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Reide Petty

University of Richmond, reide.petty@richmond.edu

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Socialist Legality on Trial: The Purge of the Ukrainian NKVD, 1938-1943

By

Reide Petty

Honors Thesis
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Advisor: Dr. David Brandenberger

Table of Contents

Introduction.....	1
I. Background Information.....	5
A. Historiography of the Purgers.....	5
B. Linguistic Analysis and the Communist Conscience.....	9
C. Socialist Legality on Trial.....	15
II. Perpetrators on Trial: Grigorii Iufa and Ivan Shirokii.....	20
III. A War on Two Fronts: Ivan Kaliuzhnii and Sergei Gaponov.....	40
Conclusion.....	59
Bibliography.....	61

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Introduction

In the winter of 1938, Grigorii Iufa was put on trial in a Soviet court for the violation of socialist legality, a charge alleging that he had manipulated Soviet legal processes and undermined the rule of law during his work. Prior to his arrest, Iufa had worked in the Moldavian division of the NKVD, the Soviet Union's state security agency. In that capacity, he had played a significant role in the Great Terror, which was a highly concentrated campaign of mass violence conducted by the Soviet Union between 1937-1938 against perceived enemies among its own citizenry. This campaign primarily consisted of two "mass operations," the first of which targeted former kulaks and others perceived as "socially dangerous," and the second of which targeted various ethnic groups living in the Soviet Union. These mass operations followed a purge of political opposition members and were coterminous with purges of both the military and so-called "bourgeois nationalists" in the republics. Underlying each of these centrally-planned initiatives was a campaign of vigilance begun by Joseph Stalin in 1937, which called on Soviet citizens to root out enemies in their midst by making reports to the NKVD. Over the course of the Great Terror, 1.5 million people were incarcerated and almost 700,000 executed for political crimes.¹

Most recent scholarship characterizes the Terror as a centrally planned operation, concurring in varying degrees with Oleg Khlevniuk's statement that it was "unquestionably an action directed from the center, planned and administered from Moscow."² However, the historiography is wildly mixed on its interpretation of the Terror's motivations and the extent to which Stalin was responsible for coordinating the attacks. Khlevniuk himself argues that Stalin orchestrated the Terror as a result of his paranoia following revelations about the role of spies in

¹ Hiroaki Kuromiya, *The Voices of the Dead* (New Haven: Yale University Press, 2015), 8.

² Oleg Khlevniuk, "The Objectives of the Great Terror, 1937-1938," in *Soviet History, 1917-1953: Essays in Honor of R.W. Davies*, eds. Julian Cooper, Maureen Perrie, and E.A. Rees (London: Hampton Press, 1995), 165.

the Spanish Civil War, stating that “[Stalin] believed Republican defeats were caused by saboteurs in the ranks,” and “demanded that the internal enemy be dealt with decisively.”³ Under this interpretation, the Great Terror could be characterized as a preemptive military measure made in preparation for World War Two. Hiroaki Kuromiya concurs, arguing that after Germany and Japan’s development in the mid-1930s of “total espionage,” a system of decentralized espionage across an entire population, Stalin “did not leave the smallest loose end open when it came to counterespionage; certain that war would come, he used mass killing to eliminate that contingency.”⁴ Both Khlevniuk and Kuromiya view the Terror as a preemptive strike directed by Stalin against a possible fifth column.

In contrast, Robert Thurston questions Stalin’s monopoly on agency in his history of the Terror, framing the leader as reflexively and spontaneously responding to internal threats. Instead of proactively orchestrating the events of the Terror as a defense against fascist powers, Thurston’s work argues that “Stalin and his close associates...repeatedly reacted to events they had not planned or foreseen.”⁵ In fact, Thurston argues that “the Terror had a dynamic and almost a will of its own.”⁶ He points out the external pressures on Stalin’s government, such as the uncovering of Leon Trotsky’s bloc and the exile’s letters to Karl Radek and Grigorii Sokolnikov, arguing that by 1936, “These discoveries of clandestine activities undoubtedly induced Stalin to pressure the party and police for the arrest of opposition members.”⁷ With this in mind, Stalin’s decision to initiate these trials “was not part of a plan to create political terror,” but was instead a reaction to a perceived internal threat.⁸

³ Oleg Khlevniuk, *Stalin: New Biography of a Dictator* (New Haven: Yale University Press, 2015), 154.

⁴ Hiroaki Kuromiya, *Stalin and Europe: Imitation and Domination, 1928-1953* (Oxford University Press, 2015), 74.

⁵ Robert Thurston, *Life and Terror in Stalin’s Russia: 1934-1941* (New Haven: Yale University Press, 1996), 57.

⁶ *Ibid.*, 22.

⁷ *Ibid.*, 26.

⁸ *Ibid.*, 27.

Thurston's analysis is supported by scholars such as James Harris and J. Arch Getty, who emphasizes the ways in which Stalin was forced to react to opponents in his own party, undermining the notion that Stalin was an all-powerful dictator. Harris describes multiple cases where those working under Stalin refused to obey his orders, arguing that the frustrating instability created by this weakness pushed Stalin towards Terror. He echoes Getty in stating that "The resort to mass terror followed a long descent into a feeling of isolation and weakness, a feeling that control over the apparatus was dangerously weak."⁹ This informs Harris's later argument that "The Terror was not the invention of a paranoid mind, but the reaction of a regime that sought to preserve its power and achievements whatever the cost."¹⁰ Both Harris and Thurston frame Stalin as reacting to internal threats, decentering his importance to the Terror and distinguishing their work from scholars such as Kuromiya and Khlevniuk.

Although the question of Stalin's agency in orchestrating the Terror is hotly debated, his instruments of this terror on the ground are clear. The Terror was carried out by officers of the NKVD under first Genrikh Iagoda, then Nikolai Ezhov, and later Lavrentiy Beria. These officers were responsible for making arrests, conducting interrogations, and deciding punishment in either closed tribunal courts or troika field martial courts. With an apparatus of 40,000 officers across the Soviet Union engaged as detectives, administrators, and undercover agents, regional NKVD offices surveilled those in their jurisdictions and, in theory, arrested counterrevolutionary elements. In practice, the pace of the Terror often outstripped the NKVD's capacity to conduct thorough investigations, with offices racing to meet arrest quotas from Moscow.¹¹ The NKVD's ability to process arrests was enhanced by an expedited judicial process adopted in 1937, under

⁹ James Harris, "Was Stalin a Weak Dictator?" *The Journal of Modern History* 75, no. 2 (2003), 383.

¹⁰ *Ibid*, 384-385.

¹¹ Nicolas Werth, "The NKVD Mass Secret National Operations (August 1937 - November 1938)," *Mass Violence & Résistance*, SciencesPo, May 20 2010. <http://bo-k2s.sciences-po.fr/mass-violence-war-massacre-resistance/en/document/nkvd-mass-secret-national-operations-august-1937-november-1938>, ISSN 1961-9898

which the Terror's troika courts were only required to inform a defendant of charges 24 hours prior to trial, could hold hearings in the absence of defense counsel, and were given the ability to execute death sentences immediately.¹² These expedited processes were used with deadly efficiency by the NKVD and judiciary during the Terror until their repeal in December of 1938.

This work will analyze two cases from the purge of the purgers, the first of which will focus on the aforementioned Iufa. The second will include two trials against Vladimir Kaliuzhnii and Sergei Gaponov. The Iufa case took place immediately following the Terror, while the Kaliuzhnii and Gaponov case was concluded in 1943, long after the beginning of World War II. These cases are the earliest and latest cases currently available from the purge of the purgers, and have been selected for their position as bookends to the purge. Similarities across the two cases, divided as they are in time, will help to indicate overarching themes of both the purge and wider Soviet jurisprudence during the Great Terror.

¹² Peter Solomon, "Soviet Criminal Justice and the Great Terror," *Slavic Review* 46, no. 3/4 (1987), 396.

I. Setting the Scene

Historiography of the Purgers

The Great Terror occurred in phases that targeted particular groups based on profession, party affiliation, or ethnicity. In these focused purges, groups that had been bound together by patron-client networks were often targeted and broken up by the NKVD. The final stages of the Terror were leveled against the NKVD itself, in which Stalin set about arresting elements of its Ezhov-affiliated leadership and their staff. Lynne Viola describes how following the cessation of the larger purges in late 1938, 22% of the NKVD's operating staff was dismissed and some 937 NKVD operatives were arrested in 1939.¹³ The arrested officers were used as scapegoats for the excesses of the Great Terror in what Viola calls "an emerging narrative of Communist victimization in the terror followed by the 'restoration' of party control."¹⁴ According to her analysis, Stalin utilized the so-called "purge of the purgers" in order to deflect responsibility for the excesses of the purge away from the party leadership and onto an ostensibly rogue NKVD.¹⁵ Viola argues that the purge of the purgers allowed the Party to frame the NKVD as a force external to the Party, thereby establishing a narrative of the Party's triumph over this rogue body. In the cases that Viola studies, she attempts to understand the motivations of the perpetrators of the Great Terror through an analysis of the court documents from the purge of the purgers.

Alexander Vatlin also grapples with testimony from the purge of the purgers in a project similar to Viola's, providing a microhistorical investigation of life within the Kuntsevo NKVD office. His description of the purge of the purgers differs significantly from Viola's, as he focuses more on the individual role of characters such as Ezhov and Beria than the wider needs of the

¹³ Lynne Viola. "New sources on Soviet perpetrators of Mass Repression: a Research Note," *Canadian Slavonic Papers*, 60:3-4 (2018), 593.

¹⁴ *Ibid*, 594.

¹⁵ In an interview I conducted with Lynne Viola, as well as elsewhere in her work, she described the purge of the purgers as a "gift to the Party."

Party or the state. He argues that in 1938, “Stalin had become convinced that the search for enemies was undermining the party’s ability to govern the country and perhaps the NKVD.”¹⁶

Due to this wariness on Stalin’s part, the leader replaced the former head of the NKVD, Ezhov, with Beria in late 1938. Vatlin then provides a description of the Purge, stating that:

Beria’s first steps as commissar were predictable. As Ezhov himself had done, the new police head replaced his predecessor’s lieutenants with his own loyalists, arresting the former commissar and his underlings in a “purge of the purgers.” The campaign against Ezhov’s personnel was in some aspects a reversal of the mass operations. A key charge in many of the investigations was that NKVD officials had falsified cases and the NKVD undertook a limited review of cases based on petitions. Although many of the NKVD personnel involved in the mass operations would face punishment, few of their victims were ultimately released before their terms ended.¹⁷

According to Vatlin, the Purge of the Purgers ought not be viewed as a purge of the NKVD in general, but instead a purge of individuals connected with the previous head of the NKVD and their clients. This description explains the relatively small scope of the Purge, and provides a possible explanation for how those arrested were selected. However, it provides much less explanation for the narratives presented in each trial, or why the officers were put on trial rather than simply fired or arrested for reasons unconnected to their work. If the goal of the Purge was simply to replace old officers, why call attention to the Terror through a public (or at least semi-public) judicial process? For these questions of narrative and publicity, Viola’s broader Party-focused explanation seems more apt. It may be the case that both explanations have some basis; the Purge may have begun due to Stalin’s desire for replacement officers and was then utilized as a propaganda tool by the Party. As I will show in this work, the official explanation for the trials and the narratives within them were highly important to Party officials. As my work

¹⁶ Alexander Vatlin, *Agents of Terror: Ordinary Men and Extraordinary Violence in Stalin’s Secret Police*, trans. Seth Bernstein (Madison, WI: University of Wisconsin Press, 2016), xxiv

¹⁷ *Ibid*, xxv.

focuses on the narratives presented within the trial, I will be engaging with Viola's thesis more frequently than Vatlin's.

The scholars mentioned above, and particularly Viola, view the court proceedings under the purge of the purgers as fact-finding missions from which truth can be gleaned. This approach is laid out at the beginning of Viola's landmark work *Stalinist Perpetrators on Trial*, in which she argues for the factual reliability of these sources by stating:

The Military Tribunals followed procedure, offering these defendants far more rights than their victims ever had, in spite of the absence of the kinds of adversarial mechanisms present in jurisprudence in the 'bourgeois' West... Defendants had a right to call witnesses and a very few even had the right to make use of defense attorneys; and all exercised their rights to interrupt—often frequently—the testimony of witnesses, including victims, in spontaneous and at times lengthy interjections. The defendants also had the right to a 'last word.'¹⁸

Shortly after this passage, Viola states that "Perpetrator testimony is full of self-justifications centered around fear, obedience, and belief. At the same time, the trials adhered strictly to Soviet law (such as it was); they were correct in procedure and frank and open in discussion."¹⁹ In these lines, Viola draws a sharp distinction between the trials within the Purge of the Purgers and the trials within the mass operations and show trials. She bases this notion on the idea that these trials differed from the structure of earlier trials, as these "adhered strictly to Soviet law (such as it was)." The line of logic drawn is that since these trials adhered to Soviet juridical norms, and these norms are assumed to be focused on the accumulation of facts, then they are reliable sources of factual information. Through the course of this work, I intend to show that a court case held in accordance with juridical norms in the Soviet Union ought not be understood as a Western-style fact-finding mission, but instead as a process focused on the consciousness and

¹⁸ Lynne Viola, *Stalinist Perpetrators on Trial* (Oxford University Press, 2017), 22.

