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*For. P.
Richard Briers*



The VIGIL for Anna

Chairman,
Rev. Dr. Richard Rodgers,
63 Meadow Brook Road,
Northfield, Birmingham B31 1ND,
ENGLAND.
Tel: 021-476 0789

ANNA CHERTKOVA

A sane woman interned in a Prison Psychiatric
Hospital in the Soviet Union since 1973

Representative: James Ginns

22nd October 1987

Press Release

SEVEN DAY VIGIL OUTSIDE SOVIET EMBASSY ON THE EVE OF THE
ANNIVERSARY OF THE REVOLUTION ---FOR RELEASE OF ANNA CHERTKOVA.

A team will maintain a day and night vigil outside the Soviet Embassy in Bayswater Road, London from dawn on Sunday 1st November to dusk on Saturday 7th November, to try to encourage the Soviet Government to include in the promised amnesty, this mentally normal Baptist lady in the fourteenth year of compulsory confinement in a Soviet psychiatric hospital.

On 31st August 1987, the chairman of the Soviet Council for Religious Affairs, Konstantin Kharchev held a meeting with U.S. Senator Richard Lugar. He is reported to have promised that all "prisoners of faith" will be released by November. There are signs that this may not include compulsorily detained psychiatric patients such as Anna.

The team will carry large banners of Anna. Every day at about 11am a petition for Anna's release will be delivered to the Embassy, at times with the help of various people well known in public life.

CAMPAIGN THROUGHOUT BRITAIN

Many thousands of people in recent weeks have written to the Soviet Ambassador to express their concern for Anna and to ask him to report the degree of public feeling to his government.

The Bishop of Worcester is putting a Private Member's Motion at the General Synod of the Church of England which commences on 7th November. Anna has been the subject of special actions by Amnesty International. Anna was in the top four on a list given to the Soviet leadership by Sir Geoffrey Howe when he accompanied Mrs Thatcher to Moscow in May.

David Mellor, Minister of State at the Foreign Office, spoke strongly in support of Anna at the re-opening of the Helsinki CSCE Review Conference in September.

In Parliament Roger King and Nicholas Winterton have put down an Early Day Motion calling on the Government to press for her release. Ken Hargreaves MP. has applied to the Speaker for the opportunity for an adjournment debate on the issue.

The vigil has gained the very welcome patronage of several figures well known in public life whose names appear at the head of this paper.

THE CAMPAIGN IN EUROPE

A member of the "Vigil" committee is travelling extensively in Europe to foster concern for Anna. James Ginns has already been well recieved at the Council of Europe, at the European Parliament, the Vienna Review Conference of the Helsinki Accords, and by many in political, journalistic and church circles in Belgium, Holland, Germany and Scandinavia. He will also visit the World Council of Churches in Geneva and the United Nations, the Vatican and many other contacts in Switzerland, Italy, Spain and France before returning to England on 4th November.

As a result of this tour action is already being taken on Anna's behalf in many of these circles.

THE CAMPAIGN BEYOND EUROPE

The U.S. State Department, President Reagan and Mr Schultz, are all acquainted with Anna's case. We are working together with groups in the United States and New Zealand, including groups belonging to Amnesty International.

Anna's is also a case which has been featured by International Association on the Political Use of Psychiatry which has done careful work documenting and analysing the abuses of psychiatry in the Soviet Union in recent years.

For further information contact Rev. Dick Rodgers. 021 476 0789.

....or after Tuesday 27th October I will be at 01 883 4585.

Photographs of Anna are available.

I may telephone your office next week to seek an appointment with one of your staff to discuss our work on behalf of Anna Chertkova.

ANNA CHERTKOVA



**HELD IN A
SOVIET
PSYCHIATRIC
HOSPITAL
SINCE 1973.**

**"DENY GOD
AND YOU WILL
BE HOME
TOMORROW!"**

Anna was born in 1927. Her father was a Baptist evangelist in Siberia. She became a believer herself and was baptised as a teenager. She worked as a seamstress before moving to Alma Ata, not far from Afghanistan in 1964 where she became a "postman."

Trusted

She made no secret of her faith, saying grace at meals and reading the Bible even in her lunch break. Yet, even so, her bosses considered her particularly trustworthy and relied on her to deliver specially confidential documents and valuable items. For some reason her little house was twice demolished probably by the city authorities. Anna stoically continued to live among the ruins of her home and in 1973 appealed to Mr Brezhnev to resolve her predicament. Shortly after that a van arrived and the militia led her away under arrest, to be found a week later in the local psychiatric hospital.

Sane

The doctor said, "I don't know why they send us people like Anna. I see no reason for keeping her in hospital. I want to let her go home but I'm powerless to do so."

Anna was tried in secret without witnesses and sentenced to indefinite detention in a psychiatric hospital for "slandering the Soviet State."

She was transferred to Tashkent Prison Psychiatric Hospital in 1975 where she was kept behind barbed wire and an electric fence, patrolled by soldiers with automatic weapons. Part of the time she was kept in a locked ward with atheist prisoners who would tear up her Bible. Her only exercise was in a small concrete pen with walls fifteen feet high.

Injected with drugs

She was injected with psychiatric drugs which left her with tremors of the jaw, which

spread to involve the whole of her body. The drug Sulphazin was used at this hospital. It gives a terribly high fever and affects the mind. It was withdrawn in Britain in the 1930's because it was so toxic.

Anna was in Tashkent for eleven years, spending much of her time in isolation. She was moved in January 1986 to a Prison Psychiatric Hospital in Kazan on the Volga, 500 miles east of Moscow and 1,500 miles from her relatives in Alma Ata. She is still there in the general ward with mentally disturbed patients. The distance prevents her elderly mother from visiting her and the last her family saw of her was in Tashkent when they were only allowed to see her through a glass partition and speak to her on a telephone.

Deny God

If she had been sent to *prison* for anti-Soviet slander, instead of to a psychiatric hospital, Anna would have been home eleven years ago. Several times she has appeared before a review panel where they told her, "Deny God and you will be home tomorrow."

"I walk with my Jesus"

Anna conducts herself with dignity. She is fearless. A visitor says, "I went to visit her to cheer her up, but it was the other way round; she cheered me up!" Her mood is cheerful; her faith is steadfast. "I walk with my Jesus," she writes "He is my defender." "Eternal glory to God for everything! I ask you all to lift me to the Lord in prayer, that His will for me may be done."

Welcome In Germany

She would like to leave the hospital and emigrate to relatives in West Germany. She is half German and the West German government has said it will be happy to welcome her as a refugee.

PLEASE

1. Pray for her release.

2. Write to her:

TATARSKAYA A.S.S.R.,
420082 g. KAZAN
ul. YERSHOVA 49,
uchr. UE-148/st. 6-14 old,
CHERTKOVA, ANNA VASILIEVNA,
USSR.

(22p stamp)

3. Tell the Soviet Ambassador of your concern.

H.E. Leonid Zamyatin,
13, KENSINGTON PALACE GARDENS
LONDON W8 4QX.

4. Send a PETITION, however large or small, to your M.P.

House of Commons,
London SW1A 0AA.

The following wording must be adhered to carefully or the petition will be invalid. On the top of the first page, written by hand, not photocopied or typed:-

"To the honourable the Commons of the United Kingdom of Great Britain and Northern Ireland in Parliament assembled. The Humble Petition of (here insert a description of the Petitioners e.g. residents of Bramworth by Sea or members of St. Michael's Church, Big Town, etc.), sheweth that the Soviet Christian ANNA CHERTKOVA has been wrongfully detained in a Soviet Prison Psychiatric Hospital for many years.

Wherefore your Petitioners pray that your Honourable House encourage the Foreign Secretary in representations to the Soviet Government with the purpose of obtaining Miss Chertkova's release and reunion with relatives in the West. And your Petitioners, as in duty bound, will ever pray, etc. (Keep to this exact archaic ending, including the abbreviation "etc").

(Then on the same sheet follow Signatures with the address of each signatory. The part in italics must be repeated at the head of the second and every subsequent page and maybe reproduced by photocopying. Do not add any other comments or enclosures apart from a covering letter to your MP. It must be taken or sent to your MP. with the request that he present it to the House.)

Could you ask your MP to sign early day motion No17 at the House of Commons. It is about Anna.

Thank you for your concern.

Issued by:- "The Vigil for Anna", 63 Meadow Brook Road, Northfield, Birmingham B31 1ND
For further information we recommend Keston College, Heathfield Road, Keston, Kent. BR2 6BA

The Reality About Human Rights in the U.S.S.R.



United States Department of State
Bureau of Public Affairs
Washington, D.C.

Following is an address by Richard Schifter, Assistant Secretary for Human Rights and Humanitarian Affairs, before the National Strategy Forum, Chicago, Illinois, February 16, 1987.

Of all the questions that can be posed about human rights conditions throughout the world, none has, in recent days, been asked more often or is more intriguing than the question: "What's going on in the Soviet Union?"

There is no doubt that interesting events relating to the state of human rights in the U.S.S.R. have been happening recently. The release and deportation of Shcharanskiy and Orlov can be written off as parts of arrangements under which our side released spies. But there was no clear *quid pro quo* from the West for the return of Andrey Sakharov to Moscow, the release of the poet Irina Ratushinskaya, the decision not to impose a prison term on the Crimean Tatar leader Mustafa Dzhemilev, and, most recently, the release of a significant number of political prisoners. In Moscow, plays and films that are critical of certain aspects of past or present conditions in the Soviet Union are shown to limited audiences. Rumors abound that previously published books will now appear in print. There are serious students of Soviet affairs who believe that the events that I have just recited are harbingers of the far-reaching and most significant changes that Mikhail Gorbachev will institute in the Soviet system. There are others who hold to a more jaundiced view.

Trying to determine what motivates the leadership of the Soviet Union in effecting changes in policy is by no means an easy task. The decisions are clearly made at the highest level, in the Politburo. These meetings are not open to the general public, nor are transcripts or summaries of its deliberations ever made available to the outside world. And in Soviet society, we don't even have leaks. Therefore, we can try to fathom the thinking of the Soviet leaders only by reading their speeches, statements, and the reports of foreigners who have had conversations with them. For the rest of it, we must fall back on educated guesses. It is with that caveat clearly underlined that I would like to offer you my interpretation of recent developments in the Soviet Union as they relate to respect for human rights.

Democracy and the Russian Revolution

Let me begin by asking what is it that makes us, both as a political entity and as individual citizens, respect the rights of our fellow men—the right to life, to liberty, and to personal dignity. It is, I submit to you, above all, our religious tradition—principles such as the Ten Commandments and the Golden Rule—that provide the framework within which most of us act most of the time, both in our private and, in the case of government officials, in our official capacities as well.

To this religious tradition we must add the fundamentals of our secular approach to government, an approach stemming from the philosophers of the Enlightenment, so magnificently summarized by Thomas Jefferson in the initial passage of our Declaration of Independence. What Jefferson stated there with the utmost clarity are our ideas of the inalienable rights of the individual, of limited government, and of government only with the consent of the governed.

Now let us examine where the Soviet Union stands on these propositions. The ideas of the Enlightenment did, indeed, penetrate into that country. The Empress Catherine II expressed an interest in them. And, in the 200 years since her reign, the ideals of Western civilization have, by no means, been unknown in Russia. Admittedly, though, the penetration has been shallow. Beyond that and, most importantly, as far as the outlook of the Soviet leadership is concerned, Lenin, the founder of the Soviet state, totally rejected the concepts of the rights of the individual. The Russian Social Democratic Party, it should be recalled, was united in its espousal of Marxism. But Lenin divided it precisely on the issue of the methods of seizing and maintaining power, repudiating any notion of the rights of the individual and of government by consent of the governed. The very reason for the existence of the Bolshevik Party and, ultimately, the communist international movement united in the Third International was its complete rejection

of the concepts of democracy as they had developed in Western civilization in the wake of the Enlightenment.

The fact that Western notions of democracy were neither foreign to Russia nor lacked popular support in that country was borne out by the results of the first relatively free elections to a Russian parliament. Both the first and second Dumas, elected in 1906 and 1907 respectively, contained overwhelming majorities pledged to democracy. It is most significant, furthermore, that the election in November 1917 of a Constituent Assembly, held *after* the Bolshevik seizure of power, produced only a 24% vote for the Bolsheviks. Once again, the great majority voted for parties supporting the democratic form of government. In fact, the largest vote total in the November 1917 election was garnered by the party whose leader, Aleksandr Kerensky, had been deposed by Lenin just weeks earlier.

By the time the Constituent Assembly met in January 1918, quite a number of the elected delegates had been arrested by the Bolsheviks. Even so, when the assembly met—in spite of these arrests and in spite of the fact that Bolshevik-led troops surrounded Petrograd's Tauride Palace in which the meeting took place and were, in fact, present in the meeting hall—the Bolsheviks lost every key vote. They then withdrew from the session. Eighteen hours after the meeting had been opened, the Bolshevik soldiers forced its adjournment by simply turning off the lights. As the delegates stumbled in the dark to the doors and out into the street, they may not have known that the light had also been turned out on Russia's brief exposure to democracy. They found out a few days later when the Bolsheviks dissolved the assembly and moved on with their program to establish throughout the country a one-party dictatorship. As the words "democracy" and "democratization" are so often in use in the Soviet Union today, let us note that just a few days before he dissolved the Constituent Assembly, Lenin had delivered a speech in which he had pledged himself to fight for "our truly democratic regime" against the capitalists of the world.

The Growth of Soviet Repression

So much for Lenin's approach to the notion of government by consent of the governed. But what about the older, religious tradition of respect for the integrity of the individual, a tradition which had reached Russia more than 900

years earlier with the arrival of Christianity. It was a tradition which many rulers had honored in the breach, but it had, nevertheless, from time to time, served as a brake on Russia's autocrats. Lenin had swept it all aside, not only by committing the state he created to virulent atheism but by insisting that the leadership of his movement banish all notions of "bourgeois morality" from its conduct of public affairs. No holds were to be barred. Every vile trick in the book could be used, all forms of brutality were in order, if it advanced the cause.

On the foundation laid by Lenin, Stalin then built the despotism uniquely associated with his name. The basic approach which justified repressive and amoral government had been well established by Lenin, and the mechanisms of repression had been put in place. But whereas Lenin was prepared to destroy and to kill for the cause, Stalin was prepared to use the existing apparatus to serve his personal ends, to destroy and kill out of vindictiveness, paranoia, and sometimes even on a whim.

Stalin died in March 1953. The reign of terror continued a few months longer under the leadership of Stalin's Minister of State Security, Lavrenti Beria. But Beria was arrested in July 1953 and executed in December. That, indeed, put an end to Stalinism *per se*. Yet Stalinoid tendencies—for that matter tendencies that date back to the Romanovs, persisted. By that I mean governmental action which constituted brutality for brutality's sake, meanness, vindictiveness, and paranoia. In analyzing developments concerning human rights in the Soviet Union in the period since 1953, we can identify both Leninist and Stalinoid tendencies. By the former, I mean repression for a clearly recognized purpose of state. By the latter, I mean random repression designed to instill fear in the populace without relevance to a clearly defined objective.

The arrest and execution of Beria in 1953, together with the arrest and execution of other leaders of Stalin's secret police, resulted in the transfer of the secret police apparatus from the center of the Soviet bureaucracy to its margin. The secret police was still there and operating, but its fangs had been pulled. It was operating under the authority of the country's political leadership rather than as a law unto itself. It was to crack down when it was in the interest of the state to do so, not at random, not on the basis of its own whim, not as a result of an anonymous denunciation. And what we might call the rules of engagement were changed. When dealing with the general public,

the secret police would use brutality more sparingly, only when clearly necessary.

Remission and Revival

As we look back, we can identify a period of remission of the Stalinoid tendency, which lasted from July 1953 to February 1977, for 23½ years. It began with the release of the hundreds of thousands of Stalin's prisoners. And it ended with the arrest of Yuriy Orlov, a well-known physicist, who had taken on the leadership of a group which had taken on the task of monitoring Soviet compliance with the human rights provisions of the Helsinki accords.

The period of 1953–77 was by no means a period in which Soviet action in the field of human rights was totally benign. To be sure, Nikita Khrushchev released Stalin's prisoners, made his famous de-Stalinization speech in February 1956, allowed the publication of Solzhenitsyn's *One Day in the Life of Ivan Denisovich*, and permitted "the thaw" to develop. But in November 1956, following Lenin's precepts, Khrushchev brutally suppressed Hungary's freedom fighters. And it was Khrushchev who ordered the execution in 1957 of Imre Nagy, a life-long communist, whom the Hungarian revolt had propelled into a leadership position. The man charged with carrying out the Kremlin's Hungary policy on the spot, incidentally, was the Soviet Ambassador in Budapest. He played a clever game of deception and, later, of ruthless suppression. He thus earned his spurs to rise to much higher office. His name was Yuriy Andropov.

It is interesting, at this time, to look back at the Khrushchev years. This was not an era in which the supreme leader had ordered *glasnost* [openness]. The thaw came about because repression from above had been relaxed and, as the years went by, particularly after the de-Stalinization speech, Soviet citizens became more courageous in speaking out. The thaw came from the bottom up, not from the top down. There were a good many of us who thought at the time that the thaw had become irreversible.

It appeared that way even when Khrushchev fell in 1964 and was replaced by Brezhnev. The democratic ferment in intellectual circles was increasingly in evidence and, in time, ripened into the dissident movement. The leadership was uncertain about this new phenomenon. There were clearly some who thought that no harm could come to a Soviet state if a few dissenters spoke up, as long as they were not well organized. Others were,

however, increasingly uncomfortable with the mere idea that dissenting views could not also be expressed in writing, even though such writings would be published abroad and under pseudonyms. The government response was, as a result, hesitant and unclear. The first indication that the Brezhnev regime would place limits on any further liberalization came in 1966, with the trial of the writers Yuliy Daniel and Andrey Sinyavsky. Both of them were sentenced for writings that had been published abroad. In the years immediately following, other activists were picked up and sentenced to relatively short terms of imprisonment. Some were also committed to institutions for the mentally ill. But these governmental counter-measures were only sporadic. The dissident movement—from 1970 on, led by Andrey Sakharov—was gaining further momentum. *Samizdat* or underground literature was distributed with increasing boldness.

As the dissident movement became increasingly outspoken, an event occurred which received little notice at the time. In 1974, Yuriy Andropov, of Budapest fame, by then head of the KGB, was elevated to a seat on the Politburo. His views and those of persons close to him did not seem to have an immediate impact on the course of events. However, beginning in 1976, criticism of ideological laxness appeared in *Pravda*. There were now calls for a crackdown on the dissident movement.

The crackdown came, as I noted earlier, in February 1977. It started with the arrest of Yuriy Orlov. Shcharanskiy—arrested, tried, and convicted on a trumped-up charge of treason—followed, and then came the various other persons identified with the dissident movement as well as those who advocated unauthorized positions on religion, minority nationalities, and Jewish emigration and culture. By January 1980 when Andrey Sakharov was banished to Gorkiy, the movement he had led had been totally crushed.

The destruction of the dissident movement and the end to *samizdat* did not cause the secret police to relent. Wherever and whenever a Soviet citizen tried to raise his head to publicize unauthorized views, the heavy hand of the police state clamped down on him quickly. More persons were arrested and stood trial for anti-Soviet agitation and propaganda, which usually resulted in 7 years of imprisonment plus 5 years in internal exile, a total of 12 years, a large chunk out of a person's life. Other dissidents were committed to mental institutions.

This, then, was the state of affairs in the Soviet Union from 1977 on, during the last years of Brezhnev, during Andropov's tenure, during Chernenko's tenure, and during the first 20 months or so of the tenure of Mikhail Gorbachev.

The New Openness

And now let me get back to the question to which I referred at the outset:

"What's going on in the Soviet Union?" Andrey Sakharov has been allowed to return to Moscow. And in recent weeks, dozens of emaciated men, with close-cropped hair and wearing work-camp clothes, have arrived at Moscow train stations: political prisoners released from incarceration without having to serve their full term. Gorbachev, the newspapers tell us, has released more political prisoners than anyone since 1953–54, when Khrushchev freed the residents of Stalin's gulag. As I have just shown to you, the reason why Gorbachev was able to release a greater number of prisoners than his predecessors was that by 1987, a greater number of political prisoners had been collected in the gulag than at any time since 1954. Nevertheless, we have to ask ourselves why, after close to 2 years as General Secretary preceded by a year as heir apparent, Gorbachev has decided now on such steps as the release of significant numbers of political prisoners, the return of Sakharov, the policy of *glasnost*, and greater cultural freedom.

I recall attending, many years ago, a talk by Judge Skelly Wright of the U.S. Court of Appeals for the District of Columbia Circuit. Judge Wright had once been a segregationist. He was asked what changed his mind. He pointed to his head and said: "One day something just clicked." Did something "just click" in Mikhail Gorbachev's head?

Perhaps it did, but whatever clicked has not turned Mikhail Gorbachev into a fervent adherent of all of the provisions of the Universal Declaration of Human Rights. As it has been for close to 70 years, the Soviet Union remains a repressive police state. There has been no general amnesty of political prisoners. Article 70 of the Criminal Code of the Russian Socialist Federated Soviet Republic, making anti-Soviet agitation and propaganda a felony, is still on the books. So is article 190–1, which calls for 3-year sentences for persons guilty of defaming the Soviet state. What has been officially explained is that all cases of political prisoners were reviewed individually. Only some of them were released, after they had signed statements in which they promised

not to engage any longer in the activities which caused their conviction in the first instance.

Please consider, in this context, my earlier remarks about the differences between Leninism and Stalinism. If it is clear that the dissident movement has been destroyed, if it is clear that the long-term prison sentences imposed on dissidents have frightened the population sufficiently to extinguish practically all forms of dissidence, if a prisoner is prepared to promise not to offend against the system again, why engage in the Stalinist practice of retribution? It clearly doesn't serve the cause. On the contrary, given the favorable publicity which the release of some prisoners would generate abroad, the cause is better served by effecting such releases. It could help burnish the Soviet Union's image and, thus, enhance its role in world affairs.

