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The Soviet Legislature: Gorbachev's
School of Democracy

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NCSEER NOTE

This paper is #6 in the series listed on the following page. The series is the product of a major conference entitled, In Search of the Law-Governed State: Political and Societal Reform Under Gorbachev, which was summarized in a Council Report by that title authored by Donald D. Barry, and distributed by the Council in October, 1991. The remaining papers will be distributed seriatim. This paper was written prior to the attempted coup of August 19, 1991.
1. GIANMARIA AJANI, "The Rise and Fall of the Law-Governed State in the Experience of Russian Legal Scholarship."

2. EUGENE HUSKEY, "From Legal Nihilism to Pravovoe Gosudarstvo: Soviet Legal Development, 1917-1990."

3. LOUISE SHELLEY, "Legal Consciousness and the Pravovoe Gosudarstvo."

4. DIETRICH ANDRE LOEBER, "Regional and National Variations: The Baltic Factor."

5. JOHN HAZARD, "The Evolution of the Soviet Constitution."

6. FRANCES FOSTER-SIMONS, "The Soviet Legislature: Gorbachev's School of Democracy."

7. GER VAN DEN BERG, "Executive Power and the Concept of Pravovoe Gosudarstvo."

8. HIROSHI ODA, "The Law-Based State and the CPSU."


10. ROBERT SHARLET, "The Fate of Individual Rights in the Age of Perestroika."

11. NICOLAI PETRO, "Informal Politics and the Rule of Law."


15. WILLIAM B. SIMONS, "Soviet Civil Law and the Emergence of a Pravovoe Gosudarstvo: Do Foreigners Figure in the Grant Scheme?"

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Executive Summary

The Nineteenth Party Congress in 1988 was the starting point for the restoration of the soviets as "bases of socialist statehood and self-management." In May 1989 the new supreme governing organ, the USSR Congress of People's Deputies, began its work, hailed as a "school of democracy." Two years later, that promise rings hollow. The creation of the USSR Presidency, and the concentration of authority in his hands, including emergency powers, suggests a retreat to a more authoritarian style of government.

This chapter concentrates on the first year's experience of the USSR federal legislative system. It concludes that the new legislature proved to be a "school of democracy"—for the Soviet leadership as well as the citizenry. Its lessons were challenging and unexpected, as the legislature developed a sense of independence that increasingly threatened the authority of Gorbachev himself. In the final analysis, it was the success, not the failure, of the federal legislature that dictated Gorbachev's return to authoritarian methods of rule. As in the 1920's and 1930's the prospect looms that, in the face of crisis, authoritarian rule through "emergency measures" will supplant nascent democratic institutions.
The Soviet Legislature: Gorbachev's "School of Democracy"

Frances Foster-Simons

In a 1988 Pravda article, G. Bordiugov and V. Kozlov attempted to determine the roots of Stalinism. Their conclusion was a chilling one for observers of contemporary Soviet politics—the coercive, authoritarian Stalinist system entered "through the gates of emergency measures." The authors identified several distinct periods of social and economic chaos that beset the young Soviet state during the 1920s and 1930s. They argued that in each of these so-called "crisis points" the Soviet leadership and people confronted two basic alternatives, resort to emergency measures or "preservation of democratic traditions." By consistently opting for the former, the communist party and country made "the wrong choice" with far-reaching tragic consequences.

Today, the USSR once again is experiencing a time of great turmoil and challenge. Recent press reports suggest that the very political, social, economic, and moral fabric of Soviet society is unravelling at an uncontrollable pace. Ironically, the Soviet leadership and people are facing the identical decision that loomed before their counterparts in the 1920s and 1930s—whether to address national crisis through a state of emergency regime, or, instead, rely on newly developing democratic methods, organs, and procedures.

In the latter half of the 1980s, the USSR appeared to have made its choice. The party and state leadership and Soviet citizenry seemed to have firmly repudiated the arbitrary, personalistic, administrative edict approach of the past and embarked on the rapid creation of a democratic, "law-based" state. An important element of this reform process was the revitalization of the Soviet legislature.

From his ascent to leadership of the CPSU in March 1985, Gorbachev consistently
invoked the "Leninist" tradition of soviets of people's deputies as the prototype for a modern democratic, yet distinctively socialist, form of government. The soviet system had had a long and tumultuous history. It had been forged on the anvil of revolution in 1905, refined and embellished by Lenin in the early years of communist rule, and subsequently disfigured by Stalin and his successors. In the ideal, it consisted of a network of broadly representative, independent assemblies with supreme legislative, administrative, and supervisory authority at their respective levels. In practice, however, it deteriorated into a scheme of purely ornamental legislative bodies convened briefly each year to rubber-stamp laws prepared in advance by CPSU authorities.

In 1988, the soviets entered a decisively new phase of development. On July 5, the XIX Party Conference followed Gorbachev's lead and approved a blueprint for comprehensive political reform. The cornerstone of this dramatic plan was restoration of the soviets as the "bases of socialist statehood and self-management." The party program was given official legal expression five months later when the Soviet legislature amended the Constitution to provide for a wholesale reorganization of the political structure and process at the federal level. This set the stage for unprecedentedly open, competitive elections in March 1989 and, finally, the historic inauguration in May 1989 of the new supreme governing organ of the USSR, the USSR Congress of People's Deputies. Soviet commentators hailed this as the "birth of a socialist parliament," a "school of democracy" for the Soviet populace that would serve as a model for corresponding political restructuring at the republic and local levels.

Today, less than two years later, these bold proclamations ring hollow. The central
government of the Soviet Union has abandoned, at least for the near future, its democratic reform program and has retreated to a more authoritarian style of government. Constitutional amendments of March and December 1990 legitimized the formal concentration of political and legal authority in the hands of one individual, President Mikhail Gorbachev. Among the many sweeping powers of the President are the unilateral rights to declare a state of emergency, to institute temporary presidential rule, and to issue decrees for the broad purpose of "ensuring stability and law and order in society."  

Gorbachev's use of his presidential emergency powers combined with his increased resort to military, KGB, and police enforcement of his orders has engendered a storm of opposition in the USSR. The most dramatic case was that of Foreign Minister Eduard Shevardnadze, who on December 20, 1990 tendered his resignation on the floor of the Soviet parliament to protest the resurgence of dictatorship.

Critics of the emerging presidential system have pointed to the federal legislative bodies, the Supreme Soviet and Congress of People's Deputies, as prime culprits. They have attributed Gorbachev's ability to appropriate power in large part to the failure of the legislature to act as a democratic counterweight. They have denounced the legislative bodies as weak, ineffective, and submissive. As one commentator on the December 1990 constitutional amendments noted, there was an "unexpectedly paradoxical element in what has happened: An outwardly democratic assembly has voluntarily set up an authoritarian regime." Not surprisingly, 1990 and early 1991 have witnessed mass resignations of deputies, a marked decrease in public interest and participation in parliamentary sessions and elections, and even calls for outright abolition of the federal legislature. The promise "All
power to the soviets!,' which catapulted the Bolshevik Party to power in October 1917 and reemerged seven decades later as the banner for Gorbachev's own revolution, apparently remains unrealized.

