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"Frenzy and Ferocity"

The Stalinist Judicial System in Poland,
1944-47, and the Search for Redress

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In May and June 1992, the Polish political elite, deeply divided and mired in fractional struggle, devoured itself in the *lustracja*, a resolution passed by the Polish parliament to root out alleged Communist agents and collaborators then in state service. This spectacle hastened the downfall of the Center-Right government of Prime Minister Jan Olszewski, whose parliamentary supporters organized this political witch hunt. Completely dominating the political arena in Poland, it overshadowed other resolutions aimed at, broadly speaking, historical justice. Legislation aimed at reducing the retirement pensions of persons who had been employed in repressive state institutions, upgrading the retirement benefits of victims of state repression, and revising the statute of limitations on crimes committed during the Stalinist period, that is, between 1944 and 1956, languished. The unifying theme in these projects was redress for wrongs committed during the process of sovietization after World War Two.

Sovietization was a violent process that transformed many areas of national and public life, some of which we know quite a lot about, such as the changes in the constitutional-legislative sphere, and the political sphere. Much less is known about the militarization of Polish justice, a complex and multilayered process that has for the most part eluded all but a few specialists. The purpose of this paper is to explore the legal measures employed by the Polish Communists after the war in their effort to consolidate power and to place it in the broader context of contemporary politics. The Communists' remaking of the Polish judicial system and the bar, their use of decrees, introduction of summary courts, new penal codes, special commissions, and a Supreme National Tribunal, created a legal basis for the widespread coercion employed by the Communists in their takeover. It was Andrei K. Vyshynsky, former Prosecutor of the USSR and chief actor in the Soviet show trials of the 1930s, who generally outlined the tasks of the state in this sphere.

After the proletariat has grasped power, the class struggle does not cease. It continues in new forms, and with ever greater frenzy and ferocity, for the reason

that the resistance of the exploiters to the fact of socialism is more savage than before. The triumph of the proletarian revolution, and the passing of power into the hands of the proletariat, do not end the struggle for socialism; they are only its beginning.¹

This class struggle soon raged in each of the countries of East Central Europe within a very few years of the end of World War Two, and the Communists in Poland were among the first to act on Vyshinsky's "legal advice." The Main Commission for the Study of Crimes Against the Polish Nation estimates that the Polish judicial system incarcerated over two million people between 1944 and 1956; the Social-Church Committee to Commemorate the Victims of Official Terror estimates that over 300,000 were killed throughout Poland by the regime during the same period.² While we shall be drawing on the work of Professor Maria Turlejska, who wrote about the Polish judicial system between 1944 and 1946,³ no comprehensive study has yet been published that would encompass this issue in its enormity.

The Creation of Executive and Legislative Authorities

It began in summer 1944 with the establishment of the Polish Committee of National Liberation (*Polski Komitet Wyzwolenia Narodowego or PKWN*), which Marshal Stalin disingenuously sought to explain to Prime Minister Winston Churchill as follows:

We find ourselves confronted with the practical problem of administration on Polish territory. We do not want to, nor shall we, set up our own administration on Polish soil, for we do not wish to interfere in Poland's internal affairs. That is for the Poles themselves to do. We have, therefore, seen fit to get in touch with the Polish Committee of National Liberation...[which] intends to set up an administration on Polish territory, and I hope this will be done.⁴

Needless to say, despite the numerical weakness of the Polish Communists, the Soviet dictator had every reason to believe that the Committee would succeed in doing so. While the security forces arrested representatives of the underground administration and army in areas west of the Bug River as they were liberated by the Soviet and Polish armies, the Communists took care to make the changes necessary to give their regime at least the appearance of legality and sovereignty. This was accomplished with very little support from the population of those areas. In July 1944 in the Lublin region, for example, the Polish Workers' Party (PPR) numbered about 3,000 members, in the Rzeszów region a few hundred, and in the Białystok region perhaps a few dozen.⁵ On the other hand, the Home Army and Peasant Battalions, both subordinated to the London Government-in-Exile, counted at least several tens of thousands of members in these areas, albeit somewhat shattered and disorganized after Operation Tempest. As long as Soviet troops were stationed on Polish territory, the Communists were assured of an overwhelming coercive advantage despite their minuscule numbers. For the time being, that is until the Soviet winter offensive, the physical presence of over 2 million Soviet troops and 200,000 soldiers of the Polish Army acted as a huge damper on the popular mood, attenuating the relief that people in these areas felt at finally being free of the German terror. But a new terror replaced it, resulting in the arrest, incarceration, deportation, or death of many who remained loyal to the legal Government-in-Exile in London and opposed to the Polish Committee of National Liberation. Widespread political passivity among the rest of society remained despite Communist efforts to stimulate support through land reform in 1944.

At the same time, the Communist-dominated ersatz parliament, the National Council of the Homeland (*Krajowa Rada Narodowa*, or *KRN*), initiated a legislative and judicial transformation in Poland. These measures laid the foundation for a Communist state that never achieved legitimacy in the eyes of the vast majority of the Poles, and whose first steps were aimed at securing and maintaining power. The beginning of this transition was announced in the Manifesto of the Polish Committee of National Liberation, purportedly published in Chełm on July 22, 1944.⁶ In it the

PKWN declared its opposition to the "illegal fascist" constitution of April 1935, and its support of the constitution of March 1921,⁷ on the basis of which the KRN and the "legal" government were to function. However, the Manifesto also asserted that the KRN was the "only legal source of authority in Poland,"⁸ a fact that could not be reconciled with its other claim concerning the legality of the March Constitution. The 1921 constitution did not provide for an institution such as the KRN. The establishment and existence of the KRN were, therefore, extra-constitutional and in fact illegal. The Communists merely used the March Constitution as an argument in their polemic with the Exile Government, employing it and an almost endless supply of democratic slogans to mask reality.

As early as August 15, 1944, at its third meeting (the first to be held in Lublin), the KRN passed a law establishing that, temporarily at least, decrees would have the legal power of laws.⁹ Article 1 of this law explained that because of the war and the difficulties it posed for legislative activities, decrees would have the power of laws in all cases in which the constitution of 1921 foresaw action by law. The only exceptions were to be treaties and other international agreements, the establishment of a provisional government, and the dissolution of the PKWN. According to this law, decrees signed by Bolesław Bierut, the chairman of the KRN, Edward Osóbka-Morawski, the chairman of the PKWN, and the heads of the respective departments, were to be submitted to the KRN for confirmation. According to a law passed on September 11, 1944, the KRN was to meet at least once every quarter, thus in theory providing ample opportunity for that body to ratify decrees passed in the interim. In fact, however, the Council met only five times during the two-year period 1945-1946. Clearly, the Council's approval of PKWN decrees was merely a formality, and several major international treaties with far-reaching ramifications were by definition excluded from even this perfunctory supervision. For example, on July 26, 1944, the PKWN signed an agreement with the Soviet Union¹⁰ which provided that crimes committed in the war zone against Soviet troops by civilians on Polish territory were subject to the jurisdiction of the Soviet Commander-in-Chief. The agreement was neither confirmed by the KRN nor published in the official law

monitor, *Dziennik Ustaw*.¹¹ On the basis of this agreement Home Army soldiers and officials of the underground administration in Poland who revealed themselves to the Soviet authorities were arrested and deported to the Soviet Union; perhaps the most famous instance of this was when the leadership of the Polish Underground State ("the Sixteen") were invited by the Soviets for discussions under a guarantee of personal safety, arrested, and kidnapped to Moscow where they were tried.¹² The September 9, 1944, treaty with the Byelorussian Soviet Republic provided for the evacuation from the western areas of Byelorussia of all Poles and Jews who were Polish citizens before September 17, 1939, and all Byelorussians, Ukrainians, Russians, and Ruthenes from Polish areas.¹³ It was similarly excluded from legislative ratification, as were analogous treaties with the Ukrainian Soviet Republic and the Lithuanian Soviet Republic, on September 9, 1944, and September 22, 1944, respectively.

The procedure concerning decrees remained in force not only throughout Poland's liberation from German occupation by Soviet and Polish troops, that is during the period of the Committee of National Liberation and the Provisional Government. It continued to apply during the period of the Provisional Government of National Unity, and still later into the Constitutional Assembly's five-year tenure. In fact, even after the new Stalinist constitution of 1952 was passed, decrees continued to be issued, and maintained their legal validity. During these years, the Polish parliament, or *Sejm*, was thus deprived of its primary function of passing laws. The *Sejm*, in effect, ceased to represent anything other than the Polish Workers' Party, and its successor, the Polish United Workers' Party. The government ruled through a bureaucracy which was utterly independent of society, wholly dependent on the PPR, and subject to regular interference from Moscow.¹⁴

The Presidium of the KRN played a special role in the new system, performing all of the functions of the full Council between sessions and devoting particular attention to the national councils at the local level. The only notable exception pertained to legislation: the Presidium could not initiate legislation, only ratify decrees enacted by the Committee of National Liberation. Until September 11, 1944,

when a law was passed defining the prerogatives of the Council's chairman, the Presidium served as a collective head of state. It was comprised of the President of the KRN, his two deputies, the Commander-in-Chief of the Polish Armed Forces, and others chosen by the Council. This law also described the relationships between the government and the president of the National Council as head of state, and the National Council of the Homeland as the country's provisional parliament. The system was based in theory on the 1921 constitution, which provided that the Council of Ministers as a whole and ministers individually were responsible to the parliament, in this case the National Council.

On December 31, 1944, the Polish Committee of National Liberation became the Provisional Government of the Polish Republic by decree of the National Council of the Homeland. The Soviet winter offensive and the Soviets' desire to introduce the Polish Communists into the newly liberated Polish lands as a government brought about the change in name. It was accompanied by other legal and political alterations which remained in force until the Constitutional Assembly met. Among these, the position of Chairman of the KRN was elevated to President of the KRN,¹⁵ with the added right to appoint ministers to the government. In addition, the KRN passed a law on January 3, 1945,¹⁶ granting the Provisional Government the same right to issue decrees that the PKWN had enjoyed. The highest legal authority in the new Polish state remained the National Council of the Homeland, the temporary parliament which served as the focal point of the newly established system of provincial and local national councils through which the Communists ruled. At the moment of its establishment the KRN comprised 31 members, of whom only 19 attended the founding meeting.¹⁷ The Council coopted more members as the Soviet and Polish armies moved westward, and thus by December 15, 1945, the Council numbered some 288 members.¹⁸

At first, the Polish Committee of National Liberation served as the Council's executive branch, and enjoyed some legislative functions. Beginning on January 1, 1945, the Provisional Government of the Polish Republic performed these functions, and from June 28, 1945, the Provisional Government of National Unity took over.