But what about the various other measures that are associated with the new Gorbachev leadership? What explains the policy of openness, what explains the showing to restricted audiences of hitherto forbidden plays and films?

Let me offer a theory as to the reasons for recent developments in the Soviet Union.

In 1919, after his visit to the Soviet Union, American journalist Lincoln Steffens made this statement which was quoted for many years thereafter: "I have seen the future and it works." Three-quarters of a century later, it is evident to all that Steffens saw a mirage, that the future promised by the Soviet state has not arrived, that the Soviet economic model is a failure. The fact that it is a failure, that the Soviet economy is not only not gaining on the West but is falling further and further behind, is evident even to the Soviet leadership. What that leadership seems to believe, however, is that this failure of performance is not due to deficiencies in the model prescribed by Marxist-Leninist theory but is the result of human frailty, of the inadequacies of Leonid Brezhnev and the people who were placed in office during his period of leadership. Brezhnev and the Brezhnevites are also faulted for their failure to inspire the Soviet people, to motivate them to work harder, to be more efficient and productive.

Starting with this assessment of the present difficulties, Gorbachev has pledged himself to turn matters around, to get the Soviet Union moving again. Here are some of the steps which he has decided to take.

- Throughout the entire Soviet system, officeholders who are corrupt, drunkards, inefficient, or inept, must be removed and replaced. At the highest level of government, the identification of the people who need to be removed can be made by Gorbachev and his associates personally. But how can one flush out the persons at the lower levels of the hierarchy, particularly those far removed from Moscow? For that one has to resort to *glasnost*. No longer will the Soviet officialdom be sacrosanct, shielded from any popular criticism, able to order the arrest or the commitment to a mental institution of any citizen who tries to blow the whistle on a bureaucrat. From now on, on orders from the General Secretary, Soviet citizens are to speak up to denounce the evildoers so that they can be clearly identified and replaced. *Glasnost* is to be employed to upgrade the quality of the Soviet bureaucracy.

- Though the Marxist-Leninist model must not be challenged, it is recognized that fallible men have, from time to time, instituted policies and practices which served the country ill. These, too, have to be identified. *Glasnost* covers them as well.

- Local officials have often exercised their power arbitrarily, thereby unnecessarily antagonizing Soviet citizens. The exercise of administrative discretion, therefore, must be reduced. There must be clear guidelines from the highest level of government which spell out the policies to be followed throughout the country. The rule of law must be understood and recognized. It may be repressive law, but if it is, it must come from the top, from people who have the knowledge to decide what is in the system's interest.

- The country's future in an age characterized by technological advance lies with the group which the Soviet state identifies as the "intelligentsia." That group, Gorbachev recognized, in recent times had been affected by a serious malaise, despondent about the present and the future. Something had to be done to inspire that group, get it excited about life, and, consequently, make it more productive. Applying good principles of industrial psychology, Gorbachev, perhaps on his wife's advice, appears to have focused on the area of culture as one that could, indeed, provide stimulation. We thus have news that select audiences in Moscow and Leningrad may see plays and films that offer negative comment on current problems in the Soviet Union. Books that for years have not been allowed to be published will soon appear, such as those of Nabokov and, perhaps, even Pasternak. All of this may be enough to turn on a group which for quite some time has lived on a cultural diet of "socialist realism." But it is a far cry from cultural freedom.

All that I have described takes place in a one-party state, led by a self-perpetuating elite, an elite fully supported by a large, all-pervasive police force, which knows where the line is drawn between the permissible and the impermissible and makes sure—if necessary, with brute force—to see that everyone knows where that line is. A few days ago, the brutal treatment of persons engaged in a peaceful demonstration in Moscow at the hands of plainclothesmen reminded us all just where the line was drawn.

Conclusion

To sum up: changes have taken place in recent months in the Soviet Union, changes significant and meaningful to every single person released from prison, to his family, and to his friends. They are meaningful to Andrey Sakharov and Yelena Bonner, to their family and their many friends. They are meaningful also to those Moscow scientists, writers, and artists who can see plays that they have not been able to see before. And they are meaningful to the average citizen of, let us say, Tashkent, who can denounce some local official whose arbitrary use of power he has resented for so long.

But it isn't freedom. It is not adherence to the provisions of the Helsinki Final Act, which Leonid Brezhnev signed on August 1, 1975. Not by a long shot. Are we, nevertheless, getting there? Can we count on further movement toward an open society? I would say that we surely will *not* get there if we break out in hosannas about the events in the Soviet Union of recent months. We should note them, we should welcome them as modest steps forward, but we need to point out that compliance with the international agreements signed by the Soviet Union concerning respect for human rights requires much, much more. Only then will there be at least a chance of continuing, and far more significant, progress. ■

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The Evolving Soviet Approach to Human Rights



United States Department of State
Bureau of Public Affairs
Washington, D.C.

Following are addresses by Ambassador Warren Zimmermann, Chairman of the U.S. delegation, before the Conference on Security and Cooperation in Europe (CSCE) followup meeting, Vienna, Austria, on January 27 and February 20, 1987.

JANUARY 27, 1987

Over 5 weeks have passed since our last plenary meeting in Vienna. It is, thus, a good time to take stock, to record what has happened in the intervening period, and to assess its meaning for the obligations undertaken at Helsinki and Madrid.

I begin with a candid assertion: it is idle to assume that significant developments are not unfolding within the Soviet Union.

First, we see a country which seems to be trying to come to grips with its past. It is reported that a Georgian film depicting the evils of Stalinism will soon be shown to the public. It is reported that Boris Pasternak's *Dr. Zhivago* will soon be published in one of the few countries in which it is banned: his own. And it is also reported that Pasternak's house—the house where that great novel was written and where Pasternak's friend, Svyatoslav Rikhter, played the piano from dusk till dawn in homage on the day he died—will soon be opened as a museum. We hope these reports prove to be true because they appear to represent an effort to return to the Soviet people a priceless gift: their own history.

Second, the Soviet press describes what has, heretofore, seemed a contradiction in terms: the arrest of a KGB official for abuse of his official duties.

Third, Soviet cultural authorities are coming to realize that the greatness of Russian culture does not stop at the border. It is reported that the Kirov ballet star, Mikhail Baryshnikov, currently in New York, and the former director of the innovative Taganka Theater, Yuriy Lyubimov, currently in Washington, have been or will be invited to perform again in the Soviet Union.

These examples make an important point—that the Soviet Union is a different place from what it was 2 years ago. But how different? Is what we are seeing superficial or profound? Is it the reality, or just the appearance, of change? The answer is not obvious. The picture remains mixed. Based on events of the past 5 weeks, let me describe that picture as I see it today.

Recent Developments in the Soviet Union and Eastern Bloc

Political Prisoners. In my statement at the end of the first round of the Vienna meeting, I expressed concern that Mustafa Dzhemilev, who had been convicted six times for his work on behalf of his fellow Crimean Tatars, would be resented. I am glad to note that Dzhemilev has since been released. But the fate of most other political prisoners in the Soviet Union remains the same. With the death of Anatoliy Marchenko, over 35 Helsinki monitors

remain incarcerated, some in serious physical condition. And yet, these monitors make up only a small percentage of the political prisoners in the Soviet Union. Other human rights monitors, such as those connected with the human rights journal, *The Chronicle of Current Events*, and those who fought for genuine trade union rights, are similarly imprisoned.

Will another Marchenko die in detention? Will it be Anatoliy Koryagin, the courageous psychiatrist who spoke out against the abuses of psychiatry and has been weakened by hunger strikes? Will it be Iosif Begun, a scientist who has already served 9 years for his efforts to preserve the Jewish culture and the Hebrew language? Both are now confined to Chistopol Prison,¹ where Marchenko died. All here have noted Andrey Sakharov's appeal for the release of all political prisoners in the Soviet Union, and we have also noted Ambassador Kashlev's hints to the *New York Times* that there might be a response. May it be soon, may it be all-inclusive, and may it be untrammelled by limits and restrictions which could vitiate its effect.

In the period since this meeting recessed, the existence of a new Helsinki Monitoring Group in the Soviet Union has been confirmed. Calling itself "Helsinki 86," it was formed last summer in the city of Liepaja in Latvia and

¹Koryagin and Begun were subsequently released on February 18 and February 20, 1987, respectively.

has appealed to Pope John Paul II, to General Secretary Gorbachev, to the Soviet and Latvian Communist Party Central Committees, to the United Nations, to the American delegates at the September 1986 Chautauqua conference in Latvia, and to Latvian "countrymen in foreign lands." The signers of the letter to Mr. Gorbachev said, "We want to believe you that you will build a foundation for a democracy. Everyone will benefit from that, and there will not be any losers." Three of those signers have been reported arrested. The formation, for the first time, of an independent Latvian Helsinki Monitoring Group proves again the dictum of the British historian, Lord Acton, that "progress in the direction of organized and assured freedom is the characteristic fact of Modern History."

Freedom to Travel and Emigrate.

In early January, 50 Soviet emigrants were permitted by the Soviet authorities to return from the United States to the Soviet Union, many after several years of trying. It is understandable that the move from Soviet to American culture—cultures based on such different principles—could cause serious problems of adjustment. If, as the Soviet Foreign Ministry spokesman has said, there are a thousand more in the United States who desire to return, then we can only hope that the Soviet Union will abandon its former practice of treating them as pariahs and will permit them to exercise their right, guaranteed by the Final Act, to leave their country and return to it. After all, a few thousand emigrants desiring to return constitute less than 1% of the 400,000 who have left the Soviet Union in the last decade and a half. We must hope, as well, that the Soviet Government will honor its obligations to allow foreign citizens in the Soviet Union to return to their countries—Abe Stolar, for example: an American in his 70s who has been trying for decades to return his family from Moscow to the United States.

On a related issue, I referred earlier in my remarks to efforts apparently underway to bring back to the Soviet Union cultural figures who had left it. Why not go further and respect their right to leave in the first place and the right of others to leave as well? Last December, I cited the case of Vladimir Feltsman, a brilliant young pianist, whose application to emigrate 7 years ago has cost him the right to perform his musical art in the Soviet Union. Last year, in a letter to General Secretary Gorbachev, Feltsman asked:

Why does the problem of leaving the Soviet Union exist at all? Why do the authorities regard people who, for one reason or another, want to leave the Soviet Union, as virtual traitors? Why can't citizens of the U.S.S.R. leave their country and return to it without hindrance?

Why, indeed?

In the area of family reunification, there has been some progress. Of the American cases announced by Ambassador Kashlev in Bern, three-quarters have been resolved, although it remains a mystery why one-quarter of them are still unresolved after 9 months. During the Vienna recess, favorable decisions were made in several cases, and hints were made about several more. So far, the hints outnumber the decisions. We fail to see why the issues of divided spouses and blocked marriages cannot be settled once and for all. The numbers are not large, but the human cost is heavy. For example, Yuriy Balovlenkov, whose wife lives in Baltimore, Maryland, has now been separated from her for 8 years; he has never seen his younger child.

Many in this room have appealed for Soviet action to enable several Soviet citizens suffering from cancer to seek treatment in the West. Fortunately, those appeals seem to have been heard. Of the five cancer victims frequently named, three have been allowed to leave, and we understand that a fourth, Leah Maryasin, has exit permission. A fifth, Benjamin Charny, is in urgent need of help and—although he has a close relative, a brother, in the United States—he remains in the Soviet Union against his will.

I will refer to one of those cases, in particular, because it illustrates a disturbing paradox in Soviet conduct. Inna Meiman arrived in Washington 8 days ago; she suffers from cancer of the spine, a condition whose extreme seriousness was confirmed last week by the Georgetown University Hospital. Unbelievably, Mrs. Meiman was not allowed to be accompanied by her son, Lev Kittroskiy, and his family or by her husband, Naum Meiman. Naum Meiman is a 75-year-old man, a retired mathematician, and a former Helsinki monitor. He has congestive heart failure and quite possibly suffers from cancer himself. He also has an American citizen daughter living in the United States, a fact that qualifies him for emigration even under the most restrictive interpretation of the new Soviet legislation. The reason given for his many visa denials is that he did classified work 30 years ago; for that "reason," an old, sick man is not permitted to join a suffering wife and a daughter in the United States. The

Kafkaesque quality of this story can only make one wonder how much has really changed in the Soviet Union.

The end of the year 1986 set a record of sorts in the field of Jewish emigration from the Soviet Union. Those allowed to emigrate numbered fewer than 1,000—under 100 a month, the lowest figure since accurate statistics have been kept. The new Soviet legislation, which took effect January 1, shows no sign of alleviating this crisis in emigration and may even exacerbate it. The law is inherently restrictive, limiting the right to leave to those with close family abroad, and so far, it seems to be being applied restrictively. Applications for exit visas, which were previously at least accepted, are now being refused.

Broadcast Jamming. Finally, in the area of information, the BBC [British Broadcasting Corporation] Russian service has, for the last few days, reached the Soviet Union unjammed. We hope that this is the harbinger of a trend and that the Soviet Union will finally recognize the illegality of jamming by keeping the jammers off the BBC permanently and taking them and keeping them off the Voice of America, Radio Liberty, Radio Free Europe, Deutsche Welle, and the other stations prevented from reaching the Soviet people.

Czechoslovak Developments. A constant concern during our Vienna meeting has been the fate of the members of Charter '77 and of the Jazz Section in Czechoslovakia. Fortunately, in the past several weeks, five members of the Jazz Section have been released from detention. Two, however, remain in prison, and apparently some variety of trial awaits all seven. Thus Czechoslovakia's obligations under the Final Act remain squarely at issue in this sorrowful affair.

Inconclusive Evidence

In closing, let me return to the questions with which I began. We have heard predictions and promises from Soviet officials—on a cultural renaissance, on the release of political prisoners, on genuine openness. They seem to be telling us that Soviet society is at a turning point. But will it turn? The evidence is not conclusive.

We will know whether Soviet society will turn in a positive direction only when predictions become reality, when promises become performance, when gestures become practices, when episodes become patterns, when isolated steps become a long march. Only then will we know.

The Vienna meeting has just moved into a new stage. From agenda item five, which encompassed a review of implementation and the examination of proposals, we have now passed on to agenda item eight, which foresees drafting of a concluding document. According to the text of agenda item eight, such drafting will include decisions relating to the above-mentioned items. Those items include, of course, implementation review and examination of new proposals—two subjects which, therefore, remain clearly within the competence of this new stage of our meeting. In fact, it could hardly be otherwise, since our concluding document must refer to both implementation and to new proposals.

As we enter this new stage, it is, thus, entirely appropriate, with a view to drafting, to take stock of progress that was made in implementation of Helsinki and Madrid obligations and proposals that were introduced to improve such implementation. I intend to do so today and in the future as well.

Positive Trends in the Soviet Union

In my first statement to this Vienna meeting, I referred to violations of the human rights provisions of the Helsinki Final Act. I said that these violations must be reversed because they are a threat to the Helsinki process and because they will make it impossible for the violating states to have the kind of dialogue and relationship which they profess to want with their Western neighbors. And I stated that positive action to reverse violations will find a positive response from the American people and from the American Government.

Since the Vienna meeting began, the Soviet Union and some of its allies have continued to violate important elements of their Helsinki and Madrid obligations and have even committed new violations. These have been described by the American delegation and many other delegations. Today, I want to recognize, with equal openness, that there has been some progress toward improved compliance with commitments. In Poland, the release of nearly all political prisoners, together with other positive steps, has caused the U.S. Government to review and to lift its economic sanctions. And in the Soviet Union, some fresh winds have begun to blow.

Since our 35 delegations first assembled in Vienna, we have witnessed the following positive actions:

- Irina Ratushinskaya, the noted Orthodox Christian poet, was released from prison and allowed to emigrate to the West.
- Of the five cancer victims about whom many of us spoke, three were finally permitted to seek medical treatment in the West and a fourth has exit permission. Others desiring to emigrate for humanitarian reasons, such as Dr. David Goldfarb, have been allowed to depart.
- Of the American divided family cases which the Soviet government promised at Bern to resolve, some three-quarters have now been successfully resolved.
- There has been progress in bringing divided spouses together; 18 of the 28 cases on record at the time of the Geneva summit have now been settled.
- Nearly 100 former Soviet citizens have received permission to return permanently to the Soviet Union.
- Dr. Andrey Sakharov has been allowed to return to an unfettered life in Moscow, and his wife, Yelena Bonner, has been pardoned and also allowed to return to Moscow from exile.
- Mustafa Dzhemilev, an activist on behalf of his fellow Crimean Tatars, was released from prison.
- Significant new initiatives in the area of culture, particularly in the publication of previously banned books and the release of previously censored films, have been launched.
- Jamming has ceased on the BBC Russian service.
- Finally, a number of prisoners of conscience have been released from detention. So far, we can document about 35 who have actually returned, including 10 individuals whom the U.S. delegation has mentioned at the Vienna meeting. Andrey Sakharov believes that the total number is about 60.

There is another category—a category of assertions and promises—which at least offers a potential for positive results. For example, Soviet officials have announced that 142 political prisoners have been released and that others will follow. Massive changes in the penal code have been promised. It is also asserted that the new legislation on entry/exit will liberalize emigration, although the restrictive text of the legislation and the initial use of it imply the reverse. If these potential steps forward are actually taken, they, too, will be worthy

of note. At present, however, they remain simply assertions and promises.

In the catalogue of constructive actions, I have not referred to the reverse side of this progress—to its partial nature, to parallel actions which undercut it, to the fact that so much remains to be done to bring the Soviet Union into compliance with its obligations. There will no doubt be a need to return to these persistent problems in the near future. The point I want to make now is that certain positive trends are visible in the Soviet Union. We recognize them, we welcome them; we encourage them.

Implementation and New Proposals

General Secretary Gorbachev, in his address last Thursday, denied that the new Soviet approach on humanitarian problems is the result of Western pressure. Rather, he said, it is the result of a new way of thinking. It is not for this meeting to analyze the motivation for the actions we have observed; our interest is in deeds, not motives. But it would be a welcome fact if these actions are, indeed, the result of a new way of thinking, since that means they should be followed by more comprehensive and more significant actions to comply with commitments.

There is a necessary connection between implementation and new proposals. In the view of the United States, implementation is the key element in the entire Helsinki process. New proposals are valuable insofar as they underline this vital principle. New proposals can be an incentive to implementation; they must not be a substitute for it.

In that spirit, the United States and 16 other Western countries have, during the past two weeks, introduced 16 proposals covering the entire human dimension of the Helsinki Final Act. They constitute the most comprehensive set of proposals on the human dimension ever put forward at a CSCE followup meeting. And they are focused on a single objective: implementation.

Fourteen of these proposals are textual—that is, they describe obligations which could become part of the final document of this meeting. They cover virtually all the major human elements of the final act: freedom of thought, conscience, religion, or belief; national minorities; the contribution of individuals and groups to the Helsinki process; persons in confinement; freedom of movement; human contacts; information; culture; and education. In

addition, two followup proposals—one a multifaceted conference on the human dimension, the other an information forum which would involve working journalists—are a means of extending our focus on the human dimension beyond this Vienna meeting.

These proposals build upon our experience in Ottawa, Budapest, and Bern, reflecting the best ideas from these meetings. They also spring directly

from the problems and issues discussed during the implementation phase of our Vienna meeting. They represent no threat to any states devoted to a new way of thinking about human issues. On the contrary, they offer a test of the extent to which these states are prepared to put new thinking into practice. They would not undermine the political system of any state, but they

would require all states to live up to commitments which they have undertaken of their own free will. ■

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Human Rights, the Soviet Union, and the Helsinki Process



United States Department of State
Bureau of Public Affairs
Washington, D.C.

Following is an address by Richard Schifter, Assistant Secretary for Human Rights and Humanitarian Affairs, before "club pro wien," Vienna, Austria, January 28, 1987.

On July 4, 1776, in Philadelphia, Pennsylvania, 56 representatives of Britain's United Colonies of North America adopted a Declaration of Independence. The Declaration had started as a draft prepared by Thomas Jefferson, a leading member of those we call our "Founding Fathers," deeply committed not only to the cause of American independence but also imbued with the thinking of the Enlightenment. Reflecting the ideals of that new age, whose appeal was increasingly falling on fertile ground in Europe, as it was in North America, Thomas Jefferson penned these immortal words:

We hold these Truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness—That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed....

As the 56 men in Philadelphia took the decisive step to found a new nation, the city in which we meet today witnessed the 36th year of the reign of the Empress Maria Theresa. My research has not revealed whether Maria Theresa paid a great deal of attention to the activities of those revolutionaries in the relative wilderness of North America. Her concerns focused on matters far

closer to home, namely the political outlook of her own son, a man of about the same age as Jefferson and clearly inspired by the same thinkers who had inspired Jefferson. To her son and co-regent, whom we know as the Emperor Joseph II, she addressed the following warning:

Among your fundamental principles the most important are: (1) the free exercise of religion, which no Catholic prince can permit without heavy responsibility; (2) the destruction of the nobility; and (3) the so frequently repeated liberty in everything.... Toleration, indifferentism, are precisely the means to undermine everything.... I only wish that when I die I can join my ancestors with the consolation that my son will be as great, as religious, as his forefathers, and that he will give up his false arguments, the evil books, and the contact with those who have seduced his spirit at the expense of everything that is precious and sacred, only to establish an imaginary freedom which could... only lead to universal destruction.

Maria Theresa's efforts to redirect her son's thinking failed. In his years as sole ruler, he did, indeed, attempt to instill the ideals of the Enlightenment in the governmental institutions of his empire. But he failed and died a deeply disappointed man.

Not only at the time of the death of Joseph II but even as recently as 50 years ago, a great many observers of public affairs would have said that the ideals of the Enlightenment might be appropriate and suitable in other parts of the world but surely not here. As a matter of fact, in the 1930s, as the world increasingly looked with either

fear or admiration to Nazi Germany to set the tone in international affairs, there were many who viewed the totalitarian systems then in vogue as the wave of the future.

