

THE ROAD TO TOTALITARIANISM

LESSONS FROM RUSSIA

THE
HEARTLAND
INSTITUTE



BY JACK MCPHERRIN



Jack McPherrin is The Heartland Institute's research editor, as well as a research fellow within Heartland's Socialism Research Center (SRC). As research editor, Jack sources, manages, and edits all Heartland research publications, and regularly writes op-eds for publication at several prominent media outlets and websites, including the *Epoch Times*, *Washington Times*, the *Western Journal*, *American Greatness*, *Center Square*, *Townhall*, *American Thinker*, and *RedState*, among others. As an SRC research fellow, Jack authors his own research publications; he focuses most heavily upon Environmental, Social, and Governance scores (ESG), authoritarianism, and international affairs. Jack also manages content and contributes writing for the SRC's website, StoppingSocialism.com.

Jack holds a Master of Arts in International Affairs from Loyola University-Chicago, and a Bachelor of Arts in Economics and History from Boston College. Prior to his tenure at Heartland and the completion of his graduate degree, Jack worked in the private sector in Chicago, where he still resides.

Front page image courtesy of The Presidential Press and Information Office/WikiCommons

The Heartland Institute is a national nonprofit organization devoted to discovering, developing, and promoting free-market solutions to social and economic problems. Contributions are tax deductible under Section 501(c)(3) of the Internal Revenue Code.

**For more information, please call 312/377-4000 or
visit our website at Heartland.org.**

3939 N. Wilke Road, Arlington Heights, IL, 60004

THE ROAD TO TOTALITARIANISM

LESSONS FROM RUSSIA

CONTENTS

Introduction.....	4
Section I: Economic Control: The Lynchpin	7
Section II: Political Control: The Hammer.....	11
Section III: Civil Control: The Sickle.....	17
Section IV: Digital Authoritarianism and Russia's Autocratic Slide (2012-2020)	22
Section V: Coda: Totalitarianism (2020-Present).....	28
Section VI: Implications for the United States	34
Endnotes	42



Introduction

Vladimir Putin and totalitarianism are old friends. The embattled Russian president began his career as a KGB operative in 1975, spending the next 16 years propagating total authoritarian control over his country until the Soviet Union finally collapsed in 1991.¹ Years after his country’s precipitous dissolution, Putin remarked in a 1996 interview, “However sad and however frightening it may sound, I think that in our country a return to a certain period of totalitarian rule is possible. The danger is not to be found in the organs that provide order, the police, or even the army. It is a danger at our summit, in the mentality of our people, our nation.”² A short time later, Putin became that danger. In the 22 years since he took power from an ailing Boris Yeltsin, Putin has steadily led Russia from a fledgling hybrid electoral democracy into a totalitarian state.

In most democracies, institutions are developed to diffuse and constrain centralized power—as they largely were intended to function during the Russian Federation’s establishment in the wake of the Soviet collapse. In burgeoning totalitarian regimes, the opposite occurs; institutions are turned upon political threats and the population. Despite a veneer of democratic traditions—including constitutionally guaranteed civil liberties, separations of power between branches of government, and regular popular elections involving multiple political

parties—all Russian institutions exist to promulgate Putin’s goals. Putin consistently wields his control over these institutions to harass, weaken, assault, imprison, torture, murder, or drive into exile any individuals who dissent, while socially indoctrinating the masses with carefully curated information designed to instill popular support for his regime.

“Putin has consistently legitimized this totalitarian slide by stoking national security concerns or manufacturing national emergencies, such as the threat of continued NATO expansion and the permeation of Russian society with ‘dangerous’ western ideals.”

Putin has consistently legitimized this totalitarian slide by stoking national security concerns or manufacturing national emergencies, such as the threat of continued NATO expansion and the permeation of Russian society with “dangerous” western ideals. Yet, while no one is arguing that the United States has approached the level of authoritarianism endemic to Russian society, Russia’s democratic backsliding is especially relevant to

examine when one considers similar tactics used to increase executive power closer to home. The steady and substantial expansion of executive power—circumventing checks and balances, eroding states’ rights, and limiting individual freedoms—bears marked similarities to the ways Putin has constructed his authoritarian regime.

One of the primary ways that U.S. presidents can unlock an arsenal of executive powers is through declarations of national emergencies. Under the 1976 National Emergencies Act (NEA), presidents

can declare emergencies for up to a year, though they can be unilaterally renewed by the executive branch with little to no oversight.³ Though Congress nominally possesses the authority to review and ultimately terminate a declared emergency, it has almost never attempted to exercise that authority.

Presidents have exercised this power with reckless abandon. Since 1979, presidents have declared 75 national emergencies—of which an astounding 41 remain in effect as of May 2022.⁴ These emergencies—which in turn spawn a bevy of legally binding executive orders and directives—have led to a significant degree of executive aggrandizement, especially in recent decades. This is not a partisan issue; the Clinton, Bush, Obama, Trump, and Biden administrations have each exhibited such tendencies. President Biden has already declared seven new emergencies in only 18 months at the helm, while renewing countless others.⁵

And, the 136 statutory powers that presidents can and have invoked are wide-ranging and substantial; the executive branch can unilaterally shut down and/or take over media companies and the internet, seize private property, freeze financial assets, restrict travel, and even suspend prohibitions on testing chemical and biological weapons on human subjects, among myriad other powers.⁶

Moreover, as NYU’s Brennan Center for Justice explains, there are “no statutory limitations, beyond the word ‘emergency’ itself, on what type of event qualifies [as a national emergency].”⁷

As such, emergencies range from “Proliferation of Weapons of Mass Destruction,” to “Blocking Property of Persons Undermining Democratic Processes or Institutions in Zimbabwe.”⁸ Concerningly, the scope or substantive importance of the declared emergency has no impact upon a

president’s available powers, nor do the powers that a president can unleash have to be specifically related to said emergency, as long as the president cites the powers he will wield. In a 2019 article from *The Atlantic*, the Brennan Center’s Elizabeth Goitien explains, “The National Emergencies Act doesn’t require that the powers invoked relate to the nature of the emergency. Even if the crisis at hand is, say, a nationwide crop blight, the president may activate the law that allows the

Secretary of Transportation to requisition any privately-owned vessel at sea.”⁹ Essentially, a president could theoretically reference the ongoing “national emergency” in Zimbabwe to shut down a critical media outlet, despite the two being completely unrelated.

The United States in 2022 and the Russian Federation in 2000 should not be considered comparable in terms of the strength of their respective democratic

institutions and governing structures, not to mention cultural tolerances for authoritarianism. Yet, methods of increasing executive power are clearly similar. Moreover, many of the powers Putin has exercised bear striking similarities to the powers available to U.S. presidents, which can be enacted with the simple stroke of a pen. National emergencies—real, exaggerated, or entirely manufactured—have consistently been used to justify executive power grabs in both Russia and the United States. Once gained, those powers are often not relinquished.

This paper will examine the methods by which Putin centralized control soon after he ascended to the presidency, from achieving dominance over Russia’s economic means of production, to suppressing rival elites, to subverting political and social institutions. Special attention will be paid to Putin’s war upon freedom of information through

“This paper will examine the methods by which Putin centralized control soon after he ascended to the presidency, from achieving dominance over Russia’s economic means of production, to suppressing rival elites, to subverting political and social institutions.”

his control of media and the internet, which has gradually eradicated freedom of expression in Russian society. The paper will then illustrate how Putin has propelled Russia into totalitarian governance in recent years, focusing upon his near-total societal subversion up to and including his invasion of Ukraine in February 2022. The final section will analyze how U.S. presidents have used national emergencies to increase executive power, and how they are capable of implementing similar totalitarian policies.

The degree to which one man and a cabal of elites can alter the course of a country's trajectory should serve as a warning to those of us comfortably ensconced in the American democratic tradition. As Goitien asserts in the aforementioned article, "What has prevented the wholesale abuse of these authorities until now is a baseline commitment to liberal democracy on the part of past presidents. Under a president who doesn't share that commitment, what might we see?"¹⁰ All it would take for a similar slide into authoritarianism would be one president choosing to take us down that road, as Putin did.



1 Economic Control: The Lynchpin

When Putin was chosen to be former president Boris Yeltsin's prime minister and subsequently his designated successor in 1999, the newly christened Russian Federation—though far from perfect—exhibited many characteristics of a fledgling electoral democracy.¹¹ Moreover, it was characterized by peak levels of civil liberties and individual freedoms never seen in Russian society.¹²

Yeltsin's tenure was not without its problems, however, which provided fertile ground for Putin to impose control. Yeltsin had already dealt a blow to Russia's nascent democratic institutions by ordering a military assault upon the Russian parliament in 1993, killing over one hundred

elected deputies and injuring hundreds more. His subsequent expansion of executive power by decree set a precedent for future executive expansion far greater than Yeltsin had ever attempted.¹³ Moreover, Yeltsin's "shock therapy" reforms both created the kleptocratic Russian oligarchy and nearly led Russia to the brink of economic collapse. Finally, the 1999 Russian apartment bombings supposedly perpetrated by Chechen terrorists, which killed over 300 citizens and injured many more, caused widespread security concerns.¹⁴

Many believe Putin orchestrated a false flag operation designed to both legitimize the Second Chechnyan War and implement domestic crackdowns to reassert control over Russian society.¹⁵ Putin's prosecution of the war in Chechnya helped him gain public popularity, which was used

“Upon taking office, Putin leveraged these manufactured national security concerns and the recent financial crisis to justify an immediate concentration of power.”

to win the 2000 presidential election after Yeltsin's resignation. Upon taking office, Putin leveraged these manufactured national security concerns and the recent financial crisis to justify an immediate concentration of power. Before he could truly begin to construct his power vertical, however, he first had to subjugate Russia's prodigious oligarchy—

which had gained immense wealth and political power during Yeltsin's tenure. Yeltsin facilitated the rise of the oligarchy through his 1996 loans-for-shares program, which handed out copious ownership stakes of Russian energy and natural resource companies to wealthy Russian elites in exchange for loans to finance

Yeltsin's 1996 presidential re-election bid.¹⁶ These loans were often not paid back, and elites assumed control over Russia's most valuable companies. Yeltsin's "privatized state" became beholden to the interests of the oligarchs throughout the remainder of Yeltsin's term, engendering crony capitalism. This was immensely unpopular with the Russian people, who saw this transfer of property rights from the state to wealthy individuals as illegitimate and unfair.¹⁷

Despite the oligarchy's vast power accumulation, they remained uniquely vulnerable. This was due to the illegitimacy of their gains, as well as a preponderance of state-controlled intelligence indicating oligarchs were involved in substantial corruption and financial malfeasance. Putin leveraged this to his advantage; by controlling

information and keeping oligarchs from having their assets seized on legal grounds, he became their protector and benefactor.¹⁸ Putin used a carrot-and-stick approach to mechanize the dependence of the oligarchs. He rewarded loyalty by allowing them a degree of economic autonomy to enrich themselves, as long as they stayed out of political affairs or supported Putin's agenda. He punished disloyalty by threatening to disclose damaging allegations of financial abuse and malpractice, which would trigger state seizure of assets and often imprisonment.¹⁹ Such disclosures and penalties would be met with public support, due to the public's inherent distrust of the oligarchy.

Before delving into the ramifications and details of this arrangement, it is important to explain the unique factors that allow a relatively small group of elites to control an entire nation's economy. Russia is a classic example of a petrostate—a country that derives the vast majority of its revenue from natural resources such as oil and natural gas.²⁰ Much has been written of the strong correlation between petrostates and autocratic government. The general theory is autocrats and a small circle of elites can easily control the vast revenue flows from natural resource exportation. They then control the distribution of that revenue, enriching their allies while placating the general population with generous public spending initiatives.²¹ Autocrats use their economic leverage to maintain their grip on power by insulating themselves from destabilizing effects, especially by directing large funds to military and security forces.²²

Russia cleaves closer to this scenario than perhaps any other developed country. It is the third-largest producer of petroleum and the second-largest producer of natural gas in the world.²³ Russia's Ministry of Natural Resources recently conducted

a comprehensive analysis of the value of Russia's natural resources, which found oil, gas, coal, iron, diamonds, and gold comprise 60 percent of the country's GDP.²⁴ Oil and gas exports alone constituted approximately 43 percent of Russia's export revenue in 2020.²⁵ As such, establishing control over the oligarchs running the energy companies responsible for extracting those resources is the lynchpin of Putin's entire vertical power structure.²⁶ Putin's job is made easier by the fact that so few companies control such a large portion of the energy sector, which allows him to directly manage the few hand-selected elites who run those companies. Ten companies account for 90 percent of Russia's oil output. Gazprom—Russia's largest company—produces approximately 80 percent of Russia's natural gas.²⁷

To dominate the energy industries—as well as other sectors of the Russian economy such as the media, transportation, and the banking industries—Putin acquired the loyalty of some oligarchs,

and replaced others with close allies. Media titans Vladimir Gusinsky and Boris Berezovsky — at that point two of the richest men in Russia—were forced to flee into exile within a year of Putin's ascension, with many of their assets subsequently seized by the state and redistributed to Putin loyalists.²⁸ Gazprom chairman Riem Viakhirev was forced to resign, paving the way for Putin to appoint close childhood friend Dimitri Medvedev in his stead.²⁹ When Medvedev later resigned to briefly take over for Putin as president, control of Gazprom was handed to Alexey Miller and Viktor Zubkov, close Putin confidantes who still run Gazprom as CEO and Chairman of the Board. Controlling this company alone gives Putin access to a revenue stream of approximately \$90 billion per year.³⁰ Putin also prioritized control over the transport of natural resources. He appointed long-time business associate Nikolai Tokarev president of Transneft, Russia's

“To dominate the energy industries—as well as other sectors of the Russian economy such as the media, transportation, and the banking industries—Putin acquired the loyalty of some oligarchs, and replaced others with close allies.”

monopolistic state-owned pipeline company. Putin's friend Vladimir Yakunin was appointed president of Russian Railways, another state-run monopoly enterprise. KGB colleague and confidante Igor Sechin was handed control over Russia's shipbuilding monopoly.³¹ Overseeing each of these companies, and others, allows Putin complete control over all resource extraction, domestic transportation, and exportation.

For those oligarchs who were powerful and bold enough to resist, Putin resorted to more forceful measures. The 2003 arrest of Yukos CEO Michael Khodorkovsky represents the most prominent early example of Putin's aggressive tactics. Khodorkovsky—already wealthy due to Yukos's status as Russia's largest private oil company—was the most potent of Putin's potential political rivals. Because of the threat he posed, the Kremlin used its influence over the legislative, judiciary, and security services to arrest and convict him of trumped-up charges of tax evasion. Khodorkovsky was imprisoned for nearly a decade, after which he fled to the United Kingdom. In the immediate aftermath, Putin seized Yukos' assets, and reallocated them to state-owned oil company Rosneft.³² Rosneft, which has become Russia's third-largest energy company, is run by Sechin, whom many have considered to be the second most powerful man in Russia.³³ The Yukos affair had strong ramifications upon other Russian oligarchs, sending a clear message that they remained at Putin's mercy. As Vladimir Gel'man explains, "After the Yukos affair, oligarchs were ready to transfer their assets to the Kremlin upon request in exchange for personal freedom and well-being, and tended to avoid any political accent to their business: indeed, they were able to develop their companies successfully due to close connections with federal and regional officialdom."³⁴

“Putin realizes that his power is based upon his ability to extract natural resource revenues. Moving the Russian economy into new sectors such as tech or other modern industries would develop new loci of economic power and revenue streams outside of Putin's direct control.”

Putin was emboldened by his success, directing raids upon the industries of other troublesome oligarchs including Viktor Vekselberg, Mikhail Fridman, Kakha Benukidze, Oleg Kiselyov, Vladimir Bryntsalov, Mikhail Guseriyev, and Yevginiy Chichvarkin, among others. Many fled Russia, and had their assets seized and their companies nationalized.³⁵ By this point, Putin began to fully embrace state-managed capitalism. His nationalization of companies in strategic economic sectors—oil, aviation, construction, power generation, machinery, and finance—has become a primary means of his economic control. A policy brief by the Peterson Institute for International Economics shows that by 2015, more than 55 percent of Russian companies were controlled by the state, with more than 28 percent of the workforce employed by the government.³⁶ Putin intentionally prevents the creation of new private companies, and keeps the

Russian economy from naturally diversifying to new industries. Putin realizes that his power is based upon his ability to extract natural resource revenues. Moving the Russian economy into new sectors such as tech or other modern industries would develop new loci of economic power and revenue streams outside of Putin's direct control.³⁷ Russia's official economic strategy for the future—"Energy Strategy 2035"—corroborates this, shifting most research, development, and scientific advancement to modernizing and propelling the Russian energy sector to new heights, at the expense of other sectors.³⁸ This is clearly a reflection of Putin's ultimate desire to retain the vast majority of Russia's wealth under the management of his cowed and loyal oligarchy.

In summation, as Steven Fish concludes, "Russia's moguls are now 'oligarchs' only in the sense that they have immense fortunes, not in the sense that

they rule. Putin rules. His oligarchs are his. He is not theirs.”³⁹ Yet, Putin’s degradation of oligarchic political clout left a vacuum over major power centers throughout the Russian government. As exemplified in the cases of Medvedev, Sechin, Miller, and Zubkov, Putin turned to trusted friends, acquaintances, and colleagues to keep the oligarchs reined in, assert control over the rest of the country’s institutions, and then manage those institutions on a regular basis. Aside from the oligarchs and private business leaders, there are two primary groups of elites that rule Russia on Putin’s behalf: the siloviki, and the bureaucracy. The siloviki, roughly translated into “men of force,” hail from military, security, and intelligence services of the Soviet and Yeltsin eras.⁴⁰ Putin trusts and empowers them because he himself is a siloviki, having been a KGB lieutenant colonel in the waning days of the Soviet Union as well as the director of the FSB prior to being tapped as Yeltsin’s prime minister.

