

On the Path to Reforming the KGB

Proposals and Projects

Fredo Arias-King

Demokratizatsiya was founded not only as a journal but also as a project to assist the Soviet Union (and former Soviet Union) during its difficult, yet hopeful transition. For this reason, we organized, and continue to organize activities designed to provide the democratic policymakers in Russia with advice and information to successfully place the former KGB under democratic parliamentary control and oversight.

To date, these efforts have consisted of two closed-door meetings between experts, an open panel/forum, a new Moscow Consulting Center to serve as a source of advice for the Russian government, and a Coordinating Council in the United States to nourish the Moscow Center. Each of these initiatives are described in detail in this report which is meant to serve as both a history of related *Demokratizatsiya* events as well a record of the conclusions/recommendations reached thus far.

Closed-Door Meetings at The American University

The participants in the first meeting (March 31, 1992) included: Yuri Shchekochikhin, William Colby, Victor Yasmann, Diane Dornan, Martin Walker, Louise Shelley, Donald Bowles, Vagan Gevorgian, Sergo Mikoyan, J. Michael Waller, Paul Joyal, Paul Nathanson, Susan Kennedy Ortung, Mike Arney, Jane Robinson, Kevin Austin, Nancy Schwalje and Mikhail Gnoutcheff.

The second meeting (May 6, 1992) included: J. Michael Waller, Morton Halperin, William Colby, Susan Kennedy Ortung, Mark H. Teeter, Paul Joyal, Abraham Brumberg, Gregory Stanton, Louise Shelley and Paul Nathanson.¹

We invited these experts to discuss former KGB Chief Vadim Bakatin's statements which he made earlier that month before a Supreme Soviet committee regarding the internal situation of the KGB. Bakatin, who was then no longer the agency's head, testified that the

Fredo Arias-King is the founder of Demokratizatsiya and now serves as its project director. This article is based on a project report from the Demokratizatsiya staff to its editors.

former KGB continues to be a serious threat to democracy in Russia and that Russia should not allow the security services to continue on their current path. Bakatin, however, did not offer specific ideas to accomplish this. Therefore, *Demokratizatsiya* decided bring together several experts and academics in order to supply possible solutions.

When we were in the conceptual stages of this meeting, Kelly Adams of *Demokratizatsiya* contacted the directors of the Washington-area World Affairs Council, Julie Chitwood and Cynthia Webster, about co-sponsoring the panel. As preparations began, we thought it would be beneficial for the participants to meet beforehand to facilitate a smooth presentation. The closed-door meeting was held at The American University. By this time, Moscow State learned of our activities and asked us to inform them about the results. They wanted to forward the results to their alumnus, Mikhail Gorbachev, at his foundation.

Our first closed-door meeting did not provide enough concrete recommendations and solutions to the problems facing the democratic organs. Consequently, the participants, namely J. Michael Waller, suggested a follow-up meeting which was organized a month later.

During our first meeting, the participants agreed with Bakatin's assertions that the present system is totally inadequate, and with the proposal that the Western experts need to be more assertive in assisting Russia's new managers.

The chair of the first meeting, Martin Walker, opened the discussion by identifying several key areas.

1. Divide the agencies: do not allow them to do both internal and external intelligence work.
2. Maintain oversight by elected bodies.
3. Establish structures which are reinforced by a culture of skepticism and jealousy.
4. Do not attempt perfection; look for a flexible system based on broad-based compromise--a system balanced between the needs for national security and individual freedoms.

In addition, two "background" rule-of-law areas for oversight were identified by other participants.

1. Constitutional structure: a bill of rights, independent judiciary, a clear charter for the intelligence communities.
2. Structure of supervision: a) a legislature, prime minister or president,

b) courts.

The panelists also identified several problems that the reformers in Moscow face. They include:

