The Great Return: The Gulag Survivor and the Soviet System
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Many political systems maintain their stability through a dynamic tension between opposing forces. But that was not the state of the Soviet Union in the aftermath of Stalin's death. The beginning of the post-Stalin period was characterized by an oscillation between a surge toward reform and the renewed pursuit of repressive policies. This was not a stable equilibrium. Rather the political system wobbled unsteadily in the weakened grip of Stalin's squabbling heirs. In this chapter we will examine the vicissitudes of the post-Stalin policies. We will examine how the system -- a system that had thus far maintained its legitimacy by force -- struggled to maintain itself in the absence of mass terror. In the mid-fifties, there was significant movement toward reforms in the camp system and the Office of the Procuracy but the new policies were in the hands of old, ambivalent bureaucrats, so progress was slow, spotty, and inconsistent. Though there were notable differences in the experience of returnees after the XX Party Congress, many of the official obstacles and unofficial attitudes toward rehabilitation and the rehabilitated were retained.

Unlikely as it would have seemed, Beria, the Minister of Internal Affairs, was the first de-Stalinizer. Perhaps because of the company he kept, he was in need of a new image if he hoped to preserve, and perhaps consolidate his power in the changing political climate. Though it was difficult to conceal his own culpability in the terror, Beria wanted to present himself as a reformer who had carried out repressions on the instructions of Stalin. As one Russian researcher noted, "Beria recognized that de-Stalinization was a strong weapon in the struggle for power." In fact, bending with the political winds every subsequent de-Stalinizer saw the need to signal a break from the immediate past, and to distance himself from the ideology and/or actions of his predecessors.
On Beria’s initiative the resolution of March 18, 1953 of the Council of Ministers was adopted. It decreed the transfer of the majority of correctional labor camps and colonies, including their sub-divisions and local organs, from the Ministry of Internal Affairs (MVD) to the Ministry of Justice. Apparently this move was not designed to bring a pretense of justice into the Gulag system. Rather, it was an attempt to lighten the MVD’s administrative load. Greater efficiency rather than greater legality were its aims. At any rate, the ‘politicals’ remained in the camps, which were still under the jurisdiction of the Ministry of Internal Affairs.

On March 27, less than a month after the dictator’s death, on Beria’s suggestion, a broad ranging amnesty was issued. Like many similar political signals, it offered less than met the eye. The amnesty explicitly did not apply to those who were sentenced for "counter-revolutionary crimes". In the first instance, it applied only to those who were sentenced for up to five years (mostly ordinary criminals, although their infractions may not have qualified them as offenders in a different political system). This provision virtually excluded politicals, since most of them got eight to twenty-five years. Additionally, it reduced by half the sentences of those individuals who were incarcerated for terms of longer than five years. In the year 1953 1,201,738 prisoners were released under the March amnesty. According to correspondence of the Central Committee, they comprised 53.8% of the camp population, though Zemskov places this number at closer to 40%, and correspondence by Beria to the Presidium of the Central Committee estimates the total number of prisoners on March 26 to have been 2,526,402. Upon release, these prisoners were given money for food for the journey, clothes and shoes if they were needed, and a ticket to the chosen place of residence. A set of rules and regulations obliging labor unions to help in the job placement of these individuals was put into effect in July of 1953. Meanwhile, almost all of the politicals languished for at least another year and many for a number of years.
In April of 1953 the physicians implicated in the "Doctors Plot" were exonerated as were a few military officers (posthumously). Changes in the legal system were also considered at this time. The question of the legality of exile was raised in a letter from Minister of Internal Affairs Kruglov and MVD political officer A.I. Ivanov to the Presidium of the USSR Supreme Soviet, since the "basic principle of Soviet criminal policies [was that of] in the first place individual guilt" (as opposed to guilt by association, i.e. family members). Moreover, since Soviet criminal legislation had been modified to provide sentences of fixed terms, indefinite sentences such as unlimited exile could no longer be given. Exile was still an acceptable punishment, but only for up to five years. It was also proposed that the February and October 1948 ukazy (sending those who were released into exile) be abolished, because they punished people twice for the same crime. Furthermore, release was recommended under the amnesty of exiles who had been sentenced for up to five years.

In June of 1953 Beria proposed limiting the rights of the extra-judicial Special Conference. It appeared that he was trying to present himself as the initiator of the reformist transformations in the country, and his rivals came to look upon him as a viable contender and dangerous rival for the position of Stalin's successor. Consequently, at a meeting of the Presidium of the Council of Ministers of June 26, Beria was arrested in what has been termed a palace coup. The Plenum of the Central Committee stripped him of his posts, excluded him from the Party, and passed the case onto the Supreme Court for investigation. It is one of history's ironies that Beria's arrest was not in accordance with existing legislation but rather with his own Stalinist practices. On July 10, 1953 Pravda reported that Beria was excluded from the Party as an enemy of the people. On December 23 Beria, along with his closest associates, was sentenced to death on the basis of the anti-constitutional law of December 1, 1934 that had provided the juridical basis for
the Stalinist repressions. It is possible that Beria's execution had already been carried out before the verdict was announced.15

Though Beria disappeared from the political scene, a number of his proposals lived on. In September of 1953 the Special Conference that had been in existence since November 5, 1934 was abolished. It had sentenced 442,531 persons (including 10,101 to capital punishment) in its time.16 Most of those sentenced by this organ had been accused of "counter-revolutionary" crimes.17 Additionally the October 1948 ukaz was declared to be a "gross violation" of Soviet law. It was recommended that all cases that were examined by the Special Conference be re-assessed by the Supreme Court within six months of the Conference's abolition for the purpose of reversing the decision or ending exile.18

Beria's character is beyond the scope of this work, nor is it particularly relevant to the fate of returnees. It is also not the intention here to make the former henchman seem a humanist. However, a few interesting facts on Beria as repressor and reformer have come to light with the opening of the archives. They reveal a more ambivalent Beria, reflecting, perhaps, the inconsistencies and contradictions of the larger Soviet system. It seems that as early as 1945 he had suggested the elimination of the Special Conference, a proposal which Stalin rejected. Beria apparently also argued against the Stalinist decisions of the Central Committee of 1937 and 1939 that allowed the application of physical force (torture) during interrogation.19 In a Ministry of Internal Affairs document dated April 1, 1953, Beria orders the elimination of the accommodations and instruments for torture in the Lefortovo and internal prisons of the MGB.20 Beria also took part in a plan to release 1.7 million special settlers in the course of 1953. The plan was abandoned at that time in connection with Beria's arrest.21 This is in no way a defense of Beria, whose behavior was indefensible because whatever his compunctions may have been, he executed his duties with great efficiency. However, this glimpse into
some reformist sentiments in even such a hard-liner suggests that there may have been a nascent pressure for de-Stalinization at the highest levels even before Stalin's death. This would explain the rapidity with which many of the old leaders were eager to distance themselves from the dead Stalin.