“Ultimately, Putin and his subservient elites collectively dominate the affairs of all political, economic, and civil institutions. This includes all branches of government, the economic and financial sectors, security and military forces, religious authorities, academic institutions, and the media apparatus.”

The political bureaucracy essentially exists to rubber stamp Putin’s policies, and assist the siloviki in managing the state. As will be elaborated upon, the siloviki’s primary locus of control is within the dominant Russian “force ministries,” though they often also occupy high-level positions throughout other areas of the Russian government. As is the case with Sechin, some have even become “silovarchs,” occupying positions of both political and economic power.⁴¹ This, however, is quite rare; Putin intentionally stokes rivalries and intrigue between his elites and a separation between political and economic power in order to maintain leverage.

Ultimately, Putin and his subservient elites collectively dominate the affairs of all political, economic, and civil institutions. This includes all branches of government, the economic and financial sectors, security and military forces, religious authorities, academic institutions, and the media apparatus.

2 Political Control: The Hammer

Putin and his close allies have consolidated their power over Russia's sprawling political apparatus to levels reminiscent of the Soviet era. Former *New York Times* Moscow bureau chief Steven Lee Myers goes so far as to declare Putin as Russia's "New Tsar," a claim that finds substantiation in light of recent events.⁴² Whether one agrees that Putin's power is similar to that of Peter the Great, he undoubtedly possesses total control over all political institutions at the federal and provincial levels of government.

In 1993, Russia's Constitution was officially adopted, forming the framework for Russia's present-day institutions, government structure, and legal authority. In theory, it is a strong document that guarantees separations of powers, independent civil institutions, and individual freedoms. In practice, however, the document has little binding authority. Putin determines the structures, consistencies, mandates, and activities of practically all political institutions. This is especially true within the executive branch, though Putin has also come to completely dictate the affairs of the bilateral national legislature as well as the judiciary. And, when he cannot work around or subvert constitutionally established constraints, typically based upon a fear of civil unrest, he simply changes the constitution.

“Putin and his close allies have consolidated their power over Russia’s sprawling political apparatus to levels reminiscent of the Soviet era. Former New York Times Moscow bureau chief Steven Lee Myers goes so far as to declare Putin as Russia’s “New Tsar,” a claim that finds substantiation in light of recent events.”

Executive Control

The Russian Federation is technically a semi-presidential republic, with the president acting as head of state, and the prime minister handling the day-to-day affairs of governance. The president is elected to a six-year term,⁴³ though Russia's

elections at all levels of government have become increasingly fraught with manipulation, suppression, and fraud. Putin appoints the prime minister with consent from the Duma, Russia's lower legislative chamber.⁴⁴ Putin and his powerful political party—United Russia—control the Duma. Therefore, Putin appoints the prime minister, and has recently gained the power to unilaterally dismiss whomever holds this office. The Duma has never withheld support for Putin's choice. With the exception of his first prime minister Mikhail Kasyanov,

Putin's selections have all been close allies.⁴⁵

Mikhail Fradkov—whom many believe to be a former KGB operative and one of Putin's prized siloviki—served as head of government from 2004 to 2007. Upon handing the reins to Viktor Zubkov, he became head of the SVR, Russia's foreign intelligence service. Zubkov served briefly as prime minister before he began his tenure as Gazprom's chairman of the board.⁴⁶ After Putin's second

presidential term ended in 2008, he selected close ally Dimitri Medvedev to become his successor to the presidency in a calculated move to circumvent the two-term limit enshrined in the constitution. Medvedev immediately selected Putin as his prime minister, and Putin maintained control for the entirety of Medvedev's single term. Though Putin was in control, the tandem leadership exposed certain inefficiencies and Putin was less effective in implementing his policies.⁴⁷

By the time of the 2012 presidential election, Putin decided to exploit a loophole in the constitution, arguing that because he did not serve for more than two consecutive terms, he was therefore eligible for another.⁴⁸ This was unpopular with the Russian people, and damaged the legitimacy of the Putin regime. The 2011-2012 protests that spawned as a result of Putin's candidacy, the widely cited electoral fraud that Putin and his elites perpetrated in order to ensure his victory, and the subsequent repression of dissent could be seen as the tipping point upon which Putin steadily led Russia into totalitarian governance.

When Putin won the 2012 election, he swapped roles with Medvedev and selected him as his prime minister. Medvedev operated as Putin's administrator until halfway through Putin's fourth term in 2020, abruptly resigning during a Putin-induced governmental shake-up and becoming vice-chair of Russia's Security Council. Putin selected Mikhail Mishustin—a staunch Putin loyalist and a capable technocrat—to replace Medvedev.⁴⁹ The Russian government technically falls under the prime minister's hierarchical purview, but, in reality, Putin maintains direct control over all staffing decisions and operational functions. Putin appoints all deputy prime ministers, presidential envoys, and

cabinet ministers.⁵⁰ He also nominates the director of the Central Bank of Russia; though this institution is nominally independent,⁵¹ it is Putin's creature. The current head—Elvira Nabiullina—has attempted to resign in the face of the Ukrainian invasion. Putin has reportedly barred her from doing so, and recently re-nominated her for another five-year term.⁵²

Though appointed by Putin, some of the less consequential cabinet ministers do report to the prime minister. However, the ministers of defense, security, foreign affairs, and justice are directly subordinate to Putin. It is not a coincidence that these ministries—collectively termed the “force ministries” because of their legal authority to use violence against any security threats—are Putin's primary locus of power.⁵³

The Force Ministries

The force ministries are comprised of a wide array of ministries, agencies, and policy councils including the armed forces, the Ministry of Internal Affairs, the Ministry of Emergency Situations,

the General Procuracy, the National Guard, the Investigative Committee, the Security Council, and each of Russia's powerful security agencies.⁵⁴ Putin's elites occupy the highest echelons of power in these organizations, including Defense Minister Sergei Shoigu, Army Chief of Staff Valery Gerasimov, Security Council Chairman Nikolai Patrushev, National Guard Director Viktor Zolotov, Foreign Minister Sergei Lavrov, and security agency directors such as the GRU's Igor Kostyukov, the SVR's Sergey Narishkin, and the FSB's Alexander Bortnikov.⁵⁵ The agencies that these latter individuals run are some of Putin's primary sources of repression, especially the FSB.

“The 2011-2012 protests that spawned as a result of Putin's candidacy, the widely cited electoral fraud that Putin and his elites perpetrated in order to ensure his victory, and the subsequent repression of dissent could be seen as the tipping point upon which Putin steadily led Russia into totalitarian governance.”

Though smaller agencies exist, four main intelligence directorates with overlapping responsibilities encompass the power base in Russia: the Federal Protection Service (FSO), the Main Intelligence Directorate (GRU), the Foreign Intelligence Service (SVR), and the Federal Security Service (FSB). The FSO is responsible for protecting the Kremlin, key government figures, and Putin. It also acts as an informal watchdog of the other three agencies. The GRU and the SVR are chiefly concerned with espionage and foreign intelligence gathering. The FSB—which most experts consider to be the most influential agency—is focused upon domestic security and surveillance, as well as political subversion.⁵⁶

Putin has used these agencies to further cement his own power and increase his control over the state since taking office, particularly favoring the FSB based upon his prior experience leading the agency. For example, Putin used FSB agents to assert control over the Russian media institutions by raiding offices, seizing records, coercing the sale of company shares via threats of imprisonment, among other tactics. The agency directed most operations against anti-Putin oligarchs during this period, including the Yukos takeover. The FSB is regularly employed to arrest any rival political figures such as regional governors, and to redistribute economic resources from those deemed insufficiently loyal to Putin’s more arduous supporters. It is linked to the poisoning of former Ukrainian leader Viktor Yushenko, among many other foreign political targets.⁵⁷

Such as in the Yushenko case, the FSB’s more “active measures” began to scale upwards as Putin’s control over Russia increased. In recent years, Putin has used the agency to assassinate political figures deemed a threat to his regime. The FSB has been linked to the 2003 murder of Sergei Yushenkov, vice-chairman of a Putin opposition party. Before his death, Yushenkov was investigating the 1999

Moscow apartment bombings supposedly conducted by Chechen separatists; he believed that the security services in Russia planted a false flag operation to galvanize public support for the invasion of Chechnya.⁵⁸ As found by British intelligence, the 2006 murder of Russian dissident and former FSB officer Alexander Litvinenko—who had blamed the FSB for the 1999 apartment bombings—was conducted by FSB agents Andrei Lugovoi and Dmitry Kovtun. The author of the Litvinenko report concluded, “The FSB operation to kill Mr. Litvinenko was probably approved by Mr. Patrushev [then the director of the FSB] and also by President Putin.”⁵⁹ The FSB is also believed to have played a role in exiled media tycoon

“A report by the Atlantic Council concludes, ‘Today, the FSB has, to a considerable extent, become the KGB incarnate.’”

Boris Berezovsky’s “suicide” in 2013, and has been strongly linked to the brazen murder of ardent anti-Putin critic Boris Nemtsov, which occurred steps from the Kremlin in 2015.⁶⁰ A report by the Atlantic Council concludes, “Today, the FSB has, to a considerable extent, become the KGB incarnate.”⁶¹

The FSB’s targets are not only political in nature. In fact, under Putin’s orders, the intelligence community has taken the mantle of suppression the proliferation of what it deems anti-Putin information. Mark Galeotti describes, “there is a wider national and international effort to prevent criticism of the regime from spreading, whether by leaning on individuals—the FSB is reviving the KGB tactic of the ‘prophylactic chat’ meant to intimidate without the need for prosecution—or by interfering with the free flow of information. This involves measures including pressurizing remaining independent media outlets such as Dozhd TV and using trolls to spam critical voices on the internet.”⁶² Under the watchful eye of the intelligence agencies, those who threaten to expose damaging information about Putin or the Kremlin have been heavily targeted. The FSB imprisoned and ultimately caused the death of Sergei Magnitsky in 2009 to protect damaging

allegations of widespread tax fraud amongst police officials. It has been linked to poisonings and murders of human rights lawyers, journalists, former government ministers, and other civilians such as Mikhail Lesin, Paul Klebnikov, Anna Politkovskaya, Natalia Estemirova, Stanislav Markelov, Anastasia Baburova, Vladimir Kara-Murza, Alexander Perepilichny, and Dimitry Bykov.⁶³ It is the agency responsible for the attempted poisoning and subsequent imprisonment of prominent anti-Putin activist Alexei Navalny in 2020.⁶⁴ This increasing assault upon civil figures and Putin's attempt to suppress information and completely control its dissemination is a major component of Russia's slide into totalitarianism.

Provincial Control

Russia is comprised of many different provincial territories, including krais, oblasts, cities of federal importance, autonomous okrugs, one autonomous oblast, and republics.⁶⁵

One of the foundations of Putin's vertical power structure is his leverage over these governments. Though technically a federation, Russia essentially operates as a unitary state. Putin's administrative centralization of the numerous Russian provinces, which had gained substantial autonomy during the Yeltsin era, was one of his first priorities. To curtail regional governors' power, he established seven federal districts encompassing different provincial groupings, over which he personally appoints presidential envoys that report directly to Putin.⁶⁶ They are heavily assisted by various members of Putin's power ministries, whom he sends to oversee regional security and ensure compliance.⁶⁷

Putin also exercises total control over the regional

governors themselves. For example, when Kursk Oblast Gov. Alexander Rutskoi—formerly Yeltsin's vice-president—signaled opposition to Putin's policies of centralization, he was swiftly removed from his region's gubernatorial ballot on the basis of "violations of electoral law and abuse of incumbency."⁶⁸ Leveraging his control over the judiciary, Putin targeted others governors such as Kamchatka's Mikhail Mashkovtsev and Nenet's Vladimir Butov with criminal prosecution.⁶⁹ This sent a message to other regional leaders that their time of relative political autonomy was over. Yet, in case that message was not clear enough, Putin decided to do away with the direct election of governors altogether, in what Fish describes as Putin's "coup de grace."⁷⁰ Though governors are now technically nominated by regional legislatures, they are appointed de facto by the president of Russia. With Putin's handpicked figureheads in place, he is able to exercise control over legislative elections in favor

of Putin's personal political party: United Russia.⁷¹ By the end of Putin's power centralization, "the chain of executive authority had been successfully 'verticalized' and governors had overwhelmingly become 'representatives of the President' rather than the 'bosses of their regions.'"⁷²

Any provinces that attempt to establish more formal degrees of independence are met with a military response, as seen in Chechnya.⁷³ Now, Chechen despot Ramzan Kadyrov is considered one of Putin's closest allies, having pledged complete loyalty in return for Putin's support of his rule.⁷⁴ Putin has extensively utilized Kadyrov's brutal military forces in Georgia, Syria, and in the current war in Ukraine.⁷⁵ It is also speculated that Putin has used

“One of the foundations of Putin’s vertical power structure is his leverage over these governments. Though technically a federation, Russia essentially operates as a unitary state. Putin’s administrative centralization of the numerous Russian provinces, which had gained substantial autonomy during the Yeltsin era, was one of his first priorities.”

Kadyrov for political assassinations; many believe Kadyrov to have carried out the murder of Boris Nemtsov and other anti-Putin figures.⁷⁶

Legislative Control

The bi-cameral Federal Assembly is the representative and legislative body of the Russian Federation. It is split between the Federation Council and the State Duma; the higher and lower chambers, respectively.⁷⁷ One of Putin's first actions as president was to rewrite the electoral process to the Federation Council, making senators presidential appointees.⁷⁸ He quashed opposition by threatening to launch corruption allegations into the provinces. Loyalty to the Kremlin was ensured due to the relatively illegitimate basis on which Council members gained power, similar to the mechanism by which Putin controls much of the oligarchy. Now, the Federation Council is a “rubber-stamp” entity, enacting whatever legislation Putin desires.⁷⁹

Gaining control over the lower house—the Duma—required a more nuanced approach. Yeltsin had fostered the development of a multi-party system, which flourished to the point that the Federal Assembly often derailed Yeltsin's policies—hence his bombing of parliament in 1993. To avoid this, Putin created and ensured the dominance of his personal political party, United Russia. He leveraged his control over media to create biased coverage in favor of United Russia candidates, used his command of the Central Electoral Commission to fix elections, and incentivized legislators to join his party with promises of increased power and wealth. Simultaneously, Putin developed grassroots support from the Russian people by advocating for significant social spending initiatives, such as entitlements, pensions, minimum wage increases, and an increased number of government jobs.⁸⁰

“Putin developed grassroots support from the Russian people by advocating for significant social spending initiatives, such as entitlements, pensions, minimum wage increases, and an increased number of government jobs.”

United Russia quickly became dominant, and then enacted legislation to prevent the proliferation of other political parties. The Federal Assembly passed laws that toughened organizational and membership requirements, outlawed electoral coalitions between multiple parties, and shifted to the more controllable voting system of closed party list representation.⁸¹ Thomas Remington explains that the ramifications were “a multi-faceted expansion of the power of the executive branch at the expense of any

countervailing or independent sources of power, whether parties, civil society, the media, or parliament itself.”⁸² United Russia does not cleave to a particular ideology, other than perhaps unequivocal support for Vladimir Putin.⁸³ For example, the 2007 State Duma election campaign's slogan was “Vote for Putin's Plan!” — with no mention of what that plan actually entailed.⁸⁴ In essence, the Federal Assembly has become a bureaucratic mechanism for

enacting policy that is decided upon by Putin and his close circle of policymakers.

Judicial Control

The last element crucial to Putin's power grab is the Russian judiciary, which ostensibly exists to uphold the rule of law in Russian society. In reality — as is the case with the Federal Assembly — Putin uses the judiciary as a legitimization device to further his political objectives and policies. The two ruling bodies of the Russian judicial system are the Constitutional Court of the Russian Federation and the Supreme Court of the Russian Federation. The former rules on all matters concerning the Russian constitution, and the latter resolves civil, commercial, criminal, and administrative cases.⁸⁵ The Constitutional Court's primary purpose is to guarantee the rights and freedoms of Russian citizens as outlined in the 1993 constitution. Yet, Putin consistently uses the Constitutional Court to

degrade the rights and freedoms of the citizens it was created to protect.

Judges on the Constitutional Court are nominated by Putin and rubber-stamped by the Federal Assembly. The Court is helmed by a chairman and a deputy chairman; the current chairman, Valery Zorkin, has held the role since being nominated by Putin in 2003, and largely agrees with Putin's agenda for a strong Russian state.⁸⁶ The legal system as a whole is clearly subservient to the Putin regime, arbitrarily selecting and ruling upon cases with political motivations. Early examples of this include the criminal cases against various oligarchs such as Berezovsky and Gusinsky, the conviction and imprisonment of Khodorkovsky, and the vague charges levied against a slew of regional governors.

Since 2012, Putin's control over the judiciary has only grown stronger. The Bolotnaya Square protests in response to Putin's candidacy resulted in criminal

convictions for peacefully demonstrating citizens. The convictions of Nadiya Savchenko and Oleg Sentsov served to make Putin's case that Ukrainian nationalists in Donbas were responsible for the conflict, paving the way for his invasion.⁸⁷ Putin frequently uses the power of his office to offer

pardons for prisoners, as in the case of Khodorkovsky. As Maria Popova explains, "The pardons reiterate to the Russian public that, though granted mercy, the prisoners deserved to be prosecuted and convicted. It also emphasizes the power of the political sovereign over the legal process and, as a bonus, shows him as magnanimous."⁸⁸

The judiciary's conviction of Navalny to a nine-year prison sentence represents yet another

example of the decay of judicial autonomy that has been so instrumental to the past decade's autocratic slide. As will be discussed, Putin's control over the judiciary has only grown stronger over time, with the 2020 constitutional amendments representing the latest blow to judicial autonomy and further degrading the rule of law in Russia.

