solved the food problem, and here and there accordians were brought out and the crowds performed native dances in the streets or occasionally organized a group waltz, which resembles the Russian polka. Near us were Assitines in costume. They are a Hill Tribe from the Caucasus, and famed for their dancing. These men were no disappointment for they kept up their vigorous dancing and shouting for most of the day. At four o'clock word passed down the line that the students were about to start. Before us had passed factories and metro workers, and smaller schoolchildren. We were almost the last. Once the line started we moved fast, down the

street in front of the American Embassy where the huge American flag waved in marked contrast to the masses of pure red bunting and flags hanging from every Soviet ~~building~~ <sup>building</sup>, up the little incline leading to the Square which had been covered with sand to make the path smoother and quieter for the tanks which had gone before, onto the Square itself by a huge brass band playing a lively tune, by the grandstands, almost empty due to the lateness of the hour, and at last by the Government Tribune itself, perched on the Lenin Mausoleum. There stood Vorshilov, the Commissar of War in his uniform and his many decorations, Molotov, the Premier, Kalinin, President of the Central Executive Committee, and Stalin himself, standing just a bit back between Voroshilov and one of his aids. The students were delighted, for in their many trips by the stand they had not happened before to see Stalin himself, and needless to say it was a treat for me. There they all stood, just exactly as we have seen them in the hundreds of photographs appearing in the daily press. A fleeting glimpse it was, worth all the waiting, and then we marched on across the Square and down the little hill to the Moscow River to disband and rush home for a six o'clock lunch.

The evening was one of the gayest I have had, as a group of students at the Institute invited me to join their May First celebration. One is struck by what a lot of fun they all can have with almost nothing--an old gramophone with records worn to the point where they scarcely carry across the room, and little else. Dancing, and tricks, and jokes and games, following each other in quick succession until the midnight supper of balognza, cheese, black bread, red caviar, herrings, vodka, and a Russian benedictine. More singing, and toasts to everybody, and everything, and then more dancing. Trolleys stop running on holidays, and I lived too far away to take a chance on missing a ride home. Others felt the same way, and we tore ourselves away at two amid loud protests. Today I heard that all the rest stayed until daylight and had tea before retiring to a few hours of rest before another busy day. The evening before the Holiday the Institute had had its usual Commemorative evening with speeches on the significance of the day, its history and how the Second International had designated this day over ~~seventy~~ <sup>seventy</sup> years ago as a workers' day. The Assistant Director commented on the work of the year and on the examinations which have just finished for some of the upper classes, and then came the "Artistic Part", of poems, recitations, choirs, solos, and jokes. These <sup>are</sup> about the same each time, and if the crowd would ever quiet down enough to give the actors a chance, it might be really enjoyable, but no one ever thinks of stopping talking, and apparently the actors never mind, for they shout or sing right on.

Just as for the "October" the streets are decorated beyond recognition. A colossal statue of Chapaev stands on the square in front of our Embassy, while other buildings are decorated with the familiar streamers of red bunting, and immense pictures of the great figures of the Revolution, and the present day. A new note has appeared in the use of green and blue lights in many of the decorations. Before, red had been practically the only color used. Crowds of people jam the streets, and read the street exhibits of

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*that they saw dancing*

the progress of various huge enterprises, such as the Canal, and the subway. It had been announced that dancing would take place on the streets, much like that in Paris on Bastille Day, but ~~although~~ <sup>and</sup> trucks drew up for bands, I could not find people dancing. ~~Perhaps it was due to the cold weather, which is said to be unusual at this time of year, but~~ <sup>but others tell me there were some in the Central Square</sup> Every one seemed to be having a gay time just milling around the way they do on Broadway at home.

To watch these programs even twice makes one of us Americans wonder how they can show such fervor year after year when the demonstration is so much the same. One student who was a bit older than the rest of them <sup>did</sup> hint that after ten years of marching, there was not quite the thrill there used to be, and many in the crowd in the streets announced that to their way of thinking the displays were not as gorgeous as they had been in previous years. One wonders whether ~~they~~ <sup>they</sup> will come a time when this noisy display of patriotism will be replaced by a take-its-for-granted attitude which makes people moan when they think of attending a Fourth of July oration or parade, yet which leaves in them the patriotism to pour forth in millions in a war when there is real need for a display. ~~The answer to this~~ <sup>the</sup> probably must wait for time to pass, but it will be interesting to see whether patriotic exuberance will outlast one hundred and seventy-odd years of demonstrations. Perhaps there is more of an incentive in that the class war is only partly won, and there still remains a world to conquer. I am sure that would be the answer one would be given here if one were to say that history ~~is~~ <sup>might</sup> repeating itself. There is no question but that eyes are still turned abroad, hoping for a victory in each country of its own proletariat. May Day, as an International Day, emphasises this even more than the "October", which is only a Soviet Union holiday, with world wide ramifications, perhaps, but not as its major objective.

One of these times you must see one of these demonstrations. We cannot get our people out to produce such a thing, and if you are interested in mass parades, this is the greatest in the world.

All good wishes,

JNH.

P.S. If you are responsible for sending Personal History, many thanks.

May 11, 1935.