¹⁹ *Ibid*, 22.

interiority of a defendant. In making these claims, I do not intend to dismiss the trials as entirely fictitious, but instead call attention to the central role that ideology played within them. Rather than something to be dismissed, the nature of these defendants' political consciences was something that both the state and the defendant understood to be the crux of the case. By focusing on the debate surrounding interiority, historians of the period can better understand the culture of Soviet socialist legality and the actions of defendants in Soviet court.

Linguistic Analysis and the Communist Conscience

Scholars such as Igal Halfin and Sarah Davies focus intensely on the ideological background of the Great Terror, although neither address the purge of the purgers. These scholars diverge from other scholarship by taking a view of the Great Terror informed by the linguistic turn, examining the issue of revolutionary identity in the 1930s and its impact on the courts. In doing so, they show the value of linguistic study to an analysis of the Terror. Davies studies instances of us/them divisions used to create identity, arguing that the division between a socially defined “us” and “them” played a major role in Soviet trial. Davies argues that these divisions within society “drew on a variety of repertoires—traditional, nationalist, populist, and Marxist—as well as from official propaganda.”²⁰ According to Davies, “this sense of dichotomy did much to legitimize certain aspects of the terror in the eyes of the ordinary people.”²¹ She goes on to remark how the us/them division is mirrored in the party’s division of people/enemy of the people. In Davies’ analysis, these divisions informed the Terror’s focus on otherized groups such as Jews and power-holders.

Halfin also conducts an exploration of the ideology guiding the Great Terror. In particular, he examines questions of guilt and innocence in Soviet jurisprudence, arguing that “The Communist hermeneutics of the soul—the complex ritual of words and deeds that permitted the Party to determine who was worthy to belong to the brotherhood of the elect—stands at the heart of the dynamic that led to the Great Purge.”²² Halfin claims that the discourse informing trials was intensely focused on intentionality, establishing a division between “us” and “them,” and determining the quality of a defendant’s communist consciousness. This central focus on

²⁰ Sarah Davies, “‘Us against Them’: Social Identity in Soviet Russia, 1934-41.” *The Russian Review* 56, no. 1 (1997), 71.

²¹ *Ibid.*, 72.

²² Igal Halfin. *Terror in My Soul* (Cambridge, MA: Harvard University Press, 2003), 7.

intentionality, according to Halfin, informed multiple facets of Soviet legal procedure. First and foremost, he points to the priority placed on confession during prosecution. “Without a proper appreciation of the Communist notion of guilt by intent,” Halfin asserts, “it is impossible to understand why confessions played such an important role in Soviet jurisprudence.”²³ He goes on to argue that “The injunction to extract confessions does not make much sense unless we take seriously the concern with the self.”²⁴ Under Halfin’s analysis, Soviet jurisprudence gave inordinate weight to confessions because they were concerned with the intentionality and communist consciousness of a defendant.

Halfin states that this discourse informed legal structures that directly influenced the Great Terror, stating that “Things changed dramatically once guilt became intrinsic to the soul. When the terms ‘crime’ and ‘punishment’ made their way back into Soviet jurisprudence in 1936, what was restored was the concept of legal responsibility itself.”²⁵ He maintains that in regard to the Terror that “Even if we assume that the writing of confessions was coerced from the high-ranking leaders accused during the great show-trials for propaganda reasons, it remains unclear why confessions were extracted from lower-echelon comrades, about whom the Soviet public never heard much.”²⁶ According to Halfin, the fact that communist jurisprudence was focused on intentionality has explanatory power in such cases. According to Halfin, this civil-war focus on intention is mirrored in the Terror, pointing out that “Stalin’s vow in 1937 to destroy ‘anyone who by his actions or thoughts—yes, even thoughts!—encroaches on the unity of the Soviet state’ should alert us to the fact that movements of the soul meant a great deal.”²⁷

²³ Ibid, 10.

²⁴ Ibid, 10.

²⁵ Ibid, 39.

²⁶ Ibid, 10.

²⁷ Ibid, 11.

According to Halfin, statements such as these indicate that the Party and its judicial apparatus were interested in uncovering individual interiorities, which was mirrored in open court.

Along with a focus on deviant souls came attempts to understand how such interiority developed. Like many theories of jurisprudence, Party ideology attempted to explain why people violated the law. Halfin delineates explicitly how “[t]he imperative of explaining the etiology of heterodox political thinking engendered a whole series of systems of knowledge that pathologized errant behavior.”²⁸ Part of this explanation was dependent on the Soviet Union’s historical development: after Stalin’s declaration that socialism had been achieved in 1936, the demographic landscape was supposed to have been purged of class enemies, and a spirit of class consciousness developed. Halfin argues after this declaration, “The Party...believed that an individual was either absolutely good, in which case the recent purification of the class landscape caused him to purify his soul, or radically evil, in which case he clung to his bourgeois spirit.”²⁹ In other words, since socialism had been achieved, the middle-ground between communist and class enemy vanished; the existence of non-culpable non-Communists was no longer possible. The prospect of a Soviet citizen in 1936 who was opposed to the Party line without conscious rejection of communism was incoherent to Party ideologues due to “the golden rule of the eschatological narrative that advance toward the light had to be unidirectional and that illumination promised rectification, it was impossible to explain how a conscious individual could reject the truth. Violation of the Party line could mean in this case nothing but the premeditated rejection of the Revolution.”³⁰ Through this analysis, Halfin describes the ideological preconditions for a mass purge of such deviant souls.

²⁸ Ibid, 33.

²⁹ Ibid, 34.

³⁰ Ibid, 22.

Halfin also describes how the discourse he analyzes led to the adoption of particular positionalities by the defendant and prosecutor. These positionalities can be described as roles or bounds in which a defendant was expected to inhabit. These bounds restricted activity even prior to the Terror, with Halfin stating that “It was a basic presupposition of the Party purge and testimony to the importance of subjectivity in Communism that comrades were expected to recant sincerely. A doubter had nothing to conceal.”³¹ Defendants within the Soviet court utilized the language of intentionality in their defense, especially when pushing back on factual matters was ineffective. As an example of this phenomenon, Halfin points to Nikolai Bukharin’s trial. He points out that Bukharin frequently defended himself by pointing out his “subjective intention,” and stated in his trial that he “did not wish to minimize my guilt...I wish to aggravate it.”³² Bukharin’s letters to Stalin exemplify this judicial focus on intentionality and the position in which it placed a defendant. In a letter to Stalin dated December 15, 1936, Bukharin lamented how the court was seemingly assuming his guilt: “When, at this cost, can the accused try to create the appearance of ‘sincerity to the end?’”³³ In these lines, Bukharin refutes the constraints placed on him as a defendant; by pushing back on factual matters relating to his guilt, he jeopardizes his image of “sincerity,” which defendants are evidently expected to maintain. In another letter to Stalin on December 10, 1937, he lamented: “I had no other escape than to confirm the accusations against me. If there had been another escape, I would not have ‘disarmed.’” Bukharin opened his December 10th letter with more appeals to sincerity, stating that he “will not contradict anything he has said previously,” dismissing any attempt to further argue the facts of his case. Instead, he emphasized his interiority, stating at the outset of his letter

³¹ Ibid, 11.

³² Ibid, 11.

³³ Nikolai Bukharin to I.V. Stalin, Dec. 15, 1936.

that he “can hardly control myself with the thousands of emotions within me.”³⁴ In the letter itself, he recounted his trial and the testimony in his defense that he gave before the plenum. He stated that “I told the whole truth in this manner before the plenum, but they did not believe me. Then, I told the absolute truth: [sic] All of the last years I sincerely pursued the Party line and learned to appreciate and love you intelligently.”³⁵ In these lines, Bukharin emphasized the efficacy of his interiority before the court, rather than argue over facts. This emphasis is similarly reflected in his communications with Stalin; Bukharin divided his letter into eight points, two of which focus entirely on previous conversations he had with Stalin and his wife. In his closing argument, he stated that “you know my nature: I am not an enemy of the Party, or of the USSR, and I do everything within my power to show this.”³⁶

In light of this expectation that the accused recant sincerely of their crimes, regardless of their factual accuracy, it seems inaccurate to describe Soviet trials as purely fact-finding missions. Instead, Soviet trials under Halfin’s analysis can be described, at least in part, as an attempt to force a defendant to admit through confession the positionality of a non-communist, thereby excommunicating the defendant from the Communist body and unveiling him/her as a secret enemy. I argue that according to the documentation available, the trials of NKVD officers following the Great Terror took place within an ideological context that informed its purpose and form. At the conclusion of the Terror, as Viola states, the Party sought to affix blame for the purges on rogue elements of the NKVD and reestablish the image of fairness in the Soviet judiciary. However, members of the NKVD had previously been depicted as part of the leading vanguard of the Party, and the communist narrative of economic and spiritual progression meant that framing these officers as poorly trained or overzealous in their work would be ideologically

³⁴ Nikolai Bukharin to I.V. Stalin, December 10, 1937.

³⁵ Ibid.

³⁶ Nikolai Bukharin to I.V. Stalin, December 10, 1937.

incoherent. As mentioned previously, the establishment of socialism and the arrival of the new society entailed that divergence from the Party line was necessarily conscious and counterrevolutionary. Instead, the officers had to be shown as undeveloped Communists, enemies of the state who had never truly adopted the Party mission. Due to this necessity, the trials of these officers served partially as an attempt to convince them to adopt a particular positionality through confession of opposition to the Soviet state, thereby revealing them as undercover enemies, rather than true Communists. Perhaps recognizing the Party's procedures, the defendants in these cases spend considerable time defending their interiority and stressing their status as true communists. In fact, I will argue that their familiarity and readiness to engage in this debate over interiority implies their awareness of the Party's focus on consciousness. The argument that ensues in each trial over the souls of the officers involved provokes a long overlooked linguistic analysis of these texts, including the trial protocols, indictment, and related documents. Before I begin analyzing particular case studies from the Purge of the Purgers, I will reinforce the points made by Halfin through an analysis of Soviet jurisprudence. The goal of this analysis will be to show how the ideological facets of Marxism that Halfin illuminates are reflected in the judicial system, and can contextualize several facets of Soviet law.

Socialist Legality on Trial

Scholars such as Viola and Vatlin rely on several assumptions in analyzing the trials of NKVD officers during the purge of the purgers, the first of which is that a Soviet trial, in the absence of any complicating factors, was focused on the accumulation of facts. In other words, Soviet jurisprudence resembled Western jurisprudence. In contrast, I will argue in this section that the purge of the purgers took place in an ideologically charged environment that was informed by the previous decade of repression, both during collectivization and the Terror. In such an environment, a system of judicial practices developed in which external Party interference was widely accepted and prosecutors were incentivized to value interiority and confession. Due to resilient practices such as these, a sharp line cannot be drawn between the trials of the Terror and the purge of the purgers. By taking these long-standing judicial practices into account, one can identify both the intentions of the state in holding these trials and the methods that defendants used to resist it. It is useful, then, to explain the ideological underpinnings of Soviet law.

As mentioned, Iufa and his assistants in the NKVD were put on trial for the violation of socialist legality. To some, this charge will seem like an oxymoron: Why would the dictatorial Soviet government, which had freely engaged in mass extrajudicial violence against its own citizenry throughout 1937 and 1938, promote the principle of legality? Peter Solomon attempts to resolve this apparent contradiction in *Soviet Criminal Justice Under Stalin*. Solomon emphasizes that prior to the Great Terror, there was no defined “rule of law” extant in the Soviet Union. He states that “Following Marxist analysis, [Bolsheviks] treated the law as wholly instrumental, a tool in the hands of rulers rather than a good in itself.”³⁷ In keeping with Bolshevik doctrine, the dictatorship of the proletariat was not restrained by the law but was

³⁷ Robert Solomon, *Soviet Criminal Justice Under Stalin* (New York: Cambridge University Press, 1996), 3.

instead empowered by the law to strengthen its grip on society and promote communist development. This notion that the law was secondary to the Party and one's class consciousness is reflected in what Solomon calls the "antilaw view," which he states remained a strong part of Bolshevik political culture for decades to come.³⁸ As evidence for this claim, then deputy prosecutor of the Soviet Union, Andrei Vyshinskii cautioned judges in 1934 against a "fetishistic worship of the letter, pushing into the background the impulses of direct law-making, and sometimes even the use of simple common sense."³⁹ In these lines, Vyshinskii promoted the value of one's "common sense" and "direct law-making," rather than the letter of the law. The "fetishistic worship of the letter" that he decries is the product of a Western-style static law code and set of legal norms, while the "direct law making" based on "common sense" that he praises is the product of revolutionary ideals held in common by Soviet society. In other words, this common sense is guided by communist class consciousness and party-mindedness. By praising the autonomy of the judge guided by "common sense," Vyshinsky defined "socialist legality" as the expression of one's communist conscience, rather than any established set of rules.

