

**P R Z E G L Ą D Z A C H O D N I O P O M O R S K I
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A R T Y K U Ł Y

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**MARIAN JURCZYK IN THE SO-CALLED “TRIAL OF ELEVEN”
(1981–1984)**

Key words: democratic opposition, Independent Self-Governing Trade Union “Solidarity”, martial law, repression under martial law, political process, communist regime

Słowa kluczowe: opozycja demokratyczna, Niezależny Samorządny Związek Zawodowy „Solidarność”, stan wojenny, represje w stanie wojennym, proces polityczny, reżim komunistyczny

The introduction of martial law on 13 December 1981 is undoubtedly one of the most controversial events in the history of post-war Poland. Discussions are still ongoing to this day concerning the legitimacy of applying this institution provided for in the Constitution of the People’s Republic of Poland. As General Wojciech Jaruzelski stated in his speech declaring martial law: “History will evaluate our actions”.¹ Hence the need to assess certain elements of martial law, and among them the investigations and criminal trials against activists from the Solidarity Trade Union, among them the so-called “trial of eleven” in the years 1981–1984, were prominent. Marian Jurczyk was one of the accused activists of KSS KOR and the leaders of Solidarity. He was primarily a shipyard worker, and then the leader of the August 1980 strike in Szczecin, during the “Solidarity Carnival” one of Lech Wałęsa’s rivals for the position of union leader. Later, he was interned,

¹ Speech of 13 December 1981, in: Wojciech Jaruzelski, *Przemówienia 1981–1982* (Warszawa: Książka i Wiedza, 1983), 213.

accused in the trial discussed below, after which his role in the trade union movement diminished. After the political changes in 1989, still being critical of the idea of “round table” debate he held a senatorial mandate in the years 1997–2000 and the function of Mayor of Szczecin in the years 1998–2000 and 2002–2006, after which he withdrew from political activity. He died on 30 December 2014, reaching the age of 79 years.

The aim of the text is to show one of the so-called critical moments in Marian Jurczyk’s life, which “[...] have changed a lot in his personal life by having sometimes stimulating or inhibitory effects on its particular spheres.”² In his work on Marian Jurczyk’s biography, the author advocates a method of contextual biography which, in this article, may show the broader problem of man’s position in relation to the communist regime, because the fate of Marian Jurczyk in the so-called eleventh trial was simply the fate of the oppositionist in the proceedings before the apparatus of the totalitarian regime.³ This text is based on several different sources like the documents of the Ministry of the Interior, above all the procedural documents, supported to a marginal extent by bibliographical items concerning Marian Jurczyk and the so-called “Process of Eleven”, which, unfortunately, are extremely limited in the subject matter.⁴ At the present stage of his research, the author has not collected witness accounts of the described events, concentrating, according to the title of the article, on the procedural documentation concerning Marian Jurczyk in the so-called Process Eleven.

Consideration of the above should begin with the introduction of martial law. An attempt to reconstruct this event goes beyond the framework of this text, however, the sequence of events relating to Marian Jurczyk, who was intended for

² Witold Wojdyło, Arkadiusz Fordoński, „Refleksje historiograficzne Profesora Romana Wapińskiego odnośnie Biografistyki w Polsce” *Dzieje Najnowsze* 3 (2016): 146.

³ Tadeusz Łepkowski, „Kilka uwag o historycznej biografistyce”, *Kwartalnik Historyczny* 3 (1964): 715. Similarly in: Ryszard Kołodziejczyk, *Piotr Steinkeller kupiec i przemysłowiec 1799–1854* (Warszawa, 1963): “The author wants to understand the mechanism of operation of Polish conquering capitalism [...] through the prism of the experiences of one capitalist.”

⁴ This book should be mentioned here: Andrzej Friszke, *Sprawa Jedenastu. Uwięzienie przywódców NSZZ „Solidarność” i KSS „KOR” 1981–1984* (Kraków: Znak Horyzont, 2017). The work’s description focuses primarily on the members of KSS “KOR”, and to a lesser extent on the activists of “Solidarity”, including Marian Jurczyk, hence the item does not contain a number of important information about him or his ideological distinctiveness towards KOR, the description of the internment period or the epilogue of the trial in the form of a decision to change the legally binding decisions to discontinue the investigation, as well as many other issues.

internment called ("Jodła")⁵ – one of the special government actions, definitely requires a further analysis. Just before the imposition of martial law, a meeting of the National Commission of NSZZ Solidarność was held at the famous Gdańsk Shipyard, in which Marian Jurczyk eagerly took part. On the way back to Szczecin, during the night of December 12–13, 1981, near Stargard Szczeciński a car with the returning Jurczyk and Stanisław Kocjan and Ryszard Bogacz was stopped by the Civic Militia (MO – communist police), from where the activists of the Szczecin "Solidarity" movement were transported, through the MO headquarters in Stargard Szczeciński, to the arrest located at the Goleniów Prison.⁶

The next stage was the retreat centre in Wierzchów Pomorski, where Jurczyk was transferred, together with a group of other oppositionists on 12 January 1982.⁷ Earlier, on 14 December 1981, Marian Jurczyk made the following demands to the Provincial Commander of the MO: to determine the status of the interned in the light of international law, to meet with the prosecutor and to publish a full list of the interned with their actual place of residence.⁸ These demands were supplemented by further postulates.⁹ The internment period was the time of the SB's operational activities against Marian Jurczyk. Franciszek Skwierczyński, a member of the Regional Board, who was a secret collaborator of the Security Service, was in the cell with Jurczyk.¹⁰ His denunciations allowed the Security Service to

⁵ Instytut Pamięci Narodowej – Komisja Ścigania Zbrodni przeciwko Narodowi Polskiemu (hereinafter: IPN) Sz 0012 367/6, pp. 74–75, Decision No. 66/81 on the internment of Marian Jurczyk.

⁶ Krzysztof Jagielski, *Za burtą legendy* (Szczecin: Wydawnictwo Punkt, 1992), 166; Robert Spatek, „Pomorze Zachodnie”, in: *Stan wojenny w Polsce 1981–1983*, ed. Antoni Dudek (Warszawa: Instytut Pamięci Narodowej – Komisja Ścigania Zbrodni przeciwko Narodowi Polskiemu, 2003), 597; IPN Sz 0012 367/6, p. 76, Order to detain and bring Marian Jurczyk; IPN Sz 0012 367/6, p. 78, Confirmation of picking up the interned Marian Jurczyk.

⁷ IPN Sz 0012 367/6, p. 77, Communication of January 12, 1982 regarding the admission of the interned Marian Jurczyk. More about Marian Jurczyk's stay in internment centers, in: Tadeusz Dziechciowski, *Dziennik z internowania: Goleniów – Wierzchowo Pomorskie – Strzebielinęk (1981–1982)* (Szczecin: Instytut Pamięci Narodowej – Komisja Ścigania Zbrodni przeciwko Narodowi Polskiemu Oddział w Szczecinie, 2011); Marta Marcinkiewicz, *Ośrodki odosobnienia 1981–1982. Wierzchowo Pomorskie, Jaworze, Darłówek i Głębokie* (Gdańsk: Instytut Pamięci Narodowej Oddział w Szczecinie 2016); Jan Mur, *Dziennik internowanego grudzień 1981-grudzień 1982* (Paryż: Instytut Literacki, 1985).

⁸ IPN Sz 0012 367/6, p. 79. Demands of the internees of December 14, 1981.

⁹ IPN Sz 0012 367/6, pp. 81–82. Letter from Marian Jurczyk to the Provincial Commandant of MO in Szczecin of December 24, 1981.

¹⁰ More on the activities of Franciszek Skwierczyński in: Przemysław Benken, Magdalena Dźwigał, Marcin Stefaniak. *Franciszka Skwierczyńskiego „Tajna kronika” szczecińskiej „Solidarności” w latach 1980–1982* (Szczecin: Instytut Pamięci Narodowej – Komisja Ścigania Zbrodni przeciwko Narodowi Polskiemu, Oddział w Szczecinie, 2020).

obtain information about discussions and exchange views among the interned. TW „Kamil” informed, among others, on the radicalization of Jurczyk’s views.¹¹ He also provided information about his reflections on emigration, which later on could be very useful for the Security Service in the context of the planned inducement of the accused to leave the country. Skwierczyński devoted a lot of space in his reports to the mood of the interned. He informed on Jurczyk’s experience of the remarks made to him by Stanisław Kocjan regarding his sharp – “anti-Zionist” – statements.¹² These were certainly reflections of Marian Jurczyk’s meetings in Trzebiatów.¹³ Skwierczyński’s release from internment in February 1982 did not end his activities hostile to Solidarity, which he continued in the underground structures of the association.¹⁴

At that time, during the parliamentary speech on 25 January 1982, Gen. Jaruzelski stated that “Those who do not want to give up illegal activities will remain in isolation. They cannot count on a return to anti-state political activity.”¹⁵ The need to eliminate “anti-state” and “anti-socialist” elements from public life was motivated by concern for state security. As early as December 16, 1981 Professor Jerzy Bafia, the Minister of Justice, in a letter to General Jaruzelski noted that in order to maintain the rules of legalism, it was necessary to demonstrate the occurrence of forces hostile to the constitutional order of the socialist state, which were to induce the Council of State to introduce martial law. Prof. Bafia stated that the fact that the security of the state is threatened by a potential change of the political system needed to be seriously taken into consideration.¹⁶

The beginning of martial law was associated with the awakening of the spirit of retaliation among parts of the party apparatus, as noted by e.g. Mieczysław

¹¹ IPN Sz 0024 296/3, pp. 117–120, Note of Capt. W. Wojciechowski from the meeting with the TW „Kamil”, January 15, 1982.

