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12 September 1984

# USSR Report

MILITARY AFFAIRS

BOOK: TRANSLATED FROM LEGALESE



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USSR REPORT  
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CONTENTS

	Page
Foreword . . . . .	2
Chapter 1. Starting Point . . . . .	4
Full-Fledged Citizen . . . . .	4
What Kind of Relations? ... Normal, Service . . . . .	10
By Right of Position . . . . .	17
One Line of the Regulations . . . . .	23
Translated From Legalese . . . . .	30
Chapter 2. The Norm Behind the Norm . . . . .	41
From the First Hour . . . . .	41
Worthy of Receiving a Rank . . . . .	47
When the Word Does Not Arrive . . . . .	53
Ruble Punishment . . . . .	60
Accident . . . . .	65
The Case of the Missing Pistol . . . . .	71
The Secret is in Your Hands . . . . .	75
Chapter 3. Out of the Duty to Do Justice . . . . .	82
Comrade Commanding Officer . . . . .	82
Wearing the Insignia of Justice . . . . .	93
At the Highest Level . . . . .	100
Conclusion . . . . .	106

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[Text] Title Page

Title: "V perevode s yuridicheskogo" (Translated from Legalese)

Author: Lt Col Just I. Vashkevich

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Annotation

The author explains the role of specific legal norms and their place in the system of military legal relations in popular form and on the basis of real-life situations. The book contains examples of the application of legal norms and methodological material that can be used by commanding officers and political workers in legal indoctrination of servicemen and instilling in them an inner need to observe Soviet laws rigorously and to carry out the requirements of the military oath and regulations.

The book is intended for officers of the Soviet Armed Forces and cadets at military schools.

A Few Words about This Book (By Lt Gen Just S. Maksimov, candidate of juridical sciences and Honored Jurist of the RSFSR)

Each year Soviet military literature receives many interesting new publications. I think that the book by Lt Col Just I. Vashkevich will find its proper place among them. I had occasion to read it in practically the first version, and I remember how unusual the approach of the author to such a generally well-known subject appeared.



Certainly the subject of propaganda for Soviet laws and legal indoctrination of army and navy personnel has been worked on for a long time. We have had many successes in this. Nevertheless, discussion of particular requirements of legal documents, discussion that is generally thorough and scientifically sound, frequently lacks a journalistically vivid "translation" of the legal norm into the language of feelings, a language of everyday real-life situations. This kind of "translation" is precisely the essence of the book I am recommending here. Such an approach cannot, of course, be considered exhaustive, but the indoctrination impact of the proposed method is obvious.

When describing particular norms and explaining why they are fixed in the law and regulations in a particular way and no other, the author aims to show the reader the social justice, practical purpose, and moral justification of every law of the socialist all-people's state. That which the book communicates for each particular legal principle is truly convincing: an action dictated by our laws and regulations will always be just, purposeful, and highly moral. And after all, it is from precisely this that individual respect for the law develops.

I would hope that the book "Translated from Legalese" is read above all by those who are directly engaged in legal indoctrination of military servicemen. They will find it to be a reliable guide in this very difficult work.

#### Foreword

The CPSU and Soviet Government devote constant attention to the development of socialist democracy and strengthening legality and legal order. Adoption of the new USSR Constitution, institution of a whole series of new laws that make it possible to regulate various aspects of social relations more precisely, and compilation of the Code of USSR Laws have been the landmarks on the path of development of our state system in recent years.

The 26th party congress and subsequent documents of the CPSU Central Committee set forth important challenges in the area of indoctrinating Soviet citizens and further strengthening discipline and socialist legality. In his speech at the November 1982 Plenum of the CPSU Central Committee, General Secretary of the CPSU Central Committee Comrade Yu. V. Andropov emphasized: "We must intensify accountability for observance of all-state, all-people's interests. We should wage a more resolute struggle against all violations of party, state, and labor discipline."

Why did this party appeal meet full and unconditional support from all Soviet people? It was because they themselves are most directly interested in the observance of socialist legality and establishing order. This is understandable. After all, in our country the laws express the will of the people in a generalized, concentrated form. But each law is alive and effective only when it is followed, followed by all people in all places.

A person lives in constant interaction with the people around. Their interrelations are conditioned on the ideas of good and evil, honor and dishonor, and nobility and baseness that are accepted in the particular society. Our

socialist society is not indifferent to how everyday relations among citizens take shape and what moral goals they have. The Communist Party devotes constant attention to the ideological-political, labor, moral, and legal indoctrination of Soviet people. A great deal is being done in the country so that our relations in production and in everyday life meet the lofty norms of the moral code of a builder of communism. And a great deal has already been accomplished in meeting this important challenge.

But a great deal does not mean enough. We still meet people who are guided in their actions by narrowly personal, selfish motives and do not take the interests of other citizens into account. But then, among the many invisible ties that bind the individual to fellow citizens, the collective, and society as a whole are quite a number that touch the vitally important interests of the state. Violating them harms practically every member of society. And in this case we can no longer limit ourselves to persuasion alone; we cannot wait until the person reforms and becomes filled with responsibility for his actions and behavior. Therefore, the state protects a large number of relations among people and between the individual and society with special care, using the power of authority in addition to public opinion. These relations are regulated by special legal norms which are contained in the laws and other normative enactments. Administrative, material, or criminal responsibility is envisioned for violation of these norms.

Jurists call the relations which are regulated by laws and other legal enactments legal relations. It is impossible to overestimate the importance of legal relations in military service, a sphere of human activity which is regulated in special detail. Many things which under other circumstances are regulated only by moral norms are, for the serviceman, service obligations, for example, to be honest, truthful, and brave, to improve military and political knowledge, to value military comradeship, and so on.

The precise, detailed regulation of the behavior of servicemen can be explained by the specific features of the military way of life, which is entirely subordinated to performing the missions that face the army. Article 31 of the USSR Constitution states: "It is the duty of the Armed Forces of the USSR to the people to reliably defend the socialist Fatherland and be in constant combat readiness, guaranteeing the immediate repulsion of any aggressor." Such important missions cannot be performed without a high level of organization, strong military discipline, a clear system of subordination, and consistent implementation of the principle of one-man command in the armies and naval forces.

The principles of Soviet military development were set down in Lenin's doctrine of defense of the socialist Fatherland and are legally fixed in the USSR Constitution, the USSR Law on Universal Military Obligation, the military oath, military regulations, and other documents. Thorough knowledge of the norms of military law and the ability to apply them in practice help servicemen structure their relations correctly with fellow servicemen who are superior and inferior in military rank, follow orders unquestioningly, command subordinates in the interests of the service, and ultimately handle their service duties more successfully and perform their duty to the Homeland better.

The present book is not a popularized commentary on existing law. Although references are made to particular norms when necessary, the author's purpose is not so much to explain them as it is to show the place and significance of each of them in the overall structure of military legal relations and thus help instill a respect for the law in general in the reader.

The cases of violation of legal norms given in the essays are not typical of our army and navy reality. The Soviet Armed Forces are well-known for their high combat readiness and strong military legal order. It is not for nothing that our army is referred to as a remarkable school of endurance, discipline, moral purity, and courage. By referring to negative cases and situations with sharp conflict as well as many positive examples, the author was trying to explain as clearly as possible and illustrate the principles of Soviet military law and the harmonious logic and necessity of the legal relations instituted in our Armed Forces. The author also intended to provide certain methodological advice and necessary working examples for those readers who carry on legal indoctrination of military servicemen.

The author is deeply grateful to employees of the Main Political Directorate of the Soviet Army and Navy, the Main Military Procurator's Office, and the Directorate of Military Tribunals of the USSR Ministry of Justice for their help in work on this book.

#### Chapter 1. Starting Point

"Military service in the ranks of the USSR Armed Forces is the honorable obligation of Soviet citizens" -- Article 63 of the USSR Constitution.

##### Full-Fledged Citizen

"Military servicemen and reservists called up for assemblies enjoy all the socioeconomic, political, and personal rights and freedoms and bear all the duties of citizens of the USSR as envisioned by the USSR Constitution" -- From Article 68 of the USSR Law on Universal Military Obligation.

I am sure that everyone who has been in the military preserves in his heart, among the many impressions left by the service, a moving memory like the following.

It is just barely starting to get light, an hour or an hour and a half until reveille, but the barracks are getting more and more lively. The soldiers and sergeants get out of bed on their own, wash up, and put their clothing in order. Today is election day, so neither the duty officer nor the orderly will criticize them for violating the schedule; they will only ask them not to be noisy so that they do not wake up those who are still sleeping. This is how it is every time our people elect deputies to the USSR Supreme Soviet, to the supreme organs of power of the Union and autonomous republics, and to local Soviets of Peoples Deputies. No matter where a Soviet fighting man may serve, the election commission will be sure that he is able to perform his civic duty.

The members of the commission for elections to the republic Supreme Soviet were delivered to a remote point in the mountains by helicopter. The passes had been closed off in the fall, and the small subunit was in fact cut off from the "big world." I remember the words said that day by Sgt Anatoliy Zeynalov:

"I didn't even suspect how much this event, which is generally so ordinary in our country, means to me and to my comrades. The feeling of being a part of all the people is especially strong here. And you feel pride that your opinion, your vote is needed. You know, we were out even before it got light to meet this helicopter."

Yes, it is a great thing, to feel you are a part of the people, to know that your opinion is respected, that it is needed in deciding state affairs. But it never even occurs to us that it could be otherwise. However, there are many countries in which soldiers do not have the right to vote. Bourgeois ideologists have many "arguments" to justify laws which make all kinds of difficulties for servicemen participating in elections to representative bodies, and sometimes prohibit participation outright. They talk about how the army should be outside of politics and latch on to residence and literacy requirements. But the reason that millions of people are denied their civil right is apparent even to the unaided eye: In a society where the state opposes working people, they try to separate the army from the people and compel it to carry out the will of the ruling class without a murmur.

One time people at the Novosti Press Agency asked me to answer the questions of the certain Western reader in the journal MIR I MY. Inquiring about the rights of Soviet servicemen, he went right to the point: Who protects the soldier against arbitrary decisions by his leaders? It was apparent that the man had taken a good look at the ways followed in the barracks of the bourgeois armies and finally came to believe that no justice would be possible in relations between leaders and subordinates.

We will have an opportunity later to discuss this subject on a very practical level. But for now I would like to stop on something else. Of course, there is not and cannot be an army without subordination and where leaders cannot punish subordinates for mistakes in service. The army is the army, and if the matter were decided otherwise it would simply be incapable of performing the missions that it faces. The whole point is whose interests the leaders are pursuing when they use the authority they have been given, that is, how these interests are combined with the interests of the primary mass of servicemen and how observance of the legal rights of the soldiers and citizens of one's country is guaranteed.

Soviet military law is based on principles arising from the nature of our state system. In our country the military serviceman is a full-fledged member of socialist society. While performing general civic obligations he enjoys rights equal to those of all citizens. We find people in military uniform not only at the voting urns, but also among those elected by the people. There are about 14,000 military servicemen who serve as deputies in elected supreme and local agencies of state power. Tens of thousands of

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soldiers, seamen, sergeants, petty officers, warrant officers, and officers have been elected people's assessors for military tribunals and work in people's control agencies and various public commissions. Military servicemen represent their party comrades at congresses of the CPSU and the communist parties of the Union republics and belong to party executive bodies. Young men of the army and navy are joined together under the banner of the Leninist Komsomol. There are also members of various creative unions and other public organizations among servicemen, even among the rank and file. By no means does every bourgeois state, even those which brag of their "democracy," give military servicemen even a small part of these rights and opportunities.

I will not forget the hot Moscow summer and mild autumn of 1977. The draft of new USSR Constitution was published on 4 June and public discussion of it began. More than 140 million Soviet citizens took part in working out the Fundamental Law of the world's first socialist all-people's state, and some 400,000 proposals were received at the Constitutional Commission. Special bodies, an editorial subcommission and a secretariat, were formed by the commission to review them. The author of these lines chanced to work at that time in one of the working groups of the secretariat.

Each morning couriers brought suitcases of impressive size packed to the brim with material on the progress of the discussion. The information arrived by all channels, from party and Soviet bodies, from large public organizations, from labor and military collectives, and from the editorial boards of newspapers, magazines, radio, and television. Many letters were addressed directly to the Constitutional Commission. Representatives from literally all strata of our society -- veterans of the revolution and students, workers and kolkhoz members, famous military leaders and new soldiers, scientists and housewives -- became involved in a business-like discussion of this most important document of our day. At that time I formed the impression that I was, so to speak, completely enveloped in the most profound popular wisdom.

To make record-keeping of the many statements easier a special form was established to report them to the constitutional commission. A very strict rule was followed here; all proposals were presented in the exact form in which they were written by participants in the discussion. No corrections or improvements in thought or style were permitted. Profound respect for each proposal and remark was the working principle of the apparatus of the Constitutional Commission, regardless of whether the letter was just one line or many pages.

Of course, I was especially interested to read the material coming from large and small garrisons, from military units and ships, and from the military schools. Feeling themselves to be full-fledged citizens of their native country, military servicemen like the representatives of other occupations made their contribution to working out various constitutional points. The hundreds of thousands of letters that reached the desks of the secretariat of the Constitutional Commission were impressive testimony to the true democracy of our state and the equality and spiritual freedom of Soviet citizens, including those who were performing military service and carrying out their sacred duty to defend the socialist Fatherland.

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Although there was great diversity of nuances, the people were amazingly unanimous in their statements concerning the principal, basic problems of our life. For example, out of some 700 different proposals concerning defining the class essence of our state, practically every one spoke of the necessity to point out that it expresses the will and interests of the working people. The first article of the Constitution was put in final form with this correction. Participants in the national discussion linked their boldest hopes and most treasured dreams to the guiding and directing force of our society, the nucleus of its political system and state and public organizations, that is, the Communist Party of the Soviet Union. "Everything that our country has achieved, everything that makes us proud and happy, the things we treasure endlessly and that make up the foundation and meaning of our life -- we link all this with the name of the Communist Party and its tireless work on behalf of the people, on behalf of the happiness of the working person," wrote Col I. M. Sukhomlin, Hero of the Soviet Union. Millions of other Soviet citizens who participated in discussion of the draft Basic Law shared his thoughts and feelings.

The broad outlook and social maturity of Soviet people were also reflected in their approach to deciding the issue of the role and significance of labor collectives in socialist society. I remember one of the meetings of our working group well. As usual, the comrades were reporting on which problems were arousing the greatest concern among participants in the debate. I have to say at that time the discussion had just gotten underway and the problems which were attracting attention were those lying, as they say, on the surface: environmental protection, indoctrination of young people, and the fight against drinking. Special reports for the Constitutional Commission had already been prepared on each of them. At this time we also heard that a large number of interesting proposals were coming in concerning Article 16 of the draft Constitution, concerning labor collectives of working people.

The proposals were indeed interesting. The comrades proposed, for example, that the Basic Law reflect participation by labor collectives not just in management of enterprises and associations as contemplated by the draft, but also in deciding state and public matters; they suggested things that collectives of working people could do in planning production and social development, in training and placement of workers, in developing socialist competition, and elsewhere. In other words, the authors of many letters and statements assessed the importance of these primary cells of our society not just from an economic standpoint, but also from a political standpoint. Beginning with such an assessment, Colonel Stenin and others proposed, for example, that this article be moved from the second chapter of the Basic Law to the first, which is devoted to the political system. On the basis of these proposals, the article on labor collectives was reformulated in the final text of the USSR Constitution, and it was indeed put into the chapter on the political system of our state.

The Basic Law also reflected the thoughts and statements of many other military servicemen, among the Captain Kiselev, Private Petushkov, Majors Yukhnenko and Stafis, and Lieutenant Colonel Kadoshnikov. When reading their letters and their statements at various meetings, I could feel what a responsible and

thoughtful approach they took to resolving important state problems, how well they understood the right that had been given to them to participate in governing the country, and how skillfully they used this right. Surely no other social system is able to give working people such broad authority. And against this background how futile the attempts of Western propagandists seem, when they try to distort the essence of socialist democracy and carry on about "violations of human rights" in our country.

The rights of Soviet citizens proclaimed by the USSR Constitution are reliably protected by our entire system of laws. Needless to say, Soviet fighting men too enjoy this protection. If something happens, the commanding officer, political organ, military procurator, and finally our Soviet courts, carrying out the law, will take steps to restore the violated interests of the military serviceman. We began our discussion by talking about how naturally and freely fighting men take part in elections of peoples deputies. Perhaps not everyone remembers, but on this very point Soviet law has established reliable guarantees: actions aimed at hindering a citizen in exercise of the right to vote are criminally punished.

It is not just political rights, but also the honor and personal dignity and labor, property, and other interests of citizens in military uniform that are reliably protected by Soviet law. On one occasion the officers and warrant officers of a certain military unit were familiarized with an order that prohibited them from going off the military post in personal means of transportation on holidays. This order, like any other, was of course followed without question, especially where many could see in it nothing but concern for the life and health of subordinates. After all, what might happen? The first thing you know, some lieutenant would set off for a picnic on his own motorcycle, and from there it would not be long until the accident. But then the garrison military procurator arrived in the unit for a regular check on the state of legality, and he lodged a protest against this order as contradicting the laws and infringing on the interests of the servicemen.

But what could he see against the law in the actions of a commanding officer that were obviously aimed at improving order? Here is what. A prohibition on the use of personal means of transportation contradicts the unconditional right of any citizen to his own property. If a person has bought some thing legally, then he can enjoy its use features, which means wear a coat, play a musical instrument, or drive a car. Of course there are certain restrictions here. For example, the traffic laws prohibit driving on the left side of the street, you cannot hold noisy concerts at night even in your own apartment, while by no means all servicemen are authorized to wear civilian clothing, and those that can are allowed to do so only in off-duty time away from the unit location. But only the governmental bodies authorized to do so establish these restrictions. They organically combine the interests of society with the interests of individual citizens, and it is easy to see that there is not a shred of disrespect for the person's personal dignity.

The principle of respect for each citizen, for his personal dignity and honor, is inherent in our society and manifests itself fully in the Armed Forces as well. This is certainly understandable, for military people must be closely

bound together by military comradeship. The strength of this comradeship is determined not only by shared goals and interests, but also by mutual respect, participation, and, if you like, personal sympathy. The moral self-respect of each member of a military collective is directly linked to the fighting effectiveness of the subunit, unit, or ship. Indeed, how can one go into battle without confidence in one's comrades?

In connection with this I cannot help giving one story from the front, told by Colonel Justice (Reserve) Sirotin, a former military procurator of a marine brigade. In June 1944 the brigade was given the mission of landing on an enemy-occupied shore of Lake Ladoga. Everything was ready for the start of the operation when the brigade commanding officer called in the military procurator. From his face it was apparent that something absolutely inconceivable had happened. The words of the brigade commanding officer confirmed this: one of the brigade officers, Captain Antunevich, had been wounded in the hand by a shot from his own pistol.

"Could he have shot himself?" the military procurator thought as they headed for the place of the incident. Such a charge, deliberately wounding oneself in order to be taken off the front line, is the most shameful thing possible for a fighting man. But this did not fit at all with the picture he had formed of Antunevich. He recalled the officer's fiery statement at the party meeting dedicated to the upcoming fighting and the stories about how he had several times led the men on the attack by his own example. But, as they say, personal impressions are not the last word. Actual circumstances decide everything. And they had to be clarified before the brigade set out on the landing operation. Yes, it had to be done. After all, landing a landing force is a combat operation that requires that participants have special confidence in their comrades, and especially in their commanding officers.

The military lawyer had to do a great deal of work then to discover, among the many, frequently contradictory facts, those which were truly relevant to the case, to check and recheck them, and then to draw the only correct conclusion. And the conclusion did favor the honest and courageous officer. Of course, he had never even thought of leaving the battle formation. He was resting in his dugout before the landing operation. The pistol, in his holster as always, had the safety on. The only thing was that the safety no longer held the firing pin back. When an investigative test was made, the hammer went down regardless of the position of the safety-catch thumbpiece. It turned out that while Captain Antunevich was sleeping the pistol fell out of his unlatched holster, slipped through a slot in the bunk and, striking the ground, fired upward. There was a pit on the ground from the blow of the pistol handle and a bullet trace on one of the boards.

I would like to draw attention to one circumstance of this story. The word "samostrel" [one who shoots himself to avoid battle] was not used by the brigade commanding officer, the military procurator, or anyone else. A careful hearing was held and many facts were tested, but the trusting attitude toward the officer remained unshaken. That is what Soviet law commands: an accusation is made only after the most painstaking investigation of all circumstances of the case, when the evidence of the crime is irrefutable.



There is nothing easier than to cast a shadow on a good name, and it is much more difficult later to remove this shadow. Therefore, it is especially pleasant to remember those cases from my experience as a journalist when commanding officers, political workers, and party organizations reviewed the cases of fighting men with great delicacy. A certain citizen accused one officer, a teacher at a military school, of drinking and debauchery. In his letter to the command of the school he insistently recommended, "Check on this man who you are preparing to send for graduate studies." This was supposedly something the author of the "warning" had found out about! We checked and were convinced once again of the uprightness and moral purity of the officer. Of course he did not take part in bouts of drinking and debauchery. By a curious combination of circumstances he had not been in the city at all on the days mentioned in the letter; he had gone to the military academy in connection with his upcoming studies. The result of the examination of the "warning" was communicated to the letter-writer. The officer was told that he had a right to bring suit for slander. I will add further that a very small number of people knew about the investigation that was made following the letter and, most importantly, all the necessary documents were sent to the academy on time. Today, incidentally, this officer himself teaches at the academy and has already done a great deal to train officers. But what might have happened if the head of the school or the head of the political branch had doubted their subordinate?

Many examples can be given where the law has provided timely and unconditional protection for the rights and interests of Soviet citizens who are serving in the army and navy. Indeed, it cannot be otherwise, for since the first years of their existence the Soviet Armed Forces have been the beloved child of our people. The monolithic unity of the army and the people is a result of the class homogeneity of our society and the common goals of the state and each citizen. This unity is also fixed in law, including legal recognition of the Soviet fighting man as a full-fledged citizen of the USSR.

The atmosphere of strict legality, the immutability of military law and order in the army and navy, and the confidence of every serviceman that his rights and interests are reliably protected create favorable conditions for combat training, work, and everyday life for personnel, thus promoting successful performance by the USSR Armed Forces of their constitutional duty -- to reliably defend the socialist Fatherland and be in constant combat readiness which guarantees the immediate repulsion of any aggressor.

#### What Kind of Relations? ... Normal, Service

"High military discipline is achieved by:

-- instilling in military servicemen a communist worldview, lofty moral-political and fighting qualities, and conscious obedience to commanding officers (leaders);

-- maintaining regulation order in the unit (ship, subunit);

-- daily high standards by commanding officers (leaders) with respect to subordinates, respect for their personal dignity,

constant concern for them, and a skillful combination and correct application of measures of persuasion and coercion." -- Article 4 of the Disciplinary Code of the USSR Armed Forces.

They have laid a railroad to it now, but when I made my trip to the small northern post it could only be reached by airplane. Then to make our way to the place we had to cross two rushing streams in boats and then use an all-terrain vehicle -- other vehicles cannot withstand the roads there -- to "float" across the swampy woods to the fence-surrounded hill. The huts of the radar company stood there, under low pine trees open to the wind on three sides.

"Our native village!" the company commander Lieutenant Ozharenkov, who had brought me from the river crossing in the all-terrain vehicle, said. Looking around in a proprietary way, he jumped down from the high running board first. He jumped down and somehow seemed immediately to become part of the surrounding atmosphere, the harsh landscape. The lieutenant had a powerful athlete's figure and wore the insignia of a first-class sportsman on his jacket. He had a strong, swarthy face with large gray eyes and wind-blown dark reddish brown hair.

"Have you finished installation of the station, Sergeant Larionychev?"

"Yes, sir."

The radar station, elevated on a filled mound, hummed as it worked. It appeared that the lieutenant could not wait to test the equipment; he immediately went into the shack, and then appeared again, satisfied and smiling. He talked a bit with the operators, apparently about the work that had been done. And listening to him, they wiped their sweaty faces and also smiled in satisfaction. It appeared that what pleased them most was that they were able to finish the assignment before the commanding officer returned.

From a nearby hut, some 20 meters from the station, the lieutenant's wife emerged, a pretty woman who, in her colorful "sarafan," looked like a summer cottage resident who accidentally found herself in this place. She looked with alarm at the rotating antenna.

"Is it on, Sasha?"

"Testing."

A horse-drawn wagon with a dark-haired soldier sitting in front appeared in the gates.

"What film did you bring us, Private Men'shikov?"

"The Nurnberg Trial."

"You know," the lieutenant said, turning to me, "Spencer Tracy, the actor who plays in this film, died."

For me, having been on my trip for a week, this was news.

The company commander and I walked around to all the simple buildings of the tiny military military post. Everywhere -- in the equipment room, on the grassy (so that the soldiers' boots did not raise dust) drill area, and at the control post -- the appearance of the lieutenant proved very welcome. Even an outsider could see that his appearance made the rythmn of the work more lively and drew smiles and enthusiasm. Gradually I formed the impression that this young officer had not, as it seemed at first glance, successfully entered the life of the small garrison; rather the diverse and unusual life at the remote point and even the northern elements around them had been smoothly, in a military fashion, fitted to his rigorous command standards.

As a lawyer I could not help noticing the mutual relations between the company commander and his subordinate personnel. Their relations were simple and natural, seemingly carried on without thinking, but at the same time they were strictly in conformity with regulations. This was promoted by the lieutenant's amazing ability to live easily and relax in the intensive setting of regulation control and to pass on this perception of military law and order to his subordinates. Just as a healthy person is not aware of the precise work of his own heart, so a fighting man who is aware of the full wisdom and necessity of regulation requirements does not feel that they are imposed. Lieutenant Ozharenkov's subordinates, who were accustomed to finding that every order of the lieutenant was dictated by service interests alone, considered their own duty to be carrying out these orders exactly and unconditionally, and saw nothing in this that affronted their personal dignity.

A year and a half earlier Ozharenkov had not expected any changes in his military service. He had an interesting job in his specialization. His wife was with him and a son had been born to them. They were happy. But remember the words of Mikhail Svetlov: "I left my home and went to fight." When it was suggested that Ozharenkov go to the remote garrison, he did not hesitate: if it was necessary, that was it. The only thing he had to do was to collect all of the books he had loaned to comrades, technical books, books on the theater and films, and small volumes of poetry. It is true that one friend said that he would not have accepted this radar company for any position or rank: the place was completely out of the way, and in addition there had been some trouble there recently, so the collective was unsettled and it would be difficult to begin work with the men in such an atmosphere.

Things were just that way, and even more difficult. For the platoon leader at the point at that time was Lieutenant Putvinskas, a man of Ozharenkov's age, a friend from military school. How should Ozharenkov have acted toward him so that neither the work nor their friendship would suffer?

In the very first evening after the arrival of the new company commander they had a long, man-to-man talk. The two young officers whom the will of fate had put on different steps of the service ladder sat opposite one another in the tiny office and, to the mournful howling of the wind that seemed to remind them that there were no senior officers for hundreds of verstas, they decided how

they would now work together. The decision certainly was not easy for either of them. The wounded pride of the one and the firmness of the other which is sometimes easy to take for vanity, and the songs they sang together when they were both cadets -- these things did not help much in establishing new relations between them. But fortunately, both lieutenants rose above personal considerations. They continue to be friends to this day, although on the morning after this talk the formal form of address ["vy"] became a set part of their everyday vocabulary.

The new company commander, in this unusual situation, found a reliable support in the principles of the military regulations. This is natural. Even experienced commanding officers in such situations find their first advice in these documents. In an interview for the newspaper KRASNAYA ZVEZDA, Col-Gen Just A. G. Gornyy, Chief Military Procurator, once observed that an officer's legal sophistication begins precisely with thorough assimilation and unconditional performance of the requirements of our regulations, which embody long years of experience and scientific investigation by outstanding military leaders, pedagogical scientists, psychologists, and jurists. He constantly recommended that all officers, above all newly appointed commanding officers of units, ships, or subunits, take more interest in the issues of Soviet law and measure every decision they make against its norms.

Just for example take the regulation principle on mutual courtesy among servicemen which requires that they use the formal form "vy" when addressing one another on service matters. It is regrettable if some people take it as nothing more than a reflection of certain conventionalities in our communal living, as nothing more than a desired situation which can sometimes be disregarded. In life itself this "conventionality" is most directly relevant to military duty.

The platoon of Senior Lieutenant B. was on guard duty. The company commander came to check how his subordinates were performing their jobs. Everything was in order, but the commander did not hurry off; it was Sunday, there was no work expected in the unit, and no one was waiting for the captain at home that day. We must say that both officers, the captain and the senior lieutenant, were friends and at the same time ardent chess players. So they decided to "play a quick game." The captain won. Contented, he went out on the porch of the guard shack and, while saying goodbye to the senior lieutenant, reminded him of changes in the signal system, using the familiar form "ty":

"You remember, Vasil', that the supplementary signals at the posts are turned on at night. So check to see that they are."

"Fine," the officer promised. "But still you have to agree," he could not help adding, "that you got my queen by chance. Real players would not take the piece in such a case."

"Real players do not forgive blunders. If you touch a piece, move it; if you take your hand off, the move is made," the captain retorted and drove off to the post.

The night passed peacefully. But next morning the guards of the next shift found a young moose tangled in the wire near the site being guarded. The

animal had injured himself and it was some job for the men to fix his wounds. The head of the guard wrote a report about this. The commanding officer of the unit, when reading it, could not help wondering why this incident had not become known until daylight. What if instead of an animal it had been a criminal?! Perhaps the signal system was not working? They found that it was in good condition, but the men had simply forgotten to turn it on.

"When inspecting the guard, did you remind the chief of the guard about this?" The unit commanding officer asked the company commander.

"Yes, sir," the captain answered.

Senior Lieutenant B. did not deny either that he had in fact been told about the signal system. He now remembered very well what the company commander had said to him when leaving the guard shack. But at that time it went, as they say, in one ear and out the other.

After reviewing the circumstances of the misdeed (and the officers did not conceal what had really happened), the commanding officer of the unit punished both men for violating the rules of guard duty. That is what a bad trick was dealt to the two comrades by their personal relations, when they put service relations in the background. But surely this could not have happened if they had followed regulation requirements. When the formal word "vy" is used, you cannot help feeling that friendship is one thing, but work is another.

Lieutenant Ozharenkov and I discussed this case. He was sitting on a little bench in front of his house and trying to knock a blade of grass that was stuck to his boot off with a twig. Even in the evening when all the work was done and no subordinates could be seen nearby, the lieutenant did not permit himself to loosen his collar or his belt.