Due to this lack of emphasis on inflexible legal precepts, the core tenets of Soviet law remained remarkably loose throughout the 1930s. A majority of the judicial and investigative officials were untrained and unschooled, turnover was high, and control by the Party was often lacking, only 15% of people's court judges in the Soviet Union having completed elementary school in 1936.⁴⁰ The only commonality among these officials of the judiciary were the judges' communist conscience and Party membership. The Party was desperate to keep Party members in the judiciary, with Nikolai Krylenko stating in a 1934 speech that "Party membership must be

³⁸ Ibid, 27.

³⁹ M.S. Strogovich, "Obvinenie i Obvinyaemii na Predvaritel'nom Sledstvii i na Sude," (1934), ed. Andrei Vyshinsky, 27.

⁴⁰ Solomon, 36.

the best guarantee that we have a person who is conscious, who pays heed to the purpose of his work, who observes party discipline.”⁴¹

The Marxist line was consequently reflected in the judicial system; Soviet jurisprudence in the 1930s was not focused solely on the fact of an individual’s action, but also on his or her class consciousness. In addition to its deterrent function, the law was meant to serve as a means of reaffirming the communist spirit and rooting out intractable class enemies. As early as Spring 1918, Lenin developed an expectation that the law would serve as a tool to discipline and teach workers.⁴² He also notes that during the 1930s, “For Stalin the explanatory function of criminal prosecutions equaled that of deterrence.”⁴³ Courts, rather than fact-finding bodies, were often used as theaters in which a defective Communist defendant delivered a cautionary tale to the assembled audience. In fact, Vyshinsky wrote in 1934 that “the accused at the preliminary investigation can be defined as an ‘object of investigation,’” placing the focus clearly on the individual rather than their circumstances or actions.⁴⁴ In the Soviet Union, part of the law’s role was thus to reaffirm and maintain the citizenry’s class consciousness. Rather than an individuated system of law designed to protect the status quo, along Western lines, law in the USSR was designed to discipline and accelerate the embrace of new consciousness in the name of the collective. Consequently, the rule of law was secondary to the demands of the proletarian dictatorship, and the class consciousness of a defendant played an important role in both individual trials and the wider transition to full socialist society.

A crime in the Soviet Union of the late 1930s was defined as “any act directed against the Soviet system or infringing the legal order established by the workers and peasants in the period

⁴¹ Ibid, 170.

⁴² Ibid, 19.

⁴³ Ibid, 148.

⁴⁴ Strogovich, 35.

of transition to Communism.”⁴⁵ The latter half of this definition is straightforward, punishing violations of the legal order established by the dictatorial Party; however, the first section deals solely with intentionality, making no reference to law. Any action intended to harm Soviet power was classified as a crime, regardless of any statute. Stalin expanded this definition in a 1937 speech by stating his resolution to punish thoughts that compromised the unity of the Soviet state.

So, in the late 1930s, because the definition of crime in the Soviet Union was so subjective, the goal of the judiciary shifted to probing the criminal consciousness. This mission was expressed by many NKVD officers and judges as the “uncovering” of hidden enemies, supposedly revealing an individual’s interiority. This focus on interiority is also seen in the emphasis put on an individual’s own statements in trial during the Great Terror. Solomon notes that “In a lecture delivered in April 1936, Vyshinsky started developing his theory of evidence that downgraded the importance of “objective proofs” and gave special weight to confessions, especially in cases of counterrevolutionary crime.”⁴⁶ He goes on to state that in the years immediately following the Terror, “Vyshinsky’s thesis was still enshrined in law,”⁴⁷ indicating the popularity of the legal theory. Rudolf Schlesinger writes in regard to this theory that Vyshinsky criticized how the “objectivization of the appreciation of evidence...transfers responsibility from the judge, who is appointed because of his supposed ability to use his discretion according to sound standards of existing society, to a criminologist.”⁴⁸ In Vyshinsky’s work then, the “objective appreciation of evidence” was deemphasized in favor of a judge’s “discretion according to sound standards of existing society,” or their Party loyalty.

⁴⁵ Harold Berman, “Principles of Soviet Criminal Law.” *The Yale Law Journal* 56, no. 5 (1947), 811.

⁴⁶ Peter Solomon, “Soviet Criminal Justice and the Great Terror,” *Slavic Review* 46, no. 3/4 (1987), 396.

⁴⁷ Solomon, *Soviet Criminal Justice Under Stalin*, 257.

⁴⁸ Rudolf Schlesinger. Review of *Soviet Theory of the Law of Evidence*, by A. J. Vyshinsky. *Soviet Studies* 1, no. 1 (1949): 74–78.

From this review of Soviet jurisprudence coupled with an analysis of the primary sources, I will reframe the trials within the purge of the purgers as a high-stakes linguistic battle, in which prosecutors denounced former NKVD officers as enemies of the state, while the officers in question attempted to prove the integrity of their communist conscience against the accusations of the prosecution. The trials are rife with ideological language in which defendants display their communist consciences, or interiorities, in an attempt to mitigate the charges against them. The state, in turn, goes to great lengths to discredit the defendants' consciences. Beyond proving the charge against them, the state attempts to show that the defendants are thoroughly corrupt anti-Soviet elements. With this information in mind, I will argue that the trials in the purge of the purgers took place in an ideological environment that cannot be easily separated from the Terror, and that environment was highly focused on uncovering the interiority of a defendant. The ideological language utilized in the trials was not merely a rhetorical flourish on either side, but the primary point of conflict in trial. In making this claim, I hope to point out the previously underappreciated resistance of the defendants on trial, and call attention to a peculiarly Soviet understanding of justice and criminal responsibility.

II. Perpetrators on Trial: Ivan Shirokii and Grigorii Iufa

One of the earliest trials in the purge of the purgers involved officers of the political police charged with maintaining order in Moldavia, which was at that time an autonomous region of Ukraine before becoming a Soviet republic in 1941. The trial was initiated in response to a complaint sent to Beria by a former communist named Sadaliuk, who had been imprisoned by the NKVD months before. Sadaliuk was the director of a village school in the Tiraspol'sky District, and was successful enough in his role to have received an automobile “by order of comrade Khrushchev and Korotchenko”⁴⁹ and a position teaching in the Komsomol. According to Sadaliuk’s complaint, he had been imprisoned in July 1938 for three months without cause. In this same statement, it was said that “investigator Chichikalo, who interrogated Sadaliuk, used criminal methods of investigation against him, seeking in this way a confession that Sadaliuk was allegedly a participant in a counter revolutionary Fascist youth organization.”⁵⁰ Beria recognized an opportunity in Sadaliuk’s complaint, stressing in a letter to the First Deputy People’s Commissar of Internal Affairs A.Z. Kobulov “the necessity to conduct a public trial in Kiev of the perpetrators of the illegal arrest of Sadaluk, Lenchiner, and others and the creation of a deliberately or artificially provocative case against them.”⁵¹ This trial, the earliest available of the purge of the purgers, was initiated with an audience in mind. Indicating the level of interest that the Party took in this trial, Beria ordered Kobulov to “ensure thorough preparation of this process, coordinating all of your activities with Ukrainian Central Committee Secretary N.S. Khrushchev.”⁵² The level of coordination between high-ranking Party officials and the judiciary

⁴⁹ “Obvinitelnoe Zakliuchenie Po Delu G.N. Iufa, I.V. Volkov, I.A. Spitz, P.G. Chichikalo i S.P. Kuzmenko.” Dec. 23 1938, in *Echoes of the Great Terror Vol. 2*, ed. Marc Junge, Lynne Viola, and Jeffrey Rossman.

⁵⁰ Ibid.

⁵¹ “Pis'mo Narkoma Vnutrennikh Del USSR L.P. Berii Pervomy Zamestiliu Narkoma Vnutrennikh Del USSR A.Z. Kobulovu Ob Organizatsii Sudebnogo Protsessa Po Delu G.N. Iufa, I.V. Volkov, I.A. Spitz, P.G. Chichikalo, i S.P. Kuzmenko,” Dec. 22 1938, in *Echoes of the Great Terror; Vol. 2*, ed. Marc Junge, Lynne Viola, and Jeffrey Rossman.

⁵² Ibid.

was unusual in this case, and indicates the importance that these trials held for the Party. Since the Party coordinated this trial, the narrative created within it can provide useful information regarding the trial's purpose; by observing how the Party framed such a trial, one can gain a better understanding of its overarching aim. I will thus begin my analysis telling the story of the trial as presented in the indictment, considering it a representation of the story "as told by the state." After providing it, I will provide an analysis of its structure and content, looking closely at the lessons this public judicial process imparts. Then, I will examine the court protocols of the trial itself, and examine places where the defendants on trial both bolstered and resisted the narrative presented in the indictment, locating often-overlooked areas of tension.

Shortly after Beria's letter to Kobulov, an indictment was presented against the following officers, in order of rank: Ivan Shirokii, Grigorii Iufa, Ivan Volkov, Stepan Kuzmenko, Isaak Spitz, and Pavel Chichikalo. In 1938, Shirokii and Iufa had been appointed Deputy People's Commissar for Internal Affairs and Head of the 4th department of the NKVD, respectively, for the Moldavian Autonomous Soviet Socialist Republic (MASSR). According to the indictment, "Shirokii assigned [Iufa] the task of "exposing" a counterrevolutionary fascist youth organization," saying that "in some oblasts of the USSR such organizations have already been uncovered, and... must exist in Moldova."⁵³ However, the indictment went on to note that the Moldavian NKVD "did not possess evidence of the existence of such an organization... Iufa, who decided to follow the instructions of Shirokii, embarked on the path of creating an eye-catching artificial case."⁵⁴ In order to accomplish this goal, Iufa was said to have enlisted the assistance of Kuzmenko, an undercover agent working under the codename "Magic Trick." Kuzmenko had worked in Balta with Iufa prior to 1938, and according to the indictment, he had acquired his job

⁵³ "Obvinitelnoe Zakliuchenie Po Delu G.N. Iufa, I.V. Volkov, I.A. Spitz, P.G. Chichikalo i S.P. Kuzmenko," Dec. 23 1938, in *Echoes of the Great Terror Vol. 2*, ed. Marc Junge, Lynne Viola, and Jeffrey Rossman.

⁵⁴ *Ibid.*

as a result of Iufa's influence. Kuzmenko's assignment was to infiltrate and report on a group of young teachers in the Tiraspol'sky region, putting him in an optimal position for Iufa's opening move as Department Head. Shortly after Iufa took on the role, a member of the teacher's organization by the name of Velychko was expelled from the Komsomol due to questions he raised about the ability of the USSR to build socialism in one country. According to the indictment, "On the basis of this improper expulsion (after 7 months Velychko was restored to the Komsomol) of Velychko, as he himself admitted, anti-Soviet sentiments arose, and he, in the company of Ostrovskii and the above Kuzmenko, made anti-Soviet statements and attacks."⁵⁵ These "anti-Soviet statements and attacks" were included by Velychko in his report to Iufa, and "Iufa, with the knowledge of Shirokii, decided to use this report in order to create an artificial case about a "counter-revolutionary fascist young men's organization."⁵⁶

At this point, another character entered the story whose origins and location at the time of trial are equally mysterious. The indictment stated that after receiving word of Velychko's statements, Iufa "commissioned a certain Semenov to draw up a fictitious agency report in the name of agent "Magic Trick" about the supposed counterrevolutionary fascist youth organization in Moldavia, whose task is to prepare an armed overthrow of soviet power."⁵⁷ It then stated that "the above Semenov had no relation whatsoever to the NKVD and served in the commission on Religious Cultural Affairs under the Moldavian Central Executive Committee."⁵⁸ Despite having no relation whatsoever to the NKVD, "Semenov systematically used Iufa's name in order to draw up various kinds of special reports addressed to the NKVD Ukrainian SSR and NKVD USSR about various cases, and also to write up undercover reports and even interrogation

⁵⁵ Ibid.

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ Ibid.

protocols of the accused, signed by Iufa.”⁵⁹ In this case, the indictment alleged that “Semenov wrote a report in the name of agent ‘Magic Trick’ and listed in it as active participants in a counterrevolutionary Fascist youth organization all the teachers whose surnames were listed in Kuzmenko’s reports.”⁶⁰ This report in Kuzmenko’s name was shown to Shirokii, who ordered it to be given to Kuzmenko after supplying his own corrections. The typewritten document was to be rewritten in Kuzmenko’s own hand before being given to Iufa. After this introduction, Semenov disappeared from the court records, never appearing as a witness at trial. However, the report that he allegedly helped to fabricate would form the central piece of evidence in the case against the teachers that was to follow.