This paper will examine the first year's experience of the USSR federal legislative system and will conclude that the new legislature indeed proved to be a "school of democracy"--but for the Soviet leadership as well as citizenry. Its lessons were extraordinarily challenging and unexpected. In the course of a mere year, the Soviet Union developed the embryo of a genuinely representative, professional, and independent legislature, a body that increasingly threatened the authority of Gorbachev himself. Thus, in the final analysis, it was the success, not the failure, of the federal legislature that dictated Gorbachev's return to authoritarian methods of rule.

The Legislative Reform Program

In his first speech as General Secretary of the CPSU, Mikhail Gorbachev pledged that the deepening of socialist democracy in general and the enhancement of the soviets in particular would constitute major elements of party policy in the future. As subsequent speeches revealed, however, Gorbachev proposed democratization not as an end in itself but rather as an instrument to further rapid development of the Soviet economy. This linkage of political and economic change explains the emphasis placed on the USSR legislative system. To the Soviet leadership, a reformed legislature could serve as an effective mechanism to combat the fundamental causes of economic stagnation under the Stalinist system--
apathy and alienation; regulation of the economy by arbitrary, inconsistent administrative regulation; and unchecked intervention by bureaucratic and party organs and individuals.

The Three Basic Goals

From 1985 onwards, the first and most significant goal of legislative reform was to provide a democratic stimulus to energize the masses for the monumental task of modernizing the Soviet economy. In its initial formulation, this objective was expressed in broad, hortatory terms. Soviet leaders and commentators harked back to Lenin to explain the integral relationship between socialist democracy and economic reform, the critical importance of encouraging citizens' active involvement in state and public administration, and the longstanding communist party commitment to realizing genuine democracy and socialist self-government in the form of soviets of people's deputies.

With the drafting of a new CPSU program in the latter half of 1985, Soviet discussion of political and legislative reform shifted in a more concrete direction. As a result, the Soviet party and state leadership reinterpreted participation to encompass increased public input into and information about the legislative process. It largely ignored the question of popular influence on the composition of legislative bodies, however.

At the January 1987 Plenum of the CPSU Central Committee, the participation goal of legislative reform was formally extended from indirect to more direct public involvement in the political process. In a dramatic opening speech, Gorbachev called for a series of radical political reforms, including multi-candidate elections. The Plenum responded by
endorsing experimental elections in June 1987, which allowed approximately five percent of local-level soviet deputies to be chosen in competitive elections. After a year of intense political debate, the XIX Party Conference approved the introduction of multi-candidate elections at the federal level as part of a total overhaul of the USSR government structure.

It should be noted, however, that the overarching objective was to create a legislative body that would represent all social strata and interests in a way consistent with basic Leninist theory and practice. Thus, the XIX Party Conference advocated continued control of the electoral process from above through such mechanisms as selection of a portion of deputies by established social organizations rather than by the Soviet populace at large. Moreover, it mandated that any reform of the political system, including changes in electoral procedures and increased public participation in government, "must correspond in content and method with Lenin's idea of the party's leading role in society." As a concrete method to assure continued party dominance over the new legislative structure, the CPSU approved Gorbachev's proposal to nominate for the posts of chairmen of soviets, as a rule, the first secretaries of the corresponding party committees.

The second major goal of Soviet legislative reform was to create effective bodies capable of producing an appropriate statutory framework for successful accomplishment of Gorbachev's perestroika program. The leadership placed particular emphasis on reform at the highest, federal level, highlighting the special responsibility of the Supreme Soviet to "improve" legislation. In reviewing the past, Soviet officials and commentators attributed many of the country's current economic woes to the de facto shift of lawmaking authority historically from the legislature to administrative organs. The result was unpredictable,
inconsistent regulation of the economy by ad hoc normative acts and instructions. The proposed solution was a genuine working legislature with the authority, influence, and professional competence to replace the labyrinth of administrative regulations with a comprehensive, coherent legislative scheme.

The third, related, goal of Soviet legislative reform was to assist in eradicating the Stalinist command-administrative system of economic and political management. Initially, Gorbachev and his adherents levelled their attack on government agencies and personnel. They advocated a fundamental revitalization of the administrative, supervisory, as well as legislative functions of soviets as a “powerful antidote to the viruses” of “bureaucratism, parochialism and departmentalism.”9 Thus, in 1985 and 1986 the CPSU repeatedly expressed its official commitment to transferring to the soviets effective control over all matters arising within their respective jurisdictions. It placed particular emphasis on the role of soviets as watchdogs over the activities of the administrative apparatus that was now both practically and formally to be subordinated to them.10

Beginning in early 1987, Gorbachev and his supporters broadened their assault to include individual party organs and members. Under this new line, they traced many of the “deformations” of the past to a gradual usurpation by local party committees and cadres of the powers that Lenin had properly assigned to the elective organs. Accordingly, the CPSU leadership proposed a drastic reform of the political structure to revive the soviets as full-fledged, autonomous bodies of people’s power and to institute a strict demarcation of party and state functions. As Gorbachev himself stressed on numerous occasions, however, this call to liberate the soviets from local party dictate by no means signalled a corresponding
reduction of central party influence on the political process, let alone a renunciation of the CPSU's role and significance as the vanguard ruling party.

The Constitutional Framework

One month after the XIX Party Conference the executive body of the Supreme Soviet, the Presidium, created two working groups to translate into constitutional and legislative form the directives for political reform set forth in the Conference resolutions. These groups, composed of legal specialists and "responsible workers" from the Presidium and the CPSU Central Committee, devoted two months to formulating amendments to the USSR Constitution of 1977 and a new Electoral Law to conform with Gorbachev's perestroika and democratization policies. Although there was significant disagreement regarding the appropriate contours and powers of legislative organs, the drafters eventually hammered out a set of compromise statutory provisions, published on October 22, 1988. There followed one month of nationwide discussion during which journalists, legal scholars, officials, legislators, and citizens subjected to close scrutiny and sharp criticism many of the key elements of the proposed legislation. These public comments had minimal impact, however, on the final versions of the Constitutional Amendments Law and the Electoral Law, which the Supreme Soviet adopted on December 1, 1988.

A detailed description of the entire political and legislative complex introduced into law in December 1988 is beyond the scope of this paper. For purposes of this limited study of USSR legislative reforms, it is sufficient to review only the provisions relating specifically
to the federal level. These changes are best understood when examined through the prism of
the three goals for legislative reform described above.

