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# THE TRUTH

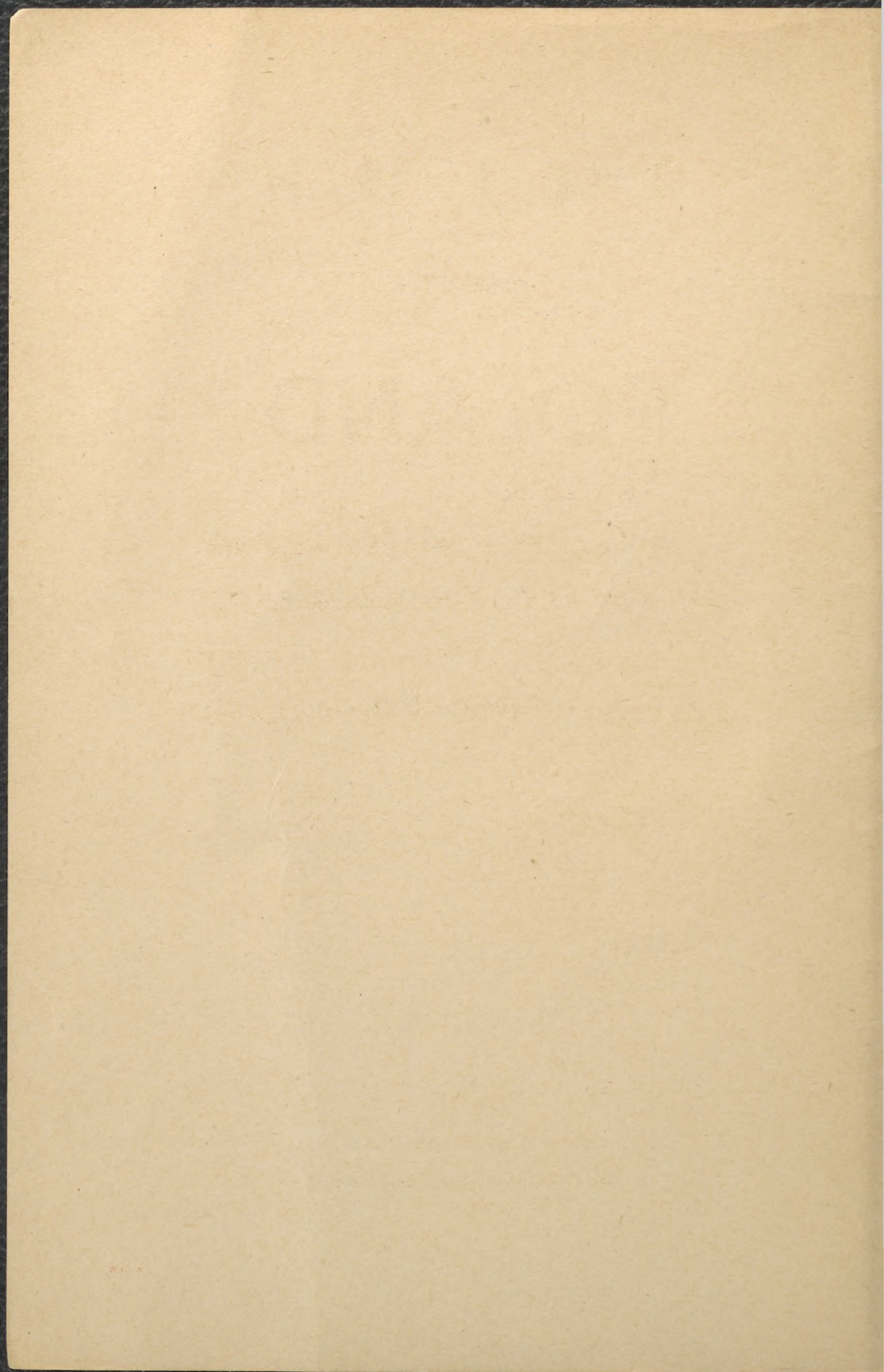
ABOUT

# POLAND

3 TOWARD BETTER UNDERSTANDING  
OF RECENT DEVELOPMENTS

By ABRAHAM PENZIK

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OF RECENT DEVELOPMENTS**

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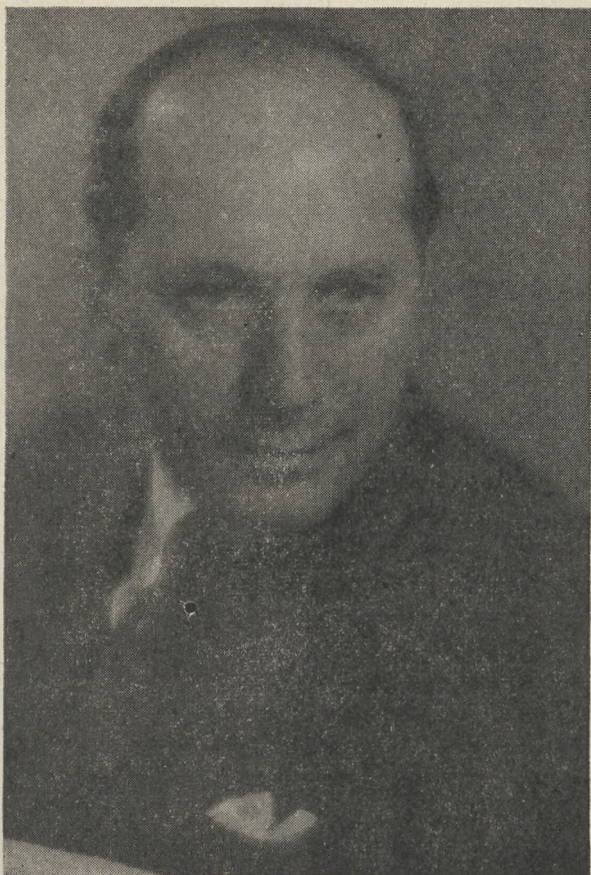
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### INTRODUCTION

Dr. Abraham Penzik is well equipped to answer the arguments concerning the Polish government. A prominent lawyer and labor leader in Poland, Dr. Penzik came to the United States in July 1939. The outbreak of the war made his return to Poland impossible. During his stay here he was editor of liberal Polish weeklies and had been contributing to periodicals published in Polish, Jewish and English. He was chairman of the Polish Labor Group (PPS), secretary of the Polish Jurists' Association, radio commentator, and was attached to the United Nations Conference on International Organization at San Francisco as a representative of the Polish Press Agency.

The leading article, **The Future Government of a Free Poland**, was released as an answer to those who maintained that the Polish emigre government in

London had the authority to represent Poland while it was occupied and the authority to govern it when liberated.

The other articles deal with the steps by which the Polish Government of National Unity finally came into being. They prove the logic of Dr. Penzik's arguments and suggestions which were made long before the birth of this government.

In the Potsdam Declaration the Big Three announced that the Polish Government-in-Exile is no longer in existence. This caused international repercussions. It removed world sanction from the emigre government, which according to Polish law never had legal sanction, as Dr. Penzik proves. Though illegal it was tolerated by the United Nations because until July 22, 1944, there was no other governmental institution either in Poland or abroad that could represent Polish interests.

This pamphlet is published to refute the arguments of the Pilsudski followers, the Polish Nationalists, the former Polish Socialists, and the Polish-American Congress, who claim that the emigre group in London remains the only legal and constitutional Polish government.

The American public has been inundated with a flood of poisonous propaganda from these groups which were backed by some of the most powerful and reactionary forces in England and America. The facts about the recent developments in Poland have been misrepresented by them. The author of this pamphlet aims to clear away the obscurities, half truths, and outright lies, and present the reader with the true picture of the Polish situation.

I hope that the following essays will contribute to better understanding of Polish affairs by my fellow Americans.

New York City, August 1945.

**Leo Krzycki**

Vice President,

Amalgamated Clothing Workers

# THE FUTURE GOVERNMENT OF A FREE POLAND

*This is a translation of a pamphlet published in Polish January 14, 1944 in New York City, which aroused international interest. The New York Times of January 17, 1944 wrote under the headline NEW POLISH GROUP IS SUGGESTED HERE: "Moscow newspapers prominently displayed today (January 16) a suggestion made in the United States by Dr. A. Penzik, who is described as a leader of the American Friends of Poland, for the formation of a Polish Committee of National Liberation as temporary government for Poland, replacing the London Group."*

## THE POLISH GOVERNMENT IN LONDON

As the editor of a special issue of "Freedom," a Polish democratic weekly in Chicago, I published in 1940 an introductory article entitled "The Polish Government." This article analyzed the functions of the Polish government-in-exile, which at that time—August 1940—was already in existence in London. I called it a temporary government with limited rights and duties and criticized its membership as not representative of the political attitudes of the population in the homeland. The tasks of an exiled government seemed to me as follows: 1). to represent the Polish state abroad, 2). to create a Polish army with which to continue war against the Germans, 3). to take care of the refugees from Poland. I called it a temporary government because it was a fortuitous government created under unusual circumstances and was not entitled to exercise power over the homeland. According to frequent declarations of the late General Sikorski, chief of the Cabinet, the government did not at that time claim that power. In authoritative Polish circles in London, it was understood that the people themselves were to decide on the future form of government for the homeland.

My party associate, Adam Ciolkosz, at that time secretary of the Foreign Committee of the P.P.S. (Polish Socialist Party) in London, upon reading my article published in "Freedom" informed me that my position on the question of the Polish government was wholly in accord with that of the Foreign Committee of the P. P. S. and the Central Committee of the Party in the homeland. His statement gratified me and was all the more significant because he was in charge of all the underground correspondence from Poland.

### Change of View

#### *a. General Sosnkowski*

This view concerning the limitations of the functions of the Polish government-in-exile has recently undergone a drastic change in certain

quarters who stand to benefit from such a change. Not only have the members of the government and representatives of political groups and parties in the Polish National Council in London changed their point of view, but so have the leaders of the Pilsudski camp. This camp has no representatives in either the government or the National Council, and had previously insisted upon the temporary character of the government. However, General Sosnkowski, the commander-in-chief of the Polish army, in a political speech made recently in the Near East put it bluntly: "We are happy to have a legal government of the Republic with legal state powers." The happiness of Sosnkowski and the legality of this government apparently began at the moment Sosnkowski was appointed commander-in-chief; prior to this, during Sikorski's regime, there were rumors that General Sosnkowski had conspired against the government and had made preparations for a coup d'etat.

#### *b. Colonel Matuszewski*

Colonel Matuszewski, now a mouthpiece of the Pilsudski camp in the U.S.A., has repeatedly insisted that the Polish emigré group cannot be called a government of national unity because the Pilsudski camp, the so-called "Sanacja," and the outright reactionary groups, the Polish fascists, are not represented in that government. However, according to Colonel Matuszewski this government must be recognized by all Polish citizens in Poland and abroad, because it is the "continuation" of previous governments of Poland and it is based on the Constitution of April 23, 1935.

#### *c. Some Leftists*

Polish socialists in London, who along with moderate Peasant Party members participate in the government, and who cover up Polish reaction for reasons of political opportunism, asserted recently in the "Polish Worker" in London, in connection with the Polish-Russian border dispute, the following: "The integrity and inviolability of the territory of the Polish Republic are defended without exception by the entire nation, and this is the position of the Government-in-Exile, which came into power through the will of the people."

#### *d. Reactionary Diplomats*

In connection with the declaration regarding the Polish border made by Mr. Oumansky, Soviet Ambassador to Mexico, Polish diplomatic circles in Washington released a statement on November 22, 1943. Point three of this statement according to Associated Press reads as follows: "The Soviet Union should guarantee administration of liberated territories to the London government-in-exile," meaning, of course, Polish territories liberated by the Red Army, along with the Kosciuszko and Dombrowski Divisions.



## Reasons for the Change

What brought about this change of attitude with regard to the powers and the character of the Polish government in exile? Here are the facts which contributed to this change: 1). *a.* The emergence of the Union of Polish Patriots in the Soviet Union; *b.* The proclamation by the Union of Polish Patriots of a program similar to the well-known government declaration of principles of February 24, 1942; *c.* The support accorded to this Union by hundreds of thousands of Poles, now on Soviet territory; *d.* The organization of a fighting army by the Union of Polish Patriots; *e.* The part played by that Union of Polish Patriots in assisting Polish emigrants in the Soviet Union and the establishment by the Union of scores of schools for Polish children and of other cultural and social institutions on Soviet territory.

