

## Bukharin's Fraudulent Rehabilitation: A Study of the Unpublished Soviet Supreme Court Decree

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The last of three public Moscow trials took place between March 2 and March 13, 1938. Perhaps the most famous of the defendants was Nikolai Bukharin, former Party leader, one-time ally of Stalin and subsequently an opponent of his. A political and economic theorist, Bukharin had served in the Politburo before being removed for oppositional activity. His last post, until early 1937, was editor-in-chief of *Izvestiia*, the daily newspaper of the Soviet government.

His co-defendants included Alexei Rykov, the former Head of State, and Genrikh Yagoda, former head of the NKVD, a ministry that included both foreign espionage and the political police. Yagoda had been removed from this position on September 25, 1936, and replaced by Nikolai Yezhov.

At the first public Moscow trial in August 1936 the chief defendants were Grigori Zinoviev and Lev Kamenev. They and other veteran Party members admitted to conspiracies against the Soviet government and to organizing the murder of Leningrad Party leader Sergei Kirov in December 1934. The second trial, held in January 1937, saw more senior Party members confess to collaborating with the defendants at the first trial, and to additional conspiracies and crimes.

At the 1938 Trial Bukharin confessed to a leadership role in a far-flung conspiracy involving members of the "Right" opposition along with followers of former Soviet leader Leon Trotsky, then living in exile. Along with most of the other defendants Bukharin was convicted, given the death sentence, and executed on March 15, 1938.<sup>1</sup>

Bukharin was declared "rehabilitated"<sup>2</sup> by a decree (*postanovlenie*) of the Soviet Supreme Court of February 4, 1988.<sup>3</sup> This important rehabilitation document has never been published.<sup>4</sup>

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<sup>1</sup> Three of the twenty-one defendants, Pletnev, Rakovsky, and Bessonov, were convicted of lesser charges and sentenced to prison terms.

<sup>2</sup> This is the term applied in the former USSR and in Russia today to a judicial declaration that a person, usually deceased, is retroactively declared innocent of political crimes he or she was convicted of.

In 2007 we discovered a copy of the original Rehabilitation Decree in the Volkogonov Archives, on microfilm at the Library of Congress.<sup>5</sup> It bears the title “Decree of the Plenum of the Supreme Court of the USSR of 4 February 1988.”<sup>6</sup> The deliberate falsifications in this document are considered in the present article.

The following correspondences assure us that the document in question from the Volkogonov Archives, hereafter called the Rehabilitation Decree, is in fact the genuine text of the Supreme Court decree rehabilitating Bukharin.

- The header of the first, and end of the last, pages of this same document are photographically reproduced in *Izvestiia TsK KPSS* 1, 1989 at page 121, and in text format in a volume of “rehabilitation” documents published in 1991.<sup>7</sup> The texts of both correspond exactly to the respective parts of the document from the Volkogonov Archive.

- In the official collection *Reabilitatsiia: Kak Eto Bylo. Seredina 80-kh godov – 1991*<sup>8</sup> a quotation is given from the “Postanovlenie Plenuma Verkhovnogo Suda SSSR ot 4 fevralia 1988 g,” which corresponds exactly to a passage at the bottom of page 5 of the document from Volkogonov Archive. On page 615 at note 31 another passage is cited from the same document and this passage can also be found in the Volkogonov Archive document towards the top of page seven.

The Rehabilitation Decree contains the following passage:

Former Vice-Commissar of Internal Affairs of the USSR [the NKVD – G.F.] Frinovsky, in his statement of April 11, 1939 admitted that employees of the NKVD of the USSR “prepared” arrestees for the interrogations at face-to-face confrontations, pressing on them the answers they should give to possible questions. Yezhov often conversed with those under interrogation. If the arrestee

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<sup>3</sup> The public announcement of the rehabilitation of Bukharin, Rykov and others was made in *Pravda* on February 10, 1988, according to *Izvestiia TsK KPSS* 5 (1989), p. 86; *Reabilitatsiia: Kak Eto Bylo. Seredina 80-kh godov -1991* (Moscow, 2004), p. 615 n. 33; hereafter cited as *RKEB* 3.

<sup>4</sup> In March 2007 a Moscow colleague engaged a legal researcher to search both printed and digital legal archives in Russia for this Decree of the Soviet Supreme Court. This researcher could not find it in print. The semi-official Russian legal database, “Konsul’tantPlius,” returned the result “document opublikovan ne byl” (“Document not published.”). My thanks to my treasured colleague Vladimir Bobrov for this information (email from Vladimir Bobrov to the author Tuesday, March 27, 2007).

<sup>5</sup> General Dmitri Volkogonov was given unprecedented access by Mikhail Gorbachev to official, secret archives of the Soviet period. With their aid he wrote highly tendentious works including biographies of Lenin, Stalin, and Trotsky. Volkogonov photocopied thousands of pages of documents, and somehow transmitted many or all of them to Western libraries, including the Library of Congress. For a brief summary of Volkogonov’s career and his relationship with politics and archives, see Amy Knight, “U. S POWs and Russian Archives,” *Perspective* Volume IX, Number 3 (January-February 1998), at <http://www.bu.edu/iscip/vol9/Knight.html>.

<sup>6</sup> “Postanovlenie Plenuma Verkhovnogo Suda SSSR ot 4 fevralia 1988 g.” Volkogonov Archives, Library of Congress, Washington DC.

<sup>7</sup> *Reabilitatsia. Politicheskie Protsessy 30-50-kh godov* (Moscow: Izdatel’stvo Politicheskoi Literatury, 1991), pp 240-1.

<sup>8</sup> *RKEB* 3 p. 614, n. 30.

renounced his confessions, the investigator was given directions to “restore” the arrestee, i.e. to obtain from him his previous false confessions. (p.6)

The same statements are made, with slightly different wording in the “Protest,” or request for reconsideration, from the State Prosecutor (*Prokuror*) to the Soviet Supreme Court in this case:

The former Vice-Commissar of Internal Affairs Frinovsky, convicted on February 3, 1940 for falsification of criminal cases and of massive repressions, in his statement of April 11, 1939 indicated that workers of the NKVD of the USSR prepared arrestees for face-to-face confrontations, discussing with them possible questions and answers to them. The preparation ended with the publication of previous confessions concerning the persons with whom face-to-face confrontations were planned. After this Yezhov would summon the arrestee to him or he himself would drop in to the investigator’s room, ask the person under interrogation whether he would confirm his confessions, and as though in passing, reported that members of the government might be present at the face-to-face confrontation. If the arrestee renounced his confessions Yezhov would go away and the investigator was given directions to “restore” the arrestee, which meant to obtain from him his previous false confessions.<sup>9</sup>

Publication of the full text of Frinovsky’s statement of April 11, 1939, which had remained classified until early 2006,<sup>10</sup> now permits us to affirm with confidence that these statements in the Rehabilitation Decree constitute a deliberate deception by the Soviet Supreme Court.

As the following quotation from Frinovsky’s published statement show, Frinovsky did state something resembling the quotations above. However, in this passage Frinovsky was not discussing “preparation” of the defendants at the 1938 Trial but a different case.

How were those under arrest prepared for the face-to-face confrontations, and especially for those that were conducted in the presence of members of the government?

<sup>9</sup> “Plenumu Verkhovnogo suda Soiuzs SSR Prokuratura Soiuzs SSR. Protest (v poriadke nadzora) po delu N.I. Bukharina, A.I. Rykova, A.P. Rozengol’tsa, M.A. Gernova, P.P. Bulanova, L.G. Levina, I.N. Kazakova, V.A. Maksimova-Dikovskogo, P.P. Kriuchkova, Kh.G. Rakovskogo. 21 ianvaria 1988 g.” (“To the Plenum of the Supreme Court of the Union SSR of the Procurator of the Union SSR. Protest (in the order of oversight) concerning the case of N.I. Bukharin, A.I. Rykov, A.P. Rozengol’ts, M.A. Chernov, L.G. Levin, I.N. Kazakov, V.A. Maksimov-Dikovskiy, P.P. Kriuchkov, Kh.G. Rakovskiy. January 21, 1988.) *Izvestiia TsK KPSS* 1989 № 1, pp. 114-119. p. 118. This text is reprinted in the collection *Reabilitatsia. Politicheskie Protsessy 30-50-kh godov*. Moscow: Izd-vo Politicheskoi Literatury, 1991, pp. 235-240.

<sup>10</sup> “NARODNOMU KOMISSARU VNUTRENNIKH DEL SOIUZA SOVETSKIKH SOTS. RESPUBLIK – KOMISSARU GOSUDARSTVENNOI BEZOPASNOSTI I RANGA: BERIA L.P. Ot arestovannogo FRINOVSKOGO M.P. ZAI AVL ENIE” 11 apreliia 1939. (“To the People’s Commissar for Internal Affairs of the Union of Soviet Soc. Republics – Commissar of State Security of the First Rank Beria L.P. From the arrestee Frinovskiy M.P. Statement.” April 11, 1939.) In *Lubianka. Stalin I NKVD – NKGB – GUKR “SMERSH” 1939-mart 1946*. Moscow: 2006, pp. 33-50. I have put this text online at <http://msuweb.montclair.edu/~furrgr/research/frinovskiyru.html> and our English translation at <https://msuweb.montclair.edu/~furrgr/research/frinovskiyeng.html>.

At first the investigator, then the chief of the department, prepared the suspects in a special way. The preparation consisted in the reading of the confessions that the suspect had given against the person with whom the face-to-face confrontation was about to be conducted, they explained how the face-to-face confrontation would be conducted, what unexpected questions might be presented to the suspect and how he should answer. In essence what happened was an agreement and a rehearsal for the upcoming face-to-face confrontation. After that YEZHOV would call the suspect to himself, or pretending that he had by chance dropped in to the investigator's room where the suspect was sitting he would speak to him about the upcoming confrontation, and would ask whether he felt himself strong, would he confirm his confessions, and by the way, would mention that members of the government would be present at the face-to-face confrontation.