As time proceeded, there was a distinct tendency to move away from the tripartite division of authority (i.e., legislative, judicial, and executive) and toward the absolute supremacy of the KRN, which through its President and Presidium subsumed matters that had traditionally belonged in the realm of the executive branch.¹⁹ Although initially the Polish Committee of National Liberation based its rule on the national councils that were established on the local and provincial levels, the Committee's Manifesto also provided for "other authorized representatives." Because the local councils proved too weak an instrument to implement the radical changes the Committee wanted, plenipotentiaries were created to deal with special matters, such as land reform. Later the Committee set up a system to appoint county and provincial administrators,²⁰ who dominated the councils and eventually limited their competence. For the time being a dual system functioned. The state administrators were appointed centrally and remained responsible to the government; the national councils coopted their members locally from political parties, trade unions, and social, cultural, educational, and youth organizations. By law, the national councils were to plan public activities, including the elaboration of budgets, and supervise the activities of state and local government bodies, especially with respect to their legality, suitability, and agreement with the basic political line of the National Council.²¹ Initially at least, the position of the national councils was clearly superior to that of the state bureaucracy. Because the national councils were comprised overwhelmingly of members of the Polish Workers' Party and its political allies, the councils served the Communists as an additional and moderately useful tool in their struggle for political hegemony. This dualism remained a feature of the Polish political structure until 1950,²² when the national councils were no longer needed. By that time the Communists' political opponents had been defeated, the Socialists purged and merged with the Communists, the Populists neutralized, and the Polish United Workers' Party had a firm grip on the various state, cultural, and social institutions.

In 1945 the members of the Polish Workers' Party, mainly those who had spent the Second World War in the Soviet Union and entered Poland with the Red Army,

played the dominating role in the Polish Committee of National Liberation, the National Council of the Homeland, the Provisional Government and the Provisional Government of National Unity. They occupied the most important positions in the state, not merely influencing but virtually dictating basic political and administrative matters. This did not prevent the establishment in August 1945 of the Polish Peasant Party (*Polskie Stronnictwo Ludowe*, or PSL), which from the very beginning acted as the legal opposition to the other parties in the government.

The Reconstruction of the Polish Judicial System

Summary Courts

Having almost completely monopolized the legislative and executive branches of government, the Polish Communists began to alter and complement the Polish judicial system according to their way of thinking and their needs. On September 12, 1944, the PKWN established special courts to try Nazi war criminals.²³ Surprisingly, this decree soon met with the objection of the Security Department. At a meeting of the PKWN on October 5, 1944, Stanisław Radkiewicz, the chief of the Security Department, indicated the need to move radically against the Home Army and proposed that the decree's terms be expanded to include the officers and men of the Home Army. His suggestion was opposed by Jan Czechowski, the chief of the Justice Department, who felt that matters concerning Home Army members should be dealt with by still other special courts.

These summary courts were characterized in general by the simplified and quick measure of justice they dealt out. The indictment had to be presented within 14 days of the suspect's arrest (article 12); the case had to come to court within 48 hours of receipt of the indictment by the chairman of the special court (article 14); judgment was final and had the force of law; and there was no provision for appealing the

verdict (articles 17 and 18). In the event a death sentence was handed down, the defendant had the right to ask the chairman of the KRN for mercy (article 19). Unfortunately, we have no data on which to base even an estimate of how many persons were sentenced in total, how many appealed for mercy to the chairman of the KRN, and how many pardons were actually granted.

Despite the intention behind the institution of summary courts, it should be noted that both judges and prosecutors from the interwar justice system served in them. These men resisted pressures to make their courtrooms instruments against the regime's political opponents, the majority of whom were accused of collaborating with the Germans or being Gestapo agents. This resistance may well have been one of the reasons the special courts were liquidated by decree on October 17, 1946. The decree was preceded by a campaign in *Głos Ludu* (People's Voice), the official newspaper of the Polish Workers' Party, against the judges and assistant judges serving in these and other courts, allegedly for imposing lenient sentences.²⁴

The Penal Code of the Polish Army

Less than two weeks after establishing the special courts, the PKWN issued a decree on September 23, 1944, that introduced the new Penal Code of the Polish Army,²⁵ which had actually been worked out by the Polish Communists earlier in the war during their stay in the Soviet Union. One of its articles provided that civilians could be brought to justice in military courts for treason.²⁶ Article 85 of this decree established that whoever acted against the independence of the Polish state or attempted to detach territory from it was subject to from 10 to 15 years' imprisonment or the death penalty. The same punishment was provided for in article 86, paragraph 1, concerning "attempts to overthrow by force the Nation's established organs of authority, or to seize power...", and paragraph 2, "attempts to overthrow by force the political system of the Polish state...." Like article 85, article 89 concerned those who, in undertaking the crimes mentioned above, conspired together

and acted in the interests of a foreign power or organization, and collected weapons for armed conflict.

Article 102 called for a sentence of up to three years' imprisonment or the death penalty for those who "publicly called for actions against the unity of the Polish state and allied states." While this sort of formulation left opportunities for broad interpretation, there can be no doubt that the "allied state" referred to was the Soviet Union. The very next article mandated a prison term or the death penalty for those found guilty of publicly criticizing or insulting the current political system; praising fascism or national socialism; publicly calling for the introduction of a fascist political order in Poland; or establishing organizations of this type. Organizations that did not agree with the PPR's slogans ran the risk of being considered fascist by the regime.

The Penal Code of the Polish Army became the formal basis for punishing by death those individuals who actively disagreed with the political line of the PKWN, or who criticized Polish-Soviet relations and Russian domination.²⁷ Its articles mandated the death penalty far more frequently than had the prewar army penal code. In prewar Poland the death sentence had been imposed in criminal cases involving murder by means of a weapon, and less than 20 death sentences per year were handed down during the 1930s when approximately 1500 cases per year were tried involving violent deaths.²⁸

September 23, 1944, also witnessed the introduction of a law establishing a new system of Military Courts and Military Prosecutors. Article 8, paragraph 1 of this law stated:

In wartime, during mobilization, or whenever the interests of state defense require, the Polish Committee of National Liberation may, when requested to do so by the Chief of the Department of National Defense, refer persons subject to regular court action to military courts for action, for crimes deemed dangerous to the defense of the state.²⁹

Although the war ended in May 1945, political matters were the province of military courts until the Ministry of Public Security was dissolved in December 1954. Thus, during the first decade of the existence of People's Poland, political crimes were subject to principles normally applicable during wartime or in the case of a state of emergency.

The Polish military justice system launched in September 1944 ruled in civilian political matters as well. The system was based on the activities of the security forces, which were not subject to control by the bureaucracy, and probably not even to that of the PPR. During the initial period of their existence, the military courts struck at former members of the Home Army and other wartime underground organizations, many of whom were tried and given severe sentences. Later, their attention focused on the activities of Polish Peasant Party members and Socialists who remained aloof from the PPR.³⁰

On October 30, 1944, the Decree Concerning the Defense of the State was announced, with retroactive validity to August 15, 1944.³¹ It held that certain matters previously within the province of regular courts (mainly the Home Army), would henceforth be dealt with by military courts. These offenses were broken down into two groups. The first included: participation in associations opposed to the ruling system (article 1); opposition to land reform (article 2); and hindering officials of the PKWN, national councils, courts, government agencies, or local self-government from performing their duties (articles 3 and 7). The second group of offenses involved "sabotage," which was understood very broadly; "gossip," or more specifically, rumors perceived to be anti-state in nature; and failure to deliver levies of goods, and so on.³² The first eleven articles of this decree provided for imprisonment or the death penalty, and dealt with political crimes as well as administrative and economic offenses and infringements against public order. All of these crimes were removed from the jurisdiction of regular courts and placed within the purview of military tribunals.

In effect, the decree concerning the defense of the state threatened the vast majority of Poland's population with a death sentence. Articles 1 and 8 could be

applied to members of underground organizations during the German occupation who had not revealed themselves as such (and most did not, for fear of being arrested and deported to Russia); articles 2 and 10 threatened farmers who opposed land reform, or did not deliver requisitioned items. Workers, engineers, and railroad workers could be charged with delivering faulty industrial goods or with shoddy work under articles 4 and 5, as could bureaucrats and officials, under articles 2, 5, and 7.

This decree was the first to violate the principle that laws may not be made retroactive, and more decrees of this kind followed. Article 18 stated: "This decree is enacted on the date of its publication, with validity from August 15, 1944." It unequivocally removed guarantees concerning civil rights and the rights of individuals provided in the March 1921 constitution, which was putatively still in force.³³

Limited Amnesty and the Commission to Combat Banditry

By 1945 the leaders of the Polish Workers' Party were convinced that a long and hard struggle with the Polish public awaited them. Political opponents were to be subdued by force if necessary or convenient, but with the full authority of the law wherever possible. The Communists were determined to erect at least a facade of lawfulness to cover the essentially arbitrary nature of the repression. During the May 1945 Plenum of the Central Committee of the Polish Workers' Party the Main Political Commission to Combat Banditry was announced. The Commission included representatives of the Provisional Government, its member parties (the Polish Workers' Party, the Polish Socialist Party, and the Peasant Party), and the army. The Commission's chief task was the coordination of action, mainly military, aimed at liquidating the armed underground.³⁴

A few months after this Commission began its activities, the authorities decided to introduce an amnesty, which was announced in a decree dated August 2, 1945.³⁵ The intentions of the amnesty and its legislators are most obvious in those articles of the decree which concern exclusions from consideration for amnesty. Article 7 of

the amnesty law excluded: 1) those who "... after Poland's liberation from German occupation served in leadership functions in an association as described in articles 1 or 8 of the decree on the defense of the state,³⁶ and did not cease their activities, along with their subordinates, within one month of the day this decree enters into force, and voluntarily surrender their arms, ammunition, and other means of struggle to the security authorities and do not announce their and their subordinates' return to normal life to the state administration"; 2) persons who attacked units of the Polish armed forces or those of its allies; and 3) those who destroyed or damaged items or equipment of common use, or used in the defense of Poland.

