

CONSTITUTION  
(Basic Law)  
Of the Union of Socialist  
Soviet Republics.  
(Draft)

# CONSTITUTION

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of the  
Union of Socialist  
Soviet Republics  
(Draft)

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## INTRODUCTION

THE publication of the draft new Constitution for the Soviet Union has made a deep impression, not confined to the U.S.S.R. It sounds the note of achievement. Those in authority at the Kremlin are to-day able to announce, in effect, that the immense difficulties of so gigantic a social and economic reconstruction have been overcome. Not stability only, but also success have been substantially secured. A second impression is that of maturity. The child born in 1917 has come of age, and takes an adult place in the world. Development, far from having stopped, is still proceeding at a greater rate than before; but it is now the development of an adult, broadening into ever-wider circles and still rising towards its prime.

Yet the main importance of the new Constitution is not in the various departures that it makes from the existing framework of the Soviet State. Alike in its form, and for the most part in its substance, it is merely a re-writing of the fundamental Law of July 10th, 1918, of the Russian Socialist Republic and the Federal Constitution of the Union of Socialist Soviet Republics embodied in the Statute of January 31st, 1924. The most striking change is the substitution, in the formation of all the governmental authorities above the village and city

soviets, of direct election by secret ballot, for indirect election by tier after tier of councils. The existing bicameral executive committee remains with an increase in membership. The multitudinous All-Union Congress of Soviets disappears, to be replaced by the hundred million electorate. Equally significant is the lapsing of all exclusions and inequalities from the electoral franchise. Neither ill-gotten wealth nor former anti-social occupation, not even family relationship to the late Czar, nor membership of a religious order, will henceforth deprive a soviet citizen of his vote. Without any change of official policy towards theology, at one stroke nearly fifty thousand practising priests of the Greek Orthodox Church, together with some hundreds of Roman Catholic, Evangelical, Mohamedan and Buddhist ministers, will next year receive votes. What are fifty thousand in an electorate that has already reached a total of more than 90 millions? The vote of each of the 60 millions of village electors will no longer count only one-half or one-third (usually mis-stated as one-fifth) as much as the vote of each of the 30 millions of city electors.\*

\* There has been a quaint rush among the English critics of the Soviet Union to acclaim this widening and straightening of voting as a reversion from Communism to Liberalism. It seems to be forgotten that the published programme of the Bolshevik Party, on which the Revolution of October 1917 was actually made, expressly included a central supreme assembly directly elected by universal suffrage with secret ballot. "Universal, equal and direct suffrage for all male and female citizens, twenty years old or over, at all elections to the legislative assembly and to the various local organs of self-government; the secret ballot at elections; the right of every voter to be elected to any representative institution; biennial parliaments; salaries to be paid to the peoples' representatives." This had, indeed been in the Party programme from 1903, a date at

But, to the student of political science the most important innovation will be, not any reshaping of the electoral machinery, but the enshrinement in the constitution of a new set of "the rights of man." The Declaration of Independence of the American rebels of 1776 and the United States Constitution of 1787, were both founded on an almost unfettered individual ownership of private property for the purpose of profit-making. The French Declaration of the Rights of Man had a similar basis. These constitutional documents were alike consecrations of the motive of profit-making, then believed to be the necessary foundation of economic progress. Even in the "Principles of a Civil Code," Bentham allowed only one encroachment—that of taxation—upon private property, and recognised only four ends of civil government (and without specifying how these could be attained), namely, subsistence, security, equality, and abundance. In 1848, Louis Blake asked in vain for the addition of the "right to work," meaning the right to be found employment by the State. In 1936, the Soviet Constitution ensures to every citizen, not only protection against aggression, but also the right to remunerative work; the right to specified hours of rest and

which no Liberal Party in any country had officially committed itself to anything like such a sweeping enfranchisement. The Bolshevik Party programme was not revised until 1919, at a moment when it was plainly impracticable to introduce the ballot box to so vast an area, in which centralised governmental authority had still to be established. Its adoption, eighteen years later, for an electorate reaching nearly one hundred millions of persons over eighteen years of age, of either sex, and of every race, colour and grade of civilisation is a remarkable demonstration of "trust in the people," which no Liberal Party has yet equalled, even programmatically

paid weeks of holiday ; the right to unlimited and gratuitous education of every kind and grade ; and, most far-reaching of all, the right to full economic provision, according to need, in all the vicissitudes of life. What is even more important is the fact that the inclusion in the constitution of these enormously extended "rights of man" is but the explicit recital of what is already in practice. The "equal right to life, liberty and the pursuit of happiness" promised to every American citizen in 1776 is nowadays seen to have been but an empty phrase, to which no substance was given. Louis Blanc's "Right to Work" of 1848 equally remained a dead letter. But in the U.S.S.R. the right to remunerative work—not necessarily employment under a contract of service, at wages or salary, because it includes the self-chosen alternative of "self-employment" either individually or in co-operative partnerships as associations of producers—has for years been a fact. Similarly, in the Soviet Union, the woman's Right to Economic Security is already much more than mere equality of opportunity with men. The fulfilment of her peculiar social function of maternity carries with it the right to be indemnified against all the pecuniary charges or sacrifices that childbirth involves, on the same principle as that by which the male official is repaid all the travelling or other expenses that are incidental to his official duties. All these new and unprecedented rights of man are guaranteed by the proposed constitution, not merely to a ruling class, a dominant race, a favoured sex, or even a specially insured minority, but universally, according to

need, without individual insurance premium, and without exclusion of sex or colour or social past, to all citizens in city or village, including the backward peoples of nearly two hundred different tribes throughout the vast continent.

The British reader at this point recalls that the Union of Socialist Soviet Republics is properly comparable in area, population and variety of race and colour; not with Great Britain and Northern Ireland, but with the British Empire, exclusive of the India to which a separate constitution has just been given. We are still a long way from the concession of universal suffrage, and of direct election by secret ballot, to all the citizens of the British Empire; and still further from their endowment with the new "Rights of Man," now secured to every citizen of the Soviet Union:

It is notably for these stupendous innovations, unparalleled in any previous Constitution, that the new draft of the Soviet Constitution, which embodies an effective Socialism, will be regarded by the future historian as even more momentous than the American Constitution of 1787, or that of the French Republic of 1793, which gave a consecration to the Individualism of their time.

Not less original in conception, and unprecedented in history, is the method by which the draft constitution has been launched. It was not called for by any popular agitation. The proposal, specifying its more striking novelties, emanated spontaneously from the chief governmental authority. But it was not then put into law, or even given the seal of approval. It was referred to a hierarchy of com-

mittees composed of the most expert administrators and the most authoritative writers on government. The draft thus elaborated was next laid in full before the whole people of the U.S.S.R., not only by publication in all the hundreds of newspapers in the five-score principal languages, but also by the issue of 15 million copies—one to every three families from Leningrad to Vladivostock—in all these languages, either in cheap pamphlet form, or in the larger type of posters, or again in small pocket volumes. Meanwhile it has been broadcast from all radio stations to tens of thousands of public loudspeakers, and to millions of domestic wireless sets. In every centre of population, often at meetings in the village street, it has been popularly discussed, not merely in order to voice the very general public approval, but particularly with a view to responding to the official request for criticisms, suggestions and amendments. The number of these received at Moscow, within the first two months of publication, is reported to have run into tens of thousands. All these will be sorted and classified, and laid before the expert committees, by whom the draft will be corrected and amplified before being considered by the specially summoned All-Union Congress of Soviets in November, 1936, when it will be passed into law. This elaborate procedure, it may be noted, is merely an example of the principle of the widest citizen participation which (though the West finds it difficult to believe) actually runs through so much of Soviet administration.

Noteworthy is the inclusion, on the lines of the most civilised democratic States of Continental

Europe, of provisions safeguarding the liberty of the person against arbitrary arrest and imprisonment by the police or by the executive government. As in other continental administrations, there will not be what is so much cherished in Great Britain, the special protection of that British peculiarity, the Habeas Corpus Act. But (Article 127) "the citizens of the U.S.S.R. are guaranteed inviolability of person. No person may be placed under arrest except by decision of court or with the sanction of the State Attorney" (meaning the judicial department of the Procurator, which has sometimes been absurdly mistranslated as prosecutor). This means the bringing under control of the G.P.U. Equally remarkable is the Article (125) by which "the citizens of the U.S.S.R. are guaranteed freedom of speech, freedom of the Press, freedom of assembly and of holding mass meetings, and freedom of street processions and demonstrations. These rights of the citizens," the Article goes on to say, "are ensured by placing at the disposal of the toilers and their organisations printing presses, supplies of paper, public buildings, the streets, means of communication and other material requisites for the exercise of these rights." Truly a unique and unprecedented conception of public freedom!

What has still to be added, doubtless, in the form of statutory regulations, is the necessary technical detail as to the demarcation of constituencies, the dates of elections, the form of the ballot-paper, the conduct of the polling, the counting of the votes, and the official declaration of the results.

Constitutions are judged, not by what they say,

but according to how they work—or are worked! All the friends of freedom throughout the world are welcoming the draft that is to-day being popularly discussed throughout nearly one-sixth of the entire land surface of the globe. But the new Constitution of the Soviet Union as it is enacted in January, 1937, will be judged by the world according to the way in which it is found to be actually working, say, in January, 1942, after five years' experience.

SIDNEY WEBB.

PASSFIELD CORNER,  
LIPHOOK, HANTS.  
*August, 1936.*

## FOREWORD BY NORMAN ANGELL

It is difficult to exaggerate the historical importance of the turn towards democracy—and liberalism—evidenced in the revised Soviet Constitution. It may be the fate of Russia not only to prove to the world that Socialism can be made to work, but actually to save political freedom for mankind as well. To put it bluntly, the democracies who, irrespective of economic theory, still value political freedom will henceforth feel much more disposed to co-operate with Russia as a valuable aid in stemming the flood of militarist and nationalist dictatorship which threatens to spread over the world. With the aid of Russia the fight for democracy can be won; without it, that fight may well go to the military autocracies based upon violence, racial discrimination, the suppression of all freedom of speech and thought. The democratisation of Russia will make that necessary co-operation for freedom infinitely easier.

## FOREWORD BY THE REV. ALBERT D. BELDEN, D.D.

ALL true lovers of Democracy must welcome with considerable relief the new Soviet Constitution which turns the face of Communist Russia towards a free Democracy, self-governed by its own political institutions. The genuine pursuit of this would steadily orientate the great Russian social experiment nearer to the pattern of social organisation

that Christianity can not only heartily endorse, but must eventually most sternly champion.

There are many signs that the recrudescence of the spirit of tyranny in the modern world is producing a much more speedy reaction of disgust in the general mind of man than ever before in history.

