

## Stalin and the 14<sup>th</sup> Amendment

### **The Stalin Purges and "Show Trials"**

In 1936, Joseph Stalin produced a [new constitution](#) for the Soviet Union. The constitution guaranteed Soviet citizens freedom from arbitrary arrest and the right of defense in a public trial before an independent judge "subject only to the law." These rights seemed to parallel those found in the [U.S. Constitution](#). For example, the [Fifth](#) and [14th](#) amendments prohibit the national government and the states from depriving any person of "life, liberty, or property, without due process of law . . . ."

Ironically, when Stalin introduced his new constitution, he was also engineering the arrest of thousands of Communist Party and government officials. Most of those arrested were tried in secret or received no trial at all. A small minority of well-known Soviet officials did receive highly publicized public trials in Moscow between 1936 and 1938. Often based on forced confessions, the trials made a mockery of the idea of [due process of law](#). All the participants of these so-called "show trials," including the judges, served Stalin's political evil.

### **The Purges**

Following the death of Lenin in 1924, Stalin (whose name means "man of steel") had emerged as the leader of the Soviet Union. By 1930, his chief rival, Leon Trotsky, had fled the country. But Stalin still wanted everyone in the Communist Party and Soviet government to bend to his will. During the early 1930s, the Soviet economy failed. Massive food and consumer shortages plagued the Soviet people. To increase trade exports, Stalin ordered the government to confiscate all grain crops from Soviet peasants. As a result, 5 million died of starvation.

As word of the deaths and failures in the economy spread, criticism of Stalin grew within the Communist Party. In response, Stalin activated his [secret police](#) and a system of informers. Their job was to seek out and arrest "the enemies of the people who sow discord in the Party." Thousands of mostly rank and file members resigned or were expelled from the party. Many ended up banished to prison camps or deported from the country. Stalin's effort to purge (cleanse) the Communist Party of people who posed any threat to his control had begun.

At the 17th Communist Party Congress in 1934, [Sergei Kirov](#), a top party official, called for restraint in carrying out the purges. Later, nearly 300 of the 1,225 delegates to the Congress voted against Stalin, the leader of the party. Some of the delegates even suggested that Kirov replace Stalin as party leader. The fact that these delegates dared to question Stalin's leadership apparently goaded him to go after the party elite.

### **The Terror**

On December 1, 1934, less than a year after he was mentioned as a possible replacement for Stalin, Sergei Kirov was assassinated. The details of the assassination still remain a mystery, but much circumstantial evidence indicates that the head of the Soviet secret police planned Kirov's murder on orders from Stalin. In any case, the assassination of an important Communist Party official gave Stalin the pretext for intensifying the purges.

Immediately after the assassination, the secret police rounded up over 100 "conspirators" and executed them. Thousands more were accused of belonging to "terrorist centers" and were shot, imprisoned, or exiled to Siberia. Still, Stalin was not satisfied. Technicians, teachers, and other government employees found themselves trapped in Stalin's dragnet. Stalin then turned on the state's security forces. Over 3,000 secret police agents were shot and one-third of the military officer corps were executed. Stalin replaced those killed with younger people loyal to him, not with the older generation of revolutionaries.

While the new Soviet Constitution of 1936 provided for due process guarantees such as the right to defend oneself in a public trial, Stalin took steps to "simplify" the judicial system. He eliminated the right of defense. He sped up trials and often held them in secret. He suppressed the right of appeal. He expanded the death penalty to cover hundreds of offenses and extended it to children as young as age 13.

The use of terror by Stalin and his henchmen ensnared thousands and then millions of Soviet citizens, most of whom were innocent of any wrongdoing. The terror process began with denunciations. [Louis Fischer](#), an authority on Soviet history, explained it this way:

Everybody played Safety First. Lying, hypocrisy . . . and disloyalty to friends were a small price to pay for keeping out of prison. To divert suspicion from yourself you accused the other fellow.... .

Arrests usually occurred in the dead of night. Individuals later found themselves held in "detention" for days and weeks without any formal charges.

Stalin often persecuted people not for what they did, but for who they were. Anyone having anything to do with foreigners or foreign countries automatically became suspects of spying. This included entire groups of people such as foreign language teachers, members of pen pal organizations, even stamp collectors. Those with religious backgrounds like Catholic priests, Jehovah's Witnesses, and Jews were arrested in large numbers. Agricultural officials, factory managers, and engineers were frequently accused of economic sabotage known as "wrecking." They were blamed for railway accidents, livestock diseases, crop failures, and hundreds of other shortcomings in the Soviet economy. Finally, Communist Party officials at higher and higher levels were arrested and charged with being "oppositionists" or followers of Stalin's hated rival, Leon Trotsky.

## **The Confessions**

Stalin demanded confessions from his victims. To extract these confessions, the secret police resorted to a variety of methods. The "conveyor" involved the continuous interrogation of a person by relays of police for hours and even days at a time. Intellectuals and the party elite were often subjected to the "long interrogation" by a single interrogator who carried on his questioning sometimes for weeks and months.

Some people confessed when police interrogators threatened family members. Others hoped that by cooperating they would save themselves. Many confessed under beatings and torture, at first an unofficial means of gaining a confession. In 1937, Stalin made torture the official and usual method of getting confessions. Stalin reportedly ordered the secret police to "beat, beat, and beat again."