The Nazi wave ebbed in just a matter of years, albeit at enormous human cost. And this country, once Nazi rule had ended, for more than a generation has enjoyed a government chosen by the people and respectful of their human rights. After all of the triumphs and defeats which the principles of freedom have experienced in this land since the founding of Austria's *Aufklaerungs-partei* in the year 1767, a system of government which cherishes the rights of the individual is now firmly anchored here. The governmental system which Austria adopted in the post-World War II period has, indeed, provided the greatest good for the greatest number for a period unprecedentedly long in this country's history.

Systems of Government and Human Rights

I have made this brief excursion into the past to underline the simple proposition that the ideals of the Enlightenment continue to have universal applicability. I am making this point because there are some who genuinely believe in democracy and human rights, who will contend that political principles and structures appropriate for the people of Western, Northern, and Southern Europe, and for what we might now call West-Central Europe, are somehow inappropriate for Eastern and

East-Central Europe. Advocates of this view might, if pressed, concede that most of the countries of Eastern and East-Central Europe, if left to their own devices, could eventually adapt to democracy and, thus, naturally adhere to human rights. But they will argue that the country which dominates that region—the Soviet Union—still does not provide a fertile soil for the ideals which developed on this continent a quarter of a millennium ago. I submit that this view of Russian cultural inferiority is unfair and unjust.

Admittedly, cultural differences and separate historical influences do play a role in the development of varying forms of government. Admittedly, there is a longer history of repressive autocracy in Russia than there has been in other parts of Europe. And yet, who is prepared to say that history condemns a particular people to perpetual repression? What might someone speaking in the year 1788 have said about France's governmental tradition? Who would, as recently as 15 years ago, have predicted the vibrant Spanish democracy that we see existing today? And who would, on March 13, 1938, have predicted Austria's democratic rebirth only little more than 7 years later?

And let me add at this point that for me it has been a particular pleasure to work closely with representatives of Austria in international human rights meetings, both under UN auspices and in the CSCE [Conference on Security and Cooperation in Europe] process. Everyone concerned with the human rights issue deeply admires the magnificent contributions made over the years by [UN Special Rapporteur for Religious Intolerance] Professor Felix Ermacora. And let me say that I can also sing the highest praise of Ambassador Rudolf Torovsky of your Foreign Ministry, the head of your delegation to the Vienna CSCE conference.

Let me acknowledge at the outset that Jefferson's ringing words of 1776 did not usher in a system of government which fully lived up to all the principles set forth in the Declaration of Independence. Our Founding Fathers were well aware that when the Declaration spoke of all men being created equal, some of its signers did not construe the term to include slaves. The emancipation of the slaves came 87 years later, in the midst of a bloody civil war. It came, incidentally, 2 years after the proclaimed end of serfdom in the Russian Empire.

And let me add that while I sat in a segregated classroom in Vienna in the spring of 1938, hundreds of thousands of black students in the southern states of the United States were attending

similarly segregated schools. As a matter of fact, 25 years after I personally experienced that indignity, I had the opportunity, as a member of the Maryland State Board of Education, to help end school segregation in Maryland.

What I thus am suggesting is that no country has truly achieved perfection in the quest for human rights, nor can we identify a country which is condemned never to get started on the road to that goal. Those who write off the Soviet Union today as lacking in democratic fervor forget that in the 19th century, Russia not only produced supporters of the autocracy at one end of the political spectrum and nihilists, anarchists, and terrorists at the other end, but also democrats genuinely committed to the principles that had been spelled out in the 1789 Declaration of the Rights of Man and of the Citizen. They forget the events that led to the revolt of 1905 and the democratic ferment that stirred Russia from then onward, the fact that the relatively free elections to the first Duma and the second Duma produced overwhelming majorities committed to democracy. Finally, they forget that in the only free election which the Bolsheviks allowed, to the Constituent Assembly in November 1917, even overt Bolshevik pressure failed to win more than 24% of the vote for the Bolshevik Party. An overwhelming majority of the ballots cast went to those who supported a democratic system of government.

More recently, after the Stalinist nightmare, we saw signs of a resurgence of the spirit of freedom in the Soviet Union during Khrushchev's "thaw" and the rise of the dissident movement during the Brezhnev era. Certainly, as recently as 20 years ago one could have looked east and north from Vienna with at least hope that a new day was dawning. As a matter of fact, in the spring of 1968 it seemed as if, at least in nearby Czechoslovakia, it was possible for a Leninist system to evolve gradually into one in which freedom of expression, freedom of religion, and all the other basic rights of the individual would, indeed, be respected.

That was not to be. Czechoslovakia's moment in the sun came to an abrupt, externally imposed halt, as had Hungary's 12 years earlier and as Poland's would be 13 years later. And in the Soviet Union itself, where the government and the dissident movement had engaged in a cat-and-mouse game for some years, the heavy hand of severe oppression came down in 1977 and extinguished the dissident movement. The modern Okhrana [secret police] of

the Soviets once again proved itself so greatly superior in efficiency to its czarist predecessor.

Changes Under Gorbachev

Now we are observing with deep interest developments in the Soviet Union under the leadership of Mikhail Sergeyevich Gorbachev. As so often before, we are hoping for the best, we are hoping that the Soviet Union will, at long last, take steps that will give its long-suffering people a chance to attain the same level of recognition of human dignity that is enjoyed by their fellow human beings in so many other parts of the world.

What is important, though, is that we do not permit our hopes to influence our good judgment. Mikhail Gorbachev has now been in power for close to 2 years and may have been the principal leadership figure for even longer. Enough time has passed, therefore, for us to shift from mere speculation as to what he might do in the future to an analysis of what he has already done—or not done.

There is no doubt that a steady replacement of the officialdom of the Brezhnev era by a new group of younger and ostensibly more efficient people has brought in its wake significant changes in the day-to-day workings of the Soviet state. For the average citizen this has had important results.

For example, a Soviet citizen who observes a drunken or corrupt official, inept management, inefficient operation of a government office, or any similar deficiency in governmental operations is now encouraged to speak up without fear and denounce the wrongdoers. There is also a new insistence on clearer instructions to the bureaucracy, less ease for bureaucrats to operate arbitrarily, a greater emphasis on promptness in responding to the public. Accidents or administrative problems will be admitted more freely and openly rather than being swept under the rug. Writers may criticize some governmental failings. If we add it all up, it means that a major effort has been undertaken to make the state function more smoothly and to enlist the average citizen in efforts to improve the efficiency of state operations.

There is also, under Gorbachev, greater freedom in the arts than there had been immediately prior to his accession to the highest level of leadership. The works of some writers who were proscribed in the past have begun to appear in print, and a film reviewing the Stalinist past critically is now being shown in a few closed performances in Moscow. Whether these innovations are

truly significant, how far they will ultimately reach, and how long they may last under what remains one-party state control of culture is simply not clear today, at least not to outsiders.

For the rest, we have been bombarded with imagery. A Department of Humanitarian Affairs has now been created in the Soviet Ministry of Foreign Affairs. Upon closer examination, it becomes clear that this department does not have responsibility for dealing in a substantive manner with genuine human rights concerns about the Soviet Union but, rather, to coordinate the Soviet counterattack against foreign criticism of its human rights behavior.

Also, whereas in the past the policy of Soviet officials has been to refuse to listen to expressions of concern about human rights cases and to refuse to accept lists of names of persons presenting human rights problems or petitions concerning them, there is now a willingness to hear interlocutors out on the subject of human rights and to accept lists and petitions. But there is no evidence that this change in approach has any substantive significance. On the contrary, our experience to date would suggest that the new approach may be only cosmetic, a recognition that one can make public relations points by being polite, without giving up anything of substantive concern.

Even occasional humanitarian gestures are milked for maximum public relations benefit. All of us welcome the resolution of divided family and separated spouses cases. But let us keep in mind that these cases should never have arisen in the first instance. Moreover, they should be resolved not piecemeal over a stretch of time but systematically and promptly. In fact, if Mikhail Gorbachev were truly a reformer, I submit that the least he could have done would have been to resolve these divided-spouses cases overnight, by the stroke of a pen. Instead, we get an announcement of the future resolution of, let us say, 60 cases, and then the months pass as the cases are slowly, a few of them every month, actually resolved by the issuance of visas.

In recent weeks, we have also heard hints that hundreds of political prisoners will be set free in the near future. We would welcome this result. But that does not change the fact that these people have done nothing which, in keeping with international law, should have led to a prison term. They were, nevertheless, convicted under paragraphs 70 and 190 of the criminal code of the Russian Soviet Republic for anti-Soviet propaganda or for defamation of the Soviet

system. As I said, if these prisoners are freed, we shall welcome it. We must, however, continue to emphasize that paragraphs 70 and 190 are in conflict with international law and should be stricken from the criminal codes of the Soviet republics.

No, to date we have not seen any evidence of real human rights reform, only a heightened media consciousness. Shcharanskiy and Orlov have been released, but only in exchange for spies. Sakharov was allowed to return to Moscow, an important and welcome gesture, but one following within days the death of Anatoliy Marchenko in prison. Irina Ratushinskaya was allowed to leave prison early, after her health had been severely impaired through the brutalities she suffered in prison, most of them after Gorbachev's accession to power. A few prominent refuseniks leave the Soviet Union, but emigration numbers continue at the low level of the recent past.

And abuse of psychiatry continues. Dr. Koryagin¹, the courageous psychiatrist who revealed to the world the truth about the barbaric Soviet practice of committing sane persons to institutions for the mentally ill, is still serving sentences totaling 9 years for this revelation. Repression of independent religious groups is still the order of the day. During the past year, an additional 90 persons were sent to prison for violation of the Soviet Union's laws on the practice of religion. There is no indication of a clear commitment to make significant changes with regard to respect for human rights, even changes that might do no more than return the country to the greater openness of the Khrushchev era.

It is my personal opinion that the fundamental continuing problem of the Soviet Union is the centrality of the position of its secret police. That, I believe, is the great difference between Gorbachev's openness and Khrushchev's thaw. Following the arrest and subsequent execution of Lavrenti Beria in 1953, the secret police had been moved to the margin of the Soviet Government apparatus. In the 1970s, with the rise of Yuriy Andropov, the KGB moved back into the center of power. It is there now. And the fact that Big Brother is always watching makes it, indeed, possible for the leadership to relax the reins just a little, in the full knowledge that they can always be pulled tight again. It is this set of circumstances that caused the former executive editor of the *New York Times*, A. M. Rosenthal, to write recently:

¹Dr. Koryagin was subsequently released on February 18.

Mr. Gorbachev is certainly a smoother chap than most of his predecessors but he has not touched the police nature of the Soviet state and has not even hinted he will. How could he? He is part of it and rules through it. But everytime he says he will let a suppressed book be published or a private citizen own a pushcart or releases one of his ample supply of prisoners the West goes into a mad fandango of appreciation. There are, blessedly, Shcharanskys and some journalists who cry "wait, wait" to the world but they are outnumbered by eager folk who clap hands and sing praise. Myself, I will wait until Mr. Gorbachev arrests and tries the men who sent Mr. Shcharansky to jail and Dr. Sakharov into exile; time enough then to clap and sing.

Role of the Democracies

Indeed, let us examine what it is that we can do to bring us nearer to the day when we can clap and sing. And when I use the word "we," I am referring to the governments of the democratic world.

The Soviet Union tells us that its treatment of its own citizens is none of our business, that they are willing to hear us out under the new policy but that that does not change the fact that in their eyes we are grossly interfering in their domestic affairs.

There is a word in a language still spoken in the Soviet Union which aptly describes the nature of this response. It is *chutzpah*. In the Soviet Union, as we know, the Communist Party and the state are one. We need not go further than to remember that the person whom all of us accept as the leader of the Soviet Union is, in fact, none other than the General Secretary of the Central Committee of the Communist Party of the Soviet Union (CPSU). And this is the party which, upon establishing itself as the Government of Russia 69 years ago, did not miss a beat in pursuing its efforts at worldwide revolution, the grossest form of interference in the domestic affairs of other states.

Putting that aspect of the world's experience with the Soviet Union and the world communist movement aside, let us move on to consider the relevance to the human-rights issue of the international agreements signed by the Soviet Union. As my good friend Max Kampelman once observed, there was a difference between U.S. work on anti-ballistic missile systems before the 1972 ABM [Anti-Ballistic Missile] Treaty and thereafter. Work on such a system would take place totally on U.S. territory. It was not subject to international constraints before the ABM Treaty was signed. But it was, indeed, subject to such constraints after that event.

By the same token, prior to 1975, the United States could say with regard to

certain Soviet repressive measures that they were contrary to the provisions of the Universal Declaration of Human Rights, but the Soviet Union could respond that it had not voted for this nonbinding resolution of the UN General Assembly. However, by signing the Helsinki Final Act, the Soviet Union also agreed to abide by the provisions of the Universal Declaration of Human Rights. From August 1, 1975, onward, therefore, Soviet repressive measures can be and should be condemned as acts contrary to the understandings incorporated in a document duly signed in behalf of the Soviet Union by its *de facto* head of government, the then-General Secretary of the Central Committee of the Communist Party of the Soviet Union.

Role of the CSCE

And that brings me to a discussion of the followup conference under the Helsinki accords, which is now meeting here in Vienna and whose second session started yesterday.

This is the third such major conference since the Final Act of Helsinki was signed in 1975. In the interim, there have also been a number of miniconferences under the Helsinki accords, limited in duration and devoted to specific topics.

The Helsinki accords, as we know, encompass a number of topics. The principal ones that have evolved in the last 11 years have been security arrangements and human rights. As this presentation focuses on human rights, I shall limit my discussion of the Helsinki Final Act to its human rights dimension.

I once posed the question to a rather high-ranking Soviet official as to what the Soviet Union really had in mind when it agreed to the human rights provisions of the Helsinki Final Act. I received a rather vague answer to the effect that the Soviet Union is a country which is in a state of evolution toward democracy. This would, of course, be a perfectly reasonable answer if it were not for the fact that human rights conditions in the Soviet Union at the time that the statement was made to me in 1985 were so much worse than they had been 10 years earlier. It is more likely that the correct answer to the question that I posed is that the Soviet leaders, who do not worry a great deal about the "bourgeois formalism" of keeping one's promises, decided that there were enough benefits for them in the Helsinki Final Act to justify their signing the document even though it contained provisions on human rights by which they had no intention to abide. What they

obviously did not anticipate is that the West would, in due course, try to hold them to their commitments and pursue them on compliance failures, meeting after meeting.

Today, it may appear strange that the Soviet Union did not anticipate that other signatories of the Helsinki Final Act would consistently raise the issue at review conferences. But in 1975 it was not at all clear that that would happen. At the time the Helsinki accords were signed, it was not considered proper in polite diplomatic company—that is, at international gatherings of the representatives of governments—to speak of human rights violations of other sovereign states. There were, to be sure, a few isolated exceptions. It had, indeed, become acceptable at the United Nations to speak critically of the mistreatment of blacks in South Africa. More recently, criticism had been voiced at the United Nations against the human rights violations for which the Chilean military government had been responsible. Occasionally, some adverse comment would also be offered about human rights violations by other governments. However, by and large, as of 1975, only relatively weak, isolated, and friendless countries would have their human rights violations fully exposed and discussed in detail at international meetings. We can assume, therefore, that Soviet decisionmakers who agreed to the Helsinki accords did not believe that signing the document without serious intention to abide by it carried any potential challenge to its practices, either of commission or omission.

That there might be a down side, that the Soviet Union's failure to abide by the provisions of the Helsinki Final Act might be subject to criticism at an international diplomatic gathering was not even clear in 1977, when the first Helsinki followup conference met in Belgrade. That meeting, it should be noted, was called to order within months following the first sharp Soviet crackdown on the Soviet Union's courageous Helsinki monitors. The prevailing sentiment among representatives of the democratic world in Belgrade was not to name names, not to be too pointed in one's criticism. It is my understanding that this note of caution was also sounded by quite a number of persons within the U.S. Government. It is to the great credit of the head of the U.S. delegation to the Belgrade conference, Justice Arthur Goldberg, that the final U.S. position was that names would be named; that the fact that, less than 2 years after the Helsinki Final Act had been signed, its human rights provisions were being grossly violated in the

Soviet Union had to be spelled out. Justice Goldberg raised eyebrows at Belgrade, but as it turned out, he was the man who broke the ice. By the time the second followup meeting took place in Madrid, it was well understood that human rights violations in the countries which had signed the Helsinki accords would be fully discussed. The same was true of the CSCE miniconferences which took place after Madrid. And it is, of course, also true of the third followup conference which is now taking place in this city.

To understand fully the setting in which the human rights debate at the CSCE conference is taking place, let us reflect on the most relevant texts. One of the basic human rights commitments in the Helsinki Final Act, contained in Principle VII, reads as follows:

In the field of human rights and fundamental freedoms, the participating States will act in conformity with the purposes and principles of the Charter of the United Nations and with the Universal Declaration of Human Rights.

Now let us examine some of the key provisions of this Declaration, which were thus incorporated into the Helsinki Final Act.

Article 18 provides:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19 provides:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20 provides:

1. Everyone has the right to freedom of peaceful assembly and association.
2. No one may be compelled to belong to an association.

Article 21 provides:

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right of equal access to public service in his country.
3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

And to go back to Article 13, which reads:

1. Everyone has the right to freedom of movement and residence within the borders of each State. ~
2. Everyone has the right to leave any country, including his own, and to return to his country.

As I have noted, the provisions which I have read to you were incorporated by reference into a document duly signed by Leonid Brezhnev, Gustav Husak, Edward Gierak, and their colleagues of the Soviet-bloc states.

Yet, as representatives of the 35 signatory countries of the Helsinki Final Act gather—representing, as they do, a total of close to 1.1 billion people—we know that close to 40% of the people whose official representatives are meeting here live in countries whose leaders do not, in fact, act in compliance with the provisions to which they have pledged themselves to be bound and who seem not to have the intention of changing their behavior in the future.

What are we to do under these circumstances? There are some personalities, in my country and elsewhere, who say that the members of the Soviet bloc have made a mockery of the Helsinki accords and that the democracies should, for that reason, abrogate them.

The U.S. Government does not share that view. We believe that the Helsinki accords have given the world's democracies a unique platform on which we are able to expound universal ideas on the principles of democracy and human rights and point up the failures of the Soviet-bloc states to live up to the Helsinki commitments. (The accords obviously have other beneficial aspects as well, which are, however, beyond the scope of this talk.)

The question which so often arises is whether our speeches do any good. Are we advancing our cause thereby?

The issue which is thus put before us is whether there is any value in communicating ideas. History has, indeed, demonstrated that ideas have consequences. There is value in communicating ideas. At meetings called under the terms of the Helsinki accords, all of the participants have the opportunity to put their thoughts on performance under these accords before the assembled group and, thus, before the world public. It is, indeed, significant that at meeting after meeting, the democracies have advocated open sessions and the Soviet bloc has insisted on closed meetings.

Though most meetings are closed to outsiders, no one stands in the way of any one of us from the democratic world telling the public outside the meeting room what we have said inside it. It is,

indeed, possible for the CSCE forum to serve the purpose of telling the world about violations of the most basic principles of human rights in the communist states of Eastern and East-Central Europe.

The leaders of these states, I submit, are not impervious to such criticism. They are concerned about their standing in the world. They are also concerned about the operation of their system. To the extent to which the message comes through that their treatment of their citizens, their failure to respect human rights, is inexorably linked with their inability to reach the material goals which they have set for themselves, there is a chance that they might seriously consider changes in their approach.

There is another important role which the CSCE meetings play. Throughout the Soviet-bloc states, as we well know, there are millions of people who share our ideals of freedom, democracy, and human rights. Some of them do so quietly. Others have the courage to speak up. Some of them have even the courage to speak so clearly and so loudly that their governments have attempted to silence them with severe punishment. We owe it to these people to send them a message of hope, a message that they and their ideals are not forgotten, that there are others, representing a majority of the people around the CSCE table, who share their belief in the rights of the individual and in democratic government and who will not hesitate to criticize their persecutors.

Let me say, just to return to my own experience in this city in the year 1938, that I remember well how much it meant to me and to all those I knew whenever President Roosevelt made a comment or was merely reported to have made a comment which showed his awareness of our plight.

Thus, I see the value of the human rights debate at CSCE meetings in the message it sends to the participating governments, to the general public, and to believers in the human rights cause in countries which deny these rights. I see value in a message that the democracies are united in their commitment and their concern.

There are those who believe that it is important when diplomats gather that they conclude their deliberations with new obligations, new commitments in a document which can be presented to the world as the product of these latest deliberations. At diplomatic meetings dealing with more traditional topics, such an expectation makes a great deal of sense. If diplomats gather to deal with

such issues as border disputes, commercial arrangements, or disarmament, the success or failure of a meeting depends on whether such an agreement is reached.

Consideration of New Human Rights Commitments

Let us now examine the problems we face when we move from the discussion of performance at CSCE meetings to the consideration of proposed new commitments on human rights.

We start out with the basic problem that, as I have already noted, a group of signatories of the Helsinki accords have never lived up to the human rights provisions of these accords, do not live up to them now, and have, in the process of the discussions, not given any indication that they will live up to them in the future. The United States believes that the existence of past commitments which have not been complied with presents us with a serious problem as to the credibility of any new commitments. Should we ask for the express reaffirmation of the existing texts? In the absence of changed behavior, why should a new promise offer us greater assurance that it will be lived up to than the old one did?

An alternative approach would be to accept the proposition that we simply cannot expect the Soviet-bloc states to adhere to the human rights provisions of the Helsinki accords as now written. Let us, therefore, someone may argue, try to reach new agreements which make fewer demands on the Soviet-bloc governments to deviate from their customary methods of exercising authority, agreements which they might be willing to live by.

