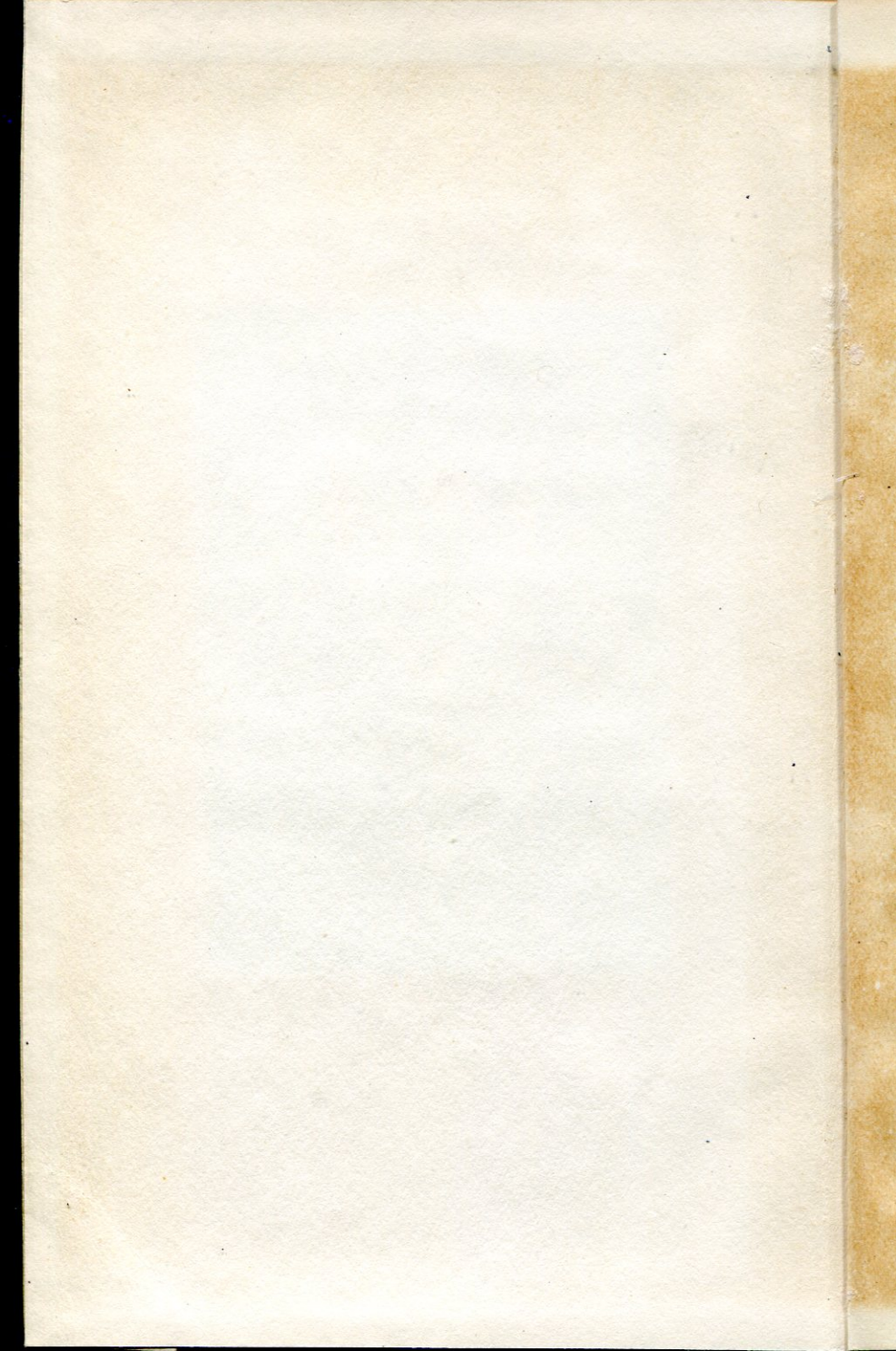
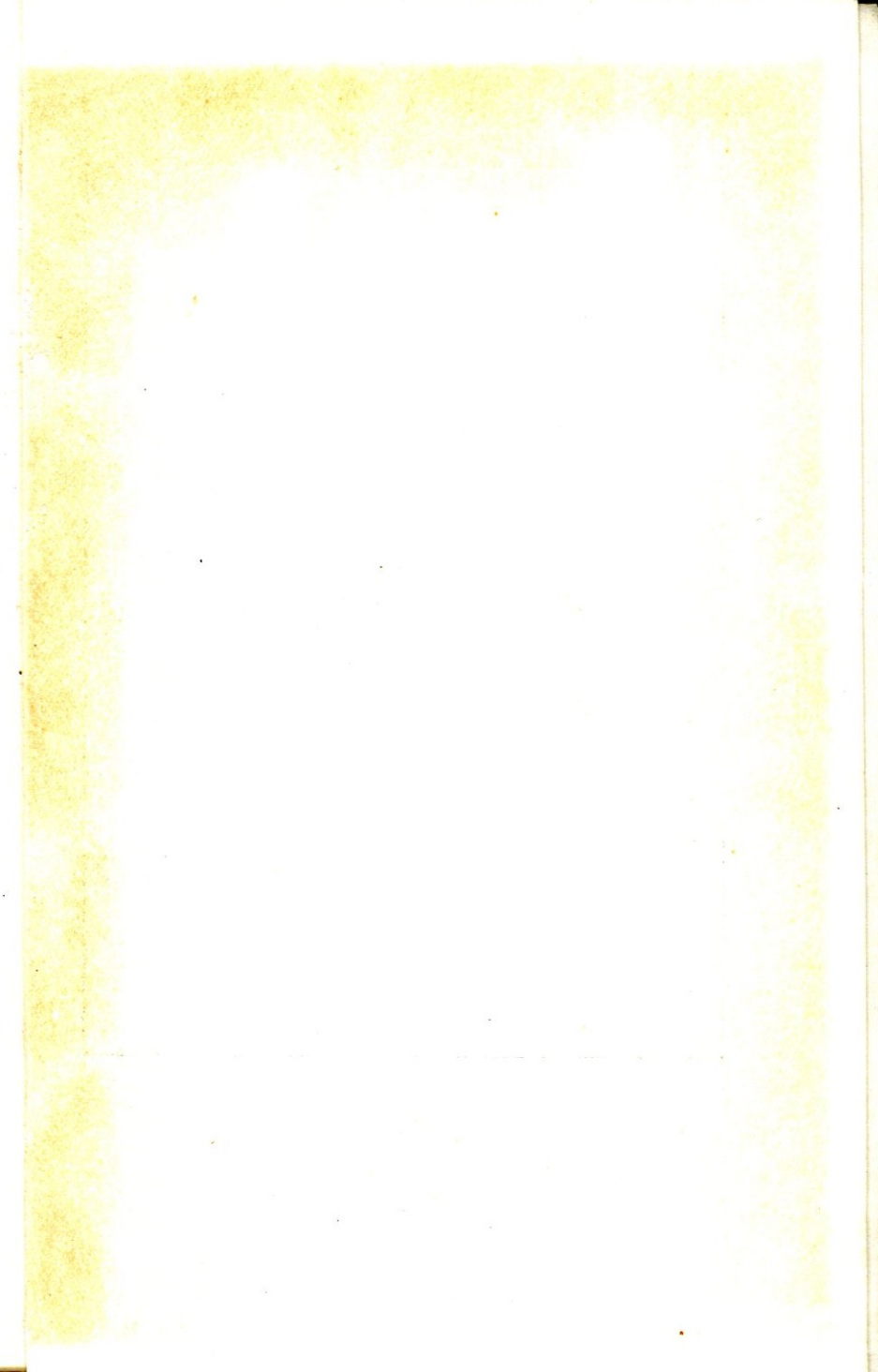


J. STALIN
ON THE
DRAFT CONSTITUTION
OF THE U.S.S.R.



CONSTITUTION
(FUNDAMENTAL LAW)
OF THE
UNION OF SOVIET
SOCIALIST REPUBLICS







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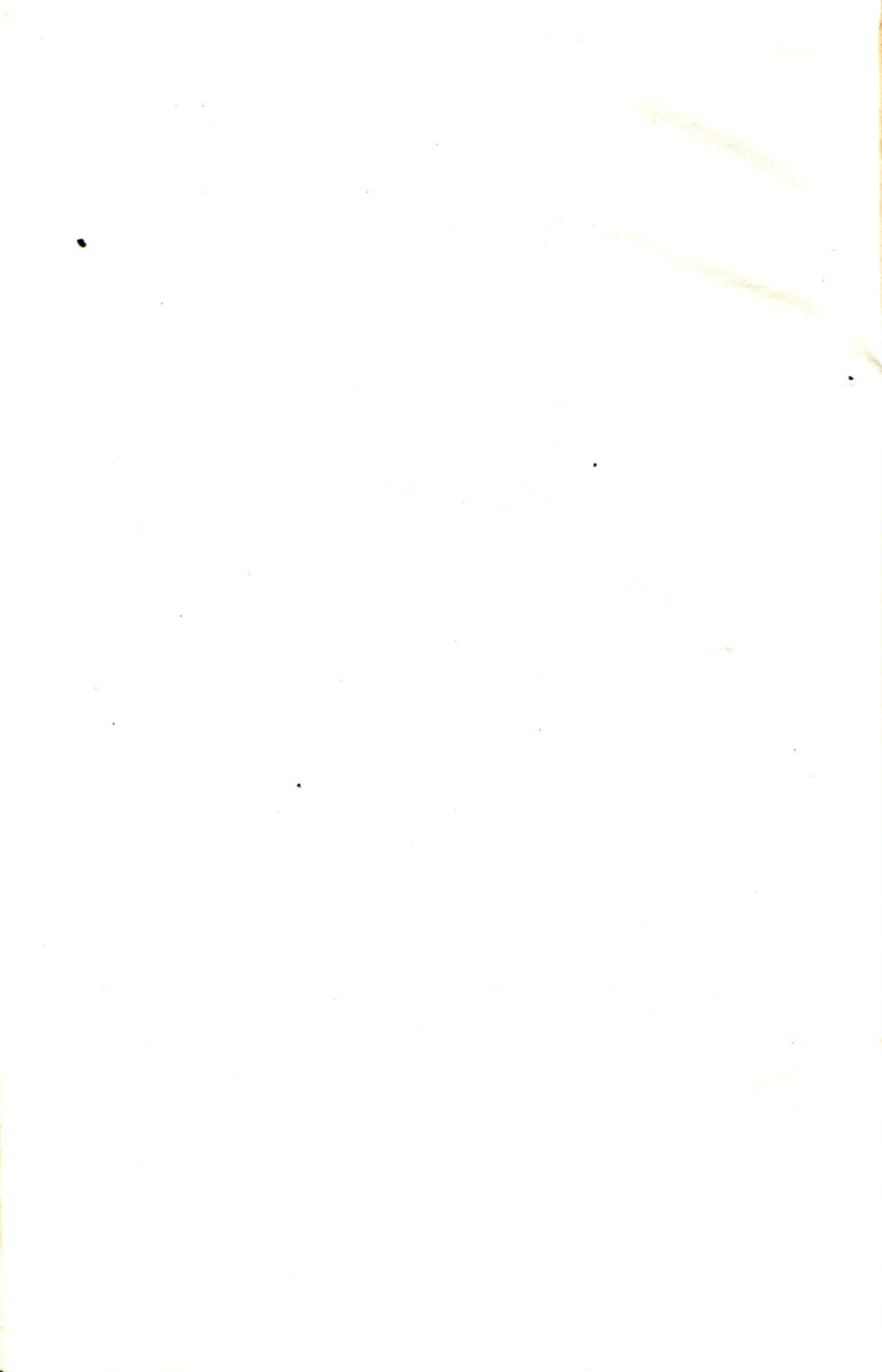
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J. STALIN

**ON THE
DRAFT CONSTITUTION
OF THE U.S.S.R.**

☆

**REPORT DELIVERED AT THE EXTRAORDINARY
EIGHTH CONGRESS OF SOVIETS OF THE U.S.S.R.
NOVEMBER 25, 1936**



Comrade Stalin's appearance on the rostrum is greeted by all present with loud and prolonged cheers. All rise. Shouts from all parts of the hall: "Hurrah for Comrade Stalin!" "Long live Comrade Stalin!" "Long live the great Stalin!" "Hurrah for the great genius, Comrade Stalin!" "Vivat!" "Rot Front!" "Hurrah for Comrade Stalin!"

I

FORMATION OF THE CONSTITUTION COMMISSION AND ITS TASKS

Comrades, the Constitution Commission, whose draft has been submitted for consideration to the present Congress, was formed, as you know, by special decision of the Seventh Congress of Soviets of the U.S.S.R. This decision was adopted on February 6, 1935. It reads:

"1. To amend the Constitution of the Union of Soviet Socialist Republics in the direction of:

"a) further democratizing the electoral system by replacing not entirely equal suffrage by equal suffrage, indirect elections, by direct elections and the open ballot by the secret ballot;

"b) giving more precise definition to the social and economic basis of the Constitution by bringing the Constitution into conformity with the present relation of class forces in the U.S.S.R. (the creation

of a new, Socialist industry, the demolition of the kulak class, the victory of the collective farm system, the consolidation of Socialist property as the basis of Soviet society, and so on).

"2. To enjoin the Central Executive Committee of the Union of Soviet Socialist Republics to elect a Constitution Commission which shall be instructed to draw up an amended text of the Constitution in accordance with the principles indicated in Clause I and to submit it for approval to a Session of the Central Executive Committee of the Union of Soviet Socialist Republics.

"3. To conduct the next ordinary elections of the organs of Soviet government in the Union of Soviet Socialist Republics on the basis of the new electoral system."

This was on February 6, 1935. The day after this decision was adopted, i.e., February 7, 1935, the First Session of the Central Executive Committee of the U.S.S.R. met and, in pursuance of the decision of the Seventh Congress of Soviets of the U.S.S.R., set up a Constitution Commission consisting of 31 persons. It instructed the Constitution Commission to prepare a draft of an amended Constitution of the U.S.S.R.