There may seem to be about Democracy an appearance of weakness, when contrasted with the ready brutality of Fascism, but this is appearance only, for the freedom by which Democracy lives is the native air of the human soul, without which it cannot continue to breathe. Sooner or later, therefore, the soul stifled by tyranny must clamour for its breath. This is why no tyranny, either of the Left or the Right, can be stable; depending upon brute force it hands itself over to the laws of Physics, one of the chief of which is that "action and reaction are equal and opposite."

Still more welcome is the movement towards more individual freedom of the Russian Constitution, in view of the larger room it gives to personal responsibility. No sensible man has ever believed that Socialism was the enemy of individual development, not, that is, if it were true to itself. Rather it requires the perfectly organised State to allow adequate scope for the individual citizen. The individual and the community are the two poles of human being, deprived of either, he is something less than human. The goal of the individual is to be found in the service of the community, in his devotion to the Common Good. The goal of the community is to be found in the largest number of

healthy and happy citizens it can produce and serve.

It is towards this goal that the evolution of Man is tending. We need not be afraid that the achievement will fail; he has not come so far to be defeated at the very summit of his progress. The widespread rise of Fascism may be taken as the symbol of the glorious end. "The darkest hour is before the dawn." The worst that evil does to man is to challenge his good into stronger life. The world state of grand human equality and complete human prosperity is as inevitable as the sunrise.

#### FOREWORD BY GEORGE HICKS, M.P.

I EXTEND a heartfelt welcome to the new Soviet Constitution.

I regard it as of immense historical significance. It is, in my opinion, as profoundly important in our day and for the coming century, as was the Declaration of the Rights of Man, adopted by the National Assembly of France in 1789, for the liberation and democratic movements of the nineteenth century.

The Declaration of the Rights of Man laid down the tenets of the democracy of capitalism. The new Soviet Constitution lays down the tenets of the democracy of Socialism. Between these two formulations of principles and human rights lies the epoch of capitalism, with its immense economic and scientific progress, and its increasingly intensive division of Society into two classes: the working class and the capitalist class. The new Soviet

Constitution, produced nineteen years after the Russian Revolution, during which period the conscious endeavours of the Russian workers and peasants have been directed to removing all traces of this class division of Society, lays the foundation of classless Socialism. Some amendment will, no doubt, be occasioned by living adaptation in the crucible of history. The development of Socialism will occasion the "withering away," as Marx said, of the State, and other changes will be effected. But generally, this Constitution will serve as the framework of Socialist Government for four generations at least.

The promulgation of this Constitution by the Soviet authorities is a sign of strength and of growing maturity. It is a sign of strength in that it is evidence that there is no fear of effective counter-revolution. Military Communism has gone; this Constitution marks the passing of many of the restraints and restrictions of the Dictatorship. It is a sign of growing maturity in that it confers equal rights on all citizens; it draws all citizens—even the most backward—into equality of status and duty and responsibility in economic, social and political life. By giving the franchise and the right to be elected to all citizens, male or female, over the age of eighteen; by ensuring that elections to all public authorities—local, regional, and all-union—will be conducted under universal and secret suffrage, the Union of Socialist Soviet Republics has laid the foundation to the most broad-based democracy in the world. In that is a sign of political wisdom also. No authority resting on such a broad-based

democracy, reflecting its will and its thought and feeling, can ever be overthrown.

Under this Constitution the citizens of the U.S.S.R. have rights which are but aspirations in capitalist countries. They have the right to work. They have the right to leisure: ensured by the seven-hour working day. They have the right to material security in old age as well as during periods of sickness and incapacity. They have the right to education—an education that is open to all. Women are accorded equal rights to men, in every respect. Persons of all nationalities and races are accorded equal rights.

Obviously this Constitution represents an enormous advance on what has ever been embodied in the fundamental laws of any country previously.

The promulgation of a Constitution is one thing. Its practical application, giving it content and life, is another. But I am confident that the workers of Russia—in the towns and in the villages—will make this Charter of their rights and liberties a living reality.

This Constitution is, indeed, the Charter of Socialist civilisation. It is the sign of the intelligent progress of humanity through the power of the working-class. It embodies the quintessence of the thoughts of our class in respect to the organisation of self-government. It marks the beginning of the New Order not merely in Europe but throughout the world. It is the legislative forerunner of the Constitution of the World Federation of Socialist Republics—the mighty Union of the peoples of the world—in which the men and women of all lands

will be joined together, exchanging the products of their soil and manufactures, their ideas on work and play, and making known, one to another, their strivings and plans for a healthier, happier and more cultured life.

### FOREWORD BY PROFESSOR H. J. LASKI

THE importance of the new draft Constitution for the Union of Socialist Soviet Republics will need no emphasis to anyone who has watched the progress of Russia since the Revolution of 1917. It marks a definite stage in the transition to a socialist society. Its extension of civic rights is one more proof of the fact that the extension of economic well-being is always the parent of a growth in personal freedom.

The draft Constitution is particularly interesting from two angles. It has, in the first place, a definite technical interest for the student of politics. The relation of the two chambers, of the legislature to the executive, the place of the Procurator-General in the constitutional scheme, the method proposed of rendering effective the right to freedom of discussion in the written and the spoken word, all these are of exceptional interest. Most important of all, in my judgment, is the very interesting experiment of entrusting what is effectively a control of the executive to a standing committee of the legislature in the intervals between sessions of the latter body. If the reader will visualise what might happen in this country if, during Parliamentary

vacations, the Cabinet had to submit its policies for approval to a committee of the House of Commons, he will gain some idea of its significance. Important, also, is the fact that the validity of executive action is tested not, as with us and in the United States, by judicial, but by legislative decision. Modern experience has shown how unsatisfactory is the position of a judiciary that has the power to limit governmental experiment ; but it has shown, also, the unwisdom of allowing the executive an unfettered discretion in the making of policy. The Russians are proposing a technique which seeks to avoid both of these dangers. The method is new, and of extraordinary importance. If it succeeds in practice, it may place a weapon of great power in the hands of democracies.

The other angle of interest is an ideological one. The striking fact about the draft Constitution is that the rights it confers upon the citizen are rights which could not be attempted even in any Fascist State. Nothing illustrates more clearly the final antagonism between the purposes of Fascism and the purposes of Socialism than the methods of government proposed by Germany and Italy, and those laid down by the draft Constitution. In the Fascist States, no criticism of the regime is either permitted or possible ; and no guarantee of a decent standard of living may be offered since the purpose of Fascism is the subjection of the working masses to the capitalists' need for profit. That need involves the necessity for a reserve of unemployed, an economy of scarcity instead of an economy of abundance, the hectic search for foreign markets

with its necessary concomitant of an imperialist policy backed by armaments, and the subjection of productive possibilities to the requirements of vested interests. The draft Constitution, on the other hand, implies the negation of all these postulates. It assumes the abolition of unemployment. It builds upon an economy of increasing abundance. Having abolished profit and vested interest, it can look to planned production for community consumption in a real way for the first time in history, that gives to Soviet Russia a direct interest in peace more profound than any other State. It means that its armaments are genuinely for defence and that it is in a position to abandon the politics of power whenever its rivals are prepared to do the same. A simple way of stating the antithesis between the Socialist State and the Fascist States is to say that the politics of the one are based on hope, the politics of the others on fear. The success of Socialism makes for trust in the common man. The failure of capitalism of which Fascism is the expression, means the need for his repression. The more complete the triumph of Soviet Socialism the wider will be the liberties it confers. But the more complete the victory of the Fascist Powers, the more determined will be their assault upon the dignity of human personality.

One final word is important. Any full discussion of the draft Constitution would have to compare its implications with those of the capitalist democracies which, like Great Britain and America, are its chief rivals for the allegiance of the working class. The emphasis of capitalist democracy is on the forms of

political freedom ; it offers these to the workers as the high-road to economic freedom. The emphasis of Soviet democracy is on economic freedom ; and it argues that the more profound the victory social ownership wins over the traditions of capitalist mentality, the more effective is the political freedom that inherently results. The weakness of capitalist democracy is the fact that it depends upon its ability to maintain the privileged position of those who own the instruments of production ; its delicate equilibrium is only secure to the degree that it is capable of continuous economic expansion. It is a regime, not of social justice, but of concessions made possible by that expansion without jeopardy to the need of profit. But in its history a stage arrives when either the democracy must overcome the capitalism, or the capitalism will overcome the democracy. For since the making of profit is capitalism's law of life it must necessarily, as in Germany and Italy, transform political institutions to the logic of its needs. That is why all political democracy in an individualist system of ownership is in a dangerous condition. It has reached that crisis Marx and Engels foretold when its relations of production are in final contradiction with the forces of production. In that crisis, it cannot long maintain its earlier habit of political freedom.

Soviet democracy, on the other hand, has brought the relations into harmony with the forces of production. By establishing the common ownership of the means of production, it has abolished vested interest and the exploitation of man by man. As it is able more fully to utilise its resources, it is able

increasingly to satisfy the wants it encounters; and that ability is the condition upon which political freedom grows. From this angle, a comparison of the prospects of Russian constitutionalism with that of the capitalist democracies is of the highest interest and importance. The more fully the workers understand the implications of this comparison, the more surely they will become the masters of their own destiny.

### FOREWORD BY DR. GILBERT MURRAY

I AM exceedingly pleased to see the recent developments in Russia and the publication of the draft for the new Constitution. I always felt that your Revolution was fundamentally a democratic movement, although this element was temporarily obscured by elements of dictatorship and violence. I realise that a dictatorship is an extreme measure necessary in times of war and revolution. Freedom belongs on the whole to the times of safety. This move in your country towards greater freedom for the individual is a sign that you are moving away from the period of imminent danger and reaching a period of stability and strength.

The new Soviet Constitution is a great relief at a time when other countries teach their citizens the doctrines of war and violence. It gives an Englishman comfort to see Russia making such a bold step in the opposite direction.

I know that the arts and the sciences are in a flourishing condition in Russia. It gives me deep

satisfaction. I greatly welcome the presence of a Russian savant in the Committee of Intellectual Co-operation, over which I preside. There is no task higher than to serve the moral and intellectual interests of humanity. The new Soviet Constitution is a valuable contribution towards this aim. This action favourably disposes to Russia the hearts of people who value civilisation.

(Quotation from an interview with *Pravda*.)

### FOREWORD BY SIR BERNARD PARES

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THE new Constitution is, in the main, the work of Stalin himself, who has presided for a year past over the committee which drafted it. The draft has now been approved by the Central Executive Committee, and was published on June 12th, with an invitation to the public to study it carefully and suggest any alterations. In November it will be laid before the existing supreme assembly, the All-Union Congress of Soviets, and, on adoption, that body will be superseded by a supreme council elected by universal suffrage.

