

Eradicating the Soviet Police State

Introduction

The former Soviet republics can benefit from the democratization experiences in Germany, which underwent a comprehensive de-nazification process after 1945 and, in the eastern Länder, a far-reaching de-communization process; and from the Czech experience, where the “lustration” process—cleansing the Parliament and government of previous secret-police collaborators—has been very effective. These processes have not been without their difficulties, but contain valuable lessons for those committed to building democracy.

Some of the most fundamental steps a society in transition must take to ensure that the most dangerous vestiges of totalitarianism will be erased are to dismantle the political police organs, break up the informant networks, and secure the archives so that abused citizens may inspect their secret files. No member of the Commonwealth of Independent States has taken any of these steps. In each CIS republic the former KGB remains intact, although each has made bureaucratic changes and (with the exception of Belarus) has gone through the charade of re-naming the state security organs to distance them from the dreaded *chekisti*. Meaningful civil control of those bodies and checks and balances are nonexistent. Likewise, the archives of the political police remain in the hands of those who carried out the systematic human rights abuses of the Soviet era. The potential for future abuse is immense.

The following articles discuss efforts in the former East Germany and the Czech Republic to uproot the legacy of their Communist secret services, and efforts in Russia to place the secret services under the rule of law. The first article is by historian Jefferson Adams, a noted authority on the East German security services, who gives an assessment of German declassification as of early 1993. The second is by Joachim Gauck, the federal commissioner for the Stasi archives of the former German Democratic Republic, who describes the task, structure and work of his commission which is in charge of the archives' preservation, control and dissemination. Jaroslav Bašta, the individual entrusted by President Václav Havel to dismantle the StB security apparatus after the Velvet Revolution, authored the third article, based on his personal experience. Dr. Bašta, an anthropologist and former political prisoner who was one of the original signers of Charter 77, adapted the article from a Moscow speech he gave in February 1993 at the Glasnost Foundation conference “KGB: Yesterday, Today, Tomorrow” on behalf of the Moscow Nongovernmental Consulting Center, an organization founded by but independent from *Demokratizatsiya*. The fourth article is a critique of the Russian Law on Security of 1992 and accompanying laws by *Demokratizatsiya* executive editor J. Michael Waller, adapted from his presentation at the Glasnost Foundation conference.

Destasification: A Midcourse Appraisal

JEFFERSON ADAMS

The East German Ministry of State Security (MfS) was built as a permanent and invulnerable structure. Reflecting on his own experiences as a targeted GDR citizen, the prominent Marxist theorist Robert Havemann once remarked that the system of domestic surveillance had been so perfected that it would endure until the end of the century. As it happened, this prediction fell short by about a decade, but by no means was its essential truth diminished. With an estimated full-time force of 85,000 employees and 500,000 part-time informers, the MfS managed to construct a web of extraordinary breadth and density. According to the current Stasi archivists, the total number of personal dossiers, if stacked side by side in a single line, would stretch more than 125 miles; the F-16 card index, which contains the real names of all the registered agents, measures nearly a mile in length.

Dismantling this apparatus and coming to terms with its former employees and collaborators—"destasification" as it was soon dubbed—is proving to be among the most formidable and emotion-laden tasks facing the new Germany. Whereas the former East German Army, the NVA, disappeared from sight with barely a ripple of attention—many of its officers and conscripts even finding positions in the West German Bundeswehr—the MfS immediately became the focal point of massive popular anger and recrimination. More than any other single institution, it symbolized the forty-year totalitarian rule of a privileged Communist elite.

Equally evident, however, are the manifold difficulties involved in the process of destasification. Simply because the MfS penetrated so deeply into the fabric of society, easy distinctions between victim and perpetrator are often difficult to make. Moreover, one need only look at recent headlines to see how examples of MfS complicity cut straight across party and occupational lines. Not only were the first heads of the two largest East German political parties forced from office—Lothar de Maizière of the CDU and Ibrahim Böhme of the SPD—but leading sports, religious, educational, and intellectual figures have also been compelled to account for their past association with the security forces. At this critical and often controversial juncture, what seems most instructive is to examine three major categories of issues that have arisen in various trials and parliamentary laws. A process

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with profound historical meaning has commenced in Germany, and its ramifications are likely to be felt throughout the former East bloc as well.

To start with the least problematic category, there is the question of former MfS agents who operated in the so-called old Länder, or the pre-unification Federal Republic. One trial concluded last year is especially noteworthy. It involved Klaus Kuron, a former senior West German counterintelligence official who had been in reality a Stasi double agent. Beginning in 1981 with his own self-recruitment and ending in 1989 with the collapse of the GDR, Kuron's activities constituted as damaging a breach of internal security as ever experienced by the Federal Republic. In the view of some authorities, the quality of information he conveyed to the MfS even surpassed the reports of the famous "chancellor spy," Günter Guillaume.

