

Constitution of the Far Eastern Republic.¹ The constitution of the Far Eastern Republic, promulgated April 17, 1921, contains ten articles, divided into 184 clauses. There is no preamble. Article I, among other general provisions, sets forth that "The Far Eastern Republic is established as a democratic republic." Article II names the component parts and the boundary lines of the state and undertakes to maintain the rights and obligations formerly Russian within that territory. The subject of Article III is "Citizens and their Rights." Included in the latter are equality before the law; freedom of conscience and speech; habeas corpus; inviolability of person, house, and correspondence; and non-liability to arrest without warrant unless taken in the act. Among rights not usually found in western constitutions are the unrestricted right to strike; uncensored mails, telegraph, and telephone; freedom from corporal or capital punishment; autonomy, within legal limits, for small nationalities and national minorities; and the privilege of any citizen to use his own language in communicating with the government.

¹ English translation by A. Miller, secretary of the mission of the Far Eastern Republic at Peking; published by the *Journal de Peking*, Peking.

Article IV, on "The Government," devotes a section to the central government, another to the local authorities, a third to the judiciary, a fourth to the state board of control, and a fifth to national self-administration.

The central government is constituted of a legislature, the "National Assembly," and an executive body, the "Government." Both are representative of the people, in whom the sovereignty is vested. The National Assembly is composed of a single chamber, elected from and by all qualified citizens eighteen years old or over upon a basis of proportional representation. With the electoral quota placed at 15,000, the National Assembly should have about 135 members. Sanity and freedom from legal restraint are the only qualifications necessary to mature persons either for voting or for election to the assembly. The duration of an assembly is two years. Two regular sessions are held annually, beginning on February 1 and November 1, and extending at the will of the assembly, provided they do not interfere with the harvest. Extra sessions are provided for. Members are exempt from liability to arrest unless caught *in flagrante delicto*; even then release may be secured by the president of the assembly. The assembly may arrest and prosecute its members.

The legislative power is vested in the National Assembly; in addition to the broad grant of power to legislate concerning "state and social life," there is specific enumeration, as the subjects of assembly action, of the consideration of all treaties, finance,—including the budget, accounts, loans, and concessions not within the exclusive control of the "Government"—, the currency and monetary system, the organization of the armed forces, the control over administration, the granting of amnesties, the declaration of war and the conclusion of peace, and "the determination of other questions at its own discretion." During the recesses of the assembly the "Government" may issue provisional laws dealing with urgent matters; but these require the subsequent approval of the assembly.

The executive, called the "Government," is collegiate, constituted of seven members, qualified simply as voters, elected by the National Assembly for a two-year term. There is no provision to prevent the assembly from electing its own members. The Government is empowered to appoint and dismiss the president of the council of ministers and the comptroller-general, the ministers and their assistants, upon the president's recommendation, certain other officers, and the foreign representatives of the republic; to convoke special sessions of the

National Assembly, to publish the laws and promulgate provisional laws, and to suspend or annul orders of the council of ministers considered not to be in harmony with the constitution or laws. Together, the Government and the council of ministers possess the supreme executive power, being authorized to conduct administration and direct policies, to organize the military forces, to give preliminary consideration to terms of peace, and to defend the state's territorial integrity; to conclude loans, negotiate treaties and grant concessions with the approval of the assembly; to draft the budgets, and to apply, to laws deemed unconstitutional, a suspensory veto which the assembly may over-ride by a two-thirds vote. All acts of the Government, including the promulgation of provisional laws, must be counter-signed by the council of ministers or a minister, whose endorsement carries with it responsibility to the National Assembly. The Government may be prosecuted for high treason by resolution of the National Assembly.

To share in formulating and to administer the policies of the Government and National Assembly, a council of ministers is set up, appointed, as above noted, by the Government. The number and functions of the constituent departments are left to legislative determination. The president of the council, whose position is that of a premier, may hold a portfolio. The qualifications of a voter are sufficient also for a minister; he may be concurrently a member of the National Assembly but not of the Government. The comptroller-general attends cabinet meetings in a consultative capacity. Ministers have the right to appear before the National Assembly "on questions relating to their respective departments." They are obliged to answer questions and interpellations in the National Assembly. They are held responsible to the assembly for their acts, individually and as a cabinet, and are liable to prosecution by the National Assembly for non-political offences. Upon an assembly vote of no confidence the cabinet must resign.

An interesting sub-section defines four modes of initiating legislation: the first, by resolution of a thousand voters, accompanied by a draft of the proposed law; the second, by the council of ministers as a body; the third, by the Government; and the last, by any five members of the National Assembly.

Five grades of "local" government are provided for: the province, county, urban district, rural district and village; each possessing a considerable degree of self-government, and each required to enforce national law in accordance with the directions of the central government and under the supervision of provincial emissaries appointed by

the central government. Local by-laws may not conflict with the laws of the central government, and are liable to abrogation by the latter.

The government of a province includes an assembly, elected for a two-year term, directly and with proportional representation, and an administration, chosen for the same term by the assembly and authorized to organize departments, eleven of which are specially designated. Coördination is provided for between the ministries of the national and provincial governments.

The province, county, rural district, and village form a descending hierarchy, each rank of which has such jurisdiction over those beneath it as is necessary to the administration of its powers. In addition, cities of 20,000 or more inhabitants form separate counties, while smaller cities form urban districts having the same status and organization as rural districts. In each locality a local elective council is the agency of self-government.