Let us take the main provisions as published.

The State admits of three kinds of property. The major means of production all belong to the State itself. Minor or indirect means of production are guaranteed as property to collective farms or other units; land under occupation of the farms is secured to them in perpetuity. Members of the farms can possess as property the house, the allotment, and

live-stock up to three cows and an unlimited number of pigs and poultry, as well as the household implements of farming. Individual farming is also recognised as lawful, though there is no provision against excessive taxation. Earnings of workers of all kinds are recognised as personal property and guaranteed by the State.

The Supreme Council, which will supersede the All-Union Congress of Soviets, is definitely established as the sovereign of the country. It will consist of two Chambers: one elected from the whole Union by universal, direct, equal, and secret vote; the other representing in fixed proportions all the Federal Republics; all elections of local bodies will be conducted under universal and secret suffrage. The two Chambers are equal in authority and can sit in joint session. They will elect a *præsidium*, a governing body, which will enjoy the authority of the National Assembly, during vacation. The Council will normally sit for four years in two-yearly sessions. In any case where it is not able to come to an agreement new elections will be ordered within two months, and a new Council will meet a month later. Provision has also been made for a referendum where required.

### INDEPENDENT JUDGES

The Supreme Council is responsible for all appointments both of Commissaries, or Ministers, and of the higher judges. The judges of the so-called people's courts will be directly elected by the population. The higher judges are elected for five

years. All judges are declared to be "independent and subject only to the law." The law officers of the State are given control over all administrative officials in the carrying out of their duties. All citizens have the right to give evidence in the law courts in their own language.

All citizens, male or female, over the age of eighteen have the right to vote or to be elected, with the exception only of imbeciles and those condemned by a law court to the loss of the franchise. These two exceptions appeared also in the extremely liberal first law for the elections to the Duma in 1905; but others who were then excluded were soldiers, officials, and women. The right of suffrage is declared to be "independent of race, creed, educational status, place of dwelling, social origin, property status, or past activity." Much of this working is reminiscent of the Liberal Duma law, but it includes extensions which are peculiarly interesting in view of the earlier Constitutions of Soviet Russia. Special attention may be directed to "social origin" and "past activity." The last-named might almost be taken to indicate a possibility of a general amnesty, even including Russians of the emigration. Candidates will be proposed by social units of almost any kind—the Communist party, trade unions, co-operatives, youth organisations, and cultural societies. The deputies will be responsible to their constituents, and means will be found by which, if necessary, they can be revoked. Deputies of the Supreme Council, as in the case of the Duma, are personally inviolable—that is to say, they cannot be arrested without the consent of the

Supreme Council itself. They also have the right of presenting interpellations to the Government, which must be answered within three days.

Most striking of all is the summary of the rights of citizens. They are entitled to work, to holiday with pay, to social services, such as free medical attendance, and to free education of all stages, according to attainment. The next clause reads literally like a repetition of the never-observed Constitution of 1905. It includes freedom of conscience, of speech, of press, of meetings and demonstrations, and of the forming of associations. It is here that the Communist party is mentioned—and its absence from the draft might have appeared suspicious to some—and it is described as a kind of leading nucleus or vanguard to stimulate public effort in all fields of endeavour. The Constitution forbids all arrests except by order of a law court, and the dwellings and even the correspondence of individuals are declared to be only subject to the same authority. It is, however, here that the draft reminds the population that the socialised property of the State is inviolable and that any attack on it is criminal. At the same time the defence of the “fatherland” is declared to be a sacred duty of all.

#### “WORKERS” ONLY

Changes in the Constitution can only be made by a majority of two-thirds in each of the two Chambers.

The two most notable echoes of the famous

programme of Liberal Russia before the Revolution are the so-called "four-tailed" formula of the suffrage — a reference to the four epithets, universal, equal, direct, and secret—and the famous "freedoms." It is, of course, still to be seen how the "freedoms" will be interpreted in practice. An Englishman naturally asks whether freedom of speech includes a right to criticise the Communist system—details of the working of Communism have all along been open to criticism,—and it would so far appear from official interpretations that this is not included. The Constitution takes account only of those described as "workers." This is, of course, consistent with all its previous practice, and the question which remains is the proportion of the population that is not included in this category. However, it would hardly be claimed now that this is more than 2 per cent. and no doubt the Constitution has in view its complete elimination by the extension of work to all.

Englishmen will be inclined to compare the new Constitution with their own existing institutions, and from such an angle many questions will naturally be asked, but it is certainly not within our power or competence to fix conditions in Russia. It is more to the point to note the very great advance which it offers on preceding principles and practice, and, judged in that way, it may certainly in general claim our sympathy and approval. In any case it is unquestionable that by declaring the principles contained in it the Constitution sets up a standard by which the Government of Russia is ready and must expect to be judged.

## FOREWORD BY D. N. PRITT, K.C., M.P.

THE new draft Constitution of the U.S.S.R. is of much more than legal interest. Lawyers can admire it as an example of good draftsmanship applied to its proper function of giving form and precision to political, social and economic concepts and developments; but the world in general can find in it many matters for study of much wider scope.

There are several points of outstanding importance, among which many will be tempted to give first place to the remarkable declarations of the rights of citizens set out in Articles 118 and onwards; but to me the most striking and encouraging feature is not so much these declarations alone as something fuller and deeper, of which of course they form a part—namely, the whole pervading atmosphere of relaxation of the strictness of the proletarian dictatorship. One absorbs continually, as one studies the draft, the sense that, whilst there are still dangers against which precautions are necessary—and as I write this in Moscow there are men of great prominence in the history of the U.S.S.R. standing their trial on serious charges of high treason—the general political and social stability of the new State has already progressed so far that bold steps can be taken towards increasing the freedom of the individual and the independence of the judicature, and correspondingly diminishing the power of the executive. The most remarkable and encouraging circumstance of

course is that this is coming about in the U.S.S.R. just as political and personal freedom practically everywhere else in the world are at the lowest ebb known for many decades, and are obviously likely to suffer even further in the near future. All who had any real knowledge of the U.S.S.R. have of course long been confident that in due course, when the period of dictatorship of the proletariat would be drawing to its close, political and personal freedom would begin to expand; but there is unexpected significance, and unexpected encouragement, in the fact that this important step is coming so early and so emphatically against the general trend in the capitalist world. (It will soon be difficult for "distinguished Labour 'leaders'" to retard the development of Socialism by pretending that they cannot grasp the difference between Fascist and Socialist "dictatorship.")

It is worth examining some of the features of this extension of freedom. One of the more important is the establishment of universal direct equal suffrage, with secret ballot. The change from indirect to direct election is almost a classic feature of developing political intelligence and liberty; and when one adds that the weighting of representation in favour of the urban as against the rural workers disappears and neither priest, aristocrat, Tsarist policeman, or anybody else—that no person whatever—is deprived of the vote on the ground of history, status, origin or past activities (the *only* exceptions being the insane and those deprived of electoral rights by the sentence of a court), one is struck more than ever by the rapidity

and completeness with which progress has been made towards personal freedom in a country which has had to defend itself so recently, so long and so anxiously against certain hostile and disaffected elements, often powerfully encouraged and assisted from the West.

Associated with this is the greater degree of independence of the judiciary (which will carry with it an increase also in the independence of defence advocates), to which I find a good deal of importance is attached in legal circles in the U.S.S.R. The judges of the people's courts are to be elected by the citizens of the district, by direct secret ballot, for a period of three years, instead of one as formerly, and cannot as I understand it be recalled during that period save by the electors themselves. This system will work far better in the atmosphere of the Soviet Union than it would in England, and is regarded by informed critics in the Union as not merely giving the judges a greater freedom over against the executive, but also as guarding against the possible danger of creating a judicial caste alien in sentiment to the general body of the people. The judges of the higher courts are elected by the Supreme Council or by territorial or regional Soviets for a period of five years instead of one. In all courts cases are heard in public, save where the law provides otherwise (as in such cases as espionage), and the right to defence counsel is now to be absolutely universal. The State Attorney, or procurator, whose very important functions in supervising and controlling the work of other Government organs demand a high degree of

independence, is appointed for seven years ; even subordinate procurators are appointed for five years.

The series of declarations of the fundamental rights of citizens, already mentioned, whilst in large part an illustration of the development of freedom above discussed, is worthy of closer study. To an English lawyer it forms an interesting contrast to the somewhat amorphous law of his own country, which may define duties with some accuracy, but leaves most rights of a general character to be implied or inferred from the absence of express prohibition or incidental illegality. To the ordinary citizen, again, they are of much wider interest. It is not necessary to assume that all the rights in question are immediately realisable, either in the sense in which an English Liberal would understand them, or in the sense in which they are regarded in the Soviet Union ; it is a sufficiently remarkable step forward that they should be set out as things desirable in themselves, things which if not fully achieved are at any rate accepted parts of a programme. Let us give a little consideration to these rights. They start with a proud assertion : " Citizens of the U.S.S.R. have the right to work—the right to guaranteed employment and payment for their work in accordance with its quantity and quality." Little comment is needed here ; one knows that this right is substantially realised in practice, and one knows only too well that if any other country in the world entertained the idea of putting such a right into its Constitution it would be met by bitter laughter.

The next right stated is the right to rest and leisure. This, again, is realised in a high degree ; but it is of course a necessary aim, urgently pursued, to make the rest and the leisure, and opportunities of enjoying them fully, always more real and generous. It is noticeable that here, as elsewhere in the declaration of rights, the manner of ensuring the right is expressly stated. The right to rest and leisure is ensured by the reduction of the working day to seven hours for the overwhelming majority of the workers, annual holidays with pay, and the wide network of sanatoria, rest homes and clubs. One comes next to the rights to maintenance in old age, in sickness, and in loss of capacity to work. (These are non-contributory services.) The rights are ensured, again, by the wide development of social insurance, by free medical service, and a great range of health resorts. There may be criticisms of the amounts of pensions, and of the efficiency of the actual administration ; but the system is there, and any necessary improvements can easily be made. Then there is the express right to education. I doubt whether there has ever been in the history of the world a cultural effort comparable in magnitude to that which has been put forward on behalf of the education of a whole backward world by the U.S.S.R. and its constituent republics in their few short years of life ; and, whatever gaps and crudities and improvisations may still be found, there is full justification for the claim that the right to education is ensured by, amongst other things, universal compulsory elementary education, by the fact that education,

including university education, is free of charge, and by the system of State scholarships for the overwhelming majority of students in the higher schools. Equal rights for women with men in all spheres—economic, State, cultural, social and political—comes next in the enumeration of fundamental rights. How just, how simple in a Socialist State; how tantalising and unrealisable elsewhere. Here too is a statement of the measures by which the rights are ensured; and it is clear that in the main the equality is effectively realised. The equality of the rights of all citizens of the U.S.S.R., irrespective of nationality or race, in economic, State, cultural, social and political life, is stated with emphasis as “an immutable law.” It is well known that this equality of rights has been very fully established in outlook and sentiment as well as in legislation, and it hardly needs emphasising what a tremendous advance in humanity this represents. Anyone who has ever thought of the position of Jews in pre-revolutionary Russia or post-civilisation Germany, or who has heard an English gentleman speak of the coloured races, will realise that this is a very great achievement, and a strong distinction between the U.S.S.R. and the capitalist world. Freedom of religious worship and of anti-religious propaganda are equally stated as fundamental rights. The prohibition on the holding of classes in religious instruction for more than a very small number of persons at a time under the age of sixteen presumably remains, but that is the only real restriction on religion in the U.S.S.R.; and the fact that priests now have the vote in

common with all other citizens is an indication that social opposition to those who wish to practise their religion has greatly diminished.