Usually YEZHOV was nervous before such face-to-face confrontations, even after he had conversed with the arrestee. There were cases when the arrestee, during his conversation with YEZHOV, declared that his confessions were not truthful, that he was falsely accused.

In cases like this YEZHOV would go away and the investigator or the chief of the department would be given the order to "restore" the suspect, since the face-to-face confrontation had already been set. As an example I can cite the preparation for the face-to-face confrontation between Uritsky (chief of the intelligence directorate of the staff of the Red Army) and Belov (commander of the Belorussian military district). Uritsky had recanted his confessions against Belov when YEZHOV had interrogated him. YEZHOV did not talk with him about anything and left, and after a few minutes Uritsky through Nikolayev<sup>11</sup> excused himself to YEZHOV and said that he had "had a fit of faint-heartedness."

Later in the same document Frinovsky does comment on Yezhov's "preparations" for the March 1938 Trial as follows:

*In carrying out the investigation of the case of Yagoda and the Chekist conspirators, and also in those of other arrested persons, especially the Rights, the system of "correction" of the transcripts set up by Yezhov pursued the goal of preserving the cadres of conspirators and preventing any possibility of the failure of our participation in the anti-Soviet conspiracy.*

*I can cite dozens and hundreds of examples when the defendants under arrest did not give up the persons who were tied to them in anti-Soviet work.*

*The most glaring examples were the conspirators Yagoda, Bulanov, Zakovsky, Kruchinkin and others, who knew about my participation in the conspiracy and did not confess about it. (p. 47, emphasis added)*

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<sup>11</sup> N.G. Nikolayev-Zhurid was in Frinovsky's description one of Yezhov's "investigator-bone-breakers." See page 45 of Frinovsky's confession statement, cited in a previous footnote.

Frinovsky does admit that Yezhov – obviously with the assistance of subordinates like Frinovsky himself – did falsify the transcripts of interrogations in the cases of arrested NKVD men and especially in the cases of arrested Rightists like Yagoda. But this was done not to make the innocent appear guilty but for the opposite reason: to prevent yet more conspirators, and especially Yezhov and his men themselves, from being disclosed.

The Rehabilitation Decree falsifies what Frinovsky said about Yezhov’s speaking to Bukharin before the March 1938 Trial. It reads:

According to Frinovsky’s confessions Yezhov talked with Bukharin, Rykov, Bulanov and others of the accused several times; *he assured each of them that the court would preserve their lives if they confessed their guilt.* (p. 6; emphasis added)

But Frinovsky did not say anything like this. Instead he *confirmed* the guilt of Bukharin and Rykov as participants in a Right conspiracy, while also confirming that Yezhov and he himself were also involved in a similar and related conspiracy.

Before the arrest of Bukharin and Rykov Yezhov, speaking with me openly, started to talk about the plans for Chekist work in connection with the current situation and *the imminent arrests of Bukharin and Rykov. Yezhov said that this would be a great loss to the Rights, after that regardless of our own wishes, upon the instructions of the Central Committee large-scale measures might be taken against the cadres of the Right, and that in connection with this his and my main task must be to direct the investigation in such a way so that, as much as possible, to preserve the Rightist cadre.* (p. 42; emphasis added)

Frinovsky discussed the “preparation” for the Bukharin trial a second time in another part of his statement. Here too he made it clear that Bukharin and the rest were guilty. There is nothing about “preparing” the defendants to make false confessions implicating themselves. Frinovsky said that Yezhov’s falsifications concerned keeping his – Yezhov’s – ties with the leaders of the Rights out of the defendants’ statements at trial.

An active participant in investigations generally, *YEZHOV kept himself aloof from the preparation of this trial.* Before the trial there took place the face-to-face confrontations of the suspects, interrogations, and refining, in which YEZHOV did not participate. He spoke for a long time with YAGODA, and that talk concerned, in the main, of assuring YAGODA that he would not be shot.

YEZHOV spoke several times with BUKHARIN and RYKOV and also in the course of calming them assured them that under no circumstances would they be shot.

YEZHOV had one conversation with BULANOV, and began this conversation in the presence of the investigator and myself, and finished the conversation one on

one, having asked us to leave ... What the conversation was about YEZHOV did not say. When he asked us to enter again he said: "Behave yourself well at the trial – I will ask that you not be shot." After the trial YEZHOV always expressed regret about BULANOV. At the time of the executions YEZHOV suggested shooting BULANOV first and he himself did not enter the building where the shootings took place.

*Here YEZHOV unquestionably was ruled by the necessity of covering up his own ties with the arrested leaders of the Right who were going into the public trial.*<sup>12</sup>

The Rehabilitation Decree falsifies the contents of Frinovsky's statement by giving it the opposite meaning from that it really bears. Frinovsky *confirmed* the existence of a conspiracy of Rights, his and Yezhov's participation in it, Bukharin's participation in it as well, and therefore Bukharin's guilt.

The Rehabilitation Decree seriously distorts Frinovsky's statement to make it appear to support a position *opposite* from the one it in fact supports. It falsely claims that Frinovsky's statement admitted that there was no such conspiracy. In reality Frinovsky repeatedly confirmed the existence of the conspiracy.

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We have established that the Rehabilitation Decree, and therefore the Soviet Supreme Court, falsified its summary of the case against Bukharin. We can't know for certain why it did so. But it is possible to make some informed conjectures.

The year 2004 saw the publication of the transcript of the session of the Politburo commission charged with reviewing the "repressions that took place during the 30s, 40s and beginning of the 50s" and which preceded the Rehabilitation Decree. This "blue-ribbon" commission included two full members of the Politburo of the CPSU, V.M. Chebrikov and M.S. Solomentsev; two candidate members of the Politburo, A.I. Lukyanov and P.N. Demichev; the Chairman of the Supreme Court, V.I. Terebilov; the General Prosecutor of the USSR, equivalent to the Attorney General in the United States A.M. Rekunkov; and the vice-chairman of the KGB, V.P. Pirozhkov.<sup>13</sup>

Two of these men (Terebilov and Rekunkov) are named at the head of the Rehabilitation Decree as having been responsible for drawing it up; one of them (Terebilov) signed it. It's clear that this is the commission whose work resulted in the Rehabilitation Decree under study here.

At the January 5, 1988, meeting commission member Chebrikov revealed that a very large amount of documentation relating to the Bukharin case file (*delo*) existed. In addition to the Trial transcript, decisions, and appeals, this *delo* would normally contain all the investigative

<sup>12</sup> Frinovsky, pp. 47-48; emphasis added.

<sup>13</sup> Russians are commonly identified in print by initials and last name only, a practice unfamiliar in the English-speaking world. I am taking this information from the "Immenoi Kommentariy," or "Commentary on Proper Names" *Reabilitatsia. Kak Eto Bylo*, vol. 3, pp. 630-676.

materials including transcripts of interrogations, face-to-face confrontations (*ochnye stavki*) between the various defendants, and other evidence. Only a fraction of this material has been published.

*Com[rade] Chebrikov*: ... Today we will review the case file of Bukharin. The case file of Bukharin and all of his group consists of 276 volumes. If we are to make this broadly public then it will be necessary to permit a reporter to read all 276 volumes. Is this necessary? What good will this do? Is there only one way of approaching this? It will be 200 or 300 volumes – is it necessary to publish them?

I am of the following opinion – after the commission [is finished – G.F.] we should publish the Decree [“postanovlenie” – G.F.] of the court.<sup>14</sup> (*RKEB* 3, 33)

This high-level commission had full access to all documents in Soviet archives along with the research facilities (archivists, secretaries, etc.) to obtain them. At the same meeting commission member Terebilov said that all the voluminous Bukharin materials had been, or would be, studied.

We went through all the archives around Moscow and obtained all the prosecution documents. On this Bukharin case we have everything. We need to do everything so that no one tells us that we missed anything. (*RKEB* 3, 35)

In light of these statements it is significant that the commission did not produce any *genuine* statements from any source to support their contention that Bukharin and the other defendants were innocent victims of a frameup. The only document of substance the commission produced is the Rehabilitation Decree.<sup>15</sup> This is consistent with the hypothesis, also suggested by the Rehabilitation Decree itself, that the commission could not locate any evidence exculpating Bukharin or, for that matter, any of the other defendants at the 1938 Trial.

The transcript of the Politburo commission’s meeting of January 5, 1988 hints that the commission members were troubled by the lack of any indication of Bukharin’s innocence.

Commission member Solomentsev wondered:

I have the following question. Upon looking through the court case, Bukharin confessed himself guilty [on all points], with the exception of participation in espionage and of terrorist acts against Menzhinsky, Dzerzhinsky, Gorky, and Peshkov. Do we have any documents at all that show in what manner his confession about admitting their own guilt was obtained. And why at the court session they did not [sic] deny a part of the accusations, and confessed to the rest? (39)

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<sup>14</sup> For some reason this was never done.

<sup>15</sup> A number of the procedural documents relating to this commission are published in *RKEB* 3.

As Solomentsev appears to suggest here, it is hard to square Bukharin's partial confessions, which were also coupled with partial denials of guilt, with any theory that Bukharin's confessions were made under compulsion. For if they were, why wouldn't he have confessed to everything?

Commission member Pirozhkov had this response:

We have materials about how impermissible means of influence were employed in the course of the investigation, after which, as a rule, confessions in which they made admissions appeared ... (39)

Pirozhkov must have had Frinovsky's statement in mind, for no other such "material" is quoted either in this volume or in the Rehabilitation Decree. But as we have already seen Frinovsky specifically did *not* apply these remarks to the Bukharin case. Frinovsky did admit to very large numbers of "frame-ups" involving coerced confessions and other falsifications – but *not* in the case of the 1938 Trial. And anyway, compulsion would not seem to account for Bukharin's confessions to some charges but denial of others.

Another commission member, Chebrikov, added:

(We must add that there exist confessions of some comrades that they were promised their lives in return for it. We have the names of people who assert this.) (p. 39; parentheses in the original, G.F.)

