

THE INTERNATIONAL SAKHAROV CONFERENCE -- THE ROUND TABLE

A general discussion about Andrei Sakharov and his legacy in Russia; chaired by **Joshua Rubenstein**; with panelists: **Nicholas Daniloff**; **Loren R. Graham**; **Masha Gessen**; **Mark N. Kramer**; and **William Patrick Murphy, Jr**; and **Closing Remarks** by **William Green Miller**.

Joshua Rubenstein – *Northeast Regional Director of Amnesty International-USA. An Associate of the Davis Center, Rubenstein is the author of Soviet Dissidents: Their Struggle for Human Rights (1980); Tangled Loyalties: The Life and Times of Ilya Ehrenburg (1996); Stalin’s Secret Pogrom (with Vladimir Naumov, 2005); The KGB File of Andrei Sakharov (with Alexander Gribanov, 2005); and The Unknown Black Book (with Ilya Altman, 2007).*

I’d like to welcome everyone back for our final panel, which we’ve dubbed “The Round Table.” For the past two days we have been hearing about Andrei Sakharov’s accomplishments and the effects of his work in so many fields. Very much in our minds has been: What is his legacy? What remains? How does his legacy continue to inspire people in different ways in different countries?

Our panelists will first discuss their personal insights concerning Sakharov’s accomplishments, his legacy, and Russia -- yesterday, today, and tomorrow. After that, I’ll open the floor for questions and comments from our audience.

We’ve added a Russian voice to our panel, Masha Gessen, a well-known writer and journalist, who is also an associate at the Davis Center, and she will be giving some opening remarks as well.

I’m pleased to start with Nick Daniloff, a long-time correspondent in Moscow.

Nicholas Daniloff – *Professor and former Director of Northeastern University’s School of Journalism. He served as Moscow Bureau Chief for U.S. News and World Report for five years until September 1986, when he was arrested by the KGB and accused of espionage. Following intense negotiations, Daniloff was allowed to leave the Soviet Union together with Yuri Orlov. Daniloff is author of The Kremlin and the Cosmos (1972); Two Lives, One Russia (1988); and Of Spies and Spokesmen: My Life as a Cold War Correspondent (2008).*

I come to you as a correspondent who covered the Cold War for 30 years and who has been a professor of journalism at Northeastern University for the last 20 years.

I remember when my chief editor Marvin Stone sent me off to Moscow in April 1981, he summoned me to a farewell meeting at which he declared: “I *hate* the Russian revolution of 1917!” (He put a lot of emphasis on the verb “hate”). “I believe that most of our international troubles today flow from that event.”

Then eyeing me, he asked, “What difference are those dissidents in Russia making? Will they effect regime change in the Kremlin?”

I replied cautiously, “Not in the near term.”

He concluded our meeting with this piece of advice without alluding to Academician Sakharov. “Don’t waste your time then with those dissidents. And if you find something positive to write about, do so. But remember to document anything you produce with good evidence.”

As soon as I arrived in Moscow, I disregarded Stone’s advice and sought out the Sakharov apartment on Chkalov Street. While Andrei Dmitrievich had been arrested over a year before in January 1980, I found Elena Bonner there, holding court. In a few short minutes she convinced me she was both an accomplished smoker and a powerful personality.

We live in very different times today compared to 1981, but there is still need for better relations between Washington and Moscow. In the course of these days, I have been asked by one Russian participant, “Why, when the name of Russia comes up, is there an automatic presumption that the Russians are guilty?” I have tried to answer that question, but not very satisfactorily, so I would like to try again.

Nearly 10 years in Moscow as a correspondent convinced me that the American public does not know Russia very well, and probably does not even care. Americans get interested in Russia when there is a crisis, not when things are going well.

So Stalin’s terror which has not been forgotten here, for example, or the Cuban missile crisis, or the unanswered questions surrounding the murders of Alexander Litvinenko and Anna Politkovskaya evoke dark images. To this I would add that the impression which recent immigrants have brought of Russia has also not been salutary. So many of those immigrants are perceived to manipulate the welfare system or the criminal justice system in such a way as to make our authorities feel that they are babes-in-the-woods.

Another element is that democracy, as we understand it, has not taken root in Russia despite the heroic actions of Andrei Dmitrievich. If democracy is to grow in Russia, it

will be because the Russian leaders and the Russian people have examined it and decided it suits their needs and their moods. It will not be up to the United States to build democracy in Russia.

There are things that the United States and Harvard can do, however. First among them is to preserve in good condition the Sakharov papers, and grant access to scholars and others who want to review them.

Harvard can – and I say this as a graduate of this university – encourage young American to take an interest in Russia and visit the Sakharov seminars which are held regularly at the Davis Center. It can and should encourage young Russian scholars, journalists and human rights specialists to come to Harvard under the Sakharov fellowships. And finally, Harvard and the United States should support the Moscow Sakharov Center.

Not long ago I visited that center. Displayed on the day I visited was a large portrait of Anna Politkovskaya. Also in attendance was a group of Russian high school students who broke out in raucous laughter when they saw her portrait. After they left, I asked the guide what had caused this ill-timed humor.

“Oh, one of their teachers looks like Politkovskaya,” my guide explained, “and they thought it was their teacher who was being honored for some unknown reason.”

All of which prompts me to ask in this era of commercial gratification: “Do Russians study their history? Do young Russians know their history?”

Guessing that the answer might be negative, I left the Sakharov Center in Moscow on that day, very, very sad.

Joshua Rubenstein

I’ll call on Loren Graham.

Loren Graham – *Professor Emeritus of the History of Science at MIT. An Associate of the Davis Center, he is a member of the American Academy of Arts and Sciences and a foreign member of the Russian Academy of Natural Science. His numerous books include Science, Philosophy and Human Behavior in the Soviet Union (1987), Moscow Stories (2006), and Science in the New Russia: Crisis, Aid, Reform (with Irina Dezhina, 2008).*

Thank you very much. The question of Sakharov’s legacy today is not as simple as it should be. All of us here in this room are admirers of Sakharov. In fact, I’m impressed with how people who hold rather different views, whether it is on Georgia and Ossetia, on Chechnya, on NATO or whatever, all try to wrap themselves in the garb of Sakharov.