“Since 2012, Putin’s control over the judiciary has only grown stronger. The Bolotnaya Square protests in response to Putin’s candidacy resulted in criminal convictions for peacefully demonstrating citizens.”



Putin and his chosen elites control all political and economic elements of Russian society. His level of control over social institutions is much the same, and is used to influence the one element of society that Putin had not previously been able to completely control: the public. However, this has changed dramatically over the past decade, with Putin’s waning legitimacy and an increasingly strident opposition movement precipitating increasingly repressive tactics, including harassment, assault, imprisonment, torture, and murder on an unprecedented scale. Putin’s dominance over civil institutions such as the Orthodox Church, academia, media, and the internet have facilitated his ability to remain popular with the Russian people and prevent societal revolt or elite dissent.

The Russian Orthodox Church

While Russia contains a mix of religions, including Islam and Judaism, the Russian Orthodox Church (ROC) is pre-eminent. Due to the Soviet Union’s atheist doctrine, the ROC played a less substantial role in politics under communist rule. This dramatically shifted upon the ROC’s official adoption as a state religion in the aftermath of the USSR’s disintegration, and Putin’s clear objective of rebuilding the Church’s power—this time, in his power vertical. More than 70 percent of Russians now identify as Orthodox.⁸⁹ While many do not formally practice, they still trust in the authority

“Putin’s dominance over civil institutions such as the Orthodox Church, academia, media, and the internet have facilitated his ability to remain popular with the Russian people and prevent societal revolt or elite dissent.”

of the institution itself.⁹⁰ Due to this dynamic, the ROC’s influence is substantial. Since his ascendance in 2009, ROC Patriarch Kirill has been a close confidante of Putin, and Putin has rewarded Kirill and the Church handsomely with substantial funding.⁹¹ In return, Putin uses the ROC as a disseminator and legitimizer of his conservative and nationalist ideology, and an influencer of popular support during periods of unrest.

The Orthodoxy has once more become an important marker of Russia’s national identity, adhering to the “the old tsarist formula of ‘Autocracy, Orthodoxy, Nationhood,’ which is being reestablished by the Kremlin with a very 21st century sensibility.”⁹² This new brand of Russian nationalism is what leads Steven Fish to describe Putin’s

regime as a “conservative populist autocracy,” which promulgates “traditional” values.⁹³ Putin has always rejected western liberal values such as gender equality, LGBTQ expression, and basic human rights. For example, he championed a law against homosexual propaganda in 2013, and decriminalized domestic violence in 2017—men are allowed “one free blow” before their attacks are considered a criminal violation.⁹⁴ According to official Russian statistics, 8,500 women died in 2017 alone as a result of domestic violence, representing a staggering 10 percent of global cases.⁹⁵ Putin has also penalized divorce, and is a staunch supporter of the “traditional” family, suggesting that families

with three children should be the norm in Russia.⁹⁶ Further, he is often dismissive of the idea that basic human rights are universal—as is the ROC.⁹⁷

Like his tsarist predecessors, Putin promotes a strong and moral Russian state, to which individuals should be subservient above all else, as a legitimizer of domestic repression and foreign intervention. The ROC has played a vital role in this. In response to escalating levels of public dissatisfaction in the run-up to the 2012 presidential election, Kirill advised his flock to vote for Putin, calling his rule “a miracle from God.”⁹⁸ Archpriest Dmitri Smirnov warned Orthodox believers who were fomenting dissent to remember that “The first revolutionary was Satan.”⁹⁹ To justify his 2014 annexation of Crimea, Putin declared, “Everything in Crimea speaks of our shared history and pride. This is the location of ancient Khersones, where Prince Vladimir was baptized. His spiritual feat of adopting Orthodoxy predetermined the overall basis of the culture, civilization, and human values that unite the peoples of Russia, Ukraine, and Belarus.”¹⁰⁰

Putin presents himself as a defender of the Orthodoxy and of traditional conservative values not because he is religious or necessarily cares about such values himself, but because he is intentionally trying to create a dichotomy with the West, stoke nationalism, and legitimize revocations of individual liberties. His motivation was initially based upon countering and degrading liberal opposition within Russia during the years in which he had a more tenuous grasp on power, though that opposition has since been eradicated. Now, it is based on the threat he faces from the West, especially regarding the ability for western information to reach and influence the Russian people against him.¹⁰¹ He has consistently appealed to Russian values and morality sponsored by the ROC as a basis for tightening control over the internet. The free flow of information is dangerous to Putin, so he frames such

repression in terms of sacrificing freedom for the sake of public tranquility and morality.¹⁰² Moreover, he increasingly uses this constructed narrative strategically, to justify continued repression and extraterritorial incursions.

Academia

Putin’s relationship with the Russian academic community is complex. The intelligentsia is a primary source of innovation in science and technology, and therefore economic growth and societal advancement. Yet, as previously mentioned, Putin actively restricts certain types of progress in the interest of maintaining control. Furthermore, the academic community has often been the source of strong anti-Putin opposition. Many liberal-minded academics have left Russia for self-imposed exile, propelling Russia’s overall brain drain of skilled, intelligent workers since Putin’s ascension.¹⁰³ On the other hand, the academics who have chosen to stay have fallen increasingly under Putin’s thumb.

“Putin has myriad mechanisms by which he coerces control over university leadership and teachers, censors research findings and accessibility, and restricts free speech.”

Putin has myriad mechanisms by which he coerces control over university leadership and teachers, censors research findings and accessibility, and restricts free speech. The Putin-controlled Russian Ministry of Education and Science works with Putin-appointed regional governors to select each university’s rector. Rectors are rewarded with lavish benefits and high salaries, as long as they obey the Kremlin.¹⁰⁴ Non-compliance often results in arrest.¹⁰⁵ This ideological cohesion with Putin is clearly evident from a recent statement by the Russian Union of Rectors on the war with Ukraine, in which hundreds of these university leaders expressed unconditional support for Putin’s stance.¹⁰⁶ As for research censorship, Putin is able to disincentivize academics from accepting international funding through his 2012 foreign agent law.¹⁰⁷ As the only other way of receiving funding is through public

procurement and grants, this increases universities' duplicity with the Putin regime.¹⁰⁸

Lower levels of education are equally under Putin's sway. He has turned teachers into Kremlin agents by restricting federal funds to schools that do not fall in line with his policies, and uses regional authorities to threaten teachers with dismissal if they challenge Putin's policies. These teachers then not only preach Putin's version of the truth to their students, but are also utilized to rig elections. Putin takes advantage of teachers' generally trustworthy status in society, and their access to the polling destinations that are typically located in schools. Teachers agitate for Putin's regime throughout their communities, and have even directly falsified vote counts.¹⁰⁹

Restrictions upon free speech are Putin's predominant method of controlling academia. Russian researcher Anna Rara-Avis recently lamented, "A serious lack of freedom of speech hampers the work of Russian researchers and university staff. Grippled by a permanent fear, they are rapidly turning from an elite into a precariat — a political disorganized social class that is completely dependent on the will of their employers."¹¹⁰ This "syndrome of public silence" afflicts administration meetings, academic councils, social media posts, and even survey responses. This fear of expressing one's opinion is not restricted to academia, as a 2016 public opinion survey conducted by the Levada Center illustrates. More than 26 percent of respondents said they feared expressing their opinion on current events. However, that number is likely substantially higher in reality; 56 percent of respondents said that fearing negative consequences for themselves was the primary reason for their reluctance in expressing their views in anonymous polls.¹¹¹ In recent years, Putin has only

restricted academia further by banning universities outright and resorting to indoctrinating students.

The Media

According to the Russian Constitution, "The freedom of mass media shall be guaranteed. Censorship shall be prohibited."¹¹² Despite this, Putin has long been keenly aware of media's value

and its threat potential when allowed to operate freely. He has stated, "Contrary to a common perception, mass media is an instrument, rather than an institution."¹¹³ Exerting influence upon or outright controlling Russia's vast media network has therefore been a top priority since his first day in office. Yeltsin's general sanctioning of press freedom during the 1990s had allowed Russian media a degree of autonomy. In fact, when Putin came to power in 2000, Freedom House's *Freedom in the Press* scored Russian press freedom at a 60 — on a scale of 1 (total freedom) to 100 (no freedom)—corresponding to a

"partially free" designation.¹¹⁴

Putin could not allow such a threat to exist during his power consolidation. He could not risk public dissatisfaction, especially when elections still had a modicum of fairness and legitimacy. As a result, Russia's major television networks and the anti-Putin oligarchs who led them became one of his first targets. At the time of Yeltsin's resignation, there were three national networks. One, RTR, was firmly under state control. The other two — ORT and NTV — were led by the aforementioned Boris Berezovsky and Vladimir Gusinsky, respectively. Berezovsky was forced to flee to the United Kingdom after Putin threatened to level major criminal charges against him. Putin subsequently handed ORT to oligarch Roman Abramovich, and the company became an

“A serious lack of freedom of speech hampers the work of Russian researchers and university staff. Grippled by a permanent fear, they are rapidly turning from an elite into a precariat — a political disorganized social class that is completely dependent on the will of their employers.”

**- Anna Rara-Avis
Russian Researcher**

instrument of the state. Gusinsky was arrested, and after being released, fled to Israel. Putin leveraged Gazprom's major ownership stake in NTV, replaced upper-level management, and gradually took a controlling interest.¹¹⁵ Gazprom, still led by some of Putin's closest associates, remains in firm control of NTV more than 20 years later. Other less prominent, independently owned media outlets took notice of how easily their stronger peers had been overtaken by the state, in a parallel display of how Russian oligarchs fell into line after Khodorkovsky's arrest.¹¹⁶

Historically, Putin's strategy has been to directly control the most widely consumed media companies—such as national television—while allowing print media and radio outlets to operate somewhat independently, thereby granting a perception of legitimacy. By 2012, the state owned all six national television networks, two national radio stations, two of the 14 national newspapers, more than 60 percent of local newspapers, and two national news agencies.¹¹⁷ Occasionally, members of the independent media are allowed to express countering viewpoints, though the degree to which this is tolerated is murky by design. The Putin regime has attacked truth-seeking journalists with lawsuits, fines, jail time, or more indirect pressures; for example, *Newsweek* editor Mikhail Fishman “was outed as an oversexed, drug-using degenerate, when a heavily edited video of him with a scantily clad woman named Moomoo and a white powder, allegedly cocaine, popped up on YouTube.”¹¹⁸ Members of the Russian press are only allowed access to top policymakers and important information if they report the Kremlin's chosen narratives, creating an extraordinary environment of self-censorship.¹¹⁹

Putin has also often resorted to more direct physical coercion, such as torture, and assassination. For example, Putin sent the FSB to capture a prominent

opposition leader in the 2011-2012 protests; the FSB tortured him, forced him to write a confession, and then imprisoned him in Siberia.¹²⁰ In just 20 years, 341 reporters have been killed in Russia, to which Putin—who more than likely sanctioned the murders—turns a blind eye.¹²¹ The resulting media culture has been one in which only the most audacious offer criticism of the Kremlin, and do so at the risk of their livelihoods and their lives.

“Putin’s media strategy also needed to incorporate the internet and social media, with these rising to become an important information medium alongside television, radio, and print.”

With his control over the media firmly established, Putin is able to rally public support during important elections, referendums, and policy initiatives. Most importantly, he is able to use the media as a tool of repression during periods of popular unrest. With elections clearly holding little legitimacy in Russia, Putin only needs to fear widespread unrest

and revolt, which is why he has always focused heavily upon public opinion. One prominent and relevant example of this is the 2014 annexation of the Crimean Peninsula from Ukraine. Putin orchestrated a complex and strategic campaign centered to rally nationalistic support for the invasion, both within Russia and Crimea. Putin, ruling elites, and the media synchronously used propaganda, misinformation, disinformation, and framing techniques to push the narrative that Crimea belonged to Russia, the neo-Nazi threat, and the threat posed by further NATO expansion. Journalists were used to deliberately manipulate video and photo evidence in support of the narrative, with media outlets refusing to follow the narrative being shut down and replaced by Kremlin-friendly broadcasts.¹²²

Putin's media strategy also needed to incorporate the internet and social media, with these rising to become an important information medium alongside television, radio, and print. The Putin regime organized troll farms to constantly advocate

for the overarching narrative. Trolls covered popular forums, social media websites, blogs, and other internet resources to create support for Russia's invasion of Ukraine, specifically within Crimea, Donetsk, and Luhansk.¹²³ Cyber specialists organized Distributed Denial of Service attacks against both Ukraine and any independent websites within Russia that stepped out of line.¹²⁴ These strategies worked in tandem with the traditional media's narrative to instill substantial popular support within Russia as well as Ukraine. Ninety-seven percent of Crimeans voted in a public

referendum to join Russia as a republic.¹²⁵ Similar levels of support were seen in referendums in Donetsk and Luhansk, which subsequently declared independence and became Russian vassal states.

Putin's efforts to control the internet were not only spawned by the Ukraine conflict, however. As the internet had been gradually overtaking traditional media as the primary outlet for information and communication within Russia, establishing complete dominance over the internet became Putin's primary focus during his third term at the tiller.

4 Digital Authoritarianism and Russia's Autocratic Slide (2012-2020)

Putin's levers over political and social institutions, especially the media, enhanced his popularity greatly. However, the increasing prevalence of the internet and the spread of social media platforms presented Putin with his first true popularity problem, especially when he chose to run for a third presidential term in spite of previous constitutional provisions. From that point forward, the paradigm shifted. Whereas Putin had previously relied upon more nuanced methods of influencing the public, his waning legitimacy necessitated complete control over the public's access to information.

2011-2012 Protests: The Tipping Point

Though perhaps more heavily authoritarian than others, Russia was a prime example of a "hybrid" regime during the first two terms of Putin's presidency, and Medvedev's subsequent administration. The late 20th and early 21st century had seen the rise of many such hybrid styles of rule, defined as a type of competitive authoritarianism that incorporates some democratic institutions such as free elections, multi-party systems, representative legislatures, independent judiciaries, and autonomous media in order to stave off any widespread popular dissent.¹²⁶

Yet, as internet use became more widespread and engendered substantially greater freedom of information and expression, these regimes developed a problem. Authoritarian leaders who engaged in various forms of institutional manipulation to serve their own purposes became vulnerable to their

activities being uncovered by domestic populations, threatening popular dissent and revolt. Jaclyn Kerr explains, "Fraudulent elections, illegal government actions, corruption, and inadequate protection of constitutional rights all appeared as potential flashpoints – possibly critical to regime survival but also the potential sources of mass protest around official hypocrisy."¹²⁷

The 2011-2012 winter protests centered within Moscow and St. Petersburg were the flashpoint in Russia that Kerr describes. A large number of young, urban, and educated voters representing Russia's intelligentsia became aware of widespread electoral fraud in the 2011 Duma elections. And, when Putin announced

that he would run for a third term in blatant violation of the Russian constitution, the powder keg of dissatisfaction erupted. As Fiona Hill and Clifford Gaddy describe: "Everything that happened in December 2011—the disappointing vote totals

“Everything that happened in December 2011—the disappointing vote totals for United Russia, the vote fraud, the leadership’s failure to take responsibility for the fraud (much less apologize for it), and then the public displays of discontent, including unprecedented disrespect for Putin himself—all served to tarnish Putin’s political brand in the run-up to the March 2012 presidential election.”

- Fiona Hill and Clifford Gaddy

for United Russia, the vote fraud, the leadership's failure to take responsibility for the fraud (much less apologize for it), and then the public displays of discontent, including unprecedented disrespect for Putin himself—all served to tarnish Putin's political brand in the run-up to the March 2012 presidential election.¹²⁸ Putin and his allies spent exorbitant sums and leveraged their control over the media to improve Putin's image and discredit the protesters, while asserting the protests were incited by the U.S. government. This “rally around the flag” mechanism of invoking nationalism in the face of so-called western aggression became a staple of Putin's strategy in the ensuing years, and a legitimator of future repressive techniques. Putin and his security services also engaged in more traditional forms of repression, singling out specific leaders of the movement to threaten, harass, assault, arrest, and detain on various charges. This included the notorious anti-corruption blogger Alexey Navalny, popular leftist opposition leaders Sergei Udaltsov and Leonid Razvovhayev, and rebellious media commentators such as Ksenia Sobchak.¹²⁹

By 2013, Putin had crushed the protests and won his third term, though his support was less than at any other point during his presidency. Putin quickly zeroed in upon the primary causal factor that led to this decline in popularity and associated uprising: information exchange via the internet and social media platforms. The Russian internet had not been regulated to any serious extent since its global rise in the previous decades.¹³⁰ During the protests, social media platforms and online blogs were used to capture and disseminate vote tampering, and as forms of community mobilization. Most concerning to Putin, however, was that individuals could freely exchange their ideas and voice their opinions about

“Putin’s approach to subverting the internet and eliminating freedom of expression heavily relies upon the integration of law and technology. This synthesis has created a uniquely Russian system of digital authoritarianism reliant upon telecommunications surveillance, repressive legislation, intimidation, and censorship.”

Putin and his regime, with little means by which to censor that freedom.¹³¹ From that point forward, digital repression and information censorship became the crux of his regime's stability. In many ways, it was the 2011-2012 protest movement that spurred Russia's autocratic slide, and eventually its descent into the totalitarianism afflicting Russian society today.

Putin's approach to subverting the internet and eliminating freedom of expression heavily relies upon the integration of law and technology. This synthesis has created a uniquely Russian system of digital authoritarianism reliant upon telecommunications surveillance, repressive legislation, intimidation, and censorship.¹³² Ultimately, this gives Putin's intelligence agencies such as the FSB the capability and the latitude to selectively enforce the law to whatever degree the Putin regime dictates. To mechanize this control, Putin leverages his institutions.¹³³ The primary actors include Putin's Presidential Administration,

the Ministry of Communications, the Ministry of Internal Affairs, the Security Council, the FSB and other law enforcement agencies, the legislative and judicial branches, and a variety of state controlled or state influenced businesses.¹³⁴ Civil institutions such as the ROC, academia, and the media work in more informal, subtle ways to instill support for Putin's regime while repressing freedom of expression, and engendering forms of self-censorship. These institutions work together in complex and overlapping ways to stifle all dissent to Putin's rule.

