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Strategic interaction: The PRL Government, Solidarity, the Church, and the problem of political prisoners

Strategiczna interakcja. Rząd PRL, Solidarność, Kościół
i problem więźniów politycznych

Abstract: This study of the struggle between the government of the Polish People's Republic and Solidarity in the years 1981-1984 discerns three key actors in Polish politics: the Communist party leadership and security apparatus, the arrested leaders of Solidarity, and the bishops and advisers of the Catholic Church. The PRL government made strategic decisions in this period regarding repression and liberalization. Following initial advanced preparation for the trial of eleven arrested leaders of Solidarity and KSS KOR, the government attempted to coerce the arrestees into leaving Poland, thus weakening the movement's legitimacy. The article demonstrates how the interaction between the leaders of the two sides – mediated by bishops and advisers – produced a new dynamic and a shift in the existing political mechanism. What was once a mass movement transformed into a more regular, staffed organization with a greater role played by leaders, who symbolized the continuity of the movement and enabled Solidarity to weather the period of repression. The article shows the changes and tensions in the Solidarity movement, along with the changes that were occurring in parallel on the side of the government and the mediating third actor, i.e., the Catholic Church. This case study of the strategic clash that occurred at the beginning of the 1980s illustrates the transformations that took place within the government and Solidarity – transformations that would prove crucial to the transition process in 1988-1989.

Keywords: martial law, political prisoners, Solidarity, mechanism of power, the Church

Streszczenie: Artykuł omawia ukształtowanie się w latach 1982-1984 mechanizmu politycznego, w którym trzy główne podmioty polityki polskiej roku 1981 – PZPR, Solidarność, Episkopat Kościoła katolickiego – w konsekwencji

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przebiegu stanu wojennego zmieniły mechanizm decyzyjny. W PZPR nastąpiła większa koncentracja władzy i decyzji niż w latach poprzednich. Rozbicie „Solidarności” po 13 grudnia, a następnie jej delegalizacja w 1982 r. spowodowały skupienie inicjatyw i decyzji w kręgu przywódców, którzy zeszli do podziemia (TKK), a symbolami Związku byli uwięzieni przywódcy, zwłaszcza jednego, których władze wytypowały na ławę oskarżonych przyszłego procesu o próbę obalenia ustroju PRL. Proces i jego oprawa propagandowa w zamyśle władz miały być odwetem i miały zniszczyć legendę Solidarności. Podmiot trzeci – Episkopat Kościoła katolickiego (oraz Jan Paweł II) był uznawany za pożądanego partnera zarówno przez kierownictwo partii, jak przywódców „Solidarności”, co dawało mu duże możliwości mediacyjne. Zostały one wykorzystane w 1983–1984 r., by odwieść władze od zamachu wycięcia procesu przywódców „Solidarności”, a następnie szukania sposobu rozwiązywania problemu więźniów politycznych. Mimo niepowodzenia próby osiągnięcia kompromisu (obejmującego wycofanie się z aktywności uwięzionych liderów Solidarności), władze zdecydowały się na amnestię i uwolnienie niemal wszystkich więźniów politycznych. Wypraktykowany wówczas mechanizm negocjacyjny pozostanie jednak wśród środków możliwych, zostanie wznowiony w 1988–1989 r. Opracowanie zostało wykonane niemal wyłącznie na podstawie własnych rozległych badań archiwalnych oraz opublikowanych dokumentów archiwalnych.

