

SUMMARY

Rehabilitations and related issues

Václav Veber

Rehabilitations were an important phenomenon of communist power. They were the reverse side of communist persecution and the illegal means and methods that were primarily used by the State Security services (StB) during interrogations and by prosecutors and courts while condemning opponents of communism. This manifested itself in the communist movement in connection with the acknowledgement of communist crimes which, in general terms, occurred after Stalin's death. It was necessary, at least in the eyes of communist leaders, to restore communism's credibility. At first, rehabilitation involved re-examination the political trials of communists. (In this country, 278 communists had been convicted in the first half of the 1950s.) For this purpose, the leadership of the Czechoslovak Communist Party established four special rehabilitation committees – the Barák Committee, the Kolder Committee, the Barnabite Committee (initially chaired by Josef Lenárt and subsequently led by Vladimír Koucký) the Piller Committee and the final Kempný Committee (which did not investigate anything but just formally ended the rehabilitation process). Not one of these committees dealt with the rehabilitation of non-communists. 23,306 citizens applied for rehabilitation in connection with the adoption of a rehabilitation law in April 1968 which was in operation for only a short time. The rehabilitation laws of 1990, 1991 and 1992 subsequently enabled 195,612 citizens to become rehabilitated on the basis of their applications or applications made by family members of those who were to be rehabilitated. Rehabilitation is an important topic for research into anti-communist resistance. Because the accused naturally made an effort during investigations to deny their anti-communist activity, they tried to emphasise this aspect of their actions even further before rehabilitation panels during the era of communist government. This widespread and understandable effort to downplay the matter even gave rise to the impression that the anti-communist resistance did not become a large scale movement and was provoked to a large extent by the activities of the StB, who sought justification for harsh punishments (including capital punishment) and who also wanted to justify the need for their existence to the regime. Researchers of anti-communist resistance must take account of these factors in their work.

A legal view of the “Third (anti-communist) Resistance“ movement

Kamil Nedvědický

In this paper, the author deals with the legal contexts of anti-communist resistance (known as the “Third Resistance” in the Czech Republic). He first describes the historical development of the right to resist tyranny, the opinions of philosophers and

legal theorists from various cultural spheres on the struggle against usurpers, and the gradual entrenchment of these theories into binding legal codifications. Furthermore, he devotes space to breaches of the rights and freedoms of Czechoslovak citizens after the communist putsch in February 1948. He demonstrates the illegality of the subsequent regime, using, as an example, the new constitution and its violation in practice, which was justified by ideological argumentation. He also analyses several laws that were intended to consolidate the rule of the Czechoslovak Communist Party and which concerned legalised injustice. He assesses the impact of the concept of class in the application of the law, which he identifies as “class racism”. This in itself is a reason for exercising the right to resist. He draws attention to the broad interpretation of the concept of “class enemy” and the enormous extent of the repression connected with this. Other circumstances that cannot be omitted include the role of unconstitutional institutions like the so-called “Security Fives” (Bezpečnostní pětky), which were set up to pursue enemies of the regime, and the influence of Soviet advisors. The illegitimacy of the communist regime is demonstrated by the impossibility of changing the government by legal means, i.e. the non-existence of free elections, which are a defining characteristic of a democratic system. The author highlights the fact that violence and oppression can be described as the basic premise of communist doctrine in terms of how a society should be governed. The illegal actions of the security services, a judiciary that was completely subordinate to Party bodies, the establishment of the Iron Curtain, and state-sponsored repression meant that people were forced to either submit, or to expose themselves and those close to them to the risk of punishment. Consequently, the only alternative available for defending oneself against the terror of the governing Czechoslovak Communist Party was to resist, in all the comprehensively specified meanings of this word, including armed resistance. The author identifies the emergence of the “Third Resistance” as a legitimate response provoked by an oppressive regime. The text also looks at the context of the times, i.e. the Cold War, which was in danger of becoming “hot” and the position of anti-communist resistance fighters facing the reality of a bipolar world. Attention is also devoted to so-called “socialist legality”, which did not change the essence of the illegitimate communist system of government, because it was constructed with the aim of serving this system. The dictatorship of the proletariat and the propagation of the idea that “class enemies” had no human rights and freedoms (including the most basic ones) found their justification in the regime’s jurisprudence. The study also looks at the international context, when it describes the consequences of the Second World War and the enshrinement of a catalogue of rights and freedoms in documents that were binding for the entire planet. Emphasis is placed on the impact of the Universal Declaration of Human Rights as well as on the importance of the Charter of the International Military Tribunal in Nuremberg for defining crimes against humanity and the possibility of a comparison with states where a democratic legal state was in operation in the same period. As regards the issue of evaluating the “Third Resistance” after 1989, the author expresses his opinion on the inappropriateness of legal continuity, which he illustrates by outlining a possible different approach. He stresses the important influence of personal factors