As one may deduce from the above, the amnesty decree was formulated in such a way as to exclude: 1) most members of the Home Army and other underground groups because one month was too short a time for most to become sufficiently acquainted with the new situation to venture to take such a decisive step; 2) those who belonged to organizations with ideologies opposed to that of the communists; 3) members of the Polish Armed Forces in the West, and civilians associated with the Polish Government-in-Exile, in the rather likely case that these people refuse to sign a declaration of loyalty to the Communist regime; and 4) those who in any way opposed the Soviet invasion and occupation of Poland in September 1939, or later. The amnesty decree contained no guarantees for Poles who had been connected with the political or military underground, nor for those who planned to return to Poland from the West.³⁷

It did require registration with one of the branches of the Liquidation Commission, and the turning over of weapons and ammunition.³⁸ A decade later, Józef Światło, one of the leaders of the Polish security apparatus and a participant in the struggle against the Home Army (AK), said of the amnesty:

I state most emphatically, and I know this both from the party and from security, that allowing the AK to reveal itself was merely a pretext for its complete liquidation....It was a deliberate and criminal plan. Its aims were not hidden during secret conferences in security and in the party. In 1946 I took part in a

special briefing by the first vice-minister of security, General Roman Romkowski. During this briefing Romkowski emphasized that the premature arrest of partially deconspired units can only obstruct the operation. We were to wait until the AK revealed itself completely and only then were we to effect its complete liquidation.³⁹

The amnesty law provided that persons wishing to take advantage must reveal themselves by September 21, but the deadline was later extended to October 15. We do not know precisely how many people registered for the amnesty and disclosed their membership in the underground; various figures between 40,000 and 44,000 have been cited. Polish authorities in London were advised: "According to our estimates...in general the percentage of AK officers who revealed themselves does not exceed 40. The percentage of those who revealed themselves in the AK's ranks [is] about 10."⁴⁰

Many factors affected individual decisions to emerge publicly from the underground, including the ruthless terror of the various Polish and Soviet security forces and the pervasive feelings of powerlessness and depression. The amnesty was received with mistrust by people connected with the former Home Army, and a large number of its soldiers remained underground. Their mistrust was heightened by events: for example, on the day following the amnesty announcement, about 500 imprisoned former Home Army soldiers were marched through the Praga section of Warsaw to a work camp. And buildings in Warsaw and other Polish cities were covered with anti-Home Army posters proclaiming: "Try the murderers from the Home Army and the National Armed Forces, Hitler's helpers."⁴¹

The underground had reported to London and Washington that the Central Committee of the PPR instructed its members⁴² on October 5, 1945:

Considering the present political situation and the de-conspiracy of the AK, increase your vigilance in observing the movements of those AK members who have not revealed themselves, and in particular help our organs in unearthing the AK's intelligence. It is significant that among those who have revealed themselves

there are no people from intelligence and it is known that in this organization intelligence was well developed....Interpellations concerning the execution of the amnesty decreed by the Government are to be presented [in such a way] that the mass return of all reactionaries could cause chaos and even anarchy within the present system.⁴³

In other words, one of the main goals of the amnesty was to uncover all those Home Army soldiers who had served in intelligence during the German occupation.

A secondary goal was to uncover, and later arrest, other officers and soldiers of the Home Army. Both aims were feared by Home Army members in the field, and resulted in a substantial percentage of AK members opting not to take advantage of the amnesty. Even after extending the timetable for the amnesty, the authorities were disappointed with both the number of registrants and their "quality," for they included few of the most sought-after individuals, slated for eventual liquidation. Nevertheless, a substantial number of people potentially opposed to the regime were flushed out, and later repressed, with the help of this legislation.

On February 22, 1947, the Polish *Sejm* passed a second amnesty law. According to statistics cited by party historians, the amnesty did cause over 50,000 other conspirators, the population of a medium-sized city, to leave the underground. A set of agitprop instructions published in 1947 by the Political Education Board of the Militia explained:

Thanks to the amnesty tens of thousands of Poles will be able to turn back from the false path of crime and fratricidal struggle, on which their reactionary leaders in London forced them, and will be able to return to a normal life and creative work in shops, on farms, and in offices....During the pre-September regime there was never such a wide-ranging amnesty, especially with respect to political enemies, as the amnesty law proposed by the government to the high *Sejm*. *Because during the pre-September period, the regime had never enjoyed the strong support, based on a broad social base, that the present authorities, elected in a democratic people's system, enjoy. Our authorities, who arose from the united*

front of the working class, from worker-peasant unity, from the victory of democracy and national unity, can permit themselves such a broad, magnanimous act. [emphasis in the original—JM]....Whoever remains in conspiracy and fails to reveal himself will not be able to take advantage of the amnesty and will be treated as a bandit, and the Polish State will be merciless with bandits. They will be completely destroyed....The amnesty law is just and ruthless toward the real and conscious enemies of the nation. For traitors, spies, speculators, and saboteurs there is not, nor will there be, any forgiveness....For deliberate traitors and enemies of People's Poland there can be only one response—an unbending struggle until they are completely exterminated....The amnesty law is the last chance for many thousands of confused members of bands to break with the underground.⁴⁴

It was expected that up to 45,000 political and ordinary criminals already in jail would be affected by the amnesty, of whom 25,000 were scheduled for immediate release.⁴⁵ In the end, some 52,965 people took advantage of the amnesty and emerged from hiding. An additional 25,000 people were released from jail.⁴⁶ Many of these people were rearrested in the late 1940s and early 1950s in the atmosphere of war communism that penetrated all of the countries in East Central Europe. Next, Stalin's general paranoia and insatiable insecurity caused the Communists to seek enemies among themselves once they had arrested or killed the members of the underground and the overt political opposition.

Other Decrees

By November 1945, the Communists in charge of the National Council felt secure enough to revoke formally the state of war that had been declared by the President of the Republic since September 1, 1939.⁴⁷ Yet on the same day the National Council's Presidium issued its executive order, it handed down three more decrees that proved that a state of emergency still existed. The first, "on particularly

dangerous crimes during the reconstruction of the Polish state,"⁴⁸ encompassed a number of the articles of an earlier decree on espionage, some of the articles contained in the decree on the defense of the state, and portions of several other decrees. On its promulgation, article 40 of the decree rescinded several legislative acts, including some dating from the prewar period.⁴⁹ More important than its nullification of valid legal acts from the interwar period was the fact that it sanctioned military justice and the death penalty for a wide variety of offenses. It augured a dark period for Polish legislation, one of rule by state security. With this decree and the two that followed, the era of Stalinism was ushered in.

An interesting provision of the first decree was that it gave officers of the security forces the right to serve as investigative magistrates during preliminary proceedings (article 37).⁵⁰ Thousands of people received stiff sentences on the basis of this decree, among other things, for so-called gossip—that is, conveying information on the situation in Poland, and so on. The decree commonly became known as the "little penal code" in Poland and, understandably, became widely feared.

The second important decree, on emergency or summary action, was published on November 16, 1945.⁵¹ It dealt with various categories of offenses other than those lying within the jurisdiction of the military courts (article 1). The decree provided that persons against whom summary proceedings were initiated were subject to immediate arrest (article 9). The summary proceedings themselves were to take place without an inquiry. The prosecutor "could investigate directly, or indirectly through the Citizens' Militia" (article 10). Article 11 stated: "If the investigation has not or is not undertaken by the prosecutor, it can be undertaken by the public security organs." The amount of time allowed for these investigations in summary proceedings was very short, and the indictment was to be presented within 30 days of the suspect's arrest (article 14). The next article (15) directed the presiding judge to indicate the date of the trial within 24 hours of receipt of the indictment. Article 17 provided that, "following consultation, the court will immediately render its

verdict; postponing sentencing is not permissible," and that "the verdicts and decisions of the court are not subject to appeal."

The establishment of special courts and summary proceedings constituted important elements in the growing terror. The Special Commission to Combat Economic Abuses and Sabotage, established by a decree on November 16, 1945, was the motive force of this terror.⁵² The decree sanctioned the so-called penal forced labor camps that had been established and operated in Poland for the previous few months. Article 10, paragraphs 2 and 3 stated that the Special Commission "is not obliged to forward a matter for judicial action and may, after investigation, direct the offender to forced labor....The term of the forced labor should be fixed, and should not exceed two years." In this period, over 100 such camps were established in Poland, and the average number of prisoners who worked there never fell below 150,000 annually.⁵³

The decree stated that the aim of the newly established Commission was to reveal and prosecute crimes against Poland's economic interests (article 1). Article 2 explicitly sanctioned denunciation: "The Special Commission and its delegacies are authorized to accept information from every citizen about crimes prosecuted under the terms of this decree." This form of information gathering was used to complement the efforts of a large bureaucracy that introduced numerous, new, and extremely detailed forms. Anyone seeking employment, an apartment, or hoping to gain admission to a school or university, was forced to fill out these lengthy forms, in effect informing on themselves and assisting the Office of Security to build up its files.

To help it fulfill its mission of providing the summary courts with defendants, the Commission received special powers. For example, it could, regardless of the actions of the courts, prosecute anyone suspected of an economic crime. These crimes were defined by the Commission itself—the decree was not specific in this regard. Its verdicts were not subject to appeal or judicial review of any kind (articles 12 and 13).⁵⁴ The Commission was also empowered to review and intervene in cases already underway in court (article 11). In fact, at the Commission's request, the

courts were required to turn over cases in progress.⁵⁵ There was no provision for appeal from the Commission's findings: "All decisions of the Special Commission are final; no legal recourse is possible" (article 14).

Roman Zambrowski, a member of the Polish Workers' Party Politburo, was named to head the Commission, whose members were not lawyers and who owed their appointments to either their political convictions or party affiliation. They spent less time rooting out economic speculation than they did hunting down offenses against "the social interests of the state," the definition of which was interpreted as the Commission members saw fit. To put it bluntly, they were people who carried out the instructions of the PPR, the Provisional Government and the NKVD with equal vigor. As a result, not all "offenders" were treated equally. Regulations provided that members of the Polish Workers' Party in public positions could be arrested only after obtaining the party's permission and only fellow party members could question them.⁵⁶

A few months later, the decree of November 16 was amended. A decree of May 14, 1946 sharpened the charges and further increased the prerogatives of the Special Commission.⁵⁷ Article 10 of the November decree was supplemented with the following statement:

The Special Commission is not obliged to forward a matter for judicial action and may, after investigation, order the offender to be placed in a forced labor camp....The Special Commission may cause the offender's possessions to be confiscated by the State Treasury....The proceedings concerning directing a perpetrator to a labor camp are to take place without the participation of a defender [defense lawyer or barrister—JM].