¹² IPN Sz 0024 296/3, pp. 121–122, Note of Capt. W. Wojciechowski from the meeting with the TW „Kamil”, February 1, 1982.

¹³ The case concerns the meeting in the Furniture Factory in Trzebiatów of 25 October 1981, in which Marian Jurczyk raised, among other things, the issue of settling the party nomenclature in Poland and the possible punishment of its representatives by hanging, as well as referred to the ethnic origin of the persons performing functions in the security apparatus in Poland. These statements resulted in criminal proceedings against their author, referred to in footnote 79.

¹⁴ Artur Kubaj, *Nie wyrosli z marzeń. Szczecińska podziemna Solidarność* (Warszawa: Uniwersytet Kardynała Stefana Wyszyńskiego, 2011), 157–158.

¹⁵ Speech at the meeting of the Sejm of the People’s Republic of Poland delivered on 25 January 1982, in: Jaruzelski, *Przemówienia*, 231.

¹⁶ IPN BU 01101/1/2, p. 30. Letter from prof. J. Bafia to gen. W. Jaruzelskiego, 16 December 1981.

F. Rakowski¹⁷ and Tadeusz Mazowiecki.¹⁸ These tendencies also applied to the leadership circles of “Solidarity” suspended immediately after the introduction of martial law.¹⁹ Despite the awareness of the dangers coming with the idea of any trials during the martial law²⁰, preparations for the trial of “Solidarity” activists had already started before it even began, which was connected with the analysis of the meeting of the Solidarity’s National Commission (KK) in Radom on 3 December 1981.²¹ Which, however, failed to find any examples of violation of the criminal law.

After the introduction of martial law in the Ministry of the Interior Matters, an analysis of the meeting of the Criminal Code in Gdańsk of December 11–12, 1981 was undertaken. As a consequence of that meeting Marian Jurczyk was arrested. On December 21, 1981, the Investigation Bureau of the Ministry of Interior announced that it would turn to the Military Prosecutor’s Office to initiate an investigation into the crime of conspiracy against the People’s Republic of Poland (Article 123 of the Penal Code), which consisted in undertaking activities aimed at a violent plot against the regime of the People’s Republic of Poland.²² The scale of the charge corresponded with Marian Jurczyk’s speech at the meeting of the CC in Gdańsk on 11–12 December 1981. Initially, he stressed the role of the mass media, demanding the participation of the Solidarity side in access to radio and television, and then stated that: “[...] if the Sejm (the National Assembly) adopts extraordinary powers for the government, a general strike must be declared

¹⁷ Mieczysław Franciszek Rakowski, *Dzienniki polityczne 1981–1983* (Warszawa: Wydawnictwo ISKRY, 2004), 140.

¹⁸ Tadeusz Mazowiecki, *Internowanie* (Biblioteka Wolnego Głosu Ursusa – przedruk za Aneks, Londyn, 1983), 16–17.

¹⁹ *Ibidem*, 145.

²⁰ In a letter to General Jaruzelski, Jerzy Urban, in the context of Edward Gierek’s planned appearance of his team before the State Tribunal, stated that “[...] a long-term judgement in our society in general is conducive to increasing sympathy for the defendants”; Rakowski, *Dzienniki*, 160.

²¹ IPN BU 01101/1/1, p. 192, Note of the Ministry of Interior’s Investigation Bureau of 8 December 1981.

²² IPN BU 01101/1/1, pp. 317–318, Note of the Ministry of Interior’s Investigation Bureau of 21 December 1981 signed by the Head of Department I of the Ministry of Interior’s Investigation Bureau, Colonel Z. Rajewski. As the persons who undertook this crime are listed among others: Zbigniew Bujak, Marian Jurczyk, Jan Rulewski, Grzegorz Palka, Andrzej Słowik, Seweryn Jaworski, Karol Modzelewski, Jacek Kuroń, Adam Michnik, Andrzej Gwiazda, Bogdan Lis, Jan Waszkiewicz, Leszek Waliszewski, Andrzej Rozpłochowski, Patrycjusz Kosmowski, Andrzej Sobieraj.

immediately.”²³ This statement was in line with the accusation of a general strike conducted by Solidarity.

As part of the preparatory activities carried out by the employees of the Ministry of Interior, the materials seized in the seats of the Regional Boards of the Solidarity Trade Union after the imposition of martial law were carefully reviewed.²⁴ What is worth noting is that the documents of NSZZ “Solidarność” held by the Voivodeship Headquarters of the MO in Szczecin did not go to Warsaw, hence the emphasised need to supplement the evidence in the case of “extremists” like A. Gwiazda and M. Jurczyk.²⁵

The initiation of the investigation into “conspiracy activity of some NSZZ ‘Solidarity’ activists” took place on February 1, 1982.²⁶ The decision to initiate the investigation stated that some activists “using the legal activity of the NSZZ ‘Solidarity’ entered into an agreement with the aim of overthrowing the socialist system in the People’s Republic of Poland with violence and weakening the defensive power of the People’s Republic of Poland by preparing a general strike and creating illegal organizational structures to replace the legal, constitutional state authority, both at the central and local levels.” The investigation was entrusted to the Ministry of the Interior’s Office of Inquiry along the lines set out in the document of 22 February 1982.²⁷ It stressed the role that the NRP, as well as the Confederation of Independent Poland and, to a lesser extent, Ruch Obrony Praw Człowieka i Obywatela (the Movement for the Defence of Human and Citizen’s Rights) influenced the political attitude and radicalisation of the NSZZ “Solidarność”, whose aim was to take over power. There was a gap between the healthy – socialist part of the union consisting of workers and the management –

²³ IPN BU 01101/1/1, pp. 247–277, Note written 11 December 1981 r. About the board meeting of State Committee NSZZ „Solidarność”.

²⁴ Until 8 January 1982, over 700 bags of this documentation were collected from over 35 provinces, IPN BU 01101/1/3, k. 64–66, Letter from the Head of Department I of the Ministry of Interior’s Investigation, Colonel Z. Rajewski of 9 January 1982.

²⁵ IPN BU 01101/1/3, pp. 212–216, Service note on the evaluation of materials on conspiracy activities of some members of the presidium of KK NSZZ “Solidarność” of 23 January 1982.

²⁶ IPN BU 01101/1/4, p. 66, Decision on opening an investigation by the Chief Military Prosecutor, Colonel Ryszard Szczęsny of 1 February 1982.

²⁷ IPN BU 01101/1/5, pp. 93–103, Directions of investigation against certain activists of the management and advisors of NSZZ “Solidarność” of 22 February 1982. The management of the Ministry was acquainted with the directions of the investigation: Minister Czesław Kiszcak IPN BU 01101/1/5, p. 86; Deputy Minister Bogusław Stachura IPN BU 01101/1/5, p. 87; Deputy Minister Władysław Ciastoń IPN BU 01101/1/5, p. 88.

especially the full-time apparatus. The desire to change the constitutional order of the People's Republic of Poland by means of strike blackmail and the rejection by "Solidarity" of the idea of agreement was stressed. The need to document the agreement of the perpetrators and their use of violence to overthrow the system was noted.

