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20 YEARS AFTER THE LUSTRATION OF LECH WAŁĘSA

Keywords: Lech Wałęsa, Czesław Kiszczak, president, lustration, transformation.

ABSTRACT: This study aims to determine whether the decision of the V Lustration Department of the Court of Appeal in Warsaw issued in 2000, that Lech Wałęsa was not a secret collaborate of the former Security Service of the Polish People's Republic (PPR), was a correct one. Marek Aftyka's "briefing memo" and Proceedings of Regional Court in Gdańsk I Civil Department in 2010 in a case brought by Lech Wałęsa against Krzysztof Wyszkowski were researched in this article.

It is stated that individual decisions of judges in 2000 were wrong in this case, which was confirmed on February 16, 2016 by finding the personal and working files of the secret collaborate codename "Bolek". Analysis of the sources demonstrated that Wałęsa he did not consider the cooperation with the prosecution and security institutions, as well as with the state of real socialism as something wrong. At the same time, former Polish president, as a well-trained agent, will never admit to the cooperation

INTRODUCTION

It is now 20 years after the decision of the V Lustration Department of the Court of Appeal in Warsaw was issued in 2000 by: Paweł Rysiński –

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rapporteur, Krystyna Sergiej – judge, Zbigniew Kapiński – judge, that Lech Wałęsa was not a secret collaborator of the former Security Service of the Polish People's Republic (PPR) (AIPN BUiAD, sign. 575/8 t. 16). Despite some time later there were disclosed documents that he collaborated with the communist Security Service, a part of politicians, journalists and representatives of various social groups do not believe that they are genuine. Lech Wałęsa himself refuses such accusations and even attacks persons and institutions that proclaim this thesis. He does that even though the Institute of National Remembrance (INR) disclosed original documents concerning his person in the form of Personal File of Secret Collaborator aka “Bolek” found on February 16, 2016 in the house of the former Minister of Interior and Administration, Gen. Czesław Kiszczak. On the same day, the general's wife wanted to sell the documents to the president of INR, Łukasz Kamiński, for PLN 90.000. According to the law, Łukasz Kamiński informed the chief of the Regional Commission for the Prosecution of Crimes against the Polish Nation about the proposal. Investigators made a decision to immediately search Kiszczaks' house. A prosecutor and the police entered the house of Maria Kiszczak on February 16, 2016 afternoon, where they found 50 kg of original files from the period of the PPR (Jakubowski, 2018).

The authenticity of the secured documents was confirmed by independent graphologists from the prof. Jan Sehn Institute of Forensic Research in Kraków in an opinion issued on January 31, 2017. They stated that “the handwritten confirmations of receiving money, denunciations and signatures found in the Personal File of Secret Collaborator aka “Bolek” were made by Lech Wałęsa”. It is worth adding that these were not accidental documents. There were 17 handwritten confirmations of receiving money for the total sum of PLN 11.700, and 29 handwritten thorough denunciations made by the Secret Collaborator who had signed them with his nickname “Bolek” (Jednoznaczna opinia grafologów...).

That is why the given fact should be incontestable by anyone, including Lech Wałęsa. However, he still does not admit to cooperation with the Security Service, and even roughly attacks those who have ever spoken about his collaboration with the communist services. The most vivid example was an attack for Kornel Morawiecki – father of the current

Polish Prime Minister Mateusz Morawiecki – in October 6, 2019 during the convention of the Civil Coalition, before the parliamentary elections that took place on October 13, 2019. During his speech, Lech Wałęsa called Kornel Morawiecki – who had died about one week earlier, in September 30, 2019 – a traitor, despite in 1982 he founded anti-communist organization Fighting Solidarity, which was rejecting any cooperation with the communist regime of the state of exception. He stated: “They are making him a hero, whilst the middle of the state of war, we are attacked, and he, a hero, creates the Fighting Solidarity. What was that? Treason! Traitor. That is the truth, but let us forgive him. I did not talk much about this because I knew he cannot do much” (Frindt, 2019). The statement of Lech Wałęsa was frequently commented, mostly negatively. For example, the President of the Polish People’s Party, Władysław Kosiniak-Kamysz, stated: “I wish there was spoken much more important word ,sorry’ for what was told by President Wałęsa toward Kornel Morawiecki last Sunday” (Lider PSL skomentował poparcie Lecha Wałęsy...).