Dear Mr. Rogers;

Having seen the rather perfunctory way in which criminals falling within the definition of "hooligans" were treated I have been anxious to see some of the work which is being done to rehabilitate <sup>other classes of</sup> criminals. VOKS provided me with the opportunity of seeing the highly publicized colony called Bolshevo. Organized in 1924, some 30 kilometers from Moscow, on the electric railroad it was first used in the training of former bezprizornee (wild boys). Some 19 were brought from a children's home where nothing had been accomplished, and a small colony was established in what was a rather undeveloped area. The organization was along club lines, and the chief effort was to keep the youngsters occupied so that they would have no time to revert to their old habits. Stealing which existed at first slowly died out as the colony progressed, and the boys became more occupied in building up the place. One of the enterprises, that of connecting the camp to the main line of the railroad by a spur, was recorded in the moving picture, "The Road to Life", which had many showings in America and is often referred to by American critics as one of the pioneer, but best Soviet pictures. Soon after the camp got under way another group of 19 was brought, but these were thieves who had already been in prison, and were repeaters. They ranged in age from 18 to 24 years. Discipline was maintained by offering as a reward for good behavior the promise that friends from the prison would also be given this opportunity if the first group behaved and did not escape. Fences and guards were not provided, which resulted in considerable hostility on the part of neighboring villagers who prepared for the worst and barricaded doors and windows nightly. Some of the men later admitted that they had welcomed the chance to come to the camp since they thought they would be able to escape, but as a matter of fact no one ever has tried in the history of the camp to escape. As the first group improved, more and more were added until the camp no longer treated bezprizornee but took only thieves. Facilities were obviously limited and it was decided to limit membership in the camp to thieves, men and women, between the ages of 18 and 24, who have already served part of their sentence in prison. It was apparently felt that murderers, hooligans, and sexual offenders were harder to retrain, as were older persons whose ways of life had become more fixed. Since the number of necessity had to be small, the authorities decided that the most success would probably be obtained among young persons from the class of offenders who probably arose from insufficient education and need. This limited attempt to rehabilitate was not an admission that older people or other types of criminals could not be rehabilitated, but if only a few could be treated, it seemed wisest to spend the limited funds and use the limited facilities on those most likely to be benefited. Since this early start eleven other Communes have been established in other parts of the country, and I am told that some of these, in particular the one near Kharkov, also treats murderers.

In all, the Commune now contains some three thousand persons, four hundred of whom are women. Whereas originally the authorities of what is now the People's Commissariat of Internal Affairs alone chose the new members of the Commune, a system has



now been evolved whereby a Commission composed of former and present members of the Commune goes periodically to the prisons. This Commission interviews criminals who have applied for membership and also looks around on its own initiative for persons who, it thinks, might be good additions to the Commune. When it has selected the most likely persons from these two classes of prisoners, it invites the men to become members of the Commune. They are brought to the Commune under guard--we saw one such new group of twenty-five marching into the camp between soldiers with fixed bayonets,--and from then on they are probational members of the Commune. This probationary period continues six months. No vacation days, off the Communal property are permitted during the first two months. During this period members of the Commune investigate the former prisoner's family and determine whether the family is itself too bad an influence to permit him to return to see them on vacation days. If the family meets the approval of the committee, the former prisoner is permitted to visit them after two months for one daylight day a month. After four months he may visit his family for 24 hours a month. After six months, he becomes a regular member of the Commune and may visit his family every ten days.

Regular members of the Commune have the right to vote, and they meet in general Assembly to transact the business of the Commune. Of this larger number some 500 are selected as representative of the various units to form an executive committee, and this group appoints smaller special committees. One of these Commissions concerns itself with disciplinary measures. Liquor is never allowed on the premises. Likewise members must return on time after their visits to the city. Any violation of these rules or any reprehensible conduct is examined by this Commission, which then prescribes a punishment which must be ratified by the Committee of 500. This punishment may be only a censure, or a fine, or in extreme cases banishment from the Commune. This banishment involves dismissal without a passport, so that the criminal becomes a waif, and is soon likely to be taken up by the police for moving without documents, and thus he inevitably finds his way back into prison. Critics claim this makes for more crime and danger to society which might better have been prevented by remanding the person to jail directly from the Commune. Just why the more round about method is used was not sufficiently explained, the only argument being used was that <sup>based</sup> ~~it~~ <sup>on the</sup> analogy to the release of any criminal from a non-corrective prison, since records show that he returns to crime in the majority of cases. "If the foreigners do that, why should they object to turning a man loose here when he has violated the rules?" seemed to be underlying attitude, which seems perhaps to lose sight of the fact that in an enterprise attempting to improve on former methods, arguments are of little weight when they are of the kind "Well you do the same thing."

Most of the former criminals come to the Commune as uneducated illiterate persons. To remedy this fundamental cause of crime, a large school is operated, teaching courses in History, Geography, Economics, History of Art, Arithmetic, and Marxism. As many of the former criminals have married and have children, part of the school is devoted to teaching this "second generation". In our examination of the biology, physics, chemistry laboratories and art studios, we were pleased to find good equipment, and some excellent examples of art. To occupy the other hours and to teach a trade three factories are operated in the Commune. One makes hosiery, and we saw the members of the Commune working in light airy

conditions on German and Soviet weaving machines. Another makes skis, sleds, and tennis rackets, and a third ice skates. These factories are all parts of the general Union scheme, and are units of the other sport plants and textile plants. Thus the Union under their system of socialized economy are able to provide useful rehabilitating work in factories without running into the objections of private manufacturers who claim that penal labor is making impossible competition. Inmates are not confined to the manufacture of automobile license plates and other products which will not make an unwanted competition.

Some two to five years is required, depending on the case. After that the inmates are free to leave. As a matter of fact only a very small percentage has left, for those <sup>who leave say they</sup> find the life in Moscow boring compared with the gay life of the Commune with its free movie house, and social rooms. There are 1,000 persons who are now free but who continue to live on the Commune, and of these 250 conducted themselves with such success that the records of their crimes have been erased from the files, and they no longer have the status of former criminals. To be freed a man's case is discussed by the General Commission of 500, and if the People's Commissariat of Internal Affairs approves their recommendation, the man or woman is declared free.