The structure and regulations of the camps were based on the Soviet model. The overwhelming majority of the forced labor camps were penal camps designed to punish members of the anti-Communist underground, German offenders, *Volksdeutsche*, and Ukrainian nationalists. There was also a small number of

correction or reform camps meant to hold those who were judged to have less sensitive backgrounds. Built on secluded sites, these places were surrounded by barbed wire, had guard towers with machine guns, and patrolled by armed guards. Prisoners were housed in wooden or brick barracks, and assigned for the most part to individual bunks. Women had the theoretical right to sheets, while all prisoners were issued straw mattresses and a blanket. Medical care was practically non-existent, with visits from doctors occurring irregularly. No special provisions were made for inmates with contagious diseases, who were housed along with everyone else. As a result venereal disease and tuberculosis were commonplace. Family visits were allowed once a month, and mail was censored; food packages were permitted but regularly pilfered by the camp guards. Prisoners have described the food rations as leading to starvation, unless one distinguished oneself at work and advanced to the second or third (top) category. Prisoners worked from eight- to twelve-hour shifts, depending on the camp and the season, either within the camp or nearby at physical tasks such as cutting trees, making concrete blocks, laboring in gravel-pits or mines (including secret uranium mines), and in shops of various kinds. Penalties and repression were used systematically to keep prisoners in line, but failed to prevent escape attempts, which were on the whole unsuccessful—except in the case of those inmates who, unable or unwilling to endure the regime, committed suicide.⁵⁸

The Special Commission expanded its activities in 1949 to include political crimes and increased the number of guilty verdicts dramatically. During its tenure it sentenced some 460,000 people, of whom over 200,000 were sent to the camps. Many of these inmates lost their youth, their health, and in some cases their lives, in this Polish Communist Gulag. The Commission and the labor camps functioned until 1954, when both were abolished.⁵⁹

The Supreme National Tribunal

At a meeting of the Council of Ministers of the Provisional Government of National Unity in December 1945, just after the November decrees were implemented, a resolution was passed emphasizing the need to sharpen the penalties for "any activity undermining peace, order, and security within the country, and weakening Poland externally." The Ministry of Justice was instructed to elaborate, as soon as possible, a draft of a decree which was to expand the use of the death penalty.⁶⁰

On January 22, 1946, a decree establishing the Supreme National Tribunal was published.⁶¹ Article 13 outlined some of the Tribunal's responsibilities: 1) criminal cases involving persons who, in accordance with the Moscow Declaration of the three Allied powers (the United States, USSR, and Great Britain) concerning Nazi responsibility for atrocities committed, will be placed "at the disposal of the organs of the office of the prosecutor of the Polish Republic for crimes committed on the area of the Polish State during the Hitlerite occupation"; and 2) criminal cases as described in the decree "on responsibility for the September defeat and the introduction of fascism into state life" of January 22, 1946.⁶²

The second point above, concerning responsibility for the September defeat and the "fascization of state life," was formulated to include anyone who was in the armed forces or active in military or economic areas that promoted fascism, as well as anyone whose activities in the international arena promoted fascism or helped a fascist state. Of all the countries occupied by the Germans, Poland alone had no collaborationist regime; this transparent effort to associate political opponents with fascism, crude though it was, opened yet another way for the Communist regime legally to liquidate its real and perceived enemies.

As in several other cases, this decree was valid retroactively and encompassed "crimes" committed before September 1, 1939. Such a decree made it possible to silence (sometimes permanently) those who disagreed with the principles of the new "democracy."⁶³ July 1946 witnessed the promulgation of still more decrees which, taken together, drastically curtailed the civil rights and freedoms of Polish citizens.

On July 5, a decree established the Main Office for Control of Press, Publications, and Public Performances⁶⁴ to supervise the press, publications, and public performances as well as dissemination of any kind of work by means of print, pictures, or the spoken word.

A few days later, a decree dated June 13, 1946 was published on "especially dangerous crimes during the period of the State's reconstruction."⁶⁵ Chapter 1 of this decree lists penalties for "crimes against public security," and eleven articles provide for the harshest punishment—that is, the death penalty. It could be invoked: for "attacking a deputy of the National Council of the Homeland, a member of one of the National Councils, a state or local government official...a member of a trade union, political organization or social organization," if as a result of the attack the victim died or was crippled (articles 1, 13, and 15); in cases of sabotage (article 2); for producing and gathering firearms and ammunition (article 4); for cooperating with representatives of foreign powers against Poland, and for benefiting materially from these activities (article 6); for collecting and passing on information and documents comprising state secrets (articles 7, 13, and 15); for misleading representatives of the authorities by giving false information or counterfeit documents (article 8); for "participation in illegal associations with criminal aims" (article 14); and for manufacturing and circulating counterfeit Polish banknotes, or those of other states (article 12).

Naturally, a court could apply "extraordinary clemency or even suspend the penalty" if the accused agreed to cooperate during the investigation, or if earlier he or she informed the proper organs of the planned or completed "crime," or of the existence of an illegal organization (articles 17 and 18).

The next two chapters of the decree were concerned with penalties for crimes "against public security" (chapter 2) and "against the economic interests of the State" (chapter 3). Chapter 4 contained "Special Provisions," among them article 49, which stated that in the event that a death sentence, or one of life imprisonment, was handed down, the court was bound to add an additional penalty—the confiscation of the entire estate of the accused, as well as that of "persons remaining in marital or

family union with the accused." Cases involving the crimes described in this decree were to be heard by district courts—panels consisting of a judge and two magistrates who, as article 52 established, were selected from a list compiled earlier by the presidium of the appropriate provincial national council.

So-called preliminary proceedings, which amounted to little more than a routine investigation, were handled by the security organs. The course of the proceedings was defined by article 57. With the promulgation of the decree of June 13, 1946, the decree of November 16, 1945,⁶⁶ concerning crimes deemed especially dangerous during the period of the reconstruction of the state, became invalid.

Apparently, the Communists, or more properly, the *bezpieka* (security forces), decided that the decree of November 16, 1945, and its seven articles (1-4, 7-9) that called for the death sentence, were insufficient to meet their political needs. They therefore augmented the list of crimes punishable by death and made their description more specific. The decree of June 13, 1946, concerning "especially dangerous crimes during the period of the reconstruction of the state," was supplemented by the decree of October 17, 1946 "abolishing special military courts."⁶⁷ At that time, the special penal courts were abolished (article 1), matters that had lain within the jurisdiction of these courts were transferred to that of the appropriate district courts, and new provisions "on proceedings described in chapter 5 of the decree concerning especially dangerous crimes during the period of the reconstruction of the state" were introduced (article 2, paragraphs 1 and 2).

The Bar

In general, the concepts of law and lawfulness were interpreted by the Communist legislators in their own peculiar way. The new decrees were to be interpreted and applied by judges, prosecutors, and lawyers in a new, communist reality. It was held necessary to train or retrain Polish lawyers; those who proved disobedient or politically unreliable were excluded from the Polish bar.

Each judge was to represent the political line of the regime, and in so doing, of course, ceased to be the impartial guardian of the law. Minister of Justice Henryk Świątkowski, said at a meeting of the Judges' and Prosecutors' Union on Sept. 6, 1945:

We all know that in the Polish courts, alongside the honest and devoted elements, there are reactionaries who today serve hostile interests. In a very short period of time, these elements will be removed from the judicial system....It is perfectly clear that there is no room for justice which serves the principle of formal truth. There is only one truth which serves democracy, and lies which serve reaction.⁶⁸

The ideological pressure to conform was strengthened by several decrees, which made judicial independence an illusion. The decree of November 4, 1944, abolished the judges' professional association. Personnel matters, especially the matter of filling judges' positions in courts, were now the province of the minister of justice, who also received the right to transfer judges to other courts without their concurrence.

In their attempt to harness the Polish judiciary, the Communists set out to make the prosecutor's office the supreme and controlling element. According to the Communists' plan, the prosecutors were to play the same role in the judicial system that the Security Office played in the government, and the political education apparatus in the army. They introduced a new basis for arrest: alongside the old system of an arrest warrant, a so-called prosecutor's sanction began to be employed. As mentioned above, the decree concerning especially dangerous crimes during the period of the reconstruction of the state, issued on June 13, 1946, gave the prosecutor the right to act as an investigating magistrate. At the same time, the regime strove to exercise total control over the prosecutor's office for its own political goals. This was to be accomplished by creating a new cadre of prosecutors, and toward this end, a six-month school was established to train candidates for the position of prosecutor. Volunteers were not accepted, and selection was made from

among candidates forwarded by the Security Office or by the Polish Workers' Party. The school's organizers aimed to produce prosecutors who were absolutely reliable ideologically. Professional qualifications were of secondary importance.

In western political systems, attorneys are considered to be co-administrators of the justice system. Chiefly because of this they enjoy broad privileges of self-government, which protect their profession from interference from government officials. In the communist system being introduced in Poland there was no place for such autonomy. A decree dated December 27, 1944, containing general regulations for all state officials applied also to judges; military judges, of course, were subject to military discipline and orders from above. The judges and attorneys' professional association had its rights severely limited. The Ministry of Justice took over these responsibilities and imposed others, including: 1) the right to appoint the officers of the attorneys' association; 2) the appointment of delegates by the Ministry of Justice to the attorneys' Verification Commission; and 3) approval by the Ministry of attorneys' rights to practice law in the Recovered Territories. Because of these and numerous other changes in the charter of the attorneys' professional association, as well as in the role played by attorneys, the very notion of their membership in a free profession became a fiction.⁶⁹

Other changes that took place in Poland's legislative and judicial systems during the first two years of Communist rule clearly evince the effort to severely limit all civil rights and freedoms. The right to personal liberty was suspended. Anyone could be arrested at any time and in any place, by means of the prosecutor's sanction. Persons who had been arrested could be detained for up to six days, or until the Ministry of Public Security reached a final determination. Individuals' freedom of speech was limited, and any positive reference to a political system other than Poland's "democratic system" was forbidden. Freedom of the press became a fiction; those dailies, weeklies, and other publications that fully supported the regime were allowed to print only a little more information than the heavily censored opposition papers, in order to demonstrate their allegedly liberal and progressive

character. The organization of any demonstration, public or private meeting or assembly, mass marches, etc. required the permission of the local Security Office.

Verdicts and Victims

Thus far, we have examined the evolution of the structure of the Polish judicial system in the immediate postwar period. Now let us describe its functioning and its results.