However, no politician of any political affiliation or any journalist have not noticed the main reason of such reprehensible behavior of Lech Wałęsa just one day after Morawiecki’s death. The reason is simple though, even prosaic, but requires knowledge and proper reflection on Wałęsa’s personal entanglement into cooperation with numerous institutions of the communist state and the fact that Kornel Morawiecki was one of those persons who had publicly admitted that Wałęsa was the agent of the Security Service even before that information was disclosed on February 16, 2016 due to the findings in Gen. Czesław Kiszczak’s house. In 2008, he stated, for example: “Wałęsa’s agency, and according to Andrzej Kołodziejczak at least three other members of MKS in Gdańsk, the agency of Marian Jurczyk in Szczecin, Jarosław Sienkiewicz in Silesia, and maybe even other leaders of August 80’ is a morally grim fact, but politically beneficial [...]. If communists would have not placed their people, or at least ones dependent on them, we would not reach the social agreement. Authorities thought that the new, regionally dispersed, led by the agency’s people unions will be controllable” (Morawiecki, 2008). Also, Kornel Morawiecki asked a cardinal question concerning studies of that period, not resembling a witch hunting, but being a moral purification and dem-

onstration of true and complex reality of the communist era to the young generation. Therefore, he was against a black-white image presented nowadays by some politicians and researchers of that time. The situation was much more complex which was evidenced, for instance, by a question asked by Kornel Morawiecki: “do the hypocrisy of Lech Wałęsa, the hypocrisy of defenders of his 1970’s entanglement, his conciliatory rhetorics in 1980s, his roundtable, presidential and anti-lustration excuses may also serve Poland? Only then, when millions of Poles, when our young generation will deduce the right conclusions from that spectacle” (Morawiecki, 2008). Yet the people entangled – themselves or through their families – into the communist system defend Lech Wałęsa just like “independence” because in many cases reason “sleeps” and does not discern the facts and the truth. Moreover, Kornel Morawiecki was also an opponent of treating Poland like two “tribes” fighting against each other, i.e. the supporters of the Civil Platform (pl. Platforma Obywatelska, PO) and the supporters of the Law and Justice (pl. Prawo i Sprawiedliwość, PiS) which takes place just now. It is yet another fact all politicians and journalists should deduce from.

PRESENTATION OF THE SUBJECT

The topic of court lustration of Lech Wałęsa in 2000 must be discussed again because it is the second “sin” of creating the deceitful political system in Poland. The “original sin” concerned the transformation – not the collapse, as it is widely proclaimed – of the communist system in 1989. Back then, many people already knew about Lech Wałęsa’s collaboration with the security institutions of the communist state but they have not done anything to make this information public. Those people were both communists and activists of democratic opposition, including NSZZ Solidarność and the Independent Students’ Association. Together, connected by joint transforming the old communist system in the new one called as the Third Republic of Poland, they were caring for their own interest and sympathizers, taking from the torn cloth of the Republic as much as they have could.

Another argument for analyzing the lustration documents of 2000 once more is a fact that for all the time the court's judgment has been questioned by many people from a democratic opposition, who have known Wałęsa personally. One of them was, e.g. Lech Kaczyński. On June 8, 2008, the President of Poland, Lech Kaczyński, publicly announced that Lech Wałęsa was the Security Service's agent also known as "Bolek". Lech Wałęsa declined that information and demanded apologies, referring to the judgment of the Lustration Court from 2000 according to which the former President had not collaborated with the Security Service of the communist state. In 2005, during the presidency of prof. Leon Kieres, the Institute of National Remembrance granted Wałęsa the status of victim (Wałęsa: nie daruję L. Kaczyńskiemu...; Krzyżanowski, Kolińska-Dąbrowska, 2008). Lech Wałęsa, however, forgot that in that period not all operational documents of the Security Service and the Internal Military Service concerning their cooperation with the prominent activists of anti-communist opposition and NSZZ Solidarność were disclosed, because most of them there put in the so-called restricted collection. The Lustration Court examined the case of Lech Wałęsa in 2000, during the electoral campaign for the presidential office. The court, therefore, was under additional social pressure, while its decision recognizing the leader of Solidarity as a lustration liar, i.e. a secret collaborator of the Security Service, could have an impact on the further course of the electoral campaign. This fact, however, does not justify the court in making false, and sometimes grotesque interpretations, based on documents and information available at the time. Let me one more time recall the statement of the President Lech Kaczyński. Based on it, it should be argued that he was not a person making false accusations in political life. If he publicly accused the former President Lech Wałęsa, it means he had had to have credible and rational reasons for doing that. The fact of Lech Wałęsa's cooperation with the Security Service in 1970s – despite many documents regarding it were destroyed during Wałęsa's term of office – was proven in a thick monograph written by Sławomir Cenckiewicz and Piotr Gontarczyk in 2008 (Cenckiewicz, Gontarczyk, 2008; Cenckiewicz, Majchrzak, 2006; *Donos TW "Bolek"...*; *Gwiazda miałaś rację...*; *Jeszcze zrobię porządek...*; *Ujawnić "Bolka"...*; Majchrzak,

2008; *Milczanowski nie udostępni archiwaliów SB...; Nie byłem agentem...*; Walentynowicz, 2007).