What that would mean, of course, is that we are, for the time being and probably for quite some time to come, giving up on holding the Soviet-bloc states to the provisions of the Helsinki Final Act. I, for one, think that our interested public will not want us to relieve the Soviet bloc of the existing human rights undertakings of Helsinki.

A third approach would be to come up with a placebo, a string of nice-sounding phrases which, on closer analysis, turn out to have no practical meaning.

There is also the possibility of reaching agreement, not on any new substantive commitments but on process, on ways and means of monitoring performance under the existing agreements. At least such an agreement would point the way toward constructive change.

But what if no agreement is reached on new substantive wording on human rights? Should that, by itself, be reason for great concern? Let me say that I was puzzled when, at the conclusion of the 1985 Ottawa Human Rights Experts' Meeting held as part of the CSCE process, some media representatives called the meeting a failure because no final text had been agreed to. What could they reasonably have expected: that the representatives of the states which have acted in contravention to the provisions to the Helsinki Final Act would tell us that they have carefully listened to the West's expressions of concern and that we have persuaded them of the correctness of our position, that they will, therefore, sin no more? Of course not.

If we speak of failure, the failure lies in the actions of the Soviet-bloc states in not abiding by the commitments they entered into at Helsinki. It does not lie in the absence of an agreed-upon human rights text at the end of any CSCE meeting. Success or failure of the human rights portion of a CSCE meeting lies in the degree to which it encourages—or provokes—compliance with human rights commitments. This, in turn, depends on the clarity with which the participating democracies are willing to speak up for the principles agreed upon at Helsinki and are prepared to comment on the evidence of actions contrary to these principles. I submit to you that by this standard, the human rights portion of the Vienna CSCE meeting has already made a significant contribution.

The Soviet Approach

Up to this point, I have spoken principally of the role of the democracies in the context of CSCE meetings. Let me now add a few words about the positions taken by the other side.

I have heard it said that under the new Soviet leadership, the approach of Soviet representatives to human rights debates is significantly different from their past approach, that they are more willing to engage in human rights debates than they had been in the past. Having participated in international human rights discussions with the Soviet Union for the last 6 years, I must tell you that if there is a different approach, I have not noticed it.

Now, as heretofore, the Soviet representatives will simply not engage in serious, substantive discussions of what we charge are actions contrary to the provisions of the Helsinki Final Act. They dismiss our statements about their abuse of psychiatry, about their incarceration of poets and writers, about their suppression of independent trade

unions or even an independent peace movement as slander. What we need to remind them is that in the democratic world, a statement is deemed slanderous only if it is untruthful, not if it is merely an unpleasant truth.

Rather than being willing to discuss the matters about which we express concern, the Soviets and their associates hit back by telling us what it is that is wrong in the democratic world. A good deal of what they say is factually inaccurate. But inaccurate or accurate, the Soviet presentations are a tiny fraction of the criticism, also inaccurate as well as accurate, which is leveled at our governments and our social systems day-in, day-out by domestic critics. One response to Soviet criticism is: let us debate. Let us engage in serious discussion of the questions that are being raised.

They have, for example, criticized the United States for police wiretaps. Our response has been that we would be prepared to discuss the rules governing such taps by the FBI [Federal Bureau of Investigation] if the Soviets were prepared to tell us and discuss the standards that govern wiretaps by the KGB. Soviet representatives often also talk about the *Berufsverbot* [security limitations on employment] in the Federal Republic of Germany. We assume that our German colleagues would be prepared to discuss their *Berufsverbot*, which applies to communists, if the Soviet Union, in turn, were prepared to discuss its own *Berufsverbot*, which is applicable to all upper-level positions in the Soviet Union and which disqualifies all nonmembers of the Communist Party. On all these matters, I am sure that the democracies would be interested in serious discussion with the communist states if these were only willing to enter these discussions rather than engage in sloganeering.

And speaking of "sloganeering," let me note the Soviet Union's continuing emphasis in the context of human rights debates on economic and social rights, which it likes to juxtapose to political and civil rights. We are to be left with the notion that in the area of political and civil rights, the democracies may be ahead of the Soviet Union, but with regard to economic and social rights, they say, our side is far behind. This notion—namely, that a centrally planned, collectivist system will be able to raise standards of living for the general population far higher than a private enterprise system based on incentives—was commonplace 20 or 30 years ago. What was then assumed was that Leninist states would, as time passes, be able to deliver on their promise of a

more abundant society. The point that then was made by at least some democrats was that the price for such abundance in terms of enslavement of the average citizen was not worth paying.

The evidence before us now has demonstrated that we are not even dealing with trade-offs between political rights on the one hand and economic rights on the other. What is clear now is that the states that guarantee political rights deliver the reality of a better standard of living. The states which deny political rights promise a better standard of living but fail to deliver it.

We are frequently challenged by Soviet-bloc states to deal with economic and social issues at human rights meetings. Let me, therefore, emphasize that we have no problem discussing such matters with the Soviet Union or with anyone else. But in our view, such matters do not belong at a human rights meeting. At a human rights meeting, we can engage in useful discussion of the meaning of the right to freedom of speech or to freedom of religion. It is a right which a government can observe with ease by simply not interfering with the exercise of this freedom by the citizen. If the topic of discussion shifts, however, to housing or medical care, the truly meaningful issue is not what rights the government has guaranteed, what promises have been made, but what has been delivered. If the Soviet Union wants to engage us in a discussion of our system of delivering, for example, medical care, we are prepared to engage in that discussion, but we should understand that such a discussion would make sense only if we compared the realities, the quality and extent of care, the numbers of persons reached, and all related issues. We would staff our delegations to such a conference with persons able and qualified to engage in a useful, cooperative dialogue. The same can be said of housing or of any other aspect of our economic or social structure. We unquestionably face serious problems in those fields. So does the Soviet Union. If, instead of merely denouncing us, it wants to engage us in thoughtful discussions of, for example, substance abuse, we would very definitely be interested. We do not believe we have all the answers. We are happy to compare notes with anyone interested in engaging in serious conversations.

Conclusion

But none of that—and that is our point—should serve as a distraction from discussions of human rights, of the

principle of the dignity of the individual and of the respect which the state owes the individual. For we in the United States continue to rely on the fundamental principle which I set forth in the beginning: that governments are instituted among men to secure the rights of the individual and that these governments must derive their just powers from the consent of the governed. These words reflect, I am sure, not only the point of view of the United States but of all the democratic participants in the CSCE process. They also reflect, I am

certain, the point of view of great numbers, perhaps even great majorities, of the citizens of countries whose governments have not lived up to these principles. It is to these people above all—to the Helsinki monitors, to the members of Charter '77, to the Solidarity movement, to all those who espouse the cause of freedom—that we must send the message not to despair, to ask them to remember the last stanza of a song of the 1930s, the song of the Peatbog Soldiers:

But for us there's no complaining,
Winter will in time be past,
One day we shall cry, rejoicing:
"Homeland, dear, you're mine at last."

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The Soviet Constitution: Myth and Reality



United States Department of State
Bureau of Public Affairs
Washington, D.C.

Following is an address by Richard Schifter, Assistant Secretary for Human Rights and Humanitarian Affairs, before the American Bar Association (ABA), San Francisco, California, August 10, 1987.

If we were asked to identify the passage or passages in the Constitution of the United States that best characterize the nature of our government, I would assume that a good many of us would point to the Bill of Rights, particularly the First and Fifth Amendments. If the same question were asked with regard to the Soviet Constitution, I, for one, would select four key provisions.

First and foremost, I would direct attention to Article 6, which states:

The leading and guiding force of Soviet society and the nucleus of its political system, of all state organizations and public organizations, is the Communist Party of the Soviet Union. . . . The Communist Party . . . determines . . . the course of the domestic and foreign policy of the U.S.S.R., directs the great constructive work of the Soviet people, and imparts a planned, systematic and theoretically substantiated character to their struggle for the victory of communism.

I would then move back to Article 3 and note the following words:

The Soviet state is organized and functions on the principle of democratic centralism. . . . Democratic centralism combines central leadership with local initiative and creative activity. . . .

Next, I would drop down to Article 39, which states:

Enjoyment by citizens of their rights and freedoms must not be to the detriment of the interest of society or the state. . . .

I would round out these quotations from the Soviet Constitution with Article 59, which reads as follows:

Citizens' exercise of their rights and freedoms is inseparable from the performance of their duties and obligations.

Citizens of the U.S.S.R. are obliged to observe the Constitution of the U.S.S.R. and Soviet laws, comply with the standards of socialist conduct, and uphold the honor and dignity of Soviet citizenship.

The Role of Lenin

The Soviet Constitution is a lengthy document, containing altogether 174 articles. A number of them would, at first blush, remind us of guarantees of individual freedom which are the hallmark of basic charters in true democracies. To understand their meaning and significance in the Soviet setting, we need to comprehend fully just what the role of a constitution is in the U.S.S.R. and how constitutional provisions must be read in the context of the Soviet Union's basic notions of the relationship between the governing and the governed.

In seeking to construe our own Constitution, we often refer to the *Federalist Papers* and other writings of the Founding Fathers. Similarly, the Soviet Constitution should be inter-

preted in light of the writings of the Soviet Union's Founding Father. That person is, of course, Vladimir Ilyich Ulyanov, whom the world has come to know as Lenin.

In using the term Marxism-Leninism, we often lose sight of the individuals to whose teachings we thus refer. They were, in fact, persons who differed markedly from each other. Karl Marx was a theoretician, who proclaimed to the world his purportedly scientific analyses of economics and history and who predicted future historic trends on the basis of his analyses.

Lenin, by contrast, was an activist. His writings are free of abstruse theory. They are how-to-do-it kits on seizing and holding power. To be sure, these writings were not entirely original. Their basic theses can be found in Machiavelli's *The Prince*, written close to 400 years before Lenin put pen to paper.

After having become familiar with Marx's writings, Lenin committed himself to helping history along by seeking to establish first in Russia and then throughout the world his own notion of Marx's vision of an ideal society. With single-minded devotion to his cause, he applied himself to the goal of taking power in Russia, a goal which he reached in the fall of 1917.

Lenin, we must note, had competition among the revolutionaries who, like he, tried to depose the czar and Russia's ruling aristocracy. His competitors included advocates of capitalist

democracy as well as leftwing revolutionaries, some of them fellow Marxists. What distinguished most of them from Lenin was that, in one way or the other, they subscribed to the ideas of the role of government and of the dignity of the individual which were the essence of the teachings of the Enlightenment. These teachings, let us recall, are, indeed, the teachings to which our Founding Fathers subscribed and which provided the ideological base on which our system of government is built.

Lenin rejected these teachings, derisively referring to them as "bourgeois liberalism." His basic precepts were that the power of the state must be seized and held by an elite group, which he viewed as "the vanguard of the revolution." That vanguard was the Bolshevik faction of the Russian Social Democratic Party, which later renamed itself the Communist Party. Not long after the Bolsheviks had taken power, one of Lenin's disciples and a principal leader of the new Soviet state, Grigory Zinoviev, had this to say in his report to the 11th Congress of the Soviet Communist Party:

[W]e constitute the single legal party in Russia; . . . we maintain a so-called monopoly on legality. We have taken away political freedom from our opponents; we do not permit the legal existence of those who strive to compete with us. We have clamped a lock on the lips of the Mensheviks and the Socialist Revolutionaries. We could not have acted otherwise, I think. The dictatorship of the proletariat, Comrade Lenin says, is a very terrible undertaking. It is not possible to insure the victory of the dictatorship of the proletariat without breaking the backbone of all opponents of the dictatorship. No one can appoint the time when we shall be able to revise our attitude on this question.

Within the party, decisionmaking, according to Lenin, was to be concentrated at the very top. As semantic games are often played by the Soviets and as the term "democracy" is assigned an important role in that context, let me share with you the following quotation from Lenin:

Soviet socialist democracy is not in the least incompatible with individual rule and dictatorship. . . . What is necessary is individual rule, the recognition of the dictatorial powers of one man. . . . All phrases about equal rights are nonsense.

It is against this background that we must read the term "democratic centralism," as it appears in Article 3 of the Soviet Constitution. It means that the people in the central position call the shots. Lenin made no bones about his intention to establish a dictatorship.

The Soviet Constitution as an Educational and Propaganda Instrument

We must understand, therefore, that the Constitution of the U.S.S.R. is not, like our Constitution, a document that spells out the powers and form of government as well as its limits and the inalienable rights of the individual. In a Leninist state there are, by definition, no limits to the power of government. There are no inalienable rights of the individual. Law is made and altered at will by the leadership. The powers of the leadership cannot be limited by an overarching document that would deprive a leadership group of its freedom to act as it sees fit. Nor can the assertion of the right of an individual stand in the way of the leadership's determination of what is good for society.

The Constitution of the U.S.S.R. is, therefore, an educational and propaganda instrument. Any provisions contained in the Constitution which might facially suggest that freedom of the kind that we know exists are effectively modified by the key phrases in Articles 3, 6, 39, and 59 to which I referred earlier.

Let me offer an illustration of what I mean. The equivalent of our First Amendment is contained in Article 50 of the Soviet Constitution, which reads as follows:

In accordance with the interests of the people and in order to strengthen and develop the socialist system, citizens of the U.S.S.R. are guaranteed freedom of speech, of the press, and of assembly, meetings, street processions and of demonstration.

Starting from our notions of civil liberties, we might read this article to mean that citizens of the U.S.S.R. are guaranteed freedom of expression and that that grant of freedom accords with the interest of the people and strengthens the Soviet Union's system of government. But that is not the way Article 50 is understood in the Soviet Union. The way Article 50 is applied, freedom of speech, of the press, of assembly is granted *only if it accords with the interest of the people and if it strengthens and develops the socialist system*. And who is to decide what is in the interest of the people and what strengthens and develops the socialist system? The answer is, of course, found in Articles 3 and 6 of the Constitution. What is in the interest of the people is decided by the Communist Party and ultimately by the central leadership, the Politburo. That is why a law that makes defamation of the socialist system a crime is constitutional. Defamation,

which in Soviet practice means speaking unpleasant truths, is presumed not to strengthen the socialist system.

Let us take a look at another constitutional provision dealing with civil liberties. Article 52 reads as follows:

Citizens of the U.S.S.R. are guaranteed freedom of conscience, that is, the right to profess or not to profess any religion, and to conduct religious worship or atheistic propaganda.

Indeed, in the Soviet Union today, anyone may profess a religion. But nothing in the Constitution prohibits the Communist Party of the Soviet Union from banning anyone who professes religion from its membership and, therefore, from advancement to any position of leadership and responsibility in Soviet society. Furthermore, while the right to conduct religious worship is guaranteed, this phrase has not been construed to mean that any group of citizens may conduct religious worship at any time in any place of their choosing. Laws have been promulgated which allow religious associations to form and register with the authorities of the state. If they are registered and if they do receive permission to use a house of worship, worship in that place at times authorized therefor is permitted. Any group which worships without appropriate authority can be and often is punished severely.

How does all of that comport with the constitutionally guaranteed right "to conduct religious worship"? The Soviet answer would be that the right to conduct religious worship exists. The Constitution, they will say, does not guarantee a right to *unregulated* religious worship.

To understand how religion may be practiced in the Soviet Union, we, as American lawyers, should think of the way the securities industry functions in the United States. Just as you may practice religion in the Soviet Union, you may engage in the securities business in the United States. But to engage in the securities business in our country, you must operate within the regulations issued by the Securities and Exchange Commission. If you act outside the regulations, you may, indeed, be punished. That is the way it is with the practice of religion in the Soviet Union. If you act within the regulations laid down by the Religious Affairs Commission, you will not run into any problems. If you act outside these regulations, you violate Article 227 of the criminal code of the Russian Federated Soviet Socialist Republic or the corresponding code sections in the criminal codes of the other republics. Article 227

makes it a crime to participate in a group which "under the guise of preaching religious doctrines and performing religious rituals is connected with . . . inciting citizens to refuse to do social activity or to fulfill obligations. . . ." The penalty imposed upon violators is customarily 3 years of deprivation of freedom. For leaders of such a group, it is 5 years.

Gorbachev and *Glasnost*

In light of the news that has come out of the Soviet Union within the last 8 months or so, you might ask whether we cannot expect some fundamental changes in the roles of the party and the state under Mikhail Gorbachev and *glasnost*. My answer to this question would be "no." Gorbachev is deeply committed to carry on in the spirit of Lenin and, as I noted at the outset, dominance of the state by a single party, control of the party by a self-perpetuating leadership group, and subordination of the individual to the interests of the state, as defined by the leadership, are the essential elements of the teachings of Lenin. In fact, Gorbachev made precisely that point in his statement to the Communist Party's Central Committee Plenum in January of this year when he emphasized that "the principle of the Party rules under which the decisions of higher bodies are binding on all lower Party committees . . . remains unshakeable."

What Gorbachev and his friends are attempting to strip from the operations of the Soviet system, in the name of *glasnost*, are the features of oriental despotism initially imbedded in the Leninist construct by Joseph Stalin. These include severe punishment for the mere expression of dissenting opinions, rigid limitations upon allowed literary expression, state control over all other forms of artistic endeavor, punishment for criticism of any state official or any official action, etc. Under *glasnost* all of these Stalinist controls

are to be relaxed. The petty tyrannies of local officials are to be ended, as efforts are made to have the lower levels of the bureaucracy operate under the rule of law. But, and this is a point that must be kept in mind, there are to be limits to the relaxation. Nothing is or will be allowed that might threaten the control of the state by the party, as guaranteed by Article 6 of the Constitution. Gorbachev and his colleagues reject, as did Lenin before them, "bourgeois democracy." Their goal is to return to the practices of the Soviet system in the early 1920s, in the time of Lenin and the years immediately after his death. Their notion is to live by Lenin's precepts, not to abandon them.

It is important to note in this context that Stalinism is now being stripped from the Soviet system for the second time. It was initially exorcised by Nikita Khrushchev, back in the 1950s. It evidently sprouted again after Khrushchev's removal, even though not driven by paranoia of the same intensity as under Stalin. What the Soviets really should ask themselves is whether a Leninist system, without any checks and balances, will inevitably, over time, develop Stalinist features and whether, therefore, in the absence of fundamental change, Gorbachev's *glasnost* is not likely to go the way of Khrushchev's thaw, with the country returning to another form of despotic rule.

As I have noted, the Soviet governmental system is characterized by an absence of checks and balances, by an absence of a constitutional framework which guarantees individual rights against the highest state authority. It is for that reason that the operation of the entire system is so critically dependent on the outlook and attitude of the person or persons who at any one time control the principal levers of power in the Soviet Union. As Dr. Koryagin—the Soviet psychiatrist who has recently been released from prison—has had occasion to observe, the somewhat

greater freedom of expression now allowed in the Soviet Union is not *guaranteed*, it is *permitted*, and permission can at any time be withdrawn.

Though the Soviet leadership does not appear to have any present intention of abandoning the basic precepts on which its system of government rests, that does not mean that no change will ever occur. Having gotten in recent months at least a whiff of greater freedom, some Soviet citizens might be willing to learn how other societies go about the task of assuring respect for individual rights. And who would be better equipped to talk to them about this subject than those whose professional responsibility it is in a democratic country to see that the rights of the individual are protected?

It is for that reason that I want to end my remarks with an appeal to you. If the ABA/Association of Soviet Lawyers agreement is renewed, I sincerely hope that American participants will try to learn how the Soviet system works, will learn to understand the facade which the Soviet Constitution presents, a facade behind which any Politburo directive can supersede any alleged constitutional guarantee. I hope that American participants will not be shy about explaining to the Soviet lawyers they meet the difference between a constitution which a country's political leadership can manipulate at will and one which with the help of an independent judiciary can, indeed, shield the individual citizen against oppressive government. In responding to you, a good many of your interlocutors will parrot the party line, but deep down they will understand what you are talking about. ■

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East-Central Europe. Advocates of this view might, if pressed, concede that most of the countries of Eastern and East-Central Europe, if left to their own devices, could eventually adapt to democracy and, thus, naturally adhere to human rights. But they will argue that the country which dominates that region—the Soviet Union—still does not provide a fertile soil for the ideals which developed on this continent a quarter of a millennium ago. I submit that this view of Russian cultural inferiority is unfair and unjust.

Admittedly, cultural differences and separate historical influences do play a role in the development of varying forms of government. Admittedly, there is a longer history of repressive autocracy in Russia than there has been in other parts of Europe. And yet, who is prepared to say that history condemns a particular people to perpetual repression? What might someone speaking in the year 1788 have said about France's governmental tradition? Who would, as recently as 15 years ago, have predicted the vibrant Spanish democracy that we see existing today? And who would, on March 13, 1938, have predicted Austria's democratic rebirth only little more than 7 years later?

And let me add at this point that for me it has been a particular pleasure to work closely with representatives of Austria in international human rights meetings, both under UN auspices and in the CSCE [Conference on Security and Cooperation in Europe] process. Everyone concerned with the human rights issue deeply admires the magnificent contributions made over the years by [UN Special Rapporteur for Religious Intolerance] Professor Felix Ermacora. And let me say that I can also sing the highest praise of Ambassador Rudolf Torovsky of your Foreign Ministry, the head of your delegation to the Vienna CSCE conference.

Let me acknowledge at the outset that Jefferson's ringing words of 1776 did not usher in a system of government which fully lived up to all the principles set forth in the Declaration of Independence. Our Founding Fathers were well aware that when the Declaration spoke of all men being created equal, some of its signers did not construe the term to include slaves. The emancipation of the slaves came 87 years later, in the midst of a bloody civil war. It came, incidentally, 2 years after the proclaimed end of serfdom in the Russian Empire.

And let me add that while I sat in a segregated classroom in Vienna in the spring of 1938, hundreds of thousands of black students in the southern states of the United States were attending

similarly segregated schools. As a matter of fact, 25 years after I personally experienced that indignity, I had the opportunity, as a member of the Maryland State Board of Education, to help end school segregation in Maryland.