"Some people think," he said on this subject, "that using the informal 'ty' gives a certain warmth to relations with subordinates, supposedly brings people closer together. In my opinion this closeness is illusory. After all, the subordinate cannot follow the example of the senior man and address him with 'ty' also. And this approach is fundamentally wrong. My closeness with the men is based on a common mission which we are performing. In my opinion the word 'vy' in speaking to a subordinate emphasizes that he must do something not for me, Ozharenkov, but for the sake of the work, the service."

Of course, it was not just the form of address that earned unquestioned respect for the young company commander and helped him establish correct relations with personnel. Among the other factors in this a significant role was played by his unpretentious, sincere concern for the soldiers and sergeants, which was just as natural as everything else in this small garrison. Here are a few examples.

When the men rose on the signal "Assemble," the lieutenant recorded the lost time with a stopwatch; time was lost when the soldiers in the small room bumped into each other around the large standard rifle rack, and a bulky table for cleaning weapons obstructed passage. Soon a new one which folded into the wall appeared, and with it came efficiently designed cupboards for various types of

gear. The new items not only saved precious seconds, but also enabled the men to see that the commanding officer's demanding attitude was not simply a matter of pushing them, but that it was linked to a search for a better solution. After this many of the men wanted to take an active part in this search.

Another example. It is possible, to saw boards for various needs by hand. And that is what they did before the new company commander arrived at the point. But to him this seemed blasphemous, for a soldier who had mastered the wisdom of electronics to be using a hand saw! They rigged up an electric saw frame. Everyone understood then that the lieutenant respected a high level of work sophistication, and they could feel his concern for them.

After that the post got its own bath house. It was a real Russian bath house with a shelf and birch switches. The lobes of your ears tingle from the steam, and there are birch twigs of every sort. In the summer they are fresh, with a particularly acrid odor. And for winter they are steamed in boiling water following all the rules before being dried out. The bath cult came from the company commander too. And there was one more way that he distinguished himself here also: in the winter he would dash out of the steam room into the snow. It is a somewhat unusual, but engrossing spectacle. The soldiers were infected by this daredevil behavior, led, as in practically everything, by the company first sergeant. Later all the other men also followed the lieutenant's example. And the lieutenant would laugh and quote lines of poetry that fit the occasion: "Train your muscles, breathing, and body to be useful in military affairs!"

The company began to celebrate the birthdays of soldiers and sergeants; there would be a commendation before the formation if the person had deserved it, and always a cake. Once Junior Sergeant Reshetnikov, a tall, thin young man wearing glasses, approached Ozharenkov. Permit me, he said, to congratulate you, comrade lieutenant, on your 25th birthday. And he presented him with a miniature knife blade and case that he had made himself. A gift is, of course, unnecessary, but still it is pleasant when your subordinates know your birthday. Then a little bit later they brought him another surprise, an improved circuit for the loudspeaker communications system of the control post, which had been made "in secret." Thus, step by step, the moral microclimate at the point was shaped, and every soldier, sergeant, and officer could work and live calmly, confidently, and happily in it. For what is the moral welfare of a collective if not a reflection of the good attitude of all its members? Only in this situation can all the qualities of the citizen soldier and his activist posture find their best expression. I will go further and say that it is precisely in such an atmosphere that the indoctrination role of the Soviet Armed Forces is best realized.

The company commander used the full arsenal of organizational and indoctrination means to create a good moral microclimate in the collective. The relations of the commander and other company officers with the Komsomol organization occupied an important place here. Everyone knows that according to Article 49 of the Internal Service Regulations the commanding officer (leader) in his activity relies on party and Komsomol organizations, making full use of their influence for successful performance of missions facing the unit, ship, or subunit. But the question is how to carry this out in each particular case.

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Ozharenkov remembered a certain Komsomol meeting at his previous duty place. The staff officer who attended it took over, as they say: he evaluated everyone and told everyone what to do. And the Komsomol members themselves were simply quiet. It was necessary to hold a new meeting and conduct it more in conformity with the Komsomol Charter. So then, on one occasion when the radio operators made a mistake, the company commander deliberately sat silently at the meeting of the Komsomol bureau in order to avoid adopting a commanding tone and spoiling the frank discussion. He did this because the members of the bureau already knew what his attitude toward the incident was and what steps he had taken with the individuals at fault. On the other hand, when the Komsomol activists suggested changing the work schedule of the radio operators, the lieutenant helped them carry out this idea.

A Komsomol meeting called by bureau secretary Private Dizus in connection with the opening of the navigation season went differently. The navigation season is when the once-yearly delivery of gear, food, and diesel oil by river is made. There is an enormous amount of work, and every minute is precious. And in connection with combat duty every person is closely scheduled.

In his statement Ozharenkov did not impose any decisions on the Komsomol members. He just talked about the volume of the upcoming work and how important it was for the life and activities of the company. The statements of speakers at the meeting were brief. And yet the men unloaded the barge in 10 hours and moved four tons of freight per man to the storehouse. Their arms were scratched and sore and they could hardly stand. They stopped at the doors of the storehouse and someone suggested having a smoke and then moving the boxes inside after resting. The company commander, who was working alongside the others, said, as if it was a question, "What about the weather?" They all looked at the low sky ready to pour forth rain and quickly completed the job, as if inspired by their own machismo.

The commanding officer's main tool in leading men is certainly not the order. But it is strange, is it not, that no document defines the form in which orders should be given, and orders themselves are given different [Russian] names in the regulations: "prikaz," "prikazaniye," and "rasporyazheniye." And even when it is necessary to determine if the order has been correctly understood by the one to carry it out, still the tone of the regulations is not categorical. They prescribe demanding that the subordinate repeat the order "when necessary." Why is this? After all, in other cases the regulations are rigidly unambiguous. For example they say that the commanding officer's order is law for his subordinates and must be carried out unquestioningly, precisely, and on time.

No, such differences in the level of rigidity of words in the regulations is not accidental. Life itself sometimes does not fit predetermined forms. The regulations here rely on the knowledge, experience, and initiative of the commanding officer. And allow him each time to select that method of making his demand known to the subordinate that will, in the given situation, promote the most rapid and precise performance of it. That is why the order may be either written or oral, announced publicly in formation or given in a private conversation. But it will always be an order, and the serviceman does not have the right to refuse to carry it out under any circumstances.

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"I order you to proceed to defend the airspace of the Union Soviet Socialist Republics" -- Lieutenant Ozharenkov speaks these moving words each time personnel go on combat duty. But an order can also be given in a whisper, or by telephone. Sometimes it is just one word, a gesture, or the commanding officer's own action when he is the first to rise and charge or, like Lieutenant Ozharenkov, he picks up a box with his tired arms. Sometimes it is possible to command simply by comradely words of send off. How many such cases we have known from the stores of war veterans and books and films about the war! "Lets go, friend, move!" And people went to their death in the name of our Homeland. And the sincere form of the order did not at all dilute its content; it made it more vivid. No matter how strong and friendly the parting embrace of the commander and subordinate may have been, both of them knew that at this instant they were also linked by military relations. However it would be better to say that differently; it is precisely from military relations that relations of mutual respect, comradeship, and unselfish manly love arise. Therefore, relations within the military collective are based on the love each of us has for his native region and our lofty feelings of Soviet patriotism and socialist internationalism, and there are no bonds more sacred than military comradeship.

I am sure that it was precisely such feelings that helped Lieutenant Ozharenkov, commander of the radar company, and his comrades maintain their constant level of militance, overcome the feeling of being cut off from the world, and live in comformity with lofty ideals.

Once we were returning from a rural club. We were walking through a meadow filled with bluish fog. The antennas could already be made out far away on the hill against the background of the whitish sky. We were arguing about a subject that had not been completed at a recent debate, about military honor, and about a soccer game where the company commander was a member of one team. Then the lieutenant began to recite poems and everyone was quiet and listened. It was late, but the northern white night hanging over the area showed the attentive faces of the soldiers. And it was not really the faces, but rather their actual personalities that were outlined by the dispersed light of the sun which had barely slipped below the horizon. They were different, but in some way amazingly similar. I thought that this community of young people is based on a common understanding of their duty to their country and their people for performance of their military duty. They were closely tied to one another by military comradeship and the bonds of military relations.

"Relations?" -- "Normal, service," this is a frequent answer to questions about how a person gets along with his comrades at work. But perhaps we military people are the only ones who, when answering this way, conform to the letter and spirit of the law. For there is no other sphere of public life where mutual relations among people are treated in such detail in actual legal documents. For us normal relations are relations that conform to the principles of the military regulations.

By Right of Position

"The commanding officer (leader) is obligated to firmly and consistently implement the policy of the Communist Party and Soviet



Government. He must set for his subordinates an example of strict observance of the USSR Constitution and Soviet laws and the norms of communist morality and of irreproachable performance of the requirements of the military oath, military regulations, and his service duties." -- From Article 48 of the Internal Service Regulations of the USSR Armed Forces.

One of Major Yurchenko's good qualities is that he loves nature. The officer arrived in a remote military post in the steppe at a time when there was not yet a single little tree or bush there. He tried to pass on his enthusiasm to his fellow soldiers, encouraged Komsomol members, and organized a number of voluntary work days to plant greenery on the post. The post now is like an oasis in the desert. And how offended the major was when he saw a little birch tree broken off in the new plantings! Yurchenko stood silently over the bent trunk. He even tried to put it back in upright position, but the crown bent over to the ground again.

The little tree was growing next to the guard quarters and the break was a fresh one, so it appeared that the guilty parties should be looked for there. Yurchenko stormed over to the guard shack at the entrance. The officer interrupted the change of the guard which was taking place and, giving in to the indignation that had overcome him, gave everyone there a real "dressing down." Then he demanded that each soldier personally promise him to protect the green plantings.

They still remember this incident in the unit. They say, some joking and some serious, that Major Yurchenko used his power correctly -- to develop the law on environmental protection! But some believe that by intervening for the little broken tree the officer himself was out of bounds.

Well, if we judge in everyday terms, we can probably agree both with those who saw a reason to smile in this officer's behavior and with those who justify him. Certainly any of us, if we were to discover a poacher, would try to stop this violation of nature. Especially when there is a law on this subject. But that is the point here, that everyday logic is not relevant. It cannot and must not guide the actions of a person who is performing official duties. The power given to an official is for a strictly defined purpose. It is designated exclusively to carry out service duties and to use it for any other purposes, even the most noble ones, is to go beyond official authority and become arbitrary.

Major Yurchenko could have, within his rights, found and punished the guilty person. He could have put this behavior by a subordinate up for public discussion. But in anger he used his power differently, and he sacrificed the interests of the service to a doubtful indoctrination effort. The main thing is that the procedure for performance of guard duty was violated, and this of course is performance of a combat mission. Regulation mutual relations among servicemen suffered, for military servicemen are not obligated to give any kind of sworn promises or to listen to crude words. Finally, the regulation principle of a serviceman's personal responsibility for misdeeds was not applied. After all, the officer did not find the guilty person. Of course,

the reputation of Maj Yurchenko himself also suffered gravely here. The gossip and second-guessing that occurred after the event at the guard shack were a clear sign of this.

What comes out is that it is not easy, when commanding men, to remember at all times that you are not commanding them personally, but rather on a mandate you have been given by the state for strictly defined purposes. It is made even more difficult when you never seem to separate yourself from the service and you believe its interests are your own fundamental interests.

All the same, there is a dividing line which separates the individual's wishes and aspirations from his official powers. I am sure that every leader has at least once experienced the strange feeling of discomfort when he was forced, while at home, watching television, with slippers on bare feet, to take a report from a subordinate about service affairs. In this situation the authority and firmness which are so ordinary in the office come very hard. On the other hand, one feels a desire to cut the report short or at least switch it to something like a comradely talk. And this happens even with people who are not at all emotional, with what are called "born officials." And it happens because the moral-legal climate (if we can say it that way) that reigns at home is entirely different from the one at work. Other norms define relations among people there. And the discomfort is a consequence of imposing these relations on other, work relations. The only one who does not feel this is the person who has already begun to equate his individual person with the job entrusted to him.

Is there any need to say what consequences such confusion can have! Even if such a leader performs his service duties zealously and the work goes well, still there will always exist the possibility of a breakdown, at least like what occurred at the guard shack, where he goes beyond the permitted limits. The danger will exist unless the leader, each time while making a decision, asks himself whether he has the right to this decision, whether he is mixing work and personal affairs?

It seems to me that the poet and officer Yuriy Belichenko found the right words about keeping the commander's decision free of subjective influences. In the poem "The Regulations," he states:

"Precision in the words a commander  
put into use swiftly is fine:  
The great importance of the order  
Does not permit splitting words."

Indeed, the actions of a commanding officer and the decision he makes will only find moral support among his subordinates when they do not conceal interests unrelated to the work, bare self-importance, or flaunting of authority. The cause which we serve is the only and the natural foundation of the indisputable authority of a commanding officer's words.

A few years ago I had to investigate certain events which nearly brought an officer before the tribunal. This story began with wounded pride: the driver

Chernysh commented unflatteringly about the ability of his superior to drive his own Volga. But at this time Chernysh himself had just passed the tests for driver 2nd class and his new license was still on the superior's desk among other documents. Latching on to a certain mistake by Chernysh, the chief of the motor pool ordered that the license not be given to the driver.

But just a minute! The heads of motor pools are not authorized to deprive drivers of their professional rights. If such an action is necessary, they must appeal to the State Motor Vehicle Inspectorate. Having gone outside the bounds of his official authority, the officer found himself together with the confiscated document to be in a certain legal vacuum. What should he do with the license? It could not be destroyed. If he were to try to turn it in somewhere they would not accept it, and they would also probably ask how he got it. So the license sat in the safe while the officer waited for a reason to return it to the driver. But he did not want to simply give it back, so the head of the motor pool, seemingly a serious man, hinted that it could be gotten as a bribe. Fortunately for him the deal was not made; the community and the press intervened in the conflict and the license was returned to the driver. Thus the head of the motor pool, a man clothed with the trust of the state, almost committed a crime. And the first step toward it was an abuse of position.

The movie "Chapayev" gives a fine example of the respectful attitude of an official, a commanding officer, for the legal status of his own position. The logic of revolutionary struggle leads the legendary division commander to understand the critical need to strengthen legality by every means and to enhance the authority of his orders to a level where he himself, having given the order, cannot neglect it. And when he announces that he will ruthlessly execute anyone caught stealing, Vasiliy Ivanovich adds: "And if I do it, shoot me! No mercy for Chapayev!" Is this not a manifestation of the objective essence of official authority, equally compulsory for the one who carries out the order and the one who gives it?

I recall the respect with which the garrison military procurator spoke about the working style of officer Savitskiy. Everything in the subunits subordinate to this naval officer was done in strict conformity with the law and regulations, and as a result the men were very successful in combat and political training. But Savitskiy had not been put in any special conditions and he did not have any special legal education.

"Unlike others," the military procurator said, "this officer is very concerned to substantiate his own decisions and is very sensitive in defining the authority which he must use. He has an almost physical sense of the limits of his authority. As a result he calls the lawyers and consults when he has the slightest doubt. One time he reported, 'One of my officers has simply collapsed. He permitted a big loss of time when unloading railroad cars. Now a fine has to be paid to the railroad. Can I, as this officer's superior, hold him financially responsible?' I was sympathetic with him, but I answered that the law does not provide for this. Savitskiy simply sighed, 'That's a shame, it's state money. But if he cannot be punished with money, I will punish him on a disciplinary basis. So that he will be careful will public money in the future...'"

"And do you know," the military procurator said, completing his thought, "Savitskiy's authority among his subordinates is unquestionable. This is because while he demands order from others, above all he observes this order himself in the most rigorous way."

Indeed, the norms of the law know no personal exceptions. All people are equal before the law. This equality, and therefore also the normal development of legal relations in any collective, including military, are possible only when the right of one is secured by the duty of another and, in turn, every obligation is linked with some right. To remove just one building block from this orderly system would be to destroy the system itself.

We have already seen the unenviable situations certain comrades found themselves in when they went beyond the limits of their official authority. Willingly or not they violated the rights of their subordinates, and in doing so hindered the very work for which they answered. The right to give orders, however, is closely linked with the obligation of the official to exercise his authority fully and strive to see that his subordinates carry out all his orders. "The commanding officer (superior)," we read in Article Seven of the Disciplinary Code, for example, "who does not take action to restore order and discipline is responsible for this." This principle is also applicable in other cases.

The people's court was hearing a case on restoring Citizen S.'s job at a military institution. She had been discharged for systematic violations of labor discipline, which had been confirmed once again by a representative of the institution in court. But the court did not find this statement to be sound, and here is why. During her period of work S. had received only favorable comments from the command. On every holiday her name was listed in the orders among those deserving of commendation or valuable gifts, and even when she was discharged the young woman was given a good reference.

"We didn't want to spoil her records," the representative of the institution admitted honestly in this connection.

This is nothing else but certain leaders forgetting their obligation to maintain labor discipline! Such cases illustrate that some of them do not connect the disciplinary rights they are given with the obligation to use these rights. This gives rise to their desire, even when discharging an unreliable employee, not to spoil personal relations with them. But we know that this "kindness" is at state expense and sometimes amounts to direct connivance with violators of discipline.

The court restored S. to her work, obligating the institution to pay her for the forced leave. At the same time the court directed the attention of the heads of the institution to their standards with respect to subordinate.

So once again we see that a mistake by officials occurred because they did not understand the objective essence of legal norms. If so-called everyday logic may have led the above-mentioned Major Yurchenko to exceed his authority, in the last example the same factor caused the heads of the institution not to use the rights they were given. Neither the one nor the other can be called true concern for the work for which these comrades were responsible.

There is one other aspect of the subject that it is important to note here. Every Soviet citizen, and even more a leader, must understand the interests of the work in the broadest, state-oriented sense of this word. Our activist posture is life is a result not just of socialist morality, but also in many cases of legal norms. For example, it is the constitutional duty of a citizen of the USSR following from Article 65 of the Basic Law to be absolutely hostile to antisocial actions and to help preserve public order in every way. For military servicemen there are, additionally, several regulation requirements: to restrain comrades from unworthy actions and to help commanding officers and superiors to maintain order and discipline.

When it is a matter of violating especially important social interests, a person's indifference to what is happening and his failure to take necessary steps may even be evaluated as a crime. For example, the law provides punishment of up to three years loss of freedom for failure to help a person in a life-threatening situation or failure to inform the authorities of preparations for a murder and various other crimes (to say nothing of state crime!). Needless to say, some of us may never encounter such crimes in our entire lives. They must be spoken of because there are people who, in other, less dangerous situations for society, still take the attitude of an outside observer. This attitude is especially intolerable for an official person.

The dishonest action of Vladimir F., a cadet at one of the military schools, agitated everyone. Even the officers and even Vladimir's closest friends all stated the same thing: a person who cannot be relied on has no place in the cadet corps. And how can you rely on someone who steals from his comrade? The subunit commanding officer announced his punishment and the Komsomol member decreed that he be expelled from the ranks of the Komsomol.

A report about the impossibility of cadet F. continuing at the military school went to the desk of the officer serving as acting chief of the school. He agreed that dishonesty is an unacceptable quality for a future officer. But his long years of experience working with people also told him that a personality is not formed all at once and that, after going astray once, the young man could still straighten out and regain his good name and the trust and respect of his comrades. It seemed to him that the cadet had been punished strictly enough. So should extreme means be taken?

While the temporary acting head of the school was weighing all the "pro's" and "con's," a telegram from the senior officer arrived ordering cadet F. to go to another military school. And the acting chief was mentally relieved to carry out this order, believing that the unpleasant episode could not have ended better.

But this is where he made his mistake. The action which possibly did not exactly characterize the cadet fully and possibly was just a chance episode in his beginning life had, expressed in legal language, all the required elements of a crime. Article 144 of the RSFSR Criminal Code, for example, is completely clear that secretly taking the personal property of citizens (larceny) is punished by loss of freedom for up to two years or by corrective labor. And where significant damage is caused to the victim the punishment is increased.

So the comparatively small amount of damage caused by Vladimir F. still did not give a right to interpret his actions as an ordinary misdeed. The chief of the school did not have the authority to adopt a legal decision on this case. In such a situation the commanding officer must decide the serviceman's fate together with a representative of the legal service, in other words with a military procurator. It is very possible that after analyzing all the "pro's" and "con's," the military procurator would also have considered the measures taken to be adequate. But this decision would have come from specific legal norms, not from the subjective assessments of particular officials. It would have been just, legal, and would not have led to complications.

But the acting chief of the school did not bring in the procurator and serious complications arose. With good grounds the military procurator's office evaluated the fact that senior officers had not been informed of the cadet's misdeed as an attempt to conceal a crime. The entry made in the cadet's service card testified to the same thing. It was found that his punishment was given not for stealing, but for "flagrant violation of the order of the day"! But what else could he write, the officer who made this entry complained to me, if his subordinate had not been officially indicted. The members of the Komsomol committee who received the materials on expelling cadet F. from the ranks of the Komsomol also found themselves in a difficult situation. If his misdeed was not that serious, then wasn't the measure of punishment proposed by the Komsomol too strict? In any case, the committee did not make a final decision on this matter until my arrival at the school.

These were the consequences of an incorrect evaluation of a case by a responsible official. The temporary acting chief of the school did not exceed his authority, as did the head of the motor pool who improperly took away his subordinate's driving rights. But just as in that story, it became difficult to realize a whole series of legal relations as a result of the official's inaction. And when the regular chief of the school returned from his work trip he had to do a great deal with the help of military lawyers to restore these legal relations. This required cancelling the order of the senior officer transferring cadet F. to another military school, reviewing the decisions of other officials, and setting up a new hearing on the incident. Finally, the officer who had been temporary chief of the school lost some authority and respect.

Cadet F. was expelled from the school.

Summarizing this all, only one conclusion can be drawn: correct performance of assigned duties by a commanding officer or superior results above all from his attitude toward life and ability to assess any event from a state point of view, not just from a personal or even departmental point of view. This attitude makes it possible to carry out these duties in strict conformity with the letter and the spirit of the law and thus promotes further strengthening of discipline and organization.

#### One Line of the Regulations

"Military discipline is exact and rigorous observance by all military servicemen of the order and rules established by Soviet

laws and the military regulations." -- Article 1 of the Disciplinary Code of the USSR Armed Forces.

When you encounter cases where experienced people, not newcomers to military service, violate the law and regulations, you cannot help asking yourself whether it could possibly be true that they did not study these documents and know the rules of military life. It usually turns out that they did study them, but everyone understands them in their own way.

I had occasion to talk with many cadets and officers at the military school already discussed above. I wanted to make a more thorough study of the situation in which what happened there had been possible. I also looked at the servicemen's knowledge in the area of law. Most of the comrades, as was to be expected, were well acquainted with the legal norms that determined their everyday life and applied them skillfully in practice.

But they also asked me questions such as the following: why, right up until cadet F. was expelled from school, did he attend classes, serve on details, and go on leave -- in other words, continue on in the service as if nothing had happened at all? I think that these questions reflected certain gaps in the legal training of those who asked them. It is also hard to believe that the officer who was acting chief of the school did not even glance over the duties defined for him by regulations in the case where a subordinate commits a crime. But something prevented him from carrying them out in strict conformity with the law. Let us try to get at the reasons which caused such questions to appear suddenly in people who often know many points of the regulations by memory.

Why did F. keep serving "as if nothing had happened at all"? But how could it be otherwise? Military service is an honorable obligation imposed on Soviet citizens by the USSR Constitution. The question of releasing from military service or postponing conscription into the ranks of the armed defenders of the Homeland can only be decided by certain specific people and only in cases envisioned by the law (illness, study at a higher educational institution, and family circumstances). Incidentally, while performing his constitutional duty cadet F. once showed, as is recorded in his service record, "boldness and determination in restraining violators of public order," and for this he was commended. Moreover, this happened just one month before his improper action. Therefore, it is not so simple to answer the question whether he was worthy of being in the military. Indeed, even after he was expelled from military school he continued active military duty and was discharged into the reserve with a full set of decorations. And if a citizen is performing the duties of military service, how can he get by without attending classes and without doing his job on detail and on guard?

"Went on pass..." I then asked those who were indignant that cadet F. had been given this opportunity what they considered permission to leave the unit area to be? They told me it was a commendation. And what did they think refusal of the pass was? They told me it was punishment. So it came out that every Sunday every cadet at this school was either commended or punished because for the people I was talking to there was no middle ground. I think

the absurdity of this situation is obvious. The point is that certain comrades did not want at all to agree that regular passes for a regular-term serviceman to leave the unit area are a normal condition of his work, and not some kind of gift from the superior officer. This is precisely why the Disciplinary Code considers depriving a serviceman of regular passes to be punishment.

Still my opponents did not give in. What will happen, they said, with maintaining constant combat readiness in the subunit? Of course, the entire company or platoon cannot be allowed to disperse on a day off! And if a pass is the legal right of a serviceman, then why must he ask his immediate superior for it every time? Once again it was necessary to open up the Internal Service Regulations and read to the people something they certainly had already read, probably more than once.

Article 204 reads as follows: "No more than 30 percent of the personnel of a subunit can be on pass at one time. On Saturday the pass can be allowed for up to 24 hours, and on Sunday until retreat. Passes are given on an ordered turn system." Here is the answer to the question about maintaining the combat readiness of the subunit. At the same time, this is also a recommendation to commanding officers on how to give passes to subordinates. Suppose that 30 percent of the company is on pass on Saturday, the same number are out from morning until the evening meal on Sunday, and then the remainder receive passes. The pass order is, according to the same statute of the Regulations, managed by the squad leaders and deputy platoon leaders. Therefore, they are the ones who must write up a definite schedule and follow it based on the specific conditions of work and the requests of their subordinates.

Now let us discuss the requests themselves and the response to each one of them. If a person has prepared for a pass according to his position in order, only exceptional circumstances such as appointment of the subunit to guard duty or some other work, a quarantine declared by the garrison medical service, and the like can interfere. Nonetheless, the serviceman cannot set out on his own at the appointed hour and leave the unit area; he must receive the pass document. So it seems that there is some contradiction here.

There is not. The point is that our right to satisfaction of certain needs may be, as legal scholars say, objective and subjective. Objectively, each Soviet citizen has the right to education, but only those who are admitted to particular schools use this right. No one is forbidden to go to the movies, but the subjective right to see a particular movie at a particular theater arises for a person only when he buys a ticket for a definite showing. The objective right of regular-term servicemen to be allowed outside the unit area should be viewed in exactly the same way. On the one hand it protects the legal interests of the individual against arbitrary refusal of the pass; each refusal, as we now understand, is a disciplinary punishment and must be recorded in the serviceman's service record. On the other hand, the objective right which requires special confirmation each time insures that precise regulation order is maintained in the subunit. The commanding officer always knows who he has released from the unit area and until what hour.

And thus we see how much there sometimes is behind a single point of the regulations. It is not enough to simply read it to understand its profound



meaning; it is necessary to compare the points of one article of the regulations with those of another and a third, and with the requirements of other legal enactments. Moreover, in some cases a regulation principle can only be understood correctly on the basis of information that seems to be far from legal science.

In the same Internal Service Regulations we find Article 365. It states: "All military servicemen must wear their hair neatly. Regular-term soldiers, seamen, sergeants, and petty officers as well as all cadets at military schools are authorized to wear short haircuts." As a military man I can easily understand the great practical significance of these requirements. Extra hair interferes in combat, and not just hand-to-hand fighting! After putting on a gas mask, a person with a bushy head of hair and beard will not, I am sure, risk testing it for airtightness in conditions of actually contaminated air. The preventive-sanitary importance of the article is also perfectly obvious; it is by no means accidental that it is in the chapter of the regulations concerning preservation of the health of servicemen. Under field conditions, for example, there is neither time nor opportunity to fuss about a haircut styled after certain Western performers and keep it clean.

I also like this article as a lawyer. The terse severity of the words meets both the interests of the service and the personal interests of the serviceman. Is it really possible to establish specific limits to the barber's efforts beyond which a person's outward appearance will be unpleasantly skewed and his pride wounded? For this reason our regulations give no further instructions about a soldier's haircut than that it must be short and neat.

But then, even with the application of this article there are misunderstandings. I recall how the cadets of a certain military school were only permitted to have "boks" cuts (short sides and back), while their comrades from another military school had various kinds of haircuts. And Major K., chief of staff of one of the battalions, expressed his doubts about whether it is permissible to punish subordinates for wearing mustaches and sideburns.

Well, these are proper doubts. It is not easy to apply this article of the regulations correctly because it concerns aesthetics as well as certain aspects of the military service. Different comrades may have very different ideas about what looks good. And it is hardly possible to change things here by simply using disciplinary means or trying, literally, to fit everyone into the same mold. Such methods only harm the authority of the person who uses them, and the bad taste will make itself known again at the slightest opportunity. Is it not because certain superiors lack the patience and tact to indoctrinate their subordinates that we meet young people, discharged after their regular terms, on the street and they have haircuts that plainly do not look good on them? Or sometimes you even see a lieutenant with enormous sideburns or with swatches of hair coming out from under his hat. He interprets the regulation requirement of a neat haircut to suit himself. He simply has no idea that this is unattractive, when the service cap is not worn on the head but rather "floats" on a stack of hair. It is not even practical; at the first gust of wind the cap will fly off. It is not for nothing that the uniform

for military women envisions a beret which, when necessary, is secured to her hair with a pin.

I think that there should be discussion about the outward appearance of a serviceman even before young men are drafted. Once I was shown a letter from two girls in Chimkent. They asked, "Why before being drafted into the army are boys given such short haircuts? It messes them up so much. They walk around with their caps pulled down over their eyes, ashamed of how they look." Certainly such attitudes are not useful for future fighting men. Our young people ought to know that if during the Great Patriotic War there were no large-scale infectious diseases in the active army, one of the factors among others which assured this was the simple technique of requiring everyone sent to the front to be shaved bald. At the same time we can and should tell future soldiers about something else. I have in front of me portraits of Heroes of the Soviet Union Guards Captain Yakov Anisimov, Private Aleksandr Matrosov, Guards PFC Mikhail Abrosimov, and Sergeant Tokubay Taygarayev. They died heroically and are imprinted in our memory in precisely the form, shaved "bald," which, according to the words of the two girls from Chimkent, makes certain draftees today embarrassed. And so I want to ask them, should they be embarrassed at such an appearance? Everything here probably depends on who you compare yourself to.