While still inmates, some 45 persons are attending various advanced schools or Universities in Moscow, and many of the advanced ones go on in the professions when they are freed. They are then eligible to apply for Party Membership, although they of course are subject to the rigorous scrutiny of applicants prescribed in all cases. Some are officials of the Commune. Only three persons in the Central Organization are paid workers from outside the Commune. While members of the Commune, the workers are paid on the average of 110 rubles a month, from which their food and room charges of 70 rubles are deducted. We walked through the factories and the school, talked with the men and women in the dormitories, and were given a very substantial Russian lunch in the Central Dining Hall. One gets the impression that the men and women are delighted with their lot, and having the really good time which usually accompanies any club-like living, particularly when every member is involved in building up not only his own background and character, but the Community itself. It is without doubt, in my opinion, the proper method of treating crime. It perhaps is only a treatment which is applied after the evil influences of early environment and need have taken their toll, but as such it has its place until (if ever) the life of the Community is raised to such a level that these bad influences no longer exist, and all society shall live with that sense of social consciousness and with that feeling of affluence which will together do away with the causes of crime. Communists say that under the Capitalist system such a future cannot be achieved, and at best the Capitalist World can do no more than rehabilitate criminals who have been developed by the environment in which they live. Today during the "transitional period" the Soviet State also has to be content to use these superficial methods of abolishing crime, but the future holds out the hope of an eventual more fundamental attack on crime. Herein lies the difference in program for crime prevention in the futures of the two types of social organization.

With all good wishes,

(this letter is for record purposes - personal letter will soon follow)

JNH.

May 13, 1935.

Dear Mr. Rogers;

Professor Counts has challenged some of the facts in my letter about the Church in the Soviet Union. "There is just one little point in which I think he is misinformed," he writes. "He intimates that the rule of celibacy prevailed among the clergy of the Orthodox Church. According to my understanding the contrary was the case. A priest could not be ordained unless he was married." The line to which he refers in my No. 21 reads... "The new Church, although claiming no connection with the past, used much of the ritual and former rules, departing from the strict requirements of celibacy of the clergy." A check up on my original source proves that although my original sentence is not wholly correct, Professor Counts statement when applied to the Russian Church is also <sup>not accurate</sup>, although it may be applicable to the other branch of the Orthodox Church which exists outside of Russia. In the 15th Century, the Union of Florence was signed between the Roman Catholic Pope and representatives of the Greek Orthodox Church. The Russian Church was represented at the Conference by the Metropolitan Isidor, who was unlucky enough ~~as~~ to have signed the "Union" with ~~the~~ the Pope and other representatives of the Greek Orthodox Church. The Russian patriarchs were so incensed ~~at~~ his action in thus even recognizing the Roman Catholic or upstart pretender branch of the Church that the Metropolitan Isidor was excommunicated, and his signature repudiated. From that time on the Russian Church always declared itself to be the sole true defender of the faith, and while cooperating with the Greek branch of the Orthodox Church in some matters, the two branches of the Church became separated. Canon law prescribed that a Priest, having consecrated his life to God could not marry. It did, however, permit married men to enter the priesthood. This ~~apparent~~ inconsistency was permitted on the theory that before being ordained a man was considered as being still in a state of indecision as to whether to become a priest, and so his marriage took place before any consecration to God and the Church. As a result those people who felt they wanted to marry did it before being ordained. Perhaps the rule Professor Counts quotes was a bystander's rationalization of conditions he witnessed among newly ordained priests. The rule forbidding marriage while a man remained a priest operated to prevent a second marriage when a priest's wife died while he was a priest. When such occurred the widower then turned his mind to his ecclesiastical career, for Bishops and Archbishops could not be married men. This rule of no promotion except for the celibates perhaps provided a queer compromise with God and human emotions, for it assured complete consecration to God and the Church on the part of the Church dignitaries and yet left the rank and file of the clergy free to marry before being ordained and thus avoid the indecencies sometimes rumored as existing among entirely celibate orders. The new Russian Church established after the Revolution, although preserving the rule that priests could not marry after being ordained, permitted the Bishops and Archbishops to be ordained as such, while still married. Herein lay a dividing line between the new and the old. I thank Professor Counts for calling to my attention my inadequate exposition. He may be interested in this account of the Russian Orthodox Church, and I shall be indebted to him if he will write me whether the rule he set forth

prevails in the rest of the Greek Orthodox world.

Vincent Sheean's Personal History was a *great* treat. While enjoying a real Chinese dinner with chop sticks at the Bess's the other night, I happened to mention that I had been reading of the China in which they spent ten years. Mrs. Bess tells me that Ranya Prohme was a great friend of hers, and of course most of the Chinese who feature in the story were friends of theirs. I myself had met several of them in China, and have seen Borodine here. The sections on the Soviet Union have all the fascination one might expect to any one who knows every corner ~~the~~ <sup>the author</sup> writes about, and has seen, talked to or heard of practically all of the people who are still in these parts. One is left a bit aghast at some miracles he uncovers; such as his arriving at noon at the October station from Warsaw, when no one here can remember when the Warsaw train arrived any where else than <sup>at the</sup> the White Russian Station, and his being able ~~later~~ <sup>at noon</sup> arrival at noon <sup>at noon</sup> to get to his rooms and cross the impassable center of town and the line of march to find a place in the Grandstand on the Square in time to see so much of the procession that he was worn out. But in those days things might have been different, or else a newspaper man can do anything in one day even here. For me his reactions to the Union and what it stands for were the most interesting. <sup>part of the book</sup> One thinks that his position could not be clearer when on p 278 ~~after~~ <sup>after</sup> outlining all the sacrifices the Revolution would demand of him and asking whether he could endure them he says "The answer was, decidedly, no." But then on page 398 after the most complete and accurate <sup>of the</sup> Bolshevik's 'long view' of history he says, "I had to admit that she was right, that hers was the only comprehensive view, the nearest thing to a long view that I was likely to know, and that, even if I took no part in the direct struggle by which others attempted to hasten the processes that were here seen to be inevitable in human history, I had to recognize its urgency, and find my place with relation to it...." These final closing words leave one with the impression that although the author would do nothing to help along the Revolution, he nevertheless felt it was inevitable, and either to save himself, or his "soul" he was forcing himself to step in line and sweep along with the rising tide, perhaps as only an intelligent observer, but at least as part of the moving crowd. His type is legion among the foreign colonists here. I doubt if it would be understood by the Russians. For them man must take a clearly defined position, being either for or against. To be an observer without an axe to grind, but with a sympathetic point of view ~~is~~ is not entirely comprehensible, and the Russian is inclined to think there are some tricks hidden down at the bottom of the bag.