As Kuzmenko’s report worked its way through the NKVD bureaucracy, Shirokii sent off a letter to the NKVD USSR in which he exaggerated the report’s importance. The letter, sent on June 17, 1938, stated that “In the Tiraspol’sky region, agents have uncovered a fascist organization among youth from the intelligentsia that holds much sway, especially among the families of the oppressed. Up to 20 teachers in the organization have been revealed, among which are 5 leaders.”⁶¹ In regards to this counterrevolutionary fascist group, Shirokii wrote of its connection “with the anti-soviet underground of Odessa, and also with nearby military units of the Tiraspol’sky garrison, which it is using to collect spy information. Undercover work continues.”⁶² At this point, the indictment states that Shirokii was advised to “re-check the report of Agent Kuzmenko,” an order that “was not carried out.”⁶³ The arrest of Velychko, Ostrovskii, Lobach, Vselovad Kitaev, and Igor Kitaev took place on June 18, the day after Shirokii’s telegram. Agent Spitz, working as an assistant detective of the Fourth Department, collected a

⁵⁹ Ibid.

⁶⁰ Ibid.

⁶¹ Ibid.

⁶² Ibid.

⁶³ Ibid.

confession from Velychko of participation in a counterrevolutionary organization. Velychko named several other teachers as members of his supposed organization, including those already arrested. Another teacher, Ostrovskii, was interrogated by assistant detective Volkov; according to the indictment, “Ostrovskii long denied his guilt, but Volkov used criminal methods of investigation against him and in this was achieved his ‘confession.’”⁶⁴ These “criminal methods of investigation” varied in content, ranging from intimidation to the use of physical force in extracting a confession. As these methods were allegedly applied to each of the defendants in the trial, more details began to take shape in their confessions, such as that their organization was connected with Romanian intelligence and that it had weapons stockpiles financed by the Romanian king. The scope of their supposed “counterrevolution” also grew, eventually totaling 13 people: the five already arrested, Paletskii, Bozhok, Saginur, Khmelnitskii, Pashchenko, Kozhemyakin, Sandula, and Sadaliuk. Of these 13, Khmelnitskii, Sadaliuk, and Pashchenko were arrested prior to the indictment, while Kozhemiakina and Sandula were never arrested. Sadaliuk, of course, went on to send a complaint to Khrushchev after his release, initiating the downfall of his captors.

Sadaliuk’s story in particular is worth investigating as it was the story that caught the attention of the Party. It begins, oddly enough, with a description of Sadaliuk’s car. The indictment stated that “After three months of prison, this car was used on the order of Shirokii as an on-duty car for the NKVD MASSR. As a result, when Sadaliuk was released, he discovered that it had been driven over 17 thousand kilometers in these three months, and ended in a state of disrepair.”⁶⁵ Of all of the indignities claimed by Sadaliuk, this takes primacy of place. Sadaliuk’s internment was no easy stint either, as he was interred for two months before receiving any

⁶⁴ Ibid.

⁶⁵ Ibid.

interrogation whatsoever. According to the indictment, after two months, assistant detective Chichikalo initiated their first interrogation session with intense beatings, demanding an immediate confession that Sadaliuk was a member of a counterrevolutionary fascist group. Despite the beatings, Sadaliuk continued to deny the accusations made against him, and his determination paid off. On October 10th, he was released following the demotion of Nikolai Ezhov, the head of the NKVD. At this point, the indictment paused to note that “As the investigation specifies, groundless arrests of citizens, gross violation of soviet law in the investigation of cases and criminal methods took place in the practices of the NKVD MASSR.”⁶⁶

Thus concluded the story of Sadaliuk, and the story quickly moved to a discussion of citizen Lenchiner, who lived next to assistant detective Spitz. The indictment stated that in May 1938, “Lenchiner argued with Spitz’s wife, who rudely kicked Lenchiner’s children out of the yard when they came there to play. Then the wife of Spitz declared to Lenchiner that she ‘will teach him a lesson and put him in jail.’ Lenchiner objected that he was an honorable soviet person and there was no cause to arrest him. After this, Spitz began to take actions to arrest Lenchiner.”⁶⁷ With this in mind, Spitz allegedly forced a prisoner in his care, known as Demus, to testify that he and Lenchiner were both members of a counterrevolutionary rebel organization. Under pressure from Spitz, Demus wrote a protocol stating the same, and Spitz moved onto his second target. Another prisoner, Govberg, had been accused of participating in a counterrevolutionary Zionist organization and was being interrogated by Assistant Detective Chichikalo. Knowing this, Spitz requested that Chichikalo extract testimony from Govberg that Lenchiner was part of a counterrevolutionary Zionist group, and further, that Lenchiner was actively spying for Romanian intelligence. Lenchiner was arrested for this generous assortment

⁶⁶ Ibid.

⁶⁷ Ibid.

of charges in May 1938, shortly after his alleged argument with Spitz's wife. After being arrested, he complained several times that he was being arrested due to Spitz's personal enmity, but to no avail. According to the indictment, "In the testimony of Spitz, he stated that he discussed these complaints of Lenchiner's with Iufa, but Iufa told him not to pay any attention to it."⁶⁸ Lenchiner was imprisoned for three months without being interrogated, being released on the 21st of September clear of all suspicion.

The indictment drew several conclusions from its findings. First, it stated that "In the testimony of Chichikalo, he, having come to work in the organs of the NKVD only in March of this year, immediately fell under the control of Iufa, who earlier fell to Shirokii. They gave him a 'blueprint' for investigation, stating that since a person got to the NKVD, it is necessary to achieve a 'confession' from him."⁶⁹ Second, "the defendant Iufa systematically abused his official position in personal and mercenary ways."⁷⁰ This abuse allegedly took the form of embezzlement, as the indictment accused Iufa of stealing almost 1,000 rubles from the NKVD office in Moldavia. In support of this claim, it relied on the testimony of Kuzmenko, who was allegedly responsible for doctoring the payroll receipts. It also stated that while working in Balta, Iufa was guilty of stealing from a collective farm and speculating on scarce goods in the region, finalizing its indictment of the 4th department head. In response to the allegations:

Spitz pleaded guilty in full and confirmed all of the above circumstances. Iufa also pleaded guilty in full, but testified that in appropriating sums of money, he supposedly acted under the direction of former People's Commissar Lyutii. Defendant Shirokii initially pleaded guilty partially, but when the end of the investigation was announced to him, he stated that he pleaded guilty in full. Defendant Volkov pleaded not guilty, although he confirmed that he applied unlawful methods of investigation to Ostrovskii. Volkov also stated that he had doubts in the truthfulness of testimony of defendants about the presence

⁶⁸ Ibid.

⁶⁹ Ibid.

⁷⁰ Ibid.

of a counterrevolutionary fascist youth organization, and that these doubts he shared with Shirokii, who stated that this was specified and verified by undercover agent reports. Defendants Chichikalo and Kuzmenko pleaded guilty in full.⁷¹

Each of the defendants went to trial with their plea, except for Shirokii. The highest-ranking defendant on trial committed suicide prior receiving his day in court.

Thus concluded the story presented by the indictment on the case of the Moldavian NKVD officers. Created on the orders of Beria and coordinated with Khrushchev, this document summarized the story as presented by the State. Before we address the defendants' response to this story in trial, it is thus useful to analyze the text of the indictment. The state put forward a narrative in the indictment that foregrounded themes of invasion and isolation. The subversion of Soviet law that it portrayed was the result of individuals, particularly those connected with Iufa. The indictment's story opened with Iufa's arrival in Moldavia under Shirokii, and closed with a description of his economic abuses in Balta. By bookending the story in this manner, the story of subversion in the NKVD tied itself to the story of Iufa's expulsion; his "evil" was shown to be inherent, and present before he arrived in Moldavia, only stopped by his arrest. Iufa's inherent anti-communism was also communicated by his estrangement from society. The state called attention to his Jewish heritage, and the indictment noted that he was the son of a merchant. The antisemitism of the Ukrainian NKVD⁷² in the 1930s has been examined in detail elsewhere; it is even visible in the above case, where "participation in a Zionist organization" was used as a stock accusation by Spitz. For our purposes, it is sufficient to note here that Iufa's Jewish merchant heritage marked him as a potentially dangerous social element. Yufa was also accused of speculating on goods and stealing from a kolkhoz in Balta; these economic crimes seem

⁷¹ Ibid.

⁷² Lynne Viola, "Antisemitism in the 'Jewish NKVD' in Soviet Ukraine on the Eve of World War II," *Holocaust and Genocide Studies*, 34, No. 3 (Winter 2020), 393–408.

extraneous to the primary accusation of violating socialist legality, but they indicated Iufa's lack of class consciousness.⁷³ The two characters most associated with Iufa were Special Agent Kuzmenko and the enigmatic Semenov. Kuzmenko, who allegedly owed their job to Iufa and was the character most associated with him, was the son of a kulak, another social anomaly. Semenov was "recruited" from outside of the NKVD, making him more suspect than the officers, who were presumed in the Soviet ideological narrative to be part of the socialist vanguard. Literally and figuratively, Semenov was an "outsider" to the NKVD. The subverters of socialist law in this story were similarly outsiders to Communist society, and their subversion was thus associated with non-communists and counterrevolution. Iufa, Kuzmenko, and Semenov were separated from the state, feeding into the "us vs. them" division proposed by Davies. When the higher NKVD apparatus appeared in this story, it was in opposition to Iufa and Shirokii. According to the indictment, when Iufa submitted Kuzmenko's falsified report, he was met with doubt and ordered to "recheck" Kuzmenko's work, an order that was never carried out. The Party's intercession saved the arrested teachers, framing the trial itself as a victory over the intruders within the NKVD. Through these narrative framings, the indictment placed these officers of the NKVD in opposition to the NKVD itself, thereby keeping the NKVD on the side of the people.

According to the indictment, the externality of Iufa, Shirokii, and Kuzmenko to Communist society not only explained their own actions, but it was used to explain the operational abuses of Spitz, Chichikalo, and Volkov. The indictment went to great lengths in

⁷³ In his analysis of Soviet criminal justice, Solomon notes that the 1930s Soviet Union acknowledged three classes of crime: economic crime, crime by officials, and counterrevolutionary crime. (New York: Cambridge University Press, 1996): 28). Violation of socialist legality is classified as a counterrevolutionary crime, while embezzlement was a common administrative crime. According to Berman, crimes by officials—also known as administrative crimes—carried punishments of 6 months to 3 years, while counterrevolutionary crimes were punished far more severely ("Principles of Soviet Criminal Law." *The Yale Law Journal* 56, no. 5 (1947), 832). Consequently, the inclusion of an administrative crime here seems extraneous unless we take seriously the impact of framing Iufa as a class enemy.

connecting each violation of socialist legality committed by these detectives to Iufa's manipulation. In this manner, it resolved the apparent paradox of how an NKVD officer, a supposed paragon of socialism, could be guilty of counterrevolutionary activity such as the violation of socialist legality. The violations were shown to be the result of an external manipulative force. Spitz stated that after Lenchiner's arrest, "he discussed the complaints of Lenchiner's with Iufa, but Iufa told him not to pay any attention to it."⁷⁴ In these lines, Iufa acted as the external manipulator by directly repressing Spitz's communist conscience, encouraging his abuses and preventing his self-reflection. Similarly, Volkov stated that "he had doubts in the truthfulness of testimony of defendants about the presence of a counterrevolutionary youth organization, and that these doubts he shared with Shirokii, who stated that this was specified and verified by undercover agent reports."⁷⁵ Shirokii and Iufa misled those under them, manipulating the other officers of the NKVD. The indictment charged Iufa with "forcing" special agents to write fictitious documents, underscoring his personal guilt. Most damningly, the indictment explained Chichikalo's abuses by stating that "having come to work in the organs of the NKVD only in March of this year, [he] immediately fell under the control of Iufa, who earlier fell to Shirokii. They gave him a 'blueprint' for investigation, stating that since a person got to the NKVD, it is necessary to achieve a 'confession' from him."⁷⁶ In these lines, an explanation was provided for all of the irregularities of the Moldavian NKVD office, one that traced back to Iufa and the late Shirokii. The violations of socialist legality that have taken place in the office could be attributed to the "blueprint" provided by these external enemies of Soviet power and

⁷⁴ "Obvinitelnoe Zakliuchenie Po Delu G.N. Iufa, I.V. Volkov, I.A. Spitz, P.G. Chichikalo i S.P. Kuzmenko," Dec. 23 1938, in *Echoes of the Great Terror Vol. 2*, ed. Marc Junge, Lynne Viola, and Jeffrey Rossman.

⁷⁵ *Ibid.*

⁷⁶ *Ibid.*

Soviet law. This association isolated the fault for the excesses of the Terror to external enemies, freeing the Party of responsibility.

