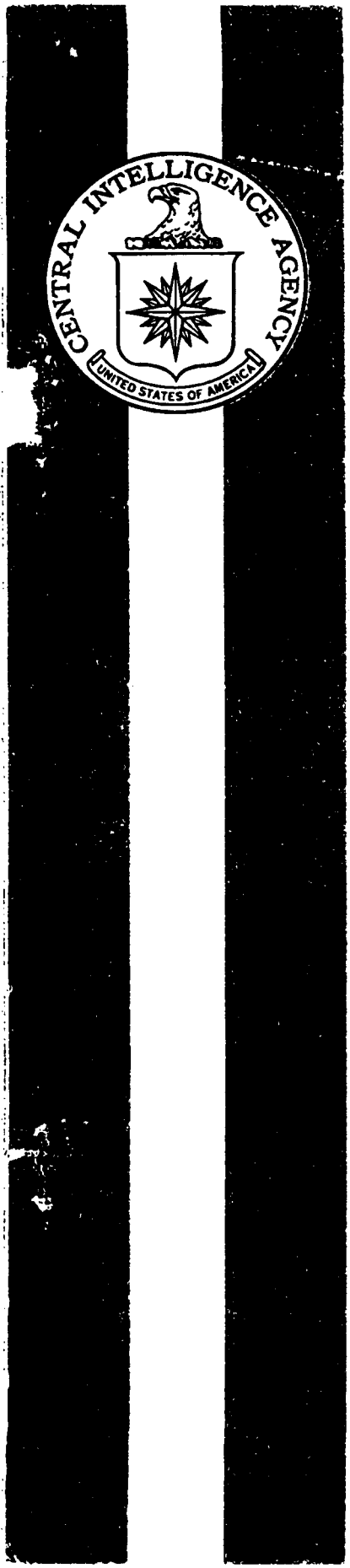

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INTELLIGENCE STUDY

THE NEW SOVIET CONSTITUTION AND THE PARTY-STATE ISSUE IN CPSU POLITICS, 1956–1966

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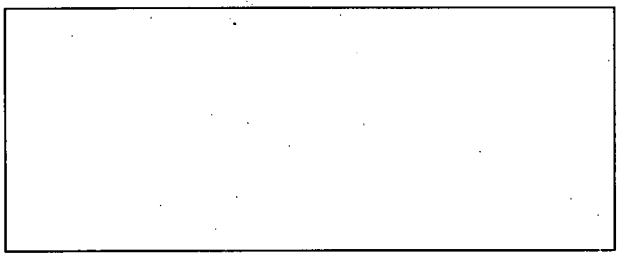

THE NEW SOVIET CONSTITUTION AND THE PARTY-STATE ISSUE IN CPSU POLITICS, 1956-1966

This working paper of the DDI/Research Staff examines the ten year dispute, which continues, within the Communist Party of the Soviet Union (CPSU) over the question of the correct role for the Communist party in the modern Russian state. It examines the intense party-state dispute--which is reflected in the efforts to adopt a new Soviet Constitution--primarily through positions taken in the party and juridical media.

Although not coordinated with other offices, the paper has benefited much from the author's discussions with colleagues in OCI, ONE, ORR, FDD and BR. In particular, the author, Leonard Parkinson, would like to thank Marion Shaw of OCI and Carl Linden, formerly of RPD, for their suggestions. The author alone, however, is responsible for the conclusions of the paper. The DDI/RS would welcome further comment on the paper, addressed to Mr. Parkinson, or to the Chief or Deputy Chief of the staff (all at

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Conclusions

The long-standing effort within the USSR to promulgate a new constitution reflects the dispute within the CPSU over the question of the correct role for the Communist party in a modern, industrialized Soviet Union.

Unlike the display of Stalinist solidarity which surrounded the promulgation in 1936 of the existing Soviet Constitution, the effort to write a new basic law emerges against a background of major theoretical and juridical disputes over basic institutional questions.

The main issue at stake was--and remains in the post-Khrushchev period--the question of the future and function of the principal party and state organizations.

Under Khrushchev's direction, the project for drafting a new constitution was part of a larger plan to transform the party into an institution that would absorb functions traditionally performed by the ministerial apparatus of the state. The institutional transformation sought by Khrushchev appears to have been aimed at enabling him to surmount bureaucratic hinderances to the exercise of personal power which have accompanied the post-Stalin slackening of political discipline in the CPSU.

For diverse reasons, the leading members in the party presidium (the party's highest policy-making body, recently renamed "politburo") and the secretariat (the party's highest executive body) who were involved in the dispute on the constitution rejected Khrushchev's efforts to construct a production-oriented party, to enhance his personal power position, and to push his particular domestic programs. Suslov, the party's leading theoretician and the one who led the opposition to Khrushchev's Constitution, argued

for the preservation of the traditional role of the CPSU as the ideological and political monitor of a separate state apparatus concerned with the routine functions of running the country. Suslov thus upheld the viability of the existing state ministerial system as a part of his argument for the preservation of the party as a political organization. In effect, he argued that Khrushchev was pressing for the destruction of the true identity of the party. Ponomarev, a leading officer of Khrushchev's constitutional commission, seconded Suslov's opposition. Kosygin, the party's leading economic manager, supported the existing ministerial system as a part of his argument for technical expertise in running the complicated economic life of the country. The late Kozlov, the early heir apparent during the constitutional debate, appeared to balk at Khrushchev's institutional efforts to strengthen his power position. Brezhnev, the subsequent heir apparent, may also have objected to Khrushchev's institutional schemes. Nevertheless, Brezhnev, like senior party official Mikoyan, had strongly seconded Khrushchev's project for a new constitution and referred to the project in the context of praising Khrushchev's concept of a production-oriented party.

While Khrushchev's successors initially soft-pedalled the idea of constitutional reform, the current party leader, Brezhnev, recently revived the project of a new constitution. And certain less controversial facets of the old question of a practical role for the party have once again been raised by the new constitutional commission chairman, Brezhnev, in the context of a new basic law. Thus, it is possible that the Brezhnev Constitution conceals an effort to sanction juridically less contentious party-state policies such as a "working party", primarily at the rank and file level, and a strengthened Supreme Soviet (the formal law-making parliament) in its relations with the Council of Ministers (the formal executive body). The latter policy suggestion has been endorsed by Podgorny, the current chairman of the presidium of the Supreme Soviet, and his protege Shelest, the party leader of the Ukraine. Kosygin, the current chairman of the presidium of the Council of Ministers, and one of his first deputy chairmen, Mazurov,

have so far remained silent on the Brezhnev-Podgorny proposals to strengthen the Supreme Soviet. Kosygin and Mazurov have emphasized the need for an improved state apparatus in running the complex affairs of contemporary Russia.

So far the issues in the current constitutional debate have been of a far more limited scope than those raised by Khrushchev's highly controversial approach to the institutional issue. Accordingly the current constitutional dialogue is silent on the themes that were prominent under Khrushchev; namely, explicit subordination of ideological tasks to economic tasks in overall party work, the formula on the "withering away" of the state apparatus, the assumption of state tasks by the party organization, and other "social" organizations.

Khrushchev's conspicuous failure to alter fundamentally the major governing bureaucracies in the USSR combined with the strengthened influence of the Suslov-led party traditionalists in the current political environment within the CPSU makes it likely that at this stage the project of the new constitution tentatively scheduled for completion next year will not result in any basic institutional transformations within the system. As yet no leader, including Brezhnev whose strength has steadily increased, either seems powerful enough or ready to force through major changes. The best any leader might hope for, it would seem, would be to introduce formulations in the new constitution which he could use to justify political programs now only in embryo.

Summary

Part one of the paper briefly examines the content and form of the post-Stalin debate over the institutional roles of the party and state.

Part two of the paper reconstructs the development of the controversy, and the development of the positions of the

current Soviet leadership. It concludes with an examination of the contrasting constitutional positions within the current Kremlin command. To summarize the chronological development, eight time periods in the constitutional debate are singled out:

The first period, 1956-1959, involves the development of Khrushchev's constitutional position. In this period, Khrushchev (1) revived the "withering away of the state" thesis that had been buried by Stalin, (2) made clear his controversial position that the withering thesis meant that responsibilities of the state apparatus would in fact be diminished, (3) held that the existing state apparatus would not remain under "communism," (4) stressed that state functions would be transferred to "social organizations," such as the party, the soviets, trade unions, (5) placed party work on a production-oriented, rather than on its traditional ideologically-oriented basis, and (6) implicitly argued that the party organization, the "highest form of social organization," would later substitute for or merge with the ministerial and soviet organizations.

In 1959-1961, various political and judicial spokesmen exposed their opposition to Khrushchev's constitutional scheme. The opposition was led by presidium member Suslov who supported a strong state apparatus ("even after the realization of communism") to strengthen his case for the preservation of the party as an ideologically-oriented organization. Leading Soviet jurists entered the debate in this period and presented their contrasting briefs on the project for a new basic law.

By the 1961 Party Congress, the debate appears to have undercut Khrushchev's institutional views. He was unable to gain party sanction for the priority of practical work in the new party program which gave the usual priority to the political-ideological over economic tasks in party activities.

Despite this setback, Khrushchev in 1962 moved ahead with the project to draft a new constitution and toward the end of the year gained formal adoption of his reorganization of the party "production principle."

The reaction that followed the October 1962 Cuba missile debacle constitutes the fifth round in the debate on the constitution. During this period, Khrushchev's decentralization policy, an important part in his "withering thesis," suffered setbacks and the project of the constitution showed no sign of progress. The statements of Kosygin, Brezhnev and the late Kozlov manifested differences of view on the project.

Despite signs of high-level disagreements, Khrushchev in mid-1964 renewed his efforts to move forward on the constitution. Indications of resistance to his plans were suggested in the public handling of his mid-July constitution speech which appeared to qualify his comments by noting that he made only "preliminary observations"--while two years earlier he had "defined" the main tasks of the new constitution. In addition, the role of the state apparatus was highlighted in the Soviet media in the period following the mid-July constitution commission meeting, secretariat member Ponomarev presented a Suslov-style theoretical defense of the state system

Within a year after Khrushchev's overthrow, his major institutional changes were abolished: first his 1962 restructuring the party on a production basis and later 1957 decentralization of the state ministries were fully revoked. The party withdrew to its sphere of political-ideological leadership, the state apparatus regained its prerogatives as the economic manager within the system. Suslov took his usual part as the protector of the ideologically-oriented party, leaving mundane tasks to state institutions. Brezhnev initially endorsed this line, but as time went on--and as pressures for hard decisions mounted--he gave increasing emphasis to the necessity of the party's involvement in the economic sphere. He was, however, cautious not to associate himself directly with the discredited Khrushchevian formulations on the production-oriented party. In defense of the prerogatives of the state, Kosygin sought to mark out the realm of economic-industrial management as his quasi-autonomous jurisdiction. With Podgorny's shift to the chairmanship of the Supreme Soviet another dimension to the institutional

rivalry entered the picture: the movement aimed at expanding the powers of the Supreme Soviet in its relations with Kosygin's Council of Ministers was pressed. Brezhnev's endorsement of parliamentary reforms to put teeth into the Supreme Soviet seemed directed not so much toward boosting Podgorny (over whom he had gained the advantage) but rather as another way of diminishing Kosygin's state apparatus. Suslov, while apparently not objecting to the expansion of the Supreme Soviet's role, continued to concentrate on the concept of the ideological party.

As these cleavages developed, the project for writing a new constitution once more grew in political significance. And Brezhnev's 10 June 1966 announcement that a new Soviet Constitution would "crown the majestic half-century course of our country"--1967--may well engender the eighth round in the debate. This possibility is strengthened by the fact that (1) Brezhnev surrounded his reference to the new basic law with references reminiscent of some of his predecessor's party-state concepts and (2) the members of the new Kremlin oligarchy presented dissimilar views on the respective roles of the party, the soviets, and the state apparatus and their interrelationship. In sum, Brezhnev's move on the project is likely to sharpen the internal conflict over the institutional issue as various elements seek to incorporate their positions into the regime's basic law.

ONE: ELEMENTS IN THE DEBATE ON THE CONSTITUTION

During the momentary political vacuum in the leadership produced by Stalin's death (5 March 1953) a highly unusual joint session of the CPSU Central Committee, the USSR Council of Ministers and the Presidium of the USSR Supreme Soviet was convened in order to undertake the first actions of the post-Stalin regime. For a brief moment the three bodies representing the party, the state ministerial bureaucracy, and the parliament were depicted as co-equals. While the Supreme Soviet presidium was soon relegated to its usual ceremonial functions in Soviet politics, the cleavage between the party and state apparatus has figured prominently in contemporary Soviet politics. It reverberated in the Khrushchev-Malenkov struggle in the 1953-55 period and the charge raised against Malenkov following his defeat that he attempted to put the state over the party--whether his ultimate intention or not--gave expression to an underlying issue. Ironically, as Khrushchev's policy from 1956 on cut increasingly deeper into the prerogatives of the state apparatus he became subject to the reverse charge and after his fall he was denounced for attempting to involve the party in functions traditionally exercised by the state.

In the post-Khrushchev leadership, institutional issues are once more enmeshed in leadership politics. At present the Supreme Soviet apparatus enters into the political equation since the top posts of the party, the state apparatus and the Supreme Soviet are divided between three powerful figures in their own right--Brezhnev, Kosygin and Podgorny. While Brezhnev is clearly in the strongest, and Podgorny in the weakest strategic position in terms of factional politics, this circumstance is more likely to exacerbate rather than simplify any attempt at a rational reordering of the Soviet institutional structure.

In brief, since the passing of Stalin's system of personal absolutism, institutional issues have been an ever-present and increasingly important dimension of Soviet leadership politics. These issues under Khrushchev and

more recently in the Brezhnev-Kosygin-Podgorny leadership have been mirrored in a continuing discussion and debate within the regime over the interpretation and application to contemporary Russia of doctrines received from Lenin and Stalin on the party and state.

Part one first briefly discusses the broad political context of the institutional issue and secondly sets forth in summary the basic doctrinal elements of the debate over the organization of the Russian polity.

THE INSTITUTIONAL PROBLEM IN CPSU POLITICS

Since its founding the Soviet regime has suffered from basic defects in its internal constitution.* Both the relationships within the ruling group and between the major political structures of the regime have been ill-defined and established channels or regularized methods for containing and resolving political conflicts have been almost wholly absent.

These defects of the Soviet "constitution" have been variously manifested since 1917 perhaps most conspicuously in the absence of any arrangement for the transfer of power from one leadership to another. The transfer of power has been and remains an irregular and unpredictable proceeding fraught with dangers for the ruling

*Throughout most of this paper the term constitution is used in its generic sense--that is, the overall institutional structure and political practice of the Soviet polity. The paper also discusses the effort in the post-Stalin regime to draft a new written constitution to supersede the 1936 Stalin Constitution, but the context will make it clear when reference is being made to the constitutional document.

party institution itself. The "succession" crises however are rooted in the perennial conditions of Soviet politics. The authority and powers of a prime leader have never been stablized in clear-cut institutional terms and have been vulnerable both to the eccentricities of factional politics and the shifting balances of institutional forces within the regime. At the same time the institutional structures of the party and state rather than providing a stable environment for the resolution of political conflicts have served as counters in power struggles among factions of the leadership.

Under Lenin and Stalin the problem of rationalizing and stabilizing both political authority and the inner-politics of the regime remained submerged. Largely through his prestige as the author of Bolshevik victory in 1917 and the force of his personality, Lenin dominated and gave unity to the new Soviet regime. Though of a radically different political character than Lenin, Stalin also created a personalist regime. The dictatorial sway he imposed is often called a system of "institutionalized" terror and, indeed, from the standpoint of the society subjected to the terror this was precisely true. However, in terms of inner-regime politics the terror prevented institutional factors from gaining autonomous political force and thus affecting the personal power of the supreme leader.

With the erosion of Stalin's system of terror after his death, institutional factors began to gain in importance in Soviet politics. Khrushchev's leadership itself reflected the change. While he strove in his own way to lead in the personalist tradition of Lenin and Stalin, he devoted more and more energy after 1956 to the effort both to institutionalize his position and reshape the institutional structure of the regime. (In way of contrast, Stalin, especially in the last half of his rule, displayed little interest, if not contempt, for the question of his institutional status. Molotov occupied the premiership in the heyday of Stalin's dictatorial powers and even Stalin's title of General Secretary of the party fell into disuse.) Khrushchev, for example, engaged in a sustained but not notably successful effort to establish

himself formally as the "head" of the party presidium, a body which is formally based on the concept of "collectivity" and the political equality of its members.* He sought to overcome the potential for conflict in the regime resulting from the division of executive authority between the party and state by taking over the premiership in addition to the post of First Secretary. He evidently regarded or came to regard his straddling act as only an interim solution. In the last two years of his incumbency, for example, Khrushchev sought to underscore his executive supremacy over party and state by chairing a series of joint presidium-Council of Ministers meetings. Khrushchev's concern with his formal position also was echoed in characterizations of Khrushchev by some military figures as the "Supreme High Commander" of the armed forces--a title similar to the title held by the U.S. President under the Constitution. Reports at the time of Khrushchev's fall that he was attempting to set up a new executive arrangement designed to separate himself from his presidium colleagues seem at least credible in view of his previous moves.

Khrushchev's awareness of the constitutional problem was not narrowly limited to securing his personal position. As has been noted he was concurrently engaged in a broad effort to reconstitute the overall institutional structure of the regime. His 1962 reform of the party was part of a long-term effort at once aimed at assuring the institutional supremacy of the party in the Soviet system and at reshaping the role of the party in contemporary Soviet society. From the standpoint of the

*Khrushchev's own concept of the internal organization of a party bureau was reflected in his creation at the 20th Congress of the Central Committee Bureau for the RSFSR. In contrast to the concept of a collective of equals, the new bureau contained a hierarchy of ranks (chairman, first deputy chairman and so forth) modelled after the Council of Ministers. Khrushchev's RSFSR Bureau was abolished after his fall.

traditional separation of party and state functions Khrushchev was moving in a radical direction. Under his prospectus of the "transition to communism" the state apparatus would be reduced and its functions gradually absorbed by the party which would increasingly involved itself in the management of the economy. Khrushchev's project for institutional reform aroused powerful opposition both in the party and state apparatus and it fell with him.

As a result the institutional problems Khrushchev sought to resolve have been posed anew in the post-Khrushchev leadership. In fact, in this second decade of the post-Stalin period, the institutional anomalies of party and state remain essentially unchanged. The regime formally still has no less than three executive posts--the party secretary, the Premier and the Supreme Soviet chairman heading the respective hierarchies of the party and state ministerial apparatus and the Supreme Soviet parliament. Strictly speaking the party has no genuine executive official, rather it is led by a "collective" organ of political equals (politburo, formerly presidium). By contrast the arrangement of authority and official responsibility is far more clearly defined and rationally organized in the state ministerial apparatus and the Supreme Soviet structure. Unlike the party organs, each has its defined order of ranks and subordination.

In addition, the principles of coexistence between the party and the institutions of the state continue to be surrounded by ambiguities. In form, the apparatus of the state remains as a separate order of political power. Indeed, party dominance within the regime has to date been complete, but the party leadership has always had to compete with the latent but real danger that these institutions provide potential frameworks for alternatives to party rule. This consideration has increased in importance in the post-Stalin period. No longer is the "monolithic" unity of the internal regime enforced by an all-powerful or dictatorial personality. Nor is the internal discipline within the leading group as tight as it once was. Further with the passing of Khrushchev the institutions of party and state once more become entangled in

the struggle for leadership among his successors. Under such circumstances the institutional dualisms of the regime can have a disintegrative effect. While the party has succeeded in keeping the system more or less unitary in practice the diversity of institutional forms has affected the pattern of post-Stalin Soviet politics.