- The more qualified and Western-oriented members of the security services are leaving to work in a potentially lucrative private sector, leaving the "traditional" spies and administrators behind.
- The former KGB no longer has an established goal and is now "wandering aimlessly" trying to justify its existence. It was also mentioned in our meeting that hundreds of intelligence officers are devoting all their time to collecting damaging information on Yeltsin, his administration, and many deputies in order to have leverage against them in the future if the issue of their jobs arises.
- The existing oversight organs are widely impregnated by agents. There are people that simultaneously occupy positions in the leadership of the Parliament or in Yeltsin's administration, and in the security bodies. Officials are offered positions to head regional security committees, while still serving as legislators.
- The former KGB continues to interfere in the work of the Ministry of Internal Affairs (MVD), and in its areas of responsibility. This is true with the "Z" Directorate which was not disbanded, but renamed and reassigned to "combat terrorism," although this supposedly falls within the MVD's jurisdiction. No meaningful new charters and accompanying laws have been established. It was proposed that the reformers first cleanse the organs from the agents that still do not recognize this ineffectual yet official separation.
- The judicial branch is still not independent. As mentioned in the second meeting, "telephone justice" (whereby the executive authorities telephone the justices to dictate the verdict) prevails, but now it is the democrats doing the calling at times.
- Yeltsin has demonstrated an alarming and potentially fatal repetition of his predecessor's tendency to rely on the security organs for his own power base. He signed a decree to create a security superstructure and merge the former KGB with the MVD. The resulting

outcry by the press, especially by Yuri Shehekochikhin, led the Parliament and the Constitutional Court to declare Yeltsin's *ukase* unconstitutional. This forced Yeltsin to rescind his decree, but not before his administration threatened the Court with a dramatic reduction of funds. Yeltsin then proceeded to get around the ban by packing the Security Ministry (the former KGB) with senior MVD officers.

The participants identified several steps that the democrats need to take in the near future, which include:

- Draft a charter for the intelligence communities. The charter would clarify the role of each one, outline the conflict of interest laws (to avoid the same people working in both the agencies and committees supervising them), adopt the equivalent to the American Freedom of Information Act (FOIA) to allow greater transparency and to streamline existing laws.
- Declassification of files (there was some polemic as to how fast). A participant stated that a FOIA would not be possible unless there was complete declassification of files. Others stated that a sudden declassification might create chaos. So far, file declassification has been limited to leaks to the press due to exposure by the Ponomarev Commission, whose work has been seriously curtailed by the conservative leadership of the Parliament. Therefore, in order to break the deadlock, it was proposed that an assertive executive order on declassification be drawn.

It was mentioned that the Wilson Center has a program on declassification, which involves the Librarian of Congress, James Billington [In addition, a deal was recently struck by Moscow authorities and Crown Publishers to publish some files, as was noted during their press conference held at the National Press Club on June 24, 1992]. The Kennan Institute also knows of several scholars working on files relating to the Communist party.

- Control the budget: it was reported that even key members of Parliament do not know the approximate figures of the agencies' budgets. It was proposed that the legislature assume all responsibility for funding the former KGB, even if exact amounts are not revealed (as in the U.S.). This would allow the deputies to demand

cutbacks from the intelligence services on a budgetary, and not a political basis--which would also spare Yeltsin of making that decision himself.

- Privatize/de-nationalize telecommunications and other industries that are vital to the free flow of information, and which currently remain under the agencies' "supervision."
- Define the role of the executive, mainly through the establishment of:
 - a. general counsels within the intelligence agencies
 - b. executive oversight boards
 - c. independent inspectors-general.
- Encourage the media to investigate. The media must be very active and the government must avoid any type of censorship. One participant noted that half the cases of abuse by the intelligence agencies investigated in the United States appear first on a newspaper's front page.
- Open discussions on the importance of an outsider or insider heading an intelligence agency. The argument in favor of outsiders at our meeting maintained that prolonged exposure to information (by being a career officer) lends itself to more abuses of power. A regular turnover was therefore proposed. Former long-time FBI Director J. Edgar Hoover was cited as an example of the consequences of having an insider. The opposite argument mentioned was that those recruited from the intelligence ranks to head the agencies "know where the bones are buried," and would be more adept at controlling the situation. However, the condition is that the insider demonstrate an inclination towards reform.
- Develop public opinion as a force of vigilance and pressure; encourage the formation of non-governmental pressure groups. Some will presumably be formed by former victims of the system (such as in Czechoslovakia). Form a coordinating office in Moscow that will include journalists, former USSR people's deputies, Russian people's deputies, academics and legal experts.
- Take advantage of other countries' intelligence oversight systems.

For example, as Martin Walker pointed out with the British system, individual models show serious flaws. Because the U.S. oversight system is the most comprehensive, it was suggested that the Russians may want to pay special attention to that example. Therefore, American experts should be willing to reply, even on short notice, to requests or inquiries by the Russian reformers.

