

Intelligence in Democratic and Authoritarian States:

An Examination of Founding State Philosophies and Formal Intelligence Development

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Abstract

A state's intelligence agency and the constraints governing it are in many ways a reflection of national philosophy. This paper seeks to examine the basic philosophies upon which the United States and Soviet Union were founded and follow the development of their respective intelligence agencies in search of a connection. Primarily, this study seeks to answer the question, in what ways have democratic or authoritarian governing philosophies led to differences or similarities in the development of a state's intelligence agency and its legal constraints?

Introduction

The United States and Soviet Union were chosen for this study based upon their great power status and rival philosophies for almost a century. As the two opposing players in a bipolar arena after World War II, isolating these countries will hopefully serve to reduce interference from outside world events, as both nations focused so heavily first on WWII and subsequently each other for the later half of the twentieth century. US and USSR formal intelligence agencies predating the late 1940s will also be discussed to track each state's development, although American intelligence will not be discussed after 1991, as it would have no backdrop from the then-nonexistent Soviet Union for comparison. In sum, the US and USSR may for the most part serve as mirror images for over almost 70 years: when one state faced war, so did the other; when one state faced annihilation from a philosophical rival, so did the other.

Other scholars have written thoroughly upon the development of both US and Soviet intelligence. Authors such as Barry Katz trace the Office of Strategic Services development in *Foreign Intelligence: Research and Analysis in the Office of Strategic Services 1942-1945*¹; Ray

¹ Barry Katz. *Foreign Intelligence: Research and Analysis in the Office of Strategic Services 1942-1945*. Cambridge,

Cline², Douglas Garthoff³, Loch Johnson⁴ look at the executive and directors' shaping of the CIA in their respective books, and even bolder authors such as G.J.A O'Toole⁵ and John Ranelagh⁶ trace the CIA's long-term development. Still more authors look at American intelligence under worthwhile presidents, the Cold war and especially after 9/11, as well as the effects of specific instances such as *Blackwater* on American Democracy⁷ and the balance between democracy and intelligence.⁸ Analysis of Soviet intelligence, while less in volume, carries the same themes: history of Soviet and Russian espionage, *Spies: The Rise and Fall of the KGB in America*⁹ by John Haynes, *KGB: The Inside Story of Its Foreign Operations From Lenin to Gorbachev*¹⁰ by Christopher Andrew and others outlining the KGB's usage throughout the Soviet empire and especially during the Cold War. Finally, other scholars have analyzed the usage of intelligence in less specific terms, drawing conclusions from authoritarian regimes' personal use by the executive branch and democratic countries' constraints on intelligence gathering.

However, where this study seeks to differentiate itself is in the breadth of its analysis and comparative nature between the United States and Soviet Union. This study will draw links between the founding philosophies of two nations and their subsequent usage of intelligence, taking into account how those philosophies are constrained or warped in times of war and peace.

MA: Harvard University Press, 1989.

² Ray Cline. *The CIA: Reality vs Myth--The Evolution of the Agency from Roosevelt to Reagan*, Washington, DC: Acropolis Books, 1982.

³ *Directors of Central Intelligence as Leaders of the U.S. Intelligence Community — 1946-2005*. Washington, DC: Center for The Study of Intelligence, Central Intelligence Agency, 2005.

⁴ Loch K. Johnson. *The Central Intelligence Agency: History and Documents*. New York: Oxford University Press, 1989.

⁵ GJA O'Toole. *Honorable Treachery: A History of Intelligence, Espionage, and Covert Action from the American Revolution to the CIA*. New York: Atlantic Monthly Press, 1991.

⁶ John Ranelagh. *The Agency: The Rise and Decline of the CIA*. New York: Simon and Schuster, 1987.

⁷ William A Cohn. *Democracy Devolved: Shrinking the Public Sphere (The Back Story of Blackwater)*. New Presence: The Prague Journal of Central European Affairs; Autumn2009, Vol. 12 Issue 4, p21-28, 8p

⁸ Martin Kate. *Intelligence, Terrorism and Civil Liberties*. Human Rights: Journal of the Section of Individual Rights & Responsibilities; Winter2002, Vol. 29 Issue 1, p5, 3p

⁹ Haynes, Hlehr, Vassiliev. *Spies: The Rise and Fall of the KGB in America*. 2009.

¹⁰ Chritopher Andrew and Oleg Gordievsky. *KGB: The Inside Story of Its Foreign Operations From Lenin to Gorbachev*. Harpercollins. 1992.

The academic community has rarely touched upon such a study linking state creation with intelligence usage in a comparative nature.

In answering this research question, the first part utilizes primary source documents from America and the Soviet Union's founding. This paints a background picture of what types of values and beliefs, whether they were religious or academic, went into each state's formation. Next, using scholarly books, articles and primary sources, I follow their thematic development of formal intelligence agencies throughout the twentieth century and in particular how the state utilized and/or constrained their agencies at each step through peace, war and with what institution. From this, I draw conclusions about democratic and authoritative governments' treatment of intelligence agencies and their connect with founding principals, paying special attention to how each form of government and its intelligence usage differs or converges.

The American State Founding and Philosophy

The examination of constitutional history in America, from the onset, demands a certain practical and perhaps even skeptical realism. There are many dichotomies and complications to America's founding, as is there much idealized and optimistic literature glorifying the event.¹¹ However, even this glorification must factor into this analysis, as is obvious that the Founding Fathers had to set in motion national ideals acting, in scholarly terms, as "propaganda" to gain support for the formation of a unique nation. Over the years, these national myths transformed themselves to lay the basis for patriotism and from there have been engrained in the collective conscious of all Americans. Therefore, when discussing something such as the formation of a democratic nation and its intelligence organizations, it is important to factor in both the blunt truth about America's founding- its basis on economic desires and pessimism towards government- with the glorified myths that exist in the public realm. Both, justifiably, added to the evolution of public perception on American democracy.

Philosophical Basis

The Founding Fathers' philosophy relating to the formation of a new nation was undoubtedly not fully original. The men who signed the Declaration of Independence and lobbied for the passage of the Constitution following a failed Articles of Confederation were well educated and well aware of the philosophies of statehood that preceded them. Instead, the founding philosophy appears to be a combination of select philosophies slightly altered to fit the necessities demanded in moving from a federation to more centralized government. Below is a brief outline of contributing theories and popular thought. Although countless theories, individuals and movements coincided to produce a complicated backdrop of history in front of

¹¹ Gary Rosen, "James Madison and the Problem of Founding," *The Review of Politics*, Cambridge University Press, pg 564.

which the founding philosophy was perpetuated, the below overview is meant to highlight the most salient.

Biblical Ideology

A good example of public propaganda to gain momentum for independence is Thomas Paine's *Common Sense*. It is quite well known that the founding fathers found no place for religion in the practice of government, and embedded the separation of church and state to protect a fledgling nation from what they saw as the messy interference of the church.¹² However, to appeal to a more massive audience during a critical time for challenging the authority of the British government, Thomas Paine sights extensively passages from the Bible on government, arguing that any regime run by a king is idolatrous and anti-religious.¹³ Even as propaganda, the ideas put forth in Biblical sources and works such as Paine's entered into the social sphere and into the collective consciousness of the masses, even if such works had little directly to do with declaring independence. In *Common Sense*, for example, Paine specifically sights 1 Samuel 8:7 of the King James Bible, which warns of the dangers in exalting one man so greatly above the rest, such as a monarch or tyrant. Paine writes, "...it opens the door to the foolish, the wicked; and the improper, it hath in it the nature of oppression."¹⁴ This biblical passage further argues against idolatry with the passage, "And the LORD said unto Samuel, Hearken unto the voice of the people in all that they say unto thee: for they have not rejected thee, but they have rejected me, that I should not reign over them."¹⁵ Under these circumstances,

¹² Mark Noll. *America's Two Foundings*. First Things: A Monthly Journal of Religion & Public Life; December 2007. Issue 178, pg 30.

¹³ Thomas Paine, *Common Sense*.

¹⁴ Ibid.

¹⁵ King James Bible 1 Samuel 8:7

the Bible seems to suggest that any government with one unchallenged ruler sets the stage for denying holy influence.¹⁶

Interestingly, the Bible not only weighs in on government, but on spying as well. When Joshua is given the task of leading the Israelites into Canaan, he sent two spies into Jericho to gather intelligence on the city. When the two spies hid in the house of a prostitute Rahab, the king of Jericho commanded she turn them in. Rahab lied to the king, telling him that the men had escaped her home and left the city gates for an unknown destination. In reward for protecting the spies, Rahab and her family were spared when the Israelites entered and set fire to Jericho.¹⁷ The Biblical passage reads: “And Joshua saved Rahab the harlot alive, and her father's household, and all that she had; and she dwelleth in Israel [even] unto this day; because she hid the messengers, which Joshua sent to spy out Jericho.”¹⁸ Clearly, spying with a righteous purpose is not frowned upon.

Aristotle

An early thinker that greatly shaped Western philosophy, Aristotle produced a basis for the relationship between man and government that entered into the collective deliberation of the topic. Aristotle believed that the city was the center of the natural community, and as an organic development, forms not solely for protection but for the sake of “noble actions,” for allowing some men the opportunity to have a good life.¹⁹ Aristotle also made a foundation of his doctrine the notion that by nature some men are wiser and more worthy to lead the masses in government,

¹⁶ Thomas Paine. *Common Sense*.

¹⁷ King James Bible. Joshua 6:25.

¹⁸ Ibid.

¹⁹ Aristotle. Politics III.1280b30, 1281a3

while others are more fit to serve.²⁰ In this manner, there are natural leaders and the subtlety to a working government is unearthing those few.

The Greek System and Classical Republicanism

The first interesting peculiarity about the Ancient Greek system is that, much like the Confederation formed by the founders after Independence, the Greeks existed in loosely affiliated city-states. This system was quite complicated, with individual city-states engaging in infighting and forming constantly fluctuating leagues among themselves. Early on, city-states usually fell under the rule of tyrants out of brute necessity, although Athens can be credited with founding the world's first democracy- a citizen's assembly called the *Ecclesia*- to prevent the aristocracy from again seizing power. Citizens were relatively equal in this assembly, only the poorest of which could not attend. With this radical innovation, other city-states followed suit.²¹ However, these reforms that sprung the creation of democracy were but the work of a few founders. The *Ecclesia* was a result of Draco's 621 BC reforms, and its openness to all citizens a result of the reforms of Solon. Madison himself asserts that "only among the Greeks did the highest expression of statesmanship take the form of a singular act of founding,"²² that not only was the act of governing undertaken by "an assembly of men" but by "some individual citizen of pre-eminent wisdom and approved integrity."²³

Similar to the Greek system and Aristotelian philosophy, Classical Republicanism is a philosophy based on the government models and thinking of classical antiquity. Some influential writers include Polybius and Cicero. Polybius, a historian, wrote on the affairs of nations and

²⁰ Gary Rosen, "James Madison and the Problem of Founding," *The Review of Politics*, Cambridge University Press, pg 560.