Many of us met him. Many of us have firm ideas about what the legacy of this great thinker and humanist “should” be. But what the legacy actually “is” -- especially in his home country of Russia – is not so clear. There was a meeting at the Davis Center at Harvard a year or two ago, where it was said that many people in Russia – we just heard this again – especially the younger generation, are forgetting about Sakharov, or do not consider him relevant.

Russia today is a very different country than it was at the end of Sakharov’s life. His dream of a truly democratic Russia that would take its place among the other democratic countries of Europe and the rest of the world, is indeed somewhat remote at the moment. Nonetheless, I would like to make the case that Sakharov’s legacy is not only still significant, but also one that has the possibility of resurgence.

Let me do that by telling you the story of a very recent experience I had. Last Tuesday, October 21, 2008, I was in Sakharov’s apartment, in Nizhny Novgorod, on Prospekt Gagarina, the place where he and Elena Bonner were forced to live in isolation for seven years. (Nizhny Novgorod was then called Gorky.) That apartment is now known as the *Muzei Sakharova*, the Sakharov Museum, and it has been preserved, as closely as possible, in its original condition.

Many of the furnishings in the apartment are the original ones. On one window, it’s actually a window on an internal door, there’s written on the glass with a marking pen in Sakharov’s hand the Latin phrase, *Per aspera ad astra* (Through adversity to the stars).

I photographed that phrase from Sakharov and gave it to Tanya Yankelevich. The person who showed me the museum, and around the apartment, was one of its researchers, Marina Viktorovna Shaikhudinova. She’s worked in the museum for quite a few years, and she is very familiar with the place of Sakharov in Nizhny Novgorod society and in Russia in general. So I asked her the following questions: On the basis of your experience in receiving visitors to the Sakharov Museum in Nizhny Novgorod, what do you think the place of Sakharov is today in Russian society? Do fewer people come to the Museum today than when it first opened, shortly after Sakharov’s death? Are the Russian people still interested in Sakharov? What do they think of him today? And what trends, if any, do you see in their interpretation of his legacy?

The answers which she gave me, I thought, were rather interesting, and I would like to relay them to you. She said, “I would not be honest with you, if I didn’t admit that fewer people come to the museum today than did right after Sakharov’s death. Nonetheless, I definitely see a new trend here. And the current trend is actually somewhat promising.

There have been three phases in terms of people coming to the Sakharov Museum in Gorky or Nizhny Novgorod.”

The first phase, after Sakharov’s death, she called, “the celebrity phase”. At that time, Sakharov was the object of enormous popular attention. His funeral services in Moscow were attended by tens of thousands of people. And there was much about him that made him a public figure of great stature. The fact that for years he had been engaged in secret research, concealed from the public, that he had been a great weapons scientist, and then he emerged on to the popular stage – all this contributed to curiosity and popular appeal.

People wanted to know about him, what his secrets were, what really made him tick, and what the apartment, in which he was incarcerated in Gorky, really looked like. So the crowds came. There was a certain subversive thrill in the first few years in visiting an apartment that in Soviet days one did not visit unless one wanted to attract the attention of the KGB to one’s self. That phase, after several years, passed.

The crowds diminished. But interestingly, one type of visitor continued, and continues today: the visits of school children brought by their teachers. That wouldn’t happen, if the teachers didn’t bring them. The teachers remember and revere Sakharov. And they want to hold him up to their pupils, as a moral and political lesson. They bring their pupils to the apartment, they show where the guards sat 24 hours a day at the entrance to the apartment, they point through the window to the police station in the building opposite, where the police kept a constant watch on Elena Bonner and Andrei Sakharov. They show the pupils the window in the apartment through which the KGB agents entered to search the apartment whenever Sakharov and Bonner went shopping. Seeing all these signs of the police state makes a strong impression on Russian school children, who don’t remember those years, and who now hear many features of the Soviet state nostalgically praised in the official media.

“Today,” continued Marina Shaikhudinova, “we’re in a third phase. In recent years, the schoolchildren continue to come, but a new type of visitor is frequently appearing: people who believe that Sakharov is becoming increasingly relevant as the Russian state becomes more and more authoritarian and suppressive of democracy.”

Some of the main emphases in Sakharov’s famous 1968 essay *Reflections* were intellectual freedom and freedom of expression. Now, when the national news media are being controlled once again by the state, Sakharov reemerges as the advocate and the symbol of the aspirations of Russia’s believers in democracy and freedom. And these people definitely still exist. I’m reminded of what Andrei Illarionov said today about how a critical intelligentsia exists in a particular niche, in a society which is authoritarian

enough that they have a place, but not so totalitarian that they are wiped out. Russia's back in that situation.

So don't let all the talk of Russia's retrogression into patterns of the past blind you to the fact there are still many supporters of Western-style democracy in Russia. The reason I was in NizhnyNovgorod last week was to attend a conference. Natural scientists came from twenty different Russian universities to discuss reforms in the educational and political system. I found that not only the memory of Sakharov was still strong among many of these scientists, physicists, biologists, chemists, mathematicians, geologists, environmentalists, but the desire to bring Russia closer to the West also lived on among them. Among these scientists – and there were about 150 of them, many of whom I've worked with for ten years or more through a MacArthur Foundation program – I did not find one sign of the coolness between Russia and America that is evident on the diplomatic level.

We Americans tend to oscillate between extremes in our evaluation of Russia. Either we see only the great promise that we thought Russia had when the Soviet Union collapsed, or we're very disappointed that promise hasn't been fulfilled, or we see only the retrogression of the last few years, and the hints of a new cold war. The truth is much more moderate. There are many, many people in Russia who remember and revere Sakharov, or, perhaps more importantly as time goes on, revere the democratic principles which he so stoutly defended. I spent almost all my time there among the scientific community; it's a special community -- I agree to that -- but the principles are definitely still alive.

The stubbornness which Sakharov displayed in defending these principles is still evident in Russia among the scientists with whom I spent the last week. And many of them, like the visitors to the Sakharov Museum, see an increasing relevance of Sakharov's legacy.

Joshua Rubenstein

I'll call on Mark Kramer.

Mark N. Kramer – *Director of the Davis Center's Project on Cold War Studies and editor of the quarterly Journal of Cold War Studies. He has taught international relations and comparative politics at Harvard, Yale and Brown Universities.*

I was down in Washington until about an hour ago, taking part in a different conference that I committed to some time ago. It dealt with Czech history and specifically its significant anniversaries this year: 1918, 1938, 1948, 1968. And 1968 links up with Sakharov, which is what I spoke about there.