Public Participation. The Constitutional Amendments Law expressly stated as its
primary aim the "development of socialist democracy, self-government by the people." The
most direct reflection of this emphasis on popular political rule was the introduction of a new
"supreme body of state authority," the USSR Congress of People's Deputies. According to
Gorbachev, this supraregislarure was designed to "represent all social strata and shades of
public opinion," "guarantee what Lenin called 'full democratism of the center'" and
constitute "socialist pluralism of opinions in action."14

The text of the Constitutional Amendments Law, as supplemented and reinforced by
the Electoral Law, appeared to support Gorbachev's assertions. For example, it promoted the
goal of broad popular representation in the political process by providing for a Congress
composed of 2,250 deputies elected in equal numbers from three constituencies—territorial
okrugs, national-territorial okrugs, and all-union social organizations—with okrug elections
conducted "on the basis of universal, equal, and direct suffrage by secret ballot." In sharp
contrast to past practice, it expressly prescribed multi-candidate competitive races.15 Chapter
7 of the Electoral Law gave concrete guarantees to candidates and voters, including the right
to campaign freely through meetings, rallies, and the mass media. Article 94 of the
Constitutional Amendments Law contained a blanket statement that all soviets (including the
Congress) must "take into account public opinion, submit the most important questions of
nationwide... significance for discussion by citizens, and systematically inform citizens
about their work and the decisions adopted." Articles 102 and 107 provided two
constitutional mechanisms by which voters and social organizations could influence the Congress, the so-called "mandate" and the right to recall "deputies who fail to justify the trust of voters." As for popular information about the performance of their elected officials, this was directly stipulated in Article 107, which required deputies to report to voters, collectives, and social organizations regarding their own work and the activities of the Congress.

These promising indications of a formal constitutional commitment to enhanced public political participation should not be overstated, however. With its unwieldy numbers of deputies and infrequent sessions,\(^\text{16}\) the Congress was likely to become as much of a facade of popular self-government as its predecessor, the Supreme Soviet. It was the reconstituted and restructured Supreme Soviet, not the Congress, that had the greater potential to develop into an effective legislature. Yet, this body's membership was to be determined by secret vote of Congressional deputies rather than by direct popular election.

Furthermore, the legislative reforms of 1988 contained internal "filters"\(^\text{17}\) to constrain popular influence and participation in government. The most obvious filter was the provision for one-third of Congressional deputies to be elected by social organizations. Since, at the time, the CPSU refused to acknowledge rival political parties, the few social organizations officially recognized for electoral (and other) purposes were the communist party, its youth group (the Komsomol) and other organizations that were unlikely to deviate from CPSU directive. The result was a constitutional guarantee of significant communist party presence in both federal legislatures.

An additional filter in the 1988 scheme was the system of electoral commissions,
bodies formed for each constituency by the corresponding soviets to supervise and direct the
election of deputies. These organs had significant powers to control the electoral process
especially at the stage of registration of candidate deputies. In fact, in cases where there
were more than two nominees, Article 38 of the Electoral Law expressly allowed electoral
commissions to hold pre-election meetings, question the candidates, and then eliminate even
properly nominated individuals.

Another filter had the greatest potential to ensure control of the Soviet legislative
process from above—the post of Chairman of the USSR Supreme Soviet. As was discussed
earlier, despite constitutional provisions for election of the Chairman by Congressional
deputies, in actuality the office was reserved for the General Secretary of the CPSU, i.e.,
Mikhail Gorbachev. Notwithstanding the clear dangers of concentrating chief state and party
authority in the hands of a single individual, the Constitutional Amendments Law provided
virtually no limits on the Chairman’s authority in the form either of carefully defined and
circumscribed legal powers or of institutional checks and balances. Thus, the 1988 reforms
gave constitutional legitimacy not only to Gorbachev’s democratization program but also to
his own status as architect and leader of the Soviet state.

Professionalization of the Lawmaking Process. The 1988 Constitutional Amendments
Law introduced significant changes into every stage of the legislative process. Most notably,
it expanded the list of officials and organs entitled to initiate legislation, expressly assigned
draft preparation to Supreme Soviet commissions and committees, gave the Supreme Soviet
exclusive power to submit laws for nationwide discussion, and extended the category of laws
requiring formal publication. Nonetheless, there remained serious questions as to the
reforms' practical value in creating an effective, professional legislature.

Historically, there were five flaws in the system. First, the federal legislature traditionally had little meaningful impact on the formulation of statutes. Rather, its prime function was to give official imprimatur to CPSU-proposed and approved laws. One factor contributing to this impotence of the Supreme Soviet was structural—the highest federal legislative body convened so infrequently that it was unable to play a major role in the drafting and discussion of legislation. The 1988 scheme targeted this structural problem by transforming the Supreme Soviet into a virtually permanently functioning body, which would meet twice yearly for three to four-month periods. At the same time, however, it undermined this reform by establishing two federal legislatures whose respective jurisdictions and responsibilities in the formulation, adoption, and implementation of legislation were not clearly defined or demarcated.

Second, a longstanding criticism of the Soviet legislative process was lack of public input and access. The Constitutional Amendments Law made some positive changes in this area, providing greater specificity regarding the drafting, discussion, and publication of laws. Yet, even in its revised version the Constitution failed to guarantee the Soviet citizenry real opportunities to influence or have direct information regarding the initiation, preparation, or amendment of legislation. For example, under Article 115 the much-vaunted nationwide discussion of laws remained contingent upon Supreme Soviet approval.

Third, a dangerous loophole in the previous system was the constitutional authority of the Presidium to issue binding decrees and resolutions. The Presidium routinely had exploited this prerogative to amend, supplement, and repeal officially enacted laws on an ad hoc basis.
Despite this serious problem, the Constitutional Amendments Law continued to assign the Presidium broad legislative powers. It tried to limit abuses by introducing potential checks in the form of mandatory publication of Presidium acts and Constitutional Oversight Committee monitoring of Presidium decrees for conformity with the Constitution and laws of the USSR.19

Fourth, the bureaucracy had long been identified as a major impediment to achieving an independent, professional legislature. At the highest level, administrative organs and personnel regularly dictated the specific language and content of federal laws, obstructed the passage of "unacceptable" statutes, and flouted constitutional prescriptions by unilaterally amending Supreme Soviet enactments. The 1988 Law made no significant inroads into the formal legislative powers of the Council of Ministers, continuing to recognize that organ's rights to initiate federal legislation and issue binding resolutions and orders. As in the past, it provided jurisdictional limitations on exercise of these legislative powers. Recognizing the previous ineffectiveness of similar restrictions, the new version of the Constitution introduced an additional safeguard into the legislative process, empowering the Constitutional Oversight Committee to monitor the constitutionality and legality of all laws and resolutions issued by the USSR Council of Ministers, union republic councils of ministers, and other state organs.20

Fifth, despite constitutional provisions to the contrary, it was the CPSU, not the Supreme Soviet or its Presidium, that traditionally exercised chief legislative authority. Yet, nowhere in the Constitutional Amendments Law was there any direct mention of party involvement in lawmaking or, for that matter, of the CPSU itself. The communist party
appeared only indirectly under the general rubric of "social organization." As has been described above, the 1988 Law gave the CPSU as a social organization significant constitutional power to shape the composition and decisions of both federal legislatures. Moreover, it permitted the party to retain its official right to initiate legislation. Similar to the treatment of the bureaucracy, the new scheme introduced in Article 124(5) one possible but weak check on party lawmaking—Constitutional Oversight Committee supervision of the "normative acts" of social organizations.