In the 1980s, Maria Turlejska, a Polish historian using the pseudonym Łukasz Socha, began to publish articles based on materials hitherto unknown to historians. Fearing that these materials would be destroyed, as so many secret and incriminating documents dealing with this period had been, she refused to reveal the name of the collection or even the archive in which she found them.⁷⁰ The original records contained unique information on the Polish judicial system during the years 1944-1946, the majority of them comprising verdicts handed down by military courts.⁷¹ Two kinds of courts functioned during the first half of 1946, both with the right to hand down death sentences. Summary departments of civilian District Courts (*Sądy Okręgowe*) were organized in January 1946 following the decree of November 16, 1945 (see above), to try civilians suspected of cooperating with the underground. They functioned until July, when summary departments were introduced into the military courts. Civilian summary departments were also attached directly to military units in the field, meting out quick and usually pitiless justice. In spring 1946 Military District Courts were established, the then Military Regional Courts and the Military Court of the Internal Security Corps. In 1945-46 these courts sentenced over 1700 persons to death.⁷² These statistics confirm a general observation that the physical and psychological terror campaign in Poland peaked during the second half of 1946, coinciding with much more overt, brutal attacks on the Polish Peasant Party.

The abovementioned archival collection contained materials relating to over 11,000 cases between 1944 and 1948, and Professor Turlejska analyzed only those resulting in a death sentence. Most military trials were held in secret. Others took the form of show trials, usually in theaters or factories, in which case they were given a great deal of publicity. Trials were held in provincial capitals, and in smaller towns and even villages, where they were used to terrify the inhabitants. In a few villages gallows were erected to hang those found guilty (contrary to the Penal Code of the Polish Army, which provided for death by firing squad).⁷³ In these 431 trials, 676 death sentences were handed down, 57 in 1944-1945, and the rest in 1946. The average number of death sentences rose over time. In 1945, approximately five were issued per month; in March 1946, 30 were handed down, while in June and July the number rose to over 50. The highest numbers were attained in September and October, when over 100 people each month were sentenced to death. Yet a reading of the Communists' main press organ, *Głos Ludu*, would render an impression contrary to reality, namely that the number of cases in which death sentences were handed down declined throughout 1946.⁷⁴

The statistics cited above substantiate claims concerning the political nature of the verdicts. The issue of clemency is even more revealing. A partial analysis of only the largest category of victims, that is, members of the anti-German, non-Communist underground (mainly Home Army members) shows that until December 1945, all of the death sentences handed down by military tribunals were commuted to ten-year jail terms by Marshal Michał Rola-Żymierski, Commander-in-Chief of the Polish Army, while following the lifting of the state of war the number of commutations was much lower and often negligible.⁷⁵

Month (1946)	<u>Death Sentences</u>	<u>Commutations</u>
January	6	0
February	11	0
March	13	2
April	12	0
May	15	5
June	6	1
July	18	4
August	33	15
September	18	3
October	45	15
November	7	2
December	5	0

Who were the people executed? The first category of victims, Turlejska found,⁷⁶ were mostly military men. They were tried in 136 trials, in which 231 persons were sentenced to death. Most were judged dangerous because of the authority they commanded. They included partisans from the Home Army, the Peasant Battalions, one People's Army member, as well as a member of the National Armed Forces, soldiers and officers of the Polish Army, prewar soldiers and officers, participants in the Warsaw Uprising, young people who had been deported to Germany as forced labor, inmates of German concentration camps, prisoners of war, and Wehrmacht deserters.

The second largest group, comprising 131 cases in which 208 people were sentenced to death, were "hostages," as Turlejska terms them. They were primarily young people judged by summary courts in fall 1946, whose deaths were to act as deterrents to others.

The third group—112 cases and 176 death sentences—were for the most part members of the Citizens' Militia, Security Office, Internal Security Corps, and Polish Army Officers. They were frequently charged with desertion or with joining the

armed underground. Most often they had been forced under threat of death into "special operations," that is, to infiltrate "illegal organizations," and the groups that they joined appeared under various acronyms posing as underground units. However, as Anna Gadzalanka, Polish Peasant Party deputy to the National Council, noted, it was often difficult to distinguish the Security Office from the underground.⁷⁷ From the fragmentary materials available, it would appear that many of these victims were for the most part passive observers in the actions with which they were charged, for example, standing watch or guarding their vehicles while robberies or armed attacks were being carried out. It is worth noting that they did not stand trial with the leaders of these underground units.

The fourth group was comprised of Germans, autochthons,⁷⁸ and Poles who had signed the German *Volkliste*, voluntarily or otherwise. Thirty-two persons were sentenced to death in 27 cases.

Turlejska's fifth group consisted of Ukrainians; 21 persons were sentenced to death in 17 cases. Group six comprised Communist security officers who had killed prisoners in their charge, 15 of whom received the maximum penalty in ten cases. Since in other cases of this type lenient verdicts of two years' imprisonment were the rule, for one reason or another these 15 were meant to serve as examples. The terror and brutality described so laconically in these cases are hair-raising. For instance:

JAN BOGDAŃSKI, born February 15, 1910, finished 2 classes of grade school, served in the navy 1929-1934, director of the County Office of Public Security in Kluczbork, married, 2 children, IGNACY OSMENDA, born March 21, 1915, finished 8 classes of grade school, served in the Polish Army 1938-1939, joined the Communist Party of Poland in 1933, served in the County Office of Public Security in Kluczbork, married; [both] arrested in February 1946. Bogdański was charged with the following, that on July 25, 1945 for personal reasons he persuaded Marian Wysocki to kill Władysław Banach; they both carried out the murder on July 26; that he issued the order (VIII 1945) to Bolesław Boryń to hang the Germans—Martin Meier, Haushold, Novak, Grosser, and two persons whose

names are unknown, and on the following day 2 more persons, which was carried in the presence of UB functionaries; that he tried to kill (I 1946) Szarlota Bukol by ordering Boryń to hang her, but was unsuccessful because the chief of the investigation section, Ryszard Leszczyński, demanded a written order; that he appropriated 9 thousand zloty, and 80 liters of pure alcohol from the deposit of the arrested Zebratowicz and used it for his own purposes, confiscated the property of 8 German women and the deposits of other detained persons, took 2 cows and 4 pigs from the detained and later released Piotr Popczyk, and took flour from mills; that he beat and tolerated beatings by his subordinates in the Militia.⁷⁹

The last, seventh group comprised 15 cases and 19 death sentences, which the author was unable to classify.

These are not, unfortunately, complete statistics on death sentences. By carefully reading *Głos Ludu*, Turlejska discovered still more capital cases, many heard in open session, which are not included in the archival materials cited above.⁸⁰

Further research by Professor Turlejska in the records of Summary Departments of the District Courts⁸¹ revealed that from February through June 1946 these proceedings resulted in 364 death sentences. Two of those convicted escaped from confinement, 359 were executed, and three persons had their sentences commuted by President Bierut. The primary reason so few commutations were issued appears to have been the instructions issued by Colonel K. Lasota, the chief of the Internal Security Corps' Military Courts. He instructed his subordinates that in cases where the death sentence was imposed, should the condemned person request clemency from the President of the Republic, his plea should be noted, appended to his case records—and not forwarded.⁸² The Military Penal Code establishing the functions of the various military courts and the responsibilities of the judges, prosecutors, etc., did contain provisions for appeal. However, in the materials under discussion here, not a single case was forwarded to a higher court. Of the cases heard by these courts, 45 percent ended in a death sentence, and 51 percent resulted in a severe prison sentence.

No doubt a thorough reading of provincial newspapers, which contained news of death sentences passed locally by Military Regional Courts, Summary Departments of Military District Courts, and Summary Departments of District Courts that were not mentioned in the national press, would bring more of these cases to light. But the proceedings of some courts—for example, those of the Internal Security Corps—were not made public, while others, like the internal security courts, carried out sentences without informing their victims that they had either been tried or convicted. Minister of Public Security Stanisław Radkiewicz himself mentioned at a meeting of the KRN's Commission on Administration and Security that 500 persons from the security forces had been tried.⁸³ But for what crimes, by whom, in what sort of courts and, lastly, why?

One final piece of statistical information has come to light. The *wojewoda*, or governor, of Lublin province reported on the verdicts handed down in his province by military courts hearing cases on the basis of the decree on the defense of the state of October 30, 1944, and on verdicts issued by special penal courts dealing with war criminals and traitors on the basis of the decree of August 31, 1944. Together, from 1944 to September 1946, in 569 open and 2,068 secret trials, 131 death sentences were handed down, and 176 jail terms; 224 persons were found not guilty.⁸⁴ In other words, in one province alone, 2,600 cases were tried on the basis of only two decrees, and nearly 25 percent of the verdicts were death sentences.

In total, the fragmentary materials cited above indicate that in 1945–1946 over 1,700 death sentences were issued by civilian and military summary courts as well as the military courts of the KBW, totalling 2,500 for 1944–1948. This increase was facilitated by the growing number of articles in various decrees authorizing the death penalty; once imposed, the sentence was almost invariably carried out. These primarily secret trials and their inordinately severe verdicts were not made public. Historians have long possessed accounts concerning them, but only now are they gaining access to archival materials. One can only surmise that the numbers of those executed on questionable judicial grounds during "the consolidation of People's Power," as the period is known in Communist historiography, increased as the

Commission on State Security implemented its plan to clear Poland of "bandits" and "reactionary elements."

How many lives were taken as a result of these trials? Turlejska estimates on the basis of her research into the unique and still secret archival collection⁸⁵ that in addition to the approximately 2,500 death sentences handed down between 1944 and 1948, another 10,000 people were killed without being tried—during interrogation, in the street or the fields. She writes of burials in makeshift cemeteries and in or around the buildings of the local Office of Security, as well as disposal in lakes or rivers, or in the fields or forests where they were killed.⁸⁶ In and around Warsaw six such burial grounds have been uncovered, the largest being at Otwock (just outside the city limits), and in the neighborhood of Służewiec in Warsaw proper. The mass graves at Służewiec are reported today to contain some 2000 victims who were killed in prison or died while in custody. The Osobowicki cemetery in Wrocław has also been found to have a section with the victims killed between 1944 and 1953.⁸⁷ Rzeszów, Lublin, and other Polish cities have similar cemeteries.⁸⁸

The list of the repressed is long. In addition to those who were killed, between 100,000 and 150,000 were sentenced to lengthy prison terms; another 50,000 Poles were arrested in the areas east of the Bug River annexed by the Soviet Union in 1939; 50,000 more were deported from Silesia, Pomerania, and Wielkopolska "to work in the USSR," along with a much larger number of German civilians and POWs who were also taken; arrests and deportations in and around Białystok, Lublin, and Rzeszów took place as well. Those who survived did not return until 1955.⁸⁹ In sum, about 250,000 Poles were repressed in one way or another at the end of or immediately after the war, not counting the people who were sentenced by the Special Commission to Combat Economic Abuses and Sabotage to labor camps, whose numbers did not drop below 150,000. When one considers the family members of these victims, families that were most active socially and politically, well over 1,000,000 were directly affected. If one includes the friends, neighbors, and more distant relatives of these families, it is no exaggeration to say that police terror affected several million Poles, of whom there were in 1946 only about 21 million.⁹⁰