The above concept was criticised in a memo made at the MO's Headquarters on 25 February 1982.²⁸ It was claimed that it was doubtful that the activities in the legalised groups were covered by the investigation, and such a group was the trade union NSZZ "Solidarność". The focus should be on prosecuting illegal organisations, i.e. KSS KOR and KPN, and their possible impact on Solidarity. As Andrzej Friszke points out, this concept would mean the possibility of including in the scope of proceedings the Solidarity activists originating from or cooperating with KSS KOR or KPN.²⁹ As a result of such a procedure, it would not be easy to charge e.g. Marian Jurczyk, who has often spoken with reserve about the KSS KOR. An example of this attitude was the reluctance of these circles to get involved in the August 1980 strike: "We had some prejudices about KOR – [...] There was no such KOR in Szczecin [...]. We thought that we would rather have a pure trade union organization, typically a workers' organization, without some other groupings."³⁰ In a different situation, Jurczyk noted on February 21, 1981, that in the Warski Shipyard a "strong, resilient strike organization was created without the help of KOR or any other organizations."³¹ Applying this concept would make it impossible to permanently eliminate the Solidarity leaders from political life, and this was what their demonstration process was supposed to serve³². In the discussion on the directions of the investigation it was postulated that³³ Lech Wałęsa should be included in the investigation and that all investigations should be included in one process.³⁴ At the stage described, i.e. in

²⁸ IPN BU 01101/1/5, pp. 127–129, Note written in the main headquarters of MO from 25 February 1982.

²⁹ Friszke, *Sprawa*, 114.

³⁰ Małgorzata Szejnert, Tomasz Zalewski, *Szczecin – Grudzień – Sierpień – Grudzień* (Warszawa: Niezależna Oficyna Wydawnicza, 1984), 101.

³¹ TZ, „Najlepsza droga”, *Jedność* 9 (1981): 4–5.

³² Friszke, *Sprawa*, 114.

³³ IPN BU 01101/1/5, pp. 132–133, Letter from the Director-General of the Ministry of Interior, General Edward Tarała, dated 25 February 1982.

³⁴ IPN BU 01101/1/5, pp. 136–138, Comments on the concept of criminal prosecution of persons from anti-socialist groups for acts against the state of 25 February 1982, signed by Gen.

the period from March to May 1982, it was not stated that Marian Jurczyk would be charged.³⁵

Shortly before that, on 24 April 1982, the Supreme Military Prosecutor and Deputy General Prosecutor General Józef Szewczyk formulated the theses of future charges.³⁶ The future defendants were planned to be charged with a crime under Article 123 of the Penal Code, noting that the content of the charge may change and evolve towards the crime under Article 126 § 1 in connection with Article 123 of the Penal Code, which meant that the defendants took preparatory steps to commit the crime which they were to be charged with.³⁷

In July 1982 Marian Jurczyk was included as the person to be charged next.³⁸ By July 1982, more than 200 witnesses had been interviewed in the ongoing investigation, preliminary analysis of documents seized from Solidarity's headquarters and tapes of speeches by Solidarity activists were made.³⁹

The subject of including opposition activists from the KSS KOR and "Solidarity" in one process or treating these groups separately was still discussed. For example, in a document being a plan of investigation, dated August 2, 1982, drawn up by Captain Wiktor Fonfara from the Investigation Bureau of the Ministry of the Interior Matters⁴⁰ the discussion emphasised big chances linked to the trial, which was to cover the period from the beginning of the activity of

Lucjan Czubiński.

³⁵ Note of the Head of the Department of the Ministry of Interior's Investigation, Colonel Z Rajewski of 9 March 1982, IPN BU 01101/1/6, pp. 182–187, Note prepared in the Ministry of Interior's Investigation Office of 22 March 1982, IPN BU 01101/1/7, pp. 10–15, Note prepared in the Ministry of Interior's Investigation Office of 30 March 1982, IPN BU 01101/1/7, pp. 175–177, Note on criminal proceedings against leading activists of the political opposition of the People's Republic of Poland of 18 May 1982. At that time it was planned to charge Karol Modzelewski, Andrzej Gwiazda, Grzegorz Palka, Jan Rulewski, Andrzej Rozpłochowski and Jacek Kuroń. However, it was expected that the circle of these persons would expand to about 13, in the course of the ongoing proceedings, which were to last until the autumn of 1982.

³⁶ IPN BU 01101/1/7, p. 124, They were immediately sent to Gen. Czesław Kiszcak, who made no comments to them: IPN BU 01101/1/7, p. 144.

³⁷ IPN BU 01101/1/7, pp. 125–127, The expected content of the allegation in case V Pn.śl.II-3/82.

³⁸ IPN BU 01101/1/8, pp. 33–41, A note on the investigation of conspiracy activities of some of the leading activists and advisors of NSZZ "Solidarność" of 9 July 1982, Marian Jurczyk is mentioned here: J. Onyszkiewicz, Z. Bujak and S. Wądołowski.

³⁹ The investigators' interests at this stage of the proceedings included: the meeting of the management of the Association at the Solec Hotel on 02.12.1981; Radom on 03.12.1981; Gdańsk on 11–12.12.1981 and the meeting of the Board of the Lower Silesia Region on 07.12.1981.

⁴⁰ IPN BU 01101/1/8, pp. 63–102, Plan of investigation in case V Pn.śl.II-3/82 concerning conspiracy activity of some activists and advisors of NSZZ 'Solidarność' of 2 August 1982.

“Solidarity”. The plan of investigation described the grounds for accusing individual activists. In the case of Marian Jurczyk, the participation in the strike in the Szczecin Shipyard in August 1980 was mentioned, as well as the position he took after the so-called “Bydgoszcz events”. It was stated that the “hard course” of the suspect was caused by “personal games with St. Wądołowski”. The speeches in which Marian Jurczyk presented “anti-state and anti-socialist views” were mentioned⁴¹. The leader of the Szczecin “Solidarity” was also to be held responsible for “initiated strike actions and demonstrations (including those aimed at blocking Polishports).”

On 5 August 1982, one of the most dramatic situations in Marian Jurczyk’s life took place. On that day his son Adam Jurczyk and his daughter-in-law Dorota Jurczyk died. The question of whether it was a suicidal death remains a controversial issue, even though it was the official version of the investigation in this case,⁴² as Marian Jurczyk repeatedly stated that he did not agree with the findings of the state authorities in this case, which will also be reflected in the further part of his argument. The material aspects of the case will not be addressed in this paper, but what does require to be mentioned are events that followed it up as a consequence for Marian Jurczyk,⁴³ who was then interned. On August 5th, a cryptogram was sent from the Szczecin Voivodeship Command of the MO to the Communist Party’s Communist Party in Gdańsk, where the internment centre in Strzebielinek was located, informing them of the suicidal death of Adam and Dorota Jurczyk. It was obliged to pass this information to Marian Jurczyk without any suggestions concerning the course of events.⁴⁴ On that day, Lieutenant Piotr Szafranski

⁴¹ 29.01.1981 – meeting with members of the Szczecin Land; 01.08.1981 – meeting of the Presidium of the A. Warski Shipyard Management Board; 05.06.1981 – General Meeting of Delegates; 04.07.1981 – Second round of the General Meeting of Delegates; 01.08.1981.1981 – meeting on the anniversary of the outbreak of the Warsaw Uprising; 08.08.1981 – WKZ RI Congress in Szczecin; September 1981 – speech in the A. Warski Shipyard; October 1981 – speech during the second round of the “Solidarity” Congress; 25.10.1981 – meeting in Trzebiatów.

⁴² The investigation in this case, conducted by the Branch Commission for the Prosecution of Crimes against the Polish Nation of the Institute of National Remembrance in Szczecin, was discontinued on 31 July 2007 due to “lack of data sufficiently justifying the commission of the communist crime”; *Postanowienie o umorzeniu śledztwa w sprawie śmierci Adama i Doroty Jurczyków*, accessed 16.04.2019, <https://ipn.gov.pl/pl/dla-mediow/komunikaty/10179>, *Postanowienie-o-umorzeniu-sledztwa-w-sprawie-smierci-Adama-i-Doroty-Jurczykow.html*.

⁴³ The course of events behind Marian Jurczyk in: Jan Marszałek, *Jurczyk kontra Wałęsa* (Warszawa: Polska Oficyna Wydawnicza, 1995), 109–112.

⁴⁴ IPN Sz 0012/367/6, p. 88, Cryptogram of the Head of KWMO Department in Szczecin, Lieutenant Colonel J. Rzymkowski of 6 August 1982.

informed Marian Jurczyk about the death of his son and daughter-in-law, stressing that Jurczyk openly expressed his doubts, suspecting a provocation aimed at psychological manipulation.⁴⁵ Jurczyk did not believe in his son's suicide, noting that he was a rational man. Years later he emphasized that the officer giving him messages "turned out to be a civilized man."⁴⁶ He also stated that he did not believe in the version of events presented to him: "For I knew the commune well, I knew what it was capable of. Especially their famous services."⁴⁷ On 7 August Marian Jurczyk applied for a pass,⁴⁸ without receiving it, and asked Przemysław Fenrych, who was then going for a 20-day pass, to mediate in this matter with the auxiliary bishop of the Archdiocese of Szczecin and Kamień Pomorski.⁴⁹ In case of failure to obtain the pass, the co-interned planned protest actions to force it.⁵⁰ Eventually, Jurczyk was granted a pass, largely thanks to the efforts of Bishop Stanisław Stefanek,⁵¹ only for the funeral – "for the time necessary", which was to take place on August 10, after which he was to return to the internment centre.⁵² During the funeral ceremony, which was attended by a crowd of many thousands, an attempt was made to rescue the leader of Szczecin's "Solidarity", which resulted in street incidents in Szczecin.⁵³ Jurczyk categorically refused to make an attempt to escape, suspecting a communist provocation behind this idea.⁵⁴ After the funeral, Jurczyk was asked for a TV interview, but he did not do anything to

⁴⁵ IPN Sz 0012/367/6, p. 85, Official memo, cf. P. Szafrński of 6.08.1982.

