

A MOSCOW PEOPLE'S COURT

by

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I visited a People's Court in Moscow in March of 1956. The case involved a rumpus in a cafe on the preceding Christmas Eve: three fellows in their early twenties—two students and one factory worker—had become intoxicated and in the brawl the cafe proprietor had received a bloody nose and several of the customers had been knocked down. When the police arrived the three culprits had resisted arrest and when forced into the police car the factory worker had kicked the glass out of the police car window. In a courtroom not unlike a municipal court in one of our great cities, the case against the three was stated in detail by the prosecuting attorney, a woman I would say of 35. She cited the law applicable to such offenses—maximum penalty 5 years at hard labor. The court to hear the evidence and pronounce judgment consisted of three persons, a judge, trained in the law, and two "assessors" both of whom happened to be women, who had been selected by their respective labor groups to serve in the courts for a term of weeks. One came from the sales force at a department store and the other from a factory. In a "People's Court" these three—a judge and two lay persons selected by fellow workers—sit as judges and a majority vote governs, which means that the two "assessors", untrained in the law, can overrule the judge. In our courts we have a judge, trained in the law, and a jury of laymen picked from the citizenry. The judge rules on the law and the jury determines issues of fact. Thus both the American and the Russian systems bring to bear upon a particular case the legally trained mind and the lay mind unhampered by legalistic concepts.

Each of the three defendants had a lawyer of his selection and immediately upon the completion of the prosecutor's opening statement the attorney for the factory worker jumped up and pleaded, as a defense, temporary insanity and moved for a postponement pending medical observation of his client. He acknowledged that under the law drunkenness was no defense but that his client had a peculiar emotional disorder that left him responsible under normal conditions but that even a small amount of alcohol threw him out of balance and he became

not just drunk but temporarily insane—and temporary insanity was a defense. In support of his claim the attorney told of the boy, at age ten, having been in an earthquake which had destroyed the house, killing his parents and a grandparent. The boy had been dug out of the rubble but his nervous system had been badly injured and he suffered from Saint Vitus Dance—so severely that he could not attend school. Instead he had spent years in clinics and there the doctors had controlled the twitching of his muscles to where he could do factory work, but he could not study and his mind was never right. As evidence on this point the lawyer produced three letters written prior to the Christmas day brawl by the boy to his sister, saying that the doctors had succeeded in controlling the twitching of his muscles but not the hurts in his mind and he had about concluded that suicide was the only solution. A doctor's certificate said that in such a state, alcohol could throw a person into temporary insanity. I was impressed with the careful way that the three persons on the bench and the prosecutor read these letters. The prosecutor then said she was ready for the trial with all her witnesses and thought the trial should proceed; on the other hand she felt that there might be two sides to the argument and should the court decide for the motion of postponement she would be inclined not to appeal. The judge and the two women left the courtroom for consultation and returned in 20 minutes with their verdict: Motion for adjournment granted; the two students to continue in school meanwhile; the factory worker to go to a psychiatric hospital for observation; the case to be again placed on the calendar when the hospital report was received. It was an open hearing and I watched the people in the courtroom. Their faces and demeanor reflected a respect for and a confidence in the court. These "People's Courts" came in with the Soviet regime; they did not exist under the Czars. Persons who have studied the system tell me that my experience was not exceptional; that the People's Courts do a careful, honest and effective job in administering justice and that the people of Russia are coming to have respect for and confidence in the courts. My argument is that this is a foundation stone for the hope of some day building a system of law for world order.