What I thus am suggesting is that no country has truly achieved perfection in the quest for human rights, nor can we identify a country which is condemned never to get started on the road to that goal. Those who write off the Soviet Union today as lacking in democratic fervor forget that in the 19th century, Russia not only produced supporters of the autocracy at one end of the political spectrum and nihilists, anarchists, and terrorists at the other end, but also democrats genuinely committed to the principles that had been spelled out in the 1789 Declaration of the Rights of Man and of the Citizen. They forget the events that led to the revolt of 1905 and the democratic ferment that stirred Russia from then onward, the fact that the relatively free elections to the first Duma and the second Duma produced overwhelming majorities committed to democracy. Finally, they forget that in the only free election which the Bolsheviks allowed, to the Constituent Assembly in November 1917, even overt Bolshevik pressure failed to win more than 24% of the vote for the Bolshevik Party. An overwhelming majority of the ballots cast went to those who supported a democratic system of government.

More recently, after the Stalinist nightmare, we saw signs of a resurgence of the spirit of freedom in the Soviet Union during Khrushchev's "thaw" and the rise of the dissident movement during the Brezhnev era. Certainly, as recently as 20 years ago one could have looked east and north from Vienna with at least hope that a new day was dawning. As a matter of fact, in the spring of 1968 it seemed as if, at least in nearby Czechoslovakia, it was possible for a Leninist system to evolve gradually into one in which freedom of expression, freedom of religion, and all the other basic rights of the individual would, indeed, be respected.

That was not to be. Czechoslovakia's moment in the sun came to an abrupt, externally imposed halt, as had Hungary's 12 years earlier and as Poland's would be 13 years later. And in the Soviet Union itself, where the government and the dissident movement had engaged in a cat-and-mouse game for some years, the heavy hand of severe oppression came down in 1977 and extinguished the dissident movement. The modern Okhrana [secret police] of

the Soviets once again proved itself so greatly superior in efficiency to its czarist predecessor.

Changes Under Gorbachev

Now we are observing with deep interest developments in the Soviet Union under the leadership of Mikhail Sergeyevich Gorbachev. As so often before, we are hoping for the best, we are hoping that the Soviet Union will, at long last, take steps that will give its long-suffering people a chance to attain the same level of recognition of human dignity that is enjoyed by their fellow human beings in so many other parts of the world.

What is important, though, is that we do not permit our hopes to influence our good judgment. Mikhail Gorbachev has now been in power for close to 2 years and may have been the principal leadership figure for even longer. Enough time has passed, therefore, for us to shift from mere speculation as to what he might do in the future to an analysis of what he has already done—or not done.

There is no doubt that a steady replacement of the officialdom of the Brezhnev era by a new group of younger and ostensibly more efficient people has brought in its wake significant changes in the day-to-day workings of the Soviet state. For the average citizen this has had important results.

For example, a Soviet citizen who observes a drunken or corrupt official, inept management, inefficient operation of a government office, or any similar deficiency in governmental operations is now encouraged to speak up without fear and denounce the wrongdoers. There is also a new insistence on clearer instructions to the bureaucracy, less ease for bureaucrats to operate arbitrarily, a greater emphasis on promptness in responding to the public. Accidents or administrative problems will be admitted more freely and openly rather than being swept under the rug. Writers may criticize some governmental failings. If we add it all up, it means that a major effort has been undertaken to make the state function more smoothly and to enlist the average citizen in efforts to improve the efficiency of state operations.

There is also, under Gorbachev, greater freedom in the arts than there had been immediately prior to his accession to the highest level of leadership. The works of some writers who were proscribed in the past have begun to appear in print, and a film reviewing the Stalinist past critically is now being shown in a few closed performances in Moscow. Whether these innovations are

truly significant, how far they will ultimately reach, and how long they may last under what remains one-party state control of culture is simply not clear today, at least not to outsiders.

For the rest, we have been bombarded with imagery. A Department of Humanitarian Affairs has now been created in the Soviet Ministry of Foreign Affairs. Upon closer examination, it becomes clear that this department does not have responsibility for dealing in a substantive manner with genuine human rights concerns about the Soviet Union but, rather, to coordinate the Soviet counterattack against foreign criticism of its human rights behavior.

Also, whereas in the past the policy of Soviet officials has been to refuse to listen to expressions of concern about human rights cases and to refuse to accept lists of names of persons presenting human rights problems or petitions concerning them, there is now a willingness to hear interlocutors out on the subject of human rights and to accept lists and petitions. But there is no evidence that this change in approach has any substantive significance. On the contrary, our experience to date would suggest that the new approach may be only cosmetic, a recognition that one can make public relations points by being polite, without giving up anything of substantive concern.

Even occasional humanitarian gestures are milked for maximum public relations benefit. All of us welcome the resolution of divided family and separated spouses cases. But let us keep in mind that these cases should never have arisen in the first instance. Moreover, they should be resolved not piecemeal over a stretch of time but systematically and promptly. In fact, if Mikhail Gorbachev were truly a reformer, I submit that the least he could have done would have been to resolve these divided-spouses cases overnight, by the stroke of a pen. Instead, we get an announcement of the future resolution of, let us say, 60 cases, and then the months pass as the cases are slowly, a few of them every month, actually resolved by the issuance of visas.

In recent weeks, we have also heard hints that hundreds of political prisoners will be set free in the near future. We would welcome this result. But that does not change the fact that these people have done nothing which, in keeping with international law, should have led to a prison term. They were, nevertheless, convicted under paragraphs 70 and 190 of the criminal code of the Russian Soviet Republic for anti-Soviet propaganda or for defamation of the Soviet

system. As I said, if these prisoners are freed, we shall welcome it. We must, however, continue to emphasize that paragraphs 70 and 190 are in conflict with international law and should be stricken from the criminal codes of the Soviet republics.

No, to date we have not seen any evidence of real human rights reform, only a heightened media consciousness. Shcharanskiy and Orlov have been released, but only in exchange for spies. Sakharov was allowed to return to Moscow, an important and welcome gesture, but one following within days the death of Anatoliy Marchenko in prison. Irina Ratushinskaya was allowed to leave prison early, after her health had been severely impaired through the brutalities she suffered in prison, most of them after Gorbachev's accession to power. A few prominent refuseniks leave the Soviet Union, but emigration numbers continue at the low level of the recent past.

And abuse of psychiatry continues. Dr. Koryagin¹, the courageous psychiatrist who revealed to the world the truth about the barbaric Soviet practice of committing sane persons to institutions for the mentally ill, is still serving sentences totaling 9 years for this revelation. Repression of independent religious groups is still the order of the day. During the past year, an additional 90 persons were sent to prison for violation of the Soviet Union's laws on the practice of religion. There is no indication of a clear commitment to make significant changes with regard to respect for human rights, even changes that might do no more than return the country to the greater openness of the Khrushchev era.

It is my personal opinion that the fundamental continuing problem of the Soviet Union is the centrality of the position of its secret police. That, I believe, is the great difference between Gorbachev's openness and Khrushchev's thaw. Following the arrest and subsequent execution of Lavrenti Beria in 1953, the secret police had been moved to the margin of the Soviet Government apparatus. In the 1970s, with the rise of Yuriy Andropov, the KGB moved back into the center of power. It is there now. And the fact that Big Brother is always watching makes it, indeed, possible for the leadership to relax the reins just a little, in the full knowledge that they can always be pulled tight again. It is this set of circumstances that caused the former executive editor of the *New York Times*, A. M. Rosenthal, to write recently:

¹Dr. Koryagin was subsequently released on February 18.

Mr. Gorbachev is certainly a smoother chap than most of his predecessors but he has not touched the police nature of the Soviet state and has not even hinted he will. How could he? He is part of it and rules through it. But everytime he says he will let a suppressed book be published or a private citizen own a pushcart or releases one of his ample supply of prisoners the West goes into a mad fandango of appreciation. There are, blessedly, Shcharanskys and some journalists who cry "wait, wait" to the world but they are outnumbered by eager folk who clap hands and sing praise. Myself, I will wait until Mr. Gorbachev arrests and tries the men who sent Mr. Shcharansky to jail and Dr. Sakharov into exile; time enough then to clap and sing.

Role of the Democracies

Indeed, let us examine what it is that we can do to bring us nearer to the day when we can clap and sing. And when I use the word "we," I am referring to the governments of the democratic world.

The Soviet Union tells us that its treatment of its own citizens is none of our business, that they are willing to hear us out under the new policy but that that does not change the fact that in their eyes we are grossly interfering in their domestic affairs.

There is a word in a language still spoken in the Soviet Union which aptly describes the nature of this response. It is *chutzpah*. In the Soviet Union, as we know, the Communist Party and the state are one. We need not go further than to remember that the person whom all of us accept as the leader of the Soviet Union is, in fact, none other than the General Secretary of the Central Committee of the Communist Party of the Soviet Union (CPSU). And this is the party which, upon establishing itself as the Government of Russia 69 years ago, did not miss a beat in pursuing its efforts at worldwide revolution, the grossest form of interference in the domestic affairs of other states.

Putting that aspect of the world's experience with the Soviet Union and the world communist movement aside, let us move on to consider the relevance to the human-rights issue of the international agreements signed by the Soviet Union. As my good friend Max Kampelman once observed, there was a difference between U.S. work on anti-ballistic missile systems before the 1972 ABM [Anti-Ballistic Missile] Treaty and thereafter. Work on such a system would take place totally on U.S. territory. It was not subject to international constraints before the ABM Treaty was signed. But it was, indeed, subject to such constraints after that event.

By the same token, prior to 1975, the United States could say with regard to

certain Soviet repressive measures that they were contrary to the provisions of the Universal Declaration of Human Rights, but the Soviet Union could respond that it had not voted for this nonbinding resolution of the UN General Assembly. However, by signing the Helsinki Final Act, the Soviet Union also agreed to abide by the provisions of the Universal Declaration of Human Rights. From August 1, 1975, onward, therefore, Soviet repressive measures can be and should be condemned as acts contrary to the understandings incorporated in a document duly signed in behalf of the Soviet Union by its *de facto* head of government, the then-General Secretary of the Central Committee of the Communist Party of the Soviet Union.

Role of the CSCE

And that brings me to a discussion of the followup conference under the Helsinki accords, which is now meeting here in Vienna and whose second session started yesterday.

This is the third such major conference since the Final Act of Helsinki was signed in 1975. In the interim, there have also been a number of miniconferences under the Helsinki accords, limited in duration and devoted to specific topics.

The Helsinki accords, as we know, encompass a number of topics. The principal ones that have evolved in the last 11 years have been security arrangements and human rights. As this presentation focuses on human rights, I shall limit my discussion of the Helsinki Final Act to its human rights dimension.

I once posed the question to a rather high-ranking Soviet official as to what the Soviet Union really had in mind when it agreed to the human rights provisions of the Helsinki Final Act. I received a rather vague answer to the effect that the Soviet Union is a country which is in a state of evolution toward democracy. This would, of course, be a perfectly reasonable answer if it were not for the fact that human rights conditions in the Soviet Union at the time that the statement was made to me in 1985 were so much worse than they had been 10 years earlier. It is more likely that the correct answer to the question that I posed is that the Soviet leaders, who do not worry a great deal about the "bourgeois formalism" of keeping one's promises, decided that there were enough benefits for them in the Helsinki Final Act to justify their signing the document even though it contained provisions on human rights by which they had no intention to abide. What they

obviously did not anticipate is that the West would, in due course, try to hold them to their commitments and pursue them on compliance failures, meeting after meeting.

Today, it may appear strange that the Soviet Union did not anticipate that other signatories of the Helsinki Final Act would consistently raise the issue at review conferences. But in 1975 it was not at all clear that that would happen. At the time the Helsinki accords were signed, it was not considered proper in polite diplomatic company—that is, at international gatherings of the representatives of governments—to speak of human rights violations of other sovereign states. There were, to be sure, a few isolated exceptions. It had, indeed, become acceptable at the United Nations to speak critically of the mistreatment of blacks in South Africa. More recently, criticism had been voiced at the United Nations against the human rights violations for which the Chilean military government had been responsible. Occasionally, some adverse comment would also be offered about human rights violations by other governments. However, by and large, as of 1975, only relatively weak, isolated, and friendless countries would have their human rights violations fully exposed and discussed in detail at international meetings. We can assume, therefore, that Soviet decisionmakers who agreed to the Helsinki accords did not believe that signing the document without serious intention to abide by it carried any potential challenge to its practices, either of commission or omission.

That there might be a down side, that the Soviet Union's failure to abide by the provisions of the Helsinki Final Act might be subject to criticism at an international diplomatic gathering was not even clear in 1977, when the first Helsinki followup conference met in Belgrade. That meeting, it should be noted, was called to order within months following the first sharp Soviet crackdown on the Soviet Union's courageous Helsinki monitors. The prevailing sentiment among representatives of the democratic world in Belgrade was not to name names, not to be too pointed in one's criticism. It is my understanding that this note of caution was also sounded by quite a number of persons within the U.S. Government. It is to the great credit of the head of the U.S. delegation to the Belgrade conference, Justice Arthur Goldberg, that the final U.S. position was that names would be named; that the fact that, less than 2 years after the Helsinki Final Act had been signed, its human rights provisions were being grossly violated in the

Soviet Union had to be spelled out. Justice Goldberg raised eyebrows at Belgrade, but as it turned out, he was the man who broke the ice. By the time the second followup meeting took place in Madrid, it was well understood that human rights violations in the countries which had signed the Helsinki accords would be fully discussed. The same was true of the CSCE miniconferences which took place after Madrid. And it is, of course, also true of the third followup conference which is now taking place in this city.

To understand fully the setting in which the human rights debate at the CSCE conference is taking place, let us reflect on the most relevant texts. One of the basic human rights commitments in the Helsinki Final Act, contained in Principle VII, reads as follows:

In the field of human rights and fundamental freedoms, the participating States will act in conformity with the purposes and principles of the Charter of the United Nations and with the Universal Declaration of Human Rights.

Now let us examine some of the key provisions of this Declaration, which were thus incorporated into the Helsinki Final Act.

Article 18 provides:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19 provides:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20 provides:

1. Everyone has the right to freedom of peaceful assembly and association.
2. No one may be compelled to belong to an association.

Article 21 provides:

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right of equal access to public service in his country.
3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

And to go back to Article 13, which reads:

1. Everyone has the right to freedom of movement and residence within the borders of each State.

2. Everyone has the right to leave any country, including his own, and to return to his country.

As I have noted, the provisions which I have read to you were incorporated by reference into a document duly signed by Leonid Brezhnev, Gustav Husak, Edward Gierak, and their colleagues of the Soviet-bloc states.

Yet, as representatives of the 35 signatory countries of the Helsinki Final Act gather—representing, as they do, a total of close to 1.1 billion people—we know that close to 40% of the people whose official representatives are meeting here live in countries whose leaders do not, in fact, act in compliance with the provisions to which they have pledged themselves to be bound and who seem not to have the intention of changing their behavior in the future.

What are we to do under these circumstances? There are some personalities, in my country and elsewhere, who say that the members of the Soviet bloc have made a mockery of the Helsinki accords and that the democracies should, for that reason, abrogate them.

The U.S. Government does not share that view. We believe that the Helsinki accords have given the world's democracies a unique platform on which we are able to expound universal ideas on the principles of democracy and human rights and point up the failures of the Soviet-bloc states to live up to the Helsinki commitments. (The accords obviously have other beneficial aspects as well, which are, however, beyond the scope of this talk.)

The question which so often arises is whether our speeches do any good. Are we advancing our cause thereby?

The issue which is thus put before us is whether there is any value in communicating ideas. History has, indeed, demonstrated that ideas have consequences. There is value in communicating ideas. At meetings called under the terms of the Helsinki accords, all of the participants have the opportunity to put their thoughts on performance under these accords before the assembled group and, thus, before the world public. It is, indeed, significant that at meeting after meeting, the democracies have advocated open sessions and the Soviet bloc has insisted on closed meetings.

Though most meetings are closed to outsiders, no one stands in the way of any one of us from the democratic world telling the public outside the meeting room what we have said inside it. It is,

indeed, possible for the CSCE forum to serve the purpose of telling the world about violations of the most basic principles of human rights in the communist states of Eastern and East-Central Europe.

The leaders of these states, I submit, are not impervious to such criticism. They are concerned about their standing in the world. They are also concerned about the operation of their system. To the extent to which the message comes through that their treatment of their citizens, their failure to respect human rights, is inexorably linked with their inability to reach the material goals which they have set for themselves, there is a chance that they might seriously consider changes in their approach.

There is another important role which the CSCE meetings play. Throughout the Soviet-bloc states, as we well know, there are millions of people who share our ideals of freedom, democracy, and human rights. Some of them do so quietly. Others have the courage to speak up. Some of them have even the courage to speak so clearly and so loudly that their governments have attempted to silence them with severe punishment. We owe it to these people to send them a message of hope, a message that they and their ideals are not forgotten, that there are others, representing a majority of the people around the CSCE table, who share their belief in the rights of the individual and in democratic government and who will not hesitate to criticize their persecutors.

Let me say, just to return to my own experience in this city in the year 1938, that I remember well how much it meant to me and to all those I knew whenever President Roosevelt made a comment or was merely reported to have made a comment which showed his awareness of our plight.

Thus, I see the value of the human rights debate at CSCE meetings in the message it sends to the participating governments, to the general public, and to believers in the human rights cause in countries which deny these rights. I see value in a message that the democracies are united in their commitment and their concern.

There are those who believe that it is important when diplomats gather that they conclude their deliberations with new obligations, new commitments in a document which can be presented to the world as the product of these latest deliberations. At diplomatic meetings dealing with more traditional topics, such an expectation makes a great deal of sense. If diplomats gather to deal with

such issues as border disputes, commercial arrangements, or disarmament, the success or failure of a meeting depends on whether such an agreement is reached.

Consideration of New Human Rights Commitments

Let us now examine the problems we face when we move from the discussion of performance at CSCE meetings to the consideration of proposed new commitments on human rights.

We start out with the basic problem that, as I have already noted, a group of signatories of the Helsinki accords have never lived up to the human rights provisions of these accords, do not live up to them now, and have, in the process of the discussions, not given any indication that they will live up to them in the future. The United States believes that the existence of past commitments which have not been complied with presents us with a serious problem as to the credibility of any new commitments. Should we ask for the express reaffirmation of the existing texts? In the absence of changed behavior, why should a new promise offer us greater assurance that it will be lived up to than the old one did?

An alternative approach would be to accept the proposition that we simply cannot expect the Soviet-bloc states to adhere to the human rights provisions of the Helsinki accords as now written. Let us, therefore, someone may argue, try to reach new agreements which make fewer demands on the Soviet-bloc governments to deviate from their customary methods of exercising authority, agreements which they might be willing to live by.

What that would mean, of course, is that we are, for the time being and probably for quite some time to come, giving up on holding the Soviet-bloc states to the provisions of the Helsinki Final Act. I, for one, think that our interested public will not want us to relieve the Soviet bloc of the existing human rights undertakings of Helsinki.

A third approach would be to come up with a placebo, a string of nice-sounding phrases which, on closer analysis, turn out to have no practical meaning.

There is also the possibility of reaching agreement, not on any new substantive commitments but on process, on ways and means of monitoring performance under the existing agreements. At least such an agreement would point the way toward constructive change.

But what if no agreement is reached on new substantive wording on human rights? Should that, by itself, be reason for great concern? Let me say that I was puzzled when, at the conclusion of the 1985 Ottawa Human Rights Experts' Meeting held as part of the CSCE process, some media representatives called the meeting a failure because no final text had been agreed to. What could they reasonably have expected: that the representatives of the states which have acted in contravention to the provisions to the Helsinki Final Act would tell us that they have carefully listened to the West's expressions of concern and that we have persuaded them of the correctness of our position, that they will, therefore, sin no more? Of course not.

If we speak of failure, the failure lies in the actions of the Soviet-bloc states in not abiding by the commitments they entered into at Helsinki. It does not lie in the absence of an agreed-upon human rights text at the end of any CSCE meeting. Success or failure of the human rights portion of a CSCE meeting lies in the degree to which it encourages—or provokes—compliance with human rights commitments. This, in turn, depends on the clarity with which the participating democracies are willing to speak up for the principles agreed upon at Helsinki and are prepared to comment on the evidence of actions contrary to these principles. I submit to you that by this standard, the human rights portion of the Vienna CSCE meeting has already made a significant contribution.

The Soviet Approach

Up to this point, I have spoken principally of the role of the democracies in the context of CSCE meetings. Let me now add a few words about the positions taken by the other side.

I have heard it said that under the new Soviet leadership, the approach of Soviet representatives to human rights debates is significantly different from their past approach, that they are more willing to engage in human rights debates than they had been in the past. Having participated in international human rights discussions with the Soviet Union for the last 6 years, I must tell you that if there is a different approach, I have not noticed it.

Now, as heretofore, the Soviet representatives will simply not engage in serious, substantive discussions of what we charge are actions contrary to the provisions of the Helsinki Final Act. They dismiss our statements about their abuse of psychiatry, about their incarceration of poets and writers, about their suppression of independent trade

unions or even an independent peace movement as slander. What we need to remind them is that in the democratic world, a statement is deemed slanderous only if it is untruthful, not if it is merely an unpleasant truth.

Rather than being willing to discuss the matters about which we express concern, the Soviets and their associates hit back by telling us what it is that is wrong in the democratic world. A good deal of what they say is factually inaccurate. But inaccurate or accurate, the Soviet presentations are a tiny fraction of the criticism, also inaccurate as well as accurate, which is leveled at our governments and our social systems day-in, day-out by domestic critics. One response to Soviet criticism is: let us debate. Let us engage in serious discussion of the questions that are being raised.