THE FORM OF THE INSTITUTIONAL DEBATE

While post-Stalin Soviet politics has been subjected to extensive examination and analysis, one body of evidence bearing on the institutional dimensions of leadership politics--especially the party-state issue--has been given, at most, only passing attention. This evidence consists of the extensive debate in recent years in party and juridical literature (and leaders' statements as well) on the future of the party and state apparatuses in the "transition to communism." While the discussion has been conducted in elaborate and abstruse doctrinal terms, it has echoed trends and conflicts within the leading group over the institutional issue.

Much of the debate has revolved around the Marxist-Leninist notion of the withering away of the state under communism. The "withering thesis" was, and remains, closely tied in with Soviet constitutional theory.* The constitutional role of the state apparatus under Stalin's reign was predicated on Lenin's doctrine in his 1917 State And Revolution that the USSR would pass through a "transitional stage" called "socialism"--a stage in which the role of the state organizations (for example, the secret police) would expand rather than wither away.

*The futurism of Soviet constitutional law contrasts with Western constitutional law, which is founded on past or existing political institutions.

Under Stalin, the party became, in practice, one of several institutions of governance. The constitutional role of the state apparatus under Khrushchev's plan, however, was predicated on Lenin's further assertion in the same work on a subsequent transition to the "higher stage" of "communism" during which time the state was supposed to "wither away." Khrushchev held that the functions of the state bureaucratic organization would be transferred to "social" organizations--such as the party, "the highest form of social organization"--as the Soviet Union progressed toward the "higher stage." Those resisting Khrushchev's purposes (including, in particular, Suslov) drew on other elements of doctrine or reinterpreted doctrines on the state in favor of more conservative positions in elaborate arguments dealing with two key questions.*

One argument dealt with a strictly functional question: what would the role of the party and the ministries be during the period of the withering away of the state? The Khrushchev school stressed that during this period the party's "main task" was constructing the "material-technical foundations for communism." The Suslov group stressed that such activity was limited to the "main economic task" of the party, that is, a job subordinate to the party's traditional ideological and political "guidance." The former school, in a step-by-step construction of its position, argued that the state functions should be transferred to social organizations during the

*Part two examines the presentations of the legal advocates of the Khrushchev school (principally jurists P. S. Romashkin, F. Burlatsky, M. Mnatsakanyan, M. Akhmedov and A. Nedavny), and the past and present opponents (principally jurists G. Shakhnazarov, M. Piskotin, B. Mankovsky, V. Chkhikvadze, V. Kotok, and D. Chesnokov). The penultimate section of part two examines the presentations of the advocates of the Brezhnev-Podgorny proposals for greater soviet control over the ministerial apparatus (jurists A. Makhnenko, V. Vasilyev, M. Binder, M. Shafir and O. Kutafyin).

withering-away period. Included in this definition of social organizations were the party, the soviets, trade unions, young communist league, comrades' courts--virtually all organizations other than the state bureaucracy. Under Khrushchev's developed constitutional views, all social organizations during the withering period would converge into an all-embracing social organization--his concept of the party of the future. The other school sought to justify continuing reliance on the state structure in the transition to communism. Their arguments, in effect, opposed the notion of a convergence of party and state and a concurrent diminution of the role of the state apparatus. In this connection, they defended the traditional concept of the party as primarily a political-ideological rather than managerial-administrative agency of governance.

In this context, two CPSU party congresses--the 8th and the 18th--were used as juridical and theoretical precedents for certain functional arguments of the two opposing schools. The 8th Party Congress (18-23 March 1919) had resolved (1) that the soviets were state organs and that the party ought to "guide" soviet activity but not "replace" the soviet organization, and (2) that the state system would dissolve "after being freed of its class character" (i.e. after the attainment of "socialism"). The Khrushchev group stressed the second proposition of the 8th Congress and, in effect, distorted the first in tortuously arguing that the soviets (like the party) were social organizations. The Suslov group concentrated on the first resolution and deemphasized the second. The 18th Party Congress (10-21 March 1939) formally sanctioned an earlier pronouncement by Stalin that "under communism the state will remain until such time as the danger of foreign aggression has vanished." The Suslov school, emphasizing the need for a strong state apparatus (including its coercive organs) in the face of the external threat from "imperialism," lauded the 18th Congress' justification for strengthening the state on the eve of the war with the "imperialists" (in this case Nazi Germany). The Khrushchev school allowing that the 18th Congress gave a necessary justification for maintenance of a coercive apparatus against the external threat also

stressed the theme that the internal need for the coercive state was waning in the "transition to communism."

Also in the functional context, two doctrines on the state--the traditional concept of the "dictatorship of the proletariat" and an innovation introduced at the 22nd Congress, the "state of the whole people"--figured prominently in the arguments of the opposing schools. Khrushchev interpreted the transition from the dictatorship of the proletariat to the state of the whole people as a manifestation of the process of withering away of the state and the assumption of state tasks by the party and social organizations. The Suslov school resisted this notion holding rather that the state of the whole people doctrine meant an increased role for the state, and the preservation of the party's traditional role in the "transition to communism." Since Khrushchev's fall, the concept of the state of the whole people has once more apparently become the subject of controversy inside the regime. The 23rd congress's complete silence on the doctrine suggested the presence of strong pressures within the leadership to shelve the concept. Brezhnev's introduction of the notion of a "genuine people's state" after the congress bore earmarks of an attempt to come up with an alternative formula. Behind the Brezhnev move may be the current issue produced by moves by some regime elements to strengthen the authority of the Supreme Soviet vis-a-vis the Council of Ministers and the ministerial apparatus as a whole.

A second argument was put in terms of time: when would the state wither away? Khrushchev had a vested interest in realizing "communism"--and thus his particular view of the production-oriented party--as soon as possible. Suslov and other opponents had a vested interest in pushing back the realization of "communism" as an important part of their case for the maintenance of the traditional roles for the party and state. While both schools stated that the process would be "gradual," the former took pains to explain why it would take as much as two decades to build communism. (The 20-year deadline was raised at the 1961 party congress.) On the basis of the "deadline," this school adopted a line which emphasized the urgent

necessity to commence, now, the withering away of the state. The latter school went to some effort to posit that communism would not be realized by 1981, and that the state system at that time would be strengthened, not withered. In the post-Khrushchev leadership, the elements opposing any hurrying of the advent of "communism" in the USSR appear to have won the day at least for the present. The ambitious goals of Khrushchev's economic program which was to take the USSR to the very doorstep of the communist society have been sharply scaled down and the successor leadership has generally avoided any explicit commitment to a target date when the "transition to communism" is ostensibly to be completed in the USSR.

TWO: THE DEVELOPMENT OF THE CONSTITUTIONAL-INSTITUTIONAL DEBATE

INTRODUCTION

With his sweeping industrial decentralization in early 1957 Khrushchev forced the issue of the relation of party and state to the center of post-Stalin politics. His assault on the super-centralized state apparatus inherited from Stalin was the opening action in a running battle over basic institutional issues in the Khrushchev and post-Khrushchev regimes. The industrial reform which aroused immediate resistance from the Molotov-Malenkov opposition and others was among the major issues involved in the challenge to Khrushchev's leadership in June 1957. The reform initiated Khrushchev's effort to diminish the role of the state apparatus and insure the supremacy of the party apparatus in post-Stalin Russia. The effort registered Khrushchev's awareness that the perpetuation of party hegemony within the Soviet system had increasingly become an institutional problem. His drive, however, stirred powerful forces opposed to major institutional changes and not surprisingly his 1962 restructuring of the party apparatus was a key event in the lead-up to his overthrow in October 1964. On the eve of his fall he was pressing ahead with an effort to incorporate the institutional changes he had already effected and apparently others he was planning into a new constitution replacing the 1936 Stalin Constitution.

As Khrushchev developed his far-reaching program to transform the regime's institutional structure he increasingly sought to justify it in broad doctrinal terms. He turned to various legal theorists to elaborate his position. Some enthusiastically took up the task, others were lukewarm and still others engaged in a disguised effort to dilute and undermine the Khrushchevian formulations. Juridical literature focusing on institutional and constitutional matters became a mirror of the conflicts

and cross-pressures that developed inside the regime under the impact of Khrushchev's project.

The following section details the development of the conflict, the reaction to what may be broadly characterized as the "Khrushchev Constitution" for the contemporary USSR both before and after his fall, and finally the reemergence of the institutional-constitutional conflict in somewhat altered terms among Khrushchev's successors.

OPENING MOVES ON INSTITUTIONAL REFORM

Khrushchev's first major foray into the sphere of industrial reform--the decentralization of the managerial structure of the state apparatus in early 1957--was undertaken in the midst of conflict in the Soviet leadership.

He launched his bold venture despite the strengthened position of his presidium opponents after the Hungarian revolt. His 1956 Congress deStalinization policy was under a cloud as a result of the revolt and he had been temporarily forced to the defensive--particularly on the Stalin issue--in the presidium. His decentralization project in fact came on the heels of a major managerial reorganization in December 1956 that was not of his own making and which was opposed in concept and design to his early 1957 industrial reform. The December 1956 reorganization had enhanced the powers of the state apparatus through the creation of a new centralized economic directorate and super-planning agency, the Gosekonomkommissiya, headed by Pervukin (a future member of the "anti-party" group). The Khrushchev reform, by contrast, dismantled the central ministerial apparatus seeking to shift major economic responsibilities from the state to the party, especially its territorial apparatus. Thus, the new local Councils of the National Economy created by the Khrushchev reform came under the purview of provincial party organizations.

At the 1956 Congress, Khrushchev had stressed that the party must increasingly involve itself in "problems of practical economics" but he gave little hint that he was contemplating a direct attack on the traditional state structure. His industrial reform emerged with no forewarning and bore the earmarks of a surprise move in the central committee aimed at setting his opposition in the presidium off balance. He did succeed in recouping the initiative with the reform proposal but its introduction produced sharp conflict in the presidium and the tenuousness of Khrushchev's position in the ensuring struggle was revealed in June 1957 when he came precariously close to being overthrown by his "anti-party" rivals.

Khrushchev's Decentralization Theses

Khrushchev introduced his reform plan at a central committee plenum on 13-14 February 1957. The plan called for a sweeping decentralization of the administrative structure of Soviet industry by setting up a network of regional economic councils in the place of centralized ministries. And on 29 March 1957 the central committee released the famous Khrushchevian "theses" which clearly identified the ministerial system as his target. The "theses" proposed (1) that with the creation of regional councils of national economy there would be no need to have union and republican ministries to run industry and construction, and (2) in apparent reference to Peruvkin's Goskonomkommissya, that the creation of new central organs under the USSR Council of Ministers would mean "the preservation of the old form of management only under a new name but of an inferior type." A passage in Khrushchev's "theses" charged that "some comrades" were in favor of the latter scheme. After the June 1957 leadership crisis, "comrades" Malenkov, Kaganovich and Molotov were identified as among the opponents of Khrushchev's plan. Soon after the ouster of Marshal Zhukov in October 1957 from his positions on the party presidium and the Ministry of Defense even the ministries connected with the defense industries were downgraded to state committees.

With the diminution of the role of the ministries, Khrushchev concurrently held out the prospect of the expansion of the role of the soviets. Thus, along with his industrial reform decrees, the ministerial system was also the target of an earlier Khrushchev-supported decree of the party's central committee entitled "on improving the activity of the soviets of workers deputies and strengthening their connections with the masses." The decree, dated 22 January 1957, enabled the soviets to assume legally functions residing in the state apparatus (the ministries, or executive committees at local levels). The decree also provided added sanction to a Khrushchev-emphasized campaign which called for volunteers to assist, if not assume, the work of the state employees in executing correctional, protective, medical, cultural, educational, and recreational functions.*

Khrushchev's Withering Thesis

With organization and political gains in hand, Khrushchev in his 6 November 1957 revolution anniversary speech formally resurrected the "withering away of the state" thesis which had been buried by Stalin and his chief postwar state theoretician, D. Chesnokov.**

*According to the official Soviet statistics presented in National Economy of the USSR, a 25 percent reduction in the number of state administrative workers took place between 1953 and 1957. This reduction coincided with the post-Stalin emphasis given to the volunteers' campaign. According to the same statistical source, a sharp increase in the number of workers in the state apparatus during Khrushchev's last year (some 46,000 workers were added to the 1963 force) was sustained--almost doubled--during the first year of the new leadership (some 86,000 additional administrative workers were added in 1965).

**After losing his seat on the smaller March 1953 party presidium (he had been elected a member of the expanded presidium at the October 1952 party congress and selected
(footnote continued on page 15)

That the withering thesis had been buried by Stalin and Chesnokov had been made clear in the latter's 18 March 1953 Pravda citation that

> on the basis of the balance of experience of the Socialist State, J.V. Stalin for the first time in the history of Marxism, came to the striking conclusion on the necessity of maintaining the State even under Communism 'if, by that time, capitalist encirclement has not been liquidated,' and he placed before us the task of 'strengthening in every way the power of the Socialist state.'

Earlier, at a 19 June 1951 lecture at the Department of Economics and Law of the Academy of Sciences, Chesnokov had made the traditionalists' case for the preeminent role of the state in building communism. "Only a sound Soviet socialist state is capable of ensuring the building of the material-technical basis of communism." And like the 1936 Stalin Constitution, Chesnokov in 1951 lectured that the role of the party is that of the "guiding nucleus of the state and other organizations of Soviet society." (The CPSU "...is the leading core of all organizations of the working people, both social and state," Article 126.)

Khrushchev in his November 1957 speech set out to reverse the bases of the Stalin-Chesnokov "non-withering" thesis. Linking his 1957 decentralization drive to the withering thesis, Khrushchev devised a three-part interpretation of Lenin's vagary in State And Revolution (1917)

(footnote continued from page 14)

by Stalin as a member of an elite 11-man commission to revise the 1919 party program) Chesnokov lost his position as editor of Kommunist in April 1953. In January 1955 in the wake of Khrushchev's public attack on Malenkov, a Party Life article implicitly linked Chesnokov with the pro-consumer views of the disgraced Malenkov.

that the state would "wither away" under "communism." First, Khrushchev held that "communism is no longer in the distant future." Second, he stated that state functions would be diminished during the movement toward communism.* "The Marxist-Leninist teaching on the state and its withering in proportion to the movement of society toward complete communism is of enormous significance," he said. Third, he concluded that the state "will wither away completely when the higher phase of communism sets in." (Two other parts of Khrushchev's withering thesis awaited--and in 1959 duly received--explicit formulation; (1) that state functions would be transferred to social organizations and (2) that the party, a "social organization," would assume productive tasks--and thus become

*The process of the "withering away" of state court functions was graphically demonstrated during this period. In 1957-1958 a series of harsh "anti-parasite" laws were promulgated by the several republics of the USSR. The laws, ostensibly aimed at reforming "hooligans" and "work-shirkers" among other such "parasites," were to be carried out through a newly established network of tribunals called "comrades' courts." The Khrushchev-endorsed tribunals, somewhat similar to Stalin's "troikas" reportedly abolished in 1953, were placed outside the jurisdiction of the regular state-run criminal courts. And while the new party-run comrades' courts were engaged in the sphere of criminal law, they represented a judicial maneuver directly related to the basis of Khrushchev's interpretation of Soviet constitutional law--the "withering away" of the functions of governmental bodies and the transfer of state tasks to non-governmental, "social organizations" such as the irregular tribunals. Khrushchev drew this conclusion in his 21st Party Congress speech in January 1959. Paradoxically, the regression to Stalin's system of party-run kangaroo courts and the subsequent "violations of socialist legality" that were reportedly handed down in the comrades' courts tended to strengthen the appeal of Suslov's conservative view of the state among several leading, liberal Soviet jurists. The views of the leading lawyers on this question are examined presently.

more than the "leading core" of the nation--and subordinate all other tasks, such as ideological work, in the building of communism. Party production tasks were equated with party ideological work in Khrushchev's 14 February 1956 Party Congress report, but the latter work was not then explicitly subordinated to the former. The final step in Khrushchev's withering thesis--that the party would then become the "all-embracing" or "multi-purpose" organization in modern Russia--crystalized in mid-1961.)

Following the basic guidelines set by Chesnokov in the early fifties, the opposition to Khrushchev's party-state scheme maintained contrary conclusions on Khrushchev's withering thesis in an ensuing debate on the constitution. The debate vigorously commenced at the next party congress.

THE 21st CONGRESS AND THE COUNCIL OF MINISTERS' DIMINISHED ROLE

Having occupied the highest party, government, and military* posts, Khrushchev at the 21st Party Congress told the delegates on 28 January 1959 that "some" revision

*Within a year after the fall of Zhukov, Khrushchev had established the "Higher Military Council" (sometimes referred to as the Supreme Military Council or Main Military Council by Soviet military spokesmen) with himself as chairman. The Higher Military Council, which seemed to bear some resemblance to the U.S. National Security Council, consisted of key military and party personnel who served as Khrushchev's personal advisory group on matters relating to defense. Two or three years after the creation of the Council, Khrushchev donned the title of "Supreme High Commander"--a title which apparently had been intended to indicate that Khrushchev's military authority was comparable to the military powers expressly granted in the U.S. Constitution to the President of the
(footnote continued on page 18)

of the 1936 Constitution was in order. He did not cast his remarks on the constitution in an anti-Stalin context as he did at the 20th Party Congress. (In his 25 February 1956 secret speech at that congress, Khrushchev emphatically concluded, with no further elaboration, that in order to "abolish the cult of the individual decisively once and for all" it was necessary "to restore completely the Leninist principles of Soviet socialist democracy expressed in the Constitution of the Soviet Union.") Rather, he announced at the 1959 Congress that constitutional revision was necessitated by the fact, announced earlier by him in his congress report, that the USSR was entering upon the "higher stage" of history called "large-scale construction of a communist society."

(footnote continued from page 17)

United States: "The President shall be Commander-in-Chief of the Army and the Navy..." Article II, Section 2. (For a study on Khrushchev's role in military policy making see CAESAR XXIV of 20 July 1964, "The Higher Military Council of the USSR.")

One year after the fall of Khrushchev, Brezhnev, through a Soviet interpreter identified himself as chairman of a "Defense Council" Our only other reference to a "Defense Council" dates back to 1961,

Khrushchev argued that the basic law of the land ought to recognize the endeavor of building communism, as well as all the theoretical and functional changes, such as the expanded role of the party and "withering away" of the state apparatus (whose highest body is the Council of Ministers) that he said entering the "higher stage" embraced. He told the delegates to the 21st Congress that

> The Communist Party, as the highest form of social organization, as the leading detachment, the well-tried vanguard of the nation, leads all the social organizations of the working people.
>
> Comrades, at present, when our country is entering a new and most important period of development, the need for introducing some changes and additions to the USSR Constitution has ripened. Since the adoption of the constitution, over 20 years replete with events of world historic significance have gone by. Socialism has left the confines of one country and has become a mighty world system. Important changes have taken place in the political and economic life of the Soviet Union. The building of a communist society has become a direct practical task of the party and the people. All these great changes in the domestic life and in the international situation should be reflected and set down legally in the Soviet Union's Constitution, the basic law of our state.

The Practical Party Corollary of the Withered State

Two principal constitutional changes, Khrushchev's report further indicated, would be recognition of (1) the transfer of state functions to "social organizations",

which presumably included the CPSU ("the highest form of social organization"), as well as the local soviets, the trade unions, the comrades' courts, and (2) the practical role of the party in "building communism." The latter recognition meant the involvement of the party in all national endeavors--economic and administrative functions as well as the party's traditional ideological and political tasks.

Khrushchev's report thus presented a clear insight into his long-range goal of establishing, in this particular instance by constitutional amendment, a party that would take the place of the state. Accordingly, the traditional state administrative functions which were centered in the Council of Ministers--the central government apparatus which had been the base of power for Khrushchev's recently defeated rivals, Malenkov and Bulganin--were given little recognition in Khrushchev's congress report. He said that state functions would be transferred to "voluntary, social organizations" during the process of the withering away of the state into what Khrushchev called and continued to call a "communist social self-administration."