No serious historian of that time has been able to question their evidence. In the epilogue summarizing their studies they stated: "Most probably the history presented in this book is merely a part of the whole story, because many documents, especially these about the operations of the Office of State Protection (OSP), are still classified and cannot be presented to the public opinion. They include also the prosecution and criminal acts against one of the heroes in this book, Zbigniew Grzegorowski, who was accused of participation in the action of "cleaning" Wałęsa's file in OSP's archive" (Cenckiewicz, P. Gontarczyk, 2008, p. 287). At the verge of PPR collapse, the collaboration of Wałęsa itself was commented by them directly: "The case of Wałęsa's contacts with the Security Service in 1970–1976 was known by at least several dozens of the Security Service agents, and partisan and state activists, as well as dozens of other people: spec-ops officers, prosecution and court employees, the Office of Public Interest Spokesman, and the Institute of National Remembrance. They knew these fragments of history yet in the period of III Republic of Poland. "The case of secret collaborate codename "Bolek" of 1970–1976 is as true as the historical role of Wałęsa in the 1980s" (Cenckiewicz, P. Gontarczyk, 2008, p. 288–289).

Here I should also mention a record from 2008, included in the "Encyclopedia of Solidarity", regarding the cooperation of Lech Wałęsa with the Security Service: "29 XII 1970–19 VI 1976 registered in the Province Command of Citizen's Militia Gdańsk under the No. 12535 as a secret collaborate codename Bolek, the actual collaboration lasted probably until 1972, the records are mostly vanished. In 2003, in the topic of his collaboration with the Security Service, he said: "There were political talks. When I realized, after several years, probably in 1976 [...], that this is not working for Poland and that communism is irreformable, then during a meeting, you will find it in documents, I said the Security Service: gentlemen, no more talks, no more meetings, you know where the doors are"" (Lech Wałęsa...). It means that Wałęsa himself admitted to having secret contacts with the Security Service officers, meaning the collaboration with this institution.

That is why the decision of the Court of Appeal in Gdańsk made on March 24, 2011 – that the former activist of the Free Trade Unions of the Coast Krzysztof Wyszowski should apologize Lech Wałęsa for public calling him, on November 16, 2005, in television, a collaborator of the Secret Service codename “Bolek” – should wonder. The sentence was binding but Wyszowski applied for cassation. Wyszowski’s sympathizers who were present in the court protested: “disgrace, scandal” and left the court to demonstrate their indignation, when the sentence justification was read (*Musi przeprosić Wałęsę za “Bolka”...*).

It should be recalled that commenting the decision of the Lustration Court from 2000 concerning Lech Wałęsa, the representative of Public Interest Spokesman, judge Krzysztof Kauba, based on then incomplete materials, said: “I see no possibility to resume the investigation in the case of Lech Wałęsa. I think about it rather in terms of explaining it by historians” (Cenckiewicz, Gontarczyk, 2008, p. 274). The judge, however, forgot that Lech Wałęsa, having the positive decision of the Lustration Court made based on then incomplete documents, will attack everyone who has other opinion on the case, including historians studying the past. However, even the apologists of *Solidarność*, such as prof. Jadwiga Staniszkis, could discern the true visage of some former leaders of this organization and their sometimes-funny role in the public life. It is perfectly presented in the following example: “Sending a people’s wise man, we just make fun of ourselves: no wonder that in Tunisia – ironically – Wałęsa was asked mainly about lustration” (Staniszkis, 2011). Moreover, Lech Wałęsa, raised and educated in communist Poland in which he felt like a “fish in the water”, had severe problems with adjusting to democratic rules in the lawful country. Here, nothing could be imposed or decreed like in the previous system. Moreover, burdened with his own complicated life, he has many times lost in what nowadays is right or wrong. He had inclinations for leadership, took offense at those who preferred other solutions than his own, and ostentatiously resigned from participating in these institutions that were not his mindless tools. He has clearly mistaken epochs. He behaved in similar manner in 2011 during the visit of the President of the United States, Barack Obama, in Poland, as he did not took part in the general meeting the President with politicians from

different camps, and said that he had other important activities at the time. It is clear that he wanted to have a personal meeting with Barack Obama, but he overestimated himself. He forgot that he went down in history mainly because he was at the right place at the right time. Even in these times, some people, such as Anna Walentynowicz or Andrzej Gwiazda, argued that he did not overtake the Shipyard on his own but was helped by the communist spec-ops.

Let us reconsider the lustration of Lech Wałęsa from 2000 again. It should be observed that the Court of Appeal in Warsaw V Lustration Department knew the original documents concerning the agency activity of Lech Wałęsa in the 1970s, produced by the officers of the Security Service. For example, during the lustration in 2000 there was an unquestionable document written by a junior inspector of the Department III "A" of the Province Command of Citizen's Militia Gdańsk, senior private Marek Aftyka, on June 21, 1978, who had analyzed the archive file No. I 14713 concerning Lech Wałęsa. Based on his "briefing memo" it is unambiguously seen that in 1970–1976 Lech Wałęsa was the secret collaborate of the Security Service codename "Bolek". He could take the nickname after his father's name "Bolesław". Analyzing the personal and working file of the agent aka Bolek, M. Aftyka stated:

"On June 21, 1978, I analyzed archive file of the mentioned. Based on it I declare that:

Citizen WAŁĘSA LECH, son of Bolesław and Feliksa (maiden name Kamińska),

born on 29.09.1943 Popowo, district Lipno, Bydgoszcz province,
working at Lenin Shipyard in Gdańsk, dep. W-4, as an electrician,
living in Gdańsk, 30 Bethoven St.,
non-partisan,
vocational School in Lipno,
married.