This is, apparently, another indirect reference to Frinovsky's statement. For if other such "confessions" existed and had any relevance to the Bukharin case, why would they not also have been cited, as Frinovsky's was? As we have already shown, Frinovsky did *not* claim that Yezhov promised to see that Yagoda, Bukharin and Bulanov were spared execution in return for falsely confessing. Rather, Yezhov asked them not to mention his name at the Trial in order to preserve the conspiracy and, as Frinovsky himself surmises, his own (Yezhov's) skin.

Refusing to be placated by these excuses for the lack of evidence Solomentsev repeated his previous question:

Then why did Bukharin reject certain accusations, but not others? How can we evaluate this? – *RKEB* 3, 39.

But the Commission members were not able to find any solution to this problem. They simply had no evidence that Bukharin's confessions were not honest. At length Pirozhkov concluded:

We will analyze the 270 volumes. – *RKEB* 3, 42.

Assuming that these 270 volumes of the Bukharin *delo* were exhaustively studied, it follows that this large task of research produced no evidence that pointed towards Bukharin's innocence. For surely had any such evidence been found there would be some allusion to it in the Rehabilitation

Decree. Instead, in order to justify its decision to declare Bukharin “rehabilitated” the Supreme Court falsified Frinovsky’s statement by claiming it supported Bukharin’s innocence whereas in reality it strongly confirmed his guilt.

How can we account for this deception? An obvious explanation is that the Soviet Supreme Court had been given a *political*, rather than a legal, task. Their real job – or so we are compelled to surmise – was not to determine whether Bukharin had been unjustly convicted. Rather, they had been assigned the task of providing plausible arguments, sustained by convincing-looking “evidence,” to support the preconceived conclusion that Bukharin was innocent. The evidence they found did not support Bukharin’s innocence, so false evidence had to be concocted, a process whose result is the document under consideration here.

Thanks to the publication of the Rehabilitation commission’s sessions we know that no evidence proving the innocence of Bukharin and his co-defendants could be located in the Soviet archives, despite diligent research by experts with the means and archival access to search very thoroughly. Therefore a second, more important, conclusion is equally inescapable: No evidence of Bukharin’s innocence exists.

To say that there is no evidence pointing towards Bukharin’s innocence means that all the evidence we do have points towards his guilt. Insofar as human agency can establish the fact, therefore, we must draw the only possible conclusion: Bukharin was guilty of what he confessed to, and perhaps even of those charges to which he refused to confess but of which he was nevertheless convicted.

An apothegm of historical methodology counsels that “lack of evidence is not evidence of lack.” Theoretically, the possibility exists, and will always exist, that at some future date some researcher may somewhere discover some evidence that proves the defendants in the 1938 Trial were innocent. That is true, but it is always true, in any investigation or in research on any topic. The corollary is also true: until such time as evidence to the contrary comes to light, we must draw conclusions on the basis of the evidence we have.

It is nonetheless very significant that the Soviet government could not discover any exculpatory evidence in 1988. For some reason the Politburo commission wanted so badly to find Bukharin innocent that, when they could not find any evidence to support his innocence but instead found further evidence of his guilt – the Frinovsky statement – the commission lied about it and claimed it said the opposite.

It follows that the Gorbachev-era Soviet government was indifferent as to whether Bukharin and the rest had *really* been guilty or not. Soviet governmental authorities on the highest level had, apparently decided that Bukharin must be declared innocent, that is, “rehabilitated,” regardless of what the evidence showed. They must have had compelling reasons to act as they did. And it is logical to assume that these reasons were related to the political conjuncture in the USSR in the period after 1987.

Bukharin’s “Rehabilitation” was one of the central events of the plan by Mikhail Gorbachev to introduce market-oriented reforms into the Soviet economy. Such reforms – for so

they were called – would inevitably sharpen economic inequalities and function to undermine the Soviet welfare state, through which many necessities were provided at highly subsidized rates and were, consequently, extremely expensive for the State to provide.<sup>16</sup>

Bukharin had been an advocate of the New Economic Policy of the 1920s. He appears to have proposed something like a continuation of the NEP as against Stalin’s plan for collectivization and industrialization. This is the kind of policy described by both prosecutors and defense at the 1938 Moscow Trial as a “restoration of capitalism.”

As such a plan would necessarily entail a much longer time before industrialization, and consequently military modernization, would be possible, some accommodation with the more aggressively anti-Soviet states like Nazi Germany and militarist Japan would be necessary – or so ran the testimony at the 1938 Trial. So Bukharin’s “alternative” to Stalin’s program was indelibly associated with betrayal of the Revolution and the USSR itself to the very enemy that wrought such enormous destruction during the war.

For the Gorbachev government to adopt a “Bukharinist” economic program, one that would be unpopular both for the inevitable decline in workers’ living standards and for its association with treason to the fascists, it had to be uncoupled from the Moscow Trial convictions. Bukharin would have to be found “not guilty”, victim of a frame-up, for the Gorbachev economic policy to be acceptable.

By the same stroke Stalin’s collectivization and industrialization could be compromised as a distortion of socialism. Meanwhile, Bukharin’s plan could be assimilated to Lenin, for Lenin had outlined the NEP in the years before his illness removed him from political life. And Lenin had called Bukharin the “party’s favorite” (*lyubimets*).<sup>17</sup>

This is the way events unfolded. We have no firm proof that it was all planned in advance, short of an outright confession by Gorbachev and other high-ranking figures. Or perhaps one of the lowly researchers who did the spade work of digging into the archives and drafting the falsifications in these important documents may someday dare to publish his or her memoirs or become a “whistle-blower” and “tell all.”

The implications of Bukharin’s guilt for our understanding of Soviet history during the Stalin period and afterwards would be hard to overestimate, and at least as hard to summarize. Leaving this analysis to future works, we note here only the most immediately obvious conclusion: Khrushchev- and post-Khrushchev-era “rehabilitations” cannot be accepted as historically truthful.<sup>18</sup>

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<sup>16</sup> A detailed study of the role of Bukharin’s rehabilitation in the development of Gorbachev’s political economy is Marc Junge, *Bucharins Rehabilitierung. Historisches Gedächtnis in der Sowjetunion 1953-1991*. Berlin: BasisDruck, 1999.

<sup>17</sup> There is evidence that the document in which “Lenin” wrote this about Bukharin is not genuine. Whether it is or not, the same sentence states that Bukharin can hardly be considered a Marxist, so the term *lyubimets partii* is “damning with faint praise.” For a thorough discussion of this fascinating question see Furr, *The Fraud of the Testament of Lenin*. Kettering, OH: Erythros Press & Media, LLC, 2022.

<sup>18</sup> See Furr, *Khrushchev Lied*, Chapter 11: “The Results of Khrushchev’s ‘Revelations’: Falsified Rehabilitations.”

We have established beyond any doubt that the Soviet Supreme Court Rehabilitation Decree deliberately falsified the evidence in the case of Bukharin. This means that no evidence of Bukharin's innocence exists. There is no reason not to accept Bukharin's confessions before and at trial, and in his post-trial appeal, in all of which Bukharin insisted on his guilt.<sup>19</sup>

The fact that, in this important case, the Gorbachev-era Soviet government falsified an important rehabilitation means, at a minimum, that no Gorbachev-era studies of the Stalin era should be accepted at face value. Deliberate, calculated falsification in the case of Bukharin opens the door to the possibility that there may be other examples.<sup>20</sup> The fact that the Rehabilitation Decree was discovered only by accident and remains unpublished by Russian authorities suggests that other revelations, devastating to current paradigms of Soviet history in the Stalin era, may await those who gain access to still-classified archives.

### Authors

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<sup>19</sup> A copy of Bukharin's Appeal for clemency, dated March 13, 1938, the day the trial ended, is in the Volkogonov Archive. Bukharin also wrote a lengthy personal letter of appeal to Stalin the same day. In both documents Bukharin reaffirms his guilt in the most forceful terms, declaring that he "deserves to be shot ten times over." It was published first in *Izvestiia* September 2, 1992. Both appeals are translated at <https://msuweb.montclair.edu/~furr/research/bukharinappeals.html>.

<sup>20</sup> Some less momentous falsifications are already known. For example, according to the transcript of the Commission of the Central Committee Plenum of February 27, 1937 to make recommendations on the case of Bukharin and Rykov, all voted to expel these two from the Party and turn them over to the court (i.e. to trial). Some voted to recommend the court sentence them to be shot, others recommended "without recommendation of shooting." All – except Stalin. Stalin alone voted that they *not* be turned over to the court, but instead "exiled" (*vyslat*). Four of the members who followed Stalin's vote simply stated "For Comrade Stalin's proposal."

Stalin's recommendation in the typed transcript was then changed by hand (probably that of Anastas Mikoian, Chairman of the commission) from "exile" to "turn over their case to the NKVD." This was evidently (a) as a compromise – Stalin was a "minority of one," with by far the most lenient recommendation; and (b) so that the commission members could vote unanimously "for Comrade Stalin's proposal."

However, the text reprinted in *Izvestiia TsK KPSS* No. 5, 1989, p. 80 does not mention Stalin's original proposal. Curiously enough, it is clearly visible on the photocopy of the transcript reproduced on page 82, which thus gives the lie to the printed text. Obviously the decision to reproduce the transcript was not coordinated with the editing of the text! Even so, the final recommendation as passed was far milder than *any* of those made by any of the other commission members.

For a good discussion of this issue see Arch Getty, "The politics of repression revisited," in Chris Ward ed., *The Stalinist Dictatorship*. London: Arnold, 1998, p. 133 and n. 77, p. 141; also Getty and Oleg V. Naumov, *The Road to Terror. Stalin and the Self-Destruction of the Bolsheviks, 1932-1939*. New Haven: Yale University Press, 1999, pp. 411-418.

## Appendix

(Eds. note: The document below is a copy of the original decree on the rehabilitation of Nicolai Bukharin in the Volkogonov Archives, on microfilm at the Library of Congress. It bears the title "Decree of the Plenum of the Supreme Court of the USSR of 4 February 1988." An English translation of the document, by Grover Furr, follows the original Russian.)