Thus, the Constitutional Amendments Law did not adequately address any of the fundamental defects in the Soviet legislative structure or process. In fact, the end result was to create a new, even more formidable rival to the federal legislature in the person of the Chairman of the Supreme Soviet. Article 121 of the amended Constitution guaranteed the Chairman the rights to initiate legislation; to "exercise overall leadership over the preparation of questions subject to examination by the USSR Congress of People's Deputies and the USSR Supreme Soviet;" to sign laws; to nominate the first deputy Chairman of the Supreme Soviet, members of the Constitutional Oversight Committee, and highest administrative and legal officials; and to issue edicts. These broad powers amounted to a constitutional license for the Chairman to supplant the federal legislature in every lawmaking stage.

Expansion of Administrative and Monitoring Functions. In a November 1988 speech, Mikhail Gorbachev explained the introduction of the USSR Congress of People's Deputies as a "novelty [that] was primarily dictated by the need to ensure against abuses of power in the upper stories of the state building." The Constitutional Amendments Law formally
confirmed and promoted the use of the legislature as a curb on administrative, but not party, organs and personnel.

At the federal level, this took the form of a proclamation that the Council of Ministers was "responsible and answerable to the USSR Congress of People's Deputies and the USSR Supreme Soviet," and a restriction of its administrative authority to areas not previously assigned by the Constitution to the federal legislative bodies or the Chairman of the Supreme Soviet. The Constitutional Amendments Law sought to promote legislative influence over the staffing of the bureaucracy by requiring the Congress and the Supreme Soviet to appoint and ratify the highest administrative officials. To limit intrusion by bureaucrats into federal legislative decision making, the 1988 law prohibited members of the Council of Ministers from serving simultaneously as people's deputies and generally forbade any interference in the electoral process. As for legislative control over administrative orders and regulations, the revised version of the Constitution provided for supervision by the Constitutional Oversight Committee and possible repeal by the Supreme Soviet. Moreover, it mandated legislative ratification of the state plan, the state budget, and "the most important all-union programs for the USSR’s economic and social development." It also permitted legislative amendment of the state plan and the state budget "whenever necessary."

The 1988 Law entrusted supervision over administrative enforcement of laws and other activities to three main sources--the Supreme Soviet, the Committee for People's Control, and Supreme Soviet commissions and committees. Article 113 gave the Supreme Soviet express authority to "monitor progress in the implementation of the plan and the budget" and to hear regular reports by the Council of Ministers and any other organs or
officials appointed by it. Article 92 assigned the Committee for People's Control, a body created by and accountable to the Supreme Soviet, the responsibilities to "verify the fulfillment of the requirements of legislation and state programs and targets; combat violations of state discipline, manifestations of parochialism and a departmental approach to the task, thriftlessness and extravagance, red tape, and bureaucracy . . . ."

Articles 120 and 121 empowered Supreme Soviet commissions and committees to investigate appointees to the Council of Ministers, to promote the implementation of laws and decisions adopted by the Congress and Supreme Soviet, and to monitor the activities of state organs and organizations. Another less comprehensive attempt to assert legislative dominance over the bureaucracy appeared in Article 124 of the amended Constitution, which guaranteed people's deputies the right to question Council of Ministers officials during sessions of the Congress or Supreme Soviet.

On paper, there appeared to be an impressive array of safeguards to ensure federal legislative primacy over the administrative apparatus. In fact, however, nearly every mechanism had an analogue in the original version of the 1977 Constitution. The powers to appoint the Council of Ministers, repeal its decisions, ratify and supervise the state plan and state budget, and monitor by direct and indirect means the execution of laws and administrative activities of the Soviet bureaucracy all predated the 1988 legislative reforms. It remained to be seen in 1989 whether the Soviet political climate had changed sufficiently to permit these past illusions of federal legislative supremacy to be transformed into concrete reality.
The Birth of Representative Democracy

The elections for the USSR Congress of People's Deputies gave the Soviet populace and the world an opportunity to discover both the promise and the limits of Gorbachev's democratization policy. From May 1989 onwards the reformed federal legislature explored and tested in action the full potential and dimensions of "people's power."  

The March 1989 Elections

In the spring of 1989, for the first time since 1917, the Soviet leadership allowed its citizens genuine participation in the selection of their highest legislative representatives. The Soviet populace accepted this invitation with an enthusiasm that took even Gorbachev by surprise. Voters attended nomination meetings in droves, wore campaign buttons, distributed political leaflets, and paraded through the streets on behalf of their candidates. The mass media provided extensive coverage of campaign events. For example, the popular television program "Good Evening Moscow" featured candidates for Moscow's twenty-six okrugs debating their platforms and answering viewers' questions.

An estimated ninety percent of the Soviet electorate cast ballots in the March elections for the Congress of People's Deputies. In many districts the voters confronted a real choice among competing candidates of differing political views and programs. The result was a series of stunning defeats to party loyalists and conservative officials. Even those running unopposed were not immune from popular mandate. Soviet voters simply crossed out the names of unacceptable candidates to ensure that they would not meet the requirement of over
fifty percent of votes cast. In the end, the USSR citizenry rejected thirty-four regional CPSU secretaries, the mayors of Moscow, Leningrad, and Kiev, and the former commander of Soviet forces in East Germany. It elected prominent political, religious, and nationalist reformers committed to radical changes far beyond those proposed by Gorbachev. This led one CPSU member to conclude that "the party [was] losing its grip on the nation."

In fact, however, a careful study of the 1989 election experience reveals a much more mixed picture. While voters demonstrated unmistakable opposition to entrenched functionaries and traditional policies of the CPSU, the ultimate outcome of the March elections was a legislature with substantially increased party representation. Moreover, reality failed to conform with the promise of competitive elections. Of the 1500 district races, a total of 384 were uncontested. The record of social organizations was even more dismal. There were only 871 candidates for the 750 seats. The CPSU showed its support for democratic competition by nominating exactly 100 candidates for its 100 seats. Three weeks before the elections, more than half of the voting population still did not know who the candidates were.