The section on Palestine repeats what I had heard when I was there for a few days some five years ago. I doubt whether the author will keep the few Jewish friends he had left after he finished his newspaper articles. His descriptions of George Antonius make me even more anxious to meet him. Certainly few people in that book are as highly praised as he. Sheean states Antonius's position so definitely that I can almost get an idea of the kind of forceful determined man he must be. The fact that struck me most in the part about Palestine was that the Arabs there are not to be considered as a part of the great Arab world, but only as an independent segment without the support of the others. But then I frankly admit that I know nothing about the Arabs and their problems.

On the free day I went into the country to visit my friend from the School of Economics who had just come out of the hospital after a bad case of grip, and was convalescing with some friends out along the electric railroad. Moscow, overcrowded as it is, has been forced to expand to the country to provide homes for all of its workers. To facilitate communication several electric railroads have been built providing frequent fast trains. It seems for all the world like the North Shore lines out of Chicago, or the Main Line out of Philadelphia. Small wooden bungalows nestle among thick tall pine forests, and the train stops for village after village. Strict rules making house owners get the permission of a tree commission before cutting a single tree on their premises has assured the existence of the tall pines, and a meandering river wanders back and forth through the towns adding the boating and swimming possibilities which help to make up a summer resort. We rowed for several hours through the fields as the little river wound back and forth. Although no leaves are yet out and the grass is only just becoming green, there was the smell of the country in the air, and nothing is quite so bracing to one who has not left the pavements of the city for more than an afternoon in eight months.

Professor Korovine gave me another evening last week. We went through the first half of Taracouzio's International Law and the Soviet Union. It was an unforgettable sight to see the Professor jump from his chair as I ran out reference after reference to his writings, dash to some book shelf or pile of papers and read to me what he had written and explain to me how it should have been interpreted. He did, however, feel that Taracouzio had done a monumental work, and we were both surprised that he has been able to gather so much material and get such a general idea so far from the source of the publications. We laughed over the trouble Dr. Nicholas Murray Butler got into for permitting Stalin's speech at the Party Congress to be printed in the Carnegie International Conciliation Pamphlets. His permitting the second article to be published right after the speech in the same pamphlet had proved rather inconvenient for those who were instrumental on this side in getting the Chief's speech for publication in America in that series. Both sides were criticized for the same pamphlet. The Professor showed me a letter from a Chinese attorney in Shanghai asking for information after reading Korovine's article in a previous Carnegie pamphlet (No. 292). It is surprising how ideas and articles circle the globe, and interest people one might not expect to come into contact with them.

I shall take the train from here the night of June 10th, arriving in Paris June 13th. That will give me a day there to get some new French commentaries on Soviet Codes, and do a little work on my report, and on the morning of the 15th I shall take the boat train. If you wish to reach me there, I can be found through the American Express. I shall drop in there to see if there is mail or a cable. I shall not expect any, so do not bother yourself to get one off, unless something comes up.

All good wishes to the Staff, and yourself,

Sincerely yours,

JNH

May 17, 1935.

WSR - JNH

Dear Hazard:

Your No. 38 came in a few minutes ago. I was much amused at the sight of you marching in the parade on May Day.

Yes, you are invited to attend the Harris Foundation meeting at the University of Chicago. The Soviet ambassador, and several officials of Antorg will be among those present. The detailed program will not be issued for ten days or so yet.

Yes again, I sent you Personal History. Antonius seems to be pleased with the references to him in the last chapter. He met the author in Naples on his way here.

Antonius sails tomorrow on the Ile de France. If when he reaches London he finds that he will have to there or in Paris for three or four weeks, he will telegraph you to try to arrange a meeting, if only for an hour or two.

A few days ago I gave a little farewell dinner to him. Among those present were "Sam" Harper, Parkin, Moe, Riggs, Victor Clark, and Mr. Crane who although not feeling any too well came in for half an hour or so. The dinner was at the Claremont on Riverside Drive, just beyond Grant's Tomb, <sup>you</sup> who probably know the place. Fortunately the weather was good.

I have a great deal to say, but as you will soon be along I will restrain myself for the present.

Best of luck and cordial greetings.

Moscow,  
May 19, 1935.

Dear Mr. Rogers;