The mentioned was willingly recruited for collaboration with the security institutions on 29.12.1970 as a secret collaborator codename "BOLEK" by an inspector of the Department II of the Province Command of Citizen's Militia Olsztyn, Cpt. E. Graczyk. The aim of the recruitment was investigating the activity of the Strike Committee's leaders and other

hostile persons acting before and after the events of December 1970 in the Gdańsk Shipyard [...].

In 1970–72 the mentioned as the secret collaborate codename “BOLEK” was conveying to us valuable information concerning the destructive activities of some workers. Based on received material several persons faced accusations. At that time he was a disciplined individual, willing to cooperate. After the situation in the Shipyard has stabilized, we noticed reluctance to cooperate with our department. He excused it by the lack of time and saying that nothing happens in the factory. Also, he demanded money for information that had no bigger operational value. After verification with other sources of information it was stated that in the received intel there is a will to impose own view on the matter, giving it a kind of internal opinion. There was also stated that during meetings he often criticized administrative, partisan and union leadership without justification [...].

Despite several warnings, on 11.02.1976, taking part in discussion during the union meeting, accused the administrative, partisan and union leadership of the department of wrong conduct in a defamatory way. The shipyard's directors fired him for that speech on 30.04.1976. Meetings with the secret collaborate aka “BOLEK” were beyond L.K. He was rewarded for the information and received PLN 13 100 in total. He was taking gratifications very willingly. After losing the job at the shipyard, the mentioned was hired in ZREMB on 08.06.1976. Renewing contact with the secret collaborate codename “BOLEK” made him arrogant toward our employee, saying that he will not come to any meeting and does not want to know our organization. Considering inappropriate behavior of the mentioned and the fact that he was fired from the Shipyard, he was eliminated from active agency network and his personal and working file was transferred to archive in the Depart. “C” of the local Command” (AIPN BUiAD, sign. 00552/48).

Lech Wałęsa released from the object protected by the Security Service, i.e. Lenin Shipyard in Gdańsk became operationally useless for the state security institutions and was deregistered from the active agency network because they still had many active secret collaborates controlling the actual situation in the factory. After losing job in the Shipyard, Lech Wałęsa

refused further collaboration with the Security Service which is a logical consequence of that decision. If was fired from the job despite his collaboration with the Security Service, which supposed to protect him, then he considered the organization useless, although he was taking money for given information.

The credibility of M. Aftyka's "briefing memo" is proven also by the fact that it perfectly fits the cycle of trainings for Security Service's officers who have not yet done the post-graduate studies specialization course at the Academy of Internal Affairs in Warsaw or Świdr. Such a training was conducted each year in the stationary cycle from October to June, i.e. nine months. Due to the limited number of places, some officers were sent there even after the years of service. So, after recruitment to a given Security Service unit and receiving assignment to a concrete section protecting an object or theme, a new officer was familiarized with the Instruction on the operational work of the Security Service of the Department of Interior No. 006/70 issued by the Minister of Interior on February 1, 1970, and with other instructions based on that document, issued by other departments of the Ministry. Then, an officer received archival and current operational documents from a section chief in order to familiarize himself with section's current operations, particularly with a case that in the future would become the officer's objective (pl. *sprawa obiektowa*, SO), realized either individually or with other officers. In such a way an officer was acquainted with the formal documents prepared by the Security Service and its working methods. Such a person usually was used very willingly because section's operatives were meeting mostly with agents and were analyzing data received from them, so additional desk work was some kind of a burden. That is why they often asked a section chief for assigning analyses and broader basic elaborations to new employees who were getting experience. However, due to the secrecy of collaboration and personal sources of information, trained officers could not receive for analysis a personal file of active secret collaborator. These files were managed only by the Head of the Department, his Deputy, and a section chief, if the latter two agreed. The personal and working files of inactive secret collaborator were (under the permission of Department Heads) collected by a trained officer from the archive, i.e. Department

“C”, and then analyzed. The analyses usually were conducted in the form of descriptions of the cooperation with the Security Service, i.e. they presented its “history”. In such a way the original documents concerning secret collaborates were cognized and used for learning, based on original and credible data, how to recruit personal sources of information, acquire and elaborate information, and assign tasks. Interestingly, analyses of the files were not kept in them because each case was stitched with a string, the ends of which were tied and sealed with an imprinted seal of the given department of Citizen’s Militia, and the pages were counted and their order described. Therefore, there was no space for adding there a new analysis.