There follow a variety of rights which are familiar to the ears of English Liberals, who (without perhaps doing enough to defend them) value them the more highly as they see them diminish both on the Continent and in Great Britain. Freedom of speech, freedom of the Press, freedom of assembly and mass meetings, freedom of street processions and demonstrations—all ensured by the availability of printing presses, paper, public buildings, the streets. These rights may be understood in practice differently in different countries; no State really concedes them when their use may endanger its existence; it may take some time to realise them fully in the U.S.S.R., but at any rate one can say that it is many years since the right to speak critically in public was as severely restricted in the Soviet Union as most Englishmen still think it is, and one can repeat that it is a great thing to see these rights recognised as worthy objects in the Constitution of a country just beginning to emerge from the dictatorship of the proletariat, at a time when most countries are destroying all or part of them.

The next right stated is that of uniting in public organisations—trade unions, co-operatives, youth organisations and many others. There is then stated inviolability of the person, no person being placed under arrest except by decision of a court or with the sanction of a procuror. As I understand it, this does not refer to the detention which

must be applied to persons detected red-handed in crime ; but it is a real practical fact that, when the authorities desire to launch a prosecution against any citizen, they must carry their investigations far enough to produce something of a *prima facie* case before they can get authority to arrest. The last right guaranteed to citizens in this part of the Constitution is the inviolability of their homes and the secrecy of their correspondence. Many of us in England would welcome the restoration in practice of the latter right ; under what limitations the rights will be made effective in the U.S.S.R. will no doubt be seen shortly. Here, again, it is at any rate a great step forward to have them recognised and set out.

The last right to be mentioned has a familiar ring ; it is like the echo of the voice of a long-lost English friend ; it is in its nature not a right appropriate to citizens of the Union, for it is " the right of asylum to foreign citizens persecuted for defending the interests of the toilers, or for their scientific activities, or for their struggle for national liberation."

The last of the noteworthy features of the draft Constitution is the establishment of a supreme council, which has been, not unfairly, compared to a parliament. It has two chambers, the first being the Council of the Union, elected by equal direct universal franchise with secret ballot, on the basis of one member for every 300,000 of the population. (This will produce a body of the same size, approximately, as the House of Commons, of an infinite variety of race and interest.) The second, the

Council of Nationalities, consists of deputies selected by the Supreme Councils of the eleven Union Republics and of the Autonomous Republics, and by the Soviets of the Autonomous regions; this house will contain some 240 members and is intended to safeguard "national minorities." This Supreme Council, which has provisions of a familiar type for resolving differences between the two houses, is the sole repository of legislative power in the Union. Noticeable points are express provision for "questions in the house," to be answered within three days, and for popular referenda on the initiative of the Præsidium of the Supreme Council or of one of the Union Republics, together with the right to appoint commissions of inquiry and investigation, who are to have power to examine "the necessary materials and documents."

It remains of course to be seen how this "parliament" will develop in practice; whether it will have long debates, whether something like parties and groups will develop, or whether it will be little more than a recorder of decisions previously arrived at by party meetings (in which latter case it may bear after all a somewhat close resemblance to the British House of Commons).

The critic, friendly or unfriendly, will guard against assuming that theory is followed automatically by practice; but, whatever reservations one may make, the draft remains a very remarkable contribution to the development of human society, and one can well understand that widely different sections of citizens of the Soviet Union, not merely in newspaper interviews, but in private conversa-

tion, regard the draft as a really important aid to the security and happiness of their own and their children's lives in the future.

## CONSTITUTION OF THE U.S.S.R.

The CONSTITUTION which follows is a DRAFT which has been submitted to the whole of the population of the U.S.S.R. for discussion. It has been drawn up by a Committee appointed at the last Congress of Soviets, and which sat under the chairmanship of Stalin. Every day meetings are being held, letters are appearing in the Press, and while the new Constitution is being universally welcomed, the discussion is leading to large numbers of proposed amendments in the details of the draft. Only after this widespread discussion, in which every man and woman has the opportunity to express an opinion, will the new Constitution be discussed by the All Union Congress of Soviets and adopted in its final form.

To understand the new Constitution it is necessary to compare with the earlier Soviet Constitutions. In 1918, one year after the first Soviet Government in the world had been set up in Russia, a Constitution was drawn up for the RUSSIAN SOCIALIST FEDERATIVE SOVIET REPUBLIC (R.S.F.S.R.). This Constitution was adopted as a model by the other Soviet Republics which were set up round its borders. In 1922 all the existing Soviet Republics decided to join together in a Federation, and in 1924 the first Constitution of the UNION OF SOCIALIST SOVIET REPUBLICS was adopted. While the Constitution of the separate republics dealt in some detail with such matters as the "objects" of the Soviet State, the Constitution of the Union dealt mainly with the terms of union and the system of Government to be established for the Union as a whole. After the Union was formed the Constitution of the R.S.F.S.R. was revised in 1929. In order, therefore, fully to appreciate the new features in the new Constitution, it is necessary to draw comparisons with the original Russian Soviet Constitution of 1918, the Constitution of the Union 1924, and the Russian Constitution of 1929.

## CHAPTER I

### SOCIAL ORGANISATION

Article 1. The Union of Socialist Soviet Republics is a Socialist State of workers and peasants.

Article 2. The political foundation of the U.S.S.R. is formed by the soviets of toilers' deputies which have grown and become strong as a result of the overthrow of the power of the landlords and capitalists and the conquests of the dictatorship of the proletariat.

Compare these two articles with the Russian Soviet Constitution of 1918, which reads as follows: "The principal object of a Constitution for the present period of transition consists in the establishment (in the form of a strong Soviet Government) of the dictatorship of the urban and rural workers, combined with the poorer peasantry, to secure the complete suppression of the bourgeoisie, the abolition of the exploitation of man by man, and the establishment of Socialism."

It is clear that these objects having been obtained, a new Constitution expressing the new situation was essential.

Article 3. All power in the U.S.S.R. belongs to the toilers of the town and village in the form of soviets of toilers' deputies.

Here there is no change as compared with the Constitution of 1918. In that Constitution it is written: "Russia is declared a Republic of Soviets of Workers', Soldiers' and Peasants' Deputies. All central and local authority is vested in these Soviets.

Article 4. The economic foundation of the U.S.S.R. consists in the socialist system of economy, and socialist ownership of the implements and means of production, firmly established as a result of the liquidation of the capitalist system of economy, the abolition of private ownership of the instruments and means of production, and the abolition of the exploitation of man by man.

Article 5. Socialist ownership in the U.S.S.R. has either the form of state ownership (public property) or the form of co-operative and collective farm ownership (property of individual collective farms, property of co-operative associations).

Article 6. The land, its deposits, waters, forests, mills, factories, mines, railway, water and air transport, banks, means of communication, large agricultural enterprises organised by the state (state farms, machine and tractor stations, and so on), as well as the essential part of housing in the cities and industrial centres, is state property, that is, public property.

These articles again bring out the fulfilment of what were just Aims in the first Soviet Constitution of 1918, in which it is written: "In order to establish the socialisation of the land, private ownership of land is abolished. . . . All forests, underground mineral wealth, and waters of national importance, all live stock and appurtenances, together with all model farms and agricultural concerns, are declared public property. . . . As a FIRST STEP towards the complete transfer to the Workers' and Peasants' Soviet Republic of all factories, workshops, mines, railways and other means of production and transport, and in order to ensure the supremacy of the workers over the exploiters, the Congress ratifies the Soviet law on workers' control in industry and

that on the Supreme Economic Council. . . . The Congress ratifies the transfer of all banks to the Workers' and Peasants' Government, as one of the conditions ensuring the emancipation of the toiling masses from the yoke of capitalism."

Article 7. Public enterprises in collective farms and co-operative organisations, with their livestock and implements, products produced by the collective farms and co-operative organisations, as well as their public buildings, constitute the public, socialist property of the collective farms and co-operative organisations.

Each collective farm household has for its own use a plot of land attached to the household and, as individual property, subsidiary establishments on the land attached to the household, a house, productive livestock and poultry, and minor agricultural implements—in accordance with the statutes of the agricultural artel.

Article 8. The land occupied by collective farms is secured to them for use without time limit, that is, in perpetuity.

Article 9. Alongside the socialist system of economy, which is the dominant form of economy in the U.S.S.R., the law allows small private economy of individual peasants and handicraftsmen based on individual labour and excluding the exploitation of the labour of others.

Article 10. The personal ownership by citizens of their income from work and savings, home and auxiliary household economy, of objects of domestic and household economy as well as objects of personal use and comfort are protected by law.

Article 11. The economic life of the U.S.S.R. is

determined and directed by the national economic state plan for the purposes of increasing public wealth, of a steady rise in the material and cultural level of the toilers, of strengthening the independence of the U.S.S.R. and its defence capacity.

In the original Soviet Constitution no mention was made of a plan. The FIRST STEPS consisted in the "law on workers control in industry and that on the Supreme Economic Council."

Article 12. Work in the U.S.S.R. is the obligation of each citizen capable of working, according to the principle: "He who does not work shall not eat." In the U.S.S.R. the principle of socialism is being realised: "From each according to his ability, to each according to his work."

In this article there is a more precise statement of a clause in the original Constitution of 1918: "In order to exterminate all parasitic elements in society, and to organise the economic life of the country, work useful to the community shall be obligatory upon all." Note that here too the Aim expressed in the original Constitution has now been accomplished.