⁴⁶ Piotr Zieliński, *Marian Jurczyk – zły prezydent* (Szczecin, 2008), 136.

⁴⁷ Ibidem.

⁴⁸ IPN Sz 0012/367/6, p. 86, Letter of Marian Jurczyk to the Provincial Commander of the MO in Szczecin of August 7, 1982.

⁴⁹ Przemysław Fenrych's mission was known to the authorities as it was communicated to the Communist Party in Szczecin in a letter from the Communist Party in Gdańsk; IPN Sz 0012/367/6, p. 87, Letter of 9 August 1982 from the Head of the Investigation Department of the Communist Party in Gdańsk to the Communist Party in Szczecin.

⁵⁰ Dziechciowski, *Dziennik*, 230.

⁵¹ Ibidem, 231. More about the activity of the clergy of the diocese of Szczecin and Kamień Pomorski during martial law in the period of the Second World War: Jan Marcin Mazur, "Kościół na Pomorzu wobec stanu wojennego", in: *Stan wojenny w skali kraju i Pomorza Zachodniego, informacje źródłowe i refleksje*, ed. Małgorzata Machałek i Jan Macholak (Szczecin: Szczecińskie Towarzystwo Naukowe i Wydawnictwo „Dokument” Oficyna Archiwum Państwowego w Szczecinie, 2005), 225–232.

⁵² IPN Sz 0012/367/6, p. 92, Decision of the Ministry of Labour and Social Policy (KW MO) on the leave of an interned person of 9 August 1982.

⁵³ As a result of the riots 26 people were detained – 2 of them were arrested, 12 were fined; for: Kubaj, *Nie wyrosli z marzeń*, 123.

⁵⁴ Zieliński, *Marian*, 136.

satisfy the media.⁵⁵ This personal drama had an impact on the attitude in the ongoing investigation. Many documents will underline Jurczyk's poor mental state, that never accepted the suicidal version of his son's and daughter-in-law's death, linking their death to his trade union activities.⁵⁶

Meanwhile, the discussion on the shape of the opposition activists' process continued. The position of the Administrative Department of the Central Committee of the Polish United Workers' Party (KC PZPR) expressed on 10 August,⁵⁷ after analyses carried out by a specially appointed team,⁵⁸ expressed its approval for a narrower process and separation of the process of "Solidarity" activists and the leadership of the KOR. The first one was to start the trial of the KOR activists, while the Solidarity leadership was to be indicted at the end of 1982. As General Kiszczak stated: "The trial of KSS-KOR leading members would be like a litmus test. It will be a much safer process – many people have a negative opinion about this organisation."⁵⁹ During one of the meetings the idea of discontinuance of the proceedings or even amnesty, expressed by the President of the Supreme Court Professor Bogdan Dzięcioł, also came up, and turned out to actually be prophetic.⁶⁰

In accordance with these guidelines, on September 2, 1982, charges under Article 123 in conjunction with Article 128 of the Penal Code were brought against Jacek Kuroń, and the following day against Adam Michnik, Jan Lityński and Henryk Wujec, as well as Mirosław Chojecki and Jan Józef Lipski.⁶¹ The period from September 1977 to July 1982 was indicated as the time frame for criminal activity, which ultimately determined the formula for a wider process, which must have been an interference of the Political Bureau of the Central Committee

⁵⁵ Ibidem, 138.

⁵⁶ Ibidem.

⁵⁷ IPN BU 01101/1/8, pp. 111–114, Note of the Administrative Department of the Central Committee of the Polish United Workers' Party (KC PZPR) concerning the possibility of prosecuting some members of the management of NSZZ "Solidarność" and "KSS – KOR" of 10 August 1982.

⁵⁸ The team consisted of representatives of the Supreme Court, the General Prosecutor's Office and the Supreme Military Prosecution Office.

⁵⁹ Friszke, *Sprawa*, 194.

⁶⁰ IPN BU 0874/4, pp. 55–57, Note from the meeting of the team consisting of representatives of the Central Committee, Supreme Court, General Prosecutor's Office and the Supreme Military Prosecutor's Office of 19 August 1982.

⁶¹ Jan Józef Lipski and Mirosław Chojecki were abroad at the time.

of the PZPR.⁶² The note of 3 September 1982 on the course of the investigation into Solidarity activists formulated by the Supreme Military Prosecutor's Office made extensive reference to the impact that the KOR environment had on the Solidarity movement.⁶³ From September to November 1982, 6 Solidarity activists were mentioned and were to be charged, but Marian Jurczyk was not included in this group.⁶⁴

The situation changed on 6 December 1982 when the team set up to assess the materials on the conspiracy of some Solidarity activists decided to "charge him and take him into provisional detention".⁶⁵ Difficulties were noted in presenting the charges to Jurczyk, pointing to "the fragmentary nature of the source material collected so far and the questionable nature of the assessment of the facts and their legal interpretation". Hence the order to send the file on the operational case of Marian Jurczyk's trial to Warsaw on 7th of December,⁶⁶ which arrived in the capital on 13th of December,⁶⁷ and was a clear signal of the acceleration of procedural activities.⁶⁸ On 15th of December the Office of the Ministry of the Interior Matters was officially obliged to initiate a personal investigation against Marian Jurczyk.⁶⁹ The investigators were ordered to prove the same

⁶² Friszke, *Sprawa*, 200.

⁶³ IPN BU 01101/1/8, pp. 122–128, Note of the Supreme Military Prosecutor's Office concerning the course of the investigation into conspiracy activity of some activists of NSZZ "Solidarność" of 3 September 1982.

⁶⁴ As of 18 November 1982 – charges were planned to be brought against Karol Modzelewski, Jan Rulewski, Grzegorz Palka, Andrzej Gwiazda, Andrzej Rozpłochowski and Seweryn Jaworski, IPN BU 01101/1/9, pp. 12–14, Note prepared in the Investigation Office of the Ministry of Interior of 18 November 1982.

⁶⁵ The Director of the Ministry of Interior's Investigation Office, Colonel Hipolit Starszak, informed about it in a letter addressed to the First Deputy of the Ministry of Interior, Gen. Bogusław Stachura, IPN BU 01101/1/9, pp. 66–67.

⁶⁶ IPN BU 01101/1/9, p. 76, Letter to the Head of Department V KW MO in Szczecin dated 7 December 1982.

⁶⁷ IPN BU 01101/1/9, p. 76, Subsequent volumes Crypt. "Haunted" were sent on January 4, 1983, IPN BU 01101/1/10, p. 173, Letter of the Head of Department V of the Ministry of Internal Affairs in Szczecin, Major S. Sokołowski of January 4, 1983.

⁶⁸ On December 9th, the transport of Jurczyk from Strzebielinek to the Investigation Arrest of the Capital City Council Headquarters in Warsaw, IPN BU 01101/1/9, item 78, was designated, the cipher to the City Council in Gdańsk.

⁶⁹ IPN BU 01101/1/9, pp. 100–101, Letter of the Director of Department V of the Ministry of Internal Affairs, Colonel J. Sasin, to the Deputy Director of the Ministry of Internal Affairs in Szczecin, Colonel M Pietrzak, dated 15 December 1982.

incriminating circumstances that Captain Fonfar postulated on August 2, 1982,⁷⁰ which led to a further analysis of Marian Jurczyk's activities, which took place on the 17th of December.⁷¹ It was thus concluded that in a letter to the Marshal of the Sejm Jurczyk denied the words that the mass media accused him of using during the famous meeting in Trzebiatów. Another accusation was linked to his stay in France at the Congress of Metallurgy at the invitation of foreign trade unions in February 1981r. Also his words from the meeting in Poznań during the anniversary of Gdańsk Agreements: "M. Rakowski was spitting not only on «Solidarity», but also on the whole society."