In the outstanding old movie about Grigoriy Kotovskiy, the civil war hero, there is a scene where every member of his famous brigade gets a haircut. Deeply annoyed by the upcoming procedure one of the men asked the beloved brigade commander to protect him: just look, he said, Grigoriy Ivanovich, what "idiots" they are turning us into.

"Idiots?" the brigade commander said in surprise, and uncovered his own shaven head to the men.

And the soldier (who was excellently played by the actor A. Sorokin), having assessed the situation, quickly found his feet.

"Cut my hair," he told the barber. "Give me a Kotovskiy cut!"

When studying the regulations it is usually not necessary, of course, to resort to additional sources. But this makes it even more important not to overlook a single word. And if some might reproach the author with exaggerating the importance of the article just discussed relating to soldiers' haircuts for the combat readiness of the subunit or unit, I would now like to give an example that is very directly relevant to combat readiness.

"How can you understand this!?" the battalion commander said with indignation at a service meeting. "We are deciding the question of Private Pukhov's non-regulation attitude toward a fellow serviceman, and here we read in his service record that he has been commended for outstanding knowledge of the regulations!"

Nikolay Pukhov really did commit a flagrant violation of discipline and abused the respectful attitude of a young soldier toward him, an experienced specialist. Precisely what privileges Pukhov was trying to get out of this situation

for himself I will say a little later. For now I will note that the battalion commander's doubts about the soldier's thorough knowledge were not unfounded. Furthermore, an analysis of what had happened showed that, not just Private Pukhov, but also various other servicemen in the battalion did not have a clear idea of a number of very important regulation requirements. And the high scores in classes and commendations were evidence only that certain commanders took a formalistic attitude toward testing their subordinates' assimilation of the material under study.

The matter that later attracted the attention of the battalion commander began with a small thing. Warrant Officer Petrov once noticed Sergey P., a recently drafted soldier, standing rigidly at attention in front of Pukhov.

"What's going on? What's the occasion?" the warrant officer inquired, correctly considering that the sleeping quarters of the barracks were not a place for practicing drill procedures, and this was not an appropriate time for it at all.

"Nothing, we are simply fooling around," Pukhov said, grinning slightly.

It came out later that things here were not simple at all. Private P., who had just arrived in the subunit, still had not fully mastered his service duties and had not adequately watched the technical condition of the motor vehicle entrusted to him. So Pukhov was "instructing" the newcomer, having first given him the command "Attention!" which the young soldier carried out without a word.

We talked with Private Pukhov and explained that according to his service position he could when necessary suggest to a comrade the best way to perform his duties and at a meeting he could reproach and even criticize him for poor work. But he had no right to give orders to people equal to himself in position and military rank. The second-year soldier, who had commendations for outstanding knowledge of the regulations, plainly did not believe these words. After all, everyone in the platoon respected him and listened to him, and if a team was sent somewhere, he, Pukhov, was usually put in charge. In the eyes of Sergey P. I saw the same kind of disbelief of my words that he did not have to carry out the command of his fellow servicemen. The young soldier sincerely believed that there in the sleeping quarters Pukhov had commanded him in full conformity with the regulations.

I had to talk with Warrant Officer Petrov. Had he explained the appropriate article of the regulations to his subordinates? Yes, he had. Then why had it been forgotten? Why did the warrant officer himself see nothing except an out-of-place joke in the strange situation which he witnessed? It apparently was because he also had a superficial understanding of certain points of this article.

"So then what did they violate on this occasion?" this still young commanding officer asked uncertainly.

"To be short, just one point of Article 10 of the Internal Service Regulations: 'Subordinates must obey superiors without question.'"

"Why, I know that article by memory," the warrant officer said, seeming to be affended. To prove it he immediately recited the entire article.

Well, it certainly is a memorable article. And it is known not just by experienced fighting men; both participants in the conflict, Pukhov and Sergey P., recited it as well as their commanding officer. But they too had the same incomplete understanding of the essential points of the article. Both soldiers said that the order of a superior is law for the subordinate, that it must be carried out precisely, on time, and without question. When they were asked, the men could even give examples of unselfish performance of orders by both front-line soldiers and by fellow servicemen. And needless to say, there was no reason to object to this explanation. But with this the servicemen ended their explanation. However, there is more.

After all, one cannot throw out a single word from the regulations, no more than from a song, but to this point the soldiers had been talking only about the words "must obey without question," overlooking the other words. That is why they still could not understand the full meaning of the regulation principle. Recognizing that it is essential to obey without question in the army, the men did not think about whose orders must be carried out at any price. But this too is discussed in Article 10. Let us open the regulations once more and read again: "Subordinates must obey superiors without question." This is the important part of the regulation requirement which the two soldiers did not assimilate. And Warrant Officer Petrov did not help them do so.

I remember once at the draft point of the military commissariat a little old gray-haired lady was instructing her draftee-grandson: "You behave yourself there, in the army. Obey everyone." We can forgive the old lady her lack of legal knowledge, of course. It would never occur to her that someone would try to command the young man to do things not in the interests of the service. But the grandson will have to know well that each article of the regulations was formulated in precisely one way and no other for good reason. Who is responsible for the service of a fighting man? His commanding officers and superiors. This means that only they have the right to give him orders and instructions. And the regulations clearly delineate the group of people who are superiors for different categories of servicemen. For soldiers and seamen these are, in addition to their direct superiors, the sergeants (petty officer) and warrant officers of the same unit and all officers. A private may in fact command other privates, but only when he has been appointed by the commanding officer, even on a temporary basis. Remember how Pukhov said that he had to serve as the man in charge of the team of drivers? At that time he really was a superior for every member of the team and they were all obligated to obey him. But in the episode to which we drew attention there were two soldiers who were not in a relationship of subordination and neither of them could give the command "Attention!" to the other.

I anticipate that some may wonder whether a brief scene in the sleeping quarters of the barracks deserves such fixed attention. Possibly also after everything that has been said Warrant Officer Petrov should not have been reproached for seeing what happened as just a harmless joke, they might say.

Further events confirmed once again that in observance of regulation requirements nothing should be trivial and any deviation from the regulations threatens consequences that are dangerous for military legal order,

The fact that the warrant officer did not attach proper attention to this incident led Pukhov to the conviction that he in fact did have the right to lead his fellow servicemen. They for their part considered it normal that Pukhov gave them commands; "Do this, do that." Even some of the sergeants saw nothing to condemn in this; they said, the man is working for the cause! But after a time Pukhov began to give commands that were not just in the interests of the work. Once he ordered the same Sergey P. to bring a bottle of wine back from a trip, and he carried out this obviously illegal demand.

So the three of us, the battalion commander, the platoon leader, and a military journalist, investigated the sources of the incident. I will note that the further our conversation went, the more firmly the participants were convinced that a thorough knowledge of any legal norm requires more than being able to recite it without a hitch. It is necessary to clarify the meaning of every word and to understand the action of this norm in time and space, within the group of people to which it refers, and in combination with other legal enactments. The military regulations ratified by Ukase of the Presidium of the USSR Supreme Soviet are also legal enactments. In concise legal form they formulate the obligatory rules of our behavior. They are concise because they cannot become multivolume publications. This should always be remembered when we look through their pages.

Translated from Legalese

"Respect for the law and the laws should be the personal conviction of every person" -- from "Materials of the 24th CPSU Congress"

"The commander (superior) must work every day on the political, legal, and military indoctrination of personnel" -- from Article 49 of the Internal Service Regulations of the USSR Armed Forces.

The head of the club, a young lieutenant just recently appointed to this position, was plainly happy when he saw an officer with legal insignia in his office door. But after a while, in his same youthful manner, he was openly and noticeably unhappy. He was completely displeased by my advice on the best way to conduct an evening meeting for personnel of the regiment devoted to friendship and military comradeship. The plans of the club chief indicated an evening meeting on a legal topic, but I was suggesting to him an ordinary event in which military lawyers were given a very modest role somewhere near the end of the program. Where was the "All rise, the court in session!" the chilling verdict, and the Criminal Code in general?

I recall the young lieutenant not to take note of his inexperience. Experience can be acquired. It is more difficult to overcome set opinions of legal indoctrination as some kind of process of frightening the audience, by which it supposedly differs from political, military, and moral indoctrination. But willingly or not this approach relies on the well-known and mistaken

principle of breaking up the indoctrination process depending on the missions of the day; today, they say, the indoctrinator is shaping ideological convictions in the men, then tomorrow it will be their attitude toward military duty, and on some other day moral qualities. This is mistaken, for one, because the personality is indivisible. Of course, at a particular moment one person may lack ideological conditioning while another needs culture or physical improvement. But a person of high ideological conviction will never permit deviations from what he considers to be his civic duty. Nor can we imagine a sophisticated person who would affront the personal dignity of a fellow serviceman. And naturally, criminal punishments are not for those who have known from childhood that, for example, to steal or swindle is against the law.

Does this possibly mean that there is a certain conditional quality to the very concept of legal indoctrination, which according to the military regulations is a duty of all leadership personnel? No it does not; the concept is entirely specific and definite. As a constituent part of the uniform indoctrination process, it supplements political and military indoctrination by explaining the reasons that a particular rule has been formulated in the law and regulations in one specific way and no other, shows what kind of real-life phenomena stand behind the terse legal language, and on this basis instills in military personnel a deeply conscious desire to observe the norms of military life rigorously. And the essence of this process is the individual's understanding of the social justice, moral justification, and practical utility of the legal principles of the socialist all-people's state.

. . . On the street a soldier failed to salute his superior in military rank. He had been walking toward him and was not distracted in any way, but afterward insisted that he had not noticed the other man. Going beyond criticism, let us try to dig to the cause of this supposed absent-mindedness. It gradually became clear that the man was having a hard time learning to be a subordinate. It is possible that the people in his own subunit did not even suspect this. He performed his duties conscientiously and was respectful toward the leaders, senior men, and fellow servicemen. He saluted everyone he was supposed to. But all these things were not a habitual inner need with him, and this is what came out on the street when he met the unfamiliar sergeant.

We can say with a high degree of certainty that certain elements of legal indoctrination were lacking in work with this serviceman. When studying the corresponding articles of the regulations with his subordinates, it appears the commanding officer relied on one simple argument -- it is necessary. But for whom is it necessary, and why? It is possible that these questions were not even raised, but unquestionably they occurred to the men and continue to exist concealed today. To fail to answer them is to risk the possibility that some of the subordinates will be exemplary only in front of their immediate superiors. But for our work it is important that a person recognize himself as a fighting man and defender of the Homeland in situations where neither superior nor junior people are present and only his own conscience can suggest the correct step.

I cannot help recalling an episode from K. Simonov's trilogy "The Living and the Dead." Three Soviet military men, weak and practically unarmed, are trying to escape from enemy encirclement. Any meeting with the Nazis threatens them with death. But they do not even think of taking off their military uniforms and insignia. It was after noticing the red stars of a political instructor on Sintsov's sleeves that the owner of the forester's shack where they stopped became informal and friendly.

"You are brave ones!" he said, giving his evaluation of such behavior. Then a little later he asked Sintsov, referring to his uniform, "Well, is that how you plan to travel?"

Sintsov nodded.

"Well, what if you meet the Germans?"

"We'll fight them."

The author, who is very knowledgeable about the psychology of fighting men, has convincingly shown the link between conscious inner discipline and its outward manifestations. In this case, it continued to be natural to follow the regulation about always dressing properly for three servicemen in an inconceivably difficult situation. And it is possible without any unfounded assumptions to continue the idea that the uniform was very helpful to the men in keeping their sense of participation in the combat formation of their fellow servicemen and their sense of membership in our entire army; it inspired them to bold, decisive actions and honest performance of their military duty.

The article about mutual military greetings should be looked at in the same way at training periods in the regulations. After all, when we raise our hand to our headgear we are, on the one hand, paying tribute to military comradeship and, on the other, we are -- as it were -- confirming our readiness to perform our military duty, at that moment and no matter how far we may be from our native unit.

As we see, legal indoctrination is far from mandatory examination of certain crimes or memorization of the articles of the Criminal Code, which is what the above-mentioned young lieutenant and club chief was counting on. Like any other kind of indoctrination, legal indoctrination must above all be constructive, which means that it focuses on what must be done, not what should not be done. And one must agree that this is easiest to achieve when examples of correct performance of the requirements of the laws and regulations are demonstrated for the men. This will make the meaning of the particular principle clear and understandable and engender a feeling of respect for the wisdom and justice of the legal norm. At the start of this section I was talking about conducting a topical evening meeting on military comradeship; it should be conducted in the way that this was done in one of the units of the Red Banner Ural Military District.

Some time was left until the official start of the evening meeting, but in reality it was already underway. The men who had gathered at the unit club

were looking over reproductions of pictures and photographs and paging through books that told about the remarkable tradition of the Soviet Armed Forces. Melodies from the days of the Civil War and Great Patriotic War and songs about the contemporary army were playing throughout the club. All these things put the visitors in the mood for a frank and serious discussion on the proposed subject. The meeting was begun by Major Rodin, the political worker, and carried on by Junior Sergeant Rusanov, Private Tarasov, and Colonel (Ret) Ivanov, former chief of the political branch.

Participants in the meeting read poetry about military friendship and gave examples of servicemen helping one another which they themselves had witnessed. Then Lieutenant Colonel Justice Komel'kov presented some comments on the documentary film "The Same as Me," which was shown at the meeting, and reminded the audience of the legal norms that protect regulation mutual relations among servicemen and the honor and dignity of each of them regardless of military rank, service position, or years of service. Numerous questions were asked, and well-reasoned answers were given to them. It is a cliché, but really, no one wanted to go home after this event and only a reminder that performance of the daily routine is also an important obligation of the fighting men put an end to the interesting and useful discussion.

Of course, it is not simple to organize such an evening meeting. Those who undertake such a task must have both pedagogical skill and purely legal knowledge. But every garrison has skillful propagandists and military lawyers can always be invited. Incidentally, unit libraries have the necessary literature to help the organizers of legal indoctrination, and many officers clubs also have special offices of legal propaganda which have collections of annotated lists of movies on legal-moral subjects and even activity outlines of various events.

But of course, legal indoctrination cannot be limited to just mass agitation work. The skillful indoctrinator finds numerous opportunities to explain the principles of the laws and regulations right during combat and political training of the servicemen and while they are preparing to perform specific combat training missions.

. . . The training period at the guard post was coming to an end. The reports of the men going on guard duty concerning the duties of a sentry and the special features of protecting the sites were being heard. The soldiers showed confidently how they would act if the lights went out at their post or if a fire broke out. In conclusion the company commander Senior Lieutenant Bunyayev reminded his subordinates that a few years earlier a criminal had penetrated to post No 2.

"Why did this happen?" the officer asked, and himself answered; "Because the sentry lost his vigilance for a certain time, became distracted from observation, and right here," the officer pointed to a place on the model, "carelessly approached the corner of a building. The criminal was hiding right there, behind this corner."



The company commander spoke just a few sentences. And they were not news to most of the servicemen. The commanding officers, political workers, and activists of the unit speak of this old incident when necessary. But on this occasion the words spoken by Senior Lieutenant Bunyayev fell, as they say, on well-prepared soil. Each soldier mentally pictured himself at that post on that night. And the familiar lines of the regulation were suddenly filled with real, tangible meaning. "Serve alertly, not distracted by anything," "observe the approaches to the post carefully," and "keep the weapon loaded, always ready for action." It turns out that these words contain long years of experience with guard duty, experience bought at a high price, including the most precious thing that we have -- human life.

I was at the regimental guard post at that time and saw how the faces of the men became serious. It occurred to me then that this too is an element of legal education, organically involved in the process of preparing guard personnel to perform their combat mission. Later I had occasion to read in the post log for this guard: "I note Private Sveshnikov for his good knowledge of his duties and practical fulfillment of them as sentry at post No 2. Lieutenant Colonel Perfilov." I should observe that the other men also performed their duty just as well, and this was a tangible result of purposeful indoctrination work with them.

Now here is how Senior Lieutenant Vorob'yev included one of the legal principles in the thread of his talk at political training periods. The training period was devoted to combat traditions. During an extensive discussion of the sources of the mass heroism of Soviet fighting men during the Great Patriotic War the officer traced the connection between military heroism and the desire of servicemen to carry out the commanding officer's order at any price. He also noted that the commanding officer's right to give orders is protected by the law and that one may be held responsible for failure to carry out an order not only when one deliberately avoids carrying it out, but also when this happens despite the will of the subordinate, out of carelessness or misunderstanding of the order.

"After all, it may sometimes happen," the training leader said, "that a soldier will receive an order, but not be in any hurry to carry it out, thinking that there is plenty of time. But circumstances can change at any moment, and this may prevent fulfilling the order on time. So one must keep in mind that the law does not take account of any excuses for failure to carry out an order. An order must always be carried out precisely, on time, and without question."

I want to single out the main thing in the above examples. This is that the propagandists did not use the norms of the regulations and laws to frighten their audiences. Rather they showed the possible consequences of failure to observe them and the social danger that is concealed in violation of these norms. And in this connection we can understand how naive the question asked by a certain training leader of a soldier (plainly trying to please the referees) was. He asked, "How many years do you get for failure to carry out the commander's order?" I recall that a heavy silence hung in the air, and I caught myself thinking that I did not know either. After all, even the judges

when they withdraw to the conference room to deliver the verdict after a case has been heard, still do not know what punishment they will consider sufficient to reindoctrinate the particular individual for the particular crime.

No, it is not fear of punishment, but rather understanding of the objective need to act in conformity with the requirements of the laws and regulations that provides the solid foundation of the legal consciousness of Soviet fighting men.

Nonetheless, we certainly cannot avoid all mention of criminal punishment or possible disciplinary or material responsibility for legal violations. A knowledge of the specific sanctions (as lawyers call them) for a particular crime helps to be more deeply aware of its danger to society and the state. After all, the strictness of the punishment envisioned by law is an indication of the degree of social danger of the criminal action.

. . . The formation was disrupted just for a second, then it evened out and the subunit continued its precise movement. Anatoliy would possibly not even have paid attention to what happened except that he clearly felt that he had tripped not on a rock, but on someone's foot. The soldier turned around and looked questioningly at Private Semenov, marching behind him, and he heard the mocking words "Keep marching, keep marching," followed by biting laughter.

The formation was later dismissed and the men began cleaning and oiling their weapons. But this laughter continued to ring in Private Pan'kov's ears and tears began to form in his eyes from the realization that they had been mocking him with deliberate malice. Pan'kov's fellow servicemen were generally good men and he respected many of them deeply. They were the ones who helped him, when he was a newcomer, get used to the unfamiliar military atmosphere and taught him to make his bed, smooth out folds with a belt, march in formation, and handle the automatic weapon skillfully. Against all of this a simple kick during formation seemed insignificant, a passing incident. But now, after a difficult day of training, he recalled other "small things," which he saw in a new light for perhaps the first time.

A few days earlier, Private Shevtsov was looking for white thread and material for a collar. It was not for himself, but for Private Semenov. And Private Shapkin once had carried Semenov's machine gun from the firing range. They said that Semenov's arm hurt at that time. But for some reason it did not hurt in the mess hall. . . Suddenly a familiar voice rang out unexpectedly near him: "Pan'kov!" He saw the short, powerfully built Semenov, with a pained look on his face. "Listen, could you clean my machine gun. My arm still hurts a little, you know."

"Clean it yourself," Anatoliy answered.

"You aren't mad at me, are you?" Semenov said in surprise. "So you think I gave you a kick. What is the big deal? A military joke. . . So, will you clean it?"

"No."

For a minute Semonov looked questioningly at Pan'kov, then he sighed, picked up his machine gun with his "sore" arm, and walked off to another rack.

"He's still young and untrained," he explained to his friend Sabirov, but in a loud voice, for everyone to hear. "He still hasn't understood the service."

Anatoliy had heard various things about Sabirov. That he was an outstanding athlete and had just come back from the latest competition. And that once he had taken a young soldier's service cap from him, supposedly to wear, but he simply "forgot" to return it. Only the intervention of a sergeant put things right. "All these things should be discussed at a Komsomol meeting," Anatoliy thought. "But what to say? Should I complain like a little kid?"

The company commander came up and checked the barrel for cleanliness. He praised him for his good work and asked how things were going.

"Normal, comrade senior lieutenant,"

That evening Pan'kov, Semonov, Sabirov, and some other soldiers were put on kitchen patrol. Anatoliy thought that he would not be able to avoid a new confrontation with the two friends. After all, many times during work they had attempted to put themselves above the entire detail group. Anatoliy decided that this would not happen again: let them work on the same level as everyone else. And later he would still speak at the Komsomol meeting. Just then he noticed Master Sergeant Extended Service Golik coming into the mess hall. He called to him and asked him to listen. As the chief of the mess hall, the master sergeant is also supposed to see that each person appointed to kitchen patrol performs his duties.

"But have you reported these problems to your commanding officer?" the master sergeant asked him sternly after listening to Pan'kov's somewhat disjointed report. "Well, all right, I will report myself."

The chief of the mess hall, a man with considerable experience of life, could, of course, have guessed that the young soldier did not report the abnormal relations with fellow servicemen through the chain of command out of a falsely understood sense of comradeship and a desire not to be known as a complainer. But the master sergeant of extended service plainly did not have the pedagogical talent to do more. When the new kitchen patrol shift had formed up in front of him, Golik called Private Pan'kov out from the ranks.

"This man has reported improper actions by Semonov and Sabirov to me, that they supposedly make fun of their comrades and do all kinds of malicious things. I want it to stop right now," the mess hall chief said, and clarified: "Today you all do your jobs as equals, without any kind of privileges!"

Anatoliy stood in front of everyone as if frozen. Golik had not understood what he said correctly, not correctly at all. The behavior of the two other soldiers should have been discussed collectively and action taken on specific instances. And he could feel the heavy gaze of Semonov on him. Sabirov listened to Golik, staring at the floor. . .

In the morning the unit commander received a report that three soldiers had been in a fight in the boiler room near the mess hall. A preliminary investigation was assigned, followed by a regular criminal investigation.

In the criminal proceeding the actions of Semenov and Sabirov were found to be malicious hooliganism distinguished by special effrontery. The military tribunal which heard their case in open court session in the presence of unit personnel found the accused men guilty and sentenced both to loss of freedom at a strict-regime corrective labor colony. The military tribunal of the military district rejected the convicted men's appeals concerning the criminal finding as to their actions and the severity of the punishment.

The newspaper KRASNAYA ZVEZDA at the time informed its readers of this exceptional, atypical of our army event so that those involved with the indoctrination of fighting men could draw the appropriate lesson from it. The file of this extraordinary event in the military unit was sent to the archives and gradually began to be forgotten. Private Pan'kov completed his service successfully.

Then what makes us go back again to what happened? It is primarily the fact that, as appeared later, not everyone clearly understood everything about the decisions of the courts. Take the letters from the convicted men, the records of the meetings that were held in the unit after the session of the military tribunal, or reader responses to newspaper articles. Alongside unanimous condemnation of the behavior of former soldiers Semenov and Sabirov, another feeling breaks through to one degree or another in many of these documents: "Was all this really so serious that two young men should be eliminated from military service and sent to jail? So they played bad jokes. So they challenged people. And finally, they beat up a fellow serviceman. But they did not kill, and they did not steal! Even the experts did not find the victim to have bodily injury!" And what about the decision of Master Sergeant of Extended Service Golik and the behavior of Pan'kov himself? After all, until the fight itself they also were unable to correctly evaluate the degree of danger found in the abnormal relations of Semenov and Sabirov in the military collective. It turns out that not even they thought that it was all so serious and that they could be criminally responsible!

In fact, if something like this had happened at school where such conflicts are very commonplace, or on the street near a beer stand where drinkers sometimes get into scraps, the liability of the guilty persons would have been different. Probably it would have been a matter of calling the parents of the troublemaker to school and several days of administrative arrest for the drinkers. But the social danger of a legal offense is determined not just by the damage caused to a particular person, but also by the social direction of the criminal actions. In our case the insult and then physical violence was directed not against Anatoliy Pan'kov as an individual, but against military legal order. Article 2 of the Internal Service Regulations obligates a serviceman to "treasure military comradeship, help comrades in word and deed, keep them from unworthy actions and help them out of danger, even at the cost of life itself." The regulations were ratified by an Ukase of the Presidium of the USSR Supreme Soviet and are, as we have already said, law for every Soviet fighting man.

Of course, the court could not fail to consider this circumstance. "It is established according to the file," the decision of the district military tribunal stated, "that Semenov and Sabirov, following moral rules that are alien to the Soviet army, mistreated fellow servicemen. In this way they seriously violated military order and expressed flagrant disrespect for the collective of servicemen and an unthinking attitude toward the honor and dignity of Soviet fighting men. Under army conditions these actions are much more dangerous."

In this way the court came resolutely to the defense of military comradeship as one of the foundations of military legal order on which the fighting effectiveness of the subunit, unit, and all the Armed Forces depends greatly. No one, not a bunk mate, nor commanding officers and chiefs, has the right to insult a serviceman or permit actions that infringe on his human dignity, for this interferes with performance of assigned missions by the military collective. This is what the severity of the sentence given in the case of Semenov and Sabirov forces us to consider. And if a legal propagandist recalls all this in a discussion of the necessity of observing regulation norms that define mutual relations among servicemen, I am sure he will be understood correctly.

Needless to say, a large majority of Soviet fighting men serve outstandingly and never give a thought to the measures of punishment for particular misdeeds or crimes. As a rule their behavior is defined by categories of a higher order: communist ideological loyalty, love of the Homeland, and lofty moral qualities. Each day thousands of soldiers go to posts that have never been attacked and perform combat missions with the highest sense of responsibility. Songs have been written about Soviet military comradeship and other fine traditions of the army and navy. So the propagandist certainly does not always need negative examples.

I want very much to return to the idea that it is not easy for some people to realize the enormous responsibility that is put on the shoulders of a fighting man when he takes the military oath. In fact, under peacetime conditions some young fighting men have the illusion that there is no direct connection between their behavior and the combat readiness of the subunit or unit. They may have seen someone dozing on duty, for example, and nothing happened; someone may once have gone AWOL, and this did not have a visible effect on the combat readiness of the company because it was not performing a combat mission at this time. So he concludes that not every deviation from the regulation norms threatens serious consequences. Is this naive? Yes, it is. But this kind of logic sometimes impresses the young, inexperienced mind. And for men whose consciousness and political and military maturity are still just taking shape, familiarization with actual experience in the application of Soviet laws and detailed explanation of legal formulations are absolutely essential. This requires a precise and emotionally-inspiring translation of legal documents into everyday language.

Needless to say, no matter how well organized it is, propaganda work by itself cannot accomplish all the missions of legal indoctrination if it is not reinforced by the everyday practices of commanding officers, political workers, and

party and Komsomol activists to maintain regulation order and establish an atmosphere of legality. If, for example, following a lecture on the inevitability of punishment a serviceman immediately sees how certain sergeants, and sometimes even officers, overlook so-called petty deviations from the rules of military life, the indoctrination impact of the lecture will be very small. Furthermore, a person may form the false belief that a divergence between word and deed is natural, that the letter of the law is one thing and actual practice is another. It will take considerable effort to overcome this point of view later. That is why I want to recall once again the need for a comprehensive approach to personnel indoctrination. This requires that it be carried on regularly, using all available forms and methods, at planned training periods and during leisure hours, at topical evening meetings, and in individual talk.

Political workers and party organizations unquestionably have a special role here. And this primarily means, of course, the deputy commanding officers for political affairs, whose duties according to the Internal Service Regulations include indoctrination of personnel in a spirit of absolute obedience to the USSR Constitution and Soviet laws and irreproachable fulfillment of the military regulations and orders and the norms of communist morality. I have already talked about how club chiefs in two units took different approaches to organizing evening meetings on a legal topic. I think that this comparison also permits us to judge the different approaches of two deputy commanding officers for political affairs to the work. In the one case the young club chief was, as they say, on his own; in the other practically every member of the agitation-propaganda group was involved in preparations for the evening, and the meeting itself was just one link in a chain of interrelated activities. Incidentally, the ability of a political workers to use the broad aktiv of the unit or ship for purposes of legal education is, in my opinion, one of the main conditions for the effectiveness of this work.

Who are the particular people that the political worker can and should rely on in a specific case? All officers, the party, Komsomol, and trade union organizations, the agitation-propaganda group and agitators of the subunits, members of the comrades courts, peoples control workers, court investigators, and peoples assessors. As we see, there is a large force. All that is needed is to direct it to a single goal -- creating an atmosphere of mutual respect, high standards, and implacable hostility to all deviations from the norms of our life in the subunit, unit, or ship.

Once I saw a smart-appearing, disciplined young officer enter the office of the chairman of the military tribunal of the Grodno garrison. He presented himself:

"Captain Radayev, secretary of the party organization. I have come to ask the workers of the military tribunal to take part in a planned topical evening meeting under the title 'The Soviet Fighting Man is a Model of Fulfillment of the USSR Constitution and Laws and Regulations,'"

These words aroused general excitement among the officers in the office of the chairman of the tribunal. We had to explain to the captain, who never

expected such a reaction, that before he arrived there had been a discussion about the inadequate initiative of commanding officers and political workers. When lawyers go out to the units, it had been said, that was good, but the people there were in no hurry to call for help. A justification for this situation had already been found, that the commanding officers and their deputies were "up to their ears" in other work. The appearance of the secretary of the party organization in the office put everything in place; here was the reserve which was not being used fully everywhere yet.

I could not refrain from immediately interviewing Captain Radayev. He told how study corners for legal knowledge were used in his unit and how communists participated in work to prevent violations of the law. For example, not long before Warrant Officer Yezepchik served as a peoples assessors in one of the units of the district during the trial of a criminal case for stealing headphones. He told his fellow servicemen about the factors and conditions discovered by the court which led to this crime during specially planned discussion meetings.

Indeed, political workers and party organizations have a great part to play in such a complex matter as legal indoctrination. Organizing lectures and discussions and propagandizing legal knowledge is just one aspect of the work they are doing. Another and equally important aspect is concern for maintaining firm regulation order in the unit and on the ship and indoctrinating communists, especially leadership personnel, in a spirit of precise compliance with the prescriptions of the laws and regulations. As a rule, party meetings are held on this topic and communists hear reports by their comrades on performance of their party and service duties. In those places where a creative approach is taken to conducting these measures and no elements of formalism are permitted, the incident that took place in the party organization of one of the military academies would hardly be possible.

