

## Correspondence

*Editors' Note:* Readers are welcome to send communications dealing with matters discussed in *Problems of Communism*. Letters should be addressed to the Editors, *Problems of Communism*, U.S. Information Agency, 1776 Pennsylvania Avenue NW., Washington 25, D.C.

### SOVIET JUSTICE AFTER STALIN

In his article "New Trend in Soviet Justice?" (issue No. 1, 1956), Mr. Vladimir Gsovski devotes a great deal of attention to the "Special Board" of the Soviet Ministry of Interior, which "officially has the power to incarcerate any person or persons the regime deems 'socially dangerous' for a period up to five years" without a trial and without the legal guarantees offered to political offenders in non-totalitarian countries. Contrary to various unofficial reports, states the author, the "Special Board" continues to exist, "even if the regime is not making use of it at the moment." He points to the persistence of this institution as an important indication that there have been no basic changes in the Soviet concept of legal justice.

Without disputing some of the author's other assertions (all of which are well argued and substantiated), let me point out that he is wrong insofar as the "Special Board" is concerned. The proof is contained in the January 1956 issue of the authoritative *Sovetskoe Gosudarstvo i Pravo* (Soviet Government and Law) which states unequivocally that the "Special Board" was abolished in 1953. Although the journal does not elaborate, there seems to be no reason to assume that it represents anything but the truth. Is it not possible, therefore, to assume that the Soviet Government is making a genuine effort to remove the most odious features of its legal system (instituted under Stalin), and is slowly moving toward a concept of justice more consonant with those cherished by democratic societies?

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*Mr. Gsovski replies:* The article "New Trend in Soviet Justice?" was written and printed before issue No. 1, 1956 of the Soviet legal periodical *Sovetskoe Gosudarstvo i Pravo* reached this country. Two sentences of an editorial in the issue constituted the only statement yet published in the Soviet press to the effect that the Special Board under the Ministry of the Interior has been abolished. The sentences read:

**The Communist Party and the Soviet Government have recently been carrying out serious measures directed towards further fortification of socialist legality and protection of rights and legitimate interests of citizens. In this connection, as early as 1953 the Special Board attached to the USSR Ministry of the Interior was abolished with the transfer of criminal cases of all categories . . . [to] organs of the general judicial system.**

The question still remains whether this brief statement is enough to show that the imposition of heavy penalties, especially confinement in camps of correctional labor by administrative action, was discontinued. Heavy penalties have been imposed by administrative action without trial ever since the inception of the Soviet regime. The Cheka or Vecheka of early days was superseded by the GPU. This, in turn, became the OGPU which was transformed, in 1934,

into the People's Commissariat for the Interior (NKVD) which was renamed, in 1946, the Ministry of the Interior (MVD). The powers of this Ministry and the Special Board under it were for the last time legally defined by several acts of 1934 and especially that of September 5, 1934 (printed in the Collection of Laws and Decrees for 1935, item 84). These acts were passed by the Central Executive Committee, a legislative body of that time; as laws they would be subject to change only by an act of the Supreme Soviet, which alone enacts law under the present Constitution. The resolutions of the Supreme Soviet and its Presidium are published in a special periodical, *Vedomosti* which is currently received in this country. No act supporting the above quotation was ever printed there, or in any other publication containing laws.

The Act of September 5, 1934, reads in part:

**1) The People's Commissariat for [now Ministry of] the Interior shall have the right to apply to persons considered socially dangerous the following:**

- (a) Exile for a period up to five years to [certain] places, the list of which shall be established by the USSR Commissariat for the Interior . . . [the exiled] persons are to be under open surveillance;
- (b) Expulsion for a period up to five years, [with offenders] under open surveillance and prohibited from residing in capitals, large cities and industrial centers of the USSR;
- (c) Confinement in camps of correctional labor up to five years;
- (d) Expulsion from the confines of the USSR of aliens who are socially dangerous.

**2) For the application of measures mentioned in Section 1 a Special Board shall be established under the People's Commissar for the Interior under his chairmanship . . .**

From this wording of the Act of September 5, 1934, it is clear that the broad powers specified in Section 1 were granted directly to the Ministry of the Interior; while the Special Board was created merely as the instrumentality for the exercise of these powers. The passage in *Sovetskoe Gosudarstvo i Pravo* mentions only the abolition of the Special Board; it does not state that the powers granted to the Ministry to impose exile and confinement are also abolished. It is logical to assume that Section 1 remains in effect, that the powers of the Ministry may be exercised by the Minister himself, or that the jurisdiction of the Special Board may have been transferred to the Committee on State Security. The devious and, to say the least, indirect way in which the abolition of the Special Board was announced is proof positive that, if some of "the most odious features" of Stalinism have been removed, the Soviet leaders still have the power to deal swiftly with "socially dangerous" opponents without being bound by the "cumbersome" delays of legal procedure.