Such were the formal grounds and instructions of the supreme body of the U.S.S.R. on the basis of which the work of the Constitution Commission was to proceed.

Thus, the Constitution Commission was to introduce changes in the Constitution now in force, which was adopted in 1924, taking into account the changes in the direction of Socialism which have been brought about in the life of the U.S.S.R. in the period from 1924 to the present day.

II

CHANGES IN THE LIFE OF THE U.S.S.R. IN THE PERIOD FROM 1924 TO 1936

What are the changes in the life of the U.S.S.R. that have been brought about in the period from 1924 to 1936 and which the Constitution Commission was to reflect in its Draft Constitution?

What is the essence of these changes?

What was the situation in 1924?

That was the first period of the New Economic Policy, when the Soviet government permitted a certain revival of capitalism while taking all measures to develop Socialism; when it calculated on securing, in the course of competition between the two systems of economy—the capitalist system and the Socialist system—the preponderance of the Socialist system over the capitalist system. The task was to consolidate the position of Socialism in the course of this competition, to achieve the elimination of the capitalist elements, and to consummate the victory of the Socialist system as the fundamental system of the national economy.

Our industry, particularly heavy industry, presented an unenviable picture at that time. True, it was being gradually restored, but it had not yet raised its output to anywhere near the pre-war level. It was based on the old, backward, and insufficient technique. Of course, it was developing in the direction of Socialism. The Socialist sector of our industry at that time accounted for about 80 per cent of the whole. But the capitalist sector still controlled no less than 20 per cent of industry.

Our agriculture presented a still more unsightly picture. True, the landlord class had already been eliminated, but, on the other hand, the agricultural capitalist class, the kulak class, still represented a fairly considerable force. On the whole, agriculture at that time resembled a boundless ocean of small individual peasant farms with backward, mediaeval technical equipment. In this ocean there existed, in the form of isolated small dots and islets, collective farms and state farms which, strictly speaking, were not yet of any considerable significance in our national economy. The collective farms and state farms were weak, while the kulak was still strong. At that time we spoke not of eliminating the kulaks, but of restricting them.

The same must be said about our country's trade. The Socialist sector in trade represented some 50 or 60 per cent, not more, while all the rest of the field was occupied by merchants, profiteers, and other private traders.

Such was the picture of economic life in our country in 1924.

What is the situation now, in 1936?

At that time we were in the first period of the New Economic Policy, the beginning of NEP, the period of a certain revival of capitalism; now, however, we are in the last period of NEP, the end of NEP, the period of the complete liquidation of capitalism in all spheres of the national economy.

Take the fact, to begin with, that during this period our industry has grown into a gigantic force. Now it can no longer be described as weak and technically ill-equipped. On the contrary, it is now based on new, rich, modern technical equipment, with a powerfully developed heavy industry, and an even more developed machine-building industry. But the most important thing is that capitalism has been banished entirely from the sphere of our industry, while the Socialist form of production now

holds undivided sway in the sphere of our industry. The fact that in volume of output our present Socialist industry exceeds pre-war industry more than sevenfold cannot be regarded as a minor detail.

In the sphere of agriculture, instead of the ocean of small individual peasant farms, with their poor technical equipment, and a strong kulak influence, we now have mechanized production, conducted on a scale larger than anywhere else in the world, with up-to-date technical equipment, in the form of an all-embracing system of collective farms and state farms. Everybody knows that the kulak class in agriculture has been eliminated, while the sector of small individual peasant farms, with its backward, mediaeval technical equipment, now occupies an insignificant place; its share in agriculture as regards crop area does not amount to more than two or three per cent. We must not overlook the fact that the collective farms now have at their disposal 316,000 tractors with a total of 5,700,000 horse power, and, together with the state farms, over 400,000 tractors, with a total of 7,580,000 horse power.

As for the country's trade, the merchants and profiteers have been banished entirely from this sphere. All trade is now in the hands of the state, the cooperative societies, and the collective farms. A new, Soviet trade—trade without profiteers, trade without capitalists—has arisen and developed.

Thus the complete victory of the Socialist system in all spheres of the national economy is now a fact.

And what does this mean?

It means that the exploitation of man by man has been abolished, eliminated, while the Socialist ownership of the implements and means of production has been established as the unshakable foundation of our Soviet society. (*Prolonged applause.*)

As a result of all these changes in the sphere of the national economy of the U.S.S.R., we now have a new,

Socialist economy, which knows neither crises nor unemployment, which knows neither poverty nor ruin, and which provides our citizens with every opportunity to lead a prosperous and cultured life.

Such, in the main, are the changes which have taken place in the sphere of our *economy* during the period from 1924 to 1936.

In conformity with these changes in the economic life of the U.S.S.R., the *class structure* of our society has also changed.

The landlord class, as you know, had already been eliminated as a result of the victorious conclusion of the civil war. As for the other exploiting classes, they have shared the fate of the landlord class. The capitalist class in the sphere of industry has ceased to exist. The kulak class in the sphere of agriculture has ceased to exist. And the merchants and profiteers in the sphere of trade have ceased to exist. Thus all the exploiting classes have now been eliminated.

There remains the working class.

There remains the peasant class.

There remains the intelligentsia.

But it would be a mistake to think that these social groups have undergone no change during this period, that they have remained the same as they were, say, in the period of capitalism.

Take, for example, the working class of the U.S.S.R. By force of habit, it is often called the proletariat. But what is the proletariat? The proletariat is a class bereft of the instruments and means of production, under an economic system in which the instruments and means of production belong to the capitalists and in which the capitalist class exploits the proletariat. The proletariat is a class exploited by the capitalists. But in our country, as you know, the capitalist class has already been eliminated, and the instruments and means of production have

been taken from the capitalists and transferred to the state, of which the leading force is the working class. Consequently, there is no longer a capitalist class which could exploit the working class. Consequently, our working class, far from being bereft of the instruments and means of production, on the contrary, possesses them jointly with the whole people. And since it possesses them, and the capitalist class has been eliminated, all possibility of the working class being exploited is precluded. This being the case, can our working class be called the proletariat? Clearly, it cannot. Marx said that if the proletariat is to emancipate itself, it must crush the capitalist class, take the instruments and means of production from the capitalists, and abolish those conditions of production which give rise to the proletariat. Can it be said that the working class of the U.S.S.R. has already brought about these conditions for its emancipation? Unquestionably, this can and must be said. And what does this mean? This means that the proletariat of the U.S.S.R. has been transformed into an entirely new class, into the working class of the U.S.S.R., which has abolished the capitalist economic system, which has established the Socialist ownership of the instruments and means of production and is directing Soviet society along the road to Communism.

As you see, the working class of the U.S.S.R. is an entirely new working class, a working class emancipated from exploitation, the like of which the history of mankind has never known before.

Let us pass on to the question of the peasantry. It is customary to say that the peasantry is a class of small producers, with its members atomized, scattered over the face of the land, delving away in isolation on their small farms with their backward technical equipment; that they are slaves to private property and are exploited with impunity by landlords, kulaks, merchants, profiteers, usurers, and the like. And, indeed, in capitalist countries the

peasantry, if we take it in the mass, is precisely such a class. Can it be said that our present-day peasantry, the Soviet peasantry, taken in the mass, resembles that kind of peasantry? No, that cannot be said. There is no longer such a peasantry in our country. Our Soviet peasantry is an entirely new peasantry. In our country there are no longer any landlords and kulaks, merchants and usurers who could exploit the peasants. Consequently, our peasantry is a peasantry emancipated from exploitation. Further. Our Soviet peasantry, its overwhelming majority, is a collective farm peasantry, i.e., it bases its work and wealth not on individual labour and on backward technical equipment, but on collective labour and up-to-date technical equipment. Finally, the economy of our peasantry is based, not on private property, but on collective property, which has grown up on the basis of collective labour.

As you see, the Soviet peasantry is an entirely new peasantry, the like of which the history of mankind has never known before.

Lastly, let us pass on to the question of the intelligentsia, to the question of engineers and technicians, of workers on the cultural front, of employees in general, and so on. The intelligentsia, too, has undergone great changes during this period. It is no longer the old hidebound intelligentsia which tried to place itself above classes, but which actually, for the most part, served the landlords and the capitalists. Our Soviet intelligentsia is an entirely new intelligentsia, bound up by its very roots with the working class and the peasantry. In the first place, the composition of the intelligentsia has changed. People who come from the aristocracy and the bourgeoisie constitute but a small percentage of our Soviet intelligentsia; 80 to 90 per cent of the Soviet intelligentsia are people who have come from the working class, from the peasantry, or from other strata of the working population. Finally,

the very nature of the activities of the intelligentsia has changed. Formerly it had to serve the wealthy classes, for it had no alternative. Today it must serve the people, for there are no longer any exploiting classes. And that is precisely why it is now an equal member of Soviet society, in which, side by side with the workers and peasants, pulling together with them, it is engaged in building the new, classless, Socialist society.

As you see, this is an entirely new, working intelligentsia, the like of which you will not find in any other country on earth.

Such are the changes which have taken place during this period as regards the class structure of Soviet society.

What do these changes signify?

Firstly, they signify that the dividing lines between the working class and the peasantry, and between these classes and the intelligentsia, are being obliterated, and that the old class exclusiveness is disappearing. This means that the distance between these social groups is steadily diminishing.

Secondly, they signify that the economic contradictions between these social groups are declining, are becoming obliterated.

And lastly, they signify that the political contradictions between them are also declining and becoming obliterated.

Such is the position in regard to the changes in the *class structure* of the U.S.S.R.

The picture of the changes in the social life of the U.S.S.R. would be incomplete if a few words were not said about the changes in yet another sphere. I have in mind the sphere of *national* relationships in the U.S.S.R. As you know, within the Soviet Union there are about sixty nations, national groups and nationalities. The Soviet state is a multi-national state. Clearly, the question of the relations among the peoples of the U.S.S.R. cannot but be one of prime importance for us.

The Union of Soviet Socialist Republics, as you know, was formed in 1922, at the First Congress of Soviets of the U.S.S.R. It was formed on the principles of equality and voluntary affiliation of the peoples of the U.S.S.R. The Constitution now in force, adopted in 1924, was the first Constitution of the U.S.S.R. That was the period when relations among the peoples had not yet been properly adjusted, when survivals of distrust towards the Great-Russians had not yet disappeared, and when centrifugal forces still continued to operate. Under those conditions it was necessary to establish fraternal cooperation among the peoples on the basis of economic, political, and military mutual aid by uniting them in a single, federated, multi-national state. The Soviet government could not but see the difficulties of this task. It had before it the unsuccessful experiments of multi-national states in bourgeois countries. It had before it the experiment of old Austria-Hungary, which ended in failure. Nevertheless, it resolved to make the experiment of creating a multi-national state, for it knew that a multi-national state which has arisen on the basis of Socialism is bound to stand every and any test.

Since then fourteen years have elapsed. A period long enough to test the experiment. And what do we find? This period has shown beyond a doubt that the experiment of forming a multi-national state based on Socialism has been completely successful. This is the undoubted victory of the Leninist national policy. (*Prolonged applause.*)

How is this victory to be explained?

The absence of exploiting classes, which are the principal organizers of strife between nations; the absence of exploitation, which cultivates mutual distrust and kindles nationalist passions; the fact that power is in the hands of the working class, which is the foe of all enslavement and the true vehicle of the ideas of internationalism; the actual practice of mutual aid among the peoples

in all spheres of economic and social life; and, finally, the flourishing national culture of the peoples of the U.S.S.R., culture which is national in form and Socialist in content—all these and similar factors have brought about a radical change in the aspect of the peoples of the U.S.S.R.; their feeling of mutual distrust has disappeared, a feeling of mutual friendship has developed among them, and thus real fraternal cooperation among the peoples has been established within the system of a single federated state.

As a result, we now have a fully formed multi-national Socialist state, which has stood all tests, and whose stability might well be envied by any national state in any part of the world. (*Loud applause.*)

Such are the changes which have taken place during this period in the sphere of *national relations* in the U.S.S.R.

Such is the sum total of changes which have taken place in the sphere of the economic and social-political life of the U.S.S.R. in the period from 1924 to 1936.

III

THE PRINCIPAL SPECIFIC FEATURES OF THE DRAFT CONSTITUTION

How are all these changes in the life of the U.S.S.R. reflected in the draft of the new Constitution?

In other words: What are the principal specific features of the Draft Constitution submitted for consideration to the present Congress?

The Constitution Commission was instructed to amend the text of the Constitution of 1924. The work of the Constitution Commission has resulted in a new text of the Constitution, a draft of a new Constitution of the U.S.S.R. In drafting the new Constitution, the Constitution Commission proceeded from the proposition that a constitution must not be confused with a program. This means that there is an essential difference between a program and a constitution. Whereas a program speaks of that which does not yet exist, of that which has yet to be achieved and won in the future, a constitution, on the contrary, must speak of that which already exists, of that which has already been achieved and won now, at the present time. A program deals mainly with the future, a constitution with the present.

Two examples by way of illustration.

Our Soviet society has already, in the main, succeeded in achieving Socialism; it has created a Socialist system, *i.e.*, it has brought about what Marxists in other words call the first, or lower, phase of Communism. Hence, in the main, we have already achieved the first phase of Com-

munism, Socialism. (*Prolonged applause.*) The fundamental principle of this phase of Communism is, as you know, the formula: "From each according to his abilities, to each according to his work." Should our Constitution reflect this fact, the fact that Socialism has been achieved? Should it be based on this achievement? Unquestionably, it should. It should, because for the U.S.S.R. Socialism is something already achieved and won.

But Soviet society has not yet reached the higher phase of Communism, in which the ruling principle will be the formula: "From each according to his abilities, to each according to his needs," although it sets itself the aim of achieving the higher phase of Communism in the future. Can our Constitution be based on the higher phase of Communism, which does not yet exist and which has still to be achieved? No, it cannot, because for the U.S.S.R. the higher phase of Communism is something that has not yet been realized, and which has to be realized in the future. It cannot, if it is not to be converted into a program or a declaration of future achievements.