It is hard to think of Beria as a scapegoat because he was so deserving of punishment, but his execution did have a quality of ritual political sacrifice and exorcism about it because it could be used to represent a break of the new leaders with some of the worst excesses of the Stalinist era. And prisoners did view it as such. As one ex-zek recalls: "After the destruction of that dog Beria, life in the camps got much better. They stopped locking barracks ... bars were taken off the windows ... a commercial dining room was opened and they started to pay us kontriki [counter-revolutionaries] a salary".22 The work day was also reduced to eight hours, and the numbers were removed from prisoners' uniforms. Of course these reform measures were also driven from below. By the end of July, 1953 thirteen of the large camps at Vorkuta, containing three to four thousand prisoners each, were on strike. The strikers were even attracting local workers to their ranks.23

How was this wave of "liberalization" -- the freeing of prisoners -- received and perceived by the general public? Or rather, how was the general public instructed to think about this? Let us look at excerpts from readers' letters to Pravda (preserved in the archive of the Supreme Soviet) in response to the directive of the Presidium of the Supreme Soviet on amnesty. A teacher in Kishinev writes,

I was never a criminal, and there were no criminals in my family. But I received the news on the radio about this new law [the March 1953 amnesty] with deep concern and joy.... The directive is a historical document that mobilizes and inspires our whole people to new achievements in our work for the glory of the complete victory of Communism, in whose name the unforgettable Comrade Stalin lived and worked his whole life, until the
last heart beat.... Glory to comrade Malenkov ...
Voroshilov ... Khrushchev!24

A group of Siberian exiles also express their overwhelming support of the "great state's gesture":

We are children of our Soviet motherland-mother. Maybe we committed an offense, disobeyed, and mother punished us. But can we really hate her for that? She punished, but she also forgave, and she once again embraces her children! ... Let the American leaders think about whether it is possible in their country for such a thing to happen that former prisoners leave prisons with even more love for their country, and devotion to their own government.25

Other letters in this collection from former prisoners were also generously laced with Soviet slogans declaiming gratitude to the great motherland, to the Presidium, etc. Do these sentiments represent the true feelings of a representative cross-section of the population? On the one hand, these writings are unabashed uncritical propaganda devices that contain no acknowledgement of the reality of the camps, the reason they were so crowded, or the fact that so many prisoners still remained incarcerated. On the other hand, there is little reason to doubt that many average people subscribed to the official party line. Many of those released under the 1953 amnesty were ordinary criminals, who were likely convicted of real crimes (however minor they may have been), and may have had little reason to consider politics as relevant to their lives. However, allegiance to the Party was even observed among politicials (both ex-zeks and those still incarcerated). Without the countervailing influence provided by a free press, religion, independent universities, and other competing voices in a free society, there were only weak and unsupported alternative points of view. The Soviet system, like the total institution of an asylum, was able to promulgate the most preposterous lies because of its control through censorship. Could we imagine that Pravda at that time would publish a letter containing a closely reasoned rebuttal of the official Party line? This may well be the reason why
the (published) letters are full of glorification of the government’s point of view, rather than compassion for those returning from the Gulag system; they expediently focus on the present and future rather than the past. Praise is heaped on the government for finally beginning to end something that it never should have started. The reality is that by the time the liberalization movement in the Soviet government started to make concessions, millions of its citizens had already been irretrievably lost. Moreover, even as the government was trumpeting reform, political prisoners in the Gulag still awaited their fate. One former political prisoner recalls how the inmates were gathered for the announcement of the amnesty. To her question, "What about us 58’ers?" a camp supervisor replied, "There cannot be any mercy for enemies of the people."26

Throughout this work we will be exploring society’s attitude toward returning political prisoners which was at best ambivalent and at all times influenced by the historical period. In the Soviet Union, the spirit of the times was generally superimposed on reconstruction and recollection of the blank spots of Soviet history. During Gorbachev’s de-Stalinization campaign, efforts were made to recover the amnestic periods in Soviet history in every arena. His leadership allowed various informal and independent organizations to become more active. One of these was the Cinematographer’s Union which was one of the initial supporters of Memorial and a forerunner in the liberalization campaign. It provided a much needed office prior to the organization’s official registration. In artistic terms the cinematographers found that they could utilize a whole new range of subjects. "The Cold Summer of 1953," a film directed by Aleksandr Proshkin, provides the 1987 perspective on society’s prevailing attitude toward political prisoners in the aftermath of Stalin’s death. It is the melodramatic story of how two political prisoners, who happened to be among the very few to get released under the amnesty, save a village
from the threat of murderous marauding criminals who had been the main beneficiaries of the decree. This is a romantic notion, but it is unlikely that returning political prisoners had a hero’s reception that summer, or for that matter, at all.

During Stalin’s reign there was a fairly smooth coordination between his directives and the state apparatus which carried them out. In the aftermath of his death, the newly liberalized old leaders -- Beria, Khrushchev, Voroshilov and others, did attempt modest reforms. But the system’s entrenched bureaucracy, comfortably adapted to repression, thwarted many of their efforts. This was particularly problematic for the camp system and the administration of justice which needed to be reviewed and reformed. In September of 1953 the Office of the Procuracy issued a report "On the deficiencies of educational and corrective work of corrective labor camps." It documents the failure of efforts to reassimilate into society and the work place those who were liberated under the amnesty. These were mostly common criminals, not political prisoners. It reported that scarcely a day passed without one or several murders. This group was the state’s choice for the first wave of releasees, and as such, they provided society’s first mass contact with those returning from the camps. It was traumatic for both sides. One village "had to use all of its arms to prevent a 'St. Bartholomew's Eve' massacre and chase away the bandits." (We can assume that these events inspired some degree of fear of any group returning from "the zone".) The report goes on to complain that the "correctional labor camps" did nothing correctional. It points out that the criminals had created their own organizations within the camps. These organizations provided them with mutual support, ties to other criminals inside and outside, and they became proficient in their own type of "correctional education". Once freed, they remained in their own groups with their own rules.

The concern about protecting the general populace from
the dangers of the organized criminal element never extended to concern for protecting the political prisoners in "the zone". Political prisoners were constantly subject to exploitation by incarcerated criminals. Moreover, criminals enjoyed a higher status, so politicals generally got heavier work loads. We should note that there were cases in which politicals were also aided by their fellow prisoners. As a token of their friendship, thieves gave Semyon Vilensky (see Chapter IV) a knife as a going away present when he was released.29

The report’s conclusions are significant because they reflect an awareness of the need to allow former prisoners to return to 'normal lives'. (We should remember that for the most part, politicals did not enjoy the status of being former prisoners at that time.) It recommends that after serving one’s sentence in any type of camp, "citizens of the USSR should not be subject to any kind of supplemental passport, work, or other restrictions and should have the possibility (especially those freed from concentration camps) of immediately leaving the area of the camp and going to their place of residence."30 It also adds that a vigilant -- they probably meant wary -- eye should still be kept upon this group.

The Ministry of Justice followed through on some of the recommendations. In October of 1953 the Council of Ministers issued a decree "On curtailing the amount of regimented cities and localities and lists of passport limitations". It is clear that politicals did not benefit from this decree, since their restrictions remained in force. Major cities and a long list of other places still remained off limits to all article 58'ers whose sentences had not been revoked, but it was a gesture toward more freedom of movement for some ex-prisoners.31 The leash was gradually being loosened but it was a choke collar that could be tightened at any moment.

The recently declassified "osobaya papka" (Special Files) of Khrushchev provide new information on the scope of the
terror, and also on the issues that arose in the initial period of de-Stalinization. By February of 1954, the 65 correctional labor camps and 798 correctional labor colonies and sub-divisions of the Gulag system were in the process of being transferred back from the Ministry of Justice to the (presumably reorganized) Ministry of Internal Affairs. The first steps toward reform had been taken. It was now time to deal with the daunting and haunting political issues personified by the "dokhodyagi" (goners) who were still languishing in the camps, and by the abandoned, exiled widows and orphans of executed "enemies of the people".

In February of 1954, at Khrushchev's request, an assessment was made of the contingent of political prisoners that remained in the camps. According to data of the Ministry of Internal Affairs (in a report to Khrushchev), in the period between 1921 and 1954, 3,777,380 people were convicted of counter-revolutionary crimes by the Collegium of the OGPU, troikas of the NKVD, the Special Conference, the Military Collegium, courts and military tribunals. According to this source, the death penalty was administered to 642,980 prisoners, while another 2,369,220 were sentenced for up to 25 years in camps and prisons, and 765,180 persons filled the ranks of exile. These numbers may not accurately reflect the actual number of victims but they were the figures that the officials were working with as they approached reform.