The Internet: Information Control

Broadly speaking, the Putin regime's approach to governing the Russian internet (Runet) is

based upon controlling three sectors: internet service providers (ISPs), content platforms and websites, and individual users.¹³⁵ Other than the Presidential Administration, from which all macro-level directives originate, the chief government institutions managing the day-to-day process of widespread internet control are the FSB and Roskomnadzor—Russia’s all-powerful media regulator that falls within the Ministry of Communications. Roskomnadzor is tasked with pressuring ISPs into compliance, as well as maintaining a blacklist of specific platforms, content, and websites.¹³⁶ Though there were initial difficulties in pressuring ISPs into compliance and controlling access to certain platforms—especially foreign-based social media platforms—many of these problems have been resolved or substantially mitigated through legal statutes or infrastructure upgrades.

The FSB is charged with targeting individual users, utilizing the SORM surveillance system that is built into Russia’s internet infrastructure. SORM is “the FSB’s ‘backdoor’ to the Russian internet.”¹³⁷ Essentially, SORM “black boxes” are attached to ISPs and domestic social media servers to gather user data, which are then copied to FSB servers. Once on FSB servers, agents employ various methods to decrypt it and gain access to user data, relying on arcane Soviet-era laws for legal authorization. Once data has been accessed, the FSB does not have to rely upon obtaining a court order to immediately begin surveillance on a target.¹³⁸

Since 2012, the Putin regime has developed a comprehensive set of laws that have been rubber stamped by the Federal Assembly, upheld by the judiciary, and enforced by the security apparatus and regulatory authorities. Some pieces of legislation establish or further develop the technological

apparatus, while others increase the scope of their repressive application. The following will be a chronological accounting of each major legislative initiative’s passage, with discussion of the technical and societal ramifications.

“Law on Foreign Agents” (2012): Though not particularly focused on internet governance, the foreign agent law is important to mention. Shortly after beginning his third term, Putin signed this law to minimize the impact of foreign non-governmental organizations or outside funding sources upon Russian society. It allows the government to designate any organization receiving funding from international sources as a foreign agent, which has had a chilling effect upon the development of civil society due to the increased hurdles to registration that NGOs must surpass. It also requires any registered organization

to submit to audits by the Ministry of Justice on a regular basis. If an organization fails to disclose its foreign agent status, or acts as a foreign agent without registering in the first place, it is subject to immense fines, and its leadership can be subject to criminal prosecution.¹³⁹ In 2019, this law was expanded to include any media outlet or blogger, which resulted in widespread repression against individual journalists. Moreover, 2020-2021 amendments expanded the law’s scope, including non-registered public associations and foreign journalists. Human rights advocates have been particularly targeted; Lev Ponomarev was forced to shut down the prominent advocacy group “For Human Rights” because he could not protect his nearly thousand employees from potential criminal liability and/or fines.¹⁴⁰

“Internet Blacklist Law” (2012): This law authorized the creation of a federal blacklist, maintained by Roskomnadzor and added to by a variety of overlapping federal agencies. The law

“Since 2012, the Putin regime has developed a comprehensive set of laws that have been rubber stamped by the Federal Assembly, upheld by the judiciary, and enforced by the security apparatus and regulatory authorities.”

has since been amended, allowing specific content blacklisting, and it remains one of the most widely used pieces of legislation for individual repression. It includes the creation of a register of websites that distribute content deemed illicit by the Russian Ministry of Communication. Any authorized state organ can block access to these sites without a court order. This law was selectively applied to many opposition sites; in 2014, prominent anti-Putin websites were added to the blacklist because they “contained incitements to illegal activities and participation in mass action conducted without respect for the established order.” Alexei Navalny’s blog was similarly added in 2014, during the Crimean annexation.¹⁴¹

“Lugovoi Law” (2013):

Drawing from the Blacklist law, the Lugovoi law permits immediate blocking of sites deemed to incite extremism or rioting without a court order. This was used repeatedly against individuals protesting the 2014 Crimean annexation, the Syrian intervention, and general criticism of the Orthodoxy.¹⁴²

“Anti-Piracy Law” (2013):

This is another content-blocking law blacklisting certain websites known to be intermediaries for pirated content. It established precedent for lawsuits to be initiated against any website that provides content deemed illegal.¹⁴³

“Law Protecting Citizens’ Religious Convictions and Sentiments” (2013):

This law punishes individuals with prison time and fines for encroaching upon a citizen’s religious beliefs, which both supported the Orthodox church and was used as justification for condemning protests related to the “Pussy Riot” affair.¹⁴⁴

“Undesirables Law” (2015): This law is similar to the “Foreign Agent” law in many ways, being used arbitrarily by the government to designate as “undesirable” any foreign or international organization deemed to be a threat to Russia’s security. The list of undesirables has included government critics, community groups and activists, humanitarian organizations, international donors, human rights lawyers, amongst many other elements of civil society.”

“Blogger’s Law” (2014): This law stemmed from the increased state focus upon protecting Russia from outside influence, specifically the United States. It establishes that all bloggers with a daily audience of more than 3,000 individuals must register on a national list and follow specific media regulations for their postings, and was used to target the popular blog managed by Navalny.¹⁴⁵

“User Data Storage Law”

(2014): This law requires all telecommunications companies, ISPs, and Internet platform companies to store collected data for extended periods of up to three years. This data must be stored on servers located in Russia, and allow for FSB access.¹⁴⁶ In 2016, Russian authorities blocked access to LinkedIn due to non-compliance with this legislation, which remains in effect.¹⁴⁷

“Anti-LGBT Propaganda Law”

(2014): This content-blocking law is designed to specifically target any content seen as propaganda for alternative sexual orientation directed at children. Sites of LGBT support groups were some of the first to be targeted and blocked, as were sites that

promoted awareness of the HIV/AIDS epidemic.¹⁴⁸

“Undesirables Law” (2015): This law is similar to the “Foreign Agent” law in many ways, being used arbitrarily by the government to designate as “undesirable” any foreign or international organization deemed to be a threat to Russia’s security. The list of undesirables has included government critics, community groups and activists, humanitarian organizations, international donors, human rights lawyers, amongst many other elements of civil society.¹⁴⁹

“Anti-Encryption Law” (2016): This law requires all encrypted services to provide the FSB with the encryption keys or other decoding methods for transmitted data. This has led to significant expansions in FSB power. In combination with a law requiring instant messenger services to register as “information distributors,” this law has been used to pressure popular messaging service Telegram to hand over its encrypted user data for the investigation and prevention of crimes and extremism, though Telegram refused to comply and was temporarily placed on Roskomnadzor’s blacklist.¹⁵⁰

“Yarovaya Laws” (2016): The Yarovaya—or Iarovaia—laws passed in 2016 are another of the major pieces of legislation used for repression. They are technically amendments to existing anti-terrorist legislation that allow prosecution and punishment for a wide array of activities linked to a nebulously defined concept of terrorist activity. They allow security services expanded surveillance powers and unrestricted access to public data, including all e-mail communication, phone calls, SMS content, and web traffic activity.¹⁵¹ These laws afford the FSB substantially greater surveillance powers.

“News-Aggregator Law” (2017): This law mandates all Russian-language news aggregators with more than one million daily visitors to be legally responsible for the truthfulness of each piece of aggregated content. This was used to pressure news aggregators to drop anti-Kremlin themed outlets such as foreign media or blogs. One substantial ramification of this law was aggregator Yandex News’ dropping *Meduza*, a prominent Latvian news site sponsoring content frequently oppositional to the Putin regime.¹⁵²

“The Kremlin largely succeeded in limiting freedom of expression via its targeted forms of censorship and increased surveillance capacity. It has created a culture in which the vagueness of legal definitions, and the arbitrariness of legal application makes users uncertain of what they can say or share without repercussions.”

The Kremlin largely succeeded in limiting freedom of expression via its targeted forms of censorship and increased surveillance capacity. It has created a culture in which the vagueness of legal definitions and the arbitrariness of legal application makes users uncertain of what they can say or share without repercussions. Penalties for non-compliance are myriad, and often severe. One journalist was given a hefty fine and charged with an administrative offense for sharing a picture of her childhood home under occupation by Nazi soldiers. Protestors and social media users have been sentenced to involuntary psychiatric treatment for simply posting a photo or a video deemed undesirable. Others—primarily bloggers—have been sentenced to lengthy prison terms and/or forced labor camps for “retweeting” or just “liking” information.¹⁵³

From 2012 to 2019, Russia’s internet freedom score plummeted from a 52/100 to 31/100, as measured by Freedom House.¹⁵⁴ Yet, Putin desired more control, especially because he still could not prevent western-based social media companies from infiltrating his society.

“Sovereign Internet Law” (2019)

Though Putin was successful in pressuring companies into compliance and censoring individual expression, he has had more difficulty in preventing the Russian people from receiving information from western-based social media companies. Because of this threat, Putin has taken measures to cut Russia off entirely from the global internet via a literal “on-off” switch. Putin signed legislation to establish a Russian “sovereign internet” in May 2019, allowing the Russian government—through Roskomnadzor—to take control of Runet in the event of external

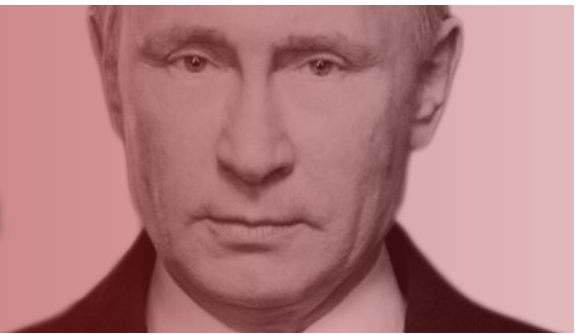
threats. Such threats could include network “integrity,” an attack or natural disaster affecting infrastructure, or a network security hack.¹⁵⁵

The law authorizes Roskomnadzor to build new filtering technology into existing ISPs so the FSB can gain unrestricted access to user data, thereby circumventing ISPs and giving the government unilateral control over content blocking. This “Deep Packet Inspection” technology allows Russia’s internet overseers to monitor any and all websites a user has visited, and the details of whatever messages are sent.¹⁵⁶ Arguably more important is the law’s authorization for Roskomnadzor to implement a National Domain Name System (NSDI) with domestic infrastructure to replace the existing global system.¹⁵⁷ Domain name systems are almost entirely operated from “root servers” that are run by groups

in the United States. Essentially, Putin sought to circumvent western-influence and exercise complete control by building his own root servers. The initiative would, if successful, “create an alternative reality for the majority of Russian internet users. Whoever controls this directory controls the internet.”¹⁵⁸

In the three years since development began, efforts to construct the sovereign internet have made immense progress, with free information becoming much more difficult to access especially after successful limitations upon virtual private network (VPN) use. The recent blocking of certain social media companies entirely—previously impossible—during the invasion of Ukraine may indicate that the project is largely complete, with Russian citizens only able to gain Kremlin-approved information from Kremlin-approved sources.

5 Coda: Totalitarianism (2020-Present)



Russia's transition towards totalitarianism was helped immensely by upgrades to its internet governance capacity. However, it was a series of constitutional amendments passed by the legislature in July of 2020 that could be seen as the tipping point. Putin's former economic advisor Andrey Illarionov remarked of the changes: "[They] mean the final transition of the current Russian regime...to the final formation of the so-called totalitarian state that previously existed only in George Orwell's '1984.' Now it is becoming an absolute reality."¹⁵⁹ The newly amended Article 83 gives Putin the power to terminate judicial appointments.¹⁶⁰ Added to the president's already established appointment powers, this eradicates any semblance of judicial autonomy. Article 107 gives only the president the power to request a constitutional review.¹⁶¹ This essentially makes overcoming a presidential veto impossible, should Putin ever lose control of the legislative agenda.¹⁶² Article 125 reduces the number of justices on the Constitutional Court from 19 to 11, and bars the individuals from introducing cases to the Court until "all other internal judicial remedies have been exhausted."¹⁶³ This will make it more difficult for individuals to argue on behalf of their rights.¹⁶⁴

“The most transformational changes have occurred outside of the judicial sphere, and concern vastly increased executive powers. Amendments give the president lifelong immunity from criminal prosecution, the right to dismiss the prime minister from his post, and most importantly, the option to remain in power until 2036.”

The most transformational changes have occurred outside of the judicial sphere, and concern vastly increased executive powers. Amendments give the president lifelong immunity from criminal prosecution, the right to dismiss the prime minister from his post, and most importantly, the option to remain in power until 2036.¹⁶⁵ Soon after, Putin erected a brand-new Cabinet, assigning Mikhail Mishustin as prime minister. Mishustin has been responsible for day-to-day operational control over vital repressive organs such as Roskomnadzor, as well as Rosobrnadzor—the federal agency in charge of supervising academia and the scientific community.¹⁶⁶

Although these changes strengthened Putin's institutional grip on power, it has been Putin's ensuing acceleration of repression against civil society—harnessing the power of his institutions—that are most illustrative of totalitarian tactics. As Russian scholar and former ambassador Michael McFaul recently lamented, “If Putin previously relied more on his popularity than on repression to maintain power, the balance has since reversed.”¹⁶⁷ Putin's campaign of terror against the 2021 Russian protests and his scaling degree of control throughout the COVID-19 pandemic have culminated with Putin's total societal subversion during the ongoing invasion of Ukraine.

Shortly after the passage of the constitutional reforms, Alexei Navalny was poisoned in August 2020 with the Novichok nerve agent—a chemical weapon developed by the Soviet Union and used heavily by Russian security services in other poisonings. The U.S. intelligence community subsequently determined with a high degree of confidence that FSB agents were directly responsible for the attack.¹⁶⁸ After his return from the German medical facility at which he recovered, government security services immediately arrested Navalny.

Initially spurred on by Navalny’s Anti-Corruption Foundation, tens of thousands of Russians in more than 100 cities organized to protest his release. Much like the 2012 protests, the movement relied upon social media sites such as Twitter, Tiktok, Google, Telegram, VKontakte, and Facebook to organize, communicate, and share information.

This time, the Putin regime was ready, throwing every weapon at its disposal at the protesters. To control information, Putin asked VKontakte—owned by his close ally Alisher Usmenov—to remove all posts related to the protest. Usmenov complied. Next, Roskomnadzor throttled web traffic to Twitter, causing immense slowdowns. Twitter was finally allowed to resume normal operations in May, but only after deleting 91 percent of a list of 5,900 tweets.¹⁶⁹ Facebook, Google, and other social media companies removed substantial amounts of content in the face of lawsuits and threats to block their platforms. Moreover, Russian authorities coerced Apple into installing government-controlled applications including search engines, maps, and payment systems, which are used to track movement and communication between all Russian citizens.¹⁷⁰

Putin also engaged in more traditional methods of totalitarianism, relying heavily upon the surveillance architecture and Roskomnadzor’s information-gathering tools. Streets were blocked off, with many

forums of public congregation being temporarily shuttered. Between January to February 2021, more than 11,000 Russians were detained in more than 125 cities. More than 150 journalists were imprisoned. Leading activists were threatened, fined, and imprisoned, and many prominent members of the intelligentsia were threatened with removal from their positions from state-controlled universities. Students were dismissed from schools for participation. The Anti-Corruption League was permanently shuttered. The security services

perpetrated hundreds of cases of violence, torture, and inhumane treatment of prisoners. Individuals were beaten with batons, kicked, punched, and targeted with stun guns. Detained prisoners were tortured into agreeing to fingerprinting and were denied telephone access. One detainee had a plastic bag wrapped over her head.¹⁷¹ The movement died as quickly as it began.

“Putin also engaged in more traditional methods of totalitarianism, relying heavily upon the surveillance architecture and Roskomnadzor’s information-gathering tools.”

This type of repression was emblematic of larger-scale tactics imposed during the entirety of the COVID-19 pandemic. The pandemic “gave the Russian government unprecedented capacity for monitoring the lives of its people. It also served as a stress test for the surveillance system in Moscow.”¹⁷² Throughout lockdown periods, the government monitored SIM cards and text messages, created digital passes, and implemented “Social Monitoring” applications on cell phones to track movement; violators were fined or imprisoned habitually. General restrictions on freedom of speech and the security services’ utilization of facial recognition technology and geolocation data became permanent facets of Russian society from that point forward.

Assaults upon academic freedom were scaled up as well. Bard College—an exchange program between Russian and American students that had been in place for 25 years—was terminated in 2021. The Ministry of Justice formally declared Bard an undesirable organization based on the

previous legislative statute.¹⁷³ A July 1 law signed by Putin restricts academic freedoms more generally. First, it states that all public activity classified as “educational” must be coordinated with the Russian government. Second, it stipulates that all agreements with foreigners must be approved by the Ministry of Education. Consequently, this created a chilling effect upon new research, collaboration, and scientific advancement.¹⁷⁴

This period also heralded more steps towards the creation of the sovereign Russian internet, especially after the successful attack on Twitter. In 2021, Roskomnadzor began demanding all ISPs switch their domain name to the new Russian DNS, replacing global internet domains. By the end of 2021, NDSI controlled 73 percent of overall internet traffic and 100 percent of mobile phone traffic. In June 2021, Roskomnadzor began blocking VPN services that allowed users to evade content restrictions, and moved to dismantle Tor—an encryption software allowing similar circumventions as well as keeping user searches private.¹⁷⁵ Russia has also introduced steep penalties for failure to delete content, influencing platforms to do the Kremlin’s bidding. According to Roskomnadzor director Andrei Lipov, “This motivates the platforms. We haven’t yet resorted to these fines, but we will.”¹⁷⁶

Further, the Russian government began applying the foreign agent law directly to the few independent media outlets and journalists left, with major organizations such as Meduza, Dozhd, iStories, Insider, and Radio Free Europe/Radio Liberty being forced to register or face criminal charges. Many have subsequently fled Russia, further decreasing the ability of Russian citizens to freely access information that is not government

propaganda.¹⁷⁷ By the end of 2021, any semblance of an independent press had been effectively dismantled. Western-based social media platforms represented one of the few remaining outlets for open information—though that information became increasingly blocked or censored, and subject to stiff fines.