## CHAPTER II

### STATE ORGANISATION

Article 13. The Union of Socialist Soviet Republics is a federal state, formed on the basis of the voluntary association of the Socialist Soviet Republics with equal rights:—

Russian Federated Socialist Soviet Republic.  
Ukrainian Socialist Soviet Republic.  
White Russian Socialist Soviet Republic.  
Azerbaijan Socialist Soviet Republic.  
Georgian Socialist Soviet Republic.  
Armenian Socialist Soviet Republic.  
Turkmenian Socialist Soviet Republic.  
Uzbek Socialist Soviet Republic.  
Tajik Socialist Soviet Republic.  
Kazakh Socialist Soviet Republic.  
Kirghiz Socialist Soviet Republic.

In the first Constitution of the Union there are SEVEN Union Republics with equal rights. In the new Constitution there are eleven, Armenia, Georgia and Azerbaidjan, which formed together the Transcaucasian Federated Republic previously, are now equal Republics with the Russian, Ukrainian, and others. The Kazakh and Kirghiz Republics have also been raised in status from being autonomous Republics *within* the Russian Federated Republic to a position of *equality with* the Russian Federated Republic. This means a considerable raising of the status of certain nations in the Union, nations who were colonial peoples subject to Russia before 1917.

Article 14. The jurisdiction of the Union of Socialist Soviet Republics, as represented by its supreme organs of power and organs of state administration, extends to:—

- (a) Representation of the Union in international relations, conclusion and ratification of treaties with other states.
- (b) Questions of war and peace.
- (c) Admission of new republics in to the U.S.S.R.
- (d) Control of the observance of the Constitu-

tion of the U.S.S.R. and ensuring conformity of the constitutions of the Union republics with the Constitution of the U.S.S.R.

- (e) Approval of alterations of boundaries between Union republics.
- (f) Organisation of the defence of the U.S.S.R. and the direction of all the armed forces of the U.S.S.R.
- (g) Foreign trade on the basis of the state monopoly.
- (h) Protection of state security.
- (i) Establishment of the national economic plans of the U.S.S.R.
- (j) Approval of the unified state budget of the U.S.S.R. as well as the taxes and revenues entering into the U.S.S.R., Union republic and local budgets.
- (k) Administration of banks, industrial and agricultural establishments as well as trading enterprises of all-Union importance.
- (l) Administration of transport and means of communication.
- (m) Direction of the monetary and credit system.
- (n) Organisation of the state insurance of property.
- (o) Contracting and granting loans.
- (p) Establishment of the fundamental principles for the use of land as well as the exploitation of deposits, forests and waters.
- (q) Establishment of the fundamental prin-

principles in the field of education and protection of public health.

- (r) Organisation of a unified system of national economic accounting.
- (s) Establishment of basic labour laws.
- (t) Legislation on judicature and legal procedure, criminal and civil codes.
- (u) Laws on citizenship of the Union, laws on the rights of foreigners.
- (v) Passing all-Union amnesty acts.

*Note (i)* "Establishment of the national economic plans of the U.S.S.R." Compare with the first Union Constitution of 1924: "Laying the foundations of, and establishing a general plan for the entire national economy of the Union . . ." Compare again, with 1918, "the Congress ratifies the Soviet law on workers' control in industry and that on the Supreme Economic Council."

Article 15. The sovereignty of the Union republics is restricted only within the limits set forth in Article 14 of the Constitution of the U.S.S.R. Outside of these limits, each Union republic exercises independently its state power. The U.S.S.R. protects the sovereign rights of the Union republics.

Article 16. Every Union republic has its own constitution, which takes into account the specific features of the republic and is drawn up in full conformity with the Constitution of the U.S.S.R.

Article 17. Each Union republic retains its right freely to secede from the U.S.S.R.

Article 18. The territory of the Union republics may not be changed without their consent.

Article 19. The laws of the U.S.S.R. have the same force in the territories of all Union republics.

Article 20. In the event of a law of a Union republic differing from an all-Union law, the all-Union law is operative.

Article 21. A single Union citizenship is established for all citizens of the U.S.S.R. Every citizen of a Union republic is a citizen of the U.S.S.R.

Article 22. The Russian Socialist Federated Soviet Republic consists of the following Territories: Azov-Black Sea, Far East, West Siberia, Krasnovarsk, North Caucasus; Provinces: Voronezh, East Siberia, Gorky, Western, Ivanovo, Kalinin, Kirov, Kuibyshev, Kursk, Leningrad, Moscow, Omsk, Orenburg, Saratov, Sverdlovsk, Northern, Stalingrad, Chelyabinsk, Yaroslavl; Autonomous Soviet Socialist Republics: Tatar, Bashkir, Daghestan, Buryat-Mongolia, Kabardino-Balkaria, Kalmuck, Karelia, Komi, Crimea, Marii, Mordva, Volga German, North Osetia, Udmurt, Chechen-Ingush, Chuvash, Yakut; Autonomous Provinces: Adygei, Jewish, Karachayev, Oiro, Khakass, Cherkess.

Article 23. The Ukrainian Socialist Soviet Republic consists of the following Provinces: Vinnitsa, Dniepropetrovsk, Donets, Kiev, Odessa, Kharkov, Chernigov, and the Moldavian Autonomous Soviet Socialist Republic.

Article 24. The Azerbaijan Socialist Soviet Republic includes the Nakhichevan Autonomous Soviet Socialist Republic and the Nagorno-Karabakh Autonomous Province.

Article 25. The Georgian Socialist Soviet Republic includes the Abkhazian A.S.S.R., Ajarian A.S.S.R., South Osetian Autonomous Province.

Article 26. The Uzbek Socialist Soviet Republic includes the Kara-Kalpak A.S.S.R.

Article 27. The Tajik Socialist Soviet Republic includes the Gorno-Badakhshan Autonomous Province.

Article 28. The Kazakh Socialist Soviet Republic consists of the following Provinces: Aktyubinsk, Alma-Ata, East Karakhstan, West Kazakhstan, Karaganda, South Kazakhstan.

Article 29. The Armenian S.S.R., White Russian S.S.R., Turkmenian S.S.R. and Kirghiz S.S.R. do not include any autonomous republics or territories and provinces.

### CHAPTER III

#### THE SUPREME ORGANS OF STATE POWER OF THE UNION OF SOCIALIST SOVIET REPUBLICS

Article 30. The supreme organ of state power of the U.S.S.R. is the Supreme Council of the U.S.S.R.

Article 31. The Supreme Council of the U.S.S.R. exercises all rights vested in the Union of Socialist Soviet Republics according to Article 14 of the Constitution, in so far as they do not enter, by virtue of the Constitution, into the competence of those organs of the U.S.S.R. subordinate to the Supreme Council of the U.S.S.R.: the Presidium of the Supreme Council of the U.S.S.R., the Council

of People's Commissars of the U.S.S.R., and the People's Commissariats of the U.S.S.R.

Article 32. The legislative power of the U.S.S.R. is exercised exclusively by the Supreme Council of the U.S.S.R.

Article 33. The Supreme Council of the U.S.S.R. consists of two chambers : the Council of the Union and the Council of Nationalities.

Compare first Constitution of the Union, 1924 : "The Congress of Soviets, and, during the intervals between the Congresses of Soviets, the Central Executive Committee of the Union of Socialist Soviet Republics, consisting of the Union council and the Council of Nationalities, shall be the supreme authorities of the Union of Socialist Soviet Republics."

Note that the "two chambers," in fact, have existed since the formation of the Union, as the two Councils of the Central Executive Committee.

Article 34. The Council of the Union is elected by the citizens of the U.S.S.R. on the basis of one deputy per 300,000 of population.

Compare Constitution of 1924 : "The Congress of Soviets shall elect a Union Council to consist of representatives of the Union Republics in proportion to the population of each of them and in such number as shall be determined by the Congress." The Council of the Union was elected by, and was responsible to, the Congress of Soviets. By the new Constitution it is to be elected by, and responsible to, the citizens of the U.S.S.R. as electors.

Article 35. The Council of Nationalities consists of deputies appointed by the Supreme Councils of the Union and autonomous republics and soviets of toilers' deputies in the autonomous provinces : on

the basis of ten deputies from each Union republic, five deputies from each autonomous republic and two deputies from each autonomous province.

Compare the Constitution of 1924: "The Council of Nationalities shall consist of five representatives each from the Union and Autonomous Socialist Soviet Republics and of one representative each from the Autonomous Oblasts. The composition of the Council of Nationalities shall be confirmed as a whole by the Congress of Soviets of the Union." Note that, since there was an absolute majority of Russians in the Congress of Soviets, it was THEORETICALLY POSSIBLE for the Russian majority to veto the nominations of the national republics, though such a situation did not in fact arise.

Article 36. The Supreme Council of the U.S.S.R. is elected for a period of four years.

Article 37. Both chambers of the Supreme Council of the U.S.S.R., the Council of the Union and Councils of Nationalities, have equal rights.

Article 38. Legislative initiative belongs in equal degree to the Council of the Union and the Council of Nationalities.

Article 39. A law is considered approved if adopted by both chambers of the Supreme Council of the U.S.S.R. by simple majority vote in each.

Article 40. Laws adopted by the Supreme Council of the U.S.S.R. are published over the signatures of the Chairman and Secretary of the Presidium of the Supreme Council of the U.S.S.R.

Article 41. Sessions of the Council of the Union and the Council of Nationalities begin and terminate concurrently.

Article 42. The Council of the Union elects the

chairman of the Council of the Union and two vice-chairmen.

Article 43. The Council of Nationalities elects the chairman of the Council of Nationalities and two vice-chairmen.

Article 44. The chairmen of the Council of the Union and of the Council of Nationalities direct the sessions of the corresponding chambers and regulate their inner arrangements.

Article 45. Joint sessions of both chambers of the Supreme Council of the U.S.S.R. are directed in turn by the chairman of the Council of the Union and the chairman of the Council of Nationalities.

Article 46. Sessions of the Supreme Council of the U.S.S.R. are convened by the Presidium of the Supreme Council of the U.S.S.R. twice a year.

Extraordinary sessions are convened by the Presidium of the Supreme Council of the U.S.S.R. at its discretion or on the demand of one of the Union republics.

Article 47. In case of disagreement between the Council of the Union and the Council of Nationalities the question is referred for settlement to a conciliation commission established on the basis of equal representation. If the conciliation commission does not come to an agreement upon a decision, or if its decision does not satisfy one of the chambers, the question is considered for a second time in the chambers. In the event of the two chambers not agreeing upon a decision, the Presidium of the Supreme Council of the U.S.S.R. dissolves the Supreme Council of the U.S.S.R. and fixes new elections.

In the Constitution of 1924, if agreement on a question is not reached by the two councils after attempts at conciliation, "it may, at the demand of either of these bodies, be submitted to a regular or special Congress of Soviets for decision."