ПОСТАНОВЛЕНИЕ № 10-88

ПЛЕНУМА ВЕРХОВНОГО СУДА СССР

от « 4 » . . . февраля . . . . 1988 г.

Пленум Верховного Суда СССР под председательством  
Председателя Верховного Суда СССР ---

В.И. Теребилова

с участием

Генерального Прокурора СССР ---

А.М. Рекункова

При секретаре Пленума,

Члене Верховного Суда СССР ---

С.Б. Ромазине

Рассмотрел

Протест Генерального прокурора СССР по делу Бухарина Н.И., Рыкова А.И., Розенгольца А.П., Чернова М.А., Буланова П.П., Левина Л.Г., Казакова И.Н., Максимова-Диковского В.А., Крючкова П.П. и Раковского Х.Г.

По приговору Военной коллегии Верховного Суда СССР от 13 марта 1938 г. по делу, рассмотренному 2-13 марта 1938 г. под председательством В.В. Ульриха, с участием Прокурора СССР А.Я. Вышинского осужденыЖ

БУХАРИН Николай Иванович, 1888 года рождения, уроженец г. Москвы, русский, гражданин СССР. Член Коммунистической партии с 1906 г., член Политбюро ЦК ВКП(б) 1924-1929 г.г., избравшийся на ХУП съезде ВКП(б) кандидатом в члены ЦК ВКП(б), исключен из партии в 1937 г., действительный член Академии наук СССР 1929-1937 г.г., до ареста 27 февраля 1937 г. Главный редактор газеты «Известия»;

РЫКОВ Адексей Иванович, 1881 года рождения, уроженец г. Саратова, русский, гражданин СССР. Член Коммунистической партии с 1898 г., член Политбюро ЦК ВКП(б) 1923-1930 г.г.,

Председатель Совета Народных комиссаров СССР 1924-1930 г.г., избиравшийся на ХУП съезде ВКП(б) кандидатом в члены ЦК ВКП(б), исключен из партии в 1937 г., до ареста 27 февраля 1937 г. Народный комиссар связи СССР;

ЗЕНГОЛЬЦ Аркадий Павлович, 1889 года рождения, уроженец г. Витебска, еврей, гражданин СССР. Член Коммунистической партии с 1905 г., избиравшийся на ХУП съезде ВКП(б) кандидатом в члены ЦК ВКП(б), исключен из партии в 1937 г., до ареста 7 октября 1937 г. начальник управления Наркомата внешней торговли СССР;

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ЧЕРНОВ Михаил Александрович, 1891 года рождения, уроженец Костромской губернии, русский, гражданин СССР, член Коммунистической партии с 1920 г., избиравшийся на ХУП съезде ВКП(б) членом ЦК ВКП(б), исключен из партии в 1937 г., до ареста 7 ноября 1937 г. Народный комиссар земледелия СССР;

БУЛАНОВ Павел Петрович, 1895 года рождения, уроженец территории нынешней Мордовской АССР, русский, гражданин СССР, Член Коммунистической партии с 1918 г., исключен из партии в 1937 г., до ареста 29 марта 1937 г. сотрудник секретариата НКВД СССР;

ЛЕВИН Лев Григорьевич, 1870 года рождения, уроженец г. Одессы, еврей, гражданин СССР, беспартийный, доктор медицинских наук, до ареста 2 декабря 1937 г. врач-консультант лечсандупра Кремля;

КАЗАКОВ Игнатий Николаевич, 1891 1891 года рождения, уроженец села Твардица Бессарабской губернии, болгарин, гражданин СССР, беспартийный, до ареста 14 декабря 1937 г. директор Государственного научно-исследовательского института обмена веществ и эндокринных расстройств Наркомздрава СССР;

МАКСИМОВ-ДИКОВСКИЙ Бениамин Адамович (Абрамович), 1900 года рождения, уроженец г. Вятки, еврей, гражданин СССР, член Коммунистической партии с 1920 г., до ареста 11 декабря 1937 г. начальник отдела Наркомата путей сообщения СССР;

КРЮЧКОВ Петр Петрович, 1889 года рождения, уроженец г. Перма, русский, гражданин СССР, беспартийный, до ареста 5 октября 1937 г. директор музея А.М. Горького;

на основании ст. ст. 58.1.а, 58.2, 58.7, 58.9, 58.11 УК РСФСР (в редакции 1926 г.) - каждый к расстрелу, с конфискацией всего лично принадлежавшего им имущества;

РАКОВСКИЙ Христиан Георгиевич, 1873 года рождения, уроженец г.Котел (Болгария), болгарин, гражданин СССР, член Коммунистической партии с 1918 г., исключен из партии в связи с настоящим делом, до ареста 27 января 1937 г. начальник управления Наркомата здравоохранения РСФСР;

, на основании ст. ст. 58.1.а, 58.2, 58.7, 58.8, 58.9, 58.11 УК РСФСР (в редакции 1926 г.) к тюремному заключению на 20 лет, с конфискацией всего лично ему принадлежавшего имущества и поражением в политических правах на 5 лет. Позже по приговору Военной коллегии Верховного Суда СССР от 8 сентября 1941 г. на основании ч. 2 ст. 58.10 УК РСФСР Раковский Х.Г. осужден к расстрелу.

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Приговор по этому же делу в отношении осужденных В.Ф. Шаранговича, первого секретаря ЦК КП(б) Белоруссии; А. Икрамова, первого секретаря ЦК КП(б) Узбекистана; Ф. Ходжаева, председателя СНК Узбекской ССР; В.И. Иванов, Народного комиссара лесной промышленности СССР; Г.Ф. Гринько, Народного комиссара финансов СССР; Н.Н. Крестинского, первого заместителя Народного комиссара земледелия СССР; И.А. Зеленского, председателя Центросоюза СССР; С.А. Бессонова, советника полпредства СССР в Германии; Д.Д. Плетнева, профессора Института функциональной диагностики, в разное время Верховным Судом СССР был отменен, а дело прекращено за отсутствием в их действиях состава преступления.

...

По данному делу осужден также бывший нарком внутренних дел Ягода Г.Г., приговор в отношении которого не опротестован.

Н.И. Бухарин, А.И. Рыков, М.А. Чернов и А.П. Розенгольц признаны виновными в том, что в 1932 - 1933 гг. по заданию враждебных СССР иностранных государств организовали преступную группу заговорщиков, в состав которой входили также Х.Г. Раковский, П.П. Буланов, Л.Г. Левин, И.Н. Казаков, В.А. Максимов-Диковский, П.П. Крючков и другие. Эта группа, именуемая в обвинительном заключении и в приговоре “право-троцкистский блок”, поставила своей целью ликвидацию существующего в СССР общественного и государственного строя, реставрацию капитализма, восстановление власти буржуазии. Осуществить эти цели предполагалось путем шпионской, диверсионной, вредительской и террористической деятельности, направленной на подрыв экономической и оборонной мощи Советского Союза.

Участники преступной группы, утверждается в приговоре, являясь агентами иностранных разведок, занимались на протяжении многих лет шпионской деятельностью, вели переговоры с представителями иностранных государств о вооруженной помощи в свержении Советской власти, об условиях расчленения СССР и об отторжении от него Украины, Белоруссии, Приморья, республик Средней Азии и Закавказья. В приговоре, в частности, указано, что Ф.П. Розенгольц и Х.Г. Раковский, вступив в непосредственные

сношения с представителями враждебных СССР государств, вели переговоры об оказании им помощи в случае нападения на Советский Союз. Н.И. Бухарин и А.И. Рыков были полностью осведомлены о шпионской деятельности соучастников, поощряли расширение их преступных связей и давали указания форсировать подготовку иностранной интервенции.

На ряде промышленных, сельскохозяйственных, транспортных и торговых предприятий по директивам иностранных спецслужб участниками “блока” были организованы диверсионные и вредительские группы с тем, чтобы активной преступной деятельностью парализовать

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хозяйственную жизнь страны и способствовать ослаблению обороноспособности СССР. Как указано судом, по заданию японского разведоргана на станции Волочаевка участниками “блока” было организовано крушение поезда с воинским грузом, а на перегоне Хор - Дормидонтовка - пассажирского поезда; совершено несколько диверсий на шахтах в Сучане. Все эти диверсии повлекли человеческие жертвы. На основе сговора с представителями иностранных государств А.П. Розенгольц проводил вредительскую работу в системе Наркомата внешней торговли СССР.

Как утверждается в приговоре, по заданию германского разведоргана и указаниям А.И. Рыкова М.А. Чернов организовал ряд вредительских актов, направленных на снижение урожайности сельскохозяйственных культур, сокращение поголовья скота и порчу сельскохозяйственных мобилизационных запасов. Так, в 1936 г. вследствие умышленного распространения эпизоотии в Восточной Сибири пало около 25 тысяч лошадей. Н.И. Бухарин руководил вредительской работой в лесном хозяйстве Северного края, а А.И. Рыков - на промышленных и сельскохозяйственных предприятиях Белоруссии, Узбекистана, в ряде областей РСФСР. По их заданию осуществлялось вредительство в Народном комиссариате финансов СССР и его органах на местах, а также в системе потребительской кооперации.

Участниками преступной группы по заданию иностранных разведок, указано в приговоре, был организован ряд террористических актов против руководителей ВКП(б) и Советского правительства. В 1934 г. А.И. Рыков создал группу для подготовки и совершения террористических актов в отношении И.В. Сталина, В.М. Молотова, Л.М. Кагановича и К.Е. Ворошилова. В августе 1934 г. А.П. Розенгольц добивался приема у И.В. Сталина с целью совершения в отношении его террористического акта. По заданию Н.И. Бухарина, А.И. Рыкова, А.П. Розенгольца и М.А. Чернова было совершено убийство С.М. Кирова, А.М. Горького, В.Р. Менжинского, В.В. Куйбышева, М.А. Пешкова; подготавливался террористический акт против Ежова. В совершении этих террористических актов участвовали П.П. Крючков, В.А. Максимов-Диковский, П.П. Буланов, а также врачи Л.Г. Левин и И.Н. Казаков, применявшие к А.М. Горькому, В.Р. Менжинскому, В.В. Куйбышеву и М.А. Пешкову “вредительские методы лечения”.

