

BÉLA RÉVÉSZ – JUDIT TÓTH

Why the files of the security services have remained secret

With the collapse of the communist system in Eastern Europe, archives formerly kept secret were now made public. This statement, however, that sounds simple and true, covers reality only partially. First of all, from the remaining material conclusions could be drawn on what was missing from the documents.¹

With respect to state security apparatus, the rules of procedure which existed for every administrative body, provided for instance, in 1972, that at the central offices *“in the first half of every year (from January 1st to June 30th and at the county offices (and that of Budapest) in the second half of every year (from July 1st to December 31st) the documents filed more than 3 years earlier have to be reviewed and, as needed, discarded.”* Apart from this “normal” regulation, the materials that were sensitive from the historical, operative, or political point of view were mostly destroyed before the constitutional reform (October 23rd, 1989). The mere existence of them – and especially their publication – could have embarrassed certain circles of the reigning political leadership. Ever since these docu-

¹ A few important archives without trying to be complete: Hungarian National Archive, Historical Archives of the State Security Services, Office of Information, State Security Office, Military Security Office, Special National Security Service, Office of Military Intelligence, Office of the Chief Public Prosecutor, Military Court of Justice, Archives of Pest County, state security documents kept at the Ministry of Self-governments and Regional Development, Archives of Political History and Trade Unions, documents kept at the National Police Headquarters and the Budapest Police Headquarters, documents of the National Command of Corrections and the Government Security Guards.

ments “could be lasting bases of intrigues”. In 1960–61, for instance, the state security apparatus, following the order of the Party, collected and destroyed all films, recordings on tapes or on record discs that were connected to the show trials and procedures.

About the size and character of the destruction of documents that was speeded up in the face of the approaching constitutional reform, there weren't even estimates earlier. The report of the committee of experts commissioned by the latest government (the so-called Kenedi Committee)² stated that “it is likely that a larger proportion of the documents survived than were declared as dead by the spokesmen of the ‘total destruction’”. “From the middle of December, 1989, to the middle of May, 1990, a sort of lawlessness prevailed when all those implicated in the past did what they were not ashamed to do, not caring about the constitution or the laws”, as reported by the Kenedi Committee. According to the committee, the destruction of the documents, the movement of the inventories without keeping a record created a chaotic situation, where the original condition of the archives cannot be reconstructed any more. In their view a new law, or the thorough amendment of the law now in force could open the way for an intellectual restitution and the establishment of guarantees for scientific inquiries. On the basis of the law, to be called the Files Act the services would be obligated to prove that genuine national security interest necessitates keeping a certain document secret.

At other organs producing documents, the selective destruction of those along political considerations also seems likely, although not in the extent it was done at the state security organizations. Therefore the law on public documents and archives and the protection of the content of private archives that was passed in 1995, provided that archive materials that are primary sources for the discovery of the historical past and indispensable to the enforcement of civil rights must be protected and continuously augmented. At the same time, the limits to the access to these documents is justified by the protection of personal rights. Thus the law passed in 1992 on the protection of personal data provides special protection to data on one's racial origin, national and ethnic minority status, political view or party affiliation, religious or other ideological

² The Committee functioned in 2007–2008, for its full report see the page http://www.meh.hu/misc/letoltheto/jelentes_1pdf (last hit March 20, 2009)

conviction, membership in protecting associations, medical condition, pathological addictions, or sexual life.

Research in the archives is hindered the most by the bureaucratic impediments to the access to documents containing state or official secrets. The law enacted in 1995, on state and official secrets mandates the review of the legal justification of all of these categorizations, in the case of state secrets every 3 years and of official secrets every 5 years. Experience shows that the organizations concerned do not comply with this rule, or comply only reluctantly. They regard it as unjustified extra work and anyway, their basic task is to attend to the documents connected to “live” cases. The absence of the review and the potential downgrading of the qualifications (declaring data open to the public) can prevent access to the requested documents for a long time, while these documents would not need increased protection at all.

Even at the first glance it appears that the processing of the remaining documents of the Hungarian state security services does not fit the German, Czech, Slovak, Polish, Romanian practical examples, although certain elements of those showed up among the legislative experiments of the domestic constitutional state. Their professional criticism did not remain unknown either. The South African and Latin American “theatrical” attempts also kept emerging in Hungarian public life but they – due to a decision of the constitutional court – also failed together with the draft of the justice restoring law. The theatrical other “lustration” designs, reminding one of the so-called “calling to account tribunals” also passed away in Hungary. The 60/1994, December 4 decision of the Constitutional Court declared the Act XXIII. of 1994 unconstitutional. To be sure, the legislators worked on its cloned version even two years later. Moreover even in August, 2002, a parliamentary committee was engaged in the issue of the state security connections of the post-communist cabinet members. To wit, the media had revealed the past of the incumbent Prime Minister, Péter Medgyessy, as a former covert state security officer. But even this committee could not bring lustration back to life. Its activity otherwise did not contribute to the consolidation of the archives of the secret services and the intelligence gathering units, did not facilitate the face-to-face confrontation of offender and victim, and on the top of it, demoralized the press. Still, it had its merits. It drew public attention to the fact that, on the basis of the law on the protection of personal data, the same legal measure cannot be applied to the secret

agents of the former regime and to the public personalities of today's constitutional state. But, if we followed the spirit of the prevailing Act III. of 2003 on the former agents, we would regard as our fundamental task the intellectual compensation of those under surveillance, the guaranteeing of their right of informational autonomy and these should be joined by the purposes of sovereignty, the guarantee of the constitutional order. It would follow that the data on the former surveillants should be made accessible. As they agreed to become informants, so did they agree to the risk of being unmasked. Anonymity can be due only to those who were observed, the victims, as information that were their private secrets was collected about them - without their consent.