While Poland's neighbors, Hungary and Czechoslovakia, enjoyed genuine coalition governments in the early postwar years, with relatively little coercion employed and no terror, by the summer of 1947 they too would begin to experience the horrors of "the consolidation of People's Power." They could not have prepared themselves for this onslaught, for even in Poland concrete information about the killings was incidental. The Polish Peasant Party, which was decimated by the Communists during the last half of 1946 and which collected information on their covert efforts, listed the names of only 100 Populists or so who were killed by the security forces. The Communists' control of the Polish press helped limit the amount of information readily available and allowed them to manipulate information easily. To be sure, psychological fear was widespread. But it was not until 1948, when the terror was turned inwards, against the Communists themselves, and lengthy accounts of show trials began to appear in the press, that terror would become associated with "the period of Stalinism." Yet, statistically, the number of victims between 1944 and 1948 was certainly larger. Censorship, propaganda, and the way the Communists taught history in schools have collectively obscured the facts.⁹¹

The Search for Historical Justice Today

Despite, or perhaps because of, the treatment meted out by "Peoples' Justice" and the hostile propaganda that had been directed against members of the Home Army and the entire Underground State, collective memory of the victims has endured. The popular desire for more information concerning these individuals and the demand to redress injustices continues unabated. Their grandchildren honor their memory on various anniversaries connected with Poland's wartime history. And following the events of 1989, while statues of Poland's Communist heroes were removed, monuments commemorating fallen Home Army soldiers were erected, and streets named in their honor.⁹² Cemetery plots and other unmarked areas where the bodies

of Home Army soldiers had been buried after execution by the "Peoples' Authorities," as the Communists called themselves, are now being thoroughly investigated after years of secrecy, identifications are being made, and the graves properly marked.⁹³ The underground soldiers who paid dearly for an ideal long denied and repressed are now finally being given the official recognition their families yearn for.

External events have also had an impact on public opinion. For example, there was discussion before the signing of the Polish-Russian State Treaty in May 1992 of trying to force Russia to accept responsibility for the killing of some 21,000 Polish officers and other men in 1941.⁹⁴ This has spurred efforts to compel the Polish government to obtain redress, at the very least financial compensation, for the families of the victims,⁹⁵ and is merely one manifestation of popular dissatisfaction, which has certainly been reflected in parliament.

Representatives of various parties in parliament have offered up resolutions dealing with veterans' rights, especially in the area of retirement pensions⁹⁶; public access to personal files in the Interior Ministry archives⁹⁷; and lustration.⁹⁸ Another bill was under consideration aimed at punishing individuals responsible for crimes committed most often but not solely against prisoners during the Stalinist era, as well as other crimes committed from September 17, 1939, (the Soviet invasion of Poland) to December 31, 1989, but which were not pursued for political reasons.⁹⁹ Various veterans' and other organizations pushed strongly for this legislation and for these offenses to be treated in the same fashion as Nazi war crimes. The matter received great publicity in January 1993 when an appeal to President Lech Wałęsa, Prime Minister Hanna Suchocka, Minister of Justice Zbigniew Dyka, Speaker of the Polish Parliament Wiesław Chrzanowski, and Speaker of the Senate August Chełkowski was published. The thirty signatories appealed for the abovementioned bill to be passed quickly into law; for a special tribunal to be established to try cases arising from the legislation; for the Main Commission for the Study of Crimes Against the Polish Nation to be supplied with the means necessary to investigate allegations and obtain evidence; and for the publication of the names of the Security Office members,

prosecutors, and judges who brutally investigated, indicted, tried and convicted people later found to be innocent. The open letter also called for the names of those who had been wrongly executed or simply murdered to be commemorated and, wherever possible, to establish the date and place of their death and their burial.¹⁰⁰

In fact, the Main Commission for the Study of Crimes Against the Polish Nation, charged specifically with investigating allegations of criminality in the Stalinist period, that is, 1944-1956, as well as during the Nazi occupation, has begun investigations of at least sixteen cases dealing with functionaries of the Ministry of Public Security, including those of Lieutenant Colonel Adam Humer, chief of the Ministry of Public Security's Investigation Department between 1948-1950, and former Brigadier General Stanisław Zarako-Zarakowski, Chief Military Prosecutor between 1950 and 1956 and the chief actor in the show trials of the early 1950s.¹⁰¹ Countless articles documenting criminal responsibility have appeared in the press¹⁰² and young historians are working to retrieve as much information as possible, seeking out witnesses and evidence.¹⁰³

Despite widespread social support for legislation to implement historical justice, the abovementioned bill was sent to a subcommittee early in 1993 for further study and remained there until May 28, 1993, when President Wałęsa dissolved parliament following yet another government crisis.¹⁰⁴ If and when it is ready to address the issue of historical justice, the new parliament will face the thorny issue of whether to change the statute of limitations, which for most crimes, including murder, is twenty years.¹⁰⁵ Dominated by post-Communists, who hold 37 percent of the seats, Parliament will have to decide whether to break, as the Communists themselves did, the ancient principle that laws are not valid retroactively. It will be interesting to follow the debate over this issue and see whether the legislators in fact do so.

Having safely survived the four decades since their fall from power, the "Consolidators of Peoples' Power" appear to have avoided investigation or trial in the near term. The most notorious of them, those formerly in leadership positions, are in their late 70s and early 80s and may yet evade prison terms.¹⁰⁶ Their crimes to some extent were exposed already in the mid-50s during the Thaw, and they—and

their families—continue to experience the social banishment that followed moral judgment. There is a growing sentiment, expressed in the appeal mentioned above, that the optimal path to follow is in fact to expose the crimes and place the mark of Cain on the perpetrators. This is an option the new parliament may choose to consider in formulating appropriate legislation to deal with this important issue.

In the meantime, two separate laws passed in early 1991 have begun to heal some of the old wounds by bringing to a substantial group of people formal rehabilitation, financial compensation, and public recognition. The laws "On Veterans and Victims of Wartime and Postwar Repression"¹⁰⁷ and "On Annulment of Sentences Passed on Persons Repressed for Their Activities on Behalf of the Independence of the Polish State"¹⁰⁸ have set up mechanisms for victims or their heirs to obtain a measure of compensation from the state. In very brief hearings, usually lasting no more than 15 minutes, courts have ruled based on information provided by interested parties and on other evidence, awarding relatively modest amounts of money for the pain and suffering endured. Compensation is also being made for forced inactivity, that is, for denial of the right to practice one's chosen profession on political grounds.¹⁰⁹ Most applicants have won their cases. And since most of those who were repressed are retired and living on truly meager pensions, adjustments are being made in these pensions based on the time they spent "engaged in independence activities" or in prison.

These laws, which were passed despite Poland's weak financial condition, are widely viewed as being reasonable and fair. They constitute small but important steps taken by a nation that is emerging from its dark legacy and can once again legitimately claim to be a *Rechtsstaat*.

Notes

A different version of this paper was presented at the 50th Anniversary Congress of the Polish Institute of Arts & Sciences, held at Yale University in May 1992, and subsequently published in the conference proceedings.

1. Andrei Y. Vyshinsky, ed., *The Law of the Soviet State* (New York: Macmillan, 1948), 39.
2. "Grzebani w płóciennych workach," *Nowy Dziennik*, October 11, 1993, 3, 10. Since research on these issues has only just begun, these figures should be treated with caution.
3. See especially Maria Turlejska, *Te pokolenia żałobami czarne...: Skazani na śmierć i ich sędziowie 1944-1954* (London: Aneks, 1989). A note on this source is in order, however. Before publishing these materials for the first time in 1978 Professor Turlejska prefaced her remarks with the following statement:

Four years ago while searching for other materials, we discovered sources in the archives that were hitherto completely unknown to historians of the Polish People's Republic, to hagiographers of B. Bierut, or to the "consolidators" of power—those who wrote monographs about "the struggle against the reactionary armed underground." We do not cite the archive (archives) where these materials are located, or their call numbers. We do so intentionally in order to protect the people who gave us access against harassment and the documents from being destroyed or removed to some unknown place, as has so often happened. Nevertheless, we hope that there will come a time when all will be revealed. We also made use of a clandestine work whose title and author are being kept secret for understandable reasons, for which we sincerely apologize.

Although it has been 15 years since these words were first published, and although the Polish People's Republic disappeared on January 1, 1990, this author is unaware of any such revelations. Corroborating evidence will in any case be difficult, but hopefully not impossible, to obtain. Young Polish historians have recently organized several archives dedicated to collecting materials about repression in the Polish People's Republic and in the Soviet Union.

4. Letter of Marshal Stalin to Prime Minister Churchill, July 23, 1944, in Antony Polonsky, ed. *The Great Powers and the Polish Question, 1941-1945* (London: London School of Economics and Political Science, 1976), Document No. 101, 208.

5. These figures are cited in Maria Turlejska, *Te pokolenia...*, 32, but the absence of statistical materials makes it extremely difficult to estimate PPR membership in those areas of Poland that were freed of the Nazis between July and December 1944. For decades Polish historians who wrote about this party did so as in the following excerpt from Czesław Kozłowski, *Zarys dziejów Polskiego Ruchu Robotniczego do 1948* (Warsaw: Książka i Wiedza, 1980), 516:

During not quite two months, in the liberated territories in 1944, five provincial committees, 47 county committees, 6 city committees, hundreds of communal committees and several thousand party cells were founded. The provincial committees in Lublin, Rzeszów, Białystok, in Mińsk Mazowiecki, Sandomierz, and Warszawa-Praga began legal activity....At the end of 1944 in the liberated area, up to 22,000 members joined the PPR's ranks. [tr. by J. Micgiel]

6. The assertion that the Manifesto was published on July 22, 1944 in Chełm has been supported in the literature by many historians and publicists; see for example Czesław Kozłowski, *Zarys dziejów...*, 508. In reality, however, the Manifesto was printed earlier in leaflet form in Moscow and published only later on Polish territory. Party historian Władysław Góra considered that it was first published in the PKWN's official newspaper, *Rzeczpospolita*, on July 23; see Władysław Góra, *Polska Rzeczpospolita Ludowa 1944-1974* (Warsaw: Książka i Wiedza, 1974), 26.