I spoke at many, many conferences this year about the 1968 Soviet-Czechoslovak crisis. I almost always would start out by reciting the names of the people who had gone out onto Red Square on August 25th to protest the Soviet occupation of Czechoslovakia. Pavel Litvinov, who spoke at this conference; Larisa Bogoraz; Natalya Gorbanevskaya; Konstantin Babitsky; Vadim Delone; Vladimir Dremlyuga; and Viktor Fainberg. They went out onto Red Square, knowing that they would be beaten by Soviet KGB thugs. Yet they went out anyway and held up their banners with slogans including *Za vashu i nashu svobodu* (For your freedom and ours) until they were beaten.

If Sakharov were here, I'm sure he would emphasize that the dissident community was something that extended beyond him. He was the best-known symbol of dissident movement, especially for the West, but many others took part in it as well. And that's a legacy that I think to some extent in a different form continues to this day. Taking action at that time seemed an utterly hopeless quest. The Soviet regime thought it had crushed the then-emerging dissident community with the trials of the previous couple of years. In fact, sometimes when the dissidents would get together, the toast would be "Let's drink to our hopeless cause."

But there was something about taking those actions that reflected a certain degree of optimism that I find quite inspiring. I often had very little hope. My sentiment at times was close to Nadezhda Mandelstam's, that "in Russia, all paths lead to disaster."

There is an element of truth to that. But I remember speaking with Alexander Podrabinek when he said, "The authorities made it absolutely intolerable for me here in Russia. And that's why I stay." Which, again, reflected a degree of optimism. And as I think back, I'm so glad most of those who demonstrated on Red Square in 1968 lived to see the Soviet regime collapse.

How is the dissidents' legacy reflected today? I've often visited Bulgaria, which was the Soviet Union's closest ally. There's a large street in Sofia named after Alexander II. But another large street is named after Andrei Sakharov. So Sakharov's legacy extends beyond Russia to other parts of the former Communist world.

I have found the authoritarian trends in Russia extremely dismaying, going back even to 1993, but particularly since Vladimir Putin came to power. I can still be optimistic today, however, when I recall those who risked their physical safety and even their survival to assert their rights during the Soviet regime.

As Loren Graham mentioned, there are people in Russia who believe in Sakharov's ideals. Some of the best coverage of the recent war in Georgia was available on Russian

websites, *Ezhenedelniy Zhurnal*, grani.ru and other websites. That gives me optimism that Russia is still capable of change. Even though the change over the last 10-15 years has been in a more negative direction, at some point in the future, lasting positive change could come as well.

Joshua Rubenstein

Mark, thank you. I appreciate your naming the seven who went out onto Red Square. But actually, there was an eighth, Tanya Bayeva, whose name is often left out because she wasn't arrested. Eight people came to the Red Square demonstration on August 25th, 1968, not just the seven whom we generally recall.

I call on Masha Gessen.

Masha Gessen – *Masha Gessen is a Moscow-based author and journalist. Born in Russia in 1967, Gessen emigrated to the U. S. in 1981, but returned to Moscow in 1994. Her articles have appeared in The New York Times, The Moscow Times, The New Republic, Itogi, and other Russian and American media. Her books include Dead Again: The Russian Intelligentsia after Communism (1997), Blood Matters (2008) and Ester and Ruiza: How My Grandmothers Survived Hitler's War and Stalin's Peace (2005).*

Since I'm a bit of an afterthought on this panel, I don't have a prepared talk, but I will share a couple of ideas. Nick Daniloff asked how well Russians know their history. Russians do not know their history very well, and I'll give you an example of just how disastrous that situation is. Actually, what I want to share is not an idea, but a story.

About six months ago I was commissioned by Dmitry Zimin to outline a project for a virtual museum of totalitarianism. Dmitry Zimin is the founder and head of the Dynasty Foundation, the largest private Russian foundation at this time which is doing a lot of work in the sciences. He's an older man. He decided that he wanted to fund a virtual museum of totalitarianism as his legacy.

I spent quite some time writing up a proposal for this project. Zimin loved it, and decided he was going to fund it out of his personal presidential reserve in the Dynasty Foundation so that he wouldn't have to wait until the next budget cycle came around before we started the project. But before he did that, he decided to share this wonderful project with the Dynasty Foundation's board of directors, which includes a number of illustrious people: several entrepreneurs, several scientists, and a member of the presidential administration.

The directors freaked out! They weren't asked to vote on the project; the board was only being informed of the project. The directors took it upon themselves to vote on this museum project and banned Zimin from funding it with his own presidential reserve! The ban actually contradicts the bylaws of the foundation.

There is such fear associated with a history project that might be construed as political that some of the most powerful people in Russia -- and the Dynasty Foundation board consists of some of the most powerful people in Russia -- were afraid to have their names in any way associated with it. One reason we know our history so poorly is -- We're terrified of it!

At the same time, I want to react to the story that Nick Daniloff told about visiting the Sakharov Center in Moscow and seeing the school children laugh at the portrait of Anna Politkovskaya. I don't think that's a story about not knowing our history. I think that story is perhaps even more relevant to what we're talking about -- it's a story about the destruction of public space. How can children or other people in a country not know the face of the victim of one of the most horrifying crimes of the last few years? This is a recent event. This is something that should have been an extremely well-publicized event. To be blind to the face at the center of this event -- that's a huge symptom of the lack of any kind of public discussion, of any kind of public space.

One of the worst things that's occurred over the last eight years has been the destruction of public space, and I believe it was intentional. The mainstream in a normal country should be broad and shallow. Russia has become very shallow but also very narrow. The space for political discussion is so, so small, and so far shifted in a direction that I hesitate to describe in terms that you'd be familiar with, a direction very far from any ideas that Sakharov stands for. I think that is one of the reasons that his legacy is extremely important and also one of the reasons that it is so inaccessible at this point in Russian history.

At the same time, I share some of the optimism about a demand for Sakharov's legacy showing up in the near future. I don't think we're going to come by this easily. What's going to happen -- and I see signs of this happening already -- is Russia clearly is in for some major upheavals which will be precipitated by the financial crisis.