²¹ Government: Greece. Online Encyclopaedia Britannica
<<http://www.britannica.com/EBchecked/topic/240105/government/260892/Greece>>.

²² Ibid, 561.

²³ Ibid.

politicians as “men of action,” with controlled emotions in the state’s interest. Cicero, too, influenced many ideas of the founders and John Locke with his writings on natural law and humanism.

Liberal Theory

Liberal theory is a wide-ranging and surprisingly supported philosophy. Like Classical Republicanism, liberalism is reflected in the theories of John Locke, the French revolution and in the thinking of the Founding Fathers. The basic tenant of this theory is freedom: of fair elections, political orientation, religion and human rights. Liberalism also speaks to the benefits of capitalism, constitutions and free trade. In the backdrop of history, it is not surprising that liberal theory gained ground during the Age of Enlightenment as a push to reject the divine right of kings and experiment with different types of government.²⁴

Thomas Hobbes

One of the most famous influential thinkers to sway founding thoughts, Thomas Hobbes, proposed many different ideas about mankind and statehood that made their way into the founding philosophy. A few of the most influential can be found in his *Leviathan*, written during the English Civil War, which traces the natural formation of civil society and government formation based on fundamental human passions.²⁵ Hobbes postulates that there is a condition called the “state of nature” in which no government exists and all people have a natural right to everything in the world. However, Hobbes later contends that this system would lead to a “war of all against all” in which no industry, navigation, building, innovation, time, arts, society or a

²⁴ Stanford Encyclopedia of Philosophy. “Liberalism.” 16 September 2010
<<http://plato.stanford.edu/entries/liberalism/>>

²⁵ *Thomas Hobbes*. Online Encyclopaedia Britannica
<<http://www.britannica.com/EBchecked/topic/268448/Thomas-Hobbes>>.

host of other institutions exist and all people everywhere are in a state of perpetual fear.²⁶ To avoid this, Hobbes suggests that people enter into a social contract, thereby forming a civil society in which all members cede some rights in exchange for protection- thereby defining Hobbes' social contract theory. In this theory, the sovereign must control all aspects of government (civil, military, judicial and religious powers). Moreover, any abuses to this system of centralized power are accepted as the price of peace.

Francis Bacon

Francis Bacon, a child of the Scientific Revolution, was a 16th-17th century English philosopher and statesman heavily involved in the creation of the American colonies. Bacon has been called an avid practitioner of the scientific method and faith. Bacon also wrote extensively on what he called his Utopia in a work entitled *New Atlantis*, which many speculate was his vision for the colonies in America.²⁷ In this *New Atlantis*, Bacon puts forward an imaginary island, Bensalem, in which women have augmented rights, slavery is abolished, the government practices separation of church and state and all citizens hold the freedom of religious and political expression.²⁸ These early ideas of scientific method combined with philosophy made their way into the Founding Fathers' ideologies, as evidenced by Thomas Jefferson's statement, "Bacon, Locke and Newton, whose pictures I will trouble you to have copied for me: as I consider them as the three greatest men that have ever lived, without any exception, and as having laid the foundation of those superstructures which have been raised in the Physical & Moral sciences."²⁹

²⁶ *Leviathan* XIII "Chapter XIII. Of the Natural Condition of Mankind As Concerning Their Felicity, and Misery."

²⁷ Francis Bacon. Online Encyclopaedia Britannica < <http://www.britannica.com/EBchecked/topic/48126/Francis-Bacon-Viscount-Saint-Alban>>.

²⁸ Francis Bacon. *The New Atlantis*. 1626. Ideal Commonwealths, P.F. Collier & Son, New York 1901. The Colonial Press.

²⁹ Thomas Jefferson. *The Letters of Thomas Jefferson* 1743-1826.

Montesquieu

Montesquieu, a French Enlightenment politician, is a well-known name in the influential thinking leading to the American state formation. While not the inventor of separation of powers, Montesquieu publicized the philosophy and added to its summation in his Book, *De l'Esprit des Loix* or *The Spirit of Laws*. As his masterpiece and product of over twenty years of preparation, Montesquieu lays forward an eloquent connection between the laws of each state and the nature and principals of the state's government. Here, Montesquieu embeds the doctrine of separation of powers and examines it, really for the first time, from a scientific perspective vice a convenient political tool. More than its ideas, Montesquieu's publication was received at a crucial time. Becoming available in 1748, *The Spirit of Laws* was perpetuated among a time of intense change in Europe and America and allowed for the serious consideration of republicanism and mixed government.³⁰

John Locke

As an Enlightenment thinker, John Locke's work contributed to a host of later philosophers, writers and especially the writers of the Declaration of Independence and Constitution. Building off of Hobbes' social contract theory (although never citing him as a source), Locke also conjectured that the natural state of existence is human equality in which all possess the rights to defend "Life, health, Liberty, or Possessions,"³¹ the very basis of such phrasing which is seen in the Declaration of Independence. However, unlike Hobbes, Locke saw human nature more optimistically; although men are selfish by the situations of equality and fear in which they may find themselves, humanity allows tolerance and a great deal of reason among men. Much like Hobbes and other earlier thinkers described, Locke also agreed that these natural

³⁰ M.J.C. Vile. *Constitutionalism and the Separation of Powers*. 2nd ed. Indianapolis, Liberty Fund 1998.

³¹ John Locke. *Second Treatise of Civil Government*. Chapter 2.

rights are not enough to gain security, so mankind enters into a civil society to make more manageable the accumulation of property and defense.³² More interesting and perhaps two of the most influential notions for the founders, however, were Locke's conjectures on a government with separation of powers. On this topic, Locke writes in *Second Treatise*,

“Therefore in well order'd Commonwealths, where the good of the whole is so considered, as it ought, the Legislative Power is put into the hands of divers Persons who duly Assembled, have by themselves, or jointly with others, a Power to make Laws, which when they have done, being separated again, they are themselves subject to the Laws, they have made; which is a new and near tie upon them, to take care, that they make them for the publick good.”³³

With this statement, Locke affirms that the Legislative branch of government is not beyond the laws they construct. However, as laws need a separate “perpetual Execution...the Legislative and Executive Power come often to be separated.”³⁴ Being well aware of Locke's philosophy, the constructors of the Constitution utilized this separation to ensure the good of the whole and not merely the powerful.

Another inspiring theory arising from Locke was his assertion of an obligation, under certain circumstances, to inspire revolution and overthrow one's ruling body. Locke writes,

“... whenever the Legislators endeavour to take away, and destroy the Property of the People, or to reduce them to Slavery under Arbitrary Power, they put themselves into a state of War with the People, who are thereupon absolved from any farther Obedience, and are left to the common refuge which God hath

³² John Locke. Online Encyclopaedia Britannica < <http://www.britannica.com/EBchecked/topic/345753/John-Locke>>.

³³ John Locke. *Two Treatises of Government*. Edited by Peter Laslett. New York: Mentor Books, New American Library, 1965. Chapter 10, Document 3, Paragraph 143.

³⁴ Ibid, 144.

provided for all men against force and violence. ... [Power then] devolves to the People, who have a Right to resume their original Liberty, and, by the Establishment of a new Legislative (such as they shall think fit) provide for their own Safety and Security, which is the end for which they are in Society."³⁵

Therefore, Locke supports the overthrowing of a government that no longer serves its people.

Having a profound influence on the founders, this very idea was coyly utilized in the Declaration of Independence:

“We hold these truths to be self-evident, ... That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.”³⁶

Hence, Locke and similar thinkers laid a philosophical groundwork for the beginning of Independence, which embedded itself as a proud value of the American population.

The Founding Fathers

The Founding Fathers' philosophies took into account many of their predecessors in respect to ideas about the function and role of government in civil society. Again, both the “propaganda” as well as the closed-door discussions of what must be done to see the fledgling nation through a confederation to centralization is relevant in shaping collective American opinions about the role of government.

³⁵ John Locke. *Second Treatise of Civil Government*. 1690, Lasslet Edition, Cambridge University Press, 1960, p. 460-461; French translation by David Mazel, 1691: *Traité de gouvernement civil*. Paris: Garnier-Flammarion, 1984, pp. 348-349.

³⁶ *Declaration of Independence*. 5-10.

A question widely researched by scholars is, did the founding fathers mean to form a true democracy? Here one finds a split between public propaganda, being that America and democracy are inseparable in collective language, and the founders' intentions at the Constitutional Convention. In 1789, Republicanism was regarded as a much better alternative to democracy; so much so that the Founding Fathers hesitated in any usage of the word "democracy" to describe this new system of government.³⁷ James Madison, for example, believed that the social compact discussed by Hobbes and Locke could only be accomplished under a republican government.³⁸ The terminology of a democratic America only came into fashion after Woodrow Wilson stated that "the world must be made safe for democracy" in his War Message to congress in 1917.³⁹ Instead, the founding fathers originally set out to establish a mercantile republic that, widely recognized, would advantage white, property owning males.⁴⁰

Another concept well embraced since America's founding has been that of individualism, although this idea did not originally carry with it the connotation of today. Individualism was instead known as "egoism," a concept that migrated to the America's with the Puritans from the protestant reformation in which each person received their "marching orders" directly from God and each person would be rewarded individually for leading a just life.⁴¹ In the Founders' age, this also meant that while a person's individual fate was left up to himself/herself, each moral person would bring a one-for-all mentality and devote themselves to the good of the group.⁴² This, too, is how Founding Fathers such as Jefferson pictured their constitutional experiment, as

³⁷ Armstrong Williams. *America: A democracy or republic?* New York Amsterdam News. 1998. Volume 89, Issue 45.

³⁸ Gary Rosen, "James Madison and the Problem of Founding," *The Review of Politics*, Cambridge University Press, pg 560.

³⁹ Woodrow Wilson. War Message. 65th Congress, I Session, Senate Document No. 5

⁴⁰ Armstrong Williams. *America: A democracy or republic?* New York Amsterdam News. 1998. Volume 89, Issue 46.

⁴¹ Joannie Fischer. *Those Rugged Individuals*. U.S. News and World Report. 2004. Vol 136, Issue 23.

⁴² Ibid.