In the beginning of 1954, according to the document addressed to Comrade N.S. Khrushchev, the General Secretary of the Central Committee of the CPSU, there remained in the camps and prisons 467,946 prisoners who had been convicted of counter-revolutionary crimes. Moreover, an additional 62,462 individuals, who had already served their sentences for counter-revolutionary crimes, were still in exile by directive of the MGB and Office of the Procurary. The legality of the Special Conference was once again called into question -- and condemned -- because this organ had examined cases in the absence of both the accused and witnesses. It was an understatement to conclude that this created a great
opportunity for "grave distortion of Soviet law".\textsuperscript{35}

The report proposed the creation of a Central Commission comprised of a republic Procurator (as chairman), the republic Minister of Internal Affairs, and the republic Minister of Justice. These officials should be assisted in their work by camp supervisors and procurators. Their chief mission was to be the "careful verification of the grounds for incrimination ... of every individual" sentenced by the above-mentioned organs (Collegium of the OGPU, etc.).\textsuperscript{36} The conclusions were then to be presented to the Supreme Court of the USSR for the revocation of sentences or exile. The document was signed by Rudenko, General Procurator, Kruglov, Minister of Internal Affairs, and Gorshenin, Minister of Justice.

In this same period, the examination of Stalinist repression was also extended to "special settlers" -- whole nationalities that had been exiled to the Kazakh, Uzbek, Kirgiz, and Tadzhik SSR, the Komi, Bashkir, and Yakut ASSR, Altai, Krasnoyarsk and Khaborovsky Krai, just to name several of the areas of settlement. These nationalities included: ethnic Germans, Chechens, Ingush, Balkars, Crimean Tatars, and Kalmyks, among others. It was recommended that they be given freedom of movement within the boundaries of provinces, krais, and republics (without changing their place of residence), and that they be allowed to make work-related trips to any place in the country. Their registration with local authorities would be limited to once every three months.\textsuperscript{37}

On April 24, 1954, a long-awaited accommodation was made toward correcting the repressive mechanism. The Minister of Internal Affairs and the General Procurator issued an order releasing from exile those who had been sentenced for up to five years for counter-revolutionary crimes. This included those prisoners who were sentenced under the February ukaz of 1948. There had already been a slight reduction in the number of prisoners in camps and in prisons for counter-revolutionary crimes. On April 1 this number was reported to be 448,344\textsuperscript{38} as opposed to the figure of 467,946 quoted above. As time went on, the 1953 amnesty decree was extended to include new
groups or categories of individuals. In consequence, this
group of exiles was liberated and their charges were
cleared. 39

A month later, on May 19, a decree of the General
Procurator, the Minister of Justice, the Minister of Internal
Affairs and the Chairman of the Committee for State Security
(KGB), issued regulations for examining criminal cases of
individuals who were incarcerated in camps, colonies, and
prisons, or who were exiled for counter-revolutionary crimes.
The decree adopted the recommendations on procedure that were
set forth in the February report to Khrushchev. The
commissions were empowered to carry out resolutions regarding
a wide scope of crimes and punishments. Their mandate
included: the reversing of decisions and the complete
rehabilitation of the accused, the reclassification of the
type of crime, the shortening of sentences, the application of
the March 27 amnesty, the abolishment of exile, and the
confirmation of prior refusals to re-examine decisions of
cases. The commissions’ decisions were to be considered final
for cases of those convicted by the Collegium of the OGPU,
troikas of the NKVD and the Special Conference. Recommenda-
tions could be made with regard to prisoners sentenced by
judicial organs, but the final decision was to be rendered by
the courts. In a major reorientation toward prisoners’
status, the commissions were instructed not to depend on lists
that might be provided by the Ministry of Internal Affairs,
but rather to proceed on the basis of prisoners’ complaints
registered with the Procuracy and the organs of State
Security. As an additional safeguard, camp administrators
were also instructed to send prisoner’s complaints and
requests to the Central, republican, krai or provincial
commissions. 40

In a May 1954 report to the Central Committee, the
Ministry of Internal Affairs assessed the state of affairs in
the camps and colonies. By this time the provisions and
procedures with regard to the release of prisoners had already
been established and were operational. The May report is
significant because it laid down more humanitarian rules with regard to the transition to liberty. It stipulated that the administration of the place of incarceration should assist prisoners if they wanted to continue to work in the camps or colonies or in one of their enterprises. Liberated prisoners were also to be given free transport to a chosen destination or to their place of residence, either food or the money to buy it for the journey, clothing if necessary, documents on specialization (if one was acquired), and term (stazh) of work. Personal documents and valuables were to be returned. Finally, prisoners were to be given a certificate of release and a kharakteristika (judgment) regarding their behavior in the camp.

The efforts at reform were gradually gaining momentum, but the hundred or more teams delegated to tour the camps could scarcely manage the burden of cases.\textsuperscript{41} While the slow process of liberalization may have been tedious for the authorities, it was painstaking for the prisoners. Impending liberation was not a mitigating circumstance. The use of arms against article 58’ers attempting to escape was generally considered justified.\textsuperscript{42} In June of 1954, zeks took over the camp complex in Kengir, Kazakhstan for forty days. The mutiny was violently supressed by authorities. According to Solzhenitsyn, approximately 700 persons were killed or wounded.\textsuperscript{43} The archives, however, have disclosed that a significantly lower number of prisoners -- 35 in all -- were killed in this uprising.\textsuperscript{44} The true number of victims may lie somewhere in between, but it is likely in this case that the archival estimate is more accurate.

Solzhenitsyn describes the exasperation of waiting for justice in his writing about the rebellion’s leader, Kapiton Kuznetsov, “How did he feel about his imprisonment? What stage did he imagine his appeal to have reached? How long was it since he had asked for a review, if the order of release (with rehabilitation, I believe) arrived from Moscow during the rebellion?”\textsuperscript{45} (Kuznetsov was sentenced to death in August of 1955, but his sentence was commuted to 25 years. In 1960
he was released and rehabilitated. This special treatment may be explained by the fact that just after the suppression of the rebellion, it seems that Kuznetsov wrote a 43-page confession in which he denounced a number of other prisoners who had been part of the "conspiratorial center".46)

In an attempt to alleviate the tensions building in the zone, and to raise morale the political organs of the camps circulated dozens of different newspapers, with propagandistic articles on 'socialist competition', hard-working zeks, etc.47 The newspaper coverage included production, education, and cultural work in the camps.48 In addition, the "news" was also sprinkled with such light topics as what had been prisoner-reader's fare in the thirties and forties, for example, the visit of friendly bears to the camps.49

Consistent with the inconsistencies in the Soviet system, while release in some camps moved at a sluggish pace, in others the process of liberation was accelerated to the point that some individual prisoners were just let go before any form of justice could be meted out.50 In June of 1954 another decree regarding the release of exiles sentenced by the Special Conference stated that the work on their release should be completed within two months.51 In August, a resolution of the Central Committee provided for the withdrawal of the limitation of special settlement for a number of groups. These included former kulaks deported during the collectivization campaign of 1929-1933, ethnic Germans, and Germans mobilized during the "Great Patriotic War" for work in industry.52 Unfortunately, the native lands of the special settlers had been occupied by others -- mostly Russians -- after they had been displaced. The consequences of returning the deported nationalities back to a place that was now occupied by others had not been fully anticipated or effectively addressed. The tension created by the confrontation between two groups with claims to the same place is reflected in a story by Semyon Lipkin entitled Dekada (Decade). In one scene, a Russian is killed by a Chechen during a fight at a disco. A woman who worked at the factory
with the slain Russian wonders aloud:

Why did they return the Chechens? They want the houses back in which Russians are now living. They say they built these houses. But we, the Russians, are not to blame that we were given these houses. Chechens are seizing houses by force, throwing out the belongings of those who live there now.  