Thus, on 22 December 1982, Marian Jurczyk and the other six Solidarity activists were accused of committing an offence under Article 123 of the Penal Code,⁷² as if in the period from the second half of 1980 to 12 December 1981, they had sought to overthrow the socialist system of the People's Republic of Poland and weaken its defensive power. During interrogation, the then suspect and arrested person⁷³ stated that he did not plead guilty, just like the other "six" from "Solidarity"⁷⁴ and will not refer to the accusations on the date of the statement – he would do so later.⁷⁵ Years later Marian Jurczyk expressed his outrage at the date of the hearing, stating that it took place "The day before Christmas Eve '82! They could not even respect the festive atmosphere!"⁷⁶

In January 1983, the scope of activities to be committed by Marian Jurczyk in order to fulfil the elements of the crime under Article 123 of the Penal Code was narrowed down. In concrete terms, Jurczyk was accused of calling for the liquidation of the leading role of the PZPR in the state and the leading role in society, removing party committees from workplaces and calling for actions against the

⁷⁰ See footnote 40.

⁷¹ IPN BU 01101/1/9, pp. 105–106, List of some members of NSZZ "Solidarność" passing in the evidence in Volumes I – V in case V Pn.śl.II-3/82 of 17 December 1982.

⁷² IPN BU 01101/1/9, pp. 208–210, Decision of the Supreme Military Prosecutor's Office Colonel R. Szczęsny on presenting charges to Marian Jurczyk of 22 December 1982.

⁷³ IPN BU 01101/1/9, file cards 214–215, Decision on the provisional arrest of Marian Jurczyk of 22 December 1982; IPN BU 01101/1/9, file cards 216–217. Order to admit Marian Jurczyk of 22 December 1982. The suspect was in the Warszawa-Mokotów Detention Centre.

⁷⁴ IPN BU 01101/1/10, p. 71, Annex to situation information No 629 of 22 December 1982.

⁷⁵ IPN BU 01101/1/9, pp. 211–213, Interview report of the suspect Marian Jurczyk of 22 December 1982.

⁷⁶ At that time, in a letter to the Voivode of Szczecin, Archbishop Kazimierz Majdański called for Marian Jurczyk's release IPN BU 514/4/22, pp. 164–165, Letter of Archbishop K. Majdański to the Voivode of Szczecin of December 23, 1983.

allied unity, especially with the USSR.⁷⁷ As part of the collection of evidence on Marian Jurczyk's activities, further materials from his public meetings with the crews of the work establishments were included in the investigation.⁷⁸ It was also decided to take up proceedings, suspended with the commencement of martial law, related to Marian Jurczyk's statements in Trzebiatów on October 25, 1981, which the investigators qualified as fulfilling the elements of the crime under Art. 270 § 1 of the Penal Code, i.e. public humiliation of the chief bodies of the Polish People's Republic.⁷⁹

During this period in January 1983, Marian Jurczyk's health deteriorated. This was due to a number of factors, ranging from his mental state, to the poor conditions of the detainees' stay. Marian Jurczyk recalled: "[...] they put me in a nasty cell, called a finishing room. There was too much moisture, because one of the walls was adjacent to the prisoners' bathroom, which was always damp. Just outside the windows there was a large prison kitchen building, with seventeen noisy fans on the ceiling. [...]. Even at night, these nasty things were not switched off! As a result, I fainted for several times."⁸⁰ Hence the request for specialist examinations in which the accused complained about heart pains, leg pains and numbness in his hands.⁸¹ In the course of time these problems continued.

An important part of the evidence was to be obtained from the questioning of suspects. The interrogations were supposed to make Jurczyk respond to his political program, described as "unequivocally anti-state, anti-socialist and anti-Soviet".⁸² The investigators were interested in such phenomena as "personal arrangements and games in the Region and the Presidium of the KKP" or Stanisław Wądołowski's influence on decisions made by the accused. Among other things,

⁷⁷ IPN BU 01101/1/11, pp. 24–25, Note concerning offences against the People's Republic of Poland (PRL) alleged against, inter alia, Marian Jurczyk, of 12 January 1983.

⁷⁸ IPN BU 01101/1/11, p. 46, Letter of the Head of Department V of the Ministry of Internal Affairs in Szczecin, Major S. Sokołowski to the Head of Department I of the Ministry of Internal Affairs' Investigation Bureau of 17 January 1983.

⁷⁹ IPN BU 514/4/24, pp. 6–8, Minutes of the meeting of the Military Garrison Court in Szczecin of 25 January 1983.

⁸⁰ Zieliński, *Marian*, 132.

⁸¹ IPN BU 01101/1/11, p. 137, Marian Jurczyk's request for specialist medical examination addressed to the Prosecutor of the Supreme Military Prosecutor's Office, Colonel R. Szczęsny.

⁸² IPN BU 01101/1/11, pp. 246–249, Issues to be included in the hearing of Marian Jurczyk.

in this case, they turned to Szczecin in January 1983 to send evidence that would confirm Wądołowski's influence on Jurczyk's actions.⁸³

No less important was the testimony of witnesses. They tried to extract incriminating content that would be useful in a future indictment. Teresa Grabczyńska stated that Jurczyk demanded access to radio and television for "Solidarity" and assured that "the union is strong and will never lose any fight against PZPR and the government."⁸⁴ Witness Maciej Czekala pointed to the statement about cheating Poland in foreign trade, especially on the part of the Soviet Union, as well as to the demands of blocking Polish ports and controlling them for food exports.⁸⁵ The witness Jacek Grażewicz pointed to the inspirational role of Andrzej Milczanowski and Piotr Lampasiak in "M. Jurczyk's anti-state and anti-socialist speeches."⁸⁶ Lampasiak stated that Jurczyk cared about his own popularity and attached great importance to public speeches.⁸⁷ Another witness, Marian Juszcuk, pointed to Wądołowski's dominant role in shaping anti-democratic relations in the MKR – the Inter-enterprise Workers' Commission.⁸⁸ He also stated that it was on the initiative of Wądołowski and Jurczyk that the Mixed Committee was dissolved – the body that was to supervise the implementation of the August agreements. Aleksander Krystosiak⁸⁹ and Andrzej Zieliński⁹⁰ also mentioned Wądołowski's negative influence on Jurczyk in his testimony.⁹¹ Marian Kublik gave his testimony, pointing to Jurczyk's radical methods of action, and reported on his meeting with the Polmozbyt crew in September 1981, during

⁸³ IPN BU 01101/1/12, p. 12, Letter to the Deputy of KW MO in Szczecin, Colonel S. Jedynak of 31 January 1983.

⁸⁴ IPN BU 01101/1/18, pp. 115–137, Minutes of the hearing of witness T. Grabczyńska of 10 February 1982.

⁸⁵ IPN BU 01101/1/18, pp. 164–173, Minutes of the hearing of witness M. Czekala of 19 February 1982.

⁸⁶ IPN BU 01101/1/18, pp. 174–181, Minutes of the hearing of witness J. Grażewicz of 19 February 1982.

⁸⁷ IPN BU 01101/1/22, pp. 27–44; IPN BU 514/4/12 pp. 239–256, Minutes of the hearing of witness P. Lampasiak of 21 April 1982.

⁸⁸ IPN BU 01101/1/22, pp. 106–113; IPN BU 514/4/12 pp. 324–331, Minutes of the hearing of witness Marian Juszcuk of 3 May 1983.

⁸⁹ IPN BU 01101/1/22, pp. 114–120; IPN BU 514/4/12 pp. 333–340, Minutes of the hearing of witness A. Krystosiak of 5 May 1982.

⁹⁰ IPN BU 01101/1/22, pp. 121–126; IPN BU 514/4/15, Minutes of the hearing of witness A. Zieliński of 6 May 1982:

⁹¹ IPN BU 01101/1/25, p. 33, Summary of witness testimony in case V Pn.śl.II-3/82 of 24 February 1983.

which he stated that “[...] we must pull Poland out of Moscow’s mouth” and presented contents hostile to socialism and the party.⁹²

Interrogation of the suspect did not change his procedural situation as he repeated his previous views. Jurczyk mentioned that the interrogations were exhaustive⁹³ and confirmed the political line he presented, e.g. on the issue of Polish-Soviet relations, which he subjected to deep criticism due to the unfair, in his opinion, economic exploitation of Poland by the USSR.⁹⁴ In another case, particularly loud, i.e. the speech from Trzebiatow, Jurczyk did not express any remorse for the content he had delivered there.⁹⁵ He also spoke out against the uncompetitive party system, noting that the proper functioning of the state requires competition from political parties.⁹⁶ Marian Jurczyk’s attitude was fundamentally different from that of the other defendants, who generally refused to answer the

⁹² The subject of Marian Jurczyk’s activity was also taken up in his testimony: Wojciech Trzmiel – IPN BU 514/4/25, pp. 284–291, Interrogation of a witness of 7 February 1983. Bronisław Ziemanin – IPN BU 01101/1/22, pp. 154–156, Hearing of a witness of 27 May 1982, Edmund Kitłowski – IPN BU 01101/1/22, pp. 146–153; IPN BU 514/4/15, pp. 38–45, Hearing of a witness of 19 May 1982, Andrzej Cieniewski – IPN BU 01101/1/19, pp. 45–51; IPN BU 514/4/20 pp. 333–339, Hearing of a witness of 26 February 1982, Tadeusz Leśniczuk – IPN BU 01101/1/19, pp. 86–91; IPN BU 514/4/10 pp. 13–18, Hearing of a witness of 2 March 1982; Stanisław Bereszyński – IPN BU 01101/1/19, files 38–44, Hearing of a witness of 25 February 1982; Jerzy Bartczak – IPN BU 01101/1/18, files 203–212, Hearing of a witness of 22 February 1982; Stanisław Kocjan – IPN BU 514/4/25, pp. 83–94, Hearing of a witness of 28 January 1983, Ryszard Bogacz IPN BU 514/4/28, pp. 139–142, Hearing of a witness of 7 March 1983, Stanisław Wądołowski IPN BU 514/4/31, pp. 116–125, Hearing of a witness of 6 April 1983.