According to indices put together by the Varieties of Democracy (V-Dem) project, each major indicator

“Freedom of expression and assembly are at lower points than when Mikhail Gorbachev took over in 1985 after the murderous tenures of Leonid Brezhnev, Yuri Andropov, and Konstantin Chernenko. Freedom from political killings and freedom from torture are each lower than 1953, when Joseph Stalin’s reign of terror ended.”

for civil liberties, individual freedoms, and democratic institutions ranks substantially lower as of the end of 2021 than they have at any point since the twilight of the Soviet era. Academic freedom, civil liberties, free and fair elections, electoral democracy, and many others metrics are at their lowest points since the fall of the Soviet Union in 1991. Freedom of expression and assembly are at lower points than when Mikhail Gorbachev took over in 1985 after the murderous tenures of Leonid Brezhnev, Yuri Andropov, and Konstantin Chernenko. Freedom from political killings and freedom

from torture are each lower than 1953, when Joseph Stalin’s reign of terror ended.¹⁷⁸ And, these rankings do not even account for the increased level of repression in the months since Putin’s second invasion of Ukraine.

Ukraine

Due to the ongoing nature of the crisis and the relative difficulty in accumulating accurate information, discussion of Putin’s domestic repression during the Ukraine war will be relatively brief—though vital to touch upon. As with previous moments of societal upheaval, Putin has relied upon his political and social institutions and his near-total dominance of Runet to keep order and control the narrative.

Analogous to Putin’s first foray into Ukraine and other periods of unrest, Putin has defended the invasion and stoked nationalistic furor through civil institutions, and punished dissent through political institutions. Patriarch Kirill has again been one of Putin’s staunchest advocates, characterizing the war as defending Ukrainian people against Nazism, NATO expansion, and Western values such as “gay parades.”¹⁷⁹ In a public statement made to the Federal Assembly, Kirill declared, “Our flock is in both Russia and Ukraine, and we are ardently praying for the restoration of peace, so that the Lord may overthrow the designs of the evil external power feeding hatred.”¹⁸⁰ He has also turned an eye internally, calling for public support so that Russia “can repel its enemies, both external and internal.”¹⁸¹

The Putin regime has also exerted control over academic institutions to indoctrinate Russian students. Though some teachers have defied their marching orders, this is often futile; for instance, many have been approached and threatened by the FSB into compliance. As a result, these indoctrination campaigns have been implemented on a wide scale. The Russian Education Ministry—ironically referred to as the Ministry of Enlightenment—has held special virtual sessions echoing the party line espoused by Putin and his collection of sycophants.¹⁸² The Ministry has given teachers detailed instructions for handling questions from students about the invasion. Students have been handed leaflets reading: “Everyone should answer the question: what do we want? To continue supporting the fascist regime in Ukraine, which is hazing its people with propaganda...or we finally install peace, putting an end to the ongoing war that has been happening for eight years, and saving our beloved country.” Students are forced to attend special classes intended to instill Russian patriotism and anti-Western ideas.¹⁸³

“The Russian Education Ministry—ironically referred to as the Ministry of Enlightenment—has held special virtual sessions echoing the party line espoused by Putin and his collection of sycophants.”

As for media, the last vestiges of press freedom and freedom of expression evaporated overnight. In public statements and via his various media mouthpieces, Putin has characterized the invasion as a “special operation” designed to “denazify” Ukraine and prevent genocide.¹⁸⁴ Anyone who disagrees is punished. The Federal Assembly passed a law outlawing reporting on the armed forces, the nature of the war, and calls for the war to end, punishable by up to 15 years in prison and fines of up to five million rubles.¹⁸⁵ Substantial numbers of foreign correspondents and media organizations either suspended operations or fled the country, with the remainder forced to operate under the new legal constraints or suffer the consequences.¹⁸⁶ Consequently, BBC, ABC, CBS, and CNN immediately ceased broadcasts, and *The New York Times* pulled its reporters out of the country; *Times* editor Cliff Levy lamented, “Even in the depths of the Cold War, under the Soviet dictatorship, this never happened.”¹⁸⁷ Russia’s last truly independent newspaper of significant readership—*Novaya Gazeta*—chose to suspend operations rather than suffer retaliation.¹⁸⁸ Those who bravely try to cover the war accurately are immediately imprisoned.¹⁸⁹

Putin has complemented his elimination of the last vestiges of traditional media with the full implementation of the Russian sovereign internet, which now resembles a “digital iron curtain.”¹⁹⁰ Roskomnadzor immediately blocked the last of the freely operating Russian-language online outlets, including Dozhd, Radio Free Europe, and Echo of Moscow.¹⁹¹ Others, such as Meduza and the *Moscow Times*, have fled Russia, attempting to report from the safety of neighboring countries.¹⁹² Some newspapers—such as in the case of *Pskovskaya Gubernia*—have been subjected to special police raids orchestrated by the National Guard, with journalists immediately arrested and equipment confiscated.¹⁹³ Overall, approximately 70 domestic

outlets were shut down as of early June 2022.¹⁹⁴ In tandem, Putin has leveraged a largely functional sovereign Runet to block western media companies. Roskomnadzor has blocked Facebook, Twitter, and Instagram. TikTok and Netflix have suspended operations in Russia. Apple, Samsung, Microsoft, Oracle, Cisco, and others have withdrawn from Russia, due to Putin’s restrictions and U.S. sanctions imposed in response to the Ukraine invasion.¹⁹⁵

While small cracks do exist, those who exploit them are too few to make a meaningful difference. Some have attempted to use VPNs to access blocked content, but Russian efforts to contain that threat are becoming increasingly successful.¹⁹⁶ And, for these few who manage to avoid complete indoctrination, Putin resorts to more forceful measures. Putin has stated, “The Russian people will always be able to distinguish true patriots from scum and traitors and spit them out like a gnat that accidentally flew into their mouths.”¹⁹⁷ More than 15,000 Russian protesters have been imprisoned since February 24, including 400 minors.¹⁹⁸

In early March, 5,000 people were detained—the highest single-day total since the fall of the Soviet Union. Simultaneously, millions of Russians have left the country, further reducing contrarian views. According to statistics published by the FSB and the Russian government, a staggering 3,880,679 Russian citizens fled the country in the first three months of 2022; the last time such numbers emigrated was during the Bolshevik Revolution.¹⁹⁹ Alexei Navalny, recently sentenced to a nine-year prison term for alleged fraud and contempt for the Russian court system,²⁰⁰ has been transferred to the maximum security Melekhovo prison. Melekhovo’s overseers are notorious for torturing and even raping prisoners; one former inmate recently recounted

that he “witnessed another convict being savagely beaten and sodomized with a pipe to extract a confession.”²⁰¹

The mass exodus of swathes of the anti-Putin population, the violent repression of dissent, and the total clampdown upon freedom of information have transformed Russia into a totalitarian state. Exiled oligarch Mikhail Khodorkovsky recently bemoaned: “Russia today has moved from an authoritarian regime to a totalitarian one.”²⁰² A May 2022 article

from *The Economist* details the degree to which the overwhelming majority of the remaining Russian population has been collectively mind-washed.²⁰³ Putin’s mouthpieces in television, radio, newspapers, and the internet preach the necessity of this war as a preemptive strike to throw off the yolk of American imperialism, the objective of which is ostensibly the destruction of the entire Russian state.

For example, Putin-controlled newspapers claim that Ukraine’s Azov Battalion was created and trained by British soldiers, who spawned

the Nazi ideology to which Azov has been linked. Russian social media is flooded with stories about how dearly the Ukrainian people wish to be reunited with their Russian brethren. Television anchors describe how the citizens of Mariupol meet Russian tanks with flowers; the average Russian citizen has little to no understanding that Mariupol has been reduced to ashes, with its citizens indiscriminately slaughtered. Similarly, Russians are told that the massacre in Bucha was instead perpetrated by Ukrainian soldiers, with Western intelligence agencies carefully placing bodies on the road to be conveniently discovered by journalists. For one evocative example, Kyiv restaurant owner Mikhail Katsurin called his father—who lives in a small

“The mass exodus of swathes of the anti-Putin population, the violent repression of dissent, and the total clampdown upon freedom of information have transformed Russia into a totalitarian state. Exiled oligarch Mikhail Khodorkovsky recently bemoaned: ‘Russia today has moved from an authoritarian regime to a totalitarian one.’”

Russian town—to inform him of the bombing campaign he had witnessed against Kyiv in the early stages of the war. Katsurin’s father responded, “No Misha, that’s all Ukrainian propaganda—in fact it’s a peaceful operation and Russian heroes are saving you from Nazism.”²⁰⁴

The result of this mass indoctrination has been

ideological cohesion around Putin’s agenda. As Nina Khrushcheva recently remarked, “In this atmosphere of total repression—now likened to the Stalin era—Russians who have not fled are falling in line. Some 80 percent of Russians now report that they support the ‘operation’ in Ukraine. That is not surprising. The faceless hangman reigns again in Russia.”²⁰⁵ He does, indeed.

6 Implications for the United States

Putin, with the help of a cadre of hand-picked elites, conducted one of the most rapid and substantial devolutions of democratic institutions and civil liberties in recent history—possibly since the rise of the Third Reich in Nazi Germany. He often did so by manufacturing emergencies or stoking the fires of existing ones, which legitimized expansions of government control ostensibly enacted to counter those so-called emergencies. Putin’s initial surge to power in the wake of the FSB-orchestrated 1999 apartment bombings, his subsequent territorial expansion and consolidation during his first two terms, his annexation of Crimea and occupation of Donetsk and Luhansk, his campaign to control the flow of information, his quashing of political and civil dissent, and his recent invasion of Ukraine have each been framed as necessary steps to protect the Russian people. The result of this endless trading of freedom for security has been the creation of a totalitarian state, with one man unilaterally dictating all Russian affairs.

In the United States, similar trades have been made with increasing frequency based upon appeals to various crises. The governing structures within the United States and Russia are very different. Russia effectively operates as a “legally-authorized dictatorship. The United States, on the other hand, operates as a constitutional republic constrained by the rule of law. Yet, proclamations of national

emergencies in the United States directly subvert this system, granting emergency powers that have thematically equivalent effects upon democratic institutions and civil liberties to their Russian counterparts. An “emergency” is, by definition, temporal. Yet, the United States has operated in what *USA Today* has called a “perpetual state of emergency” for decades.²⁰⁶

“Proclamations of national emergencies in the United States directly subvert this system, granting emergency powers that have thematically equivalent effects upon democratic institutions and civil liberties to their Russian counterparts.”

There are three major emergency frameworks a president may operate from when handling a national emergency: the Stafford Act, section 319 of the Public Health Service Act (PHSA), and the National Emergencies Act (NEA). The Stafford Act allows the president to declare an emergency when federal assistance is deemed necessary

to supplement state and local efforts to protect the public. The president may only invoke this authority when expressly asked by a state governor or the chief of an Indian tribe, though he may unilaterally declare an emergency when the emergency area is under federal authority. It is mainly used to empower the Federal Emergency Management Agency to provide financial and material support related to hurricanes, tornadoes, fires, and earthquakes. Some prominent examples of its use include the response to Hurricane Katrina, and the COVID-19 pandemic.²⁰⁷

The PHSA gives certain executive agencies additional powers in the event of a public health emergency that has been declared by the Secretary

of Health and Human Services (HHS). These powers are primarily centered around making grants, facilitating contracts, and allowing funding related to disease prevention and/or determining the cause of an outbreak. As with the Stafford Act, the PHS Act has been utilized heavily during COVID-19, with HHS waiving or modifying requirements for Medicare, Medicaid, and the Health Insurance Portability and Accountability Act.²⁰⁸

The third emergency framework, the NEA, is by far the most expansive in scope, record of misuse, and potential for further abuse. As such, the NEA is what the remainder of this paper will focus upon.

The NEA was enacted in 1976, intending to rein in presidential emergency powers by allowing for enhanced congressional oversight of emergency declarations and preventing those declarations from continuing in perpetuity. The bipartisan congressional impetus was galvanized by the discovery that the executive branch had been operating on an emergency footing for decades, with four national emergencies having never been declared over.²⁰⁹ Yet, there are 10 times that many emergencies in effect today. The NEA has both failed in its original purpose and worsened executive aggrandizement. Admittedly, the executive branch must possess a means by which it can react swiftly to unforeseen circumstances. Congress often cannot pass laws quickly enough in a time of crisis. Unfortunately, the executive branch has abused this privilege, and Congress—with the help of a deferential Supreme Court—has enabled it, despite the NEA being passed with the express purpose of curbing perpetual states of emergency.

The NEA specifically stipulates both houses of Congress shall meet to consider the termination of a

declared national emergency after six months have passed, and can pass a resolution to terminate an emergency at any time.²¹⁰ Yet, both the Senate and the House of Representatives have almost never exercised that power. There are multiple reasons for this. A joint resolution passed by Congress is subject to presidential veto. A two-thirds majority in both houses of Congress is needed to override that veto, which is nearly impossible to attain in today's hyper-partisan environment. In a clear illustration of how

“The NEA specifically stipulates both houses of Congress shall meet to consider the termination of a declared national emergency after six months have passed, and can pass a resolution to terminate an emergency at any time. Yet, both the Senate and the House of Representatives have almost never exercised that power.”

little authority Congress truly has during such a scenario, consider Congress' attempts to strike down President Trump's declaration of a national emergency at the southern border. Both houses of Congress, in a rare display of bipartisanship, passed two different resolutions to terminate the emergency in 2019.²¹¹ Yet, Trump simply vetoed the legislation both times, and Congress did not have the necessary votes for an override.²¹² The national emergency at the southern border remained in effect until President Biden rescinded it upon his first day in office.²¹³

One might think the Supreme Court could provide a meaningful check upon the executive branch, though the judiciary has consistently aided this expansion of executive authority.²¹⁴ This was clearly evident when the Supreme Court upheld Trump's aforementioned emergency declaration, which Trump used to appropriate congressional funding towards the construction of a wall across the southern border.²¹⁵ Further, it could be argued that the judiciary is also the primary reason Congress has not fulfilled its obligation to meet and discuss emergency terminations. Two judicial rulings have had lasting effects upon Congress' ability to check the executive branch during emergencies.

For instance, 1983's *INS v. Chadha*, which went

to the U.S. Supreme Court, held that the use of a legislative veto was unconstitutional.²¹⁶ This essentially meant that any bill passed to terminate an emergency had to be sent to the president for signature. The NEA was subsequently updated to account for this change in the legislative process.

As a result of this, as the Brennan Center for Justice’s Andrew Boyle and Tim Lau explain, “in order to terminate an emergency, Congress has to essentially not only pass a bill to terminate this emergency, but also send that bill to the president for signature. You can imagine that a president who has declared the emergency will most likely not sign that. They will veto that type of bill. And then you need a supermajority in Congress to override that veto.”²¹⁷

Moreover, 1987’s *Beacon Products Corp. v. Reagan* rendered the NEA even more ineffectual. The plaintiffs argued that, because Congress had not met to renew or terminate the emergency pursuant to Nicaragua, the emergency was not legally binding. The U.S. Court of Appeals for the Fifth Circuit—in a majority opinion written by Judge Stephen Breyer—upheld the emergency’s legality nonetheless.²¹⁸ Breyer wrote, “It seems far more likely that Congress meant the ‘shall meet to consider a vote’ language to give those who want to end the emergency the chance to force a vote on the issue, rather than to require those who do not want to end the emergency to force congressional action to prevent automatic termination.”²¹⁹ This made the NEA toothless, engendering an ongoing system in which emergencies have no sunset clause; presidents simply have to issue an annual notice of renewal to the Federal Register, and the emergency carries on.

Much like the legislative and judicial branches

in Russia, Congress and the courts in the United States have largely served as rubber-stamp entities during declared emergencies. The unwillingness and/or inability to provide a meaningful check upon the executive has led to the perpetuation and vast proliferation of state of emergency declarations. The

“Much like the legislative and judicial branches in Russia, Congress and the courts in the United States have largely served as rubber-stamp entities during declared emergencies. The unwillingness and/or inability to provide a meaningful check upon the executive has led to the perpetuation and vast proliferation of state of emergency declarations.”

Bush Jr., Obama, and Trump administrations each declared 12 national emergencies.²²⁰

In barely a year and a half, the Biden administration has already declared seven. Forty-two of the 76 national emergencies declared since the passage of the National Emergencies Act remain in effect, having been annually renewed by presidential actions.²²¹ The first national emergency declared under the NEA, “Blocking Iranian Government Property,” has been renewed by the president every year since its inception in 1979. The national emergency declared in the wake of the September 11 terrorist attacks has been successively renewed

each year, and remains in effect today despite the emergency having evaporated long since. In addition to the Iran-related emergency proclaimed by the Carter administration, five of the Clinton administration’s national emergencies remain in effect, as do 10 of Bush’s, nine of Obama’s, 10 of Trump’s, and all seven of Biden’s.²²²

The powers that have been and can be exercised cover almost every conceivable subject area, including the military, land use, public health, trade, federal pay schedules, agriculture, transportation, communication, property rights, and criminal law. NYU’s Brennan Center for Justice and the Congressional Research Service (CRS) have each compiled comprehensive examinations of emergency powers, which draw their legal authority from statutes contained in the United States Code.²²³

The below list draws from the research conducted by CRS and the Brennan Center to illustrate some of the more glaringly repressive powers and examples of their application, organized by subject matter within the U.S. Code.