Just one example of the anomalies. Foreign Minister János Martonyi (1998–2001) was an agent of the former Department III/II (counter-intelligence) under the alias „Magasdi”. The weekly *Élet és Irodalom* (*Life and Literature*) published an article based on documents.³ To protect his reputation the former minister sued the author of the article and the periodical. The head of the trial court of the first instance, a division of the Capital Municipal Court, attached the following commentary to the decision against the periodical: “*Upon earlier cases the court arrived to the conclusion that ‘nothing is certain in this subject area’. Nobody is in the position to re-examine state security informations.*” One wonders if there is one other formerly sovietized country in Eastern Europe where the unprocessed condition of the stock of documents of the former political police and the precariousness of the relevant legislation would move a highly respected judge to so spectacularly disregard giving the objective reason in support of a judgement. Why did lustration go bankrupt in Hungary? Albeit it failed in spite of the fact that it projected far softer degrees of punishment than the Stasi law with real hard degrees of punishment that was passed by the German parliament in 1991. To answer the question one has to consider the deliberate misleading of the opposition participants of the round-table negotiations; the professional deprivation of the society from the enjoyment of the heady experience of liberty after the change of the regime; the political immaturity of the opposition negotiators of the regime change. Therefore we explain the failure of the lustration with the almost incidental conjunction of independent reasons. The existential struggle for the

³ *Élet és irodalom* April 27, 2007

survival of the state security organs, their overt and covert personnel, and for the control of the documents created before February 14, 1990 were also involved in this process.

We faced the above mentioned problems at the research conducted in 1988–89 on the subject of migrations. Some of the documents requested on the basis of the very usable catalogues of the Hungarian National Archives turned out to contain classified data that rendered them non accessible. Sometimes the anomaly occurs that a lengthy document could be studied, but for a small classified part that renders the whole document non accessible, and not only the page in question. The same applies for the Historical Archives of the State Security Agencies.

The important stock of documents from the point of view of migration research can be found in the National Archives. Among the documents of the Hungarian Workers' Party, the documents of the Political Committee (from June 1989 Political Executive Committee), the Presidium also established during the summer of 1989, the International, Legal, and Public Administration Policy Committee created at the end of 1988, are of prominent importance. Among these numerous reports of state organs were included that perhaps could not be found in any other archives.

During the summer of 2005 the inventory of the top secret documents of the Foreign Ministry from 1989 was compiled in two volumes.⁴ This contained newly accessible materials from the reports, accounts of the embassies in Romania and the GDR that were the most important from the point of view of the flood of refugees. The documents of the National Command of the Border Guards proved to be indispensable sources.⁵ Beside reports on the events at the borders these documents provided a flow of continuous observations on the political informations of the border guards, but also on the practical experiences of the processing of the captured Romanians who crossed the border illegally or on the activities of the Reconnaissance Department of the border guards. The documents of the freshly organized Office of Refugee and Migration Affairs⁶ provide information on the setting up of the administrative and information system for the reception of the refugees just as on the arrangements for maintaining order in and around the receiving stations,

⁴ MOL XIX-J-1-j

⁵ MOL XIX-B-10

⁶ MOL XIX-B-11

or on the tasks of the local administrations with respect to the settling the situation of foreign citizens who are in Hungary with no desire to return home. The Daily Operative Informational Reports⁷ served prompt reporting for the home affairs, government, and party leadership on the domestic and international information of the counter-intelligence and intelligence services that were relevant to the issue of migrations.

The Archives of the Open Society was a peculiar source of the relevant documents. Here, the programs of Radio Free Europe on the refugee affairs can be found, but also the audio materiel on how the Hungarian radio stations treated this question.⁸ It was precisely the Open Society Archives that helped to digitalize and publish on its home page in full the document collection that contains all the documents that emerged during the research from various archives.⁹

The fact that the exposure of the totalitarian past did not take place in the other post-communist countries is proven by a debate in the European Parliament held at the end of March in 2009. The unity of Europe can be realized only through the unity of its history, if Europe is capable of accepting communism and nazism as its common heritage and conducting a sincere, detailed debate on all the totalitarian sins of the previous century – emphasizes the draft resolution promoted by politicians of the People's Party which was the subject of the debate. According to the plans the proposal will be voted on at the beginning of April. The so-called Prague Declaration points out, among others, that in five years following the 2004 enlargement the knowledge of the European population continue to be alarmingly superficial and shallow with respect to the totalitarian systems. Therefore it is necessary to expose to the light of publicity and evaluate from the moral point of view the practices of the totalitarian communist systems. According to the report, a unified approach with respect to the crimes committed by the totalitarian communist systems continue to be missing that hinders the reinforcement of European solidarity and equality, and contributes to the mental division of Europe to "West" and "East". The reunited Europe celebrates the 20th anniversary of the collapse of the Central and East European dictatorships and the fall of the Berlin Wall and that provides the opportunity

⁷ ÁBTL 2.7.1.

⁸ HU OSA 300–40

⁹ Access: http://www.osaarchivum.org/index.php?option=com_content&view=article&id=210&Itemid=332&lang=en

for raising the consciousness about the past and for the acknowledgement of the role of the democratic civic initiatives as well, moreover it gives momentum to the strengthening of the sense of interdependence and cohesion, according to the draft. Nevertheless, the report proposes the establishment of a European documentation center and a memorial dedicated to the victims of the totalitarian systems. The proposal also finds important the review of the European text-books of history and bringig them up to date. During the debate the liberal representative István Szent-Iványi stressed that in certain member states – including Hungary – the access to the secret service documents of the communist oppression's mechanism is still not complete and he called it necessary that this situation be remedied.