2. The emergence of a partisan movement in Poland and its increasing strength.

3. The growing fear of the creation of a revolutionary government in exile, or in Poland, after the country is liberated by the Red Army; hence the fear of losing political control and profitable positions.

Are there any legal reasons for the change of attitude as to the temporary character of the Polish government?

Are the government authorities truly legal?

Is this government a real expression of the *will of the nation*?

Can it claim the right to administer the country after it is liberated from the Nazi yoke?

And finally, is the government a "continuation" of the pre-war government in Poland?

A legal government is a government established according to existing laws, particularly on the basis of the Constitution of the country. A government expresses the will of the nation if it is elected by the majority of that nation.

The Polish government in exile, both in France, and later in England, and the pre-war government which fled to Rumania, have been elected neither on the basis of the legal Constitution of 1921, nor by a majority of the Polish people.

## The Constitution of April 23, 1935 is Illegal

When each of those governments came into existence, the Polish Constitution of March 17, 1921, with its amendment of August 4, 1926, was still binding; those governments were established against the will of the nation, and were based only on the Constitution of April 23, 1935. However, the Constitution of 1921 with its amendment of August 1926 never lost its legality, and moreover, has never been altered by any *legal* act provided for in article 125 of this Constitution. The so-called April Constitution had

the character of a resolution when it was passed in the Parliament, and it never acquired the force of law, particularly of a constitutional law. It cannot, therefore, be considered as binding either in pre-war Poland or in exile, and certainly not in Poland after the war.

What has been said in the preceding paragraph is not a war-time revelation. Neither do I claim to have the monopoly on this statement. The above opinion has been shared by all upright citizens of the country, by publicists and jurists who proclaimed this truth many years before the outbreak of the war. Unfortunately, in exile, falsehoods have replaced honest legal thinking and objective appraisals of various government acts; people now forego ideals for political opportunism and selfish interests, the former government opposition now recognizes illegal acts as endorsed with legal sanction. But we must remember here the one great exception, Dr. H. Lieberman, the late Minister of Justice of the government-in-exile, a great patriot and jurist, who had the courage to say publicly in London: "There is no Constitution!" Some political leaders in exile went even so far as to identify government acts with the will of the people.

#### Article 125

The reader will find my statement substantiated if he will acquaint himself with Article 125 of the Constitution of March 17, 1921. This article reads: "A change in the Constitution can be enacted only in the presence of at least one half the constitutional number of members of the Sejm (Lower House), and the Senate, and by two-thirds majority. The motion for a change in the Constitution must be signed by at least one quarter of the constitutional number of members of the Sejm and *must be announced at least 15 days in advance.*" An exception was made for the second Sejm elected on the basis of this Constitution, namely, the Sejm itself, without the Senate, could "revise" the Constitutional Law by its own decision taken by a majority of  $\frac{3}{5}$  of voters, in the presence of at least one half of the constitutional number of members of Parliament.

This Constitution became effective only in the Fall of 1922. The new Polish Parliament—Sejm and Senate—was elected towards the end of October and in November 1922.

Abolition of the reactionary government had been achieved in a parliamentary way with recourse to constitutional proceedings, but attacks on this Constitution soon began. Yet, until the coup d'état of May, 1926, nothing was done to change the general outlines of the Constitution, either in the direction of strengthening of the executive power or of limiting the democratic election regulations. It was only under the threat of the whip (Pilsudski's expression) that the Sejm voted some changes in this Constitution, changes contained in the amendment of August 4, 1926. Although these changes went in the direction of strengthening the power of the President of the Republic, they did not give complete satisfaction to Pilsud-

ski, and, he, therefore, refused to become President, and recommended the election of Ignacy Moscicki.

### Things Began to Happen

After this, things began to happen. In 1928, before the Sejm elections, Colonel Slawek, a close friend of Pilsudski, and his followers, set up the B.B.W.R.—a Non-Partisan Government Collaboration Block. They resorted to unusual methods to achieve their purpose—the control of the government. The government spent eight million zlotys in support of the election campaign of the Collaboration Block. In spite of all these efforts the Slawek Block did not attain even a simple majority in the next Sejm. Therefore, the attempts to change the Constitution met with resistance that could not be eliminated by parliamentary means. There were as many projects in the Sejm to change the Constitution as there were political parties. Pilsudski threatened and insisted on changing the Constitution to further strengthen the executive power, and particularly insisted on endowing the President with real dictatorial powers. When Daszynski, the most outstanding Socialist leader and Speaker of this Sejm, tried in 1929 to convince Pilsudski that “the change of the Constitution can be effected only by argumentation, and not through the use of a whip,” he received the significant answer: “It needs but a whip!”

The whip appeared soon thereafter in the summer of 1930. According to the amendment of August 4, 1926, art. 26 of the Constitution of 1921, the President dissolved the Sejm and the Senate. Many populist and socialist members of the Sejm were arrested, confined and ill-treated in a military citadel in Brest Litovsk, against the law, but on Pilsudski's orders. It was the first public “smashing of bones” (the famous saying and recommendation of Colonel Slawek) and the open breach of law, by the supreme guardian of that same law—the government in power.

Although the Pilsudski camp (Sanacja) had had experience in carrying out elections by falsifying results, particularly in villages, and by terrorizing large parts of the population, it did not succeed in acquiring a qualified majority in the new Sejm—a majority large enough to bring about a change in the Constitution by parliamentary means. They attained but a simple majority.

### Violation of the 1921 Constitution

The Government Block in the new Sejm was in no way discouraged by the outcome of the elections, and once more submitted to the Constitutional Commission a project for a Constitution identical with the one proposed previously, a Constitution which would endow the President with almost unlimited powers. After a debate within the Constitutional Commission, without participation of members of the opposition who had boycotted the sessions of the Commission, the latter submitted to the Sejm

the *theses* for the future Constitution which the Sejm was to accept by a simple majority of votes, only to prove its "readiness to change the Constitution" in the spirit indicated. The vote on these theses could have no other significance. The government opposition decided to sabotage this manifestation and left the benches. The sages of Pilsudski camp (Sanacja) then struck upon an unusual idea. On the spot, the theses (which contained various notes and did not possess the form of Statute regulations) were given the form of "articles" of the new Constitution, and the Speaker, a Pilsudski follower, submitted these theses to a vote. In the second and third readings they were passed unanimously and were called the new Constitution, in the absence of the members of the opposition.

This was a further open breach of the law which affected not only the rights of some citizens or of a given political group, but the very foundations of the state, and its basic laws. Had it been only an artifice or a parliamentary trick, it could have been called a foul manoeuvre. But in this case it was an open violation of the Statutes of the Constitution. I reiterate that in accordance with article 125 of the Constitution of 1921, a motion to change the Constitution required strict formalities with respect to *form* (it was to be presented in written form), to the *number* of members of the Sejm whose signatures were required (one quarter of all representatives), and to the *time* of announcement of the motion (15 days prior to submission of consideration by the Sejm).

*None of these requirements of the Constitution were met.* The business of bringing about a concrete change of the Constitution was not even on the agenda of the Sejm.

Moreover, it is not known whether the number of representatives required by art. 125 of the Constitution of 1921 (at least one half of the total number of representatives) was present at the session of the Sejm. This was not checked by the Speaker of the Sejm, either before or during the vote.

Intoxicated with the pseudo-victory over the opposition he was satisfied with the fact that all Pilsudski-ite members of the Sejm present at the session voted for it, and none against it. He considered it superfluous to verify whether the required number of representatives were present at the session, though this was an essential condition for making legal the vote on the change in the Constitution.

Let us also mention here the fact that a good number of Sanacja members of Parliament did not really possess any mandate. They became members of Parliament through election abuses, such as stuffing voting boxes before the elections were opened by Commissions, adding slips after the elections, falsifying election records by changing the total number of votes cast, and the number of votes cast for each candidate, and falsifying the signatures of the members of the election Commission on election protocols. Some of those falsifications were effected before election results reached the district offices, and some were performed within those very offices. These

facts were checked on the basis of the testimony of hundreds of sworn witnesses in the Polish courts. I was personally present in court as an attorney, at a hearing of witnesses, resulting from a protest against the elections in the district of Krosno-Sanok-Przemysl, raised by my close friend, the present Minister of the Treasury, Dr. Ludwik Grossfeld. I had the opportunity to observe that the judge, a member of the Pilsudski camp, writhed in pain and blushed for shame (evidently he had not as yet completely lost his sense of shame), when respected and God-fearing citizens testified that Dr. H. Lieberman, later Minister of Justice in the government-in-exile, had twice lost his election to the Sanacja through shameful and criminal election abuses, first in 1930, and after the Supreme Court proclaimed the non-validity of this election, again in 1931. He had finally received a mandate on the socialist state list. Because of government pressure on the Supreme Court many of the election protests were never examined. The fact that the signature of the Minister of War (Pilsudski) under the constitutional theses is of dubious origin, as the minister was too ill at that time to attend to public affairs, might also be of some significance. And finally, the publication of these constitutional theses in the Journal of Statutes of the Polish Republic was not made according to required formalities and showed many omissions.

In the preceding paragraph I have mentioned some important shortcomings in connection with the adoption of the theses as a constitution. However, the enactment of this "Constitution" and its enforcement upon the Polish people was not just a shortcoming—it was a violation of the essential requirements and provisions of the Constitution of 1921, concerning its revision and change.

### Illegality of the Government, Its Institutions, Offices and Statutes

Hence all governmental institutions, decrees, statutes and offices, issued, voted and established in accordance with the Constitution of April 23, 1935 are illegal and in no way binding. In particular: the election regulations of July 8, 1935 voted by the Sejm and the Senate, the election of the two legislative Chambers in 1935, and again in 1938, the *appointments* by Ignacy Moscicki in 1939, first of Marshal Rydz-Smigly as successor to the President of the State, then of General Wieniawa-Dlugoszewski, and finally of Wladyslaw Raczkiewicz. On another score, the pre-war government and the governments-in-exile are also illegal since the previous Prime Minister Gen. Sikorski as well as the present Premier St. Mikolajczyk and members of the government, were not appointed by the constitutionally *elected* president, that is by Ignacy Moscicki, but by Wladyslaw Raczkiewicz, who in turn was *appointed* as president's successor by Moscicki. The March Constitution of 1921 and the amendment of 1926 do not contain a regulation establishing a dictatorial-fascist device for appointing a successor to the presidency by anyone, and particularly not by the president in office. Such

a device is found in the constitutional theses of 1935. (Hitler also appointed possible successors: No. 1 Goering, No. 2 Hess and No. 3 Goebbels.)

### Not a Government of and by the People but Against the People

The assertion that the government-in-exile is the "expression of the will of the people" is contradicted by reason of its proved illegality, and the following facts: Article 33 of the so-called Constitution of 1935 advanced the voting age by three years, and thus deprived politically mature citizens coming of age of the right to vote, therefore, only citizens who were at least 24 years of age on election day were eligible to elect members of the Sejm. The legal Constitution of 1921 grants this right to people of 21 years of age. Four attributes of the election law were established instead of five. The proportionality of election was eliminated. The proportionality principle with regard to nationalities and representation of parties in Poland was of great importance to the common people, and to the national minorities. The election law concerning the Senate had undergone an even more drastic change. According to the article 47 of the 1935 Constitution the majority of the people were simply deprived of exercising any influence on the whole set-up of the Senate. The article gave the President the right to appoint one third of the Senators, and the right to elect the other two-thirds was given to special groups of citizens.

The election law of July 8, 1935 which regulated "the election proceedings" and was voted by the Sejm and Senate, had the same pattern as the election rulings of fascist and dictatorial countries. It deprived all opposition groups and parties now exclusively represented in the National Council in London, and the Communists, of any possibility of nominating candidates. The government party alone, and only the political groups of national minorities backed by that party had the possibility of nominating candidates. The government opposition was aroused by these proceedings, but it was helpless to force a change in the election law. On the basis of this law the elections in the Fall of 1935 took place. The electors had two alternatives: to vote for the government candidates or not vote at all.