В приговоре отмечается, что еще в 1918 г. Н.И. Бухарин и возглавляемая им группа “левых коммунистов” организовали заговор против Советского государства с целью сорвать заключение с Германией Брестского мирного договора, свергнуть Советское правительство, арестовать и убить В.И. Ленина, И.В. Сталина, Я.М. Свердлова и сформировать новое, коалиционное, правительство. В июле 1918 г. левые эсеры с ведома и согласия Н.И. Бухарина подняли в Москве мятеж с целью свержения Советского правительства. Прямым результатом сговора Н.И. Бухарина с эсерами явилось совершенное Каплан 30 августа 1918 г. покушение на жизнь В.И. Ленина. В 1930 г. Н.И. Бухарин договорился с эсером-боевиком Семеновым о создании преступных групп для совершения террористических актов против руководителей ВКП(б) и Советского Правительства.

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В протесте Генерального прокурора СССР ставится вопрос об отмене приговора Военной коллегии Верховного Суда СССР от 13 марта 1938 г. в отношении Н.И. Бухарина, А.И. Рыкова, А.П. Розенгольца, М.А. Чернова, Х.Г. Раковского, П.П. Буланова, Л.Г. Левина, И.Н. Казакова, В.А. Максимова-Диковского и П.П. Крючкова, а также приговора Военной коллегии Верховного Суда СССР от 8 сентября 1941 г. в отношении Х.Г. Раковского и прекращении дела за отсутствием в их действиях состава преступления.

Рассмотрев материалы дела, заслушав доклад члена Верховного Суда СССР М.А. Марова и выступление Генерального прокурора СССР А.М. Рекункова, поддержавшего протест, Пленум Верховного Суда СССР находит привлечение названных лиц к уголовной ответственности и их осуждение неолоснованным.

Обвинительный приговор в соответствии с требованиями закона может быть основан лишь на совокупности доказательств, достоверность которых сомнений не вызывает. Каждое из этих доказательств должно быть тщательно проверено в процессе судебного разбирательства и объективно оценено в приговоре.

Военная коллегия Верховного Суда СССР в нарушение закона в приговоре по данному делу не привела конкретных доказательств виновности Н.И. Бухарина, А.И. Рыкова, А.П. Розенгольца, М.А. Чернова, Х.Г. Раковского, П.П. Буланова, Л.Г. Левина, И.Н. Казакова, В.А. Максимова-Диковского и П.П. Крючкова в совершении особо опасных государственных преступлений, сочтя достаточными их показания на предварительном следствии и в суде, в которых они в общей форме признавали свою вину в преступной деятельности. При оценке этих показаний органами следствия и судом игнорировано важнейшее требование закона о том, что никакие доказательства, в том числе и признание обвиняемым вины, не имеют заранее установленной силы и могут быть положены в основу обвинительного приговора лишь при подтверждении совокупностью других фактических данных. По данному же делу показания обвиняемых не могли быть положены судом в основу приговора потому, что они противоречивы, не соответствуют фактическим обстоятельствам дела и получены в результате грубых нарушений законности в процессе предварительного следствия и судебного разбирательства.

На первоначальных допросах Н.И. Бухарин, А.И. Рыков, А.П. Розенгольц, Х.Г. Раковский, П.П. Буланов, в течение нескольких месяцев незаконно содержащиеся под стражей без предъявления обвинения и без продления срока содержания под стражей, виновными себя в шпионской, вредительской, диверсионной и террористической деятельности не признавали и утверждали, что никаких преступлений против своей Родины и советского народа не совершали. Н.И. Бухарин, в частности, показал, что хотя и имел

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особую позицию по конкретным политическим и экономическим вопросам, но никакой противозаконной деятельностью не занимался. Протоколы этих допросов Н.И. Бухарина к делу приобщены не были и обнаружены лишь в 1961 г. В материалах дела отсутствуют протоколы допросов А.И. Рыкова за период с 27 февраля по 7 июня 1937 г., П.П. Буланова - с 29 марта по 25 апреля 1937 г., хотя установлено, что в это время они неоднократно допрашивались и отрицали свою вину в преступных действиях.

Изучение материалов дела дает основание сделать вывод, что некоторые протоколы допросов, в том числе допросов на очных ставках, фальсифицировались; к делу приобщались заранее составленные протоколы допросов с “признанием” обвиняемыми своей вины. Самооговор же достигался путем обмана, шантажа, психического и физического насилия. Бывший заместитель наркома внутренних дел СССР Фриновский в своем заявлении от 11 апреля 1939 г. признал, что работники НКВД СССР “готовили” арестованных к допросам на очных ставках, навязывая им возможные вопросы и ответы на них. С допрашиваемым нередко беседовал Ежов. Если арестованный отказывался от своих показаний, следователю давались указания “восстановить” арестованного, то есть добиться от него прежних ложных показаний. Ежов, по показаниям Фриновского, неоднократно беседовал с Н.И. Бухариным, А.И. Рыковым, П.П. Булановым и другими обвиняемыми; каждого из них он убеждал, что суд сохранит им жизнь, если они признают свою вину.

Как показал бывший сотрудник НКВД СССР Церпенто, участвовавший в расследовании этого дела, следователям разрешалось фальсифицировать показания арестованных.

Свидетель Глинкина З.Ф. на допросе в 1939 г. показала, что слышала, как Ежов рассказывал Фриновскому об избииении в Лефортовский тюрьме НКВД Розенгольца и других арестованных.

Допрошенная в 1956 г. свидетель Розенблюм А.А., работавшая в 1937-1939 г.г. начальником санитарной части Лефортовской тюрьмы, рассказала, что в санчасти она видела многих арестованных в тяжелом состоянии после их избииения. В частности, она сообщила: «Крестинского с допроса доставили к нам в санчасть в бессознательном состоянии. Он был тяжело избит...».

О применении работниками НКВД СССР незаконных методов ведения следствия, обмана, психического и физического насилия заявил после вынесения обвинительного приговора по данному делу осужденный Д.Д. Плетнев. В своих письмах в 1940 - 1941 гг. он

утверждал, в частности, что никаких преступлений никогда не совершал. В процессе предварительного следствия и в судебном заседании оговорил себя в связи с применением к нему физического и психического насилия.

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По показаниям допрошенного в 1956 г. бывшего сотрудника НКВД Аронсона, находившийся в тюрьме осужденный Х.Г. Раковский в мае 1941 г. также заявил ему о фальсификации материалов уголовного дела и о незаконном осуждении.

Бывшие работники НКВД СССР Фриновский, Агранов, Николаев, Дмитриев, Церпенто, Ушаков, Чистов, Пассов, Коган, Герзон, Глебов, Лулов и другие, принимавшие непосредственное участие в расследовании данного уголовного дела, впоследствии были осуждены за незаконные аресты, фальсификацию доказательств и другие грубейшие нарушения законности.

Судебное разбирательство по данному делу было проведено с грубыми нарушениями закона. При рассмотрении дела нарушено право обвиняемых на защиту. Н.И. Бухарин, А.И. Рыков, А.П. Розенгольц, М.А. Чернов, Х.Г. Раковский, П.П. Буланов, В.А. Максимов-Диковский, П.П. Крючков, лишённые квалифицированной юридической помощи, вынуждены были взять защиту своих интересов на себя. Все они не принимали участия в судебных прениях, поскольку им было предложено совместить защитительную речь с последним словом.

Судебное разбирательство велось с явным обвинительным уклоном. Подсудимым разрешалось только отвечать на вопросы государственного обвинителя. Заявленное Н.И. Бухариным обоснованное ходатайство о предоставлении ему возможности дать свободные, развернутые объяснения по предъявленному обвинению было незаконно отклонено.

В своем последнем слове Н.И. Бухарин, заявив в общей форме о признании своей вины, фактически так изложил обстоятельства дела, что они свидетельствовали о невиновности как его самого, так и других привлеченных к уголовной ответственности лиц. Однако суд не принял во внимание эти обстоятельства, имеющие существенное значение для правильного разрешения дела

В связи с грубыми нарушениями закона на предварительном следствии и в процессе судебного разбирательства показания обвиняемых не могут быть положены в основу вывода об их виновности. Других же достоверных доказательств совершения ими особо опасных государственных преступлений в деле не содержится.

В деле отсутствуют доказательства вины Х.Г. Раковского, М.А. Чернова и А.П. Розенгольца в шпионаже, а Н.И. Бухарина и А.И. Рыкова в руководстве шпионской деятельностью указанных

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выше лиц. Проведенными компетентными органами проверками установлено, что сведений о связи кого-либо из осужденных с иностранными спецслужбами не имеется.

Обвинение Н.И. Бухарина и А.И. Рыкова в создании на Северном Кавказе, Украине, в Сибири, Белоруссии, Узбекистане и других местностях Советского Союза преступных групп для борьбы с Советской властью также ничем не подтверждено. По выводам суда, эту деятельность Н.И. Бухарин и А.И. Рыков осуществляли якобы при участии бывших первого секретаря ЦК КП(б) Белоруссии В.Ф. Шаранговича, первого секретаря ЦК КП(б) Узбекистана А. Икрамова, Председателя СНК Узбекской ССР Ф. Ходжаева, осужденных по этому же делу. Все указанные лица были осуждены необоснованно и Верховным Судом СССР полностью реабилитированы.

Вывод о виновности осужденных в организации диверсионных и вредительских акций противоречит фактическим обстоятельствам дела и поэтому является необоснованным. Установлено, в частности, что ко времени крушения поезда на перегоне Хор - Дормидонтовка Н.И. Бухарин и А.И. Рыков находились уже в течение нескольких месяцев под арестом. Сами крушения явились следствием аварийного состояния железнодорожного участка. По делам о взрывах на шахтах Сучана, происходивших вследствие грубого нарушения правил техники безопасности, в 1937 г. была осуждена группа руководящих и инженерно-технических работников. В материалах дела нет никаких данных о причастности к взрывам кого-либо из осужденных по данному делу.