From Izvestia's reprints of New York Times articles about the new subway, I know that you in America have been given all the important details--construction in the shortest time on record, most beautiful in the world, 800,000 people took part in the construction, unprecedented difficulties with shifting sands and underground rivers making necessary the freezing of the ground during construction, architectural contests to find designers for the stations, and foreign experts' comments as to its technical perfection. I had read so much, and heard so much in daily conversation with people who had been lucky enough to have pre-operation passes to ride, that I felt it could not be as fine as I had been told it was. General operation began on May 15th, but lines hundreds of yards long in front of each station made it impossible to get a view of the new show place during the first three days. Now the crush is over, and today I went down. Perhaps you remember some one glorious building which struck your attention when you were a youngster and has always since remained as your favorite recollection. I know that I shall always remember the lobby of the Biltmore in war time when I went there as a tiny boy on my first trip to the big city. A good many years have passed since that time, but my first glimpse of the hotel-lobby-like stations created no less an impression. It is not a metro, it is an underground hotel! Indirect lighting, tinted marble walls, fancy plaster ceilings, neat signs, long mahogany escalators looking as if they had been built by a cabinet maker, simple taste all combine to make it the most perfect example of functional architecture I have ever seen. When the shiny new cars painted caramel brown above the center line and chocolate below roll up, one really feels like cheering, and I noticed that the crowd, with tiny children and very old grandmothers in tow all staring and laughing in that semi-hysterical way one does when a ship comes in with a long absent member of the family, all seemed to feel the same way. Neatly dressed attendants in blue uniforms, which are the exception in this country, shoo the slowly moving Russians into the automatic air pressure doors, which frighten most of them, who never before have seen an automatic door. A station attendant calls something unintelligibly and off we rumble, just as fast as in any other subway I have been in, and that counts for New York, Boston, London, and Paris. Turnstiles are not yet in place, so tickets are sold near the entrances for 50 kopeks, about the price of long bus rides, but three times as high as average trolley rates. Every station is completely different as different groups of architects constructed each, apparently with pretty much of a free hand as to novelties in design. No ugly steel columns are in sight. In the stations which were built on the open-cut part of the line, a great vaulted ceiling hangs over both tracks and the large central platform. As the line digs down under the hills, the stations are more like London deep tube stations, but attractive colonnades separate platforms and tracks from a central concourse, which is

looks like the Waldorf Astoria Lobby. One person told me, "I like it so much I hate to come out into the open again and back to all the realities of every day life." That statement must be pretty generally true for all, as tickets had to be limited in time to get the people out from underground and give others a chance to get down.

As great an artistic and technical success as it is, a very large part it <sup>also</sup> plays in the political program. There is no doubting that it serves as a factual example to the people of the unusual progress which has been accomplished. One person told me, "The Czar never even built one palace as beautiful as any one of those underground stations." Few people need more as an argument for this "board of directors", and it is not hard to see that as people come from all over the Union and return to the country districts with news of the new marvel in the capital, faith in the ability of the government to accomplish the tasks of the future will grow. A big sign over one station says, "Not without the work of the First and the Second Five Year Plans could we have completed the metro." Such is certainly the truth, for we are told that nothing was purchased abroad, but every bit of material came from the Union and was manufactured here.

To celebrate the opening, a huge demonstration of May Day proportions was worked up on the first day. As usual hundreds of thousands filed by the reviewing stands, carrying banners, flags, and posters, and the spontaneous excitement and enthusiasm provided quite a contrast to the regimented enthusiasm of the annual demonstrations. Our Institute also had its Commemorative Session, in which students talked, commented on the step this meant for the Union, and called upon students to do their bit in their selected field of the law to carry on in the way shown by the metro workers.

But every cheerful success has its sad counterpart and the wreck of the giant Maxim Gorky airplane has saddened the Union. That is no exaggeration, for every time people speak of it their faces are drawn, and I have not mentioned it to a woman yet whose eyes have not filled with tears. It was the pride of the Union, only just supplanted in first place by the metro. To have it wrecked by bad weather or unavoidable circumstances would have been bad enough, but to have the cause a foolish act of a thoughtless(?) pilot in another plane seems unbearable. <sup>Like</sup> all great air disasters, the victims were the cream of the air industry. England's dirigible crash, our three, and now this have all taken a toll, not only heavy in numbers, but in importance of the people killed. Tomorrow will be the State funeral. It will undoubtedly be a memorable event.

Your note to Louis Fisher made possible a very pleasant half hour. He is noted for being a busy man and not overly anxious to lose time talking to strangers, so I did not take much of his time, but it was a valuable ~~half hour~~ <sup>conversational</sup> hour. He brought back many observations on America, which of course were news to me, and then we talked a bit about the Union. He took issue with my account of the "rehabilitation commune," Bolshevo, saying that in his book he had told the story and there said that criminals of



Classes other than thieves were treated there. Our guide, who was one of the assistant directors said in Russian, which was later translated into English that only thieves were treated there. I understood both his original statement, and of course the translation so there is no question about what he said. The others who were with me, also have that fact in their notes. But it would not surprise me if Mr. Fisher's guide had told a different story. I only cite my reference and he cites his, and both sides will be certain that only they have the right facts.

I also must correct a misstatement in my No.33 discussing the reasons for the new decree concerning the application to children of regular measures of court punishment. I there stated that in theory the new law is "not intended to have any preventive effect on youngsters who have not as yet committed crimes." I had evolved this theory from conversations I had had and lectures I had heard ridiculing bourgeois principles back of criminal law, and in the general m el e the preventive principle back of criminal law received a considerable amount of criticism. In reading a quotation from Krylenko, Commissar for Justice, printed in the annotated edition of the Criminal Code, I find that Soviet jurisprudence also recognized that law is valuable as a means of frightening shaky elements in the community, who might be inclined towards crime, but that this principle is not given as much emphasis in Soviet jurisprudence as abroad. Says Krylenko, "Causing fear (to commit crime) is recognized by us as a real factor in the legal order, although by no means, the most powerful factor." From a conversation I had with an eleven year old Russian boy, I gather that the decree has had the desired effect. He told me that all the children knew of it, and that there had been a very marked decrease in the rowdyism in school, and at play, for children would tell each other that to go on doing some undesirable thing would land them in a work camp. It has also relieved the little children of older bullies who had been bothering them before.

Leaves have come out within the last two days, and suddenly it is warm as can be. I do not wonder that every Muscovite who can, finds a room in the country during the summer months. Needless to say I rejoice at a sign of green.