Her co-workers assert that these bandits should be handled "in the Stalinist way". This was apparently what was really happening in the early sixties in Grozny. (It is in this context interesting to note that most of the later Chechen rebel leaders, for example, Dudaev and Maskhadov, were returnees.) Though elements of ethnic discrimination compounded the plight of these returnees, some of the general returnee problems are illustrated by this tale. Lipkin's story does not only invoke the issues of prejudice or even politics. It is a commonplace theme about a scarce resource claimed by two groups. People had, after all, moved into the vacated apartments, jobs, and families of returnees. So, there was an understandable resistance to giving up things that they had acquired in their absence. When the "ghosts returned from a world that was not supposed to exist", they were returning to a world that no longer existed.

According to the Khrushchev files, the Ministry of Internal Affairs reported that on July 1, 1954 425,809 political prisoners still remained in the camps. Zemskov estimates the number of political releasees in 1954-55 to be 88,278. It is difficult to arrive at accurate figures because some political prisoners were re-classified under other articles, and thus could qualify for the amnesty of 1953. For example, Pavel Vasilyevich Aksyonov (Evgeniya Ginzburg's husband) was arrested in 1937 on articles 58-7 & 11 and sentenced to fifteen years at a correctional labor camp with the confiscation of property. In September of 1954, the Presidium of the Supreme Court of the RSFSR stipulated that activities that previously fell under article 58-7 & 11 were
re-classified to article 109 (abuse of office or position) of the Criminal Code, which is punishable by a sentence of five years, without confiscation of property. Since the sentence was up to five years, the amnesty could be applied, and Aksyonov’s sentence was thus revoked. This stipulation of September 24, 1954 implied political rehabilitation.

The clash between rehabilitative and repressive processes at work in 1954-1955

In his memoirs Khrushchev said that he was afraid of the thaw lest it become a flood that would wash away the regime. By 1954, a number of reforms regarding prisoners had been initiated. These affected the Gulag, the Procuracy, the Ministry of Internal Affairs, and the Ministry of Justice. Individual freedom and democratic rights were never the goals of the official reformers. Rather they were trying to achieve what they termed "socialist legality", an oxymoron that operationally could be described as "dictatorship without mass terror". As it was practiced, "socialist legality" was neither socialist nor legal by Western standards of governance. It came to mean that whatever the government did was to be considered both legal and socialistic by fiat. There was, indeed, a movement toward reform but it proceeded with so many fits and starts that it always seemed on the verge of retrenchment.

A lot of change was taking place, but it was accomplishing little in the direction of real reform. A report on the work of the Procuracy of the RSFSR for 1954, for example, indicates that despite an increased workload, its total staff was reduced in size three times (as was that of the whole USSR Procuracy). This was connected to general reorganization, the formation in the RSFSR of six new provinces (territorial administrative divisions), and the consolidation of positions. At the same time, additional measures of an unclear and perhaps even contradictory character were being taken. In February of 1954, the corrective labor camp procurators (365 posts) were placed
under direct supervision of the RSFSR Procuracy instead of the MVD). This was done in an effort to monitor the activities of the organs of state security and the Ministry of Internal Affairs. It was thought necessary to monitor the Ministry of Internal Affairs because it was found that they had not properly re-educated prisoners and that they had utilized them only as a work force. Moreover, the Party organizations and political departments of correctional labor camps did not conduct political work and there was "significant violation of socialist legality in the regime and conditions of detainment". Consequently, in March, the Party Central Committee instructed the Office of the Procuracy to "strengthen legality ... and the methods of procurator supervision at places of detention". This order was clearly one of the state's efforts at rehabilitating itself. Special commissions with representatives of the camp administration had already been set up to work on the targeted deficiencies. The organs of the Procuracy were ordered to strengthen their surveillance of the camps in order to reinforce legality and terminate the prevalent "liberal attitude" toward arbitrariness.

The central apparatus of the Procuracy as well as a number of provincial procuracies made very modest increases to their staffs in an attempt to accommodate the admittedly "heavier volume of work".

The Central Committee charged the Procuracy with verifying the grounds for incarceration. The special commissions would no longer conduct reviews of cases based solely on 'formal' qualifications, i.e. the proper stamps and signatures. Instead, the review would be based on the facts of the crime and the justification of the punishment.

Although the process had begun before the Central Committee formally wrote the directive, the initial results were very meager. In one camp, for example, only twelve cases of illegal detention were discovered. Accordingly, the procurator did contest these cases, and the prisoners were released. Perhaps the Office of the Procuracy was willing to concede only some token cases. It is also likely that the
reorganization and overall reductions in staff during that period reduced the quality and productivity of the Procuracy. In this climate of downsizing, the bureaucrats had reason to be concerned about both their jobs and their political fate -- major distractions to the 'intensive work' of re-examining cases. However, the meager number of cases processed was not just the result of overload or distraction. There was a pervasive attitudinal problem on the part of the camp officials toward the prisoners. The transfer of former camp procurators to the RSFSR Procuracy only changed their chain of command, not their outlook or political orientation. There is no information on serious rearrangements or purges in these local sub-divisions of the Procuracy. Hence, they were the same staff who only yesterday had despised, vilified, and exploited the prisoners for what they believed to be good reasons.\(^69\) Now these officials were responsible for the timely release of prisoners whose terms had expired, and for enforcing the general or partial amnesty. With the stroke of a pen -- and not much more -- these former MVD Procurators now had to behave toward prisoners in ways completely at variance with their previous training. In so doing, they had to try to put aside a good bit of their own history. As of January 1, 1955 approximately 70% of the staff had been working in the Soviet Procuracy for ten or more years, and had been there through the whole period of post-war political repressions.\(^69\) They now had to re-examine cases with a view toward liberating the prisoners rather than extending their term of incarceration -- a most difficult task, under the circumstances.

During the de-Stalinization period of the mid-fifties the state’s attitude toward political prisoners (subsequently returnees) was at best ambivalent, at worst destructive. We can see how this was expressed in the administration of justice. In addition to being over-worked, over-worried, and over-repressive, there was the question of the Procuracy employees being under-qualified to make judicial decisions. (Writing about the education of legal officials in the late Stalin era, Peter Solomon questions what kind of jurists were
produced, since many obtained their degrees through correspondence. He argues that they had some knowledge of the law but were not imbued with “a commitment to the legal process or legality that might enable them to resist bureaucratic and political pressures at work.” Only in May of 1955, two years into the de-Stalinization process, did a decree of the Presidium of the Supreme Soviet stipulate that new procurators were required to have a higher legal education. The decree was less than timely for a number of prisoners. Witness the qualitative composition of the Procuracy staff in 1954 and 1955: only 45.2% of the RSFSR Procuracy employees had a higher legal education, 42.5% had only a rudimentary knowledge of law, and the rest had no legal education whatsoever. Not only did they not comprehend much of what was now expected of them, but what they did understand they did not like because it contradicted their previous experience. And these were the people entrusted to decide the fate of the prisoners and the viability of the rehabilitation program. However, from the perspective of the Soviet system as a whole, maybe the inefficiencies and the incompetence of the staff in overseeing the rehabilitation program were irrelevant, because some tempo in the punitive repressive mechanism was still maintained. During the mid-fifties "thaw", the population of incarcerated political prisoners was also replenished as some of those who were released were replaced by others (see the statistics on incarceration for political offenses in the fifties presented in Chapter I).

For those prisoners whose incarceration was validated, the procuracy's task was to oversee the utilization of prison labor. It was to be used for purposes of re-education and learning a skill. Regular medical check-ups were also supposed to be given to certain categories of prisoner-laborers. Things often did not happen the way they were supposed to. In a Chita camp it was discovered that prisoners in the indicated labor category received 50% less medical attention than was legally prescribed.
The Procuracy was also mandated to review prisoners' living conditions. Since prisoners could generally be expected to spend a number of years in the camp, they were to "have the right to demand a separate sleeping place in a room with a normal temperature, to have the necessary things for sleep [presumably sheets, etc.], to have normal food and conditions for rest after work." Because of a number of incidents in which prisoners were hurt by criminals, those who were identified as especially dangerous criminals were to be separated from the others.

