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The Decline of the Russian Federation's Commitment to Victims of Soviet Political Repression The Law 'On Rehabilitation of Victims of Political Repression' of 1991. A Twenty-Year Review of Implementation

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**THE DECLINE OF THE RUSSIAN FEDERATION'S
COMMITMENT TO VICTIMS OF SOVIET POLITICAL
REPRESSION THE LAW "ON REHABILITATION OF
VICTIMS OF POLITICAL REPRESSION" OF 1991**

A TWENTY-YEAR REVIEW OF IMPLEMENTATION

An NCEEER Working Paper by

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Executive Summary

This is the second Working Paper examining the twenty-year history of Law 1761-1, “On the Rehabilitation of Victims of Political Repression.”(Hereafter: LoR) First passed in October 1991 by the RSFSR Supreme Soviet before the collapse of the USSR, the law continues to be in force today. The first Working Paper focused on the law’s positive contributions to a historical reckoning with Soviet abuses of Soviet citizens. This paper focuses on the law’s function as a social welfare benefit program; amendments to the law, 1992-2011; and stakeholders’ views of its application.

Introduction

This is the second Working Paper examining the twenty-year history of Law 1761-1, “On the Rehabilitation of Victims of Political Repression.”(Hereafter: LoR) First passed in October 1991 by the RSFSR Supreme Soviet before the collapse of the USSR, the law continues to be in force today. The first Working Paper focused on the law’s positive contributions to a historical reckoning with Soviet abuses of Soviet citizens. This paper focuses on the law’s function as a social welfare benefit program; amendments to the law, 1992-2011; and stakeholders’ views of its application.

Just as LoR was shaped by the larger political processes in 1988-1991 in the Soviet Union, and by the contest between Mikhail Gorbachev as President of the USSR and Boris Yeltsin as President of the RSFSR, so its implementation and amendments over 1992-2011 were contingent upon the transition from the Russian Federation’s political and economic conditions under President Boris Yeltsin to his those under his successor, Vladimir Putin. LoR and its beneficiaries became collateral victims of Vladimir Putin’s assertion of federalism at the expense of the regions, and of his determination to push through a program Yeltsin had failed to accomplish: liberalization and rationalization of social welfare policy. He accomplished this via Federal Law 122 (FZ-122) of August, 2004. LoR’s beneficiaries and their advocates view the resulting reductions in their benefits as an assault on the official recognition of the abuse of Soviet citizens by the Soviet state, and thus as part of the effort to reduce terror and repression as key aspects of Russia’s official view of the Soviet Union’s history.

This Working Paper draws on the law and its amendments; interviews with stakeholders in St. Petersburg, Moscow, Vologda, Kotlas, and Solikamsk; and questionnaires completed by the law's beneficiaries. Dr. Elena Bogdanova and Alexander Kondakov of the Center for Independent Social Research in St. Petersburg, Russia, conducted several of the interviews in Moscow, St. Petersburg, and Solikamsk. Frierson conducted the interviews in Vologda and Kotlas, as well as some of the interviews in Moscow and St. Petersburg.

LoR as Social Welfare Law

LoR was a social welfare law. Two-thirds of its articles related to welfare benefits available for “rehabilitated persons.” The Preamble promised that the state would compensate victims of political repression for “material and moral harm.” Parts II and III spelled out the procedures for attaining the status of “rehabilitated,” as well as the list of benefits such status would provide. Because the state both held the documents necessary to award rehabilitated status and administered the social welfare system, LoR affected the relationship between state and citizen. At the federal level, the social welfare benefits served as a barometer of the state's commitment to addressing the “material and moral harm” political repression had caused. At the local level, social security department personnel were the primary contact with the state. After the passage of FZ-122 in 2004, local governments also bore the financial burden, and LoR served as a barometer of local commitments to survivors.

From the very start of the revival of discussion about victims of Soviet political repression, social welfare benefits were on the table. At least two factors virtually ensured that this would be so. The first was that rehabilitation in the 1950s had granted benefits; for all

stakeholders, this provided the precedent for returning to this approach. Second was the ubiquity of benefits in the Soviet welfare state. At every turn in Soviet life, one encountered reminders of the special benefits offered to those the state deemed worthy. In every shop, one learned that veterans of World War II got to go the head of the line, as did mothers of many children, and heroes of labor. Similar benefits were visible on public transport, in local health clinics, at theaters and concert halls. Subsidies and in-kind benefits were the very fabric of the Soviet state's social contract with its people, and well into the late 1980s, its insurance policy against unrest in the face of constant shortages in everything from housing to penicillin.¹

The list of welfare benefits offered to LoR beneficiaries matched in kind, but certainly not in extent, the losses victims and their families had experienced due to repression, as the lawmakers then understood them. The categories of benefits covered housing, transportation, communication, health care, food, and consumer goods. Victims of political repression had often lost their housing through forced resettlement (as in dekulakization) or being driven out after the head of the household was arrested (as was often the case with the urban victims in the 1930s). Rehabilitated persons received the right to return to the locale of their residence at the time of repression; this provision was necessary because the Soviet system of internal passports and residential permits had prevented many survivors or their families from returning from exile or special settlements. Because it was not feasible to provide the precise residence to returnees, LoR placed rehabilitated persons at the head of the long waiting list for housing in the “first-priority” category. They also enjoyed a 50% reduction in payments for housing and municipal

¹ See Linda J. Cook, The Soviet Social Contract and Why It Failed. Welfare Policy and Workers' Politics from Brezhnev to Yeltsin (Cambridge, MA, 1993). For an example of how a move to cut subsidies led to popular resistance and a violent confrontation under Khrushchev, see Samuel H. Baron, Bloody Saturday in the Soviet Union. Novochoerkassk, 1962 (Palo Alto, 2001).

services/utilities. Those beneficiaries living in rural areas were provided interest-free loans and “first-priority” access to construction materials.

A series of benefits addressed the reality that most victims of political repression had lifelong physical harm due to their imprisonment, deprivations in special settlements, hard labor, or forced treatment in psychiatric institutions. Those who were “invalids or pensioners” received priority for admission to health sanatoria, a 50% reduction in their prescription medications, and extra medical treatments. It might strike some observers as odd that the list included “free manufacture and repair of dental prostheses,” but this provision was a response to the fact that malnutrition in the camps and special settlements had led to scurvy, with the result that many victims of political repression had lost their teeth. LoR addressed food needs by providing priority membership in gardening societies and preferential access to food.

LoR benefits also offered rehabilitated persons improved mobility and communication, redressing their previous incarceration and having been cut off from correspondence. LoR promised a free car, and free travel on all local forms of public transportation. Of particular value to beneficiaries was the provision of one, annual, free, round-trip intercity ticket by train, or a half-price, round-trip ticket for travel by boat or air anywhere in the Russian Federation.