All good wishes,

JNH

Thanks for the second copy of Taracouzio. I am passing it along to Prof. Korovine. He has just been pleased to receive a request from the Harvard Law Review for a review of the book. It is too bad space is so limited. He could make a great contribution to our understanding of the Soviet attitude on International Law for he is bubbling over with enthusiasm to write a review.

9.45 P.M. and still light. The weather has some advantages!  
 My Aunt, Mrs. Courtland DeWalt (829 W. Tynnell Ave Tucson, Ariz.) says she has now received a copy of one of your letters. Other Aunt here. Perhaps I left her off the list. Please add her, and any back of Dec 1917 you may have around.

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

May 27, 1935.

Dear Mr. Rogers;

There being a lull in lectures at the Institute as the year draws to a close, I have been trying to acquire a more personal idea of the practice of the law. Our older students are now serving a month and a half as lawyers, prosecutors, judges, co-judges, and investigators, and several of these urged me to attend the People's Court in one of the Districts where many of them have been stationed. The People's Court is not new to me, for from time to time I have dropped in for an hour or so, but when the Judge and co-judges are students you know in school and whose background, training, and point of view are familiar to you, the whole experience of a trial takes on a new interest. There they sit behind the red felt covered table in a small ~~crowded~~ stuffy room, with five rows of chairs, listening to case after case. Their room was also served by two other panels of judges, who hear cases while the panel which has just listened to five or six retires to consider and write ~~the~~ decisions. In this way there is kept up a constant series of cases. People's Courts, being the lowest courts are quite comparable to our "Small claims" courts at home. Procedure can be understood by any one who has ever sat in on a discussion in a country store in up-state New York, and no doubt elsewhere in the United States. Plaintiff and Defendant lean on the raised table behind which the judges sit, and answer, correct, and even contradict the judges. Were it not for the inborn love to talk as if making a speech, much of the proceedings would be inaudible even in the first row, as it all centers around the table, and nothing is intended for the onlookers, but an impassioned plaintiff or defendant cannot restrain his desire to air his grievances and the injustices done him, and in the excitement the Court also gives a good lecture loud enough so that all can hear. Most of the cases are alimony tangles in the courtroom where my friends work. The story is the same the world around-fights, scandals, non-payment of alimony, and failure to care for children; although there are <sup>here</sup> the added difficulties inherent in the fact that with living quarters hard to find, many a divorced man and wife have to continue living in the same room, and in some cases each remarry and bring the new spouses into the common quarters. ~~Now and then~~ <sup>Once</sup> a witness appears without warning to stick up for the ~~husband~~ or ex-husband and say that the ~~wife or ex-wife~~ <sup>was</sup> just as much a cause of the brawls and scandals as he ~~was~~, but most of the witnesses come in on notice, for the disregarding of which there is a fine. Some cases involve disputes as to parentage of a child. One couple came in, without witnesses, the man denying that he ever went around with the girl, while the girl claimed they had lived together for months. My friend the judge dismissed the case until both sides could bring in witnesses, which was about all he could do although it seemed to surprise the parties to think that witnesses were needed. But it is apparent that justice is done, that petty squabbles are settled, that no one is lost or frightened by procedural red tape or rules of evidence, and that

even a child can understand.

Oddly enough the Supreme Court of the RSFSR did not provide as much of a contrast as I had expected. Divided into separate tribunals of three judges, each <sup>of which</sup> specializes in <sup>one of the</sup> various <sup>branches</sup> classification of the law; civil, criminal, military etc., no one tribunal looks any more imposing than the usual three-judge People's Court. There is one outstanding difference, that the parties are represented by lawyers in most cases, and this fact alone adds considerable formality to the proceedings. The three judges file in after a ringing of an electric bell three times, while the assembled group stands in the smallish court room draped with red flags, and hung with pictures of Marx, Stalin, Voroshilov, Krylenko, and others. Each case is apparently well in the judges' minds for the lawyer stands directly in front of the red covered table, and talks intently for fifteen minutes stressing the facts of great importance, and leaving out most of what a person hearing the story for the first time would need to know. As a result it is nearly impossible to understand what it is all about, and only now and then by filling in hypothetical facts similar to those frequently arising in the People's Courts can one even approximate an understanding of the case. After hearing the argument from the defendant's lawyer (I saw only the Criminal Tribunal in session), the Court retires for consideration, lasting in most cases about thirty minutes; then returns and reads the decision, and continues with consideration of the next case. This makes listening rather unpleasant because of the frequent and long interludes, but a book helps out between the cases. One argument was rather typical. It seemed that the appellant had been convicted and sentenced rather severely for larceny. His lawyer argued that this appellant should not have been so severely penalized, for he could not be considered as a class enemy, his father having been a worker for thirty years and he himself always having been a worker. I have previously explained that penalties may vary for the same offense, according to the apparent danger of the defendant, his class origin, of course, playing a part in determining the likelihood of his repeating his crime. Unfortunately I could not wait for the decision.

Professor Korovin gave me another evening, and we finished discussing Taracouzio's book. He will probably write a review of it for the Harvard Law Review, which has written him asking for such a note. The year has been active for him as it is with all Professors here, and summer is going to be welcomed as a chance to rest. He has indeed been good in seeing me so often and doing <sup>as well</sup> so many small things <sup>as well</sup> of a routine nature, which are terribly hard <sup>you have to do</sup> without guidance.