Khrushchev gave as examples of this "withering away" the transfer of certain undefined aspects of cultural services away from "government organizations," thus undercutting the Ministry of Culture, the transfer of health services and resort facilities to the trade unions and local soviets, thus undercutting state ministries, and the strengthening of the newly formed comrades' courts, and "people's militia," which had set up a parallel and rival party-run system for the state militia and court heirarchy.

That the withering thesis had a direct bearing on the future of state coercive organizations (the state militia and the state security bodies) was made even more explicit by Khrushchev eight months after the congress. But the rationale for such a connection was made in his congress remarks on the changed role of the secret police. While asserting at the congress that it would be "stupid and criminal" to do away with the state militia and state

security bodies due to "imperialist intrigues," he emphasized that the "spearhead" of such bodies "is primarily posted against agents sent in by imperialist states" and he emphatically reiterated that "at present we have no people in prisons for political motives."

The Old Party-Old State Opposition

The Khrushchevian corollary that the withering away of the state and the transfer of ministerial functions to social organizations would be met by a parallel rise of the functions of the party was promptly challenged at the 21st Congress. The opposition was led by presidium member and senior party theorist Suslov who, in his 30 January congress speech, ignored Khrushchev's appeal for additions and amendments to the Stalin constitution as he attempted to undercut the principal foundation of Khrushchev's constitutional thesis.*

Suslov argued that as the Soviet Union enters the "higher stage" (1) the traditional role of the state apparatus under the Council of Ministers would not be reduced and (2) the role of the party would remain in the

*The only high-level statement by a party official to endorse Khrushchev's remarks on the need for changes and additions to the Stalin Constitution was made in a speech attributed to then presidium member and chairman of the Supreme Soviet presidium (the ceremonial "presidency") Voroshilov. The speech was inserted in the official stenographic record of the 21st Congress with the belated explanation that it was not delivered at the congress due to "illness" of the speaker. While the speaker reportedly expressed that Khrushchev's constitutional plans were "completely correct," Voroshilov did not elaborate on the former's withering thesis. Voroshilov at the next congress (1961) was listed, by Khrushchev, among the members of the "anti-party group."

ideological field. The state related functions of the party, Suslov pointed out, were to "raise ideological work" and "guide" the planned activity of the people.

Separating soviets from social organizations, Suslov presented his functional and temporal argument that "the increasing role of social organizations by no means leads to a reduction of the role of the state or economic organs or of the great role of the soviets during the gradual transition from socialism to communism."* Suslov followed his argument with a scathing remark about the attempts of "Yugoslav" revisionists to depreciate the importance of the state and state organs "and, thus, ideologically to disarm the working class in the struggle for the victory of socialism."

Khrushchev linked the party and local soviets with social organizations. And in further contrast to Suslov's argument, Khrushchev remarked that "the implementation by public organs of several functions which at the moment belong to the state will broaden and strengthen the poltical foundations of the socialist society and will lead to the further development of socialist democracy." And Khrushchev's remarks on the Yugoslav view of the withering away of the state were not cast in a prejorative tone. In fact he went out of his way to point out that "we do not quarrel with Yugoslav leaders about the formation of the workers councils or other questions of their internal life." (The Yugoslav workers' councils seemed to bear much in common with Khrushchev's notion of local level voluntary social organizations.)

Finally, Suslov rounded out his case with a Stalin-Chesnokov defense of the state organization: "The state is preserved not only under socialism but also in certain historical conditions under communism, when the capitalist states and the capitalist camp are still preserved and,

*Emphasis supplied here and elsewhere in this paper unless otherwise noted.

consequently, when the danger of the imperialist attack on our country and other socialist countries is still not eliminated." (The logical conclusion to Suslov's conservative state doctrine was made by constitutional jurist B. Mankovsky, who in 1961 was identified as the chairman of the committee of constitutional law of the International Association of Democratic Lawyers. Mankovsky, according to the Bulgarian legal journal Pravna Misul of November-December 1965, claimed at a 1959 conference that "it is only with the victory of the world communist system that the process of withering away of the state and law begins.") Khrushchev rounded out his case with a discussion of state functions, not organizations: "under communism certain public functions will remain, analogous to present state functions." (The logical conclusion to Khrushchev's state doctrine was made by the head of the USSR Law Institute, P. Romashkin, whose views are examined presently.)

Significantly, Suslov's emphasis on the continuing role of the state apparatus found its way into the congress resolution on Khrushchev's report. The resolution obscured Khrushchev's opposing formulation. For example, it included a passage dealing with the need to expand the activity of the soviets, but did not broach the issue as to whether the soviets were state or social organizations, or both. The resolution's endorsement of the Khrushchev-sponsored proposal for changes and additions to the constitution followed.

KHRUSHCHEV AND THE JURISTS ON THE WITHERING THESIS

Though he was unable to push through unimpaired in the congress resolution his concept of the role of the party in contemporary Russia, Khrushchev and certain jurists proceeded to expand upon the implications of his congress formulation on the withering away of the state. As a way of trying to get around Suslov's opposition, Khrushchev presented the major exposition of his thesis on 24 February 1959 that all soviets were "social organizations." However, the attorneys for the defense of the old party and state were prompt to devise new arguments in defense of the old system.

The Working Party, The Strengthened Soviets, and "Other" Social Organizations

Poetic utopianism combined with a forecast that the advent of communism was close at hand was expressed in Khrushchev's 24 February 1959 speech in the Kalinin electoral district of Moscow: "Communism is no longer a remote dream but our near tomorrow." In the same speech Khrushchev expanded upon his congress position by asserting that "a number of functions of the bodies of the state apparatus would be transferred to social organizations, including the soviets of workers deputies, which are among the most mass-scale and authoritative ones." Khrushchev had included, and then in passing, only local soviets in his January 1959 Congress definition of social organizations. In February 1959 he included the whole soviet organization in his definition of social organizations.

Possibly for tactical reasons, Khrushchev went on to voice only part of a line first made at the 8th Party Congress held 18-23 March 1919. He told the electors that "the task of the party organizations is to assist the soviets in their work, guide their activity, but not to take their place or to take over their functions." Significantly, Khrushchev steered clear of stating that the party organizations would not take the place of state organs--the main theme of the 8th Party Congress caveat (which had expressly defined the soviets as state organs) and a critical part of Suslov's January 1959 Congress defense for the "purity" of Marxism-Leninism for the CPSU.

Khrushchev's post-congress formula on the nature of the soviets was reiterated in a conference of the Institute of Law of the Soviet Academy of Science held on 18 May 1959 which was devoted to the issue of constitutional revision. The conference renewed Khrushchev's congress view that the party was the highest form of social organization, and revived the question of the gradual transfer of functions of the state apparatus to social organizations. In addition, the conferees implicitly raised the sensitive question of defining a new role of the party in the revised

constitution. The conference report printed in Soviet State and Law September 1959 recognized as "unsatisfactory" the fact that the 1936 Stalin Constitution did not specifically define the role of the CPSU but merely stated that "the leading role of the Communist Party is the main feature of a socialist state." The jurists at the conference, however, did not go on to propose any major changes.

Following the May conference, the questions of the role of the party and the implications of the withering thesis were given added attention in statements by Khrushchev. With regard to the non-ideological role of the party, Khrushchev in his 29 June 1959 central committee plenum speech rebutted a "comrade" who, Khrushchev said, had inquired what had happened to "party work." Khrushchev indicated that the theoretical work of the party would be relegated to second priority while the party was engaged in the tasks of solving the economic problems of the country. Khrushchev snapped

> One of the comrades here sent me a note: 'Comrade Khrushchev, why is it that everyone here speaks about industry and nobody speaks about party work?' Dear comrade, if a factory where you are engaged in party work produces a faulty component while you are at that time delivering a lecture on the construction of communism in our country, /animation in the hall/ wouldn't it be more useful if you were engaged in organizing people for scientific work of a higher standard? Party work means everyone doing his job, knowing his profession well, making good components, and assembling good machines.

In his 17 October 1961 CPSU Congress report, Khrushchev made explicit the proposition that ideological tasks were subordinate to productive tasks in "party work."

The Withering Campaign of 1959-1960

Popularizing the withering thesis, Khrushchev gave particular emphasis to the transfer of state functions to social organizations throughout the latter half of 1959 and early 1960. For one notable example, in a 21 September 1959 interview published in Pravda on 25 September Khrushchev, in discussing the transfer of governmental functions to mass associations of workers, pointed toward (1) the reduction in the personnel from the Ministry of Defense, (2) reduction in the police personnel from the Ministry of Public Order (MOOP) and (3) reduction in personnel from the Ministry of State Security (KGB). He then added that "more and more functions of maintaining order and administering the state are being transferred to the hands of social organizations." Later, in his major troop and military budget cut speech at the Supreme Soviet on 14 January 1960, Khrushchev provided more detail on the withered Ministry of Defense of the future: "Looking into the future one can predict that we can have military units formed on the territorial principle. Their personnel will be trained in military art in their spare time while employed in production, when the need arises, the necessary means of transport, aircraft, and other military equipment will make it possible to concentrate troops at the required place on our territory."

The Jurists' Contrasting Briefs

In 1960 certain judicial publicists undertook a full scale effort to refine Khrushchev's new examples of the withering away of the state ministries and the parallel rise in importance and function of the party and soviets. One of Khrushchev's most obedient constitutional theorists, P. S. Romashkin the Director of the Institute of State and Law of the USSR Academy of Sciences, in an article in his institute's official journal Soviet State And Law (October 1960) expanded upon the party-state views presented in Khrushchev's January and February 1959 speeches. First, Romashkin made it clear that the withering away

of the state meant the withering away of the state bureaucracy. Citing a textbook entitled Fundamentals of Marxism-Leninism,* he said that withering away of the state meant

> the gradual disappearance and dissolution in society of that special stratum of people who are constantly engaged in state administration and who form the state proper. In other words, the withering away of the state presupposes a continuous reduction of and later the complete liquidation of the state apparatus and the transfer of its functions to society itself, that is, to social organizations and to the entire population. (Emphasis in original)

Secondly, after having cited Khrushchev's 21 September 1959 remarks on the withering away of the armed forces and the militia and the state security organs, Romashkin proceeded to criticize a group of judicial publicists for "not taking into account" the significance of Khrushchev's 24 February 1959 formulation on the nature of the soviet organization.** The significance of Khrushchev's formula,

*This textbook was published in late 1959 under the general editorship of presidium member Kuusinen. Like the January 1959 congress resolution, Kuusinen's book also contain's Suslov's 21st Congress formulation on the preservation of the state apparatus. Romashkin did not point this out.

**He did not mention names in scoring these "authors" but he identified their work, The Foundations of the Theory of State and Law, and a particular page which omitted the "significance" of Khrushchev's Kalinin remarks. One "omission" was made in a chapter written by F. Kalinichev, a department head of the Higher Party School. While Kalinichev rectified his "error" by pointing out the alleged dual nature of the soviets (i.e., both state and social organizations) in a June 1961 Soviet State And Law article, (footnote continued on page 28)

analyzed Romashkin, was that "the soviets, being the elected organs of state authority, at the very same time are organs of social self-administration."

Romashkin then presented the major thesis of his article. He proposed that the amended constitution should include provisions for the transfer of functions of the councils of ministers to the soviets.

> the transfer of a number of functions of the state apparatus to social organizations signifies a strengthening of the role of the soviets and the execution by the deputies of the soviets of certain functions previously performed by the employees of the state apparatus.

Carried to the logical conclusion, Romashkin's radical suggestion pointed toward the assumption by the soviets of genuine governmental powers.

Finally, after having again urged that Khrushchev's 24 February 1959 formulation on the soviets be incorporated into the revised constitution, Romashkin broached the sensitive issue of defining a new role for the party in the constitution. And unlike the report of the timid 18 May 1959 jurists' conference, Romashkin hinted that a major change ought to be proposed. (In February 1961, as pointed out ahead, he bodly suggested that the functions of state agencies should be transferred to the party). In his

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(footnote continued from page 27)

he nevertheless advocated a Suslov-like position at a Higher Party School conference (discussed presently) in February 1961. At that conference, Kalinichev argued (1) that the party was only a "directing force," and (2) that the soviets per se (and by implication other existing organizations, such as the party, the state bureaucracy) will continue under communism.

October 1960 article Romashkin cryptically suggested that the amended constitution recognize "the growing role of the Communist Party in the life of the Soviet people and state /which/ is even more clearly expressed by the transfer of a number of functions of state agencies to public organizations." (Emphasis in original) Romashkin went on to suggest that the growing role of the party and its development in the future "must be clearly and thoroughly discussed perhaps in two or even three places in the Constitution--in the general introductory part, in the chapter on the USSR social system, and in the chapter on the basic rights and obligations of citizens."

Romashkin's conclusions were particularly important in light of the fact that he was the director of the institute which was reported in 1960 to be working out a draft of a "new"--not merely amended--constitution for Khrushchev.

That Romashkin's case was polemical is made clear in comparison with a point-by-point refutation of Khrushchev's view of the withered ministries which appeared in an article by Soviet jurist Shakhnazarov printed in Political Self-Education (August, 1960). The jurist cautiously adopted the Khrushchevian construction on the transfer of state functions to public organizations and the growth of the role of the party during the "transition period." But he emphatically concluded that the party's role would remain in the traditional sphere of "general guidance" rather than active participation in the work of the state agencies.

Shakhnazarov's article, which was widely circulated in Soviet party and law schools [redacted] was in fact a strong defense of the existing state system. A three-part defense of what he called the three categories of the state system--administrative, judicial, and military--followed.

First, with regard to the defense ministries, the jurist pointedly cited the conclusion reached at the 18th Party Congress (10-21 March 1939) on the eve of World War II which provided added theoretical justification for a

highly organized state apparatus: "under communism the state will remain until such time as danger of foreign aggression has disappeared."* The only early congress that Romashkin cited in his October article was the 8th Party Congress in 1919, at the end of World War I, which he said foresaw the trend of the transfer of state organs to public organizations. Thus it was not surprising that Shakhnazarov, unlike Romashkin, ignored Khrushchev's September 1959 remarks on the withered defense organization.

Secondly, in defense of the police and judicial ministries, Shakhnazarov cnnstrasted the professionalism of the state militia and the state courts with the amateurishness of the Khrushchev-sponsored comrades' courts and peoples' militia. And he appeared to appeal for some ministerial control of the irregular tribunals in pointing out what he called "serious mistakes" when the people's squads and comrades' courts acted without close contact with the corresponding state ministries. (Romashkin chose to ignore this issue.) The mistakes, wrote Shakhnazarov, were "due to poor knowledge of Soviet

*The 18th Party Congress was handled quite differently by the jurists who supported Khrushchev's constitutional scheme. For example, jurist F. Burlatsky, whose support for Khrushchev's views is discussed later in this paper, stated that "if one makes a careful study of Stalin's pronouncements on the question of the state, and especially at the Eighteenth Congress of the CPSU, it will not be hard to note that he clearly had one definite political aim--to find theoretical substantiation for intensifying the methods of coercion in the period of the transition to communism, to justify the practice of mass repressions and the gross violation of socialist legality." (World Marxist Review, July 1963).

law and prove that extensive training should therefore be given all those who participate in voluntary organizations for the maintenance of order."*

Finally, in defense of the administrative ministries (the state bureaucracy), the jurist veiled his argument by discussing only the role of the soviets, which he was willing to regard as both state and social organizations in a countermove to try to get around Khrushchev's proposals. (That is, he adopted Khrushchev's terminology but retained Suslov's conclusions.) Shakhnazarov asserted that "only an insignificant number of the more than 1,800,000 deputies* of the soviets are employed directly in the offices of the executive committees and in other state institutions." But he did not go on, like Romashkin, to conclude that parts of the state organization ought to be assumed by the soviets during the withering away of the state. Shakhnazarov capped his vindication of the traditional role of the state ministries and the old role of the party by citing the article in the 1936 Constitution

*This complaint continued to be voiced in other theoretical journals. For example, an unsigned article in Kommunist of November 1963 concluded that it would be "rather long historical period" before Soviet legal science withered away. Going beyond Shaknazarov, the article with apparent justification maintained that "the entire system of soviet and economic organs will require greater attention to the legal training of workers in the administrative and economic apparatus. It is no secret that many such workers are still somewhat at sea in legal matters, and the result is violations of the law. It would be desirable to make use of the experience acquired to date in drafting a list of positions for which legal training is necessary."

**This figure is the rough total for all soviet deputies in 1960 from the lowest levels (cities, districts, etc.) through the higher levels (union republics, etc.) to the highest level (the Supreme Soviet).

defining the party as the "leading core"--rather than an actual productive force in the nation. And as if to make his disagreement with Khrushchev and his lawyers clearer, Shakhnazarov did not call for any constitutional redefinition of the role of the party.

Khrushchev And Romashkin's Brief

Avoiding Shakhnazarov's defense of the existing state organization and adopting much of Romashkin's case, Khrushchev summarized his conceptions regarding the withering thesis in a 6 January 1961 speech before a joint meeting of the Higher Party School, the Academy of Social Sciences and the Institute of Marxism-Leninism. Though he did not then express his proposal in the specific terms of a legislating Supreme Soviet or an "all embracing" party, Khrushchev ignored the future role of the state apparatus and again turned to the subject of the role of voluntary social organizations as the Soviet Union "enters communism." While the 1959 CPSU congress resolution had taken a compromise position, Khrushchev nevertheless announced at the January 1961 joint meeting that "our party holds firmly to the course" of "transferring functions of state organs to social organizations." Compressing Romashkin's 1960 rationale, Khrushchev concluded that "this course, far from weakening, strengthens socialist society and is inline with the future transformation of the socialist state system into communist social self-administration."

The "Convergence Thesis"

At a lively conference held on 21-22 February 1961 at the Higher Party School in Moscow, Romashkin, endorsing Khrushchev's renewed position, rounded out his October 1960 Soviet State And Law case in a major exposition of his radical views on constitutional changes. Romashkin's presentation, some parts of which were reported in Questions of History CPSU (May-June 1961) and other parts in Soviet State And Law (June 1961), included his earlier

premises that (1) withering away of the state meant the transfer of state ministerial functions to social organizations and (2) that the soviets, as social organizations, would assume traditional state functions. At the February 1961 conference, the conclusion of his argument was presented: the transferred ministerial powers were to be assumed by the party organization.

First he argued that there would be a "drawing together of Soviet, party, and trade union work" which would result in a "new type of multipurpose organization for administering the affairs of society." Then the "new multipurpose organization" was defined: "it is especially important to keep in mind an organization such as our party whose very nature reveals many features of the future of the communist system of organizing society." Therefore, according to Romashkin's rationale, the party would become the "multipurpose organization" or "all-embracing social organization" in the life of the future Russian society. Romashkin concluded with a look into the distant future: "when the consciousness of the entire people is raised to the level of communist consciousness, the need for the existence of the party will disappear, and it will gradually be dissolved in the people as a whole."

Romashkin's thesis that the party would be transformed into an "all-embracing" organization was a logical expression of Khrushchev's efforts to turn the party's attention to the practical matters of administration and economics.

The Higher Party School conference was significant not only in that it revealed Romashkin's full thesis, which Khrushchev at the 22nd Congress later endorsed, but also in that (1) it exposed the state bureaucratic opposition to Khrushchev's anti-ministerial efforts and (2) it disclosed that a suggestion made at the 21st Party Congress

to increase the numbers and powers of permanent commissions* of the soviets was a controversial constitutional matter.