In spite of the Central Committee's instructions, the camp administrators enjoyed a considerable degree of autonomy and many continued to take care of problems in their old repressive ways. There was little oversight, so each camp was relatively free to bend the rules. In one region only 974, or 15%, of the complaints were directed to other departments where they might have gotten a fairer hearing. The complaints included lack of medical treatment, withholding of prisoner wages, etc. As a rule these complaints were sent to the Gulag MVD of the USSR (the main camp administration) which did nothing to verify their authenticity. The same problems with lack of oversight regarding prisoners' complaints were found in such widely separated places and significant centers of the camp network as the Arkhangelsk province and the Mordovian ASSR. As one official report stated, "in Arkhangelsk province the same practices are being carried out as in the central apparatus, that is, most of its complaints are sent to the supervisors of the correctional labor camp at whom they are directed, and are not checked. Last year, in the Mordovian ASSR 24% of the complaints fell into this category." The prisoners' complaints were thus going right to the accused!

While reform was the official policy at the top, it was unofficially hampered at lower levels. Mid-level bureaucrats who had been indoctrinated into the old system of repression were unwilling to change and were in a good position to impede any real reform in the system. They could
and often did create a procedural maze that confounded the efforts of prisoners to get their juste due. But the impediments to reform resulted from more than bureaucratic defensiveness and passive resistance. It was the system itself that was an obstacle. Kafka would not have been surprised. In *Der Prozess*, he employed the metaphor of the legal system to describe a mindless, rote social organization that was dedicated to doing things right rather than doing the right thing. It was process as product. He presciently described the Soviet automaton that has its own momentum, obeys its own laws, has little, if any, capacity for self-correction and is impervious to corrections from without. As a consequence, the status of prisoners shifted from absolute injustice during the repressive era to relative injustice during the ineffective reformist era. Justice delayed was justice denied.

For all of these reasons, camp conditions were not significantly improving under Khrushchev. In the second quarter of 1954, "serious violations of law" could still be found in the Gulag. The most common examples included placing murderers, bandits, and other dangerous criminals together with those convicted of less dangerous crimes. Through such manipulations the camp staff found ways of further punishing prisoners. In addition, the living quarters were filthy, prisoners were sleeping in their clothes, there was insufficient medication, and too few medical evaluations of patient-prisoners to determine their eligibility for release on medical grounds. Medical care in the correctional labor camps was officially recognized as being insufficient. Labor conditions had also shown little improvement. For example, women were still assigned heavy work though it was officially forbidden.

A document of the Procuracy of the RSFSR from December 1954 acknowledges that despite all the efforts to change, much had remained the same. "Gross violations of law" regarding the conditions of detainment could still be found. Prisoners who had already been legally freed continued to be held, some
barracks were considered to be uninhabitable, and prisoners often lacked basic necessities. While they languished, their complaints slowly wound their way through the formal review process. The plight of the prisoners was hardly improving because the government was turning a blind eye to the ongoing abuses. The document blandly concludes that the republican Offices of the Procuracy were not carrying out their functions of guiding and checking the work of the camp procuracies. (Camp procuracies were subordinate to republican procuracies who were subordinate to the General Procuracy of the USSR.) Thus implementation of reform was a failed effort from the onset because of opposition at lower organizational levels, lack of will to enforce the reform at higher levels, and the inertia of the bureaucratic behemoth.

The fitful progress toward reform can be further explained by the fact that the Procuracy was explicitly charged with a two-fold mission. On the one hand, they were instructed to review cases with regard to their legality. On the other, as one instruction warns, officials were to bear in mind that "together with rehabilitation of those who were illegally accused of counter-revolutionary crimes, the struggle with real enemies of the Soviet state should not be weakened". There was still a siege mentality in which the threat to the integrity of the state was seen to come from the prisoners rather than from those who had unjustly imprisoned them. A sign of the repressive atmosphere of the times was that Stalin's opponents, like Bukharin, were not eligible for reconsideration in these years. Procurators were to be vigilant in their re-examination of cases, lest they release "real" counter-revolutionaries. In the climate of the times, camp officials were permitted to interpret such directives as support for further repression. After all, Soviet legal officials were accountable to "their bureaucratic and political masters" and not to the "public or the values of objectivity."

Let us examine, by turning to particular provinces and cities, how in 1954 and 1955 the Procuracy partially corrected
its repressive mechanism, while at the same time remaining a
servant of the state (system). A late 1955 report of the
Tomsk provincial procuracy cites a number of cases in which
the prisoners' review had not taken place within the legally
prescribed time. The re-examination process was initiated by
letters of complaint sent by the prisoner or their relatives
to the Tomsk KGB division. The explanation that was offered
for the delay is informative because it reflects the inherent
and perhaps purposeful inefficiency of the system. The excuse
for justice delayed was that they were understaffed. Only six
people were allotted the task of handling thirty-five
"archival-investigative" cases, involving a few hundred
individuals. Moreover, their task was further complicated by
the fact that for every case it was necessary to find
additional cases in order to verify testimony. Apparently the
files only contained copies from the other cases in question,
the originals -- which were necessary in order to proceed with
work -- were preserved in Moscow and other provinces.84

In the province of Chita, between June of 1954 and
November of 1955, 980 cases involving 1,646 individuals
convicted of counter-revolutionary crimes were examined.
About one-third (365 cases or 37%) were found to have been
justifiably convicted. The other two-thirds (615 cases or
63%) were declared illegal. This led to complete
rehabilitation in 150 cases for 296 individuals, while another
362 prisoners received reduction in their sentences.
Approximately 137 persons were re-categorized to come under
the amnesty law, and they were released with rescinded
sentences. Seven individuals were freed from exile. This
"great number of suspended cases" led the Chita provincial
Procuracy to assert that there were "gross violations of
Soviet legality permitted during the investigation by the
organs of state security and during the judicial review of
these cases".85

The conclusions publicized by this report demonstrate
efforts on the part of some officials to distance themselves
from past abuses. In the course of this investigation, they
"discovered" that: illegal methods of interrogation had been employed, while arrests and accusations were based on falsified documents; confessions were extracted at all costs; and maximal sentences were rendered regardless of the article under which the prisoner was convicted. Despite the admission that these practices were common, the Chita provincial procuracy nevertheless approved of 37% of the sentences.

They were not alone in their "vigilant" behavior. In 1955 in Stalingrad province, of 2,181 political offenders' complaints examined, 360 received reduction in their sentences, 121 were given amnesty, and sixteen were released from exile. However, 1,602 sentences were upheld upon review. The fact that approximately three-quarters of the convictions in this particular province were still considered by the post-Stalin Procuracy to be justified in spite of widespread knowledge of political repression, suggests that little had changed. In Astrakhan province, as of January 1955, of 407 prisoners incarcerated for counter-revolutionary crimes, the sentences of 198 of them were upheld upon re-examination. In that same month in the province of Balashov, out of 79 prisoners' appeals, 51 were rejected in the review. In the Leningrad province in early 1955, out of 2,869 political cases, 1,622 sentences were upheld on re-examination. In the province of Rostov, the commission of the Procuracy met eighteen times between June of 1954 and January of 1955 to review cases involving 1,709 persons convicted of counter-revolutionary crimes. Only fifty-six, or 3.2%, of them received rescinded decisions with complete rehabilitation. And so it went, place after place. Stalin was dead, but Stalinism lived on in the officials charged with reform.

The accusatory bias of the late forties and early fifties noted in Chapter II continued to dominate the justice system. Acquittals were seen as a stigmatization for the system, because a groundless prosecution discredited the agency (i.e. Procuracy) responsible for dispensing justice. While it may
not be surprising that an active campaign against acquittals was pursued from 1949 on, it is apparent from the abovementioned cases that post-Stalin officials as well were under pressure to avoid acquittals. An overturned sentence for groundless prosecution raised the issue of responsibility, and ultimately culpability. The issue of culpability was to plague Soviet and post-Soviet efforts to come to terms with the Stalinist past for decades to come (see below and Chapters V and VII).