Материалами дела подтверждается, что в начале 30-х годов в отдельных регионах страны имелись факты снижения урожайности сельскохозяйственных культур, порчи продукции полеводства, падежа скота; допускались недостатки в системе потребительской кооперации, ошибки в деятельности наркоматов внешней торговли и финансов СССР. Однако каких-либо объективных данных, что все это явилось следствием вредительства, организованного Н.И. Бухариным, А.И. Рыковым, М.А. Черновым и А.П. Розенгольцем, в материалах дела не имеется.

В материалах дела не содержится никаких объективных доказательств обвинения Н.И. Бухарина, А.И. Рыкова и других осужденных, в отношении которых внесен протест, в террористических актах. Причастность кого-либо из них к убийству С.М. Кирова не установлена, равно как не установлена вина Н.И. Бухарина в подготовке в 1918 г. убийства В.И. Ленина, И.В. Сталина и Я.М. Сверд-

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лова, а также его причастность к покушению эсерки Каплан на жизнь В.И. Ленина.

Каких-либо объективных доказательств о создании Н.И. Бухариным в 1930 г. по сговору с эсером Семеновым преступной группы для подготовки и совершения террористических актов против руководителей ВКП(б) и Советского правительства в материалах дела также не имеется.

Органами предварительного следствия и судом не добыто доказательств вины А.И. Рыкова в подготовке покушения на И.В. Сталина, В.М. Молотова, Л.М. Кагановича и К.Е. Ворошилова. Что касается того факта, что А.П. Розенгольц добивался приема у И.В. Сталина, то это обстоятельство само по себе нельзя расценивать как попытку совершить террористический акт, поскольку не доказано, что, добиваясь приема, А.П. Розенгольц намеревался лишить И.В. Сталина жизни. К тому же, признавая А.П. Розенгольца виновным в совершении этих действий, суд вышел за пределы предъявленного обвинения, поскольку такое обвинение А.П. Розенгольцу не предъявлялось.

Так называемый “террористический акт в отношении Ежова”, как это теперь установлено, был сфальсифицирован им самим и бывшим начальником отдела НКВД СССР Николаевым. Из показаний Николаева следует, что работник НКВД СССР Саволайнен в результате систематического избиения “сознался” в подготовке отравления Ежова ртутью. После ареста Саволайнена в подъезд его дома была подброшена банка с ртутью, которую затем “обнаружили” и приобщили к делу в качестве вещественного доказательства.

Обвинение Л.Г. Левина, П.П. Буланова, П.П. Крючкова, В.А. Максимова-Диковского и И.Н. Казакова в организации убийства А.М. Горького, В.Р. Менжинского, В.В. Куйбышева, М.А. Пешкова также опровергается материалами дела. Согласно заключению повторной комиссионной судебно-медицинской экспертизы В.Р. Менжинский, В.В. Куйбышев и А.М. Горький умерли от тяжелых хронических заболеваний. Лечение их проводилось в достаточно полном объеме и соответствовало уровню научных достижений того времени. Осужденный по этому же делу профессор Д.Д. Плетнев за якобы совершенное убийство А.М. Горького Верховным Судом СССР реабилитирован. Каких-либо данных об умышленном умерщвлении М.А. Пешкова в материалах дела также не содержится.

Х.Г. Раковский, кроме того, по приговору Военной коллегии Верховного Суда СССР от 8 сентября 1941 г. признан виновным в том, что в период отбывания наказания “проводил среди лиц, находившихся в местах заключения, антисоветскую агитацию и распространял клеветнические измышления о советской действительности”.

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По этому делу Х.Г. Раковский осужден без производства предварительного следствия и судебного разбирательства. В материалах дела отсутствуют какие бы то ни было данные о совершении вмененных ему по приговору преступлений, в связи с чем и данный приговор нельзя признать законным.

Как видно из материалов дела, Н.И. Бухарин и А.И. Рыков рано примкнули к революционному движению, подвергались репрессиям со стороны царского правительства, принимали непосредственное участие в Великой Октябрьской социалистической революции. На разных этапах революционного обновления страны Н.И. Бухарин и А.И. Рыков занимали иногда особые позиции в оценке политического момента, расстановки классовых сил, путей строительства социализма в СССР. Некоторые из их взглядов, а в ряде случаев и практическая деятельность, были расценены

руководящими органами ВКП(б) как ошибочные и неправильные. Однако эти ошибки, признанные в свое время Н.И. Бухариным и его сторонниками, сами по себе не образуют состава преступления.

На основании изложенного и руководствуясь п.1 ст.18 Закона о Верховном Суде СССР, Пленум Верховного Суда СССР

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приговор Военной коллегии Верховного Суда СССР от 13 марта 1938 г. в отношении Бухарина Николая Ивановича, Рыкова Алексея Ивановича, Розенгольца Аркадия Павловича, Чернова Михаила Александровича, Раковского Христиана Георгиевича, Буланова Павла Петровича, Левина Льва Григорьевича, Казакова Игнатия Николаевича, Максимова-Диковского Вениамина Адамовича (Абрамовича), Крючкова Петра Петровича, а также приговор Военной коллегии Верховного Суда СССР от 8 сентября 1941 г. в отношении Раковского Христиана Георгиевича отменил и дело прекратил за отсутствием в их действиях состава преступления.

Председатель Верховного  
Суда Союза ССР

(подпись)  
В.И. Теребилов

Секретарь Пленума, член  
Верховного Суда ССР

(подпись)

(English translation by Grover Furr)

Bukharin – Sov. Sup. Ct. rehabilitation 1988, fm Volkogonov Archives ENG 05.31.25 ff.docx

RESOLUTION No. 10-88

of the PLENUM OF THE SUPREME COURT of the USSR

from “4”. . . February . . . . 1988

Plenum of the Supreme Court of the USSR presided over by  
Chairman of the Supreme Court of the USSR --- V.I. Terebilov

with the participation of  
Prosecutor General of the USSR --- A.M. Rekunkov

with the Secretary of the Plenum,  
Member of the Supreme Court of the USSR --- S.B. Romazin

Considered

the Protest of the Prosecutor General of the USSR in the case of Bukharin N.I., Rykov A.I., Rozengol'ts A.P., Chernov M.A., Bulanov P.P., Levin L.G., Kazakov I.N., Maksimov-Dikovskiy V.A., Kryuchkov P.P. and Rakovsky Kh.G.

By the verdict of the Military Collegium of the Supreme Court of the USSR of March 13, 1938, in the case considered from March 2 to 13, 1938 under the chairmanship of V.V. Ul'rikh, with the participation of the USSR Prosecutor A.Ya. Vyshinsky, the following were convicted:

BUKHARIN Nikolai Ivanovich, born in 1888, native of Moscow, Russian, citizen of the USSR. Member of the Communist Party since 1906, member of the Politburo of the Central Committee of the All-Union Communist Party (bolshevik) 1924-1929, elected at the 17th Congress of the All-Union Communist Party (bolshevik) as a candidate member of the Central Committee of the All-Union Communist Party (bolshevik), expelled from the party in 1937, full member of the USSR Academy of Sciences 1929-1937, until his arrest on February 27, 1937, editor-in-chief of the newspaper Izvestia;

RYKOV Aleksey Ivanovich, born in 1881, native of Saratov, Russian, citizen of the USSR. Member of the Communist Party since 1898, member of the Politburo of the Central Committee of the All-Union Communist Party (bolshevik) 1923-1930, Chairman of the Council of People's Commissars of the USSR 1924-1930, elected at the 17th Congress of the All-Union Communist Party (bolshevik) as a candidate member of the Central Committee of the All-Union Communist Party (bolshevik), expelled from the party in 1937, before his arrest on February 27, 1937. People's Commissar of Communications of the USSR;

ROZENGOL'TS Arkady Pavlovich, born in 1889, native of Vitebsk, Jewish, citizen of the USSR. Member of the Communist Party since 1905, elected at the 17th Congress of the All-Union Communist Party (bolshevik) as a candidate member of the Central Committee of the All-Union Communist Party (bolshevik), expelled from the party in 1937, before his arrest on October 7, 1937, head of the department of the People's Commissariat of Foreign Trade of the USSR;

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CHERNOV Mikhail Aleksandrovich, born in 1891, native of Kostroma province, Russian, citizen of the USSR, member of the Communist Party since 1920, elected at the 17th Congress of the All-Union Communist Party (bolshevik) to the Central Committee of the All-Union Communist Party (bolshevik), expelled from the party in 1937, before his arrest on November 7, 1937. People's Commissar of Agriculture of the USSR;

BULANOV Pavel Petrovich, born in 1895, native of the territory of the present-day Mordovian ASSR, Russian, citizen of the USSR, Member of the Communist Party since 1918, expelled from the party in 1937, before his arrest on March 29, 1937, employee of the Secretariat of the NKVD of the USSR;

LEVIN Lev Grigorevich, born in 1870, native of Odessa, Jewish, citizen of the USSR, non-party member, doctor of medical sciences, before his arrest on December 2, 1937, consulting physician of the Kremlin medical department;

KAZAKOV Ignatiy Nikolaevich, born in 1891, native of the village of Tvarditsa in the Bessarabian province, Bulgarian, citizen of the USSR, non-party member, before his arrest on December 14, 1937, director of the State Research Institute of Metabolism and Endocrine Disorders of the USSR People's Commissariat of Health;

MAXIMOV-DIKOVSKY Benjamin Adamovich (Abramovich), born in 1900, native of Vyatka, Jewish, citizen of the USSR, member of the Communist Party since 1920, head of department of the USSR People's Commissariat of Railways until his arrest on December 11, 1937;

KRYUCHKOV Petr Petrovich, born in 1889, native of Perm, Russian, citizen of the USSR, non-party member, director of the A.M. Gorky Museum until his arrest on October 5, 1937;

on the basis of Articles 58.1.a, 58.2, 58.7, 58.9, 58.11 of the Criminal Code of the RSFSR (as amended in 1926) – each to be shot, with confiscation of all property personally belonging to them;

RAKOVSKY Khristian Georgievich, born in 1873, native of the city of Kotel (Bulgaria), Bulgarian, citizen of the USSR, member of the Communist Party since 1918, expelled from the party in connection with the present case, until his arrest on January 27, 1937, head of the directorate of the People's Commissariat of Health of the RSFSR;

, on the basis of Art. Art. 58.1.a, 58.2, 58.7, 58.8, 58.9, 58.11 of the Criminal Code of the RSFSR (as amended in 1926) to imprisonment for 20 years, with confiscation of all property personally belonging to him and deprivation of political rights for 5 years. Later, by the verdict of the Military Collegium of the Supreme Court of the USSR of September 8, 1941, on the basis of Part 2 of Art. 58.10 of the Criminal Code of the RSFSR, Rakovsky Kh.G. was sentenced to death by firing squad.