With few exceptions, those supporting one or more of four measures to strengthen the ministries or, at the lower levels, executive committees were administrative workers.** The four measures this group suggested were

*Permanent (or standing) commissions of the soviets are agencies of the two houses of the Supreme Soviet USSR (the Soviet of the Union, the Soviet of Nationalities) and the lower-level soviets. The permanent commissions continue to work between the biannual soviet sessions. In theory, the powers of the commissions are impressive: they are charged with (1) elaborating and giving first consideration to draft statutes that are introduced at sessions of the Supreme Soviet, (2) checking the work of agencies subordinate to the Supreme Soviet, and (3) assisting in the implementation of acts passed by the soviets. In practice, however, the commissions and the soviets have been virtually ignored by the Council of Ministers which, in conjunction with the party's central committee, carries out the bulk of state legislation. As examined presently, the issue of granting greater juridical responsibilities to the permanent commissions is one of the main constitutional issues in present Kremlin politics.

**Those supporting the state apparatus were the following: A. Denisov, chairman of the Law Commission attached to the Council of Ministers USSR; N. Smirnov, chairman of the executive committee of the Leningrad Soviet; P. Spiridonov chairman of the executive committee of the Khoynikskiy Rayon in Belorussia; A. Nikifornov, deputy chairman of the executive committee of the Moscow City Soviet, and F. Kalinychev, department head Higher Party School. Those supporting stronger soviets included the following: Mr. Georgadze, Secretary of the Presidium of the USSR Supreme Soviet, N. Starovoytov, division head of the Presidium of the RSFSR Supreme Soviet, B. Samsonov, deputy to the USSR Supreme Soviet, and jurists P. Romashkin (footnote continued on page 35)

to (1) increase restrictions on soviet deputies, (2) transfer soviet jobs to the executive committees, (3) increase the size of the executive committees, and (4) ensure the future existence of the ministries (that is, "retain in a communist society"). The group supporting one or more of three measures to strengthen the soviets were generally associated with the soviet system. The three measures suggested were to (1) assume functions of ministries or executive committees, (2) increase soviet control over the ministries or executive committees, and (3) strengthen the soviet organization by adding permanent commissions.

THE 22nd CONGRESS AND THE PARTY'S TRADITIONAL ROLE

Khrushchev's renewed efforts in 1960 and 1961 to resolve in his favor the critical constitutional question on the future diminishing role of the state bureaucracy received a setback in 1961 with the incorporation of the traditionalists' position in the new party program at the October 1961 22nd Party Congress. Khrushchev countered by proposing a "new" state constitution to incorporate the "new features" that building communism supposedly necessitated.

(footnote continued from page 34)

M. Akhmedov and A. Nedavny. Two state workers, Nikiforov and Spiridonov, reasoned that the expansion of authority of permanent commissions would somehow allow executive committees to concentrate on solving "fundamental problems." USSR Procurator Rudenko (the USSR's Chief Prosecutor at the Nuremberg war crimes trials) supported greater controls on soviet deputies while also criticizing certain legal violations of executive committees.

The Old Party Organization

The convergence of the party organization with the other social organizations was the crucial element in Romashkin's thesis. And Khrushchev, in his 17 October 1961 speech at the 22nd Party Congress, appeared to have accepted much of his lawyer's thesis in asserting that during the period of the change of the existing system of government into a social-self government (1) the party organization itself reveals features of the future state system ("the party must set the example, be a model in developing the very best forms of communist public-self government"), (2) that the party organization would be modified while party influence would grow ("the apparatus of the party agencies will steadily shrink while the ranks of the party activists grow") and (3) that party activists would increase their participation in the operation of the soviets, the trade unions and other social organizations.

The Romashkin "convergence" thesis, however, did not appear in the party program, the document which purported to be a two decade blueprint for building a communist society "in the main" in the USSR.

The Old Party Tasks

Khrushchev on 17 October ignored and Suslov on 21 October praised the program's formula on the creation of the material-technical basis of communism as the "main economic task" of the party. Khrushchev viewed the creation of the basis of communism as the main task: "the Party first of all will direct the efforts of the Soviet people toward creating the material and technical base of communism."

Khrushchev explicitly subordinated traditional party jobs to the tasks of building communism. The party, he said on 17 October, "has based its policy on a scientific, Marxist-Leninist foundation and has subordinated

all its theoretical and ideological-educational activity to the solution of specific tasks of communist construction." The congress, however, gave the traditional ideological tasks the dominant emphasis. Even the congress resolution (31 October) on Khrushchev's report placed ideology over practical work:

> Further improvement and intensification of ideological work constitutes one of the Party's chief tasks and a most important prerequisite for success in all its practical activity. (Emphasis in original)

The Old State Agencies

In his 21 October speech Suslov, vaunting that undisclosed "difficulties" in working out the theoretical portions of the party program had been surmounted "brilliantly," firmly presented the Stalin-Chesnokov-Mankovsky view that the state system would be strengthened during the "new stage" of Russia's development. At about the same time, Romashkin (read Khrushchev) reiterated his case on the liquidation of the state apparatus in a law journal article explicitly pegged to the theoretical portions of the party program.

Romashkin, Soviet State And Law, October 1961	Suslov, 21 October CPSU Congress speech
"Withering away of the state means the following; first, the gradual disappearance of the need for state coercion toward the members of society. Secondly, gradual disappearance and dissolution of the special class of persons engaged in government administration.	"The process of withering away of the state will signify the gradual transformation of the organs of state power into organs of social self-administration by means of the further development of socialist democracy, which presupposes the active participation of all

Romashkin (continued)	Suslov (continued)
Consequently, withering away of the state remans unremitting reduction and later the complete liquidation of the state apparatus and the transfer of its functions to society itself, that is, to social organizations, the whole collective."	citizens in the management of the state and control of economic and cultural construction, improvement in the work of the state apparatus and increasing control by the people over its activity."

The final draft of the party program set off Suslov's above position in bold face type in the Russian text. Khrushchev's (and Romashkin's) formulation that the Soviets were both state and social organizations was also included, but, as jurist Shakhnazarov had demonstrated in August 1960, it was possible to adopt Khrushchev's terminology while retaining Suslov's conclusions.

Unlike Khrushchev and the party program, Suslov in his 22nd Congress speech failed to mention the soviets. At the 1959 Congress Suslov had referred favorably to the soviets and the permanent commissions of the soviets. His silence at the 1961 Congress on the issue of the soviets' role followed the public exposure of Khrushchev's formula on transferring functions of the state apparatus to the soviets and other social organizations. In short, Suslov's new tactic in defense of the old system was to slight the soviets and to uphold the viability of the existing state ministerial system as a part of his protracted strategy for the preservation of the party's traditional political role.

Notwithstanding Suslov's exclusion of the soviets in his 1961 scenario, the party program included a passage on the authority of the Supreme Soviets and the permanent commissions of the soviets to check on the activity of the several Councils of Ministers. The provision in the party program, recently paraphrased by Brezhnev and Podgorny at the 23rd Party Congress in 1966 (see ahead, pp. 86-87), read:

> Every deputy to a Soviet must take an active part in state affairs and carry on definite work. The role of the permanent committees of the Soviets is increasing. The permanent committees of the Supreme Soviets must systematically supervise the activities of ministries, agencies and economic councils and contribute actively to the implementation of decisions adopted by the respective Supreme Soviets.

However, systematic supervision of the activities of the party organization rather than the government ministries appeared to be the critical issue in Suslov's congress defense of the existing institutions. And his 1961 Congress defense on this issue seemed to be directed toward pre-congress proposals to set up an agency empowered to check on the activity of both the party and state bureaucracy--proposals with which Khrushchev and presidium member Mikoyan identified themselves at the congress. The control agency, as originally proposed in the party press, would have had the authority to investigate the activity of high-level party and state officials. Suslov's view on the issue, as cited in juxtaposition to a Romashkin quote (above), was for "increasing control by the people over its /the state apparatus'/ activity"--not for increasing "control" over the party apparatus. The agency (later named the Party-State Control Committee) was not explicitly endorsed in the congress resolution.

The State of the Whole People

Both Suslov and Khrushchev at the 22nd Congress endorsed the formula that the "dictatorship of the proletariat" had fulfilled its mission (building "socialism") and that the dictatorship of the proletariat had been transformed into the "state of the whole people" (whose mission was to build "communism"). But the two speakers promptly drew contrasting conclusions from the above substitution of state formulas. Suslov concluded (1) that

the state apparatus during the period of the "state of the whole people" would in effect be strengthened and that (2) "our state is called upon to organize the creation of the material and technical base of communism." Khrushchev held that (1) the state and economic apparatus of the "state of the whole people" would in effect be diminished through "voluntary participation in that apparatus" and through the assumption of state functions by the party and soviets and (2) that the party was to organize the creation of the material and technical base of communism. In addition, Suslov's remarks on the change in terminology were devoid of the effusive praise that Khrushchev gave to the substitution of formulas (the transition to the state of the whole people is "a fact without parallel in history!", "a most important milestone").

The party program endorsed Suslov's conclusions on the "state of the whole people."

The New Constitution

Khrushchev, who was assigned by a 17 January 1961 plenum the task of reporting on the party program at the 22nd Congress, dutifully fulfilled this task in his 18 October report on the program by briefly mentioning the program's incorporation of the Suslov thesis on the correct role of the party. ("While bearing responsibility for the state of work on all sectors of communist construction, the party organizations must at the same time not supplant the state and public agencies"). But in Khrushchev's 17 October central committee report to the delegates of the 22nd CPSU Congress he ignored the party program's compromise inclusion of Suslov's formula on the correct role of the party as well as Suslov's view on the future role of the state-bureaucracy. In fact, Khrushchev on the 17th deleted any reference to the state's role in his concluding remarks on the "chief tasks" of building communism.

However, Khrushchev did not get his positions officially endorsed in the party program. Accordingly, he turned his attention to another document--the "new" USSR constitution. And in the context of presenting his particular rationalization for the party's existence, in his 17 October speech Khrushchev made the surprise announcement that a "new" constitution which would reflect "changes in the life of our country" was in the process of being drafted:

> Over the past quarter of a century, since the present Constitution of the USSR was adopted, there have been big changes in the life of our country. The Soviet Union, has entered a new stage of its development, and socialist democracy has risen to a higher level. The new Constitution of the USSR that we are beginning to draft must reflect the new features in the life of Soviet society in the period of the full-scale building of communism.

The opposing faction scored again: like Suslov, the 31 October resolution ignored Khrushchev's remarks on the "new" constitution.

THE "PRODUCTION PRINCIPLE" AND THE CONSTITUTION

Following his second congress setback for his own particular party platform, Khrushchev, in his sustained efforts to "modernize" the CPSU, turned from the conservative party program to the promulgation of a new constitution to sanction the new forms and methods allegedly needed to build communism. (For apparent tactical reasons, he initially appeared to settle for a new basic law which would have been little more than a redraft of the party program.) However, Khrushchev's long-range view of the party reappeared in 1962 as he undertook a considerable effort to move ahead on the final drafting of a new constitution while at the same time promoting the "economics over politics" formula for party work. This formula--theoretically substantiated, so the Khrushchev forces argued, by a newly "deciphered" passage in a Lenin document ("The Immediate Tasks of the Soviet Regime") regarding the practical role of the party--became the doctrinal underpinning for Khrushchev's long-standing efforts to place the party officially on the "production" principle.

The production principle, as some Soviet spokesmen pointed out later, was intended to be incorporated into the new constitution. Other spokesmen adopted new tactics to sustain the traditionalists' opposition. And following the October 1962 Cuban missile crisis, Kosygin and Brezhnev exposed their dissimilar views on the project.

New Project, Old Polemic

A sense of urgency for a new constitution combined with reiterations of Khrushchev's line on the transfer of state functions to social organizations was initiated in Izvestiya--the government newspaper edited by Khrushchev's son-in-law, Adzhubey--as early as December 1961. Notably, a 4 December Izvestiya editorial reprinted Khrushchev's 17 October 1961 remarks on the need for a new constitution which had been deleted in the 22nd Congress resolution. Immediately following the remark on the constitution, Izvestiya added the sensitive matter of the transferral of state jobs to social organizations:

> The question naturally arises of the elaboration and adoption of a new Constitution of the USSR, which, as N.S. Khrushchev said in the Report of the CC-CPSU at the XXII Congress of the Party, should reflect new characteristics in the life of Soviet society during the period of the full-scale construction of Communism. The Party and Government in the future also will conduct a course of transferring an increasing number of state functions to social organizations.

"Rushing Ahead" was the title of another Izvestiya commentary on 19 December which, at first glance, seemed to sustain Izvestiya's case for the need to adopt a new basic law. However, the article--authored by jurist Shakhnazarov, the lawyer who had carefully rebutted in 1960 Khrushchev's view of the withering away of the state agencies--explicitly defended the Stalin Constitution and argued that a new basic law ought to "perfect the whole state organization." Shakhnazarov, after scoring Stalin's abuses of the 1936 Constitution ("the fruit of the collective creativity of our party," wrote the jurist), argued that the 1956 Congress "largely restored the Leninist norms of party and state life." Shakhnazarov then gave only passing attention to the issue of a new constitution and offered the comment that the state-oriented propositions in the 1961 party program were a "remarkable theoretical basis for the country and of a new constitution." And unlike the Izvestiya editorial on 4 December, Shakhnazarov made no reference to transferring state functions to social organizations as the Soviet Union "rushes ahead" toward communism and a new constitution.

Khrushchev's Constitution Commission

In the wake of other judicial polemics on the subject of a new basic document, Khrushchev at a 25 April 1962 session of the Supreme Soviet again ventured into the realm of constitutional law. He announced that the 1936 Constitution "has outlived itself," that "it does not correspond to its present stage." Declaring that "now that a new party program has been adopted, we feel that every condition exists to tackle the drafting of a new Soviet Constitution."

He went on to assert, however, that the new constitution "should embody in full measure /the ideas/ which have been reflected and developed in the CPSU Program." He did not take the occasion to reiterate his view of the long-range role of the party; in fact, he did not even mention the party in his 25 April speech. Nor did Khrushchev indicate that the constitutional project should rush ahead with any great urgency. Rather, his somewhat uncharacteristic remarks on the new project were an expression of hope that the draft law would be completed by 1966.

> Comrade deputies, I think I express the satisfaction of all deputies of both chambers of the Supreme Soviet of the sixth convocation that this Supreme Soviet in its present composition /i.e., 1962-1966/ will draft, discuss with all the people, and adopt the new constitution of the Union of Soviet Socialist Republics.

Khrushchev remained discreetly silent on the fact that work on the draft of a new constitution, which he referred to in October 1961, had been progressing for at least two years. And he explicitly avoided the disclosure of any specifics of the new constitution in telling the delegates that "for the time being it would be premature to specify in detail what the new constitution should look like." But in a broad generalization he went on "to define briefly the main tasks of the future constitution," which Khrushchev said "will be to reflect the new stage in the development of the Soviet society and state; to raise socialist democracy to a still higher level; to provide even more solid guarantees for the democratic rights and freedoms of the working people, guarantees of the strict observance of socialist legality; to prepare the conditions for transition to communist social self-administration." However, he may have been publicly hinting that radical changes in the existing system were to be incorporated into the new constitution. He said that the Soviet people in creating the new constitution were "pioneers of new forms of state and social systems." He did not call for the transformation of the existing

"parliamentary" system into one granting express powers to an independent executive branch, though late 1964 reports (which are examined presently) held that Khrushchev's effort to pioneer new forms--particularly the effort to convert the Soviet leadership structure to "something like" the "U.S. system"--faced strong opposition dating from 1962.

Abundant signs in March and April 1962 of other high-level opposition in arriving at more immediate policy decisions (particularly those relating to resource allocations) may, in part, explain Khrushchev's public avoidance of particularly sensitive party-state matters in his 25 April 1962 speech. The postponement of the April Supreme Soviet from the 10th to the 23rd suggested that the leadership had had difficulties in agreeing upon a single program for the soviet delegates to approve.

Following the speeches on Khrushchev's report, which added virtually nothing to his cautious remarks, the Supreme Soviet passed a resolution creating a constitutional commission consisting of 97 deputies of the Supreme Soviet, most of whom were leading party officials, under Khrushchev's chairmanship. The chairmen of the nine sub-committees, which made up Khrushchev's new constitutional commission were not disclosed at this time.

(One of the subcommittees, apparently at Khrushchev's request, dealt with foreign policy. At the April session, Khrushchev complained that "the present constitution does not define the principles of the foreign policy of the Soviet Union" and that in the current period problems of peaceful coexistence of states with different social systems and of the struggle for peace have acquired "tremendous importance." Therefore, Khrushchev concluded, as jurist Romashkin had done in his 1960 Soviet State and Law article, that "the new constitution should clearly formulate the basic principles of the relations of our state with other states." Domestically, constitutional incorporation of foreign policy principles may have provided further theoretical justification for Khrushchev's efforts to further his particular proposals. But the net effect of one 1962 Soviet foreign policy failure--the late

October failure to keep offensive missiles deployed in Cuba--led to another check on Khrushchev's long-range view of the "new Party." The next time Khrushchev talked about the need for a new constituion (16 July 1964), the report of his remarks did not include any mention of a need for the inclusion of foreign policy provisions in the new law.)

Cuba, The Constitution, And Kosygin

In the summer of 1962, as Khrushchev was rushing ahead with his domestic efforts to place the party on the "production" principle--rather than the ideological basis assigned in the party program--leading officials of Romashkin's institute hinted that the new constitution would be more than a legal accommodation of the new program. In response to a visiting U.S. lawyer's suggestion that the program could become the law of the land by adding a few constitutional amendments, the secretary of the Institute of Law and another spokesman replied that the constitutional revision would not be a "patch-work job." And the officials at Romashkin's institute told the visiting lawyer that they expected the new constitution to be ready by the summer of 1963. In an October 1962 Soviet State and Law article, jurist F. M. Burlatsky was less definite with regard to the date for a new law, but he indicated that the constitution would involve important alterations in the state apparatus. Burlatsky wrote that "within the next few years we are going to have to adopt a new constitution." This forecast followed his Khrushchev-like formulation that under the state of the whole people the state apparatus would be subject to the increasing enlistment of the "masses" into the management of state jobs.

Unlike Burlatsky, Kosygin offered a different formula for the development of the state of the whole people in his 6 November 1962 Kremlin speech--the first major presidium address in the wake of Khrushchev's failure to redress the

strategic balance by installing offensive missiles in Cuba. Kosygin, commenting on the establishment of the material-technical base for building communism, seemed to betray his position on the state organs by not only pointing out the role of the state, but also by listing the state before the party: "the leading place in the activity of the state and the Communist Party /in the construction of communism/ is taken by the development of the economy."

Accordingly, Kosygin made no reference to the withering away of the state, no reference to the role of the soviets, and no reference to the related constitution project. One month later, at a 5 December 1962 Moscow reception at the Finnish Embassy, he refused to suggest any time period for the projected completion of the constitution. According to AFP, when the Finnish Ambassador asked if it was possible to predict the approximate date for the new constitution to go into effect, Kosygin would only answer: "No, it is really too early." Kosygin's particular case for the preservation of the state agencies was reflected in a 5 December 1962 Pravda editorial celebrating "Constitution Day" which pointed out in the context of recalling the establishment of Khrushchev's constitutional commission that the CPSU Program called for "improvement of the work of the state apparatus."

Kosygin, the party's chief economist, failed to speak at a central committee plenum in late November concerned with "The Development of the Economy of the USSR and Party Leadership of the National Economy." And Suslov, the party's chief ideologist, at the same November plenum referred only to the necessity to struggle for the purity of Marxism-Leninism.