They have, for example, criticized the United States for police wiretaps. Our response has been that we would be prepared to discuss the rules governing such taps by the FBI [Federal Bureau of Investigation] if the Soviets were prepared to tell us and discuss the standards that govern wiretaps by the KGB. Soviet representatives often also talk about the *Berufsverbot* [security limitations on employment] in the Federal Republic of Germany. We assume that our German colleagues would be prepared to discuss their *Berufsverbot*, which applies to communists, if the Soviet Union, in turn, were prepared to discuss its own *Berufsverbot*, which is applicable to all upper-level positions in the Soviet Union and which disqualifies all nonmembers of the Communist Party. On all these matters, I am sure that the democracies would be interested in serious discussion with the communist states if these were only willing to enter these discussions rather than engage in sloganeering.

And speaking of "sloganeering," let me note the Soviet Union's continuing emphasis in the context of human rights debates on economic and social rights, which it likes to juxtapose to political and civil rights. We are to be left with the notion that in the area of political and civil rights, the democracies may be ahead of the Soviet Union, but with regard to economic and social rights, they say, our side is far behind. This notion—namely, that a centrally planned, collectivist system will be able to raise standards of living for the general population far higher than a private enterprise system based on incentives—was commonplace 20 or 30 years ago. What was then assumed was that Leninist states would, as time passes, be able to deliver on their promise of a

more abundant society. The point that then was made by at least some democrats was that the price for such abundance in terms of enslavement of the average citizen was not worth paying.

The evidence before us now has demonstrated that we are not even dealing with trade-offs between political rights on the one hand and economic rights on the other. What is clear now is that the states that guarantee political rights deliver the reality of a better standard of living. The states which deny political rights promise a better standard of living but fail to deliver it.

We are frequently challenged by Soviet-bloc states to deal with economic and social issues at human rights meetings. Let me, therefore, emphasize that we have no problem discussing such matters with the Soviet Union or with anyone else. But in our view, such matters do not belong at a human rights meeting. At a human rights meeting, we can engage in useful discussion of the meaning of the right to freedom of speech or to freedom of religion. It is a right which a government can observe with ease by simply not interfering with the exercise of this freedom by the citizen. If the topic of discussion shifts, however, to housing or medical care, the truly meaningful issue is not what rights the government has guaranteed, what promises have been made, but what has been delivered. If the Soviet Union wants to engage us in a discussion of our system of delivering, for example, medical care, we are prepared to engage in that discussion, but we should understand that such a discussion would make sense only if we compared the realities, the quality and extent of care, the numbers of persons reached, and all related issues. We would staff our delegations to such a conference with persons able and qualified to engage in a useful, cooperative dialogue. The same can be said of housing or of any other aspect of our economic or social structure. We unquestionably face serious problems in those fields. So does the Soviet Union. If, instead of merely denouncing us, it wants to engage us in thoughtful discussions of, for example, substance abuse, we would very definitely be interested. We do not believe we have all the answers. We are happy to compare notes with anyone interested in engaging in serious conversations.

Conclusion

But none of that—and that is our point—should serve as a distraction from discussions of human rights, of the

principle of the dignity of the individual and of the respect which the state owes the individual. For we in the United States continue to rely on the fundamental principle which I set forth in the beginning: that governments are instituted among men to secure the rights of the individual and that these governments must derive their just powers from the consent of the governed. These words reflect, I am sure, not only the point of view of the United States but of all the democratic participants in the CSCE process. They also reflect, I am

certain, the point of view of great numbers, perhaps even great majorities, of the citizens of countries whose governments have not lived up to these principles. It is to these people above all—to the Helsinki monitors, to the members of Charter '77, to the Solidarity movement, to all those who espouse the cause of freedom—that we must send the message not to despair, to ask them to remember the last stanza of a song of the 1930s, the song of the Peatbog Soldiers:

But for us there's no complaining,
Winter will in time be past,
One day we shall cry, rejoicing:
"Homeland, dear, you're mine at last."

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The Promise and the Limits of *Glasnost*



United States Department of State
Bureau of Public Affairs
Washington, D.C.

Following is an address by Richard Schifter, Assistant Secretary for Human Rights and Humanitarian Affairs, before the Leadership Conference of the Washington Group, Washington, D.C., October 10, 1987.

If there is one Russian word that a good many Americans have learned in the last year or so, it is "*glasnost*." And it is in connection with *glasnost* that the question is often asked: is it a sham, or is it for real? To be able to answer that question, we need to ask ourselves what the term really means. What, in fact, is *glasnost*?

Let me tell you at this point with what conclusion I want to leave you. It is that it would be equally wrong to say that Soviet society under Gorbachev remains unchanged or, conversely, to suggest that "*demokratizatsiya*" under Gorbachev really means democratization, as we know it. The fact is that a great many changes are occurring in Soviet life, some of which are exhilarating and exciting, but they all are taking place within a highly restrictive context.

Comparing *Glasnost* and Khrushchev's "Thaw"

Comparisons between Gorbachev's "*glasnost*" and Khrushchev's "thaw" often come to mind. Some of the comparisons are valid. But there are also significant differences.

Let me suggest one very critical difference. The thaw of the 1950s was the product of the utter revulsion of a significant number of Stalin's heirs against the sadism and mindless brutality of Stalin's rule. Their concern was, indeed, a deeply felt longing for at least some semblance of respect for human rights. They had themselves feared the knock on the door in the middle of the night, the possibility of ending their lives in the basement of Lubyanka Prison. But none of them had

any doubts about the validity of their economic precepts, about the brighter tomorrow that the collectivist, centrally planned system would bring about.

When Nikita Khrushchev told us that the Soviets would bury us, and it was explained that he used this phrase to predict the Soviet Union's economic triumph over capitalism, there was no question that he truly believed what he said. Today, close to 30 years later, we can fairly say that there are not many such believers left in the Soviet Union—not among the general population, which continues to suffer shortages, or, and that is critically significant, among the leaders. It was in the late 1970s that it became increasingly clear that the Soviet economy had run aground and that no quick fix was available to get it to float again.

This was the setting in which Mikhail Gorbachev attained power. There is no indication that he was concerned, as Nikita Khrushchev had been, about the men and women suffering in the Gulag or that he was deeply interested in allowing freedom of expression for its own sake. What he seemed to see, above all, was an economy which was operating, year after year, ever more sluggishly and a society which, with apologies to President Carter, was suffering from a very serious malaise. He saw the problem and, as distinct from his immediate predecessor, was eager to do something about it. At first, he, too, tried a quick fix: a campaign against drinking.

It was not long before Gorbachev realized that temperance alone was not going to cure the ills that beset the Soviet economy or Soviet society generally. Though convinced that the basic theories on which the system rested were correct, Gorbachev and his colleagues agreed that the system was facing serious operational difficulties which had to be identified and dealt with. That is how *glasnost* was born.

The Development of *Glasnost*

What Mikhail Gorbachev and his colleagues fully understood and recognized was that not even the vaunted KGB could be expected to unearth all the ineptitude, inefficiency, and corruption that so clearly plagued both public administration and the economy in the Soviet Union. They reached the logical conclusion that the only effective way in which these serious deficiencies could be dealt with was to have them fully exposed. That, in turn, meant that members of the public would not only have to be *allowed* to denounce the wrongs they observed but would have to be *encouraged* to do so.

And so, the word went out all across the country: speak up. Tell us what's wrong. Let's all get together so that we can root out the bribe-takers, the alcoholics, the incompetents. And let's try thereby to improve the operations of our economy and of the various public institutions that are in direct contact with the people.

It is important to note that *glasnost* is, therefore, not derived from the precepts of the philosophers of the 18th-century Enlightenment that freedom of speech is a goal in itself, an essential element of a free society. That, we must understand, is not the way the new Soviet leadership seems to see it. Freedom of speech, in their view, is useful when it is exercised for a specific utilitarian purpose—namely, to expose, as I noted before, inefficiency, ineptitude, and corruption in the lowest layers of the Soviet bureaucracy where the leadership might otherwise not be able to identify existing problems. What the leadership itself does, whether Soviet troops stay in or withdraw from Afghanistan, what weapons systems are built, who should be elected to the Politburo—none of these questions are appropriate subjects for public discussion. *Glasnost*, as you can see, has its limits.

Just as certain wrongs of the present can now be exposed, so can wrongs of the past be subjected to public scrutiny and criticism. In that case, it is even permissible to criticize personalities at the highest level of government if they were also guilty of inefficiency, ineptitude, or corruption, such as Brezhnev's crew. Beyond that, going back to the Stalin era, one can expose irrationality, the punishment of loyal followers of the communist system who had been falsely denounced for disloyalty. There is nothing wrong, in the view of the present leaders, with the use of the force of the state to have suppressed dissent that might challenge the system, as Lenin did. But it is certainly wrong and utterly irrational to have punished supporters of the system, as Stalin did.

And then, more recently, the new Soviet leadership took another step in its emphasis on rationality: sanctions imposed by the state should be proportionate to the nature of the threat. Dissenters who constitute danger must, indeed, be severely punished. But those who express dissenting views in a way which merely makes them a nuisance can be tolerated. The distribution of a few hundred copies of a *samizdat* publication such as the magazine called *Glasnost* need not land the authors in jail. Harassing the writers and otherwise interfering with their work will do. Besides, tens of millions of readers of Western publications are informed of the new phenomenon of the publication and distribution of a new magazine of dissent and, as a result, think more kindly of the Soviet Union. The small number of copies produced and the difficulties encountered by the persons who publish them are overlooked. *Glasnost* thus produces significant benefits, not only within the country but beyond its borders as well.

And so, we get *glasnost* in literature, in the theater, and even in the movies. Heretofore forbidden topics, forbidden thoughts, may now be freely expressed in print, on the stage, and on the screen. It is all new and exciting and enlists many members of the intelligentsia in support of the regime.

The Limits of *Glasnost* and *Demokratizatsiya*

That there are limits to this new openness is, at the same time, clear. These limits are of concern to some intellectuals in the Soviet Union. But a great many others are quite understandably excited about the difference between what was and what there is now. For them, the malaise is gone. They are fascinated by what they are now allowed to read, to hear, and to say. They are not, at this time, paying attention to what it is that they still may not read, hear, or say.

But there are some members of Soviet society who are more aware of the limits of *glasnost* than are many others. None are as aware of these limits as are those who consider the maintenance of a minority language or culture as central to their life. And these are the dissenters about whom the Soviet leaders prove to be most neuralgic, a neuralgia so clearly reflected in the extraordinarily severe prison sentences imposed on them: 7 years at hard labor followed by 5 years of internal exile. Let us keep in mind that there are persons in the Soviet Union who are now serving sentences of that length for writing poetry (in Ukrainian), for having translated and distributed George Orwell's *1984* (in Latvian), and similar heinous crimes.

Just as *glasnost* does not mean free speech, *demokratizatsiya* is most assuredly not democratization in the Western sense. The Soviet leaders have, again and again, stated emphatically that they are devout Leninists and that their democratization is, as they put it, of the socialist variety rather than the Western bourgeois kind. On this issue there is no reason why we should not believe that they mean what they say.

Lenin, we must keep in mind, would speak disdainfully of bourgeois liberalism but would appropriate the word "democratic" for his own semantic use. Thus, "democratic centralism" became the term used to describe the dictatorship of a small circle of all-powerful leaders. *Demokratizatsiya*, as the term is used today, means allowing citizens some say in the operations of the lowest level of government, but most assuredly not allowing them to influence the policies adopted by the top leadership of the party.

Making *Glasnost* Irreversible

And how can it all be held together; how can people be made to obey the orders of the leadership? The answer is, of course, clear: by continuing to concentrate control of all the levers of power in the hands of that leadership. It is with that leadership that the ultimate power of appointment of all officials rests. It is that leadership which determines the political line to be reflected in all the country's media on any issue which it chooses. It is that leadership which decides what is taught in the schools and how it is taught. It is that leadership which, through the operations of the secret police, can listen in on any telephone conversation, on many other private conversations, and which can read anyone's mail. And, finally, it is that leadership which can cause persons whom it deems a threat to the system to be carted off to prison.

My point is that the basic system of repression remains in place. The shackles have been loosened, in some respects substantially so. But they remain in place. They can be tightened again at the will of the leadership.

When I was in the Soviet Union last April, I had the opportunity of being present at a meeting between Secretary Shultz and a group of Soviet intellectuals. They all were telling us that the new openness was "irreversible." They were making the point so frequently and so fervently that it soon became clear that this was really an incantation. By saying it often enough, they hoped they would make it come true.

We, too, should hope that the present changes are not reversed. We should be interested in an end to repression in the Soviet Union, both for the sake of the Soviet citizens directly affected and because an open, democratic Soviet Union would most certainly be less inclined to engage in military adventurism than one which continually makes war on its own people.

While we should be hopeful, we must also be realistic. Thirty years ago, we witnessed, as I noted earlier, the thaw under Khrushchev. Some of us thought then that the genie of freedom was out of the bottle and couldn't be stuffed back into it. But we were wrong. It was.

What would it take to make the process truly irreversible? In the 1950s, the preceding leadership—that of Stalin—was clearly repudiated, the gross inhumanities perpetrated in the name of the state were exposed, and regret was expressed for them. The secret police was removed from the center of power. And yet, after Khrushchev had been deposed, a good many features of Stalinism crept back into the Soviet system of government.

It is obvious that if there is to be a chance of making the progress of the last year irreversible, more will have to happen in the way of basic change of the system than happened in Khrushchev's times. What would be required, in the first instance, is a far more significant reduction in the power of the secret police than occurred under Khrushchev. And with the relaxation in police control, there would have to come an acceptance of true pluralism in all aspects of societal interaction: political pluralism, religious pluralism, cultural and ethnic pluralism, the presentation of divergent views in the media and in education, and so on.

Will it come to that? Only time will tell. All that we can say at this time is that only if such basic changes occur will *demokratizatsiya* really be the equivalent of democratization. ■

Soviet Repression of the Ukrainian Catholic Church



United States Department of State
Bureau of Public Affairs
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The following report was prepared by the Bureau of Human Rights and Humanitarian Affairs in January 1987.

During the nearly seven decades that have elapsed since the Bolsheviks seized power, the Communist Party of the Soviet Union has sought to eliminate religion or, failing that, utilize it for the purposes of the state. In this deliberate attack on religion, no institution has suffered more than the Ukrainian Catholic Church. Claiming the devotion of millions in western Ukraine, the church—leaders and laity alike—has been systematically repressed by Soviet rule. Official Soviet historiography even goes as far as to claim that the church “liquidated itself” in 1946, that its followers “voluntarily joined” the Russian Orthodox Church.¹

But the Ukrainian Catholic Church lives on, in the catacombs, as witness numerous *samizdat* documents and repeated discussions in Soviet publications of the need to repress it. This paper sets forth an account of that repression.

Church and State in the Soviet Union: 1917–46

Situated primarily in western Ukraine, which the Soviets forcibly annexed from Poland in 1939, the Ukrainian Catholic Church traces its modern lineage to the 1596 Union of Brest, through which it affiliated with the Roman Catholic Church while preserving its Byzantine form of worship and spirituality. Thus, unlike the Russian Orthodox Church or

the Ukrainian Autocephalous Orthodox Church that arose after the revolution in eastern Ukraine, the Ukrainian Catholic Church has looked to the West, recognizing the authority of the Pope from its inception.

Western Ukraine poses a particular problem for the Soviet regime, since, according to Soviet sources, nearly half of the officially permitted religious congregations in the Soviet Union are located there.² In addition, there are many unofficial groups which include Ukrainian Catholics. Furthermore, the Ukrainian Catholic Church has served as a focus for the development of a distinct Ukrainian national and cultural identity in western Ukraine. Not surprisingly, these characteristics have marked the church in Soviet eyes.

In its first years the Soviet regime attacked all religious institutions, accusing them of political opposition to the regime and collusion with its internal and external enemies. All religious groups suffered from discriminatory Soviet legislation, beginning with the Soviet Decree of February 5, 1918, on the Separation of Church From State and School From Church. The new laws transferred all church property, including all houses of worship, to the state. Clergy and their families were stripped of their civil rights. Organized religious instruction of minors was made a criminal offense, and all theological schools were closed, as eventually were all monasteries and convents. The regime sponsored abusive antireligious campaigns which were accompanied by the harassment of believers and their

exclusion from all positions of importance.

During the 1920s, however, the regime shifted its tactics in the direction of “sovietization” of individual churches and sects. “Disloyal” religious leaders were replaced by others who were willing to accept a platform of loyalty to the Soviet state and were prepared to submit to far-reaching controls over the external and internal activities of their groups. By 1927 these conditions were accepted by the Moscow Patriarchate of the Russian Orthodox Church in return for a limited and uncertain tolerance; but the price was the alienation of many Orthodox bishops, clergy, and believers who considered such a compromise with the atheist state to be incompatible with the integrity and spiritual mission of their church.

These early won concessions did not last long, however. By 1929 Stalin's regime had embarked on a violent, widespread antireligious campaign. More and more churches and prayer houses of all faiths were closed down by the authorities, often on the basis of fabricated “demands of workers.” Growing numbers of bishops and clergy were banished, imprisoned, or executed. This situation worsened during the late 1930s, culminating by the end of the decade in the near total suppression of institutional religion throughout the Soviet Union. Soviet authorities destroyed what remained of the Ukrainian Autocephalous Orthodox Church during this period, killing most of its bishops and many thousands of its followers.³ They also drew up plans for the liquida-

tion of the Ukrainian Catholic Church; these became reality with the Soviet acquisition in 1939 of western Ukraine and western Belorussia, which had large congregations of Catholics. With Soviet occupation, there immediately followed the abolition or state takeover of longstanding church institutions—including schools, seminaries, monasteries, and publishing houses—and the confiscation of all church properties and lands. Finally, as the Nazis invaded the Soviet Union in June 1941, Soviet secret police rounded up a large number of Ukrainian Catholic priests who were either murdered or deported to the east.

Following the Nazi attack on the U.S.S.R., Stalin altered substantially his tactics toward religious communities. Fearing for the very survival of the Soviet regime, he reduced antireligious propaganda and offered significant concessions to the Russian Orthodox Church, as well as other denominations, in the hope of harnessing all the potential of the Soviet Union in its struggle against Nazi Germany. But with the Soviet reoccupation of Ukraine in 1944, repression of Ukrainian Catholics, already suffering under Nazi occupation, was resumed once again, culminating in the official “liquidation” of the church in 1946.

Liquidation of the Ukrainian Catholic Church, 1946

From the very beginning of the Soviet reoccupation of western Ukraine, measures aimed at liquidating the Ukrainian Catholic Church were undertaken. In the winter of 1944–45, Soviet authorities summoned Catholic clergy to “reeducation” sessions conducted by the secret police, the NKVD. On April 5, 1945, the Soviet media began an anti-Catholic campaign. Then on April 11, 1945, the NKVD began arresting the entire Ukrainian Catholic hierarchy of western Ukraine, including the secular and monastic clergy—a program that would last for the next 5 years. Along with Metropolitan Yosyf Slipyj, the NKVD arrested Bishop Nykyta Budka, the Vicar General of the Metropolitan; Gregory Khomyshyn, the Bishop of Stanislav, and his Auxiliary Bishop, John Liatyshewsky; Paul Goydych, the Bishop of Priashiv, and his Auxiliary Bishop, Basil Hopko; Bishop Nicholas Charnetsky, Apostolic Visitor of Volyn; Monsignor Peter Verhun, Apostolic Visitor for Ukrainian emigrants in Germany; and Josaphat Kotsylovsky, the Bishop of Peremyshl, and his Auxiliary Bishop, Gregory Lakota. (All but one of these either died

in prison or died shortly thereafter, their health ruined by the abuse they had suffered; only Metropolitan Slipyj, through the efforts of Pope John XXIII, was finally released from prison in 1963 and allowed to leave for Rome.) According to eyewitnesses, in Lvov alone there were about 800 priests imprisoned at that time; and in Chortkov about 150 priests from the district of Ternopol were deported to Siberia.⁴

Meanwhile, in late May 1945, as these mass arrests of Catholic clergy were being carried out, Soviet authorities sponsored the so-called Initiating Committee for the Reunification of the Greek Catholic Church With the Russian Orthodox Church. This was a preparatory committee, which subsequently convened a pseudosynod—the authorities proclaimed it a “Sobor”—in Lvov on March 8–10, 1946. In that “Sobor” an end was proclaimed to the 1596 Union of Brest, and the Ukrainian Catholic Church was declared “reunified” with the Russian Orthodox Church.

This entire exercise was planned and guided by Soviet authorities. Knowledge of the “Sobor” was withheld from the public; no advance election of delegates was held, and only 216 clerics and 19 laymen—allegedly representing the

Ukrainian Catholic Church—brought about “reunification.” Not surprisingly, the NKVD was entrusted with the task of coercing the remaining Catholic clergy to join the Russian Orthodox Church.

Both the Vatican and the Ukrainian Catholic Church in the West have refused to recognize this forced reunification, considering it to be uncanonical and illegal: according to Catholic and traditional Russian Orthodox canon law, to be valid, a synod must be called by the Pope or by a patriarch and must be attended by bishops. Yet Soviet authorities consider this “Sobor” and its decisions binding on all Ukrainian Catholics in the U.S.S.R. to this day.⁵ The protests of almost 300 Ukrainian clerics and the 1946 and 1952 encyclicals of Pope Pius XII in defense of the Ukrainian Catholic Church have gone unheeded. Moreover, the same fate met the Catholic Church in Transcarpathia, a part of Czechoslovakia incorporated into the Ukrainian S.S.R. at the end of World War II, where the Mukachiv eparchy was liquidated and subordinated to the Russian Orthodox Church in 1947. Its bishop, Theodor Romza, was killed.⁶

The following table, comparing the situation of the Ukrainian Catholic

Situation of the Ukrainian Catholic Church

Number in 1939	Losses Suffered by 1950
Dioceses 4	All dioceses liquidated.
Territory of Apostolic Visitor 1	Liquidated.
Bishops 8	All imprisoned, condemned, died in prison, killed, or exiled.
Parishes 2,772	Taken over by the Russian Orthodox Church; some liquidated.
Churches and chapels 4,119	Taken over by the Russian Orthodox Church or closed.
Monasteries and convents 142	Confiscated and closed by the authorities; a few transferred to the Russian Orthodox Church.
Other church institutions	All liquidated.
Secular priests 2,638	Fewer than half forced into Russian Orthodox Church; others imprisoned or in hiding.
Monastic clergy 164	Dispersed, imprisoned together with three Provincial Superiors.
Brothers 193	Dispersed or imprisoned.
Seminarians 229	Dispersed or refugees.
Nuns 580	Dispersed.
Faithful 4,048,515	Many imprisoned or deported for their faith; majority resisting passively.