- Design and implement a system to absorb the former intelligence employees which would result from the drastic layoffs anticipated in the advent of real reforms. It was suggested that tax collection agencies, industrial security organizations, etc., be set up and expanded to re-educate and temporarily employ them. Gavril Popov, the former mayor of Moscow, proposed a similar solution.
- Pressure the former KGB to stand down domestically and abroad as well. It continues to have a tremendous and aggressive Cold War-level presence in the United States. Meanwhile, the spy agencies of most other former Warsaw Pact nations have completely closed up shop in the U.S.
- Organize more meetings and conferences in which the Russians can participate alongside foreign experts--such as the Center for Democracy's conference held in Bulgaria in April 1992.

The meetings overall did not stress that the security organs should be weakened. On the contrary, one participant mentioned that the democratic government "needs the shield and the sword as much as the previous [Communist] government." These panels emphasized the empowerment of the democratic organs, and the steps that need to be taken to prevent another coup.

Consulting Center at Moscow State University

At the second meeting at The American University, we developed the idea of setting up two groups, one in the United States and the other in Moscow. The Moscow group (comprised of Russians) is intended to serve as a source of laws for Supreme Soviet deputies as well as a watchdog group to monitor and expose instances of non-compliance. It is based in Moscow State University's Center for Socio-Humanitarian Education, an intra-departmental center, and includes

Drs. A.V. Surin (head of the Faculty of Political Science), Mikhail Marchenko (head of the Faculty of Law) and Nikolai Zlobin (chair of the History Department), plus former KGB director Vadim Bakatin, and Russia's foremost investigative reporter Yuri Shchekochikhin.²

As of early July 1992, no significant activity emerged from the new Center because it was only established in mid-May 1992. The work of this Center will be a combination "think-tank" (a source of laws and recommendations) and an ACLU (a source of public advocacy). That is why we have included the most respected law school in Russia, plus a team of investigative reporters, and the respected reformer, Vadim Bakatin. We yet have to invite other active participants.

In the second *Demokratizatsiya* meeting at The American University, it was stressed repeatedly to help form an office like the Consulting Center in Moscow as well as the need for coordination on this side of the ocean. At the American Bar Association conference in late April of 1992 entitled "The Role of Intelligence in a Post-Cold War World," I heard several members of the audience mention that they would like to contribute ideas, but there was a lack of an organization or facility for them in Moscow. It was here that the idea of the Consulting Center was seriously discussed by myself and members of the panel and the audience: J. Michael Waller, John Norton Moore, Paul Nathanson and Susan Kennedy Ortung.

The Center in Moscow is desperately needed because, as Diane Dornan pointed out, "there is a history of precipitous actions by the Supreme Soviet with little reflection, few amendments, etc." She added:

Develop think tanks, activate reporters; develop traditions of editorials by prominent outsiders such as jurists, civil libertarians, organizational experts, even Western experts who can compare arrangements in other democracies; attempt to build grassroots opinion/pressure.

Excerpts from the agreement, or *mandat*, that was drafted in Moscow for the Center read:

The idea for the foundation in Moscow of the non-governmental Consulting Center was adopted by the leadership of the Center of Socio-Humanitarian Education [which includes 200 faculty members from the nine schools of Moscow State] with positive interest. The activity of such Center should pursue the following goals: to provide the Russian Parliament and people's deputies with the necessary information for the adoption of the right decisions; to establish a contact with the press for

the purpose of controlling the accuracy of the application of the laws; to render the necessary assistance to prepare bills; to study social opinion, historical traditions and possibilities of the application of the Western experience to Russian reality; to set up a control over the decision-making and the security organs by society and legislators; the ensuring of human rights; of the possibility of equal participation in the political process of all political parties and movements. Mr. Fredo Arias-King told us about this idea...

To fulfill the tasks of the Consulting Center we consider as proper and useful to broadly use all the materials which are available in the government and non-government structures in the democratic states. From our point of view, both Russian and foreign specialists could serve as experts to figure out possibilities of the application of such materials to Russian reality. We are talking about distinguished politicians, journalists, scientists. We have a preliminary agreement about the participation in the work of our Center with the former head of the KGB, Vadim Bakatin, the journalist Yuri Shehekoichkin, the Supreme Soviet Member S. Kovalev, etc. We also expect that many distinguished and prestigious people would participate at our request in the work of this Center...

This Center is important not only because of its potential, but also because its participants are taking a great political as well as personal risk just by agreeing to take part. Only months ago, nothing at Moscow State could be done without the consent of the KGB. Theoretically, if a hard-line coup succeeds, these people would be the first demoted at Moscow State or even imprisoned. For this reason, any time wasted to equip them and supply them with information and advice would be quite unjust.