The Creation of the Production-Oriented Party at the November 1962 Plenum

Khrushchev's proposals for change in the basis of party activity and organization in the summer of 1962 sustained the shock of the missile crisis and were adopted at

the 19-23 November 1962 Central Committee plenum. The decisions, which were a major landmark in Khrushchev's efforts since 1957 to develop a "new party," involved (1) an official recognition of the party's chief role in productive functions of the nation, (2) a reorganization of the party and lower-level soviet apparatus into two parts, one concerned with industrial affairs (mainly urban based) and the other with agricultural matters (rural based), and (3) an effort to strengthen direct supervision and control of the party over the state agencies through the formation of a combined Party-State Control Committee (headed by KGB Chief Shelepin). (Some articles on this committee had projected a party control function as well, but the November plenum did not explicitly define this controversial purge power for Khrushchev's new committee.)

And Khrushchev at the November plenum again made his position clear that the matter of economic production was the party's main task: "by concentrating attention on the main thing, namely questions of production, the Party organizations will be able more concretely to deal with organizational and ideological-educational work which is directly bound up with both industrial and agricultural production."

Ideological work of this nature was expressly emphasized by the chairman of a body established at the November 1962 plenum, the Ideological Commission of the Central Committee headed by secretariat member (and Khrushchev protege) Ilichev. On the eve of the November 1962 plenum, Ilichev in a lengthy Kommunist (No. 16) article repeatedly attacked unnamed party theoreticians who "cling to yesterday's theory." And unlike Suslov at the 22nd Party Congress, Ilichev in discussing the party program did not assert that the creation of the material-technical bases of communism was the "main economic task" of the party. Rather he first cited the main theme of the "recently deciphered" article (first announced in Pravda on 28 September 1962) said to have been drafted by Lenin:

> Usually with the world 'leadership' or 'direction' there is associated primarily an activity which is predominately or

> even purely political. Yet the very basis and the very essence of the Soviet regime and the very essence of the transition from a capitalist society to a socialist one, consists in the fact that political tasks and problems hold a subordinate place to economic tasks.

Then Ilichev judged that Lenin put questions of the direction of the economy in the center of all the work of the Party "and consequently also in the center of its scientific-theoretical activity." And as if to make his theoretical differences with the traditionalists even clearer, Ilichev went on to assert that the party's dominant role in economics "is all the more justified under present conditions."

Khrushchev's November victory was substantial: the party's basic structure was transformed from the 1961 party program's territorial-production basis to a basis that was mainly production-oriented. And the newly established Ideological Commission was headed by an obedient theorist rather than a persistent critic.

But his victory was not sustained as the post-Cuba crisis reaction began to consolidate, and as individual presidium members began to play politics with the production principle and the constitution.

Brezhnev and Kozlov On The New Law

Divergent handling of the production principle and the new constitution project was displayed in December 1962 by two leading contenders for Khrushchev's power--"heirs apparent" Kozlov and Brezhnev. Shades of variation between the two of the efficacy of the November plenum decisions was not startling. (Kozlov in his 3 December speech at the 10th Italian Communist Party Congress said that the November plenum "generally outlined" the measures corresponding to the period of constructing communism. With regard to features of the same period, Brezhnev in his 30 December Izvestiya article said the November plenum

"outlined concrete ways.") But the interesting variation between the two, and between Khrushchev's constitutional jurists, appear to have centered on the sensitive question of the constitutional incorporation of the party's November 1962 production principle. Khrushchev's jurists, in particular Romashkin and Mnatsakanyan, discussed the constitution in terms of the November 1962 plenum decisions in law journal articles in 1963 (examined presently). Kozlov at the Italian Party Congress did not link the two projects. Brezhnev in his Izvestiya article juxtaposed, but did not link the party's new prime task with the USSR's new law project. For example, Kozlov told Italians that

> we are striving to draw all the builders of communism into the administration of the economy, of culture, and of all the affairs of our all people's state. The more perfected forms of democratic administration fostered by life will be legally reflected in the new USSR Constitution which is being worked out now.

And Brezhnev revealed to Izvestiya readers that

> the decisions of the November plenum have embodied the collective wisdom and experience of the party; they are permeated with a spirit of a genuinely creative Leninist approach to the solution of problems in the further development of socialist society. The enormous changes which have occurred in Soviet society, in the development of socialist statecraft, will be legally endorsed in the new USSR constitution.

However, Brezhnev's failure to link conclusively the November 1962 decisions to the new constitution appeared to be a particularly shrewd maneuver in the unsettled Kremlin politics of the immediate post-Cuba missile crisis period. That is, Brezhnev's argument (1) placed him in a somewhat different constitutional position from Kozlov (in addition,

Brezhnev, unlike Kozlov, cited Khrushchev's April 1962 cryptic remark on pioneering new forms of state and social systems) while (2) stopping short of a full commitment to the Khrushchev-sponsored position for constitutional accommodation of the production principle. Brezhnev, like Suslov at the 22nd Congress, also referred to the party program's appeal to improve the work of the state apparatus (a reference conspicuously absent in Khrushchev's April 1962 remarks on the constitution), and to strengthen "popular control" over the activity of the state--not party and state--apparatus. (As pointed out ahead, the position on greater control of the state apparatus was reiterated by Brezhnev during the 1966 party congress.)

THE INTERVENTION OF THE PRESIDIUM OPPOSITION

While Khrushchev was able in the immediate post-missile crisis period to push through his plans to place the party on the production principle at the November 1962 Central Committee plenum, his project for a constitutional definition of the production-oriented party of the future made little progress throughout most of 1963. In fact, during the five month period following the Cuban crisis, Khrushchev's decentralization policy--dating from his 29 March 1957 "theses" on the ministerial apparatus--suffered setbacks. And Khrushchev's efforts to impose additional controls on party functionaries through the newly established Party-State Control Committee were frustrated; an 18 January 1963 Party-State statute formally limited the role of Shelepin's committee to the state administrative apparatus.

In the midst of other setbacks and other high-level disagreements, Khrushchev in mid-1964 renewed his efforts for a new basic law. Presidium opposition to his constitution was manifested.

The Centralized Ministries And Stalin's State Theorist

In the midst of high-level policy disputes over Khrushchev's handling of Cuba, China, resource allocations and deStalinization, Khrushchev's November 1962 ministerial victories encountered significant setbacks within the first three months of 1963.

One setback dealt with the downgrading of the Khrushchev-supported state committees. A 26 January 1963 edition of Vedimosti, the official journal of the Supreme Soviet, carried the unheralded January Supreme Soviet decrees which announced the disestablishment of Khrushchev's

state committees as independent agencies.* The bulk of the state committees were subordinated to the USSR State Planning Committee (Gosplan), others to the USSR Council of National Economy (USSR Sovnarkhoz)--an organizational scheme which was a step toward the one advocated by the "anti-party group" in 1957.

Five days later, D. Chesnokov--Stalin's postwar state theoretician--warmly endorsed the unheralded Vedimosti centralization announcements in an article in Kommunist (sent to press on 31 January 1963). In the middle of the article, Chesnokov suddenly chose to digress from his main theme, the November 1962 plenum decisions, to state that the economic and political life of the nation "requires the maintenance and perfection of centralism." Chesnokov, before returning to his main theme, took a crack at alleged negative tendencies in Khrushchev's decentralization scheme in the context of praising the USSR Council of National Economy and Gosplan.

> The measures outlined by the Party also increase the operational smoothness of all echelons of the national economy;

*This announcement included those state committees formed at the November plenum--trade, electrical, light, and food industries. Later in January and February 1963 many independent state committees established in the years following the 1957 decentralization "reforms" were also disestablished--lumbering, fishing, fuel industry, ferrous and non-ferrous metallurgy, chemical industry, automation and machine-building, professional-technical education. The subsequent growth of the Gosplan bureaucracy alone reportedly has been phenomenal. According to Soviet economist Liberman in an interview printed in Komsomolskaya Pravda on 24 April 1966, the number of official positions in the planning bureaucracy has increased by a factor of 45. "In due course the number of such positions has grown from 400 to 18,000!" exclaimed the economist.

> they perfect centralism as dictated by the organized and planned character of economy and society. Thus, the strengthening of the sovnarkhozes will undoubtedly facilitate the overdoming of provincialistic tendencies which are more strongly pronounced in the small sovnarkhozes. The creation of a USSR council of national economy will facilitate a more flexible form of coordination of the current plans of economic construction and of the operative leadership of the fulfillment of the annual plans on a nationwide scale. The transformation of the Goskomsoviet /State Economic Council/ into Gosplan, handling long range planning, will permit a more thorough and better grounded elaboration of long-range plans for boosting the national economy and thereby will facilitate the compilation by the Union Republics, the local governmental agencies and the sovnarkhozes of their own plans within the framework of the national plans. (Emphasis in original)

Following the January-February reverses, another setback for Khrushchev's long standing decentralizing efforts arrived on 13 March 1963 with the formation of the Supreme Economic Council of the USSR Council of Ministers and the subordination to the Supreme Economic Council of Gosplan and USSR Sovnarkhoz. The Supreme Economic Council was granted clear powers enabling it to move into any economic area to fulfill its plans. And the Supreme Economic Council was headed by a man, armaments minister Ustinov, whose 13 March 1963 appointment received little praise from Khrushchev.

The Return of the Lawyers

In the latter part of 1963--that is, well after Khrushchev had held on to his leading position in an

apparent struggle with Kozlov (who became ill in early 1963 and died last year) and Suslov in the months following the Cuban missile crisis--Khrushchev's constitution project again surfaced in articles by jurists endorsing and opposing Khrushchev's institutional efforts.

One Soviet jurist, M.O. Mnatsakanyan in an article in Problems of History CPSU (October 1963) made more explicit the conclusion drawn by Romashkin in a discussion of the constitution project and the November 1962 party decisions in a March 1963 Soviet State And Law article. Mnatsakanyan held that the concept of Khrushchev's 'production principle would be incorporated into the new constitution which, the author declared, "will be adopted in the very near future." Mnatsakanyan went on to make it clear that the new constitution would "consolidate" the "recent measures" which, he later explained in his article, were embodied in the decisions of the November 1962 plenum regarding "the reorientation of the party organs of the republics according to the production principle and the creation in the central committee of the republic communist parties a bureau for industry and a bureau for agriculture."

The next major article on constitutional themes did not draw this connection. It made the traditionalists' classic argument of linking the defense of ministerial system with the viability of the Stalin Constitution. The article, written by jurist M. Piskotin, appeared in Kommunist No. 17, signed to the press on 3 December 1963, under the pointed title of "development of democracy and improvement of the state apparatus." Piskotin, like his colleague Shakhnazanov in his 1960 Political Self-Education article, praised the 1936 Constitution for "playing a tremendous role" in the life of the nation. Piskotin ignored the three-year-old subject of the necessity for a new constitution, and as the title of his article suggests, he enumerated the powers of the state ministries: "the main responsibility for the management of state, economic and cultural affairs rests in the state apparatus." And he applauded, as had Kosygin on occasion, the quality and quantity of the state technicians: "in the various state administrative organs, both central and local, a vast army of specialists is at work."

Constitutional accommodation of the party production principle--which would provide the basic statutory authorization for Khrushchev's solution for the role of the party in the nation's contemporary life--was not mentioned in Pravda's cautious 1963 "Constitutional Day" editorial, but the traditional 5 December editorial did not go on, as it had in December 1962, to recall the party program's explicit position on the expanding role of the state apparatus.

The Return of the Constitution Commission

Like the 5 December Pravda editorial, Khrushchev did not recall the program's position on the critical matter of the role of the state at what was called the next "regular" meeting of the constitution commission on 16 July 1964. (This was the first meeting on record of the commission since its foundation in April 1962.)

And unlike his report before the April 1962 Supreme Soviet session, Khrushchev at the 16 July 1964 meeting specifically brought up the matter that the new constitution "must fully reflect" not only the party program but also the role of the party and social organizations in the building of communism. According to the only available version of his remarks, he ignored the future role of the state. He told the commission members that "the new constitution must fully reflect the ideas of Marxism-Leninism, the CPSU Program of a communist society, of the role of the people's masses, the communist party, and social organizations in the building of communism."

Signs of Resistance to Khrushchev's Constitution

While Khrushchev may have renewed his former position on the party, at least five indications that all had not gone well at the mid-July meeting may be tallied.

One: Khrushchev's speech was released in a summarized form only--a sign which in his case generally indicated that controversial issues were not resolved. Another 1964 example of this was his final--and abridged--major speech at a late September party-government meeting which, according to post-coup reports, contained radical suggestions (e.g. a suggestion to adopt a pro-consumer policy similar to the one advocated by Malenkov in the early post-Stalin period) that were not acceptable to the leading group.

Two: The only available text of Khrushchev's abridged report (a 16 July Moscow radio domestic broadcast and a virtually identical 17 July Pravda report) appeared to qualify his comments by noting that he made only "preliminary observations" on the principles for the new constitution. This qualification appeared to be particularly curious in light of the fact that work on the project had been progressing for over four years (it took Stalin less than two years to enact his basic law) and in light of the fact that two years earlier (25 April 1962) Khrushchev had "defined the main tasks of the constitution" before the same commission.

(A curious modification with regard to the constitutional issue of the military authority of Khrushchev was exposed in the Moscow press three months before the commission met. Khrushchev's lofty military title "Supreme High Commander," publicly introduced by Defense Minister Malinovsky at the 1961 Party Congress and reiterated in his mid-April 1964 Red Star article pegged to Khrushchev's birthday, was deleted in Pravda's 17 April 1964 reprint of Malinovsky's article. Pravda referred to Khrushchev as "comrade" rather than "Supreme High Commander.")

Three: Eight days after the constitutional commission met, prominence was given in Pravda to a meeting of the rarely publicized "Presidium" of the Council of Ministers. The Presidium of the Council of Ministers, formally established two days after Stalin's death was announced, had been given virtually no publicity following the purge of its original members (Malenkov as chairman, Bulganin, Molotov, Beria and Kaganovich as first deputy

chairmen) under Khrushchev's aegis. In addition to the political significance associated with the ministerial presidium, Pravda's 25 July 1964 reportorial action was in tacit contrast with Khrushchev's deemphasis on the policy-making role of the state apparatus as a separate entity. (It may be significant to regard to the elevation of the public status of the Council of Ministers that on the day before the constitutional commission met, Mikoyan, the presidium member who had given Khrushchev no noticable opposition on the former's constitutional efforts, was shifted from the Council of Ministers to the Supreme Soviet chairmanship--vacated on 15 July by Brezhnev who returned to full-time party work.)

Four: Lack of agreement may also serve to explain the fact that reports of the subcommittee heads were not released, even in summary form. Almost all subcommittees submitted reports, Pravda noted, and for the first time, the names of seven subcommittee heads were disclosed:

Subcommission	Chairman
General Political and Theoretical Questions	(not revealed)
Questions of Public and State Structure	Voronov
State Administration, Activities of the Soviets and Public Organizations	Brezhnev
Economic Questions and Administration of the National Economy	Kosygin
Nationalities Policy and National State Structure	Mikoyan
Science and Culture, Education, and Public Health	Yelyutin (Minister of Education)
Foreign Policy and International Relations	Ponomarev
People's Control and Socialist Law and Order	Shvernik
Editorial Sub-commission	(not revealed)

Suslov, as the senior theoretician of the party and as a member of the original 97-man constitutional commission, would have been the logical choice for the subcommittee chairmanship of the important subcommission of General Political and Theoretical Questions. In light of the paramount importance of that subcommission, it may be noteworthy that the session was called at a time when Suslov was out of the country. (He was in Paris as the head of the Soviet delegation to the funeral of French party leader Thorez.) Thus it was Khrushchev who presented the principles of the draft constitution and the expected presentation of the subcommission on "General Political and Theoretical Questions" was not mentioned in the report of the meeting.

Two weeks after Khrushchev's theoretical presentation, a Suslov-style refutation of the bases of Khrushchev's constitutional theory surfaced in the party's major theoretical journal. The refutation appeared in a speech which secretariat member Ponomarev reportedly made at a June 1964 session of the Academy of Social Sciences but belatedly published in an issue of Kommunist sent to the press on 31 July 1964. The speech, published by Kommunist with "certain additions" which were not disclosed (and which raised the question as to whether the additions originated at the 16 July session of the constitutional commission), scored the Chinese Communist rejection of the 1961 CPSU program and attempted to refute the basic reasons for that rejection. Ponomarev's refutation, however, carried implicit criticism of Khrushchev's view on the withering away of the state. For example, Ponomarev openly agreed with what he called the statement by the "enemies of the CPSU Program" who say that due to the imperialist threat the socialist countries must strengthen the state. (This was somewhat reminiscent of Suslov's 30 January 1959 assertion that due to the threat of imperialist attack, "the state is preserved--under communism.") Ponomarev gratuitously added that the threat of imperialism necessitates "heavy expenditures /on the part of socialist countries/ to strengthen their defense capabilities." He made no reference to Khrushchev's December 1963 and January 1964 appeals for reduced defense expenditures. Ponomarev concluded with the non-committal

statement that the threat of imperialism "must not be allowed to be an invincible obstacle to the construction of communism." Later in his article he made the weak argument that "critics" who regard the "construction of communism impossible as long as imperialism continue to exist" lack faith in the Soviet people.

Functional differences with regard to Khrushchev's view of the correct role of the party were then drawn by Ponomarev. Ponomarev chose to cite the 1961 party program's position that the construction of the material-technical foundations for communism is regarded as the main "economic" task of the party. He made no reference to Khrushchev's long standing view that the task of building the foundations of communism was the party's "chief" task.

Differences with regard to the amount of time it would take to construct a communist society were also drawn by Ponomarev. Ponomarev chose to report that communism would not be realized by 1981 (the two decade reference in the 1961 party program). He said that at the end of the twenty year period "our society will be very close the implementation of the principle" of communism. Khrushchev in his 17 October 1961 congress report went to some length to explain why it would take as much as two decades "to build a communist society in its basic outlines."

Finally, Ponomarev reiterated Suslov's position on the "state of the whole people." Employing Suslov's 22nd Party Congress definition of the state formula Ponomarev in Kommunist pointed out what he said was the "obvious fact that the power of the...state has increased greatly with the growth of the dictatorship of the proletariat into a state of the whole people." Khrushchev at the 22nd Party Congress had forecast that the state would wither away under the "state of the whole people." At the July 1964 meeting he ignored the future role of the state apparatus in urging that the new basic law "must be the constitution of the socialist state of the whole people whose aim is the building of a communist society.")