Church prior to World War II with the situation in 1950, offers a graphic picture of the losses suffered by the church from its forced reunion.⁷

The Ukrainian Catholic Church in the Catacombs

Forty years after the official abolition of their church, Ukrainian Catholic communities continue to exist in the Soviet Union, as even Soviet sources attest. The most telling evidence of the survival of the Catholic Church is to be found in Soviet propaganda, which wages a vigorous campaign against the church through books, pamphlets, periodicals, television programs, movies, lectures, and exhibits, all designed to falsify the historical record, defame Catholic leaders and clergy, and intimidate church members. To this day, the great Metropolitan Andrei Sheptytsky, who led his church for four and one-half decades (1900-44), saving the lives of thousands of Jews during World War II, is maligning by Soviet officials.

At the outset, the priests of the Catacomb Church were those who did not rejoin Russian orthodoxy during the 1945-49 period but remained Catholics, giving up any public exercise of their clerical duties. After 1946, a significant portion of Catholic laymen continued to depend on the services of these "illegal" priests and monks, whose numbers increased after the mid-1940s with the return of what the Soviets called "recalcitrant" clergymen—those who had completed their sentences or had benefited from the post-Stalin amnesties.

The hope that de-Stalinization would lead to the restoration of the Ukrainian Catholic Church produced a marked intensification of covert Catholic activities. By the late 1950s, however, as more and more "converts" to the church began to repudiate orthodoxy, communist authorities dispelled any hope for a change in official policy toward the church by arresting even more priests and unleashing a new wave of anti-Catholic propaganda. Notwithstanding this widespread antireligious campaign, the number of priests increased in western Ukraine in the 1950s and thereafter, due in part to secret ordinations in exile. In addition, the existence of secret theological "seminaries" in Ternopol and Kolomyia was reported in the Soviet press in the 1960s in connection with the arrests of their organizers.

Today, the underground Catholic Church is said to embrace hundreds of priests, headed by a number of secret bishops working under the authority of

their primate in Rome. Religious women in orders working throughout Ukraine number more than 1,000. Many former Catholic and non-Orthodox priests have retained a spiritual allegiance to the Pope as well, while others have taken up civilian professions and continue to celebrate the sacraments in private. A certain number of Ukrainian Catholic priests live in exile outside western Ukraine or as free settlers in Siberia, Kazakhstan, Lithuania, and eastern Ukraine, often serving their faithful from afar. Members of religious communities and monastic orders have maintained close contact with each other, and most have remained faithful to their vows. In 1974, a clandestine Catholic convent was uncovered by police in Lvov.

Almost invariably, these clergymen and monastics hold full-time secular jobs or have retired from such employment. The identities of the older clergy seem to be known to the Soviet police, who frequently subject them to searches, interrogations, and fines but stop short of arrests unless they have extended their activities beyond a narrow circle of friends in private homes. It appears, however, that Soviet authorities are much more ruthless in dealing with new, secretly ordained priests.

In 1968, apparently in connection with the legalization of the Ukrainian Catholic Church in Czechoslovakia, the harassment of "recalcitrant" clergy escalated into a large-scale campaign against "illegal" Ukrainian Catholic clergy. Many of these clergymen were subjected to searches, interrogations, fines, and beatings. In January 1969, the KGB arrested an underground Catholic bishop named Vasyl' Velychkovskiy and two Catholic priests, sentencing them to 3-years imprisonment for alleged violations of the "law on cults."

Religious activities that are "illegal" when performed by Catholic priests or members include holding religious services; educating children in the Catholic faith; performing baptisms, wedding rites, and funerals; hearing confessions; anointing the ill; copying religious materials; and possessing prayer books, icons, church calendars, religious books, and other sacred objects. Soviet sources reveal numerous examples of arrests for such activities. One is the case of Reverend Ivan Kryvy, who was arrested in 1973 for organizing the printing of a Ukrainian Catholic prayer book (actually a reprint of a prayer book published in Canada in 1954) in three consecutive editions (1969, 1971, and 1972) totaling 3,500 copies. The work was done by two employees of the Lvov state printing shop who also were arrested in 1973

together with another person involved in the distribution of these materials. In the same manner, the clandestine printers also produced 150 copies of a "Carol and Church Songs" book and 150 copies of the "Missal."

The most active lay people and clergy of the "illegal" church have tried to use legal means to defend their church. By 1956-57, there were cases in which believers had tried to legalize their Ukrainian Catholic communities according to Soviet law by petitioning the proper authorities to permit their parish congregations to operate openly. A number of such petitions were sent in the late 1960s and early 1970s, including an appeal from the Ukrainian Catholics of the city of Stryi, which reached the West in 1972. All of these petitions were refused. In 1976 a Ukrainian Catholic priest named Reverend Volodymyr Prokopiv was arrested for accompanying a delegation of Ukrainians to Moscow with such a petition, signed by a large number of Catholics from the Lvov region. The Soviet response to these petitions has been to sharpen repressive measures against the activist clergy, monastics, and lay people and to intensify their propaganda.

In recent years, the cause of persecuted Ukrainian Catholics has been taken up by the dissident movement in Ukraine. Since 1970, the movement's organ, the *Ukrainian Herald*, has carried accounts of the harassment, searches, arrests, and trials of Catholics and has editorially condemned "wanton liquidation" of the church as "illegal and unconstitutional." A leading Ukrainian dissident, historian Valentyn Moroz, devoted part of his *Chronicle of Resistance* to the nation-building role of the Ukrainian Catholic Church in western Ukraine; he equated the regime's anti-Catholic struggle with an attack upon "the spiritual structure of the nation."

Lithuanian Catholic dissidents also have raised their voices in recent years. In their petitions to Soviet authorities and in their underground *Chronicle of the Lithuanian Catholic Church*, they have joined Ukrainian dissidents in calling for the lifting of the illegal ban on the Ukrainian Catholic Church. Likewise, in September 1974, a leading Russian Orthodox dissident named Anatoliy Levitin-Krasnov appealed to Sakharov's human rights committee in Moscow to raise its voice in defense of Ukrainian Catholics and other persecuted religious groups. "The Union in Western Ukraine," wrote Levitin-Krasnov, "is a massive popular movement. Its persecution means not only

religious oppression, but also restriction of the national rights of Western Ukraine."⁸

Chronicle of the Catholic Church in Ukraine

At the beginning of 1984, a group of Ukrainian Catholics began to publish and disseminate a *samizdat* publication, the *Chronicle of the Catholic Church*. To date, *Radio Free Europe/Radio Liberty* in Munich has received and broadcast nine numbered issues of the *Chronicle* plus one special issue. The 10th edition of the *Chronicle* was published in June 1986 and had a significant change in title: *Chronicle of the Ukrainian Catholic Church in the Catacombs*. The *Chronicle* is published by members of the "Initiative Group for the Defense of the Right of Believers and the Church in Ukraine," which was established in 1982 and spearheads the campaign of Ukrainian Catholics for the legalization of their church.⁹

It was the years of abortive demands by believers that authorities legalize the activities of the Catholic Church in western Ukraine that brought about the emergence of an organized human rights movement among believers. In early 1982 the Central Committee of Ukrainian Catholics was formed, and Yosyf Terelya was elected its chairman. In a statement about the formation of the Initiative Group, addressed to the Central Committee of the Communist Party of Ukraine, Terelya wrote:

This was the response of Ukrainian Catholics to increasing repression against the Ukrainian Catholic Church. From now on, all information about the Ukrainian Catholic Church will be passed on for scrutiny by the world public. The Catholics of the world should know and be reminded in what conditions we exist.¹⁰

The first three issues of the *Chronicle* are varied, although they deal largely with the lives of believers—Catholics, Orthodox, Baptists, Pentecostals, Jehovah's Witnesses, and Seventh-Day Adventists—giving accounts of repressive measures taken against them and naming the camps and psychiatric hospitals in which they are confined. The journals also devote considerable attention to the sociopolitical situation in Ukraine and discuss such diverse subjects as the Raoul Wallenberg case, Russification, and the Polish workers' movement. Most of the information contained in the *Chronicle*, however, relates to the lives of members of the banned Ukrainian Catholic Church, especially to violations of their human rights. These journals underscore the needs of the peo-

ple to worship freely in their own rite, to have their own churches with free access to them, and to have their own priests and their own language.¹¹

The founder of the Initiative Group and moving force behind the *Chronicle*, Yosyf Terelya, was arrested on February 8, 1985, and sentenced on August 20, 1985, to 7 years imprisonment and 5 years exile for his religious activities. He had already spent years in various camps, prisons, and psychiatric institutions. He is currently serving his sentence in Camp #36 near Kuchino, the so-called death camp where, since May 1984, four prominent Ukrainian prisoners have died—Ukrainian Helsinki Monitors Vasyl' Stus, Oleska Tykhy, Yuriy Lytvyn, and journalist Valeriy Marchenko.

Terelya's successor as chairman of the Initiative Group, Vasyl' Kobryn, also was sentenced in March 1985 to 3 years imprisonment for "anti-Soviet slander." The plight of Terelya and Kobryn is just one example of the persecution of countless numbers of Ukrainian Catholics who have suffered harassment, illegal searches, beatings, and arrests solely because of their attempts to practice their religious beliefs.

Grounds for Repression

Clearly, the Ukrainian Catholic faithful who were driven underground following the forced 1946 "reunion" have posed an especially complicated problem for Soviet authorities. Enjoying massive support from believers in the western Ukraine, as well as from the strong Ukrainian Catholic diaspora in the West, the faithful have survived despite repeated repressive measures. They have survived both within the formal Orthodox Church—so-called secret Catholics—and as an "illegal" church with a succession of its own bishops and a network of secular and monastic clergy, performing clandestine religious rites in private homes, at cemeteries, and even in officially "closed" churches. Among young people, in particular, there has been a growing acceptance of religious traditions and symbols as important links with the past and as integral elements of national culture.

The reaction of the regime has been to renew its emphasis on mass, antireligious propaganda, especially in western Ukraine. Conferences have been organized on the subject of perfecting the methodology to combat Ukrainian Catholicism in western Ukraine.¹² Numerous publications have appeared that attempt to discredit the union of the

congregations in Ukraine and what is now Belorussia with Rome in 1596; these go to great pains to prove the allegations that the Catholic Church conducted activities that were directed against the population of Ukraine during the first half of the 20th century.

The growth of interest in Ukrainian Catholicism has to be understood in relation to the general rise of interest in religion, spiritual values, and ethics among the younger generation in Ukraine. Complaints by Soviet officials and their publications attest to this revival. A letter by an avowed atheist published as part of an article on religious belief and atheist propaganda in a 1984 issue of *Nauka i Religiya* (*Science and Religion*) states:

If you could only imagine how difficult it is for us atheists in Ukraine. For many years now, I have been involved in the thankless propagandizing task of Soviet ritualism. I have ploughed through mountains of literature, observed, pondered, and spent many hours in the churches where religious rites are practiced. I have come to the conclusion that Soviet official statistics are very far from reality.¹³

The problem of religious practices in western Ukraine also was raised by the first secretary of the Lvov Komsomol, Oleksiy Babychuk:

... in this oblast, particularly in the rural areas, a large number of the population adheres to religious practices, among them a large proportion of youth. In the last few years, the activity of the Uniates [Ukrainian Catholics] has grown, that of representatives of the Uniates as well as former Uniate priests; there are even reverberations to renew the overt activity of this Church.¹⁴

Another important factor in the steady growth of interest in Catholicism in Ukraine has been the proximity of the Solidarity movement and the election of a Slavic Pope. It is worth noting that for some years now the Polish dissident movement—particularly members of Solidarity—has supported Ukraine's quest for self-determination in its official statements and publications and, conversely, members of the dissident movement in the Ukraine, like Vasyl' Stus and Yosyf Terelya, have praised Solidarity in their activities. In an open letter, published in 1981 in the journal of Catholic opposition in Poland, *Spotkanie*, Ukrainian Catholics registered their joy on the occasion of the election of Cardinal Wojtyla as Pope.¹⁵

At the same time, Soviet authorities have launched a related propaganda campaign in Ukraine, disseminating publications that criticize the Vatican's support for believers in Soviet-bloc countries. The mass media also has stepped up its attacks on Pope John Paul II,

especially his support of Ukrainian Catholics.¹⁶ The antireligious journal *Liudyna i Svit* (*Man and the World*), published in Kiev, stated the following:

Proof that the Church is persistently striving to strengthen its political influence in socialist countries is witnessed by the fact that Pope John Paul II gives his support to the emigre hierarchy of the so-called Ukrainian Catholic Church. . . . The current tactic of Pope John Paul II and the Roman Curia lies in the attempts to strengthen the position of the Church in all socialist countries as they have done in Poland, where the Vatican tried to raise the status of the Catholic Church to a state within a state. In the last few years, the Vatican has paid particular attention to the question of Catholicism of the Slavonic nations. This is poignantly underscored by the Pope when he states that he is not only a Pope of Polish origin, but the first Slavic Pope, and he will pay particular attention to the Christianization of all Slavic nations.¹⁷

These same themes were stressed at a 1981 symposium in Bratislava for specialists in antireligious propaganda in the Warsaw Pact countries. One of the papers dealing with Ukrainian Catholicism stated the following:

Pope John Paul II has approved certain additional measures, directed in support of the Uniates. . . . [The] Head of the Vatican underscored his "dedication" to the Uniates by approving the claims of Cardinal Slipyj to represent and speak on behalf of all the faithful of the Western province of the Ukrainian S.S.R.¹⁸

However, Ukrainian Catholicism, seen as the strongest and most representative exponent of cultural and spiritual ties with the West, remains an obstacle to the Soviet goal of creating a single Soviet people. The Soviet regime has officially liquidated the church and also has attempted to erase it from historic memory. To enable Moscow to achieve its goals, all signs of the religion's ongoing revival are continuously repressed.

¹⁶See note 4.

¹⁷*Voprosy nauchnogo ateizma*, publication no. 24, Moscow, 1979, p. 46. *Stanovleniya i rozvytok masovoho ateizmu v zakhidnykh oblastiakh Ukrainy RSR*, (Kiev, 1981), p. 51.

¹⁸Soviet repression and liquidation of the Ukrainian Autocephalous Church in eastern Ukraine in the 1920s and 1930s was a portent of its later repression and liquidation of the Ukrainian Catholic Church in western Ukraine. Shortly after the revolution, a number of Ukrainian Orthodox bishops separated themselves from the Russian Patriarchal Church, creating in 1920 an

independent Ukrainian Orthodox Autocephalous Church. By 1924, the church embraced 30 bishops, 1,500 priests and deacons, and 1,100 parishes in the Ukrainian S.S.R. From 1922, however, Soviet authorities began imposing restrictions on the Autocephalous Church, attempting to split it from within by supporting a splinter faction. In 1926 they arrested its Metropolitan, Basil Lypkivsky, along with a number of other leaders and ordered the dissolution of its central body, the All-Ukrainian Church Council. Then in 1929, massive repressive measures were taken against the bishops, clergy, and faithful, culminating in the dissolution of the church in 1930. The remnant of the church was allowed to reconstitute itself at the end of 1930 but was progressively decimated until the last parish was suppressed in 1936. According to Ukrainian Orthodox sources, two metropolitans of the church, 26 archbishops and bishops, some 1,150 priests, 54 deacons, and approximately 20,000 lay members of the church councils as well as an undetermined number of the faithful were all killed. See *Ukraine: A Concise Encyclopaedia*, Vol. II, University of Toronto Press, pp. 170-71.

¹⁹Analecta O.S.B.M., *First Victims of Communism White Book on the Religious Persecution in Ukraine* (Rome, 1953) pp. 42-44. This book was composed by Ukrainian Catholic priests resident in Rome; it was translated from Italian with Ecclesiastical Approval.

²⁰See, for example, K. Kharchev, Chairman of the Council of Religious Affairs attached to the U.S.S.R. Council of Ministers, in an interview for the Warsaw weekly, *Prawo i zycie*, February 8, 1986, p. 13. The current stand of the Russian Orthodox Church regarding the Lvov "Sobor" is presented in detail in "The Moscow Patriarchate and the Liquidation of the Eastern Rite Catholic Church in Ukraine," *Religion in Communist Lands*, Vol. 13, No. 2, Summer 1985, pp. 182-188. Compare the article of Metropolitan Nikodim of Lvov and Ternopol, published in *Visti z Ukrainy*, No. 5, January 1986, with the article in *Moskovskyye novosti*, No. 22, June 1986, and the article of K. Dmytruk in *Radianska Ukraina*, May 31, 1986.

²¹Analecta, *First Victims*, pp. 30-59.

²²*Soviet Persecution of Religion in Ukraine*, Human Rights Commission World Congress of Free Ukrainians, Toronto, 1976, p. 28.

²³*Ibid.*, pp. 33-34.

²⁴Because of the potential for intentionally planted disinformation, it is impossible to be certain that all items in the *Chronicle* were written by or reflect the opinions of Ukrainian Catholics in Ukraine today. However, enough of the facts have been substantiated by other sources to make the *Chronicle* on the whole a credible source of information about the true status of the Ukrainian Catholic Church.

²⁵Yosyf Terelya, "Declaration to the CC CPU on the formation of the Initiative Group

of the Defense of the Rights of Believers and the Church in Ukraine," *Arkhyv Samizdata* (AS) 4897, *Radio Liberty*, Munich, 1983.

²⁶On the *Chronicle*, see *Radio Liberty* 3/85, "Chronicle of the Catholic Church in Ukraine," January 7, 1985; Bohdan Nahaylo, "The Church Rumbling Beneath the Kremlin," *The Times*, January 12, 1985; Maxine Pollack, "KGB Crackdown in the Ukraine," *The Sunday Times*, January 27, 1985; Bohdan Nahaylo, "Persecuted Ukrainian Catholics Speak Out," *The Wall Street Journal* (European edition), February 18, 1985; Ivan Mhul, "La resistance tenace des catholiques clandestins d'Ukraine," *Le Monde*, March 1, 1985; George Zarycky, "Soviet Journal on Religious Dissent May Embarrass Kremlin," *The Christian Science Monitor*, March 6, 1985; *Radio Liberty* 71/85, "Moscow Still Putting Pressure on Ukrainian Catholics to Break with Rome," March 8, 1985; and *Radio Liberty* 101/85, "First Issue of New *Samizdat* Journal Put Out by Ukrainian Catholics (Uniates)," March 26, 1985.

²⁷In November 1982 a conference was held in Kiev on the topic "The Anti-Communist Essence of Uniate-Nationalistic Falsification of the History of the Ukrainian Nation," (*Liudyna i Svit*, No. 2, February 1983, p. 21). Toward the end of 1983, in the city of Kalush, Ivano-Frankovsk Oblast, a conference was held dealing with "Uniatism and Ukrainian Bourgeois-Nationalism," (*Liudyna i Svit*, No. 1, January 1984, p. 33). In April 1985 a conference was held in Lvov on "Critique of the Catholic Uniate Ideology in Atheist Propaganda," (*Nauka i Religiya*, No. 11, November 1985, p. 34).

²⁸*Nauka i Religiya*, Moscow, No. 10, October 1984, p. 11.

²⁹*Ibid.*, No. 1, January 1985, p. 10.

³⁰Ivan Hvat, "The Ukrainian Catholic Church, the Vatican and the Soviet Union During the Pontificate of Pope John Paul II," *Religion in Communist Lands*, Vol. 11, No. 3, (Winter 1983), pp. 264-280.

³¹*Ibid.*, pp. 277-278; See also L.F. Shevtsov, *Sotsializm i Katolitsizm*, (Moscow: Nauka, 1982), p. 39.

³²I. Tykhonov, "Catholic Church: New Trends, Old Goals," (in Ukrainian) *Liudyna i Svit*, No. 10, October 1982, pp. 53-54.

³³B. Lobovik, I. Myhovich, "Zlopestne tiene minulosti," *Ateizmus*, No. 4, Bratislava, 1981, pp. 361-469. ■

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THE WHITE HOUSE

WASHINGTON

September 8, 1986

Handwritten:
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Dear Ms. Wampold,

The President has asked me to thank you for your letter regarding the cooperative agreement between the American Bar Association (ABA) and the Association of Soviet Lawyers (ASL) and to reply on his behalf. I apologize for the long delay in responding to your letter.

We are grateful that you took the time to share with us your concern about this matter. We are also sensitive to the possibility that cooperative activities with the ASL could give undeserved stature and recognition among legitimate professional legal organizations to this group sponsored by the Soviet government. We are well aware of Soviet efforts to use their "professional" organizations to manipulate exchange activities to their own ends.

We recognize the differences between the ABA and the ASL and have discussed with officers of the American Bar Association the need to be alert and to resist the manipulative efforts of the ASL. The cooperative activities of the ABA are of a purely private nature, neither funded nor supported by the U.S. government. The ABA is aware of the potential pitfalls of cooperative exchange activities with the ASL, but it is also convinced that such activities could serve a useful purpose

Though not a national bar association, the ASL does count among its members a select and potentially influential group of individuals with links to important decision-making levels in the Soviet hierarchy. Access to such individuals gives the ABA an opportunity to send strong messages of concern on human rights and other issues to the USSR.