Coordinating Council in the United States

At the second meeting at The American University, all the participants enthusiastically agreed to put their efforts into this task. To assist in the growth and development of the Center in Moscow, as well as in the actual advising process for the responsible organs in Russia, much effort will have to be invested on this side of the world. It has been easily forgotten that very few Westerners have ventured to advise the Russians on something which will determine whether or not democracy succeeds or fails. J. Michael Waller and Paul Joyal (International Freedom Foundation), Allen Weinstein (Center for Democracy), Diane

Dornan (along with some congressmen from the House Intelligence Committee) and others are among the few that took the challenge seriously. Recently I met with Morton Halperin of the ACLU who is interested in going to Moscow to begin the procedural work of the Center.

The Russians are very open to the Center and there are many opportunities which exist to expand their work. Since there is no equivalent to our Center in the whole of Russia, we must be prepared to aid them in whatever is needed.

The institutes and individuals which are managing the Coordinating Council at this moment are the Center for National Security Law in the University of Virginia Law School at Charlottesville, and J. Michael Waller.

The institutes and persons that will be involved in the Coordinating Council are the following:

1. **Diane Dornan.** Ms. Dornan and her colleagues at the U.S. House of Representatives Select Committee on Intelligence have done an excellent job at pinpointing the problems and recommending solutions for the different Russian agencies. Ms. Dornan was in the World Affairs Council/ *Demokratizatsiya* panel "Reforming the KGB: The Security Services in a Democratic Russia" on March 31 at the Almas Temple in Washington D.C. She brought attention to the role the different agencies (not only the legislature) could play. She was one of the first to raise the need to have a strong pressure group in Moscow.

2. **International Freedom Foundation.** J. Michael Waller and Paul Joyal were among the first Americans that the Supreme Soviet turned to for advice. They continue to do consulting work for the Russian Parliament.

3. **The American Civil Liberties Union.** Morton Halperin was one of the main authors of the Freedom of Information Act. He is a renowned expert on non-governmental pressure groups on the intelligence and security organs' reform and oversight.

4. **The Center for Democracy.** Allen Weinstein, Paul Nathanson, Susan Kennedy Ortung and others organized a large conference in Bulgaria in April 1992 on the role of the intelligence services of the former Warsaw Pact, attended by the heads of the new countries' security

services as well as representatives from other countries. William Colby was there as well. The CFD has the trust and great respect of the Yeltsin government, as Dr. Weinstein has been working with Yeltsin since the latter was a struggling USSR people's deputy.

5. The American University. Louise Shelley, Gregory Stanton and Herman Schwartz have a history of advising the USSR and the CIS. Dr. Shelley obtained a degree from Moscow State University, and has organized many joint projects with Eastern Europe and the former USSR. Dr. Stanton is a constitutional expert and is advising members of the Ukrainian Parliament on constitutional reform. Prof. Schwartz of the Washington College of Law is advising the Ukrainians, Czechs and Slovaks on new constitutions and rule-of-law projects.

6. The Center for National Security Law of the University of Virginia at Charlottesville. John Norton Moore, the head of this Center and former director of the Institute of Peace; Bob Vanderlugt and Michael Gould will be entrusted to manage the Coordinating Council and to apply for funding for its work. Dr. Moore also organized the American Bar Association conference on intelligence mentioned earlier.

7. Kennan Institute for Advanced Russian Studies. Deputy Director Mark H. Teeter has a broad knowledge of the experts that are or have been scholars there. During the second meeting, Mr. Teeter elaborated on a strategy of how to approach the authorities in Moscow based on his many experiences in Russia.

8. Demokratizatsiya. Soon some of our journal's representatives will travel to Moscow and will work to develop the Consulting Center. They will form the needed link between the Coordinating Council and the Consulting Center. They will also coordinate activities with the Moscow offices of The Center for Democracy and other similar organizations.

9. Radio Free Europe/Radio Liberty. Victor Yasmann, RFE's Munich-based KGB expert, attended our first meeting and gave us the legal framework and the character of the new March 1992 KGB law adopted by the Supreme Soviet. Mr. Yasmann has a sixth sense in detecting the laws, no matter what their appearance at first, which will not work in Russia.

10. **William Colby.** Mr. Colby, the former director of the Central Intelligence Agency, has infinite knowledge and experience to further this endeavor. He has shown keen interest throughout all our activities and has participated in other similar projects to assist the process of reform in the former USSR.