The plot of this story resembles one which I related earlier. The academy received a warning of the supposedly unworthy behavior of an officer. But the officer was on leave and the persons who gave the statements were given this preliminary answer: the amoral behavior of the communist would be reviewed upon his return to work. And then the bureau met. It was explained there that the accusations against the officer were unfounded, and the satisfied bureau members put an end to the case. However, it was not the end; things continued. This was because the very same slander had already flown to a higher party level, and now it also included criticism of the communists of the academy. How could this be, they asked? First they acknowledged the behavior of their fellow serviceman to be amoral, and then they turned on the witness. This, they said, is like throwing out a friend. So there were more hearings, and once again the good name of an officer and communist hung in the balance, although there was little publicity. And why did this happen? -- because at the very start the secretary of the party organization gave the complainant an answer that did not correspond to the norms of Soviet law, specifically he acknowledged the amoral behavior as a fact before it had been officially confirmed.

When organizing legal indoctrination of fighting men, political workers and party organizations strive above all to see that communists set an example of observance of military legal order. The personal example of the communist, especially the communist officer, is the best propaganda for the idea that every serviceman must act entirely according to the law and the regulations.

#### Chapter 2. The Norm Behind the Norm

"The law is a political measure; it is politics. . .the laws and prescriptions of Soviet power must be observed as a sacred duty and all people should watch to see that they are followed" --  
V.I. Lenin

#### From the First Hour

"The beginning and end of regular-term active military duty for servicemen are determined by the appropriate points on service of regular-term active military duty" -- from Article 14 of the USSR Law on Universal Military Obligation

Anna Alekseyevna opened the austere, stampless envelope with fingers fumbling from excitement. She glanced over the printed text and could not hold back the tears.

No, it was not the crudeness or indifference of the official paper that pained the mother's heart. On the contrary, Anna Alekseyevna would possibly even have been happy to receive an empty, formal letter which would at least leave some hope for a favorable solution to her problem at other levels. After all, that does happen: the answer says that the matter was not reviewed, but sent to another place. However, it could be seen by everything that the people who signed this letter had studied the case carefully and explained the impropriety of her request thoroughly, with references to particular points. And could such a thing be possible -- requesting a military pension for a son who did not spend a single day in the army?!

But that is how it really was. In late August of last year engineer Yevgeniy Izmaylov was drafted into the army as a reserve officer for a term of two years. The military commissariat gave him his documents, the engineer was discharged from the plant where he worked, and on the prescribed day he set off. But the young man began to feel sick in the railroad car. He was taken off the train and put in a hospital. There they learned who he was and where he was going, and reported to the unit where the lieutenant was already awaited.

When he was a little better Yevgeniy was delivered to his place of service in an ambulance. On 4 September the commanding officer of the unit issued this order; "\$1. Consider Lieutenant Ye. Izmaylov to have arrived to perform active military duty. \$2. Consider Lieutenant Ye. Izmaylov to have departed for treatment at the hospital." At the hospital the doctors determined that Lieutenant Izmaylov was unfit for military service.



Gravely ill and unable to work, Yevgeniy returned home. At the same time his papers reached the military commissariat. It followed from them that if things had happened this way, if a person was unable to perform his military duty because of illness, then the order drafting him for military service should be cancelled as unexecuted. This, they felt, would make citizen Izmaylov's documents correspond exactly to the actual state of affairs and to his status relative to military service, that is, not under obligation.

Of course, he was granted a pension on general principles.

Was Yevgeniy's mother aware of all this when she submitted petitions to various organizations? Of course she was, although she also complained bitterly of her only son's unhappy fate. At the plant she was told that they could not help in any way with the question of modifying the pension. The misfortune did not happen at work, after all, and not even on the road to the plant. The son had been discharged from the plant. And they showed her the official document from the military commissariat and her son's statement and read her the law on the procedure for granting a disability pension.

Anna Alekseyevna also understood these comrades from the plant bookkeeping office very well. Nonetheless, in her heart she could not accept such flagrant injustice. It was not on his own chance desire that the son set out on this trip which ended so tragically for him, but rather to perform his sacred duty to the Homeland. Was he to blame that things turned out as they did? In short, the elderly woman wrote one more letter. It was not a complaint this time, nor a request; rather it was the outpouring of a mother's heart.

The letter went from the receiving office of the USSR Supreme Soviet to the Main Military Procurator's Office because, as the receiving office correctly determined, there was no need for any new law to apply to this -- let us say frankly -- extremely unusual situation. What had to be decided was whether already existing legal norms had been applied correctly. And who could check this more ably than the body which carries out the highest state supervision of observance of laws in the Armed Forces?

"It appears that everything relies on the interpretation of the initial moment of active military duty," said a department chief in the Main Military Procurator's Office and put Anna Alekseyevna's letter on the desk of Colonel Justice Zakharov.

. . .The beginning or end of an event, a state, or legal relations. To some people this matter which the military lawyers began to ponder may seem needlessly trivial. However, a principled solution to the problem depends on precisely what the circumstances were when the misfortune occurred. And challenges of this kind are not that unusual for lawyers,

"Today is my daughter's birthday," my neighbor informs me happily. "She is eighteen, an adult already!"

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Well, one can certainly congratulate the happy father. But to be absolutely precise, the moment that the girl becomes an adult will be slightly later, at the conclusion of the day given as her date of birth in her documents. And until this precise moment, the interests of the girl will continue to be protected in criminal law as a minor. If something were to happen, the law would intervene on the side of physically immature youth, inexperienced in the affairs of life.

The Regulations on Garrison and Guard Duty are concerned with something else. It is extremely important that military and other sites be under the protection of guards in all situations. The most vulnerable time in this is during the changing of the guard when they turn over and accept sites. The regulations say that guards come under the subordination of the corresponding officials "from the moment during the mounting of the guard that the command 'At ease' is given to meet the duty officer in charge of guards." And the moment that the guard leaves subordination to this person is defined as the "moment that the chief of the guard gives him the command 'Forward march' to go to his own military unit." In other words, at the most important moment there are in fact two guards, the old and the new, protecting the sites. If any mistakes are made both chiefs will be held responsible.

So the beginning and end of legal relations are important elements for deciding many legal issues. That is why Colonel Justice Zakharov listened very carefully to the words of senior officers when beginning work on Anna Alekseyevna's letter.

First of all he established the moment of her son's illness and its cause. Yevgeniy had, it turned out, a latent brain defect which might not have manifested itself for years and which the military commissariat's medical commission, which considered engineer Izmaylov fit for active military duty, could never have discovered. Therefore, there could be no question at all of unconscientious work or of any claims by a person who knew of his illness beforehand. But if this were so, then Lieutenant (Retired) Izmaylov became sick while he was already in the service, and should get a military pension. The colonel justice reported this to the Main Military Procurator. The order cancelling the lieutenant's conscription into the army was cancelled, with all the consequences that followed from that.

But what was behind the reasoning that completely overturned everything that had gone earlier? It came from the principle of the law that the initial moment of active military duty for an officer called up from the reserve is the day of departure for the place of service as given in the order of the military commissariat. It is from this moment that the command has a right to demand that the officer carry out the duties assigned to him, while he for his part can call on commanding officers to defend his legal interests. This applies, needless to say, only if he has in fact departed for the place of service at the scheduled time or done everything he could to do so.

As we already know, Lieutenant Izmaylov left for the unit at the right time. In this way he performed the first service action in his activity as an officer. From this moment also he became a full-fledged military man, full-fledged and responsible. If he had committed some violation of public order,

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he would have been held responsible as a military man. But a misfortune happened to him, and he has a right to all the benefits established by law. This is what lay at the basis of the Main Military Procurator's Office's assertion that the order drafting Izmaylov was in fact carried out, even though because of circumstances the lieutenant was not able to accept the position assigned to him.

Unfortunately, we still meet people who are capable of "forgetting" particular points of the law if they do not fit within their idea of what happened. This is what occurred when Izmaylov's case first appeared on the desk of the person who incorrectly interpreted the very concept of being on active military duty. This person thought that being on duty necessarily involved performance of service duties at the location of the military unit. And it seemed to him that he was pursuing state interests exclusively. But we already know what this "concern" led to.

But it is precisely the norm which was violated out of good intentions that provides the best protection of state interests. And it is not just that concern for a person is also a state interest. By defining the initial moment of active military duty as it is defined today, the law is primarily guarding the combat readiness of units to which the draftees sent by military commissariats are obliged to go.

When talking about the fact that the right of an officer called up from the reserve to certain benefits (including a military pension) arose on the day of his departure for the unit, we deliberately also mentioned that he has duties related to military service. Unfortunately, we sometimes witness how certain young people are unprepared for this turn of events. Some draftees mistakenly believe that they will become soldiers later, upon arrival in the unit when they take the oath and receive their weapon. But this is not the case. For a draftee service begins from the moment that he appears at the military commissariat to be sent to the military unit. It is from this moment, as in the case of Lieutenant Izmaylov also, that the state takes on its concern for the man, his everyday life, and health. But at the same moment it also demands something back: a conscious attitude toward his military duty. And just as it is not possible to make any exceptions like those which were proposed in establishing the pension support for the above-mentioned officer who honestly fulfilled his duties, neither is it possible to overlook any case of failure by a draftee to perform the duties assigned to him.

I once had occasion to talk with Anatoliy Uvarov, a likeable young man who had been a leading agricultural machine operator, but now was the subject of a criminal investigation in the unit. The thing was that Anatoliy had been late for the train which brought the draftees and then spent a whole week "catching up with" his comrades. Moreover, it was learned that he had managed to stop by a girl friend's home to say goodbye and visited relatives who lived along the route of the train. The young soldier could not understand why the investigator was asking him questions which, in another situation, he would have considered deeply insulting. "Weren't you intending to evade the service?" But Anatoliy's father had been at the front! He

himself from childhood had dreamed of moving from a tractor to a combat vehicle. And here he was under investigation, with all these suspicions. Furthermore, he felt, he was still a civilian and knew nothing about military ways! Of course, his father had told him some things, and the military instructor at school taught him to fire the automatic weapon. But still, nothing had happened! He was not there, in the unit, and ready to do everything and obey everyone.

Private Uvarov remembered this lesson for a long time. They trusted him and did not turn the case over to the military tribunal, and in fact he did prove to be an outstanding soldier who returned home with a certificate. But what happened to him illustrates once again how important it is for a young man to know that his military service starts at the doors of the military commissariat. It is from precisely this moment that he assumes the responsibility of a soldier, which he must bear until the very end of regular-term active duty.

Since we have examined the question of when military service begins so thoroughly, it is reasonable to immediately look into when it ends also. This moment is also very important both for maintaining combat readiness and for the servicemen being discharged into the reserve after their established terms. After all, when some soldiers and sergeants learn of the order of the USSR Minister of Defense, which is usually published in the central newspapers, they are ready to believe that it is the end, they have done their duty completely, and they are now civilians. They are seriously mistaken in this.

I am not talking about the moral duty of every Soviet citizen, whether he is in the military today or not, to be ready for armed defense of Homeland, nor of the natural desire of a young man to conduct himself in an exemplary manner and follow the rules of military courtesy as long as he wears the military uniform (regular-term servicemen being discharged into the reserve are authorized to wear it until they are enrolled in the records at the military commissariat). I am referring to the fact that the order of the USSR Minister of Defense discharging a contingent of servicemen into the reserve is addressed primarily to the appropriate commanding officers and chiefs and by itself does not put an end to the active military duty of soldiers, seamen, sergeants, and petty officers. Their service will continue on the day that the order is published and on following days until each of them personally receives documents on discharge into the reserve from the military unit. This may happen at the unit area or at the railroad terminal. Sometimes documents may even be given when the train carrying men being discharged into the reserve arrives at the station closest to the soldier's home. But until this moment his service will continue.

. . .PFC (Reserve) Vasiliy B. works today in his hometown of Kharkov. He works conscientiously, which is how he served his military duty. But neither he himself nor his comrades and commanding officers will forget how the PFC's last days in the regiment were darkened,

By unknown paths the news that the regimental commander had signed the order discharging men who had served their regulation term into the reserve escaped from headquarters and quickly spread through the barracks. Of course it is a

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sad thing to part with your fellow servicemen. But at the same time, the young men were lonely for their homes and some had girlfriends waiting for them. The future workers and farmers could already hear the hum of the machinery at their native enterprises and the rustle of the birch trees at home. They turned in their books to the regimental library, prepared their dress uniforms, packed their bags, and gave their home addresses to their friends. The feeling of having performed their duty to the Homeland and the prospects of a new life, work, and study caused their young heads to swirl. But at the same time the life of the military unit continued its course and the future reserve fighting men were assigned to guard duty, operated machinery, and performed administrative jobs.

Vasiliy B. too was performing a regular assignment. But the easy confidence he had developed during his service time in handling his vehicle now bordered on bravado, and his self-confidence began to become overconfidence. Something irreversible happened. He made a careless turn with the vehicle, and the expensive machinery which the PFC was operating was ruined. Seeing what he had done, Vasiliy dropped to the ground and for what seemed like the first time in his adult life, began to cry. And he was trying to perform his assignment as well and as quickly as possible!

The unit commander took, as it seemed to him, an understanding and sympathetic attitude toward the fate of the PFC, who was threatened with criminal punishment. He decided not to bring a criminal case, but rather to collect the value of the damage from him. But wait, he thought, can a soldier be charged for damages without a trial? Then send it to people's court, and let that court determine how much he should pay. He is a young man, the officer reasoned, and he will work it out; moreover, his fellow servicemen will help.

The military lawyers who learned of what was happening did not want to "ruin the young man's life" either. Certainly they could not help warning that the verdict of the people's court in relation to a regular-term serviceman would hardly be proper in this case. But they were ignored.

"PFC B. was already discharged into the reserve" at the moment of the accident," the unit chief of staff said and showed the commanding officer's order, which in fact had been signed before the accident. The trial was held and brought back the verdict which everyone expected: citizen B. was ordered to pay for the damage caused, in installment payments. But very quickly this verdict was appealed by the Main Military Procurator. The appeal stated, "The assertion that PFC B. was not a military serviceman on the day of the court hearing is mistaken. Although the order concerning him had been published and the command had made up travel documents in his name, this does not change the essence of the matter."

Indeed, it did not change the essence of the matter. If PFC B. had been discharged into the reserve, then why had the discharge documents not been issued to him? They were not issued to him for the simple reason that in that case it would not have been possible to assign the PFC and his comrades to guard duty, send them out to work, and feed them and keep them in the barracks at a time when the interests of maintaining the combat readiness of the regiment demanded

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that they continue to perform their military duties. And the regimental commander simply could not do otherwise, that is immediately release all the discharged men into the reserve. But if this is true, then the damage to the state was caused by PFC B. in performance of his military duties, and the people's court did not have jurisdiction to hear the matter as a civil suit.

Agreeing with the opinion of the Main Military Procurator, the military collegium of the USSR Supreme Soviet ordered that Vasilii B. must answer for his actions as a military serviceman, and gave the case of the accident over for hearing by the military tribunal of the garrison. The military judges studied the circumstances of the case thoroughly, took the outstanding reference given by the command to the PFC into account, and decided to limit themselves to a suspended penalty in relation to B.

Many people with whom I later talked about all these events correctly saw the cause of them in a certain lowering of vigilance among some servicemen. They correctly linked this to the news that the soldiers and sergeants would soon be discharged into the reserve. But concerning the question of how to prevent such situations different opinions were given. Some mentioned the carelessness of the headquarters clerks who let out the news of the order ahead of time, while others mentioned shortcomings in indoctrination work with personnel and the great psychological pressure which military men experience during their service and which was suddenly relieved with the news that the commanding officer's order had been made up.

All these factors evidently deserve attention. At the same time, I do not think I will be mistaken to say that one of the principal factors that fostered the commission of this violation was that personnel did not know the legal norm that determines the final moment of regular-term active military duty. If the soldiers and sergeants being discharged into the reserve had known this legal principle -- and this means not by rumor, but from the mouths of the commanding officer, political worker, and military lawyer -- they probably would have been able to control the emotions that prevented them from performing their service duties with their former zeal.

#### Worthy of Receiving a Rank

"Every military serviceman and reservist is given an appropriate military rank" -- from Article 9 of the USSR Law on Universal Military Obligation.

"The military serviceman should carry with dignity the rank of citizen of the USSR and treasure the honor and combat glory of the USSR Armed Forces, his unit, and the honor of his military rank" -- from Article 3 of the Internal Service Regulations of the USSR Armed Forces.

A person who lives by a beautiful dream is beautiful. On the day we met Senior Lieutenant Zygmund Gurskiy told me confidentially that he dreamed of serving in the Far East. Even before this I thought well of him. I knew of

the successes achieved by the company which the young officer commanded, and I also knew about his personal merits. I admired the tan, wind-blown face and well-built figure of the senior lieutenant even from the door of the unit duty officer's room where our meeting took place. But the confidential words about his desire to test his strength in that harsh region added something to my opinion of him which you do not often read in the personnel file.

And I did read his personnel file. That is why I came, to find out whether there had been any troubles in his service which were not recorded in the documents. It turned out that there had been.

The only thing was that the senior lieutenant told about his problem in a cheerful, somehow optimistic manner, because it was also linked to his dream. Two vacancies had opened up a short time before, one in a garrison that was well known for its order and organization, and the other in the Far East. They suggested that Gurskiy go to the "wonder-garrison" and his comrade go east. Then Gurskiy suggested to his comrade that they switch assignments. Headquarters respected their request, and his comrade set off very pleased with the situation. But Gurskiy remained where he was, in the Carpathian region where he had lived from childhood, and his dream was not realized. A command came to, as they say in such cases, keep him because the opening in the Far East had closed. This was the trouble that had occurred, the problem, and it was the only one in five years of duty as an officer.

But this answer did not clarify anything in the matter which I came to talk about with the senior lieutenant. So I asked him directly why there had been a delay of almost four months before Lieutenant Gurskiy received his next, current military rank. After all, I found nothing compromising in the young officer's personnel file, nothing but commendations and outstanding references.

He was set back by this question, even appeared to be confused. Then he began asserting with heat and conviction that he was happy with his service as it was -- with alerts and deprivations, with failures and hurting, because all the same there were many more successes and victories. But the main thing that he valued in it was that it generated optimism and satisfaction -- and an awareness of being needed by people, society, and the country and an awareness of duty performed.

"But the rank," Zygmund smiled. "You know, people don't ask for it. The commander knows best when to give it."

I must admit that I did not expect any other answer. The senior lieutenant was right, right about everything. Each of us performs his military duty out of conscience, not out of fear. We are ready to come to the defense of the Land of Soviets from filial devotion, not for the sake of rewards and ranks. And we consider the acquisition of a higher military rank to be recognition that the missions assigned to us for strengthening the combat readiness of the subunit, unit or ship are being successfully performed. And of course, the senior lieutenant was also right when he said the only one who can evaluate the usefulness of a serviceman's labor is the commanding officer who, in addition to other things, is responsible for seeing that those whom he submits for the next highest military rank are deserving.

Incidentally, there is also another aspect of this responsibility of the one-man commanding officer; responsibility for the military fate of his subordinates, for the growth and maturation of new generations of our officers. It is very important that other concerns not overshadow this state challenge! It is very important that insensitive hands not clip the wings of a dream, not deprive a talented officer of prospects for growth. And from this point of view the youthful carefreeness with which Zygmund Gurskiy mentioned the four months he was delayed with the rank of lieutenant was already out of place.

So what had happened then? Here is what happened. Like most of the graduates of military schools he had been made an officer and after serving the established time in the rank of lieutenant could become a senior lieutenant. (Let us recall that years of service is one of three conditions for an officer to receive the next higher rank; the second condition is that the new rank be appropriate to the position he occupies, and the third is a good reference.) But when the established time had run out they simply forgot to put Lieutenant Gurskiy in for the new rank. And then the regiment where he was serving began preparing for the fall inspection.

At a meeting sometime in September the commanding officer announced that all who met the time requirement would be put in for the next military rank, on the condition that they perform the fire exercises with outstanding scores. Gurskiy's subordinates (and at this time he had already commanded the company for 18 months) fired very well and the official paper was signed. In October the officer added a third star to his shoulder-boards. But the four months continued to hang there like a suggestion of possible mistakes in his work, although in reality the reason for the delay was the unconcealed indifference of senior officers to the military fate of the young officer, their cavalier attitude toward performing the mission of developing personnel.

A word should be said about the doubtful character of the "indoctrination measure" undertaken in the regiment at that time. Actually they were trying to turn the acquisition of the next military rank into an incentive not envisioned by the regulations following the principle: you give us an outstanding fire exercise and we will give you the stars. But is it possible for an officer who has not distinguished himself for many months to convince the commanding officer in one day that he is worthy of being promoted? And the main problem here is the disrespect shown them by certain officials for the legal norms which define procedures for promotion of officers in the service. Because exact service times in military ranks are given, it is precisely at these times that the decision must be made whether to grant the next military rank or delay granting it, if there are legal grounds for this. Incidentally, the decision to delay a rank is not made by any superior of the officer, but only by the commanding officer of the regiment (or corresponding officer) or a higher official. This legal principle is based on many years of experience working with personnel and is permeated with concern for officer growth. The law, so to speak, insures men in junior positions, which also means less experienced commanding officers, against hasty steps in such an important matter and entrusts the fate of their subordinates to senior officers with the wisdom of experience.



. . . On the very day when the order promoting Lieutenant U, to the next military rank was to have been signed an assembly was announced in the subunit. But as fate would have it, one vehicle in the platoon commanded by the lieutenant would not start. Understandably, this was a disaster for the company, In connection with it the company commander told the lieutenant "exactly what he thought of him," including his opinion about the promotion order; "You still haven't grown up enough to be a senior lieutenant!" With this conviction in mind the officer went to Colonel Zakharov, who had called him in concerning questions of certification.

The incident was still, as they say, fresh in mind and when I was sitting in the colonel's small office he began talking of this very matter:

"Was the company commander correct to evaluate the lieutenant's mistake so harshly? Of course he was right. Without one vehicle it is not a full platoon. And there are only three platoons in a company. But I emphasize that he was right as a company commander. I talked with him for a long time then. I asked him, directly like Pet'ka Chapayev, 'Well, and what about the big picture?' And in the 'big picture' his lieutenant was an intelligent and enterprising officer. To be honest, I had already seen him myself in the company and considered him a promising comrade. And now he had made a mistake. Incidentally, he himself suffered most of all because of this mistake. And notice that it was a mistake, and not from factors arising from him personally. Later I had a good talk with him in this very office. I could see that he conducted himself properly in an unpleasant situation. He understood the mistake and had a clear idea of ways to raise the combat readiness of the platoon. So I determined, using the authority given to me, that he was worthy of promotion to the next military rank. I signed the order, and notified him of this."

Colonel Zakharov spoke slowly, weighing each word. It was apparent that he had also decided the matters which we were discussing in this way. There was very little of the "kind uncle" in his reasoning; it showed strict fatherly concern for the future of those to whom he was giving a ticket for growth today. Indeed, I heard another story in this office too. It was about an officer whose portrait today hangs in the vestibule of the garrison Officers Club. This officer spent almost a year correcting his mistakes before the commanding officer could in all responsibility vouch for him and put him in for promotion to the next higher rank.

But here is what is noteworthy. His high standards were not replaced by subjective factors in this case either. The delay in granting the rank did not, as sometimes happens, give rise to misunderstanding and personal hostility of his subordinate toward him. This is because on the day when the regular service time for promotion came the commanding officer called in the officer, announced his well-reasoned decision, and set a time for eliminating the problems.

It is no accident that I have many times already had to use the words "call in and announce" about commanding officers. Once in a while you hear about misunderstandings in the service of certain officers. "The unit command cannot

give a well-founded answer concerning the reasons for holding up my military rank," a certain comrade told me. "Don't think that I am complaining," another wrote. "Simply explain to me if after the time of service in rank I have to inform my superior officer that the time has passed." I can imagine how difficult it would be for a young officer to talk with his commanding officer on this delicate matter. But he is tortured by doubts, saying to himself "Maybe you are not handling your duties well enough if they will not talk directly about the reasons for this situation."

No, upon completion of the time of service in rank it is not necessary to appeal to anyone. The appropriate legal enactment states directly that the factors which are the grounds for the decision to delay receipt of the rank will be announced to the officer. I think that the purpose of this requirement is clear. After all, if specific shortcomings in work have not been pointed out, we cannot expect they will soon be eliminated. Therefore, where these misunderstandings arise it means simply that this principle of the law is not being followed.

. . . More than a year after his arrival at his new duty post, for some reason the senior officers had not found time to talk with Lieutenant L. about the question that concerned him deeply. As it did not promise to be a pleasant talk, because when the lieutenant arrived he had quite a background of past mistakes. Then when the lieutenant finally was invited in for the talk, it turned out that the commanding officer did not have any well-founded reasons for further delay in awarding him the next military rank. Judge for yourself, could he rely on reprimands received in the past if after them the lieutenant had been awarded a medal?! This means that the inertia of the former opinion about the young officer and subjective assessments of his performance of military duty were prevailing in deciding the question.

Promotion to the next military rank is an important milestone in the life of a serviceman. Any mistake made here is traumatic to people and hinders them in performance of their duties. Therefore, the law clearly regulates the procedures for deciding this matter and determines who has a right to decide it, when, and in what circumstances. Once the commanding officer of a detached subunit decided to encourage his good soldiers and granted them the rank "junior sergeant." But this commanding officer did not have the right to do this. The initial sergeant rank is granted only after the final training subunit or, as an exception, by the authority of a commanding officer of at least the division level. We can imagine what the men went through when, following the protest of the military procurator, the order granting them the rank was cancelled.

A thoughtful commanding officer not only will not take such a careless step, but also will try to use the moment of granting the next military rank to a subordinate effectively for indoctrination purposes. He will consider it essential to talk with the man both where there are complicating circumstances and when he signs the order without the slightest doubt. He will talk about new challenges and the broader opportunities for continued professional growth that are opening up.

But once I asked a large group of officers how they learned that the order granting them the next military rank had been signed? The answers were some-

times amazing; from a clerk, from a friend who was a headquarters officer, and even from a wife! And only a few answered with dignity that the commanding officer had announced it to them. This is probably why normal human meticulousness with respect to one's own growth sometimes turns into self-contempt, pride becomes shame, and this very natural process for the military service becomes overgrown with rumors and fabrications which do not at all help strengthen discipline and improve the moral climate in the military collective. In such a situation, one must agree, it is difficult to instill respect for the military rank. And yet the regulations call on every serviceman to treasure his rank and, not by accident I think, mention the honor of the military rank on a par with the honor and military glory of the armed forces.

I recall the vivid example of respect for the military rank of the young officer which was demonstrated by the commander of troops of one of the military districts. A petition from the comrades court of officers honor was placed on his desk asking that Senior Lieutenant M., leader of a vehicle platoon, be demoted one grade in military rank. The commanding officer spent a long time questioning employees of the personnel agency about the young officer and read his personnel file carefully, but not even this satisfied him. He called the senior lieutenant in for a talk. They say that after this talk the senior lieutenant left, white as a sheet and smiling. It was a difficult conversation for him in the office and the general imposed a strict punishment on the senior lieutenant; but he kept his military rank.

And once again, I am not talking about any kind of unnecessary "softness" by the senior officer. This is fatherly participation in a person's fate. Indeed, when he recalled his entire period of service before this event, the senior lieutenant, no matter how strange it may seem, could not find any cases where senior comrades had given this kind of attention to his development. He was only penalized for mistakes. And even the comrades court of honor did not play the role which it is obliged to play. They did reason things out correctly; the man himself had gotten into his current situation. But everything had taken place before their eyes. If they had met a year earlier it is possible that their decision would not have been so harsh. We must say also that the commanding officer of the unit, who turned the senior lieutenant's offense over for review by this officers body, did not expect that the comrades would, as the saying goes, "shoot from the hip." But after a short period of vacillation, he nonetheless ratified the decision of the court of honor. And it may be that for any other decision what he lacked was precisely a clear idea of what it means to a young officer to have a star taken off his shoulderboards.

All that remains to add is that the former vehicle platoon leader now heads a unit vehicle service. There has not been a single new punishment in his personnel file since that disturbing time for him. His immediate superior considers M. a very promising officer.

Yes, it is good when we find attentive, thoughtful, concerned senior comrades along our service path. In fact, this is usually the case. And if someone lacks breadth of vision and a party approach to work with personnel, he should check his decisions against the appropriate documents more frequently. Then

it will be more clear to him, for example, that granting an officer the next military rank where the requirements established for this have been complied with is not, from a legal point of view, incentive. Incentive is when the rank is granted ahead of schedule. And therefore, this event should not be handled as some kind of "secret," but rather should be done openly, in a business-like manner, and in strict conformity with legal norms. This will benefit above all the cause which we serve.

#### When the Word Does Not Arrive

"The interests of protecting the Homeland oblige the commanding officer (superior) to demand observance of military discipline and order firmly and determinedly -- from Article 6 of the Disciplinary Regulations of the USSR Armed Forces.

"The commanding officer (superior) is obliged to combine high standards and principles and intolerance of shortcomings with trust and respect for the men and constant concern for them" -- from Article 48 of the Internal Service Regulations of the USSR Armed Forces.

Private Nikolay Plastyuk was in no hurry to catch up with the formation. He was walking lazily along the shoulder of the road leading to the firing range, snapping off flowers with a stick. His service cap was under his belt, his collar was unbuttoned, and he had a blade of grass in his mouth. This is exactly how unkempt he appeared to officer Rusakov, whose vehicle stopped alongside the soldier. Their conversation was brief:

"Report to your commanding officer that I reprimanded you for sloppy appearance," the officer said and drove off.

When he arrived at the firing range Plastyuk carried out this order, and one more notice of punishment appeared in his service record.

Yes, it was another one, so the company commander Captain Semenov's opinion of his subordinate was not upset by this intervention in disciplinary practice by a senior officer from a neighboring unit. Moreover, there was no question that officer Rusakov's evaluation of the soldier's behavior on the way to the firing range was correct. The company commander himself was planning to punish Plastyuk for being late to arrive at the training period and did not do so only because it would have duplicated the punishment already imposed. This made Captain Semenov even more surprised when the assistant military procurator of the garrison, after checking the company service records, raised the question of canceling the last punishment.

"Officer Rusakov is not a direct superior of Private Plastyuk," the lawyer stated. "Therefore, he does not have the right to impose disciplinary punishment on him."

"How can that be?" the company commander said in surprise. "After all, any officer is superior to any soldier or sergeant."

"That is absolutely correct, superior in military rank and possessing the right to give orders to any soldier or sergeant. But only direct superiors can punish subordinates. For a soldier this means the leader of the squad in which he serves, the platoon leader and his deputy, the company commander and first sergeant, the battalion commander, regimental commander, and so on. Officer Rusakov is not one of these people, which means that he is not a direct superior to Plastyuk.