⁹³ Zieliński, *Marian*, 132.

⁹⁴ IPN BU 514/4/22, p. 180, Minutes of interrogation of the suspect Marian Jurczyk of 5 January 1983.

⁹⁵ IPN BU 514/4/22, p. 321, Minutes of interrogation of suspect Marian Jurczyk of 10 January 1983.

⁹⁶ Interrogation protocols of suspect Marian Jurczyk: IPN BU 514/4/20, pp. 84–86, Interrogation of 22 December 1982; *Ibidem*, pp. 293–298, Interrogation of 27 December 1982; *Ibidem*, pp. 327–332, Interrogation of 28 December 1982; *Ibidem*, pp. 351–355; Interrogation of 29 December 1982; IPN BU 514/4/22, pp. 170–173, Hearing of 4 January 1983; *Ibidem*, pp. 178–183, Hearing of 5 January 1983; *Ibidem*, pp. 224–231, Hearing of 6 January 1983; *Ibidem*, pp. 281–286, Hearing of 7 January 1983; IPN BU 514/4/23, pp. 8–13, Hearing of 12 January 1983; *Ibidem*, pp. 24–29, Hearing of 13 January 1983; *Ibidem*, pp. 71–76, Hearing of 14 January 1983; *Ibidem*, pp. 108–112, Hearing of 17 January 1983. *Ibidem*, pp. 184–189, Hearing of 19 January 1983; *Ibidem*, pp. 305–310, Hearing of 21 January 1983; *Ibidem*, pp. 322–327, Hearing of 24 January 1983; IPN BU 514/4/25 pp. 32–37, Hearing of 26 January 1983; *Ibidem*, pp. 227–230, Hearing of 2 February 1983; *Ibidem*, pp. 240–243, Hearing of 3 February 1983; IPN BU 514/4/27, pp. 35–38, Hearing of 16 February 1983; *Ibidem*, cat. 48–55, Hearing of 18 February 1983; *Ibidem*, cat. 199–204, Hearing of 23 February 1983; *Ibidem*, cat. 293–299, Hearing of 28 February 1983; IPN BU 514/4/28 pp. 370–373, Hearing of 11 March 1983.

questions asked or responded in general terms.⁹⁷ Jurczyk did not deny his views. At this point, we should also mention the defenders who were supposed to defend Marian Jurczyk, and they were: Roman Łuczywek, Andrzej Grabiński and Tomasz Filipkowski.⁹⁸

In the second half of 1983, the authorities began to see the difficulties in the way process was designed. One of the options considered was to get the defendants to emigrate. This concept was taken up by General Kiszczak in his regular talks with Archbishop Bronisław Dąbrowski and Fr Alojzy Orszulik in October 1983, despite the sceptical position of Cardinal Józef Glemp.⁹⁹ In spite of this, since October 1983, activities were carried out in order to encourage the inmates to emigrate,¹⁰⁰ trying to cooperate with the Church.¹⁰¹

In November 1983, it was decided to change the charges against the accused “Solidarity” activists, who from then on were to be accused of the crime referred to in Article 128 § 1 of the Penal Code in conjunction with Article 123 of the Penal Code, i.e. in their preparatory activities to overthrow the socialist system of the People’s Republic of Poland with violence and to weaken its defensive power in agreement with other “Solidarity” activists and other illegal organisations.¹⁰² Jurczyk confirmed that he does not admit to the charges against him with changed legal classification.¹⁰³ The change of accusations showed a significant easing of the course of investigators.¹⁰⁴ This is evidenced by a document from

⁹⁷ Friszke, *Sprawa*, 322–323.

⁹⁸ IPN BU 01101/1/15, pp. 11, List of defenders admitted by the WOW court to civil proceedings A. Stars and others.

⁹⁹ In a conversation with General Jaruzelski, Cardinal Józef Glemp was supposed to say: “After all, the West won’t take them because it needs them here, not at home.” Rakowski, *Diaries*, 579.

¹⁰⁰ In relation to some of these actions were taken much earlier, e.g. Jacek Kuroń tried to get him to leave as early as in the second half of 1982 due to the situation after the death of his wife Ewa Dobrowolska.

¹⁰¹ More about these conversations in: Friszke, *Sprawa*; Alojzy Orszulik, *Czas przełomu. Notatki ks. Alojzego Orszulika z rozmów z władzami PRL w latach 1981–1983* (Warszawa, Ząbki: Apostolicum, 2006); Peter Raina, *Rozmowy z władzami PRL. Arcybiskup Dąbrowski w służbie Kościoła i narodu* (Warszawa: Książka Polska, 1995); Jan Skórzyński, „Odrzucona propozycja. Rozmowy o uwolnieniu przywódców Solidarności 1983–1984”, *Wolność i Solidarność* 4 (2012): 104–112.

¹⁰² IPN BU 01101/1/16, pp. 14–16, Decision of the Supreme Military Prosecutor’s Office, Colonel R. Szczęsny on the change of presented charges of 7 November 1983.

¹⁰³ IPN BU 01101/1/16, pp. 17–18, Minutes of interrogation of the suspect Marian Jurczyk of 7 November 1983.

¹⁰⁴ The potential punishment for defendants after the change of charges was much lower than the initial option – one to ten years’ imprisonment against 5 years’ imprisonment to death. Friszke,

the Investigation Office of the Ministry of the Interior of February 1984. This is evidenced by a document from the Office of the Ministry of the Interior's Investigation of February 1984, which sets out scenarios for the development of the situation "[...] guided by the needs of both prevention in the broad sense of the term, as well as by the right of the state [...]"¹⁰⁵ In the first version, there was an inclination to court decisions on a case which would be supported by the reasons for excluding defendants from public life for the period indicated in the court decision. The second concept assumed the application of amnesty.¹⁰⁶ In this concept, it was intended to cooperate with representatives of the Episcopate, who were to obtain a promise from defendants to refrain from political activity.¹⁰⁷ The third concept was to start court trials, which would then be interrupted in order to declare amnesty against the defendants on the occasion of the 40th anniversary of the People's Republic of Poland, i.e. 22 July 1984.

Meanwhile, Marian Jurczyk's health was deteriorating, hence his wife Genowefa sent a letter to the Ministry of Internal Affairs, in which she described the growing ailments, drawing attention to her husband's cardiac problems, as well as the ineffectiveness of the treatment to date.¹⁰⁸ On March 27, 1984, Jurczyk himself signalled his problems in an interview with an investigating officer, asking for a transfer to another cell.¹⁰⁹ Health problems were supposed to encourage Jurczyk to emigrate because, as noted in the note of 28 March, he was in the group of defendants who did not reject the possibility of going abroad, and the health situation was to be used surgically.¹¹⁰ For this purpose, consideration was given

Sprawa, 421.

¹⁰⁵ IPN BU 01101/1/70, pp. 28–35, Political and legal concepts of ending criminal proceedings against members of the management of the anti-state union "KSS – KOR" and extremist activists of the former NSZZ "Solidarność" of 9 February 1984.

¹⁰⁶ Such a possibility was also mentioned by Jerzy Urban during a press conference as early as November 4, 1983, after Jerzy Holzer, Krzysztof Leski, *Solidarność w piemiu* (Łódź: Wydawnictwo Łódzkie, 1990), 76.

¹⁰⁷ In relation to the Solidarity activists, such talks were to be conducted by: Gieremek, Mazowiecki, Chrzanowski, Olszewski, Wielowiejski, Orszulik. The spelling of the names behind the described document.

¹⁰⁸ IPN BU 01101/1/16, pp. 108–111, Letter from Genowefa Jurczyk to the Minister of Interior dated 20 March 1984.