A friend took a group of us out to the Print shop of Pravda. It is considered as one of the sights of the Union, and was one of the few places included in Laval's sightseeing. One of our party was a publisher of Everyman's or the Modern Library, I have forgotten which, and he assured us that this was the largest print shop in the world, and still growing. The presses (Hoe) stretch in an unbroken line along a lengthy room, a fact which is considered unique, for in America where ground space is so expensive, the presses <sup>are in long alleys</sup> are on two levels. All linotypes, matrix stampers, and <sup>Jan told that</sup>

molding machines which make the rounded plates for the presses are in adjacent rooms on the same floor, while the rolls of paper ~~are~~ rolled in on little cars from the warehouse and tracks nearby. The 2,000,000 daily copies are said to be about the same volume as the New York Times, for the issues run only four or six pages. Three hours are required to print, dead line being one A.M., and printing beginning at three. Matrixes are rushed by plane to make up points at distant corners of the Union, to save shipping bulky bundles of paper such distances, and thus the paper is circulated promptly over most of the Union. An additional department prints magazines, and was busy during our afternoon visit. While most of the magazine presses are flat, there are two or three rotary presses in operation. Revolving bands carry finished material to the ~~editors~~ <sup>business</sup> departments and out to the trucks. The enterprise includes homes, clubs, dining rooms, recreation rooms, and schools for the workers all in the same territory, so that when it is fully completed it will be a model publishing unit.

I was delighted to receive your No. 10 this morning. I shall try and get in touch with Mr. Antonius. I am so anxious to meet him. He must have had a very profitable winter in America. I shall be delighted to attend the meetings of the Harris Foundation, and only hope that I am not to miss too many. My No 33 I am rewriting and will send in a few days. I understand why it has been deleted. It dealt with new laws on children and the application of old laws on banditry. I have already arranged my return visa, and today received it. They are granted for very limited periods of time, and it may be necessary to have it renewed in America, but once having it, renewals are conveniently arranged. I must say that I have been treated with every courtesy in making application for visas for this vacation at home, and have only praise for the authorities.

It is good to hear that you are well and about again. You may be sure that I am waiting for those talks you promise. As it looks now I shall arrive the 20th, and will have to very soon after go up-state, probably on the 21st, in the evening to see the Character Committee of the Bar, followed by the administering of the oath at 10.00 A.M. on June 26th at Rochester. Then I shall be ready to leave immediately for Chicago, if the Harris Foundation meetings are still to be in progress. After those I am free to do as you wish. I do want to do some work at the Harvard Law Library, and if you can spare me the time I should like to take a walking trip the first week in July with one of the boys who graduated from Law School and can do more than any other person to get me up on the year's legal developments ~~than any one~~, as well as give me a little exercise which I so sorely need. I read in the New Yorker that the docks for the Normandie may not be completed. I suggest that you spare yourself the inconveniences of tearing about trying to find the boat and me in the huge crowds which will be inevitable when a new ship comes in. I shall fully understand, and will come over to the office immediately on dropping my luggage. You know how I feel about being seen off and met, and my ideas haven't changed any in the past year. Nothing is more fatiguing for the person who tries to meet a boat which is always late! Thanks for the cable. I am answering it tonight.

*am having a suit sent to the office for me. Please hold it until my arrival.*

Best wishes, JNH.

June 2, 1935.

Dear Mr. Rogers;

The publication of a new decree concerning the care of normal and delinquent children marks the second decisive step in the change of attitude towards juvenile crime. Following the Revolution the policy of the State was apparently one of freeing children from old parental restraints--restraints which were grounded in bourgeois idealism, and which might well hinder the development of the new state if conservative parents were allowed to control their children's every act. This attitude was reflected in a weakening of parental discipline, and an attempt to substitute for it kindergarten schools, and recreation centers where the children would be taught to play under new conditions, in many cases far superior to those they had known at home and in which they might develop free from the bourgeois ideas which conservative parents might inculcate, knowingly or unwittingly. This complete about-face was quite in keeping with principles of dialectic materialism, for only by swinging far away from the existing thesis, could the desired synthesis some time in the future be reached.

At the same time besides removing possibilities of parental disciplinary action, there was an effort to face juvenile delinquency in a new manner--to treat child criminals with the most modern methods and re-educate them rather than punish them for their crime in a manner which in bourgeois countries had been shown to be more conducive to recidivism than reclamation. This new principle took the form of an article in the Criminal Code of the RSFSR, which is repeated in the other Republics of the Union, with slight variations as to the age limit set as the minimum below which the usual measures of social defense could be applied. Such variations in age limits are described in the annotated edition of the criminal code as necessary in view of the different rates of development of children in the far north and far south.

Whereas such a program of criminal jurisprudence might have seemed ideal, and no doubt was demanded under principles of dialectics to bring about the desired goal of re-educating children along lines which would make them good citizens of the new state, it tended to produce a child, who was not only free from conservative parental discipline, but

1. Art. 12. Minors under the age of 16 years are not liable to measures of a judicial-correctional character. To them the Commissions for Juvenile Cases may apply measures of social defense of a medico-educational character.
2. Karnitsky & Roginsky-Criminal Code RSFSR (Annotated Edition-1935) p. 29

who was also beyond the restraints of the law. No one minded going to a children's home, which in many cases was more fun than the home life of the child, and then even the care of the children's homes was limited for there were not enough. A Commune such as that at Bolshévo which originally started to educate juvenile criminals turned aside to treat mature recidivists, and later restricted itself to that work alone. Children even taunted their elders by saying that nothing could be done at law, and as they grew up, some of them became the worst rowdies, or hooligans as they are called here.

The menace of hooliganism, which had developed in part because of the lack of parental discipline and fear of punishment at law showed only too clearly that the pendulum had swung to its extreme limit, and it was time to again apply principles of dialectics and bring the children back nearer to the desired ideal of socially minded citizens trained in ideas of the dictatorship of the proletariat and communism to be. The children who had by now grown up and become real dangers in committing crimes of violence were treated under Sec 53(3) of the Criminal Code as interpreted to meet the requirements.<sup>4</sup> These interpretations amounted to a definition of a band as two or more persons<sup>5</sup>, and the arms could be "firearms as well as cold [steel]"<sup>6</sup>.