The captain simply shook his head, as if to say his memory had let him down. But I do not think memory alone was at fault. When studying the regulations it appears that the officer did not adequately clarify the reasons for which the group of officials who have the right to reward and punish servicemen is considerably restricted. But these reasons are quite important. Disciplinary punishment is a very powerful tool of indoctrination in the hands of the commanding officer. It must be used carefully, taking account of the specific circumstances of the offense, the degree of fault on the part of the violator of discipline and his previous service record. Who if not the commanding officer is the best one to know these special characteristics of his subordinate? So he is the only one to decide the question of punishment. Certainly it is easy to imagine how the indoctrination process would be disrupted if everyone who was a superior to a certain soldier began to give him rewards and punishment.

Incidentally, the restrictions on people who have the right to punish servicemen are established not just in the Disciplinary Regulations, but also by a number of other legal enactments. Here are just two examples.

Lieutenant K., traveling on his motorcycle, committed a flagrant violation of traffic rules. A whistle blew, and a GAI [State Motor Vehicle Inspectorate] inspector came up to the offender.

"I'm wrong," the lieutenant admitted. "I'm ready to pay my fine."

But the inspector did not take a fine; he informed the unit where the lieutenant served of what had happened. And he was following the law exactly; fines charged on an administrative basis cannot be imposed on military servicemen; by decision of the commander they are replaced with disciplinary punishment. This is very important for the indoctrination of servicemen because it gives the commanding officer an opportunity to judge the behavior of his subordinates not only at work, but also outside the unit area.

The commanding officer who received the GAI inspector's report was very grateful for it. Lieutenant K. had given a good account of himself at work, but then off-duty he was capable of crude behavior and appearing in a public place in an intoxicated condition. They had already spoken with him about this a number of times. This new violation of public order illustrated that the lieutenant still had not drawn the proper conclusions. The commanding officer imposed a disciplinary punishment on the guilty lieutenant. And this was unquestionably beneficial to the young officer. He was made to feel what had happened much more sharply than if the inspector had been more agreeable and limited things to a fine.

Now here is an example of the other kind. Warrant Officer Yu, received an order to deliver documents to the headquarters of a neighboring unit on an urgent basis. The last electric train in that direction was already approaching the platform when the warrant officer jumped out of his car. There was no time to buy a ticket, so he headed for the train without one. Half an hour later the controllers approached him. A report in proper form was drawn up showing he was traveling without a ticket. When this document arrived in the unit, the commanding officer wrote out his decision: "The reason for traveling without a ticket was a proper one. I do not view this as a violation of discipline and public order."

All this showed that only the commanding officer can correctly evaluate the degree of a subordinate's guilt. After all, the controllers and the GAI inspector observed only the external aspect of the event and could characterize it only within the limits of their own competence. But the commanding officers were able to relate what happened to the previous behavior of the men and the interests of the service and to make decisions that met these interests. That is why in such cases the law refers the employees of various state institutions to the power of the one-man military commander to impose order.

The cases of Lieutenant K. and Warrant Officer Yu, were not given here, however, only to clarify this truth. They also remind us that military servicemen are obligated to be disciplined and conduct themselves with dignity away from their unit and garrison also. But how can we check the behavior of people who are on long work trips or on leave? And how can we respond to misdeeds if the direct superior is many kilometers from the guilty fighting man? In such circumstances the regulations assign control over the behavior of servicemen to senior officers and military commandants of garrisons and camp assemblies, to military commandants on means of transportation, and to military commissars at the place where servicemen are spending their leave. All of these people, in addition to direct superiors, are also given the right to impose disciplinary punishment on violators of military discipline and public order.

Now let us return again to the punishment which officer Rusakov announced against Private Plastyuk. In fact, the cancellation of this punishment following protest by the military procurator drew objections from some people in the garrison. The comrades said that every superior in military rank has the right to demand observation of military discipline, public order, and proper uniform from junior personnel, and that the regulations give superiors specific power for this, namely the right to give orders to subordinates and in case of open disobedience to take coercive steps all the way to arrest.

Well, all these statements are entirely proper. For example, if a PFC sees a violation of public order by a private, he must make a critical remark to him, and if this is not done he should take the violator to the military provost or to the nearest military unit. This is how any military serviceman, and even more so an officer, should act in relation to a junior in military rank. So naturally officer Rusakov could stop Private Plastyuk's behavior. But as the reader recalls, there was no need for this: the soldier carried out his order conscientiously even without this. The officer's mistake was that he tried to determine the measure of punishment for the misdeed. But

even after arresting a serviceman guilty of disobedience, a superior in military rank cannot determine the time that he remains under arrest. This is established by either the chief or commandant of the garrison or by the serviceman's direct superior, in other words, a person who is given the right to impose disciplinary punishment.

Why is it necessary to discuss this so thoroughly? It is because disciplinary punishment involves the honor, dignity, and sometimes the personal freedom of the serviceman and these are rights guaranteed by the USSR Constitution to every Soviet citizen. There is only one fact that supports the use of punishment -- violation of the procedures and rules established by Soviet laws and the military regulations. At the same time the regulations obligate commanding officers to use persuasive means first of all for indoctrination purposes, leaving coercion for the most extreme cases. But even then, when, as they say, the good word does not reach a person, it takes a great deal of wisdom, pedagogical experience and tact to use disciplinary rights with maximum benefit. And above all one must know the regulation requirements on procedures for use of disciplinary punishments precisely.

I want to call attention to the fact that the Disciplinary Regulations broaden the rights of commanding officers and chiefs to hold subordinates responsible depending on their official position. For example, the jurisdiction of a regimental commander is broader than the authority given to a commanding officer of a battalion, company, or a platoon. And this is not just a matter of the need to bolster the authority of the senior officer who has greater responsibility. It is also because the higher positions are usually occupied by people who have gained wisdom from military and life experience and this permits them to use their power with greater caution, taking all circumstances into account.

There is a curious pattern: the more experienced and pedagogically knowledgeable a leader is, the more rarely you will hear him complain that the disciplinary rights given to him by the regulation are inadequate. Furthermore, this kind of commanding officer uses his rights with great restraint, usually leaving the decision on incentive or punishment of servicemen to the discretion of their immediate superiors. This bolsters the reputation of both junior and senior command personnel and enhances their influence on subordinates; it also increases the significance of the commanding officer's words. And on the other hand, it is difficult to expect success in indoctrination of the men when the leader when angry is capable of imposing punishment, as they say, "with both barrels."

The military procurator of a certain large garrison told of the impression he gathered from an inspection of the book of arrested persons held in the guard-room. The book showed clearly that the most frequent "guests" were men of the N. detached battalion. The records in the book even suggested one of the reasons for this: a large majority of the servicemen had been arrested by the commanding officer of this unit personally.

The military procurator went to the battalion and studied the entries in the service records of the soldiers. It was true: in the preceding six months

not a single sergeant had made use of his right to commend or punish subordinates. Even the platoon leaders rarely announced punishments or incentives. In essence, the leaders closest to the soldiers were completely removed (or had removed themselves) from disciplinary practices, and the battalion commander had assumed it all himself. And, of course, this had a negative effect on the level of military discipline.

Experience suggests that disciplinary punishment achieves the maximum effect when it is imposed not in anger, not under the influence of emotions aroused by the incorrect behavior of a subordinate, but rather when it is a logical continuation of the indoctrination process. Our regulations do not use the term "military tact." But the regulation requirements for mutual courtesy among servicemen and the duty of the commanding officer or chief to combine high standards and principles with trust and respect for the men, prevent rudeness, and not infringe on their personal dignity are linked with precisely this concept.

Unfortunately, we occasionally encounter cases where an official is, as they say, under the sway of his own emotions. I recall how a company commander, observing the incorrect actions of a tank crew, said in anger, "I'll show them!" Despite all instructions the tank was returning after a fire exercise with its cannon pointed not at the "enemy," but toward the firing line where the next crews were getting ready. It is not difficult to understand the company commander's irritation at such a blunder. But really, what could he "show them"? He has the right to punish guilty persons within the limits of the authority given to him. But this must be a regulation act by an official, certainly not an outburst by an angry man. The officer from regimental headquarters who was at the command post reminded the company commander of this, very reasonably observing that an emotional outburst by a commanding officer can only harm the indoctrination of subordinates.

Yes, the concepts of "dressing down," "chewing out," and so on still exist in some military subunits. What document are they found in? Most likely these "methods" of work with personnel come out in those leaders who have forgotten that subordinates have the right to protest non-regulation actions that affront the dignity of a Soviet fighting man and citizen, and this can be done not only through the chain of command but in court.

I was once in the office of the military tribunal of a certain remote garrison on business. My talk with the chairman was coming to an end when there was a knock at the door and a messenger reported that the comrades whom the major of justice had summoned had arrived.

"Send them in," the man said, giving me a sign that I too would be interested to hear the upcoming conversation.

A captain and a warrant officer came in, presented themselves, and sat on chairs in front of the chairman's desk.

"I invited you here on the following question," the chairman of the military tribunal said. "I have received a statement from Warrant Officer Skokov



which says that you, comrade captain, insulted him in the presence of company personnel in the evening of 27 December, in other words two days ago. I am obligated to accept this statement and review it according to the law. But perhaps this matter should not reach court?"

The captain apparently expected this to be the subject, and stated firmly that he did not consider his actions incorrect. The warrant officer, he said, had violated discipline by failing to carry out his, the captain's, order at the right time, and for this he was severely reprimanded in front of a formation. And if during this something unpleasant was said to him, he should only blame himself. If he would serve conscientiously, no one would say a bad word to him.

"If I have understood you correctly, you do not deny the fact of the insult?" the chairman asked.

"I do not deny it, but . . ."

The lawyer stopped him and continued, "Of course, there are more than enough witnesses. Now I have to tell you that no one disputes your right to demand that Warrant Officer Skokov carry out his duties. And the warrant officer is not complaining about the severity of the reprimand. But the fact that the punishment was announced to him in the presence of subordinates is a serious mistake by you. I will inform the unit commanding officer of this so that he can take necessary steps. As for the insult which you delivered, this action is punished under Article 243 of the RSFSR Criminal Code by loss of freedom for a period of three to six months, but in mitigating circumstances it brings in the rules of the Disciplinary Regulations. The decision on this matter will also depend on your behavior. So it is in your interests to give Warrant Officer Skokov an apology."

The captain's face turned red.

"I certainly never thought that the question would be put that way," he said, lowering his head. "You know, I didn't do it out of evil intention. I simply could not control myself. After all, I care a lot about the work."

He was quiet for a minute, thinking, then resolutely got up and extended his hand to the warrant officer:

"Well all right, Viktor Sergeyeovich, I'm sorry. But you sure were something, and got me raging mad!"

The warrant officer also stood up. It seemed to me that his voice trembled as he said, "All right, Andrey Ivanovich, I don't hold it against you. But you know, it hurts when I am reprimanded in front of the men."

Fortunately for the captain, this unpleasant matter ended with a strict disciplinary punishment. The unit commander took his sincere repentance into account, as well as the fact that the offense committed by him followed improper actions by the warrant officer. But the officer remembered this lesson forever after.

I must say that in many years of service I have only heard of a few such cases. As a rule, mutual relations among servicemen are structured according to the regulations. And if the preconditions for such conflicts occur, the party organization, collective, or ultimately the comrades court helped the commanding officer eliminate them in time. But I want to observe that if such an offense has already happened, the case must be decided in strict conformity with the law and requirements of the regulations.

As we know, the regulations oblige commanding officers and leaders to respond to every misdeed by subordinates. And this response does not involve punishment only. Article 43 of the Disciplinary Regulations states directly that first of all the commanding officer should remind the subordinate of his service duties, and only subject him to disciplinary punishment when necessary.

Soviet law begins from the idea that what is important for indoctrination purposes is not so much the severity of society's response to a misdeed by a citizen as it is the inevitability of a response. It is relevant to recall the V. I. Lenin demanded that cases of violations of the law be brought to public court "not so much for the sake of strict punishment (it may be that a reprimand will be enough), but for the sake of publicity and to eliminate the general conviction that guilty people go unpunished." So the commanding officer has a right to limit himself to a brief critical remark in relation to a serviceman who has done wrong, but at the same time he may also, within the limits of the rights given to him, employ any punishment which, as Article 43 of the regulations states, he believes will have the greatest indoctrination effect on the guilty person.

But how can the influence be measured? The Disciplinary Regulations give only general principles: the gravity of the offense, the degree of guilt, and so on. Unlike the Criminal Code, these regulations do not contain any specific dispositions and penalties. Therefore, it is extremely important that the commanding officer be able to make a correct evaluation of both the character of the offender and the social significance of the offense he committed.

. . . PFC Zemskov found a watch within the borders of the military post. He went to the company area and announced his find. No one responded. The PFC began to wear the watch himself, and then seemed to lose it. After this it became known that a soldier in the neighboring company had lost his watch. Major Yakovlev did not report what had happened to anyone, but simply ordered that Zemskov should pay the owner of the watch its value. This was done. The PFC did not receive any punishment for his behavior, and the matter was not discussed at either a Komsomol meeting or a general meeting of the company.

People may ask, "Punishment? Komsomol discussion? What for? In connection with what misdeed?" The answer here is clear: in connection with a violation of military discipline.

What is our military discipline? The regulations define it as "strict and precise compliance by all servicemen with the procedures and rules established by Soviet law and the military regulations." Unfortunately, people sometimes overlook the words "Soviet law" in this clear formulation, and PFC Zemskov had

violated civil law, in particular Article 144 of the RSFSR Civil Code. This article obligates anyone who finds a lost object to turn it in, if the owner is unknown, to the executive committee of the local Soviet, the militia or the lost and found desk or administration of the institution where the object was found. In our case, the watch should have been turned over to the unit commander. Certainly this would have made it easier for the owner to find it, and Major Yakovlev would not have had to adopt the legally questionable decision on repayment of the value of the watch. In fact, the law envisions such compensation only if the object found is taken by the finder as his own. But if, as Zemskov asserted, he really lost the watch, is he guilty of this?

However, the main thing in this story is not that disciplinary measures were not taken with respect to the guilty person. Let me repeat that the commanding officer knows best how to respond to a violation of discipline. The problem is that the commanding officer of the subunit did not attach the proper significance to what happened. Because of his narrow understanding of the concept "military discipline" and ignorance of the norms of civil law he limited himself to a superficial review of the conflict. But if he had looked into it more carefully, he probably would have identified certain details of this incident which were important for understanding the situation that had developed in the subunit.

It appears that before "losing" the watch that he found, Zemskov started to demand a material reward for the find from the owner. If the owner had been a soldier drafted at the same time as him, he would hardly have done this. But the watch was lost by a new soldier, who had just arrived in the subunit. And this by itself indicated that it was not just a matter of Zemskov's moral make-up.

Unfortunately, it was only after another legal offense which required intervention by military lawyers that they began seriously working on indoctrinating personnel in a spirit of collectivism and military comradeship. They certainly could have seen the need for this much earlier, immediately after the case of the watch. That is the price of a commanding officer's mistake in determining the social significance of a subordinate's misdeed.

The Soviet one-man commander is given broad authority to strengthen regulation order in the subunit and unit. Skillful use of this authority, combining high standards with tact and concern for the men, and involving the community in indoctrination of subordinates will shorten the path to success.

#### Ruble Punishment

"The military serviceman is obligated to know and preserve the weapons and combat and other equipment entrusted to him perfectly, and to preserve military and public property" -- from Article 2 of the Internal Service Regulations of the USSR Armed Forces.

"Military servicemen and reservists called up for assemblies are liable for material damage they cause under the procedures established by the Presidium of the USSR Supreme Soviet" -- Article 84 of the USSR Law on Universal Military Obligation.

One morning while going to work the residents of a certain building at a military post saw that the walls of the entry had been elaborately decorated with "graffiti" pictures. It did not take long to find the person who did the drawings, the sixth-grader Kostya, an officer's son. Of course the entry was soon cleaned up. This took both materials and working time. Then they suggested that the father of the minor "artist" pay for the job. Unfortunately, he refused to do so, and then the proper demand was put in the form of an order for the military unit where the officer served.

The necessary amount was withheld from this officer. Later, however, the money had to be returned. The withholding order was protested by the garrison military procurator as illegal. Why? Could it be that the lawyers did not see the damage to the building as a violation of the rules of residence there for which there should be strict punishment, including ruble punishment? They did see this. And according to our law parents can in fact be materially responsible for their minor children if they cause damage to the state or to individuals. They can be, but a dispute on this matter (and indeed there was a dispute) can only be decided by a people's court.

"What does the court have to do here, when we are talking about a serviceman, an officer?" the commanding officer who gave the order to withhold the money asked, shrugging his shoulders. He opened the Statute on Material Responsibility of Servicemen for Damage Caused to the State and began reading the articles which seemed to him to apply to this situation.

But what does the Statute have to do with this? It regulates legal relations that arise in the performance of official duties by servicemen, and that is all. But if the damage is caused under other circumstances, the norms of general USSR law apply. This is stipulated in the very first article of the Statute, for as we have already observed, the commanding officer's power is directed exclusively to specific purposes and is applicable only in matters that are completely military. And here, really, no one but the commanding officer will try to determine how much the combat readiness of the subunit or unit suffered from the legal offense. Furthermore, the rights of a commanding officer to determine the damage to be compensated are very limited. For example, not more than three months' monetary allowance can be taken from an officer. He is materially responsible to the full extent of the damage caused only in cases rigorously defined by the law (for example, where valuables received under report are missing). And with a regular-term soldier the commanding officer can only take action for the damage caused according to the rules of disciplinary regulations, which means declare the punishment for the soldier.

As we see, the complaints of the employees of the military procurator's office against the commanding officer of the unit who gave the order to withhold money to fix up the entry were proper. Incidentally, when the peoples court heard the case they decided to charge the parents of the sixth-grader an amount that was more than the commanding officer had established earlier. And they obligated both the officer-father and the mother of the unhappy "artist" to pay it. It is clear that the commanding officer of the unit could not have done this, because the woman worked in an entirely different place.

To prevent such mistakes, a leader must have a clear idea of the limits of his authority and, of course, order an investigation of the event in every case where subordinates cause material damage. If this is not done, how can it be established whether the serviceman was performing military duties or not? And this is just the first condition which leads to material responsibility. The other, equally important conditions are the existence of a causal relation between the material damage and the action (or inaction) of the particular individual, and the illegality and culpability of such actions. We should note that a careful analysis is required to clarify these circumstances, and if this is not done the superficial appearance of things may be taken as guilt for causing the damage.

. . . Two problems came one after the other in the tank regiment. During a long march Private Knysh, driver of a combat vehicle, became careless and allowed the engine to overheat. The vehicle was down for some time, and considerable resources were required to repair it. Then just a little later another driver failed to see a snow-covered trench at a tactical-drill exercise. He went into it and the combat vehicle became stuck. During his efforts to get out of the trench by driving the vehicle, the driver also allowed the engine to overheat. At the regiment they applied the same measure to both these very similar (externally) situations: they held both subunit commanding officers materially responsible. And this was incorrect.

After all, the similarity between the two situations is entirely external. The guilt of the subunit commanding officer was established only in the case which occurred at the tactical-drill exercise. What was his guilt? The appropriate documents prescribe that during the organization of such exercises particular care should be taken to mark off dangerous places and means should be available to rescue stuck vehicles. If, as is required, a special tractor had been near the stuck vehicle the driver would not have had to gun the engine uselessly on the officer's command, and of course, if things had been proper, he would have tried to drive around the marked trench. But at this exercise, of course, dangerous places were not marked and there was no tractor. Furthermore, the officer himself, who was conducting the training period, directed the effort to get the combat vehicle out of the trench by ordering over and over, "C'mon, step on it!" Even though he, as a specialist, could have seen immediately that this would not work. So we can see that this officer was guilty. And where there is guilt, material responsibility is proper.

The case during the march is different. Did the commanding officer of the subunit that was making the march show any carelessness that led to the overheating of one of the vehicle's engines? No, he did not. The officer carefully examined the equipment before they left the motor pool, instructed the drivers, and monitored the traveling speed of the column. And he had no guilt for what happened. The only one at fault was the driver of this vehicle, Private Knysh. He did not carry out his professional duty, to keep track of the instrument readings. Therefore, there is nothing for which the commanding officer of the subunit could be punished, and so the senior officer canceled this decision.

Indeed, only a careful administrative investigation makes it possible to avoid such mistakes. It is regrettable that this is not always done. After all,

such mistakes result in more than just a tangible shortage in the family budget of the serviceman. Like any other illegal decision, incorrect application of measures of material responsibility has a bad effect on the reputation of the commanding officer or leader. In addition, unjustified charges, if they become systematic, may give the military collective a certain fear of using the equipment to full capacity. Some of the officers in the regiment where the above-described events occurred stated directly that at training periods they sometimes think less about the quality of personnel training than about the possibility of something being damaged.

Precise compliance with the rules for compensation of material damage protects against such extremes. These rules envision, for example, that only material damage which is a direct consequence of specific actions or inaction by a particular person is subject to compensation. It was incorrect, for example, of a certain military institution to charge an officer a certain amount because he did not investigate a shortage of property that occurred there at the right time. We cannot deny that, as a result of his inexperience or even carelessness, the investigator permitted unforgiveable delay. This made it difficult to clarify the circumstances under which the property disappeared. But by itself the carelessness of this officer did not cause material damage to the state, and therefore there can be no question of his material responsibility here.

Warrant Officer S. was sent to the nearest rayon center to get paint for a military construction detachment. When he returned he reported that he had carried out the order, but that he had lost the railroad tickets which he received according to the travel documents written up for the trip. The commanding officer of the military construction detachment was all ready to charge him the cost of the trip in both directions, but he was not sure that this would be legal. And it was good that he questioned it. Indeed, what should the warrant officer have to pay for? He did not cause damage to the state or the unit. He did not sell the documents he had been given, but rather used them for their assigned purpose: he went to the rayon center and brought back the paint. But he had been careless in preserving the documents. He should be responsible for this, but what kind of responsibility is it? It is disciplinary responsibility.

Incidentally, holding a serviceman materially responsible is not a disciplinary punishment. Therefore, it is possible to employ disciplinary measures against a guilty person in addition to charging him for damages. Those who consider this to be repeated punishment for the same misdeed and attempt to appeal it are mistaken.

The military regulations obligate commanders and leaders to demand strict compliance with administrative and financial discipline from their subordinates and to teach them in a spirit of conservation of public wealth. Both improperly holding people materially responsible and failure to take necessary steps against those who have caused damage to the state are harmful to such indoctrination.

. . .To judge by everything, even while reporting his enlistment for extended service, Junior Sergeant Sarychev thought very little of his future obligations.

But he had a very clear idea of his rights and privileges. In any case, when the time came to summarize some results of his activity in his new capacity, it could be seen that the extended serviceman received everything that he should have in proper order, but his performance on the job was terrible. And it was entirely correct for his senior officer to decide to discharge Sarychev from the army. The order for this stated that the man was being discharged for lack of discipline and bringing discredit on the lofty title of serviceman.

But then, according to existing rules persons discharged for such reasons are to be charged the amount of the outright (re-enlistment) payment and the amount of free clothing issued to them, proportional to the time remaining until the end of their service (the wearing time of the clothing). For Sarychev this meant he would have to repay 572 rubles and 78 kopecks to the state. But the unit did not take care of this, and needless to say, he himself was not going to remind them of his debt. The violation of the law was not discovered until the next procurator's audit. I believe that the military procurator was correct to note in his report that people are generous with state funds mainly where another principle of the law is not applied, the principle that officials who do not take steps to reimburse the state for material damage are themselves subject to material responsibility.

Incidentally, it is by no means forgetfulness that causes some leaders to let debtors off. I have even heard complaints about the "laxity" of our laws. People say how can we preserve public wealth if regular-term servicemen can only be charged for damage they cause in cases where they are held criminally liable.

Yes, that is the only case! I recall a situation where they in fact tried to withhold 114 rubles 69 kopecks from a soldier "for squandering technical gear," more precisely for losing driver's tools at field exercises. This decision was canceled following a protest by the military procurator, whose investigation did not find evidence of a crime, that is, of the very "squandering" indicated in the document on withholding the money. It was simply that the appropriate leaders had not organized the work so that the tools would not be lost. But in those cases where a regular-term serviceman causes damage outside the framework of his service activities, which means outside the control of his superiors, there can be no indulgence.

Private Nazarov took the wheel of a vehicle without authorization and had an accident. It is true that the consequences of the accident, including material damage, were not serious enough to bring criminal charges against the soldier. But Major Nefedov, the commanding officer of his subunit, correctly thought that the person guilty for damage to the vehicle should himself pay for repair work. The officer conducted an investigation of the accident and sent the materials to the peoples court to charge the guilty man the cost of repair based on a civil suit. The court upheld the complaint, issued a writ of execution to the military unit, and ordered that the amount be recovered under this writ after Private Nazarov was discharged into the reserve, when he went back to work.

So our law is by no means lax; it reliably protects socialist property against damage, squandering, and theft. But in doing so it does not leave the interests of the individual out. For example, in a number of cases the law establishes a ceiling on possible charges and prohibits finding a person guilty for inexperience. Moreover, when a citizen must pay for damage he has caused, even where the obligation is unconditional, the payment procedure still takes his interests into account. For example, if a guilty person can take care of the problem caused by his actions and eliminate it, there will be no material responsibility. Damage in amounts of less than ten rubles are recovered under the so-called uncontested procedure, based on a notarized certificate of judgment, which means that the guilty person may not be taken to court. This protects his self-respect.

I think that these facts are adequate arguments for the need to have a good knowledge of the procedure for compensation of material damage. Realizing his right to employ this measure, the commanding officer or leader must do everything he can to see that the interests of combat readiness do not suffer and that the requirements of the law with respect to the rights of the defendant are observed.

Ultimately, the law would appear to lead the commanding officer or leader to the idea that it is necessary to concentrate his efforts on preventing any possible losses of and damage to state and military property. There are two proven ways to do this: establish reliable conditions for correct storage and use of property, and teach subordinates a proprietary attitude toward such property. Where these things are done and where work with personnel is strictly monitored, there is no need to punish people, which includes ruble punishment.

#### Accident

"The commanding officer or leader must constantly improve his military and political knowledge and know combat and other equipment and weapons and how they are used" -- from Article 50 of the Internal Service Regulations of the USSR Armed Forces.

"Violation of the rules for driving or operating a combat, specialized, or transportation vehicle which leads to an accident with injury to human beings or to other serious consequences is punished by loss of freedom for a period of 2-10 years" -- from Article 16 of the Law on Criminal Responsibility for Military Crimes.

A long time ago there was a movie which had the following sequence. A Pobeda car was flying through the city; recognizing it the traffic control militiamen would only look fondly at its disappearing form. What would you expect, when a famous test pilot was behind the wheel. Would you think that he, who had conquered the skies, could not handle speed on the ground?!

In our day daredevil driving does not amuse anyone. It is common knowledge that many more people die on the highways than in the skies. In certain



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Western countries the number of victims of motor vehicles is comparable to losses during the war years. And this is not surprising, for there are hundreds of millions of motor vehicles on the planet and this enormous fleet is constantly growing. In our country as well the transportation flows grow thicker by hours, not by days. Modern trunk highways and interchanges are built in the interests of traffic safety, the road surveillance service is supplied with sophisticated equipment, and traffic rules are refined. But the main figure in this multi-faceted work remains the person behind the wheel, the driver, for ultimately the statistics on motor vehicle accidents depend on the driver, on the driver's discipline, knowledge, and experience.

Under army conditions the problem of road traffic safety is closely linked to maintaining the constant combat readiness of units and subunits. After all, practically everything there is on the move and can and must move. Tanks and infantry combat vehicles may race through the unbroken snow on the attack. Behind them come tractors with artillery systems on trailers. Next are various specialized vehicles, and all-terrain vehicles. Missile launchers lay a path through forest cuttings. And somewhere "in the rear" trucks carrying ammunition and gear, tankers, refrigerator trucks, and truck kitchens are constantly driving about. It is clear from this how important the labor of those who are entrusted to drive military vehicles is, how important it is that every trip be successful.

But consider this circumstance. The challenge of controlling accidents under Armed Forces conditions, which by itself is not simple, is further complicated by the fact that we find here the youngest drivers in the country driving the most powerful vehicles. And unfortunately, it is not possible to avoid this combination: the power of the equipment is a result of the requirements of contemporary battle, while the youth of the drivers results from the draft age.

There remains just one way to eliminate this contradiction, namely to see that military drivers acquire the necessary skills at an accelerated rate and that their youth does not mean inexperience. A special training system has been worked out for military drivers. For example, every young person who has completed a DOSAAF school or in some other way become a driver before going into the army must, after being drafted, go through so-called supplementary training. Many instructions and manuals are devoted to organizing reliable operation of the equipment. These questions are a constant focus of attention for commanding officers, political organs, and the appropriate services. In short, practically everything possible has been done to avoid accidents and, as experience shows, they occur only when people forget the established rules or are not guided by them.

. . . He did everything he could, everything that his driver's memory recalled about actions in such situations: he cut the gas, stepped on the brake pedal, and tried to control the wheel. But it was as if the reliable connection between the driver and the enormous truck had been broken. Like in a slow motion film, the Ural vehicle continued its smooth, unnatural turn on its axis and soon the left wheels were already in the right (by direction of travel) ditch.

Later they would say that the driver had not been able to control the vehicle. And they would be right, because there would be irrefutable evidence to confirm his guilt: excessive speed, inattention to warning signs in the road situation, sharp braking on a slippery segment of the road, and incorrect attempts to stop the vehicle's skidding. But behind each of these points there would be a series of sometimes very unexpected circumstances, and it would be clear to the criminal investigation that the accident on the snowy highway had much deeper causes than those established by the motor vehicle investigating team.

Yes, he did everything that he knew how to do. And Private Kuznetsov knew how to drive Gaziks (vehicles from the Gorky Automotive Plant), whether it was a truck like in the DOSAAF vehicle club, or a car, which he was entrusted with in the army. In these vehicles he handled his assignments under the most difficult conditions. Probably that is why his name was listed among the most experienced drivers when the question of an unforeseen trip by the motor vehicle column came up. But this time he had to drive a heavy-duty Ural. The difference between driving a Ural and the lighter vehicles which Kuznetsov had mastered in his time should be explained for those who are not to familiar with the machinery. In light vehicles the driver has a good feel for the road, for example, he can feel how the wheels grip the ground when braking. This feedback is weakened in vehicles with larger load capacities. After all, in them braking is done with special boosters so that if you just touch the pedal the wheels stop completely. If it were otherwise the driver would simply not have enough strength to restrain this enormous machine. But special techniques are needed for a smooth stop. That is why it is categorically forbidden for drivers who have not had appropriate training to drive such vehicles.