The opposition parties decided to use the right to organize election meetings which was not yet taken away from them, and advocated at these meetings, the complete *boycott of the elections*. The result of this propaganda surpassed all the forecasts of either the government or the opposition. Approximately 70 per cent of all electors abstained from voting. The Parliament thus elected could not even have the character of an advisory body. It became a tool in the hands of the government.

President Moscicki dissolved both Chambers in 1938, justifying this by the fact that the membership of the Chambers was not representative of the political aspirations of a majority of the people. The dissolution of the Parliament proved to be of no importance and was ineffective because the fascist election regulations remained unchanged. The only difference

between the elections in 1935 and the elections of 1938 lay in the fact that this time the leaders of the opposition were muzzled and were not allowed to organize election boycott, through an obliging interpretation of the penal code by the Supreme Court, obtained by the government. Participation in the election, according to official statistics was presumably slightly higher than that of 1935. *But the results were the same.* A Parliament elected by a minority representing neither the interests of the people, nor those of the state, one which was nothing more than a tool of a clique, and which as its predecessor, carried out the bidding of the government—was again imposed upon the people.

According to Article 2 of the Constitution of 1921, the supreme power in the Polish Republic rests upon the People, and the "legislative bodies of the people are the Sejm and the Senate." (elected on the basis of a democratic election law.) "The President of the Republic along with responsible ministers constitute the executive body."

Article 3 of the so-called Constitution of 1935 deprives the people of its supreme power, and passes this power on to the President of the Republic. "In his person"—reads paragraph 4 of article 3 of this Constitution, "is embodied the *uniform and indivisible* state power." He thus ceased to be an organ of the people, and became the supreme chief of all state bodies, including the Sejm and the Senate.

Ignacy Moscicki, endowed with autocratic powers appointed as his successor president Wladyslaw Raczkiewicz, and the latter in turn by virtue of the same autocratic authority, appointed Gen. Sosnkowski as his successor and the government-in-exile, including the present government headed by Mikolajczyk.

None of these appointments and nominations were legal, for they were not provided for in the Constitution of 1921, and they did not occur in accordance with the will of the people but *against the popular will.*

### Continuation of Policy and Not the Continuation of Governments

The present government in London along with the president continues the policy of the pre-war government from which it ostensibly emerges, particularly its foreign policy. But it does not constitute the formal, legal continuity of the governments of Poland for the following reasons: Since Ignacy Moscicki gave up his presidency, conforming with Article 40 of the still binding Constitution of 1921, he was to be temporarily succeeded in office by the Speaker of the Sejm. A new President was to be elected by the National Assembly, namely the joint legislative Chambers—Sejm and Senate. It is worth mentioning that Ignacy Moscicki was elected president of the state on the basis of the Constitution of 1921, and possessed only the rights and prerogatives this Constitution had granted him, and *no others.*

I have previously referred to the government-in-exile as *temporary*



and I now maintain this term for three reasons: First, because there is as yet no other body representing the interests of the Polish state, legal or revolutionary. Second, it is inconceivable that an illegal government deriving its powers not from the people, but by the grace of the Pilsudski camp (Sanacja), although tolerated by the Allies, should not only survive until the end of the war but also administer and govern post-war Poland. Third, because its membership did not and does not represent the true political attitudes of the people in Poland.

Its activities in various fields closely resemble the activities of previous Sanacja governments and its foreign policy particularly in regard to the Soviet Union is pernicious and suicidal to the Polish state.

### The Task and Duty of Polish Democracy Today

The continued existence of the government in its present membership, with the blessing of the Sanacja Constitution, and with its attempt to represent the interests of Poland, endangers the very foundations of the state. This should be understood by the members of the government who consciously or unconsciously are covering up Polish reaction, either in the name of ill-understood national unity, or from fear lest the reaction take over the entire government and exercise an exclusive influence on the internal or external set-up of the affairs of Poland. There is no reason to fear this eventuality. The four great Allies have now come to understand that many of the so-called governments-in-exile, like the Yugoslav, Greek and the Polish governments, would be rejected by their respective countries.

The reactionary and anti-democratic policies of those governments made possible the following dispatch sent in by correspondent Levy to the *New York Times*, from Ankara, on December 20, 1943: "It is a common belief here that although living in exile and considered members of the United Nations, the governments of Poland, Yugoslavia and Greece have never been nor are they now great sympathizers of democracy. Their hope of being restored to office is commonly regarded as their only reason for staying in the Allied camp." The internal situation of these three countries is similar, if not quite identical. In each of them there exist two military groups which fight against the Germans, but which also fight each other. The Allies first supported both groups, and now only the partisans, whereas the governments-in-exile back up one group and condemn the other. Poland also has her partisans. Polish officials estimated their number at 15,000. This group has since increased, and as the Red Army approaches the Polish frontiers the number of partisans will become even greater. Moreover, there are two Polish fighting divisions completely equipped on Soviet territory, one of which was made world-famous by its heroic exploits at the front. These divisions remain in contact with the Polish Partisans who



are doing the fighting in the rear of the enemy. The Polish government-in-exile is in an even more difficult position than the Greek and the Yugoslav governments, for it cannot even claim to be a legal government, and furthermore, its diplomatic relations with one of the greatest Allies have been severed.

#### **What action shall the Polish democratic elements in exile undertake now?**

First, get rid of all hypocrisy. Representatives of democratic parties and groups should give up both their ministers' posts in the present government and their mandates in the National Council. They should acknowledge that this government is illegal; that the government as well as the National Council do not fully represent the political views of the people in Poland. Finally, they should cooperate with the Union of Polish Patriots, representing hundreds of thousands of Polish citizens residing on Soviet territory, and large masses of workers, peasants and intelligentsia in Poland, who belong to various political parties, and also with all truly democratic elements of the present Polish emigrants now in England, in the Near-East and in America, in creating a Polish Committee of National Liberation, similar to the now existing French Committee for National Liberation in North Africa. Such a Committee will most certainly, be recognized by the Allies as the only true representative of Poland abroad, and later as a provisional government in liberated Poland.

This is the only way out of the present impossible political situation of Poland. The interests of the state require its speedy solution.

#### **The Main Task of the Polish Committee of National Liberation**

After the creation of the Committee and the establishment of diplomatic relations with the Soviet Union, the destiny of Poland will no longer be suspended in the air, and the vital interests of the Polish state and its independence will no longer have to be settled by intermediary foreign statesmen, no matter how favorable toward Poland.

They will be settled directly by the Poles themselves. The establishment of diplomatic relations and the co-signing of the Soviet-Czech pact will be the first task of the Committee in regard to foreign affairs. (In the United States, the Sanacja mouthpiece already whispers: Cut off relations with Benes.) As to military affairs, the task of the Committee will be the transfer of the army called East (Wschod) from the Middle East to the Soviet front, after ridding it of compromised generals such as Sosnkowski, Anders and Kukiel, and of all other fascist elements. The army thus purged will join the Polish divisions of Kosciuszko and Dombrowski and in cooperation with the Red Army will help to free Poland from the Nazi yoke. The shortest road to Poland is through Ukraine and White Russia, just as the shortest roads to France are by way of Italy and the English Channel.

## THE FUTURE GOVERNMENT OF POLAND

The Committee would not claim the right to govern Poland after the country is liberated from German domination. Once its membership is completed by the addition of representatives in the homeland, it will take on a role similar to that of the People's Government in Lublin in 1918, the difference being, that it will accomplish its tasks despite obstacles of reactionary elements. Its main task will be the establishment of comparative order in the country, and then the adoption of a new democratic election law to enable the people to elect a new Parliament. This Parliament will set up a definite form of government. Then the Committee will hand over its authority and functions to the new government.

### New Trick and Stratagem of the Pilsudski Camp

#### *Objection No. 1*

I expect to encounter the objection that one cannot compare 1944 with 1918. In 1918 Poland began a new life after having been divided and oppressed for about 150 years by three great European powers. The lapse of 150 years did not allow for the return to the old forms of government, to the Constitution of May, 1791. The first government of a free Poland had to be a Revolutionary Government, for it had to create institutions which would facilitate the ensuing decisions of the people as to the form of government, and the political, economic and social changes. The Sanacja men claim that there is no necessity for such action now, for we have the "Constitution" of a recent date (April 23, 1935), adopted during Poland's independence; moreover, we have a Parliament which has not been legally dissolved, and we have various institutions and state authorities.

Such an objection can only be raised by those who are anxious to restore the pre-war regime in Poland, or even a more reactionary order, in any case, based on illegal and semi-fascist statutes and rulings, and who will not or cannot recognize that there will be vast social and economic change in all of Europe, Poland included. The followers of Pilsudski, the old National Party, and the young National Revolutionary Group now feign democratic ideals, and are ready to sign any declaration today that proclaims those ideals, but once in Poland, they will again try to use the Constitution of 1935 to justify their reactionary policies. That Constitution is the greatest trump card in the hands of the reaction. The President cannot renounce any of his rights or prerogatives bestowed upon him by the Constitution. The gentleman-agreement concluded between President Raczkiewicz, the confidence man of the Pilsudski camp (Sanacja) and the late general Sikorski as chief of the government, on the basis of which the President relinquished some of his rights on behalf of Sikorski, is therefore, void of any legal value. Moreover, the President did not renew this agreement with

Prime-Minister Mikolajczyk. Furthermore, President Raczkiewicz can resign just as Moscicki did, and he actually threatened to do so quite recently when the Socialist and the Peasant Party leaders objected to his appointment of General Sosnkowski as commander-in-chief of the Polish armies. If he should resign, the man in confidence of the Pilsudski camp and the National Revolutionary Party, the same general Sosnkowski as successor to the presidency, would become president. Once in Poland the President will not be obstructed by any legal or moral hindrance to dismiss Premier Mikolajczyk and to appoint as Premier even Ignacy Matuszewski, or another leader of the Sanacja. In accordance with Article 28 of the Constitution of 1935, the President has the right to dismiss each and all members of the government, at any time and without any cause.

Mikolajczyk, along with other ministers of the Peasant Party and the P.P.S. (Polish Socialist Party) would depend not only on the President, but also on the Parliament in which these parties have not a single representative. This Parliament, in accordance with article 31 of the Constitution of 1935, has the power to control the government and to demand dismissal of each minister and of the entire government.

#### *Objection No. 2*

I expect to encounter another objection. It may be suggested that the Parliament has already completed its term for it was elected in the Fall of 1938 for five years. To that I will reply that there might be interpreters who would assert that the years of war, or rather the time of occupation of the country by the enemy do not count. Those who will admit that the term has expired, may assert that new elections must be conducted. But this must be done on the basis of the election law of July 8, 1935. I have discussed this law above. If the Constitution of 1935 is binding then all the more binding is the election law of 1935, for it does not require a qualified majority to be voted upon, and the simple majority which it requires was secured by the Sanacja at that time. The Government and the President have no power to change this law, just as they do not possess the power to change the "Constitution." The election law of July 8, 1935 and the Constitution of the same year are statutes which can *only* be abolished or modified by a parliamentary vote.

Was it only in the years 1935 and 1938 that this election law was called fascist and the opposition parties boycotted the elections, whereas now in 1944, turns out to be democratic and redeeming for the country? Why the difference?

Aside from that, it will not be easy to conduct such elections, for it will be necessary first to restore the various state, municipal, trade-union institutions, etc., which, according to this election law nominate candidates to the Sejm. The territorial changes in the East and in the West (we cannot

now determine their extent, but there is no doubt that they will take place), the demographic changes in the country, the repatriation from abroad, etc., would make the application of the election law of 1935 or even that of 1922 entirely impossible. And if we are to act constitutionally and particularly according to the Constitution of 1935, a new and democratic election law *cannot* be given to the people.

### The Pilsudski-ites Seek Power Again

If the Constitution of 1935 is to be valid, the Pilsudski camp which now has not only a president of the country but also the president's successor (Raczkiewicz and Sosnkowski in their respective capacities as president and president's successor are to remain in office according to the Constitution of 1935 three months after the *peace* treaty is signed, I reiterate, peace treaty and not an armistice), and which has a commander-in-chief of the armed forces abroad and in the country, is not expected to give up its "rights" and will not transfer its power to Mikolajczyk, Stanczyk, or any other democrat.