The story told in the indictment was thus one in which external enemies infiltrated and manipulated the workings of the NKVD, as opposed to one wherein overzealous officers committed well-intentioned “excesses.” The story presented by the indictment was one of wholesale conscious corruption by enemies of the Party. The defendants on trial, however, put forward a different story, which can be analyzed using the tools provided by Halfin. Like Bukharin on trial before them, the officers of the Moldavian NKVD expended considerable energy defending their communist consciences, while repeatedly restating their acceptance of guilt. In addition to a battle for the facts of the case, this trial represented a war over the interiorities of these officers. The state, as seen in the indictment, depicted them as anti-Soviet elements; the officers themselves, by adopting the attitudes expected of a class-conscious defendant, attempted to undercut that narrative. On the whole, they accepted the facts presented by the prosecution, but they took contention with the story, which is visible in the pleas submitted by each of the officers. Spitz, Chichikalo, and Kuzmenko pleaded guilty in full; their testimony on trial will show their resistance to the story presented by the state, but they avoided directly resisting the court by entering a plea of not guilty. Iufa pleaded guilty in full except for the monetary crimes, which makes sense if we accept that their inclusion served to frame him as a class enemy. Volkov pleaded not guilty while admitting the use of unlawful methods of investigation on Ostrovskii. As justification, he turned to his intentionality, stating that “he had doubts in the truthfulness of testimony of defendants about the presence of a counterrevolutionary fascist youth organization, and that these doubts he shared with Shirokii, who stated that this was specified and verified by undercover agent reports.”⁷⁷ Volkov stated that

⁷⁷ Ibid.

his faith in the reports is what prevented him from expressing his doubts, reframing his inaction as an expression of pro-Party faith rather than insubordination.

Volkov's response is emblematic of a tactic that was seen throughout the trial, placing blame on a higher-ranking officer for one's actions. This excuse initially seems universal and intuitive, reminiscent of the excuses presented later in the Nuremberg trials. However, there are marked differences between the two cases: most pressingly, the defendants in these trials were speaking before a court of their peers, instilled with a similar system of language and thought. Their cases took place in a defined tradition with practices informed by Marxist jurisprudence, as discussed earlier. Moreover, these cases are far more open to manipulation than the international Nuremberg trials held according to western traditions of jurisprudence. With these two differences in mind, in order to understand the possible meanings of the stories provided by these defendants, it becomes necessary to analyze how statements of this kind correlate with Soviet judicial practices as discussed in Halfin and how they impact the narrative presented by the state. By reading these statements with this background, we can analyze them while appreciating the particularity of the defendants' words. The statements of the defendants in this trial fell into two main categories. The first was the self-exculpatory blaming of higher-authority mentioned above. The second, which I will argue is closely related to the first, was a more direct defense of one's intentionality and communist conscience.

Kuzmenko, Spitz, Chichikalo, and Volkov adopted the former technique, blaming their misdeeds on Iufa and Shirokii. Kuzmenko stated that after seeing the report that Iufa and Semenov had allegedly doctored, he told Iufa that there were several facts in the new report that he had not originally included. According to Kuzmenko on trial, "Iufa replied to me: 'We helped you, supplemented you,' that is, the NKVD department helped me to illuminate the anti-Soviet

activities of Velychko's group more deeply and broadly. Thinking it was the case that I was being assisted in my work as a secret employee, I took and signed the report.”⁷⁸ In these lines, Kuzmenko separated himself from the actions of Iufa and Semenov; although he accepted the accusation that he signed the doctored report, he maintained that he did so out of faith in the capabilities of the NKVD. He explained his position in more detail later on when he stated that “When Iufa told me, ‘We helped and supplemented you,’ I assumed that the NKVD had additional materials about the group I was covering. After I signed the report, I had remorse in the sense that I had poorly designed the group and, it turns out, I did not know about many serious facts of its activities. I believed in Iufa's authority and so I signed the report.”⁷⁹ Again, this notion of belief appeared; Kuzmenko acted because of his belief in the authority of Iufa and the power of the NKVD. About Iufa himself, Kuzmenko echoed the isolating charges of the indictment; he stated that Iufa “had careerist streaks,” and that he feared reprisal for not participating in Iufa’s plan. In Kuzmenko’s defense, he accepts blame for taking criminal action, but maintains that he did so with no counterrevolutionary intent.

Spitz and Volkov provided similar stories of Iufa’s tyrannical control of the NKVD’s 4th department, blaming their actions on Iufa and maintaining their good intent. Spitz stated that “When Lenchiner was arrested, he began to scream and worry at the secretary of the 4th department, saying that he was innocent and had personal accounts with me. Fearing that I would not be held accountable for the real reasons for Lenciner's arrest, I told Iufa that Lenchiner's statement about personal accounts with me should be investigated.”⁸⁰ In response, according to Spitz, “Iufa did not attach importance to this and said: ‘Calm down and do not pay attention to

⁷⁸ “Protokol Sudebnogo Zasedaniya Voennogo Tribunala Pogranichikh i Vnutrennikh Voisk Kievskogo Okruga Po Delu G.N. Iufa, I.V. Volkov, I.A. Spitz, P.G. Chichikalo And S.P. Kuzmenko,” Dec. 31, 1938, in *Echoes of the Great Terror Vol. 2*, ed. Marc Junge, Lynne Viola, and Jeffrey Rossman.

⁷⁹ Ibid.

⁸⁰ Ibid.

it.' In informing Iufa of Lenchiner's statement, I thought he would pay attention to the case and investigate me, as I was already tormented by remorse, and I feared for the consequences of Lenchiner's illegal arrest."⁸¹ In these lines, Spitz directly defended his communist conscience while assigning blame to Iufa for silencing it. He emphasized the natural remorse that he felt for his actions, accepting his guilt, but maintains that Iufa repressed his desire to atone for his misdeeds. In Spitz's account, instead of hiding his actions from authority, he attempted to reveal them. Volkov provided a similar story, maintaining that his actions were motivated by ignorance and faith in his superiors. He admitted his guilt on very specific grounds, stating that "I am aware that I had the opportunity to bring to the attention of higher organizations about the outrages occurring in the NKVD of the Moldavian Autonomous Soviet Socialist Republic, I didn't, and that's my crime."⁸² However, he diverted blame in this case to higher authority by stating that "I did not share by doubts because they were clamped down on by Shirokii." In addition to this admission, he stated that "I plead guilty to the fact that I used illegal methods of investigation against Ostrovskii, but in this case I carried out the order of Iufa and in general I constantly informed in detail about the progress of the investigation into the case of the Velychko group."⁸³ Volkov established two lines of defense in these lines: first, he diverted blame to Iufa; second, he established his history of investigative work, putting forward his character as a defense. In his final statements, he put forward a defense based on his ignorance, stating that "I still don't know how to interrogate those arrested. I was only required to get a statement by morning, as Iufa and other old operatives taught me. I interrogated Sadaliuk with threats, scolded him, actually abused

⁸¹ Ibid.

⁸² Ibid.

⁸³ Ibid.

him, that is, used what is prohibited by law.”⁸⁴ Volkov, like Spitz and Kuzmenko before him, diverted blame for his actions onto Iufa and Shirokii.

The testimony of these officers can be read multiple ways. The first is to read the deflection of blame to authority as a natural human reaction to persecution, which is an effective partial explanation. The second is to note how these statements isolating guilt to Iufa and Shirokii correlate neatly with the narrative put forward by the state in the indictment, which may indicate the presence of manipulation. It is possible that these defendants were coached on the contents of the indictment. The third way to read these statements is that the defendants utilized their limited options as defendants in Soviet court, which have been outlined by Halfin, to promote their innocence of counterrevolutionary criminality while accepting the evidence presented by the state. Under this reading, the motivations of the lesser defendants and the state converged, with both parties interested in isolating blame to the individual leadership.

While the lower-ranked officers focused on diverting blame to Shirokii and Iufa and the state attempted to frame them as enemies, the two leaders of the Moldavian NKVD responded by emphasizing their Party loyalty. After Shirokii’s death, Iufa was the only one able to testify. As he stepped up to the podium, he stated “Before I tell you about the charges against me, I want to tell you about myself.”⁸⁵ What followed was a lengthy explanation of Iufa’s history with the Party and a defense of his social character. He explained how “At the age of 12 I entered the organization ‘Young Spartaks,’ then I was a pioneer, [at] 15 years old I was transferred to the Komsomol, and at the age of 20 I joined the party. I myself come from the family of a poor Jew. My father worked as a watchman, on daily work, and from 1910 to 1912 sold lemons from a basket. I myself began to work independently at the age of 13, at the age of 17 I went to the

⁸⁴ Ibid.

⁸⁵ Ibid.

authorities, where I worked first as a district commissioner in various districts, and then in the central office.”⁸⁶ In these lines, the first that he gives in his own defense, Iufa defended his interiority against the attacks of the state and his fellow officers. His first priority is the maintenance of his communist conscience. Following this opening statement, he moved into a description of the events that took place. Like his fellow officers, he rarely pushed back on matters of fact, but attempted to reframe them in terms of his social closeness to the Party. In doing so, he joined the others in attempting to show his position on the side of the people in the fight against internal enemies. Regarding the creation of a fictitious intelligence report, he stated that he acted on the orders of Shirokii, further shifting the designation of “enemy.” He stated explicitly that the abuse in his department “was an enemy job. It's bad that there is no main criminal here, Shirokii, who forced his subordinate apparatus to do such outrages.”⁸⁷ He echoed Volkov in his claim that “I am aware that I am wrong in carrying out the illegal order of Shirokii, this is my fault, my crime.”⁸⁸ The similarity of these two defendants’ statements is telling; both of them made statements where they seem to accept their “crime,” but in a turn of phrase that absolved them of social guilt. Iufa reframed his usage of Semenov in order to emphasize his social closeness, stating that “I must say that I used Semenov because I was illiterate and personally unable to issue a serious operational document.”⁸⁹ The most direct form of his interior defense came in his concluding remarks:

I plead guilty to the creation of a fictitious intelligence report and criminal methods of investigation. Citizens of the judiciary, you have at your disposal a number of punishments without shooting. You have the right, when a person deserves to be shot, to take into account a number of points. You can give me 25 years, as much as you find you need, send me anywhere to answer for the crimes of which I am guilty. Punish as you wish, just don't shoot me, don't

⁸⁶ Ibid.

⁸⁷ Ibid.

⁸⁸ Ibid.

⁸⁹ Ibid.

destroy me. In any conditions, I will be able to re-educate myself, remake myself, I can still be a person.⁹⁰

In these lines, Iufa turned fully to the embrace of his class consciousness as a defense. In his final words, he expressed his social closeness to the Party, and emphasized that he was not the enemy described by other witnesses. Volkov adopted this rhetorical strategy in his final words as well, stating that “I had no enemy intentions, I am not an anti-Soviet person. I am aware of my guilt, I ask you to take into account my age, I will correct myself, I will prove that I am not an enemy, although I did an enemy deed.”⁹¹ These lines represent the clearest picture of the fight over the depiction of these officers’ communist souls.

Although his suicide prevented him from standing trial, Shirokii himself engaged in a similar strategy to Iufa as the case was being built against him. Having heard about the trial, Shirokii sent a series of letters to Aleksandr Uspenskii, head of the Ukrainian NKVD. In a letter sent on September 7, 1938, Shirokii appealed his case to Uspenskii: “My entire conscious life is connected with the party. On January 23, 1920, having joined the Komsomol, I once and for all inextricably linked myself both organizationally, ideologically and politically with the Komsomol, and then with the party.”⁹² In these lines, Shirokii emphasized his interiority and lack of social danger in the face of the accusations against him. He understood the charge as one that carried with it the label of “enemy,” and he resisted the charge by resisting the label. He reframed the statement in a later letter, sent on September 24, 1938, by stating that “what keeps me from moving from Ukraine is that before the Ukrainian Chekist collective and its leader...I have an unfulfilled party duty,...What motivates me to ask the question this way? Most of my conscious life (16 years out of 35) I spent on operational work, first secret, and then the last 12 years of

⁹⁰ Ibid.

⁹¹ Ibid.

⁹² Ivan Shirokii to Alexander Uspenskii, September 7, 1938.

service in the bodies of the Cheka-GPU-NKVD in Ukraine.”⁹³ In these lines, Shirokii once again emphasized his personal connection to the Party and made a show of his loyalty, maintaining what Bukharin called “sincerity to the end.” For Shirokii, Iufa, Spitz, Chichikalo, Kuzmenko, and Volkov, their pleas in front of the Ukrainian Military Tribunal would be their last public appearances. On December 31, 1938, the verdict of their case was released, and all of the officers were sentenced to death. On November 1, 1939, their sentence was carried out. Although they lost forever the chance to interact with the story told about them, the story itself was just beginning to develop. After the trial and sentencing, the Party had the duty to report the trials to the public, and ensure that the dominant story was one of its own making. Observing how the state reported on the trial of Shirokii, Iufa, and those under them is extremely helpful in determining the function of the trial as a whole.

The Party was highly interested in the public perception of the trial of the Moldavian NKVD officers. Several reports of the trial were published in the regional press, and several memos on the public’s response to these reports were sent directly to Beria. The content of these reports can provide a more detailed understanding of the narrative presented by the Party, as well as the overall function of the purge of the purgers. One of the missions accomplished in these news reports was the separation of the defendants on trial from the NKVD, the Party, and communist society. Such an attempt was made in the indictment, then resisted during trial by Iufa and Shirokii, but here it was reestablished in force. In a news report published in Kiev on Jan 1st, 1939, which included the speech of the prosecution team, the prosecutor was quoted as stating:

In our country, as in the working people of the whole world, the idea of the NKVD bodies is inextricably linked with the unfading glory with which the glorious Chekists are covered... That is why the NKVD workers, the glorious

⁹³ Ivan Shirokii to Alexander Uspenskii, September 24, 1938.