Doing the research that I'm doing now and monitoring the web a lot, one of the things I've noticed in connection with the financial crisis and people's perceptions of it is young people expressing a weird sort of optimism in connection with this looming crisis. It's an optimism that has to do with something that one very young blogger expressed this way,

“that our plastic reality will give way to something more real”. I think that’s an awkward way of expressing a need that’s becoming felt, a need for moral clarity.

Russia has gone through a prolonged period of moral muddiness, of things being intentionally and publicly muddied, of moral waters being muddied. In a time of upheaval, in a time when public debate will have to be renewed, even though I think the process will be extremely painful, the need for moral clarity will become very, very pronounced. And if Sakharov stands for anything, that’s exactly what he stands for. He stands for moral clarity.

Many of Sakharov’s books have been cited today, but the one that will be most important is his autobiography, which is a wonderfully honest and detailed book about the way that a man comes to moral clarity, about a person’s evolution. I think, I hope that this will be a book that a lot of young people in Russia will be turning to – and soon.

Joshua Rubenstein

We’ll hear now from Patrick Murphy.

Patrick Murphy – *USAID’s senior rule of law advisor in Russia. A graduate of the University of North Carolina’s law school, Murphy worked for nine years in the U.S. federal judicial system before moving to Moscow. He has received the “For Service to Justice” award of the Russian Council of Judges.*

At the outset I need to issue a disclaimer that everything I’m going to say reflects just my own opinions and not those of my agency or the Embassy in Moscow.

I’ve been able to extend my work for USAID in Russia for more than ten years since I’m not a career foreign service officer. For a few years before my employment by USAID I worked on related projects, so I’ve been living in Moscow for over 14 years now. I was also an exchange student at Moscow State University in 1983-1984, studying Soviet law and attended many sessions of the People’s Court in 1984. So I tend to take the long view and compare what’s happening today in Russia with things I’ve seen over time.

I want to mention some of the work USAID supports in Russia. In 2003, we gave a five-year grant to the Davis Center’s Sakharov Program on Human Rights to bring midcareer Sakharov Fellows from Russia to Harvard, and I want to thank Tatiana Yankelevich and her colleagues for inviting me here today. We give grants to human rights organizations including the Moscow Helsinki Group and Memorial. We also give grants to some less well-known organizations. There’s a group that works on labor issues, and a specialized organization of labor lawyers called the Center for Social and Labor Rights. There’s a

group based in Pyatigorsk in Stavropol Krai called Faith, Hope, Love which renders primarily legal assistance to forced migrants and internally-displaced persons.

There is an absolutely dynamite NGO called *Perspektiva* which works on disability rights issues in several dimensions. Under our civil society portfolio, we gave a grant to the International Center for Non-Profit Law which helps work on the issue of the regulatory climate for NGOs in Russia, and on the climate for philanthropy. We have some current grants – and have had such contracts and grants in the past – that permit Russian and American judges, and counterpart structures within the two countries’ judiciaries, to interact, sometimes at a rather high level, sometimes at the rank-and-file level.

In the recent past, we sponsored a project by the American Bar Association teamed up with the Public Interest Law Institute to create a clearing-house that was used to promote pro-bono legal assistance to NGOs by the Russian offices of American law firms. Even some Russian law firms organized pro-bono legal assistance through this clearing-house. The primary clients were NGOs trying to comply with the recent law on NGOs, which, as you know, has become more complicated than it once was.

Those are a few of the things we do. There are other programs I could mention, including work on gender issues, combating domestic violence and human trafficking, but I’ve given you the flavor of our activity.

It’s clear to me that the Russian judicial system, the environment in which our work takes place, has made enormous strides in certain respects if you compare it today to what it was like ten years ago. The buildings that house the judicial system are incomparably better, the availability of computer resources is incomparably better, judicial salaries are incomparably higher. Your salary depends on how long you’ve been a judge, whether you have an advanced degree, and so on, but the average judge in Russia these days earns \$3000-4000 per month. That’s not a lot, if you compare it with salaries of executives working for a bank or an oil company in Saint Petersburg or Moscow, but if you’re in Belgorod or Tomsk, \$4000 a month is a nice chunk of change. Ten years ago, Russian judges were barely able to put food on the table. So, that’s one thing that has happened.

Russia has also professionalized a lot of the court system’s support staff. During the last ten years or so, a form of judicial branch self-administration and a court department intended to make the system more independent have been introduced. The system got judicial law clerks, it got court administrators, it got justices of the peace, it got computer system administrators – indicia of a professional judiciary that were formerly lacking. We’ll get to the question of judicial independence later. In many respects, judges have come a long way, and the greatest progress on the material front has been made under

Putin. Morale is higher, and over the long run, the higher salaries and improved working conditions should attract a better caliber of person to become judges in Russia.

Another tendency relevant to our work is that caseloads keep going up, notwithstanding the low regard in which the Russian judiciary is held in many public opinion polls. People are using the court system. Individuals use it. Businesses use it. NGOs use it. I have particularly noted an evolution in the way that NGOs work. They are making more use of the legal system. Anton Burkov's description this morning of the work of his NGO *Sutyajnik* is one example. I've seen the sophistication in the use of the legal system by NGOs grow greatly. They are able to win a lot of cases if they go to court well-prepared.

I mentioned the disability rights organization *Perspektiva* earlier. Schoolchildren have a right under Russian law to an education. But sometimes, if they are disabled, school administrators don't want to admit them, they don't know how to deal with a deaf child or a child in a wheel chair or suffering from some other disability. The work of *Perspektiva* has included litigation. *Perspektiva* has been able to persuade judges to order a school to admit a child with a disability and to do what was necessary for the child to cope with the situation. It may not be ideal, but the child gets educated in a school, instead of having to be schooled at home, or not at all. Obviously, in a case like that, there is no big political interest opposed to the decision. It may not say very much about judicial independence if your opponent is only a school administrator, but to the family of the child, being able to get legal recourse makes a lot of difference. I've seen a lot of instances like that. The Western media reports sensational cases like the Khodorkovsky-Yukos case, but there's an untold story of more Russian citizens going to court, able to assert their rights with increasing success, even though the judicial system is admittedly still far from perfect.

The word "convergence" has been mentioned quite often during this conference. There's been a theory current among Russian lawyers for a number of years now that convergence of a sort is occurring between Russia's civil law system and the Anglo-Saxon common law system, between the civil law system of code-based law and the common-law system of judge-made law and case precedent. The theory of convergence is supported by observing that court cases in the Russian system are regarded as having precedential value, or something close to it, by many judges. Even though decisions don't have binding precedential value the way they do in the U.S., if you can cite the decision of another court and show a judge how a similar case was decided, you have a better chance of prevailing.