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The verdict in the same case against the convicted V.F. Sharangovich, First Secretary of the Central Committee of the Communist Party (bolshevik) of Byelorussia; A. Ikramov, First Secretary of the Central Committee of the Communist Party (bolshevik) of Uzbekistan; F. Khodzhaev, Chairman of the Council of People's Commissars of the Uzbek SSR; V.I. Ivanov, People's Commissar of the Forestry Industry of the USSR; G.F. Grinko, People's Commissar of Finance of the USSR; N.N. Krestinsky, First Deputy People's Commissar of Agriculture of the USSR; I.A. Zelensky, Chairman of the Central Union of the USSR; S.A. Bessonov, Advisor to the Plenipotentiary Mission of the USSR in Germany; D.D. Pletnev, Professor of the Institute of Functional Diagnostics, were overturned at various times by the Supreme Court of the USSR, and the case was closed due to the absence of corpus delicti in their actions.

...

Former People's Commissar of Internal Affairs Yagoda G.G. was also convicted in this case, but his sentence was not appealed.

N.I. Bukharin, A.I. Rykov, M.A. Chernov and A.P. Rozengol'ts were found guilty of organizing a criminal group of conspirators in 1932-1933 on the instructions of foreign states hostile to the USSR, which also included Kh.G. Rakovsky, P.P. Bulanov, L.G. Levin, I.N. Kazakov, V.A. Maksimov-Dikovskiy, P.P. Kryuchkov and others. This group, called in the indictment and in the verdict the "Right-Trotskyist bloc", set as its goal the liquidation of the existing social and state system in the USSR, the restoration of capitalism, and the restoration of the power of the bourgeoisie. These goals were supposed to be achieved through espionage, sabotage, wrecking and terrorist activities aimed at undermining the economic and defensive might of the Soviet Union.

The members of the criminal group, the verdict states, being agents of foreign intelligence services, were engaged in espionage activities for many years, negotiated with representatives of foreign states about armed assistance in the overthrow of Soviet power, about the conditions for the dismemberment of the USSR and the separation of Ukraine, Byelorussia, Primorye, the republics of Central Asia and Transcaucasia from it. The verdict, in particular, states that F.P. Rozengol'ts and Kh.G. Rakovsky, having entered into direct relations with representatives of states hostile to the USSR, negotiated about providing them with assistance in the event of an attack on the Soviet Union. N.I. Bukharin and A.I. Rykov were fully aware of the espionage activities of their accomplices, encouraged the expansion of their criminal connections and gave instructions to speed up the preparation of foreign intervention.

At a number of industrial, agricultural, transport and trade enterprises, on the instructions of foreign intelligence services, the members of the "bloc" organized sabotage and wrecking groups in order to paralyze with active criminal activity

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the economic life of the country and contribute to the weakening of the defense capability of the USSR. As stated by the court, on the orders of the Japanese intelligence agency at the Volochayevka station, the members of the "bloc" organized the derailment of a train with military cargo, and on the Khor-Dormidontovka section – a passenger train; several acts of sabotage were committed in the mines in Suchan. All these acts of sabotage resulted in human casualties. Based on collusion with representatives of foreign states, A.P. Rozengol'ts carried out sabotage work in the system of the People's Commissariat of Foreign Trade of the USSR.

As stated in the verdict, on the orders of the German intelligence agency and the instructions of A.I. Rykov, M.A. Chernov organized a number of sabotage acts aimed at reducing the yield of agricultural crops, reducing the livestock population and spoiling agricultural mobilization reserves. Thus, in 1936, as a result of the deliberate spread of an epizootic in Eastern Siberia, about 25 thousand horses died. N.I. Bukharin supervised sabotage work in the forestry of the Northern Territory, and A.I. Rykov – at industrial and agricultural enterprises in Byelorussia, Uzbekistan, and in a number of regions of the RSFSR. On their instructions, sabotage was

carried out in the People's Commissariat of Finance of the USSR and its local bodies, as well as in the consumer cooperative system.

The members of the criminal group, on instructions from foreign intelligence services, as stated in the verdict, organized a number of terrorist acts against the leaders of the All-Union Communist Party (bolshevik) and the Soviet government. In 1934, A.I. Rykov created a group to prepare and commit terrorist acts against J.V. Stalin, V.M. Molotov, L.M. Kaganovich and K.Ye. Voroshilov. In August 1934, A.P. Rozengol'ts sought an audience with J.V. Stalin with the aim of committing a terrorist act against him. On the orders of N.I. Bukharin, A.I. Rykov, A.P. Rozengol'ts and M.A. Chernov, the murders of S.M. Kirov, A.M. Gorky, V.R. Menzhinsky, V.V. Kuibyshev and M.A. Peshkov were committed; a terrorist act against Yezhov was being prepared. P.P. Kryuchkov, V.A. Maksimov-Dikovskiy, P.P. Bulanov, and doctors L.G. Levin and I.N. Kazakov, who used "harmful methods of treatment" on A.M. Gorky, V.R. Menzhinsky, V.V. Kuibyshev and M.A. Peshkov, participated in committing these terrorist acts.

The verdict notes that back in 1918, N.I. Bukharin and the group of "left communists" he headed organized a conspiracy against the Soviet state with the aim of disrupting the conclusion of the Brest Peace Treaty with Germany, overthrowing the Soviet government, arresting and killing V. I. Lenin, I. V. Stalin, Ya. M. Sverdlov and forming a new coalition government. In July 1918, the Left Socialist Revolutionaries, with the knowledge and consent of N. I. Bukharin, raised a rebellion in Moscow with the aim of overthrowing the Soviet government. The direct result of N. I. Bukharin's conspiracy with the Socialist Revolutionaries was the attempt on the life of V. I. Lenin made by Kaplan on August 30, 1918. In 1930, N. I. Bukharin agreed with the Socialist Revolutionary militant Semenov to create criminal groups to commit terrorist acts against the leaders of the All-Union Communist Party (bolshevik) and the Soviet Government.

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The protest of the Prosecutor General of the USSR raises the issue of overturning the verdict of the Military Collegium of the Supreme Court of the USSR of March 13, 1938 in relation to N.I. Bukharin, A.I. Rykov, A.P. Rozengol'ts, M.A. Chernov, Kh.G. Rakovskiy, P.P. Bulanov, L.G. Levin, I.N. Kazakov, V.A. Maksimov-Dikovskiy and P.P. Kryuchkov, as well as the verdict of the Military Collegium of the Supreme Court of the USSR of September 8, 1941 in relation to Kh.G. Rakovskiy and terminating the case due to the absence of corpus delicti in their actions.

Having examined the case materials, having heard the report of member of the Supreme Court of the USSR M.A. Marov and the presentation by Prosecutor General of the USSR A.M. Rekunkov, who supported the protest, the Plenum of the Supreme Court of the USSR finds the prosecution of the named persons and their conviction unfounded.

A guilty verdict in accordance with the requirements of the law can only be based on a body of evidence, the reliability of which is beyond doubt. Each of this evidence must be carefully verified during the trial and objectively assessed in the verdict.

The Military Collegium of the Supreme Court of the USSR, in violation of the law, did not provide specific evidence of the guilt of N.I. Bukharin, A.I. Rykov, A.P. Rozengol'ts, M.A.

Chernov, Kh.G. Rakovsky, P.P. Bulanov, L.G. Levin, I.N. Kazakov, V.A. Maksimov-Dikovskiy and P.P. Kryuchkov in committing especially dangerous state crimes, considering their testimony during the preliminary investigation and in court, in which they generally admitted their guilt in criminal activity, to be sufficient. In assessing this testimony, the investigative bodies and the court ignored the most important requirement of the law that no evidence, including the admission of guilt by the accused, has a pre-established force and can be used as the basis for a guilty verdict only if confirmed by a combination of other factual data. In this case, the testimony of the accused could not be used by the court as the basis for the verdict because it is contradictory, does not correspond to the factual circumstances of the case and was obtained as a result of gross violations of the law during the preliminary investigation and trial.

During the initial interrogations, N.I. Bukharin, A.I. Rykov, A.P. Rozengol'ts, Kh.G. Rakovsky, P.P. Bulanov, who were illegally detained for several months without charge and without an extension of their detention, did not admit guilt in espionage, sabotage, subversive and terrorist activities and claimed that they had not committed any crimes against their homeland and the Soviet people. N.I. Bukharin, in particular, testified that although he had a

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special position on specific political and economic issues, he was not involved in any illegal activities. The minutes of these interrogations of N.I. Bukharin were not included in the case and were discovered only in 1961. The case materials do not contain the minutes of interrogations of A.I. Rykov for the period from February 27 to June 7, 1937, P.P. Bulanov – from March 29 to April 25, 1937, although it was established that during this time they were repeatedly interrogated and denied their guilt in criminal acts.

An examination of the case materials gives grounds to conclude that some interrogation reports, including interrogations at face-to-face confrontations, were falsified; interrogation reports with “confessions” of guilt by the accused that had been drawn up in advance were attached to the case. Self-incrimination was achieved through deception, blackmail, and mental and physical violence. Former Deputy People's Commissar of Internal Affairs of the USSR Frinovsky admitted in his statement of April 11, 1939, that NKVD employees of the USSR “prepared” those arrested for interrogations at face-to-face confrontations, imposing possible questions and answers on them. Yezhov often interviewed those being interrogated. If the arrested person retracted his testimony, the investigator was instructed to “reinstate” the arrested person, that is, to obtain his previous false testimony from him. According to Frinovsky's testimony, Yezhov repeatedly interviewed N.I. Bukharin, A.I. Rykov, P.P. Bulanov and other accused; he convinced each of them that the court would spare their lives if they admitted their guilt.