Chekists, the pupils of the bright knight of the revolution Feliks Edmundovich Dzerzhinsky are so loved and will be loved in our country. That is why, in the broadest strata of our people and in the view of the working people of the whole world, the honorary title of Chekist is always associated with the idea of the best people of the working class, of the faithful sons of our party, of devoted fighters who give all their lives, all their strength, all their abilities, the struggle against the enemies of the people.⁹⁴

Disregarding the question of whether this is an accurate report of the prosecutor's words, its inclusion in this article—undoubtedly with prior approval by the Party—accomplished multiple things. First and foremost, it separated the NKVD from the abuses committed, and eliminated any suspicion that the abuse on trial was part of a broader systemic issue. In placing the defendants in opposition to the NKVD, the piece salvaged the NKVD's organizational reputation by keeping it on the right side of Davies' us/them division. In maintaining that the NKVD will continue to "be loved in our country," the piece communicated the continued importance of the NKVD despite the abuses, and the necessity of following the law. The news report made clear that the trial was not an attack on the NKVD as a whole, but a defense of it. This claim culminated in the next part of the prosecutor's speech, wherein he stated that the defendants, "having made their way to the NKVD bodies, tried to tarnish the honorary title of Chekist, doing their nefarious deeds. They don't succeed, citizen-judges! They fail to stain the glorious battle sword of the dictatorship of the proletariat, the faithful guardian of our great Motherland!"⁹⁵ These lines fully established the division between the NKVD and the defendants and resolved the core contradiction inherent in these trials: How could an NKVD officer, the vanguard of the socialist state, become an enemy? With this narrative, presented by the prosecutor and published,

⁹⁴ "Sud. Delo Gruppi Bivshikh Sotrudnikov NKVD Moldavskoi ASSR" Jan. 1, 1939, in *Echoes of the Great Terror Vol. 3*, ed. Marc Junge, Lynne Viola, and Jeffrey Rossman.

⁹⁵ *Ibid.*

the defendants are shown to have been an internal enemy opposed to the NKVD from the very beginning, obviating the contradiction and saving the reputation of the NKVD.

This is the extent of the court documents available on the case of the Moldavian NKVD. From the limited sources on offer, we know that the trial was a public judicial process, and that its narrative was constructed by top Party leaders, such as Nikita Khrushchev. What I have attempted to accomplish in my analysis is to reframe this case as a rhetorical battle centering on questions of ideology and intention. In the indictment and the trial, Iufa and Shirokii were portrayed as conscious enemies, manipulating those around them in order to destroy honest Communists. The “evil” in the story presented was limited to these individuals, and was supposedly driven out with their deaths. Rather than being part of the NKVD, Iufa and Shirokii were framed in opposition to it, with the NKVD standing by the people as a victim of their abuse. Chichikalo, Spitz, Volkov, and Kuzmenko supported this narrative by assigning blame to their superiors. In an attempt to save themselves by asserting the purity of their own intentions, they bolstered the narrative presented in the indictment. Guilt became isolated in the figures of Shirokii and Iufa, and in response, these two made one of the only noticeable departures from the indictment’s narrative; they defended their intentionality, placing themselves as socially close to the Party as possible. If the accumulated body of evidence in trial is a musical composition, Iufa and Shirokii’s testimony is the only element out of tune, indicating its lack of Party direction; the primary point of tension in the trial is thus focused on their interiority.

III. War on Two Fronts: Vladimir Kaliuzhnii and Sergei Gaponov

The second judicial process I will focus on took place in late December 1940 and early January 1941, much later than the Iufa case and after the beginning of World War Two. This process focused on officers working in Odessa and Kiev, a more central urban center than Moldavia. This second trial exhibited far less central planning than the case of Iufa and those under him, there is no evidence of its publication in the regional press, and the narrative it presented was far less uniform. Moreover, the judicial process was separated into multiple cases, with the first directed against Vladimir Kaliuzhnii and the second targeting six additional officers based on the testimony given in the Kaliuzhnii case. I will address the two cases in chronological order, outlining the major documents provided in each case while paying special attention to the narratives presented in each. This second judicial process offers an important point of comparison and contrast with the Iufa case, and the points of commonality between them show overarching themes in Soviet jurisprudence; for instance, I will highlight the drive by most defendants to defend their communist consciences, although in a different form. The presence of this defense underscores my argument that Soviet trials focused on the interiority of the accused, and that linguistic analysis allows a historian to determine points of tension and resistance in trial.

The judicial process against this group began with a single individual, V.F. Kaliuzhnii, who stood trial on December 23, 1940 accused of violating socialist legality. While part of the NKVD, Kaliuzhnii had served as the chief of the 9th department of the NKVD in Odessa. As the trial began, the witnesses called by the state enumerated the allegations against Kaliuzhnii. Although the indictment in this case is unavailable, Kaliuzhnii himself noted at the beginning of his trial that he became acquainted with the charges against him more than 10 months prior, and

the judicial process against him has been ongoing for three years.⁹⁶ In this case, rather than a group of officers on trial deflecting blame to Kaliuzhnii, officers who previously worked with Kaliuzhnii attacked him from the witness stand.

The first accusation in the court protocol was leveled against Kaliuzhnii by a former detective named Butovich, who worked under Kaliuzhnii from March to July of 1938 and states that Kaliuzhnii oversaw the creation of falsified cases during his time as chief of the 9th department. Regarding a Ukrainian nationalist case that was formed in 1937, he stated explicitly that “no matter how much we tried to get any compromising information regarding this conspiracy, there were no materials...In this regard, I said then and now I am saying that these centers were created artificially by Kaliuzhnii.”⁹⁷ Elsewhere, Butovich stated that “By order of Kaliuzhnii, I wrote about 25 arrest warrants, and when these certificates were signed by Kaliuzhnii, the latter said to write in: ‘He is a member of the SR organization,’ while we did not have any materials about this.”⁹⁸ Butovich’s accusation required that Kaliuzhnii knowingly falsified the cases presented, meaning that intent became a primary point of contention in this trial and the prosecution devoted considerable time to framing Kaliuzhnii as an internal enemy. One means by which Butovich did so is by connecting Kaliuzhnii with Aleksandr Uspenskii, the former head of the NKVD who had been arrested in 1939 and executed in January 1940. In drawing such a connection, Butovich framed Kaliuzhnii as an agent of an already-uncovered enemy. Butovich mentioned Uspenskii at several points, with Kaliuzhnii often echoing Uspenskii’s words. At one point, Butovich stated that Kaliuzhnii “on behalf of Uspenskii conveyed that more arrests should be made, regardless of the availability of available

⁹⁶ “Protokol Zasedaniya Voennogo Tribunala Voisk NKVD Kievskogo Okruga Po Delu Bivshego Nachalnika 4-go Otdela UNKVD Po Odesskoi Oblasti V.F. Kalyuzhnogo,” December 23, 1940 in *Echoes of the Great Terror Vol. 2*, ed. Marc Junge, Lynne Viola, and Jeffrey Rossman.

⁹⁷ Ibid.

⁹⁸ Ibid.

materials.”⁹⁹ According to Butovich, Kaliuzhnii was personally responsible for the mismanagement of the NKVD in Odessa, isolating wrongdoing to him in a similar manner to the defendants in the Iufa case. He described an instance wherein he allowed an arrested citizen go free, at which point “Kaliuzhnii scolded us, and, in particular, me, for the fact that we do not work well with the arrested, and immediately gave us the instruction to ‘press’ harder.”¹⁰⁰ He then mentioned that “Physical measures of coercion were applied to the arrested during the investigation. I also applied them to those arrested. The use of physical measures of coercion against the arrested was given a general instruction by the leadership of the NKVD, including Kaliuzhnii.”¹⁰¹ Through accusations such as this, Butovich established a narrative in which mismanagement in the Odessa NKVD could be primarily traced to Kaliuzhnii.

The second witness to testify against Kaliuzhnii was Nikolai Burkin, another former detective who worked under Kaliuzhnii during the same period as Butovich. Burkin put forward a new facet of the accusation against Kaliuzhnii that extended beyond the individual case. He linked Kaliuzhnii to Uspenskii in a similar manner to Butovich, noting that in one meeting, “Kaliuzhnii conveyed to us Uspenskii's indignation that enemies of the people walk on Soviet soil.”¹⁰² He notes that in this same meeting, “Kaliuzhnii set a target figure for arrests, which was, as I recall, 1000 people.”¹⁰³ Burkin stated that the quotas driving the Terror were, in the case of Odessa, a personal creation by Kaliuzhnii. In truth, such quotas did exist during the Terror, but were set by the Politburo, and almost certainly not by an officer in Kaliuzhnii’s position.¹⁰⁴ In making this claim, Burkin completely absolved Stalin and the Party for their creation. He listed

⁹⁹ Ibid.

¹⁰⁰ Ibid.

¹⁰¹ Ibid.

¹⁰² Ibid.

¹⁰³ Ibid.

¹⁰⁴ Nicolas Werth, “The NKVD Mass Secret National Operations (August 1937 - November 1938),” *Mass Violence & Résistance*, SciencesPo, 20 May, 2010, <http://bo-k2s.sciences-po.fr/mass-violence-war-massacre-resistance/en/document/nkvd-mass-secret-national-operations-august-1937-november-1938>, ISSN 1961-9898

many more instances where Kaliuzhnii set arbitrary limits for arrests, such as “Once, leaving for a business trip to Kiev, Kaliuzhnii appointed me as his deputy and, leaving, gave me an instruction: before his arrival, at least 1500 people should be arrested.”¹⁰⁵ After enumerating these instances, he stated that “Thus, I come to the conclusion that all arrests and, especially, arrests of persons who joined the anti-Soviet political parties were carried out without sufficient materials, that is, in pursuit of the fulfillment of limits that no one needs except the enemies.”¹⁰⁶ In these lines, Burkin managed to frame the limits that were set during the Great Terror as the work of enemy groups within the Soviet Union, freeing the Party from responsibility in a manner similar to that seen in the Iufa case. This accusation appeared in later witnesses as well, such as Vladimir Moshkovskii, who stated that “Kaliuzhnii set control figures, now I just do not remember the figure that Kaliuzhnii mentioned, but he named this figure and persistently demanded its implementation.”¹⁰⁷ Moshkovskii would later be tried in the second judicial process we will discuss.

Former communists who had been arrested under Kaliuzhnii’s time in the NKVD also spoke against him in trial. One such accuser is Kirill Shpak, who states that “I personally conclude that Kaliuzhnii was the main butcher of the Odessa Bolsheviks, because under his leadership worked Abramovich, Beretok, Moshkovskii, Fadeev and others, who mocked the arrested. Kaliuzhnii, as the head of the department, knew about all this and consciously contributed to it.”¹⁰⁸ Shpak recounted a conversation with a former Party official, in which the Party official “began to tell me that if the former People's Commissar of the NKVD Yezhov knew what was happening in the Odessa region. he would have removed Kaliuzhnii's head.”¹⁰⁹ In

¹⁰⁵ “Protokol Zasedaniya Voennogo Tribunala Voisk NKVD Kievskogo Okruga Po Delu Bivshego Nachalnika 4-go Otdela UNKVD Po Odesskoi Oblasti V.F. Kalyuzhnogo.”

¹⁰⁶ Ibid.

¹⁰⁷ Ibid.

¹⁰⁸ Ibid.

¹⁰⁹ Ibid.

making this claim, he separated Kaliuzhnii and Uspenskii from the larger NKVD. As was done in the Iufa case, Shpak framed the defendant in opposition to the higher NKVD. After explaining the control that Kaliuzhnii exercised over the Odessa NKVD, Shpak then leveled accusations at several members of the NKVD who worked under Kaliuzhnii. He stated that “At the first interrogation on the substance of my arrest, I met with Abramovich, the first thing Abramovich did to me was to spit in my face, then began to scold, called me the most obscene words. In this, Abramovich was assisted by Moshkovskii.”¹¹⁰ He went to state that “The basis for my arrest was testimony obtained as a result of the use of cruel measures of physical coercion against him... This testimony was falsified by Berenzon.”¹¹¹

After the witnesses Butovich, Burkin, and Shpak gave testimony against Kaliuzhnii, he was given the chance to respond. Kaliuzhnii attacked the interiorities of his accusers and emphasized his communist conscience. In response to Butovich, he stated:

Butovich gives incorrect testimony because he has a strained relationship with me. When Butovich worked in my department, he received information that he was the son of a landowner. I, as secretary of the party committee, called Butovich and talked to him about this issue, and then sent all this material to the personnel department for verification. Therefore, Butovich believes that I collected incriminating materials on him, and now he gives such testimony.¹¹²

In these lines, Kaliuzhnii accomplished multiple things: first, he separated Butovich from communist society by pointing out that he was the son of a landowner, impugning his interiority. Next, he stated that Butovich was utilizing the law as a tool for settling personal accounts, and thereby subverting socialist legality in his own right. Kaliuzhnii attacked Burkin by tying him to Gaponov, another officer on trial for the violation of socialist legality, arguing that “when I became the head of the 4th department under Gaponov, Burkin was always his deputy and was

¹¹⁰ Ibid.