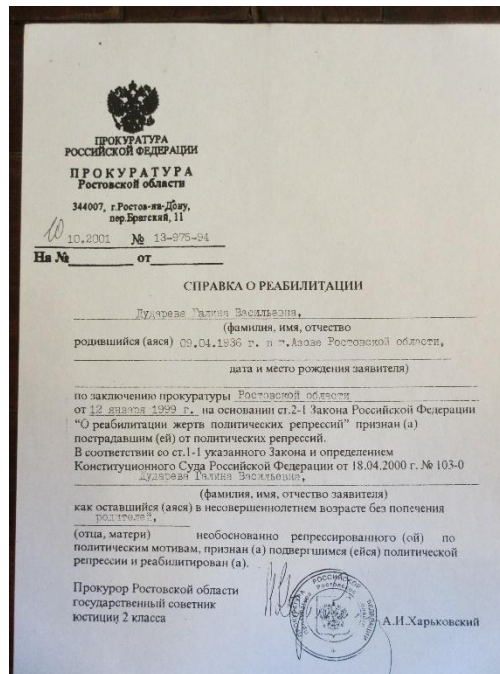
LoR also offered monetary compensation to rehabilitated persons. The rate was originally set at 180 rubles per month for each month of incarceration, but no more than a total of 25,000 rubles. Local social security/welfare departments were to distribute these funds, which were in turn to have been provided from the RSFSR budget. The authors of the law in the RSFSR Supreme Soviet were keenly aware of how inadequate this level of monetary

compensation was. Before settling on these terms, they had met in spring 1991 with the Chairman of the RSFSR Council of Ministers to determine how much money was available to promise. In short, not much. “And so,” one author reflects, “that’s why we had this irrationally harsh limitation, that the one-time compensation would be paid only to those who had passed through the prisons and camps, and not to those who had been exiled, well, deported and so on and so forth. The thing was, the money simply didn’t exist. Well, and there was that corresponding line in the law: ‘at a level that the state can achieve at the present time.’”²

The certificate of rehabilitation provided access to all of these benefits. From the 1950s into the late 1980s, the state issued a flimsy piece of low-quality paper with minimal information on it. More detailed certificates on more substantial paper were a product of the elevated attention the CPSU was granting victims of political repression under Gorbachev. In August 1988, chair of the CPSU Politburo Commission working on completing the work of rehabilitation provided a lengthy interview to Pravda to explain the commission’s work and its achievements. On the subject of certificates and the correspondence by state organs with applicants for rehabilitation, he described the CPSU’s new requirement that local Party organs provide relatives of rehabilitated persons a certificate reporting on the CPSU’s review of the restoration of their Party status. He continued, “The character of the notification of rehabilitation is also changing. This notification now contains data on the citizens’ work and social standing before their arrest, it talks about their service to the Party and the state. The notifications describe in detail the system for calculating time of employment, the determination of benefits, pensions, guarantee of living space, compensation for confiscated property, the return of

² A. B. Roginskii, Interview, Moscow, December 2013.

government awards cancelled at the time of arrest, and so on. All of this, indisputably, is important for victims of repression, their relatives, for all of our society.”³



Figures: On Left: Rehabilitation certificates issued in 1956. On Right: Certificate issued in 2001.

LoR also provided the procedures for receiving the status of “rehabilitated.” The procedure depended upon the agency or organ of repression at the time of the victims’ abuse by the state. The procuracy handled rehabilitation decisions for those victims who had been sentenced for state crimes, and for the crimes LoR declared no longer to be viewed as criminal,

³ A. N. Artizov, et al, *Reabilitatsiya: Kak eto bylo. Tom III. Seredina 80-kh godov – 1991* (Moscow, 2004), 112. [Hereafter *Kak eto bylo* (2004)]

listed in Article 5.⁴ The procuracy also reviewed cases that had been decided by courts, non-judicial organs, and organs of the security police in its iterations from the VChK through the KGB. For these cases, the review was automatic, done within procuracy departments on the basis of a review of all such files. Article 8 directed that, “From the materials of the inspection, the procuracy organs draw up conclusions and issue certificates of rehabilitation to applicants....” The Ministry of Internal Affairs was responsible for victims who had been “administratively subjected to exile, banishment, deportation and forced labor under conditions of restriction of freedom.”

The influence of Memorial on the development of the law was evident in its definition of who could submit an application: “Applications for rehabilitation may be submitted by repression victims themselves and also by any other individuals or public organizations.” For those applying to the Ministry of Internal affairs, the state preferred “documentary evidence” but allowed that “In the absence of documentary evidence, the fact of the application of repressive measures can be established in court on the basis of testimony.” Applicants were to submit their applications to the agency that had issued the decision leading to repression, “at the location of the organ or official who adopted the decision to apply the repression.” Reflecting in 2013 on these procedural prescriptions in LoR, one author expressed pride in what they accomplished, however much they were the product of rapid design.

So this turned out to be unusually effective, because ... how many cases have gone through – 3,000,000. Perhaps 3,000,000 people have been rehabilitated since then. And that’s through just the Ministry of Internal Affairs. I’m talking about the certificate of

⁴ Anti-Soviet agitation and propaganda; dissemination of false rumors maligning the Soviet State or social system; violation of laws on separation of church from the State and the schools from the church; encroaching on the persons or rights of the citizens in the guise of performing religious rites.

rehabilitation. This is really, overall, really, really no small thing, very effective. And on top of that, you have the rehabilitations through the Procuracy, those who had been convicted on an individual indictment.⁵

The decision to retain LoR as a commitment of the post-Soviet Russian Federation obligated the government to dedicate considerable personnel resources to deciding rehabilitation cases, as well as budgetary resources to funding the benefits rehabilitated persons would receive. Over the next two decades, stakeholders in both state and society sought revisions to the original law to expand categories of eligibility, address problems that became apparent in application procedures, and reduce the financial burden on the federal budget.

Amending the Law, 1992-2011

The Russian government amended the law or decreed temporary suspensions of some of its provisions sixteen times by the end of 2011.⁶ The amendments reveal the retreat from commitments to victims of Soviet political repression within months of Vladimir Putin's election as president, despite the law's record up to that point of expanding eligibility for benefits and the range of benefits offered as compensation. One can view 1993-1995 as the high point for the state's commitment to victims and its generosity in defining compensation for the harm they had suffered under the Soviet regime. The amendments and suspensions of 2000-2004 made incremental cuts in benefits. The law FZ-122 of August 2004 withdrew the Russian state's promise of compensation for moral harm, off-loaded the financial burden of compensation to local budgets, and opened the way for cutting many of the benefits provided 1991-2004. So

⁵ Interview, A. B. Roginskii, Moscow, December 2013.

⁶ The law and amendments are available on Russian legal databases. I have used www.garant.ru.

sweeping has this betrayal of the pledge made to Russian victims of Soviet political repression been that one of the law’s beneficiaries, critics, and monitors as a member of the Presidential Commission on the Rehabilitation of Victims of Political Repression – Semyon S. Vilensky – objected to the very enterprise of trying to examine the law’s implementation by saying to the author of this Working Paper, “ImplementATION of the law “On ‘Rehabilitation of Victims of Political Repression’?! You should title your project ‘The NON-Implementation of the law ‘On Rehabilitation of Victims of Political Repression’!”⁷

The early amendments of 1992 were primarily editorial, changing the key terms for political entities (e.g. RSFSR to Russian Federation) to take account of the new political realities in the wake of the collapse of the USSR. The June 26, 1992, amendment also revised the monetary compensation from a monthly maximum of 180 rubles to “3/4 of the monthly minimum wage” and a maximum lifetime benefit of “no more than 25,000 rubles” to a calculation of no more than 100 months of incarceration. The December 22, 1992, amendment addressed problems of compensation related to beneficiaries’ life history of residence across several republics of the USSR, which were by then independent nations. It precluded double-payment for documented repression; if, for example, a victim received compensation under the Ukrainian law of April 1991, he or she could not then apply for compensation under the Russian law. This amendment also extended eligibility to persons who had been incarcerated in NKVD (security police) work colonies.

⁷ Semyon S. Vilensky, Interview, Moscow, February 2012.