The training of Marek Aftyka was conducted exactly this way. He was recruited for work in Department III “A”, i.e. in the department of national economy protection, on March 16, 1978, and on June 21, 1978, he analyzed the archival file of secret collaborate codename “Bolek” as a part of his training. Having access to the agent’s personal and working file, he extracted Lech Wałęsa’s personal data as a secret collaborate of the Security Service, and included that information in his “briefing memo”. Later he was delegated to the operational protection of the Gdańsk Shipyard, which was his SO codename “Arka”, where Wałęsa had worked before (Cenckiewicz, Gontarczyk, 2008, p. 305. Therefore, it was a logic training of new Security Service’s agent, who was familiarized with the object which he would protect in the future. He was getting acquainted with assessments and opinions of secret collaborates on the functioning of the protected object, including the relations of the former agents. From the scientific and methodological point of view, there is no possibility to undermine the authenticity of the document – the “briefing note” – written on June 21, 1978 by the junior inspector of the Department III “A” of the Province Command of Citizen’s Militia Gdańsk, senior private Marek Aftyka, who had analyzed the archival file No. I 14713 concerning Lech Wałęsa, from which unambiguously results that Wałęsa was the secret collaborate of the Security Service codename “Bolek”.

That is why, from the scientific and methodological perspective, the interpretation of the “briefing memo” made in 2000 by the Court of Appeal in Warsaw V Lustration Department, according to which Lech Wałęsa’s

lustration declaration is true, is incomprehensible. Also, it is not true that we should not assess and comment court sentences. History unambiguously shows that judges, who under the veil of law issued wrong, tendentious or purely political sentences, also were judged by the courts. In the justification to the court sentence from 2000 concerning Marek Aftyka's "briefing memo" there was stated: "A witness, Marek Aftyka, interrogated due to the article 181 § 1 kpk (case protocol of 11 VIII 00 – secret part) covered himself with forgetfulness" (AIPN BUiAD, sign. 575/8, t. 16, k. 230). On what credible basis the court made its decision if it used negative and graduating interpretative verbs such as "covered with forgetfulness"? After 22 years he could not remember the details but he did remember that he had written the note years before, based on materials that were given to him: "He confessed that in 1978 he was a young officer, and two months after beginning his duty, he was given the task to analyze the file of secret collaborate codename "Bolek" No. I 14713. As he said – he does not remember what means he had. Back then he did not know Lech Wałęsa" AIPN BUiAD, sign. 575/8 t. 16, k. 230). On that basis the court stated that: "The confession does not allow for making evidence establishment concerning the value of information included in Marek Aftyka's "briefing memo", especially because as a note from the archival file of secret collaborate in fact it consists just one enigmatic sentence concerning the effects of the cooperation. It does not have any information about the reports made by the secret collaborate, his gratification, etc." (AIPN BUiAD, sign. 575/8 t. 16, k. 230).

The content of Marek Aftyka's "briefing note" contradicts the information included by the court in the sentence justification, because the officer stated that Lech Wałęsa, i.e. the secret collaborate codename "Bolek": "was rewarded for the information and received PLN 13 100 in total. He was taking gratifications very willingly" (AIPN BUiAD, sign. 00552/48, k. 100). That is why it is not true that in the note there is no information about received gratification, as the court claims. Similarly, information from Aftyka's note – "In 1970–72 the mentioned as the secret collaborate codename "BOLEK" was conveying to us valuable information concerning the destructive activities of some workers" (AIPN BUiAD, sign. 00552/48, k. 99) – contradicts the court's justification that the note:

“does not have any information about the reports made by the secret collaborate”. The statement that: “ the secret collaborate codename “BOLEK” was conveying to us valuable information” unambiguously proves making reports.

Also untrue is the sentence from the court’s justification – “as a note from the archival file of secret collaborate in fact it consists just one enigmatic sentence concerning the effects of the cooperation” – because even two previous sentences from Aftyka’s note prove the effects of cooperation, i.e. the result was giving valuable information and taking money. However, these are not all effects mentioned in the note. The others are: “Based on received material several persons faced accusations. At that time, he was a disciplined individual, willing to cooperate” (AIPN BUiAD, sign. 00552/48, k. 99). It is apparent that the effects of Wałęsa’s collaboration were that the Security Service made some people its operational objective, and Wałęsa’s discipline and strengthening his will for further cooperation. Therefore, there are at least five effects of Lech Wałęsa’s collaboration with the Security Service and four complex compound sentences.