The section on the judiciary begins with the statement: "The People's Court shall be the only court in the territory of the republic." The word "court" is here used in the sense of judicial system. The People's Court is declared to be independent of other government authorities. The number of judges, their qualifications, competence, terms, and procedure are left to legislative determination. Judges are elective and are subject to removal before the end of their terms by the court itself. The jury system is to be employed. Special courts may be organized by statute. Appeals are forbidden, but a court of cassation is provided, empowered to annul the judgments of a lower court.

A "National Board of Control," which is "independent and is directly subordinated within its jurisdiction to the legislative authorities," constitutes a sort of permanent parliamentary commission for the investigation and supervision of the finances of every agency of the government, both central and local, military, civil and commercial. The organization of this body appears to be somewhat cumbersome, composed as it is of a college of state control, a council of state control, a central state board of control, a local department of the state board of control, and a field department of the state board of control. The college and the council of the board appear to have general functions, while the central state board, the local department and the field department deal respectively with the revenues and expenditures of the Central Government, the local governments and the armed forces. Under the local department are "colleges" for each province and county.

Of the members of the central college the workers choose one, the peasants three, and the indigenous autonomous nationalities one; the other members are the comptroller-general and two assistants. The provincial and county assemblies have the right to elect three and two members respectively to the provincial and county colleges, the other members being drawn from the composition of the state board. The powers of the National Board of Control are not final; it may not interfere with the executive branch. Its powers are, however, wide enough to permit the board to secure complete information on the management of every phase of governmental expenditure and thus to equip the National Assembly and the local assemblies for the effective handling of their budgets.

The final section of the fourth article defines the powers of self-government accorded to "indigenous nationalities and national minorities." It provides for a ministry of national affairs, to control and guide such groups. For the Buriat-Mongols, and for such important minorities as the Ukrainians, Jews, Koreans, and Tartars, self-governing assemblies and administrative organs are authorized, and these bodies are to exercise autonomy "in matters pertaining to the national culture" of the minorities represented by them. A definite territory, with boundaries to be fixed by law, and the privilege of national courts in addition to a separate assembly and administrative system are accorded to the Buriat-Mongols. The powers thus given are, of course, subject to the limitation that national law may not be denied precedence.

Article V deals with the "National Economic Organization." It abolishes private property in land, forests, waterways, and their resources. It declares all land to be the property of the workers as a national fund and provides for apportionment of the land with due regard to climate and soil. Except in special cases legally specified, the basis of the right to use the land is to be personal labor. A recent writer has pointed out the interesting fact that the land in Siberia has always been regarded as the property of the government. The latter has granted occupation rights to individuals, but the occupiers have not enjoyed the rights of gift or sale to third persons. The only exceptions to this rule were cities and other municipalities and certain pieces of land specially exempted under laws of 1806, 1822, and 1860 in favor of state officials and Cossacks. In 1916 only about one per cent of the farms and other privately occupied land areas of Siberia were actually owned by their possessors.²

² Bourrier, "La République d'Extreme-Orient," in *La Chine* (Peking) Jan. 1, 1922.

Work is made an obligation of every citizen. The constitution sets the normal working day at eight hours, the night at six hours. Every worker must have a weekly rest-period of at least forty-two consecutive hours. No person may work before he is sixteen years old; between the ages of sixteen and eighteen his maximum working day is six hours. Except in unusual circumstances over-time is forbidden in all occupations but that of farming. Women-workers receive special protection in several clauses. The government is authorized to establish minimum wages. Workers are guaranteed participation in governmental economic agencies, in government enterprises, and in government control of private enterprises. They are to be protected by a committee for the inspection of labor welfare, elected by the unions, and by insurance against all risks in all enterprises, public or private, the premiums to be paid by employers without prejudice to wages. One month's holiday in twelve is guaranteed.

In contrast with the provisions affecting real estate and natural resources, those respecting movable and immovable property maintain the "inviolability" of private ownership. Leases and concessions are authorized for the development of natural resources, provided they do not exceed terms of thirty-six years. The government is instructed to assist rural development.

The provisions regarding taxation are not unusual. The progressive income tax, property taxes, taxes on title-deeds, inheritance taxes, unearned increment taxes, taxes on gifts, etc., with the revenue derived from state enterprises, constitute the credit side of the national budget.

Article VI is concerned with national defence. "The people in arms are the sole defenders of their own liberty;" and therefore it is provided that there shall be universal military training, so arranged as not to interrupt work, for all male citizens between the ages of eighteen and forty-five. The army consists of conscribed youths of twenty and volunteers legally called for who have reached the age of eighteen.

Education is the subject of Article VII. The republic declares itself to be responsible for a broad education for all citizens, the workers first. Religious teaching is forbidden in all schools, public or private, "following a general curriculum." Education is free and compulsory for all persons of school age. Coeducation is ordained for the government schools. "Labor principles" are to form the unifying basis for all public educational endeavor. The small national groups are authorized to establish language schools.

Article VIII describes the national arms and flag. The arms consist of a red shield having upon it a pine garland, in the center of which is a rising sun and a five-pointed silver star; between the sun and the star, in the center of the shield, an anchor and a pick-axe are crossed over a sheaf of wheat. The letters D, V, and R, for *Dalne Vostochnaya Respublika*, appear to the right, left, and below the garland. The flag also has a red ground quartered to the upper right by a square of dark blue upon which are the letters D, V, and R, arranged in a triangle.

Article IX provides the processes of amendment. Amendments may be initiated by one-third of all the members of the National Assembly in session, by a provincial assembly, by the Government, or by 10,000 voters; in every case they must be ratified by a two-thirds majority of a two-thirds quorum in the National Assembly.

Finally, Article X prescribes that the order and time for the election of the first National Assembly and Government shall be determined by the Constituent Assembly, and lists the president, assistants, and secretaries of the latter body.

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