Five: The issue of the new constitution was virtually ignored in open Soviet media after the July meeting, after the July meeting tended to support the conclusion that Khrushchev's constitutional target was the existing Soviet ministerial system. reported before Khrushchev's ouster that the new constitution would provide for a president based on the U.S. pattern and Khrushchev would become president.* reported after Khrushchev's ouster that the bases of the Khrushchev-Kozlov differences on the constitutional issue involved Khrushchev's desire to convert the Soviet leadership structure to "something like" the American presidential system, with express executive authority for the leader, and the separation of this from the "legislative" branch. The report added that Khrushchev's opposition wanted the full development of one-party "Soviet parliamentarism"--that is the preservation of the status quo.

reportedly mentioned Khrushchev-Kozlov differences over the unprecedented 1961 party statute calling for the systematic turnover of high-level

*The remainder of his discussion on the new constitution was somewhat confused, with regard to the conversion of the existing Soviet parliamentary system into one based on the U.S. pattern: the report held that Kosygin would "undoubtedly" be given the position of Chairman of the Council of Ministers and that Khrushchev would "probably" give Podgorny the position of party First Secretary in order to maintain control over the party. In the U.S. system, (1) the president is head of both party and state and (2) there is no ministerial body.

party officials in elections.* According to this part of the report, [redacted] claimed that Khrushchev was bitterly opposed to the 1961 electoral proposal, regarded the turnover statute as an attack upon himself, and countered by securing an amendment excluding "the highest party leaders" from the provision. In fact, the amendment did not exclude the highest party leaders. Rather, it appeared to have been aimed more at removing any such office-holding insurance by providing a legal

*The statute maintained that "at all regular elections of the Central Committee of the CPSU and its Presidium not less than one-fourth of the membership shall be newly elected. Presidium members shall as a rule be elected for not more than three successive terms." The length of the "term" was not set down in the statute, though "regular election" of presidium members is a pro forma function of party congresses which are normally held every four years. Election or dismissal of presidium officials was not limited to congresses as another passage of the 1961 statutes made clear: "a meeting, conference or Congress may, in consideration of the political and work qualities of an individual, elect him to an executive body for a longer period." Thus, on the basis of presidium tenure, six out of eleven presidium members named at the 1961 Congress automatically came under the statute's vaguely worded provision for the three consecutive term limitation--Khrushchev, Mikoyan, Shvernik, Suslov, Kozlov, and Brezhnev. The turnover proposal for party officials, as well as the need for a new constitution were not mentioned in the congress speeches of Mikoyan, Shvernik, Suslov or Brezhnev. Brezhnev, who proposed the abolition of the turnover statute in 1966, reported on the proposal's applicability to the state officials. He said in his 19 October 1961 speech: "So that even new hundreds, thousands, and millions of people should pass through the school of state administration in the Soviets, the party poses the task of renewing the composition of organs of state authority at every election by no less than one-third."

framework to force out recalcitrant high level leaders in a "legal," continuous, non-controversial purge. It may also have been designed by Khrushchev in an effort to provide himself with the legal machinery to prevent high party leaders from gaining enough power, or a bureaucratic basis for achieving power to challenge his own. At any rate, Khrushchev's public support for the turnover rule was suggested by (1) his particular interpretation of the turnover rule and (2) his support for a key "amendment" made in the final draft of the statutes dealing with the qualified electorate. With regard to interpretation, Khrushchev in his 18 October 1961 Congress report in a transparent effort to exempt himself from the electoral proposal pointedly commented that "in rejecting the cult of the individual we do not in the least eliminate the question of developing leading party figures and strengthening their authority." The matter of strengthening authority was not included in the remarks of Kozlov, who had been given the task at the January 1961 plenum of reporting on the statutes at the congress. In his 28 October statute report, Kozlov merely noted that the statute "does not deny the importance of the role played by experienced party workers who enjoy high prestige," went on to state that "without a more or less stable group of leaders it is not possible to ensure continuity of leadership, the transmission of accumulated experience," and then paraphrased the statute's provision on the application of the law to "leading party members"; "particular Party officials may, by virtue of their recognized authority and the high order of their political and organizational abilities, be elected to executive bodies for a longer period." With regard to the key "amendment," a substantive change in the wording in the final draft of the statutes merits consideration: the final draft alloted the responsibility of determining qualified party leaders, to a "meeting, conference or Congress." The original draft of the statutes, published on 5 August 1961, had maintained that the "consideration of the political and work qualities of an individual" would be the decision of a "party organization." That Khrushchev was identified with the change from "party organization" to "meeting, conference, or Congress," was hinted in a second remark, also ignored by Kozlov, made in his 18 October

1961 speech. After commenting on the permissibility of strengthening the authority of qualified party officials, Khrushchev stated that "what is necessary is that leading Party figures be promoted from the Party masses by virtue of their talent, their political qualities and their qualifications and that they be closely tied with the Communists and the people." It is possible that Khrushchev had his June 1957 presidium anti-party group experience in mind--it was one subject of his 1961 speech--and wanted to insure legally that there would be no repetition of such a close call to his power position.* In short, Khrushchev's presentation on the "succession statute" suggested that he had more strength in a wider party forum than in the small presidium. In this light, it may not be surprising that Khrushchev enthusiastically endorsed the provision which was incorporated into the new party statutes that a decision by a party organization, such as the presidium, relating to the succession issue would explicitly be subject to review of the larger party masses in a "meeting, conference, or Congress." In addition, the party program gave rather substantial attention to the electoral role of the party masses which appeared to fit in with Khrushchev's expressed interest in a wider electoral base to strengthen his own authority vis-a-vis his presidium associates.)

Finally, one late October 1964 Moscow datelined Western news item, citing "reliable information," reported the story, which also appears plausible, that the constitution commission set up in 1962 to produce a new Soviet constitution had been deadlocked over the issue of introducing "something akin to the American presidential system."

*The "anti-party group" in the presidium in 1957 had voted to oust him, and only later in the presidium session did they agree to Khrushchev's request to bring the matter before a hurriedly called session of the party's central committee.

NEW LEADERS AND OLD PROBLEMS

Within a year after Khrushchev's overthrow, his successors abolished the fallen leader's major institutional changes. First his 1962 restructuring of the party and later his 1957 decentralization of industrial management were revoked. The regime returned to the status quo ante institutionally. The party withdrew to its sphere of political-ideological leadership, the state apparatus regained its prerogatives as the economic manager within the system.

The resegregation of party-state functions along traditional lines however was more a reflection of the balance of forces within the coalition that overthrew Khrushchev than the coherent platform of a dominant and unified ruling faction. The new institutional arrangement was not stable. Not long after the dust of Khrushchev's fall had settled signs of conflict over institutional roles began to emerge among the leaders.

Suslov took his usual part as the protector of the ideologically-oriented party leaving mundane tasks to state institutions. Brezhnev initially portrayed himself as a backer of the return to the traditional concept of the party but as time went on gave increasing stress to the legitimacy and necessity of the party's involvement in the economic sphere. Thus he began to move in the general direction Khrushchev had gone but was careful not to associate himself with the discredited Khrushchevian formulas on the production-oriented party. Here Brezhnev entered into competition with Kosygin. Kosygin sought to establish a working principle of mutual non-interference between party and state marking out the realm of economic-industrial management as his quasi-autonomous jurisdiction. With Podgorny's shift to the Supreme Soviet another dimension of the institutional rivalry entered the picture. The movement aimed at expanding the powers of the Supreme Soviet began to be vigorously promoted and the idea of putting teeth into the soviets as the controller of the ministerial apparatus of the state was pressed.

In connection with this issue various alliances appeared to develop. Podgorny's personal interest in expanding the role of the soviets was obvious. Brezhnev seemed to go along with the idea not so much to boost a rival over whom he had gained the advantage but rather as another way of diminishing Kosygin's state apparatus. Kosygin continued to betray his distaste for expanding the soviets' role and other high-level figures indicated their opposition to curbing the state apparatus. Suslov and his political kin while apparently not objecting to the expansion of the soviets' role continued to concentrate on the concept of the ideological party.

As these cleavages developed, the project for writing a new constitution once more grew in political significance. While the debate over institutional roles continued among the jurists following Khrushchev's fall, the constitutional project was soft-pedalled during the first twenty months of the new regime. However, soon after the 23rd Congress Brezhnev--who replaced Khrushchev as head of the constitutional commission--revived the question. His move on the project is likely to sharpen the internal conflict over the institutional issue as various elements seek to incorporate their positions into the regime's basic law. The following pages detail the development of this issue since Khrushchev's fall.

The Restoration of the "Pure" Party at the November 1964 Plenum

The intensity of the reaction within the regime to Khrushchev's effort to transform the party institution was registered almost immediately after his fall. In November, barely a month after his fall, the Central Committee convened and liquidated his 1962 bifurcation of the party into industrial and agricultural committees on the "production" principle.

Curiously, presidium member Podgorny's 16 November report at the plenum calling for the uniting of industrial and agriculturaloblast and kray party and soviet organs was never published.

But Pravda on the next day reported and commented on the decisions of the plenum, and made it clear that the production-oriented party was an error of the Khrushchevian past:

> Replacing the territorial-production principle of party organization with the so-called production principle objectively led to a confusion of functions, rights, and obligations of party, soviet, and economic organs and pushed party committees into replacing economic organs.

Following the plenum, the traditionalist lawyers promptly clarified their earlier abstruse opposition to Khrushchev's view of the party. Two jurists, V. Kotok (head of the law institute's department of theory of governance and constitutional law) and his assistant V. Maslennikov, reiterated and added to the above Pravda indictment by charging in a 28 November 1964 Izvestiya article that the November 1962 reforms not only pushed party committees into replacing economic organs, but also into substituting for soviet organs. The two jurists then cited the full 8th Congress testament on party restrictions on soviets and state bodies which Khrushchev had avoided in his 24 February 1959 maneuver in his constitutional campaign. Kotok and Maslennikov wrote that "the 8th Party Congress indicated that one should never confuse the functions of party collectives with the functions of state organs, such as soviets. The party must carry out its decisions through the soviet organs within the framework of the Soviet Constitution. The party strives to lead the activites of the Soviets and not replace them!" (Emphasis in original)

Brezhnev And The Silent Constitutional Commission

On Podgorny's recommendation, Brezhnev was selected at an 11 December 1964 session of the Supreme Soviet as Khrushchev's replacement for the chairmanship of the

constitutional commission. The new chairman apparently adopted the policy of calling no public sessions of his commissions. Brezhnev's early reluctance to press forward with any noticeable vigor on the project during the early post-coup period may well have been due to the considerations that (1) the effort for a new constitution was personally identified with the man he had helped to oust and (2) that the project was an effort to encorporate Khrushchev's highly controversial views of the long-range role of the party into the basic law of the land. (That the new constitution was regarded as a "Khrushchev project" and identified as such within Communist circles was made clear in the 5 July 1965 comment [redacted] to the effect that the new Soviet constitution was a "pet project" of Khrushchev's and that this explained why the project was not proceeding very rapidly in the USSR.)

That Khrushchev's efforts for a new constitution were deemphasized by the new leadership was again made clear in the Pravda editorial on Constitution Day, 5 December 1964. The editorial had nothing to say about preparations for a new basic law. The editorial reiterated Suslov's view on the expanding role of the state apparatus and went on, without naming Khrushchev, to praise the decisions of the October 1964 plenum, which ousted him, and the November 1964 plenum, which revoked his bifurcation scheme. On the next day, in an even more pointed attack on Khrushchev's view of the party, an editorial in Pravda reiterated the position voiced around the time of the November plenum that "the essence of the Leninist style of party lies in the fact that this guidance is not administrative but of the supreme, political type. The party exercises political guidance over all state and public organizations. But it does not assume their functions, the functions of direct management." (Emphasis in the original) A similar position was promptly adopted by the new head of the Institute of Law.

Romashkin's Conservative Replacement And The New Debate

V. Chkhikvadze, a Soviet jurist who replaced Romashkin as Director of the law institute in early 1964*, presented a major exposition of his pro-ministerial views in the early January 1965 edition of Kommunist. The article first set out to clear the new director, who was not a member of the 97 man constitution commission, of any pro-Khrushchevian legal views. It praised the October ouster and the November decisions on the production principle, criticized "artificial hastening of the withering away of the state", questioned the worth of comrades' courts (which have received abundant criticism in the post-Khrushchev period), and urged that the state apparatus should closely supervise all social organizations which assumed former state functions. Chkhikvadze then presented his explicit defense of the state apparatus by first stating that the state is the "basic tool in the organization of the building of Communism." A second assertion followed that "the period of expanded Communist construction is accompanied by the ever growing importance of administration." This pro-state position was then repeatedly bucked up with the theme of the importance of efficiency and professionalism in administering a modern, complex state.

The new law director's conservative constitutional views were reflected in a report we received in late January 1965 [redacted]. According to the report, [redacted] flatly stated that "no basic

*Chkhikvadze was an active member of the editorial board of Soviet State And Law from mid-1948 to the end of 1958--at which time Romashkin became a member of the board. Romashkin was dropped from the editorial board by the September 1965 edition of the law journal. His last article in the law journal appeared in the March 1963 edition, and it discussed the constitutional project in terms of the production-oriented party.

changes" were expected in the Soviet Constitution as a result of the present revision which "should be completed," "in approximately one year." that any constitutional revision work whatsoever was then being carried out under the new leadership.

Conservative constitutional views were not reflected in a February 1965 Soviet State And Law article by the chief editor of that journal, A. Lepeshkin. Lepeshkin, while pressing for a strengthened state system in the new constitution, posed the radical suggestion of a genuine choice of candidates in the Soviet "elections." Lepeshkin boldly told us that

> as is well known, the Soviet election law does not limit the number of candidates proposed as soviet deputies. Meanwhile, the practice of elections for the soviets of all levels has been formed in such a way that only one candidate, for whom or against whom the voters of a given electoral okrug vote, is on the voting list for deputies.
>
> Numerous articles and suggestions of our readers raise the question of the advisability of leaving on the ballot paper not one, but several candidates proposed by the voters for election to one vacant seat of a soviet deputy for a given electoral okrug. Of course, the democratism of any electoral system is not measured only by the number of candidates put on the voting list, that is one or two. Nevertheless, this is not a problem of minor importance and its correct solution under our conditions is of great importance for the development of the democratic principles of the Soviet electoral system.

Lepeshkin, whose radical electoral remarks were widely circulated in the Western press in late May 1965,* was replaced as chief editor of the journal by the early June 1965 edition.

At about the time that Lepeshkin presented his radical electoral views, a rejoinder to the constitutional position of the new director of the law institute was presented in an early February 1965 Kommunist article by V. Vasilyev. Vasilyev guardedly introduced his rebuttal with the comment that "one should not go to extremes /with regard to the soviets/--take over the functions of the economic organs, adopt administrative methods affecting enterprises and organizations under the jurisdiction of economic organs or interfere in the managerial activities of their leaders." Nevertheless, Vasilyev emphatically endorsed the Khrushchevian policy of "recent years" of transfering administrative and economic state functions to the soviets.

> In recent years, the soviets have started solving more and more problems which in the past were mainly the responsibility of the executive organs. The soviets have been more active in supervising the fulfillment of resolutions. The membership in the permanent commissions has expanded. Some local soviets have transferred to their commissions many administrative matters.

The new director of the law institute had referred to "increasing the role of permanent commissions," but only parenthetically and then in the context of describing an assignment given by the Academy of Sciences which called

*See Zorza's Manchester Guardian article for 21 May 1965, "Election Reforms For Russians? Voters May Get Choice of Candidates." *Soviet voters did not get a* choice in the 12 June 1966 elections.

upon the law institute to draft a manual defining the legal activity of the soviets. And unlike the new law director, Vasilyev pointed out that the soviets, which he regarded as all-embracing social organizations, should closely supervise the administrators. Vasilyev criticized soviet deputies who "fail to give the executive organs tasks" after having presented his constitutional thesis:

> It is the soviets who set up the administrative apparatus. Directly or indirectly, all state organs receive their power from the soviets. The representative organs have great facilities for influencing the practical work of the executive apparatus by directly participating in the work themselves.

Finally, Vasilyev praised the role of the nonprofessional volunteers. While he noted that voluntary workers sometimes duplicate the tasks of formal organizations, he emphasized that "the more active they /the volunteers/ are, the better." Unlike law director Chkhikvadze,* Vasilyev lauded the scope of volunteer-soviet activity:

> Voluntary deputy chairmen of executive committees of village, settlement, rayon

*Chkhikvadze in Kommunist referred to the role of vulunteers in the same slighting manner that he had referred to the role of permanent commissions. Praise for the activity of volunteers was a common theme in the juridical media prior to Chkhikvadze's replacement of Romashkin as director of the law institute. For example, the head of the constitutional law department (sector) of the institute, V. Kotok, emphasized the case for replacing the paid staff of executive committee departments with unpaid volunteers in a July 1961 Soviet State And Law article. Following the change in law institute directors, Kotok and his assistant Maslennikov did not return to this point in their 28 November 1964 Izvestiya article.

and city soviets, voluntary departments of executive committees, groups of voluntary inspectors and instructors, voluntary councils at regular departments and administrations, many voluntary public organizations--this is far from the full list of ways in which the working people participate in the work of the soviets. The soviet actives now number about 23 million people. This clearly marks the soviets not only as government but as social organizations as well.

In short, the constitutional debate continued, though with far more limited terms of reference. And the former terms dealing with the role of the party were obliquely raised in March by the new First Secretary of the party's central committee.

Brezhnev's Dalliance With The Production Principle

During the period between the revocation of the "so-called" production principle and a March 1965 central committee plenum, Soviet theoretical and judicial spokesmen were careful to define the party's task in the economic life of the nation as "guiding" or "leading." One leading theoretician who had fully supported Khrushchev's subordination of all party tasks to productive work--secretariat member Ilichev--was removed from the secretariat at the March 1965 plenum.

While carefully emphasizing the "guiding and leading" role of the party, Brezhnev in his March 1965 plenum speech on "urgent measures for the further development of Soviet agriculture" made a comment reminiscent of a passage in Khrushchev's 1956 Congress report on the determining factor of party work in the economy.

Khrushchev, 14 February 1956 report at the 20th Party Congress	Brezhnev, 24 March 1965 Central Committee plenum speech
"The work of a leading Party worker should be judged primarily by results obtained in the development of the economy."	"Constant attention...to increased agricultural production should be the determining aspect of the work of Party bodies."

Six months later Brezhnev referred to the party's role in industrial production in the same vein.

In short, Brezhnev was echoing the general outlines of the former Khrushchevian line and indicating that the party did not plan to hand over its authority in the economic sphere to the state.

Evincing his earlier cautious and evasive approach toward making final the 1962 party production principle, Brezhnev--like Khrushchev in his 1956 Congress report--preceded his above remark with a traditionalist position that the party must "coordinate and guide" the work of state and social organizations in the countryside. However, Brezhnev limited such party work to "organizational and economic strengthening"--rural ideological work was ignored. Ideological work was briefly noted in an earlier remark by Brezhnev on the broader theme of the party's nationwide tasks, but it was then listed last: the party has "the special responsibility of steadily improving organizational, political, economic and ideological work." Brezhnev also claimed that rural party bodies "must stop giving preemptory orders and bureaucratic instructions, and stop exercising petty tutelage and usurping the functions of the managers and experts of collective and state farms." But he went on in his plenum speech to urge an increase in the role of the party and the numbers of full-time party secretaries in the collective and state farms.

A second example of the party's role in production was signaled at the March plenum by promotion of defense expert Ustinov to the party secretariat and presidium,

and his concomitant resignation from Kosygin's Council of Ministers and the Supreme Economic Council. Ustinov's party promotion, coming in the wake of a 2 March 1965 conversion of six key state defense committees into ministries,* suggested that Brezhnev's party control over the critical Soviet industrial sector would be strengthened.

In short, Brezhnev seemed to be leaving open the question of the party's assumption of economic tasks. The question was again raised at the September plenum.

Brezhnev The Party, Kosygin The State

Reminiscent of his November 1962 state-oriented position on constructing communism, Kosygin at the September 1965 plenum declared that "the successful completion of the program of building the material and technical basis of communism...will largely depend on how effectively they /problems of industrial management, planning and production/ will be solved." The solution, confidently announced Kosygin in his 27 September plenum speech, would be approached by the full reestablishment of the pre-1957 ministerial system--the target of Khrushchev's early "thesis" and later constitutional efforts. As in his 6 November 1962 speech, Kosygin at the September 1965 plenum again presented his position on the state's role in the construction of communism. And while he pointed out the role of the party in the practical affairs of the economy (industry in this case), he again listed technical expertise first: "At the present time more than two million experts with a higher or secondary education are employed in industrial establishments. There are more than four million communists working in industry." ("Professionalism"

*Perhaps coincidentally, a partial rehabilitation of Marshal Zhukov surrounded the March 1965 reestablishment of the pre-December 1957 system of defense ministries.

in the whole state apparatus was the main subject of a September 1965 article in Soviet State And Law by jurist M. Piskotin, who reiterated much of his conclusions regarding the efficacy of a viable state apparatus presented in his earlier discussed December 1963 article in Kommunist.)