¹¹¹ Ibid.

¹¹² Ibid.

closely connected with the arrests made at that time. Burkin signed a lot of documents for the head of the 4th department.”¹¹³ In regards to the accusation that he set control figures for arrests, he stated that “I did not set any control figure for the arrest and did not name either 1000 people or 1500 people...I explain this by the passion of the special commissioner Tverdokhlebenko, who came from Kiev on my case.”¹¹⁴ He blamed his persecution and the accusations against him on the individual feelings of his investigators, impugning their motives as personal and selfish. At one point, he accused the witnesses of coordinating their story while in prison, casting doubt on their reliability by emphasizing their previous time in confinement.¹¹⁵ In pointing out that his accusers have been in prison, he subtly attacked their status as good communists. Throughout the trial, he also made several attempts to defend his own intentions; in response to one witness, he summed up his defense by stating that “I did not abuse my official position, did not try to curry favor with the ‘superiors,’ I acted as my proletarian conscience told me.”¹¹⁶ In these lines, Kaliuzhnii directly addressed the charge of careerism placed against him; in response to attacks on his intentions, he emphasized his social closeness to the Party and communist society by stating that he acted according to his “proletarian conscience.” In a similar manner, Kaliuzhnii responded to Shpak’s accusations by defending his intention, rather than denying his actions; he stated that “According to the materials that were on Shpak...as well as the fact that Shpak expressed political distrust at the city party conference, we should have arrested him, otherwise at that time I would not have complied with the directives of our superior bodies.”¹¹⁷ Throughout the trial, both Kaliuzhnii and his accusers engaged in a series of attacks on each others’ consciousnesses.

¹¹³ Ibid.

¹¹⁴ Ibid.

¹¹⁵ Ibid.

¹¹⁶ Ibid.

¹¹⁷ Ibid.

At the conclusion of this war of words between Kaliuzhnii and his accusers, the defendant was able to offer a final statement; Kalyiuzhnii used his in order to put forward an impassioned defense of his Communist conscience and interiority. This defense was accomplished in two ways: first, he presented a history of social closeness with the Party, paying special attention to how he was born “in the family of a poor worker. I was very young as my father had died, and I, like my other siblings, had to walk down the street and ask for a piece of bread. I was not yet ten years old, as I was forced to go to work washing and cleaning boilers on steamships, where I worked for about 3 years.”¹¹⁸ He then moved into a description of his time in the NKVD, emphasizing his work on behalf of the Party and his class. He justified himself by stating that “Working in the NKVD bodies, I had to wage the most brutal struggle against the enemies, so, for example, during the collectivization period in the countryside, I had to fight to defeat the kulak uprisings, and these uprisings gained such strength and sharpness that it was necessary to use weapons, which was done in many areas.”¹¹⁹ In these lines, Kaliuzhnii accepted that while he utilized force, he did so in order to safeguard the interests of Soviet power; he reframed his story as one that emphasizes his communist conscience. He directly addressed accusations of careerism, stating that “I tried to do all the work as best I could, because I knew that everything I did was for the interests of the party and the working class, which was the main thing for me. Working in the NKVD [in] rural areas, I never raised the question of transferring me to the city, because in rural areas workers were also needed, and therefore I did not put any of my personal interests above the interests of the state.”¹²⁰ In this manner, he attempted to salvage his claim to class consciousness by showing his previous work. Then, he moved on to mitigating the mistakes made in his work in Odessa, blaming incompetence rather than sabotage. Like

¹¹⁸ Ibid.

¹¹⁹ Ibid.

¹²⁰ Ibid.

Volkov, Spitz, and Kuzmenko before him, he diverted blame for his actions while accepting the charge, attempting to assuage his guilt by stating that “I had to work day and night, and I worked, sparing no effort, without looking back, I went forward, waging an irreconcilable struggle against the enemies of the people, and then I was informed of the materials, I believed these materials and believed those people who reported these materials to me.”¹²¹ He framed his case sympathetically with the claim: “I, having no experience in managerial work...had to immediately cover all areas of work, by the way, at that time there was a lot of work.”¹²² While those before him diverted blame onto their superiors, he diverted blame to those working under him, stating that “I believe that I have not done anything wrong and I say that, perhaps, there were mistakes in the investigation, but this was as a result of the inexperience of the investigators, that is, Moshkovskii, Gnesin, Fadeev, etc., while I, not having a deputy, physically could not see all these cases, because I also had to work in very difficult conditions.”¹²³ In these lines, Kaliuzhnii accepted the facts of the case, but diverted the blame for any mistakes made on his subordinates and provided excuses defending his interiority. Kaliuzhnii responded to the charges against him by attacking the interiorities of his accusers and defending his own.

The trial of Vladimir Kaliuzhnii underscored several of the themes seen in the trial of Grigorii Iufa and his subordinates, despite the time separating the two. The debate that took place in both trials centered on interiority, questioning the intentions of the officers on trial. The witnesses called against Kaliuzhnii claimed that he intentionally manipulated trial proceedings as part of his work on the NKVD, and associated him with previously convicted enemies in order to indicate the weakness of his communist interiority; Kaliuzhnii responded on the same ideological footing, accusing the witnesses against him of corruption and classifying them as enemies. In his

¹²¹ Ibid.

¹²² Ibid.

¹²³ Ibid.

final statements, he turned to a full-fledged defense of his interiority that accepted the facts of the case but maintained his good intent. As in the Iufa case, an attempt was made by the state to separate Kaliuzhnii from the NKVD as a whole, and to frame the NKVD itself as a victim rather than a perpetrator of the excesses of the Terror. The fact that both trials focused on interiority provides credence to Halfin's claim that Soviet trials in the 1930s exhibited such a focus, and allows us to view these trials as more than fact-finding missions. The Kaliuzhnii case also leveled different accusations at the defendant, such as claiming that Kaliuzhnii was responsible for creating quotas for arrests. The dubious nature of this claim has been discussed above, and its inclusion in this protocol complicated the characterization of this trial as an honest examination of Kaliuzhnii's interiority. The inclusion of this accusation could indicate a public-facing nature to this trial; by framing corrupt and careerist officers like Kaliuzhnii as the source of arrest quotas, the Party could have absolved itself of responsibility in the face of lower-ranking or newly recruited NKVD officers. Of course, it is also possible that Kaliuzhnii really did set confession quotas for those working under him, although he vehemently denied doing so. Through this analysis, I seek to point out that the Party would have been highly incentivized to fabricate such an accusation. Regardless of the claim's facticity, the narrative that it established was highly similar to that created in the Iufa case; Kaliuzhnii was framed as an enemy in opposition to the Party, and his actions were said to be motivated by selfishness and careerism. For his resistance to the Party, the military collegium sentenced him to incarceration for 10 years on February 14th, 1941.

The decision of the military collegium in which Kaliuzhnii was sentenced noted several points of uncertainty in the case and called for the arrest and investigation of six more officers who worked with or under Kaliuzhnii. These officers were, in order of rank, Sergei Gaponov,

David Kordun, Efim Abramovich, Yakov Berenzon, Abram Gnesin and Vladimir Moshkovskii. Like those who came before them, these officers were charged with violating socialist legality over the course of their work in the NKVD. I will outline the charges presented against each officer in the indictment before describing the ways in which they resisted the accusation in trial. Since many of the narrative elements present in the Iufa case carry over into this case, I will refrain from outlining the indictment in its entirety before summarizing the narrative elements within it; instead, I will present the indictment while emphasizing points of narrative importance. The indictment itself, published on June 6, 1941, noted that these officers were charged with “The unjustified arrest of a number of party and Soviet workers, the application of perverse methods of investigation [that is, torture] to those arrested, and the falsification of investigative materials with the intention of creating artificial counterrevolutionary organizations.”¹²⁴ The supposed counterrevolutionary organizations uncovered by the Odessa NKVD resulted in the arrests of 42 people in the offices of the Odessa regional newspaper, the Odessa Regional Executive Committee, and other employees of the Odessa state apparatus. The victims in this trial, like Sadaliuk in the Iufa trial, were high-ranking members of communist society; the officers on trial were framed in the indictment as attacking the Party, and consequently Soviet society, by victimizing these Party members.

The first officer mentioned in the indictment was Gaponov, the former head of the 2nd department in the Odessa NKVD and later the head of the Ukrainian NKVD. The indictment alleged that he “did not conduct a decisive struggle against violators of socialist legality on the part of individual employees of the 2nd department of the UNKVD and, moreover, he cultivated

¹²⁴ “Obvinitel'nyi Akt Po Dely S.I. Gaponova, D.B. Korduna, E.I. Abramovicha, I.A.I. Berenzona, A.E. Gnesina i V.A. Moshkovskogo,” June 26, 1941, in *Echoes of the Great Terror Vol. 2*, ed. Marc Junge, Lynne Viola, and Jeffrey Rossman.

lawless methods and actions among the subordinate composition of workers.”¹²⁵ In the narrative created in this indictment, Gaponov was established as the source of anti-Soviet behavior, taking the same position that Iufa and Shirokii took before him. This accusation was primarily based on witness testimony, with the indictment noting that the arrested Tarnavsky complained to Gaponov about the actions of the investigator in his case. To this, Gaponov allegedly told him: “They didn’t beat you enough, since you refuse. If we put you alone, you will write three times as much.”¹²⁶ The indictment goes on to state that “the arrested Senkevich told Gaponov that his case had been falsified by Abramovich and Kordun, that he would no longer slander himself...to which Gaponov replied: ‘We will shoot you ourselves.’”¹²⁷ In these lines, Gaponov was framed as dismissive of the judiciary and shown to view the NKVD as superior to the law; this depiction of a “rogue NKVD” would have once again absolved the Party of any responsibility for the Terror. Following the description of this conversation between Senkevich and Gaponov, the Party itself made an appearance in the story. The indictment noted that “Gaponov did not change this attitude to the lawlessness committed by individual employees of the UNKVD even after the decision of the Council of People’s Commissars of the USSR and the Central Committee of the All-Union Communist Party.”¹²⁸ The decision referenced was an order made on November 17, 1938 by Stalin ending the mass operations. By mentioning this resolution, the indictment framed the Party as a force in opposition to Gaponov, standing against his oppression of the Soviet people.

Kordun, Abramovich, Berenzon, Gnesin, and Moshkovskii all worked under Gaponov in Odessa. Kordun worked as the head of the 1st department, Abramovich and Berenzon were his

¹²⁵ Ibid.

¹²⁶ Ibid.

¹²⁷ Ibid.

¹²⁸ Ibid.

assistants, and Moshkovskii and Gnesin were both operatives in the 1st department. All of these officers stood accused of personally committing violations of socialist legality, rather than simply knowing of them or cultivating them in others. Kordun was accused of submitting a case against a former communist by the name of Nosov without sufficient evidence, as well as re-interrogating prisoners who had refused to confess. Abramovich was accused of personally torturing prisoners, allegedly knocking out the tooth of a former communist named Serebryakov-Stypnitskii and shouting in the face of the previously mentioned Senkevich. At this point in the indictment, the Party appeared again as a saving force, as once the officers were arrested, “in respect of all these persons...the proceedings were subsequently discontinued and all of them were released from custody.”¹²⁹ The Party was shown to save communist citizens from the excesses of the NKVD. Moshkovskii, Berenzon, and Gnesin were also accused of applying physical methods of coercion during interrogations in order to falsely create cases against members of the Odessa regional newspaper. Once again, this violation of socialist legality put them in conflict with the Party, with the indictment noting that “At the end of December 1938, the arrested Shpak told the assistant military prosecutor Novikov about the illegal actions of the employees of the UNKVD Abramovich and others.”¹³⁰ It then stated that “After learning about it, Abramovich, Gnesin, and Moshkovskii immediately wrote a report to Gaponov about the allegedly incorrect actions of the prosecutor and at the same time opened a form file against him.”¹³¹ In this incident, Abramovich, Gnesin, and Moshkovskii were shown to have acted directly against the judiciary and the Party, emphasizing their position as enemies of the state. Of the officers on trial, Gaponov, Abramovich, Berenzon, and Moshkovskii pleaded not

¹²⁹ Ibid.

¹³⁰ Ibid.

¹³¹ Ibid.

guilty. Kordun pleaded guilty for neglecting to re-check the file on Nosov, whom he arrested, and Gnesin pleaded guilty to using illegal methods of interrogation.