Here, too, as in the case of the Congress of Soviets confirming nominations to the Council of Nationalities, there is a THEORETICAL POSSIBILITY of a Russian majority in the Congress overruling all the other nationalities of the Union, in virtue of the fact that the Russian population, being an absolute majority in the Union, has an absolute majority in the Congress.

In the new Constitution such a possibility is ruled out. The supreme councils of the republics alone appoint their representatives to the Council of Nationalities, and, if there is a fundamental disagreement, the only way out is new elections, and no law can be passed until there is agreement between the two Councils.

Article 48. The Supreme Council of the U.S.S.R. elects, at a joint session of both chambers, the Presidium of the Supreme Council of the U.S.S.R., composed of the Chairman of the Presidium of the Supreme Council of the U.S.S.R., four Vice-Chairmen, the Secretary of the Presidium and thirty-one members of the Presidium.

The Presidium of the Supreme Council of the U.S.S.R. is accountable to the Supreme Council of the U.S.S.R. in all its activities.

Article 49. The Presidium of the Supreme Council of the U.S.S.R. :—

- (a) Convenes sessions of the Supreme Council of the U.S.S.R.
- (b) Interprets laws in operation by issuing appropriate instructions.

- (c) Dissolves the Supreme Council of the U.S.S.R. on the basis of Article 47 of the Constitution of the U.S.S.R. and fixes new elections.
- (d) Conducts a referendum on its own initiative or the demand of one of the Union republics.
- (e) Rescinds decisions and orders of the Council of People's Commissars of the U.S.S.R. and the Councils of People's Commissars of the republics in the event that they are not in accordance with the law.
- (f) Between sessions of the Supreme Council of the U.S.S.R. relieves of their duties and appoints the various People's Commissars of the U.S.S.R. at the instance of the Chairman of the Council of People's Commissars of the U.S.S.R., to be later submitted for confirmation by the Supreme Council of the U.S.S.R.
- (g) Awards decorations of the U.S.S.R.
- (h) Exercises the right of pardon.
- (i) Appoints and replaces the supreme command of the armed forces of the U.S.S.R.
- (j) Between sessions of the Supreme Council of the U.S.S.R. declares a state of war in the event of an armed attack on the U.S.S.R.
- (k) Declares general or partial mobilisation.
- (l) Ratifies international treaties.
- (m) Appoints and recalls plenipotentiary representatives of the U.S.S.R. to foreign states.
- (n) Accepts the credentials of diplomatic representatives of foreign states.

The powers of the Presidium are strictly limited. In the Constitution of 1924, it is stated that "During the intervals between the sessions of the Central Executive Committee the supreme authority shall be vested in the Presidium." By the new Constitution authority is delegated to the Presidium to act only in the ways stated. It is noteworthy that the Presidium may only "declare a state of war" in the event of an attack on Soviet territory. Outside this particular circumstance, "questions of war and peace" are to be settled by the Supreme Council. A referendum is provided for in this article.

Article 50. The Council of the Union and the Council of Nationalities elect Credential Commissions which verify the authorisation of the deputies of each chamber.

On representation from the Credential Commission the chambers decide either to recognise the authorisation or annul the elections of the individual deputies.

Article 51. The Supreme Council of the U.S.S.R. appoints, when it deems necessary, investigating and auditing commissions on any question.

All institutions and officials are obliged to comply with the demands of these commissions and to supply them with the necessary materials and documents.

Article 52. A deputy of the Supreme Council of the U.S.S.R. cannot be prosecuted or arrested without the consent of the Supreme Council of the U.S.S.R. and, in the period when the Supreme Council of the U.S.S.R. is not in session, without the agreement of the Presidium of the Supreme Council of the U.S.S.R.

Article 53. After the authority of the Supreme

Council of the U.S.S.R. has expired or after the Supreme Council has been dissolved before the expiration of its term, the Presidium of the Supreme Council of the U.S.S.R. preserves its authority until the formation by the newly elected Supreme Council of the U.S.S.R. of a new Presidium of the Supreme Council of the U.S.S.R.

Article 54. When the authority of the Supreme Council of the U.S.S.R. expires or in the event of its dissolution before the expiration of its term, the Presidium of the Supreme Council of the U.S.S.R. fixes new elections within a period of not more than two months from the date of the expiration of its authority or the dissolution of the Supreme Council of the U.S.S.R.

Article 55. The newly elected Supreme Council of the U.S.S.R. is convened by the former Presidium of the Supreme Council of the U.S.S.R. not later than a month after the elections.

Article 56. The Supreme Council of the U.S.S.R. at a joint session of both chambers forms the Government of the U.S.S.R.—the Council of People's Commissars of the U.S.S.R.

## CHAPTER IV

### SUPREME ORGANS OF STATE POWER OF THE UNION REPUBLICS

Article 57. The supreme organ of state power of a Union republic is the Supreme Council of the Union republic.

Article 58. The Supreme Council of the Union republic is elected by citizens of the republic for a period of four years.

The ratio of representation is determined by the constitutions of the Union republics.

Article 59. The Supreme Council of the Union republic is the sole legislative organ of the republic.

Article 60. The Supreme Council of the Union republic :—

- (a) Adopts the Constitution of the republic and amends it in accordance with Article 16 of the Constitution of the U.S.S.R.
- (b) Ratifies the constitutions of the autonomous republics belonging to it and defines the boundaries of their territories.
- (c) Approves the national economic plan and budget of the republic.
- (d) Exercises the right of amnesty and pardon to citizens sentenced by judicial organs of the Union republic.

Article 61. The Supreme Council of the Union republic elects a Presidium of the Supreme Council of the Union republic composed of : the chairman of the Presidium of the Supreme Council of the Union republic, his deputies, and members of the Presidium of the Supreme Council of the Union republic.

The powers of the Presidium of the Supreme Council of a Union republic are determined by the constitution of the Union republic.

Article 62. The Supreme Council of the Union republic elects the chairman and his deputies to conduct its meetings.

Article 63. The Supreme Council of the Union republic organises the government of the Union republic—the Council of People's Commissars of the Union republic.

According to the Constitutions of 1918 and 1924 the supreme authority in each Union Republic was the Congress of Soviets of that Republic, and between its sessions, the Central Executive Committee which it elected. Now, by the new Constitution, the place of the Congress and Central Executive Committee is taken by the Supreme Council.

## CHAPTER V

### ORGANS OF STATE ADMINISTRATION OF THE UNION OF SOCIALIST SOVIET REPUBLICS

Article 64. The supreme executive and administrative organ of state power in the Union of Soviet Socialist Republics is the Council of People's Commissars of the U.S.S.R.

Article 65. The Council of People's Commissars of the U.S.S.R. is responsible to the Supreme Council of the U.S.S.R. and accountable to it.

Article 66. The Council of People's Commissars of the U.S.S.R. issues decisions and orders on the basis of and in fulfilment of laws in effect and controls their execution.

Article 67. Decisions and orders of the Council of People's Commissars of the U.S.S.R. have obligatory force and must be carried out throughout the entire territory of the U.S.S.R.

Article 68. The Council of People's Commissars of the U.S.S.R. :—

- (a) Unites and directs the work of the all-Union and Union-republic people's commissariats of the U.S.S.R. and of other economic and cultural institutions under its jurisdiction.
- (b) Takes measures to realise the national economic plan and state budget and to strengthen the credit-monetary system.
- (c) Takes measures to ensure public order, to defend the interests of the state, and to safeguard the rights of citizens.
- (d) Exercises general direction in the realm of relations with foreign states.
- (e) Determines the annual contingent of citizens subject to be called for active military service and directs the general upbuilding of the armed forces of the country.

Article 69. The Council of People's Commissars of the U.S.S.R. has the right in respect to those branches of administration and economy which fall within the jurisdiction of the U.S.S.R. to suspend decisions and orders of the Councils of People's Commissars of the Union republics and to annul orders and instructions of the People's Commissars of the U.S.S.R.

Article 70. The Council of People's Commissars of the U.S.S.R. is formed by the Supreme Council of the U.S.S.R. and is composed as follows :—

The Chairman of the Council of People's Commissars of the U.S.S.R.

The Vice-Chairmen of the Council of People's Commissars of the U.S.S.R.

The Chairman of the State Planning Commission of the U.S.S.R.

The Chairman of the Soviet Control Commission.

The People's Commissars of the U.S.S.R.

The Chairman of the Committee for Purchasing Agricultural Products.

The Chairman of the Art Committee.

The Chairman of the Committee for Higher Education.

Article 71. The Government of the U.S.S.R. or the People's Commissar of the U.S.S.R. to whom any question of a deputy of the Supreme Council is addressed is obliged to give an oral or written reply in the respective chamber within a period of not more than three days.

Article 72. People's Commissars of the U.S.S.R. direct the branches of state administration which come within the jurisdiction of the U.S.S.R.

Article 73. The People's Commissars of the U.S.S.R. issue within the limits of jurisdiction of the respective People's Commissariats orders and instructions on the basis of and in fulfilment of laws in effect, as well as of decisions and orders of the Council of People's Commissars of the U.S.S.R. and verify their fulfilment.

Article 74. The People's Commissariats of the U.S.S.R. are either All-Union or Union-republic.

Article 75. The All-Union People's Commis-

sariats direct the branch of a state administration entrusted to them on the entire territory of the U.S.S.R. either directly or through organs assigned by them.

Article 76. Union-republic People's Commissariats direct the branch of a state administration entrusted to them through identically named People's Commissariats of the Union republics.

Article 77. The following People's Commissariats comprise the All-Union People's Commissariats :—

Defence.

Foreign Affairs.

Foreign Trade.

Railways.

Communications.

Water Transport.

Heavy Industry.

Article 78. The following People's Commissariats comprise the Union-republic People's Commissariats :—

Food Industry.

Light Industry.

Timber Industry.

Agriculture.

State Grain and Livestock Farms.

Finance.

Home Trade.

Home Affairs.

Justice.

Health.

## CHAPTER VI

### ORGANS OF STATE ADMINISTRATION OF THE UNION REPUBLICS

Article 79. The supreme executive and administrative organ of state power of a Union republic is the Council of People's Commissars of the Union republic.

Article 80. The Council of People's Commissars of a Union republic is responsible to the Supreme Council of the Union republic and is accountable to it.

Article 81. The Council of People's Commissars of a Union republic issues decisions and orders on the basis of and in fulfilment of the laws in effect in the U.S.S.R. and the Union republic, and of decisions and orders of the Council of People's Commissars of the U.S.S.R., and verifies their execution.

Article 82. The Council of People's Commissars of a Union republic has the right to suspend decisions and orders of the Councils of People's Commissars of autonomous republics and to rescind decisions and orders of executive committees of soviets of toilers' deputies of territories, provinces and autonomous provinces.