“a nation of independent yeomen who, after tending their land all day, would gladly participate in community meetings.”⁴³ Benjamin Franklin was the model to this cause, convincing Europeans that the notion of egoism was to be taken seriously, Franklin having himself grown from poverty to intellectualism and a beloved American diplomat.⁴⁴ It was not until the 1800s that what is thought of today as the ‘self-made man’ in America arose, from Ralph Waldo Emerson, Henry David Thoreau, Horatio Alger novels and the later the “James Dean mentality.”⁴⁵

Perhaps the most important concept in examining America’s formation is the Founding Fathers’ dichotomy between what they disclosed to the public to gain widespread support and the “necessary evils” that had to be undertaken to overcome state self-interest and individual will. James Madison, for example, while agreeing that government was a necessary evil, agreed more with Aristotelian philosophy when given the task of forming a new constitution and abandoning federalism. On the topic of the Constitutional Convention, Madison writes, “Whatever respect may be due to the rights of private judgment...there can be no doubt that there are subjects to which the capacities of the bulk of mankind are unequal, and on which they must and will be governed by those whom they happen to have acquaintance and confidence. The proposed Constitution is of this description.”⁴⁶ Here, Madison suggests that the people are to be governed by others, a closed-door discussion that scholar Gary Rosen asserts was “made possible by its independence from popular opinion.”⁴⁷ In this respect, Madison’s Federalist letters, expressed in private correspondence, are of similar opinion.

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ Gary Rosen, “James Madison and the Problem of Founding,” *The Review of Politics*, Cambridge University Press, pg 550.

⁴⁷ Ibid, 558.

Soviet Founding Philosophy, an Attempt to Institute Marxism

Background Events of Soviet Formation

A brief background of the events surrounding the formation of the Soviet Union is crucial to the understanding of state philosophy, its place in national founding and later, treatment of state institutions such as intelligence agencies. The Soviet Union is a fascinating case study in formation, as not only was it a complicated revolution and takeover, but unlike colonist in the United States uniting to push out the crown, the Soviet Union saw a quite rapid internal revolution followed by a civil war. Starting in 1917, an inadequate, monarchical and relatively poor Tsarist Russia showed fully developed signs of shaky class relations and a lack of progress in the forces of production despite its capitalist label. Bourgeois-democratic revolutionaries overthrew the monarchy in February, followed by a workers' revolution (led by the Communist party) in October. This revolution, as scholars cite, seemed to model the social revolution according to Marxist theory in that it resulted from class relations and forces of production leading to class conflict, although Tsarist Russia was not the advanced capitalist economy Marx had theorized as the breeding ground.⁴⁸ Even so, the revolutionaries including big names such as Lenin, Trotsky, Rykov and Stalin abolished capitalism and instituted socialism to follow with Marxist thought.⁴⁹

Philosophy of the Soviet Union

The individuals behind Marxist theory, Karl Marx and Friedrich Engels, were both nineteenth century German philosophers that critiqued history and social thought based on class struggle. The publicized theory behind the Soviet Union was based on a strict reading of Marxist text referred to as dialectical materialism or "diamat." At its most basic interpretation, Soviet

⁴⁸ Sherman, Howard J. "Rise and Fall of the Soviet Union." *International Journal of Political Economy* 24, no. 1 (Spring94 1994): pg. 6. Business Source Premier, EBSCOhost (accessed March 18, 2011).

⁴⁹ L. Trotsky, *The History of the Russian Revolution* (tr. 1932)

Marxism is an outlook combining social, economic and political thought in order to better society via socialism. (An essential point to note here is that unlike the American founding philosophy, Soviet philosophy is inseparable from the economics of the state). Eventually, this socialism would develop into Communism, a more perfect system in which all members of the state are classless and equal.

The Soviet Union, unlike America, was founded on one stoic philosophy imposed on all Soviet territory. Marxist-Leninist reflection was the only allowable and universally truthful realm of thought permitted in the USSR. Although dissidence did occur, most was pushed out via secret police or propaganda. However, the underlying political motivations in the usage of this philosophy, similar to that of the United State's founding, are more complicated than they appear. While Marxism-Leninism was indeed treated as if it were holy writ, the philosophy served as a justification for the monopolistic power structure of the Communist Party as well as society's rigid, hierarchical build and was often only cited to confer legitimacy onto those in power.⁵⁰ As it is written in the 1963 Fundamentals of Marxism-Leninism Handbook, "A great deal of attention and effort had to be devote to defending the revolution from the encroachments of its class enemies."⁵¹ Not surprisingly, Marxist-Leninist thought was used in contradictory manners to fit the party's needs depending on the situation while at the same time being used as an ideological defense against any manifestation of independent thought.⁵² Scholar Howard Sherman writes in *Rise and Fall of the Soviet Union* that, "since this official ideology was designed to justify and apologize for the policies of the Soviet party dictatorship, it was a

⁵⁰ Brown, Archie. "Gorbachev, Lenin, and the Break with Leninism." *Demokratizatsiya* 15, no. 2 (Spring 2007): pg 232. Academic Search Premier, EBSCOhost (accessed March 16, 2011).

⁵¹ Fundamentals of Marxism-Leninism. Manual Second Revised Edition. Translated from Russian. Foreign Language Publishing House. Moscow 1963. Pg 325

⁵² Ibid.

complete distortion of Marx's critical social analysis..."⁵³ Therefore, it is imperative that the examination of the founding Soviet philosophy account for this break with pure Marxism and be discussed in light of *Soviet* usage and implementation of his theories. A second point to keep in mind when examining Marxism-Leninism as a founding philosophy are the other political factors at play and how, like in the case of the United States, philosophies are adapted to fit the needs of the country during the time in which it they operate. The following outline is a brief recounting of the key concepts of Marxism-Leninism as it was strictly propagated in the Soviet Union.

Philosophical Materialism

Materialism as a school of thought arose about 2,500 years ago out of China, India and Greece and gained momentum in the seventeenth and eighteenth centuries with the maturity of science and scientific processes. In Russia, revolutionary peasantry took hold of the idea as a method of reforming daily existence for the benefit of the populace. As a cornerstone of Marxist-Leninist thought, materialism is based on the recognition that human beings are endowed with consciousness and the ability to think while rejecting the notion of the 'spirit' and nature's dependence on it or influence by it. Along the same lines, the Marxist theory of truth contends that there is only one material universe and one absolute truth.⁵⁴ However, the truth does not come ready-made and must be thoroughly compared with reality to be proven. Philosophers seeking to free humankind from fear of God or spirit and asserting the validity of science, of the separation between nature and human thought, have been persecuted from the times of ancient Greece to Rome to modern day.⁵⁵ Philosophical materialists see the school of thought's most

⁵³ Sherman, Howard J. "Rise and Fall of the Soviet Union." *International Journal of Political Economy* 24, no. 1 (Spring94 1994): pg 13. Business Source Premier, EBSCOhost (accessed March 18, 2011).

⁵⁴ *Fundamentals of Marxism-Leninism. Manual Second Revised Edition. Translated from Russian. Foreign Language Publishing House. Moscow 1963. Pg 108.*

⁵⁵ *Fundamentals of Marxism-Leninism. Manual Second Revised Edition. Translated from Russian. Foreign Language Publishing House. Moscow 1963. Pg 23.*

dominant contribution as its service in helping man to break free of all superstitions, to not seek happiness after death but to “prize life and strive to improve it.”⁵⁶

Materialist Dialectics

Philosophical materialism and Marxist materialistic dialectics are inseparable. Marxist dialectics outline, from scientific study of history, the most general laws of development of all reality, literally of *being*.⁵⁷ Of necessity and laws, Marxism shows a clear need for society to form laws, as scientifically, certain causes produce specified events and the inevitability of such produces the necessity of its government.⁵⁸

Historical Materialism

As a theory, Marx and Engels primarily showed the lack of any supernatural forces at work in society, which proved men as the makers of their own history. This history is pursued based on the objective material conditions man inherits from past generations.⁵⁹ Furthermore, the Marxist thesis of history is directly opposed to subjectivist conceptions and fatalism, which in its nature denies man the “significance of conscious activity...and their ability to influence the course of social development.”⁶⁰ Interestingly, this is the very basis for Marx’s later call to arms to fight against capitalism.

In practice, historical materialism explains societal development over the changing ways members of a group chose to obtain their means of living. Marx writes early in his philosophical career that the human kind has faced waves of development, which changed man’s relationship with nature, in turn helping to advance the human race’s existence and development. Labor and

⁵⁶ Ibid. 25.

⁵⁷ Ibid. Pg 59.

⁵⁸ Miliband, Ralph. *Marxism and Politics*. Oxford University Press, Oxford. 1977. Pg 4.

⁵⁹ McCarthy, Timothy. *Marx and the Proletariat: A study in social theory*. Greenwood Press. 1978. Pg 22.

⁶⁰ Fundamentals of Marxism-Leninism. Manual Second Revised Edition. Translated from Russian. Foreign Language Publishing House. Moscow 1963. Pg 134.

activity have been essential to this process. Lenin, in his analysis of development, writes, “development is the struggle of opposites.”⁶¹ This struggle, as Lenin describes it, is the battling of opposite, mutually exclusive sides or tendencies that culminate in the destruction of old forms and emergence of new ones.⁶²

In terms of production power, Marx holds that people are inherently creative beings held back by material circumstances. Hence, the theory of history shows humans overcoming these barriers to self-expression. However, the development of productive power of man has many times been at the expense of individual men. This casts out most members of society (the “working class”) in a demeaning role and perpetuates internal tension within a system.⁶³

Preoccupation with Conspiracy and Treason

The Soviet Union, throughout its founding, went through so much betrayal, factionalism and conspiracy planning by different groups battling for power that these concepts were ingrained in the state apparatus. Virtually from its onset, the early Soviet security organ, the Checka, was a state controlled institution integral to keeping order during the civil war.⁶⁴ For example, before the October revolution, the Russian state security arm (Okhrana) employed to Stalin report on another officer- Nikolay Vladimirovich- who was reporting on Lenin- on whom Stalin was also reporting. The amount of Okhrana double agents that comprised the Bolsheviks and in turn Bolshevik agents that burrowed into the Okhrana was astounding, and this is not even counting the Menshevik spies mixed in.⁶⁵ Hence, the Soviet Union was founded with a consistent fear of treason and conspiracy in the ranks of the Party and state security apparatus.

⁶¹ V.I. Lenin, *Collected Works*, Vol. 38. Pg 360.

⁶² Fundamentals of Marxism-Leninism. Manual Second Revised Edition. Translated from Russian. Foreign Language Publishing House. Moscow 1963. Pg 78.

⁶³ Carling, Alan. "Analytical and essential Marxism." *Political Studies* 45, no. 4 (September 1997): 768-783. Academic Search Premier, EBSCOhost (accessed March 18, 2011).

⁶⁴ Dziak, John. *Chekisty: A History of the KGB*. Lexington Books, 1988. Pg 2.

⁶⁵ Ibid. 8.