In the end, the superior regional court in Düsseldorf suggested the charges of high treason and corruption and sentenced Kuron to twelve years imprisonment. No one could mistake the severity of this determination; Guillaume, for example, had received a thirteen-year sentence, incidentally from the same court. Moreover, it flatly rejected various arguments advanced by the defense—that the court's harshness was an "anachronism" and that changed conditions in Germany necessitated a "fresh wind" in the legal sphere. In other words, the court rightly saw that a fundamental difference existed between the intelligence services of East and West Germany and that acts of such gravity could not be annulled by a new political settlement.

The second category involves the fate of former employees and officials of the MfS: to what extent should they be prosecuted and on what grounds? That Erich Mielke, the former chief minister of the MfS, has been the first to be brought to trial seems altogether fitting. Appointed second in command in the original organization, he went on to serve as its head for more than three decades. Remarkably, too, Mielke had managed to survive the failed mutinies of his two predecessors—one in 1953, the other in 1956—as well as the bitter behind-the-scenes struggle that brought Erich Honecker to power in 1971. Indeed, apart from Honecker himself, no high ranking GDR official had enjoyed a career of comparable longevity.

Yet the formulation of criminal charges against Mielke has proven a keen disappointment, notable among former East German citizens. Rather than scrutinize his extensive record as MfS chief, the prosecution unwisely chose to unearth a crime committed in 1931, for which he was convicted in absentia three years later by a Nazi court. Although the available evidence leaves little doubt about Mielke's involvement in the murder of two Berlin policemen, this case should never have been reopened. Besides occurring outside the relevant time frame, it establishes a connection to the Nazi past that can only hearten the old apologists of the GDR. Indeed, a key rationale for the GDR's existence, in their eyes, had always been its avowedly

antifascist stance. Admittedly, other charges dealing directly with Mielke's MfS tenure have been pressed in the meantime, but they cannot alter the tone that has been set.

Even more dangers lurk in the prosecution of Markus Wolf, the longest serving and most skillful head of any East bloc foreign intelligence agency. Not only is Wolf the polar opposite of Mielke as far as background and temperament are concerned—their personal animosity while in office had never been a secret—but the two men have conducted themselves in strikingly different ways since their arrests. Mielke, after being stripped of his party membership and delivering a final humiliating speech, seems no more than a hollow shell of a person. By contrast, Wolf has maintained a ubiquitous presence since the fall of the Berlin Wall. In a variety of ways—by addressing angry demonstrators in the streets, by granting lengthy interviews to Western reporters, and by writing a personal account of the GDR's collapse—he has already formulated some key elements of his own defense. Some, such as his contention that the activities of East German spies in West Berlin and the Federal Republic actually contributed to post-war stability, even *détente*, might well be dismissed as patently absurd.¹ Yet his timely retirement from the MfS in 1987 and his close association with the Gorbachev reform course will be very difficult matters for the prosecution to overcome.

Since only the senior leadership faces the possibility of criminal charges, there remain the tens of thousands of middle and lower ranking MfS

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employees (as a relatively autonomous organization, it maintained its own barbers, doctors, grocers, and sports teams). Here the main precedent stems from a series of statutes promulgated by the Federal Republic in the 1950s that exclude from public employment anyone unwilling to uphold the democratic

order as set forth in the Basic Law. That means that a person with a Stasi background can be barred from becoming a teacher, a policeman, a judge, or a government bureaucrat.

How this so-called *Berufsverbot* or occupational ban is being defined in practice emerged quite clearly in a recently concluded trial in Berlin. In this instance, a woman working in a government tax office was discharged when her former position as kitchen worker in the MfS division for the Protection of Persons and Installations became known. Even though her earlier duties had been limited to peeling potatoes and washing dishes, the court upheld her dismissal. It cited the fact that she had held the military rank of a master sergeant (*Oberfeldwebel*) and earned a salary far in excess of what normal

kitchen help received. For the ordinary GDR citizens who declined to cooperate with the MfS and found their lives disadvantaged as a result, rulings of this sort are by no means without significance.

The final major area regards the disposition of the roughly six million personal dossiers assembled by the MfS. Owing to the sheer force of events, it is all too easy to overlook the remarkable degree of consensus that the two Germanies have managed to achieve on this difficult issue. To be sure, during the unification negotiations, a major stumbling block began to form around these files. Politicians in Bonn tended to regard them as the property of the entire nation—after all, the MfS had collected information about an estimated two million West Germans—and proposed that all the files be deposited in the Central State Archives in Coblenz. This suggestion, however, found little favor in East Germany, where delegates to the People's Chamber, the Volkskammer, voted overwhelmingly to have the files remain where they were. As Jens Reich, a member of New Forum, stated at the time, "This is our stinking mess, which we need to clean up ourselves."

After a long and arduous debate, it was decided to allow the files to remain in the old GDR and to name a former Rostock pastor and political activist, Joachim Gauck, to head a new administrative agency—the Special Commission of the Federal Republic of the Person-Related Files of the Former State Security Ministry. Because this legislation attempts the difficult task of reconciling the two conflicting principles—the right of open access with that of personal confidentiality—it is worth noting several key provisions of the so-called Stasi Files Bill passed on 20 December 1991 by the all-German Parliament.