As with other U.S.-Soviet exchanges--private and official--the ability to communicate American ideals and values to closed Soviet society can be a valuable opportunity. Last year President Reagan, in an effort to increase the Soviet peoples access to American ideas, concluded an agreement with Mr. Gorbachev to expand cooperative exchanges between our two countries. The resulting General Exchanges Agreement, among other activities, calls for "mutually acceptable exchanges, cooperation, and visits of ...specialists in various fields of law, including public law and government."

We hope the ABA's activities with the ASL will contribute to this objective, and will serve as a direct conduit for the views of concerned American lawyers and other citizens to Soviet citizens. It would be, in our view, completely appropriate for your

organization and others with similar views to contact the ABA directly to ensure that their members who participate in cooperative activities with the ASL know of your concerns.

The President welcomes the views and suggestions from concerned citizens such as yourself. Please do not hesitate to contact us if we may be of further assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "Max Green", written in a cursive style.

Max Green
Associate Director
Office of Public Liaison

Ms. Babette Wampold,
President
Alabama Council to Save the Jews
3113 Jasmine Road
Montgomery, Alabama 36111

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Should We Reject the Soviet Bar?

By William S. Pearl

SANTA MONICA, Calif. — American lawyers gathering at the American Bar Association's annual meeting in New York City this week have a chance to right a grievous wrong in its dealings with the Association of Soviet Lawyers. They must decide whether they will continue to lend professional legitimacy to lawyers in a totalitarian police state.

Last year, when A.B.A. officials established a formal relationship with the Association of Soviet Lawyers, the A.B.A. membership was neither consulted nor informed that the Soviet organization had written a book attacking Jewish activists, that the A.S.L.'s president had denounced Soviet human rights advocates or that the group's vice president had written a book vilifying the Nobel Peace Prize laureate Andrei D. Sakharov and Amnesty International, the human rights organization.

American Bar Association officials received these Soviet barristers in the United States, presented them to prominent jurists, including the Chief Justice of the United States, Warren Burger, and gave them a signed agreement — "guided by mutual respect" — to encourage cooperation in "areas of mutual professional interest."

Human rights advocates, members of Congress and lawyers themselves were furious. Unmoved, the A.B.A. justified its actions as promoting human rights.

Within weeks of the visit, however, the Association of Soviet Lawyers released a book warning Soviet Jews of the consequences of emigrating and contending that Zionists had collaborated with the Nazis. The A.S.L. wrote its book together with the Anti-Zionist Committee, whose statements our Government has called anti-Semitic.

In 1984, A.B.A. officials visited Moscow during Dr. Sakharov's well-publicized hunger strike. Today, we know what happened during that visit. When the A.B.A. delegation arrived, Dr. Sakharov was arrested. His forced feedings and possible druggings were administered even as A.B.A. officials met their Soviet brethren. After the A.B.A.'s visit, the measures applied to Dr. Sakharov were intensified.

This spring, A.B.A. officials flew off to Moscow again. The A.B.A. president, William Falsgraf, said he had discussed human rights issues with Soviet officials, who he said "now have a better understanding of the importance of human rights to this association." Soon after Mr. Falsgraf and his entourage left Moscow, the A.S.L.'s vice president signed a public statement denouncing American supporters of Soviet Jews.

Soviet officials, like most people, know the difference between words and action. They must wonder whether any amount of lawlessness jeopardizes a formal relationship with American lawyers. It's a fair question, because the A.B.A. has now adopted a "Declaration of Cooperation" that proclaims both organizations to be "mutually pledged to advance the rule of law in the world."

If an organ of totalitarian lawlessness can be seen as promoting the rule of law, what can't? If the A.S.L. is worthy of the A.B.A.'s professional legitimacy, what isn't? The A.B.A. says that it can lobby Soviet officials about human rights, but consider its results. If Dr. Sakharov were the A.B.A.'s client, would he be pleased?

East-West dialogue, even with the A.S.L., can take place without formal agreements. So can dialogue with outspoken Soviet citizens, not just official organs. American lawyers have a duty to reduce, not legitimize, Soviet control over our contacts with Soviet

citizens and their contacts with us. The key to real dialogue is compliance with existing human rights accords — that is, respect for the rule of law. If the Reagan Administration held the Kremlin to its human rights obligations, formal exchanges would be superfluous.

Human rights lawyers, supported by international figures, including Anatoly B. Shcharansky, have planned a vote at the convention to halt the A.B.A.'s counterproductive formal ties to the A.S.L.

Dr. Sakharov, though not a lawyer, has risked his life to build a safer world based on law. He knows that no one is safe in a system in which peace activists are sent to "psychiatric hospitals." The American Bar Association has adopted laudable resolutions on human rights. Dr. Sakharov's principles deserve more than just lip service. The vote to terminate the A.B.A.'s formal ties to the Association of Soviet Lawyers will show whether American lawyers agree. □

William S. Pearl is a lawyer.

Lawyer's Detente: Sweeping Soviet Human Rights Aside

By BILL PEARL

Not long ago a prominent Soviet lawyer wrote a book denouncing supporters of human rights in the Soviet Union. He explained that Andrei Sakharov, the only Russian ever to win the Nobel Peace Prize, was "a calumniator and instigator" who assists "the opponents of peace" and whose "actions display a dangerous intention to trample" the Helsinki human-rights accords. The fact that Mr. Sakharov was given a criminal sentence without a trial showed "leniency" and was "in full conformity with the prerogatives of the supreme government body and the legal norms."

Thus wrote Prof. Samuel Zivs, vice president of the Association of Soviet Lawyers. Recently, Mr. Zivs was received in the U.S. by officials of the American Bar Association. As part of a six-man Soviet delegation, he met the ABA's president and board of governors. Someone even arranged a meeting with Chief Justice Warren Burger at the Supreme Court. That same day, the ABA signed an agreement with Prof. Zivs's organization to encourage cooperation in "areas of mutual professional interest," an agreement "guided by mutual respect."

Treating Prof. Zivs and his colleagues with "respect" speaks volumes about one's own respect for justice. Consider Prof. Zivs's book, which explains various aspects of Soviet law:

• Psychiatric hospitals are not used to punish political and religious prisoners; it's just that "similar behavior may be as-

sessed differently in different socio-cultural conditions." This is analogous to "the case of cannibalism. What we perceive as an anomaly is known to be regarded as normal in other cultural contexts. . . ." Those who sign appeals against punitive medicine in the Soviet Union are "soft-hearted philistines."

• Reports of starvation in the Gulag Archipelago arose because "Amnesty International, seeking to distort the true state of affairs, compares the adulterated 'data' on the calorie intake . . . to the criteria established by the World Health Organization. . . ." Prisoners actually "obtain additional calories from supplementary sources such as the food they buy with their own money in food stores or stalls in the corrective labor institution. . . ."

• Every prisoner of conscience in the Soviet Union is a liar. Anatoly Shcharansky, Yuri Orlov, Anatoly Koryagin, all of them. Each one got exactly what he deserved. And as for Mr. Sakharov, the "measures exerted on him were gracious."

Prof. Zivs and his colleagues are the mechanics for the Politburo's counterfeit justice system. Consorting with such people does not enhance the stature of the U.S. legal profession or advance the cause of peace.

ABA President John Shepherd says lawyers have a duty to help achieve world peace by advancement of the rule of law. He's right, but that doesn't mean legitimizing lawlessness camouflaged as law.

If this were 1938, would the ABA sign a

mutually respectful agreement with lawyers from Nazi Germany, who applauded the Nuremberg Laws and the Gestapo? Would this contribute to world peace? (For the record, Prof. Zivs also serves as first vice chairman of the "Anti-Zionist Committee of the Soviet Public.")

How many ABA members would want their organization to help improve relations with the South African government? Is the Soviet government less repressive? More representative?

Fortunately, there's a better approach. In 1975, the Soviet Union signed the Helsinki Accords, promising to "respect human rights and fundamental freedoms, including the freedom of thought"; to "promote and encourage the effective exercise of civil (and) political" rights; and to conform to promises of the right to "seek, receive and impart information and ideas through any media and regardless of frontiers." If these promises were observed they would be one of history's greatest conflict-resolution mechanisms. And, of course, they would make the ABA's agreement superfluous.

Some people in the Soviet Union are trying to hold their government to its promises; others are part of the legal apparatus that breaks those promises. The former promote trust and peace; the latter justify state-imposed barriers and the status quo. With whom should American lawyers align themselves?

The ABA has adopted policies and resolutions on the rule of law, but the Politburo knows when actions put the lie to words.

To demonstrate a real commitment to the rule of law, and thus to peace, the ABA should terminate its mutually respectful agreement until the Association of Soviet Lawyers calls on its government to end its breaches of the Helsinki Accords.

It's also time for the Reagan administration to invoke the Helsinki proviso, a law that empowers the secretary of state to deny Communist Party apparatchiks automatic clearance to visit the U.S. while the Soviets violate the Helsinki Accords. The State Department should make it clear that on that basis, no member of the Soviet party apparatus will receive a visa until the Sakharovs arrive in the West.

Andrei Sakharov helped invent the Soviet hydrogen bomb. He warned us to treat compliance with the Helsinki Accords as a matter of our security. Sending peace activists to "psychiatric hospitals" makes all of us less safe; in the nuclear age, silencing voices of moderation is not an "internal affair." Mr. Sakharov, a non-lawyer, risked his life to defend the rule of law; instead of legitimizing the traveling salesmen for his tormentors, U.S. lawyers should embrace his understanding of the rule of law and peace:

"As long as a country has no civil liberty . . . there exists no effective body of public opinion to control the conduct of government and its functionaries. Such a situation is not just a misfortune for citizens unprotected against tyranny and lawlessness; it is a menace to international security. . . . [T]he words of Martin Luther King Jr. ['Injustice anywhere is a threat to justice everywhere'] best express my thesis. . . . The fate of each of us and all of us is at stake."

No credible source has seen the Sakharovs alive since February. The State Department has never invoked the Helsinki proviso. The ABA is entitled to terminate its mutually respectful agreement on three months' notice.

Mr. Pearl is a lawyer in Santa Monica, Calif.

Hume 271

Glasnost -- Public Diplomacy Guidelines

The issue of glasnost has been a subject of prominent media attention for many months, and will probably remain so for the foreseeable future. Despite this spotlight, the concept of glasnost remains much misunderstood. It is often erroneously portrayed as signifying the advent of genuine democratization of the Soviet political system. It is also argued that the U.S. Government should "reward" Gorbachev for initiating reforms, of which glasnost is a key part, by offering economic inducements and political concessions on various foreign policy issues. This approach is described as a way of stimulating further "democratic changes" in the Soviet system. To a certain extent, the numerous myths about glasnost are attributable to the relentless efforts of Soviet propaganda which, under Gorbachev, have been operating with new elan and sophistication.

Clearly, the above referenced perceptions of glasnost are flawed. Likewise, the policy prescriptions stemming from them are without merit. Accordingly, there is a demonstrable need for the Administration to challenge the emergence of abiding misperceptions about glasnost and related Soviet developments, rebut Soviet propaganda claims, and present effectively a balanced assessment of these phenomena.

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In fact, enhanced public understanding of Soviet developments is valuable in its own right, insofar as it contributes to creating a sustainable political consensus for our policy. The debunking of rapidly accumulating myths about glasnost should also help defuse the pressures on the Administration to make preemptive concessions to the Soviets on various bilateral U.S.-Soviet issues.

To some extent, Administration officials have already articulated their view that glasnost merely signifies greater, albeit still limited, candor in Soviet discussion of various issues, and does not in anyway imply the genuine democratization of Soviet political processes. Yet, much remains to be done in this area. It would be desirable to communicate in a systematic fashion the Administration view that, so far, all of Gorbachev's reforms have been of a limited nature and have not addressed the fundamental political and economic problems plaguing the Soviet Union. To accomplish this objective, public diplomacy guidelines on the issue of glasnost and the Soviet human rights situation should be promulgated.

To disseminate expeditiously our views on these important policy issues, we recommend that the NSC review our proposed glasnost public diplomacy guidelines. Upon approval, the NSC

would distribute the guidelines for interagency information and usage. In other words, these guidelines would form an agreed upon framework to be utilized by officials, when publicly discussing the subject of glasnost and Soviet reforms. The proposed guidelines are as follows:

-- Gorbachev's reforms have been of a limited nature. Thus far, there is no evidence of either genuine economic decentralization or of major changes in Soviet resource allocation patterns.

-- There are no indications that democratization is in the offing. Rather, Gorbachev's reforms focus solely on increasing the economic efficiency of the Soviet system and place emphasis on public attitudes and the citizen's role in improving economic performance. Politically, glasnost amounts to no more than the adoption of greater candor on the part of Soviet officials in informing the people about various social, economic, and political issues. No criticism of Party role has been permitted. Moreover, glasnost has not enabled the people in the Soviet Union to participate actively and fully in the actual decision making processes. (Even if implemented, proposals for secret ballots and multiple candidates would be limited to local elections and for important posts, to Party members.)

-- On human rights issues, Gorbachev has taken some selective, symbolic steps, which we have welcomed. However, they have been limited, and -- we have strong reason to suspect -- highly manipulative in intent. We are concerned that no basic laws which have resulted in abuses have been repealed or significantly modified and that thus far, most of the promises made remain unfulfilled. For example, although a number of political prisoners have been released, there are many who still remain incarcerated; some divided spouse cases remain unresolved; peaceful protest demonstrations are still being disrupted and the participants are being arbitrarily arrested and detained; the practice of incarcerating dissidents in psychiatric institutions continues; the practice of religion continues to be repressed.

-- In contrast to their previous rigid stance that human rights issues were a matter of internal Soviet affairs and not a fit subject for bilateral discussion, Soviet officials are now at least willing to discuss human rights. Significantly, Moscow, however, has not officially altered its peculiar view of how international legal obligations are to be construed. It is still the Soviet view that only "progressive" aspects of international law

are binding on them. This and other elements of the self-serving Soviet international legal philosophy continue to serve as conceptual justification for Soviet disregard of the accepted norms of international law.

-- Even genuine Soviet domestic reforms do not necessarily imply that the Soviet Union is becoming a more benign power in the international arena. Moreover, U.S. policy toward the Soviet Union is shaped by our national interests, and by our assessment of how Soviet international conduct affects these interests. Thus, it is totally inappropriate to consider "rewarding" Moscow for domestic reforms with foreign policy concessions.

Human Rights Public Diplomacy Themes

There is a clear need for the Administration to develop a comprehensive public diplomacy strategy to cover the period from September 1987 to September 1988. The first six months of this time frame are particularly crucial, insofar as they feature a number of events that can be used to generate useful public diplomacy spin-offs. Provided below is a discussion of the relevant public diplomacy themes, and of the suitable implementation strategies.

I. USSR:

Over the next 12 months, US-Soviet relations will continue to occupy an important place on the U.S. foreign policy agenda. It is conceivable that a Reagan/Gorbachev summit may take place during this time, in connection with the possible signing of a treaty on theater nuclear forces in Europe. In addition, there are a number of bilateral issues involving exchange programs, trade, etc. that are under review. All of these issues have important public diplomacy aspects. However, given the limited time frame, our public diplomacy strategy needs to be streamlined, and to target several key issues. Specifically, it should focus on the key issues of glasnost, Soviet treatment of religion, nationalities, and

exchange programs. Below are some suggestions which seek to implement our objectives with regard to these areas (Sept. 1987 - February 1988):

-- Secretary's UNGA speech: A section of the speech should address the limitations/realities of glasnost, as well as ongoing Soviet human rights violations, including the plight of emigration, use of psychiatric hospitals and the treatment of religion.

-- Visit of HA Assistant Secretary to the Soviet Union in November: This trip should provide a useful and visible opportunity to raise our human rights agenda with Soviet officials. In the aftermath of such a trip, we should arrange for the Assistant Secretary to appear on McNeil-Lehrer or on the Sunday talk shows to discuss his impressions of glasnost and Soviet human rights.

-- Op-ed articles on various human rights issues should be periodically generated. As a first step, HA should write a piece on the lack of change in Soviet laws which deal with human rights matters -- an issue which raises some serious, poignant questions about the durability of Soviet human rights improvements.

-- Issue "Special Reports" on other religious denominations in the USSR, similar to the State publication, "Soviet Repression of the Ukrainian Catholic Church," and our non-European nationalities.

-- Issue reports on specific human rights violations, such as Perm Camp 36, psychiatric abuses, etc.

-- Human Rights Day (December 10): A theme for this year's Human Rights Day could be freedom of travel. In this context, a specific portion of the President's speech should be devoted to a one year assessment of the achievements/limitations of glasnost.

-- NSC's interagency dissemination of glasnost public diplomacy guidelines.

-- CSCE discussions on human rights issues should be highlighted in both the American and European media through interviews given by the governmental and NGO participants. A White House statement should be issued which would highlight our objectives within CSCE; Ambassadors Warren Zimmermann and Richard Schifter should be asked to provide a CSCE update for VOA, RFE/RL and be interviewed on USIA's Worldnet.

-- One day conference at the State Department on glasnost and economic reform in the USSR, which could be used to offset the 70th anniversary propaganda blitz.

-- Visit by HA Assistant Secretary to RFE/RL: During such a trip the Assistant Secretary could be interviewed on Soviet human rights matters (i.e. treatment of religion, nationalities, and the status of our exchange programs and glasnost.

-- One day conference at State on "Religion in the USSR" in the spring, prior to the celebration of the Millennium of the Christianization of Kiev-Rus'. Invite religious groups who may be traveling to the Soviet Union for the commemoration.

-- Highlight the nationalities question raised during Captive Nations Week 1988 with a "Nationalities/Captive Nations" Conference at the State Department or the White House.

-- Provide briefing materials on human rights (offensive and defensive) to the office at USIA that handles U.S.-Soviet exchanges, which they can disseminate to American groups going to the USSR.

II. Afghanistan:

In tandem with our policy of condemning the Soviet occupation of Afghanistan, we should continue to highlight the atrocities and human rights violations committed by both the Soviet and Afghan governments. It is very important to emphasize that, despite pious Soviet declarations of their intent to withdraw from Afghanistan, the actual pattern of Soviet conduct remains unchanged. In fact, as the performance of the Afghan resistance continues to improve, one can expect increasing Soviet utilization of genocidal and brutal measures designed to de-populate large areas of Afghanistan. Attention should also be highlighted on the ongoing Soviet/Afghan terrorist campaign against Pakistan. Below are several public diplomacy suggestions:

-- The publication of a State Department paper on the human rights situation in Afghanistan.

-- In the upcoming Secretary's UNGA speech, a section should be devoted to the human rights violations committed in Afghanistan.

-- The promotion of greater publicity for the "Humanitarian Assistance flights" which are presently carried out by the Department of Defense.

-- A White House lunch with members of the Afghan resistance which would generate high-level publicity for our efforts. This event would be coordinated with the White House Office of Public Liaison.)

-- We should try to explore the possibility of arranging for one of the major networks to do a television special on the Afghan resistance, the conditions in refugee camps in Pakistan, and the overall human rights situation in Afghanistan.

-- The development of a comprehensive strategy to encourage the passage of the Afghan resolutions in the UNHRC. Toward this end, we should arrange for WEOG consultations to apprise the Europeans of our concerns, share information, and to secure their support for these resolutions.

-- We should seek to get one of the Islamic organizations (e.g. Arab League) to condemn Soviet atrocities against the Afghan resistance as a crime against Islam. Such a condemnation would have a prominent impact not only in the Islamic countries, but in the Third World in general.

-- The establishment of an ad hoc international tribunal to condemn Soviet war crimes in Afghanistan.

III. Cuba:

To bolster support for our UNHRC resolution on Cuba, we should begin now to highlight Cuba's human rights atrocities. That is, we should wage an "education campaign" on this issue. In our efforts, we should seek the assistance and involvement of Armando Valladares.

-- We should maximize on the recent defections of high ranking Cubans. They should be met by both State Department/White House officials, interviewed on Radio Marti and encouraged to write op-ed articles on the continued repression and human rights abuses within Cuba.

-- Active WEOG Consultations to discuss our UNHRC Cuba Resolution; pursue consultations with Latin American representatives to gain their support.

-- We should sponsor a "Cuba Day" at the State Department and invite leaders of Cuban-American organizations, human rights activists as well as academic experts to meet and discuss Cuba with high ranking government officials. Such an event could also provide us with an opportunity to brief the American and West European media on our concerns.

-- HA Assistant Secretary interview on Radio Marti.

-- The Secretary's UNGA speech should comment on the human rights violations within Cuba.

-- We should support the Congressional Caucus Campaign on behalf of Ricardo Bofill-Pages, founder of the Cuban Commission on Human Rights.

IV. Central - South America (Nicaragua, Chile etc)

Our efforts to promote human rights in Central America represent an integral part of our overall policy toward the area. Specifically with regard to Nicaragua, we should

continue to highlight the Sandinista human rights abuses. At the same time, we should stress our willingness to fight against human rights violations committed by non-Marxist Latin American regimes such as Chile.

-- We should, in cooperation with the White House Office of Public Liaison, explore the possibility of engaging American Catholic Church officials in a dialogue on Nicaragua. The purpose of such a dialogue would be to try to moderate their current stance on Nicaragua.

-- White House Public Liaison should continue its briefings on Central and South America.

-- A visit by the HA Assistant Secretary to South America (Chile, Paraguay, Peru) to meet with relevant government leaders, opposition representatives, and church officials. Such a trip would underscore the importance we attach to human rights in Central and South America.

V. Iran, Ethiopia, South Africa

These three countries also merit continued attention on our part as far as the human rights problems are concerned.

-- In the Secretary's UNGA speech, a portion should be devoted to human rights violations within Iran. In particular, the oppression of the Baha'is should be specifically mentioned.

-- WEOG discussions on our Iran resolution.

-- The issuance of a State Department paper on human rights in Ethiopia.

-- The issuance of an updated human rights paper on South Africa.

VI. General

-- Hold a half-day human rights briefing for NGOs.

-- Conduct a systematic outreach program on human rights issues to involve think-tanks, academicians, etc.

-- Establish a monthly exchange session with members of Congress (as needed) and/or Congressional Staff.