Such are the limits of our Constitution at the present historical moment.

Thus, the draft of the new Constitution is a summary of the path that has been traversed, a summary of the gains already achieved. In other words, it is the registration and legislative embodiment of what has already been achieved and won in actual fact. (*Loud applause.*)

That is the first specific feature of the draft of the new Constitution of the U.S.S.R.

Further. The constitutions of bourgeois countries usually proceed from the conviction that the capitalist system is immutable. The main foundation of these constitutions consists of the principles of capitalism, of its main pillars: the private ownership of the land, forests, factories, works, and other implements and means of production; the exploitation of man by man and the existence of exploiters.

and exploited; insecurity for the toiling majority at one pole of society, and luxury for the non-toiling but secure minority at the other pole, etc., etc. They rest on these and similar pillars of capitalism. They reflect them, they embody them in law.

Unlike these, the draft of the new Constitution of the U.S.S.R. proceeds from the fact that the capitalist system has been liquidated, and that the Socialist system has triumphed in the U.S.S.R. The main foundation of the draft of the new Constitution of the U.S.S.R. is the principles of Socialism, whose main pillars are things that have already been achieved and realized: the Socialist ownership of the land, forests, factories, works and other instruments and means of production; the abolition of exploitation and of exploiting classes; the abolition of poverty for the majority and of luxury for the minority; the abolition of unemployment; work as an obligation and an honourable duty for every able-bodied citizen, in accordance with the formula: "He who does not work, neither shall he eat"; the right to work, *i.e.*, the right of every citizen to receive guaranteed employment; the right to rest and leisure; the right to education, etc., etc. The draft of the new Constitution rests on these and similar pillars of Socialism. It reflects them, it embodies them in law.

Such is the second specific feature of the draft of the new Constitution.

Further. Bourgeois constitutions tacitly proceed from the premise that society consists of antagonistic classes, of classes which own wealth and classes which do not own wealth; that no matter what party comes into power, the guidance of society by the state (the dictatorship) must be in the hands of the bourgeoisie; that a constitution is needed for the purpose of consolidating a social order desired by and beneficial to the propertied classes.

Unlike bourgeois constitutions, the draft of the new Constitution of the U.S.S.R. proceeds from the fact that

there are no longer any antagonistic classes in society; that society consists of two friendly classes, of workers and peasants; that it is these classes, the labouring classes, that are in power; that the guidance of society by the state (the dictatorship) is in the hands of the working class, the most advanced class in society; that a constitution is needed for the purpose of consolidating a social order desired by and beneficial to the working people.

Such is the third specific feature of the draft of the new Constitution.

Further. Bourgeois constitutions tacitly proceed from the premise that nations and races cannot have equal rights, that there are nations with full rights and nations without full rights, and that, in addition, there is a third category of nations or races, for example in the colonies which have even fewer rights than the nations without full rights. This means that, at bottom, all these constitutions are nationalistic, *i.e.*, constitutions of ruling nations.

Unlike these constitutions, the draft of the new Constitution of the U.S.S.R. is, on the contrary, profoundly internationalistic. It proceeds from the proposition that all nations and races have equal rights. It proceeds from the fact that neither difference in colour or language, cultural level, or level of political development, nor any other difference between nations and races, can serve as grounds for justifying national inequality of rights. It proceeds from the proposition that all nations and races irrespective of their past and present position, irrespective of their strength or weakness, should enjoy equal rights in all spheres of the economic, social, political and cultural life of society.

Such is the fourth specific feature of the draft of the new Constitution.

The fifth specific feature of the draft of the new Constitution is its consistent and thoroughgoing democratism. From the standpoint of democratism bourgeois constitu-

tions may be divided into two groups: One group of constitutions openly denies, or actually nullifies, the equality of rights of citizens and democratic liberties. The other group of constitutions readily accepts, and even advertises, democratic principles, but at the same time it makes reservations and provides for restrictions which utterly mutilate these democratic rights and liberties. They speak of equal suffrage for all citizens, but at the same time limit it by residential, educational, and even property qualifications. They speak of equal rights for citizens, but at the same time they make the reservation that this does not apply to women, or applies to them only in part. And so on and so forth.

What distinguishes the draft of the new Constitution of the U.S.S.R. is the fact that it is free from such reservations and restrictions. For it, there exists no division of citizens into active and passive ones; for it, all citizens are active. It does not recognize any difference in rights as between men and women, "residents" and "non-residents," propertied and propertyless, educated and uneducated. For it, all citizens have equal rights. It is not property status, not national origin, not sex, nor office, but personal ability and personal labour, that determines the position of every citizen in society.

Lastly, there is still one more specific feature of the draft of the new Constitution. Bourgeois constitutions usually confine themselves to stating the formal rights of citizens, without bothering about the conditions for the exercise of these rights, about the opportunity of exercising them, about the means by which they can be exercised. They speak of the equality of citizens, but forget that there cannot be real equality between employer and workman, between landlord and peasant, if the former possess wealth and political weight in society while the latter are deprived of both—if the former are exploiters while the latter are exploited. Or again: they speak of freedom of speech, as-

sembly, and the press, but forget that all these liberties may be merely a hollow sound for the working class, if the latter cannot have access to suitable premises for meetings, good printing shops, a sufficient quantity of printing paper, etc.

What distinguishes the draft of the new Constitution is the fact that it does not confine itself to stating the formal rights of citizens, but stresses the guarantees of these rights, the means by which these rights can be exercised. It does not merely proclaim equality of rights for citizens, but ensures it by giving legislative embodiment to the fact that the regime of exploitation has been abolished, to the fact that the citizens have been emancipated from all exploitation. It does not merely proclaim the right to work, but ensures it by giving legislative embodiment to the fact that there are no crises in Soviet society, and that unemployment has been abolished. It does not merely proclaim democratic liberties, but legislatively ensures them by providing definite material resources. It is clear, therefore, that the democratism of the draft of the new Constitution is not the "ordinary" and "universally recognized" democratism in the abstract, but *Socialist* democratism.

These are the principal specific features of the draft of the new Constitution of the U.S.S.R.

This is the way the draft of the new Constitution reflects the progress and changes that have been brought about in the economic and social-political life of the U.S.S.R. in the period from 1924 to 1936.

IV

BOURGEOIS CRITICISM OF THE DRAFT CONSTITUTION

A few words about bourgeois criticism of the Draft Constitution.

The question of the attitude of the foreign bourgeois press towards the Draft Constitution is undoubtedly of some interest. Inasmuch as the foreign press reflects the public opinion of the various sections of the population of bourgeois countries, we cannot ignore its criticism of the Draft Constitution.

The first reaction of the foreign press to the Draft Constitution was expressed in a definite tendency—to hush up the Draft Constitution. I am referring here to the most reactionary press, the fascist press. This group of critics thought it best simply to hush up the Draft Constitution and to pretend that there is no such Draft, and never has been. It may be said that silence is not criticism. But that is not true. The method of keeping silence, as a special method of ignoring things, is also a form of criticism—a stupid and ridiculous form, it is true, but a form of criticism, for all that. (*Laughter and applause.*) But their silence was of no avail. In the end they were obliged to open the valve and to inform the world that, sad though it may be, a Draft Constitution of the U.S.S.R. does exist, and not only does it exist but it is beginning to exercise a pernicious influence on people's minds. Nor could it be otherwise; for, after all, there is such a thing as public

opinion in the world, there is the reading public, living people, who want to know the facts, and to hold them in the vise of deception for long is quite impossible. Deception does not carry one far. . . .

The *second* group of critics admits that there really is such a thing as a Draft Constitution, but considers that the draft is not of much interest, because it is really not a Draft Constitution but a scrap of paper, an empty promise, with the idea of performing a certain manoeuvre to deceive people. And they add that the U.S.S.R. could not produce a better draft, because the U.S.S.R. itself is not a state, but only a geographical concept (*general laughter*), and since it is not a state, its Constitution cannot be a real constitution. A typical representative of this group of critics is, strange as this may appear, the German semi-official organ, *Deutsche Diplomatisch-Politische Korrespondenz*. This journal bluntly declares that the Draft Constitution of the U.S.S.R. is an empty promise, a fraud, a "Potemkin village." It unhesitatingly declares that the U.S.S.R. is not a state, that the U.S.S.R. "is nothing more nor less than a strictly defined geographical concept" (*general laughter*), and that in view of this, the Constitution of the U.S.S.R. cannot be regarded as a real constitution.

What can one say about such critics, so-called?

In one of his tales the great Russian writer Shchedrin portrays a pig-headed official, very narrowminded and obtuse, but self-confident and zealous to the extreme. After this bureaucrat had established "order and tranquillity" in the region "under his charge," having exterminated thousands of its inhabitants and burned down scores of towns in the process, he looked around him, and on the horizon espied America—a country little known, of course, where, it appears, there are liberties of some sort or other which serve to agitate the people, and where the state is administered in a different way. The bureaucrat espied America and became indignant: What country is that, how

did it get there, by what right does it exist? (*Laughter and applause.*) Of course, it was discovered accidentally several centuries ago, but couldn't it be shut up again so that not a ghost of it remains? (*General laughter.*) Thereupon he wrote an order: "Shut America up again!" (*General laughter.*)

It seems to me that the gentlemen of the *Deutsche Diplomatisch-Politische Korrespondenz* and Shchedrin's bureaucrat are as like as two peas. (*Laughter and applause.*) The U.S.S.R. has long been an eyesore to these gentlemen. For nineteen years the U.S.S.R. has stood like a beacon, spreading the spirit of emancipation among the working class all over the world and rousing the fury of the enemies of the working class. And it turns out that this U.S.S.R. not only exists, but is even growing; is not only growing, but is even flourishing; and is not only flourishing, but is even composing a draft of a new Constitution, a draft which is stirring the minds and inspiring the oppressed classes with new hope. (*Applause.*) How can the gentlemen of the German semi-official organ be anything but indignant after this? What sort of country is this?—they howl; by what right does it exist? (*General laughter.*) And if it was discovered in October 1917, why can't it be shut up again so that not a ghost of it remains? Thereupon they resolved: Shut the U.S.S.R. up again; proclaim publicly that the U.S.S.R., as a state, does not exist, that the U.S.S.R. is nothing but a mere geographical concept! (*General laughter.*)

In writing his order to shut America up again, Shchedrin's bureaucrat, despite all his obtuseness, evinced some sense of reality by adding to himself: "However, it seems that same is not in my power." (*Roars of laughter and applause.*) I do not know whether the gentlemen of the German semi-official organ are endowed with sufficient intelligence to suspect that—while, of course, they can "shut up" this or that country on paper—speaking seriously, how-

ever, "same is not in their power..." (*Roars of laughter and applause.*)

As for the Constitution of the U.S.S.R. being an empty promise, a "Potemkin village," etc., I would like to refer to a number of established facts which speak for themselves.

In 1917 the peoples of the U.S.S.R. overthrew the bourgeoisie and established the dictatorship of the proletariat, established a Soviet government. This is a fact, not a promise.

Further, the Soviet government eliminated the landlord class and transferred to the peasants over 150,000,000 hectares of former landlord, government, and monasterial lands, over and above the lands which were already in the possession of the peasants. This is a fact, not a promise.

Further, the Soviet government expropriated the capitalist class, took away their banks, factories, railways, and other implements and means of production, declared these to be Socialist property, and placed at the head of these enterprises the best members of the working class. This is a fact, not a promise. (*Prolonged applause.*)

Further, having organized industry and agriculture on new, Socialist lines, with a new technical base, the Soviet government has today attained a position where agriculture in the U.S.S.R. is producing one and a half times as much as was produced in pre-war times, where industry is producing seven times more than was produced in pre-war times, and where the national income has increased fourfold compared with pre-war times. All these are facts, not promises. (*Prolonged applause.*)

Further, the Soviet government has abolished unemployment, has introduced the right to work, the right to rest and leisure, the right to education, has provided better material and cultural conditions for the workers, peasants and intelligentsia, and has ensured the introduction of universal, direct and equal suffrage with secret ballot for

its citizens. All these are facts, not promises. (*Prolonged applause.*)

Finally, the U.S.S.R. has produced the draft of a new Constitution which is not a promise but the registration and legislative embodiment of these generally known facts, the registration and legislative embodiment of what has already been achieved and won.

One may ask: In view of all this, what can all the talk of the gentlemen of the German semi-official organ about "Potemkin villages" amount to but an attempt on their part to conceal from the people the truth about the U.S.S.R., to mislead the people, to deceive them.

Such are the facts. And facts, it is said, are stubborn things. The gentlemen of the German semi-official organ may say: So much the worse for the facts. (*Laughter.*) But then, we can answer them in the words of the well-known Russian proverb: "Laws are not made for fools." (*Laughter and prolonged applause.*)

The *third* group of critics are not averse to recognizing certain merits in the Draft Constitution; they regard it as a good thing; but, you see, they doubt very much whether a number of its principles can be applied in practice, because they are convinced that these principles are generally impracticable and must remain a dead letter. These, to put it mildly, are sceptics. These sceptics are to be found in all countries.

It must be said that this is not the first time we have met them. When the Bolsheviks took power in 1917 the sceptics said: The Bolsheviks are not bad fellows, perhaps, but nothing will come of their government; they will fail. Actually it turned out, however, that it was not the Bolsheviks who failed, but the sceptics.

During the civil war and foreign intervention this group of sceptics said: The Soviet government is not a bad thing, of course; but Denikin and Kolchak, plus the foreigners, will, we venture to say, come out on top.

Actually, it turned out, however, that the sceptics were wrong again in their calculations.

When the Soviet government published the First Five-Year Plan the sceptics again appeared on the scene saying: The Five-Year Plan is a good thing, of course, but it is hardly feasible; the Bolsheviks' Five-Year Plan is not likely to succeed. The facts proved, however, that once again the sceptics had bad luck: the Five-Year Plan was carried out in four years.