After the indictment was presented against these officers, their trial did not take place until April 21, 1943. During the interim between this indictment and the trial of the officers, these officers were imprisoned in holding cells of the NKVD. During the long years of waiting, one officer wrote to Khrushchev about his case, pleading in the terms that he thought would be most effective. That officer was Gnesin, the lowest ranking officer arrested in this case. The exact date that Gnesin's plea was written is uncertain, but it could not have been sent earlier than September, 1940.¹³² The plea can help us to determine whether the defensive strategies based on social closeness and communist consciences that we have been seeing in the testimony of defendants came from them, or were perhaps a construction of the prosecution. How did Gnesin formulate his argument away from the bright lights of trial, writing in the confines of his cell? He began his plea in the same manner as Iufa and Kaliuzhnii's closing speeches, giving a description of his life that emphasizes his social closeness to the Party. Like the others before him, he put forward a narrative of development within the Party, in which each major event highlighted is a stepping stone in his growth as a communist. He stated that "At the age of 5, I lost my father, and from the age of 13 I began to live on my own, earning my living. At the age of 14, I joined the ranks of the Lenin Komsomol, which raised me. Courier, locksmith, Komsomol worker, and then in the NKVD bodies."¹³³ Each phase mentioned in this story highlighted an aspect of Gnesin's development as a worker and as a Communist, thereby presenting his social closeness to the Party. As he led with this appeal to social closeness in his letter to authority, it would seem that

¹³² "Pis'mo Bivshego Sotrudnika Odesskogo Oblastnogo Upravleniya NKVD A.E. Gnesina N.S. Khrushchevu s Pros'boi Pazobrat'sya v Ego Dele," in *Echoes of the Great Terror Vol. 3*, ed. Marc Junge, Lynne Viola, and Jeffrey Rossman.

¹³³ Ibid.

he considered doing so an effective means of addressing the charges against him. He mentioned these charges explicitly later in the plea, stating that:

During my short period of work in the organizations, I made a number of mistakes, using illegal methods of investigation, which were expressed in swearing at the arrested, lengthy interrogations, but did I make these mistakes intentionally? I made the mistakes unintentionally, I did not consider them at that time to be mistakes, I believed that I was doing the party's job – helping the party in the fight against the enemies of the people.”¹³⁴

In these lines, Gnesin directly attempted to overcome the charges against him with an appeal to his conscience, or intentionality. According to him, the “mistakes” that he made during his time in the NKVD were only damning if he believed them to be mistakes at the time. The fact that his actions were taken out of love and respect for the Party was supposed to be a defense of the actions themselves. Moreover, he called for his social closeness to the Party to act as a mitigating force in his sentencing, asking whether “the mistakes I made at the beginning of my work in the NKVD bodies are such a great atrocity, that I, a young man...should bear such a severe punishment as dismissal from the NKVD bodies and the analysis of the question of my party affiliation? Could the Regional Committee not approach the analysis of my case having understood and analyzed my entire life path, my entire 22-year life?”¹³⁵ Once again, Gnesin cited his interiority, or his “life path” taken holistically, in order to call for mitigation of the charges against him. In making this claim, he accepted the facts of the case while challenging the characterization of his interiority in the same manner as the defendants put on trial before him, supporting the notion that this response was genuine, rather than an isolated strategy in one particular trial.

¹³⁴ Ibid.

¹³⁵ Ibid.

Gnesin's plea for clemency was never answered, and he stood trial with his fellow officers on April 21, 1943. There, the officers finally had the chance to contest the accusations against them in open court and to assert their interiority in the face of these accusations. The story presented by the officers on trial diverged from the story in the indictment, but in a manner that reversed the pattern seen in Iufa's case. While in the latter, officers blamed a superior for their actions while their superiors defended their Communist conscience, officers in this case reversed that dynamic. The officers working under Gaponov and Kaliuzhnii defended their Communist consciences, while Gaponov blamed any abuses on his subordinates. Moreover, we find in this case an instance where an officer directly attempted to respond to the facts of a case, making factual accuracy the foundation of his defense. This officer was Gaponov, who we will discuss in detail when examining his closing statement. In examining this trial, I will focus on the closing statements of each defendant, during which they are given time to outline their understanding of their conduct, as well as the charges against them. This is the point where the defendants gave their final pleas for clemency, and the methods of pleading that they considered to be most effective can provide useful information regarding the nature of these trials.

The vast majority of the officers in these trials attempted to utilize their social closeness to the Party as a means of mitigating the charges against them. In their final words, it was this constant loyalty that they put forward, rather than any defense based on following orders or their factual innocence. Moshkovskii stated in his defense that

All my life, I lived honestly; I was never arrested, I did not have penalties either for work or for the party line. Please note that when I was still 17 years old, I was already fighting the kulaks and other anti-Soviet elements...I am only now convinced that all the cases in which the sentences were subsequently overturned are falsified. But I couldn't have known about it at the time. Now I have realized the mistakes that I made in the investigative work and realized my guilt in violation of investigative practice. While in

prison, I thought deeply about everything, and this will remain a lesson for me for the rest of my life. In my heart, I will consider myself a communist and will be devoted to the Party for the rest of my life. I ask the court to give me the opportunity at the front in the fight against fascism to prove that I am not yet a lost cause, that I am a true patriot of my Motherland.¹³⁶

Moshkovskii's defense took on several stages that appeared elsewhere in this case. First, he called attention to his social closeness to the Party by providing a narrative of his communist development, like Gnesin in his plea. Then, he turned to addressing the charges placed against him, focusing on his interiority. He stated that although he "violated investigative practice," he "could not have known about it at the time." Rather than a conscious act against the Party, which would have separated him from communist society and marked him as an internal enemy, Moshkovskii framed his actions in the NKVD as "mistakes" that would form another stage of his communist development. By stating that he "will consider himself a communist and will be devoted to the Party for the rest of my life," he established that he was not an internal enemy to the state, but a communist at heart. Such a defense during a trial may seem odd to an American audience; it is difficult to imagine a police officer accused of misconduct turning to his "true American spirit" in an effort to mitigate the charges against him. The presence of the defense here highlights an important ideological facet of Soviet trial, and underscores Halfin's characterization of Soviet trial as a process of uncovering interiority.

The defenses brought up by Moshkovskii appeared in nearly every defendants' final speech. Each attempted to impress upon the court their social closeness, even while accepting the facts presented against them. Kordun made the point most explicitly by stating that "I want the court to take into account that I am not an enemy or a counter-revolutionary, but simply a

¹³⁶ "Protokol Sudebnogo Zasedaniya Voennogo Tribunala Voisk NKVD Zapadno-Sibirskogo Okruga Po Dely S.I. Gaponova, D.B. Korduna, E.I. Abramovicha, IA.I. Berenzona, A.E. Gnesina i V.A. Moshkovskogo." April 21, 1943, in *Echoes of the Great Terror Vol. 3*, ed. Marc Junge, Lynne Viola, and Jeffrey Rossman.

criminal. The fact that I am not an enemy, I have proved with all my conscious life in the ranks of the party.”¹³⁷ Like Gnesin in his plea, Kordun asked for his life to be examined holistically when considering the charges against him. He understood the court process taking place as one that is concerned with his interiority and the strength of his communist conscience, as proven by his actions over the course of his life. Moreover, he saw a defense of that conscience as a viable means of resisting the charge. Abramovich made a similar claim when he stated that “It was my fault, but I followed the orders of my superiors and thought I was doing the right thing... While in prison, I weighed everything and realized that this is a lesson for me for life. I declare to the court that there has never been anything criminal in my thoughts against the Lenin-Stalin Party.”¹³⁸ Abramovich, like Kordun, stressed that his actions were guided by a proper communist spirit. Like Moshkovskii, he attempted to frame his offenses as a formative step in his communist development, stressing that he was not an irredeemable enemy, but instead a true communist. When Berenzon took the stand, he echoed this point, stating that “I made mistakes in the investigative work unconsciously, and I was pushed to do it. Of that, I’m remorseful. I ask you to take into account that in the struggle for the liberation of Western Ukraine and Western Belarus, on the Finnish front, and then during the liberation of Bessarabia and Northern Bukovina, I showed myself as a true Bolshevik.”¹³⁹ The defendants on trial in this case utilized a defense of their interiority in order to mitigate the charges against them. They stressed that their actions have not separated them from the Party, nor made them irredeemable as communists, but instead could serve as a formative part of their communist development. In doing so, they argued for clemency with the ideological language of the Party.

¹³⁷ Ibid.

¹³⁸ Ibid.

¹³⁹ Ibid.

One defendant, the last to speak before the court, refused to take part in this ideological exchange. He did not accept the factual basis of the charges against him and did not base his defense on his communist interiority. In doing so, he separated himself from any of the other officers on trial. This officer was Gaponov, the highest ranked officer on trial in this case. As he took the stand for his final speech, he stated:

I deny my guilt, as the facts of the accusation against me do not correspond to reality. But I still have to be responsible. I plead not guilty to the falsification of the Central Party case, since I had nothing to do with it. I did not give instructions on the processing of the accused before the meeting of the Military Collegium, and if this was the case on the part of the NKVD officers, then I am guilty of overlooking it.¹⁴⁰

Gaponov's defense was markedly different in its form than those offered by the other defendants in that he argued directly from the facts, stating explicitly that "the facts of the accusation against me do not correspond to reality." Gaponov's defense reveals multiple things about the trials; firstly, it shows that this defense was possible, undercutting the notion that the defendants' interiority-focused testimony was forced upon them by prosecutors. The defendants had the option to either base their argument on their communist consciences or the facts of the case, and most *chose* the former. It is helpful for the historian to note that when considering which defense would make the best defense for their case, the defendants selected one focused on ideology, as it illuminates the defendants' conception of the trial itself; most of them did not view the trial as focused on facts, but instead focused on their interiority, and they tailored their defenses accordingly. Gaponov chose differently, and the punishment meted out to him seems to reflect the inefficacy of his approach. The six officers on trial were charged under two different sections of the Ukrainian criminal code: Article 206-217 "a" and "b." Those charged under paragraph "b," Berenzon, Abramovich, and Kordun, were all incarcerated for 10 years. Three officers were

¹⁴⁰ Ibid.

charged with violating Article 206-17 p. “a” of the Ukrainian criminal code: Moshkovskii, Gnesin, and Gaponov. Of these three, Moshkovskii and Gnesin were given seven years of imprisonment, while Gaponov was given 10 years. In the only instance of variation in the sentencing for a particular charge, Gaponov was given a harsher sentence than those charged alongside him. While it is impossible to ascertain the exact cause of this harshness, one possible explanation is that Gaponov was punished for his refusal to adopt the intention-focused language expected of Soviet defendants.

Conclusion

The trials that took place during the purge of the purgers can tell us much about the Purge's purpose, as well as the contours of Soviet law in the 1930s. Regarding the former, I've argued that the purge of the purgers represented an ideological paradox for the Party in which the vanguard of the proletariat had seemingly been corrupted by enemies. The Iufa trial, the first of the cases against the NKVD, focused on resolving this paradox by proving that the defendants on trial had been internal enemies from the beginning. Carefully coordinated with Party officials, it presented a carefully constructed narrative in which external enemies infiltrate the NKVD, subvert socialist law, and attack the NKVD itself from within. The trial absolved the NKVD of guilt for the Terror by limiting misconduct to isolated individuals and emphasized the protection afforded to citizens under the law by featuring complaints from the citizenry. The defendants on trial responded to the accusations against them by engaging in a rhetorical performance, stressing the purity of their consciences while largely accepting the facts against them. They understood the debate over intentionality to be a primary point of contention in the trial. With these factors in mind, I argue that the purge of the purgers took place against a deeply ideological backdrop informed by the ideological judicial practices of the Terror.

The judicial system of the Soviet Union was markedly different from that of the West, priding itself on its class consciousness, Party loyalty, and merciless repression of enemies to the state. Halfin and Solomon note that the Soviet justice system was focused on the uncovering of internal enemies, centering on the interiority of a defendant, rather than the facts of a particular case. I've analyzed the trials within the purge of the purgers through this lens, highlighting points of resistance where defendants pushed back against the characterization of themselves as enemies. The defendants in these cases, familiar as they were with the legal apparatus, enrich our

understanding of Soviet jurisprudence on the ground through their understanding of the charges against them. For the defendants, the most effective argument in their defense was not that they were factually innocent; Halfin describes the futility of such an approach, while Gaponov experienced it firsthand. Nor was it enough for a defendant to say that they were simply following orders; many officers in the Iufa case mention doing so in their defense, but always with the additional corollary that their obedience was based on their loyalty to the Party. By framing their obedience as founded on their Party loyalty, they accept a degree of agency in their actions, and appear to take a great risk. After all, in a Western justice system, it would seem that an individual who framed themselves as having absolutely no agency would receive more clemency than one who willingly took a criminal action, even if the action was willingly taken out of a “patriotic zeal.” However, the officers in these cases took the apparent risk in order to salvage their status as true communists, indicating the paramount importance of a defendant’s interiority. Other scholarship on Soviet jurisprudence often dismisses the role of ideology in trial, viewing it as an obstacle rather than an object of study. I hope to point out that the role of ideology and interiority in Soviet trials was not an addendum to the search for facts, but rather the primary point of investigation. Determining whether an individual possessed a proper communist spirit, and whether they were thus eligible for reeducation or doomed to execution, was a crucial issue in these trials, and it’s what nearly every defendant expends their effort to emphasize. It is my hope that future scholarship will take a greater interest in the linguistic and ideological factors of Soviet trial in order to explain the behavior of defendants and prosecutors during the 1930s; in doing so, they will highlight the agency of those on trial and the particularity of the Soviet legal system.

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