The emphasis on the state-oriented approach toward building communism in Kosygin's speech was downplayed in Brezhnev's 29 September report before the plenum. Brezhnev again referred to the party's role in economic production while reviving his December 1962 position on greater party supervision of the ministries. "The extension of the powers and autonomy of industrial establishments particularly enhances the role and responsibility of the local Party organizations, that is, those of the units whose role in production is decisive," said Brezhnev on 29 September. While again ignoring "ideological work," Brezhnev maintained his carefully evasive position on the "production principle" by immediately stating that production problems were subordinate to the "prime task" of educational and organizing work.

Other shades of his predecessor's more sharply drawn views on the state bureaucracy were cast in his September 1965 plenum speech. For one example, Brezhnev, after scoring "bureaucratic exercises" in certain undisclosed state ministries, went on to forecast that the Kosygin-sponsored managerial reorganization alone "will not eliminate these /bureaucratic/ shortcomings. We need," continued Brezhnev, "hard work and persistent effort by the administrative apparatus /Kosygin's sphere/, but above all by Party and mass organizations to educate people and weed out irresponsibility, red tape, bureaucratic behavior." As a part of the weeding-out process, Brezhnev suggested that

> highly competent and experienced Party workers should be recommended for the office of secretaries of the Party committees of the /new/ ministries. These committees should periodically inform the Central Committee of the

CPSU about the work of their organizations, about the steps they take to improve the operation of the ministries in question.

In another contrast with Kosygin, Brezhnev did not specify the role of the state in his plenum formulation on building communism: "As we steadfastly enhance the role of the Party in communist construction, we must never forget that this calls for hard work by every organization, above all the Soviets, the trade unions and the Komsomol."

Following Brezhnev's September emphasis on the party's role in state affairs (and following his appointment to Podgorny's Supreme Soviet Presidium in early October), an article in Kommunist (No. 16) 1965, by the first secretary of the Bashkir Oblast, Z. Nuriyev, expanded upon the theme of the party's activity in running the state. After repeated assertions that party organs must not take the place of state and economic organizations, Nuriyev finally got to the nub of his presentation in concluding that "sometimes a situation builds up in which the party organs are obliged to intervene in the activity of the economic organs." This extraordinary admission was combined with Nuriyev's insistence that party members must study both Marxist-Leninist theory and economics and modern techniques of production. With regard to economic activity, Nuriyev posited that the party--even as a "directing and leading force"--occupies a superior position to the state. He declared that (1) there is no "sign of equality" between party and economic activity and that (2) the party organizations "in no event" should assume a subordinate role with respect to the economic or state organizations.

Kosygin's emphasis on the state's role was reiterated by state theoretician Chesnokov in the next issue of Kommunist.

Chesnokov On Kosygin's Ministries

Disregarding the particulars of the party's role in state activity,* Chesnokov formulated added theoretical argumentation for Kosygin's September managerial reform in an article in Kommunist (No. 17) 1965. Like jurist Shakhnazarov in 1960, Chesnokov predicated his defense of the existing state apparatus on the theoretical pronouncements of the 18th Party Congress concerning "the development of the socialist state." Chesnokov, like law institute director Chkhikvadze, presented his position on the preeminent role of the state in building the bases of communism:

> The task of creating the material-technical foundations for communism is carried out with all the domestic functions of the socialist state, and above all, its economic-organizational, cultural-educational, protection and strengthening of public ownership functions.

That Chesnokov regarded these tasks as solely residing in the state apparatus is strengthened by the fact that the author made no reference to the role of the soviets or permanent commissions of the soviets in tasks of "constructing the foundations of communism." Chesnokov made a brief reference to the withering away of state functions "which have served their usefulness," but he failed to point out with any precision what the withered functions would be. Chesnokov flatly asserted that "the role of the state system will predominate and cannot but predominate over the tasks of withering away of the state." He emphasized (1) that in the building of communism the state

*Chesnokov said only that the activities of the state "are developed" by the party on the basis of modern administrative techniques.

would be "fully retained, further developed," and (2) like Ponomarev in July 1964, he emphasized the remoteness of realizing the "higher stage" of communism. Chesnokov went on to identify the opposition as "revisionists" who "are" (present tense) belittling the role of the state apparatus:

> ...the imperialist propagandists proclaim the "theory" according to which the USSR has a new privileged class, namely the white collar workers and the intelligentsia, representing the new dominating class served by the socialist state. A similar slander has been, and is, adamantly disseminated by the Trotskyites who shriek about the distortion of the socialist state and its transformation into a bureaucratic organization. All these forged theories were picked up by the revisionists whose chatter of stateism or of the possibility of a self-containing state, above all classes, are used to conceal their belittling of the role of the socialist state in the building of socialism and communism.

In short, his state-oriented argumentation changed little since its employment under Stalin in the early 'fifties. Even the old terminology was employed by Chesnokov as he re-examined the pre-1961 official Soviet state formula.

The Dictatorship of the Proletariat

Praising the abandoned concept of the "dictatorship of the proletariat," Chesnokov in Kommunist devoted considerable attention to the similarities between that state formula and its surrogate formula, "state of the whole people," introduced at the 1961 Party Congress. With regard to the 1961 innovation, Chesnokov further identified the opposition as "those who claim /present tense/ that the

state of the whole people is different, not only in form but in content as well, from the state of the dictatorship of the proletariat, that is, that it is an entirely new state." Stating that "we cannot agree" with those who claim that the two state formulas are different, Chesnokov went on to conclude that the state of the dictatorship of the proletariat and the state of the whole people "are essentially the same state at various developmental stages." His premises were (1) that "all" foreign functions of the proletarian dictatorship are the same in the state of the whole people, and (2) that the "basic" internal functions are the same. Chesnokov routinely explained that the proletarian dictatorship "eliminated the exploiters," which in turn eliminated the need for coercion. But, he immediately countered, "this does not mean that there is no longer any need for any coercion whatsoever." He stated that the law would continue to punish violators and citizens who display a "lack of discipline" through the state court system. The Khrushchev-sponsored comrade courts were ignored.

Chesnokov's public apologia on the viability of the former state formula was, reportedly, later followed by a related briefing from a member of the central committee apparatus.

But at least three subsequent indications strengthened the assertion that the "state of the whole people" formula was at least being officially "reexamined"--(1) the formula was not mentioned at the 1966 23rd Party Congress, (2) it was deleted in the 1966 May Day slogans, (3) and Brezhnev introduced the term "genuine people's state" in a speech (examined later) following the congress.

THE 23RD CONGRESS AND THE SUPREME SOVIET'S EXPANDED ROLE

Prior to the congress three important legal developments surfaced: (1) a December 1965 central committee plenum transformed the Party-State Control Commission into a "system of people's control," (2) a December 1965 Supreme Soviet session called upon the Council of Ministers to respond to formal interpellations, and (3) certain soviet jurists made explicit recommendations--some of which were voiced by Brezhnev and Podgorny at the 23rd Congress--to strengthen the soviets and the permanent commissions in their relation with the Council of Ministers.

One: People's Control

In his 6 December plenum speech, Brezhnev suggested that the Party-State Control Committee (PSCC)--approved at the November production plenum, formally limited to the state apparatus in a January 1963 statute, and ignored at the September 1965 managerial plenum--be transformed into a "system of people's control." The new control bodies, Brezhnev emphasized, "do not control the work of party organs"--a commandment that seemed to reprove unwarranted control activity on the part of its predecessor. The charge that the PSCC was involved in control activity in the party apparatus was not explicitly drawn by Brezhnev. Nor do we have any evidence that the PSCC actually strayed out of its January 1963 statutory limitations into the party's sphere of activity. However, in light of Brezhnev's public reference to "shortcomings" in the work of the PSCC and in light of Brezhnev's caveat relating to the proper sphere of activity for people's control, it seems reasonable to suggest that the potential threat of such independent activity on the part of the PSCC may have been a consideration in the reorganization. At any rate, the reorganization seems to have been directed at (1) removing any remaining legal ambiguity relating to the activity of the party's own control system, and/or (2) diminishing the personal authority of the chairman of the PSCC, Shelepin, who in

fact was removed as head of the PSCC as well as from the Council of Ministers in December 1965.

The Brezhnev-sponsored maneuver related to the constitutional question in the sense that the PSCC represented a Khrushchevian attempt to bring under the direct control of one party-run agency related functions of both party and state apparatus.

It does not appear that the party apparatus gave up significant control prerogatives over Kosygin's state apparatus in the reorganization. However, the statutory powers for people's control have apparently not been publicized and any final judgment on the state authority of the new control mechanism cannot be drawn. But two developments suggest that the state activity of the new agency is not radically different from its predecessor. Most of the high-level PSCC officials were simply transferred to similar positions in people's control committees, though most lost prestiguous positions of party secretary and deputy premier of republics and union-republics. And the reported size of the people's control, six million according to Pravda on 26 April 1966, indicates that the new agency has assumed the mass state character of its predecessor.

Two: Interpellations

An unusual display of Supreme Soviet authority over the state's highest apparat--the Council of Ministers--was revealed the day after the 6 December party plenum adjourned. At a 7 December session of the Supreme Soviet, several soviet delegates revived the virtually dormant provision in the 1936 Constitution (article 71) which held that USSR ministers must reply to questions of members of the Supreme Soviet within three days. The deputies addressed three interpellations--calling for the Council of Ministers' views and proposals on (1) nonproliferation of nuclear weapons and noninterference in the internal affairs of states, (2) the West German "threat," and (3) preparations for the second conference of Afro-Asian countries--to Foreign Minister Gromyko, who dutifully responded in his 9 December speech before the Supreme Soviet. (Foreign Minister Gromyko submitted to interpellations regarding Bulganin's disarmament proposals at the 21 December 1957 Supreme Soviet session--

a time when Chairman of the Council of Ministers, Bulganin, was being publicly slighted and his subsequent decline was being rumored. Khrushchev replaced Bulganin in March 1958 and unveiled his own major disarmament proposal, "general and complete disarmament," in the fall of the next year.)

This unusual parliamentary gesture was accompanied by the election of Podgorny, on Brezhnev's recommendation, to the chairmanship of the Presidium of the Supreme Soviet. And in light of Podgorny's and Brezhnev's subsequent explicit proposals at the 23rd Party Congress (examined presently) for greater Supreme Soviet control over the Council of Ministers, Gromyko's response to formal interpellations seemed to mark more than a symbolic gesture of Supreme Soviet authority over Kosygin's state apparatus.

Three: Permanent Commissions

At least four jurists in the post-Khrushchev period have popularized the cause of granting greater powers--supervisory, legislative, executive, and judicial--to the permanent commissions. In effect, the 1965-1966 proposals of the four jurists appear to be aimed at implementing the long-abused article in the 1936 Constitution granting the legislative power to the Supreme Soviet (Article 32). For example, jurist A. Makhnenko in the July 1965 edition of Soviet State and Law urged that the supervisory and juridical powers of the permanent commissions be extended by ordering the procurator-general and the supreme courts to report not only to the supreme soviet presidiums of the various republics but also to the sessions of the respective commissions of the soviets. (In the August 1964 edition of the same law journal, Makhnenko pressed for a greater legislative role for the permanent commissions in drafting bills.) Jurists M. Binder and M. Shafir in the law journal's November 1965 edition, first noted that "over the last few years" (i.e., the Khrushchev period) the permanent commissions of the various republic Supreme Soviets have become more active in the

actual administration of the economy. Binder and Shafir then went on to propose that (1) the scope of economic questions handled by the republic supreme soviets should be extended, (2) the soviets should be granted enhanced control over their administrative organs (the ministries), and (3) the procedure for examining the drafts of the state budget and the economic plan should be improved in favor of the soviets.

Finally, and on the eve of the 23rd Party Congress, jurist O. Kutafyin in an issue of Soviet State And Law (sent to the press on 22 March 1966) stressed the need to give greater legal powers to the permanent commissions of the USSR Supreme Soviet in its relations with the USSR Council of Ministers. First, Kutafyin posed the problem; the Council of Ministers' virtual disregard of the proposals of the Supreme Soviet's permanent commissions. Advocating actual legislative activity on the part of the Supreme Soviet, Kutafyin wrote that

> According to the practice which has developed, the Supreme Soviet USSR transfers the decision of those questions /the proposals of the soviet permanent commissions/ to the discretion of the Council of Ministers. However, a more correct procedure would appear to be one in which they /the proposals/ would be decided in principle by the Supreme Soviet USSR itself.

Then Kutafyin suggested a remedy by which the regulatory and procedural relationship between the Council of Ministers and the Supreme Soviet and its standing commissions would be strictly established. The jurist specifically urged the adoption of five measures which, conceivably, would provide the mechanism to enforce the permanent commissions' already impressive paper powers (described on page 34): establish juridically (1) the duty and obligation of the permanent commissions to send to the Council of Ministers proposals without waiting for the convocation of the next session of the Supreme Soviet, (2) better "forms and methods" for the permanent commissions in the

implementation of soviet proposals, (3) the duty of the Council of Ministers to consider the proposals of the permanent commissions and to inform the commissions of the results of such consideration within specified time limits, (4) the duty of the Council of Ministers to assist the permanent commissions in dealing with agencies subordinate to the Council of Ministers, and (5) the duty of the Council of Ministers not only to communicate to the permanent commissions concerning the results of ministerial considerations, but also to give a report on those problems directly to the Supreme Soviet.

Kutafyin also proposed that the Presidium of the USSR Supreme Soviet be given precise regulations and juridically defined procedures in dealing with the permanent commissions of the two supreme soviet chambers, the Soviet of Union and the Soviet of Nationalities.

In contrast to the appeals of the above four jurists, law institute director Chkhikvadze and constitutional law expert Kotok in an article in Kommunist signed to the press 23 March 1966 (1) made no reference to the need for permanent commissions for the soviets (2) gave short shrift to the role of the soviets, (3) and flatly asserted that the "state retains its leading role" over social organizations--thus, on the basis of the 1961 party program's definition, over the soviets. The two leading jurists also reiterated earlier views (including Chesnokov's) on the necessity of a viable state apparatus. And the two jurists employed the traditionalists' classic argument of defending the party and state provisions of the 1936 Stalin Constitution. Affirming that the 1936 Constitution allots the "leading and guiding role" to the CPSU, the two lawyers linked party "purity" with Chkhikvadze's earlier expressed proposition on the value of a strengthened state apparatus:

> In its activities the party proceeds from the fact that the Soviet state is the main tool for the building of communism. It /the party/ displays constant concern for increasing the power of the state, for the systematic implementation of the principles of Soviet

democracy, strengthening socialist law and order, improving and bettering the state apparatus.

Divergent handling of this state-oriented proposition was displayed during and following the 23rd Party Congress.

The Congress Proposals For Parliamentary Reform

Permanent commissions were the principal constitutional subject at the 23rd Party Congress (29 March-8 April) this year.

Brezhnev and Podgorny gave considerable emphasis to the subject of the strict accountability of the ministerial apparatus to the soviets and the permanent commissions. Along the line of his December 1962 Izvestiya argument (and the positions taken by jurists Kutafyin, Makhnenko, Binder and Shafir) and in reference to the interpellations issue, Brezhnev in his 29 March 1966 congress report emphasized that "reports of the USSR Council of Ministers at sessions of the USSR Supreme Soviet should become the practice." Going beyond Vasilyev's February 1965 Kommunist position, Brezhnev suggested in his 29 March 1966 report that greater ministerial reviewing authority within the Supreme Soviet "possibly could be assisted by formation of new permanent commissions in the chambers of the USSR Supreme Soviet."

Brezhnev's remarks on increasing the number and powers of the permanent commissions were warmly endorsed by Podgorny two days later. Stressing that the soviets "must fully utilize the rights they already enjoy in accord with the Constitution" and complaining that "the possibilities and rights granted to them by the Constitution are far from being fully utilized," Podgorny concluded that "the Central Committee's suggestion to expand the practice of hearing government reports at sessions and to create permanent commissions in both chambers of the Supreme Soviet is fully justified."

The net effect of the Brezhnev-Podgorny Supreme Soviet "reforms" would be (1) to increase the role of the soviets in the early stages of the legislative process and (2) to impose added tasks and control measures on the ministerial apparatus, headed by Chairman of the Presidium of the Council of Ministers Kosygin.

In defense of his apparatus, Kosygin in his brief 7 April concluding speech at the congress held that the early stage of the legislative process would reside within the ministries, and that the Supreme Soviet's role would be to consider the plans which had been worked out in the government organs.

> The State Planning Committee of the USSR, the ministries, the Council of Ministers of the union republics, and the economic and planning bodies must work out the five-year plan with targets for every year and, what is of particular importance, make it known to every enterprise. This new five-year plan must be ready within four or five months, then it will be submitted to the session of the Supreme Soviet of the USSR for consideration.

Significantly, Kosygin in his lengthy 6 April report at the congress ignored the suggestions of Brezhnev and Podgorny to increase the powers of the Supreme Soviets in its relations with the Council of Ministers--a "reform" which would do little to enhance the independence of Kosygin's bureaucracy. Kosygin also ignored Brezhnev's suggestion (endorsed by Podgorny) to create a system of "elective collective farm cooperative bodies"--another "reform" which, if ever implemented,* would do little

*The 8 April Congress resolution instructed the central committee "to examine" the proposal to set up "collective farm cooperative bodies." The cooperatives, an issue discussed in a December 1959 agricultural plenum (with Podgorny and Polyansky indicating their favor of the proposal), bear some resemblance to the kolkhoz unions which existed during the period 1927-1932.

to enhance the authority of the newly recentralized Ministry of Agriculture under Kosygin's Council of Ministers.

Two organizational "reforms" associated with Khrushchev and relating to constitutional issues were reversed on Brezhnev's recommendation at the 23rd Congress. The delegates to the congress replaced the 1961 turnover rule with a vague reference to the "principle of systematic renewal" in the party election statute. And in gestures apparently aimed at separating the new leadership from titles associated with Khrushchev, the congress delegates voted to change Brezhnev's title of "first secretary" to "general secretary" and the presidium was renamed "politburo," the original pre-1952 title under Lenin and Stalin.

An "Original Version" Of Lenin's Economic Testament

While dissociating himself from titles and certain statutes sponsored by Khrushchev, Brezhnev did not choose to dissociate himself fully from certain "positive" attributes of his predecessor's party production principle. Thus Brezhnev in his congress report did not criticize the production principle in his black list of "negative phenomena" that supposedly had been retarding the development of the national economy. He pointed toward "faults in management and planning, under appreciation of self-financing methods in economics, incomplete utilization of material and moral incentives," and so forth. (By way of contrast, Suslov in a 2 June 1965 Sofia speech judged that the "so-called" production principle, among other phenomena which arose during the Khrushchev era, had "inflicted great harm" on the nation's economic and political life.)

Following the congress, Brezhnev's line of argument was cited in the context of the "original version"--not the "newly deciphered", and presumably disreputed version--of the recently neglected Lenin document that was popularized in 1962 in a like effort to substantiate Khrushchev's view of the productive party. Somewhat similar theoretical

substantiation for Brezhnev's congress argument was drawn in a 22 April Izvestiya article by the Chairman of the Institute of Marxism-Leninism, P. Pospelov, who wrote:

> Lenin's opinion on the place and role of economics and economic policy in the construction of communism is especially valuable for the practical work of the party. In the original version of the article "The Immediate Tasks of the Soviet Regime," Lenin reveals the determining significance of the economic policy of the Soviet state. Now, he pointed out, "it is not politics but economics which is acquiring primarily significance." In accordance with this view Lenin more than once warned against the mere giving of commands, and against the danger of the predominance over economic methods of an administrative approach to the management of the national economy. "If a communist is an administrator," taught Lenin, "his first duty is to beware of an enthusiasm for giving commands and to be able first to take into consideration that which science has already worked out, to ask first where we have made a mistake and only on this basis to correct what has been done." In another place Lenin warned: "...not to separate administration from politics is the task."
>
> Lenin pushed economic methods of leadership to the foreground. Underestimation of these methods in the past was also one of the reasons for certain negative phenomenon in the development of the national economy which were mentioned directly and openly in the report of the Central Committee of the XXIII Party Congress which was given by Comrade Brezhnev.