The same must be said about the draft of the new Constitution and the criticism levelled against it by the sceptics. No sooner was the Draft published than this group of critics again appeared on the scene with their gloomy scepticism and their doubts as to the practicability of certain principles of the Constitution. There is not the slightest ground for doubt that in this case, too, the sceptics will fail, that they will fail today as they have failed more than once in the past.

The *fourth* group of critics, in attacking the draft of the new Constitution, characterize it as a "swing to the Right," as the "abandonment of the dictatorship of the proletariat," as the "liquidation of the Bolshevik regime." "The Bolsheviks have swung to the Right, that is a fact," they declare in a chorus of different voices. Particularly zealous in this respect are certain Polish newspapers, and also some American newspapers.

What can one say about these critics, so-called?

If the broadening of the basis of the dictatorship of the working class and the transformation of the dictatorship into a more flexible, and, consequently, a more powerful system of guidance of society by the state is interpreted by them not as strengthening the dictatorship of the working class but as weakening it, or even abandoning it, then it is legitimate to ask: Do these gentlemen really know what the dictatorship of the working class means?

If the legislative embodiment given to the victories of Socialism, the legislative embodiment given to the successes of industrialization, collectivization and democratization is represented by them as a "swing to the Right," then it is legitimate to ask: Do these gentlemen really know the difference between left and right? (*General laughter and applause.*)

There can be no doubt that these gentlemen have entirely lost their way in their criticism of the Draft Constitution, and, having lost their way, they confuse right with left.

One cannot help recalling, in this connection, the "wench" Pelageya in Gogol's *Dead Souls*. Gogol relates that Pelageya offered to act as guide to Chichikov's coachman, Seliphan; but not knowing the right side of the road from the left, she lost her way and got into an embarrassing situation. It must be admitted that, notwithstanding all their pretensions, the intelligence of our critics on the Polish newspapers is not much above that of the "wench" Pelageya in *Dead Souls*. (*Applause.*) If you remember, the coachman Seliphan thought fit to chide Pelageya for confusing right with left and said to her: "Oh, you, dirty-legs . . . you don't know which is right and which is left." It seems to me that our luckless critics should be chided in the same way: "Oh, you, sorry critics . . . you don't know which is right and which is left." (*Prolonged applause.*)

Finally, there is yet another group of critics. While the last-mentioned group accuses the Draft Constitution of abandoning the dictatorship of the working class, this group, on the contrary, accuses it of not changing anything in the existing position in the U.S.S.R., of leaving the dictatorship of the working class intact, of not granting freedom to political parties, and of preserving the present leading position of the Communist Party in the U.S.S.R. And this group of critics maintains that the absence of

freedom for parties in the U.S.S.R. is a symptom of the violation of the principles of democratism.

I must admit that the draft of the new Constitution does preserve the regime of the dictatorship of the working class, just as it also preserves unchanged the present leading position of the Communist Party of the U.S.S.R. (*Loud applause.*) If the esteemed critics regard this as a flaw in the Draft Constitution, that is only to be regretted. We Bolsheviks regard it as a merit of the Draft Constitution. (*Loud applause.*)

As to freedom for various political parties, we adhere to somewhat different views. A party is a part of a class, its most advanced part. Several parties, and, consequently, freedom for parties, can exist only in a society in which there are antagonistic classes whose interests are mutually hostile and irreconcilable—in which there are, say, capitalists and workers, landlords and peasants, kulaks and poor peasants, etc. But in the U.S.S.R. there are no longer such classes as the capitalists, the landlords, the kulaks, etc. In the U.S.S.R. there are only two classes, workers and peasants, whose interests—far from being mutually hostile—are, on the contrary, friendly. Hence, there is no ground in the U.S.S.R. for the existence of several parties, and, consequently, for freedom for these parties. In the U.S.S.R. there is ground only for one party, the Communist Party. In the U.S.S.R. only one party can exist, the Communist Party, which courageously defends the interests of the workers and peasants to the very end. And that it defends the interests of these classes not at all badly, of that there can hardly be any doubt. (*Loud applause.*)

They talk of democracy. But what is democracy? Democracy in capitalist countries, where there are antagonistic classes, is, in the last analysis, democracy for the strong, democracy for the propertied minority. In the U.S.S.R., on the contrary, democracy is democracy for

the working people, *i.e.*, democracy for all. But from this it follows that the principles of democratism are violated, not by the draft of the new Constitution of the U.S.S.R., but by the bourgeois constitutions. That is why I think that the Constitution of the U.S.S.R. is the only thoroughly democratic Constitution in the world.

Such is the position with regard to the bourgeois criticism of the draft of the new Constitution of the U.S.S.R.

V

AMENDMENTS AND ADDENDA TO THE DRAFT CONSTITUTION

Let us pass on to the amendments and addenda to the Draft Constitution proposed by citizens during the nation-wide discussion of the draft.

The nation-wide discussion of the Draft Constitution, as you know, produced a fairly large number of amendments and addenda. These have all been published in the Soviet press. In view of the great variety of amendments and the fact that they are not all of equal value, they should, in my opinion, be divided into three categories.

The distinguishing feature of the amendments in the first category is that they deal not with constitutional questions but with questions which come within the scope of the current legislative work of the future legislative bodies. Certain questions concerning insurance, some questions concerning collective farm development, some questions concerning industrial development, financial questions—such are the subjects with which these amendments deal. Evidently the authors of these amendments were not clear as to the difference between constitutional questions and questions of current legislation. That is why they strive to squeeze as many laws as possible into the Constitution, thus tending to convert the Constitution into something in the nature of a code of laws. But a constitution is not a code of laws. A constitution is the fundamental law, and only the fundamental law. A constitution does not preclude but presupposes current legisla-

tive work on the part of the future legislative bodies. A constitution provides the juridical basis for the future legislative activities of these bodies. Therefore, amendments and addenda of this kind, which have no direct bearing on the Constitution, should, in my opinion, be referred to the future legislative bodies of the country.

To the second category should be assigned those amendments and addenda which strive to introduce into the Constitution elements of historical references, or elements of declarations concerning what the Soviet government has not yet achieved and what it should achieve in the future. To describe in the Constitution the difficulties the Party, the working class, and all the working people have overcome during the long years of struggle for the victory of Socialism; to indicate in the Constitution the ultimate goal of the Soviet movement, *i.e.*, the building of a complete Communist society—such are the subjects with which these amendments deal, in different variations. I think that such amendments and addenda should also be set aside as having no direct bearing on the Constitution. The Constitution is the registration and legislative embodiment of the gains that have already been achieved and secured. Unless we want to distort this fundamental character of the Constitution, we must refrain from filling it with historical references to the past, or with declarations concerning the future achievements of the working people of the U.S.S.R. For this we have other means and other documents.

Finally, to the third category should be assigned amendments and addenda which have a direct bearing on the Draft Constitution.

A large number of amendments in this category are simply a matter of wording. They could therefore be referred to the Drafting Commission of the present Congress which I think the Congress will set up, with instructions to decide on the final text of the new Constitution.

As for the rest of the amendments in the third category, they are of greater material significance, and in my opinion a few words should be said about them.

1. First of all about the amendments to Article 1 of the Draft Constitution. There are four amendments. Some propose that we substitute for the words "state of workers and peasants" the words "state of working people." Others propose that we add the words "and working intelligentsia" to the words "state of workers and peasants." A third group proposes that we substitute for the words "state of workers and peasants" the words "state of all the races and nationalities inhabiting the territory of the U.S.S.R." A fourth group proposes that we substitute for the word "peasants" the words "collective farmers" or "toilers of Socialist agriculture."

Should these amendments be adopted? I think they should not.

What does Article 1 of the Draft Constitution speak of? It speaks of the class composition of Soviet society. Can we Marxists ignore the question of the class composition of our society in the Constitution? No, we cannot. As we know, Soviet society consists of two classes, workers and peasants. And it is of this that Article 1 of the Draft Constitution speaks. Consequently, Article 1 of the Draft Constitution properly reflects the class composition of our society. It may be asked: What about the working intelligentsia? The intelligentsia has never been a class, and never can be a class—it was and remains a stratum, which recruits its members from among all classes of society. In the old days the intelligentsia recruited its members from the ranks of the nobility, of the bourgeoisie, partly from the ranks of the peasantry, and only to a very inconsiderable extent from the ranks of the workers. In our day, under the Soviets, the intelligentsia recruits its members mainly from the ranks of the workers and peasants. But no matter where it may recruit its mem-

bers, and what character it may bear, the intelligentsia is nevertheless a stratum and not a class.

Does this circumstance infringe upon the rights of the working intelligentsia? Not in the least! Article 1 of the Draft Constitution deals not with the rights of the various strata of Soviet society, but with the class composition of that society. The rights of the various strata of Soviet society, including the rights of the working intelligentsia, are dealt with mainly in Chapters X and XI of the Draft Constitution. It is evident from these chapters that the workers, the peasants, and the working intelligentsia enjoy entirely equal rights in all spheres of the economic, political, social, and cultural life of the country. Consequently, there can be no question of an infringement upon the rights of the working intelligentsia.

The same must be said of the nations and races comprising the U.S.S.R. In Chapter II of the Draft Constitution it is stated that the U.S.S.R. is a free union of nations possessing equal rights. Is it worth while repeating this formula in Article 1 of the Draft Constitution, which deals not with the national composition of Soviet society, but with its class composition? Clearly it is not worth while. As to the rights of the nations and races comprising the U.S.S.R., these are dealt with in Chapters II, X, and XI of the Draft Constitution. From these chapters it is evident that the nations and races of the U.S.S.R. enjoy equal rights in all spheres of the economic, political, social and cultural life of the country. Consequently, there can be no question of an infringement upon national rights.

It would also be wrong to substitute for the word "peasant" the words "collective farmer" or "toiler of Socialist agriculture." In the first place, besides the collective farmers, there are still over a million households of non-collective farmers among the peasantry. What is to be done about them? Do the authors of this amendment

propose to strike them off the books? That would be unwise. Secondly, the fact that the majority of the peasants have started collective farming does not mean that they have already ceased to be peasants, that they no longer have their personal economy, their own households, etc. Thirdly, for the word "worker" we would then have to substitute the words "toiler of Socialist industry," which, however, the authors of the amendment for some reason or other do not propose. Finally, have the working class and the peasant class already disappeared in our country? And if they have not disappeared, is it worth while deleting from our vocabulary the established names for them? Evidently, what the authors of the amendment have in mind is not present society, but future society, when classes will no longer exist and when the workers and peasants will have been transformed into toilers of a homogeneous Communist society. Consequently, they are obviously running ahead. But in drawing up a constitution one must not proceed from the future, but from the present, from what already exists. A constitution should not and must not run ahead.

2. Then follows an amendment to Article 17 of the Draft Constitution. The amendment proposes that we completely delete from the Constitution Article 17, which reserves to the Union Republics the right of free secession from the U.S.S.R. I think that this proposal is a wrong one and therefore should not be adopted by the Congress. The U.S.S.R. is a voluntary union of Union Republics with equal rights. To delete from the Constitution the article providing for the right of free secession from the U.S.S.R. would be to violate the voluntary character of this union. Can we agree to this step? I think that we cannot and should not agree to it. It is said that there is not a single republic in the U.S.S.R. that would want to secede from the U.S.S.R., and that therefore Article 17 is of no practical importance. It is, of course, true that there

is not a single republic that would want to secede from the U.S.S.R. But this does not in the least mean that we should not fix in the Constitution the right of Union Republics freely to secede from the U.S.S.R. In the U.S.S.R. there is not a single Union Republic that would want to subjugate another Union Republic. But this does not in the least mean that we ought to delete from the Constitution of the U.S.S.R. the article dealing with the equality of rights of the Union Republics.

3. Then there is a proposal that we add a new article to Chapter II of the Draft Constitution, to the following effect: that on reaching the proper level of economic and cultural development Autonomous Soviet Socialist Republics may be raised to the status of Union Soviet Socialist Republics. Can this proposal be adopted? I think that it should not be adopted. It is a wrong proposal not only because of its content, but also because of the condition it lays down. Economic and cultural maturity can no more be urged as grounds for transferring Autonomous Republics to the category of Union Republics than economic or cultural backwardness can be urged as grounds for leaving any particular republic in the list of Autonomous Republics. This would not be a Marxist, not a Leninist approach. The Tatar Republic, for example, remains an Autonomous Republic, while the Kazakh Republic is to become a Union Republic; but this does not mean that from the standpoint of cultural and economic development the Kazakh Republic is on a higher level than the Tatar Republic. The very opposite is the case. The same can be said, for example, of the Volga German Autonomous Republic and the Kirghiz Union Republic, of which the former is on a higher cultural and economic level than the latter, although it remains an Autonomous Republic.

What are the grounds for transferring Autonomous Republics to the category of Union Republics?

There are three such grounds.

First, the republic concerned must be a border republic, not surrounded on all sides by U.S.S.R. territory. Why? Because since the Union Republics have the right to secede from the U.S.S.R., a republic, on becoming a Union Republic, must be in a position logically and actually to raise the question of secession from the U.S.S.R. And this question can be raised only by a republic which, say, borders on some foreign state, and, consequently, is not surrounded on all sides by U.S.S.R. territory. Of course, none of our republics would actually raise the question of seceding from the U.S.S.R. But since the right to secede from the U.S.S.R. is reserved to the Union Republics, it must be so arranged that this right does not become a meaningless scrap of paper. Take, for example, the Bashkir Republic or the Tatar Republic. Let us assume that these Autonomous Republics are transferred to the category of Union Republics. Could they logically and actually raise the question of seceding from the U.S.S.R.? No, they could not. Why? Because they are surrounded on all sides by Soviet republics and regions, and, strictly speaking, they have nowhere to go to if they secede from the U.S.S.R. (*Laughter and applause.*) Therefore, it would be wrong to transfer such republics to the category of Union Republics.