With a World Bank loan of \$50,000,000 and up to \$122,000,000 of Russian government budget money, the largest project in the rule-of-law field provides the computer

equipment, software and training of personnel needed to publish judicial proceedings online, thereby enhancing the transparency of the system and making more information available to lawyers and the public about court decisions. If trial transcripts and decisions exist and are available to the public, there's less opportunity for fishy, behind-the-scenes deals. Some judges may be reluctant to have their cases published because they have to churn out decisions quickly to cope with heavy caseloads. They aren't writing their decisions for posterity, but now decisions may be put on the Internet, where they will be accessible to everyone. That would be a real step toward transparency. We'll see how it works in practice.

Some earlier speakers made reference to the European Court of Human Rights. I have long thought that Russia's membership would over time bring about improvement in Russian jurisprudence. That probably is happening, but more slowly than we might wish.

There was a time when the reintroduction of jury trials in criminal cases was looked at as a way to get a lot more involvement by the public in the judicial system. It was hoped it would serve as a spearhead to open up the judicial system, and make it generally more adversarial. I don't think that's been very successful, partly because only a very small number of cases are heard by a jury. There are more than a million criminal cases a year in Russia, and maybe 700 or so per year have been heard by juries in recent years, fewer than one tenth of one percent. They include some of the more important cases, and if the jury system worked properly, this might well be a good thing. But unfortunately, the Supreme Court's interpretation of the Code of Criminal Procedure does not recognize a prohibition on double jeopardy. If you are acquitted by a jury in Russia, the prosecutor can appeal and you can be retried and convicted. And in some cases, you can be retried a third time. That really undercuts the jury system as we think of it in the United States.

There's a lot that could be said about judicial independence. One thing that caught my attention a couple of years ago was when the ombudsman, Vladimir Lukin, wrote an op-ed piece or gave a press conference in which he discussed an incident - I think it was in Ivanovo oblast - where the governor had called in the chief judge of the oblast court and complained that the rate of acquittals was too high in the oblast courts. Supposedly, the chief judge fell all over himself and said to the governor, "No, no, that's not the case. I can prove with statistics that we convict as many and as well as they do anywhere else." Lukin commented "What this shows is that neither the governor nor the chief judge has a clue about how an independent judiciary is supposed to work. The governor shouldn't have called in the judge to complain; the chief judge shouldn't have apologized." Perhaps when Lukin served as Russia's ambassador to America, he observed how our courts work and became convinced that judicial independence is a desirable thing.

The people in Congress who fund our work understandably want to see us demonstrate fast results from the money we spend on our grant, but sometimes the impact of the projects we support may not be felt until years later, and then, sometimes in unexpected ways.

I've outlined some of my thoughts on the USAID program, and maybe during the discussion period we will be able to talk about them some more.

Joshua Rubenstein

I have been impressed by the observations about Sakharov's career as a physicist and also about his impact on public policy during our conference.

In 1963 Sakharov played a major role in encouraging Soviet leaders to work together with Americans and adopt the Limited Nuclear Test Ban Treaty. Soon after he returned to Moscow from exile in December 1986, Sakharov spoke at the February 1987 Forum for a Nuclear-Free World and the Survival of Mankind. His suggestion that "a significant cut in ICBMs and medium-range and battlefield missiles, and other agreements on disarmament, should be negotiated as soon as possible, independently of the Strategic Defense Initiative (SDI), in accordance with the lines of understanding laid out in Reykjavik" is believed to have influenced Gorbachev to abandon his insistence that the U.S. stop work on anti-missile defenses before Russia would participate in further negotiations to limit nuclear weapons.

There was a moment under Gorbachev when even Viktor Chebrikov, the head of the KGB, vouched for Sakharov at the Politburo after its members had argued that he was a traitor, he would betray them, he couldn't be allowed to travel abroad, he'd reveal secrets. Chebrikov said "No, we've monitored him all these years and he's never betrayed a single secret." I think that was significant.

I want to preface my own ideas by noting that the distinguished scientists who have been speaking at this conference bear witness to the continuing relevance and importance of Sakharov's legacy today. The legacies of Mahatma Gandhi and Martin Luther King, to whom Sakharov is often compared in the human rights field, are much easier to define, since the changes they wrought in their countries' institutions are very real and have survived them. It's regrettable that Sakharov's legacy in his own country is so hard to pin down, because of the increasingly authoritarian nature of Russia today. But keep in mind that Andrei Sakharov emerged as a dissident very soon after the human rights movement in the Soviet Union and the broader international human rights movement were born.

Amnesty International for example, the organization I work for, was founded in 1961, just three years before Brezhnev replaced Khrushchev and four years before the December 5, 1965, gathering on Pushkin Square which is considered the birth of the Soviet human rights movement. And that Moscow-based movement greatly influenced the development of the international human rights movement. It gave us the words *gulag* and *samizdat*. It taught us the need for change and peacefully challenging one's government. So even we, from Amnesty, who were working for Soviet dissidents and taking up the causes of political prisoners in other parts of the world, we could always point to the Soviet human rights movement as a lesson for everyone else to follow. It ensured a kind of balance in our work, not only in terms of challenging governments in different parts of the world, but challenging the paradigm of the Cold War itself. The defense of human rights meant putting aside Cold War prejudices, it meant working for prisoners regardless of the country they were in, even if they were in a countries named Alabama or Georgia or Mississippi, which were regarded for some reason as part of the free world back in the 1960s.

So I think that is also part of Sakharov's legacy which is with us today. Sakharov made a point in his work as a dissident also to champion the Soviet Jewish emigration movement. Over a million Soviet Jews were able to leave. They live today in our communities here in the United States, and in Israel. When you go to Jerusalem, at the gates of Jerusalem, there's a big sign on a stone wall proclaiming that the Andrei Sakharov Garden lies within. And you see that sign as you approach Jerusalem up the hills when you come from the direction of Tel Aviv, and it is a testament to someone who expressed his solidarity with Israel and with Jews by vigorously championing the cause of the Soviet Jewish emigration. He also fought for Crimean Tatars and so many other oppressed groups and individuals.