The Pilsudski camp (Sanacja) is already now preparing the public opinion in Poland, the Americans of Polish descent and the reactionary or naive elements among the Allies for its future plans in Poland. No one stresses the legality of the government-in-exile as much as the former ardent opponents of Sikorski's government—the followers of Pilsudski. On December 30, 1943 Ignacy Matuszewski, in an article in the New York Polish Daily, "The Arrival of the Premier" made the following statement: "Mikolajczyk is the premier of a *constitutional* Polish government. That means that he possesses the right to speak on behalf of the Polish State." And according to General Sosnkowski's statement of a recent date: "the Constitution of April 1935 is a state document which, signed by the shaking hand of Marshal Pilsudski on the eve of his death, is to be regarded by his followers as the last will and testament of the Marshal."

What is the real reason behind statements of such nature? The answer is rather simple: The reason that lies behind them is the endorsement by legal sanction *now* of all the acts which the Pilsudski camp will attempt to enforce in Poland when the war is over. These acts will be based on the Constitution of 1935, and they will, therefore, be lawful, although they will equal open or concealed fascism.

### The People Will Not Accept It

Fortunately, the people of Poland will prove that the reaction has miscalculated its hopes, as is already becoming evident. The return of the Polish, Greek and Yugoslav governments-in-exile to their respective countries is most doubtful. These doubts are advanced not only in the

Soviet Union but also in Great Britain, and in the United States, and not only by liberal publications, but also by conservative ones, such as the *London Times*, and the *New York Times*, *N. Y. Herald Tribune*, and by such statesmen as Secretary of State Hull, Anthony Eden and State Minister Law. They have clearly indicated that the form of government, once the country is liberated from German occupation, will be decided upon by the people of that country. Secretary Hull added that the Allied army which will be the first to enter the soil of an occupied country will naturally establish order and will make it possible for the particular freed nation to choose its own government, with the reservation that the form of government be democratic, and in no circumstances fascist or semi-fascist.

The same position has been taken by the "Underground's Political Representation," in Poland and particularly by the "Underground Movement of the Working People and the Underground Peasant Movement in Poland." Their declaration states that "in the transitory stage, before the Legislative Assembly, elected on the basis of *new* democratic election regulations convenes, laws liquidating every trace of the Sanacja and occupation regimes must be enacted!" This is also in accordance with the program of the Union of Polish Patriots in Moscow and the Polish Partisans' Movement in the Country, as well as liberal Polish groups everywhere.

Only a Revolutionary Government or Committee of National Liberation will be in a position to issue a *new democratic* election law and decrees cleansing the legislations of all Sanacja filth. The Sanacja Parliament would never issue such election regulations nor would it give up any privileges voluntarily.

Why then stubbornly hold on to the Constitution which is illegal, which was not recognized before the war, and which is not recognized today by the majority of the people at home, a constitution whose authors and enforcers were and still are condemned by the people of Poland? Is it only in order to create a semblance of legality for Polish reaction, and for its future performance in Poland, and to justify its claims and future demands?

THE PEOPLE OF POLAND WILL NEVER APPROVE SUCH ACTION ON THE PART OF ITS LEADERS IN EXILE!

THERE IS STILL TIME TO ABANDON THE WRONG ROAD!

New York City, January 1, 1944.

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*The Polish Committee of National Liberation was created July 22, 1944 in Chelm, Poland, without the participation of the London Polish Democrats, and was shortly transferred to Lublin.*

*The National Council of liberated Poland has decreed that the historic anniversary of July 22, 1944 will be celebrated as Polish Resurrection Day.*

## Mikolajczyk in Moscow

### Is Reconciliation Possible?

Is reconciliation possible between the so-called Polish government in exile and the recently created Polish Committee of Liberation in Poland? I will answer that question immediately. Yes, it is possible. How and under what condition I'll try to explain later. I find it necessary first to present a true picture of the present Polish situation, which so greatly imperils Allied unity, and I will try to analyze the plight and the legal status of the Polish government in London.

### Two Governments

There are at present two Polish governments and each of them claims the right to govern and administer the liberated territory of Poland. The body in London claims to be a legal government, basing its ostensible right to govern on the so-called Constitution of 1935. The other government, the Committee of National Liberation in Chelm, Poland, repudiates the legality of the government in London and of the 1935 Constitution, and claims to possess the right to rule temporarily in Poland, not *de jure* but *de facto*.

#### 1. The Government-in-Exile

The Polish government in exile was created in France according to the provisions of the Constitution of 1935. The former president, Moscicki, who himself was elected by the Polish parliament according to the provisions of the Constitution of 1921, designated Mr. Racziewicz as successor to the presidency and resigned his office. Racziewicz then appointed another successor to the presidency in case of his death, resignation, or inability to hold office. The present government was also appointed by him.

The so-called Constitution of 1935 has never become law. It was voted in the parliament as a resolution expressing the desire to change the previous Constitution of 1921. None of the requirements for changing the Constitution of 1921 according to Article 125 were met. Nevertheless, the Sanacja clique which possessed the power in the country imposed this resolution as a Constitution upon the people and declared the Constitution of 1921 as non-valid. The Constitution of 1921 has not provided for the appointment of a successor to the presidency. In case of death or resignation of the president, the speaker of the Sejm (the Marshal) alone was to hold office until a new president was elected.

As the London government is not based on the provisions of the only legal and binding constitution, that of March 17, 1921, its claim for legality

cannot be justified. Except President Raczkiewicz and General Sosnkowski, who are Pilsudski followers, none of the members of the Polish government in exile have ever in Poland recognized the Constitution of 1935 as legal and binding.

## 2. *The PCNL*

There is no doubt that the Committee of National Liberation actually has power in territories liberated by its army with the help of the R d Army. It is worth mentioning that the thirteen members of the committee who lived under the German occupation were always in close contact with the Polish people. Only seven members lived in exile. It is at least as representative as the government-in-exile. If a plain farmer, Mikolajczyk, can be prime minister and a former farm worker, Kwapinski, can be a vice-prime minister, why should it not be suitable for a white-collar worker, Morawski, to be the chairman of the committee and for a farmer, Witos, and a writer, Wasilewska, to be vice-chairman?

We must not forget that the committee has been recognized as the *de facto* government of Poland by one of the great allies and that treaties similar to that concluded with the Czechoslovak government have been signed by the Soviet government and the Committee of National Liberation. The Polish government in London has not signed any agreement with the governments of the United States or Great Britain containing any commitments on the side of the Polish people. Both the government and the committee command armies and guerrillas. Each claims that its forces are larger. The army under General Rola, member of the Committee of National Liberation, unquestionably does real fighting in Poland and there is no doubt that this army is much larger than that under General Sosnkowski's command. The size of both guerrilla forces is not known and cannot at present be estimated with certainty.

Knowing these facts we can better consider the possibility of a reconciliation of the two rival Polish governments, neither of which is in reality based on binding Polish law, namely the provisions of the Constitution of March 17, 1921.

### Conditions for Reconciliation

The principal condition for a reconciliation and understanding between the rivals is the solemn repudiation of the so-called Constitution of 1935. Its existence and recognition is intended to pave the way to power for the Pilsudski camp (*Sanacja*) in liberated Poland. The spokesman of *Sanacja* in the United States, Colonel Matuszewski, understands this best and therefore he is the most ardent advocate of the legality of that Constitution. He knows that the president on the basis of this Constitution possesses "uniform and indivisible power." He also knows that the Constitution and election regulations based on it can be changed only by the parliament (*Sejm* and *Senate*). President Raczkiewicz, as mentioned above, was one of

the outstanding leaders of the Pilsudski camp in Poland. The same is true of the commander in chief, General Sosnkowski. Colonel Matuszewski also knows that the last parliament in Poland consisted of members of the Sanacja alone, because with fascist regulations governing election procedures, no other party was able to nominate candidates for parliament. Such a parliament will naturally not change the constitution and such regulations in the democratic fashion. President Raczkiewicz after his arrival in Poland could and would dissolve the present government headed by Mr. Mikolajczyk and appoint a government of his own followers, just as the former President Moscicki did in the past. This apparent danger must be completely eliminated by the repudiation of the so-called Constitution of 1935.

The next move should be the dissolution of both the government-in-exile and the Committee of Liberation, the formation in their place of a provisional government in Poland.\* The membership of this government should include those members of the government in exile who are sincere democrats and who seek true friendship and cooperation between Poland and the Soviet Union, in addition to the great majority of the members of today's Committee of National Liberation. The majority in the provisional government should consist of persons who have lived under German occupation in Poland. There should be no obstacles to the creation of this provisional government on the basis of the Constitution of 1921, and the presidency could for instance be given to Mr. Mikolajczyk, with Mr. Morawski as prime minister. The prestige of both men would in this way be preserved.

Such a government will unquestionably have the support of the overwhelming majority of the Polish people, and will be recognized by the United Nations, without exception.

The first action of the provisional government should be the recognition of treaties concluded by the Committee of National Liberation as valid and binding. This government should then dismiss General Sosnkowski and Anders and their followers in the ranks of the Polish army, and effect a fusion of both the Polish armies in Poland and abroad, and the underground fighters within the country.

If Mikolajczyk went to Moscow with unlimited "power of attorney" and will fully understand that this is the only chance of bringing his government together with the Committee of National Liberation—a reconciliation can and will be achieved.

New York City, July 31, 1944.

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\*The Polish Provisional Government was created on December 31, 1944 in Lublin and was composed of democratic and anti-fascist leaders in Poland.



## Should We Recognize Lublin?

Last summer while Mr. Mikolajczyk, the former premier of the Polish government in London, was in Moscow holding his first conference with Marshal Stalin and delegates of the Polish Committee of National Liberation (PCNL) I published in *New Masses* (Aug. 8, 1944) an article containing suggestions that there be a reconciliation of the two rival groups. It so happened that several days later the PCNL submitted to Mr. Mikolajczyk proposals for a reconciliation which did not greatly deviate from mine. Both the proposals and my suggestions offered the same principal condition for a fair solution of the Polish question—namely, the repudiation of the illegal Constitution of 1935 on which the London government is based. The creation of a provisional government in Poland on the basis of the legal Constitution of 1921 to replace the government in London and the PCNL was to be the next step. While I suggested that in the provisional government all democratic members of the Polish emigre government who are not hostile to the Soviet Union be included, the delegates of the PCNL proposed that only four of the London group be given places.

Mr. Mikolajczyk's power of attorney was such that it was not possible for him to accept these proposals or to reject them. He returned to London and after long deliberation with his colleagues in the government he submitted counter-proposals to Marshal Stalin instead of presenting them to the PCNL. These very counter-proposals were not only unacceptable but they did not even constitute a basis for further discussion. The Polish emigre government refused to repudiate the Constitution of 1935 and suggested that the Workers Party (Communist) be given a few portfolios in a cabinet with Mikolajczyk as premier—and this only after the liberation of Warsaw. President Raczkiewicz with his "uniform and indivisible power" was to remain in office.

### PCNL Rebuilds the Country

When no word came in reply either from Lublin or Moscow, Mr. Mikolajczyk, urged by Mr. Churchill, made his second trip to Moscow in October of last year. After many conferences in Moscow with Marshal Stalin, Prime Minister Churchill and delegates of the PCNL in Moscow the differences between the two rival groups "were narrowed," but no agreement was reached. After Mikolajczyk's return to London new deliberations took place which ended abruptly with his resignation as prime minister.

While the emigre government was still deliberating, quarreling and making academic plans for the future, the PCNL was hard at work in rebuilding liberated parts of Poland. First of all it concluded agreements

with the Soviet Union, similar to those signed by the Czechoslovak government, which granted to the PCNL the right to administer liberated Polish territory not considered as a military zone. The Soviet Union committed itself to equipping a Polish Army of a million strong. Both the Soviet Union and the PCNL accepted the Curzon Line as a basis for the settlement of the border question between Poland and the three Republics: the Ukraine, White Russia and Lithuania. The Soviet Union promised to support Poland's demand for ethnographic and historic Polish territory in the west up to the Oder River and to parts of East Prussia. This basis for a solution of the Polish border question—a solution that is just primarily for ethnographic reasons and is in the interests of both Poland and the Soviet Union—was not and is not objected to by either Great Britain or the United States.