Title 7: Agriculture

Power: Allows the President to acquire or use farmland for national defense purposes (Section 4208).

Application: Never invoked.

Power: Allows the President to prohibit or curtail any agricultural commodity exports (Section 5712).

Application: Never invoked.

Title 10: Armed Forces

Power: Allows the President to defer end-strength limitation for any component of the armed forces (Section 123a).

Application: Invoked multiple times in response to the September 11, 2001, terrorist attacks via Proclamation 7463, which has yet to be revoked.

Power: Allows the Secretary of Defense to carry out military construction with funds from NATO and other countries without congressional approval (Section 2350j).

Application: Never invoked.

Power: Allows the Secretary of Defense and the secretaries of other military departments authorized by the Secretary of Defense to undertake military construction projects (Section 2808).

Application: Invoked in response to Iraq's invasion of Kuwait and the U.S. military's involvement, as well as in the wake of 9/11. Most recently, this

was the primary provision invoked by the Trump administration to construct a wall across the southern border.

Power: Allows the Secretary of Defense to order any member or unit of the Ready Reserve to active duty without consent for up to 24 months (Section 12302).

Application: Similar to Section 123a, this power was invoked in response to 9/11. It was also recently invoked in response to the national emergency proclaimed in response to COVID-19.

Title 41: Public Contracts

Power: Authorizes executive agencies to use noncompetitive procurement procedures if necessary to award a contract to a particular source (Section 3304).

Application: Never invoked.

Title 42: The Public Health and Welfare

Power: Allows the Secretary of Health and Human Services to waive or modify requirements of Medicare, Medicaid, the State Children's Health Insurance Program, and the Health Insurance Portability and Accountability Act (HIPAA), and other provisions (Section 1320b-5).

Application: Used extensively in response to COVID-19, as well as during the 2009 H1N1 influenza pandemic.

Power: Permits the president to impose export restrictions on crude oil from the United States for a period of up to a year (Section 6212a).

Application: Never invoked, though it is important to note crude oil exports were restricted by a law passed prior to the NEA's passage, remaining in effect until 2015.

Title 43: Public Lands

Power: Allows the Department of Defense to use public lands for defense purposes (Section 155).

Application: Never invoked.

Title 46: Shipping

Power: Allows the Secretary of Transportation to requisition or purchase any vessel or watercraft owned by U.S. citizens, and to transfer control to any other department or agency of the government (Section 56301).

Application: Used extensively throughout World War II; though the NEA had not been codified, many of the powers granted to the executive are based upon pre-existing laws.

Power: Allows the Secretary of Transportation to adopt rules and regulations governing the anchorage and movement of all vessels, foreign and domestic, in U.S. waters. Also authorizes the president to take any steps deemed necessary to safeguard ports, harbors, ships, or other waterfront facilities (Section 70051).

Application: This power has been invoked on numerous occasions in response to the national emergencies related to Nicaragua, North Korea, and Cuba.

Title 47: Telecommunications

Power: Permits the President to suspect or amend the rules and regulations applicable to any or all stations or devices capable of emitting electromagnetic radiations, to close any radio stations or shut down transmission devices, and to take over stations entirely for use by the government (Section 606).

Application: Used during World War II, though not again since. Still, this power has been the subject of frequent attention by presidential administrations; the Bush Jr. and Obama administrations have each legally interpreted this section to give them authority over not just radio and television stations, but the entire internet.²²⁴

Title 49: Transportation

Power: Gives the Administrator of the Transportation Security Administration the authority to coordinate all domestic transportation (Section 114).

Application: Never invoked.

Power: Provides that the U.S. government is entitled to use, control, or possess any part of a public airport that is on surplus property donated by the government (Section 47152).

Application: Used during the Korean War to reclaim airports that had been previously given to state and local airports as part of a post-World War II surplus property conveyance program.

Title 50: War and National Defense

Power: Authorizes the president to suspend provisions of the law governing the production, transportation, location, testing, and disposal of lethal chemical and biological weapons (Section 1515).

Application: Never invoked.

Power: Provides the president the power to make direct federal loans under the Defense Production Act, with no spending cap (Section 4531).

Application: Never invoked.

Power: Authorizes the president to exercise the powers granted under the International Emergency Economic Powers Act (IEEPA) to deal with any threat to the national security, foreign policy, or economy of the United States. The IEEPA statutes confer broad authority to regulate financial and commercial transactions involving designated entities, including the power to sanction individuals, companies, and countries (Section 1701-1707).

Application: This statute is, by a wide margin, the most frequently cited during a national emergency declaration. The IEEPA has been invoked in nearly every national emergency declared since the NEA's passage, being the primary statutory authority invoked in 65 of the 71 emergency declarations made from 1979 through 2021.²²⁵ Every instance in which a foreign or domestic entity is placed under financial sanctions is legally authorized by the IEEPA and a specific national emergency that has cited it, with executive orders providing specific designations. It can be invoked against any entity that the executive branch specially designates to involve the interest of a foreign national or country, or against anyone deemed a threat to national security. For example, the U.S. government used this law to freeze the assets of the second-largest Islamic charity in the United States in the wake of September 11, which ceased to exist almost immediately. As Patrick Thronson explains, "The President thus has the authority to issue an Executive Order to block all the assets of a U.S. citizen or permanent resident—not to mention a person with a more tenuous immigration status—and prohibit donations of food or medicine to that person. No money may be paid from an account at a financial institution over which the United States has jurisdiction of the Executive Branch has 'designated' the account holder under the IEEPA... The IEEPA thus grants the Executive Branch power not merely over certain property or activities of designated people, but over the very survival of a human being within the jurisdiction of the United States."²²⁶

The aforementioned list of powers is only a small selection of the president's repertoire when

declaring an emergency. Presidents also possess a host of secret powers that remain invisible from public scrutiny, which can be used in the event of a national crisis. Presidential Emergency Action Documents (PEADs) are "executive orders, proclamations, and messages to Congress that are prepared in anticipation of a range of emergency scenarios, so that they are ready to sign and put into effect the moment one of those scenarios comes to pass."²²⁷ They are, essentially, the invisible counterparts to the executive powers granted to the president under the U.S. Code. Dozens of PEADs are likely currently held in abeyance, just waiting for presidential authorization. And, there is no requirement for disclosure to Congress, and no evidence they have been shared with congressional committees. No PEADs have ever been declassified or leaked. The only mention of PEADs, and the only insight the public has into their substance, comes in the form of de-classified secondary documents that discuss PEADs rather than the primary documents themselves.²²⁸

According to the Brennan Center, which has performed extensive research upon these sources, PEADs in the past have contained the ability for a president to:

- Authorize detention of alien enemies and dangerous persons within the United States
- Suspend the writ of habeas corpus
- Impose various forms of martial law
- Issue general warrants permitting search and seizure of persons and property
- Establish military areas such as those created during World War II
- Suspend production of the Federal Register
- Declare war
- Censor media and news reports

A recent analysis of documents discussing PEADs from the George W. Bush Presidential Library indicates that a president could legally interpret the authority to restrict the use of U.S. passports, suspend habeas corpus, and even implement a “kill switch” for the internet and other forms of communication.²²⁹ As of the end of the Bush administration, the federal government maintained a database of dangerous individuals called the “Main Core,” comprised of more than eight million names of potentially dangerous individuals. In the event of a national emergency, these people could be “subject to everything from heightened surveillance and tracking to direct questioning and even detention.”²³⁰

These powers could unquestionably grant the president the ability to establish totalitarian control over the United States. Though presidents have thus far neglected to plunge into this authoritarian playbook to the degree Putin has in Russia, it is highly concerning that the executive branch has the legal authority to do so in the first place.

This trend of using emergency declarations to legitimize executive power grabs shows no signs of stopping. In fact, it is escalating. Congressional leaders have recently exhorted the Biden administration to bypass Congress and use the power of his office to expand abortion and combat climate change. The latter would be particularly disastrous. Putting aside the fact that these elected representatives are abandoning their constitutional duty to provide a check upon executive power, and dealing a blow to America’s institutionalized democratic framework, such an emergency would have all-encompassing and drastic effects upon American society and freedom as a whole.

Drawing only from the powers selected in this paper—and not even including the secret powers contained within PEADs—Biden could hypothetically do the following upon declaration of a national climate emergency.

1. Seize farmland deemed detrimental to the climate and turn it into more climate-friendly federal land.

2. Prohibit exports of certain agricultural commodities in order to dampen the global demand for products deemed detrimental to the climate, thereby slashing prices and forcing farmers to produce only what the federal government decides.
3. Order the Defense Department to undertake military construction projects deemed by the government to be necessary for the security of the nation, upon any publicly-owned land (or, upon private land that would potentially be seized).
4. Authorize federal agencies to use non-competitive procurement, only executing contracts with green-energy friendly companies.
5. Make direct federal loans with no spending cap to climate-friendly companies.
6. Impose a ban upon crude oil exports.
7. Allow the Department of Transportation to requisition control of any and all fossil fuel-carrying ships and seize their assets.
8. Mandate the Department of Transportation to restrict automobile or truck use to reduce greenhouse gas emissions.
9. Shut down television and/or radio stations and censor free speech of anyone deemed adverse to the climate movement. Climate change skeptics could be accused of hindering the national defense and muzzled.
10. Assert total control over the internet, banning any adverse views to the nebulous “climate consensus” and blocking IP addresses of individuals deemed threatening to the climate movement. Biden has clearly demonstrated a desire to clamp down upon free speech via his promotion of the stalled Disinformation Governance Board; he would not flinch at this opportunity to do so in the name of national security.

11. Implement economic sanctions upon any company or individual deemed a threat, by invoking national security. This could happen in myriad ways. For instance, the Biden administration could place punishing economic sanctions upon any company trading in fossil fuels. For another, Biden could cut off an individual's access to lending, block all financial transactions, or simply seize one's entire financial portfolio for government use. Would this be far-fetched, considering that is precisely what the Biden administration has done to Russian oligarchs in response to the Ukraine invasion?

This is only a small handful of the powers the Biden administration could cite upon declaration of a climate emergency, all of which would be harmful to economic freedom, individual liberties, and American democratic institutions. Moreover, it would set an alarming precedent for future presidents to use national emergencies to push their agendas, which has already been happening with increasing frequency, as in the case of Trump's border wall. Though avoiding an emergency declaration related to climate change is paramount, the greater issue is that any president has the power to, at any time he or she chooses, enact a host of authoritarian policies with no checks and balances

“Democracy cannot hinge upon the will of one individual and a subservient bureaucracy. Stronger guardrails must be implemented to more effectively constrain the potential decisions of a single person, lest America one day experience—even partially—what Russia has sadly endured.”

in place. Achieving a policy goal must not take precedence over the integrity of our democratic system. If the American people and their elected representatives are committed to a certain goal, this can be pursued through congressional legislation, coalition building, and rigorous political debate—the bedrock of American democracy. Resorting to executive action is a slippery slope, as has been seen in Russia and many other cases of democratic

backsliding throughout the world. Presidents should not have the power to unilaterally dictate what they perceive to be important. That is how dictatorship is spawned, and democracy dies.

Steps must be taken to review and amend presidential emergency powers, and the legislative and judicial branches must cease relinquishing their constitutional responsibility to provide a necessary check against the executive branch.

Though this would not entirely solve the problem of a power-hungry executive branch, it would be a strong step towards re-shackling the leviathan that the federal government has become. Democracy cannot hinge upon the will of one individual and a subservient bureaucracy. Stronger guardrails must be implemented to more effectively constrain the potential decisions of a single person, lest America one day experience—even partially—what Russia has sadly endured.

Endnotes

- 1 Marc Bennetts, "Soldier, Spy: More Details of Vladimir Putin's Past Revealed," *The Guardian*, January 8, 2019, <https://www.theguardian.com/world/2019/jan/08/soldier-spy-more-details-of-vladimir-putins-past-revealed>
- 2 Youtube, "Hear What Vladimir Putin Said in 1996 About Russia Turning to Totalitarianism," *CNN*, March 7, 2022, <https://www.youtube.com/watch?v=g0bvDsJMzGA>
- 3 National Emergencies Act, 1976, <https://www.congress.gov/bill/94th-congress/house-bill/3884>
- 4 Brennan Center for Justice, "Declared National Emergencies Under the National Emergencies Act," *New York University School of Law*, last updated May 12, 2022, <https://www.brennancenter.org/our-work/research-reports/declared-national-emergencies-under-national-emergencies-act>
- 5 *Ibid.*
- 6 Brennan Center for Justice, "A Guide to Emergency Powers and Their Use," *New York University School of Law*, revised September 14, 2019, <https://www.brennancenter.org/our-work/research-reports/guide-emergency-powers-and-their-use>
- 7 Brennan Center for Justice, "A Guide to Emergency Powers and Their Use."
- 8 Brennan Center for Justice, "Declared National Emergencies Under the National Emergencies Act."
- 9 Elizabeth Goitien, "The Alarming Scope of the President's Emergency Powers," *The Atlantic*, January/February 2019 Issue, <https://www.theatlantic.com/magazine/archive/2019/01/presidential-emergency-powers/576418/>
- 10 *Ibid.*
- 11 Michael McFaul, *Russia's Unfinished Revolution: Political Change from Gorbachev to Putin*, Ithaca: Cornell University Press, 2001.
- 12 Varieties of Democracy, accessed May 18, 2022, https://v-dem.net/data_analysis/VariableGraph/
- 13 David Satter, "When Russian Democracy Died," The Hudson Institute, September 20, 2018, <https://www.hudson.org/research/14582-when-russian-democracy-died>
- 14 Mike Eckel, "Two Decades On, Smoldering Questions About The Russian President's Vault To Power," Radio Free Europe/Radio Liberty, August 7, 2019, <https://www.rferl.org/a/putin-russia-president-1999-chechnya-apartment-bombings/30097551.html>
- 15 F. Joseph Dresen, "Foiled Attack or Failed Exercise? A Look at Ryazan 1999," Wilson Center, accessed June 15, 2022, <https://www.wilsoncenter.org/publication/foiled-attack-or-failed-exercise-look-ryazan-1999>
- 16 David Hoffman, *The Oligarchs: Wealth and Power in the New Russia*, New York: Public Affairs, 2002.
- 17 Steven Fish, "What Has Russia Become?" *Comparative Politics*, Vol. 50, No. 3, April 2018, pp. 327-346.
- 18 Fiona Hill and Clifford G. Gaddy. *Mr. Putin: Operative in the Kremlin*. Washington, D.C: Brookings Institution Press, 2013.
- 19 Vladimir Gel'man, *Authoritarian Russia: Analyzing Post-Soviet Regime Changes*, Pittsburgh, Pa: University of Pittsburgh Press, 2015.
- 20 Emma Ashford, "Petrostates in a Changing World," Cato Institute, October 7, 2015, <https://www.cato.org/commentary/petrostates-changing-world>
- 21 Samuel Huntington, *The Third Wave: Democratization in the Late Twentieth Century*. Norman: University of Oklahoma Press, 2021; Hussein Mahday, "The Patterns and Problems of Economic Development in Rentier States: The Case of Iran," in *Studies in the Economic History of the Middle East*, ed. M. A. Cook, London: Oxford University Press, 1970.
- 22 Joseph Wright, Erica Frantz and Barbara Geddes, "Oil and Autocratic Regime Survival," *British Journal of Political*

Science, Vol. 45, No. 2, 2013, pp. 287-306.

- 23 United States Energy Information Administration, "Country Analysis Executive Summary: Russia," December 13, 2021, https://www.eia.gov/international/content/analysis/countries_long/Russia/russia.pdf
- 24 RBC Group, "55 Trillion in Reserve: How the Authorities Accessed all the Natural Resources of Russia," 2019, https://www.rbc.ru/economics/14/03/2019/5c8931029a7947b028b8886c?from=from_main
- 25 Observatory of Economic Complexity (OEC), accessed May 31, 2022, [https://oec.world/en/profile/country/rus#:~:text=Exports%20The%20top%20exports%20of,and%20Italy%20\(%2416.7B\)](https://oec.world/en/profile/country/rus#:~:text=Exports%20The%20top%20exports%20of,and%20Italy%20(%2416.7B))
- 26 Tatyana Stanovaya, "Unconsolidated: The Five Russian Elites Shaping Putin's Transition," Carnegie Center Moscow, November 2, 2020, <https://carnegiemoscow.org/commentary/81037>
- 27 Hill and Gaddy, *Mr. Putin: Operative in the Kremlin*.
- 28 Ol'ga Kryshantovskaya and Stephen White, "The Sovietization of Russian Politics," *Post-Soviet Affairs*, Vol. 25, No. 4, 2009, pp. 283–309.
- 29 Marshall I. Goldman, "Putin and the Oligarchs," *Foreign Affairs*, Vol. 83, No. 6, 2004, pp. 33-44
- 30 Forbes, "Gazprom," accessed May 14, 2022, <https://www.forbes.com/companies/gazprom/?sh=1567b9d37ec8>
- 31 Hill and Gaddy, *Mr. Putin: Operative in the Kremlin*.
- 32 Gel'man, *Authoritarian Russia: Analyzing Post-Soviet Regime Changes*.
- 33 Michael McFaul, "Choosing Autocracy," *Comparative Politics*, Vol. 50, No. 3, April 2018, pp. 305-325.
- 34 Gel'man, *Authoritarian Russia: Analyzing Post-Soviet Regime Changes*, p. 93.
- 35 Kryshantovskaya and White, "The Sovietization of Russian Politics."
- 36 Peterson Institute for International Economics, "Russia's Economy under Putin: From Crony Capitalism to State Capitalism," *Policy Brief*, September 2015, <https://www.piie.com/publications/pb/pb15-18.pdf>
- 37 Fish, "What Has Russia Become?"
- 38 Sergey Sukhankin, "Russia's Energy Strategy 2035: Breakthrough or Another Impasse?" *Eurasia Daily Monitor*, Vol. 17, No. 78, June 2020, <https://jamestown.org/program/russias-energy-strategy-2035-a-breakthrough-or-another-impasse/>
- 39 Fish, "What Has Russia Become?" p. 336.
- 40 Andrei Soldatov and Michael Rochlitz, "The Siloviki in Russian Politics," in *The New Autocracy: Information, Politics, and Policy in Putin's Russia*, 2018, pp. 83-108.
- 41 Daniel Treisman, "Putin's Silovarchs," *Orbis*, Vol. 51, No. 1, 2007, pp. 141-153.
- 42 Steven Lee Myers, *The New Tsar: The Rise and Reign of Vladimir Putin*, New York: Vintage, 2016.
- 43 At first, presidential terms were four years, though constitutional changes expanded this to six years.
- 44 Russian Duma, "The State Duma," accessed May 11, 2022, <http://duma.gov.ru/en/news/28748/>
- 45 *Ibid.*
- 46 World Atlas, "List of Prime Ministers of Russia," accessed May 5, 2022, <https://www.worldatlas.com/articles/prime-ministers-of-russia-since-the-fall-of-the-soviet-union.html>
- 47 Andrew Monaghan, "The Vertikal: Power and Authority in Russia," *International Affairs*, Vol. 88, No. 1, 2012 pp. 1–16.
- 48 William Partlett, "The Constitutionality of Vladimir Putin's Third Term," Brookings, March 9, 2012, <https://www.brookings.edu/opinions/the-constitutionality-of-vladimir-putins-third-term/>
- 49 Andrei Kolesnikov, "Planning for a (Not-So) Post-Putin Russia," *Russian Analytical Digest*, No. 246, February 2020.
- 50 Vladimir Gel'man, "The New Russian Government and Old Russian Problems," *Russian Analytical Digest*, No. 246,

February 2020.