The filtering mechanisms "operated rigidly and impeccably . . .; there were legal, semi-legal, and totally illegal amendments to electoral procedures favoring 'suitable' candidates and detrimental to 'unsuitable' ones." For example, some social organizations arbitrarily disqualified prominent reformists from their lists of candidates. Similarly, electoral commissions exercised their broad registration powers to eliminate nominees. Local government and party officials intervened in the electoral process in a variety of ways. These included the imposition of fictitious residency requirements, "smear campaigns" against
opposition candidates, unannounced nomination meetings, direct pressure on voters on
election day, and even alteration of ballots. Yet, when it was over, something important
had happened. The citizenry's expressed desire for a meaningful voice in Soviet affairs had
raised the prospect of genuine democracy, not just perestroika, in a substantial way.

Democratization and the Legislature

Looking back at events, the prescribed model for the new legislature could best be
described as "apparatus democratization"—democratic reform within the strict definition
and control of the party leadership. There were several notions of democratization involved.
The first idea was "consolidation within the framework of pluralism." What was
envisioned was an identification and expression of the specific interests and needs of all
segments of the Soviet populace, their channelization into officially sanctioned representative
groups, followed by their coordination and unification by the party. The second notion was
that of a fluid legislative process generally lacking in formal rules and procedures. A
"sensitive conductor" (the Supreme Soviet Chairman and CPSU General Secretary,
Mikhail Gorbachev) would stand above the fray and ultimately bring order out of chaos. The
third concept was that of a two-tiered legislative structure—a large, broadly representative,
popularly elected Congress of People's Deputies and a smaller working Supreme Soviet
composed of the Congressional deputies most likely to support and implement leadership
policies.

What occurred in practice was a substantial departure from this model. From the very
beginning, deputies resisted the scheme for controlled identification of special interests and organized their own independent legislative groups along territorial, professional, and ideological lines. The first evidence of this spontaneous formation of legislative groups was offered at the May 1989 session of the Congress. The so-called “new Moscow deputies,” with the maverick Boris Eltsin as its main spokesperson, announced its presence with a flourish by publicly condemning the Congress’ agenda as prepared and approved by the CPSU. The new Moscow deputies spawned and actively supported numerous other independent legislative collectives, placing special emphasis on “effective enlightenment work” with Baltic and other republic groups. In late July of 1989, nearly four hundred progressive deputies from throughout the USSR formally established the Interregional Deputies Group with its own program and newspaper. This represented the first official, independent political association formed in the Soviet Union since Lenin’s 1921 prohibition of factionalism in the CPSU.

The emergence of unsanctioned organizations initially sparked a strongly negative reaction from the leadership. Gorbachev repeatedly emphasized the need for unity within the legislature, warning that “divergence of opinion should not become an obstacle to sensible decision making.” Nonetheless, the spirit of independence swelled and deputies’ groups played an increasingly active role in the work of the legislature. They initiated and drafted laws, prevented approval of unacceptable resolutions and government candidates through such techniques as public boycotts of voting sessions, and vigorously asserted the rights of minority groups and views.

By December 1989, democratization had proceeded to the point where the USSR
legally recognized independent deputies' groups. The Standing Orders of the USSR Congress of People's Deputies and the USSR Supreme Soviet formally authorized the creation of such groups, requiring that members inform the Supreme Soviet Chairman in writing. The law also included specific mechanisms to promote participation of deputies' associations in parliamentary debates and in the formation of legislative organs. In an equally dramatic move the Congress amended the Constitution to permit direct election of all union republic legislators. It expressly abolished the requirement of reserving a predetermined number of seats for approved social organizations. In early 1990 democratization was in full flower. This culminated in the March constitutional amendment that formally ended the CPSU's monopoly on political power and introduced the possibility of a truly multi-party system.

Reforms in legislative procedure followed a parallel course. The first sessions of the Congress and the Supreme Soviet displayed a lack of organization that seemed to strengthen the hand of the leadership. Chairman Gorbachev, for example, could recognize speakers at will, set and change the agenda, and determine the composition and tasks of committees with impunity. Little by little, Soviet legislators came to recognize the critical need for orderly structure and procedures determined by the deputies themselves. They discovered that their business could be expedited materially by advance notification of subjects and meeting times and a fixed order for proceedings. Similarly, they found that access to support services such as computers, FAX machines, staff, and consultants was essential to make them "fully empowered parliamentarians." Above all, Soviet legislators concluded that continued unprofessionalism would only lead to control by others.

Consequently, throughout the fall of 1989 Soviet deputies made major strides in
developing regularized rules and procedures. They openly challenged agendas imposed from outside the legislature and insisted on direct participation in the preparation of Congress and Supreme Soviet agendas. They pressed for reorganization of the legislative administrative bodies traditionally appointed by and answerable to the party leadership rather than the legislature. Their particular target was the Secretariat, which they sought to transform into an organ that would "work for the deputies, under the deputies, under their control, and not vice versa." Most remarkably, Soviet legislators even began to institute specific procedural reforms to constrain and supervise the powers of the Chairman himself. In short, the Soviet legislature "learned the value of procedure as a guarantee of democracy." 

Finally, based on their practical experience, Soviet legislators started to question the embodiment of Gorbachev's democratization policy—the two-tiered legislature. Many concluded that the Congress had demonstrated itself to be organically and effectively incapable of formulating and adopting legislation and had been "considerably outstripped" by the Supreme Soviet "in terms of political maturity." Accordingly there were proposals to revoke the Congress' formal legislative sovereignty and to grant the Supreme Soviet a veto over all laws considered by the Congress that had not been prepared in Supreme Soviet commissions and committees. In December 1989, the Congress officially acknowledged its legislative shortcomings and expanded Supreme Soviet powers to include amendment of the Constitution. This led many observers to call for the elimination of the dual legislature and its replacement with a Western-style parliamentary system. Ironically, then, the very process of implementing Lenin's soviet model revealed the practical flaws and fundamental irrelevance of this scheme for today's Soviet Union. As Sergei Alekseev proclaimed at the
opening session of the Third Congress of People’s Deputies in March 1990, “We have become prisoners of the slogan: All power to the soviets!”

The Federal Legislature as Lawmaker

It was Gorbachev himself who provided the initial impetus for reform. He declared, “A renewed society should rely on renewed legislation.” Use of traditional lawmaking methods during Gorbachev’s first four years in office had resulted in legislation that had not only failed to improve but had actually deteriorated in quality, clarity, consistency, and effectiveness. This led Soviet legal reformers to conclude that successful implementation of perestroika required a fundamentally new lawmaking process. As one legislator remarked, “We must begin making laws virtually from scratch.”

The broad outlines for a new legislative system emerged in a set of guidelines and temporary rules adopted by the first sessions of the Congress and Supreme Soviet in May, June, and July of 1989. The essential principle was that the “main bulk of legislative acts should be drafted, discussed, and adopted by the Supreme Soviet.” This represented an explicit rejection of the longstanding practice of legislators automatically approving laws prepared in secrecy by party, administrative, and Presidium authorities. In fact, the Supreme Soviet rules expressly recognized deputies’ lawmaking primacy by revoking the Presidium’s power to issue binding legislative norms.