Finally, when we get to the Gorbachev period, there's lot of debate among historians about what was the influence of the human rights movement on Gorbachev, on the emergence of Gorbachev as reformer. But I am convinced that it was the work of the dissidents that set the terms for Gorbachev's acceptance in the West. He came to power in March of 1985, the reforms, as defined by the release of political prisoners, do not begin until Sharansky's release in February of 1986, and Yuri Fyodorov is released in the fall of 1986, then Sakharov in December of 1986.

Gorbachev, in a sense, was not responsible for those prisoners being in jail, even if he was a member of the Politburo. He inherited those prisoners. But he had no more vivid way to show he was different from previous Soviet leaders than by releasing those prisoners. That's what made him different. Until then, his nicely-cut suits, his greater vigor, his more articulate speech were not enough to differentiate him from the Soviet

leaders he succeeded. It was the dissidents as exemplified by Sakharov that set the terms for his acceptance in the West. And I think that is a lesson for many; it's how we regard Putin today -- how he treats human rights, not just the economic success of the country, whatever that is based on. So I think that is also part of Sakharov's legacy.

Two days ago the European Parliament announced it will award its annual Sakharov Prize for Freedom of Thought in 2008 to Chinese dissident Hu Jia -- that is also part of Sakharov's legacy. There are streets named after him. There's even an extraterrestrial monument, an asteroid named after Sakharov -- that's nice and symbolic, but it's hardly the meat of his legacy.

Finally, it was touching, of course, to see the enormous crowds of tens of thousands of people that followed his casket in December 1989 in Luzhniki. Where are those people today? Where are their children today? What happened to that civic courage that took so many people out onto the streets of Moscow early in the 1990s in defense of Yeltsin, when Yeltsin symbolized the values of democracy? Where are those people today? I don't have an easy answer for that, but I think that's part of the discouraging note that we have to remark upon as well.

Thank you for your attention, I'm sure you must have comments and questions for us, and some give and take you'd like to share with us.

Marshall Goldman

This is more of a philosophical, metaphysical question. A couple of people spoke about how terrible the situation in the Soviet Union was, and how they never hoped that there would be change. Is it easier to get change in that kind of circumstance, or when things are as they are now, more or less okay, but not really good? Is it harder to generate fundamental change today? Or is there more hope today because you are not over the cliff yet? When you are over the cliff, then you have extreme forces working.

Loren Graham

I think that the present situation in Russia doesn't fit into such a general framework. The popularity of Putin is almost entirely a product of the material improvements that have occurred. And as those material improvements change, then the situation will change.

Masha Gessen

I agree with Loren. I think discomfort is a prerequisite for dissent. It's a lot easier to be comfortable in Russia today than it was in the Soviet Union in the 1970s. There are a couple of reasons for that, and one is there's just a lot of money. That seems like it's about

to change, but it's a very important factor. For the last few years, anybody who has thought about these things in Moscow felt a sort of cognitive dissonance. How can we claim that things are so bad when things are so good?

When you live so well, it's really difficult to focus on the importance of things that are terrible. That's one thing. Another weird thing is the Internet as an option for internal emigration and for staking out a space of comfort that lessens the urgency of needing to speak out and to find other like-minded people, the kind of urgency that I think drove the brave souls who constituted the dissident movement.

Timothy Colton

Just very quickly, on the regime, and whether hope for change is possible. This has been studied at great length by Russian sociologists and by us on the outside. And it is interesting. I'm not sure that it is just material improvement that matters. Of course it's got to be part of the picture. But surveys do show that Russians aren't very satisfied with their current economic situation, even though everybody knows that things are better than they were a decade ago. People are quite reluctant to give anybody credit for having improved things, especially at the personal and family household level, although they do think that things at the level of the country are better than they were, which obviously they are. But there's a related question, and I'm not sure where Sakharov would fit in this. A key reason for Putin's authority is that he has brought stability -- to use an overused word. I think there is an attachment to that.

The 1990s opened up many possibilities - not the 1980s, but really the 1990s. But the 1990s were also extremely destructive and unsettling to very many people. And so, I think that Putin's invincibility is a myth, but there is stability and I would argue that works against rapid change even if the material situation is starting to unwind. We may soon have an actual experiment that will tell us who is right. But I don't think that as things start to get worst financially and materially, the Russians are going to stampede quickly toward change. It might in fact force them into a reluctance to make change, at least for the moment. So here you have a typical complex dilemma -- and again, it's a great pity that Sakharov is not here, to help us, and especially the Russians, figure it out.

Mark Kramer

I would agree, Tim. I think it is going to be a longer-term process. Much as I detest a lot of what Putin has done, I'm also disappointed by the reaction of much of the Russian public, who have willingly gone along with it, who have even whole-heartedly approved of it in some cases. But I do think looking back forty years, a hallmark of the Brezhnev

regime also was stability. That's why at that time, if at any time, it seemed hopeless to advocate democracy, freedom and the like. In Russia today, the people who still believe in those ideas aren't able to get on to TV, but they are able to speak out on the Internet. I find the Russian websites very lively, very informative. Russian are able to meet and talk with each other. There are still a few good publications like *New Times* and *Novaya gazeta* and so forth. Again, it doesn't mean that dissidents and their ideas gain wide recognition in Russia, but people can find about them if they really want to. Under the Brezhnev regime, it was essentially impossible for most people in the Soviet Union to find out what Pavel Litvinov or Andrei Sakharov believed in.

Lydia Voronina

New history textbooks have been developed, and school teachers were advised to use them in classrooms. Stalin was portrayed as a great leader in these books and his actions were justified because he brought industrialization in the country. Do you know anything about what official reactions, public reactions, and teacher reactions were to these books?

Mark Kramer

I actually wrote an article about this for *New Times*. There's no question -- I think that in Russia there was impetus in the later years of the Gorbachev period, to think about history in a more candid, more accurate way. There was a lot of interest in Soviet society at that time in the Stalinist terror and in the whole history of the Soviet regime.

That petered out after the Soviet Union collapsed. There wasn't a full reckoning with the past even during the Yeltsin years. Since Putin came to power, it's gone in the other direction and there's actually been an effort made in some cases to cast an unduly positive light on the Soviet period. I do worry about the state of the textbooks, and that's what I expressed in that article, because that's how children learn about the Stalin period, since neither they nor most of their parents have any personal memory of that time. This is a major reason why I hope that an attempt will be made in Russia to have a full reckoning with the past. I think that the failure to do so has been a major impediment to the entrenchment of democracy in Russia.