- 51 Central Bank of the Russian Federation, accessed April 30, 2022, <https://cbr.ru/eng/>
- 52 Thomas Barrabi, "Putin Blocked Russia's Central Bank Chief from Quitting Over Ukraine War," March 23, 2022, <https://nypost.com/2022/03/23/putin-blocked-russias-central-bank-chief-from-quitting-over-ukraine-war/>
- 53 Soldatov and Rochlitz, "The Siloviki in Russian Politics."
- 54 Mark Galeotti, "Putin's Hydra: Inside Russia's Intelligence Agencies," *Policy Brief*, European Council on Foreign Relations, May 2016, https://ecfr.eu/publication/putins_hydra_inside_russias_intelligence_services/
- 55 Tatiana Stanovaya, "The Putin Regime Cracks," Carnegie Moscow Center, May 2020, https://carnegieendowment.org/files/Stanovaya_Putin_Elite-Final.pdf
- 56 Galeotti, "Putin's Hydra: Inside Russia's Intelligence Agencies."
- 57 *Ibid.*
- 58 BBC, "Russian MP's Death Sparks Storm, April 18, 2003, <http://news.bbc.co.uk/2/hi/europe/2958997.stm>
- 59 Government of the United Kingdom, "The Litvinenko Inquiry," January 21, 2016, <https://webarchive.nationalarchives.gov.uk/ukgwa/20160613090305/https://www.litvinenkoinquiry.org/>
- 60 The Atlantic Council, "Lubyanka Federation: How the FSB Determines the Politics and Economics of Russia," October 2020, <https://www.atlanticcouncil.org/in-depth-research-reports/report/lubyanka-federation/>
- 61 *Ibid.*
- 62 Galeotti, "Putin's Hydra: Inside Russia's Intelligence Agencies."
- 63 Jeremy Wilson, "Here's a List of Putin Critics Who've Ended Up Dead," *Business Insider*, March 11, 2016, <https://www.businessinsider.com/list-of-people-putin-is-suspected-of-assassinating-2016-3>; David Filipov, "Here Are 10 Critics of Vladimir Putin Who Died Violently or in Suspicious Ways," *The Washington Post*, March 23, 2017, <https://www.washingtonpost.com/news/worldviews/wp/2017/03/23/here-are-ten-critics-of-vladimir-putin-who-died-violently-or-in-suspicious-ways/>; Alex Hollings, "Putin's Poisons: A History of Russian Assassination Attempts," SOFREP, March 16, 2018, <https://sofrep.com/news/putins-poisons-a-history-of-russian-assassination-attempts/>
- 64 Luke Harding, "Russian FSB Hit Squad Poisoned Alexei Navalny, Report Says," December 14, 2020, <https://www.theguardian.com/world/2020/dec/14/russian-fsb-hit-squad-poisoned-alexei-navalny-report-says>
- 65 Constitution of the Russian Federation, Article 65, <http://www.constitution.ru/en/10003000-04.htm>
- 66 Hill and Gaddy, *Mr. Putin: Operative in the Kremlin*.
- 67 Fish, "What Has Russia Become?"
- 68 Gel'man, *Authoritarian Russia: Analyzing Post-Soviet Regime Changes*.
- 69 Kryshantovskaya and White, "The Sovietization of Russian Politics."
- 70 Fish, "What Has Russia Become?" p. 333.
- 71 Grigorii Golosov, "Russia's Regional Legislative Elections 2003-2007: Authoritarianism Incorporated," *Europe-Asia Studies*, Vol. 63, No. 3, pp. 397-414.
- 72 Kryshantovskaya and White, "The Sovietization of Russian Politics."
- 73 Though not the focus of this paper, Putin has also used his military and security services to reassert control over former Soviet states such as Belarus and Kazakhstan, and support Russian separatist activities within Georgia, Moldova, and Ukraine. See: Kurt Volker, "The (Russian) Empire Strikes Back," Center for European Policy Analysis (CEPA), January 10, 2022, <https://cepa.org/putin-is-determined-to-rebuild-the-russian-empire/>
- 74 Darrell Slider, "Putin's 'Southern Strategy': Dmitry Kozak and the Dilemmas of Recentralization," *Post-Soviet Affairs*, Vol. 24, No. 2, 2008, pp. 177-197.
- 75 Mariya Petkova, "What Role Is Chechnya's Ramzan Kadyrov Playing in Ukraine War?" *Al-Jazeera*, March 24, 2022, <https://www.aljazeera.com/news/2022/3/24/what-role-is-chechnyas-ramzan-kadyrov-playing-in-ukraine>

-
- 76 Emma Graham-Harrison and Vera Mironova, “Putin Promotes Chechen Leader with Ties to Murder of Kremlin Critic,” *The Guardian*, March 30, 2022, <https://www.theguardian.com/world/2022/mar/30/putin-promotes-chechen-leader-with-ties-to-of-kremlin-critic>
- 77 Constitution of the Russian Federation, Article 95, <http://www.constitution.ru/en/10003000-06.htm>
- 78 Fish, “What Has Russia Become?”
- 79 *Ibid.*
- 80 Thomas Remington, “Patronage and the Party of Power: President-Parliament Relations Under Vladimir Putin,” *Europe-Asia Studies*, Vol. 60, Issue 6, 2008, pp. 959-987.
- 81 Gel'man, *Authoritarian Russia: Analyzing Post-Soviet Regime Changes*.
- 82 Remington, “Patronage and the Party of Power: President-Parliament Relations Under Vladimir Putin.”
- 83 Kryshtanovskaya and White, “The Sovietization of Russian Politics.”
- 84 Gel'man, *Authoritarian Russia: Analyzing Post-Soviet Regime Changes*.
- 85 Constitution of the Russian Federation, Chapter 7, <http://www.constitution.ru/en/10003000-08.htm>
- 86 William Partlett, “Valery Zorkin’s State and Revolution,” Brookings, February 13, 2012, <http://www.constitution.ru/en/10003000-08.htm>
- 87 Maria Popova, “Putin-Style ‘Rule of Law’ & the Prospects for Change,” *Daedalus*, Vol. 146, No. 2, 2017, <https://www.amacad.org/publication/putin-style-rule-law-prospects-change>
- 88 *Ibid*, p. 70.
- 89 Pew Research Center, “Russians Return to Religion, But Not to Church,” February 10, 2014, <https://www.pewresearch.org/religion/2014/02/10/russians-return-to-religion-but-not-to-church/>
- 90 U.S. Department of State, *2020 Report on International Religious Freedom: Russia*, May 12, 2021, <https://www.state.gov/reports/2020-report-on-international-religious-freedom/russia/#:~:text=The%20U.S.%20government%20estimates%20the,reported%20having%20no%20religious%20faith.>
- 91 Svetlana Solodovnik, “Russia: The Official Church Chooses the State.” *Russian Social Science Review*, Vol. 55, No. 6, 2014, pp. 55–83.
- 92 Peter Pomerantsev, “Putin’s God Squad: The Orthodox Church and Russian Politics,” *Newsweek*, September 10, 2012. <https://www.newsweek.com/putins-god-squad-orthodox-church-and-russian-politics-64649>
- 93 Steven Fish, “What is Putinism?” *Journal of Democracy*, Vol. 28, No. 4, October 2017.
- 94 *Ibid.*
- 95 Olimpiada Usanova, “Kennan Cable No. 53: Russia’s ‘Traditional Values’ and Domestic Violence,” Wilson Center, accessed June 16, 2022, <https://www.wilsoncenter.org/publication/kennan-cable-no-53-russias-traditional-values-and-domestic-violence>
- 96 Alexis Mrachek and Shane McCrum, “How Putin Uses Russian Orthodoxy to Grow His Empire,” The Heritage Foundation, February 22, 2019. <https://www.heritage.org/europe/commentary/how-putin-uses-russian-orthodoxy-grow-his-empire>
- 97 Kristina Stoeckl, *The Russian Orthodox Church and Human Rights*, London: Routledge, 2014.
- 98 Tim Costello, “Vladimir Putin: A Miracle Defender of Christianity or the Most Evil Man?” *The Guardian*, March 5, 2022, <https://www.theguardian.com/commentisfree/2022/mar/06/vladimir-putin-a-miracle-defender-of-christianity-or-the-most-evil-man>
- 99 Peter Pomerantsev, “Patriarchy Riot,” *London Review of Books*, August 16, 2012, <https://www.lrb.co.uk/blog/2012/august/patriarchy-riot>
- 100 Address by President of the Russian Federation, March 18, 2014, <http://en.special.kremlin.ru/events/president/news/20603>

- 101** Anne Applebaum, "Putinism: The Ideology," London School of Economics and Political Science, Strategic Update 13.2, February 2013, <https://www.lse.ac.uk/ideas/Assets/Documents/updates/LSE-IDEAS-Putinism-The-Ideology.pdf>
- 102** Hannah Staehle, "Freedom of Expression and the Russian Orthodox Church," found in: Marielle Wijermars and Katja Lehtisaari, *Freedom of Expression in Russia's New Mediasphere*, London: Routledge, Taylor & Francis Group, 2020.
- 103** John Herbst and Sergei Erofeev, *The Putin Exodus: The New Russian Brain Drain*, Atlantic Council, 2019, <https://www.atlanticcouncil.org/wp-content/uploads/2019/09/The-Putin-Exodus.pdf>
- 104** Mikhail Sokolov, "Are Russian Academics Illiberal?" OpenDemocracy, March 15, 2022, <https://www.opendemocracy.net/en/odr/russian-academics-boycott-support/>
- 105** Daria Gerashchenko, "University Leader Appointment Procedure in Russia: Building a Vertical of Power in Higher Education," *Demokratizatsiya: The Journal of Post-Soviet Democratization*, 2022, <https://muse.jhu.edu/article/844273/pdf>
- 106** Brendan O'Malley, "Russian Union of Rectors Backs Putin's Action in Ukraine," University World News, March 6, 2022, <https://www.universityworldnews.com/post.php?story=20220306120204111>
- 107** Katarzyna Kaczmarek, "Russian 'Foreign Agent' Rules Are Chilling Academic Freedom," University World News, January 8, 2020, <https://www.timeshighereducation.com/opinion/russian-foreign-agent-rules-are-chilling-academic-freedom>
- 108** Anna Rara-Avis, "In Russia, There Is a Battle Going on, for the Future of Science," OpenDemocracy, December 15, 2021, <https://www.opendemocracy.net/en/odr/russia-academic-freedom-threat-precarity/>
- 109** Natalia Forrat, "Shock-Resistant Authoritarianism: Schoolteachers and Infrastructural State Capacity in Putin's Russia," *Comparative Politics*, Vol. 50, No. 3, April 2018, pp. 417-434.
- 110** Rara-Avis, "In Russia, There Is a Battle Going on, for the Future of Science."
- 111** Levada Center, "Fear of Speaking Your Mind," Survey, January 22, 2016, https://www-levada-ru.translate.goog/2016/01/22/strah-vyskazat-svoe-mnenie/?_x_tr_sl=ru&_x_tr_tl=en&_x_tr_hl=en
- 112** Constitution of the Russian Federation, Article 29, <http://www.constitution.ru/en/10003000-03.htm>
- 113** As reported by Alexei Venedictov, editor-in-chief of Echo Moscow, at a public lecture at the New Economic School on February 26, 2009
- 114** Freedom House Democracy, *Freedom of the Press Data: 1980-2017*, <https://freedomhouse.org/reports/publication-archives>
- 115** Maria Lipman and Michael McFaul, "Putin and the Media," in *Putin's Russia: Past Imperfect, Future Uncertain*, ed. Dale R. Hespington (Lanham, MD: Rowman and Littlefield, 2003), pp. 63-84.
- 116** Gel'man, *Authoritarian Russia: Analyzing Post-Soviet Regime Changes*.
- 117** Robert Orrtung and Christopher Walker, "Putin and Russia's Crippled Media," in *Russian Analytical Digest*, Issue 123, February 21, 2013.
- 118** Jonathan Becker, "Russia and the New Authoritarians," *Democratizatsiya*, March 2014, p. 202.
- 119** Maria Lipman, "Freedom of Expression Without Freedom of the Press," *Journal of International Affairs*, Volume 63, No. 2, 2010, pp. 153-169.
- 120** Orrtung and Walker, "Putin and Russia's Crippled Media."
- 121** *Ibid.*
- 122** NATO, *Analysis of Russia's Information Campaign Against Ukraine*, 2015, https://stratcomcoe.org/cuploads/pfiles/russian_information_campaign_public_12012016fin.pdf
- 123** Jackson School of International Studies, "Countering Disinformation: Russia's Infowar in Ukraine," University of Washington, October 25, 2017, <https://jsis.washington.edu/news/russia-disinformation-ukraine/>
- 124** Michael Holloway, "How Russia Weaponized Social Media in Crimea," The Strategy Bridge, May 10, 2017, <https://>

thestrategybridge.org/the-bridge/2017/5/10/how-russia-weaponized-social-media-in-crimea

125 Luke Harding and Shaun Walker, “Crimea Applies to be Part of Russian Federation after Vote to Leave Ukraine,” *The Guardian*, March 17, 2014, <https://www.theguardian.com/world/2014/mar/17/ukraine-crimea-russia-referendum-complain-result>

126 Steven Levitsky and Lucan Way, “The Rise of Competitive Authoritarianism,” *Journal of Democracy*, Vol. 13, No. 2, 2002, pp. 51-65.

127 Jaclyn Kerr, “The Russian Model of Digital Control and its Significance,” in *AI, China, Russia, and the Global Order: Technological, Political, Global, and Creative Perspectives*, ed. Nicholas D. Wright, Washington, D.C.: United States Department of Defense, 2018, p. 63.

128 Hill and Gaddy, *Mr. Putin: Operative in the Kremlin*, p. 231.

129 *Ibid.*

130 Laura Howells and Laura Henry, “Varieties of Digital Authoritarianism: Analyzing Russia’s Approach to Internet Governance,” *Communist and Post-Communist Studies*, Vol. 54, No. 4, December 2021, pp. 1-27.

131 Hill and Gaddy, *Mr. Putin: Operative in the Kremlin*.

132 Robert Morgus, “The Spread of Russia’s Digital Authoritarianism,” in *AI, China, Russia, and the Global Order: Technological, Political, Global, and Creative Perspectives*, ed. Nicholas D. Wright, Washington, D.C.: United States Department of Defense, 2018.

133 Jaclyn Kerr, “Information, Security, and Authoritarian Stability: Internet Policy Diffusion and Coordination in the Former Soviet Region,” *International Journal of Communication*, Vol. 12, September 18, 2018, pp. 3814–34.

134 Howells and Henry, “Varieties of Digital Authoritarianism: Analyzing Russia’s Approach to Internet Governance.”

135 *Ibid.*

136 Morgus, “The Spread of Russia’s Digital Authoritarianism.”

137 Alina Polyakova and Chris Meserole, “Exporting Digital Authoritarianism: The Russian and Chinese Models,” *Policy Brief*, Brookings Institution, August 2019, https://www.brookings.edu/wp-content/uploads/2019/08/FP_20190827_digital_authoritarianism_polyakova_meserole.pdf

138 Morgus, “The Spread of Russia’s Digital Authoritarianism.”

139 Daria Skibo, “Five Years of Russia’s Foreign Agent Law,” *OpenDemocracy*, August 14, 2017, <https://www.opendemocracy.net/en/odr/five-years-of-russia-s-foreign-agent-law/>

140 Human Rights Watch, “Submission by Human Rights Watch on Russia to the Human Rights Committee,” 134th Session, February 28-March 25, 2022, <https://www.hrw.org/news/2022/02/15/submission-human-rights-watch-russia-human-rights-committee#>

141 Markku Lonkila et al., “The Occupation of Runet? The Tightening State Regulation of the Russian-language Section of the Internet,” found in Marielle Wijermars and Katja Lehtisaari, *Freedom of Expression in Russia’s New Mediasphere*, London: Routledge, Taylor & Francis Group, 2020.