On paper Kuznetsov had had such training. When he arrived in the unit they organized supplementary training for all graduates of DOSAAF schools. But in violation of existing rules, they were trained on two brands of vehicles at the same time so that, as they said, they could be put in any vehicle later. We cannot object, mutual replaceability of specialists is an important factor in combat readiness. But in this case Private Kuznetsov spent just a few hours behind the wheel of a Ural during the entire period of training. And he made the long trip planned at the end of the program in a completely different vehicle. That is why his assignment as a Ural driver on the fatal trip cannot be considered anything but criminal carelessness by officials of the unit.

But Lieutenant Litvinov, who signed the requisition sheet for the trip, had no idea of Kuznetsov's driving skills. As a temporary deputy commander of the motor vehicle company in charge of technical affairs he was only interested in the readiness of the vehicles, and they were always in good condition. After turning the requisition over to the dispatcher, the lieutenant did not even consider it necessary to inform the company commander of his decision. Incidentally, this practice where the company commander Senior Lieutenant Mironov did not know that drivers subordinate to him were going out on the line had existed in the subunit for a long time. They thought that it stimulated company officers to take initiative.

The requisition named four drivers. Three were experienced drivers who had driver Urals for a long time; the other was Kuznetsov. None of the senior

officers even looked at the requisition. But even without knowing Kuznetsov's capabilities, any senior officer would have been obligated to take him off the trip, if for no other reason than he was ordered to drive a vehicle not assigned to him. The slightest familiarity with the candidate's documents would also have shown that Kuznetsov's military record did not indicate what kind of vehicles he was authorized to drive, because no order on this had been published in the unit.

Nonetheless, it appeared that fate itself offered the unfortunate organizers of this trip one more chance to avoid the mishap. At the last minute it became unnecessary to send four vehicles from the company; only two were needed. Unfortunately, this time too the responsible officials did not take part in selecting the drivers. This was done by a clerk (!), who set aside the first two road logs that came to hand. They were in fact the logs of the most experienced soldiers.

When asked why he personally did not monitor preparations for the trip, the former commanding officer of the unit responded that he considered the trip an "elementary" one, just a few dozen kilometers both ways on asphalt!

"But you knew that the weather forecast said snow."

"I did not consider that important,"

Snow began in the morning when the roadway, which had been wet since the evening before, was already covered by a film of ice. I should note that braking under these conditions is like balancing, except not on a wire, but rather with the brake pedal. Just a little too sharply and the wheels, stopped by the brake shoes, push the layer of snow across the ice and the vehicle skids; if the pedal is pushed a little more softly the free wheel starts rolling. The optimal pressure (so that the vehicle is stopped and does not skid) is found literally by feel for each specific situation. Experienced drivers find it more quickly, and newcomers do so after many attempts. But after all, the time given by the road situation to stop the vehicle is also a limit. And it depends mainly on traveling speed.

The chief of the column announced, "I set the speed at 20 kilometers an hour."

That is how Kuznetsov drove his vehicle. But after a short stop (the load shifted in the bed and he had to secure it) he had to catch up with the others, who had gone ahead. And the road log which the head of the column, unfortunately, had not checked said "40," the figure Kuznetsov was used to. As he brought the speedometer arrow up to this speed, the driver did not at all think that he was flagrantly violating an order. Officer Danilov, senior man in charge of the vehicle, did not mention this to him either. The officer considered himself more of a chance passenger than a commander on this trip. He was not familiar with the duties of officer in charge of a vehicle, and no one checked his knowledge before they left. Therefore, Danilov did not monitor the driver's actions. Only one time he said ambiguously, "Take it easy." But even later he could not say specifically what he meant by this "Take it easy."

Now the warning signs were racing by one after another, "winding road," "intersection with second degree road," "steep hill." Then they came to a 1.5-meter high sign saying "Driver, reduce speed!" The vehicle officer did not consider it necessary to demand that Kuznetsov carry out these orders or to warn him to be especially cautious. But they could easily see that now and again the vehicle traveling in front of them would begin to slide on the slippery road.

A driver who has never brought a vehicle out of a skid is like a person who knows how to swim only from words. It is difficult to say whether he will swim or not when he is in over his head. Therefore, the units prepare people in advance for a possible test. During the winter whole segments are covered with water at motor vehicle training areas and become ice obstacles. Even during the summer they look for ways to teach people to handle ice. After all, a driver can only acquire the skills of controlling a vehicle, when it seems that nothing can turn it in the necessary direction or stop it, by learning in a real situation.

No such training periods were conducted with Kuznetsov and his comrades. Nothing of the sort was even envisioned in the plans; they said that there was no place for it, and no such orders had been received. Each driver used techniques that he had worked out independently.

When he put on the brakes the next time and the Ural began to slip to the left with its rear wheels the driver acted as if he were still at the wheel of a Gazik. Slightly releasing the brake pedal he tried to catch the minute when the wheels began rolling and the machine could be evened out. But the wheels, held by the boosters, remained immobile. The Ural turned almost 180 degrees, one side went into the ditch, and it turned over. It was lucky that neither the driver nor the vehicle officer was injured.

This is how a sequence of major and minor deviations from regulation norms led to a situation where the driver got into trouble with his vehicle in a place that was in fact level. Furthermore, the impression is formed that the officials on whom traffic safety depended surmounted all the obstacles which the law put in the path of an accident one after the other with a stubbornness and persistence worthy of better use. But of course, this is not true. The people sincerely wanted to do their best. The commanding officer of the unit who included driver training in different vehicles in the training program so that they would become masters of all vehicles wanted this, as did the company commander who entrusted his deputy for technical affairs to handle ongoing work. But where people are not ultimately aware that the best and most rational step is that which is done in conformity with the requirements of manuals, instructions, and orders -- in those places the best motives lead to unfortunate results.

I think that the story of the norms that regulate procedures for operating vehicles with military license plates would be incomplete if I did not mention the preventive work of the military motor vehicle inspectorate. They are well informed concerning the problems of combating motor vehicle accidents, both general and specific army problems, and they try to help the commanding officers and the drivers themselves avoid trouble.

"Of course, it would be much easier for us if the army received driver personnel who were already experienced," I was told by Major Gagrov, head of the military motor vehicle inspectorate of the Moscow garrison, "But the law does not allow you to drive until you are 18, and that is the draft age. Suggestions have been made, and even published in the press, that young people be permitted to drive transport vehicles at a younger age, at least 17. But medical people are categorically against it. "

The major and I went to one of the military motor vehicle inspectorates; he ordered that the first passing military vehicle be stopped randomly. The driver was Private Bacherikoy, also a graduate of a DOSAAF school who had received supplementary training in the unit. In his 18 months of service he had not committed a single violation of the traffic rules, and his GAZ-66 was in perfect order. Next to him in the cab was the senior man of the vehicle. He knew the route of travel well and was taking the characteristics of the current road situation -- a light rain was falling -- into consideration. All the documents for the trip were correctly filled out. Well, all we could say was "Bon voyage!"

Then the military vehicle inspector gave a gesture to stop one more vehicle by the sidewalk. It was driven by Private Ivanov. He was an experienced driver who had worked as a driver for two years before joining the army (he had had a deferment). But on the empty street he had permitted himself to exceed the speed limit. Had the senior man in the vehicle failed to notice this? And where was he?

"Here I am," we heard a voice, from the bed of the truck.

The comrade was transporting club furniture and holding onto it so that it would not be scratched. But what if the vehicle "got scratched"? Captain Volkov had not thought about this. And in fact, he was not the senior man in the vehicle; the trip log gave another name. The military vehicle inspectors had to look into the causes of this potential vehicle accident situation.

The investigations also reveal complex situations. Once a vehicle whose driver did not have one coupon on his technical passport was brought to the yard for holding vehicles stopped by the inspectorate. It was found that five days earlier the coupon, which attested that the vehicle was in good technical condition, had been taken away by a military vehicle inspector. But instead of appearing for the case to be heard, the subunit commander again sent the improperly working vehicle on a trip, and furthermore he complained to his senior officer of the "arbitrary, illegal actions" of the inspectors.

Indeed, little good comes of it when someone intrudes into an area outside his jurisdiction. Incidentally, this also applies to the activity of the military inspectors themselves, who are obligated to work strictly within the framework of the rights they have been given. But we know of cases where some of them have taken on the functions of the State Motor Vehicle Inspectorate. For example, they take away drivers' licenses. Only the State Motor Vehicle Inspectorate has this power. The military vehicle inspectorate can only raise the question in the established procedure.

Vehicles are racing along the roads throughout the country. Some of them are driven by people in military uniform. Legal norms make the traffic orderly and insure the safety of pedestrians, passengers, and the drivers themselves. And if the need arises, the law will also intervene on behalf of the vehicle driver if he has not violated the corresponding legal rules.

Private Yuriy Dubinin was controlled and alert behind the wheel. Nonetheless, when a person unexpectedly appeared in front of the vehicle neither his experience nor his reaction speed could help. He hit the brakes sharply and the truck began skidding, slid forward along the asphalt, and the man went under a wheel. At the hospital where the victim was delivered with a serious injury they found that he was not only in a state of shock, but also in a state of strong alcoholic intoxication. This, of course, became known to Captain Justice Nalivayko, the military investigator who received the case of the auto accident for work. He also established from the testimony of witnesses that on the fatal day the victim had been drinking with friends and drank so much that he lost all orientation. He was not only unable to observe elementary rules for pedestrians, but could not even respond to the approaching truck. In the stream of vehicles the drunken man could have fallen under the wheels of any one, and it was a matter of chance that Private Dubinin's vehicle was the one.

At the same time the investigator, with the help of experts, established that Private Dubinin's vehicle was in good technical condition and traveling 30 kilometers an hour, which would have completely insured the safety of people in this segment of the highway. As the vehicle investigation showed, the driver was physically healthy and alert, and he took all necessary steps to avoid hitting the pedestrian. Based on these facts the criminal proceeding against Private Dubinin was stopped "in view of the fact that his actions do not contain the elements of a crime." In other words, there was no crime. A tragedy occurred because of the victim himself's fatal passion for alcohol.

#### The Case of the Missing Pistol

"The commanding officer or chief should always have precise and detailed information on the presence of weapons, combat and other equipment, ammunition, fuel, and other material resources"  
-- from Article 58 of the Internal Service Regulations of the USSR Armed Forces.

Pavel woke up and saw Yurchenko standing directly in front of him. Yurchenko stood in the middle of the balcony, extending a trembling right hand in front of him, and grinned evilly. His drunken eyes indicated intoxication with power. Waving the barrel of the pistol in uneven circles he demanded: "Get on your knees!"

"What a louse you are," Pavel said. His wife and children were in the yard of the building and he did not want to frighten them by shouting for help. He thought he would get up in a minute and disarm the no-good.

But yet they had once been friends. Even the fact that Yurchenko had been in prison changed their relations very little. So the man had deviated; he should be helped to raise himself up. But not long before there had been a frank conversation about his friend's bad past. It came out that Yurchenko himself did not consider his past to be bad or that it was past. "So, you are a fool," Pavel said, evaluating this. The other man leaped up from his chair and roared that his "buddy" would pay for those words. Then he smashed his glass on the floor, as a sign of a kind of vow. A small, fidgety, man and drunk as always, he and his threat seemed silly to the big, healthy Pavel at that time.

Now the ratio of forces was different. But never mind, in a minute Pavel would get up and . . . but right here the fatal shot sounded.

The killer was caught two days later. No matter how he tried to cover up his tracks, he was caught, exposed, and sentenced by the court to execution by firing squad. This just sentence was carried out. But the organs of justice could not stop here, they did not have the right to do so. Someone else's crime had made this ordinary drunkard strong in front of a kind and honest man. How did the criminal get the weapon? How was a combat pistol brought to the balcony of a little home, and from where? Military investigators officers Kovalev and Moroz answered these questions. Using evidence that was almost unnoticeable at first glance, they found the source of the tragedy -- at the doors of a warehouse, covered with steel, supplied with signal equipment as required, and constantly under guard. The tracks led to Veretennikov, the chief of the warehouse of a certain military unit who had worked there almost 20 years as a freely hired employee.

It is not impossible that it was the truly impressive period of service of this older man which had a calming effect on those who managed the clothing gear warehouse. The warehouse supplied uniforms for officers and operated well. There had been no signs of any kind of abuses by the chief for many years. And as time passed they began to monitor his work less rigorously. Internal inspection commissions even stopped visiting there. The signal system on the steel doors had gone out long before, and they had not even guessed it. Departing on his regular leave, the chief turned the keys over to the person he wanted to have them without any kind of formalities. And his immediate superior did not consider this important. But what does "without formalities" mean? It means that no transfer commission was set up, no audit of the property was made, and that the warehouse transfer document had not been written up.

The subunit commanding officer in charge of the warehouse had not conducted either surprise or planned inspections there, as the regulations require. During a long time in this position he had not inspected the warehouse a single time.

"It was because I was busy with other matters," the officer explained later. "Besides, inspectors from the artillery weapons service came regularly!" he said, presenting what seemed to him to be a "weighty" argument in his favor. It was as if inspections from above released him from performance of his own duties.

Indeed, the inspectors which the officer mentioned did visit the warehouse, because in addition to clothing the personal weapons of unit officers were also stored there. But it was as if none of them noticed the flagrant violation of the regulation requirement that systematic inspections be made to see that weapons are present and stored correctly. To be more accurate, they "got into a difficult situation" with the warehouse areas in this unit and did not point out this violation in their documents; moreover, the place in the storehouse where the pistols and shells for them were stored was separated off from the other area and the inspectors agreed that, in principle, the procedures for storage of weapons were being followed.

What phrases these are: "in principle," "generally," and "on the whole"! They are precisely what creates the situation in which it become possible to steal and lose military gear, including the most important thing -- weapons and ammunition. It is precisely "going easy on small things" that explains the fact, for example, that the inspectors paid no attention to piles of other gear in the part of the warehouse separated off for storage of weapons. But this meant that people working with this other gear were also entering the place where the boxes of pistols were kept!

The report of the commission which was formed in connection with the investigation of the criminal case testified to the poor quality of inspections. It pointed out, specifically, that "no record of weapons by number was kept in the warehouse," that entries in the books "were messy and had corrections," and that the results of earlier inspections were not analyzed and work done following them was not recorded. Earlier pseudo-inspectors had not discovered any of this. But how could they if, in their own words, when they arrived at the warehouse they did not even know the quantities of particular articles that were supposed to be there. And one of the inspectors admitted that during the inspection he did not even take the boxes of pistols in his hands; he simply counted them on the shelf. But at this time one of the boxes was already empty.

Such carelessness by inspectors arouses justified indignation today. But -- and this is by no means to justify them -- let us observe that there is such a thing as inertia in the evaluation. In their long years of service, neither of the inspectors had ever encountered cases of stealing weapons. That is certainly understandable; units exercise the greatest vigilance in taking care of them. Therefore the inspectors were accustomed to simply noting so-called "minor" violations of the existing procedures. And that is all they saw at this warehouse. This kind of carelessness is based on lack of discipline and lack of desire to follow the rules for conducting inspections rigorously in every case, literally every case without exception. These shortcomings usually arise from an inability to understand that these rules bring together many years of experience, experience which a single person could not accumulate during his entire term of service.

The same thing can be said about the subunit officials. Because no dangerous incidents had been noted in the work of the warehouse manager earlier, they thought that none would occur in the future, sometimes turning their eyes away from obvious messes. And there were messes. For example, once officer



Khisamutdinov, happening to be at the warehouse, noticed that the doors were wide open and the manager was not around. Surprised at such carelessness, nonetheless he was not upset and did not report what had happened to anyone. He simply locked the warehouse with his own key. A little later the telephone in his office rang, and the warehouse manager complained that someone had "locked him up during performance of his duties." It turned out that he was drunk, and has simply fallen asleep in a dark corner of the warehouse! Unfortunately, Khisamutdinov did not consider it necessary then to remove the manager from his job or even to check on the condition of the warehouse entrusted to him.

And the warehouse manager, feeling the lack of punishment, committed more and more violations. He brought liquor to the warehouse and drank it there. Sometimes he invited other servicemen in for company. Later some of his drinking companions would be surprised at the moral decline of the warehouse manager. But it had begun right before their eyes. And again it is relevant to recall the strange attitude of officer Khisamutdinov, who "did not notice" that several of his subordinates appeared for work with an unhealthy glimmer in the eyes and a very definite odor about them.

The criminal file contains a glossy postcard-calendar which advertises passenger airlines. There is a check by almost every date. Only one month is without any marks; on it there is an entry, "Leave -- didn't drink" the calendar belonged to the warehouse manager; the marks for daily bouts of drinking were made by his hand. It is easy to picture the moral make-up of a person who not only poisons himself with alcohol regularly, but even finds pleasure in recording each day of his life that he has drunk up.

Naturally, his regular pay was not enough for systematic drunkenness. He needed additional means, and more and more often Veretennikov began putting his hand into the state's pocket. How did all this begin? Here we must note several more circumstances. Those who received clothing from the warehouse did not always adhere strictly to rules established for this. Once officer Ikon'yev demanded that he receive uniforms a week ahead of schedule. They explained to him in the clothing department that although a week is a short time, it could not be done. "It can," the warehouse manager said and gave him what he asked for. The daughter of a certain serviceman was going to go harvesting potatoes with her class. Of course she could not get by without good shoes. And so a pair of size 37 soldier's boots were taken from the warehouse by the "kindness" of Veretennikov. Temporarily, of course, and later they would be returned. And the fact that after this they could not be classified as first category was not important.

These facts may seem far from the subject of our narrative, but I think they throw light on how Veretennikov gradually became used to using the property entrusted to him as if it were his own. Later he became bolder and started selling, or sometimes giving to his friends, such objects as short coats, fabric, and sheets. And it was just at this time that an old friend of Veretennikov appeared and asked him to sell him a pistol.

One cannot help being stuck by the everyday nature of the situation in which the criminal deal was made. You would think that the warehouse manager would

have wondered, at least for a second, why this person needed a weapon? Unfortunately, this cautionary thought did not even occur in his alcohol-clouded consciousness. It seemed important to him to sober up after the night before, and the money was rustling pleasantly in his old friend's hand. Veretennikov did not even bargain: he simply took 200. He went to the warehouse, opened a case, and then a cardboard box. Then he wrapped a pistol and a package of shells for it in a newspaper and carried them out of the unit area.

This is how the theft was accomplished. As soon as it got outside the gates the pistol began its turbulent history. Shady individuals, who are named in the criminal file, sold and resold it, exchanged it for rugs and rings, for stolen earrings and . . . bags of feathers! In a drunken fight the pistol killed a hardened criminal nicknamed Zaika, and still later the pistol was used to pay for the wedding expenses of another crook.

About a year later the weapon reached Yurchenko. Hundreds of kilometers from the clothing warehouse from which it was stolen, a shot rang out in the morning sun on the porch of a little house and Pavel -- a hard-working and vigorous man and the father of three children -- was the victim of the last crime in the sequence which was begun by the careless attitude of a number of officials toward the performance of their immediate service duties.

At a certain time fear of possible exposure began to torment Veretennikov more and more. And when the investigation, following the entire travels of the stolen weapon in reverse order, finally led to the unhappy warehouse, he was ready to end it and confessed to the crime at the very first interrogation. But he was not brave enough to himself go to the military procurator's office and tell everything. Yet if he had done so, the time saved would certainly have enabled law enforcement agencies to prevent Yurchenko's crime. But bravery was a quality that was far from the decadent character that was the warehouse manager. And the murder committed using the pistol stolen by Veretennikov was an additional factor in determining his guilt.

The investigation identified all the participants in the crime and they all received their just deserts. At the same time the circumstances that fostered commission of the crime were clarified. Based on the report of the military procurator's office, several officials were punished for a careless attitude toward their service duties and the officers in charge of the warehouse were discharged from the Armed Forces. Proper order was re-established at the warehouse.

This is certainly a lawful result. But as we close the last chapter of this criminal file, we think not only of the inevitability of punishment and the triumph of justice. There is also a bitter taste remaining: what a great price was paid to learn once again something that we all know is true: nothing is trivial with respect to insuring the storage of weapons, and any deviation from the established rules here threatens grave consequences!

#### The Secret Is in Your Hands

"I, a citizen of the Union of Soviet Socialist Republics, upon entering the ranks of the USSR Armed Forces take this oath and

solumnly swear to be an honest, courageous, disciplined, and vigilant fighting man and to strictly perserve military and state secrets" -- from the military oath,

Vigilance is our weapon. This popular saying takes on real meaning for everyone who joins the military. From this day forward the defense of our Homeland depends to a significant degree on him personally. As a rule young fighting men, when taking the oath, are deeply aware of the significance of the words quoted above. They also understand that with the development of military affairs and the improvement of weapons and combat equipment, the requirements for the moral and fighting qualities of the defenders of the Homeland are rising.

Among the most important qualities of a serviceman, the ability to keep information entrusted to him which is a military or state secret is becoming more and more important. This is natural. After all, in recent years there has been an enormous increase in the amount of information that is available even to rank-and-file fighting men and is of interest to our enemies. At the same time, specialized equipment sometimes enables the intelligence agencies of the imperialist countries to draw far-reaching conclusions from the simple mention of a particular model of weapon or the structure or missions of a subunit. Therefore, it is extremely important not only to avoid all unnecessary talk about the military service, but also to be vigilant in even the most seemingly harmless situations.

I will now tell one old story. Possibly it will even seem naive to some, because it has no ultramodern methods of getting the information that interests enemy agents. But in my opinion, this story continues to be instructive precisely because it enables us to see that something important to the enemy can be put together from scattered bits of information -- bits which definite people by their own foolishness did not protect.

Thus, a spy sat in front of the investigator. He had been caught red-handed as he tried to photograph a military site. There was no point in keeping silent, so he told them everything he knew. But let us deal with just one part of this story, how he found his way to this site, which is reliably concealed from outsiders.

. . .Before being called up into the army Viktor was a student at a pedagogical institute and lived in the oblast center. His parents regularly subsidized him, and never refused him anything. Perhaps that is why he had such trouble getting used to military service. For one reason or another the young soldier did not establish contact with his comrades, and instead of dealing with them wrote letters to his own friends. However, he soon found that even the letters of a girl he had known very well were becoming colder. Then in one of them she wrote that some friends who were visiting her saw the postmark on the letter "Military mail. Free of charge." They laughed and said, "Hey, your Viktor is poor. He can't even buy a stamp!" "What idiots!" Viktor thought. "They don't even understand simple things." Nonetheless, he tried to spare his friend the occasion for new jokes. He arranged with the mail clerk so that his letters would not be officially stamped and then, sticking on a stamp, he would put them in the mailbox at the city post office.

But the stamps did not help. The correspondence soon ended. The girl, as she later explained, got tired of his long-distance complaining and Viktor's letter were thrown in the wastebasket. I would like to believe that there was nothing in those letters that should not have been public information. But even without that they did carry some information for the person who collected them at the city dump: the return address gave the number of the military unit, and the cancellation marking of the city communications division from which the letter was sent could be clearly seen on the stamp. Because there was a whole packet of these letters, it was not difficult to conclude that this particular unit was located in this very city or somewhere near by.

People came to this small city for many different reasons. Construction workers, geologists, railroad specialists, and fur farmers came. Military people appeared on the streets also, but very rarely. It was late in the fall when an elderly man stopped at the local hotel. By all appearances he was on vacation, a tourist. He went around to the museums and exhibitions, did not miss a single store, and ate at the restaurant at the railroad terminal. Each day he bought a whole pack of newspapers; he took everything they had, but he would frown when KRASNAYA ZVEZDA was late. He appeared possibly to be an old soldier, because one time he asked the kiosk clerk to get the district newspaper for him also. Possibly the elderly man was looking for his former comrades-in-arms? But no one noticed him talking with military servicemen.

Although they did not, he once met two soldiers at the entrance to the terminal lunchroom. In line they also turned up next to him. The soldiers were arguing. One suggested having a big meal, but the other objected that after eating he always felt sick in the helicopter. "Just 20 minutes of flying," he added, "and I still feel all upset. It's better to go to the movies."

"You absolutely should go to the movies, fellows," the man advised. "A Bulgarian detective movie is on. What is it about? I don't want to reveal the plot ahead of time."

While exchanging these phrases the three of them were sitting at one table. The man reached into his pocket and pulled out a bottle of vodka. But both soldiers firmly refused to "celebrate" this meeting with a "former front-line soldier," as their chance table companion introduced himself. Indeed, the entire conversation somehow broke off immediately. The soldiers ate quickly and, to the disappointment of the elderly man, left.

But this brief acquaintance was not entirely unproductive. When he returned to the hotel the man opened up a map of the region around the city, put the point of a compass on the mark designating the local airport and drew a circle. The hole from the compass point remained on the map which was submitted to the court as material evidence. Twenty minutes after leaving the airport a helicopter would have to land somewhere in the region designated on the map by this circle. Of course, helicopters on regular runs would hardly land in the place that interested him, but one of them might fly near it.

Our stranger spent several days at the airport and in the air, buying tickets for flights in various directions. Pressed against the window of the cabin, he would observe the landscape stretching below without stopping, and in the communities where they landed he would look for people in military uniform. And he managed to see some of the things he needed: in one place soldiers were pulling out a stuck vehicle, while in another they were buying cigarettis at the rural store. The man did not talk with any of them, but the range of his search was markedly narrowed. Finally he turned up along an unpaved road, now and then holding out his thumb to passing vehicles. One of them stopped.

Anatoliy, for he was the man behind the wheel, was not considered a top driver in the subunit. He had no conserved fuel to his credit. After a trip he might not wash his vehicle if a special order to do so was not given. Why wash it, he would reason, if it is going to get dirty again tomorrow. But he drove his ZIL with spirit; he had been a taxi driver before being drafted.

"That was some job!" he told his unexpected traveling companion. "You could always take four or five, and sometimes even 10 rubles for yourself in a day!"

"Five rubles is good money," the other agreed.

"I'll tell you what," Anatoliy continued. "They say if you can conserve fuel, you will get a leave. But how can you do it, conserve fuel, when you just go back and forth, five kilometers there and five kilometers back. You can't get up any speed."

"Yes, you can't conserve fuel on these roads," his companion agreed. But the soldier objected:

"I'm not talking about roads. We have good roads too! Asphalt-concrete. But the trips are short. You just get the motor going, and you have to shut it off. Of course, there is Nikolay, he is my friend. He gets to go to the city for meat or fish, 150 kilometers round trip. Now there is a chance for conservation. But they don't let everybody drive the refrigerator truck!"

The vehicle stopped.

"We're here," the soldier said. "Your village."

"I'm glad you didn't pass it."

"You can't go further anyway. They don't let outsiders into our place," the driver said with a cunning look and winked significantly.

It would have been foolish to walk after the vehicle; probably it would lead directly to a checkpoint. But in order to go around it, one would have to know the direction to travel. Therefore, the man only memorized the number of the disappearing vehicle. It was not like those used in city transportation, and therefore it would not be hard to recognize the refrigerator truck which came from the garrison to the city.

The stranger returned to the city and began standing watch by the gates of the meat combine. Finally he saw what he was waiting for.

Returning to the unit, the driver of the refrigerator truck was already well beyond the outskirts of the city when he saw a man with his hand raised on the shoulder of the road. His other arm was in a sling and bandaged. The truck stopped.

"Give me a ride," the man asked. "I'm not going far. I thought I could walk, but my arm started to hurt."

"Get in."

The driver was not talkative, and it seemed that the passenger dozed off. The truck hit a pothole and lurched, and the man woke up and leaned against the back panel. He felt under his fingers a postcard showing a coastal city.

"Careful that you don't crash," the passenger warned, and held the postcard up against the windshield, turning it over. Yes, the number of the military unit was the very one that interested him. Then the elderly man again dozed off. He woke up when the driver touched him and said it was time to get out.

When the man was left alone on the road, he took a map of the area out of his pocket. On it the route traveled earlier in Anatoliy's truck was marked. Then the site had been northeast from them. But today the refrigerator truck had gone off to the northwest. The man drew this route in also. The lines on the map intersected at a place in the forest beyond some swampy areas. The man left the road and moved determinedly toward the desired point from a third direction, where there were no roads and there was less likelihood of running into a checkpoint.

Right at the edge of the woods he had to take cover in the bushes. A formation of soldiers with weapons and targets was marching along a dirt road. They must be going to a firing range. Sneaking along behind the formation, the man in fact reached the firing range and waited until the training period was over. Then he came down off the embankment that surrounded the range and carefully searched everything there, stooping over to pick up each piece of paper and hiding some in his pockets.

An hour later he could quietly study his findings. And here is what attracted his attention. A fragment of a combat sheet he had found talked about the successes of fighting men in different military specializations. The presence of several specialists indicated both the type of subunit and its size. A crumpled draft of an evaluation report gave him the last name of the platoon leader, as well as his initials. And a sheet of notebook paper covered with numbers still needed to be studied specially.

Well, not a bad "catch," the stranger decided as he headed back. On one of the following days he decided to return to this place, and brought his camera. That is when he was arrested.

The final line of this entire story had already been written. The investigation established that neither Viktor, who out of false shame sent his letters in violation of the regulations, nor Anatoliy, who took an outsider into a military vehicle, nor the other participants in the events even thought of giving out information about the unit in which they served. But without thinking they spread around bits of information known to them which enabled the spy to identify the location of a military site. He listened carefully to every word on the street, on the train, and in the movie theater; he captured seemingly harmless phrases, and compared and analyzed scattered fragments of talk. The lack of internal discipline, carelessness, and lack of circumspection of certain military servicemen was very helpful to him.

So we see that vigilance is not just the ability to hold your tongue when the question of information containing military or state secrets is being discussed. In our story no one formally spoke of forbidden things, but nonetheless the enemy turned up in the immediate vicinity of the site. And how often people do not attach significance to things that are much more important than information about the type of transportation by which they get to the subunit. Sometimes a customer at a civilian public catering enterprise considers it possible to leave the complete address of the unit or institution where he serves in the comment book. Sometimes a soldier on leave tells his traveling companions in the railroad car all the details of why he won the right to travel home. And sometimes more serious "revelations" can be heard from a tipsy customer at a restaurant.

Sometimes carelessness is also a result of incomplete work by officials.

. . . The bus was crowded and noisy, as usual after a working day. But in the front of the bus one voice especially rang out. It was a young man who was telling his traveling companion that he had been working at a military enterprise for a year now and that he liked repairing combat equipment (here he listed the makes of vehicles) very much.