Due to the article forbidding the application of this article to children under 16, there was no way of reaching this group, which had fallen into the hands of older criminals and in many cases took part in crimes, doing things which an older person could not do because of his size. On April 7, of this year appeared the new decree permitting the application to minors from the age of 12 years the regular measures of criminal punishment, and going further to provide that older persons who encouraged crime among minors might be sentenced to five years imprisonment.<sup>7</sup> This decree struck a blow at the older criminals who in very large measure were responsible for luring the children into crime, and also let it be known among the children that the days of practical immunity were over. The foreign press heralded the decree as one permitting the application of the death penalty to children. Whereas such would have been technically possible under the wording of the decree, no one here has even

3. See Louis Fisher-Soviet Journey, and my No.39

4. Art. 59 (3)- Banditry, i.e., the organization of armed bands or the participation in them and in attacks organized by them of Soviet or private institutions or private persons, or in holding up trains or destroying any railway or other means of communication or any means of connection (telegraph, telephone, &c), entails---

deprivation of liberty for a period of not less than three years and confiscation of property in whole or in part, provided that in cases where there are aggravating circumstances of a particularly serious nature the penalty shall be increased to the supreme measure of social defense: death by shooting, with confiscation of property.

5. Karnotsky & Roginsky- op.cit. supra. Note 2 at p. 81

6. Id. p. 81 -- For an example of the application of this statute to a band of two, with a razor, see transcript of criminal trial in my No.35

7. see next page.



supposed that such extreme measures were intended. The press which has reported many cases of trials for hooliganism, has never once mentioned the case of such a penalty for a child, and no such situations are even rumored. Children have said that the new decree is well known among the schoolchildren and has already had the effect of frightening youngsters who had previously been inclined to extreme rowdyism. Applying the usual principles as to retroactivity of criminal statutes, this decree, since it states nothing in its text about retroactive force, will probably not be given such effect, for the general principle as to retroactivity is that if the new law increases the measure of punishment or makes criminal an act which previously had not been criminal, it is not to be interpreted as retroactive, whereas if it reduces the measure of punishment or removes it entirely it has retroactive effect, not only for those persons who have been imprisoned but not yet tried, but for all those persons who are already serving terms. Such principles are not to be observed in special cases when the government considers it especially necessary to remove dangerous characters or protect the state. The only case which has been reported in the press which might throw some light on whether the decree is to have retroactive force is one in which the court warned the delinquent and said that he was lucky his act had been committed before the new decree.

Having re~~in~~re~~in~~warded the possibility of criminal punishment for children, there still remained the strengthening of the educational program which ~~might~~ more in keeping with the ultimate program for the Union. Children had already been weaned from conservative parents, but the resources of the state were taxed to care for them. Dialectics would permit a return to stricter parental discipline, administered now seventeen years after the revolution by parents who had been trained in the new principles of the Marxian state. This would not be a step backward as the foreign press might claim, but a step forward, as the pedulum swings the other direction for a short while only to be ready to swing back again when the children are more able to care for themselves under the more advanced conditions of social understanding which will then exist. In keeping with this development of thought the

7. Decree of April 7, 1935.--With the purpose of doing away with criminality among minors as quickly as possible, the CEC and Council of People's Commissars of the USSR decrees:

1. Minors, from the age of 12 years convicted of larceny, causing violence, bodily injury, mutilation, murder or attempts to murder are to be brought before the criminal court for the application of all measures of criminal punishment.

2. A person caught encouraging or drawing minors into taking part in different crimes, and also compelling minors to carry on speculation, prostitution, begging, etc. is to be punished by imprisonment for not less than five years. -----Printed in Izvestia. 8, IV, 35

8. Karnotsky & Roginsky, op. cit. supra. Note 2 at pps. 17 and 18.

9. Id. p. 18.

Government has once again issued a decree establishing a series of childrens homes and camps--(a) Normal children's homes for normal children deprived of the means of self-support, and for children whose parents wish to pay to have them trained and cared for and taught trades.(b) Children's homes for children whose health demands special care.(c) children's hospital homes for invalid children. (d)isolated homes, work colonies,and places in which seriously delinquent children may be retrained, re-educated, and taught trades under conditions of strict discipline. They will stay in these camps for a month, after which they will be transferred to the regular children's homes. The decree emphasizes the rehabilitating effect of work, and the advisability of teaching trades to children who are to live in the workers state. Sec 12 prescribes criminal liability for guardians who carry out their duties with greedy, selfish aims,taking property of the children's deceased parents, and requiring the village soviets to take measures for the care of orphans, and children who need care. Sec 15 requires that the militia start a new campaign to clean up the cities and collect all the wild boys and put them into the new homes which have been established. Sec. 18 permits the militia to fine parents up to 200 rubles for rowdyism of their children on the streets.Sec 22. goes even farther and permits the Commissariat of Education to take children away from parents who seem to be unable to look after the development of their children. Sec 23. directs the the Party Department of education and the Party press to direct its efforts to the publication of childrens books and movies which are not harmful to children.<sup>10</sup>

The decree marks a new step in returning children to parental care and control, and as such goes far towards bettering a situation which has seemed to many observers as one of the most pressing. The future of the country is in the children, as every one knows, and when rowdyism of the nature which has existed is allowed to continue the future could not approach that phase of social consciousness which Lenin envisaged as the prerequisite for the withering away of the State.

All good wishes, JNH

10.For full text of decree see Izvestia,1,VI,'35 p.1

P.S. This will probably be my last letter. I just wanted to see what I could do in the way of a careful complete analysis. The year has been a huge success as far as I am concerned, and I look forward to some summer talks with you to round it out and permit me to clarify ideas which can be fully understood only when I have a chance of trying them in oral argument and give and take. I received a letter from Mr. Antonius, and hope that he is going to be able to get to Paris. I am most anxious to see him. Until June 20th.