11. **Sergo Mikoyan.** Dr. Mikoyan, for all his life, has had exposure to the inner workings of the Soviet state, and has a keen interest in the survival of reforms in Russia. He is the head of the Institute of Peace of the prestigious Academy of Sciences of Russia. His father, former USSR President Anastas Mikoyan, along with Party leader Khrushchev was the architect of the de-Stalinization process after the 20th Party Congress in 1956.

12. **Abraham Brumberg.** Dr. Brumberg, the former editor of *Problems of Communism*, attended our second meeting to contribute a lively point of view on the security services. He emphasized the need to explore other models from which we could draw experiences to better fit the Russian case.

13. **The Manchester and London Guardian.** Martin Walker, the U.S. correspondent of the British newspaper, was the moderator at our first meeting as well as at the World Affairs Council/*Demokratizatsiya* conference. His experiences in Moscow as a correspondent are invaluable. He is also the author of the acclaimed book *The Waking Giant*, one of the first on perestroika.

14. **The Jamestown Foundation.** Leigh LaMora and Larry Uzzell have been working with dissidents (now radical leaders) for many years and have sponsored many events to put these dissidents/reformers in touch with American monitor groups and foundations.

Demokratizatsiya does not seek to become an "umbrella group" in this effort, nor does it wish to create a strategy of its own. It only seeks, as much as possible, to assist the groups that already have begun this effort. We welcome new additions to the Coordinating Council as well as to the Moscow Center, particularly in the area of democratic oversight and parliamentary control of internal security organs.

Perhaps elements within the former KGB will seek to stop us, or even frustrate our efforts (suddenly it became impossible for me to

obtain a visa from the Russian Consulate in Washington, and only by the request of high-level officials was I finally able to do so). They have seen us walking in and out of their worst enemies' offices, and they know our efforts could very well cast a shadow over their dreams of perpetuating their hard-line tactics. Their network is now more secretive than ever, and is still quite formidable. On the other hand, the majority of the groups within the security agencies *are* in favor of reform and many will risk their lives to preserve it. It is these groups that will welcome the Russian initiative at reform, and our unconditional assistance for this initiative.

What will transpire from our collective efforts is nothing more than the chance for democracy in Russia to succeed and prosper, free of interference from dangerous and destructive elements. We at *Demokratizatsiya* know that Russia in the end will succeed and overcome.

We look upon Russia with great hope.

Notes

1. **J. Michael Waller:** director of international security affairs at the International Freedom Foundation.
Diane Dornan: staff member at the U.S. House of Representatives Select Committee on Intelligence.
William Colby: former director of the Central Intelligence Agency.
Morton Halperin: executive director of the American Civil Liberties Union.
Paul Nathanson, Susan Kennedy Ortung: European program director and assistant European program director, Center for Democracy.
Louise Shelley: professor at The American University and an expert on Soviet/Russian criminal law.
Yuri Shchekochikhin: Russia's foremost investigative reporter, working for *Literaturnaya Gazeta* and a former USSR people's deputy.
Donald Bowles: expert on third world development and Soviet-Russian economics, Department of Economics of The American University.
Gregory Stanton: professor at The American University, and advisor to Ukrainian people's deputies on constitutional reform.
Mark H. Teeter: deputy director of the Kennan Institute for Advanced Russian Studies.
Paul Joyal: former director of security at the Senate Intelligence Committee.
Mike Arney, Jane Robinson, Kevin Austin and Nancy Schwalje: analysts at the Foreign Broadcast Information Service (FBIS).
Victor Yasmann: Radio Free Europe/Radio Liberty's Munich-based KGB expert.
Sergo A. Mikoyan: professor at Georgetown University and former editor of the

Russian journal *Latinskaya Amerika*.

Vagan Gevorgian: senior editor of the Russian journal *USA: Politics, Ideology, Culture*.

Abraham Brumberg: editor-in-chief of the journal *Problems of Communism* during its first two decades (1952-1970).

Martin Walker: U.S. and former Moscow correspondent of The Manchester and London *Guardian*.

Mikhail Gnoutcheff: Interpreter and analyst, working with Radio Free Europe in Washington.

2. **Vadim Bakatin:** former head of the Ministry of Internal Affairs of the USSR under Gorbachev, later appointed to head and reform the KGB after the coup.

Mikhail N. Marchenko: dean of the Faculty of Law, and vice-rector of Moscow State University.

A.V. Surin: dean of the Faculty of Political Science, Moscow State University.

Nikolai V. Zlobin: chair of the History Department of Moscow State University.

Yuri Shchekochikhin: Russia's top investigative reporter, who plans on inviting investigative reporters with other Moscow newspapers to this effort.