There were also more mundane and very Soviet reasons for the delay of many appeals. Many cases could not be reviewed because prerequisite lists from the places of detention had not been turned over to the reviewers, or they were late in arriving. The Ivanovo provincial procuracy complained that their work had to be carried out solely on the basis of prisoners' complaints, since the required lists of prisoners had not yet arrived. In Kostroma province 250-300 criminal cases awaited review, but could not be considered without these lists. In a January 1955 letter to the Procuracy of the RSFSR, the Kuibyshev provincial procurator contends, "It is hard to say something definite about whether the camp administration is [responsible for holding up the process by] holding back the presentation of these lists of prisoners that must be examined by the commission". The Yakut republican procurator was reluctant to point an accusatory finger. In the Yakut ASSR, out of 223 applications for review, thirty prisoners had their sentences revoked with complete rehabilitation. "The demands of the May 1954 decree [on the re-examination of criminal cases of counter-revolutionaries] with regard to lists of prisoners from places of detention," laments the Yakut Procurator, "are being carried out unsatisfactorily by the places of detention." There was clearly a discrepancy between official policy and practice with regard to prisoners of the Stalinist camps. Officials, who loudly proclaimed the need for reform, were exhibiting a very different attitude when they rejected the overturning of so many sentences. Furthermore, camp administrators hobbled
liberation and rehabilitation efforts by failing to provide essential documents. It appears that this ambivalence was systemic. We can assume that this dualism was reflected at all levels of society. Reform had been set in motion but it faltered at every step because many of the people charged with carrying it out did not believe in it.

All this notwithstanding, there was ample evidence that the system was attempting to correct itself. During this period there were cases in which individuals were arrested, sentenced, incarcerated and then released for lack of valid grounds. One late arrestee, for example, was incarcerated on October 30, 1954 with the approval of the Deputy Procurator of Leningrad for allegedly having written three anonymous anti-Soviet letters in 1952-53 and sending them to the Central Committee and the Committee of Radio Information. Neither during interrogation, nor in Court did the accused admit guilt. The court based its sentence exclusively on the conclusions of handwriting experts. The Procuracy of the RSFSR and the Supreme Court of the RSFSR admitted, however, that expert opinion may not be considered as hard proof, so the case was suspended. The Procuracy of the RSFSR sent a letter to the Procurator of Leningrad on March 16, 1955 stating that in this case there had been no grounds for arrest and there was no call for article 58-10 to be applied to the accused.98

In another case, a man was sentenced to ten years imprisonment in May of 1953 on article 58-10 for spreading anti-Soviet agitation in his circle of contacts from 1949-1953. It was ascertained that the KGB had abused its authority. The sentence was reversed in June of 1955, and the prisoner was released.99 In a number of cases reviewed in this period it was recognized and admitted that illegal methods were used for obtaining a confession during interrogation.100

While the system was attempting to correct itself, it was
also struggling against an entrenched repressive tendency. At this same time, there were some cases in which release was indicated but not desired by the authorities. There were other ways of taking a prisoner out of the camp system, and not returning him to society -- commitment to psychiatric hospitals. Forensic psychiatry was to become one of the refined (and frequently employed) instruments of repression against "political offenders" in subsequent years (from the fifties to the eighties). G.I. Butov was arrested in September of 1952 by the MGB of the Adygey autonomous province. He was sentenced on article 58-10 to ten years of correctional labor camp for allegedly systematically carrying out agitation of an anti-Soviet character in the presence of acquaintances. The charge read that Butov was contending that war between the USSR and capitalist countries was inevitable, and the Soviet Union would lose. In October of 1955, the Presidium of the Supreme Soviet of the RSFSR rescinded the sentence, and sent the case for a new examination in the stage of preliminary investigation. The Presidium of the Supreme Court ruled that Butov be required to undergo a forensic psychiatric examination. Butov was sent to the Serbsky Institute.

A better known case, described by Peter Reddaway and Sidney Bloch, reveals the fact that these practices were apparently sanctioned from above. A Party member, Sergei Pisarev, openly criticized the secret police in 1953 for fabricating the "Doctors Plot". He was arrested, first sent to the Serbsky Institute, and then for eighteen months to the Leningrad Prison Psychiatric Hospital. In these places, he was able to observe a number of cases of intentional misdiagnoses. Upon returning he campaigned for the abolition of this abuse of science, requesting that the Party Central Committee help in the cause. A commission of inquiry was set up to inspect the Serbsky, Leningrad, and Kazan Hospitals. It seems that the commission’s findings must have confirmed Pisarev’s observations, because they were disregarded by the Party. Reddaway and Bloch, pioneers in researching this
phenomenon, provide insight into its motivation: "(t)he advantages inherent in psychiatrically-based repression, especially the discreet silencing of dissenters without recourse to a major trial or blatantly trumped-up charges probably appealed to Khrushchev as he tried to project a new image of the Soviet regime".  

The practice of misusing psychiatry to detain political dissenters in mental hospitals seems to have been initiated under Lenin, and was continued under Stalin. Some of the prisoners of the late thirties, however, were actually aided by this practice. Hospitals generally had a lighter regime than the camps, and for those who were only sent for an "expert opinion", there were even cases in which psychiatrists attested to the prisoner's inability to withstand night interrogations, isolation, etc.  

Through the years, official Soviet psychiatry became increasingly transmogrified to accommodate to political influences, but that process is beyond the scope of this work. The system had many ways of achieving repression. While the state proclaimed and lauded its efforts to free itself from the legacy of the Stalinist Gulag, it was simultaneously further developing the (ab)use of psychiatry for punitive purposes.

It is difficult to know how much of the delay in reform was due to official weakness at the top, unofficial resistance at the bottom, or complicity at the top with collusion at the bottom. What we do know is that officials of higher departments criticized the work of their regional subordinates at least on paper. If they were sincere, they would have to be described, at best, as under-achievers. In 1955, surveys of the investigative work of regional, provincial and krai organs of the Procuracy determined that efforts at re-examining cases of counter-revolutionary crimes were still unsatisfactory. Inefficiency, lack of initiative, and inaction were cited as reasons for the failures. Although deputy procurators were expected to participate in the review of cases of counter-revolutionary offenders, the report
claimed that the Deputy Procurator of Chelyabinsk province did not take part in the review of even one of three cases under consideration. In Chkalov province the Deputy Procurator not only failed to participate in the investigation of a case that was brought, but did not even know that the case was under review. The infrequent participation by other deputy procurators was duly noted by the investigators: "the proof that some procurators [merely] formally relate to their responsibilities can be found in the fact that in a number of protocols of cases, the inscription reads that they were 'read' by the procurator".

An October 1955 RSFSR Procuracy report demands that regional, krai, and autonomous republican procuracies, as well as those of Moscow and Leningrad, seriously improve their work of re-examining cases of counter-revolutionary crimes. Addressing the Kafkaesque maze of procedures, it asserted that there were too many cases in which investigators focused on small details rather than on real substance, and that the legally established time frames for re-investigation continued to be exceeded. These and similar improper practices are also registered in documents of early 1956.

Some prisoners, frustrated by the inadequacy of local liberation and rehabilitation efforts, sent their appeals directly to officials in Moscow and even to the chairman of the Presidium of the Supreme Soviet, K.E. Voroshilov. Some were even encouraged to do so. There was the case of a man who worked for a number of years as a free employee in a correctional labor camp after his term had ended in 1941. His tale confirms one author’s definition of a returnee: "a semi-free person with a suspicious looking passport." This man was apparently mistakenly issued a passport without limitations. In 1954, more than twelve years after his liberation, he was called into the provincial police and questioned about how it was possible that he had a passport with no "minuses". It was ascertained that a mistake had been allowed twelve years earlier, and that this returnee’s clean passport had to be replaced by one with limitations.
Moreover, the bureaucrats noted "if you had been sentenced to five years, you could have come under the amnesty, but you got six years, so we can't do anything about this. Go to the Presidium of the Supreme Soviet, only they can decide this question." His sentence was eventually revoked, but the bureaucratic apparatus that created and maintained such folly was preserved.