7. During the interwar period two constitutions were passed in Poland, in 1921 and 1935. The latter placed power in the hands of the president and minimized the role of the Polish parliament, the *Sejm*, and was denounced by the Communists as being "undemocratic." When they came to power and began to organize a new system in 1944 they publicly returned to the 1921 constitution, at least in their declarations. See Czesław Kozłowski, *Zarys dziejów*, 508.

8. *Manifest PKWN* (Warsaw: Książka i Wiedza, 1974), 14-15.

9. *Dziennik Ustaw Rzeczypospolitej Polskiej* (henceforth DzURP) 1944, No. 1, item 3, 2.

10. See "Porozumienie między Polskim Komitetem Wyzwolenia Narodowego i Rządem Związku Socjalistycznych Republik Radzieckich o stosunkach między radzieckim wodzem naczelnym a polską administracją po wkroczeniu wojsk radzieckich na terytorium Polski," July 26, 1944. *Dokumenty i materiały do historii stosunków polsko-radzieckich Vol. VIII* (Warsaw: Książka i Wiedza, 1974), Document No. 75, 155-157.

11. Although the agreement did appear in the Polish-language journal *Wolna Polska* (No. 28, August 3, 1944), published in the Soviet Union, it was not published in Poland until 1954. Maria Turlejska, *Te pokolenia...*, 33-35.

12. This was the first open political trial against Polish political activists connected with the non-Communist, anti-German underground. In June 1945, these men were charged and sentenced under the terms of the notorious article 58 of the Penal Code of the Russian Soviet Federative Socialist Republic by the Military Section of the Supreme Court of the USSR. The Polish leaders were divided into three groups. Home Army Commander General Okulicki, Government Delegate Stanisław Jankowski, Adam Bień, and Stanisław Jasiukowicz were accused of acting on instructions from the "so-called government-in-exile" and directing diversionary work against the Red Army and the Soviet Union. The indictment alleged that their acts of terror resulted in the deaths of 594 Red Army soldiers, and that the underground organization "NIE" had been established explicitly to continue this terror. Okulicki was also charged with spying. Kazimierz Pużak, Aleksander Zwierzyński, Kazimierz Bagiński, Stanisław Mierzwa, Zbigniew Stypułkowski, Eugeniusz Czarnowski, Józef Chaciński, Franciszek Urbański, Stanisław Michałowski, Kazimierz Kobylański, and Józef Stemler were accused of diversionary work and of keeping radios, printing presses, weapons and ammunition for criminal ends, disregarding Soviet military orders to surrender these items. Antoni Pajdak had been so mistreated during his interrogations in Moscow that he was unfit to be seen publicly and was therefore tried later, found guilty and sentenced to five years. Guilty verdicts were handed down in 12 cases, and the sentences were as follows: Leopold Okulicki, 10 years; Jan Stanisław Jankowski, 8 years; Adam Bień and Stanisław Jasiukowicz, 5 years; Kazimierz Pużak, 1 1/2 years; Kazimierz Bagiński, 1 year; Aleksander Zwierzyński, 8 months; Eugeniusz Czarnowski, 6 months; Stanisław Mierzwa, Zbigniew Stypułkowski, Józef Chaciński, and Franciszek Urbański, 4 months; Stanisław Michałowski, Kazimierz Kobylański, and Józef Stemler-Dąbski were found not guilty. We can only speculate why relatively mild sentences were handed down in the majority of these cases. Okulicki, Jankowski, and Jasiukowicz were surely among the more important personages in Underground Poland, and that is why they never returned to Poland, dying—in the case of Okulicki surely murdered—while in jail. Why the unyielding Socialist Pużak received such a light sentence remains a mystery.

13. See "Układ między Polskim Komitetem Wyzwolenia Narodowego i Rządem Białoruskiej Socjalistycznych Republiki Radzieckiej w sprawie ewakuacji ludności polskiej z terytorium BSR i ludności białoruskiej z terytorium Polski," September 9, 1944. *Dokumenty i materiały do historii stosunków polsko-radzieckich* vol. VIII (Warsaw: Książka i Wiedza, 1974), Document No. 122, 221-227.

14. Łukasz Socha (Maria Turlejska), "O prawach i bezprawiu w Polsce w latach 1944-1948," in *Krytyka* 6, 127-128.
15. Law of December 31, 1944, article 1, in *DzURP 1944*, No. 19, item 97, 163.
16. January 6, 1945, *DzURP 1945*, No. 1, item 1, 1.
17. Andrzej Burda, ed., *Krajowa Rada Narodowa* (Wrocław, Warsaw, Kraków, Gdańsk: Ossolineum, 1976), 24-25.
18. They included 120 deputies delegated by political parties, 70 deputies coopted by the Council itself, 35 deputies delegated by the national councils, 38 deputies delegated by the trade unions and social organizations. Andrzej Burda, ed., *Krajowa Rada Narodowa*, 104.
19. Andrzej Ajnenkiel, *Polskie konstytucje* (Warsaw: Wiedza Powszechna, 1982), 356-357.
20. The country administrator was known as the *starosta*, while the provincial governor was the *wojewoda*; both served on their respective national councils ex officio. See the Decree of August 21, 1944, *DzURP 1944*, No. 2, item 8.
21. *DzURP 1945*, No. 5, item 22.
22. See the law of March 20, 1950, *DzURP 1950*, No. 14, item 130, 172-175.
23. *DzURP 1944*, No. 4, item 21, 25-26.
24. Łukasz Socha, "O prawach....," 129-130.
25. *DzURP 1944*, No. 6, item 27, 35-54.
26. *DzURP 1944*, No. 6, item 27, 43.
27. Łukasz Socha, "O prawach....," 130-131.
28. Maria Turlejska, *Te pokolenia....*, 37.
29. *DzURP 1944*, No. 6, item 29, 55-64.

30. Łukasz Socha, "O prawach...", 131-134.
31. *DzURP 1944*, No. 10, item 50, 97-98.
32. Grzegorz Jakubowski, *Sądownictwo polskie w pierwszych latach Polski Ludowej*, manuscript of a doctoral dissertation, Chapter entitled "Koncepcje organizacji wymiary sprawiedliwości," 13-18.
33. Łukasz Socha, "O prawach...", 134-137.
34. Tadeusz Sierocki, "Z dziejów walk z reakcyjnym podziemiem (1945 r)," in *Z Pola Walki*, 3 (31), 1965, 195-200.
35. *DzURP 1945*, No. 28, item 172, 237-240.
36. PKWN decree on the defense of the state of October 30, 1944, *DzURP 1944*, No. 10, item 50, 97-98. Article 1 provided that: "Whoever forms an association, having as its aim the overthrow of the democratic system of the Polish State, or who takes part in, leads, supplies weapons to, or otherwise assists such an association, is subject to a penalty of imprisonment or death." And article 8 provided that: "Whoever forms an association in wartime having crime as its aim, or forms an association whose existence, structure, or aim is meant to remain a secret from the state authorities or who takes part in such an association, leads it or assists it, is subject to a penalty of imprisonment or the death penalty."
37. Ministry of the Interior Collection, 9a, Polish Institute and Sikorski Museum (hereafter, PISM), *Bezpieczeństwo w Polsce w świetle nowych przepisów karnych wprowadzonych w życie przez Tymczasowy Rząd w Warszawie*, 29-31.
38. Article 10.
39. Zbigniew Błażyński, *Mówi Józef Światło*, (London: Polska Fundacja Kulturalna, 1985), 113, 115, 116. [Tr. by J. Micgiel].
40. Tadeusz Żenczykowski, *Dramatyczny rok 1945* (London: Polonia Book Fund, 1982), 132, 133; Marek Łatynski, *Nie pasc na kolana* (London: Polonia Book Fund, 1985), 202-204; Bąkiewicz Collection, 138/267, PISM, report by Jerzy Lambl, December 31, 1945, 11-12.

41. Bąkiewicz Collection, 138/266, PISM, report by Czesław Koziowski, September 28, 1945, 2.
42. There has been speculation that materials that had been gathered by Wolność i Niezawisłość's (Freedom and Independence, hereafter WiN) intelligence operation had been intercepted during their transmittal abroad by courier and "cooked" by Polish counterintelligence. Krystyna Kersten has hypothesized on the basis of an analysis of language and content that some materials, among them those purporting to convey speeches by Soviet security officers and Adolf Berman, were indeed falsified—not by counterintelligence but by WiN itself. Presumably, the aim would have been to help convince the Americans and the British of Soviet designs on Western Europe. See Krystyna Kersten, "Rozważania wokół podziemia 1944-1947," in *Krytyka* 25, 73-104.
43. General Instruction (*Instrukcja obiegowa*) of the PPR Central Committee, October 5, 1945, in Colonel T.J. Betts to Director of Intelligence, May 20, 1947, containing Memorandum to the United Nations' Security Council, Appendix 1, 2, Army Staff, Record Group 319, BID Number 481860, National Archives.
44. Mikołajczyk Collection, Box 41, HIWRP, *Amnestia. Konspekt pogadanki*, No. 62 (82), March 1947, 1-4. [Tr. by J. Micgiel].
45. Mikołajczyk Collection, Box 41, HIWRP, *Amnestia*, 2.
46. Wiesław Szota, unpublished M.A. thesis, "Siły Zbrojne PRL w walce z reakcyjnym podziemiem zbrojnym w latach 1945-1948," as cited in Maria Turlejska ed., "Introduction," in *Z walk przeciwko zbrojnemu podziemi*, (Warsaw: Wydawnictwo Ministerstwa Obrony, 1966), 58.
47. Published on and effective as of December 17, 1945, *DzURP 1945*, No. 57, Item 320.
48. *DzURP 1945*, No. 53, item 300, 469-473.
49. They are: 1) the Polish Committee of National Liberation's decree on the defense of the state of October 30, 1944; 2) the decree of the President of the Republic of November 22, 1938 concerning the protection of state interests; and 3) the executive order of the President of the Republic of October 24, 1934, concerning crimes against the security of the state.