Słowa kluczowe: stan wojenny, więźniowie polityczni, Solidarność, mechanizm władzy, Kościół

On November 3, 1981, General Jaruzelski, Prime Minister and First Secretary of the Polish United Workers' Party, met with Lech Wałęsa, the Chairman of the Solidarity labor union, and Archbishop Józef Glemp, Primate of Poland. The media portrayal seemed to suggest that the meeting was the last chance for the divided nation to reach an agreement. Although the regime's participation was dictated by propaganda needs rather than a genuine will to work out an understanding, the meeting nevertheless enshrined these three forces as the fundamental stakeholders in Polish politics.¹ Mere weeks afterward, Jaruzelski declared martial law, with which the authorities sought to crush Solidarity as a political entity and reclaim control over public life for the communist regime. As a result, Solidarity was banned, and its leaders jailed, along with a couple thousand of its most active members – under martial law, labor organizing and protesting carried the risk of considerable prison time. The fate of Solidarity was sealed on October 8, 1982, when it was formally banned.

This essay explores the conflict over political prisoners that animated the struggle between the authorities of the Polish People's Re-

1 For a broader take, see: A. Friszke, *Rewolucja Solidarności 1980–1981*, Kraków: Znak, 2014.

public and Solidarity between 1981 and 1984. To that effect, I will first outline the three primary actors of Polish politics: the leaders of the Communist party and top state security officials, the Solidarity leaders arrested in the timeframe mentioned above, and the Catholic bishops and Church advisors. The 1981-1984 period was also marked by several strategic decisions that the regime made regarding repression and liberalization. After making headway in prosecuting the eleven arrested leaders of Solidarity and the KOR Committee for Social Self-Defense (CSSD), the authorities abandoned the idea of a trial and attempted to weaken the perceived legitimacy of the movement by forcing the arrested leaders into self-exile.

Then, the essay will demonstrate how the interactions between the leaders of both parties to the conflict, with the involvement of mediating advisors and bishops, gave rise to a completely new dynamic and contributed to a shift in the political apparatus. Solidarity morphed from a mass movement into a more cadre-based organization, giving the leaders – representing the continuity and staying power of the union – a more central role and allowing it to endure the repressive measures leveled against it.

The changes in Solidarity were mirrored by similar shifts taking place inside the regime. The Church, the third actor, and mediator to the conflict, also rose in importance in that period. Here, the strategic interaction over the political prisoner issue is used to illustrate the broader transformations that would play a crucial part in the collapse of the Communist regime between 1988 and 1989.

1. The authorities

As the many public and internal enunciations of government officials clearly illustrate, the primary objective of declaring martial law was to allow the regime to reassert its autonomy and superiority in its relationship with the body politic and entities commanding some degree of independence from state control, such as labor unions, self-governing bodies at universities or factories, trade associations, etc. The top echelons of the state and the Party were acutely aware, however, that the Church would have to be involved, to some extent, at least, in the process of regaining control over the populace. The sway the Church held over society forced the regime to take the opinions

of Church leadership into consideration. The authorities believed that the Polish Episcopate could attenuate the radicalism spreading through the ranks of routinely muzzled dissidents and encourage a gradual return to “normalcy”.

The word “authorities” used in the heading is rather vague and inexact, but it reflects the factual state of affairs in which it is seemingly impossible to identify unambiguously the center of gravity from which all state power proceeded. In classic Stalinist and post-Stalinist regimes, there existed a discrepancy between the theoretical and real centers of state power – the former enshrined in state constitutions and the latter controlled by the top echelons of the Communist party. Such a center of state power, comprised of the First Secretary, the Politburo, and the Secretariat of the Central Committee, functioned in the Polish People’s Republic from the immediate postwar period until December 13, 1981. Usually, a smaller group drawn from the three established itself as the true decision-making body, but all of its members also sat on the Politburo, which was entrusted with the power to formally approve decisions made by the more reliable and authoritative comrades. A similar interpretation can be applied to the Politburo’s decision from December 5, 1981, which formally approved the plan to introduce martial law.² In the course of 1981, Wojciech Jaruzelski managed to secure key government positions for himself, including that of the Prime Minister, the First Secretary of the Central Committee of the Polish United Workers’ Party, and Minister of National Defense. Such an amassing of supreme state power was highly unusual for post-Stalinist regimes.