For many, the camp experience came to be endured either as an acceptable way of life or an acceptable policy of government. One long-time prisoner, Vasily Petrovich Barkhanov, spent seventeen years incarcerated in the correctional labor camp of Norilsk before he was sent into exile. He underwent a long process of release from this phase. In a November 1954 letter from exile in Norilsk, the ex-zek writes that his sentence was reduced for good work, and that he was released prior to the end of his term (after seventeen years!) at age 56. "It was like being born again," he writes to an influential friend, "everything was new for me, even buses. I am still walking around in camp clothing, I have to acquire some things again.... But I am happy that the people in the Party leadership and government are leading the country along the Leninist path, and my life was not in vain". It is interesting to note that despite seventeen years of incarceration -- perhaps because of seventeen years of incarceration -- this prisoner still expressed belief in the system.

Barkhanov requested that his friend forward this letter to the Minister of Internal Affairs. In it he asked for rehabilitation, and for permission to be released from Norilsk so that he could be reunited with his family whom he had not seen since the day of his arrest in 1938. He requested permission to join his wife in a village 150 kilometers from Leningrad, adding that no major enterprise was located within a fifty kilometer radius of his home. He explained that his wife and parents could not join him in the North because of the harsh climatic conditions. His friend sent the letter on to Moscow. In addition, the ex-prisoner's wife wrote an
appeal directly to Voroshilov. It took nine months from the start of his petitioning before Barkhanov was eventually released from exile in August of 1955. Since the documents of his case were culled from the archive of the USSR Procuracy it took this long even with the intervention of officials in Moscow. It took much longer for those without friends in high places.

Between January and July of 1955, approximately 165 prisoners' requests for the rescinding of sentences were sent to the Presidium of the Supreme Soviet of the RSFSR and they were honored. Many of these appeals were based on the desire to return home, or on the need for employment which was very difficult to obtain if the charges were not cleared. For a number of article 58'ers the stock document read as follows: "he [or she] was justifiably sentenced", or "the criminal activities were correctly categorized. However, considering that [this person] comes from the peasant [or worker] middle [or lower]-class, has no previous criminal record, and has a good work 'kharakteristika' at this time, the Procuracy of the RSFSR does not object to rescinding the sentence."\textsuperscript{115} It is noteworthy that the document does not challenge the applicability of article 58 nor the culpability of the victim. It simply avoids these issues and presents the Procuracy as a forgiving benefactor. Even so, a number of these individuals did not receive rehabilitation until the late eighties.\textsuperscript{116}

At this time, returnees were not in a position to be too demanding. They had to be satisfied with whatever concessions they could get, regardless of whether or not real justice prevailed. One ex-zek, who had been arrested as a student for anti-Soviet agitation and was freed in 1951, explains his needs for petitioning for his charges to be cleared and his civil rights restored: "the shadow of my disgraceful past haunts me everywhere I go. I cannot be a trade-union member, I cannot vote, I cannot get a higher education, or enjoy the privileges of other workers..."\textsuperscript{117} The procurator concluded that there were no grounds for protesting the sentence, since it was justified. That being said, he did not object to
restoring civil rights and rescinding the sentence. In some exceptional cases, in the process of petitioning for withdrawal of a sentence, it was ascertained that the prisoner had been incorrectly sentenced, because there had been no crime.\textsuperscript{118} There were even cases in which high officials personally got involved. Rudenko, the USSR General Procurator, wrote to Voroshilov on behalf of a returnee requesting release from exile. He stated that the man’s 1939 and 1949 sentences had been groundless. Consequently, the ex-prisoner was freed from exile.\textsuperscript{119} However, these cases were rare. More common was what might be termed the ambivalent pardon. The Soviet legal system was engaged in a delicate balancing act between trying to correct some of the abuses of the past, and denying that the system was wrong. While the official actions that were taken -- restoring civil rights, etc. -- were indeed proper, they took the form of pardoning a criminal. The reason for this approach may have been an attempt on the part of the authorities to finesse the central juridical question: If all of these petitioners who languished for years in labor camps for their political offenses were not criminals, then who or what was?

In addition to all of the other impediments of the returnees, there was one further bureaucratic obstacle. Contrary to other obstacles that occurred lower down in the system, this hindrance came from the higher echelons. Toward the end of 1955, those ex-zeks who had succeeded in having their sentences withdrawn and their civil rights restored, and who were among the lucky few to get rehabilitated, encountered an additional problem. This was the disjunction resulting from the two halves of the reform system not communicating with each other. It seems that neither the Supreme Court of the USSR nor that of the RSFSR was issuing certificates attesting to a victim’s rehabilitation. Such "sacred documents"\textsuperscript{120} were very important, if not the most important material object necessary for re-assimilation into 'normal’ Soviet life. When the courts sent notice that a case was suspended, that implied that the former prisoner was
rehabilitated. However, the courts were not sending along a corresponding "spravka" (certificate). Ex-prisoners were complaining to the local MVD that they needed to have documented proof of their innocence in their hands. The MVD in their turn passed the complaints onto provincial procuracies, who then appealed to the General Procuracy of the USSR. There was apparent agreement among lower officials on the necessity of such a document, but it was a very long time in coming.

How many prisoners were indeed released in this decisive year preceding the XX Party Congress? According to the Special Files of Khrushchev, 24,036 prisoners, who had been convicted of counter-revolutionary crimes, were released after the review ordered by the May 19, 1954 decree. Added to this number of returnees were those liberated under a September 1955 amnesty for Soviet citizens who had been accused of collaboration with the occupiers during the Great Patriotic War as well as special settlers. Zemskov arrives at a figure of 195,353 politicals released in 1955, though it is difficult to be accurate because of all the different kinds of categorization. Moreover, as we have noted, there was movement in both directions, to as well as from the prison system. In 1955, for example, 12,765 individuals who were arrested on parts of the political Article 59 (especially dangerous crimes against the order of governing) were added to the prison and Gulag population.

Despite the "Khruschevian thaw" the system remained repressive and this was, among others, reflected in attitudes about laws past. There existed, in the words of Zemskov, an active principle of continuity whereby certain former repressive practices were not criticized, and were even looked upon as having been politically expedient (he cites the previous practice of mass deportation which was ordained by then existing laws).

The liberal forces impelling the country toward de-Stalinization in 1956 and subsequent years were in place, but so too were the counterforces. Officials maintained an
ambivalent attitude at best toward the liberalization process. While the top Party officials proclaimed reform, the Office of the Procuracy practiced the fine art of passive resistance with regard to returnees and rehabilitation. As we have seen, their mandate still left room at all levels for repressive interpretation. Moreover, rehabilitation was presented as an act of magnanimous forgiveness by the authorities, rather than a plea to the victims to forgive the system. Regardless of the official view of rehabilitation, the "bottom-up" perspective provided by the victims' stories describe conditions of rejection, feelings of being outcast, feelings of being second-class citizens, persecution in and out of prison, restricted movement and job opportunities, and inability to re-unite with families or to re-integrate into the work and social community. They attest to continued implicit or explicit repressive policies from the top-down. Reforms were undeniably underway, but they were still a long way from arriving. The reason for the sluggishness of reform was that the Soviet system was still dependent on repression. It repressed not only people, but also ideas. That was its maintenance tool. To acknowledge this open secret by admitting to the victimizations was to undermine the legitimacy of the regime.