The September 3, 1993, amendment was extensive, generous, and consistent with the draft Constitution of the Russian Federation which would be approved on December 12, 1993. By then, the law was almost two years old, and procedural problems were identifiable. This amendment expanded the categories of eligibility to children of repressed parents, as well as to spouses and parents of those victims of repression who had been shot or who had died during imprisonment. Article 2.1 recognized as “having suffered from political repression” those children of repressed parents who had been with their parents during forced displacement, deportation, and exile to special settlements, or had been left behind as a minor after one or both parents’ arrest. The article made such relatives eligible for victims’ benefits, with the exception of spouses who remarried after their victimized spouse’s death. This exception was gratuitously miserly, given the fact that so many spouses lost their partners in their twenties and thirties.

Article 3 of the September 1993 amendment also expanded eligibility for the status of victim, and thus beneficiary of compensation. The new category appeared in Article 3.e, which recognized “those who had been deemed ‘socially dangerous element’ and had been subjected to incarceration, internal or external by court decisions and extrajudicial organs without any indictment for committing a specific crime.” This addition could apply to children of the repressed, because many such children were arrested in their late teens and early twenties in 1949 and later, and subjected to exile according to Articles 7 and 35 of the Soviet Criminal Code, which defined “socially dangerous” and prescribed sentences for the “socially dangerous.” Association with “socially dangerous elements” was enough to receive the same status; children of the repressed had such associations by virtue of living with their parents before their parents’

repression.⁸ Children of repressed parents also appeared in revisions to Article 13, which extended benefits to children born in penal institutions during their mothers' incarceration.

Revisions to Article 4 (on crimes for which no status of 'victim of political repression' could apply) focused on crimes during World War II. More citizens potentially fell under these expanded definitions of ineligibility. Whereas the original law had excluded "military personnel" who crossed over to the enemy side, the revised Article 4.a included anyone who crossed over to the enemy side, civilian or military. A new paragraph appeared in Article 4.g, applying to those citizens who had been repatriated from forced civilian labor or P.O.W. camps in German-controlled areas. Of those who had offered any kind of assistance to the enemy (from police to spies to partisans or active soldiers), only those who had subsequently fought WITH Red Army units against the German forces could qualify for the status of "victim of political repression." As convoluted as such a fate seems, there were individuals such as Valentin T. Muravsky, who lost his father to summary execution in 1937; endured internal exile with his mother and sister after his father's arrest; was captured by German occupying forces as a fourteen-year-old and sent to do slave labor in occupied Romania, Hungary; and Austria 1942-1945; and in 1945, escaped from his worksite in Vienna to join the invading Red Army troops, with whom he fought for the next two months.⁹

The September 1993 Amendment expanded access to the case files of those who had been rehabilitated. The original law had granted such access to survivors' and relatives, and had permitted those who thus reviewed the files to receive copies of the "non-procedural

⁸ See Cathy A. Frierson and Semyon S. Vilensky, *Children of the Gulag* (New Haven and London: Yale University Press, 2010), 339-343.

⁹ See Frierson and Vilensky, *Children of the Gulag*, 174-176, 266-74.

documents.” As the first Working Paper on this project discussed, even that limited access had opened the secret and top secret documentary record of the Soviet state’s fraud and torture to the survivors’ scrutiny. Revisions in the September 1993 amendment went even further by removing the phrase “non-procedural” and thereby permitting relatives to receive copies “of the documents.” More materials became available for deposit by the survivors in non-state, even international archives.

The Amendment of September 1993 was also noteworthy for expanding benefits. I will discuss the law as a social welfare vehicle below. In this section on what the record of amendments reveal about the Russian state’s commitment to victims of political repression, the new benefits included indicate that the authors of the original law had been too urban-centric in their vision of where potential beneficiaries lived and what they would need. \ Suburban rail and bus lines also joined the list for free transportation. And for those Russian citizens still living without central heating, the 1993 amendment added fuel to the benefit of a 50% reduction in cost for residential utilities. Irina A. Dubrovina, the director of the Kotlas chapter of Memorial (there known as Conscience), was a beneficiary of this addition; when I first visited her in 2005, she had a wood-burning hot-water heater, with her woodpile stored in a shed in the apartment building’s courtyard.¹⁰

The year 1995 was noteworthy in the history of amendments to LoR for two reasons. The first was that a child survivor of repressed parents brought a complaint through the judicial system to the level of the Constitutional Court of the Russian Federation, arguing that Article 2.1

¹⁰ Kotlas is a provincial city with a population at that time of roughly 73,000. Many apartment buildings still lacked running water.

of the 1993 version of the law violated her constitutional rights. The second was that, when the Constitutional Court ruled in her favor and ordered the Federal Council of the Russian Federation to amend the law accordingly, they did so. Such legislative compliance with the Constitutional Court's rulings on other LoR cases after 2005 would not be the rule.¹¹

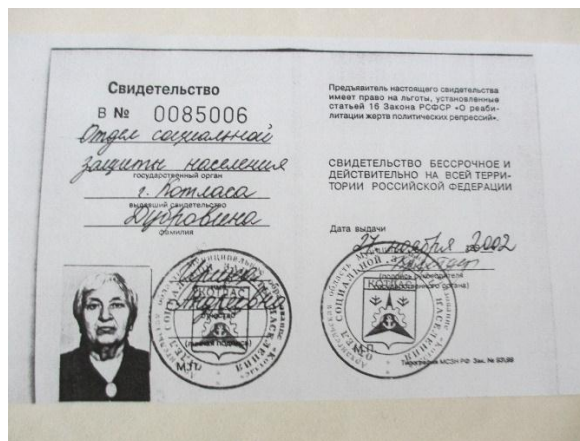
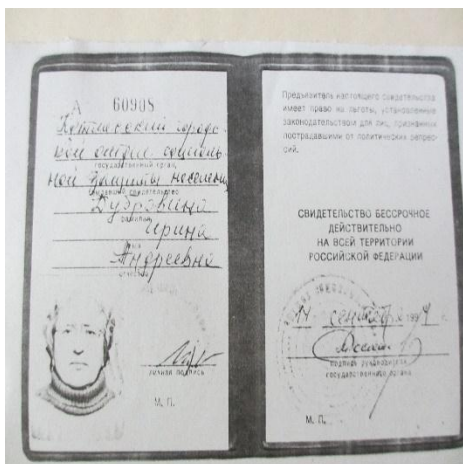
In this case, one S. V. Aleshkinova argued that granting children who had been displaced, forcibly deported, placed in special settlements, and so forth along with their repressed parents the status of "having suffered from political repression" rather than the full status of "victim of political repression" violated the Constitution's prohibition against age discrimination. The Court agreed, explaining that "in essence, these children were repressed, they were in fact subjected to coercion."¹² President Boris Yeltsin signed the relevant amendment on 4 November 1995, which added Article 1.1 to LoR, stating that such children were "eligible for rehabilitation," and removed this category of children from the subsequent Article 2.1.

This shift is evident in the documents Irina Andreevna Dubrovina received as a child of repressed parents. Her father, Andrei Matveev, had been arrested and sent to the camps in 1938 as a former member of the Socialist Revolutionary party. In 2001, she received a new certificate of rehabilitation to replace the one she had received in 1994 as someone who had "suffered from political repression." Her new certificate explained that she had been transferred from status

¹¹ In the space of this Working Paper, it is not possible to detail the history of Constitutional Court rulings on LoR. They were numerous in 1993-2011, often implemented before 2000, but not implemented since then. As legal counsel for Memorial in Moscow – Olga Noevna Kosorez - explained, she had corresponded often with Chief Justice/Chairman of the Constitutional Court, V. D. Zorkin, who honestly replied that LoR rulings were among the many rulings that were not enforced or implemented by the Russian legislature or executive. S. S. Vilensky recounted similar discussions with state authorities in his work as a member of the Presidential Commission on Rehabilitation of Victims of Political Repression and chair of the survivors' literary-historical society "The Return."