For these reasons, the police and security sector played a very different role in Soviet life, extending far beyond the role of law enforcement. In a manner, the secret police and intelligence organizations were the moral guardians, the agents of social transformation that embodied the reformer legacy of Lenin.⁶⁶

Violence

Immediately following the October Revolution and seizing of the government by the Bolsheviks, the new-called Soviet Union was swept into a civil war. Given this notion, it is not unclear how violence became an integral part of the state security institution. One of the first duties of the Cheka was to gain order, interpreted then by shooting “so-called speculators, counterrevolutionaries, and other social undesirables.”⁶⁷

Democracy

Surprisingly, according to a precise reading of Marxism-Leninism, Marxist Socialism and Soviet implementation of such was considered a democracy because the government represented the working class, the only “class” of the USSR. The entire proletariat, consciously agreeing to their representation by one party- the Communist party- and that party’s plan to better society through central planning, empowered the government in democratic spirit to make decisions benefiting the largest populations in society.⁶⁸ This argument was utilized throughout more or less the Soviet Union’s entire existence, until Khrushchev’s coming to power and acknowledgement that the USSR had in fact been an antagonistic dictatorship under Stalin. History shows that this dictatorship and an overly centralized planned economy were indeed the true outcome of a Soviet democratic system.

⁶⁶ Knight, Amy. *The KGB: Police and Politics in the Soviet Union*. Unwin Hyman, Boston 1988. Pg 10.

⁶⁷ Ibid. 23.

⁶⁸ Fundamentals of Marxism-Leninism. Manual Second Revised Edition. Translated from Russian. Foreign Language Publishing House. Moscow 1963. Pg 324-326.

The Flaws of Capitalism and Bourgeois Nations

Marx and Engels theorized that all economies evolve along a certain path, and that path ends in socialism. Hence, capitalism anywhere will eventually be replaced by a socialist economy. The evidence to support this is that first, the laws of a capitalist society lead to the surfacing of its economic and political contradictions. As a result, there exists a constant struggle of the working class against the capitalist system that will lead to the downfall of this system.⁶⁹

According to Marx, the exploitation of wage-workers under a capitalist system was a means of maintaining and increasing the power and capital of the capitalist. Hence, it was the labor of many for the success of the few.⁷⁰ A quality especially cumbersome to Marx was self-ownership and its exploitation in the capitalist system. Marx concluded that there is an unreciprocated expropriation by capitalists of the “fruits of the proletariat’s labour”⁷¹ which rightfully belong to the proletariat under the principles of self-ownership.⁷² This, to Marx, was essentially theft left legal under capitalist law.⁷³ Moreover, every technological innovation or innovation of process may be seen as a passive revolution of the working class against oppression by morphing its work formula. Innovation is a compromise and the more radical the innovation, the more powerful the revolution, albeit a failed one.⁷⁴

Lenin notes that imperialism is the “highest and last stage of capitalism.” When the concentration of means of production becomes so high that only monopolies intensely influential to social life exist, bank capital will merge with industrial capital and a financial oligarchy will

⁶⁹ Fundamentals of Marxism-Leninism. Manual Second Revised Edition. Translated from Russian. Foreign Language Publishing House. Moscow 1963. Pg 139.

⁷⁰ Ibid. Pg. 220.

⁷¹ Carling, Alan. "Analytical and essential Marxism." Political Studies 45, no. 4 (September 1997): 768-783. Academic Search Premier, EBSCOhost (accessed March 18, 2011).

⁷² Ibid.

⁷³ Ibid.

⁷⁴ "Historical-Critical Dictionary of Marxism." Historical Materialism 16, no. 3 (September 2008): 227-232. Academic Search Premier, EBSCOhost (accessed March 14, 2011).

form. International monopolies will form and the division of the “whole world” among the biggest capitalist powers will occur.⁷⁵ The emergence of the monopoly capitalism into state monopoly capitalism will attempt to save the capitalist system and launch aggressive wars.⁷⁶ Bourgeois law, while fully acknowledging sovereignty, encroaches on the independence of other peoples. A prime example is the era of colonialism.⁷⁷ According to this philosophy, American imperialism was increasingly aggressive and has, to an unprecedented extent, militarized all aspect of society.⁷⁸

Class Struggle

In their most famous composition, the *Communist Manifesto*, Marx and Engels write, “The history of all hitherto existing society is the history of class struggle.”⁷⁹ The theory of class struggle provides the scientific basis of the search by the masses for emancipation.⁸⁰ Soviet philosophy adopted this principal unconditionally and based the entirety of their social and economic structure around its existence.⁸¹ According to the Soviet Union, class conflict ended in 1917 when capitalism was overthrown.⁸² Furthermore, official Soviet Marxist sociology concluded the nonexistence of any ‘antagonistic’ or exploited classes. Workers were merely divided into nonantagonistic strata: manual workers, intellectual workers, farm workers, etc, none of which exploited any other strata.⁸³ These combined strata, forming the homogeneous

⁷⁵ V.I. Lenin. *Imperialism, the Highest Stage of Capitalism*, 1959, pg 143.

⁷⁶ Fundamentals of Marxism-Leninism. Manual Second Revised Edition. Translated from Russian. Foreign Language Publishing House. Moscow 1963. Pg 264.

⁷⁷ Ibid. 431.

⁷⁸ Ibid. 457.

⁷⁹ Karl Marx and Friedrich Engels. *Communist Manifesto*. Line I.

⁸⁰ Fundamentals of Marxism-Leninism. Manual Second Revised Edition. Translated from Russian. Foreign Language Publishing House. Moscow 1963. Pg 149.

⁸¹ Daniels, Robert. *The Nature of Communism*. Random House, NY. 1962. Pg 6.

⁸² Sherman, Howard J. "Rise and Fall of the Soviet Union." *International Journal of Political Economy* 24, no. 1 (Spring94 1994): pg 14. Business Source Premier, EBSCOhost (accessed March 18, 2011).

⁸³ Ibid. Pg 8-9.

working class, only needed one party for representation, the Communist party, and consciously agreed on a centrally planned government and economy.⁸⁴

In classical Marxism, however, struggle and contradiction in society pushes development. However, in the case of social life, Marx and Lenin distinguished between these antagonistic and nonantagonistic elements.⁸⁵ Where interests are irreconcilable between basic social groups or classes, the contradictions are antagonistic and will not dissipate until the possibility of their exploitation disappears, i.e. the implementation of socialism.⁸⁶

Tracing the evolution of classes in history, Marx and Engels saw a justification for their existence after primitive communal systems as private ownership of means of production arose. So long as the surplus created by society was small enough to necessitate the masses of individuals engaged in manual labor from the few privileged owners of means of production, society would continue class divisions. However, the divisions of social life did not exist under the early communal system and with the implementation of socialism, society holds the same potential of a classless strata system. As soon as society is confronted with the replacement of private ownership by collective ownership and forced to abolish exploitative relations, the grounds for classes disappear.⁸⁷

So why focus on the working class in the Soviet Union? Leninism specifies that the culture and moral advancement of this class has also advanced its political consciousness, although somewhat more uneven development is seen outside of the Soviet Union. The proletariat had further, in the USSR, arrived at a state of self-recognition and an understanding of

⁸⁴ Ibid. Pg 14

⁸⁵ Miliband, Ralph. *Marxism and Politics*. Oxford University Press, Oxford. 1977. Pg 17.

⁸⁶ Fundamentals of Marxism-Leninism. Manual Second Revised Edition. Translated from Russian. Foreign Language Publishing House. Moscow 1963. Pg 81.

⁸⁷ Ibid. Pg 153.

their interests and struggle through a history of defeats.⁸⁸ Hence, the working class is one of fighters and builders in the Soviet Union.

Central Planning

Central planning as codified by the Soviet Union is a difficult topic in terms of philosophy. Marx made many references to planning, but was altogether vague on the topic as to avoid a utopian-esq idealism. Lenin, too, cited the need for central planning both before and during the revolution in his work *State and Revolution*, but was also unclear whether this control would be in the hands of the workers or with a central body as he, like other Soviet leaders, had no experience on the subject.⁸⁹ Lenin writes, “absolute centralization and the strictest discipline of the proletariat constitute one of the fundamental conditions for victory over the bourgeoisie”⁹⁰ However, the common will of the Party cannot be created by any other means except democratically and hence, a democratic centralism was necessary in Lenin’s view.⁹¹ Moreover, all citizens in the Party must be active in labor, society and the admiration of the state.⁹² The individual must have an unselfish desire to put his/her skills to the best use of society.⁹³ The outcome was, as the Communist party had a mandate from workers to represent their collective interests, a messy central planning structure that gave enormous amounts of power to the decision makers.⁹⁴

Freedom and the World Communist Movement

⁸⁸ Ibid. Pg 302.

⁸⁹ Ibid. Pg 153.

⁹⁰ V.I. Lenin. *Selected Works*, FLPH, 1952, Vol II, Part 2, pg. 344.

⁹¹ Fundamentals of Marxism-Leninism. Manual Second Revised Edition. Translated from Russian. Foreign Language Publishing House. Moscow 1963. Pg 336.

⁹² Ibid. 669.

⁹³ Fundamentals of Marxism-Leninism. Manual Second Revised Edition. Translated from Russian. Foreign Language Publishing House. Moscow 1963. Pg 145.

⁹⁴ Ibid. Pg 8.

Lenin, as Communist Party leader, wrote extensively on freedom. “Everyone is free to write and say whatever he likes, without any restrictions. But every voluntary association (including a party) is also free to expel members who use the name of the Party to advocate anti-Party views... The Party is a voluntary association, which would inevitable break up, first ideologically and then physically, if it did not clean itself of people advocating anti-Party views.”⁹⁵ Hence, although views may clash within the Party in argument over the adoption of a policy, once the policy is adopted, all members of the Communist Party must act as one and embrace the Party’s decision.⁹⁶ Factions, descriptive of carrying over these arguments past Party decision, are strictly forbidden.⁹⁷ In the Tenth Congress of the Russian Communist Party (Bolsheviks), Lenin makes it quite clear that all class-conscious workers will not engage in factionalism, but a democratic system with centralized leadership and unity of action.⁹⁸ Unity of action on the world stage is quite difficult to manage, admits Lenin. From this, Communist mantra stipulates that unity of purpose may exist without uniformity of action. This unity is defined as the imperative need at the present time.⁹⁹

Although all members of the Party may have the freedom to speak as they may before a policy is adopted, Marx and Lenin also spoke of the “revolutionary dictatorship of the proletariat.” This is necessary in the struggle to maintain and consolidate victory in the name of the working class and their interests.¹⁰⁰ Hence, a doctrine contrary to traditional Marxism was adopted to avoid a worse scenario: the continuity of exploitation of the proletariat.

⁹⁵ V. I. Lenin, *Collected Works*, Vol 10, Pg. 47.

⁹⁶ Ibid.

⁹⁷ Fundamentals of Marxism-Leninism. Manual Second Revised Edition. Translated from Russian. Foreign Language Publishing House. Moscow 1963. Pg 339.

⁹⁷ Ibid. Pg 8.

⁹⁸ Ibid. Pg 340, Miliband, Ralph. *Marxism and Politics*. Oxford University Press, Oxford. 1977. Pg 43.

⁹⁹ Fundamentals of Marxism-Leninism. Manual Second Revised Edition. Translated from Russian. Foreign Language Publishing House. Moscow 1963. Pg 368.

¹⁰⁰ Ibid. 509.