Rehabilitated persons and returnees were a constant reminder of the criminal nature of the system. The struggle over how to handle them and how to come to terms with what they represented was to continue through Gorbachev and the end of the Soviet Union. Khrushchev crafted a number of ways of dealing with the problem, including silence when possible and partial accommodation when necessary. Even though no one was immune to the label, attitudes toward former "enemies of the people" were deep-seated. It was hard to find an appropriate psychological and social place for these reminders and remainders of the Stalinist legacy. At the time of his Secret Speech, Khrushchev could do little more than make a diagnosis. But the times were not yet right for a cure.
References


3. Nikita Vasil'evich Petrov, interview held at his Moscow home, November 30, 1996.


5. GARF, f. 8131, op. 32, d. 4581, l. 122. This figure is also recorded in the "Osobaia Papka Khrushcheva", GARF, f. 9401, op. 2, d. 450, l. 464.

6. GARF, f. 9401, op. 2, d. 450, l. 471.

7. Keep, Last of the Empires, p. 78.

8. GARF, f. 9401, op. 2, d. 416, l. 31.


10. GARF, f. 7523, op. 85, d. 41, l. 1-5, 20.

There was also a plan drafted in April of 1954 to sanction the early release from correctional labor camps and colonies of 8,000 prisoners who were specialists in agriculture in order to work at machine-tractor stations of the Ministry of Agriculture (GARF, f. 9401, op. 2, d. 450, l. 233-39).


12. TsKhSD, f. 89, op. 18, d. 26, l. 3.


16. TsKhSD, f. 89, op. 8, d. 23, l. 1.

17. Ibid., l. 2.
18. Ibid., 1. 3.


20. GARF, f. 9401, op. 1, d. 1299, l. 246.


22. Ivan Mikhailovich Evseev, "Vid na zhiteľ' stvo, vospominanii," Memorial, f. 2, op. 1, d. 60, l. 1993 0710 0397.


24. GARF, f. 7523, op. 107, d. 235, l. 6.

25. Ibid., 11. 7-8.


27. GARF, f. 8131, op. 32, d. 4581, 11. 120-121.

28. Ibid., 1. 121.

29. Semën Samuilovich Vilenskii, interview held at his Moscow home, December 2, 1995.

30. GARF, f. 8131, op. 32, d. 4581, 1. 128.

31. Ibid., f. 9492, op. 5, d. 166, 11. 28-31.

32. Ibid., f. 9401, op. 2, d. 450, l. 463.

33. Ibid., 1. 30.

34. Ibid., 1. 31.

35. Ibid.

36. Ibid., 1. 33.

37. Ibid., 11. 410-411.

38. Ibid., 1. 463.


40. Ibid., 11. 40, ob., 41, ob.

41. Keep, p. 78.

42. GARF, f. 9401, op. 2, d. 463, l. 30.


45. Ibid., p. 312.

46. Recorded in Davies, p. 181.

47. GARF f. 9401, op. 2, d. 463, l. 125.

48. Ibid., d. 451, l. 337.

49. Newspapers of the Gulag, microfilm collection of the International Institute of Social History (Amsterdam); the originals are housed at the Central Archival Library of the State Archive of the Russian Federation (GARF).

50. Keep, p. 78.

51. GARF, f. 8131, op. 32, d. 3284, l. 55, ob.

52. Ibid., f. 9401, op. 2, d. 451, l. 127.


54. Keep, p. 79.


56. Re-classification was not always necessary in the post-May 1954 climate. One rehabilitation certificate of July 1954 issued by the Chief Military Procuracy read: "In response to your complaint addressed to K.E. Voroshilov on May 20, 1954, which was sent to the Chief Military Procuracy, we inform you that as a [prisoner] convicted in 1940 to 5 years in a correctional labor camp you fall under the decree of the Presidium of the Supreme Soviet of the USSR of March 27, 1953 "On Amnesty". This decree revokes your sentence and you are liberated from exile." (Memorial, f. 1, op. 1, d. 2181, l. 0019 2412 0805.)


58. Ibid., p. 216.


60. Keep, p. 76.

61. GARF, f. 461, op. 8s, d. 3223, l. 12-20.
62. Ibid., l. 12.

63. Ibid., d. 3250a, l. 292.

64. Ibid., l. 293.

65. Ibid., d. 3223, l. 12.

66. Ibid., d. 3250a, l. 296.

67. Ibid.

68. Already in 1935, secret police chief Iagoda made clear that his attitude toward prisoners and soon to be ex-prisoners was that once a person was tainted with a crime, they remained tainted (see David R. Shearer, "Crime and Social Disorder in Stalin’s Russia," Cahiers du Monde russe 39, 1-2 (janvier-juin, 1998): 12). This sentiment persisted from the top down, and from the bottom up, even through -- and beyond -- the Khrushchev years.

69. GARF, f. 461, op. 8s, d. 3223, l. 17.


72. GARF, f. 461, op. 8s, d. 3223, l. 18.

73. Ibid., d. 3250a, l. 299.

74. Ibid., l. 304.

75. Ibid., l. 340.

76. Ibid.

77. For more on what was going on at the top, see Yoram Gorlizki’s discussion on the changes in criminal legislation, ‘After Stalin: The Criminal Law Reforms,’ in "De-Stalinization and the Politics of Russian Criminal Justice 1953-1964" (Ph.D. dissertation, University of Oxford, 1992), Chapter Two.

78. GARF, f. 461, op. 8s, d. 3250a, l. 353.

79. Ibid.

80. Ibid., l. 354.

81. Ibid., d. 3217, l. 93-94.

82. Ibid., d. 3669, l. 61.
83. Solomon, p. 469.

84. GARF, f. 461, op. 8s, d. 3631, ll. 65-66.

85. Ibid., l. 82.

86. Ibid. Such "discoveries" were also made at strategic moments during the Terror, for example, after Ezhov was dismissed.

87. Ibid., l. 89.

88. Ibid., d. 3251, l. 10.

89. Ibid., l. 13.

90. Ibid., ll. 67-68.

91. Ibid., ll. 95-101.


93. Solomon also makes this point, p. 453.

94. GARF, f. 461, op. 8s, d. 3251, l. 33.

95. Ibid., l. 56.

96. Ibid., l. 61.

97. Ibid., ll. 147-49.

98. Ibid., d. 3669, ll. 3-4.

99. Ibid., ll. 146-47.

100. Ibid., ll. 156, 167, 171-72.

101. Ibid., l. 149.


104. Bloch and Reddaway, p. 17.

105. Semen Samuilovich Vilenskii speaking from personal experience, interview held at his Moscow home, December 5, 1995.

106. GARF, f. 461, op. 8s, d. 3669, l. 60.
107. Ibid., 1. 61.
108. Ibid., 1. 68.
109. Ibid., 1. 95.
112. GARF, f. 385, op. 23, d. 1474, 11. 52-53.
114. Ibid., 11. 14-19.
115. Ibid., f. 385, op. 23, d. 1468, 11. 12-14, 39, 47, 96, 118, 121, 142, 175.
116. "Dolg platezhom krasen, a ne krov’iu," Zaural’e, 1 January 1996, p. 3.
117. GARF, f. 385, op. 23, d. 1469, 1. 36.
118. Ibid., 1. 122.
119. Ibid., f. 7523, op. 107, d. 123, 1. 3.
120. Arsenii Borisovich Roginskii, interview held at the Memorial office in Moscow, April 5, 1996.
121. GARF, f. 8131, op. 32, d. 4290, 11. 8-9.
122. Ibid., f. 9401, op. 2, d. 500, 1. 319.
123. Izvestiia, 18 September 1955, p. 3.
This group had their own special problems with re-assimilation and stigmatization. Historian and rehabilitation committee member V.P. Naumov reports, "The political distrust of former prisoners of war and their families continued for many years. Suffice it to say that the widely distributed questionnaire with the question, 'Were you or were any of your relatives captured, interned, or located on occupied territory?' was only abolished in 1992." V.P. Naumov, L.E. Reshin, "Nezakonchnoe srazhenie Marshala Zhukova: O reabilitatsii sovetskikh voennoplennykh, 1954-1956gg.," Istoricheskii Archiv 2 (1995): 110.
124. Keep, p. 78.
125. GARF, f. 461, op. 8s, d. 395, 1. 2.