As former NKVD employee Tserpento, who participated in the investigation of this case, testified, investigators were allowed to falsify the testimony of those arrested.

Witness Glinkina Z.F. testified during interrogation in 1939 that she heard Yezhov tell Frinovsky about the beating of Rozengol'ts and other arrested people in the Lefortovo NKVD prison.

Witness Rosenblum A.A., who worked as the head of the Lefortovo prison medical unit in 1937-1939 and was interrogated in 1956, said that in the medical unit she saw many arrested people in serious condition after their beating. In particular, she reported: "Krestinsky was brought to our medical unit from interrogation in an unconscious state. He was severely beaten ..."

The use of illegal methods of investigation, deception, mental and physical violence by the NKVD USSR employees was reported by the convicted D.D. Pletnev after the guilty verdict was passed in this case. In his letters in 1940-1941, he claimed, in particular, that he had never committed any crimes. During the preliminary investigation and in court, he incriminated himself in connection with the use of physical and mental violence against him.

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According to the testimony of former NKVD employee Aronson, who was interrogated in 1956, the convicted Kh.G. Rakovsky, who was in prison, also reported to him in May 1941 about the falsification of the materials of the criminal case and about the illegal conviction.

Former employees of the NKVD of the USSR Frinovsky, Agranov, Nikolaev, Dmitriev, Tserpento, Ushakov, Chistov, Passov, Kogan, Gerzon, Glebov, Lulov and others, who took direct part in the investigation of this criminal case, were subsequently convicted of illegal arrests, falsification of evidence and other gross violations of the law.

The trial of this case was conducted with gross violations of the law. During the consideration of the case, the defendants' right to defense was violated. N.I. Bukharin, A.I. Rykov, A.P. Rozenkol'ts, M.A. Chernov, Kh.G. Rakovsky, P.P. Bulanov, V.A. Maksimov-Dikovskiy, P.P. Kryuchkov, deprived of qualified legal assistance, were forced to take the defense of their interests upon themselves. None of them took part in the judicial debate, since they were asked to combine their defense speech with the last word.

The trial was conducted with a clear accusatory bias. The defendants were only allowed to answer the questions of the state prosecutor. N. I. Bukharin's well-founded motion to be given the opportunity to give free, detailed explanations on the charges brought against him was unlawfully rejected.

In his final statement, N. I. Bukharin, having stated in general terms his admission of guilt, actually presented the circumstances of the case in such a way that they testified to the innocence of both himself and the other persons brought to criminal responsibility. However, the court did not take into account these circumstances, which were essential for the correct resolution of the case

In connection with the gross violations of the law during the preliminary investigation and during the trial, the testimony of the accused cannot be used as a basis for concluding their guilt. The case does not contain any other reliable evidence of their commission of especially dangerous state crimes.

The case does not contain evidence of the guilt of Kh. G. Rakovsky, M. A. Chernov and A. P. Rozengol'ts in espionage, and of N. I. Bukharin and A. I. Rykov in directing the espionage activities of the above-mentioned

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persons. The investigations conducted by the competent authorities established that there is no information about the connection of any of the convicted persons with foreign special services.

The accusation against N. I. Bukharin and A. I. Rykov of creating criminal groups in the North Caucasus, Ukraine, Siberia, Byelorussia, Uzbekistan and other areas of the Soviet Union to fight Soviet power is also not supported by anything. According to the court's findings, N. I. Bukharin and A. I. Rykov allegedly carried out this activity with the participation of the former First Secretary of the Central Committee of the Communist Party (bolshevik) of Byelorussia V. F. Sharangovich, First Secretary of the Central Committee of the Communist Party (bolshevik) of Uzbekistan A. Ikramov, Chairman of the Council of People's Commissars of the Uzbek SSR F. Khodzhaev, who were convicted in the same case. All of the above individuals were convicted without justification and have been fully rehabilitated by the Supreme Court of the USSR.

The conclusion about the guilt of those convicted of organizing sabotage and wrecking actions contradicts the factual circumstances of the case and is therefore unfounded. It was established, in particular, that by the time of the train crash on the Khor-Dormidontovka section, N. I. Bukharin and A. I. Rykov had already been under arrest for several months. The crashes themselves were the result of the emergency condition of the railway section. In the cases of explosions in the Suchan mines, which occurred as a result of gross violations of safety regulations, a group of management and engineering and technical workers were convicted in 1937. There is no information in the case materials about the involvement of any of those convicted in this case in the explosions.

The case materials confirm that in the early 1930s, in certain regions of the country, there were instances of a decline in agricultural crop yields, spoilage of crop products, and loss of livestock; there were shortcomings in the consumer cooperative system, and mistakes in the activities of the USSR People's Commissariats of Foreign Trade and Finance. However, the case materials do not contain any objective data that all of this was a consequence of sabotage organized by N.I. Bukharin, A.I. Rykov, M.A. Chernov, and A.P. Rozengol'ts.

The case materials do not contain any objective evidence to accuse N.I. Bukharin, A.I. Rykov, and other convicted persons, against whom a protest was filed, of terrorist acts. The involvement of any of them in the murder of S.M. Kirov has not been established, just as N.I. Bukharin's guilt in preparing the murders of V.I. Lenin, J.V. Stalin, and Ya.M. Sverd-

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lov, in 1918 has not been established. as well as his involvement in the Socialist Revolutionary Kaplan's attempt on the life of V.I. Lenin.

There is also no objective evidence in the case materials about the creation by N.I. Bukharin in 1930, in collusion with the Socialist Revolutionary Semenov, of a criminal group for the preparation and commission of terrorist acts against the leaders of the All-Union Communist Party (bolshevik) and the Soviet government.

The preliminary investigation bodies and the court did not obtain evidence of A.I. Rykov's guilt in preparing an assassination attempt on J.V. Stalin, V.M. Molotov, L.M. Kaganovich and K.E. Voroshilov. As for the fact that A.P. Rozengol'ts sought an audience with J.V. Stalin, this circumstance in itself cannot be regarded as an attempt to commit a terrorist act, since it has not been proven that, in seeking an audience, A.P. Rozengol'ts intended to take J.V. Stalin's life. Moreover, by recognizing A.P. Rozengol'ts guilty of committing these acts, the court went beyond the limits of the charges brought against him, since such charges were not brought against A.P. Rozengol'ts.

The so-called "terrorist act against Yezhov", as has now been established, was falsified by him and the former head of the NKVD department of the USSR Nikolayev. From Nikolayev's testimony it follows that the NKVD employee of the USSR Savolainen, as a result of systematic beatings, "confessed" to preparing to poison Yezhov with mercury. After Savolainen's arrest, a jar of mercury was planted in the entrance of his house, which was then "discovered" and added to the case as material evidence.

The accusation against L.G. Levin, P.P. Bulanov, P.P. Kryuchkov, V.A. Maksimov-Dikovskiy and I.N. Kazakov of organizing the murder of A.M. Gorky, V.R. Menzhinsky, V.V. Kuibyshev and M.A. Peshkov is also refuted by the case materials. According to the conclusion of the repeated commission forensic medical examination, V.R. Menzhinsky, V.V. Kuibyshev and A.M. Gorky died of severe chronic diseases. Their treatment was carried out in a fairly complete volume and corresponded to the level of scientific achievements of that time. Professor D.D. Pletnev, convicted in the same case for the alleged murder of A.M. Gorky, was rehabilitated by the Supreme Court of the USSR. The case materials also do not contain any information about the deliberate killing of M.A. Peshkov.

Kh.G. Rakovskiy, in addition, was found guilty by the verdict of the Military Collegium of the Supreme Court of the USSR on September 8, 1941, of the fact that during his sentence he "conducted anti-Soviet agitation among persons in places of detention and disseminated slanderous fabrications about Soviet reality."

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In this case, Kh. G. Rakovskiy was convicted without preliminary investigation or trial. The case materials do not contain any information about the commission of the crimes imputed to him by the sentence, and therefore this sentence cannot be considered legal.

As can be seen from the case materials, N. I. Bukharin and A. I. Rykov joined the revolutionary movement early on, were subjected to repression by the tsarist government, and took direct part in the Great October Socialist Revolution. At different stages of the revolutionary renewal of the country, N. I. Bukharin and A. I. Rykov sometimes occupied special positions in assessing the

political moment, the alignment of class forces, and the paths of building socialism in the USSR. Some of their views, and in a number of cases their practical activities, were assessed by the governing bodies of the All-Union Communist Party (bolshevik) as erroneous and incorrect. However, these errors, recognized at the time by N. I. Bukharin and his supporters, do not in themselves constitute a crime.

Based on the above and guided by paragraph 1 of Article 18 of the Law on the Supreme Court of the USSR, the Plenum of the Supreme Court of the USSR

#### DECREES

That the verdict of the Military Collegium of the Supreme Court of the USSR of March 13, 1938 against Bukharin Nikolai Ivanovich, Rykov Aleksei Ivanovich, Rozengol'ts Arkady Pavlovich, Chernov Mikhail Aleksandrovich, Rakovsky Khristian Georgievich, Bulanov Pavel Petrovich, Levin Lev Grigorievich, Kazakov Ignatiy Nikolaevich, Maksimov-Dikovskiy Veniamin Adamovich (Abramovich), Kryuchkov Petr Petrovich, as well as the verdict of the Military Collegium of the Supreme Court of the USSR of September 8, 1941 against Rakovsky Khristian Georgievich was overturned and the case was terminated due to the absence of corpus delicti in their actions.

Chairman of the Supreme (signed)  
Court of the USSR V.I. Terebilov

Secretary of the Plenum, member (signed)  
of the Supreme Court of the USSR S.B. Romazin