I've looked at other societies, especially in former Communist countries, where there has been a full reckoning with the past, and they tend to be societies which have made significantly greater progress toward democracy.

Masha Gessen

I want to get back to the comment that Timothy Colton made. I didn't mean to imply that there's going to be a stampede for change as soon as the money runs out. I actually meant to say that as soon as the money runs out, the regime is going to take more repressive

measures and the equilibrium which we refer to as stability is going to be upset. That ultimately will open up the space for public debate. I don't think it's going to happen soon. And I think things are going to get a lot worse before they get better.

Yury Orlov

Barring accidental developments, which are always possible, we can expect oscillations between the trend toward greater democracy and the trend toward greater authoritarianism, but the intervals between reversals of direction will be relatively lengthy because positive feedback will come into play.

After the collapse of the Soviet Union, there was a trend toward democracy supported by Yeltsin and grassroots movements. I know from my own experience that Yeltsin was a great defender of freedom of the press. It was impossible, however, to avoid economic collapse, which caused people to become much more conservative and “democracy” to become a swear word.

Now, however, there are two fundamental defects of the current political and economic regime which can hurt people and are already hurting people. These defects can cause problems for the current government since some freedom of the press remains and a leader of the opposition who will fight legally and peacefully to change the regime can appear without being arrested immediately.

The first defect is the inordinate growth of the bureaucracy due to increased restrictions on the media and decreased freedom for public criticism. The bureaucrats make it impossible for small businesses to grow and prosper. The second defect is growing corruption.

In current conditions, when freedom is severely but not completely restricted, I believe these negative developments will reverse the current trend toward authoritarianism, and we will revert to the trend toward democracy which existed in the Yeltsin years, but this time with a different, stable economy.

Richard Wilson

It is significant Andrei Sakharov started his career as a scientist, as a physicist. For a long time, scientists -- you can go back to the astronomer Tycho Brahe leaving Denmark in 1596 and moving to Bavaria -- have thought internationally and have thought about the rights of people. Sakharov's education and career as a physicist brought him into human rights automatically. Other people had followed that path before Andrei, but he carried it a long step further than anyone else. His starting with physics and then thinking about

human rights is not unique. What *is* unique is Sakharov's carrying on his promotion of human rights for as long and as far as he did.

Loren Graham

I think there are some profound issues that go beyond Russia about the relationship of a scientist to the society in which he or she lives. It can't be an accident that one of the leading atomic weapons scientists in the United States, Robert Oppenheimer, and one of the leading atomic weapons scientists in the Soviet Union, Andrei Sakharov, both got into difficulties with their governments, with their security organs. There's something deep there. The easy answer is that scientists are taught to think freely. First they do it about nature; then they may do it about politics. Well, there's something to that, but it can't be the whole story. Guilt plays a role here. Both Oppenheimer and Sakharov -- if you don't like the word guilt -- felt a certain responsibility for what they had done as human beings. They created awful weapons and they knew it. That has something to do with it. That doesn't apply to Brahe, but it covers Sakharov and Oppenheimer.

I don't want to make an equivalence between Sakharov and Oppenheimer -- there are enormous differences. Nonetheless, a really sensitive study comparing the two, pointing out the similarities and the differences would be worthwhile.

Frantisek Janouch

About a month or two ago I became very depressed when I saw the opinion poll about the greatest persons in Russian history. Stalin won absolutely. I saw the results in both the Russian and Western press. I was really depressed that Stalin got 10 times more votes than the second greatest. I do not remember if Sakharov was mentioned, I think they published the results for some twenty of the most important personalities in Russian history. Do you know about this opinion poll? Would you comment on it? It was rather large; there were about half a million responses, or something like that.

Mark Kramer

I think it was a plurality, I don't think it was an absolute majority. But still it was quite striking. Lenin was also high up. Let me comment on that. The last time I saw Alexander Yakovlev was a few months before he died in 2005. His organization, the Democracy Foundation, together with Memorial, has tried to make available to Russians the truth about what happened under the Stalinist regime. You can find out about Stalin if you want to do so. But this what Yakovlev said to me back in 2005. He was talking about his own experience in working with records from the Stalin period. He said, "As you review these records, and you see the cases of torture and summary executions and so forth, it frightens you. But what frightens me even more is that the vast majority of people in this country are utterly indifferent to it." I found that a degree of pessimism that Yakovlev

hadn't shown before. One of the reasons he spent the final fifteen years or so of his life trying to publicize the crimes of the Stalinist period was a sense of optimism. And it goes to the question that Marshall Goldman raised. Now is a time when things don't seem utterly hopeless. As Yuri Orlov pointed out, there are clear differences now, positive differences from the Soviet period.

But in some ways that makes it harder to try to come to terms with the past if there's not sufficient public demand to do so. In the late Gorbachev period, in 1988 and 1989, there was real excitement as the latest revelations of the Stalinist period were appearing in the Soviet press. I just don't see that now, and I find it quite discouraging.

Peter Reddaway

Sakharov, I think, would be worried today, as I am, by the increase in Russian xenophobia. I'm talking about the increase in thuggish attacks on the streets against minorities. In most cases, the attacks are not just tolerated by the authorities; with rare exceptions, these are actually encouraged by the authorities. One of the grossest examples of this is the direct and open sponsoring by the Kremlin of some of the groups involved in the attacks, notably the *Nashi* movement for young people, openly sponsored by Surkov in the present administration, with its paramilitary assemblies and meetings. Several thousand *Nashi* members out in camps in the woods have been addressed by Mister Putin and even by Mister Medvedev, some of whose own statements have had a xenophobic ring. There have been clear examples of violence against Jews, against Muslims. Innocent Muslims are being attacked and accused of being terrorists. The Russian Orthodox Church, a clear minority of Russians, has seemed very aggressive politically, and is, I believe, quite close to achieving one of its goals, which is once again, after nearly a century, to become the established church in Russia. What do members of the panel think about these trends? Are the trends relatively superficial? Should we expect things to continue to get worse in this regard, as they have for the last few years.