in the new regime's acceptance of pre-November-1989 law and describes the complications that this fact causes in relation to the "Third Resistance". He cites several examples where juristic theory itself contradicts or criticises continuity. He analyses several new regulations, such as Act No. 119/1990 of the Collection of Laws (Coll.), on judicial rehabilitations, and Article 23 of the Charter of Fundamental Rights and Basic Freedoms. He deals with the basic enshrinement of the communist regime's illegitimacy and the acknowledgement that resisting and revolting against this regime was justified in Act No. 198/1993 Coll., on the illegality of the communist regime and on resistance to this regime. He also mentions an important judgment of the Constitutional Court (No 14/1994 Coll.), dated 21 December 1993, and its impact on the legal interpretation of the period 1948-1989. He cites other Constitutional Court judgements concerning the fight against the totalitarian government of the Czechoslovak Communist Party, and claims that it would be appropriate to adopt a law that is being considered with regard to participants in the anti-communist resistance movement and those who participated in defying communism, when he puts forward a comparison with legislation in the Slovak Republic. He concludes that the legislative enshrinement of resistance to communist totalitarianism is important, not just for coming to terms with the past but also for the future. He also looks at the issue from an international perspective. In conclusion, the author deals with the topicality of the given issue in both the Czech Republic and throughout the world. In view of the evidence cited in the text, he deduces that anti-communist resistance was both legitimate and honourable.

Irreconcilable differences: 1948–1956

Political activism during the first phase of the Czech émigré movement

Jan Cholínský

This study deals with the formation and activities of political parties and groups of Czech émigrés in the West after the communist putsch in February 1948. The author defends the opinion that, in view of the limited options and "instruments" available in exile, it is more appropriate to use the term "political activism" to describe the given issue rather than "politics". He points to the fact that political activism became one of the pivotal activities of the wider émigré movement in the period described which comprised at least 60,000 refugees who had escaped the communist regime. The period 1948 to 1956 is demarcated at the outset by the communist seizure of power in Czechoslovakia and its ending is circumscribed by the Soviet military invasion of Hungary and the suppression of the uprising in that country. The author describes these years as the first of a total of four phases that divide the history of the émigré movement into periods of time. Each of these phases is characterised by the consequences of important international watershed events – after the Soviet aggression (and Western passivity) in Hungary in 1956, he cites the Soviet occupation

of Czechoslovakia in 1968 and the Helsinki Conference in 1975 as further breaking points. The first of these four periods (which is broadly documented in the study) was typified by a surge in political activism, i.e. by the restoration of political parties and the emergence of distinctive political groupings. Their members and supporters lived in many states, which they had gradually emigrated to from refugee camps, but the main centre of political efforts and actions was the United States. The reason behind the intensive political activism and the fact that this activism was a central theme “of the age” was the belief of an absolute majority of refugees that they would return to their homeland in the foreseeable future when communist supremacy would be replaced by a more liberal political system. Anticipated pressure from the liberal and democratic West, or a possible conflict waged by the West (and led by the United States) against the totalitarian Soviet Union, and the subsequent liberalisation of the Bolshevised satellite states in Central and South-Eastern Europe, were meant to contribute to this. Nevertheless, there was a marked decline in political activism after eight years of exile, which culminated in the Soviet invasion of Hungary and the concurrent passivity of the United States and the entire Western community. This decline was caused by disillusionment at the failure to fulfil the expectations mentioned and the need for people to primarily look after their own welfare during what now looked like a long period of exile. The author describes the first émigré era as a period of irreconcilable differences between two political camps (trends) with competing programmes, which were made up of individual parties and groups. Those who stood against Czech and Slovak representatives and advocates of the post-War National Front (national socialists, social democrats, members of the People’s Party, Slovak democrats and the non-partisan Council of Free Czechoslovakia) comprised Czechs who rejected the *Košice Government Programme* and the political regime of the so-called “Third Republic” (the Czech National Committee, the Christian Democratic Movement and the Union of Czech Democratic Federalists) and Slovaks who also demanded the restoration of Slovak independence in addition to their rejection of the *Košice* programme. The basic points at issue were attitudes to the post-War regime (a ban on centrist and right-wing political parties, retributive justice, the nationalisation of assets, and the resettlement of Sudeten Germans versus liberal democratic principles), attitudes to the national rights of Slovaks (an indivisible state union in Czechoslovakia versus the right of Slovaks to self-determination), and attitudes to President Edvard Beneš (a democrat and statesman of outstanding merit versus an irresponsible autocrat and the main culprit behind the tragedy of Czechoslovakia). Another subject that was soon added to this list was the West’s approach to the Cold War (passive acceptance of the Western strategy to weaken Soviet communism with nationalist “Titoist” communism versus active, implacable anti-communism). In this study, the author illustrates the irreconcilable émigré conflict between the exponents of the political trends that have been outlined. (In doing so, he only mentions the Slovak issue in peripheral terms). He also presents in detail individuals and groups belonging to the “anti-*Košice*” bloc. As he states in his conclusion, he ended up giving preference to this camp partly as a result of the fact that they have been marginalised and excluded by the work of historians up to now, and partly because

the erstwhile ideas and political opinions of this faction's exponents can serve as an inspiration for both contemporary historiography and politics.