According to the December 13, 1981 declaration of martial law, supreme state authority was to be vested in the Military Council of National Salvation (MCNS), a decision-making body comprised of a dozen military officers. In actuality, however, the MCNS was just a facade concealing the true executive – although Jaruzelski, the Council’s president, was a high-ranking member of the secret cabal, along with two other MCNS members: interior minister Czesław Kiszczak and defense minister Florian Siwicki. Society at large had no knowledge of

2 A. Paczkowski, *Droga do “mniejszego zła”. Strategia i taktyka obozu władzy, lipiec 1980 – styczeń 1982*, Kraków: Uniwersytet Pedagogiczny, 2002, p. 259.

another, inner decision body within MCNS itself. Aside from the three general officers mentioned above, the group – informally labeled a “directorate” – also included three members of the Politburo and Central Committee secretaries: Kazimierz Barcikowski, Mirosław Milewski, and Stefan Olszowski, and two deputy prime ministers from outside top PUWP ranks – Mieczysław F. Rakowski and Janusz Obodowski.³

It is hard to point out when exactly the “directorate” was dissolved, but some of the facts suggest that it may have happened in the spring of 1982. Around that time, the Politburo reasserted itself as the key decision-making body, although the CC Secretariat still made some decisions. The course of events in Poland was heavily influenced by the balance of power between two dyads – Milewski and Olszowski, and Jaruzelski and Kiszczałk. The tensions between these four men came to a head several times, including at the April 14, 1982 session of the Politburo, at which the attendees discussed the “Theses” of the Primatial Social Council and its repeated calls for a return to dialogue, even with Solidarity. Milewski and Olszowski recommended that the actions of the Church be met with a severe response, but Jaruzelski refused the radicals’ advice: “I categorically object to opening any sort of front against the Church. We walk the same ground, coexistence is possible. We need to remember the clergy’s reaction to December 13. Their response deserves our respect.”⁴ Seeing Jaruzelski exercise his position as absolute arbiter and his efforts to oppose the more repressive measures encouraged the most moderate members, Barcikowski and Rakowski, to side with him and lend him their support even when they had doubts about some of his choices, such as, for example, his decision to ban Solidarity.

Significant changes leading to the further consolidation of power in the hands of Jaruzelski and Kiszczałk were linked with Olszowski’s appointment to the post of Minister of Foreign Affairs (July 1982), a move that bore several far-reaching consequences, such as relieving

3 A. Paczkowski, *Wojna polsko-jaruzelska. Stan wojenny w Polsce 13 XII 1981 – 22 VII 1983*, Warszawa: Prószyński Media, 2006, pp. 66–67.

4 M.F. Rakowski, *Dzienniki polityczne 1981-1983*, Warszawa: Iskry, 2004, pp. 255–258. See also: Archiwum Akt Nowych (henceforth: AAN), PZPR VII 60, pp. 320–334. Minutes from the April 24, 1982 Proceedings of the Secretariat of the CC of PUWP. The session included a discussion on policy towards the Church.

Olszowski of his position in the “propaganda front”, dissolution of the “Rzeczywistość” clubs (in late 1982), dismissal of deputy interior minister Stachura (February 1983), restricting freedom of speech inside the Law and Order Committee, and possibly curbing the remit of the Administrative Department of the PUWP’s CC. Over the course of 1983, Jaruzelski, his close associate Kiszczałk, and the rather reticent Milewski, widely seen as an alternative to the former two, emerged as the most powerful men in the country.