Reading the sentence justification in the lustration case of Lech Wałęsa from 2000 and Marek Aftyka’s “briefing memo” based on the original personal and working file of secret collaborate codename “Bolek”, I wondered did the court read them with understanding. It is because the note has all information that meet the criteria of the category of “cooperation”, which was addressed by the Constitutional Tribunal in a sentence from November 10, 1998. Only the treatment of all the conditions that mark “cooperation” together is consistent with the Constitution of the Republic of Poland (Sentence K.39/97 of November 10, 1998 of the Constitutional Tribunal...). The same conditions were enumerated in 2000 by the Court of Appeal in Warsaw V Lustration Department which lustrated Wałęsa:

- “First, “cooperation” had to include contacts with the state security organizations, hence giving them information” (AIPN BUiAD, sign. 575/8 t. 16, k. 235).
- the previously quoted Aftyka’s note proves that Lech Wałęsa meets that criterion: “In 1970–72 the mentioned as the secret collaborate codename “BOLEK” was conveying to us valuable information

- concerning the destructive activities of some workers” (AIPN BUiAD, sign. 00552/48, k. 99);
- “Second, cooperation had to be willingful” (AIPN BUiAD, sign. 575/8 t. 16, k. 235). Information cannot be given unconsciously, especially if someone takes money in return, i.e. gratification – a quote from Aftyka’s memo: “He [Wałęsa – H.S.] was rewarded for the information and received PLN 13 100 in total. He was taking gratifications very willingly” (AIPN BUiAD, sign. 00552/48, k. 100);
 - “Third, secret, so the collaborating person had to be aware that the fact of cooperation cannot be revealed, especially to those persons who were mentioned in the reports” (AIPN BUiAD, sign. 575/8 t. 16, k. 235). The very fact of establishing cooperation with the Security Service and picking a nickname unambiguously prove that activities toward some people were kept in secrecy, as well as handling the information – a quote from Aftyka’s note: “The mentioned was willingly recruited for collaboration with the security institutions on 29.12.1970 as a secret collaborator codename “BOLEK”” (AIPN BUiAD, sign. 00552/48, k. 98);
 - “Fourth, cooperation had to be associated with operational getting information by the state security institutions” (AIPN BUiAD, sign. 575/8, t. 16, k. 235). It means that a secret collaborate had to physically meet with a Security Service officer in order to convey him collected information – a quote from Aftyka’s memo: “Meetings with the secret collaborate aka “BOLEK” were beyond L.K” (AIPN BUiAD, sign. 00552/48, k. 100);
 - “Fifth, cooperation could not be limited to the mere declaration of will but had to be materialized in the form of consciously made concrete actions toward its realization” (AIPN BUiAD, sign. 575/8, t. 16, k. 235). This cooperation materialized according with the quotes consisted in the first and fourth point – quotes from Aftyka’s note: “In 1970–72 the mentioned as the secret collaborate codename “BOLEK” was conveying to us valuable information concerning the destructive activities of some workers. Based on received material several persons faced accusations. At that time, he was a disciplined

individual, willing to cooperate” and “He [Wałęsa – H.S.] was rewarded for the information and received PLN 13 100 in total. He was taking gratifications very willingly” (AIPN BUiAD, sign. 00552/48, k. 99, k. 100).

Such a detailed analysis was necessary in order to demonstrate that the constitutional criteria were met, which was proven by the content of “briefing memo” written by Marek Aftyka in 1978, that consisted the analysis of personal and working file of secret collaborate codename “Bolek”, i.e. Lech Wałęsa. Despite the note of junior inspector Marek Aftyka includes facts identifying the secret collaborate aka Bolek as Lech Wałęsa, and meeting the legal criteria of “cooperation”, the Court of Appeal in Warsaw V Lustration Department lustrating Lech Wałęsa in 2000 did not believe its content and the inspector’s testimony. Moreover, the Polish spec-ops influenced the lustration of Lech Wałęsa in 2000. It is best proven by the fact that the Court of Appeal in Warsaw V Lustration Department did not call Cpt. Edward Graczyk, who had recruited Lech Wałęsa to the Secret Service in December 1970, for witness and did not interrogate him, because he was recognized as dead. Therefore, during the lustration process of Lech Wałęsa, the most important witness was not there. Why? Because the Office of State Protection, headed by Col. Zbigniew Nowek, conveyed false information about the witness’ death to the court. According to the investigation of TVP 1 journalists, the Colonel’s signature was placed on the document which was sent by the Office of State Protection to the Lustration Court in 2000 and informed that the person who might recruited Lech Wałęsa to the Security Service is dead. Gen. Zbigniew Nowek asked for that fact by a TVP1 journalist on December 1, 2008 did not respond (*Wiadomości*, 1 XII 2008). The journalists of TVP2 “Panorama” have established that in the period of Lech Wałęsa’s lustration the officers of the Office of State Protection, Delegation in Olsztyn, which was then headed by Marek Wachnik – a friend of Zbigniew Nowek from the time of studies at the Nicolaus Copernicus University in Toruń and the former member of the Independent Student’s Association – hired documents concerning Cpt. Edward Graczyk out two times. Not everything was done according with formal procedures because one record lacked the date of documents extraction. According to the journalists, it was probably

because that was the time of Lech Wałęsa's lustration. Records that prove these facts were later discovered by the employees of the Institute of National Remembrance (UOP wypożyczał akta kpt. Graczyka...). The problem is, however, that both the then Head of the Olsztyn Delegation of the Office of State Protection, Marek Wachnik, his two officers and then Colonel Zbigniew Nowek could, without any problem, find out that Cpt. E. Graczyk is alive. Despite that fact, the Court of Appeal in Warsaw V Lustration Department received from the Head of the Office of State Protection, Z. Nowek, false information about Graczyk's death. These persons have never explained why they gave the false information.