The brothers František and Josef Bogataj Anti-communist resistance in south Moravia

Jaroslav Rokoský

In modern Czech history, there are more than a few personalities whose names, and whose actions in particular, have been all but overlooked by several generations. For the most part, they were characters whose life and attitude went beyond the ideology that pervaded Czech history after February 1948. The names of these men and women were not included in the official versions of events, which the totalitarian regime “adapted” according to the needs of that time. They were forced out to the margins and kept a secret until they were completely forgotten. This is also true of the Bogataj brothers, two prominent figures in the anti-Nazi and anti-communist resistance movements, who defended freedom and democracy in Czechoslovakia.

At the end of 1948, an anti-communist resistance group was created in the Zlínsko region, comprising more than 20 people. It was led by the former Czechoslovak Army Major František Bogataj (who was an officer with the Allied forces and a paratrooper during the occupation as well as a founder of the CARBON group). After being expelled from the army, he escaped to West Germany. It was through him that the group linked up with the US Army's Counterintelligence Corps (CIC). Espionage was the group's mission, in which František's brother Josef Bogataj played a pivotal role. (He had also been an officer with Allied forces during the occupation.) They obtained important political, economic and military information. The reports they acquired were passed on by the group's members via dead-letter boxes. These were subsequently collected by the courier Štěpán Gavenda. The group believed that the communist regime would soon collapse and they prepared for this. Their other activity consisted of organising the transfer of people across the Czechoslovak border.

The State Security services, however, discovered their activity and arrested members of the anti-communist resistance. This study also maps their persecution, from savage interrogations through to their trials at the State Court at the turn of February and March 1951, and their subsequent long-term incarceration in communist jails.

František Bogataj led his own intelligence group in Germany until 1954. After his activities ended, he left for the United States, where he lived out the second half of his life. He never returned home from exile. His elder brother Josef returned from prison to Uherský Ostroh, where he died shortly afterwards. The courier Štěpán Gavenda ended up on the gallows (1954). It was a high price to pay for joining resistance to the communist regime. Their courage, defiance and determination is worthy of respect and deference.

The last reorganisation of the intelligence service Staff reductions at the Central Intelligence Directorate of the National Security Corps in the years 1988–1990

Pavel Žáček

In April and May 1988, the leadership of the Federal Ministry of the Interior began an extensive reduction of the security apparatus. For example, the Chief of Staff of the National Security Corps' Central Intelligence Directorate, Brigadier Karel Sochor, informed the Minister of the Interior of the Czechoslovak Socialist Republic, Vratislav Vajnar, of the need to reduce the number of officers in the First Directorate of the National Security Corps by 30%. According to the stipulated numbers, the headquarters of communist intelligence were meant to comprise 1030 planned job positions, but in reality there were 905 staff officers and 69 civilian workers. 588 people worked as operatives at home and abroad (the plan anticipated 63 more).

Among other things, in the months that followed and in connection with the reorganisation of the intelligence service, management at the National Security Corps' First Directorate also conducted a number of analyses of the personnel structure of headquarters' operational departments, "legalised" officers in the so-called First Reserve (operating under the cover of various departments and organisations in the Czechoslovak Socialist Republic) and the Second Reserve, which primarily performed its tasks abroad in "*rezidenturas*" (a *rezidentura* was roughly equivalent to a CIA station). Using various calculations, they attempted to defend themselves against overt political pressure to reduce their apparatus whose privileged position was based on National Defence Council Resolution 33, dated 9 December 1982.

During the last years of its existence, the National Security Corps' Central Intelligence Directorate was forced to repeatedly defend its activity and to inform a number of unauthorised officials from the state and Party apparatus of confidential facts concerning its work, including cooperation with its partners (who included the USSR). It was only under the new political conditions which prevailed at the beginning of 1990 that management at the First Directorate of the National Security Corps accepted a 30% reduction in its staffing levels and the streamlining of its organisational structure. The study is supplemented with documents concerning an overview of the "legalised" posts of the First and Second Reserves – which operatives used as cover for their real work and which were assigned to the intelligence service for operational use in the Czechoslovak Socialist Republic and abroad according to individual departments (October 1982), the focus and most important tasks of foreign *rezidenturas* in the final period (March 1989), and a list of intelligence officers in the diplomatic corps (March 1989).