The PCNL took over devastated Polish territory whose people were starved and exhausted. There was no Polish administration left by the Germans, no community councils, no schools, no universities, libraries, hospitals, kindergartens, no theaters, factories. Difficult tasks faced the members of the PCNL. Not all of them were experienced in administering a country even in peacetime. They had to begin organizing and building everything from the bottom up. The only organization already existing was the Polish Army created by the Union of Polish Patriots in the Soviet Union under General Berling's command. Because of their patriotism, devotion, self sacrifice, and with the support of the people and the material help of the Soviet Union, the members of the PCNL have in a relatively short time and under indescribable conditions achieved results surpassing all of their own and the world's expectations.

The PCNL has organized state and district administrations, has dissolved the so-called "blue police" which collaborated with the Germans and in its place organized the People's Militia. It has encouraged the people to elect their own rural, urban and provincial councils. It has restored law and order. It has to fight famine and prevent anarchy, political as well as economic. Both were avoided because of the energy and great ability of the members of the PCNL, their sensible and tactful handling of so many difficult situations. They had to fight the black-market and inflation; feed the people and satisfy the land-hunger of the majority of the peasants. Under the control of the PCNL and with its encouragement and help, many factories began working. Hundreds of thousands of workers in large and small plants, either privately controlled or under state administration, are already employed. The Lublin Sugar Refinery is in operation. Other refineries, namely, those in Grabow, Wezyczyn, Klemenczow and Przeworsk are under repair with operations to be resumed in the near future. The output of crude oil in the Krosno district has reached seventy percent of the pre-war level. The Polna agricultural implement works have begun operations. The power system in many cities are working. Forty thousand persons are now employed in the Departments of Ways and Communica-

tions, Post and Telegraph. Another 26,000 are employed in the railway administration. Large landed estates are already divided and distributed among 100,000 peasant families with war invalids, children and relatives of fallen Polish soldiers given preference. This procedure is going on to the full satisfaction of the peasants.

PCNL reorganized the courts, it restored Polish judges to their offices and ranks, organized rural and district courts, and restored jury trials which the so-called Constitution of 1935 abolished. Hundreds of elementary and high schools were opened. The Catholic University of Lublin with the Reverend Father Kruszynski as Rector has opened its doors to students. Another university under the name of the famous Polish scientist, Marie Curie-Sklodowska was organized in Lublin. The Warsaw School of Engineering temporarily in Lublin has begun the registration of students. A medical school was opened in Praga. The Central Pedagogical Library has been opened with 9,000 volumes in Polish, Russian, English, German and French. Most of them are valuable books which were hidden from the Germans by former staff members. A Polish Architects Association with Professor Lech Niemojewski as chairman was organized. Hospitals for civilians, as well as rest and convalescent homes for army men, and for children have been opened. The largest are located in Otwock near Warsaw.

Of course, everything so far is carried out on a small scale because adequate relief from abroad is lacking. Some relief has come from the Soviet Union even though the Russian people are greatly in need of relief themselves. Some medical supplies for children came from Sweden. Clothing from progressive Polish organizations in the United States has also been sent to liberated Poland. Other Polish-American organizations and particularly Polish War Relief in the United States refused to ship supplies to liberated Poland for sheer political reasons.

The Lublin authorities have been raising and training an army of over 250,000 men, whose needs have to be met. This army has already fought heroically and is now poised for a winter offensive in Poland shoulder to shoulder with the Red Army.

### Arciszewski's Emigre Government

#### *1. Membership*

While the PCNL has worked intelligently and accomplished unexpected results, the Polish emigre government with Tomasz Arciszewski as prime minister and with no participation in it of the leaders of the Peasant Party in London, still counts on a military conflict between the United States and Great Britain on one side and the Soviet Union on the other. This government is made up of the three former Socialists, Arciszewski, Kwapinski and Prager, whose hostility to the Soviet Union is well known; two extreme nationalists, Berezowski and Folkierski, whose fascist allegiance and affiliations are also well known; two Christian Democrats, Sopicki and

Kusnierz, the latter, now Minister of Justice, was called in Poland a "clubber" because he instigated beating of Jewish students at the University of Cracow; one Pilsudski follower, Count Tarnowski; and finally General Kukiel whose action in the spring of 1943 was the direct cause of the severance of diplomatic relations between the Soviet Union and the Polish emigre government. This government "was more concerned about its formal legitimacy than about Poland's future" asserts Mikolajczyk's new weekly, *Jutro Polski*, according to the *New York Times* of Dec. 31, 1944.

## 2. Concerned With Its Legitimacy

It still is concerned with that matter first and foremost. When the Polish Home National Council in Lublin with the participation of 150 delegates from both liberated and occupied Poland—the latter came to Lublin despite the great risk involved—decided Dec. 31, 1944, to change the status of the PCNL to that of a provisional government, the Polish government in London once more reiterated that it is the only *legal* representative government of Poland, and asserted that the Provisional Government in Lublin is a self-appointed body.

There is a reason for the concern of the emigre government "about its formal legitimacy." That reason is simple: the government in London is *not legal*, because it is based on the *illegal* Constitution of 1935 which has never become law and particularly not constitutional law in Poland. Nothing happened in exile which made this constitution legal. The fact that Mikolajczyk and his colleagues and the present Premier Arciszewski and his friends in London now recognize the legality of the 1935 constitution although they and their parties did not recognize its legality in Poland before the war does not change the matter. It is difficult for the former premier and more difficult for the present premier to admit that their government was and is not legal. The emigre government was not organized according to the provisions of the only binding and legal Polish Constitution of March 17, 1921, and does not abide by it. That constitution contains democratic provisions, many of them similar to the provisions of the Constitution of the USA. It guaranteed all the freedoms that the American Constitution does. The Polish Constitution of 1921 was not legally changed or abolished. The requirements for the change or abolition of this Constitution are as follows: "A change in the Constitution can be enacted only in the presence of at least one-half the constitutional number of members of the Diet (Sejm and the Senate), and by a majority of two-thirds of votes. The motion for a change in the Constitution must be signed by at least one-fourth of the constitutional number of members of the Sejm (the lower House) and must be announced at least fifteen days in advance." (Article 125.)

After the overthrow of the legal Polish government in 1926, Marshal Pilsudski wanted to become president, but through a legal procedure, and

after a change had been made in the Constitution of 1921 which would endow the president with unlimited power. He could not achieve such a drastic change in the Constitution legally. The majority of the Diet were against it. Threats and imprisonment of many outstanding liberals in a military fortress at Brest Litovsk did not bring the results Pilsudski desired. Election abuses such as stuffing ballot boxes, falsifying election results, etc., did not give to the government party (Sanacja) in the elections of 1930 a majority of votes in the Sejm, needed for a change of the Constitution of 1921. The Sanacja then decided to act against the provisions of the Constitution of 1921, and its representatives in the Sejm in the absence of representatives of the opposition parties adopted measures which were then imposed upon the people of Poland as the Constitution of 1935. *None of the requirements for changing the Constitution of 1921 mentioned in Article 125 were met.*

The former President, Moscicki, who was elected president according to the democratic provisions of the Constitution of 1921, designated as his successor Mr. Raczkiewicz, on the basis of the provisions of the Constitution of 1935. Moscicki then resigned from office. The Constitution of 1921 does not provide for the designation of a president by anybody, particularly the president in office. According to its provisions, the marshal (speaker) of the Sejm, takes over the president's office in case the president resigns, and he, the speaker, holds office until a new president is elected. If we accept the 1935 constitution as invalid, and this we have to, we must consequently repudiate the authorities who derive their power from that constitution, particularly the whole Polish government in London.

It seems superfluous to mention that the so-called Constitution of 1935 is anti-democratic because it endows the president with unlimited power. According to its provisions, it cannot be changed or abolished without the consent of the president. It excluded the provisions making all citizens equal before the law and made the Polish Diet (Sejm and Senate) a one party affair. It created a totalitarian regime and it would again pave the way for one party rule by the followers of Pilsudskites and their associates, the extreme nationalists.

### The Provisional Government in Poland

Of course, I do not claim that the Lublin provisional government is legal in a strict sense and that it complies fully with the provisions of the binding and legal democratic Constitution of 1921. But it is at least as legal as the French provisional government, if not more so, and everything has been done *under the existing war conditions* to observe as far as possible the provisions of the 1921 Constitution. The president of the Provisional Government is not an appointee. He was not designated or appointed by any political party or by a former president-dictator. He was

ected by 150 delegates of the Home National Council (provisional parliament), who represented all legal political parties: the Peasant Party, the Workers Party, the Democratic Party and the Polish Socialist Party. They represented all classes: the businessmen, the peasants, the workers, the intellectuals, professionals, etc. President Boleslaw Berut, who was elected in such a manner, nominated the Provisional Government with Edward Osu-ka-Morawski, chairman of the Polish Socialist Party, as prime minister. This government is made up of seventeen members. Four of them are Communists, five are Social Democrats, five are from the Peasant Party, two are Democrats, and one is a member without party affiliation. It is worth mentioning here that the chairman of the Peasant Party, Maslanka, and the secretary of that party hold the post of vice-premier and minister of interior respectively.

It is small wonder that the announcement about the creation of the Provisional Government at the Congress of the Peasant Party, held in Lublin at the time, brought to their feet 1,500 delegates who cheered and sang the Polish national anthem.

This Provisional Government was created *along democratic lines* now possible, and in compliance with the popular demand initiated by over a million members of the cooperatives of whom only one-fourth are affiliated with different parties. This government is the sole legal authority expressing the will of the Polish people. It proved that it possesses the confidence and support of the overwhelming majority of the people. This refers to liberated Poland with a population of 7,000,000, of whom 2,500,000 are townfolk and 4,500,000 are peasants. American, British and French correspondents confirmed that.

What about the Polish government in London? Can this government prove its claims? It cannot. It is a fact that in liberated Poland it has but few followers. Nine-tenths of the men from the so-called Sosnkowski's Home Army and half of its officers have joined the army of General Zymierski who is the minister of national defense in the Provisional Government.

Claims of either the emigre government or the Provisional Government in Lublin concerning their support by the people in occupied Poland cannot be proved with any certainty. But it is my belief that the attitude of the people in the occupied areas will not differ from that of liberated districts of Poland. This belief is based on the experience in liberated parts of Poland and the statements of the delegates to the Home National Council in Lublin from occupied Poland.

#### Freedom of Press and Assembly

The Polish government in London seems to comprehend its peculiar situation and therefore it has launched through the Polish Telegraphic Agency a desperate attack against the Lublin provisional government. The

Agency has declared that "freedoms of speech, of assembly, and of political action do not exist in these areas" which the Provisional Government administers, that "the administration of territory cleared from German occupation is in the hands of the Polish Workers Party acting under various names." The foreign correspondents who were in "these areas" will ridicule that statement when they read it. Of course, there is no freedom of speech and assembly for Polish fascists and semi-fascists, for the friends of minister of interior Berezowski, or of Matuszewski, friends who recently wrote in the underground newspaper *Szaniec* the following message: "God save us from want, fire, disease and *democracy* and then we will protect ourselves from the Germans in the west, the Russians in the east, and the Jews in the center."

A country which has suffered so much under the Nazi yoke and a people who know well what German fascism means, cannot permit other Poles to disseminate fascist ideas. Fascism in all its forms must once and for all be rooted out in Poland. The fact is that all political parties based on democratic principles and championing democratic ideas have unrestricted freedom of speech and assembly. This is reflected in the existence of a free press and the increasing number of Polish dailies, weeklies and monthly periodicals in liberated Poland—all published by different parties and organizations. Here is a list of some of them: The official *Rzeczpospolita* (*The Republic*), of Lublin, official organ of the PCNL, now of the Provisional Government; *Robotnik* (*The Worker*), the Polish Socialist Party daily; *Glos Ludu* (*People's Voice*), daily organ of the Polish Workers Party; and *Zycie Warszawy* (*Warsaw Life*), Democratic Party daily published in Praga, liberated suburb of Warsaw. The weeklies appearing regularly include *Odrodzenie* (*Rebirth*), literary weekly; *Zielony Sztandar* (*Green Banner*), central organ of the Stronnictwo Ludowe (*Peasant Party*); *Wici* (*the Dispatch*), weekly organ of the rural youth organization; *Trybuna Wolnosci*, (*Tribune of Freedom*), weekly publication of the Polish Workers Party; *Barykada Wolnosci* (*Barricade of Freedom*), political weekly of the Polish Socialist Party; *Mlodzi Ida* (*The Youth is Coming*), fortnightly of the Provisional Central Committee of the youth organization; *Tur*, publication of the People's University; *Biuletyn Praski*, informational bulletin of the Warsaw-Praga district; and *Zagon Ojczysty* (*Native Land*), fortnightly organ of the Lublin Agricultural Chamber.