Secondly, the nationality which gives its name to a given Soviet republic must constitute a more or less compact majority within that republic. Take the Crimean Autonomous Republic, for example. It is a border republic, but the Crimean Tatars do not constitute the majority in that republic; on the contrary, they are a minority. Consequently, it would be wrong and illogical to transfer the Crimean Republic to the category of Union Republics.

Thirdly, the republic must not have too small a population; it should have a population of, say, not less but more than a million, at least. Why? Because it would be wrong to assume that a small Soviet Republic with a very small

population and a small army could hope to maintain its existence as an independent state. There can hardly be any doubt that the imperialist beasts of prey would soon lay hands on it.

I think that unless these three objective grounds exist, it would be wrong at the present historical moment to raise the question of transferring any particular Autonomous Republic to the category of Union Republics.

4. Next it is proposed to delete from Articles 22, 23, 24, 25, 26, 27, 28 and 29 the detailed enumeration of the administrative territorial division of the Union Republics into territories and regions. I think that this proposal is also unacceptable. There are people in the U.S.S.R. who are always ready and eager to go on tirelessly recarving the territories and regions and thus cause confusion and uncertainty in our work. The Draft Constitution puts a check on these people. And that is very good, because here, as in many other things, we need an atmosphere of certainty, we need stability and clarity.

5. The fifth amendment concerns Article 33. The creation of two Chambers is regarded as inexpedient, and it is proposed that the Soviet of Nationalities be abolished. I think that this amendment is also wrong. A single-chamber system would be better than a dual-chamber system if the U.S.S.R. were a single-nation state. But the U.S.S.R. is not a single-nation state. The U.S.S.R., as we know, is a multinational state. We have a supreme body in which are represented the *common* interests of all the working people of the U.S.S.R. irrespective of nationality. This is the Soviet of the Union. But in addition to common interests, the nationalities of the U.S.S.R. have *their particular, specific* interests, connected with their specific national characteristics. Can these specific interests be ignored? No, they cannot. Do we need a special supreme body to reflect precisely these specific interests? Unquestionably, we do. There can be no doubt that without such a body it would be

impossible to administer a multi-national state like the U.S.S.R. Such a body is the second chamber, the Soviet of Nationalities of the U.S.S.R.

Reference is made to the parliamentary history of European and American states; it is pointed out that the dual-chamber system in these countries has produced only negative results—that the second chamber usually degenerates into a centre of reaction and a brake on progress. All that is true. But this is due to the fact that in those countries there is no equality between the two chambers. As we know, the second chamber is not infrequently granted more rights than the first chamber, and, moreover, as a rule the second chamber is constituted undemocratically, its members not infrequently being appointed from above. Undoubtedly, these defects will be obviated if equality is established between the chambers and if the second chamber is constituted as democratically as the first.

6. Further, an addendum to the Draft Constitution is proposed calling for an equal number of members in both chambers. I think that this proposal might be adopted. In my opinion, it has obvious political advantages, for it emphasizes the equality of the chambers.

7. Next comes an addendum to the Draft Constitution which proposes that the members of the Soviet of Nationalities be elected by direct vote, as in the case of the members of the Soviet of the Union. I think that this proposal might also be adopted. True, it may create certain technical inconveniences during elections; but, on the other hand, it would be of great political advantage, for it would enhance the prestige of the Soviet of Nationalities.

8. Then follows an addendum to Article 40, proposing that the Presidium of the Supreme Soviet be granted the right to pass provisional acts of legislation. I think that this addendum is wrong and should not be adopted by the Congress. It is time we put an end to a situation in which not one but a number of bodies legislate. Such a situation

runs counter to the principle that laws should be stable. And we need stability of laws now more than ever. Legislative power in the U.S.S.R. must be exercised only by one body, the Supreme Soviet of the U.S.S.R.

9. Further, an addendum is proposed to Article 48 of the Draft Constitution, demanding that the President of the Presidium of the Supreme Soviet of the U.S.S.R. be elected not by the Supreme Soviet of the U.S.S.R. but by the whole population of the country. I think this addendum is wrong, because it runs counter to the spirit of our Constitution. According to the system of our Constitution there must not be an individual president in the U.S.S.R., elected by the whole population on a par with the Supreme Soviet, and able to put himself in opposition to the Supreme Soviet. The president in the U.S.S.R. is a collegium, it is the Presidium of the Supreme Soviet, including the President of the Presidium of the Supreme Soviet, elected, not by the whole population, but by the Supreme Soviet, and accountable to the Supreme Soviet. Historical experience shows that such a structure of the supreme bodies is the most democratic, and safeguards the country against undesirable contingencies.

10. Then follows another amendment to Article 48. It reads as follows: that the number of Vice-Presidents of the Presidium of the Supreme Soviet of the U.S.S.R. be increased to eleven, one from each Union Republic. I think that this amendment might be adopted, for it would be an improvement and would only enhance the prestige of the Presidium of the Supreme Soviet of the U.S.S.R.

11. Then follows an amendment to Article 77. It calls for the organization of a new All-Union People's Commissariat—the People's Commissariat of the Defence Industry. I think that this amendment should likewise be accepted (*applause*), for the time has arrived to separate our defence industry and have a corresponding People's Commissariat for it. It seems to me that this would only improve the defence of our country.

12. Next follows an amendment to Article 124 of the Draft Constitution, demanding that the article be changed to provide for the prohibition of the performance of religious rites. I think that this amendment should be rejected as running counter to the spirit of our Constitution.

13. Finally, there is one other amendment of a more or less material character. I am referring to an amendment to Article 135 of the Draft Constitution. It proposes that ministers of religion, former Whiteguards, all the former rich, and persons not engaged in socially useful occupations be disfranchised, or, at all events, that the franchise of people in this category be restricted to the right to elect, but not to be elected. I think that this amendment should likewise be rejected. The Soviet government disfranchised the non-working and exploiting elements not for all time, but temporarily, up to a certain period. There was a time when these elements waged open war against the people and actively resisted the Soviet laws. The Soviet law depriving them of the franchise was the Soviet government's reply to this resistance. Quite some time has elapsed since then. During this period we have succeeded in abolishing the exploiting classes, and the Soviet government has become an invincible force. Has not the time arrived for us to revise this law? I think the time has arrived. It is said that this is dangerous, as elements hostile to the Soviet government, some of the former Whiteguards, kulaks, priests, etc., may worm their way into the supreme governing bodies of the country. But what is there to be afraid of? If you are afraid of wolves, keep out of the woods. (*Laughter and loud applause.*) In the first place, not all the former kulaks, Whiteguards and priests are hostile to the Soviet government. Secondly, if the people in some place or other do elect hostile persons, that will show that our propaganda work was very badly organized, and we shall fully deserve such a disgrace; if, however, our propaganda work is conducted in a Bolshevik way, the people will not let hostile

persons slip into the supreme governing bodies. This means that we must work and not whine (*loud applause*), we must work and not wait to have everything put before us ready-made by official order. As far back as 1919, Lenin said that the time was not far distant when the Soviet government would deem it expedient to introduce universal suffrage without any restrictions. Please note: *without any restrictions*. He said this at a time when foreign military intervention had not yet been overcome, and when our industry and agriculture were in a desperate condition. Since then, seventeen years have elapsed. Comrades, is it not time we carried out Lenin's behest? I think it is.

Here is what Lenin said in 1919 in his *Draft Program of the Communist Party of Russia*. Permit me to read it.

"The Russian Communist Party must explain to the masses of the working people, in order to avoid a wrong generalization of transient historical needs, that the disfranchisement of a section of citizens does not in the Soviet Republic affect, as has been the case in the majority of bourgeois-democratic republics, a definite category of citizens disfranchised for life, but applies only to the exploiters, only to those who in violation of the fundamental laws of the Socialist Soviet Republic, persist in defending their position as exploiters, in preserving capitalist relationships. Consequently, in the Soviet Republic, on the one hand, every day of added strength for Socialism and diminution in the number of those who have objective possibilities of remaining exploiters or of preserving capitalist relationships, automatically reduces the percentage of disfranchised persons. In Russia at the present time this percentage is hardly more than two or three per cent. On the other hand in the not distant future the cessation of foreign invasion and the completion of the expropriation of the expropriators may, under certain conditions, create a situation

in which the proletarian state power will choose other methods of suppressing the resistance of the exploiters and will introduce universal suffrage *without any restrictions*''* (Lenin, *Collected Works*, Russian edition, Vol. XXIV, p. 94.)

That is clear, I think.

Such is the position with regard to the amendments and addenda to the Draft Constitution of the U.S.S.R.

* My italics.—J. S.

VI

THE SIGNIFICANCE OF THE NEW CONSTITUTION OF THE U.S.S.R.

Judging by the results of the nation-wide discussion, which lasted nearly five months, it may be presumed that the Draft Constitution will be approved by the present Congress. (*Loud applause and cheers. All rise.*)

In a few days' time the Soviet Union will have a new, Socialist Constitution, built on the principles of fully developed Socialist democracy.

It will be an historical document dealing in simple and concise terms, almost in the style of minutes, with the facts of the victory of Socialism in the U.S.S.R., with the facts of the emancipation of the working people of the U.S.S.R. from capitalist slavery, with the facts of the victory in the U.S.S.R. of full and thoroughly consistent democracy.

It will be a document testifying to the fact that what millions of honest people in capitalist countries have dreamed of and still dream of has already been realized in the U.S.S.R. (*Loud applause.*)

It will be a document testifying to the fact that what has been realized in the U.S.S.R. is fully possible of realization in other countries also. (*Loud applause.*)

But from this it follows that the international significance of the new Constitution of the U.S.S.R. can hardly be exaggerated.

Today, when the turbid wave of fascism is bespattering the Socialist movement of the working class and besmirch-

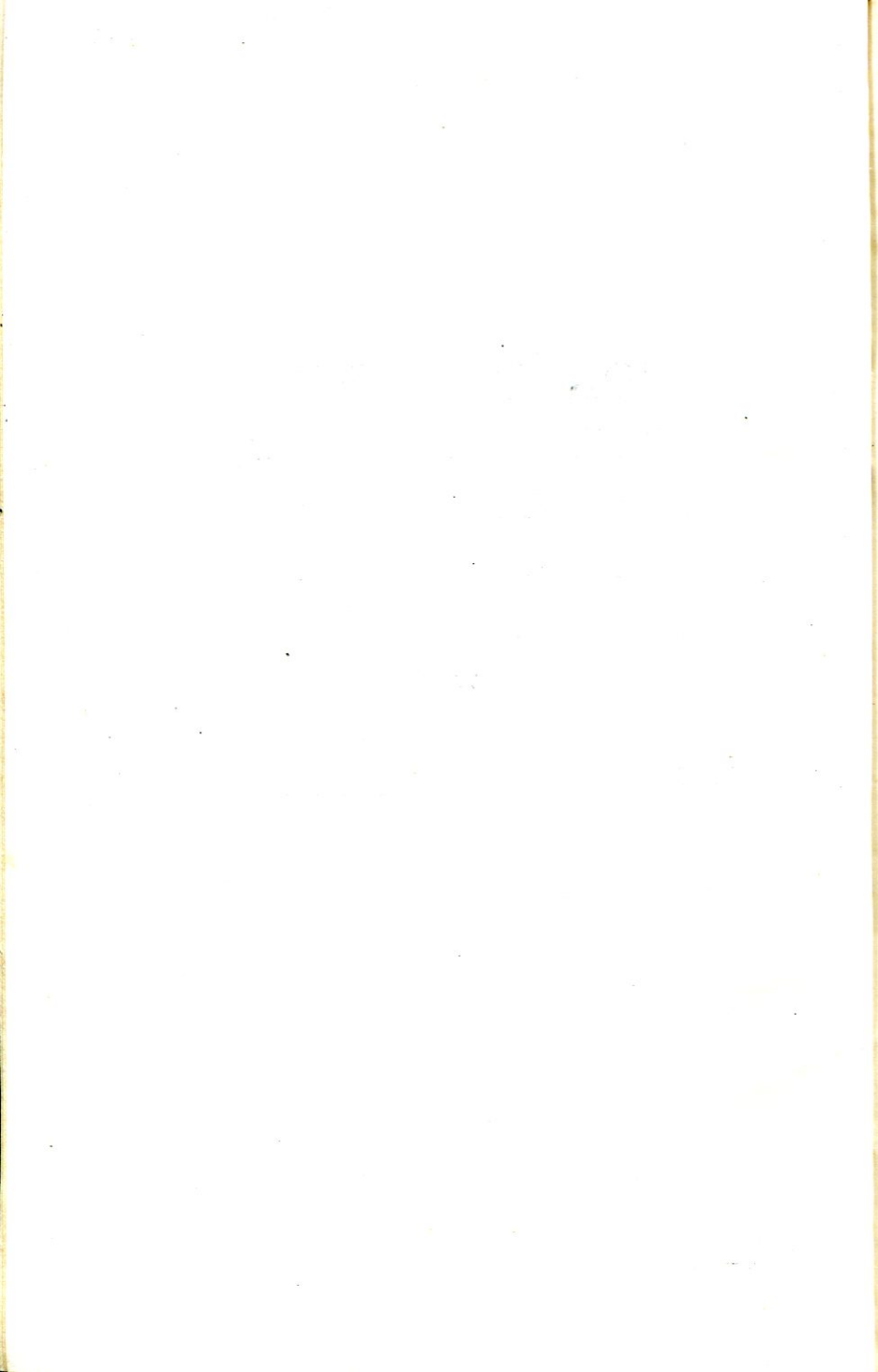
ing the democratic strivings of the best people in the civilized world, the new Constitution of the U.S.S.R. will be an indictment against fascism, declaring that Socialism and democracy are invincible. (*Applause.*) The new Constitution of the U.S.S.R. will give moral assistance and real support to all those who are today fighting fascist barbarism. (*Loud applause.*)

Still greater is the significance of the new Constitution of the U.S.S.R. for the peoples of the U.S.S.R. While for the peoples of capitalist countries the Constitution of the U.S.S.R. will have the significance of a program of action, it is significant for the peoples of the U.S.S.R. as the summary of their struggles, a summary of their victories in the struggle for the emancipation of mankind. After the path of struggle and privation that has been traversed, it is pleasant and joyful to have our Constitution, which treats of the fruits of our victories. It is pleasant and joyful to know what our people fought for and how they achieved this victory of worldwide historical importance. It is pleasant and joyful to know that the blood our people shed so plentifully was not shed in vain, that it has produced results. (*Prolonged applause.*) This arms our working class, our peasantry, our working intelligentsia spiritually. It impels them forward and rouses a sense of legitimate pride. It increases confidence in our strength and mobilizes us for fresh struggles for the achievement of new victories of Communism. (*Thunderous ovation. All rise. Shouts from all parts of the hall: "Long live Comrade Stalin!" All stand and sing the "Internationale," after which the ovation is resumed. Shouts of "Long live our leader, Comrade Stalin, hurrah!"*)

**CONSTITUTION
(FUNDAMENTAL LAW)
OF THE
UNION OF SOVIET
SOCIALIST REPUBLICS**



WITH AMENDMENTS AND ADDITIONS ADOPTED BY THE
FIRST, SECOND, THIRD, SIXTH, SEVENTH AND EIGHTH
SESSIONS OF THE SUPREME SOVIET OF THE U.S.S.R.