The most important decisions were still made by informal circles, usually involving either Jaruzelski or Jaruzelski and Kiszczałk, but most had to be confirmed by the Political Bureau. These informal bodies had the final say on matters such as the arrest and prosecution of the leaders of the KOR CSSD (September 1, 1982), the arrest and prosecution of the seven Solidarity leaders (December 22, 1982), and the suspension of martial law. Although formally issued by the Politburo, the findings recommending that Lech Wałęsa be released from internment (November 1982), that Pope John Paul II be invited to Poland, and that the Chief Military Prosecutor’s motion to prosecute Wałęsa be dismissed, were produced by Jaruzelski and Kiszczałk. The decision to declare amnesty in July of 1983, leading to the release of the majority of political prisoners, seems to have been made in a similar manner. The Politburo and Secretariat proceedings usually entailed a discussion of subjects on the agenda, which was later recapped by Jaruzelski towards the end of the meeting, as his conclusions were usually considered final and binding.

2. The mediator: The Catholic Church

The Roman Catholic Church played a highly significant religious and political role in Poland. Its position as the utterly dominant denomination in Poland gave the Church substantial influence over Poles, which, in turn, contributed to its perception by the regime as a rival, but also as a partner, with whom the regime sought a compromise. In the 1970s, especially after 1976, the Church was acknowledged as an important factor in maintaining public order. This was particularly evident in August of 1980 and throughout the sixteen months of Solidarity’s legal operations. The authorities counted on the Church’s ability to assuage the union’s radical tendencies, its support for the

union's moderate faction, and censure of its more extreme elements.⁵ After martial law was introduced, the Church – along with its territorial and monastic structures – remained the only institution beyond the regime's control and allowed to operate under relatively few constraints. The regime had also maintained backchannels for a long time with high-ranking members of the Episcopate, used to communicate wishes, expectations, and grievances, with both parties insisting on civility, compromise, and avoiding ultimatums. In the early days of martial law, Archbishop Glemp and Archbishop Dąbrowski, the Secretary of the Episcopate, established a dialogue with the authorities to discuss the release of political prisoners and improving their living conditions. The Church was permitted to establish a special pri-matial committee to render assistance in the form of food, clothing, and medicine to the detained and their families. Church representatives were also permitted to visit detainee camps to celebrate Mass and minister to the faithful.⁶ The regime's approval for these efforts was unparalleled and transcended the everyday realities of the communist system. Never before had the regime allowed the Church into the prisons or anywhere near detainees.

Held every couple of months, the Polish Episcopal Conferences were the supreme decision-making and administrative bodies of the Polish Church – and the decisions made during these gatherings were then issued to the faithful in the form of declarations or communiques. Presiding over the Conferences was Archbishop Józef Glemp (made cardinal in 1983), the metropolitan bishop of Gniezno and Warsaw, and Primate of Poland, while Archbishop Bronisław Dąbrowski, the Secretary of the Episcopate (a post he had held since 1969), served as the Conferences' ranking clergyman.

Archbishop Glemp also headed the Main Council of the Polish Episcopate – whose members also comprised the Presidium of the Episcopal Conference – the clerical body tasked with making the most important decisions, particularly those requiring haste or secrecy. In reality, the Council usually handled the most important matters

⁵ Cf. A. Friszke, *PRL wobec Kościoła: akta Urzędu do spraw Wyznań 1970-1978*, Warszawa: Instytut Studiów Politycznych PAN, 2010; idem, *Rewolucja Solidarności...*

⁶ W. Rodowicz, *Komitet na Piwnej. Fakty – dokumenty – wspomnienia*, Warszawa: Biblioteka „Więzi”, 1994.

governing the relationship between Church and state or put them up for discussion at Conference sessions.⁷ Some of the Main Council members – Macharski, Stroba, and Dąbrowski, plus Father Alojzy Orszulik as deputy secretary of the Polish Episcopate – also sat on the Joint Government-Episcopate Committee. The Joint Committee, which was only formed in 1980, conferred rather rarely.⁸ In practice, therefore, according to a procedure worked out in the 1970s, pressing matters pertaining to the Church-state relationship were handled by the Secretary of the Episcopate, Archbishop Dąbrowski, assisted by Father Alojzy Orszulik, head of the Press Office of the Polish Episcopal Conference.