The new scheme envisioned several steps: initiation of legislation; preparation of the draft in commissions and committees; first reading of the proposed measure in the Supreme
Soviet; return of the document to committee for revision and simultaneous publication to permit national comment and criticism; second reading of the bill by the Supreme Soviet prior to adoption; and publication and entry into force. During the first year, deputies attempted to flesh out the conceptual skeleton through actual practice.

For example, initiation of legislation--once virtually the exclusive province of the CPSU and its General Secretary--now began to arise within the membership of the Supreme Soviet. Individual legislators, Supreme Soviet committees, and independent deputies' groups were publicly credited as the originators of many of the major statutes considered in 1989 and early 1990.

Preparation of actionable drafts became the responsibility of legislative commissions and committees. Administratively prepared drafts, once sacrosanct, were criticized, modified, or even rejected. Among the many examples were government draft versions of the self-government, press, and social organizations laws, the latter being castigated as "beneath criticism" and "anonymous as always." In sharp contrast to past practice, the preferred approach was to consult not one but a variety of proposed drafts and then to choose the best single or combined option. Committees began to make extensive use of specialists, especially lawyers, economists, and sociologists. Furthermore, they consulted foreign experience in preparing draft laws. For example, they based the self-government law in part on Canadian precedent. In the spirit of glasnost, committees involved both the general and concerned publics in the initial formulation of legislation. This was accomplished through open hearings and predictive tools such as forecasting and opinion polling. Moreover, in some cases, such as the drafting of the USSR's first strike law, Supreme Soviet deputies even travelled to
obtain directly the views of affected constituents.

Rather than mechanical processing of draft laws there was sharp debate within the Supreme Soviet. Deputies discussed and voted on statutes article by article, sometimes clause by clause. Disagreement became so commonplace that when the Draft Fundamentals of USSR and Union Republic Legislation on the Judicial System was approved without a single dissenting vote Izvestiia correspondents were moved to exclaim that this was "a rarity in the work of this Supreme Soviet."

There also began to be serious consideration of how to transform the hitherto largely pro forma, fictitious nationwide discussion of drafts into a meaningful mechanism for public input into the legislative process. A major change was the decision to submit for public comment and comparison not only the approved draft but also the most significant variants. For example, in November 1989 the Supreme Soviet voted to publish the official version of the ownership law and the alternatives prepared by the Ecology Committee, the Lithuanian Supreme Soviet, and the Autonomous Oblast deputies. The legislature also started to make significant efforts to limit leadership manipulation of nationwide discussion through creation of independent monitoring commissions, use of public opinion polls, and computer processing of letters.

Furthermore, during its first year, Supreme Soviet committees made discernible progress in the final reworking (dorabotka) of legislation between the first and second reading stages. In several instances, the revised proposal became so precise and "well considered" that adoption could occur with dispatch. A prime illustration was the draft Law on the Procedure for Appealing to the Courts Against Unlawful Actions by Officials
Infringing Citizens' Rights. Although it had less than one day to complete its work, the Committee for Questions of Legislation, Legality, and Law and Order (with the assistance of the USSR Supreme Court) produced a final draft that encountered criticism on only one point--its date of entry into force.

Despite these positive developments, the first year's experience of the federal legislature also revealed the stubborn persistence of administrative and party stage management of the lawmaking process. Government officials and entities continued to exert considerable influence on the formulation of draft statutes. This was particularly apparent in the area of human rights legislation. Administrative departments, including the Ministry of Justice and Council of Ministers, prepared these laws behind a "veil of secrecy," refusing to communicate to the general public and even the relevant legislative commissions the authors, content, and concrete provisions of preliminary drafts or to offer explanations for their delayed submission to the Supreme Soviet. Those drafts that were eventually publicized had serious flaws; they generally were "extraordinarily incomplete," superficial, and "in line with the command-and-administer tradition." Thus, an early version of the law on social organizations, in direct violation of the Soviet Union's recent international law commitments, enhanced state authority by granting administrative bodies comprehensive powers to regulate all activities and matters "affecting the interests" of social organizations.

Government interference in the lawmaking process was not confined to the preliminary drafting stage. For example, at a joint legislative committee hearing in October 1989, Vladimir Boldyrev, the chief of Glavlit, proposed amending Article 5 of the draft press law, which prohibited censorship of publications. He argued that the statute should grant his
organization broad authority to guard state and other secrets because otherwise journalists
would “be constantly in court.” Supreme Soviet deputies and commentators roundly
condemned this subversive attempt to nullify statutory guarantees and warned legislators to
be vigilant against future such efforts to promote “departmental interests” at the expense of
effective, democratic legislation.\(^{59}\)

The communist party also played a major role in Soviet lawmaking. In fact, during
the summer of 1989 USSR legislators frankly acknowledged that even under the reformed
system draft laws would “continue to go by way of Staraia Ploshchad”\(^{60}\) [CPSU
headquarters]. They claimed that there would be a fundamentally different relationship
between party and legislature, however. The CPSU henceforth would confine its lawmaking
activities to definition of the legal policy and political concepts underlying legislation while
the legislature would have the exclusive responsibility for formulation, debate, and adoption
of statutes.\(^{61}\) Practice fell well short of this model.

Throughout 1989, the CPSU prepared and discussed legislation prior to Supreme
Soviet and Congressional deliberation. One example was the resolution on curbing organized
crime examined in a subsequent paper.\(^{62}\) Moreover, there were instances of party intervention
in every stage of the official legislative process. The most dramatic illustration was provided
by the draft press law. Through direct and indirect means, the CPSU prevented publication
of the initial working draft, instructed drafters to revise their text, circulated an anonymous
variant to Supreme Soviet deputies twenty-four hours prior to formal debate, added unofficial
wording to the approved law published in Izvestiia, and transferred the task of reworking the
statute from the original legislative committees to a special Presidium commission
sympathetic to party views. The CPSU also retained significant influence on legislative voting through insistence on party discipline. A Pravda editorial in August 1989 reminded communist deputies that they were not "exempt from party discipline . . . Their duty [was] to adopt the same stance as the Central Committee . . . and to pursue and to implement the party line" in the legislature.

As was described above, a final, critical obstacle to effective, independent lawmaking was the lack of established procedures for creation, discussion, and approval of statutes. Drafting committees began with only a vague idea of their functions, competence, and organization. Discussion of legislation in committee hearings and on the floor of the Congress or Supreme Soviet was a cumbersome process of unstructured and unlimited debate. There was often insufficient lead time for deputies to consider legislative proposals or for committees to refine drafts for reconsideration. The few rules that did exist usually proved unmanageable and/or easily circumvented in practice. Deputies had no prior experience serving as legislators, and that inexperience showed. Nonetheless, by the end of the experimental period the Supreme Soviet had firmly established the feasibility and desirability of empowering a parliament to take definitive action. Despite some cynicism and frustration about the slow pace of accomplishment, the USSR had embarked on a program of significant legislative reform and there was a substantial reservoir of commitment to that end.