50. Ministry of the Interior Collection, 9a, PISM, *Bezpieczeństwo w Polsce w świetle nowych przepisów karnych wprowadzonych w życie przez Tymczasowy Rząd w Warszawie*, 25-26.
51. *DzURP 1945*, No. 53, item 301, 474-476.
52. *DzURP 1945*, No. 53, item 302, 476-477.
53. Tadeusz Żenczykowski, *Dramatyczny rok 1945*, 198. Not all inmates of these camps were sent there by the Special Commission, however. One author asserts that in the early period only 30 such camps operated and that until 1949 the Commission sent 16,500 people to the labor camps. See Grzegorz Sołtysiak, "Komisja Specjalna do Walki," in *Karta*, January 1991, 83-86.
54. *DzURP 1945*, No. 53, item 302, 476-77.
55. B 2111, PISM, A.K. Opolski, *Sowierzacja Polski* (London, November 1946); Poland, Ministry of the Interior Collection, HIWRP, *Służba Bezpieczeństwa w Polsce 1945/46*, 31-32.
56. Grzegorz Sołtysiak, "Komisja Specjalna..." 85-86.
57. *DzURP 1946*, No. 23, item 149, 271-271.
58. For a description of conditions inside one of the camps, see "Anonim po zwolnieniu," in *Karta*, January 1991, 96-97.
59. Grzegorz Sołtysiak, "Komisja Specjalna....," 86-87.
60. Tadeusz Żenczykowski, *Dramatyczny rok 1945*, 71, 197-198; Grzegorz Jakubowski, *Sądownictwo polskie*, 1.
61. *DzURP 1946*, No. 5, item 45, 78-80.
62. *DzURP 1946*, No. 5, item 46, 80-81.
63. Poland, Ministry of the Interior Collection, HIWRP, *Służba Bezpieczeństwa w Polsce 1945/46*, 26-28.

64. *DzURP 1946*, No. 34, item 210, 379.
65. *DzURP 1946*, No. 30, item 192, 347-352. The Decree of June 13 was published and effective as of July 12, 1946.
66. *DzURP 1946*, No. 53, item 300, 469-473.
67. *DzURP 1946*, No. 59, item 324, 692-693.
68. B 2111, PISM, A.K. Opolski, *Sowieryzacja Polski*, 38-39.
69. B 2111, PISM, A.K. Opolski, *Sowieryzacja Polski*, 42-44.
70. For that reason, the data presented by Professor Turlejska must be treated cautiously until verified. See footnote 3 above.
71. The military court system was established by a decree of the PKWN on Military Courts and Military Prosecutors, dated September 23, 1944. By 1945, divisional courts existed, as did field courts and garrison courts. In spring 1946, District Military Courts [*Wojskowe Sądy Okręgowe*] were established, followed by Regional Military Courts [*Wojskowe Sądy Rejonowe*] to judge civilians, and the Internal Security Corps' Military Courts. The President of the Supreme Military Court initially was Brigadier General Aleksander Tarnowski, and in 1946, Colonel Aleksander Michniewicz. Both were Soviet citizens and Red Army officers.
72. Maria Turlejska, *Te pokolenia...*, 98.
73. Maria Turlejska, *Te pokolenia...*, 106.
74. The newspaper reported 169 death sentences for the first half-year and only 26 for the second half. Maria Turlejska, *Te pokolenia...*, 93.
75. Maria Turlejska, *Te pokolenia...*, 91-92. These and other figures cited above differ somewhat from those given in an earlier article on the same subject; see Łukasz Socha, "Skazani na śmierć i ich sędziowie 1944-1946," in *Krytyka* 13-14, 132.
76. Maria Turlejska, *Te pokolenia...*, 114-116.
77. Maria Turlejska, *Te pokolenia...*, 114-115.

78. Ethnically mixed population, comprising an distinct minority and co-habiting areas in Prussia, Pomerania, Upper and Lower Silesia in which ethnic Germans formed the majority.
79. Maria Turlejska, *Te pokolenia...*, 343-344.
80. For a listing of persons tried in these proceedings see Łukasz Socha, "Skazani na śmierć....," 133-137.
81. These departments were meant to hear cases concerning people who were arrested during pacification operations and other military actions, and persons suspected of cooperating with the armed underground. The introduction of summary proceedings into military courts in July 1946 replaced these courts.
82. Maria Turlejska, *Te pokolenia...*, 370.
83. Maria Turlejska, *Te pokolenia...*, 97-98.
84. Records of the Ministry of Public Administration, Archive of Modern Records, Warsaw, vol. 77, as cited in Maria Turlejska, *Te pokolenia...*, 98.
85. It is possible that these documents no longer exist. Reports have been confirmed that both the Ministry of the Interior and the Military Internal Service [*Wojskowa Służba Wewnętrzna*] have been destroying all documents concerning the activities of military counterintelligence and special services between 1945 and 1988. Among the papers allegedly destroyed were the records of the Central Board of the Military Justice System. *Nowy Dziennik*, July 25, 1990, 1-2.
86. Maria Turlejska, *Te pokolenia...*, 106-107.
87. Researchers have not yet obtained access to the cemetery's records, but so far at least 103 victims have been identified in lots 81A and 120. See the catalog *Zmarli zobowiązują żyjących* [The Dead Oblige the Living] (New York: Joseph Pilsudski Institute, 1989).
88. The Social-Church Committee to Commemorate the Victims of Official Terror has identified over 400 sites throughout Poland where victims were secretly buried. See "Grzebani w płóciennych workach," *Nowy Dziennik*, October 11, 1993, 3, 10.
89. Maria Turlejska, *Te pokolenia...*, 106-107.

90. Maria Turlejska, *Te pokolenia....* 107.
91. Maria Turlejska, *Te pokolenia....*, 107.
92. For example, General August Emil Fieldorf of the Home Army, was executed in 1953 and the whereabouts of his remains are unknown, despite an official inquiry in the 1960s by then Minister of National Defense, General Wojciech Jaruzelski. In 1989, he had a Warsaw street named in his honor. See Pawel Smoleński, "Sprawiedliwość dziejów" in *Gazeta Wyborcza* 46, July 11, 1989. In fact, some 2,000 monuments depicting Communist heroes such as Lenin, Dzierżyński, etc., have been removed and approximately 30 percent of the street names changed in Poland since 1989. *Nowy Dziennik*, June 14, 1993, 2.
93. For one of many recent articles on this subject, concerning graves in Wrocław, see Tadeusz Bielecki, "Odkrycie grobów żołnierzy AK pomordowanych przez NKVD i UB" in *Nowy Dziennik* No. 4731, September 23-24, 1989, Section 2 "Przegląd Polski."
94. While no such admission was requested by the Poles or acknowledged by the Russians at the time, both sides did publicly condemn Stalinist crimes, and Russian President Boris Yeltsin recently ordered his government to open the Russian state archives to facilitate Polish efforts to reveal the details of the killings at Karyń, Miednoje, and Kharkov. A few months later, however, President Yeltsin himself produced such details, which were taken to Warsaw by the director of the Russian State Archives, Mr. Rudolf Pikhoya, and made public on October 14, 1992. The materials included a copy of the March 5, 1940 Soviet Politburo resolution that ordered the execution of 21,857 Polish officers, officials, landowners, and others. See *The New York Times*, October 15, 1992; and *Nowy Dziennik*, October 16, 17-18, 19, 20, 21, and 22 (all 1992).
95. The daughter of Major Wilhelm Kazimierz Tippe, who was killed at Karyń, has begun legal proceedings against the Polish government for failing to request compensation for her father's death from the USSR or its legal descendant, the Russian Federation. She is suing the Polish Minister of Finance. See *Nowy Dziennik*, June 29, 1993, 3.
96. For example, resolutions introducing amendments to the law "On Veterans and Victims of Wartime and Postwar Repression," dated January 24, 1991, were filed on March 31, 1992, April 2, 1992, May 6, 1992, September 3, 1992, and September 10, 1992. See Sejm Rzeczypospolitej Polski, Publication nos. 207, 207A, 207B, 214, 260, and 440.

97. See the resolution of July 22, 1992, instructing Minister of Internal Affairs Andrzej Milczanowski to reveal to the parliamentary leadership the list of names of those persons holding high positions in state service and in the parliament who, according to the archives of the Interior Ministry, were collaborators of the Security Office or Security Service. Sejm Rzeczypospolitej Polski, Publication 389.

98. In 1992, a half dozen lustration bills were submitted to parliament. All but two were rejected by year's end.

99. Adam Jerzy Socha, "Historyk może postawić hipotezę, prokurator musi udowodnić," *Rzeczpospolita*, March 10, 1993, *Prawo co dnia*, 2.

100. "O sprawiedliwość i prawdę," in *Nowy Dziennik*, January 30-31, 1993.

101. *Nowy Dziennik*, February 12, 1993, 2.

102. Examples of the more recent, lengthier articles are Jerzy Morawski, "Ludzie bezpieki," in *Rzeczpospolita*, January 23-24, 1993, *Niedziela: dodatek rygodniowy*, 1-2; Eżbieta Pawelek, "Wrogowie ustroju z wyrokiem," in *Rzeczpospolita*, March 20-21, 1993, *Niedziela: dodatek rygodniowy*, 1, 3; John Sack, "The Wrath of Solomon," in *Village Voice*, March 30, 1993, 29-39; Włodzimerz Bieroń, "Odszkodowania za sowieckie wyroki," in *Nowy Dziennik*, April 5, 1993, 3; and Jerzy Bukowski, "Kto zdąży przed Panem Bogiem," in *Nowy Dziennik*, April 6, 1993, 5.

103. Several new institutions have sprung up to document excesses, the most prominent being the Foundation for Underground Poland's Archives, the Polish Peoples' Republic Archive, and the Eastern Archive.

104. It is interesting to note that virtually all of the legislation granting victims rights were passed by the parliament that was elected in partially free elections in June 1989, where the Communists and their allies comprised 65 percent. The lustration resolution, later found to be in conflict with human rights legislation and abolished, was passed by the next parliament, which was freely elected in December 1991 and comprised overwhelmingly of non-Communist deputies. As a result of a poorly conceived electoral statute, twenty-nine parties were represented in nineteen parliamentary clubs, making real legislative work difficult at best and progress on many bills, including the aforementioned, slow. This parliament's performance was popularly ridiculed and it obtained remarkably and increasingly low ratings in confidence polls.

105. The exception is crimes recognized internationally as being war crimes or crimes against humanity. See the law of May 29, 1991 regarding amendment of the law establishing the Main Commission for the Study of Nazi Crimes in Poland—The Institute for National Remembrance. *DzURP 1991*, No. 45, item 195, article 1.

106. Several of the 13 security functionaries under prosecution have delayed the proceedings in court by claiming, perhaps justifiably, illness. The case against one of them, Jan Grzęda, was suspended due to his death on September 19, 1993. "Proces funkcjonariuszy odroczoney," *Nowy Dziennik*, October 16-17, 1993, 2.

107. *DzURP 1991*, No. 17, item 75.

108. *DzURP 1991*, No. 34, item 149.

109. For an account of a day in such a court, see Włodzimerz Filipek, "Jestem już czysty," in *Nowy Dziennik*, July 12, 1993, 3.

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