Leninism

Leninism is a relatively low level variant of Marxism pushed as an ideology in the Soviet Union. Leninism introduced a particular technology of power: the masses' search for emancipation becomes effective through the one party system, and the centrally planned economy is the means for realizing the values of equality and community while de-emphasizing the present possibilities of full, individual self-realization.¹⁰¹

While Lenin held many ideals he developed from Marxism, one such conviction was the leadership within the Communist Party, which must be won by proving to the masses one's dedication to their cause. The leadership must study the art of politics, and choose wisely the direction of the Party. The Communist Party, as a living organism, must grow to wherever there are suffering masses and construct tighter and tighter ties to the working people.¹⁰² However, as the Party expands, it will inevitably encompass advanced workers and people, by want or otherwise, who bring their "delusions" and prejudices into the Party, which must be stamped out and guarded against.¹⁰³ Modern revisionism is unacceptable to corrupt Marxism-Leninism.¹⁰⁴

Another topic on which Lenin spoke broadly was compulsory labor. With central planning, all members of society had to be employed for the betterment of the state. This, he stated "in the hands of the 'proletarian state' would be more potent than the guillotine, for the guillotine merely terrorized and broke active resistance."¹⁰⁵ Labor, for Lenin, was a manner of controlling the masses.

Self-Determination

Lenin, as the Marxist leader of the multi-ethnic Soviet Union, developed a theory of self-

¹⁰¹ Daniels, Robert. *The Nature of Communism*. Random House, NY. 1962. Pg 86.

¹⁰² Ibid. 340.

¹⁰³ Ibid. 351.

¹⁰⁴ Daniels, Robert. *The Nature of Communism*. Random House, NY. 1962. Pg 93.

¹⁰⁵ Dziak, John. *Chekisty: A History of the KGB*. Lexington Books, 1988. Pg 24.

determination, which will only be briefly discussed as it had little translation to the real world. Lenin's contribution, the so-called 'right of nations to self-determination', has been codified in the Marxist-Leninist system and was used by the Bolsheviks as early as 1903 as a response to the 'nationalist' position of the Jewish workers' organization, the Bund. Lenin advocated the right of self-determination for smaller nations in instances of oppression by larger nations. This was tactical at the time, designed to undermine the Tsarist regime in Russia. Once in power, the Bolsheviks put no self-determination principal into practice, yet strategically retained this agile non-position as a plausible way to both support and not support national movements.¹⁰⁶ This is a prime example of an adopted philosophy's inability to serve the regime in power, leading to its subsequent deactivation.

Soviet Intelligence Agencies

The development of Soviet intelligence agencies has been a compilation of successive bureaucratic changes coupled with overlapping and either unclear or unspecified duties. The following lists a thematic development of the Soviet state security apparatus, followed by an analysis of possible connections to Soviet founding philosophies.

Background- Organization

Soviet Intelligence is a difficult mix of acronyms to grasp. Like western intelligence, the military and security organs both had intelligence capabilities. The Red Army's intelligence capabilities were known as the Third Section and Registration Directorate until 1921 with the change to Intelligence Directorate (RU) or Second Directorate, later known as the GRU. The state security and intelligence organs, nevertheless, saw a bit of a different avenue of changes.

First the All-Union Extraordinary Commission for Combating Counter-revolution and Sabotage

¹⁰⁶ Munck, Ronaldo. "Marxism and nationalism in the era of globalization." *Capital & Class* 34, no. 1 (February 2010): 45-53. Academic Search Premier, EBSCOhost (accessed March 14, 2011).

(Cheka), the security organ mostly responsible for internal order during the civil war, was created in 1917 and changed its name to the State Political Directorate (GPU) only to merge with the People's Commissariat for Internal Affairs (NKVD) in 1922. This organ then underwent a short autonomous embodiment and name change to the OGPU in 1923, only to be re-incorporated into the NKVD in 1934. In 1941 the institution was pulled out as the People's Commissariat for State Security (NKGB), changed to the Ministry of State Security (MGB) in 1946, and merged shortly with the Ministry of Internal Affairs (MVD, Soviet police) under an attempt by Beria to seize power. Finally in 1945 it assumed the name Committee for State Security, its most famous embodiment, the legendary KGB.

Party Control

The Communist Party kept consistent and tight control over its security and intelligence arm. During the era of the Cheka, the overriding party goal was the search for, discovery and elimination of counterrevolutionaries and opposition groups to the new government. On Lenin's orders, the Cheka answered only to the Communist Party through the Council of People's Commissars, originating the tradition of party control over intelligence agencies. The military, above all, was subject to special scrutiny in this realm, for many of the challenges to power perceived by the Communist Party came from within the old regime.¹⁰⁷ Another example of Party control was with the peasant uprising in the 1930s, where the OGPU was called in to brutally end any opposition.¹⁰⁸

Preeminence of the State Security and Intelligence Apparatus

Soviet intelligence agencies, under the direct control of the Party, were paramount in society: second only to the Party and perhaps even passing this institution during the Stalin era.

¹⁰⁷ Dziak, John. *Chekisty: A History of the KGB*. Lexington Books, 1988. Pg 3.

¹⁰⁸ John Dziak. *Chekisty: A History of the KGB*. Lexington Books, 1988. Pg 54.

This is first evidenced by the Security apparatus' elevated role over the military. Indeed, many of the military intelligence officials at critical war-making junctures were drawn from state security: General Yan Berzin came directly from commander of the Cheka Special Department (OO) to chief of military intelligence in the 1920s-1930s; Nikolay Yezhov moved from NKVD chief to de facto chief of military intelligence during the military purges in the 1950s and former KGB chief Ivan Serov ran the GRU along with General Petr Ivanshutin in the 1960s.¹⁰⁹ The intelligence organizations enjoyed an importance and attention in governmental function previously unseen in pre-Soviet Russia.

Functions

As author John Dziak puts it, "Penetration, provocation, and large-scale deception operations from the very start characterized party-directed state security activity in its foreign and internal dimensions."¹¹⁰ However, most scholars overlook the fact that when the Cheka was created in 1917, it was intended to be dissolved after the new regime defeated the opposition. As it is now known, this apparatus, although moved around and renamed to the GPU, became paramount in Soviet life to wage wars against Party enemies.¹¹¹ However much the regime struggled internally over the despotic methods of the Cheka and concurrent organizations, it seemed to them that the organization's functions were essential to the regime's survival.¹¹²

Later, the NKVD was vested with the power of uncovering ideological enemies of the Party. In this manner, the NKVD became in effect the guardian of Party ideology.¹¹³ Continuing with the timeline, the KGB had many methods of controlling the Soviet population, as well as international targets. They utilized psychiatric confinement, the forcible confinement of political

¹⁰⁹ Ibid. Pg 15.

¹¹⁰ Ibid. Pg 39.

¹¹¹ Amy Knight. *The KGB: Police and Politics in the Soviet Union*. Unwin Hyman, Boston 1988. Pg 4.

¹¹² Ibid. Pg 12.

¹¹³ Ibid. Pg 27.

dissidents to psychiatric institutions, which was legal under Soviet procedure given a fabricated danger to themselves or others. In addition, the KGB used extrajudicial repression, covert violence, prison camps, censorship as a preventative measure and political indoctrination to further Party agenda.¹¹⁴

Military Intelligence

While the Red Army did possess intelligence capabilities, the security apparatus never allowed it to possess counterintelligence capabilities: such was the sole jurisdiction of the intelligence agencies.¹¹⁵

Overseas Operations

The first official creation of a department to deal with foreign intelligence and counterintelligence came about in 1920 with the designation of the Inostranny Otdel (INO), or foreign department, of the Cheka.¹¹⁶

In the realm of foreign operations, during the interwar period from 1921-1927, the Soviets ran a very successful operation codenamed The Trust (Trest). It was designed to feed false information and lure betrayers into the hands of the regime. An opposition organization (“The Monarchist Association of Central Russia”) to the Communist Party was set up within the country targeted at anti-Soviet emigrants and Western security agencies. This operation was kept within the highest echelons of state security and successfully uncovered several Soviet dissenters. Another such example prior to the war was the MAX op- a disinformation campaign pushing false German troop captures into Germany, forcing the Germans to sacrifice a large

¹¹⁴ Ibid. Pg 199-202.

¹¹⁵ John Dziak. *Chekisty: A History of the KGB*. Lexington Books, 1988. Pg 106.

¹¹⁶ Ibid. Pg 14.

number of resources in an attempt to rescue the so-called hostages.¹¹⁷ These operations were quite successful very early given the world's developing intelligence capabilities.¹¹⁸

The Kremlin had many organizations working overseas to further its policy. Military Intelligence Administration of the General Staff, the All-Union Council of Trade Unions, the People's Commissariat of Foreign Affairs, the People's Commissariat of Foreign Trade, the Executive Committee of the COMINTERN and various other cultural and trade societies were all meant to gather intelligence and further the Soviet mission.¹¹⁹ The United States was the prime target for disinformation and collection.

During the Cold War, the USSR was obsessed with American potential to destroy their state. In addition to normal intelligence activities, the Soviets engaged in the famous Romeo-Juliet operations, in which the intelligence officer would seduce an intended target for information, assassinations, disinformation campaigns and technological operations to gain an edge on American intelligence. In addition, the KGB and GRU performed border security and secret police functions. One of the KGB's chairman, Yuri Andropov, was obsessed with the belief that the Reagan administration had plans for a nuclear first strike against the USSR, making collection on related targets a top priority. Another mark of the Cold War was the inability of the GRU and KGB to share intelligence. As Colonel Alexander Morozov, KGB Kabul station Chief from 1975 to 1980, described, military intelligence was "largely independent" of the KGB, who had its own closely guarded network of agents.¹²⁰

The final years of the Cold War were marked by a period of increased tension between the United States and Soviet Union. Although these years also saw the implementation of

¹¹⁷ Ibid. Pg 122

¹¹⁸ Ibid. Pg 48.

¹¹⁹ Knight, Amy. *The KGB: Police and Politics in the Soviet Union*. Unwin Hyman, Boston 1988. Pg 279.

¹²⁰ Staar, Richard F., and Corliss A. Tacosa. "Russia's Security Services." *Mediterranean Quarterly* 15, no. 1 (Winter2004 2004): Pg 54.

Détente, it also saw the 1979 Iranian Islamist revolution and the Soviet invasion of Afghanistan. Many thought the time had come to finally strike the USSR by outspending them in a “Soviet Vietnam” scenario, this time in Afghanistan.

After deciding to support the Communist coup in Afghanistan, special forces of the KGB and GRU brought about the removal (via assassination) of Hafizullah Amin in December 1979 due to a lack of popular support and the fear of an “anti-Soviet Islamic Republic,” stemming from Amin’s possible alliance with the CIA (a rumor spread by Amin’s rivals). Soviet intelligence replaced Amin with Babrak Karmal to pave the way for a Soviet intervention in the region. This was an important misstep for the USSR, as it had committed itself to a ten-year war in Afghanistan.¹²¹ The KGB then further engaged in catalyzing regime change in 1986 by orchestrating Babrak Karmal’s replacement with Mohammad Najibullah, this time to allow the Soviets an exit from Afghanistan. The Soviet obsession with American predominance is considered by many, a leading factor in its demise and certainly a large intelligence error for the usually coy Politburo.