"Young man," a citizen standing near him said, "this is not the place for such conversations."

"So what?" the young man said in surprise.

This "So what?" stood out later too, during the preliminary investigation conducted at the repair enterprise. Fortunately for the young fellow, the incident in the bus ended favorably. The investigator did not find that he had divulged a military secret in his statements. But what might have happened if the outside comrade had not intervened them?

Someone might say, how would the young worker know what he can and cannot talk about? It turns out that he was cautioned about this when he was hired, but in his own mind he considered this warning a simple formality and did not attach importance to it.

"But you took a sworn oath."

"I did?" the young man's eyes showed amazement, "No, I did not,"

In fact, the young man was right. It appears that the administration also considered the document a formality and simply forgot about it. It is a very unusual case, but illustrates the attitude of some officials toward the legal requirement that all citizens who go to work in units, institutions, and establishments of the USSR Armed Forces as civilian workers and employees must take a solemn and sworn promise, regardless of whether they have served in the Armed Forces earlier or not.

The text of the promise and the procedure for giving it are established by an Ukase of the Presidium of the USSR Supreme Soviet. Each line of it is permeated with concern for strengthening the defense capability of our Homeland. It contains the following words also: "I solemnly swear that I will rigorously preserve military and state secrets." And of course, if the young worker from the repair enterprise had thought about these words he would not have made the mistakes he made in the conversation on the bus.

But the first thing that is necessary if every person is really to think deeply about the text of the solemn and sworn promise is to rigorously observe the procedures for administering the promise. As soon as notice of hiring is received the command of the unit or administration of the enterprise must inform the future employee of the need to sign this important document. The time for this is set at not earlier than one month and not later than two months after the person goes to work. It is considered that by this time the new employee will already have mastered his service obligations well and will be instilled with a sense of responsibility for conscientious performance of them. The text of the promise is read aloud in the presence of other persons who have been hired, and then the person who is making the promise signs a special document in his own hand. At the same time a note is made in his labor booklet: "Solemn and sworn promise given (date, month, year)." This action in fact completes the procedure for acceptance on the job, because the refusal of a person being voluntarily hired for service at units, institutions, and establishments of the Armed Forces to give the promise makes it impossible for the administration to use his services further.

As we see, our laws do not only impose on us an obligation to keep military and state secrets. They in a way insure us against a thoughtless step by precisely regulating the procedures which authorize a person to receive such information. Unfortunately, some people do not understand the importance of the established procedure. Whereas men drafted for military service always take the military oath precisely according to the regulations (not later than one and one-half months from arrival in the unit after mastering the young soldier or seaman's program) and it is usually in a ceremonial situation, with civilian workers and employees in the same units the solemn and sworn promise is sometimes taken at times that violate the established procedure. The text is not always read aloud to them, and sometimes all they do is give them the document to sign, believing that its content is common knowledge. In a number of places this event takes place on the first day that the person goes to work, when many aspects of the upcoming activity are still not clear. Sometimes commanding officers and leaders do not participate in this important



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measure. Records of it in the labor booklet are careless or incorrect. Needless to say, all these things diminish the indoctrination significance of the solemn and sworn promise,

Another thing that persons who have access to military or state secrets and to information that cannot be divulged must know is this: our law tries to stop the divulging of secrets in the earliest possible stages of this offense. Criminal responsibility can ensue not only where the secret has become known to the enemy, but also when preconditions for this were created, that is, when a person responsible for keeping a secret has given outsiders access to it or, even if he has not given access, has by a violation of established rules offered an objective opportunity for such persons to become familiar with secret information. For example, if someone were to write information taken from a secret document in his personal notebook, there is no guarantee that this notebook would not fall into alien hands.

Another effective way to prevent this kind of offense alongside explanatory work is use of the disciplinary rights given to commanding officers. Suppose that a serviceman has reported to an outsider that his unit is going to travel to an exercise or that some other important event in the life of the unit will take place. Possibly this information does not contain a military secret (exercises can be very different). But the behavior of the person who divulged this information cannot help but put the commanding officer on guard. It is a shame that disciplinary measures are not always taken in such cases; even in the service records of flagrant blabbermouths I have not seen records of punishment for lowering vigilance. Certainly this kind of indifference by certain leaders can result in serious offenses by their subordinates.

Our country has been living at peace for many years now. But as we see, this does not at all mean that our enemies have given up their aggressive intentions relative to the Soviet State or their attempts to undermine its defensive might. They appropriate a great deal of money for this purpose and to organize espionage. The interests of defending the Homeland obligate us to always be on guard and to maintain vigilance at the highest level.

### Chapter 3. Out of the Duty to Do Justice

"The Soviet State and all its organs operate on the basis of socialist legality and insure the protection of law and order, the interests of society, and the rights and freedoms of citizens" -- from Article 4 of the USSR Constitution

#### Comrade Commanding Officer

"The commanding officer (leader) must operate independently within the authority given to him, demand that his subordinates comply with the USSR Constitution and Soviet laws and fulfill the military regulations and their service duties and orders precisely and promptly, encourage subordinates for intelligent initiative, diligence, heroic actions, and

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distinction in the service, and hold those who are not diligent strictly accountable" -- Article 52 of the Internal Service Regulations of the USSR Armed Forces

The brass of the band were playing. The Battle Colors waved against the background of the autumn sky. Stepping sharply, the men of the regiment passed before their commanding officer. On his left stood the men who had already performed the honorable duty of a Soviet citizen and, having completed their regular term of active military duty, would in a few minutes receive the documents on discharge into the reserve. Among them were Sergeants Butin and Areshidze, Privates Izmaylov and Maksudov, and their comrades. The faces of the men showed joy and sadness, pride, and a certain uneasiness -- the full range of feelings which people experience when they have completed one important stage of their life and are entering another.

I glanced at Colonel Semak and saw that Vladimir Iosifovich was also moved. At the same time his whole appearance expressed a restrained satisfaction with the results of his labor. I should add it was justified satisfaction. The commanding officer was able to see that this year too the regiment kept the title of leader in socialist competition. The subunits never receive evaluations below "good". There is more: the officers had brought every single soldier and sergeant who came to them two years earlier through to today's solemn parting, and they brought them through matured, physically and mentally stronger, and ready to perform important missions.

This could not have been easy when combat weapons and complicated machinery were in the hands of such fuzzy-cheeked young fellows. When sometimes it was necessary to work with them not only on the field of battle (training battle of course), but also to participate with them in controlling natural disasters (forest fires and land and rock slides, which are ordinary phenomena there). When, finally, at first some of them were not yet used to an orderly way . . .

It is not hard for me to imagine, for example, what Vladimir Iosifovich went through on a certain night, already long before the present ceremony. When he picked up the telephone, of course, he had an idea what the reaction on the other end of the line would be to his disturbing report. I should think so. His subordinate had violated the oath, left the regiment without leave, and traveled home to arrange his personal affairs. What leader would not be upset by such news? "Did you know that this might happen?" the colonel could already hear the blunt question. He would answer, yes he had not considered it impossible. A few days earlier the soldier had received a letter from the girl he considered his fiance; she had married someone else. You could sense from everything that his youthful extremism and hot temper might play a dirty trick on the young man. "Then why did you permit it?" They tried to prevent it. They talked with him, explained that nothing could be changed now and only time would put everything in its place. "Its obvious that more than talk was needed." But you cannot lead an adult person by the hand! Ultimately, he himself must understand the degree of his responsibility for his actions. And they had done everything they could in the regiment to make him understand.

However, this imagined conversation never took place. After he gave his report there was a long pause. Then the general drily ordered that they proceed

as is proper in such cases -- begin a preliminary investigation and inform the military procurator. And Colonel Semak was left alone with his unstated words about what they had done in the regiment so that each serviceman would become permeated with a high sense of responsibility and measure his every action against the measure of military duty and the norms of the regulations and law. But did they do everything?

While still in his young days as a lieutenant Vladimir Iosifovich came to the idea that in order to answer this question affirmatively a commanding officer must indoctrinate his subordinates in three interrelated areas: political, moral, and professional. Not everything came out right; the young officer was not able to achieve all the fine points. Then in 1975 he read with great satisfaction the new line in the Internal Service Regulations concerning the duties of a commanding officer (leader): "He must engage in political, legal, and military indoctrination of personnel on a daily basis." Indeed, from that time onward a third area of work with the men was added to the two recognized officially. The third area was legal indoctrination, which supplements and deepens the process of shaping the politically mature personality of the Soviet citizen-fighting man.

What did regimental commander Semak do in this respect? Together with the political workers and party organization he took care to improve propaganda for Soviet laws and the military regulations. Each company has a study corner for legal knowledge. The club sponsors a series of morning movies and evening question and answer meetings. There are special training periods for sergeants, warrant officers, and officers. Movies and television and radio broadcasts concerned with legal and ethical questions are discussed regularly in the subunits and there are selections of literature and clippings from newspapers and magazines. Military lawyers speak to the heads of political training groups and officers who conduct training periods in the regulations. We should note particularly that measures related to legal indoctrination are worked out for each period of training within the framework of planning party political work, and these measures are conducted jointly with military lawyers of the garrison. The military procurator's office even made a joke on this subject once:

"If all commanding officers gave us such frequent invitations, they would not have to come to us without invitations nearly so often."

However, as Vladimir Iosifovich correctly believes, legal propaganda will only be effective when it is reinforced by everyday work to maintain regulation order in the regiment and by all personnel acting strictly within the framework of the law. The soldier should see that the regulations are not only proclaimed, but also carried out by everyone at all times. Therefore the commanding officer applied the rule -- act only in the proper manner -- to himself first of all. During my talk with him, I recall, a major came in the office: a fishing trip was being organized on Sunday, and he wanted the colonel to sign the trip log for the vehicle to be used.

"There has to be a report by the chairman of the hunting collective on this," the colonel said, returning the paper to the major unsigned. "And then, based on the report, have the chief of staff include the vehicle trip in an order. I will sign it."

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In 10 minutes everything was done. But just by the fact that the major appeared more collected in the office and the tone in which he spoke of the upcoming trip, I could sense that this small lesson in a responsible attitude toward the work had made its mark on him.

Colonel Semak demands similar high standards of every officer, warrant officer, and sergeant in relation to everything that concerns regulation organization of the work and everyday life of subordinates.

. . . Senior Lieutenant Markhabulin, arriving at the company, was once pleasantly surprised. It was still early morning, but the orderlies had already managed to put the barracks in order. Company orderly Sergeant Dudnik explained that the orderlies, of course, could never have managed it in such a time. Therefore they had to wake up two soldiers before reveille, and they had helped.

"The officer evaluated the sergeant's action as an abuse of service position, an arbitrary action," Colonel Semak told me. "And isn't it from such 'minor things' that disrespect for the individual soldiers sometimes begins, and later what we call nonregulation mutual relations among servicemen develop? Therefore Sergeant Dudnik was punished. The company commander pointed out what had happened to all the sergeants, and we also talked about it at a regimental meeting of junior command personnel."

Yes, he did a great deal to see that his subordinates deeply understood the state significance of military service. This made it that much harder to answer the question "Why?" on that night when it became known that the soldier had left to see his former fiance. Why had all his work and that of the other indoctrinators proved ineffective when confronted with a real-life situation? Or perhaps there are no formulas for all cases in life? But he could not agree with such a statement.

It appears that he did not even sleep that night. His thoughts about his failure as an indoctrinator were interrupted by an early-morning telephone call: apparently, new input. But the tone of voice in which the regimental duty officer addressed him was somehow too unusual. Vladimir Iosifovich did not immediately understand what was being reported.

"He returned, comrade colonel! He turned around in mid-trip. At the station he called on the militia to help him get back to the regiment quickly, before 24 hours was up. He is here now, with me."

I saw this young man too in the formation of those on the colonel's left when their fellow servicemen marched before them. The brass of the band were playing. The soldiers and sergeants who had honestly performed their duty were saying goodbye to their native regiment. For them this was the conclusion of a large and important stage in their lives. But for the colonel? It was his ordinary work.

Indeed, no matter how moving this story may have been for me, for example, to the commanding officer it and dozens of others like it are just ordinary events. Every day he decides so many different questions that it is useless to even

try to write them down (I tried once). It seems to me that it is even more important for a person in such a position not to lose his sense of self-criticism in evaluating his own capabilities and to always remember the purpose for which such broad power was given.

. . . We listen to a mother's words with special attention. And one could not help being sympathetic in this case; Yelizaveta Arkhipovna was getting up in years, but she lived all by herself. She appeared to have everything, her own little house, a garden next to it, and a pension, but this abundance did not make her happy when her son was far away. Yelizaveta Arkhipovna's only son was an officer, a captain. In fact he was stationed far from his home, and he liked his work. Understanding his mother's attitude, he wrote that she should move to where he was. The commanding officer, he said, promised she could have an apartment in a new building. But the elderly woman was not tempted by this prospect, and in fact complained of the callousness of the commanding officer and other leaders. Why could they not, she thought, do the opposite and transfer her son closer to home. After all, there were servicemen stationed in the rayon center.

I will observe that we do not have to explain such matters frequently, but it still happens. It makes me want to ask the persons who write such complaints whether they looked into what a commanding officer can and cannot do before they wrote the complaint.

Of course, the range of a commanding officer's authority is very broad, for he is given all the rights necessary to insure the combat and political training of his subordinates and to maintain the combat weapons and equipment in readiness. He is responsible for heat in the barracks, for nourishing rations, and for promotion of his subordinates in the service and their comprehensive development. I have visited the post where Yelizaveta Arkhipovna's son serves, and I know the housing problems they had there. But the commanding officer promised the captain an apartment in a new building. He can do this, and is even obligated to, because his position also requires him to look after the living arrangements of his subordinates. The only thing is, as we have already had occasion to say in this book, that all the commanding officer's rights and capacities are directed to a single, definite goal: to keep the subunit, unit, or ship entrusted to the commanding officer in constant combat readiness. But where matters are unrelated to this objective the commanding officer is just another citizen like each of us. And for this reason he could not answer Yelizaveta Arkhipovna's request in the way she wanted.

One time while I was in the office of the commanding officer of a certain regiment a man on crutches came in. The commanding officer immediately recognized him as a well known war veteran of the town who lived next to the regiment's location. It was apparent that they had already talked earlier, because the commanding officer said he was sorry for his forgetfulness and summoned the secretary Komsomol committee by telephone. Before he arrived the veteran observed with a smile:

"Its just a simple matter, Konstantin Ivanovich. Why get everybody up? Just give the order to two soldiers, and they will handle things easily."

"I know," the regimental commander said. "But the thing is, Petr Danilovich, I cannot order them to do that. It is not part of their duties. We will do everything on a sponsorship basis. And the Komsomol secretary is the moving force in that matter. He will talk with the men and organize everything."

I was interested to observe the veteran's face. He understood that he had suggested an incorrect step to the commanding officer, and it was apparent that the fact that the regimental commander refused it made the veteran respect him even more.

Yes, every decision by the commanding officer should be conditioned on the missions facing the subunit, unit, and Armed Forces. Concerning these missions Article 31 of the USSR Constitution states; "The USSR Armed Forces are formed and the universal military obligation is instituted for the purposes of defending the gains of socialism, the peaceful labor of the Soviet people, and the sovereignty and territorial integrity of the state." And what is outside the limits of this article cannot be considered military duty, and therefore it cannot be the subject of a commanding officer's decision.

On the other hand, within the limits of his authority the commanding officer is truly powerful. What other official position gives one the right to order another person to get up and go into mortal danger? The commanding officer is given this right, the right to send the men into an attack.

. . . Serious fires were burning in the woods around the location of the N. military unit during that dry summer. The commanding officer of the combat engineer company was ordered to join the fight against the natural disaster. The fighting men with their powerful machinery crossed a broad wheat field to reach the river beyond which the smoking forest began -- they stopped. The little bridge over the river looked very unreliable. But next to it stood a cowshed built of logs. The company commander ordered that part of the cowshed be taken apart and the logs used to reinforce the bridge. This was done. The men successfully moved their machinery to the other bank and began fighting the fire. The assignment was fulfilled and the fire was brought under control. And I have to mention that the commanding officer of the combat engineer company, when making his decision, intended to restore the cowshed after performing the primary mission. But he was not able to do this, because the company was transferred to another area.

"What are we going to do?" the director of the sovkhos whose property was damaged by the combat engineers asked a legal consultant.

"Nothing, Pavel Andreyevich," the lawyer answered. "We will repair the cowshed ourselves, and write the losses off as a natural disaster."

"But is that permitted? Maybe we can go to court and collect from those who destroyed it?"

"Well, the army never lets things disappear needlessly. They can help us on a sponsorship basis," the lawyer explained. "But the court, Pavel Andreyevich, is no help here. The commanding officer was operating, as we say, under

conditions of extreme necessity. This means that to save something important and valuable you can sacrifice little things."

"You think the cowshed is a little thing!"

"After all, the forest was burning."

That is where it ended. It is true that later the commander of the combat engineer company wrote a letter to the soykhoz director. He apologized and advised him where to go for help. I had a chance to read the director's answer: "I do not think there is anything to apologize for. During the war three soldiers took apart houses in our town to get their tanks through a swamp. The soldiers did not say thank you, it was the inhabitants who thanked their liberators for the fact that they drove the Nazi scum away."

As we see, in this case the law was ready to protect even the order of a commander who inflicted a certain damage on a state enterprise, because the order itself protected higher state interests. But for subordinates any order by the commanding officer is law. It must be carried out without question, exactly and on time. The authority of the order is protected by a whole series of legal norms. For example, if a serviceman who is carrying out an order receives a new order from a different, higher-ranking superior and the new order prevents him from carrying out the first, he must immediately report this and if the senior officer confirms the new order, he must carry it out. But the senior officer who has given the new order must notify the one who gave the first order of this.

The law is very strict with those who do not obey the demands of leaders and deliberately or out of thoughtlessness do not carry out their orders. In a case of flagrant disobedience or resistance by a subordinate, the commanding officer or superior is obligated to take all possible steps to restore order, going so far as to arrest the guilty person and bring him to criminal accountability. In a combat situation, in exceptional cases that do not tolerate any delay, and in peacetime when the actions of the person who is disobeying are plainly directed at treason against the Homeland or disrupting a combat mission or create a real threat to the life of the commanding officer, leader, and other servicemen or civilians, weapons may also be used. Every serviceman must assist the commanding officer (leader) to restore military discipline and order. He is accountable if he evades this duty.

Our military regulations also protect the commanding officer's authority against improper actions by senior officers. Orders are usually given by the chain of command. Only in a case of extreme necessity can a senior officer bypass the immediate commanding officer and give an order to a subordinate. Commanding officers and leaders are prohibited from announcing disciplinary punishments in the presence of their subordinates. The senior officer does not have the right to cancel or reduce disciplinary punishment imposed by junior officers because it is too strict if the junior officer has not exceeded the power granted to him. He can only substitute a stricter punishment if he finds that the punishment imposed is not appropriate to the gravity of the offense committed.

Failure to comply with all these regulation requirements, and this is true of any others too, has a negative effect on the state of military discipline and the level of leadership of the subunit and unit.

. . . In the office of a certain company I directed my attention to a curious document called "Schedule of Duty Time of Officer Personnel." According to this document company officers were present at reveille and at the evening inspection. Noticing my curiosity, the company commander proudly stated that he himself had written the schedule and that it had been done "in the interests of further strengthening discipline in the company." I could not help but smile. In fact, as I was told at regimental headquarters, this company had indeed been outstanding for firm regulation order and high discipline among its men in the past. But recently it had begun to lose ground. Just a few days earlier, for example, Private Andreyev had gone absent without leave. As a matter of fact, I had come to the company at this time to look for the reasons for this turn of events.

There were many reasons. And the main one was the decline in regulation standards applied by platoon leaders to their subordinates. And the schedule instituted by the company commander despite the regulations to some degree promoted this.

"What do you mean, despite the regulations?!" the captain actually stood up from his chair. "It is to further the regulation requirement!"

For the umpteenth time I had to repeat that not a single clause of a legal document can be interpreted except as it is formulated. Article 132 of the Internal Service Regulations clearly states that the platoon leader is obligated "to be present periodically at reveille and evening inspection in the platoon." Let us notice the apparent vagueness of this wording: not once or twice a week, but "periodically" the platoon leader must spend the morning and evening hours with his subordinates. Why is it this way? And why could the company commander's innovation only be defined as a violation of the regulation requirements? It is because only the platoon leader himself, who knows his own personnel better than others, can determine when he must be in the barracks. He can select any day to inspect and see how the sergeants organize reveille or taps in his platoon. Why should personnel always know this day and hour in advance? It is clear that to institute some kind of regulation here only means to hinder indoctrination work. The case of Private Andreyev's going AWOL is another confirmation of this.

"I could feel that he would cause trouble that evening," the leader of the platoon where Andreyev frankly admitted to me. "I understood that my presence in the barracks until taps itself was necessary to avoid a violation of discipline. But you will also understand . . ."

It is not surprising that the senior lieutenant's intuition was triggered. According to the regulations he is supposed to know a great deal about his subordinates and, judging by everything, he knew them well. I think that even if we cannot justify the officer's behavior on that unfortunate evening, we can understand it. He could hardly pass on to someone else what he himself



could do to prevent a subordinate from going AWOL. And it was really hard for him to stay in the company until taps just because he had a bad feeling. After all, the company commander had substituted performance of the duties of the so-called duty officer under the schedule for his duty to be in the company in the late and early hours periodically, that is, at his own discretion. And then on the day before the senior lieutenant in fact spent the entire day from reveille to taps in the company "insuring order," but in fact replacing members of the daily detail. The next day he was supposed to serve as head of the garrison patrol. But when could he prepare for training periods, or simply read a book or spend time with his family? And so he did not go to the platoon that night, which he now is sorry for. But he is not the only one that should be sorry; certainly the company commander should also feel that way because he, out of falsely understood service interests, violated the regulations and limited the official authority of the platoon leaders subordinate to him.

There is no question that a leader must monitor his subordinates and demand that they fulfill regulation duties. In every specific case he also has the right to decide whether a particular officer should stay in the barracks. But all this is done only within the framework of the regulations.

Because much is asked of the commanding officer, much must also be given to him. I think that this is exactly the meaning of a whole series of norms of the criminal law which include in the jurisdiction of the one-man commander questions which under civilian conditions are decided only by representatives of state authority -- the militia, procurator's office, and court.

. . . Private S. received an unpleasant letter from home. He read it, lit up a "papirosa" (Russian cigarette), and set off to visit his friend from home in the neighboring barracks. At the entrance to the barracks he was stopped by a sergeant with the armband of company duty officer.

"Throw the 'papirosa' in the urn," the sergeant ordered.

"I'm just coming in for a minute," S. said.

"I said, throw it away, comrade soldier. No smoking is allowed in the barracks."

Private S. obeyed but he also did something he had never done before -- loudly expressed his displeasure at this "petty nagging." The servicemen in the smoking area near the entrance to the barracks clearly heard his words about the "long-legged giraffe with the armband." This exhausted the incident, but that same evening a report submitted through the chain of command by the sergeant telling what had happened lay on the desk of the regimental commander. The lieutenant colonel telephoned the military procurator's office and assigned a preliminary investigation.

"Will you be the judge?" I inquired.

The commanding officer dropped his arms heavily on the desk (we were sitting in his office) and looked at the door, "I don't know. I don't like this story."

Obviously no one likes such a thing. But I did not ask my question of the commanding officer in particular without a reason. After all, in a number of cases related to military offenses the commanding officer has the deciding word. This is understandable. For example, only the commanding officer can determine exactly how much influence particular actions by a subordinate had on the quality of performance of combat duty or the fulfillment of its mission by a guard detail, and how significant the consequences of a serviceman's failure to carry out a superior's order or his AWOL might be. This refers to those cases when according to all legal characteristics the offense committed can be defined as a military crime.

The incident with Private S. was precisely such a case. This was a military crime against the order of subordination established in the Armed Forces, specifically a verbal insult by a subordinate of a superior in performance of his military duties. According to Point (a) of Article 7 of the Law on Criminal Responsibility for Military Crimes (Article 243 of the RSFSR Criminal Code), punishment in the form of deprivation of freedom may be given for this, as we have said. Then Point (b) of this article provides that where there are circumstances that mitigate guilt the same action will entail use of the rules of the Disciplinary Regulations. And it is the unit commander above all who must figure out which of them should be applied in the particular case.

I could imagine what a difficult problem the regimental commander was deciding. With just one stroke of his pen the fate of a young man could be turned over to the military tribunal. On the other hand, if the commanding officer were easy on the soldier, some might think that the law was not written for everyone, that junior men can insult senior men and subordinates can insult superiors.

Nonetheless, Private S. was not taken to court. The commanding officer considered it possible to apply Point (b). The military procurator agreed with him. Leaping ahead, I will reveal that the lieutenant colonel was not mistaken. Private S. continued to do a good job, as he had done before, and became a rated specialist. But I remember the silence in the regimental square when the commanding officer, an officer from the military procurator's office, and the guilty soldier appeared before a formation.

"Private S. committed a crime; he insulted a superior during performance of his military duties," the regimental commander said at that time. "This evening a representative of the garrison military procurator's office will speak at the club and give a detailed account of how this crime is viewed by Soviet law and what punishment can be given for it. But in view of the fact that until now Private S. has performed his duty conscientiously, that he sincerely regrets his misdeed, and that he has apologized to the sergeant who is satisfied with this, and in light of other mitigating circumstances, I have decided," here the lieutenant colonel paused as if measuring his decision for the last time, "not to turn the case over to the military tribunal. But for a flagrant violation of military discipline I announce a disciplinary punishment of Private S. -- five days under arrest kept in the guardhouse. At the same time I expect that the collective and the Komsomol organization of the company will also give principled evaluations of this incident."

One can imagine the impression which his words made on the men standing in formation then. Private S. greeted them with tears of gratitude. The men saw how great the commanding officer's power was and how he was attempting to use it in the most useful way for the work, and for the fate of each individual. And what is stronger than a foundation based on a soldier's absolute belief in the commanding officer's fairness!

Colonel Justice Petelin, a military lawyer and psychologist, was talking to me once about the truly vast indoctrination potential which the position of commander gives. In the first place, military service begins "from zero" for every young man; it is a new situation, a new collective, new relations, and new assignments. It is easier to restructure a person's personality in such a situation. In the second place, no other pedagogue has such an opportunity to influence all aspects of the life and activity of the one being indoctrinated as the one-man commander has. Moreover, the time of contact between the teacher and the subordinate under conditions of military service is not limited, as is true in other circumstances, by classes or hours of out-of-class work, working time in production, or visits to the place of residence. Then add on the responsibility which is immediately placed on the shoulders of the young soldiers or seamen, plus the need to work with the most sophisticated combat equipment. All this in combination with a carefully thoughtout system of political, military, moral and legal indoctrination of personnel is what creates those objective conditions which make it possible to evaluate military service as a school of labor and military training, moral purity, courage, patriotism, and comradeship. And the first teacher in this school is the commanding officer.

How many remarkable teachers with a subtle knowledge of the soldier's soul have grown up in the Soviet Armed Forces! They have at their disposal the recommendations of science and the experience of progressive practice. Directing their efforts to shaping the conscious-willed activity of their subordinates, they constantly bear in mind such complex facets of the individual as feelings, emotion, and temperament. It is impossible to get along without this today. In work with subordinates the experienced commander must also take account of their natural anxiety before fire exercises, the uplifting feeling after successful performance of a mission, the aspiration of each individual to be victorious in competition, and a certain fear of being laughed at in case of failure. A knowledge of traits of the personality and temperament sometimes helps the commanding officer lead men in ways they do not notice, which is extremely important for indoctrination, in particular instilling the quality of obedience.

I recall a night I spent by the campfire in the platoon commanded by Senior Lieutenant Yershov. The officer told all about his subordinates. He knew exactly who it would be wise to send on reconnaissance, who could be a messenger with an urgent report, who could handle the assignment on his own, and who would be better used as part of a group. In this the senior lieutenant was naturally, without drawing the attention of personnel, demonstrating his skill at commanding and, I must admit, he did not err once in the tone he used to give his orders, or in his gestures or even his facial expressions.

The fire was burning down. The senior lieutenant softly called to a certain soldier. In a business-like manner, very thoroughly, he explained to the soldier that they needed dry sticks. He suggested the best place to find them,

on the other side of a marshy meadow across the road. In short, he instructed the young man as if it were a highly complex mission. When the soldier set off for the firewood, Yershov explained something that in fact was already quite clear, that the soldier had a sluggish temperament. Unlike the energetic type of personality, a person with this type of nerve pattern needs "psychological boosting" before the performance of any assignment. But if he is unsuccessful, if the commander simply shakes his head the person will be deeply aware of his error. On the other hand, it is best to commend him for successes in a public situation.

"Naturally," the senior lieutenant added, "it is necessary to work more with such soldiers so that by the end of their service they are just as good as their comrades with respect to military qualities. And generally we are successful in this. Providing, of course, that their direct superiors, the sergeants, also make the appropriate effort. For example, there have already been substantial changes in the character of the soldier we were talking about. It takes less and less time to 'boost' him up, which means that his nervous system is becoming more and more stable."

It occurred to me then that the soldiers and sergeants were receiving very useful education from this officer. They are given excellent preparation for battle and other life situations where the commander does not have time to take the individual traits of his subordinates into account and each of them must operate at full strength without delay.

Such concern by commanding officers and superiors for subordinates and their future is only possible in the army which, in addition to its primary mission of reliably defending the socialist Fatherland and staying in constant readiness to repulse any aggressor, is also performing an important social mission -- indoctrination of the fighting man as a true citizen of his Homeland, a patriot and internationalist, and an active builder of the communist society. The armies of the bourgeois countries have never posed and cannot pose such a noble objective because if a commanding officer is to be the soldier's senior comrade and friend who thinks like him, there must be class unity among all members of society, sharing of their ideological, political, social, and moral viewpoints, and deep awareness by all citizens of their common responsibility for the fate of our country.

#### Wearing the Insignia of Justice

"The organs of justice, the court, the procurator's office, and the Soviet militia have a great responsibility for strengthening socialist legality and legal order. Employees of these organs should combine professional knowledge with civic courage, incorruptibility, and a sense of fairness" -- from the "Materials of the 26th CPSU Congress"

In this book we have already mentioned several times how important it is to show a person who is entering the military how important his military position is to the state, no matter how unremarkable it may seem, and how important his service duties are, even if at first glance they seem ordinary. This is important to maintain high combat readiness, which is inconceivable without

conscious military discipline. It is also needed by the person himself who, after going through the school of army conditioning, carries away to his subsequent life a heightened sense of personal responsibility for assigned work and for his every step in society.