Another proof of freedom of assembly and press in liberated Poland is the number of meetings, conferences and congresses called by all four political parties in the government and by many social and cultural organizations which have sprung up. The 1,500 delegates at the Congress of the Peasant Party represented hundreds of thousands of peasants who are not Communists. The 223 delegates of the Congress of the Polish Socialist Party were not Communists either. The Democratic Party, which is similar to

the Liberal Party in England, has no Communist tendencies. These three parties and the nonpartisan member represent a majority (thirteen to four) in the Provisional Government.

### The PPG Deserves Recognition

The assertion of the Polish Telegraphic Agency that all these parties constitute "the Polish Workers Party under various names" is not true. It is slanderous and aimed at postponing the recognition of the Provisional Government by the two great western democracies and at creating dissension among the Allies. Let us hope that the Polish emigre government will not achieve its goal. Let us hope that the mistake will not be made again of playing ball with Vichy, and later with Darlan and Giraud, and holding off the recognition of the French Provisional Government until recently. The Polish Provisional Government has the same right to demand recognition as did the French Provisional Government or the Czechoslovak government. At least it has as much right as the newly organized Hungarian Provisional Government whose delegates are conferring with representatives of all three great Allies on Armistice terms for Hungary.

The Polish Provisional Government is a temporary government, as is the French Provisional Government, and does not intend to rule indefinitely. The Polish Provisional Government promised the people, as has the French Provisional Government, that a national election will be held shortly after the complete liberation of Poland. In this election the Polish people will have the right to choose freely the form of government under which they wish to live. The elections will be conducted on the basis of the legal and democratic Constitution of 1921, which the Polish Provisional Government observes and abides by. Such elections, however, cannot be carried out on the basis of the illegal and anti-democratic Constitution of 1935 with its fascist election regulations. And it is this Constitution which the emigre government in London embraces. The 1935 Constitution would block the exercise of the people's right to choose freely the institutions and government under which they are to live. Certainly it is not the aim of the United Nations or of their men at the fronts to set up or restore regimes founded on fascist or anti-democratic constitutions anywhere, including Poland.

There is no justification for continuing to recognize the emigre government in London but there is every reason to recognize immediately the Polish Provisional Government in Lublin.

New York City, January 7, 1945.

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*The Polish Provisional Government was recognized by the Soviet Union, Czechoslovakia and Yugoslavia.*



*This address was delivered at a forum in Diplomat Hotel, New York City, February 25, 1945.*

## **Yalta Conference As It Concerns Poland**

### **Historical Event**

**T**HE Yalta Conference was a historical event of momentous importance. Without exaggeration we may consider that Conference a prologue to the future Peace Conference. The meeting of delegates of all the United Nations which is to take place on April 25 in San Francisco will constitute the first and possibly the second act of the Peace Conference. Many if not all of the questions concerning both the war and the peace were discussed at the Yalta Conference. Some of them were definitely settled, others only in principle. The communique published after the Conference did not contain all the decisions of the Big Three, and those mentioned were not published in full detail. The communique should be considered a quintessence of some of those decisions.

The paragraph concerning the liberated countries—those of the United Nations and the former Axis satellites—does not contain all the provisions regulating their internal political situation. Two of them—Poland and Yugoslavia—received for obvious reasons special attention, Yugoslavia less than Poland. However, even the paragraphs concerning these countries do not contain all the decisions arrived at by the Big Three.

Are the decisions concerning Poland reasonable, just and satisfactory? It will be much easier for me to explain their real meaning, and for you to comprehend the complicated Polish problem, if I give a brief reminder of the geographic, ethnographic, and economic situation of Poland before World War II, and also of its political position before and during the war.

### **Poland Before and During the War**

#### *a. Population*

Poland is a country in Central Europe surrounded by small and large neighbors, and possessed only a small outlet to the Baltic Sea before the war. The absence of natural frontiers and imperialistic aspirations of Poland's rulers tempted it to expand its frontiers at the expense of ethnic principles. As a result, Poland has always embraced a large minority of non-Poles, and before the outbreak of the war these minorities made up at least a third of the population. Poland had about 800,000 Germans and over 2,000,000 White Russians. Its largest minorities were 3,500,000 Jews and approximately 6,000,000 Ukrainians. This ethnographic mixture and especially the great compact Slav minority groups in Eastern

Poland were the result of the bloody suppression of the Ukrainian military insurrection in 1918-1919 and the Riga Treaty enforced at the expense of the Soviet Union. There was a difference, therefore, between the Polish state and the Polish nation, especially east of the so-called Curzon Line, although the regime has never admitted this in pre-war Poland or in emigration in London. These minorities with the exception of the Germans were considered in Poland as second and even third class citizens. The attitude of the emigre government toward the Jews and Slav minorities has changed very little.

Poland possessed a population of 34,500,000 in 1938. Of the 34,500,000 people, 61 per cent were in farming and kindred occupations. The proportion in agriculture in 1921 was even greater, approximately 70 per cent. While Poland made some progress in industrialization since World War I, the fundamental character of the agricultural economy remains largely unchanged.

Poland was and still is predominantly a country of peasants. It possessed three groups of peasants, the kulaks, the small landholders and the landless. The first group was made up of only several hundred families, the second was the largest, approximately 12,000,000, the third about 8,000,000 people. Land communism or rather collectivism was not and still is not acceptable to them at this time. The Polish peasant is afraid that communism would destroy the very essence of the social values represented to him by the land.

Because of meagre rations the Polish peasants who possessed three or more acres of land were virtually self-sufficient in food but had extremely low purchasing power. The poverty of the large majority of the peasants was proverbial.

Years ago the most important personal influence on the peasant's life had been the parish priest, but as a result of modern life many of the traits of the Polish peasant, such as traditional passivity, were undermined. Individualism, a sense of grievance, a desire to challenge adverse political and economic conditions came to the fore. The desire for knowledge, and for cultural, social and political activity grew daily. The democratic Peasant Party became powerful in the years before the war and soon became the largest party in Poland.

The big landowners who constituted over 20,000 families owned 40 per cent of the land in Poland. The discrepancy between the poverty of the peasants and the wealth of the landowners is shown by the fact that such a small proportion of the population held so much land, while the vast majority—the peasants—(two-thirds of the nation) had but a total of 66 per cent.

Poland possessed about a million industrial workers and a million and a half artisans. These artisans though intelligent, hard and valuable technical workers lacked modern technical skill and machine implements.

While the existence of the urban worker was somewhat better and

while wages increased in the couple of years before the war, workers were comparatively close to the subsistence level.

Among the urban population the Polish Socialist Party was the largest and the most influential political factor. The next largest Party was the National Democratic or the Nationalist Party. Next came the Communist Party, which was a forbidden party in Poland and was dissolved by the Comintern in 1938. The Christian Labor Party and the Democratic Club were the other parties which played a political role in pre-war Poland. The Sanacja, the government party, was an artificial organization built by the government with the support of deserters from all the existent parties and of bureaucratic and military cliques.

#### *b. Political Situation:*

##### *1. Before Yalta*

So much about the geographic position of Poland and the ethnographic as well as economic conditions prevailing in pre-war Poland. Now I will try to give you a brief description of Poland's political system during the period of its 21-year independence and during this war. A revolutionary government with the socialist leader Ignacy Daszynski as head was created in November 1918 and lasted only three days. It was replaced by a government of moderate peasant and labor representatives with the former socialist Moraczewski as Prime Minister, and Pilsudski, who had recently returned from a German prison camp with the well-known General Sosnkowski, as chief of the state. This was the first concession made by Pilsudski and his followers among the P.P.S. to Polish aristocracy and reactionaries (who after the coup d'etat in 1926 became the ruling class in Poland). Moraczewski and his Government remained in the saddle only until the elections to the Constitutional Parliament in 1919. In the meantime, that is from 1919 until May 1926, Poland changed its government personnel many times, each time it was more or less reactionary. The first parliament elected on the basis of relatively democratic electoral regulations adopted the Constitution of May 17, 1921, which is still binding.

From May 1926, after the open betrayal of the working class and the peasants by Marshal Pilsudski, once a Socialist, Poland was ruled by a camouflaged military dictatorship. In the beginning this dictatorship trod quietly and cautiously, but later, particularly after Pilsudski's death and the imposition of the "Constitution" of 1935 upon the people, it became flagrantly reckless.

This military dictatorship lasted until its interruption by the war in September, 1939. The Government and many representatives of the government party, at first called the Sanacja and later OZON, fled to Rumania, to France, Great Britain and to Palestine. Some of them have even come to the U.S.O. On the basis of the so-called Constitution of 1935

a government-in-exile was formed, first in France and then in Great Britain. It was created with the blessing of the Sanacja and thanks to the resignation of the former President, Ignacy Moscicki, who designated as his successor one of his and Pilsudski's close friends, Mr. W. Raczkie-wicz. This government claimed and still claims to be the legal, constitu-tional representative of Poland and the continuation of the previous Polish governments.

I would like to remind you that the Polish government-in-exile was at war with the Soviet Union until July 30, 1941, when an agreement between them was concluded and diplomatic relations restored. These relations were severed by the Soviet Union in the Spring of 1943, the reasons for it are well known.

This government, although its membership was and is different from that of the pre-war government, has changed its political credo and meth-ods very little. Its membership at present is constituted of former social-ists and of extreme nationalists with the Pilsudski follower Raczkie-wicz as President. Its civil and military representatives in underground Poland were as reactionary and hostile to Poland's Slavonic neighbors—the Soviet Union and Czechoslovakia—as was the pre-war government.

The Polish people, who suffered through five years under the Nazi yoke, have realized that they could survive only with the help of the Soviet Union and the gallant Red Army, and they decided to break off with the Polish government-in-exile. A short time after the occupation of Poland by Germany a people's guard was formed and clandestine admin-istrative institutions of the country independent from the government-in-exile were set up. In January 1944 a clandestine Home National Council was elected, and in July of the same year the Polish Committee of National Liberation was organized. Its manifesto and the declarations as well as its activities in liberated parts of Poland constitute the best guarantee that Poland is being led by progressive and thoughtful representatives of the Polish people, and, therefore, it is not surprising that the Polish emigre government has been spitting fire in the direction of that com-mittee and its adherents instead of in the direction of fascism and the Sanacja. The position of the emigre government became critical since the creation of the Polish Committee of National Liberation and, therefore, former Prime Minister Mikolajczyk has tried to come to terms with the Soviet Union and that Committee. He did not succeed because of the opposition of President Raczkie-wicz and the reactionary members of his emigre government and their supporters among the Polish refugees in England.

The Committee was recognized by the Soviet Union and some agree-ments between this Committee and the government of the Soviet Union were concluded.

On last New Year's Eve the Home National Council, composed of 150 delegates from liberated and occupied Poland, elected President

Bierut and he in turn nominated the Provisional Government, which was later recognized by the Soviet Union and Yugoslavia. This Provisional Government had and still has the de facto power in Poland. It is constituted of five socialists, five members of the Peasant Party, four Communists, two democrats and one member without party affiliations. On the other hand, the Polish emigre government was recognized by all other United Nations, especially by the U. S. and Great Britain. The governments of both these great Allies have supported the Polish emigre government financially and morally. After the recognition of the Polish Provisional Government by the Soviet Union they reiterated their previous statements.

Both the emigre government and the Provisional Government are commanding regular armies which participate in the struggle against Germany. It is worth mentioning that the Provisional Government commands an army three times larger than that under the command of the emigre government and has the possibility of enlarging it by voluntary enlistments or compulsory conscription because it possesses power over the whole Polish territory.