Oversight- The Executive

In the Soviet Union, the executive or supreme leader in many cases became the controller of the intelligence apparatus through the Party. Lenin very early chose to keep the intelligence agencies under mixed executive-Politburo control, yet in practice exerted a great deal of control over the institutions. Another powerful example, during Stalin’s reign, the intelligence institutions were directly under executive order. The organizations were further arranged so that the NKVD fell within the Stalin-controlled bureaucracy, and later so that the Special Departments inside of the NKVD were arranged under the GKO, also under Stalin’s control. In

¹²¹ Staar, Richard F., and Corliss A. Tacosa. "Russia's Security Services." *Mediterranean Quarterly* 15, no. 1 (Winter2004 2004): Pg 45.

this manner, Stalin was easily able to choreograph the purges on members of the military and government to eliminate competition for power, which included assassinations, show trials and the elimination of a very powerful opposition frontrunner, Leon Trotsky. Even later, with Gorbachev in power, the intelligence community reformations and function overhauls were undertaken by catalyst of the executive branch. In essence, the intelligence functions fell to the mercy of the executive leader, whether attempting to utilize that power to extend that power or curb the excessive agencies.¹²²

Oversight- The Politburo

Judging by the evidence, the Politburo as an instrument for oversight often turned into the decision body for intelligence action, although the Politburo was unable in many circumstances to overcome the power of the executive. An instance in which the Politburo did preside leadership over one very strong executive, Stalin in this case, came in 1932. Stalin demanded a former secretary of the Moscow Party Committee leading an opposition group discovered by the OGPU be shot. His colleagues in the Politburo refused, which led Stalin to attempt to procure more power.¹²³

In autumn of 1938, the Central Committee established a subcommittee to check NKVD activity, after which two resolutions were passed: one strengthening the procuratorial oversight of the NKVD's arrest and investigation procedures, and the other on the recruiting of "honest people" to the state intelligence organs.¹²⁴ However, very little practical use came of these measures, as the subcommittees, while vested with powers, did not have a precedence on which to act nor the financial or oversight powers to back mere legal wording.

¹²² Dziak, John. *Chekisty: A History of the KGB*. Lexington Books, 1988. Pg 128.

¹²³ Knight, Amy. *The KGB: Police and Politics in the Soviet Union*. Unwin Hyman, Boston 1988. Pg 21.

¹²⁴ Ibid. Pg 32.

Interestingly enough, the Politburo proved itself in several years to be one of the quickest moving bureaucracies in history. After Stalin's death, the Central Committee met in special session with the Council of Ministers and Presidium of the Supreme Soviet to decide to merge the MVD and MGB under one organ. In addition, troops appeared that night to take control of Moscow.¹²⁵ With Stalin dead, moreover, reforms did take place. The Politburo implemented new laws, rehabilitations of Stalin's victims (selectively), reduction in prison camp size and a liberalization in the literary and cultural arena.¹²⁶ Not only that, but the image of the KGB was completely revamped to reflect the 'perfect Soviet man,' as well as the incorporation of an anti-corruption campaign. In 1939, Beria, the head of Soviet intelligence, announced that the NKVD had cleansed its ranks of hostile elements, which signaled to many a reassertion of Party control over the intelligence apparatus. Another reassertion of Party control was the appointment of a Central Committee official (i.e. prominent Party member), Aleksandr Shelpin, to be KGB chairman in 1958.

Legal reforms continued in 1955-1961, in which the Presidium of the Supreme Soviet issued a statute (1955) allowing for the protest of illegalities committed by the state security agencies and proposals for their elimination. The Procuracy was furthermore charged with observance of investigation, although no laws were published on how this was to be exercised.¹²⁷ Come 1978, the Politburo reined the KGB under formal re-bureaucratization by moving the KGB chairman to membership in the Council of Ministers, which left greater control over the organization in the hands of the Politburo.¹²⁸ Hence, while the Politburo was able to pass

¹²⁵ Dziak, John. *Chekisty: A History of the KGB*. Lexington Books, 1988. Pg 133.

¹²⁶ Ibid. Pg 140.

¹²⁷ Knight, Amy. *The KGB: Police and Politics in the Soviet Union*. Unwin Hyman, Boston 1988. Pg 58.

¹²⁸ Ibid. Pg 116.

legislation on the government of the intelligence agencies with Stalin gone, it often was narrow and had little precedence for action although publicly re-assertion of the Party seemed strong.

Oversight- The Courts

The earliest instance where the courts enter into the Soviet Union is in Lenin's system. Previously, the courts had exercised some restraint over the Okhrana, but were either ignored after the revolution or worse, became enlisted by the Cheka. This, in short, set the background for the purge trials. Another incident during Stalin's reign was the reformation of the 1922 Criminal Procedure, which established a special circumstance for crimes involving terrorism. The accused was only allowed to receive twenty-four hours notice before trial and was not allowed in the courtroom nor any motions for appeals. The sentence (usually death), moreover, was to be carried out immediately.¹²⁹ The 1930s saw a relinquishment of court power given Stalin's re-structuring of state security. With the formation of the NKVD's Special Board designed to operate outside legal codes to take down any "socially dangerous" persons, the judiciary system was in effect neutralized.¹³⁰ More of the courts' power was taken away with the 1965 RSFSR CCP, in which the investigating agency had to prosecute the initiated crime, allowing for broader powers under the KGB.

The tide turned, however, in 1986, which proved an ominous year for the KGB. The executive called for a reform of judicial and legal systems designed to protect individual rights and public trials, attempting to temper illegal interference in investigations. This was the first telling attempt to reform the court system and push a more active involvement in the intelligence arena. This saw some success, perhaps augmented by Gorbachev's attempt to open the USSR internationally and reform internally.

¹²⁹ Ibid. Pg 26.

¹³⁰ Ibid. Pg 25.

Oversight- The Media

As a limited presence in the USSR, the media played a small role in oversight. However, one incident in 1987 proved unprecedented criticism of the KGB. The so-called Berkhin affair unveiled the journalist, V. Berkhin, and his unlawful arrest in 1986 on charges of “hooliganism” for attempting to expose corruption in the Ukrainian regime. *Pravda*, the preeminent Soviet newspaper, published the story, which forced the expulsion and discipline of KGB officials involved in the case.¹³¹ The KGB’s image was publically tarnished. This instance, albeit rare, is descriptive of the internal instability in the Soviet system characteristic of the later years in the USSR.

Oversight- Legal Powers and Restraints

Prior to many laws passed mid-Soviet existence, there was really no legislation governing the intelligence and security apparatus. The Cheka did not receive the power of arrest until 1917 in a Sovnarkom decree. Even after this time, however, the Cheka did not necessarily hand over arrested “subversives” to Revolutionary Tribunals.¹³² With a similar decree on 5 September 1918, moreover, the “Red Terror” began with the legal sanctioning of state-directed homicide. Lenin wasted no time in putting his policies to use: “We can’t expect to get anywhere unless we resort to terrorism: speculators must be shot on the spot.”¹³³ The numbers of victims during the Cheka-Party terror are still debated, ranging from 12,000 to 500,000.¹³⁴

The RSFSR Criminal Code of 1922 and 1923 (expanded version) were also interesting pieces of legislation governing security powers. These codes provided the legal basis for the political police to persecute Soviet citizens, which was the foundation that led to the legal

¹³¹ Ibid. Pg 101.

¹³² Dziak, John. *Chekisty: A History of the KGB*. Lexington Books, 1988. Pg 27.

¹³³ Ibid.

¹³⁴ Ibid. Pg 30.

development of the Soviet police state. These codes furthermore differentiated between political and nonpolitical crimes, which reflected the highly ideological nature and Leninist influences of the new Soviet state. In essence, laws governing powers of security agencies were designed to protect state ideology.¹³⁵ Continuing with the timeline, in 1927, new legislation was incorporated into the old codes that made illegal the outside action against the USSR and other workers' states.

During Stalin's reign, legal reforms were utilized to legitimize and rationalize terror on the Soviet people. In effect, terror was 'legalized'. In 1936, the Central Committee passed a resolution granting the NKVD "extraordinary powers for one year to destroy all enemies of the people."¹³⁶ However, with his death in 1954, a year later a decree of the Presidium of the USSR Supreme Soviet established a new Committee of State Security unattached to former intelligence-gathering organizations. This was intended to diminish the formidable powers the organizations had accrued in years previous.¹³⁷

In 1960, the amended RSFSR Criminal Code introduced reforms to revamp the failing Stalinist legal system. They included the instruction that no person may be subject to criminal prosecution without having committed a crime, and eliminated the prosecution for being a "social danger".¹³⁸ However, in 1961 the KGB's investigatory powers were again expanded in Article 126 of the RSFSR Criminal Code, allowing for the investigation of disclosing a state secret (counterintelligence) and other criminal prosecutions.¹³⁹

With Gorbachev's entrance, the KGB faced a large effort to curb its powers. In 1985, he moved with great speed to implement personnel changes that purged the old members focused on

¹³⁵ Knight, Amy. *The KGB: Police and Politics in the Soviet Union*. Unwin Hyman, Boston 1988. Pg 15.

¹³⁶ Ibid. Pg 30.

¹³⁷ Ibid. Pg 50.

¹³⁸ Ibid. Pg 59.

¹³⁹ Ibid. Pg 60.

extended powers. In 1987 the organization was forced to release some 140 Soviet citizens convicted under the RSFSR Criminal Code Article on Propaganda and Agitation. Hence, there develops a pattern of the reversal of many of the powers afforded to intelligence bodies under less powerful executives.

Philosophical Connection

Perhaps one reason for the preeminence of the intelligence agencies that became engrained in the Soviet Union was the preoccupation with conspiracy and treason. Considering the circumstances that led to October Revolution and overthrow of the old Russian regime, it is not surprising that first Lenin and then successive leaders thought it worthwhile to have a strong state security arm for fear of the overthrow of the Communist Party. The practice of espionage internal to the country, moreover, was a meaningful presence during the Soviet Union's founding. This notion therefore, may explain in part why the USSR developed a strong intelligence agency so early, as it was highly valuable to a country coming out of high levels of internal turmoil. This may also speak to why the Party gave this apparatus the authority to engage in both external and internal espionage with almost no oversight in its early years. Most interesting, the history of treason, especially internally, explains why the Red Army had absolutely no counterintelligence capabilities. These functions were left with the security branch (NKVD/KGB), as it was the organizations(s) most directly controlled by the Politburo and less likely to institute a coup than the armed services.