CHAPTER I

THE ORGANIZATION OF SOCIETY

ARTICLE 1. The Union of Soviet Socialist Republics is a socialist state of workers and peasants.

ARTICLE 2. The Soviets of Working People's Deputies, which grew and attained strength as a result of the overthrow of the landlords and capitalists and the achievement of the dictatorship of the proletariat, constitute the political foundation of the U.S.S.R.

ARTICLE 3. In the U.S.S.R. all power belongs to the working people of town and country as represented by the Soviets of Working People's Deputies.

ARTICLE 4. The socialist system of economy and the socialist ownership of the means and instruments of production, firmly established as a result of the abolition of the capitalist system of economy, the abrogation of private ownership of the means and instruments of production and the abolition of the exploitation of man by man, constitute the economic foundation of the U.S.S.R.

ARTICLE 5. Socialist property in the U.S.S.R. exists either in the form of state property (the possession of the whole people), or in the form of cooperative and collective-farm property (property of a collective farm or property of a cooperative association).

ARTICLE 6. The land, its natural deposits, waters, forests, mills, factories, mines, rail, water and air transport, banks, post, telegraph, and telephones, large state organized agricultural enterprises (state farms, machine and tractor stations and the like) as well as municipal enterprises and the bulk of the dwelling houses in the cities and industrial localities, are state property, that is, belong to the whole people.

ARTICLE 7. Public enterprises in collective farms and cooperative organizations, with their livestock and implements, the products of the collective farms and cooperative organizations, as well as their common buildings, constitute the common, socialist property of the collective farms and cooperative organizations.

In addition to its basic income from the public, collective-farm enterprise, every household in a collective farm has for its personal use a small plot of land attached to the dwelling and, as its personal property, a subsidiary establishment on the plot, a dwelling house, livestock, 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 their use free of charge and for an unlimited time, that is, in perpetuity.

ARTICLE 9. Alongside the socialist system of economy, which is the predominant form of economy in the U.S.S.R., the law permits the small private economy of individual peasants and handicraftsmen based on their personal labour and precluding the exploitation of the labour of others.

ARTICLE 10. The right of citizens to personal ownership of their incomes from work and of their savings, of

their dwelling houses and subsidiary household economy, their household furniture and utensils and articles of personal use and convenience, as well as the right of inheritance of personal property of citizens, is protected by law.

ARTICLE 11. The economic life of the U.S.S.R. is determined and directed by the state national economic plan with the aim of increasing the public wealth, of steadily improving the material conditions of the working people and raising their cultural level, of consolidating the independence of the U.S.S.R. and strengthening its defensive capacity.

ARTICLE 12. In the U.S.S.R. work is a duty and a matter of honour for every able-bodied citizen, in accordance with the principle: "He who does not work, neither shall he eat."

The principle applied in the U.S.S.R. is that of socialism: "From each according to his ability, to each according to his work."

CHAPTER II

THE ORGANIZATION OF THE STATE

ARTICLE 13. The Union of Soviet Socialist Republics is a federal state, formed on the basis of the voluntary association of Soviet Socialist Republics having equal rights, namely:

The Russian Soviet Federative Socialist Republic
The Ukrainian Soviet Socialist Republic
The Byelorussian Soviet Socialist Republic
The Azerbaijan Soviet Socialist Republic
The Georgian Soviet Socialist Republic
The Armenian Soviet Socialist Republic

The Turkmen Soviet Socialist Republic
The Uzbek Soviet Socialist Republic
The Tajik Soviet Socialist Republic
The Kazakh Soviet Socialist Republic
The Kirghiz Soviet Socialist Republic
The Karelo-Finnish Soviet Socialist Republic
The Moldavian Soviet Socialist Republic
The Lithuanian Soviet Socialist Republic
The Latvian Soviet Socialist Republic
The Esthonian Soviet Socialist Republic.

ARTICLE 14. The jurisdiction of the Union of Soviet Socialist Republics, as represented by its highest organs of state authority and organs of government, covers:

- 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 into the U.S.S.R.;
- d) Control over the observance of the Constitution 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) Confirmation of alterations of boundaries between Union Republics;
- f) Confirmation of the formation of new Territories and Regions and also of new Autonomous Republics within Union Republics;
- g) Organization of the defence of the U.S.S.R. and direction of all the armed forces of the U.S.S.R.;
- h) Foreign trade on the basis of state monopoly;
- i) Safeguarding the security of the state;
- j) Establishment of the national economic plans of the U.S.S.R.;
- k) Approval of the single state budget of the U.S.S.R. as well as of the taxes and revenues which go to the all-Union, Republican and local budgets;

l) Administration of the banks, industrial and agricultural establishments and enterprises and trading enterprises of all-Union importance;

m) Administration of transport and communications;

n) Direction of the monetary and credit system;

o) Organization of state insurance;

p) Raising and granting of loans;

q) Establishment of the basic principles for the use of land as well as for the use of natural deposits, forests and waters;

r) Establishment of the basic principles in the spheres of education and public health;

s) Organization of a uniform system of national economic statistics;

t) Establishment of the principles of labour legislation;

u) Legislation on the judicial system and judicial procedure; criminal and civil codes;

v) Laws on citizenship of the Union; laws on the rights of foreigners;

w) Issuing of all-Union acts of amnesty.

ARTICLE 15. The sovereignty of the Union Republics is limited only within the provisions set forth in Article 14 of the Constitution of the U.S.S.R. Outside of these provisions, each Union Republic exercises state authority independently. The U.S.S.R. protects the sovereign rights of the Union Republics.

ARTICLE 16. Each Union Republic has its own Constitution, which takes account of the specific features of the Republic and is drawn up in full conformity with the Constitution of the U.S.S.R.

ARTICLE 17. To every Union Republic is reserved the right freely to secede from the U.S.S.R.

ARTICLE 18. The territory of a Union Republic may not be altered without its consent.

ARTICLE 19. The laws of the U.S.S.R. have the same force within the territory of every Union Republic.

ARTICLE 20. In the event of a discrepancy between a law of a Union Republic and an all-Union law, the all-Union law prevails.

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 Soviet Federative Socialist Republic consists of the Altai, Krasnodar, Krasnoyarsk, Orjonikidze, Primorye and Khabarovsk Territories; the Archangel, Vologda, Voronezh, Gorky, Ivanovo, Irkutsk, Kalinin, Kirov, Kuibyshev, Kursk, Leningrad, Molotov, Moscow, Murmansk, Novosibirsk, Omsk, Orel, Penza, Rostov, Ryazan, Saratov, Sverdlovsk, Smolensk, Stalingrad, Tambov, Tula, Chelyabinsk, Chita, Chkalov and Yaroslavl Regions; the Tatar, Bashkir, Daghestan, Buryat-Mongolian, Kabardino-Balkarian, Kalmyk, Komi, Crimean, Mari, Moldavian, Volga German, North Ossetian, Udmurt, Chechen-Ingush, Chuvash and Yakut Autonomous Soviet Socialist Republics; and the Adygei, Jewish, Karachai, Oirat, Khakass and Cherkess Autonomous Regions.

ARTICLE 23. The Ukrainian Soviet Socialist Republic consists of the Vinnitsa, Volhynia, Voroshilovgrad, Dnepropetrovsk, Drohobych, Zhitomir, Zaporozhye, Izmail, Kamenets-Podolsk, Kiev, Kirovograd, Lvov, Nikolayev, Odessa, Poltava, Rovno, Stalino, Stanislav, Sumi, Tarnopol; Kharkov, Chernigov and Chernovitsi Regions.

ARTICLE 24. The Azerbaijan Soviet Socialist Republic includes the Nakhichevan Autonomous Soviet Socialist Republic and the Nagorno-Karabakh Autonomous Region.

ARTICLE 25. The Georgian Soviet Socialist Republic includes the Abkhazian Autonomous Soviet Socialist Republic, the Adjar Autonomous Soviet Socialist Republic and the South Ossetian Autonomous Region.

ARTICLE 26. The Uzbek Soviet Socialist Republic consists of the Bukhara, Samarkand, Tashkent, Ferghana and Khorezm Regions, and the Kara-Kalpak Autonomous Soviet Socialist Republic.

ARTICLE 27. The Tajik Soviet Socialist Republic consists of the Garm, Kulyab, Leninabad and Stalinabad Regions, and the Gorno-Badakhshan Autonomous Region.

ARTICLE 28. The Kazakh Soviet Socialist Republic consists of the Akmolinsk, Aktyubinsk, Alma-Ata, East Kazakhstan, Guriev, Jambul, West Kazakhstan, Karaganda, Kzyl-Orda, Kustanai, Pavlodar, North Kazakhstan, Semipalatinsk and South Kazakhstan Regions.

ARTICLE 29. The Byelorussian Soviet Socialist Republic consists of the Baranovichi, Byelostok, Brest, Vileyka, Vitebsk, Gomel, Minsk, Moghilev, Pinsk and Polessye Regions.

ARTICLE 29-a. The Turkmen Soviet Socialist Republic consists of the Ashkhabad, Krasnovodsk, Mari, Tashauz and Charjow Regions.

ARTICLE 29-b. The Kirghiz Soviet Socialist Republic consists of the Dzhahal-Abad, Issyk-Kul, Osh, Tien-Shan and Frunze Regions.

CHAPTER III

THE HIGHEST ORGANS OF STATE AUTHORITY OF THE UNION OF SOVIET SOCIALIST REPUBLICS

ARTICLE 30. The highest organ of state authority of the U.S.S.R. is the Supreme Soviet of the U.S.S.R.

ARTICLE 31. The Supreme Soviet of the U.S.S.R. exercises all rights vested in the Union of Soviet Socialist Republics in accordance with Article 14 of the Constitution, in so far as they do not, by virtue of the Constitution, come within the jurisdiction of organs of the U.S.S.R. that are accountable to the Supreme Soviet of the U.S.S.R., that is, the Presidium of the Supreme Soviet 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 Soviet of the U.S.S.R.

ARTICLE 33. The Supreme Soviet of the U.S.S.R. consists of two Chambers: the Soviet of the Union and the Soviet of Nationalities.

ARTICLE 34. The Soviet of the Union is elected by the citizens of the U.S.S.R. according to electoral areas on the basis of one deputy for every 300,000 of the population.

ARTICLE 35. The Soviet of Nationalities is elected by the citizens of the U.S.S.R. according to Union and Autonomous Republics, Autonomous Regions and national areas on the basis of twenty-five deputies from each Union Republic, eleven deputies from each Autonomous Republic, five deputies from each Autonomous Region and one deputy from each national area.

ARTICLE 36. The Supreme Soviet of the U.S.S.R. is elected for a term of four years.

ARTICLE 37. Both Chambers of the Supreme Soviet of the U.S.S.R., the Soviet of the Union and the Soviet of Nationalities, have equal rights.

ARTICLE 38. The Soviet of the Union and the Soviet of Nationalities have an equal right to initiate legislation.

ARTICLE 39. A law is considered adopted if passed by both Chambers of the Supreme Soviet of the U.S.S.R. by a simple majority vote in each.

ARTICLE 40. Laws passed by the Supreme Soviet of the U.S.S.R. are published in the languages of the Union Republics over the signatures of the President and Secretary of the Presidium of the Supreme Soviet of the U.S.S.R.

ARTICLE 41. Sessions of the Soviet of the Union and the Soviet of Nationalities begin and terminate simultaneously.

ARTICLE 42. The Soviet of the Union elects a Chairman of the Soviet of the Union and two Vice-Chairmen.

ARTICLE 43. The Soviet of Nationalities elects a Chairman of the Soviet of Nationalities and two Vice-Chairmen.

ARTICLE 44. The Chairmen of the Soviet of the Union and the Soviet of Nationalities preside over the sittings of the respective Chambers and direct the procedure of these bodies.

ARTICLE 45. Joint sittings of both Chambers of the Supreme Soviet of the U.S.S.R. are presided over alternately by the Chairman of the Soviet of the Union and the Chairman of the Soviet of Nationalities.

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

Special sessions are convened by the Presidium of the Supreme Soviet of the U.S.S.R. at its discretion or on the demand of one of the Union Republics.

ARTICLE 47. In the event of disagreement between the Soviet of the Union and the Soviet of Nationalities, the question is referred for settlement to a conciliation commission formed on a parity basis. If the conciliation commission fails to arrive at an agreement, or if its decision fails to satisfy one of the Chambers, the question is considered for a second time by the Chambers. Failing agreement between the two Chambers, the Presidium of the Supreme Soviet of the U.S.S.R. dissolves the Supreme Soviet of the U.S.S.R. and orders new elections.

ARTICLE 48. The Supreme Soviet of the U.S.S.R. at a joint sitting of both Chambers elects the Presidium of the Supreme Soviet of the U.S.S.R., consisting of a President of the Presidium of the Supreme Soviet of the U.S.S.R., sixteen Vice-Presidents, a Secretary of the Presidium and twenty-four members of the Presidium.