¹⁰⁹ IPN BU 01101/1/16, p. 119, Business note of Captain J. Paśnik of 27 March 1984.

¹¹⁰ IPN BU 01101/1/16, p. 127, Letter to the Director of Department III of the Ministry of Internal Affairs, Gen. H. Dankowski, 28 March 1984.

to inducing the family to suggest that the accused should leave.¹¹¹ Finally, on 12 April 1984, Jurczyk was taken to the Institute of Cardiology in Anina, where he was to undergo specialist research and face the idea of emigration.¹¹² The accused's state of health turned out to be so serious that his stay, initially planned for 3–4 days, was significantly prolonged.¹¹³

The actions taken by the authorities, especially General Kiszczak, and representatives of certain opposition groups were aimed at convincing the accused to agree to emigrate. The proposal of those in power also assumed that the defendants would sign declarations of abandonment of political activities¹¹⁴. This blurred formulation assumed freedom of interpretation – it could have served as a possible way of re-immolating the defendants after any act of political activity. Prof. Andrzej Stelmachowski and Tadeusz Mazowiecki¹¹⁵ talked about this subject with Marian Jurczyk, who was then in Anina. The accused noted that “Professor Stelmachowski behaved without accusation.”¹¹⁶ The proposal to emigrate was presented by the future Prime Minister of the Polish People's Republic and it assumed that Jurczyk would leave Poland for a few years and sign a commitment to cease trade union activity, because, as Mazowiecki was supposed to say: “[...] all this has been discussed with many wise people, some important institutions, with various circles, and they all agree that my [Marian Jurczyk's] person is the main obstacle to the conclusion of the Solidarity agreement with the communists”.¹¹⁷ Marian Jurczyk categorically rejected this proposal. Interestingly, in a document of the Ministry of the Interior reporting on the course of meetings with the defendants, it was indicated that they are willing to accept the proposal to cease political activity.¹¹⁸ Another document from April 1984 states that Jurczyk, as well as Jan Rulewski and Grzegorz Pałka were willing to leave after

¹¹¹ IPN BU 01101/1/16, pp. 134–135, Note prepared in the Investigation Office of the Ministry of Interior in March 1984.

¹¹² IPN BU 01101/1/16, p. 138, Note of the Deputy Head of Section IV of the Investigation Office of the Ministry of Interior of 13 April 1984.

¹¹³ IPN BU 01101/1/16, p. 140, Note of Barbara Chojnacka, PhD, assistant to the Internal Ward of the Warsaw Mokotow Arrest Hospital, 19 April 1984.

¹¹⁴ IPN BU 01101/1/70, p. 101, Draft declaration on voluntary cessation of political activities.

¹¹⁵ IPN BU 01101/1/70, p. 111, Note prepared in the Investigation Office of the Ministry of Interior in April 1984.

¹¹⁶ Zieliński, *Marian*, 133.

¹¹⁷ *Ibidem*, 134.

¹¹⁸ IPN BU 01101/1/70, pp. 110–112, Note prepared in the Investigation Office of the Ministry of Interior in April 1984.

fulfilling certain conditions, i.e. the consent of the families and Lech Wałęsa and leaving with their families.¹¹⁹ A few days after the meeting with Stelmachowski and Mazowiecki, Archbishop Kazimierz Majdański¹²⁰ talked to the arrester. It was supposed to alleviate the situation because “Jurczyk is still experiencing the tragic death of his son and daughter-in-law, which causes him a state of mental depression.”¹²¹ The accused himself, recalling the meeting of May 1, 1984, stated that he reported the meeting with Mazowiecki and Stelmachowski to the Archbishop and then, “The Archbishop embraced me in a cordial gesture and said – Mr Marian, thank you! I will pray for you!”¹²² Jurczyk’s poor psychological condition was also confirmed by the Director of the Cabinet of the Secretary-General of the United Nations Emilio Olivares, who was on a humanitarian mission in Poland and who offered the accused a job abroad in UN agencies,¹²³ a proposal that Marian Jurczyk strongly rejected¹²⁴. After the meeting Olivares said that his interlocutor was “[...] a man completely inactive intellectually and not very active physically – ‘a living corpse’.”¹²⁵ which was due to the death of his son and daughter-in-law.

In view of the deadlock, it was considered to lift the pre-trial detention for health reasons¹²⁶. At the same time, the four accused KSS KOR activists were

Years later, Tadeusz Mazowiecki admitted that he was manipulated into talks with the defendants – for: Andrzej Brzeziecki, *Tadeusz Mazowiecki, Biography of our Prime Minister*, (Kraków: Znak Horyzont, 2015), 344–345.

¹¹⁹ IPN BU 01101/1/70, pp. 93–96, Note prepared in the Investigation Office of the Ministry of the Interior and Department III of the Ministry of the Interior on taking actions aimed at bringing the temporary arrested members of the management of the former “KSS – KOR” and extreme activists of the former NSZZ “Solidarność” to travel abroad.

¹²⁰ IPN BU 01101/1/70, pp. 132–136, Note on the further course of talks conducted by the emissaries of the Polish Episcopate with arrested activists of the former “KSS – KOR” and extremist activists of the former “Solidarity” Trade Union, prepared in the Investigation Office of the Ministry of Interior on 30 April 1984.

¹²¹ Ibidem, p. 141.

¹²² Zieliński, *Marian*, 134.

¹²³ IPN BU 01101/1/70, pp. 140–145, Note on the further course of talks conducted by the emissaries of the Polish Episcopate with arrested activists of the former “KSS – KOR” and extremist activists of the former “Solidarity” Trade Union, prepared in the Investigation Office of the Ministry of Interior on 30 April 1984.

¹²⁴ IPN BU 01101/1/70, pp. 235–240, Stenogram of Marian Jurczyk’s conversation with Emilio Olivares of 1 May 1984.

¹²⁵ IPN BU 01101/1/70, pp. 148–152, Note by S. Olszowski from the meeting with Emilio Olivares of 2 May 1984.

¹²⁶ IPN BU 01101/1/70, pp. 153–155, Note on the results of talks conducted by civil emissaries of the Polish Episcopate with arrested activists of the former “KSS – KOR” and extremist activists of the former “Solidarity” Trade Union, prepared in the Investigation Office of the Ministry of

forced to start a trial.¹²⁷ Shortly afterwards, amnesty was expected on the occasion of the 40th anniversary of the Polish People's Republic.¹²⁸ The documents do not mention the initiation of a trial against seven Solidarity activists. The intention was to allow them to continue to familiarise themselves with the investigation files, but 'this activity should not be accelerated'. At the same time, the investigators expected that the acquaintance of the seventh activist with the files of the investigation would last until the expected amnesty.¹²⁹ In the meantime, an attempt was made on the part of the Church to engage in dialogue with the authorities, where it was suggested that the decision to start a trial against the "four" KOR activists would lead to different treatment of the "seven", but this attempt failed due to the undesirable, from the point of view of the authorities, reaction of the Church in Poland to the then taking place elections to national councils.¹³⁰

The trial of four KOR activists was ordered on 12 June 1984 for the period from 13 July to 25 October.¹³¹ The first trial was marked by formal disputes, mainly involving Adam Michnik, after which, after reading the indictment, a break was ordered until 18 July.

The shape of the expected amnesty assumed that it should cover not only the accused activists of KOR and "Solidarity", but also other persons serving prison sentences for political reasons, and therefore, from the second half of May 1984, a discussion on formal issues related to the amnesty law began. However, this did not mean a change of attitude towards the accused. Disintegration measures, the creation of divisions and different treatment were proposed – in relation

Interior of 7 May 1984; IPN BU 01101/1/16, pp. 173–178, Note on the results of talks conducted by civil emissaries of the Polish Episcopate with arrested activists of the former "KSS – KOR" and extremist activists of the former "Solidarity" Trade Union, prepared in the Investigation Office of the Ministry of Interior of 13 May 1984.

¹²⁷ IPN BU 01101/1/16, pp. 179–185, Note on the results of talks conducted by civil emissaries of the Polish Episcopate with arrested activists of the former "KSS – KOR" and extremist activists of the former "Solidarity" Trade Union, prepared in the Investigation Office of the Ministry of Interior in May 1984.

¹²⁸ The possibility of amnesty was mentioned by Jerzy Woźniak, who at that time was a defender of the accused Jacek Kuroń, see: Friszke, *Sprawa*, 588.

¹²⁹ IPN BU 01101/1/16, pp. 188–191, Note on the concept of the end of cases against the arrested activists of the former "KSS – KOR" and the extremist management of the former NZSS "Solidarity", prepared in the Investigation Office of the Ministry of Interior in May 1984.

¹³⁰ Friszke, *Sprawa*, 550.