¹² This ruling of 23 May 1995 is available in S. S. Vilensky, *Deti GULAGa, 1918-1956. Dokumenty* (Moscow: International Democracy Fund; Hoover Institution of War, Revolution and Peace, Stanford University, 2002), 556-559.

under 2.1 of the law to status under 1.1 under the law, because she had been left behind as a minor after her father’s arrest. This change in status also required the re-issuance of her benefits card, which she had to present each time she claimed LoR’s benefits:



Figures: On left: I. A. Dubrovina’s first benefits card; On Right: her revised benefits card.

Eight months into Putin’s first presidential administration, LoR’s benefits underwent changes, which for some beneficiaries would constitute reductions. Rather than the previous calculation of monetary compensation for time in penal institutions according to minimum wage for as many months as the victim was incarcerated, the amendment of August 7, 2000 established the sum of 75 rubles per month up to a maximum of 10,000 rubles. This amendment also set maximum sums for the compensation for lost property at 4,000 rubles when no house had been lost, and at a maximum of 10,000 rubles for all property, when a house was included in that lost property. Survivors often told the author of this Working Paper that 10,000 rubles would roughly cover the installation of a new toilet in the years following 2000. In any event, this amendment indicated that there would be a limit to the state’s generosity during the Putin years, just as his summary order to the Presidential Commission on the Rehabilitation of Victims

of Political Repression in that year to come up with a figure on total victims and to wrap up their work indicated his impatience with the whole issue. Further contraction followed in late December 2000, when a supplemental law suspended for 2001 the LoR benefit of interest-free loans to survivors and their relatives living in rural regions for construction materials to improve their housing conditions. The supplemental law also suspended the free acquisition of a car in 2001 for those whose medical conditions precluded use of public transportation.

Budgetary rationalization was the explanation for a change in the federal budget of December 2001 for the following year. Rather than the previous open-ended sum resulting from the numbers of victims/survivors/relatives claiming compensation according to the monthly minimum wage calculation, the budget established a maximum sum for the entire Russian Federation of 1,259,800,000 rubles. Furthermore, each subject/region of the Russian Federation had to provide an accounting of the number of beneficiaries in their region on a quarterly basis, which would be the basis for each region's allocation of the total available. The federal budget for 2003 also set a maximum for the entire Russian Federation and suspended LoR's provisions for beneficiaries to receive priority access to housing, interest-free loans for residential construction and provision of a free automobile.

These moves were consistent with Putin's determination to reform welfare provisions. With a United Russia majority in the Duma and new elections several years away, Putin was able to move quickly in an area which the Duma had been able to frustrate during Yeltsin's presidency: significant liberalization (as in liberal economic theory, not as in generous) of welfare provisions. Linda J. Cook explained, "As Russia moved toward semi-authoritarian 'managed democracy' after 1999, societal interests were largely excluded, and the stalemate was

broken in favor of liberalization negotiated mainly between the executive and statist interests.” Federal Law 122 of August 22, 2004, implemented in January 2005, marked the high point of liberalizing welfare reform in the first two decades after the fall of the Soviet Union.¹³ Law 122 of August 2004 was also a step in Vladimir Putin’s effort to define federal-regional relations as part of his overall project of rebuilding a strong state structure in the Russian Federation.¹⁴ These were two of its main aims, as Suzanne Wengle and Michael Russell described them, “Law 122 had three important aims: to regulate federal-regional welfare responsibilities, to clarify the financing of public services, and to convert in-kind benefits to cash payments.”¹⁵ The “indulgence” Boris Yeltsin displayed toward local governors in the 1990s was a trend Vladimir Putin intended to reverse in his federal reform of 2000. Peter Reddaway concluded in 2003 that the reform had enabled Putin “to claw back a substantial amount of power from the governors for the benefit of the federal government.”¹⁶ Robert Orttung describes the accompanying fiscal reforms as “fiscal federalism,” which garnered the federal more tax revenues and more control over them. Within two years, “numerous commentators noted that regional budgets did not have sufficient funds to meet their various obligations....regional budgets had a deficit of 44.12 billion rubles (\$1.4 billion), or 0.4% of gross domestic product (GDP).”¹⁷

¹³ Linda J. Cook, “Negotiating Welfare in PostCommunist States,” *Comparative Politics*, Vol. 40, No. 1 (Oct., 2007), pp. 41-62; Suzanne Wengle and Michael Rasell, “The Monetisation of L’goty: Changing Patterns of Welfare Politics and Provision in Russia,” *Europe-Asia Studies*, Vol. 60, No. 5 (Jul., 2008), pp. 739-756.

¹⁴ Peter H. Solomon, Jr, “Vladimir Putin’s Quest for a Strong State,” *International Journal on World Peace*, Vol. 22, No. 2 (JUNE 2005), pp. 3-12; Elena Chebankova, “Putin’s Struggle for Federalism: Structures, Operation and the Commitment Problem,” *Europe-Asia Studies*, Vol. 59, No. 2 (Mar., 2007), pp. 279-302.

¹⁵ Wengle and Rasell, 743.

¹⁶ Peter Reddaway and Robert W. Orttung, eds. The Dynamics of Russian Politics. Putin’s Reform fo Federal-Regional Relations. Volume I (New York, 2004), 14.

¹⁷ Reddaway and Orttung, eds. The Dynamics..., 31.

Known commonly as the “law on monetization,” this legislation’s significance for LoR, and thus for victims of political repression, was that it assigned the major categories of recipients of benefits-in-kind in the Russian Federation (fully 27% of the population in a variety of categories) to either the federal budget or to regional budgets, with administrative obligations following the budgetary assignments. In addition, the law required monetization of benefits in the housing and healthcare sectors, and encouraged monetization of all benefits-in-kind, leaving it to the regional administrations to establish the monetary value of benefits in their localities. The law required “co-financing” of the benefits transferred to regional jurisdiction, with subsidies to come from the federal budget.

For beneficiaries of LoR, Law 122 signified a retreat in the Russian Federation’s commitment to them in two major ways. The first was highly symbolic, and enraging for survivors of political repression. The Duma used the opportunity of passing this law on welfare reform to change LoR’s Preamble, which had served since 1991 as a condemnation of Soviet abuses, as well as a promissory note to the relatives of dead victims and to those victims who had survived. The 1991 Preamble included the statement, “The purpose of the present Law is to rehabilitate all victims of political repressions on the territory of the RSFSR....and to provide compensation for material and moral harm . . . “ Law 122 of August 2004 removed the word “moral,”¹⁸ thereby offering compensation only for material losses.

Second, victims of political repression, that is beneficiaries of LoR, were assigned to regional budgets and administration, while Veterans and Participants in the Great Patriotic War (WWII) were assigned to the federal budget. LoR beneficiaries and their advocates immediately

¹⁸ FZ-122 is available on www.garant.ru.

recognized this as a demotion of their status relative to World War II veterans, and as the effort it surely was to distance them from the federal government of the Russian Federation. They had little faith that Law 122's provision for federal subsidies of the regions' welfare costs would compensate for their vulnerability to the vagaries of local administrations and budgets. They were correct to be skeptical.