The Marxist-Leninist philosophy of a centrally planned government with the necessity of controlling the masses through whatever means (labor, party membership, etc) is also noticeable in the preeminence of security agencies. As a result of this fundamental philosophy, the Party needed a system to enforce compulsory labor, Party ideology and more importantly, protect its

nation from foreign Bourgeois philosophical intrusion. The fact that the Soviet intelligence agency became a guardian to Party ideology is telling but predictable. The Soviet security institutions became a natural organization for the enforcement of the Party's goals. As a prime Party goal since the founding of the Soviet Union, membership and ideological conformation and the illegality of factions fell under the jurisdiction of those organizations with the power to enforce Party interests.

The need for a strong overseas intelligence very early finds its grounds in philosophy as well. Marxism saw his ideology as a world struggle between capitalist and socialist nations. Any mechanism for the triumph of socialism over bourgeois ideology was therefore a necessity for the worker's state. This is reflected in the number of personnel and resources poured into the intelligence organizations, especially during the height of the Cold War. By the time the Cold War ended, the KGB had 420,000 personnel on its payroll.¹⁴⁰ This amount of money and time therefore may be justified on an ideological basis. The very fabric of Marxist philosophy was being threatened by capitalist nations on the world scene, just as Marx described. Philosophy, in fact, caused the Soviet Union to make a grave error during the Cold War. The Politburo was unable to see the world without the ideological prism of Marxism-Leninism.¹⁴¹ They saw all wars and actions taken by the United States through the lens of spy paranoia and ideological bias.¹⁴² Hence, the ideological bias of Marxism-Leninism contributed to one of the largest intelligence failures of the Soviet Union.

As for oversight, the Politburo-Executive struggle is quite interesting. While in many circumstances (and for many years) the intelligence agencies were under the direction of the

¹⁴⁰ Staar, Richard F., and Corliss A. Tacosa. "Russia's Security Services." *Mediterranean Quarterly* 15, no. 1 (Winter2004 2004): Pg 54.

¹⁴¹ *Ibid.* Pg 45.

¹⁴² *Ibid.* Pg 47.

executive, the Politburo did exercise some control although this control was often vague and reactionary. While it gave itself the power to check KGB investigations, it had no formal process by which to do so; when it instituted reforms over the agencies to reduce abuses, it was at the request of the executive. It is also interesting to note the congruency of the shift in more executive-centered control (early) to higher Politburo-centered control (later) with the opening up of the USSR and Gorbachev's reign. Looking at the philosophy, Marx and Lenin thought high levels of violence and scare tactics acceptable to a state coming out of internal strife such as the USSR after its civil war. The constant threat of internal betrayal and external takeover kept these levels of executive control of intelligence activity high, as the USSR was almost always facing a real or invented crisis, either economically or ideologically.

Court oversight, as evident, was not a factor in Soviet intelligence operations. In addition to very little legal guidelines for the agencies, the courts saw again and again their power taken away by Party leadership or the executive. This philosophical basis is evident in the Marxist thought that the Party oversees all the interests of all workers in a state, and hence there is no need for oversight of the Party or how it sees fit to run the operations of the nation. When it did reform, moreover, it was concurrent with Gorbachev's *perestroika* and moving away from Marxist-Leninist philosophy.

Media oversight was also more or less nonexistent in the Soviet Union. This finds its philosophical basis firmly in the notion of unity of action and Marx's dislike of factionalism. The media, if it criticized Party directives, would have become a faction according to Soviet ideology, which is not congruent with unity of Party action and strictly shunned after formal debate has ceased within Party decision-making entities.

Finally, powers vested to intelligence agencies and legal code may also be connected back to Soviet founding philosophy. While there were legal guidelines for what the intelligence agencies could do, there were no extensive legal guidelines restricting their power. Ideologically, Marxism-Leninism justifies this as a Party decision for the good of the masses. Individual rights were encroached upon under the Soviet legal system for the good of the functioning of society in a socialist manner.

American Intelligence Agencies

American Intelligence agencies, mirrored against the time period in which the Soviet Union existed, prove a very different history of functions and oversight.

A Late Development

The development of a formal intelligence agency was not a priority for the United States, especially given the nation's geographical position that seemed to insulate it from foreign military threats. This changed, however, in 1941 with the Japanese attack on Pearl Harbor. This threat to American security and WWII catalyzed the creation of the Office of Strategic Services (OSS). However, quickly after the war, Congress disbanded the OSS in 1945. Sensing that excessive Presidential autonomy could lead to abuses over intelligence capabilities, Congress passed the National Security Act in 1947 to create the Central Intelligence Agency (CIA) and spell out the parameters and jurisdiction of foreign intelligence functions (such as no "internal security functions," which was reserved for the FBI). With the beginnings of a Cold War, the establishment of a permanent intelligence agency was justifiable. However, this also institutionalized the "fall guy" agency that could be held officially accountable for operations

gone awry. Hence, the CIA was a product of the Legislative branch's attempt to pre-empt abuses by executive power and institute accountability.¹⁴³

Functions

While the CIA was initially vested with overseas operations, it soon became apparent that there was a pressing need for additional intelligence capabilities, domestically and internationally. Even before the CIA's creation, the Federal Bureau of Investigation (FBI) worked domestically and with United Kingdom intelligence against Soviet communications targets. The FBI's tiptoeing into the international arena continued even after the CIA's creation, which formed the groundwork for the intense rivalry that existed, and to a point still exists, between the two agencies. In addition to this, however, the FBI was also vested with the powers to perform counterintelligence work domestically against Americans, whereas the CIA has far less powers in this area.

The National Security Agency (NSA), preceded by the Armed Forces Security Agency (AFSA) originally under Department of Defense (DoD) control, was established in 1952 at the suggestion of CIA Director Walter Bedell Smith a year earlier, who found control over and coordination of collection/processing communications intelligence ineffective in the CIA. Since its formation, it has been the main cryptologic intelligence agency and shared a similar rivalry to the FBI with the CIA. The two organizations have some overlapping powers with the CIA, which led to turf battles in the early years of the Cold War.

Military Intelligence

¹⁴³ Eyth, Marcus. "The CIA and Covert Operations: To Disclose or Not to Disclose – That is the Question." *BYU Journal of Public Law*. Volume XVII. 5 February 2003. Pg 49.

Every branch of the American military has intelligence capabilities, in addition to the capabilities of the DoD and the Department of Homeland Security (DHS). Opposed to the Soviet centralized style, the armed forces also have counterintelligence capabilities.

Overseas Operations

Between the ending of WWII and the early 1990s, there were few places in the world where the United States did not have intelligence capabilities. The United States, during the Cold War, engaged in many of the same foreign intelligence operations as the Soviet Union, from the standard practice of recruiting assets to supporting friendly opposition groups. In the 1950s, the United States conducted special operations in Burma, China, the Philippines, Iran, Guatemala, Cuba, Indonesia and Tibet.¹⁴⁴ These special operations ranged from secretly overthrowing Communist regimes in Guatemala to assisting nationalist troops in Burma, and even organizing a coup in Iran. More covert operations came in the 1960s with the infamous Bay of Pigs invasion and similar operations in Italy, Laos, Bolivia, Greece, Vietnam and Chile. In the 1980s, Iran-Contra, the most important event to this research, caused Congressional and public upheaval.¹⁴⁵

Oversight- Legal Powers and Restraints, the Role of Congress

The 1947 National Security Act's language has been debated over the powers it grants to the CIA, especially over covert action. In this document, the CIA is legally vested with the collection, evaluation and dissemination of intelligence, as well as covert activities at the behest of the President. In this document, the CIA is also prohibited from engaging in law enforcement activities, internal security functions, police operations or serving subpoenas.¹⁴⁶ However, the section on "other functions and duties related to intelligence" allowed for the undertaking of

¹⁴⁴ Ibid.

¹⁴⁵ Eyth, Marcus. "The CIA and Covert Operations: To Disclose or Not to Disclose – That is the Question." *BYU Journal of Public Law*. Volume XVII. 5 February 2003. Pg 51.

¹⁴⁶ Ibid. Pg 58.

numerous covert operations by the CIA without congressional approval. Likewise, the FBI and other agencies with intelligence capabilities have designated jurisdictions, sometimes overlapping which has forced cooperation with very mixed results.

As the lawmaking body in the American governmental system, Congress exercised oversight powers over intelligence agencies in a number of ways. First, in the 1947 National Security Act, Congress ensured that it would retain the power of the purse over the Executive power to direct covert action by only allowing the lawful appropriation to such actions.

After the abuses of covert action following the creation of the CIA due to insufficient legal guidelines, Congress passed several amendments to the National Security Act to expand oversight. The updated section 504 made it illegal for the CIA to obtain funds from non-Congressional sources to re-assert its power of the purse. In 1974 and 1980, moreover, Congress stripped the CIA of discretionary power in the Hughes-Ryan Amendment and the Congressional Oversight Act (replacing the Hughes-Ryan Amendment) respectively. These legislative measures required the CIA director to “fully and currently inform Congress...of all intelligence activities...in a timely manner...except in times of extreme national emergency.”¹⁴⁷ In this instance, Congressional assertion was reactionary.

In response to several overseas operations, Congress reacted with oversight actions to extend intelligence oversight. The most prominent example of this is the Iran-Contra Affair, with the Reagan administration secretly selling arms to a declared terrorist enemy, Iran, in exchange for money to support the Nicaraguan Democratic Resistance or “Contras.”¹⁴⁸ After this came to light, Congress pushed back by statutorily defining covert action and toughening procedures governing these actions. The War Powers Resolution and a series of Boland Amendments were

¹⁴⁷ US Congressional Oversight Act. 1980.

¹⁴⁸ Cumming, Alfred. “CRS Report for Congress: Covert Action: Legislative Background and Possible Policy Questions.” January 28, 2008.

attempts by Congress to force the Executive to restrict aid to Nicaraguan Contras.¹⁴⁹ Congress then again re-worded the National Security Act in 1991 so that the President was able conduct covert action without initially informing Congress if he then fully informs Congressional intelligence committees of important actions in a timely manner. Moreover, the 1980 legislation created the House and Senate Permanent Select Committees on Intelligence, two bodies whose purpose is to exercise ongoing oversight on American intelligence as well as balance Presidential power with reporting requirements.¹⁵⁰

Oversight- The President

The extent to which the 1947 National Security Act authorized things such as covert action is highly debated due to its broad language. History has proven this to be an opportunity for the executive to broaden its powers in conducting covert operations in response to military, political and ideological threats. The laws governing Presidential control, in addition to the amended National Security Act, give the President several loopholes in allowing for discretion in times of extreme national crisis. However, no huge abuses of power (relative to Soviet Union abuses) since the 1991 amended legislation was instituted have occurred that has been revealed publically.