¹³¹ *Ibidem*, 575.

to Marian Jurczyk, it was again proposed that the arrest be revoked on health grounds.¹³² The first draft of the amnesty bill was drafted by the Ministry of Interior on June 30, 1984.¹³³ On July 2, 1984 it was stated that the amnesty would cover persons suspected, accused and convicted of an offence under Article 128 in connection with Article 123 of the Penal Code, preparatory activities to overthrow the regime of the People's Republic of Poland with violence,¹³⁴ which would solve the problem of the accused activists of the NRP and "Solidarity". The amnesty was initiated by the National Council of PRON on 16 July 1984, which was in line with the concept established by the Investigation Bureau as early as on 5 June 1984.¹³⁵ 2 days later, on 18 July, the second hearing in the ongoing trial of four KOR activists took place, however, a break was immediately ordered, until the Sejm referred to the appeal issued by the National Council of PRON, which took place on 21 July, when the Sejm adopted the amnesty law.

The implementation of the adopted act took place on the basis of an exemption plan prepared by the Ministry of the Interior's Investigation Office on 24 July 1984.¹³⁶ Marian Jurczyk's exemption was scheduled for 25 July, when he was to be transported directly to his place of residence from the hospital in Anin, where he was still kept. However, due to his state of health, it was decided that Marian Jurczyk would stay in the Hospital in Anin for 10 more days, after which he would be transported to a rehabilitation centre for the next 5 weeks. The decision of release was to be handed over to Jurczyk on July 27th, which it was argued to improve his mental well-being.¹³⁷ The stay in Anin was a relaxation of rigour,

¹³² IPN BU 01101/1/71, pp. 133–137, Concept of ending the cases against arrested activists of former "KSS-KOR" and extremist management of former "Solidarity" Trade Union, developed in the Investigation Office of the Ministry of Interior of 22 May 1984.

¹³³ IPN BU 01101/1/72, pp. 61–115, Note on the principles of amnesty in connection with the 40th anniversary of the People's Republic of Poland. Attached to this document are variants of draft amnesty laws.

¹³⁴ IPN BU 01101/1/72, pp. 117–120, Note concerning persons subject to criminal proceedings in cases of crimes committed for political reasons, prepared by the Investigation Bureau of the Ministry of Interior of 2 July 1984.

¹³⁵ IPN BU 01101/1/71, pp. 146–152, Concept of ending cases against arrested activists of former "KSS-KOR" and extremist management of former "Solidarity" NSZZ, developed in the Investigation Office of the Ministry of Interior of 5 June 1984.

¹³⁶ IPN BU 01101/1/17, p. 11, Plan of anticipated dates of release from the Warsaw-Mokotów Detention Centre of the former NSZZ "Solidarity" of 24 July 1984.

¹³⁷ IPN BU 01101/1/17, p. 27, Business note of Captain A. Janas of 25 July 1984.

because the accused had freedom of contact and received uncontrolled correspondence¹³⁸.

From a legal point of view, the trial was closed on 25 July by the Supreme Military Prosecutor’s Office, which issued a decision to discontinue the investigation on the basis of the Amnesty Act and to revoke the provisional arrest,¹³⁹ stating that “[...] a criminal act [...] as committed for political reasons is subject to discontinuance”.

The episode of the process occurred after 12 years and the political reality changed. Since May 1996, the Supreme Military Prosecutor’s Office began to analyse the legitimacy of the legal basis for discontinuing the investigation adopted in 1984.¹⁴⁰ The intention was to examine the evidence in order to change the basis for discontinuance of the investigation into discontinuance due to the lack of statutory attributes of a prohibited act. The result of the analysis was a decision to amend the final decisions to discontinue the investigation of 17 June 1996,¹⁴¹ stating that the investigation was unjustifiably discontinued on the basis of the amnesty law because the defendants’ acts “did not contain the statutory elements of the offence” and had to be discontinued because of the absence of statutory elements of the offences in their proceedings.

Marian Jurczyk’s participation in the so-called Eleventh Process had far negative consequences for him. Judging every sphere of human life, from the family, through work and health, to the social position, Marian Jurczyk suffered losses in each of these areas after his release. The death of his son and daughter-in-law caused health problems that resulted in his retirement in 1986, inability to find a job and a gradual loss of his position in “Solidarity” for the benefit of the management of the structures that gained Lech Wałęsa’s support. The events

¹³⁸ IPN BU 01101/1/16, p. 216, Business note of the Head of Department XIII Dep. II of the Ministry of Internal Affairs, Colonel A. Pudło of 10 July 1984. Eventually Jurczyk returned to Szczecin only on 28 August. In: Robert Kościelny, Artur Kubaj, „NSZZ «Solidarność» Region Pomorze Zachodnie”, in: *Solidarność 1980–1989, vol. 3 Polska Północna*, ed. Łukasz Kamiński, Grzegorz Waligóra (Warszawa: Instytut Pamięci Narodowej – Komisja Ścigania Zbrodni przeciwko Narodowi Polskiemu, 2010), 320.

¹³⁹ IPN BU 01101/1/17, pp. 22–23, Order of the Prosecutor of the Supreme Military Prosecutor’s Office concerning discontinuation of the investigation pursuant to the Amnesty and Repeal of the Precautionary Measure of 25 July 1984.

¹⁴⁰ IPN BU 1207/485, pp. 8–9, Staff Note of the Chief Military Prosecutor’s Office, Colonel L. Weremczuk from the 7th May 1996.

¹⁴¹ IPN BU 1207/485, pp. 20–28, Decision on amending the final decisions on discontinuance of the investigation by the Supreme Military Prosecutor of 17 June 1996.

mentioned above are related to the period of participation in the so-called eleventh process. These experiences had an impact on the later radicalisation of Jurczyk's views, his aversion and criticism of the idea of an agreement between the opposition and the ruling camp in the late 1980s. There is no doubt that Marian Jurczyk as a later senator, trade union activist and president of Szczecin was shaped painfully by the period of the "trial eleven". This was mainly due to constant criticism of the idea of a "round table", of agreements with the communist authorities, which resulted to a certain extent from the experience gained from dealing with the communist justice system. This period also caused a rift between Marian Jurczyk's milieu and the oppositionists around Lech Walesa, who supported and participated in such an agreement. A separate issue is the personal drama of the death of Marian Jurczyk's son and daughter-in-law, which took place during his internment. Marian Jurczyk never came to terms with their deaths, denying the results of investigations indicating their suicidal characters. Considering the period of the so-called eleventh trial in Marian Jurczyk's life as one of the key moments in his life, it should be noted that this was a tragic period in the political, trade union, and above all personal sphere.

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ABSTRACT

The presented article discusses Marian Jurczyk's participation in the so-called "process of eleven" from 1981 to 1984. It presents the protagonist's drama on the level of personal, family, socio-political and professional life, which was the result of Marian Jurczyk's participation in events related to the so-called "process of eleven". A sequence of events leading to Marian Jurczyk's inclusion in the circle of people covered by the indictment is shown. The focus was particularly on the description of investigative activities related to the indictment of the later President of Szczecin, and then the analysis of evidence that was to lead to the conviction of the accused, i.e. the questioning of witnesses, the explanation of the accused and the content from the period of legal activity of "Solidarity", which, according to the investigators, was to be reconciled with the then system. The article also shows the activities of the power camp aimed at ending the politically troublesome, in the context of the international situation, trial of the opposition activists, expressed in attempts to get the accused to emigrate and the planned variants of amnesty.

MARIAN JURCZYK W TZW. „PROCESIE JEDENASTU” (1982–1984)

ABSTRAKT

W prezentowanym artykule omówiony został udział Mariana Jurczyka w tzw. „procesie jedenastu” w latach 1981–1984. Przedstawiono dramat bohatera na płaszczyźnie życia osobistego, rodzinnego, społeczno-politycznego oraz zawodowego, który był efektem uczestnictwa Mariana Jurczyka w wydarzeniach związanych z tzw. „procesem jedenastu”. Ukazano ciąg wydarzeń prowadzący do włączenia Mariana Jurczyka w krąg osób objętych aktem oskarżenia. Skoncentrowano się zwłaszcza na opisie działań śledczych związanych z postawieniem w stan oskarżenia późniejszego prezydenta Szczecina, a następnie poddano analizie materiał dowodowy, który miał prowadzić do skazania oskarżonego, a więc przesłuchania świadków, wyjaśnienia oskarżonego oraz treści z okresu legalnej działalności „Solidarności” które, zdaniem śledczych, miały godzić w ówczesny ustrój. W omawianym artykule ukazano również działania obozu władzy zmierzające do zakończenia, kłopotliwego pod względem politycznym, w kontekście sytuacji międzynarodowej, procesu działaczy opozycyjnych, wyrażające się w próbach skłonienia oskarżonych do emigracji oraz projektowanych wariantach amnestii.