The Movement Towards Administrative Supremacy

Gorbachev's preliminary blueprint and the text of the amended Constitution expressly
assigned the Soviet legislature paramount administrative and monitoring, as well as lawmaking, functions. During its first year, the legislature substantially expanded its authority in both of these areas.

The initial indication of a fundamentally new orientation occurred at the May 1989 session of the Congress. There, deputies took the rostrum before a television audience of millions and openly denounced the highest leaders of the USSR, including Mikhail Gorbachev himself. This criticism of officials took a more structured form at the first meeting of the new Supreme Soviet in June and July 1989. In a "new addition to Soviet parliamentary practice," deputies conducted public hearings to consider and to cross-examine candidates for key state posts, including members of the Council of Ministers. Unlike the past when legislators unanimously approved any cabinet recommended by the head of government without debate, these deputies spent three weeks grilling candidates regarding their qualifications, views, and concrete programs in a "parliamentary purgatory." The Supreme Soviet deputies rejected a number of candidates, which led the Prime Minister to begin to consult commissions and committees directly for recommendations of appropriate nominees. As a result, Anatolii Lukianov, Vice Chairman of the Supreme Soviet, concluded "On the whole, for the first time, with the formation of the government, the word 'formation' was filled with a real content."

Over the course of the year, Supreme Soviet commissions and committees assumed major responsibility for supervision of government personnel and activities. For example, the International Affairs Committee proclaimed outright that it intended to monitor state departments to guarantee their faithful and complete discharge of the USSR's international
commitments, especially in the field of international economic cooperation. Commissions and committees summoned officials to report on government activities and regulations and to answer deputies' questions and criticisms in public hearings. Thus, the Commission for the Protection of People's Health subjected relevant officials to detailed inquiries regarding their efforts to reduce disease, alcoholism, and AIDS.

Furthermore, legislative committees amply demonstrated throughout the fall of 1989 that they took seriously their constitutional power and duty to ratify and to amend the state plan and state budget. For example, the Committee on Questions of Defense and State Security closely scrutinized the military budget and report submitted by Defense Minister Dmitrii Yazov and demanded a specific breakdown of figures. Similarly, in a joint session three of the notorious "strictest examiners" (the Soviet of Union Commission for Labor, Prices and Social Policy Questions, the Committee for the Affairs of Women and of Family, Mother and Child Protection, and the Committee for the Affairs of Veterans and Invalids) interrogated at length Gosplan and Finance Ministry officials. Deputies openly challenged Gosplan calculations, asked for information about plans to reverse the disastrous effects of the anti-alcohol campaign and to increase production of scarce goods, and directly criticized draft budget provisions raising wages of Komsomol and CPSU personnel as "contradicting emergency anti-inflation measures that society needs."

Other important evidence of enhanced legislative management and supervision of state affairs was the rare occurrence of Soviet officials reporting to parliament on USSR foreign policy. At the second session of the Supreme Soviet, the Foreign Minister provided an in-depth account of his department's activities since April 1985. More remarkably, Gorbachev,
who as Supreme Soviet Chairman had exclusive constitutional authority to conduct negotiations and sign treaties, formally reported on his visits to Great Britain, Germany, and France and on the meeting of the Warsaw Pact political consultative committee.

Despite these dramatic developments, the USSR by no means realized Gorbachev's goal of "unfailing subordination of the apparatus" to the legislature. This was clearly demonstrated by the case of Nikolai Konorev. Less than one month after the Supreme Soviet rejected Konorev for the position of Minister of Railways, Prime Minister Ryzhkov reinstated his candidacy in a letter read by Gorbachev to assembled Supreme Soviet deputies. The legislators responded by approving Konorev by more than a two-thirds margin.

An even more ominous note was sounded on October 2. Prompted by the blockade of the Trans-Caucasian and Azerbaijan railways, the Council of Ministers submitted a resolution asking the Supreme Soviet to grant it broad emergency powers to ban all strikes and to introduce order in railway transport and vital sectors of the economy. Supreme Soviet deputies rejected the government proposal, adopted a less sweeping compromise version, and called for swift preparation of a comprehensive law regulating state of emergency situations. The approved resolution, despite its substitution of the term "urgent" for "emergency" measures and less restrictive strike prohibition nonetheless transferred extensive and largely undefined powers to the Council of Ministers. The potential ramifications of this delegation of legislative authority were not lost on Soviet commentators and deputies at the time. For example, in an interview published the following week, a Sotsialisticheskaia Industriia correspondent queried whether these measures could possibly "intensify" "calls . . . from both the right and the left to step up authoritarianism, . . . give special powers to the
On February 7, 1990, the CPSU Central Committee formally proposed the institution of presidential power in the USSR. Perhaps symbolically, the federal legislature drafted, debated, and approved the relevant enabling legislation in an accelerated, truncated process that in many respects directly contravened the Standing Orders enacted by the Congress only a few months earlier. Adherents of the presidency repeatedly promised that the new system would not "encroach on the role of representative organs of power." In fact, there was an immediate, noticeable reduction in the stature, functions, and independence of the federal legislature and its deputies. Television stations introduced air-time quotas restricting access and coverage of radical legislators. The communist party expelled members in direct retaliation for their activities as deputies. As was evidenced by the June 1990 price decision, the government began to display patent disrespect for legislative authority. The Presidium regained significant power "to lighten the work of the Supreme Soviet." The President increasingly issued edicts that amended, supplemented, and even supplanted formal legislation. It is hardly surprising, then, that many in the USSR now call for the complete dissolution of the Supreme Soviet as well as the Congress of People's Deputies.

The first year's experience of the federal legislature was not entirely in vain, however. Its accomplishments in the areas of democratization, professionalization of the legislative process, and administrative supervision provided the inspiration and foundations
for extraordinary reform at the union republic level. Over the past two years, as the locus of
power has shifted to republic legislatures, these bodies have far outstripped their federal
progenitor by introducing direct multi-party election of deputies, asserting their sovereignty
in concrete statutory and constitutional form, enacting and implementing radical legislation,
and openly rejecting direct and indirect communist party controls. Equally importantly, the
federal legislature offered a powerful illustration of a genuinely democratic institution
sacrificed on the altar of national emergency. As one former Supreme Soviet deputy recently
remarked, "[U]sing the Union parliament as an example, the republic parliaments will be
able to analyze where and how the slipping starts, when the retrenchment begins, and at what
stage authority is lost . . . .
Let those who follow us be bolder and wiser." 77
Notes

1. Izvestiia, 30 May 1989, 1.


5. USSR Constitution, Articles 127(3) and 127(5)(as amended 26 December 1990).


7. For example, the February 1986 Political Report of the CPSU Central Committee to the 27th Party Congress directed the Supreme Soviet to "place greater emphasis on discussing proposals submitted by trade unions, the Komsomol, and other social organizations," and called for a system of regular reports by soviet executive committees to work collectives and general meetings. While it recognized the "apparent" need for "corrections" in election procedures, the Report stated that the party would "continue to see to it that deputies are elected from among the worthiest people who are capable of effectively running state affairs." Mikhail Gorbachev, Political Report of the CPSU Central Committee to the 27th Party Congress, Novosti Press Agency Publishing House, Moscow 1986, 70-72.