Many caught up in the mass arrests invented "crimes" so that they could confess to something. Many admitted guilt without even knowing the charges. However, some top Communist Party officials

arrested on orders from Stalin confessed for quite another reason. These members of the old generation of revolutionaries came to power with Lenin in 1917 and had such faith in the party that they refused to believe it could ever be wrong. In [Arthur Koestler's](#) novel, *Darkness at Noon*, the main character named Rubashov is falsely accused of plotting the assassination of "No. 1" (Stalin). Rubashov finally "confesses" after declaring, "I will do everything which may serve the Party." In the novel, he willingly took a bullet in the head after becoming convinced that he must be guilty because the party said so.

### The "Show Trials"

Few of the thousands arrested during the Stalin purges ever saw a Soviet courtroom. Special secret police boards sentenced defendants without them even being present. "When it is a question of annihilating the enemy," Stalin's chief prosecutor pronounced, "we can do it just as well without a trial."

Between 1936 and 1938, however, Stalin conducted three "show trials" involving about 50 top Communist Party leaders and government officials. Stalin wanted to convince the world's press that accused criminals were being treated fairly. Also, these scripted trials were intended to discredit the old generation of Communists who still posed a potential threat to Stalin's rule.

The most serious charge leveled at the defendants was that they conspired with Trotsky (who lived in exile outside the USSR) to assassinate Lenin, Stalin, and other Soviet leaders. In addition, the accused were charged with spying for foreign powers and sabotaging the economy. The evidence consisted almost entirely of the confessions of the defendants themselves. State-appointed attorneys, when they were permitted, played little role in the proceedings.

The most spectacular of the "show trials" was the last, held in March 1938. With Stalin looking on from a darkened viewing area, the script of the trial almost fell to pieces on the first day when defendant Nikolai Krestinsky refused to plead guilty. After a night with his interrogators, he reversed himself. "I fully and completely admit that I am guilty of all the gravest charges brought against me personally," a subdued Krestinsky said.

The most important defendant at this trial was Nikolai Bukharin, known as the "Heir of Lenin." Following the first "show trial" in 1936, Bukharin accused Stalin of trying to take over the Communist Party to increase his personal power. A year later, Bukharin was arrested. After interrogations that went on for more than a year, Bukharin confessed to belonging to a 'Trotskyite Bloc' whose purpose was to restore capitalism to the USSR. While confessing to the general charges, Bukharin denied committing specific criminal acts such as plotting the deaths of Lenin and Stalin.

Andrei Vyshinsky, the chief prosecutor, summed up the case against the 21 defendants at the last "show trial." He referred to them as "a foul-smelling heap of human garbage." As for Bukharin, Vyshinsky called him "the damnable cross of a fox and a swine." The chief prosecutor went on to demand that the accused "must be shot like dirty dogs!" He then concluded with this tribute to the leader of the Soviet Union:

Over the road cleared of the last scum and filth of the past, we our people, with our beloved leader and teacher, the great Stalin, at our head will march as before onwards and onwards, towards Communism!

The judge found all the defendants guilty on all the charges (there were no jury trials in the Soviet

judicial system). All were subsequently shot.

During the peak of the Stalin purges (1937-38), over 7 million Soviet citizens were arrested. Of these, more than a million were executed. Millions more died in the gulags (prison camps) of Siberia. Stalin's last major enemy, Leon Trotsky, was assassinated in Mexico in 1940. With Trotsky's death, Stalin had finally obliterated the old generation of Communists and replaced them with a new generation of party and government officials completely in the grasp of the "man of steel."

### **For Discussion and Writing**

1. Why did Stalin want to purge the Communist Party and Soviet government during the 1930s? What methods did he use to do this?
2. Why do you think Stalin insisted on confessions from everyone caught up in his purges?
3. In what ways did the Stalin purges violate the concept of "due process of law"?

## **A C T I V I T Y**

### **What Is a Forced Confession?**

In 1936, Stalin put on his first "show trial" featuring "confessions" that we know today were the result of all sorts of intimidation and even torture. That same year, the U.S. Supreme Court held that forced confessions should be excluded from state criminal trials (*Brown v. Mississippi*, 297 U.S. 278). The Supreme Court ruled that such confessions denied defendants "due process of law" under the 14th Amendment and that their use should overturn a conviction. But in a case decided in 1991 (*Arizona v. Fulminante*, 499 U.S. 279), the Supreme Court decided that a forced confession admitted into evidence would not automatically overturn a defendant's conviction. If enough other evidence existed for conviction, the use of a forced confession could be considered "harmless error" and the conviction could stand.

In this activity, first meet in small groups and decide which of the following should be considered as a "forced confession":

1. A confession following police beatings or other forms of physical force.
2. A confession following a threat by police to use physical force.
3. A confession following 24-hours of uninterrupted police interrogation.
4. A confession following several days during which the accused person is deprived of water, food, and sleep.
5. A confession following police interrogation of a suspect who is not permitted to speak to a lawyer.
6. A confession resulting from threats made by a suspect's cell mate who is actually a police undercover officer.
7. A confession made to police after they lie to a suspect about non-existent eyewitnesses.

Be prepared to share your group's conclusions and reasons with the rest of the class. Your group should also take a position on this question: Should any "forced confession" ever be admitted into court? Why or why not?