Article 83. The Council of People's Commissars of a Union republic is formed by the Supreme Council of the Union republic and is composed of :—

The chairman of the Council of People's Commissars of the Union republic.

The vice-chairmen.

The chairman of the State Planning Commission.

People's Commissars :—

Of the Food Industry.

Of Light Industry.

Of the Timber Industry.

Of Agriculture.

Of State Grain and Livestock Farms.

Of Finance.

Of Home Trade.

Of Home Affairs.

Of Justice.

Of Health.

Of Education.

Of Local Industry.

Of Communal Economy.

Of Social Welfare.

A representative of the Committee for Purchasing Agricultural Products.

Chief of the Art Administration.

Representatives of the All-Union People's Commissariats.

Article 84. The People's Commissars of a Union republic administer branches of the state administration which come within the jurisdiction of the Union republic.

Article 85. The People's Commissars of a Union republic issue within the limits of jurisdiction of respective People's Commissariats orders and instructions on the basis of and in fulfilment of the laws of the U.S.S.R. and the Union republic, decisions and orders of the Council of People's

Commissars of the U.S.S.R. and the Union republic, and of orders and instructions of the Union-republic People's Commissariats of the U.S.S.R.

Article 86. The People's Commissariats of a Union republic are either Union-republic or republic.

Article 87. Union-republic People's Commissariats administer the branch of a state administration entrusted to them, being subordinate both to the Council of People's Commissars of the Union republic and corresponding Union-republic People's Commissariat of the U.S.S.R.

Article 88. Republic People's Commissariats administer the branch of a state administration entrusted to them, being subordinated directly to the Council of People's Commissars of the Union republic.

The Council of People's Commissars has existed both in each Republic, and for the Union as a whole, ever since their foundation. Previously, however, it was set up in each republic by the Central Executive Committee in that Republic, and the All-Union Council of People's Commissars was appointed by the Central Executive Committee of the Union.

## CHAPTER VII

### THE SUPREME ORGANS OF STATE POWER OF THE AUTONOMOUS SOCIALIST SOVIET REPUBLICS

Article 89. The supreme organ of state power of

an autonomous republic is the Supreme Council of the A.S.S.R.

Article 90. The Supreme Council of an autonomous republic is elected by the citizens of the republic for a period of four years in the ratio of representation established by the constitution of the autonomous republic.

Article 91. The Supreme Council of an autonomous republic is the sole legislative organ of the A.S.S.R.

Article 92. Each autonomous republic has its own constitution which takes into account the specific features of the autonomous republic and is drawn up in full conformity with the constitution of the Union republic.

Article 93. The Supreme Council of an autonomous republic elects the Presidium of the Supreme Council of the autonomous republic and forms a Council of People's Commissars of the autonomous republic, in accordance with its constitution.

## CHAPTER VIII

### LOCAL ORGANS OF STATE POWER

Article 94. The organs of state power in territories, provinces, autonomous provinces, regions, districts, cities and villages (stanitsas, khutors, kishlaks, auls) are soviets of toilers' deputies.

Article 95. The soviets of toilers' deputies of territories, provinces, autonomous provinces, regions, districts, cities and villages (stanitsas,

khutors, kishlaks, auls) are elected by the toilers of the respective territory, province, autonomous province, region, district, city or village for a period of two years.

Article 96. The ratio of representation in the soviets of toilers' deputies are determined by the constitutions of the Union republics.

Article 97. The soviets of toilers' deputies direct the activities of the organs of administration subordinated to them, ensure the maintenance of state order, observation of the laws and the protection of the rights of citizens, carry out local economic and cultural construction and draw up the local budget.

Article 98. The soviets of toilers' deputies adopt decisions and issue orders within the limits of the powers vested in them by the laws of the U.S.S.R. and the Union republic.

Article 99. The executive and administrative organs of the soviets of toilers' deputies of the territories, provinces, autonomous provinces, regions, districts and cities are the executive committees elected by them, composed of the chairman, the vice-chairmen and members.

Article 100. The executive and administrative organ of village soviets of toilers' deputies in small localities, in accordance with the constitutions of the Union republics, are the chairman, vice-chairmen and members elected by them.

Article 101. The executive organs of the soviets of toilers' deputies are directly accountable both to the soviets of toilers' deputies which elected them and to the executive organ of the higher soviet of toilers' deputies.

Under the earlier Constitutions the Soviets were directly elected as the organs of power in town and village. For larger areas, the supreme authority was the Congress of Soviets, consisting of delegates from town and village Soviets. Now in the larger territories, as well as in town and village, directly elected Soviets are to be the supreme authority.

## CHAPTER IX

### THE COURTS AND THE STATE ATTORNEY'S OFFICE

Article 102. Justice in the U.S.S.R. is administered by the Supreme Court of the U.S.S.R., the supreme courts of the Union republics, territory and province courts, courts of the autonomous republics and autonomous provinces, special courts of the U.S.S.R. which are created by decision of the Supreme Council of the U.S.S.R. and People's Courts.

Note, in the Constitution of 1924, the phrase: "For the purpose of enforcing revolutionary law and order . . ." In addition, in the Constitution of 1924, a chapter of three articles is devoted to the O.G.P.U. (State Political Department) which is set up for the purpose of "combining the revolutionary efforts of the Union Republics to combat the political and economic counter-revolution, espionage and banditry." These articles are now omitted.

Article 103. In all courts, cases are tried with the participation of the people's associate judges, with the exception of cases specially provided for by law.

Article 104. The Supreme Court of the U.S.S.R.

is the highest judicial organ. It is charged with supervision of the activity of all judicial organs of the U.S.S.R. and Union republics.

Article 105. The Supreme Court of the U.S.S.R. and special courts of the U.S.S.R. are elected by the Supreme Council of the U.S.S.R. for a period of five years.

Article 106. The supreme courts of Union republics are elected by the Supreme Councils of the Union republic for a period of five years.

Article 107. The supreme courts of autonomous republics are elected by the Supreme Council of the autonomous republics for a period of five years.

Article 108. Territory and province courts, and courts of the autonomous provinces are elected by territory or province soviets of toilers' deputies or by soviets of toilers' deputies of the autonomous provinces for a period of five years.

Article 109. People's Courts are elected by secret ballot for a period of three years by citizens of the district, on the basis of universal, direct and equal suffrage.

Article 110. Court proceedings are conducted in the language of the Union or autonomous republic or autonomous province, persons not knowing this language being ensured the possibility of fully acquainting themselves with the material of the case through an interpreter as well as having the right to address the court in their native language.

Article 111. In all courts of the U.S.S.R. cases are heard openly, except when otherwise provided for by law, and the accused person is ensured the right of defence.

Article 112. Judges are independent and subject only to the law.

Article 113. Highest supervision of the exact observance of the laws by all People's Commissariats and institutions under them, as well as by individual persons holding official posts, and also by citizens of the U.S.S.R., is vested in the State Attorney of the U.S.S.R.

Article 114. The State Attorney of the U.S.S.R. is appointed by the Supreme Council of the U.S.S.R. for a period of seven years.

Article 115. State Attorneys of republics, territories and provinces, as well as prosecutors of autonomous republics and autonomous provinces, are appointed by the Procurator of the U.S.S.R. for a period of five years.

Article 116. State Attorneys of Districts are appointed for a period of five years by the prosecutors of the Union republics with the approval of the Procurator of the U.S.S.R.

Article 117. The State Attorneys' offices perform their functions independently of any local organs whatsoever, being responsible to the Procurator of the U.S.S.R. alone.

## CHAPTER X

### BASIC RIGHTS AND OBLIGATIONS OF CITIZENS

A separate chapter on BASIC RIGHTS AND OBLIGATIONS was not included in the earlier Constitutions, these questions being dealt with less fully than now and under "General Principles."

Article 118. Citizens of the U.S.S.R. have the right to work—the right to receive guaranteed work with payment for their work in accordance with its quantity and quality.

The right to work is ensured by the socialist organisation of national economy, the steady growth of the productive forces of Soviet society, the absence of economic crises, and the abolition of unemployment.

Article 119. Citizens of the U.S.S.R. have the right to rest.

The right to rest is ensured by the reduction of the working day to seven hours for the overwhelming majority of the workers, establishment of annual vacations with pay for workers and employees and provision of a wide network of sanatoriums, rest homes and clubs for the accommodation of the toilers.

Article 120. Citizens of the U.S.S.R. have the right to material security in old age as well as in the event of sickness and loss of capacity to work.

This right is ensured by the wide development of social insurance of workers and employees at the

expense of the state, free medical aid, and the provision of a wide network of health resorts for the use of the toilers.

The above three rights did not appear in any earlier Constitution, since unemployment was only finally abolished in 1931. While the Right to Rest was not included in the earlier Constitutions, one of the first laws of the Soviet Government was to introduce the eight-hour day, and to introduce paid holidays. Sickness Insurance was also introduced at an early stage, while pensions for the aged have been introduced by degrees according to industry.

Article 121. Citizens of the U.S.S.R. have the right to education.

This right is ensured by universal compulsory elementary education, free of charge, including higher education, by the system of state stipends for the overwhelming majority of students in higher schools, instruction in schools in the native language, and organisation of free industrial, technical and agronomic education for the toilers at the factories, state farms, machine and tractor stations and collective farms.

Compare the Russian Constitution of 1918: "To ensure the Workers effective access to education, the R.S.F.S.R. sets before itself the task of providing for the workers and poorer peasants a complete, universal and free education." It is now provided.

Article 122. Women in the U.S.S.R. are accorded equal rights with men in all fields of economic, state, cultural, social and political life.

The possibility of realising these rights of women is ensured by affording women equally with men

the right to work, payment for work, rest, social insurance and education, state protection of the interests of mother and child, granting pregnancy leave with pay, and the provision of a wide network of maternity homes, nurseries and kindergartens.

Article 123. The equality of the rights of citizens of the U.S.S.R., irrespective of their nationality or race, in all fields of economic, state, cultural, social and political life, is an irrevocable law.

Any direct or indirect restriction of these rights, or conversely the establishment of direct or indirect privileges for citizens on account of the race or nationality to which they belong, as well as any propagation of racial or national exceptionalism or hatred and contempt, is punishable by law.

Compare the Russian Soviet Constitution of 1918: "The Russian Socialist Federal Soviet Republic, recognising the equality of all citizens before the law, irrespective of race or nationality, declares it contrary to the fundamental laws of the Republic to institute or tolerate privileges, or any prerogative whatsoever, founded on such grounds, or to repress national minorities, or in any way to limit their rights."