Law 122's Preamble stated that its purposes included "to increase the material well-being of citizens, to ensure the government's economic security," and that the law's provisions "cannot be used to diminish the rights and legal interests of man and the citizen." Yet, the reality quickly proved to be a reduction in their LoR benefits. The first years of the law's implementation proved to be rocky. Regional welfare budgets "quadrupled between 2004 and 2005,"¹⁹ and federal subsidies did not keep pace. Furthermore, Wengle and Rasell state that, "Russian experts estimate that monetization hurt approximately half of benefit recipients, in particular those categories of l'gotniki (beneficiaries) that are now the responsibility of regions."²⁰ One of the law's authors calculates that somewhere between 1,200 and 2,300 discrete laws directed at victims of political repression resulted at the local level after the 2004 changes.²¹ The 2009 Report of the Presidential Commission of the Russian Federation on the Rehabilitation of Victims of Political Repression also stressed the explosion of local legislation to implement FZ 122, with significant diversity among the various regions.²² By cancelling the state's commitment to compensate for moral harm, and by consigning LoR's beneficiaries to

¹⁹ Wengle and Rasell, 749.

²⁰ Wengle and Rasell, 750.

²¹ A. B. Roginskii, Interview, Moscow, December 2013.

²² Komissiya pri Prezidente Rossiiskoi Federation po reabilitatsii zhertv politicheskikh repressii, Doklad ob ispolnenii Zakona Rossiiskoi Federatsii 'O reabilitatsii zhertv politicheskikh repressii' v 2006-2008 (Moscow, 2009), 39.

regional fortunes and politics, Law 122 delivered both insult and injury to victims of political repression. For the aging men and women who had suffered the most severe economic degradation in the post-Soviet economic collapse of the 1990s, as well as exposure to the deteriorated health care system in their very old age, Law 122 of 2004 made a mockery of LoR and of their own childhood and adult traumas born of Soviet repression.

Letters poured into the Presidential Commission on the Rehabilitation of Victims of Political Repression at the rate of 1,000-2,000 per year.²³ LoR's beneficiaries and their advocates described the reduction in their benefits that FZ-122 was causing. They urged the Commission to press the president and Duma to restore LoR to the federal budget.²⁴ They also objected to removal of the word "moral" from the state's promise of redress for "material and moral harm" through LoR. Members of the Commission endorsed the reinsertion of the word "moral" in the LoR's preamble, explaining:

The federal legislation currently in force does not sufficiently take into account the moral and material aspects of the problems of victims of political repression, rejecting the principal positions embodied in the law at the beginning of the 1990s. At that time, the state acknowledged its guilt in the destruction of millions of people, condemned the many years of terror and mass persecution and extermination of its own people as incompatible with the idea of law and justice. The legislative passage on 18 October 1991 of the Law "On Rehabilitation of Victims of Political Repression" embodied the belief that Russia as a democratic and law-governed state should restore its citizens' rights, eliminate other sequelae of arbitrary and capricious rule, and guarantee, to the degree possible, compensation for material harm. Originally this also included moral harm.²⁵

²³ Komissiya pri Prezidente (2009), 19.

²⁴ Komissiya pri Prezidente (2009), 21.

²⁵ Komissiya pri Prezidente (2009), 36.

In 2008, an amendment to restore the language of moral harm to the law was introduced in the Duma; it failed.²⁶ Whereas the budgetary arrangements in FZ-122 can be understood a part of a larger agenda of liberalizing welfare policies and restructuring federal-region burdens, and therefore not as a deliberate targeting of victims of Soviet political repression or repression's place in Soviet history, the legislative denial of the state's obligation to compensate moral harm does qualify as such. Removing moral harm from the political and historical accounting was a return to the sensibilities of those members of the CPSU, notably in the Politburo Commission on Rehabilitation established by M.S. Gorbachev in 1987, that there would be "no rituals of repentance" in their forced return to revisiting Soviet repression and its victims.²⁷ This had been Gorbachev's promise when he called on the CPSU to approve the Politburo Commission; the authors of the Russian Federation's legislative reform of welfare policy in 2004 used FZ-122 to redeem Gorbachev's pledge. Refusing to consider moral harm was tantamount to erasing repentance from the equation.

The connection between the phrase "moral harm" and repentance is explicit in LoR beneficiaries' and advocates' understanding. Irina Andreevna Dubrovina, long the head of the Memorial organization in Kotlas, "Conscience," elaborated on this point in an interview in May 2012. She explained why the government of the Russian Federation is obligated to the victims of Soviet political repression:

Our new Russian government took upon itself all the debts, all the property of the previous government. So it should also bear its responsibilities. And such crimes as existed. And apologize. Just as with a person. If a person has confessed to a crime, then

²⁶ Komissiya pri Prezidente (2009), 21.

²⁷ "Iz vystupleniya M.S. Gorbacheva na Oktyabr'skom (1987 g.) Plenum TsK KPSS," 21 October 1987, Kak eto bylo, (2004) 21.

he should repent according to religion, repent. That's the premise of Dostoevsky's Crime and Punishment: that one must repent. To suffer moral punishment is also very important. . . . Why not do that, after all?²⁸

The final step in the state's retreat in 2005-2011 from federal obligation to compensate victims of Soviet political repression came in an amendment on November 30, 2011, which placed the full budgetary burden of LoR on regional budgets, by removing the language about co-financing of benefits administered by the regions. This fell roughly six weeks after LoR's twentieth anniversary.

Implementation from the Beneficiaries' Perspective: Interviews and Surveys, 2012 – 2014

As of the 2009 report of the Presidential Commission on the Rehabilitation of Victims of Political Repression, the Russian government had issued 3,972,140 rehabilitation certificates through LoR. The local and central branches of the procuracy had by then completed its review of criminal cases in 79 regions, with a few yet to be reviewed in Irkutsk, Altai, and Khabarovsk regions. In the latter years, 2006-2008, the majority of applications coming into the Ministry of Interior for review of victims of administratively imposed repression did so on the basis of national origin as the cause of their repression (70.4%) or of dekulakization (19%). The Commission estimated that there were 770,000 living beneficiaries of the law in the Russian Federation in 2009.²⁹ In Moscow, Memorial dedicated staff members as late as 2013 to assisting applicants for rehabilitation through LoR with the application process. Olga Noevna Kosorez continued to hold office hours into 2012 as a lawyer providing legal aid through Memorial-Moscow to individuals with questions about the law, application procedures, or benefits. Such

²⁸ Irina A. Dubrovina, Interview, Kotlas, May 2012.

²⁹ Komissiya pri Prezidente (2009), 4-7, 24-25..

local activists as Irina Dubrovina in Kotlas continued to assist applicants in their communities. And in each subject region of the Russian Federation, local social welfare/social security departments dedicated staff members to serving LoR beneficiaries as one of their client groups.

Interviews and surveys with beneficiaries, advocates, and local social welfare personnel in 2012-2013 suggest that beneficiaries' personal encounters with the state are dependent upon the personality, training, and family background of the staff. Most seem to have been positive, even as all parties recognize LoR's shortcomings, especially after FZ-122's transfer of funding to the regions.