The territorial changes in the east and west of Poland were closely connected with Poland's political situation. There existed such a junction that it was impossible to settle them separately. President Roosevelt and Prime Minister Churchill understood that complicated situation quite well. They tried to influence the Polish emigre government toward reconciliation with the Soviet Union right after the Teheran Conference, when they realized the seriousness of the situation and became convinced that the Russian suggestions for a reconciliation were reasonable and compatible with both Polish and Soviet interests. Both President Roosevelt and Prime Minister Churchill wanted to avoid the eventual creation of another Polish government abroad, which would be willing to settle the border question and be friendly to its Slavonic neighbors. They preferred instead the restoration of diplomatic relations between the conservative and allegedly legal London government.

They have not succeeded in their endeavors. On the contrary the Polish emigre government became more reactionary than ever before and less conciliatory than it ever was. It considered the Soviet Union an ally of its allies but an enemy of Poland. It ceased even to condone its hostility toward the Soviet Union and severed diplomatic relations with its other Slavonic neighbor—Czechoslovakia.

## *2. After Yalta*

This was the Polish situation before the Big Three conference in Yalta. It was well known that the so-called Polish question must and would be on the agenda of that conference. The settlement of this question was indispensable not only because of Poland itself but because it was linked with some of the international questions handled previously

in Dumbarton Oaks. The Soviet Union could not give its consent to some suggestions of other great Allies concerning international affairs as long as the situation in Central Europe and even in Southern Europe was not made clear.

How was the Polish question settled at the Yalta Conference? As I have mentioned above, there were urgent questions on the agenda: political and territorial. Both were not settled definitely. Some political decisions were left to an assembly of three diplomats, some territorial decisions to the peace conference. The emigre government was by-passed. The Provisional Government was recognized de facto, although not de jure. It is to be reorganized, broadened by "the inclusion of democratic leaders from Poland itself and from Poles abroad." I stress the word democratic. It is also to broaden its name by the addition of the words "National Unity." The judgment as to whether such a reorganization was carried out in accordance with the decisions of the Big Three was left to their three delegates: Foreign Minister Molotoff and the Ambassadors Harriman and Kerr. Their confirmation will mean recognition. This Provisional Government of National Unity is to pledge that it will carry out "free and unfettered elections as soon as possible on the basis of universal suffrage and secret ballot. In these elections all democratic and anti-Nazi parties shall have the right to take part and to put forward candidates."

#### Territorial Changes

The Eastern frontier was settled, we might say, definitely, although there were provisions for some unspecified digressions from the Curzon Line. In the west and north "substantial accessions of territory" were granted to Poland, but their extent was not specified. The "final delimitation of the western frontier of Poland should thereafter await the peace conference." This means that the Eastern frontiers will not be on the agenda of the peace conference.

Did we expect such a solution of the Polish question? Not all of us did and not in all of its details.

Of course, only the hotheads of the Polish emigre government and its followers among the Poles and the Polish Americans could presume that their memoranda and views regarding the territorial changes will be taken into consideration. The decisions concerning the territorial changes are compatible with the agreement concluded by the interested parties, namely, by the Soviet Union and the Polish Committee of National Liberation. These decisions are just because Poland has no right to the territories east of the so-called Curzon Line, and the Atlantic Charter was not violated. This statement is based on the following facts:

1. The Poles formed only about one-fifth of the population of the disputed area.

2. Temporary possession of that territory by the Poles did not create their ownership of the land.
3. The Curzon Line was suggested by the Allies after World War I as the boundary between Poland and the Soviet Union.
4. The Riga Treaty was enforced by the Poles upon the Soviet Union.
5. That territory with a large majority of non-Poles constituted an irredenta and was the main source of Poland's internal weakness and of external strife.
6. It was economically deficient and neglected.
7. The Polish pre-war governments considered that territory a conquered country and its non-Polish population second-rate citizens.

Those decisions are in accord with the expressed wishes of the people concerned. This was proved by:

1. The plebiscite carried out in 1939.
2. The armed insurrections of the Ukrainians in 1918 and 1919.
3. The stubborn and irrevocable demand of the Ukrainians and White Russians for separation from Poland during the years of Polish independence.
4. Boycott of the Polish National Council in London by the Ukrainians.

The two seats reserved for them were empty. The Polish government could not find any candidates among all factions of the Ukrainians.

#### Polish Reactionaries Join Goebbels

The political decisions are reasonable and in accord with the Atlantic Charter. They constitute confirmation of the expressed will of the Polish people. I predicted those decisions on January 14, when I asserted in my Sunday radio comment that "the Polish emigre government is now a government without a country and without a nation, and after the Big Three conference it will be a government without recognition and credits."

The Yalta decisions concerning Poland shocked and bewildered the emigre government and its reactionary followers in London and in the U.S.A. Their reaction did not differ from that of Goebbels and Iguchi (the Japanese spokesman). They all used the same language and shouted that the Allies had partitioned Poland for the fifth time and that Roosevelt and Churchill had "sold Poland down the river." William Shirer, while participating in a Town Hall discussion on the Yalta Conference, stated that a well-known large daily in the Middle West has expressed the same opinion about the results of the Yalta Conference as Goebbels. Mr. Kaltenborn tried to defend the publisher and the editors of that daily

and asserted that although it is true that their opinion resembles that of Goebbels, they were not inspired by him.

You will allow me to defend my former comrade, the bankrupt Polish Premier Arciszewski at this gathering. He too expressed the same opinion as did Goebbels and Iguchi, but I swear that he was not inspired by them.

I see that you agree with me but you do not think my client should be acquitted.

I lose my fee for the defense.

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*The Western border of Poland was temporarily settled by the Big Three at the Conference in Potsdam. According to the communique issued on August 2nd, 1945, the following agreement was reached on the western frontier of Poland:*

*"In conformity with the agreement on Poland reached at the Crimea Conference the three heads of Government have sought the opinion of the Polish Provisional Government of National Unity in regard to the accession of territory in the north and west which Poland should receive. The president of the National Council of Poland and members of the Polish Provisional Government of National Unity have been received at the Conference and have fully presented their views. The three heads of Government reaffirm their opinion that the final delimitation of the western frontier of Poland should await the peace settlement.*

*"The three heads of Government agree that pending the final determination of Poland's western frontier, the former German territories east of a line running from the Baltic Sea immediately west of Swinemuende, and thence along the Oder River to the confluence of the western Neisse River and along the western Neisse to the Czechoslovak frontier, including that portion of East Prussia not placed under the administration of the Union of Soviet Socialist Republics in accordance with the understanding reached at this Conference and including the area of the former free city of Danzig, shall be under the administration of the Polish State and for such purposes should not be considered as part of the Soviet zone of occupation in Germany".*

*This decision is wise and remains in accord with the vital interests of Poland as well as of the United Nations. It will greatly contribute to the security of peace in Europe.*



## Poland Demands Representation at the San Francisco Conference

*As a contribution to clarity on the Polish question, I submit the following address made by Dr. Abraham Penzik at a National Conference of the American Polish Labor Council held at Hotel Hamilton, Washington, D. C., on April 12 - 13, 1945. I feel that it is extremely timely now and appropriate. Dr. Penzik is a well-known Polish Socialist, an authority on the Polish Constitution and author of several publications. This address was enthusiastically accepted by representatives of American Polish unionists from the key war industries of our nation present at the conference. A resolution in the same democratic spirit was adopted by the body.*

San Francisco, May 2, 1945.

LEO KRZYCKI, *President*  
American Polish  
Labor Council

While I am speaking to you there is still uncertainty concerning Poland's invitation to the San Francisco Conference. I have not lost hope, however, that my country will be represented. Poland is interested in collective security even more than many other United Nations because of her proximity to Germany. Poland's failure to participate in the creation of an international organization for securing peace would have serious consequences. Nevertheless, it must be admitted that many of the obstacles of inviting Poland were artificially created.

### Emigre Government Excluded

Unfortunately, there are two Polish governments. One of them is allegedly legal, resides in London and is still recognized by most of the United Nations, especially by the United States and Great Britain. The other government, which exercises power in liberated Poland and also claims to be legal, is situated in Warsaw. This government is formally recognized by the Soviet Union, Czecho-Slovakia and Yugoslavia. Both governments claim the right to represent the Polish people and both protested their omission from San Francisco.

The American State Department and the British Foreign Office have stated that a Polish government which would correspond to the Crimea decisions would be invited to participate in the conference. The group in London was irrevocably excluded from the San Francisco discussions, because it was evident that it does not represent the desires of the Polish people and because it rejected the decisions of the Yalta Conference. It would be a great injustice to Poland and the United Nations if she were not represented at San Francisco. Poland was the first country to resist

Nazi aggression. Her armies are fighting on all fronts. She has suffered great losses in men and material. Four million Polish citizens were exterminated by the Gestapo. She was the first to organize underground resistance that later became the model for other countries conquered by Hitler.

The League of Nations was bankrupt many years before the outbreak of World War II. This was most clearly demonstrated when Germany attacked Poland in September 1939. The League failed even to convene after this accomplished act of violence. Poland was the first victim of this war; she cannot, therefore, be kept away from the deliberations and decisions concerning the creation of a new organization which will vitally affect her own and the other United Nations' future security.

### The Problem Can Be Solved Easily

A seemingly complicated situation can be easily solved so as to make Poland's participation in the conference possible, by prompt adherence to the Crimea decisions. Those who blame the Provisional Government in Warsaw for creating obstacles and for lack of cooperation and good will in the carrying out of the Crimea decisions are incorrect. This government is most interested in its speedy reorganization according to the provisions of the Yalta Conference, and so is the Soviet Union. The reason for the slowing up of the reorganization of the Provisional Government lies elsewhere. It lies in the misinterpretation of the Crimea decisions and in the favoring of certain Polish leaders abroad and within Poland by certain American groups and by the British Foreign Office. Those leaders have in turn presented unacceptable conditions for their entry into the Provisional Government. No top positions in the government or special guarantees can be given these leaders. They failed to come to terms with the Polish Committee of National Liberation in October, 1944. When Stanislaw Mikolajczyk was in Moscow in August 1944, the PCNL offered him the premiership of the Provisional Government to be established to replace the Polish government-in-exile and the PCNL. Three other portfolios were offered to the former president of the Polish National Council in London, Professor Grabski; to a former Minister of Mikolajczyk's government, Popiel; and to one Socialist in exile.

A similar proposal was submitted to Mr. Mikolajczyk in October during his conferences with Prime Minister Churchill and Marshal Stalin in Moscow. Marshal Stalin had even made some territorial concessions to Mr. Mikolajczyk to encourage him toward a reconciliation with the PCNL. Both conferences as well as the efforts of Churchill and Stalin failed of the desired results.

The Congress of the Peasant Party—of which Mikolajczyk is a leader—held in Lublin in October 1944, with the participation of a thousand delegates, called upon him to return to Poland and to take over the chairmanship of the party. All this was in vain. Mikolajczyk remained in exile.

On New Year's Eve of 1945, 150 delegates of all anti-fascist and demo-

cratic political parties from liberated and occupied Poland chose Boleslaw Bierut, former chairman of the Home National Council, as temporary president of a provisional government. He in turn appointed the Provisional Government, with the chairman of the Polish Socialist Party, Osubka-Morawski, as Prime Minister.

Mr. Mikolajczyk, who missed the bus in Moscow twice before and was later forced by a majority of his colleagues to resign from the premiership of the London government, alleged in his weekly *Jutro Polski* that the Polish Provisional Government is a puppet government and is made up only of Communists, though he knew that the Provisional Government is constituted of five representatives of the Polish Socialist Party, five of the Peasant Party, four of the Workers (Communist) Party, two of the Democratic Party and one non-party (Commander-in-Chief General Rola-Zymierski). Through this unfortunate step he closed to himself the door to the Provisional Government which until then still remained open to him.