Article 124. To ensure to citizens freedom of conscience the church in the U.S.S.R. is separated from the state and the school from the church. Freedom to perform religious rites and freedom of anti-religious propaganda is recognised for all citizens.

In the text of 1918 the words "freedom of religious and anti-religious propaganda" were used instead of "religious rites and anti-religious propaganda."

The latter formulation was used in the revised Russian Soviet Constitution of 1929.

Article 125. In accordance with the interests of the toilers, for the purpose of strengthening the socialist system, the citizens of the U.S.S.R. are guaranteed :—

- (a) Freedom of speech.
- (b) Freedom of the Press.
- (c) Freedom of assembly and meetings.
- (d) Freedom of street processions and demonstrations.

These rights of the citizens are ensured by placing at the disposal of the toilers and their organisations printing presses, supplies of paper, public buildings, streets, means of communication and other material conditions necessary for their realisation.

In the Constitution of 1918 the following were included :  
“ To ensure for the workers effective liberty of opinion, the R.S.F.S.R. puts an end to the dependence of Press upon Capital, transfers to the working class and to the peasants all the technical and material resources necessary for the publication of newspapers, pamphlets, books, and other printed matters ; and guarantees their unobstructed circulation throughout the country.”

“ To ensure for the workers complete freedom of meeting, the R.S.F.S.R., recognising the right of its citizens freely to organise meetings, processions and so on, places at the disposal of the workers and peasants all premises convenient for public gatherings, together with lighting, heating and furniture.”

Article 126. In accordance with the interests of the toilers and for the purpose of developing the

organisational self-expression and political activity of the masses of the people, citizens of the U.S.S.R. are ensured the right of combining in public organisations: trade unions, co-operative associations, youth organisations, sport and defence organisations, cultural, technical and scientific societies, and for the most active and conscientious citizens from the ranks of the working class and other strata of the toilers of uniting in the Communist Party of the U.S.S.R., which is the vanguard of the toilers in their struggle for strengthening and developing the socialist system and which represents the leading nucleus of all organisations of the toilers, both public and state.

Compare with the Constitution of 1918: "To ensure for the workers full liberty of association, the R.S.F.S.R., which has destroyed the economic and political power of the propertied classes, and has thus removed the obstacles which hitherto in capitalist society prevented the workers from and peasants from enjoying freedom of association and action, lends to the workers and peasants all its material and moral assistance to help them to unite and to organise themselves." The new Constitution gives concrete definition of the types of organisations which have arisen as a result of the transition to Socialism.

Article 127. The citizens of the U.S.S.R. are ensured the inviolability of the person. No one may be subjected to arrest except upon the decision of a court or with the sanction of the State Attorney.

Article 128. The inviolability of the homes of citizens and the secrecy of correspondence are protected by law.

Such guarantees as these were not previously included in

the Constitution, since such rights were not guaranteed by the Soviet State at any stage of its existence to the representatives of the exploiting classes.

Article 129. The U.S.S.R. grants the right of asylum to foreign citizens persecuted for defending the interests of the toilers or for their scientific activity or for their struggle for national liberation.

In the original Russian Soviet Constitution of 1918 the right of asylum was granted to "all foreigners persecuted for political and religious offences."

In the amended Russian Soviet Constitution of 1929 it gave the right to "all foreigners persecuted for their revolutionary or liberating activities."

Article 130. Every citizen of the U.S.S.R. is obliged to observe the Constitution of the Union of Socialist Soviet Republics, to carry out the laws, observe labour discipline, honestly fulfil his social duties, and respect the rules of the socialist community.

Article 131. Every citizen of the U.S.S.R. is obliged to safeguard and consolidate public, socialist property as the sacred inviolable foundation of the Soviet system, as the source of wealth and might of the fatherland, as the source of the prosperous cultural life of all the toilers. Persons attempting to violate public socialist property are enemies of the people.

Article 132. Universal military service is the law. Military service in the Workers' and Peasants' Red Army represents the honourable duty of the citizens of the U.S.S.R.

In the Russian Soviet Constitution of 1918 it is written :

“To safeguard in every possible way the conquests of the great workers’ and peasants’ revolution, the R.S.F.S.R. declares it the duty of all its citizens to defend the Socialist fatherland, and establishes universal military service. The honour of bearing arms in defence of the revolution is granted only to the workers. The leisured sections of the population will fulfil other military duties.” Also, “The Congress decrees the arming of the workers, the forming of a Socialist Red Army of workers and peasants, and the complete disarmament of the propertied classes.”

Article 133. The defence of the fatherland is the sacred duty of every citizen of the U.S.S.R. Treason to the fatherland: violation of oath, desertion to the enemy, impairing the military might of the state, or espionage for a foreign state is punishable with the full severity of the law as the most heinous crime.

## CHAPTER XI

### ELECTORAL SYSTEM

According to previous Constitutions, deputies to the town and village Soviets were elected by the electors by show of hands at meetings. The larger territories were governed by Congresses of Soviets, and Executive Committees between Congresses. In the All-Russian, and in the All-Union Congresses of Soviets the towns were represented by ONE delegate for every 25,000 electors, and the provinces by ONE delegate for every 125,000 inhabitants (including the town population of the provinces concerned). In this way the towns had more representatives in relation to electors.

The system of election by show of hands existed from the very origin of the Soviets, and was incorporated in the Constitution because it was considered that so long as the Soviets existed as organisations of the Workers and Peasants AGAINST the capitalists and capitalist elements, an open ballot made it less easy for the employers to influence the elections (since it would be visible to all—who backed each candidate, and the activities of those who were for some reason or other close to the employers would be visible to all). The system of unequal representation, giving greater weight to the town electors, also existed from the very origin of the Soviets, owing to the fact that it was the town Soviets that played the leading part in the Revolution. This was preserved in the Constitution in order to ensure the leadership of the town workers so long as the whole country was not yet organised on a socialist basis.

Since there are no longer private employers of labour, and since the vast majority of the villagers are now organised on a Socialist basis, it is considered no longer necessary for open voting and the inequality between town and country to be perpetuated. It is considered that these things no longer serve a USEFUL PURPOSE, and that now the demands of a classless society require equality between town and village, and the introduction of secret ballot. Direct election of all higher bodies brings their members into direct contact with the electors.

Article 134. Deputies to all soviets of toilers' deputies, the Supreme Council of the U.S.S.R., Supreme Councils of the Union republics, territorial and province soviets of toilers' deputies, Supreme Councils of autonomous republics, soviets of toilers' deputies of autonomous provinces, regional, district, city and village soviets of toilers' deputies (stanitsas, villages, khutors, kishlaks, auls) are elected by the

electors on the basis of universal, equal and direct suffrage by secret ballot.

Article 135. Elections of the deputies are universal: all citizens of the U.S.S.R. who in the year of the elections reach the age of eighteen have the right to participate in elections of deputies and to be elected, with the exception of the mentally deficient and persons deprived of electoral rights by the courts.

Compare Constitution of 1918: "The right to vote and to be elected to the Soviets belongs to all citizens of the R.S.F.S.R. without distinction of sex, religion, or nationality and without any residential qualification: provided that on the day of election they have reached the age of eighteen and are in one of the following categories: (a) All those who earn their living by productive work useful to society, and those who are engaged in domestic occupations which enable the former to follow their callings, namely, workers and employees of all kinds and categories, whether in industry, commerce, agriculture, etc., peasants and labouring Cossacks who do not employ others for private gain. (b) Soldiers in the Army and Navy of the Soviet Republic. (c) Citizens of the above categories who are incapacitated for work.

"The following persons have neither the right to vote nor the right to be elected, even if they are included in one of the above-mentioned categories: (a) Those who employ others for the sake of profit. (Such people no longer exist in the U.S.S.R. to-day.) "Those who live on income not arising from their own labour, interest on capital, industrial enterprises, landed property, etc. (Again, a category of people that no longer exists.) (c) Private business men, agents, middlemen, etc." (Another extinct category to-day. (d) Monks and priests of all religious denominations." (A category that still exists, in so far as the

worshippers are ready to provide the necessary economic support.) (e) Agents and employees of the former police, special corps of gendarmerie and secret service; and also members of the late ruling dynasty of Russia. (A still existant category, but now all individuals in this category are working for a living in Soviet institutions.) (f) Persons legally recognised as mentally deranged or imbecile; together with those under wardship. (g) Persons convicted of infamous or mercenary crimes, during a period fixed by law or by the sentence of the court."

Article 136. Elections of deputies are equal: every citizen has the right to elect and be elected irrespective of his race or nationality, his religion, educational qualifications, residential qualifications, his social origin, property status and past activity.

In the light of the note to the previous article it is clear that this article is simply an extension of the originally enfranchised population in view of the fact that certain disfranchised categories no longer exist, others have been fully absorbed in Socialist enterprises, and what remains is quite negligible as a political force.

Article 137. Women have the right to elect and be elected on equal terms with men.

Article 138. Citizens serving in the ranks of the Red Army have the right to elect and be elected on equal terms with all other citizens.

Article 139. Elections of deputies are direct: elections to all soviets of toilers' deputies from the village and city soviets of toilers' deputies up to the Supreme Council of the U.S.S.R. are effected by the citizens voting directly.

Article 140. Voting at elections of deputies is secret.

Article 141. Candidates are put forward for election according to electoral districts.

The right to put forward candidates is granted to social organisations and societies of the toilers: Communist Party organisations, trade unions, co-operatives, youth organisations and cultural societies.

Article 142. Every deputy is obliged to render account to the electors of his work and the work of the soviet of toilers' deputies, and he may at any time be recalled in the manner established by law upon decision of a majority of the electors.

This has always been the case. Compare the Constitution of 1918: "The electors have the right at any time to recall the delegates whom they have sent to the Soviet, and to proceed to new elections."

## CHAPTER XII

### EMBLEM, FLAG, CAPITAL

Article 143. The state emblem of the Union of Socialist Soviet Republics consists of a hammer and sickle against a globe depicted in rays of the sun and surrounded by ears of grain with the inscription "Workers of the World, Unite!" in the languages of the Union republics. Above the emblem is a five-pointed star.

Article 144. The state flag of the Union of Socialist Soviet Republics is red cloth with the hammer and sickle depicted in gold in the upper corner near the staff and above them a five-pointed red star bordered in gold. The relation of the width to the length is 1 : 2.

Article 145. The capital of the Union of Socialist Soviet Republics is the city of Moscow.

## CHAPTER XIII

### PROCEDURE FOR AMENDING THE CONSTITUTION

Article 146. Amendment of the Constitution of the U.S.S.R. is effected only by the decision of the Supreme Council of the U.S.S.R. when adopted by a majority of not less than two-thirds of the votes in each of its chambers.

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