The Vologda regional (oblast') legislature passed Regional Law 1285 in June 2005 in fulfillment of FZ-122's charge. In 2012, there were 2,303 LoR beneficiaries in the region. Vologda region had been a destination for political exiles whom the regime considered dangerous for centuries of rule by Muscovite, Imperial, and Soviet rulers. During the Soviet era, Vologda's function as a key railroad junction meant that it served as a key transit point as well for "enemies of the people," victims of dekulakization, and targeted nationalities going further north and east. In 2012 the number of LoR beneficiaries was still growing as applications continued to be filed by elderly citizens who migrated into Vologda region from even less hospitable regions. They received a monthly supplement of 750 rubles (approximately \$25.00); a monthly payment equal to 50% of their housing and utilities expenses as determined by their allotted living space; 2000 - 4000 rubles per year to cover solid heating fuel (e.g. wood or coal) and 500 rubles' worth of propane in the event the beneficiary did not have central heating; one free, round-trip train ticket anywhere in the Russian Federation; a 50% reduction in the cost of a bus, plane, or boat ticket in regions without train service; and subsidy for travel by automobile at

a rate of 50% of the cost for a second-class train ticket.³⁰ The director of the Vologda regional social security/welfare office, Larisa Kaminina, insisted that FZ-122 did not ultimately reduce LoR's benefits. Initially it did not include the transportation benefits, but popular protest and letters of complaint led to their reinstatement by the end of 2005. Respondents to this project's survey on their experiences with LoR also described FZ-122's impact on their benefits as minimal.

The regional Department of Social Security/Welfare maintained active contact with beneficiaries in at least four ways. First, they developed a website with the relevant legislation and procedures. Second, they prepared a mailing in which they explained which welfare benefits were the responsibility of the federal budget, and which were the responsibility of the regional budget. Third, the department held a meeting every two weeks in their offices for beneficiaries. Fourth, they worked closely with the local association of "Veterans, Invalids, and Victims of Political Repression" to monitor implementation of benefits and to ascertain special needs among Vologda region's beneficiaries. Kaminina and her staff explained that these elderly LoR beneficiaries had the usual problems for the senior population: old age, illness, and loneliness. To alleviate loneliness, her staff arranged home visits, both for delivering meals and food supplies, and simply to provide company. It is noteworthy that all of the staff members in Kaminina's office had completed special higher education training in welfare administration, but that almost all of them were former teachers. Kaminina's first career had been as a librarian.

³⁰ In Vologda, Frierson was able to interview the staff of the Vologda regional department of social welfare, including the director, Larisa Kaminina. Previous exchange programs funded by the U.S. Department of State facilitated both the interview and administration of the survey to LoR beneficiaries. Kaminina had traveled to New Hampshire as a member of an official exchange of state workers; this experience established the channel of communication and basic trust necessary to discuss LoR on tape.

Thus, LoR beneficiaries in Vologda encounter state personnel with a predilection to serve when they approach the Department of Social Security/Welfare.

In Vologda, of eight respondents to our survey (administered through the social welfare department), all stated that state personnel had always treated them with respect as LoR beneficiaries.³¹ The attention they received did not soften their opinion that LoR did not compensate for the abuses of the Soviet regime; 4 stated LoR did not compensate at all for their losses; 3 stated that LoR compensated “not entirely” for their losses; and 1 said that LoR compensated “somewhat” for losses.³²

Twelve hours further north by train from Vologda, the city of Kotlas was a destination for many forcibly deported groups from Poland, the Baltic States, and western Belorussia after 1939, as well as a key transit point during the forced deportation of so-called “kulaks” (ostensibly wealthy peasants) from Ukraine and the North Caucasus in 1930-1933.

In Kotlas, the director of the municipal office of Social Security/Welfare, Vladimir Kreider, also provided an interview for this project in 2012. His willingness to speak to the author of this Working Paper issued in part from his city’s long participation in the Sister City Program, through which Kotlas partners with Waterville, Maine. Irina Dubrovina traveled to Waterville as a Sister City delegate once, and returned to Waterville for a second visit at the invitation of local residents. Kreider is the son and grandson of Soviet citizens of German descent. Deemed kulaks, his grandparents were forcibly deported from Saratov in the 1930. In

³¹ Kaminina and members of her staff explained that LoR beneficiaries are loathe to participate in any kind of survey, whether Russian or foreign. They “approach such surveys very cautiously. . . This is a special category for whom participating in surveys is painful.” Larisa Kaminina, Interview, Vologda, 2012.

³² Surveys administered in Vologda in 2012 - 2013.

another wave of repression after the war, his family was deported from Kotlas in 1951 because of his father's German background. Young Vladimir grew up in the barracks of the special settlement from the age of three, and thereby qualified as a victim of political repression. Kreider is thus both a LoR beneficiary and the director of the municipal program of social welfare which administers LoR.³³

In Kotlas, there were roughly 1,000 LoR beneficiaries when Kreider became director of the municipal office of social welfare in 1997. By 2012, that number had dropped to 316. "They are dying," he commented. Kotlas is in the Arkhangelsk region (oblast'); the Arkhangelsk legislature passed Regional Law 262 to implement FZ-122. According to Kreider, FZ-122 significantly reduced LoR benefits. As in Vologda, there was immediate protest over the removal of the transportation/travel benefits. In Kotlas, beneficiaries took to the streets. Kreider recalled, "People came out onto the square. I myself talked with them. People were very angry." The annual, free-round trip train trip was restored as an LoR benefit. LoR beneficiaries in Kotlas also received a monthly supplement of 456 rubles to cover previous benefits-in-kind, as well as a payment of 3,500 rubles (roughly \$112) once every five years toward the cost of a dental implant. The average cost for such an implant in the region was 18,000 rubles. "Of course it is not much, it is very little," Kreider observed. By the time of our interview in 2012, he said that beneficiaries had become resigned to the reductions due to monetization, "although there are echoes to this day, there are many complaints about this FZ-122."

Despite the reduction in benefits in his city due to monetization, and even despite the removal of the phrase "moral harm," from the LoR's preamble via FZ-122, Kreider views LoR's

³³ Vladimir Ivanovich Kreider, Interview, Kotlas, 2012.

contribution as providing “moral satisfaction.” “At least they recognized that such a category of people exists. . . . There is naturally a sense of moral satisfaction. . . . That the state acknowledges that a person suffered from political repression. . . . Well, a feeling of one’s personal dignity.” Given his personal history and concern for the law’s ability to restore personal dignity, Kreider has assembled his staff of 22 people carefully. His first criterion is that, “They know how to work with people.” As in Vologda, most of the staff are former teachers. Kreider himself is a former school principal. In his department, he and his staff are available to any drop-in client every Monday, Tuesday, and Wednesday from 8:30 a.m. until 6:00 p.m. “My work is to help people . . . Well, within the framework of the law, of course. Within the framework of the law. There may be other demands also. If there is some kind of law, we try to observe it. To have a talk somewhere with human sympathy. It’s possible that someone will come by simply to have a chat. And that will be enough for him. He may not even receive anything material, but he will receive some satisfaction. Even from a simple conversation.” Recognizing that the Russian government is “not generous,” Kreider uses the vehicle of the law to establish an official space in his city where his fellow LoR beneficiaries receive moral compensation in the face of miserly material compensation. In this, he serves his constituents, as well as his government.