The "newly deciphered" version was cited by Ilichev in his November 1962 Kommunist article (examined on pages 48 - 49), which translates that Lenin wrote "political tasks and problems hold /zanimayut/ a subordinate place to economic tasks." Pospelov's "original version" translates that Lenin wrote "it is not politics but economics which is acquiring /priobretaet/ primary significance." The terminology in the "original version" seems to correspond more closely to the current state of Brezhnev's cautious approach to the production principle. That is, "economics" could be in the process of acquiring primary consideration in Brezhnev's public formula on the role of the party though it is not firmly "held" in explicit primacy over ideology.

Following the congress, Brezhnev in June returned to the subject of a working party, ignored party ideological work, and followed his production-oriented comments with a surprise announcement concerning an old project.

THE "BREZHNEV CONSTITUTION"

The old project--the adoption of a new constitution--was revived by Brezhnev in his 10 June 1966 Moscow election speech. And old, though less controversial themes on the party and state--the "working party," strengthened soviets--surrounded Brezhnev's reference to the new basic law, which he confidently indicated would be adopted in 1967.

Other more controversial themes on the party and state from the Khrushchev period have not been touched upon. For example, the current constitutional dialogue under the new leadership is silent on (1) the program to transform the ministerial, "parliamentary" system into a system granting greater power to an independent executive branch, (2) the explicit subordination of ideological tasks to economic tasks in party work, (3) the formula

on the withering away of the state apparat and the assumption of state tasks by other organizations and (4) the "convergence" of all social organizations, including the party, into a single "all-embracing" organization. Although the apparent shelving of these more controversial issues would presumably facilitate the passage of the constitutional project, disarray in the leadership with regard to Brezhnev's relatively cautious line on the respective roles of party and state is as visible as the previous opposition to Khrushchev's more radical positions.

The "Genuine People's State"

In a move that could be linked with the reported reexamination of Khrushchev's state formula, Brezhnev announced at a 10 June electoral speech in the Kremlin that

> All the best that the practice of state building has produced in our country must be summed up in the new constitution of the USSR, which will crown the majestic half century course of our country, of the first genuine people's state in the history of mankind.

If the "genuine people's state" was intended as a revision of Khrushchev's formula, it may conceal some positions on the party-state issue that were associated with Khrushchev's definition of the "state of the whole people." For example, Brezhnev followed his announcement on the new constitution of the "genuine people's state" with an unusually clear description of the economic tasks of party members.* Discarding his March and September 1965

*Brezhnev had employed a somewhat similar tack in his 30 December 1962 Izvestiya article (discussed on pp. 49-51) in which he preceeded his remark on the new constitution with a statement endorsing the decisions of the November 1962 "party production" plenum.

performances in circumlocution (and approaching the candid level of Bashkir party chief Nuriyev's November 1965 Kommunist discussion), Brezhnev ignored the question of party ideological work and flatly told his electors that the party is called upon to "formulate the basis of the country's economic policy, the main principles and methods of management and to put these into practice." Later in his speech he provided an example of rank and file party members putting into practice CPSU economic decisions:

> Communists, like all other Soviet people, work in enterprises, on collective farms, at building sites, and in institutions. If they enjoy any privilege it is the privilege of shouldering the most difficulties, of serving as examples, and of being in the vanguard. In short, what we mean is what in the war years was expressed by the slogan "communists, forward." Today, this means working selflessly at the building sites of communism, being equal to the demands life makes, doing everything to fulfill completely the decisions of the 23rd Congress of our party.

"Working selflessly" to fulfill the decisions of the 23rd Congress was a formula that still fell short of full endorsement of Khrushchev's party production principle. That is, Brezhnev did not go on to explicitly subordinate ideological work to the practical tasks of building communism, though he did not discuss the former task in his election speech.

Brezhnev also did not reiterate his 23rd Congress suggestion for strengthening the permanent commissions of the Supreme Soviet--a suggestion, incidentally, which had been deleted in the 8 April 1966 congress resolution on Brezhnev's report. However, Brezhnev, like the adopted congress resolution, urged in his election speech that the role of the Supreme Soviet be raised and that the scope of soviet activity be expanded.

Going beyond Brezhnev's election remarks on the soviets, the party's paper Pravda editorialized on 13 June that the continued rise in the role of the Supreme Soviet "has been posed by the party as a primary goal." And that the soviet's role meant the resolution of state matters was made explicit on the day of the elections, 12 June, in another Pravda editorial: "The Party is tirelessly concerned over the /soviets'/ growing role in deciding state questions." In conspicuous contrast--and in close similarity with Kosygin's election remarks on the subject of the soviets--the government's paper Izvestiya ignored the subject of raising the role of the Supreme Soviet in its editorials on the same two days. And in an apparent retort to the party editorial's view of the role of the soviets, the 13 June government editorial--in the same vein of Kosygin's 7 April congress remark--held that the Supreme Soviet would merely "approve" (yutverdit') activity relating to the new five-year plan, rather than be more actively involved "in deciding" (v reshenim) such questions, as in Pravda's 12 June editorial. Izvestiya's 13 June editorial further belittled that such state questions "will face" the Supreme Soviet delegates.

Prior to Brezhnev's election speech, high-level Supreme Soviet delegates presented their post-congress, and dissimilar, views on the role of the party, the role of the soviets and the role of the state apparat in their respective "campaign" speeches on the eve of the Supreme Soviet elections.

The Post-Congress Views of The Oligarchy

Podgorny in his 9 June Bolshoy Theater election speech endorsed even more of jurist Kutafyin's March 1966 Soviet State And Law proposals on increasing the powers of the permanent commissions of the Supreme Soviet. Podgorny enumerated one interesting case study on the role of the permanent commissions in making corrections in the budgets and economic plans submitted by the government apparatus to the soviets. The example Podgorny chose

to instance his point on the worth of the permanent commissions was, curiously, deleted in both Pravda's and Izvestiya's lengthy accounts of his speech. The excised passage, which harks back to the role of the commissions during the Khrushchev period and implicitly argues that the Supreme Soviet is not a "rubber stamp" parliament, was included in the live domestic radio version of Podgorny's address:

> Let us take the discussion about national economic plans and budgets in the permanent commissions and at sessions of the USSR Supreme Soviet. Each outline in the plan, each figure in the budget, is most thoroughly weighed by deputies. They analyze them, locate new reserves, and introduce concrete proposals.
>
> For example, during the past four years the corrections in economic plans and budgets adopted by the Supreme Soviet on a proposal of permanent commissions and deputies made it possible to increase production of consumer goods of importance to the population for the sum of 725 million rubles.

Both papers, however, reported Podgorny's remarks on (1) the responsibilities of soviet deputies in verifying the implementation of adopted laws and (2) his pointed reference to the rights of the Supreme Soviet's permanent commissions to examine the activity of the state bureaucracy: "A permanent commission hears reports from ministries and government departments, shortcomings are disclosed, and recommendations are elaborated for overcoming them." Finally, and in apparent reference to the September 1965 managerial plenum, Podgorny proclaimed that the increased responsibilities growing out of the "extensive rights" granted to production enterprises and branch ministries would be accompanied by "increased control over the actions of managerial bodies by soviets and their deputies."

Shelest, who was elected a full member of the presidium in November 1964, warmly seconded the soviet proposals of his patron, Podgorny. (Shelest in his 30 March congress speech also seconded the collective farm cooperative proposals of Podgorny and Brezhnev.) Shelest, who in July 1963 succeeded Podgorny as first secretary of the Ukrainian Communist Party, also echoed much of the republic-level parliamentary reform proposals urged by jurists Binder and Shafir in their November 1965 law journal article. Thus, Shelest told Kiev electors on 7 June 1966 that

> Currently the role of the soviets of workers deputies is being particularly increased in the solution of the tasks of economic and cultural construction, in questions of planning, financing, and housing construction, and in the management of local industrial enterprises and of public and cultural services for the population. The soviets of workers deputies are faced with great tasks in the further intensification of organizational work, in raising the responsibility of Soviet deputies and functionaries before the people, in activating the work of sessions and permanent commissions, and in the strengthening of and strict adherence to socialist law.

In contrast, Kosygin in his election speech in Moscow's Bolshoy Theater on the next day renewed the state-oriented approach of jurists Chkhikvadze and Kotok in ignoring the subject of increasing the role of the soviets and the issue of the soviet's permanent commissions. In fact, Kosygin voiced a position on the role of the state apparatus as strong as Chesnokov's December 1965 Kommunist presentation on the September 1965 plenum decisions.*

*Kosygin, after referring to the numerical growth in the state militia, paraphrased Chesnokov's December 1965 Kommunist rationale on the need for organs of coercion: Kosygin said "it would be incorrect to think that since communism will finally lead to the disappearance of state organs of coercion, one need no longer bother about strengthening public order."

Thus, Kosygin, after asserting that the CPSU considers the strengthening of the Soviet state "of great importance," made a reference to the 1965 September managerial plenum in predicting that

> many legislative norms of economic questions will be revised and will be made to correspond to the new system of management of the national economy. This will raise and strengthen legality and discipline and will insure the introduction of state order in all sections of the state machinery and the economic management of the country.

Unlike Podgorny, Kosygin did not go on to state that the soviets and their deputies would increase control over the actions of the state machinery. And unlike Brezhnev's election remarks, Kosygin (1) ignored the subject of the working party member, (2) asserted that the role of the party was to "lead and guide," and (3) made a stronger pitch for the role of the expert in building the bases of communism than he had in his 5 April 1966 congress speech: at the Bolshoy, Kosygin said that the "working class and the scientific-technical intelligentsia of the capital steadfastly stride in the vanguard of the struggle for implementation of the plans of our party in the creation of the material and technical base of communism."

Suslov in his 7 June Leningrad election speech once more emphasized the need for an ideologically pure party. He reiterated the principal points in Kosygin's election speech dealing with the need for a strong state apparatus, but also endorsed the Podgorny emphasis on the soviets, though without making a specific comment on the issue of permanent commissions. Suslov, like the 13 June Pravda editorial, asserted that the CPSU "attaches paramount importance to the increasing role of the soviets" (a formulation not broached in Kosygin's speech on the next day) and he emphasized the role of people's control (an organization ignored in Kosygin's speech) and the soviet deputies in verifying the implementation of adopted laws.

In sum, Suslov's 1966 electoral presentation suggested that he had modified his post-1959 Congress views on the role of the soviets,* and would now again support measures to strengthen the authority of the soviets as long as the party's traditional role would not become contaminated in the process. In this latter connection the 23rd Congress adopted more restrictive party membership rules--making entrance more difficult and expulsion easier--which accorded with Suslov's insistence on the purity of party ranks.**

Polyansky, a first deputy chairman of Kosygin's Council of Ministers, in the abridged (and only available) version of his 31 May election speech in Krasnoder also praised the role of the soviets. And in addition, Polyansky, who was elevated to his current ministerial post after the September 1965 plenum, may have previewed Brezhnev's later reference to the "genuine people's state"; Polyansky told Krasnoder electors that the 1917 revolution laid the foundation for a "genuine people's rule" which, he immediately explained, was represented by the emergence of the soviets. (In a somewhat similar vein, Suslov

*For example, Suslov in his last election speech, 12 March 1962 in Saratov, ignored, as he had in his 1961 Congress presentation, the subject of increasing the role of the soviets.

**The statutes, in addition, call for party expulsion of those who violate either the statutes or the party program, a provision reiterated in a Pravda article on the day preceding the Suslov speech. The provision, incidently, could be invoked as basis for expelling Khrushchev from the party. After his fall his party reform was pictured as a violation of the party statutes. Further, his view of the production-oriented party was out of tune with the more traditional definition of the party retained in the 1961 party program. See also pp. 36-37 with regard to the latter point.

referred to "genuine socialism" before commenting on the role of the soviets.)

Mazurov, in his 20 May election speech in Minsk while referring to the Supreme Soviet in standard terms as the "supreme organ of power", did not single out the soviets for praise or suggest that there was any need for an expansion of their role. Like Kosygin, Mazurov, who became a First Deputy Premier in March 1965, emphasized the role of the state apparatus in state policy. Mazurov again ignored the role of the soviets in an award presentation speech on 8 June in Fergana although one of the subjects of his speech was the Supreme Soviet elections. Mazurov has been closely associated with the restoration of the centralized ministries after Khrushchev's fall and, in fact, introduced Kosygin's managerial proposals to the Supreme Soviet.

Shelepin in his 2 June election speech in Leningrad did not touch on the organizational status of the Supreme Soviet. His only specific reference to the future role of the soviets was the non-committal statement that the soviet deputies have "an important role" in the sphere of housing construction. (Shelepin had also slighted the role of the soviets in his last election speech--1 March 1962 in Tashkent.) With regard to the role of the party, Shelepin in 1966, (1) like the 1951 Chesnokov position (see page 15) and the 1936 Stalin Constitution, held that the party is "the political leader and the leader of our society and the state" and (2), unlike Brezhnev's election remarks on the 23rd Party Congress, Shelepin said that the decisions of the 23rd Congress would "strengthen the party even more in the organizational and ideological-politcal sense" and will "strengthen discipline."

Politburo member Voronov, the chairman of the Council of Ministers of the largest republic (the RSFSR) and, under Khrushchev, the chairman of the important constitutional subcommission on "questions of public and state structure," emphasized the role of state ministries in the abridged (and only available) version of his 3 June 1966 Novosibirsk election speech. In fact, his election remarks on the efficacy of Kosygin's September

1965 managerial reforms were much more categorical than Kosygin's election comments on the same subject. Voronov asserted that the September decision to transfer to new methods of planning and management of industry is the "decisive factor" for the fulfillment of the five-year plan. Voronov, however, did note in his 30 October 1965 speech in Kirov that the decisions of Brezhnev's March 1965 agricultural plenum "impose even greater responsibilities on Party and Soviet organs for the organization of affairs."*

Pelshe, elevated to the politburo at the 23rd Congress, in his 6 June Riga election address asserted that the soviets now are "bearing complete responsibility, are

*Prior to the March 1965 plenum, L. Kulichenko, the chairman of the permanent commission for agriculture of the RSFSR Supreme Soviet spelled out the powers of the RSFSR Supreme Soviet permanent commissions vis-a-vis Voronov's RSFSR Council of Ministers. Closely paralelling the description of the existing powers of the Supreme Soviet permanent commissions given in jurist Kutafyin's late March 1966 Soviet State And Law article, Kulichenko proclaimed in a 31 January 1965 Izvestiya article that "extensive rights and powers have been granted us /the RSFSR Supreme Soviet permanent commissions/. When necessary, we have the right to invite to the commission meetings officials from the ministries and from state committees created under the Council of Ministers RSFSR, not only to invite them, but also to hear their comments and to recommend that they adopt a particular measure. The commission may submit its recommendations to the RSFSR government and initiate proposals aimed at improving agricultural production." If accepted, the Brezhnev-Podgorny proposals to increase the powers of the USSR Supreme Soviet permanent commissions will have a like effect on the republic Supreme Soviet commissions in relations with their respective councils of ministers.

being increasingly exacting toward all economic organizations." Pelshe, however, also indirectly noted the law-making powers of the Council of Ministers in citing a joint Central Committee-Council of Ministers decision relating to state farms.

The election speeches of certain candidate (non-voting) members of the politburo* also reflected differences over the party-state-soviet issue. For example, trade union leader Grishin in his 4 June Orekhovo-Zuyevo election speech, emphasized, like Podgorny and Shelest, the increasing activity of the Supreme Soviet. Grishin confidently asserted that "the role of the USSR Supreme Soviet will be raised even higher on the basis of more active work by the deputies, the formation of new commissions, the intensification of Soviet legislation, and the verification of the execution of the laws." Georgian party leader Mzhavanadze in his 3 June Tbilisi speech, like Shelepin, skirted the question of the institutional powers of the Supreme Soviet stressing rather the mobilizing functions of that institution. He told his Georgian electors that the deputies must "propagate the policy of the Communist Party and Soviet government and organize the masses to implement this policy." At the same time,

*The views of Kirilenko, the remaining full member of the politburo and (prior to the last congress) the first deputy chairman of the recently abolished RSFSR Bureau of the central committee, on the subject of the role of the soviets were not included in the accounts of his 7 June Sverdlovsk election speech in TASS, Pravda, Sovietskaya Rossiya, Izvestiya, and Pravda Vostoka. The full text of his speech, and the 2 June Sukhimi speech of secretariat member Ponomarev, have not been made available. By the author's account, Ponomarev and Kirilenko have not placed themselves on record regarding the issue of increasing the role of Supreme Soviet permanent commissions in their published speeches during the new leadership period.

he concentrated on the concept of the party as the inculcator of ideological discipline in Soviet society as he has in the past. He asserted that educating Soviet people in the spirit of "ideological fidelity to communism is the most important and primary objective in our ideological work." (In a similar vein, he told delegates to the 23rd Congress on 30 March that the "party will not tolerate the slightest deviation from the principles of Marxism-Leninism" and he told Georgian communists on 29 June 1965 that "Stalin said accurately and graphically, 'Our party is a fortress, the doors of which open only for the tested.'") The ideological chief of the central committee, Demichev, speaking to Moscow voters on 27 May warned of the corrosive influence of alien political ideas, and the party's task to educate citizens "in revolutionary spirit." Demichev, like Brezhnev in his election speech, linked the party with "other social organizations"--an early Khrushchevian formula (examined on pages 23-26) which had concealed an effort to transfer state functions to the party organization. With regard to the subject of the soviets' activities, Belorussian party leader Masherov in his 7 June Minsk election speech differed from the approach taken by his republic party predecessor, Mazurov. Masherov concluded that the party "attaches enormous attention to enhancing the role played by the soviets."

Conclusions

The drafting and adoption of the new constitution could well act as a catalyst bringing to a head the differences among the leaders over institutional issues manifested in the election speeches.

The pattern that has emerged since the 23rd Congress shows that (1) of the eleven full politburo members, only five--Brezhnev, Podgorny, Shelest, Suslov, Pelshe--have on record explicitly supported the program to increase the role of soviet deputies (a likely constitutional "reform" issue), and only the first three of the above five have specifically endorsed the proposals to augment

the activity of the permanent commissions, and (2) that three politburo members--Kosygin, Shelepin, Mazurov--have been silent on the proposals to increase the role of the soviets.. While the remaining three--Kirilenko, Voronov and Polyansky--have in the past commented favorably on the role of Supreme Soviet deputies, their post-23rd Congress views on the subject cannot be ascertained with any degree of accuracy.

The question of the relationship between the Supreme Soviet and the Council of Ministers, while important (and controversial, as the above pattern suggests) is nevertheless overshadowed by the vexatious problem of defining a modern role for the CPSU. The solution of this central issue stands as the touchstone for significant institutional reform in the Soviet Union. The notion of a working party has been progressively refined in Brezhnev's public remarks since the ouster of Khrushchev. But to repeat, Brezhnev's remarks stop short of his predecessor's sweeping and highly contentious approaches toward a solution of the long standing questions regarding the correct role for the party organization, the state bureaucracy, and the soviet parliament in the life of contemporary Russia.

At this writing, the constitutional project seems unlikely to "pioneer" any basic institutional transformations within the Soviet Union's labyrinthine governing structure. As yet no leader, including the General Secretary whose strength has steadily increased, either seems powerful enough or ready to force through major changes. The best any leader might hope for, it would seem, would be to introduce formulations in the new constitution which he could use to justify political programs now only in embryo.

In the meantime, Kosygin continues to give every sign of defending the integrity of his state base of power on the eve of a Podgorny-chaired Supreme Soviet session (currently scheduled for 2 August) which, according to an account of recent private remarks of Spiridonov (the chairman of the Soviet of Union of the USSR Supreme Soviet), will make "quite a lot" of ministerial changes.