#### PPG Enjoys People's Confidence

The members of the PCNL and later of the Provisional Government worked hard to liberate the country and to rebuild it. The Polish Army under the command of General Rola-Zymierski, Minister of National Defense in the Polish Provisional Government, entered Warsaw, then the industrial city of Lodz, the ancient cities of Czestochowa and Cracow, the Silesian city of Katowice, and so forth. Representatives of the Polish Provisional Government took over the administration of Pomerania, lower Silesia and the Baltic port of Danzig. The Provisional Government opened schools, universities, and theaters. It helped many factories to begin operations and created jobs for thousands of workers and peasants. It abolished German laws as well as pre-war Polish reactionary laws, and in their place promulgated new democratic measures and carried out many political and social reforms—particularly the land reform long desired by the Polish peasants. It won the confidence of millions of Polish citizens. It also won the confidence of the Roman Catholic Church in Poland and of many conservative laymen. The following fact confirms that statement: "*General Rola-Zymierski, commander-in-chief of the Polish army, was guest of honor at a dinner given by a group of prominent citizens on the occasion of his recent visit to Cracow. Among those who attended the dinner were . . . Archbishop Prince Sapieha, Mayor of Cracow, Fiderkiewicz, Chairman of the Academy of Sciences, Professor Kutrzeba, Rector of the Jagiellonian University, Professor Ler-Splawinski, and President of the Mining Academy, Professor Getel.*" (Polpress, April 3, 1945.)

#### Mikolajczyk Still Welcomed But Not As Prime Minister

Mr. Mikolajczyk can no longer hope to be Poland's prime minister in the Provisional Government. Along with the other emigre Poles—who did not participate in the ten-months' struggle for the liberation and rebuild-

ing of Poland and who are nevertheless to join the government according to the Yalta decisions—he must accept the position offered him now by the Provisional Government as well as the reforms and laws passed by that government and the Home National Council.

The three diplomats chosen at the Yalta Conference to help straighten out the Polish situation are to “consult in the first instance in Moscow with members of the present Provisional Government and with other Polish democratic leaders from within Poland and from abroad with a view to the reorganization of the present government.” The Yalta decisions concerning the government in Poland (the emigre government was not mentioned) are clear and understandable. They need no interpretation. Jurists—and I happen to be one—usually do not interpret provisions which are as clear and understandable as the Yalta decisions in general, and those concerning Poland in particular. Everyone who begins to interpret the latter decisions instead of enacting them as they stand has hardly complied with juridical usage. The matter was thus approached with prejudice toward the Provisional Government in Warsaw and, therefore, was *a priori* destined to result in false conclusions.

#### Interpretation

I have, however, encountered several interpretations, with the following one repeated more often than the others: the present Provisional Government is to be dissolved and a new government is to be created with one-third of the members to be chosen from the present Provisional Government, one-third from leaders abroad and one-third from other leaders within Poland. Such an interpretation renders nil the Crimea decisions on Poland. The document reads expressly: “*The Provisional Government which is now functioning in Poland should therefore be reorganized on a broader, democratic basis with the inclusion of democratic leaders from Poland itself and from Poles abroad.*” It clearly states that the present Provisional Government is to be reorganized and not dissolved. This is to be accomplished through the broadening of its “democratic basis” by “*the inclusion of democratic leaders from Poland itself and from Poles abroad.*” In the Crimea decision it was admitted that the present Provisional Government was created on a democratic basis which needs only to be broadened and not destroyed. It is quite obvious that when we say “*broader democratic basis*” a democratic basis already exists.

#### Speedy Reorganization Possible

The present Provisional Government has accepted those explicit Crimea decisions. It was and still is the desire of that government that those decisions be acted upon and very quickly. No member of the present Provisional Government has tried to jeopardize the enactment of those decisions.

In my opinion if certain individuals in the USA and Britain consulted instead of imposed their desires, the reorganization based on the Crimea decisions would proceed speedily and smoothly and we would not now have an open question of whether or not Poland will be represented at San Francisco.

Even if the reorganization of the Provisional Government is not accomplished in time, Poland should not be deprived of representation in San Francisco. The invitation should be extended to the present Provisional Government, which is backed by all democratic and anti-fascist groups within Poland and exercises actual power in the entire country. But there is still time to adhere to the Crimea decisions on Poland as they stand without any interpretation on the side. Making difficulties for the reorganization of the Provisional Government must cease and then it will be reorganized in accord with the Yalta decisions and be invited to San Francisco in time.

#### Invitation an Imperative

The Big Three know only too well how much the cause of the United Nations will suffer if the Yalta decisions concerning Poland's internal affairs are not carried out in time. The Poles are not asking for favors. They demand the same rights which other nations have. The people of Poland who inspired the United Nations deserve not only to be heard on the question of an international security organization through delegations similar to the French, Czechoslovak, or Yugoslav, but also deserve a seat in the Security Council. The absence of a delegation from Poland in San Francisco would impede the development of an international organization for collective security. Poland must not be treated any worse than a country which recently joined the United Nations or has just declared war against the Axis. Poland must and should be represented at the United Nations Conference in San Francisco.

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*This address was submitted in May 1945 in the form of a leaflet to the delegates and correspondents of the United Nations Conference for International Organization in San Francisco.*

*The Polish State was not represented at the San Francisco Conference, but representatives of the Polish Press Agency of Warsaw were attached to the UNCIO.*

*The reorganization of the Polish Provisional Government into the Polish Provisional Government of National Unity in accord with the Yalta decisions as they stand took place in June 1945, after an agreement was reached by the Poles themselves. It is composed of 21 members. Nineteen of them are representatives of the Peasant, Socialist, Democratic and Communist Parties, and two are non-partisans. The leaders of the Peasant Party with Stanislaw Mikolajczyk as Vice-Premier constitute the largest group in the government. Next come the Polish Socialists with Edward Osobka-Morawski as Prime Minister. Representatives of both Parties are in the majority.*

## Behind the Polish Trials

### Verdict Lenient

Twelve of the sixteen Poles arrested and tried by the Soviet Union have received prison terms ranging from four months to ten years, three were acquitted, and one has not yet been tried because of illness. The prosecutor did not ask for the death sentence and the Supreme Military Court showed great leniency in the verdict. All this did not happen without reasons, the main reason being that the convicted Poles were but accomplices who obeyed orders given by the Polish government in London, and particularly by its former commander-in-chief, General Sosnkowski. The instigators of the crimes perpetrated by the convicted Poles still enjoy the liberty and the protection and support of the British Foreign Office.

### London Propaganda Machine

It is small wonder that the Polish government-in-exile has persistently tried to convince public opinion that those arrested were innocent, and that they fell prey to a treacherous invitation from the Soviet authorities. Tomasz Arciszewski, the prime minister of the London government, and his adherents have known only too well that the trial would bring to light the facts that they had been hiding for a long time. Emigre Polish government propaganda has reached many high places in democratic countries and has been responsible for the misrepresentation of facts by statesmen of some importance. Two of them, Mr. Eden and Mr. Stettinius, declared officially at press conferences in San Francisco that "they were asking the Soviet government about the report that a number of prominent Polish democratic leaders in Poland had met for discussion with Soviet authorities during the latter part of March" and were arrested. The myth of the democratic outlook of the arrested Poles was promptly dispelled at San Francisco and the statements were duly amended. In a letter to the correspondent of the London *Times*, Ralph Parker, Marshal Stalin stated: "It is untrue that the arrested Poles were invited for negotiations with the Soviet authorities." Nevertheless, the justification for the arrest of the sixteen was not made clear until their trial in Moscow.

### In San Francisco

The news of the arrest of the Poles first came to this country in March. The only source for this information was the London Polish government.

The matter was not widely discussed in the American press until the statements mentioned above were made on May 5 in San Francisco. In San Francisco I was asked by many American and foreign correspondents to clarify the situation in Poland and give the real story behind the arrests. This information was given freely and utilized by several well known newspapermen. Those writers who were not biased in the matter could have come to the conclusion even before the trials that the arrested Poles were guilty on the basis of the facts available to anyone for the asking. On May 22 in San Francisco I was interviewed on the radio concerning the arrested Poles. I said then:

"The Polish London government had clandestine civil representatives and an underground Home Army in Poland. The Home Army was dissolved by the London government in January 1945—but only formally—under pressure of British government circles that were afraid of clashes between the Home Army and the Red Army, as the Home Army was known to be hostile to the Soviet Union. Factually, remnants of the Home Army under the command of General Okulicki have carried on, but against the Red Army and the Lublin government, instead of against the Germans. These remnants of the Home Army assassinated many isolated Red Army soldiers and over fifty recruiting officers of the Lublin government. The civil representatives were not even formally dissolved, and have 'carried on until they were recently arrested by the Russians' (in the words of the Polish consul in San Francisco) together with General Okulicki. This was admitted by the Polish consul on giving the background of the vice premier of the London government in Poland, Jan Jankowski. By the words 'carried on' he meant that these people obeyed orders and laws promulgated by the London government based upon the so-called Constitution of 1935 and against the legal and binding Constitution of 1921, and also against laws promulgated by the Lublin government which factually functions throughout Poland. Therefore, these civil representatives and General Okulicki were arrested by the Russians and the Lublin government demanded their extradition for a trial in Poland."

The Moscow trial proved this explanation to be correct. The Polish Provisional Government possesses the right to demand extradition of the sixteen Poles from the Soviet Union as well as the extradition from Britain of those most responsible for this tragedy. An agreement between the Committee of National Liberation (PCNL), which preceded the formation of a provisional government, in Lublin, and the Soviet Union was concluded in July 1944. According to this agreement the PCNL had full authority in territories turned over to it by the Red Army, while in military zones the authority remained with the Red Army. Because the crimes of the sixteen were committed in the military zones and in territories taken over by the PCNL (and the subsequent Provisional Government) as well, the Russian and the Polish authorities have jurisdiction over criminals in this case.

## Morally Guilty

In addition to those legally responsible for the crimes of the sixteen Poles there are those who hold moral guilt in the matter. The Polish Government in London could not have communicated its orders to the Home Army and the clandestine civil representatives in Poland if it did not have the support of some diplomatic and government circles in Great Britain. These circles gave all possible aid to the Poles in London at least until Dec. 28, 1944, when the British relations with the Arciszewski government cooled off. For some time the London Poles and their adherents in Poland have used a code which the British supplied. At other times they used their own code, but with the consent of the British.

The existence of an exile government at a time when another government supported wholeheartedly by the Polish people exercises authority in liberated Poland is due to British policy. It is quite obvious that two governments or two kinds of order cannot exist for one country at the same time without tragic repercussions. The British government had access to the information that the PCNL, and later the Provisional Government, was adhering to the liberal Constitution of 1921, while the government-in-exile observed the illegal and fascist Constitution of 1935, and that a new democratic order was being created in Poland. Despite that the British government was not only hospitable to the Polish government-in-exile but by frequent reiteration of its recognition of the emigre government, encouraged its members to engage in activities directed against Lublin and against Soviet authorities.

No denials can convince the world that the British government circles are not partially to blame for what happened in Poland in connection with the subversive activities of the Home Army. At the Moscow trial one of the defendants, General Okulicki, said that he had counted on a European bloc of Poland, Britain and Germany in a war against the USSR.

The Polish government in London through the medium of its telegraph agency recently admitted that remnants of the Home Army are still continuing their former functions despite the arrests of their former leaders. A spokesman of the emigre government stated during the Moscow trial that General Okulicki spoke the truth when he admitted that the Home Army did not give up its arms even after the orders issued by the Red Army. The same spokesman also admitted that the clandestine authorities still carry on.

### Speedy Liquidation of Emigre Government an Imperative

The uninterrupted activities of subversive elements in Poland are made possible by the fact that the British government persists in not only recognizing the emigre government but in supplying it with financial support. And deeply regrettable is the fact that for some time the American State



Department has endorsed British policy concerning Poland. If government circles in Great Britain wish to erase their moral guilt for past and future illegal acts committed against the Provisional Government in Poland and the Red Army by emissaries and adherents of the Polish London Government, they, as well as the American government, must withdraw their recognition, support and hospitality to the emigre government immediately.

The liquidation of the Polish government-in-exile will discourage subversive elements in Poland and speed unity among Poles and among the United Nations.

New York City, June 23, 1945.

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*The Polish Provisional Government of National Unity was recognized by the United States of America and Great Britain on July 5, 1945, and simultaneously the recognition of the so-called Polish emigre government in London was withdrawn. At the Potsdam Conference the Big Three stated categorically that the emigre government "no longer exists." Nevertheless, it continues its activities harmful to the Polish and United Nations' cause through "private" agencies and with the aid of reactionary organizations in England, the United States, Canada, Palestine and in other countries. These agencies and their activities must be liquidated, otherwise the so-called Polish emigre government will factually "exist" in defiance of the Potsdam declaration.*





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