Now it should be added that spec-ops may check whether somebody lives or not and where in any moment. They have a constant access to the person identification system, so they can get such an information very quickly. That is why there is no formal and legal explanation for giving false information in this case. It means that the reason for such a behavior could be political aspects, although the institutions of state security and their officers should be apolitical. Hence, that was another example for the politicization of spec-ops.

That is why, considering the presented facts, we should question basically a dogmatic reasoning of the Court of Appeal in Warsaw V Lustration Department which in one of the closing statements of the sentence justification stated: "Moreover, based on the entirety of operational, archival and other data gathered for the case (art. 31 of the Act), it should be stated that it is highly probable, almost certain, that source documents which would confirm that Lech Wałęsa was the secret collaborate of the former Security Service of the Polish People's Republic did not exist" (AIPN BUiAD, sign. 575/8, t. 16, k. 239). The high probability, almost certainty of the court, that Lech Wałęsa was not the secret collaborate codename "Bolek", sounds ridiculous in the light of the source material presented by the author of this article. As it was not enough, in 2000 the court did not notice the quoted fragments and in the sentence justification claimed that they did not exist, while they did. The court cannot ignore historical investigations. History, as a scientific discipline, has its own methodology based on which – as well as internal and external critical analysis of sources – it makes its own scientific, intersubjective

interpretations that go beyond individual decisions of judges, wrong in this case, which was confirmed on February 16, 2016 by finding the personal and working files of the secret collaborate codename “Bolek” – Lech Wałęsa – in the residence of the former Minister of Interior, Gen. Czesław Kiszczak.

CONCLUDING REMARKS

Lech Wałęsa, having the decision of the Lustration Court from 2000, started to accuse all those who publicly claimed that he was the secret collaborate of the Security Service. His actions caused that new evidence have come to light. For example, in 2008 the prosecutor of the Institute of National Remembrance in Białystok interrogated Cpt. Edward Graczyk who in 1970 recruited Lech Wałęsa, and who, according to the Office of State Protection and the Lustration Court, supposed to be dead, while he was totally alive. Also, the Regional Court in Gdańsk I Civil Department in 2010 interrogated major Janusz Stachowiak as a witness in a case brought by Lech Wałęsa against Krzysztof Wyszowski, a former activist of the Free Trade Unions of the Coast.

Informed about criminal liability for making false statements, which was confirmed by the witness on paper, Cpt. Edward Graczyk stated: “In December 1970, together with a group of several dozens of officers from Olsztyn, we were assigned to Gdańsk. We were supposed to support the services in that city. I spent there about one and a half of year [...]. Back then, there were fights in the Shipyard and we had an information that Russians plan to intervene. I wanted Mr. W[ałęsa] to calm the atmosphere down to stop the Russians from entering. Our conversation took place in the Security Service office at the Okopowa St. Mr. W[ałęsa] explained me how happened the events at the Command. I was talking about the situation in the Shipyard and about riots. I asked Mr. W[ałęsa] to try to prevent the strikes. During the conversation he agreed to help me restore peace in the Shipyard. Formally, Mr. W[ałęsa] was not detained. Later, I met with L[ech] W[ałęsa] several times. We were talking about the Shipyard [...]. I was working in Gdańsk for the Department III and conveying them all

information received from L[ech] W[ałęsa]. I do not know whether these documents were used to register Mr. W[ałęsa] as a secret collaborate. During the meetings he was receiving money from me [...]. That fact was evidenced in my "briefing memo". I did not receive any receipts from L[ech] W[ałęsa]. In this moment a copy of written confirmation from file k 411 was shown to the witness. After the presentation the witness stated: "This copy has an annotation about handling PLN 1500 to the secret collaborate codename Bolek. I wrote this note. It was signed by myself. I cannot explain why on this copy there is a confirmation and a signature "Bolek". In the documents that I prepared L[ech] W[ałęsa] was assigned codename "Bolek"". In this moment a copy of file k 413 was presented to the witness. It had a text entitled "Information". After the presentation the witness testified: "It is a document that I made and signed". The most interesting thing is that after testifying, proving that Lech Wałęsa was the secret collaborate aka Bolek, handled information to the Security Service and was taking money in return, Cpt. Edward Graczyk added: "I categorically testify that I do not know anything about Mr. L[ech] W[ałęsa] being a secret collaborate of the Security Service" (File sign. S 49/08/Zk). It was one of tangible examples that back then the political lobby and PR in media defending Lech Wałęsa were so strong that even if information which he handled to the Security Service and receipts confirming taking money in return were found, people connected with the case were too afraid to tell the truth and claimed that they do not know that he was a secret agent.