9. I. Ilinsky and I. Rozhko, "Questions of Theory: The Democratism of the Soviet Political System," CDSP 1985 No. 6, 24. 10. See e.g., Speech by Mikhail Gorbachev to the Krasnodar Party Aktiv, Pravda, 20 September 1986, 1. Gorbachev praised Supreme Soviet deputies for giving the highest officials of the Ministry of Heavy and Transport Machinery "a good hiding, figuratively speaking--and they deserved it."


15. USSR Constitution, Articles 95, 100, and 109 (as amended 1 December 1988).

16. Article 110 of the amended Constitution provided for the Congress to meet only once a year unless the Supreme Soviet, its Presidium, its Chairman, one-fifth of the people’s deputies, or a republic legislature called for additional extraordinary sessions.


19. Ibid. Articles 114, 119, 125.

20. Ibid. Articles 114, 125(4), 130-33.


22. USSR Constitution, Articles 96, 99, 108(5), (9), 111(18), 113(2), (10), 123-24, 130-31 (as amended 1 December 1988).


24. CPSU representation rose from 71.4% in 1984 to 87.6% in 1989. However, only 31% of the full members of the CPSU Central Committee and 26% of its candidate members were elected to the Congress. A. Nazimova and V. Sheinis, “Vybor Sdelan,” Izvestiia, 6 May 1989, 3. In contrast to the CPSU, other groups, including workers and peasants, experienced reduced legislative representation as a result of the 1989 elections. See ibid. The most dramatic development was the decrease in female deputies by more than half. This drop was attributed both to negative societal attitudes toward women and to lack of electoral experience and “boldness” of women’s councils and female candidates. See Interview with Alevtina Vasilievna, Izvestiia, 30 December 1989, 2.

25. See Izvestiia, 9 March 1989, 2; Report of the Central Electoral Commission on the

26. This was revealed in a public opinion questionnaire conducted by the All-Union Center for Study of Public Opinion. Izvestiia, 23 April 1989, 6.


28. The most publicized illustration was the January 18, 1989 refusal of the USSR Academy of Sciences' Presidium to include Andrei Sakharov (and other reformists) on its slate of nominees. More than fifty-five scientific institutes had supported Sakharov's candidacy. Academy research associates responded by organizing a protest rally, by establishing the Interinstitute Committee for Democratic Elections in the USSR Academy of Sciences, and by approving only eight of the twenty-three candidates in the March 21 Academy elections. This forced the Presidium to nominate on April 10 new candidates for the twelve vacant seats. Among those named was Sakharov, who was ultimately elected as a deputy on April 20. See Izvestiia, 20 January 1989, 2; Statement by Andrei Sakharov, Moskovskie Novosti, 19 February 1989, 9; Valery Kadzhaia, "Those Who Decided to Enter the Political Struggle in Earnest Should Earnestly Learn the Art of This Struggle: The Science of Choosing--Some Lessons From the Election Struggle of A. Sakharov, B. Yeltsin and V. Korotich," Nedelia, 10-16 April 1989, 7, CDSP 1989 No. 15, 14; Izvestiia, 21 April 1989, 3.


38. USSR Law, 14 March 1990, "On Establishing the Post of USSR President and Making Amendments and Additions to the USSR Constitution (Fundamental Law), Point 2, Pravda, 16 March 1990, 1. It is important to note, however, that this restriction of CPSU political power was accompanied by the creation of the presidency. Thus, the March 1990 constitutional amendments sent mixed signals regarding the future of democratic, popular rule in the USSR.


40. Interview with Evgenii Primakov, Komsomol'skaia Pravda, 7 June 1989, 1. The need for specialist consultants was particularly critical because most deputies were not full-time legislators and did not have legal training. In fact, on even the Committee for Questions of Legislation, Legality, and Law and Order, the primary drafting committee of the Supreme Soviet, only one-half the members were lawyers. Interview with Sergei Alekseev, Izvestiia, 1 July 1989, 3. The lack of legal expertise of other drafting commissions and committees was even more dismal. According to an Izvestiia correspondent an all-too-familiar refrain at committee meetings became "Ah, would that we had a qualified lawyer to help us draw up the amendments with the utmost accuracy . . ." V. Dolganov, "Looking Ahead to the Future," Izvestiia, 10 November 1989, 1, FBIS, Daily Report: Soviet Union, 14 November 1989, 58, 59.


42. For example, Articles 12 and 24 of the Standing Orders introduced a formal written application and notification process for deputies to speak in Congress sessions. The law granted the Chairman the right to alter the sequence of speeches but only with the permission of the Presidium and with an official explanation of the reasons for the change. Standing Orders, op. cit. note 36, Article 25.

43. Interview with Sergei Stankevich, Sovetskaia Kul'tura, 12 December 1989, 3.

44. Interview with Evgenii Evtushenko, Pravda, 26 December 1989, 4.
38


48. Report by Mikhail Gorbachev to USSR Congress of People's Deputies, op. cit. note 35.

49. Interview with Alekseev, op. cit. note 40.


51. Interview with Sergei Stankevich, Sotsialisticheskaia Industriia, 16 August 1989, 2.

52. Izvestiia, 14 November 1989, 1.


56. Interview with Sergei Alekseev, Komsomol'skaia Pravda, 11 July 1989, 2.

57. TASS Report, Sovetskaia Rossiiia, 27 June 1989, 1 (Fedor Burlatsky's description of
drafts prepared by Ministry of Justice).


60. Interview with Alekseev, *op. cit.*, note 56.

61. See, e.g., Interview with Alekseev, *op. cit.*, note 40.


66. *Ibid*.


70. Report by Mikhail Gorbachev to USSR Congress of People’s Deputies, *op. cit.*, note 35.

71. See Egor Yakovlev, "Learning to Hold Counsel," *Moscow News*, No. 34, 20 August 1989, 4 (expressing concern "over the precedent of revision of the Supreme
Soviet decision.


73. E. Leontieva, Sotsialisticheskaia Industriia, 10 October 1989, 2, 3.