Military discipline, as we know, is above all a political and moral category. It is based on the ideological conviction of the fighting men. Therefore, in work to strengthen it the primary emphasis must be on ideological-political, moral, and military indoctrination of the servicemen and developing in them a heightened sense of responsibility for the security of our country and the defense of socialism.

The whole way of life of the Soviet Armed Forces and all the activities of commanding officers, political workers, party and Komsomol organizations are directed to performance of this important mission: instilling a heightened sense of personal responsibility. Military lawyers also make their contribution here. I have already had numerous opportunities to show their work. But just as you seldom encounter people with the insignia of justice on their lapels among servicemen generally, so these episodes in our story are only hurried brushstrokes in portraying military justice personnel. But I would like to talk about these people in a little more detail.

In the first place, there is the military procurator. It is strange, but even today I meet people who picture an employee of the military procurator's office as some kind of embodiment of unflinching severity. But this notion is nothing but a result of lack of elementary information about the everyday work of this official.

Unflinching? Yes, that is true if we are talking about violations of socialist legality. Severe? Yes, the military procurator cannot be otherwise with those who by their illegal actions hinder the Armed Forces in performance of its duty to the people of defending the socialist Fatherland. But at the same time, surely he is showing enormous human concern for all the citizens of our country! And who but the military procurator will come resolutely to the defense of any serviceman if his legal rights and interests are threatened!

. . . The young woman, her face covered in tears and her dress torn, ran into the guard shack despite the cries of the sentry. From her disconnected words the sergeant, head of the guard, realized that the girl and two of her friends had been attacked by hooligans. The decision was made instantly to send two armed soldiers not on duty at guard posts at the moment to the site of the incident. And so, accompanied by the sobbing girl, the two soldiers found themselves face to face with four rapists.

"Stop immediately! Let the girls go!"

In response the men threw stones at them. In the dark of the southern night the soldiers made out a figure with an upraised mallet. Then the hand of one of the soldiers trembled, without thinking he pressed the trigger, and a short round rang out . . . Later the soldier would say that he simply wanted to frighten them in the interests of self-defense. But the gun went off and the

rapist fell, wounded by an automatic round. The soldier did not even hear the words of gratitude spoken by the girls he had saved. For the first time in his life he had fired at a living person.

Lieutenant Colonel Justice Kryshstal', military procurator of the garrison, sent his most experienced investigator to investigate this incident. And Major Justice Pigeyev investigated all the circumstances as carefully as possible. His investigation resulted in the conclusion that the criminal case against the guard who used his weapon be stopped because the elements of a crime were not present in his actions. The soldier did not violate anything. As a Soviet military man should, he hurried to help citizens and stopped a vile crime by the only means possible in that situation. On the other hand, a criminal case was begun against the real criminals; they faced the people's court and were given their deserved punishment.

I have also heard many good things about Major Justice Bigulov, another military procurator. No, he has not had any situations like the one just described. But in fact, each time he has acted as the defender of someone's rights, and his everyday duties have also demanded precise knowledge of the law, understanding of the true interests of the work, and an unflinching attitude in defense of military legal order. Yes, an unflinching attitude. When someone somewhere has committed a crime, everyone has the same opinion. But if the temperature in the barracks is below the norm set by the regulations, some leaders are capable of laying out dozens of the most telling excuses before the procurator.

This was precisely the situation that once developed in a certain subunit. The garrison military procurator learned of it from a report which said that the number of men in this subunit suffering from colds was much higher than the average. There were different ways that he could have responded to this fact. For example, he could have picked up the telephone and called the chief of the garrison. But would that have helped; probably they would have, as the saying goes, "talked and then forgotten it." No, Major Justice Bigulov decided, everything had to be made right. In the end, what is the difference between an injury received in an auto accident and a cold received in the barracks? There is no difference. Both have a equal impact on the health of personnel and on combat readiness.

So there was a procurator's inspection. Based on its results the garrison military procurator sent an official report to the senior officer. And an appropriate response under the law was taken. The proper temperature began to be strictly maintained in the barracks. Formerly the appropriate officials had not taken a hand in this; they always had more important things to do. But now every leader, from the company first sergeant to the unit commanding officer and chief of the garrison billeting service, seemed to take a new attitude toward their duties with respect to protecting the health of servicemen. Each of them determined the specific measures entirely under their charge and began to carry them out together with their other regulation duties, not afterwards.

In the well-known movie "The Bonus," brigade leader Potapov speaks words that are especially resounding to lawyers. He says that people start to think after

a question is raised vividly and resolutely, Every military procurator is obliged to raise any question related to compliance with legal norms in precisely this way. After all, his mission, like the mission of any procurator, is, as V. I. Lenin stated, "to see that a truly uniform understanding of legality is established everywhere in the republic, despite any local differences and any local influences."

I want to tell readers about another representative of Soviet justice in our Armed Forces as well, the military court. Unfortunately, its role is not always understood correctly. There are still people, even among regular military personnel, who for some reason forget that questions of indoctrination and preventive work are paramount in the activity of the judge. Some also think that military tribunals and military judges have some kind of exceptional power. No, military tribunals operate strictly within the framework of uniform Soviet law. Just as in the people's court, each case is heard by two people's assessors selected from the servicemen at meetings in military collectives in addition to the military judge. The only thing is that the military judges themselves, because of the specific features of their work in the army and navy, are selected not by public voting but by the Presidium of the USSR Supreme Soviet. There is one other difference. No matter what case the military tribunal may hear, it delivers its verdict in the name of the Union of Soviet Socialist Republics.

But this lofty phrase which begins every verdict of a military tribunal also has other significance. No matter how minor the offense of a fellow serviceman may seem to some in the military unit or ship, the military judges will evaluate it from a state point of view. And this means that both the defendant and the representatives of the military collective will have a clearer idea of their role in defending the Fatherland and of their personal responsibility for its security.

. . . The trial was held long ago, but Colonel Justice Ul'yanov, the representative of the garrison military tribunal, still remembers it today. It seems only yesterday that he and the people's assessors rose before the hushed courtroom and announced the verdict. Afterward the commanding officer of the battalion in which the crime was committed came up to him and said that he had been wrong in his earlier evaluation of the incident. Only now did he understand the essence of the case, and it seemed to strange to him that it took the present session of court to reveal this to him.

How different the officer was at this minute from the earlier time when he had argued heatedly, first to the commanding officer of the unit and then to the military lawyers, that everything was taken care of without court, that the guilty parties had been punished by his command authority and would draw correct conclusions for themselves. So why, he had said, did the incident require the intervention of a military tribunal? So two hot-tempered men got in a fight; they were young fellows! They had already been told that the military service is no place to clarify relations in such an unworthy manner. As for the company orderly, he had continued, that man was not involved in the incident at all: he was at his desk, doing his job conscientiously as always

. . .

Yes, this trial was memorable to Colonel Justice Ul'yanov precisely because it so clearly revealed the inability of certain servicemen to realize the state importance of their everyday affairs and actions. Such people, for the most part outstanding military specialists internally prepared to defend the Homeland just like their comrades, sometimes do not link their lofty duty with the necessity of performing everyday obligations, which seem so simple and insignificant to them, properly. In a combat situation, they say, they would dash to the rescue of a fellow serviceman without thinking, but here they were saying it was allowable to be flagrantly disrespectful. On a combat alert they would of course be in formation on time, it appeared, but in the meantime they might also be absent without leave. But who knows when the combat alert will sound?

On that ill-fated evening the company orderly in fact did not take part in the "clarification of relations" between servicemen. Following his habit which had developed even before he was drafted into the army, he considered himself uninvolved in the situation. He remained quietly at his desk (a telephone was right there) and "did not notice" what was happening nearby. When he was indicted, he was surprised and said, "How am I involved here?" During the court session the military judge opened the Internal Service Regulations and read the duties of a orderly: "Immediately report all incidents in the company to the company duty officer." Then he read the corresponding article of the criminal law: "Violation of regulation rules of internal service by a person who is a member of the unit daily detail is punished by loss of freedom."

"Defendant, are you familiar with the requirements of the regulations?"

"Yes."

"Did you report this incident in the company to the duty officer?"

"No."

This brief dialog between the judge and the defendant seemed to open the eyes of many people sitting in the courtroom to the commonplace truth that the prescriptions of the law must be observed unconditionally in all cases, even if they seem insignificant at first glance. Perhaps some of them were surprised to learn that sometimes all that is necessary to perform your service duty is to pick up the telephone at the right time. And many of them looked at their everyday work in a new way. It was then that the battalion commander we are already familiar with realized with special sharpness that he too was to blame for the offense committed by the orderly because he had not taught him or monitored him. Later he went up to the judge and looked for the right words to assure him that such a thing would never be repeated in his battalion. And indeed, after this the only reasons that military lawyers had to go to this battalion were to give lectures and answer questions of interest to personnel.

Leaping ahead, I want to mention that 18 months after these events when Colonel Justice Ul'yanov received a new assignment, during their parting the garrison commander made the following remarks.

"You know, the commanding officers and political workers are still using materials from that memorable trial for indoctrination purposes. They think



it is useful to occasionally remind people how important their jobs are. Incidentally, that orderly," he added, "has already returned from the disciplinary battalion to his unit. He is doing a good job. We will probably consider the months he spent there as part of his regular-term military service. The young man received a good lesson. And he was not the only one."

Military lawyer Ul'yanov is tall and heavy, with large facial features and a thick head of graying hair. His voice matches his impressive appearance; during a trial he can be heard easily without a microphone. He speaks clearly, and his words are precisely formulated as they should be for a lawyer. He speaks of his profession with so much respect that you can tell without any additional questions why his oldest son has also chosen his father's specialization. And the younger one too is already showing an interest in books about the state and law. . .

Ul'yanov himself was already a mature man when he came to military justice. It was 15 years after Victory Day, which he celebrated in Vienna as the first sergeant of a battery of self-propelled artillery launchers. I think that it was precisely his considerable experience of life, at the front and later in command and staff positions, that largely shaped his approach to reviewing the fates of others. It is noteworthy that military judge Ul'yanov's ability to get to the essence of the matter and reach the only correct verdict was noted in the press at a time when the graduate of the military law faculty had not even finished his first year in the specialization.

I can understand Colonel Justice Ul'yanov's intolerance of every violation of military order, for example of the two soldiers who once fought and the orderly who did not stop the incident. In a military collective people must be bound by the closest ties of military comradeship; only then will they be able to handle the missions of the subunit and unit. How many times during the war automatic rifleman and gunner Ul'yanov experienced the great strength of soldiers friendship! How many times his friends helped him out of trouble! And in the summer of 1943 Sergeant Ul'yanov swam across the Severnyy Donets to an enemy-occupied bank to rescue a fellow serviceman. He still remembers this man's name, although they had never met before and have never met since.

Military judge Ul'yanov's experience and knowledge are closely linked to his party maturity and profound understanding of the role of judicial organs in our society and in the Armed Forces. He considers it his party and civic duty to strengthen socialist legality among the troops, to help commanding officers and political workers instill respect for laws and the law in subordinates, and to protect the legal rights and interests of military servicemen, who are full-fledged citizens of our country.

Paging through the records of court sessions, special orders of the court and answers received to them, informational letters to commanding officers, and other documents, I could see that establishing the causes of each offense and a concern for eliminating them play a very large place in the work of the chairmen and members of the garrison military tribunal.

"The court finds that the coal dump has not had a fence for three years, that coal is being delivered by volume, not by weight because the scale system has not been set up, and that residue has not been removed from the dump for five years. Under the law, you are obligated to inform the military tribunal of measures taken within one month's time." (From a special order directed to the chief of a railroad junction.)

"I report as follows: personnel have made additional study of the rules for handling weapons, and pamphlets have been published; the performance of guard duty in all subunits is being monitored in conformity with regulation requirements; Lieutenant Shul'ga and Junior Sergeant Zaprudnyy have been punished." (From the report of a unit commander.)

To identify the causes of offenses and the conditions that fostered them means to teach people to avoid such offenses in the future and to insure normal combat training and service by the fighting men. Officers Kozlovstev, Kostyuchenko, and many other commanding officers and political workers have told me with pleasure about the considerable preventive work done by the chairmen and members of the military tribunal of this garrison (and they work with different categories of servicemen). Speeches by military lawyers, who have been given the right on behalf of the socialist state to judge cases and people's actions, especially impress the audience. They talk mostly about how to defend against criminal violations of military legal order and insure observation of socialist legality in the army and the navy. And guilty verdicts are not the only thing that promotes this objective.

. . . The sentry was accused of improper use of his weapon. The man killed, who proved to be a hardened criminal, was discovered 24 meters from the site being guarded. On this basis the investigation concluded that there could be no question of an attack on the post. The sentry, they said, did not understand his mission and fired at a distant passer-by, for which he should be held responsible.

But during the court investigation the judge and assessors did not become convinced of the defendant's guilt. On the contrary, the idea formed that the sentry's actions were correct. So Ul'yanov, chairman of the proceedings, posed a new question for the experts: could a person wounded in the heart have run these 24 meters? And the conclusion of the expert commission was that, yes, he indeed had run this distance. New witnesses were called to the court, and one of them stated that when the shot rang out the criminal was climbing up the fence at the site.

In the name of the Union of Soviet Socialist Republics the military tribunal delivered a verdict of not guilty, thus defending both the interests of the state and the good name of a soldier who performed his duty irreproachably.

Needless to say, each court proceeding is an extraordinary event under the conditions of our Armed Forces. The set of persuasive measures which our commanding officers and political workers have at their disposal and those disciplinary rights which army and navy leaders are given are entirely sufficient to indoctrinate a large majority of Soviet fighting men in a spirit

of great personal responsibility for defense of the Homeland. But we do not have the right to let a single instance of criminal negligence, carelessness, or irresponsibility pass without legal action. We must, as the Communist Party demands, use all means at our disposal -- both persuasion by the word and the stern force of the law -- to strengthen military discipline and legal order, without which the combat readiness of our army and navy forces cannot be maintained at the necessary level.

The story of those who wear the insignia of justice on their lapels would be incomplete if we did not mention also the officers of the juridical service ("Yuridicheskaya Sluzhba"). The range of duties of these officers, many of whom formerly served in procurator's offices and court positions, includes legal monitoring of documents being published, systematization of these documents, delivery and contract discipline, and legal indoctrination work. We have spoken a number of times of the serious repercussions of each legal mistake. Of course, they are found and eliminated after a while. But it is very important to preclude the very possibility of them occurring in an official paper. This is the significance of the juridical service: it must see that every decision is not only made, but even conceived in precise conformity with the law and regulations.

#### At the Highest Level

"If a serviceman in any place discovers theft or destruction of military property, illegal expenditure of money, abuses in troop supply, shortcomings in the condition of equipment, or other things that harm the USSR Armed Forces, he must report this through the chain of command and may also send a written proposal or statement on eliminating these shortcomings to a superior, all the way to the USSR Minister of Defense" -- Article 110 of the Disciplinary Regulations of the USSR Armed Forces.

"Please inform the chairman of the executive committee that this letter has been taken under control by the Receiving Office of the USSR Minister of Defense. The family of the veteran needs to receive an apartment as quickly as possible."

While the head of the Receiving Office talked on the telephone with someone in a distant Siberian city, I could not help comparing him with the young man shown in the 1945 newspaper photograph. There he was among the participants in Victory Parade on Red Square, at that time Senior Lieutenant Nikolay Shchipanov. He had a fervent youthful look, and the star of a Hero of the Soviet Union on his chest.

Of course, the years have left their mark. But when Nikolay Konstantinovich talks about what he has been able to do about a certain letter that came to the receiving office, how problems of great state importance are sometimes discovered behind what appear to be specific cases, his face grows younger and under his thick, dark brows again burns that youthful fervor that was once captured by the news photographer's lens.

The head of the receiving office remembers hundreds of letters with their very complex stories, the decisions made on them, and the names of the authors, And yet he once complained that he confuses dates in his own family history and forgets relatives' birthdays. I am sure that such selective memory is not just a result of the specific character of his work. It is also a result of his awareness of his great responsibility for the assigned work and, of course, from his personality make-up, his ability to feel other people's pain more sharply than his own.

Some inexplicable association makes me recall that the Russian word "yustitsiya," taken from Latin, is equivalent to the native Russian "spravedlivost'," and this makes everything that I know about this man -- soldier, military lawyer, and head of an important office -- it makes all the amazing turns of his fate organize themselves unexpectedly in a natural logical order.

A young man with a dashing and sympathetic heart grew up in the large family of a worker and kolkhoz member in the town of Goloychino near Belgorod. He modeled himself after the cinema image of Chapayev and revered his older brother, a commanding officer in the Red Army. His dream was to save people from disease. In June 1941 after graduating from a 10-year school he sent his documents to the admissions commission of the Military Medical Academy, but it was too late for a response.

The military commissariat refused outright to send him to the front immediately because he was not of draft age. So he simply joined a certain military unit passing through the town, then another, and wound up at the Tambov Cavalry School. In December 1942 Lieutenant Shchipanov became the leader of a machine gun platoon in a cavalry squadron. He and his machine gun wagons went through the entire war as part of the 14th Guards Cavalry Division, ending up beyond Berlin.

"He has shown himself to be an officer capable of maintaining high discipline and order, able to organize battle under exceptionally difficult conditions," the regimental commander wrote of Shchipanov in May 1944. "Surrounded for 14 days without food or adequate ammunition, he repulsed seven enemy attacks with the fire of medium machine guns. Breaking through the first ring of encirclement near the village of Mosur, he organized his system of fire so that all enemy attempts to split up the battle formations of the regiment failed."

Their squadron had to cross the Oder as the division's forward detachment. The machine gunners were the first in the squadron to move onto the unstable ice. They reached the west bank in the darkness and there drank a full cup of torment, repulsing about 20 counterattacks. His combat comrades were falling. The platoon leader himself several times replaced wounded gunners on the machine guns. Nonetheless, the squadron crossing was secured, The forward detachment broke through the enemy defense and raced ahead. Three machine gunners -- Vasiliy Kaykin (posthumously), Tagay Bayramurdyev, and Yuriy Kardashenko and their courageous commander officer N. Shchipanov were awarded the title Hero of the Soviet Union for this battle.

Nikolay Shchipanov was disabled three times during the war. But you cannot find documents about this. By hook or by crook, the platoon leader avoided being sent to the rear and healed on the front line.

The picture of this front-line soldier would be incomplete, however, without these lines which were read by the chief of the receiving office in the line of duty, but are preserved as a reminder of the brotherhood at the front: "I have heard that Colonel Nikolay Konstantinovich Shchipanov, Hero of the Soviet Union, works in the receiving office of the USSR Minister of Defense. He is my former commanding officer who shared his last crumbs of bread with us, the soldiers, and saved us from certain death. Please convey to him my warmest greeting, and if he is able to come and visit, I will do everything for him -- former cavalryman I. N. Mironenko."

What commanding officer does not dream of such evidence of the soldier's love?

It is not true that war inevitably makes the heart harder. The Great Patriotic War, a just people's war, reinforced the former schoolboy in his best aspirations. It is true that his youthful idea of becoming a doctor gave way to a confirmed desire to strengthen his native army by serving in the organs of military justice.

After study at a military academy Shchipanov was appointed a military investigator. He did not tell me about the treachery of evildoers, of the human vices and weaknesses with which he, of course, met many times. On this occasion too his memory suggested an incident that characterizes not the external aspect of the fight against that which interferes with our society, but rather the clear and noble goal of this fight: a fight on behalf of people, for the triumph of socialist legality.

. . . A motorcycle rider was hit by an unknown vehicle on a deserted highway. The driver of a truck who was traveling that same route at the same time was soon arrested. Signs were found that the driver had been drinking. Then when facing the military investigator, he simply spread his hands, admitting that it was entirely possible that he could have hit the motorcycle rider with his rear wheels or the body of the truck while passing. Captain Justice Shchipanov had every reason to turn the case over to the court, but he did not do so.

Nikolay Konstantinovich outlined an intricate figure on paper in front of me. He had found a dent in this shape on the front fender of the motorcycle. But the truck did not have any part which could have made such an imprint upon collision. The investigator began to search for this part on other vehicles. And he found it. In addition he found the one truly at fault for the highway accident. The serious charge against the innocent person was dismissed.

I could see that even now it pleased Shchipanov to recall this. And at that time the material from his investigation was presented at an all-Union conference of investigative workers as an instructive example.

Documents from that period indicate that Shchipanov did not have a single unsolved crime, that he did a great deal of preventive work, and was an ardent

propagandist for laws and regulations among the fighting men. This thoughtful lawyer and principled party member was sent to the receiving office of the USSR Minister of Defense to continue his service. And he has now been heading this office for several years. On the eve of the 60th anniversary of Great October he was given the military rank of major general justice.

"Our party has always devoted enormous attention to work with the letters of working people. It sees them as an inexhaustible source of new ideas and thoughts," Nikolay Konstantinovich says. "Today the right to appeal to any state organ has become one of the constitutional guarantees of active, creative participation by every citizen in the affairs of society. It is our party and service duty to understand people and see state issues in their personal requests."

. . . Citizen Vdovichenko appealed to the receiving office because she had not had any news of her son for three months. Even the commanding officer of the unit where her son was serving was silent. It was possible to dispel the mother's alarm in one day. "Sergeant Extended Service Vdovichenko," the unit reported, "is healthy and working well." But why had they not responded so promptly to the mother's appeal before there was intervention from above? The chief of the receiving office suggested that service correspondence in this particular military district be monitored and that a report about shortcomings in this important work be sent to the political directorate.

Military construction worker Voronin wrote that after graduating from a school for young specialists he found himself in a subunit where his specialization was not needed. "Why was I trained, and state money spent on me?" he asked. Next to a copy of this letter attached to the file I saw an impressive list of steps that had been taken in the military districts and fleets in this connection to use servicemen with special training more efficiently.

Then there were a series of letters about difficulties encountered by fighting men discharged into the reserve and by officers and warrant officers upon entering the preparatory divisions of higher educational institutions. "One of the reasons for this phenomenon," the chief of the receiving office reported through the chain of command, "is the imperfection of the present statute on procedures for servicemen entering these divisions. I believe it would be wise to prepare a new document."

"As you know, such a document was prepared," Nikolay Konstantinovich said. "KRASNAYA ZVEZDA gave its readers detailed information about it at the time."

We followed the fate of proposals expressed by Colonel-Engineer Zimin, Captain Slesarev, Senior Lieutenant Dyusenov, and others whose implementation promoted a further rise in the combat readiness of units and stronger military discipline. We recalled other documents, including some of national importance, which were conceived from these very proposals expressed in letters. We recalled the atmosphere of universal political enthusiasm during discussion of the USSR Constitution. The collective of the receiving office of the USSR Minister of Defense did a share of the work in analyzing letters and proposals on the draft of this very important document.

Shchipanov is very concerned that the work of the receiving office be improved steadily, that not a single proposal that is useful for the Armed Forces go unrealized and that not a single legal request go unsatisfied.

Our conversation was interrupted over and over again by telephone calls and reports by employees of the receiving office. I guessed that the unhurried manner in which Major General Shchipanov responded to questions and gave instructions concealed intensive mental work and enormous responsibility for each decision. He does not have the right to be mistaken. It is his duty as a fighting man and communist, his duty under the justice inherent in our Soviet laws. . .

Even now, however, I think it is too soon to put an end to the discussion of the legal foundations of military service. Law enforcement and legal indoctrination work in the Armed Forces has significance that goes far beyond the specific situation, no matter how important it may be in itself. The organizational and indoctrination work of commanding officers, political workers, and other officials in the army and navy is directed to accomplishing current missions, but at the same time it is also directed to the future, to carrying out the program objectives of our party in the field of military development and insuring the reliable defense of our socialist Fatherland against any aggressor.

The decisions of the Communist Party and Soviet Government underline the exceptional importance of observance of socialist legality and strengthening discipline, order, and organization for the successful development of our society. As far back as December 1921 V. I. Lenin stated: "The further we go into conditions of firm and stable power and the further the development of civil circulation proceeds, the more urgent it becomes to advance the firm slogan of instituting greater revolutionary legality." Yes, it must be that way. This is because legality and legal order strengthen the foundations of state power, and a strong socialist state has been and remains the indispensable implement for building a new society and defending and multiplying its achievements.

From the first historical decrees of Soviet power -- on peace, land and the worker-peasant government -- the new proletarian law, unlike age-old traditions typical of earlier state systems, began to serve working people. It became the regulator of social relations in which (for the first time in history) class antagonism was bound to give way to the class unity of the entire people. In this way the law, for the first time in its existence, was finally able to reveal its objective essence: to meet the natural need of people for rules of communal labor and living that are understandable and fair to all.

High legal sophistication is one of the visible characteristics of the spiritual make-up of the Soviet fighting man, who is a patriot, internationalist, and reliable defender of his Fatherland and the cause of peace and socialism. In the last analysis this is the objective of the work of the commanding officer, political worker, and military lawyer who engage in legal indoctrination of personnel and establishing a situation of socialist legality in units, on ships, and in subunits.

Performance of this mission is made easier by the fact that our laws and military regulations establish historical achievements of the Soviet people,

characteristic features of the socialist way of life, and rights and duties of citizens following from them which are familiar to every person. The right to work and the obligation to work conscientiously. The right to participate in management of state and social affairs and the obligation to protect the interests of the Soviet state and strengthen its might and authority. The right to personal integrity and the sacred duty to defend the socialist Fatherland. A harmonious combination of the interests of each individual and all persons together is the outstanding feature and most important strength of socialist law. It has in fact given legal embodiment to the ancient dream of happiness, peace, kindness, and justice. Therefore, the indoctrinator must always convince people of the social justice, moral justification, and practical wisdom of the norms of Soviet law and convince them that an action dictated by the law and regulations will always be just, highly moral, and the only wise path.

The high legal sophistication of the men and precise activity by officials foster a situation where the norms of the law and regulations are increasingly realized by themselves, so to speak. Lawyers call this "the automatic action of the law." Here is one example.

Once just before New Year's an apartment-dweller, trying to open a tin can with a kitchen knife, seriously (it seemed to him) injured a guest when the knife slipped off the top. The first aid vehicle came and, after giving help, informed the militia of the incident, as is proper. Checking the documents the inspector realized that the person at fault was a military serviceman, and reported this to the garrison military commandant. An employee at the commandant's office, finding evidence of a crime of carelessness in the serviceman's actions, turned the question of his responsibility over for decision by the military procurator. Happily, there were no unpleasant consequences of this careless handling of the knife (the injury was not a dangerous one), and the case ended with a reminder to the guilty person of the need to be more careful. But this is what is remarkable here. Without any complaint by the victim a number of officials became involved in the investigation of this incident automatically and they carried out their duties to protect the life and health of citizens precisely.

Here is one more case. A woman divorced her husband. He paid alimony correctly and took part in raising his son, who remained with the mother. But when the boy entered a Suvorov school the father decided that he would no longer have to take such a considerable amount of money out of the budget of his new family. His former wife did not object to his stopping the payment of alimony either; after all, the son was now on full state support. And the court thought the same way, adopting a decision which apparently suited everyone. It was only after the court hearing, on the way home, that the woman thought bitterly: "How easily the father has dispensed with all future concern for his son!" We can imagine her surprise when she found out that this pain, which she had not expressed, had been heard. A week after the hearing the woman received a notice that the decision had been protested by the rayon procurator, then a short time later she was informed that a new decision had been made and the former husband would be obligated to pay 25 percent of the former alimony in the future.

That is how it should always be, in everything. The law should operate automatically. Citizens should carry out all its prescriptions easily and naturally.



This book itself has been dictated by a concern that things be this way, that the legal consciousness of Soviet people operate in the interests of society, in the interests of us all, in the name of strengthening our Homeland.

Once again I recall the question of a reader of the journal MIR I MY who lives in one of the Western countries. I have already spoken of this at the beginning of the book. This citizen was interested to know who protects the rights of the Soviet soldier. In one way or another I have answered this question, which seems strange to our understanding of the world, in each one of the preceding chapters. After all, in a society where there are no antagonistic class contradictions, where everyone is equal regardless of social or property status, affiliation with a particular nationality, race, or belief, in such a society no legal relations, and this includes military relations, can infringe on the personal dignity and legal rights and interests of people. For each of us, no matter where we may stand on the service ladder, is performing a part of the common work, working for others, just as they are working for us. And this is the essential point of the answer to the question raised by the Western reader.

I could have answered on this level earlier, of course, without waiting for the concluding chapter of the book. But when I was in the receiving office of the Minister of Defense I realized that such an answer would be incomplete. When speaking of the objective conditions of the civil equality of Soviet servicemen, we cannot forget the actual people who protect the established procedure for performance of military service against any infringements and protect the rights and liberties of the fighting men. These are the commanding officers, political workers, and officers of the legal organs in the Soviet Armed Forces.

#### Conclusion

You have read the last chapter of this book about military law, dear reader. Possibly it raised more questions than it gave clear answers about practical application of specific norms of the laws and regulations. Well, if that is so the author can consider his job done. For doubt always serves the truth, and aroused interest is the first step toward knowledge, especially when it is hardly possible to tell everything about military legal relations. Each day brings us many new situations and the most detailed reference book cannot suggest the correct decision for each one of them. Therefore, it is much more important to realize and feel that relations among military servicemen are structured and should be structured according to definite principles. When you know these principles you will certainly chose the correct path to the planned goal.

The most important goal for us, military people, is the high fighting effectiveness and combat readiness of the Soviet Armed Forces. It is inconceivable to achieve it without conscious discipline, insuring percise order in all elements of this complex organism. On the other hand, the level of military discipline is a derivative of all the forms and areas of indoctrination work in the army and navy. And the key question in strengthening military discipline is to maintain firm regulation order by means of organizational measures along with ideological conditioning.

USSR Minister of Defense Mar SU D. F. Ustinoy again directed our attention to the need to continue strengthening regulation order among the troops in his report at the 6th all-Army meeting of secretaries of primary party organizations. He pointed out that some people are inclined to equate this with nothing more than internal order in the barracks and the outward appearance of the unit. But this is far from the truth. Regulation order presupposes exemplary performance of combat duty, guard duty, and internal service. It includes precise organization of combat and political training and operation and maintenance of equipment. Regulation order presupposes correct mutual relations among servicemen, rigorous observance of the daily schedule, intelligent organization of the leisure time of personnel, and a high level of conscious internal discipline among personnel.

When military servicemen have a correct idea of the essential requirements of Soviet laws and military regulations this will help establish such regulation order in each unit, ship, and subunit. It has been the author's goal to help form such ideas.

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