Any individual has the right to know whether a personal Stasi file exists and, if so, the right to demand inspection. Distinctions are made between different categories of persons: victims about whom the Stasi collected material, Stasi employees and part-time informers, and third parties about whom information was gained coincidentally. In the copy of the file presented to a person for inspection, the names of all third parties are kept anonymous, likewise the names of any informer under the age of eighteen at the time. Anyone who publishes verbatim the contents of files (or copies of them) without the consent of the person or persons mentioned will be subject to a fine or up to three years in prison. Merely the private possession of a file is a punishable act. Finally, to allay fears about their misuse, an intelligence service or law enforcement agency can consult these files only in clearly delineated instances such as the pursuit of a terrorist organization.²

While the dire predictions of those wanting the files to be destroyed immediately have not come to pass, some undeniable problems have arisen. When the law went into effect by 1 January 1992, the application rate was fairly low. Within several months, however, the numbers swelled to over half a million, and the shortage of personnel meant a lengthy waiting period. The

delay was even greater in the fourteen former district capitals of the GDR, where (with the exception of Cottbus) files are also available for inspection. The most critical group affected involves those persons requiring a background check before having a civil service position approved. There is the further question of the hundreds of large stacks containing partially destroyed files, which are currently warehoused at the Gauck Agency's main Berlin office. In order to restore this material to a legible state, many years of meticulous work will be required.

Former MfS employees, however, have not remained passive spectators as these proceedings unfold. According to Berlin counterintelligence officials, two main organizations have been formed. One, which numbers approxi-

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mately 7,000 members and also includes former armed forces and customs personnel, is concerned primarily with securing maximum pension benefits. A smaller, more ominous group—the so-called “Insider Committee”—is composed exclusively of ex-MfS officers and, like the German Communist Party, the Party of Democratic Socialism, and other Communist organizations, it wants to thwart the current reap-

praisal of the GDR's past.³

What overall conclusions can be drawn at this point? Some persons have harshly criticized the current destasification efforts, alleging them to be nothing more than a frenzied witch-hunt or a case of the victors unfairly imposing their legal system on the vanquished. Such characterizations are fundamentally mistaken. The crucial voices are those of the East Germans, and they have spoken resoundingly on this matter. In an Ifep Institute poll taken in the spring of 1990, 78 percent opposed a general amnesty for former MfS employees, while 86 percent believed that, if a personal file existed, a citizen had the right of inspection.⁴ Two years later, a ten-point declaration signed by a wide spectrum of East German politicians and civil rights advocates urged that the operations of the Gauck Agency be intensified and that former MfS employees and part-time informers be held accountable for their past actions.⁵ Gauck too has convincingly addressed this issue:

Some people say that there is no clear line between perpetrators and victims of Stasi crimes, that there is a large grey area of ambiguity. I can accept that. What I cannot accept is that everyone falls into that grey area. If so many crimes were committed, there must be at least some criminals.⁶

A final comment should be made about the human dimension of

destasification. On a recent research trip, this writer happened to arrive in Halle shortly after a list of 5,000 local informers had been distributed anonymously to various political and government officials. A member of New Forum (who was supervising the inspection of this list by any interested residents) told me how strong and varied the public response had been. Moreover, despite the prevailing hatred of the MfS, she was especially surprised not to hear any harsh words uttered by revealed informers about their case officers (one known informer was even disappointed not to see his name on the list).

In other words, not only would it be wrong to presume how individuals will react to this complex web of personal relationships but to deny the right of choice would only perpetuate the repressive “big brother” nature of the former Communist regime. Put slightly different, what Immanuel Kant had urged his fellow citizens in the late 18th century—that they should abandon their state of self-incurred tutelage and have the courage to know—is no less relevant for the late 20th century.

Notes

¹ Markus Wolf, *Im eigenen Auftrag: Bekenntnisse und Einsichten* (Munich: Schneekluth Verlag, 1991), p. 342.

² It is significant that the work of the Gauck Agency has been augmented by a number of independent citizens' groups and organizations. The Havemann Society, the Matthias Domaschk Archives of the Environmental Library, and the New Forum joined forces, for example, to produce a useful handbook for those individuals wishing to examine their personal dossiers, *Wenn wir unsere Akte lesen* (Berlin: BasisDruck, 1992). A copy of the complete legislation is also included.

³ *Deutschland Nachrichten*, 29 January 1993.

⁴ *Der Spiegel*, 17/199, p.100.

⁵ Reprinted in *Der Spiegel*, 11/1992, pp. 32-33.

⁶ An indispensable source in this debate is a book based on a series of interviews with Gauck, *Die Stasi-Akten: Das unheimliche Erbe der DDR* (Reinbek bei Hamburg: Rowohlt Verlag, 1991), especially pages 89-114.