This arrangement within the Church hierarchy and its inner inter-dependencies were duly corrected by the accession of John Paul II to the papal throne. The authority of the Pope naturally overrode that of all the bishops, even in political matters. Archbishop Glemp took control over the Polish Church mere months before martial law was declared; as a result, his authority was not yet established when the bishops had to face unprecedented political upheaval and its attendant challenges. It was also clear from the very beginning that the Pope and the Primate took very different views of martial law – where the Pope strongly opposed human rights violations and publicly spoke of Solidarity, the Primate encouraged Poles to remain calm and refrain from ill-conceived acts while he himself avoided any overt criticism of the regime. This divergence was sometimes seen as a division of responsibilities between the two, but an in-depth analysis of documents and personal statements quickly reveals a profound difference between their perspectives and emotional responses to the upheaval; it also lays bare Glemp's insecurity and incertitude, qualities also noted by Archbishop Dąbrowski in his diaries.⁹

7 During martial law and immediately thereafter, the Main Council consisted of Archbishop/Cardinal Józef Glemp, Cardinal Franciszek Macharski, Archbishop Bronisław Dąbrowski, Archbishop Jerzy Stroba, Bishop Ignacy Tokarczuk, Archbishop Henryk Gulbinowicz, and Bishop Lech Kaczmarek. See: R. Łatka, 'Rada Główna Episkopatu Polski wobec opozycji przedsierpiowej (1976–1981)', *Pamięć i Sprawiedliwość*, vol. 29, no. 1, 2017, pp. 110–136.

8 *Tajne dokumenty. Państwo – Kościół 1980–1989*, London: Aneks, 1993.

9 P. Raina, *Stan wojenny w zapisach arcybiskupa Dąbrowskiego*, Warszawa: Wydawnictwo Von Borowiecky, 2006. Cf. P. Raina, *Arcybiskup Dąbrowski – rozmowy watykańskie*, Warszawa: IW PAX, 2001; Jan Paweł II, *Prymas i Episkopat Polski o stanie wojennym. Kazania, listy, przemówienia i ko-*

Consequently, between 1982 and 1983, the policymakers in the Polish Church split into two camps, which, despite their ideological proximity, took diverging approaches to shaping the Church's relationship with the regime. Along with Archbishop Stroba, Archbishop Lech Kaczmarek of Gdańsk, Bishop Jerzy Dąbrowski, suffragan bishop of Gniezno and deputy chairman of the Episcopal Conference, Glemp represented the "realist" approach to the regime – the camp that also encouraged restraint with regard to Solidarity, but not indifference to the plight of the detainees. The other camp, which remained in touch with the Pope and enjoyed his unceasing support, consisted of Archbishop Bronisław Dąbrowski and Father Alojzy Orszulik, with backing from high-ranking clergymen such as Cardinal Macharski, Archbishop Gulbinowicz of Wrocław, and the venerable Bishop Tokarczuk.

The approach to Solidarity in the upper echelons of the Polish Episcopate certainly evolved, from working on getting Lech Wałęsa and the regime to sit at the negotiating table and hoping to remove the ban on Solidarity, to disillusionment with the authorities when they introduced legislation to disband all existing labor unions.¹⁰ The importance of keeping Solidarity in the public discourse was emphasized by John Paul II himself, who requested a meeting with Lech Wałęsa during his papal visit to Poland in June of 1983 and subsequently coerced the authorities into allowing the meeting to happen.¹¹ Then, the Pope shaped his schedule and the contents of his appearances so as to enable the crowds to rethink and relive the Solidarity experience. In September of 1983, the Secretariat of the Episcopate released a memorandum urging the authorities to refrain from further prosecution of opposition leaders, thus launching a dialogue on the subject, co-ordinated by Archbishop Dąbrowski, assisted by Father Orszulik, on the Church side, and General Kiszczałka on the other. Throughout the negotiations, concluded only in June of 1984, the two Church representatives identified above remained in contact with the Pope and re-

munikaty, ed. P. Raina, London: Oficyna Poetów i Malarzy, 1982; J. Moskwa, *Droga Karola Wojtyły*, vol. II: *Zwiastun wyzwolenia 1978-1989*, Warszawa: Świat Książki, 2011, pp. 218-228.