142 Yulia Gorbunova, “Online and On All Fronts: Russia’s Assault on Freedom of Expression,” Human Rights Watch, July 18, 2017. <https://www.hrw.org/report/2017/07/18/online-and-all-fronts/russias-assault-freedom-expression#>; Kerr, “Information, Security, and Authoritarian Stability: Internet Policy Diffusion and Coordination in the Former Soviet Region,”; Lonkila et al., “The Occupation of Runet? The Tightening State Regulation of the Russian-language Section of the Internet.”

143 Kerr, “Information, Security, and Authoritarian Stability: Internet Policy Diffusion and Coordination in the Former Soviet Region,”; Lonkila et al., “The Occupation of Runet? The Tightening State Regulation of the Russian-language Section of the Internet.”

144 Gorbunova, “Online and On All Fronts: Russia’s Assault on Freedom of Expression,”; Lonkila et al., “The Occupation of Runet? The Tightening State Regulation of the Russian-language Section of the Internet.”

145 Kerr, “Information, Security, and Authoritarian Stability: Internet Policy Diffusion and Coordination in the Former

Soviet Region.”

146 *Ibid.*

147 Gorbunova, “Online and On All Fronts: Russia’s Assault on Freedom of Expression.”

148 Kerr, “Information, Security, and Authoritarian Stability: Internet Policy Diffusion and Coordination in the Former Soviet Region,”; Lonkila et al., 2020.

149 Human Rights Watch, 2022.

150 Kerr, “Information, Security, and Authoritarian Stability: Internet Policy Diffusion and Coordination in the Former Soviet Region.”

151 Katja Lehtisaari, “Formation of Media Policy in Russia: The Case of the Iarovaia Law,” found in Marielle Wijermars and Katja Lehtisaari, *Freedom of Expression in Russia’s New Mediasphere*, London: Routledge, Taylor & Francis Group, 2020.

152 Lonkila et al., “The Occupation of Runet? The Tightening State Regulation of the Russian-language Section of the Internet.”

153 Freek van der Vet, “Imprisoned for a ‘Like,’” found in Marielle Wijermars and Katja Lehtisaari, *Freedom of Expression in Russia’s New Mediasphere*, London: Routledge, Taylor & Francis Group, 2020.

154 Freedom House Democracy, *Freedom on the Net*, 2012; 2019, <https://freedomhouse.org/report/freedom-net>

155 Matthew Luxmoore, “Russia Clarifies Threats That Would Lead It To Decouple RuNet From World Wide Web,” Radio Free Europe/Radio Liberty, May 2019, <https://www.rferl.org/a/wholeness-resilience-security-russiaclarifies-threats-to-sovereign-internet-/29961306.html>

156 Irina Borogan and Andrei Soldatov, “The New Iron Curtain Part 4: Russia’s Sovereign Internet Takes Root,” CEPA, April 5, 2022, <https://cepa.org/the-new-iron-curtain-part-4-russias-sovereign-internet-takes-root/>

157 Alena Epifanova, “Deciphering Russia’s ‘Sovereign Internet Law,’” *DGAP Analysis*, DGAP, January 2020, <https://dgap.org/en/research/publications/deciphering-russias-sovereign-internet-law>

158 Charlotte Jee, “Russia Wants to Cut Itself Off from the Global Internet. Here’s What That Really Means,” MIT Technology Review, March 21, 2019, <https://www.technologyreview.com/2019/03/21/65940/russia-wants-to-cut-itself-off-from-the-global-internet-heres-what-that-really-means/#:~:text=Many%20ISPs%20also%20use%20exchanges%20that%20are%20physically,shielded%20from%20the%20outside%20world%20or%20kept%20open.>

159 Unian Informaton Agency, “Russia Turning into Totalitarian Regime Described by Orwell in ‘1984’ Novel—Putin’s Ex-Advisor,” Interview, January 28, 2020. <https://www.unian.info/world/10848449-russia-turning-into-totalitarian-regime-described-by-orwell-in-1984-novel-putin-s-ex-adviser.html>

160 Constitution of the Russian Federation, Article 83

161 Constitution of the Russian Federation, Article 107.

162 Ekaterina Mishina, “How Putin’s Constitutional Amendments Affect the Judiciary,” Institute of Modern Russia, August 4, 2020, <https://imrussia.org/en/analysis/3147-how-putin%E2%80%99s-constitutional-amendments-affect-the-judiciary>

163 Constitution of the Russian Federation, Article 125

164 Mishina, “How Putin’s Constitutional Amendments Affect the Judiciary.”

165 Martin Russell, “Constitutional Change in Russia,” European Parliamentary Research Service, Briefing, May 2020, [https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/651935/EPRS_BRI\(2020\)651935_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/651935/EPRS_BRI(2020)651935_EN.pdf)

166 Nina Khrushcheva, “The Origins of Putin’s Totalitarianism,” Project Syndicate, April 27, 2022, <https://www.project-syndicate.org/commentary/origins-of-putin-totalitarianism-in-kgb-fsb-by-nina-l-khrushcheva-2022-04>

167 Michael McFaul, “Russia’s Road to Autocracy,” *Journal of Democracy*, Vol. 32, No. 4, 2021, <https://www.journalofdemocracy.org/articles/russias-road-to-autocracy/>

168 Congressional Research Service, “Russia: The Navalny Poisoning, Chemical Weapons Use, and U.S. Sanctions,”

CRS Report, August 26, 2021, <https://crsreports.congress.gov/product/pdf/IF/IF11872>

- 169** Andrei Zakharov and Ksenia Churmanova, “How Russia Tries to Censor Western Social Media,” BBC, December 17, 2021, <https://www.bbc.com/news/blogs-trending-59687496>
- 170** Madeline Roach, “How Russia Is Stepping Up Its Campaign to Control the Internet,” *Time Magazine*, April 1, 2021, <https://time.com/5951834/russia-control-internet/>
- 171** OVD-Info, “Crackdown on Peaceful Protests in January-February 2021 in Russia,” Accessed May 18, 2022, <https://reports.ovdinfo.org/winter-2021-supression-en#1>
- 172** Nikolai Markotkin, “Does Coronavirus Herald the Age of Totalitarian Surveillance in Russia and Eurasia?” Carnegie Endowment for International Peace, 2021, https://carnegieendowment.org/files/Markotkin_Surveillance.pdf.
- 173** Matthew Luxmoore, “In Banning Bard College, Russia Shatters a Program That Bridged an International Divide,” Radio Free Europe / Radio Free Liberty, July 29, 2021, <https://www.rferl.org/a/russia-bard-college-blacklisted/31384301.html>
- 174** Humboldt Foundation, “Academic Freedom: Russia Tightens State Control Over Education,” May 26, 2021, <https://www.humboldt-foundation.de/en/explore/newsroom/news/wissenschaftsfreiheit-rusland-verschaerft-staatliche-kontrolle-von-bildungsaktivitaeten>
- 175** Andrei Soldatov and Irina Borogan, “The New Iron Curtain Part 4: Russia’s Sovereign Internet Takes Root,” Center for European Policy Analysis, April 5, 2022, <https://cepa.org/the-new-iron-curtain-part-4-russias-sovereign-internet-takes-root/>
- 176** Zakharov and Churmanova, “How Russia Tries to Censor Western Social Media.”
- 177** Andrew Roth, “Putin’s Crackdown: How Russia’s Journalists Became Foreign Agents,” *The Guardian*, September 11, 2021, <https://www.theguardian.com/world/2021/sep/11/putins-crackdown-how-russias-journalists-became-foreign-agents>
- 178** Varieties of Democracy, accessed May 18, 2022, https://v-dem.net/data_analysis/VariableGraph/
- 179** Jason Horowitz, “The Russian Orthodox Leader at the Core of Putin’s Ambitions,” *The New York Times*, May 21, 2022, <https://www.nytimes.com/2022/05/21/world/europe/kirill-putin-russian-orthodox-church.html>
- 180** The Russian Orthodox Church, “Patriarch Kirill: Our Flock is Both in Russia and Ukraine, and We Ardently Pray for the Restoration of Peace,” <https://mospat.ru/en/news/89256/>
- 181** Horowitz, “The Russian Orthodox Leader at the Core of Putin’s Ambitions.”
- 182** Gerrard Kaonga, “Russia’s Ministry of Enlightenment Gives Lesson to School Children Saying War ‘Necessary,’” *Newsweek*, March 3, 2022, <https://www.newsweek.com/russia-broadcast-lesson-school-children-ukraine-war-invasion-1684436>
- 183** Alexandra Tyan, “The Kremlin forces schools and theaters to uphold Putin’s invasion propaganda,” Coda, March 1, 2022, <https://www.codastory.com/disinformation/kremlin-schools-propaganda/>
- 184** NPR, “Putin’s warning to anti-war Russians evokes Stalinist purges,” March 17, 2022, <https://www.npr.org/2022/03/17/1087287150/putins-warning-to-anti-war-russians-evokes-stalinist-purges>
- 185** Rebecca Cohen, “Putin Signed a New Law Punishing Those Who Share ‘False Information’ with up to 15 Years in Prison,” *Business Insider*, March 4, 2022, <https://www.businessinsider.com/russia-legislature-pass-law-punish-false-information-ukraine-jail-time-2022-3>
- 186** Clare Malone, “The Day Foreign Journalists Felt Forced to Leave Moscow,” *The New Yorker*, March 28, 2022, <https://www.newyorker.com/news/annals-of-communications/the-day-foreign-journalists-felt-forced-to-leave-moscow>
- 187** Ben Judah, “How Putin Plunged Russia Toward Totalitarianism,” *Slate*, March 10, 2022, <https://slate.com/news-and-politics/2022/03/putin-russia-totalitarianism-soviet-style-oppression.html>
- 188** Robyn Dixon, “Novaya Gazeta, the last independent newspaper in Russia, falls silent,” *Washington Post*, March 28, 2022, <https://www.washingtonpost.com/world/2022/03/28/russia-press-freedom-novaya-gazeta/>
- 189** Judah, “How Putin Plunged Russia Toward Totalitarianism.”

- 190** Rishi Iyengar, “The digital Iron Curtain: How Russia’s internet could soon start to look a lot like China’s,” CNN, March 8, 2022, <https://www.cnn.com/2022/03/07/tech/russia-internet-facebook-block-iron-curtain/index.html>
- 191** Pjotr Sauer and Ruth Michaelson, “‘It was game over’: Russian journalists flee to Istanbul after Putin’s shutdown,” *The Guardian*, March 18, 2022, <https://www.theguardian.com/world/2022/mar/18/dozhd-tv-staff-russian-channel-in-exile-istanbul>
- 192** *Ibid.*
- 193** Geoffrey York and Steven Chase, “After fleeing to Latvia, exiled Russian journalists deal with how to cut through the Kremlin’s propaganda,” *The Globe and Mail*, June 5, 2022, <https://www.theglobeandmail.com/world/article-after-fleeing-to-latvia-exiled-russian-journalists-try-to-cut-through/>
- 194** *Ibid.*
- 195** Adam Satariano and Valerie Hopkins, “Russia, Blocked From the Global Internet, Plunges Into Digital Isolation,” *The New York Times*, March 7, 2022, <https://www.nytimes.com/2022/03/07/technology/russia-ukraine-internet-isolation.html>
- 196** Brian Fung, “Russian internet users are learning how to beat Putin’s internet crackdown,” CNN, March 15, 2022, <https://www.cnn.com/2022/03/12/tech/russia-internet-censorship-circumvention/index.html>
- 197** President of Russia, “Meeting on measures of socio-economic support for the regions,” Videoconference Transcript, March 16, 2022, <http://kremlin.ru/events/president/news/67996>
- 198** OVD-Info, accessed June 1, 2022, <https://ovdinfo.org/>
- 199** The Moscow Times, “Nearly 4M Russians Left Russia in Early 2022—FSB,” May 6, 2022, <https://www.themoscowtimes.com/2022/05/06/nearly-4m-russians-left-russia-in-early-2022-fsb-a77603>
- 200** The Guardian, “Alexei Navalny sentenced to 9 more years in prison after fraud conviction,” March 22, 2022, <https://www.theguardian.com/world/2022/mar/22/alexei-navalny-13-years-more-jail-fraud>
- 201** Snejana Farberov, “Putin nemesis Alexei Navalny transferred to notorious ‘torture prison,’” *New York Post*, June 15, 2022, <https://nypost.com/2022/06/15/alexei-navalny-transferred-to-notorious-torture-prison/>
- 202** Bloomberg, “‘No Doubt’ Russia Will See Regime Change: Khodorkovsky,” TV Interview, March 8, 2022, https://www.bloomberg.com/news/videos/2022-03-09/-no-doubt-russia-will-see-regime-change-khodorkovsky-video?utm_campaign=socialflow-organic&utm_source=twitter&cmpid%3D=socialflow-twitter-tv&utm_content=tv&utm_medium=social
- 203** *The Economist*, “The Putin Show: How the war in Ukraine appears to Russians,” May 17, 2022, <https://www.economist.com/interactive/international/2022/05/17/the-putin-show>
- 204** *Ibid.*
- 205** Khrushcheva, “The Origins of Putin’s Totalitarianism.”
- 206** Gregory Korte, “Special Report: America’s Perpetual State of Emergency,” *USA Today*, October 22, 2014, <https://www.usatoday.com/story/news/politics/2014/10/22/president-obama-states-of-emergency/16851775/>
- 207** Congressional Research Service, “Emergency Authorities Under the National Emergencies Act, Stafford Act, and Public Health Act,” July 14, 2020, <https://crsreports.congress.gov/product/pdf/R/R46379>
- 208** *Ibid.*
- 209** For a more comprehensive history of the NEA, see: Patrick Thronson, “Toward Comprehensive Reform of America’s Emergency Law Regime,” *University of Michigan Journal of Law Reform*, Vol. 46, No. 2, revised October 2014, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2056822
- 210** National Emergencies Act, 1976.
- 211** Citizens for Ethics, “Restoring Checks on Executive Power,” December 2, 2020, <https://www.citizensforethics.org/reports-investigations/crew-reports/restoring-checks-on-executive-power/#issue7>
- 212** Michael Tackett, “Trump Issues First Veto After Congress Rejects Border Emergency,” *New York Times*, March 15,

2019, <https://www.nytimes.com/2019/03/15/us/politics/trump-veto-national-emergency.html>

213 The White House, “Proclamation on the Termination Of Emergency With Respect To The Southern Border Of The United States And Redirection Of Funds Diverted To Border Wall Construction,” January 20, 2021, <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/proclamation-termination-of-emergency-with-respect-to-southern-border-of-united-states-and-redirection-of-funds-diverted-to-border-wall-construction/>

214 For a general discussion of this phenomenon, see: William G. Howell, “Wartime Judgments of Presidential Power: Striking Down but Not Back,” *Minnesota Law Review*, Vol. 93, No. 1778, 2008-2009; Joshua L. Friedman, “Emergency Powers of the Executive: The President’s Authority When All Hell Breaks Loose,” *Journal of Law and Health*, Vol. 25, No. 265, 2012; Louis Fisher, “Supreme Court Expansion of Presidential Power: Unconstitutional Leanings,” Arizona State University School of Civic and Economic Thought and Leadership, March 2018.

215 Adam Liptak, “Supreme Court Lets Trump Keep Building His Border Wall,” *New York Times*, July 31, 2020, <https://www.nytimes.com/2020/07/31/us/supreme-court-trump-border-wall.html>

216 *Immigration and Naturalization Service v. Chadha et al.*, June 23, 1983, retrieved from <https://www.law.cornell.edu/supremecourt/text/462/919>

217 Andrew Boyle and Tim Lau, “The President’s Extraordinary Sanctions Powers,” NYU’s Brennan Center for Justice, July 20, 2021, <https://www.brennancenter.org/our-work/research-reports/presidents-extraordinary-sanctions-powers>

218 Patrick Thronson, “Toward Comprehensive Reform of America’s Emergency Law Regime.”

219 *Beacon Products Corp., et al., v. Ronald Wilson Reagan, et al.*, March 11, 1987, retrieved from <https://law.justia.com/cases/federal/appellate-courts/F2/814/1/336214/>

220 Congressional Research Service, “National Emergency Powers,” *CRS Report*, Updated November 19, 2021, <https://crsreports.congress.gov/product/pdf/RL/98-505/32>

221 Brennan Center for Justice, “Declared National Emergencies Under the National Emergencies Act.”

222 *Ibid.*

223 Brennan Center for Justice, “A Guide to Emergency Powers and Their Use,” ; Congressional Research Service, “Emergency Authorities Under the National Emergencies Act, Stafford Act, and Public Health Act.”

224 Benjamin Waldman, “New Documents Illuminate the President’s Secret, Unchecked Emergency Powers,” Brennan Center for Justice, May 26, 2022, <https://www.brennancenter.org/our-work/analysis-opinion/new-documents-illuminate-presidents-secret-unchecked-emergency-powers>

225 Andrew Boyle, “Checking the President’s Sanctions Powers,” NYU’s Brennan Center for Justice, June 10, 2021, <https://www.brennancenter.org/our-work/policy-solutions/checking-presidents-sanctions-powers>

226 Patrick Thronson, “Toward Comprehensive Reform of America’s Emergency Law Regime.”

227 Brennan Center for Justice, “Presidential Emergency Action Documents,” Updated May 26, 2022, <https://www.brennancenter.org/our-work/research-reports/presidential-emergency-action-documents>

228 *Ibid.*

229 Benjamin Waldman, “New Documents Illuminate the President’s Secret, Unchecked Emergency Powers.”

230 Tim Shorrock, “Exposing Bush’s historic abuse of power,” *Salon*, July 23, 2008, https://www.salon.com/2008/07/23/new_churchcomm/