The Presidium of the Supreme Soviet of the U.S.S.R. is accountable to the Supreme Soviet of the U.S.S.R. for all its activities.

ARTICLE 49. The Presidium of the Supreme Soviet of the U.S.S.R.:

a) Convenes the sessions of the Supreme Soviet of the U.S.S.R.;

b) Interprets laws of the U.S.S.R. in operation, issues decrees;

c) Dissolves the Supreme Soviet of the U.S.S.R. in conformity with Article 47 of the Constitution of the U.S.S.R. and orders new elections;

d) Conducts referendums on its own initiative or on the demand of one of the Union Republics;

e) Annuls decisions and orders of the Council of People's Commissars of the U.S.S.R. and of the Councils of People's Commissars of the Union Republics in case they do not conform to law;

f) In the intervals between sessions of the Supreme Soviet of the U.S.S.R., relieves of their posts and appoints People's Commissars of the U.S.S.R. on the recommendation of the Chairman of the Council of People's Commissars of the U.S.S.R., subject to subsequent confirmation by the Supreme Soviet of the U.S.S.R.;

g) Awards decorations and confers titles of honour of the U.S.S.R.;

h) Exercises the right of pardon;

i) Appoints and removes the higher commands of the armed forces of the U.S.S.R.;

j) In the intervals between sessions of the Supreme Soviet of the U.S.S.R., proclaims a state of war in the event of armed attack on the U.S.S.R., or whenever necessary to fulfil international treaty obligations concerning mutual defence against aggression;

k) Orders general or partial mobilization;

l) Ratifies international treaties;

m) Appoints and recalls plenipotentiary representatives of the U.S.S.R. to foreign states;

n) Receives the credentials and letters of recall of diplomatic representatives accredited to it by foreign states;

o) Proclaims martial law in separate localities or throughout the U.S.S.R. in the interests of the defence of the U.S.S.R. or for the purpose of ensuring public order and state security.

ARTICLE 50. The Soviet of the Union and the Soviet of Nationalities elect Credentials Commissions which verify the credentials of the members of the respective Chambers.

On the recommendation of the Credentials Commissions, the Chambers decide either to endorse the credentials or to annul the election of the deputies concerned.

ARTICLE 51. The Supreme Soviet of the U.S.S.R., when it deems necessary, appoints commissions of enquiry and investigation on any matter.

It is the duty of all institutions and public servants to comply with the demands of these commissions and to submit to them the necessary materials and documents.

ARTICLE 52. A member of the Supreme Soviet of the U.S.S.R. may not be prosecuted or arrested without the consent of the Supreme Soviet of the U.S.S.R., and during the period when the Supreme Soviet of the U.S.S.R. is not in session, without the consent of the Presidium of the Supreme Soviet of the U.S.S.R.

ARTICLE 53. On the expiration of the term of office of the Supreme Soviet of the U.S.S.R., or after the dissolution of the Supreme Soviet prior to the expiration of its term of office, the Presidium of the Supreme Soviet of the U.S.S.R. retains its powers until the formation of a new Presidium of the Supreme Soviet of the U.S.S.R. by the newly-elected Supreme Soviet of the U.S.S.R.

ARTICLE 54. On the expiration of the term of office of the Supreme Soviet of the U.S.S.R., or in the event of its dissolution prior to the expiration of its term of office, the Presidium of the Supreme Soviet of the U.S.S.R. orders new elections to be held within a period not exceeding two months from the date of expiration of the term of office or dissolution of the Supreme Soviet of the U.S.S.R.

ARTICLE 55. The newly-elected Supreme Soviet of the U.S.S.R. is convened by the outgoing Presidium of the Supreme Soviet of the U.S.S.R. not later than one month after the elections.

ARTICLE 56. The Supreme Soviet of the U.S.S.R., at a joint sitting of both Chambers, appoints the Government of the U.S.S.R., namely, the Council of People's Commissars of the U.S.S.R.

CHAPTER IV

THE HIGHEST ORGANS OF STATE AUTHORITY OF THE UNION REPUBLICS

ARTICLE 57. The highest organ of state authority of a Union Republic is the Supreme Soviet of the Union Republic.

ARTICLE 58. The Supreme Soviet of a Union Republic is elected by the citizens of the Republic for a term of four years.

The basis of representation is established by the Constitution of the Union Republic.

ARTICLE 59. The Supreme Soviet of a Union Republic is the sole legislative organ of the Republic.

ARTICLE 60. The Supreme Soviet of a Union Republic:

a) Adopts the Constitution of the Republic and amends it in conformity with Article 16 of the Constitution of the U.S.S.R.;

b) Confirms the Constitutions of the Autonomous Republics forming part of it and defines the boundaries of their territories;

c) Approves the national economic plan and also the budget of the Republic;

d) Exercises the right of amnesty and pardon of citizens sentenced by the judicial organs of the Union Republic.

ARTICLE 61. The Supreme Soviet of a Union Republic elects the Presidium of the Supreme Soviet of the Union Republic, consisting of a Chairman of the Presidium of the Supreme Soviet of the Union Republic, Vice-Chairmen, a Secretary of the Presidium and members of the Presidium of the Supreme Soviet of the Union Republic.

The powers of the Presidium of the Supreme Soviet of a Union Republic are defined by the Constitution of the Union Republic.

ARTICLE 62. The Supreme Soviet of a Union Republic elects a Chairman and Vice-Chairmen to conduct its sittings.

ARTICLE 63. The Supreme Soviet of a Union Republic appoints the Government of the Union Republic, namely, the Council of People's Commissars of the Union Republic.

CHAPTER V

THE ORGANS OF GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS

ARTICLE 64. The highest executive and administrative organ of state authority of 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 Soviet of the U.S.S.R. and accountable to it; and in the intervals between sessions of the Supreme Soviet it is responsible and accountable to the Presidium of the Supreme Soviet of the U.S.S.R.

ARTICLE 66. The Council of People's Commissars of the U.S.S.R. issues decisions and orders on the basis and

in pursuance of the laws in operation, and supervises their execution.

ARTICLE 67. Decisions and orders of the Council of People's Commissars of the U.S.S.R. are binding throughout the territory of the U.S.S.R.

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

a) Coordinates and directs the work of the All-Union and Union-Republican People's Commissariats of the U.S.S.R. and of other institutions, economic and cultural, under its administration;

b) Adopts measures to carry out the national economic plan and the state budget, and to strengthen the credit and monetary system;

c) Adopts measures for the maintenance of public order, for the protection of the interests of the state, and for the safeguarding of the rights of citizens;

d) Exercises general guidance in respect of relations with foreign states;

e) Fixes the annual contingent of citizens to be called up for military service and directs the general organization and development of the armed forces of the country;

f) Sets up, whenever necessary, special Committees and Central Administrations under the Council of People's Commissars of the U.S.S.R. for matters concerning economic, cultural and defence organization and development.

ARTICLE 69. The Council of People's Commissars of the U.S.S.R. has the right, in respect of those branches of administration and economy which come 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 People's Commissars of the U.S.S.R.

ARTICLE 70. The Council of People's Commissars of the U.S.S.R. is appointed by the Supreme Soviet of the U.S.S.R. and consists of:

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 on Arts;

The Chairman of the Committee on Higher Education;

The Chairman of the Board of the State Bank.

ARTICLE 71. The Government of the U.S.S.R. or a People's Commissar of the U.S.S.R. to whom a question of a member of the Supreme Soviet of the U.S.S.R. is addressed must give a verbal or written reply in the respective Chamber within a period not exceeding three days.

ARTICLE 72. The 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 the jurisdiction of the respective People's Commissariats, orders and instructions on the basis and in pursuance of the laws in operation, and also of decisions and orders of the Council of People's Commissars of the U.S.S.R., and supervise their execution.

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

ARTICLE 75. The All-Union People's Commissariats direct the branches of state administration entrusted to them throughout the territory of the U.S.S.R. either directly or through bodies appointed by them.

ARTICLE 76. The Union-Republican People's Commissariats, as a rule, direct the branches of state administration entrusted to them through the corresponding People's Commissariats of the Union Republics; they administer directly only a definite and limited number of enterprises according to a list confirmed by the Presidium of the Supreme Soviet of the U.S.S.R.

ARTICLE 77. The following People's Commissariats are All-Union People's Commissariats:

- Defence
- Foreign Affairs
- Foreign Trade
- Railways
- Post, Telegraph and Telephones
- Maritime Fleet
- River Fleet
- Coal-Mining Industry
- Oil Industry
- Electric Power Stations
- Electrical Engineering Industry
- Iron and Steel Industry
- Non-Ferrous Metals Industry
- Chemical Industry
- Aircraft Industry
- Shipbuilding Industry
- Munitions Industry
- Armaments Industry
- Heavy Machine-Building Industry
- Medium Machine-Building Industry
- General Machine-Building Industry

Navy
Agricultural Stocks
Civil Engineering Industry
Cellulose and Paper Industry.

ARTICLE 78. The following People's Commissariats are Union-Republican People's Commissariats:

Food Industry
Fishing Industry
Meat and Dairy Produce Industry
Light Industry
Textile Industry
Timber Industry
Agriculture
State Grain and Livestock Farms
Finance
Trade
Internal Affairs
State Security
Justice
Public Health
Building Materials Industry
State Control.

CHAPTER VI

THE ORGANS OF GOVERNMENT OF THE UNION REPUBLICS

ARTICLE 79. The highest executive and administrative organ of state authority 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 Soviet of the Union Republic and accountable to it; and in the intervals

between sessions of the Supreme Soviet of the Union Republic it is responsible and accountable to the Presidium of the Supreme Soviet of the respective Union Republic.

ARTICLE 81. The Council of People's Commissars of a Union Republic issues decisions and orders on the basis and in pursuance of the laws in operation of the U.S.S.R. and of the Union Republic, and of the decisions and orders of the Council of People's Commissars of the U.S.S.R., and supervises their execution.

ARTICLE 82. The Council of People's Commissars of a Union Republic has the right to suspend decisions and orders of Councils of People's Commissars of Autonomous Republics, and to annul decisions and orders of Executive Committees of Soviets of Working People's Deputies of Territories, Regions and Autonomous Regions.

ARTICLE 83. The Council of People's Commissars of a Union Republic is appointed by the Supreme Soviet of the Union Republic and consists of:

The Chairman of the Council of People's Commissars of the Union Republic;

The Vice-Chairmen;

The Chairman of the State Planning Commission;

The People's Commissars of:

Food Industry

Fishing Industry

Meat and Dairy Produce Industry

Light Industry

Textile Industry

Timber Industry

Building Materials Industry

Agriculture

State Grain and Livestock Farms

Finance
Trade
Internal Affairs
State Security
Justice
Public Health
State Control
Education
Local Industry
Municipal Economy
Social Maintenance
Motor Transport

The Chief of the Arts Administration;

The Representatives of the All-Union People's Commissariats.

ARTICLE 84. The People's Commissars of a Union Republic direct the branches of 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 the jurisdiction of their respective People's Commissariats, orders and instructions on the basis and in pursuance of the laws of the U.S.S.R. and of the Union Republic, of the decisions and orders of the Council of People's Commissars of the U.S.S.R. and that of the Union Republic, and of the orders and instructions of the Union-Republican People's Commissariats of the U.S.S.R.

ARTICLE 86. The People's Commissariats of a Union Republic are either Union-Republican or Republican Commissariats.

ARTICLE 87. The Union-Republican People's Commissariats direct the branches of state administration en-

trusted to them, and are subordinate both to the Council of People's Commissars of the Union Republic and to the corresponding Union-Republican People's Commissariats of the U.S.S.R.

ARTICLE 88. The Republican People's Commissariats direct the branches of state administration entrusted to them and are directly subordinate to the Council of People's Commissars of the Union Republic.

CHAPTER VII

THE HIGHEST ORGANS OF STATE AUTHORITY OF THE AUTONOMOUS SOVIET SOCIALIST REPUBLICS

ARTICLE 89. The highest organ of state authority of an Autonomous Republic is the Supreme Soviet of the Autonomous Soviet Socialist Republic.

ARTICLE 90. The Supreme Soviet of an Autonomous Republic is elected by the citizens of the Republic for a term of four years on the basis of representation established by the Constitution of the Autonomous Republic.

ARTICLE 91. The Supreme Soviet of an Autonomous Republic is the sole legislative organ of the Autonomous Soviet Socialist Republic.

ARTICLE 92. Each Autonomous Republic has its own Constitution, which takes account of 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 Soviet of an Autonomous Republic elects the Presidium of the Supreme Soviet of

the Autonomous Republic and appoints the Council of People's Commissars of the Autonomous Republic, in accordance with its Constitution.

CHAPTER VIII

THE LOCAL ORGANS OF STATE AUTHORITY

ARTICLE 94. The organs of state authority in territories, regions, autonomous regions, areas, districts, cities and rural localities (stanitsas, villages, hamlets, kishlaks, auls) are the Soviets of Working People's Deputies.

ARTICLE 95. The Soviets of Working People's Deputies of territories, regions, autonomous regions, areas, districts, cities and rural localities (stanitsas, villages, hamlets, kishlaks, auls) are elected by the working people of the respective territories, regions, autonomous regions, areas, districts, cities or rural localities for a term of two years.

ARTICLE 96. The basis of representation for Soviets of Working People's Deputies is defined by the Constitutions of the Union Republics.

ARTICLE 97. The Soviets of Working People's Deputies direct the work of the organs of administration subordinate to them, ensure the maintenance of public order, the observance of the laws and the protection of the rights of citizens, direct local economic and cultural organization and development and draw up the local budgets.

ARTICLE 98. The Soviets of Working People's 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 of the Union Republic.

ARTICLE 99. The executive and administrative organs of the Soviets of Working People's Deputies of territories, regions, autonomous regions, areas, districts, cities and rural localities are the Executive Committees elected by them, consisting of a Chairman, Vice-Chairmen, a Secretary and members.