¹⁰ Cf. A. Orszulik, *Czas przełomu. Notatki z rozmów z władzami PRL w latach 1981-1989*, Warszawa-Ząbkowice: Apostolicum, 2006.

¹¹ Cf. P. Raina, *Wizyty Apostolskie Jana Pawła II w Polsce*, Warszawa: Książka Polska, 1997; M.F. Rakowski, *Dzienniki polityczne 1981-1983...*

ported to him. Glemp remained more or less passive throughout the process, although he, by design, was supposed to serve as its guarantor.

When talking about Church structures, we would be remiss if we did not bring up the significant role played by lay Catholic activists. The purpose of the Primatial Social Council, established in December of 1981, right before the introduction of martial law, was to support high-ranking members of the clergy during negotiations between the regime, Solidarity, and the Church. The Council was also supposed to influence the upper echelons of Solidarity, calling for reconciliation and restraint. Important positions on the Council were held by members of the Catholic Intellectuals Club and people associated with the "Tygodnik Powszechny" weekly, with Stanisław Stomma as the President. The Council's most important effort was the publication of its "Theses" in 1982, which called on the authorities to recommit themselves to social dialogue based on the provisions of the August Agreements.¹² The regime, however, was unambiguously hostile towards the publication. The divisions mentioned above in the upper ranks of the Episcopate were mirrored by the fault lines inside the lay Catholic circles.

The negotiations on refraining from further prosecution launched in 1983, were initially conducted primarily by Stomma and by cooperating with the Episcopate legal advisors – with Wiesław Chrzanowski and Jan Olszewski joining at a later date. They represented the "realist" faction, whom the authorities saw as tolerable.

It is in these contexts that we need to examine Archbishop Dąbrowski's decision to establish a special advisory group in the Secretariat of the Episcopate, which was supposed to advise the clergy and share responsibility with the Church for the highly controversial prisoner release initiative, which stipulated that release would be granted only if the detainee pledged to refrain from political activism for a specified period. The advisory team was staffed with former Solidarity advisors, both those associated with the Social Council (Chrzanowski, Andrzej Wielowieyski) and the moderate Olszewski, as well as key pre-December 13 advisors and former detainees them-

¹² A. Friszke, *Przystosowanie i opór. Studia z dziejów PRL*, Warszawa: Więź, 2007, pp. 330-345; S. Siwek, *Prymasowska Rada Społeczna ks. kard. Józefa Glempa, Prymasa Polski. Przebieg prac, dokumenty z lat 1981-1990*, Warszawa-Ząbki: Apostolicum, 2016.

selves – Tadeusz Mazowiecki and Bronisław Geremek. The latter was not Catholic but was invited to sit on the new advisory council out of respect for his political acumen; the decision also demonstrated the openness of Archbishop Dąbrowski and Father Orszulik, as did extending the invitation to former members of the KOR CSSD, including Jan Józef Lipski and known Church associates Józef Rybicki and Maria Wosiek. Thus, the efforts of Archbishop Dąbrowski were granted much broader legitimacy while maintaining autonomy from the hierarchy of the Church. Despite their relative independence, these ecumenical efforts were nevertheless regularly reviewed by Pope John Paul II.

Injecting such a high number of lay activists into negotiations between the Episcopate and the regime was unprecedented in the history of Church-state relations. Still, the authorities' acceptance of such a move was surely influenced by the fact that by doing so, the Episcopate legitimized the selected laypersons as its most credible and reliable representatives.