Further to the east in Solikamsk, interviews with LoR beneficiaries and their children suggested that LoR’s capacity to compensate for “material and moral harm” was highly contingent upon the good offices of social security personnel and advocates in branches of Memorial or other survivors’ associations. Furthermore, because of the large number of descendants of forcibly deported/resettled Soviet citizens of German ethnic background among the victims of repression Solikamsk, the role of the German government after 1991 in supporting

ethnic Germans highlighted the miserliness of the Russian government's material and moral compensation.³⁴ Solikamsk is in the western Urals region. Like Vologda, Solikamsk was for centuries a destination for political exiles who displeased the Muscovite, Imperial, or Soviet regime. Already a centuries-old center of salt-mining, it gained major metals industries during the Soviet period. Much the same combination of "enemies of the people" who were settled in Kotlas were to be found further along the line in Solikamsk: Soviet citizens of German background, kulaks, and political prisoners. As one interviewee said, "After all, this is a region of exiles."³⁵

Three common themes surfaced in the Solikamsk interviews: the beneficiaries' murky understanding of what LoR provided and what FZ-122 changed; the extra challenges would-be beneficiaries faced in gathering documentation and submitting their applications through the regional capital, Perm; and the lack of a sense of common fate among the descendants of dekulakization and the descendants of forced resettlement of ethnic Germans. Repression's atomizing and traumatizing impacts pervaded these interviews more than those in Moscow, St. Petersburg, or even Kotlas. Fear and querulousness were more evident. The least sympathetic, but still quite instructive interviewee was an elderly retired taxi-driver whose family had been deported as ethnic Germans to Solikamsk from the Volga region in 1941. He used aggressive profanities throughout the interview; answered questions begrudgingly, sometimes hostilely; and made clear that his aim was to milk any system he could milk. He and his family had received

³⁴ In Solikamsk, Alexander Kondakov conducted the interviews. An affiliate of the Center for Independent Social Research in St. Petersburg, Kondakov earned an M.A. in Sociology of Law from the International Institute for the Sociology of Law University of the Basque Country, Spain. Solikamsk is Kondakov's hometown; he was able to draw on his local contacts to identify interviewees.

³⁵ XXX (the respondent requested anonymity), Interview, Solikamsk, August 2013.

LoR benefits as well as support from the German government. He and his family had accepted the German invitation to emigrate to Germany, where he received his one-time immigration payment of 4000 German marks as the son of a repressed emigre from Russia; his mother received 10,000 as a directly repressed émigré from Russia. Then they both returned to Solikamsk, leaving his wife and children in Germany. Once he reached pension age in Russia, he also received a supplemental payment of 650 rubles/month as a child of political repression from the Russian government, and used the benefit of the annual, round-trip, free train trip in the Russian Federation to visit a brother in Arkhangel'sk region. There was no great mystery in his motivations for seeking rehabilitation, "So, I just learned about it from people. That they'll pay you money for this."

Solikamsk interviewees described the process of actually receiving or using their LoR benefits as a hassle or fruitless. One beneficiary explained that the benefit of receiving reduction on medications was useless in Solikamsk, because in the state pharmacies which honored the benefit, the medications were not there, while in commercial pharmacies which had all the medications, one had to pay money for them anyway. "So, no matter what, in the end you have to pay with money, so I don't use this benefit."³⁶ Furthermore, for those benefits he did use, he found that the clerks or conductors always recognized his right to them reluctantly, "All the same, they let me know that they do it because they are obligated to do it." This respondent also explained that to make use of the annual train ticket, that they had to pay for and use the ticket first, then take the cancelled ticket to an office 30 kilometers away. Still another respondent reminded our interviewer, A. Kondakov, of the reality that access to any of the

³⁶ Son of a forcibly deported Finn, Interview, Solikamsk, January 2014.

benefits depended upon the certificate of rehabilitation, in his case, his father's. "And you get only one copy of this piece of paper. If you lose it, you have already lost everything."³⁷

For LoR beneficiaries who have siblings in other cities who also enjoy the status of "rehabilitated victim of political repression," there is a further indignity related to FZ-122: the differences among the level of benefits offered by different regional governments. One of Kondakov's respondents in Solikamsk deemed this "discrimination." She explained that her sister in Moscow got a better deal on the annual round-trip train trip through LoR. "So, they give her a second-class ticket, in a compartment, but they give us only third class, open bunks, and then only the hard ones without any mattresses. . . . According to the Perm region governor's decree, we don't even have the right to a soft bunk in third class. And I don't have the right to ride in a car run by a private firm. If I submit a cancelled ticket for a compartment, I get a reimbursement only at the level of a hard bunk in third class. Well, what's that?"³⁸

From the level of the Presidential Commission on the Rehabilitation of Victims of Political Repression to the lawyer assisting applicants at Memorial in Moscow to local administrators, there is general agreement that LoR has worked least well for victims of dekulakization in 1930-1933.³⁹ One of our Solikamsk interviewees offered a vivid explanation of the challenges. The chief difficulty lies in the disjunction between the events during repression/dekulakization and the documentation required of applicants for rehabilitation and the accompanying benefits. This respondent reminded Kondakov of the experience of dekulakization for peasants who were targeted: summary round-ups in their home villages;

³⁷ Son of a forcibly deported German, Interview, Solikamsk, January 2014.

³⁸ Daughter of a forcibly-deported German, Solikamsk, January 2014.

³⁹ Komissiya pri Prezidente (2009), 47 ; Olga Noevna Kosorez, Interview, Moscow, May 2012.

expropriation at the time of their departure; travel across long distances for months by foot, cart, horseback, train, and barge; multiple displacements; and the common experience of having to dig pit houses in the previously uninhabited “special settlements” where they ultimately landed.⁴⁰ In this case, the interviewee had tried to secure compensation for the property her mother’s family had lost during dekulakization:

And in the government offices, they said to us, ‘You need to present a certificate showing what property you had.’ And our answer was, ‘And who wrote it (the certificate)?’ That is, they gave them 24 hours, they drove their horses off, the horses were their private property, they loaded them all up, they put all the children in a group, and they drove everyone, everyone, everyone away. No one gave any kind of certificate. They gave nothing. . . . It’s not just that they gave them nothing, it’s not just that they had only 24 hours, I’m repeating my parents’ words here, but that they also were driven all over that Soviet Union. First in one place, then in another, then a third, then they all ran away, that is, they then lost children, to say nothing of documents! . . . I believe that to refuse to pay on the basis of a receipt from 1931, this, I don’t know, I’m simply at a loss for words.⁴¹

Even before these challenges, she had done the legwork to assemble the requisite documentation from various archives to establish where members of the family had been born, whence they had been deported, where they had wound up, and their ages during repression. Among the challenges she encountered was a typical one: the children had been placed in orphanages, and their names and ages had been incorrectly recorded. “And all of this is a very, this is a very big volume of work, this is emotionally a very big stress for me.” Not only was it stressful; she also deemed the entire process humiliating for the victims of repression, who bore the burden of meeting the state’s requirements for proof, over and over again being placed in the position of supplicant.

⁴⁰ For these patterns, see Lynne Viola, *The Unknown Gulag. Stalin’s Lost World of Special Settlements* (Oxford, 2007); Frierson and Vilensky, *Children of the Gulag* (New Haven and London, 2010), Chapter Two.

⁴¹ Granddaughter of kulaks, Interview, Solikamsk, August 2013.