Masha Gessen

I think the honest answer is that we don't know. And one of the problems is that any sort of reliable instrument for measuring public opinion in Russia has been taken away. We can make guesses. My guess is that yes, it will get worse before it gets better. My guess is that it will eventually get better. We can't even know how common these occurrences are, much less how deep the trends are.

Pavel Litvinov

Mark Kramer already stole my thunder, but I will repeat our toast: "Let's drink to the success of our hopeless endeavor!" Andrei Dmitrievich Sakharov, in the worst years of

the Brezhnev times, every day spoke up for people who were not permitted to leave the country, for people who were arrested, exiled, who had organized hunger strikes in the labor camps or who were put in mental hospitals. He never despaired. He always spoke out. I would say we have to follow his way because nobody knows the future. I am basically an optimist -- it's probably my nature.

I don't know how soon changes will come to Russia. I believe they will come. I detest Putin's regime. I think that whatever he tries to do in Russia, killing journalists, arresting people, controlling the mass media, it's still a different Russia. I don't expect quick changes.

About Yeltsin. My friend Yuri Orlov and several other people praised Yeltsin. I think Yeltsin was a mixed picture. Definitely, under him, there was a free press, but under him, the first Russian parliament was bombarded, and more than 100 people were killed. Under Yeltsin, there was an unsteady government, which brought tremendous corruption, which brought great enrichment for some people and poverty to others. The free press of the Yeltsin era was rather a fluke. I would say that this development was accidental, and what happening's today with the media is a more natural development, not that I like it. I think that we have to work both inside Russia and here to change the situation.

I recently spent forty days in Russia, and I saw so many great people. We heard today Anton Burkov, and I met many people like him who work there. We have to help them. And I'm very glad that Patrick Murphy and USAID help. We need more help. We need to help the mass media. The American government, unfortunately, reduced the money they give to Radio Liberty. People don't listen to Radio Liberty in this country. But in Russia, people listen to it. We need to support it. There are many Russian organizations like Memorial that need support.

We don't know the future, but the future is open. We need to work for it. To say that Russia is like that, and always will be like that, because it was always like that, is a mistake. I think we can and must have hope.

Svetlana Savranskaya

I would like to support what Pavel just said.

I would not pay so much attention to the poll on the greatest persons in Russia's history cited by Frantisek Janouch. I check the numbers quite often, and in fact Stalin is no longer in first place. It's Pushkin in first place. The way the poll works, you can go there and vote as many times in the same hour as you want, so it's easy for hackers to raise the

standing of their choice. After there is a discussion in the government that Pushkin should be in first place, then you see Pushkin in first place, and he's there now.

A lot of negative news is very visible, like, of course, the killing of Politkovskaya and anti-Semitic incidents. But there are also a lot of positive tendencies that receive little or no publicity. Anton Burkov told us of progress in the field of law. There was just a major report on freedom of information in Russia published by a St. Petersburg organization, the Institute for Freedom of Information Development, which went completely unnoticed. It's an 850-page report, which looks at the progress in the legislation on freedom of information and its implementation. An article in the Russian Constitution guarantees the right to access to information. We should pay more attention to the many positive developments in Russia, and not just concentrate on negative tendencies and news. We should look for positive tendencies and give them support.

Mark Kramer

At the same time, I don't think we should ignore negative developments. It would be at least equally wrong to ignore the quite dismaying changes that have occurred in Russia since Putin came to power.

Masha Gessen

I'd also like to say that I wouldn't consider an 850-word report on freedom of information which we don't know the contents of because it went completely unnoticed necessarily a healthy sign. And yes, the Constitution guarantees the right of access to information, and that article of the Constitution is violated systematically and continually and increasingly.

Joshua Rubenstein

Ambassador Miller, you have been asked to present closing remarks.

CLOSING REMARKS

William Green Miller

I want to thank the panelists on the round table for a stimulating session, raising many pertinent issues that have to be faced in dealing with the question of Sakharov's legacy.

Before beginning my concluding remarks, I want to give thanks to the people who have made this session possible. They've been thanked before, BUT I want to thank them again for having a meeting of this quality, this intellectual level, this testament to the uses of the human intellect. It was a very stimulating, enlightening and, I believe, uplifting experience for all of us. So thank you to the sponsors, and particularly thank you to the memory of Andrei Dmitrievich Sakharov.

Everyone here bears a heavy responsibility as admirers, friends and colleagues of Sakharov. You are the intellectuals, whether you are an *intelligent*, the intelligentsia or just smart. You're the bearers of memory. You're the ones who are going to teach our children and grandchildren and their successors the importance of Andrei Sakharov's life. It's *your* responsibility. It's *my* responsibility. It's *our* responsibility. Convergence. I think that's the theme Elena Bonner wanted us to leave with. She used a very interesting process of getting to the idea of convergence: it was using pronouns, particles, those fragments of language that mean so much, particularly when they're weighted with experience. "Us" and "them." "We" and "they." The context that Elena used was Sakharov's 1968 essay, and the question that Andrei Dmitrievich had posed to her was, What did you think of this piece? And she answered, as we heard, "Sounds like them, not like us; uses the language of them, not the language of us". Convergence is really about getting "them" with "us". Whether it's Russians with Americans. Or the regime with the people. This is our task, and I think it's the path Andrei Sakharov laid out for us. Not only the path, but the task.

Convergence. It's the meeting of minds, the sharing of ideas, the acceptance of validity of well-considered thought, and for Andrei Sakharov and many here, directly experienced. I look at the constitution that he composed in Opio in part, and I see the list of things that mankind should not do to itself but that it has done to itself, as well as the noble aspirations of mankind. That's the legacy that all of us here have to promote. This is the kind of hero that's worth celebrating. Why do we celebrate Alexander and not Sakharov? There's something wrong here.

I leave with this thought. That Andrei Sakharov's message was the finest and the highest goals of the human spirit. He not only lived it, he expressed it, and he exhorted us to do the same.

So I conclude with this thought. A conference like this is a message to all of us: work to transmit and make fruitful Sakharov's ideas to future generations. The fact that this meeting takes place in the Academy of Sciences, in the seat of the world's greatest university is appropriate. And I think it's even more appropriate that physicists, those who represent the highest achievements of the mind in many respects -- that's what they tell me -- and those of us who are ordinary thinkers have a job to do. To celebrate and explain and make sure that the experience and the lesson of Andrei Sakharov's life lives on as long as the human spirit exists.

Thank you for this conference, and thank you all for your work and remarks.