Presidents may, by law, release National Security Council Intelligence Directives (NSCIDs), known as Nonskids, addressing intelligence operations. The pattern here is extension of Presidential control over intelligence, such as the Reagan Order 12,333, which permits the CIA to conduct covert activities abroad and defines special activities in support of national

¹⁴⁹ Frederic Manget. "Intelligence and the Rise of Judiciary Intervention: Another System of Oversight." 14 April 2007. CIA.gov < <https://www.cia.gov/library/center-for-the-study-of-intelligence/csi-publications/csi-studies/studies/96unclass/manget.htm> >.

¹⁵⁰ Eyth, Marcus. "The CIA and Covert Operations: To Disclose or Not to Disclose – That is the Question." BYU Journal of Public Law. Volume XVII. 5 February 2003. Pg 64.

foreign policy objectives.¹⁵¹ Reagan further pushed the envelope with the Iran-Contra affair. This, along with the resulting Congressional measures, has lent fuel to the debate over Congressional-Executive intelligence control. As apparent, the Congress and Executive have struggled over power to conduct control and oversight over US intelligence capabilities.

Oversight- The Courts

The judicial branch of the American government has seen a similar oversight development, at least in timeline, as the legislature. Until the mid-1970s, the courts had little say in intelligence. This was mostly the courts decision, however, as Federal courts have very limited jurisdiction in the realm of abstract foreign policy debates without a specific case to decide upon. In addition, American intelligence agencies have historically had very limited internal security functions, if any.¹⁵² A number of events changed this. First, after Watergate scandal, Congress and the press afforded more scrutiny to executive actions. The scrutiny led to the Church and Pike committee investigations as well as the Rockefeller Commission report of the CIA activities and abuses. The courts, continuing with their re-assertion in the 1960s, were expanded under due process rights to examine in detail actions of the government in prosecutions. Secondly, beginning in the 1970s, Congress passed a number of statutes governing intelligence, which naturally meant more judicial review of the subject.¹⁵³

Several laws make court oversight possible. First, Federal Rule of Criminal Procedure 16 and *Brady* and *Giglio* cases make it illegal to withhold classified intelligence from judges and the defense in a court case. Another precedent came in the *Kampiles* case, where the defendant was charged with selling a manual about a spy satellite to the Russians. The courts issued a protective

¹⁵¹ Ibid. Pg 60.

¹⁵² Frederic Manget. "Intelligence and the Rise of Judiciary Intervention: Another System of Oversight." 14 April 2007. CIA.gov < <https://www.cia.gov/library/center-for-the-study-of-intelligence/csi-publications/csi-studies/studies/96unclass/manget.htm>>.

¹⁵³ Ibid.

order and in closed proceedings heard evidence and the FBI's investigation.¹⁵⁴ In 1980, the Classified Information Procedures Act (CIPA) established detailed procedures for handling classified information in criminal trials in response to defendants forcing the dropping of charges under threat of revealing classified information.

In the realm of surveillance, the courts review intelligence collection related to the Fourth Amendment protecting against unreasonable searches and seizures. The 1967 overturning of the *Olmstead* case forced any government entity to obtain a warrant for electric surveillance. In 1978, the Foreign Intelligence Surveillance Act (FISA) established a forum for obtaining these warrants.¹⁵⁵

In civil matters, the courts have also exercised authority. The Freedom of Information Act (FOIA) and Privacy Act allow access by citizens to intelligence materials, although the government has and in many cases exercises the authority to deny requests. The courts furthermore, review public indexes (*Vaughn* indexes) describing records withheld under sensitive information exceptions. The government, under *US v. Reynolds*, holds "State Secrets Privilege" and allows the government to refuse disclosure of state national security secrets.¹⁵⁶

Oversight- The Media and the Public

In response to broadening Presidential power over intelligence agencies, public and media outcry soon follows. Since the formation of the CIA, there has been public debate over its role and the need to balance the nature of intelligence and secrecy with the ability to excessive oversight and ensure action taken in the public's interest.¹⁵⁷ For instance, during Iran-Contra, after a foreign press first leaked the U.S. arms sales to Iran, the New York Times quickly

¹⁵⁴ Ibid.

¹⁵⁵ Ibid.

¹⁵⁶ Ibid.

¹⁵⁷ Eyth, Marcus. "The CIA and Covert Operations: To Disclose or Not to Disclose – That is the Question." *BYU Journal of Public Law*. Volume XVII. 5 February 2003. Pg 52.

followed suite and published details of exactly what was sold in a number of articles between 1985 and 1986. Investigations began, and the Presidential Commission, known as the Tower Commission for Senator Tower leading it, was formed and reprimanded those involved.

Problems arise with media and public ‘oversight’ however, when classified information is leaked. An important note is that it is traditional to prosecute the government official who leaked the information and not the media outlet.

Philosophical Connections

The first interesting piece of America’s intelligence history that can be related back to founding ideology is the late development of a formal international intelligence agency. Although the FBI had jurisdiction to handle international cases before the creation of the CIA, the fact that the US did not have a security organization solely designated for intelligence until the beginning of the Cold War is telling. This reflects the basic American philosophy of as little government as possible. Although the Founding Fathers saw it fit to extend the powers of the Federal government in response to a failing Articles of Confederation, they did so with heavy minds and instituted numerous protections for citizens against the government in the Constitution. Here, the same values are seen. Though the beginning of the Cold War justified the formation of a national intelligence body, Congress waited as long as possible and to the best of its ability guarded American citizens against the possibility of abuses by limiting its investigatory and policing powers. Congress, by example of the Soviet Union, did not want the CIA to turn into a secret police.

Overseas operations are really the first time when it becomes apparent that the development of formal intelligence capabilities was a learning process for American lawmakers. The CIA, FBI and NSA took many liberties in the early years of the Cold War before more

formal oversight was instituted. However, a pattern becomes apparent in examining intelligence operations and oversight. When either one of the agencies or the executive branch overstepped their bounds, Congress reacted with additional legislation governing finances, allowable actions or oversight regulations. The very formation of an institutionalized intelligence body was a result of Congress's fear of executive abuses and enlargement of its own power through intelligence capabilities. Though the executive did get away with actions that Congress would not have approved of, the process of the push and pull between the executive and legislature made Congress more responsive to Presidential expansions of power, even in a retroactive manner. This is highly fundamental to the set-up of the American government and as simple as checks and balances, in addition to Montesquieu-esq theories on separation of the executive and legislature. The legislature in particular fears an overly strong executive, as did the Founding Fathers. Even Biblical ideology preaches against a centrally strong sovereign and this tendency of Congress to come around and reign in executive influence is reflective of those philosophies.

However, it also cannot be denied that the laws governing intelligence capabilities, mainly covert action, give the President a large amount of discretionary power over Congressional oversight. This, partially as a result of the powers vested to the executive in the Constitution and historical precedence, perhaps finds its roots in Aristotelian philosophy and early Republicanism. Aristotle, like James Madison, believed that some individuals were more fit to lead, intellectually and by nature, than others. In Hobbes and Locke's social contract theory, some of the power of a society is relinquished to the ruler, in this case the President, in exchange for security and the smooth functioning of a nation. Hence, the executive branch is allowed some discretion, it seems, because to some extent Congress and the democratic system trust the branch's judgment, or in the least the ability of the leader to make a judgment call.

Judicial oversight, though limited compared to Congress and the President, balances a principal essential to America's founding: the marrying of secrecy with Western liberal democracy. Government secrecy has the potential to destroy the legitimacy of a democratic government and in the United States, judges counterbalance the tendency of intelligence to become overly secretive. However, this would not be possible without Jefferson's vision of an informed citizenry challenging governmental action, reflective of John Locke's belief that a government not operating for the good of its citizens should be altered. Thus, the Founders built in the Judiciary for a strong protection of individual rights. In the examined instances, this branch of government has led to a more open intelligence sector than in many countries due to the need to balance secrecy and democracy.

As for media and public oversight, it is difficult given that intelligence by nature is highly secretive. However, the open media and free flow of unclassified information make the American media and public an oversight mechanism on intelligence that should not be discounted. The philosophical basis for this is expressed in many ideologies utilized in America's founding. Liberal theory values freedom of speech, as did Francis Bacon and the Founding Fathers, as an essential right laid out in the Constitution. The precedent of legal prosecution of the individual committing treason and not the media outlet is especially interesting. The media is a strong institution in American culture, and the free media is something the Founding Fathers wanted to protect. This is extremely evident in risk the government is not willing to take toward limiting the power of the media to serve as a check on possible government abuses.

Conclusions and Comparisons

The Soviet and American founding philosophies could not be more different. The events surrounding the formation of the new nations, undoubtedly playing a key role in these philosophies, moreover, show two very different fledgling nations. If similarities do exist, they lie within the executive branch's tendency to gain power in times of war and crisis, a characteristic of almost all forms of government. The Soviet Union's utilization of its intelligence agency to form and protect its police state is quite telling in terms of its regime structure. The totalitarian nature combined with Leninist and in some cases Marxist principals of Party strength led to the intelligence apparatus becoming in large part a tool of the executive branch, a common theme in totalitarian regimes. The philosophy of a strong central leader, violence as a tool for suppression and Party primacy coupled with a backdrop of paranoia and treason led the Soviet Union to develop intelligence agencies that overlapped bureaucratically and were utilized for political oppression as well as the propagation of Party ideology, all agendas of the executive/Politburo. In addition, the lack of Judicial oversight due to a purposeful disregard of the, in Western terms, "natural rights" of the Soviet citizenry left absent an essential counterbalance to the intelligence apparatus's tendency for over-classification and intense secrecy.

Meanwhile, America's founding history of constant struggle between the executive and legislative branches, freedom of expression and disagreement within the government as well as a tendency to word legislation quite broadly led to a push and pull, over time, to control the intelligence bodies and execute Congressional oversight. The Court system, as a secondary check to Congress, also provided the defense of founding philosophies to protect the rights of the population. While both instances saw abuses of power by the executive and certain agencies, the difference is that the Soviet intelligence agencies were far more open, by legal and historical

standard, to control by the executive to perform internal secret police functions and abuses against the structure of the USSR.

Finally, while both instances show retroactive action to correct intelligence abuses, the American model portrays a much stronger legislative branch, which through time and deliberate action (vice mere legislative wording without true financial or oversight power) governed the capabilities of the intelligence community and executive. The Soviet Union, by contrast, had to wait until regime change (the death of Stalin) to institute any changes, and the minutia that was instituted was done so very abruptly and often did not accomplish intended goals due to the ingrained precedent of police state practices and the autonomous nature of the security organs from the courts/Politburo for over four decades.

Hence, in examining the development of US and USSR intelligence agencies against the backdrop of their founding philosophies, the two countries internal happenings and intelligence dilemmas become a lot more clear. Many nations may acquiesce to a strong executive in times of crisis, although the unique combination of governmental mistrust and extensive liberal theory that went into America's founding produced a far more controllable and stable oversight mechanism. In contrast, the paranoia and centrality of thought/purpose that came of Leninism and to some extent Marxism produced a wholly different and increasingly unstable oversight system in the Soviet Union.

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