In Moscow, St. Petersburg, and provincial cities one of Memorial's most consistent functions was to assist in the application process under LoR. Local Memorial publications offered instructions on how to apply for rehabilitation under the 1991 law and its subsequent amendments. In Kotlas, Irina Dubrovina assists not only by helping local applicants prepare their application, but also by gathering documents for them from across post-Soviet space, and even traveling to Moscow to appeal negative decisions.⁴² As she explained,

For many years I have helped people receive the documents necessary for rehabilitation, both for themselves and their near and dear ones. Sometimes this required only help in putting together the request and giving them the address. But in many cases, they first needed to get archival documents. This was required in instances of administrative repression, such as dekulakization and deportation. I carried out the search via correspondence with various archives. For monetary compensation, victims had to go to court, to find witnesses. In the former conditions of our life and laws, judges weren't adequately informed, and I had to participate in the judicial proceedings to explain the reality of the 70 years ago.⁴³

In Moscow, the jurist Olga Noevna Kosorez described her work at the Memorial offices thus:

Many people discover from the Memorial internet site that their forebears were repressed. Yes, and then they come to me with questions about rehabilitation and repression. Or they come about their rights, do they have a right of this kind for this or another thing. . . . And now I give them, when people decide to turn to the judicial system, I give them notes from declassified files and show them where they can get these files. They can get them in the State Archive of the Russian Federation, which has provided me with declassified materials. . . . Well, it's a long path.⁴⁴

Such individual consultations about LoR willy-nilly became tutorials on law and rights. Guiding citizens through the application process constituted instructing them on how to make a claim on

⁴² Irina A. Dubrovina, Interview, Kotlas, May 2012.

⁴³ Irina A. Dubrovina, written comments, Kotlas, May 2012.

⁴⁴ Olga N. Kosorez, Interview, Moscow, May 2012.

their rights. In Solikamsk, the petitioner discussed above was on her own going from state office to state office, and left the process feeling like a humiliated supplicant. Memorial rejects that stance.

In Leningrad/St. Petersburg, the director of Memorial, V. V. Ioffe, adopted the position from the start of refusing to assume the role of supplicant before the Russian state and to save applicants for rehabilitation the humiliation of supplication. As early as 1989, the leaders of the Communist Party of the Soviet Union were complaining at their highest levels about the fact that Memorial was “impudent” in its correspondence regarding rehabilitation and repression.⁴⁵

After LoR was passed, Ioffe displayed this “impudence” by filing unembellished, unapologetic requests for the certificate of rehabilitation for the victims to be sent to the address he supplied. The fact that LoR granted “public organizations” the right to request rehabilitation on behalf of a victim made this possible. His formulation was simple, “Please send person X’s certificate of rehabilitation to person X/Y(in event a relative was filing for a deceased victim).” Flige explained:

Not to beg....And when some of the old folks came to us, we also advised them ‘Don’t plead for rehabilitation, because that is repulsive, abominable and so on. But write where to send the certificate. Send the certificate of rehabilitation of my father so-and-so, arrested for such-and-such, arrested at such-and-such-a-time....And that’s all....Well, so it wouldn’t be so repulsive.

⁴⁵“Stenogramma zasedaniya Komissii Politbyuro TsK KPSS po dopolninitel’nomu izucheniyu materialov, svyazannykh s repressiyami, imevshimi mesto v period 30-40-kh I nachala 50-kh gg.” 12 April 1989, Kak eto bylo, (2004) 212.

One might reasonably term these missives “demands.” From Memorial’s perspective, these requests simply called upon the state to fulfill its legal obligation as defined in LoR.⁴⁶ This tactic was an effort to reinforce the principle that relations between the state and its citizens would henceforth be determined by the law, not by the personal caprice of a given clerk, and not in response to a form of begging familiar to all citizens of the Russian Empire seeking the tsar’s “grace” and to citizens of the Soviet Union whose appeals to the state typically began by declaring the details of their personal service to the USSR and the CPSU which made them worthy of consideration. These LoR-based requests were not contingent of worthiness in the eyes of the state, but regulated by law.

Conclusion: From Generous Promise to Conditional and Capricious Compensation

Several stakeholders in the implementation of LoR over the last twenty years commented in their interviews with members of this project’s research team that the beneficiaries “are slowly dying away” or that they and their needs are “fading away.” When one considers A. N. Yakovlev’s assertion, following his decade-plus examination of case files as chairman of the CPSU Politburo Commission on completing the work of rehabilitation and the successor Presidential Commission on Rehabilitation of Victims of Political Repression, that the Soviet state’s victims of repression numbered over twenty million, the remaining 770,000 in 2009 in the Russian Federation were indeed a negligible remnant.⁴⁷ As V. I. Kreider reminded us, only 316 remained in Kotlas, a city by then of roughly 20,000 residents, in 2012. It seems likely that Putin had this demographic trend in mind as a political calculation when he oversaw the Russian

⁴⁶ Ioffe’s approach is visible in the correspondence, where he lists a series of names and asks the relevant government organ in the Procuracy or MVD to provide the requisite documentation. NITs Memorial-St. Petersburg Director Irina Flige also stressed his motives for doing this in her interview with Elena Bogdanova in 2013.

⁴⁷ A. N. Yakovlev, A Century of Violence in Soviet Russia (New Haven and London, 2004).

federal government's retreat from the obligations incurred via LoR. However few they are, however, LoR beneficiaries in the capitals and in some provincial towns continue to be actively engaged in the work of Memorial and in protesting the Putin administration's clampdown on civil liberties. They participate in protest meetings; they continue to write letters of complaint; they continue to assert their claim to personal dignity.

Let us conclude with a collection of their varied appraisals of LoR's contribution to their vision of themselves vis a vis the Russian state and its officials as the successors to the Soviet regime. Voices from St. Petersburg display the range we observed among the broader group of respondents.

Tamara Petkevich, author of a widely-read memoir entitled in English Memoir of a Gulag Actress does not grant the Russian government much credit:

Where are you going to put these years? That was, after all, my youth. I didn't even know youth from twenty to thirty years old. Who will return this to me? The government – by rehabilitating me? That which I lived through, no one will give me that back. No one! The government has nothing to be proud of here.⁴⁸

Natalia Kruk, whose only image of her father she ever saw was his mug shot in his case file, which LoR enabled her to see:

Oy! What benefits! Well, that I get 1,000 rubles added to my pension per month. And what else...But, overall, the fact that, you understand, the fact that they removed that label “daughter of an enemy of the people” from me, that made me feel good, very good. They was a great relief, a great moral relief.⁴⁹

⁴⁸ Tamara V. Petkevich, Interview, St. Petersburg, 2014. Tamara V. Petkevich, Yasha Klots and Ross Ufberg, trans., Memoir of a Gulag Actress (Dekalb, Illinois, 2010).

⁴⁹ Natalia S. Kruk, Interview, St. Petersburg, 2014.

Galina Dudareva, daughter of a prominent provincial CPSU official executed during the Great Terror of 1937-1938 and active researcher and member at NITs-Memorial St. Petersburg:

You know, the government's treatment of these people has always been unjust. It does not assume any responsibility for what happened. No one within our leadership wants to feel even the smallest dose of sympathy, whether it be Yeltsin, Putin, or Medvedev. No one resolved to assume responsibility and do this for these people, ever, to acknowledge that the state is guilty, that the Party was guilty, that this is unjust. And they have off-loaded from the federal budget to the local budget this payment for transportation, for utilities. If local leaders want to help, let them do it, but on the federal level, they've shut it all down, and at the federal level, they don't acknowledge this.⁵⁰

Once again, this class of Russian citizens finds that, despite the determination of its original authors to make LoR a vehicle for ensuring individual rights and strengthening the rule of law as the determinant in state-citizen relations, and despite the fact that legislators during the Yeltsin years continued to expand LoR's promise and jurisdiction, the last six years of LoR's first two decades undermined the promise and left beneficiaries dependent upon the grace of local administrators and local budgets in the final years of their declining health and wealth. Hence, their dependency upon the familiar Russian tradition of local bureaucratic "proizvol," arbitrariness and caprice was the ultimate return.

⁵⁰ Galina V. Dudareva, Interview, St. Petersburg, 2014.