The second witness testifying to the Lustration Court in the case of Lech Wałęsa from 2000, and giving it new light, was major Janusz Stachowiak. It was the time after the book of Sławomir Cenckiewicz and Piotr Gontarczyk about the agency activity of Lech Wałęsa was published, so the witnesses feared less about their safety than two years earlier. On April 15, 2000, during the trial, J. Stachowiak, informed about criminal liability for making false statements, testified: "From documents I received it resulted that the secret collaborate "Bolek" was recruited by Cpt. Henryk Rapczyński from Olsztyn and Cpt. Edward Graczyk from the same unit [...]. Based on these documents I had to make the so-called process of source analysis which included ordering environmental reviews in the

current and previous places of residence, checking the operational files of Militia, the Internal Military Service, and the Security Service – which I did. During the process I received information from the board of the Internal Military Service in Warsaw that Lech Wałęsa figures as the former secret collaborate of the Service. That is why I sent a letter to this unit, i.e. its archive, which sent me a source's evidence card in return [...]. There were all data of the soldier of compulsory service and about the cooperation with the source, i.e. recruitment date, recruiter, way of recruitment, short description of collaboration, date and reason of cooperation's end. That is why I had to unconditionally return the document to the Internal Military Service. I have made a note form the document review, i.e. I thoroughly described it [...]. From the operational notes of the Central – Bureau C, i.e. the registers archive of the Militia, it resulted that Lech Wałęsa also figures as the former source of information. I do not remember the exact place but probably it was the region of Lipno, i.e. one of the units in the region has registered Lech Wałęsa as a former short-term source of information. I asked also this unit for sending me all possessed documents in that matter. I received a short, half-page information that Lech Wałęsa was recruited as a personal source of information in order to solve the case of repeated machinery thefts in the National Machinery Center. However, considering the source's reluctance for cooperation, after several ineffective meetings it was dissolved. I included the documents of the Internal Military Service and this one to the personal file of the secret collaborate. That closed the case. In the period from recruitment, i.e. from the third quarter of December 1970, until the end of June 1971, meetings with the source were participated by employees who had recruited him, i.e. Cpt. Rapczyński and Cpt. Graczyk. The so-called control meetings were participated by the chief of shipyard group – Cpt. Wojtalik. One of the meetings in "Jantar" hotel was participated by the first deputy of the chief – Lt. Jaworski. I noted the presence of Lt. Jaworski because secretaries made sandwiches, bought alcohol and delivered it to the room, while I was responsible for the remaining shopping. Later on, since July 1971, after the departure of employees in Olsztyn, i.e. Rapczyński and Graczyk, I received from the Department's Head – Col. Kujawa – an order to service the source. Considering the fact I had plenty of sources at the time, and I was

not able to meet with all of them, the Province Commander decided to create positions of the so-called residents. They were retired officers who serviced assigned sources and reported the results of the meetings. Since then I have had direct contact and directly managed the personal and operational files of the secret collaborate aka Bolek. My contact with the files lasted until 1974, when I left the shipyard section” (File sign. IC 1387/07).

In this way, based on the source material, we can reconstruct the psychological image of Lech Wałęsa. It seems that he did not consider the cooperation with the prosecution and security institutions, as well as with the state of real socialism as something wrong. That is why, from the confession of major Janusz Stachowiak results that Lech Wałęsa’s cooperation with the Citizen’s Militia, then with the Internal Military Service and then with the Security Service was treated by him as obvious and natural. Such a mechanism of Lech Wałęsa’s cooperation was presented on February 24, 2012 in the programme of TVP Info by a member of the Free Trade Unions of the Coast, Lech Zborowski, who in 1980, together with the group of 20 people, prepared leaflets and strike in Lenin Shipyard in Gdańsk. He added that during the meeting with the Unions in the flat of Joanna and Andrzej Gwiazda in 1979, Lech Wałęsa “confessed” that in December 1970, at the “Militia’s Command” he recognized and identified the participants of December strikes and demonstrations, for which he got a strong reprimand from Joanna Duda-Gwiazda (*Jan Pospieszalski: Blżej – Lech Wałęsa a SB. 24 luty 2012 r.*, www.youtube.com, accessed 21.03.2012).

The case of broadly understood agency activity of Lech Wałęsa in the Citizen’s Militia during the work in the National Machinery Center in Lipno, for the Internal Military Service during his compulsory service, and eventually for the Security Service while he was employed in the Gdańsk Shipyard should end in the moment of finding his original personal and working files as a secret collaborate codename “Bolek” in the residence of Gen. Czesław Kiszczak on February 16, 2016 and the confirmation of their authenticity by the independent graphologists from the prof. Jan Sehn Institute of Forensic Research in Kraków in an opinion issued on January 31, 2017.

However, Lech Wałęsa, as a well-trained agent, will never admit to the cooperation and will always find a group of naive people who believe in conspiracy theories, including the one that he was not a secret collaborator of the Security Service.

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