ARTICLE 100. The executive and administrative organ of rural Soviets of Working People's Deputies in small localities, in accordance with the Constitutions of the Union Republics, is the Chairman, the Vice-Chairman and the Secretary elected by them.

ARTICLE 101. The executive organs of the Soviets of Working People's Deputies are directly accountable both to the Soviets of Working People's Deputies which elected them and to the executive organ of the superior Soviet of Working People's Deputies.

CHAPTER IX

THE COURTS AND THE PROCURATOR'S OFFICE

ARTICLE 102. In the U.S.S.R. justice is administered by the Supreme Court of the U.S.S.R., the Supreme Courts of the Union Republics, the Territorial and the Regional courts, the courts of the Autonomous Republics and the Autonomous Regions, the Area courts, the special courts of the U.S.S.R. established by decision of the Supreme Soviet of the U.S.S.R., and the People's Courts.

ARTICLE 103. In all courts cases are tried with the participation of people's assessors, except in cases specially provided for by law.

ARTICLE 104. The Supreme Court of the U.S.S.R. is the highest judicial organ. The Supreme Court of the U.S.S.R. is charged with the supervision of the judicial activities of all the judicial organs of the U.S.S.R. and of the Union Republics.

ARTICLE 105. The Supreme Court of the U.S.S.R. and the special courts of the U.S.S.R. are elected by the Supreme Soviet of the U.S.S.R. for a term of five years.

ARTICLE 106. The Supreme Courts of the Union Republics are elected by the Supreme Soviets of the Union Republics for a term of five years.

ARTICLE 107. The Supreme Courts of the Autonomous Republics are elected by the Supreme Soviets of the Autonomous Republics for a term of five years.

ARTICLE 108. The Territorial and the Regional courts, the courts of the Autonomous Regions and the Area courts are elected by the Territorial Regional or Area Soviets of Working People's Deputies or by the Soviets of Working People's Deputies of the Autonomous Regions for a term of five years.

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

ARTICLE 110. Judicial proceedings are conducted in the language of the Union Republic, Autonomous Republic or Autonomous Region, persons not knowing this language being guaranteed every opportunity of fully acquainting themselves with the material of the case through an inter-

preter and likewise the right to use their own language in court.

ARTICLE 111. In all courts of the U.S.S.R. cases are heard in public, unless otherwise provided for by law, and the accused is guaranteed the right to be defended by Counsel.

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

ARTICLE 113. Supreme supervisory power over the strict execution of the laws by all People's Commissariats and institutions subordinated to them, as well as by public servants and citizens of the U.S.S.R. is vested in the Procurator of the U.S.S.R.

ARTICLE 114. The Procurator of the U.S.S.R. is appointed by the Supreme Soviet of the U.S.S.R. for a term of seven years.

ARTICLE 115. Procurators of Republics, Territories and Regions, as well as Procurators of Autonomous Republics and Autonomous Regions are appointed by the Procurator of the U.S.S.R. for a term of five years.

ARTICLE 116. Area, district and city procurators are appointed for a term of five years by the Procurators of the Union Republics, subject to the approval of the Procurator of the U.S.S.R.

ARTICLE 117. The organs of the Procurator's Office perform their functions independently of any local organs whatsoever, being subordinate solely to the Procurator of the U.S.S.R.

FUNDAMENTAL RIGHTS AND DUTIES OF CITIZENS

ARTICLE 118. Citizens of the U.S.S.R. have the right to work, that is, are guaranteed the right to employment and payment for their work in accordance with its quantity and quality.

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

ARTICLE 119. Citizens of the U.S.S.R. have the right to rest and leisure.

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, the institution of annual vacations with full pay for workers and employees and the provision of a wide network of sanatoria, rest homes and clubs for the accommodation of the working people.

ARTICLE 120. Citizens of the U.S.S.R. have the right to maintenance in old age and also in case of sickness or loss of capacity to work.

This right is ensured by the extensive development of social insurance of workers and employees at state expense, free medical service for the working people and the provision of a wide network of health resorts for the use of the working people.

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

This right is ensured by universal, compulsory elementary education; by education, including higher education,

being free of charge; by the system of state stipends for the overwhelming majority of students in the universities and colleges; by instruction in schools being conducted in the native language, and by the organization in the factories, state farms, machine and tractor stations and collective farms of free vocational, technical and agronomic training for the working people.

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

The possibility of exercising these rights is ensured to women by granting them an equal right with men to work, payment for work, rest and leisure, social insurance and education, and by state protection of the interests of mother and child, pre-maternity and maternity leave with full pay, and the provision of a wide network of maternity homes, nurseries and kindergartens.

ARTICLE 123. Equality of rights of citizens of the U.S.S.R., irrespective of their nationality or race, in all spheres of economic, state, cultural, social and political life, is an indefeasible law.

Any direct or indirect restriction of the rights of, or, conversely, any establishment of direct or indirect privileges for, citizens on account of their race or nationality, as well as any advocacy of racial or national exclusiveness or hatred and contempt, is punishable by law.

ARTICLE 124. In order 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 of religious worship and freedom of anti-religious propaganda is recognized for all citizens.

ARTICLE 125. In conformity with the interests of the working people, and in order to strengthen the socialist system, the citizens of the U.S.S.R. are guaranteed by law:

- a) freedom of speech;
- b) freedom of the press;
- c) freedom of assembly, including the holding of mass meetings;
- d) freedom of street processions and demonstrations.

These civil rights are ensured by placing at the disposal of the working people and their organizations printing presses, stocks of paper, public buildings, the streets, communications facilities and other material requisites for the exercise of these rights.

ARTICLE 126. In conformity with the interests of the working people, and in order to develop the organizational initiative and political activity of the masses of the people, citizens of the U.S.S.R. are ensured the right to unite in public organizations—trade unions, cooperative associations, youth organizations, sport and defence organizations, cultural, technical and scientific societies; and the most active and politically most conscious citizens in the ranks of the working class and other sections of the working people unite in the Communist Party of the Soviet Union (Bolsheviks), which is the vanguard of the working people in their struggle to strengthen and develop the socialist system and is the leading core of all organizations of the working people, both public and state.

ARTICLE 127. Citizens of the U.S.S.R. are guaranteed inviolability of the person. No person may be placed under arrest except by decision of a court or with the sanction of a procurator.

ARTICLE 128. The inviolability of the homes of citizens and privacy of correspondence are protected by law.

ARTICLE 129. The U.S.S.R. affords the right of asylum to foreign citizens persecuted for defending the interests of the working people, or for their scientific activities, or for their struggle for national liberation.

ARTICLE 130. It is the duty of every citizen of the U.S.S.R. to abide by the Constitution of the Union of Soviet Socialist Republics, to observe the laws, to maintain labour discipline, honestly to perform public duties, and to respect the rules of socialist intercourse.

ARTICLE 131. It is the duty of every citizen of the U.S.S.R. to safeguard and strengthen public, socialist property as the sacred and inviolable foundation of the Soviet system, as the source of the wealth and might of the country, as the source of the prosperous and cultured life of all the working people.

Persons committing offences against public, socialist property are enemies of the people.

ARTICLE 132. Universal military service is law.

Military service in the Workers' and Peasants' Red Army is an honourable duty of the citizens of the U.S.S.R.

ARTICLE 133. To defend the fatherland is the sacred duty of every citizen of the U.S.S.R. Treason to the country—violation of the oath of allegiance, desertion to the enemy, impairing the military power of the state, espionage—is punishable with all the severity of the law as the most heinous of crimes.

CHAPTER XI

THE ELECTORAL SYSTEM

ARTICLE 134. Members of all Soviets of Working People's Deputies—of the Supreme Soviet of the U.S.S.R., the Supreme Soviets of the Union Republics, the Soviets of Working People's Deputies of the Territories and Regions, the Supreme Soviets of the Autonomous Republics, the Soviets of Working People's Deputies of Autonomous Regions, area, district, city and rural (stanitsa, village, hamlet, kishlak, aul) Soviets of Working People's Deputies—are chosen by the electors on the basis of universal, direct and equal suffrage by secret ballot.

ARTICLE 135. Elections of deputies are universal: all citizens of the U.S.S.R. who have reached the age of eighteen, irrespective of race or nationality, religion, educational and residential qualifications, social origin, property status or past activities, have the right to vote in the election of deputies and to be elected, with the exception of insane persons and persons who have been convicted by a court of law and whose sentences include deprivation of electoral rights.

ARTICLE 136. Elections of deputies are equal: each citizen has one vote; all citizens participate in elections on an equal footing.

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

ARTICLE 138. Citizens serving in 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: all Soviets of Working People's Deputies from rural and city Soviets of Working People's Deputies to the Supreme Soviet of the U.S.S.R., inclusive, are elected by the citizens by direct vote.

ARTICLE 140. Voting at elections of deputies is secret.

ARTICLE 141. Candidates for election are nominated according to electoral areas.

The right to nominate candidates is secured to public organizations and societies of the working people: Communist Party organizations, trade unions, cooperatives, youth organizations and cultural societies.

ARTICLE 142. It is the duty of every deputy to report to his electors on his work and on the work of the Soviet of Working People's Deputies, and he is liable to be recalled at any time in the manner established by law upon decision of a majority of the electors.

CHAPTER XII

ARMS, FLAG, CAPITAL

ARTICLE 143. The arms of the Union of Soviet Socialist Republics consist of a sickle and hammer against a globe depicted in the rays of the sun and surrounded by ears of grain with the inscription "Workers of All Countries, Unite!" in the languages of the Union Republics. At the top of the arms is a five-pointed star.

ARTICLE 144. The state flag of the Union of Soviet Socialist Republics is of red cloth with the sickle and hammer depicted in gold in the upper corner near the staff and

above them a five-pointed red star bordered in gold. The ratio of the width to the length is 1:2.

ARTICLE 145. The capital of the Union of Soviet Socialist Republics is the City of Moscow.

CHAPTER XIII

PROCEDURE FOR AMENDING THE CONSTITUTION

ARTICLE 146. The Constitution of the U.S.S.R. may be amended only by decision of the Supreme Soviet of the U.S.S.R. adopted by a majority of not less than two-thirds of the votes cast in each of its Chambers.

APPENDICES

LAWS ADOPTED BY THE TENTH SESSION OF THE SUPREME SOVIET OF THE U.S.S.R.

APPENDIX I

LAW

ON CREATING TROOP FORMATIONS OF THE UNION REPUBLICS AND ON REORGANIZING THE PEOPLE'S COMMISSARIAT OF DEFENCE IN CONNECTION THEREWITH FROM AN ALL-UNION INTO A UNION- REPUBLICAN PEOPLE'S COMMISSARIAT

With the object of strengthening the defence capacity of the Union of Soviet Socialist Republics, the Supreme Soviet of the Union of Soviet Socialist Republics *decrees*:

1. To establish that the Union Republics shall organize troop formations of their respective Republics.

2. To introduce into the Constitution of the U.S.S.R. the following amendments:

a) to insert in Article 14 § g of the Constitution of the U.S.S.R., after the words "Organization of the defence of the U.S.S.R. and direction of all the armed forces of the U.S.S.R.," the words—"establishment of the guiding princi-

ples of organization of the troop formations of the Union Republics," thus formulating this point as follows:

"g) Organization of the defence of the U.S.S.R., direction of all the armed forces of the U.S.S.R., establishment of the guiding principles of organization of the troop formations of the Union Republics."

b) To add to the Constitution of the U.S.S.R. Article 18-b, as follows:

"Article 18-b

"Each Union Republic has its own Republican troop formations."

c) To add to Article 60 of the Constitution of the U.S.S.R. § f, as follows:

"f) Establishes the system of organization of the Republican troop formations."

3. To reorganize the People's Commissariat of Defence from an All-Union into a Union-Republican People's Commissariat.

M. KALININ

*President of the Presidium of the
Supreme Soviet of the U.S.S.R.*

A. GORKIN

*Secretary of the Presidium of the
Supreme Soviet of the U.S.S.R.*

Moscow, The Kremlin
February 1, 1944.

LAW

ON GRANTING THE UNION REPUBLICS PLENIPO-
TENTIARY POWERS IN THE SPHERE OF FOREIGN
RELATIONS AND ON REORGANIZING THE PEOPLE'S
COMMISSARIAT OF FOREIGN AFFAIRS IN CONNEC-
TION THEREWITH FROM AN ALL-UNION INTO A
UNION-REPUBLICAN PEOPLE'S COMMISSARIAT

With the object of extending international connections and strengthening the collaboration of the Union of Soviet Socialist Republics with other states and taking into consideration the growing requirements of the Union Republics in the matter of establishing direct relations with foreign states, the Supreme Soviet of the Union of Soviet Socialist Republics *decrees*:

1. To establish that the Union Republics may enter into direct relations with foreign states and conclude agreements with them.

2. To introduce into the Constitution of the U.S.S.R. the following amendments:

a) To insert in Article 14 § a of the Constitution of the U.S.S.R., after the words "Representation of the Union in international relations, conclusion and ratification of treaties with other states," the words—"establishment of a uniform system in the relations between the Union Republics and foreign states," thus formulating this point as follows:

"a) Representation of the Union in international relations, conclusion and ratification of treaties with other states, establishment of a uniform system in the relations between the Union Republics and foreign states."

b) To add to the Constitution of the U.S.S.R. Article 18-a, as follows:

"Article 18-a

"Each Union Republic has the right to enter into direct relations with foreign states, conclude agreements with them and exchange diplomatic and consular representatives."

c) To add to Article 60 of the Constitution of the U.S.S.R. § e, as follows:

"e) Establishes representation of the Union Republic in international relations."

3. To reorganize the People's Commissariat of Foreign Affairs from an All-Union into a Union-Republican People's Commissariat.

M. KALININ

*President of the Presidium of the
Supreme Soviet of the U.S.S.R.*

A. GORKIN

*Secretary of the Presidium of the
Supreme Soviet of the U.S.S.R.*

Moscow, The Kremlin
February 1, 1944.



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