3. Solidarity

The disintegration of the National Commission of Solidarity trade union was facilitated not only by the arrest of nearly 75% of its members but also by splitting it into two camps: those ready to parley with the regime and those steadfastly refusing to collaborate. The disintegration intensified in the following months. Until June of 1982, the authorities issued exit passports to 554 detainees or former detainees, including 20 NC members, 76 members of regional union structures, and 245 members of Solidarity's company committees.¹³ In the following months and years, the number of high-ranking Solidarity members, including those sitting on the NC, who chose to leave the country more or less doubled. Thus, the NC was essentially eliminated as one of the resistance movement's centers of gravity. Those of its members, however, who refused to submit to the authorities, rose in importance.

¹³ Archiwum Instytutu Pamięci Narodowej AIPN 0236/315, t. 3, k. 116-118. 'Attachment to daily brief' from June 12, 1982, delivered to W. Jaruzelski, K. Barcikowski, M. Milewski, S. Olszowski, F. Siwicki, and M. Rakowski.

The decision to prosecute the political leadership of Solidarity and the KOR CSSD was made as early as December of 1981. Their trial was supposed to retroactively “prove” that the authorities were obligated to declare martial law in response to Solidarity’s alleged attempt to overthrow the regime. It was also supposed to demonstrate that a cabal inside Solidarity conspired to weaken and then overthrow the democratic government of the Polish People’s Republic. This was the primary focus of the investigation. The trial was supposed to discredit Solidarity leadership and the union itself, weaken its social legitimacy, and denounce it as a band of troublemakers. This particular strain of anti-Solidarity propaganda dominated the regime’s messaging prior to December 13, and its intensity was duly amplified in 1982. A closer look at the investigation also reveals how its shape and objectives shifted over time. The trial was ultimately split in two – one indictment focused on the four leaders of the KOR CSSD arrested on September 2, 1982, while the other focused on the seven National Commission leaders arrested December 22, 1982, when martial law was suspended.

This allowed state security to isolate the regime’s nine fiercest adversaries on the NC members (Gwiazda, Rulewski, Modzelewski, Jurczyk, Palka, Rozpłochowski, Jaworski, Wujec, and Romaszewski – the last two investigated in the course of the KOR CSSD inquiry, and the latter since 1983) and identify the instigators behind the “conspiracy” that led to the August riots and Solidarity’s shift towards “counter-revolutionary activity”, including Jacek Kuroń, Adam Michnik, Jan Lityński, and Henryk Wujec. Publicizing the distinction between the indicted leaders and the rest of the NC and Lech Wałęsa was also supposed to drive a wedge between union leaders. However, this effort failed to produce the expected results because Wałęsa began calling for the release of the detained dissidents, including the National Commission leadership, immediately after his release. Moreover, although he was coerced into testifying by the prosecutor during his internment, he nevertheless refused to implicate any of his colleagues. State security also failed to turn the “eleven” against one another – none of the indicted testified against their colleagues, and most refused to testify at all.

The trial of the “eleven”, determined opposition against their continued detainment, and repeated calls for their release were all very important postulates of dissident movements. Numerous petitions were launched on behalf of the imprisoned opposition leaders, and

their internment was also highly publicized by Solidarity abroad. To some extent, the detained “eleven” were entrusted with the union’s honor, so to speak. Their refusal to corroborate the regime’s accusations, mutual support and loyalty, and their dignified perseverance in the face of easy was out, such as emigration, affirmed the high moral caliber of the activists making up the upper echelons of Solidarity.

Solidarity’s leadership structures began to reconstitute themselves nationwide in December of 1981, and the process culminated on April 22, 1982, with the founding of the Temporary Coordinating Commission (TCC). The Commission included two NC members and leaders of major “pre-war” regions of Solidarity – Zbigniew Bujak and Władysław Frasyniuk – who had continued to lead from hiding after December 13. The third founding member of Solidarity’s TCC was Bogdan Lis, vice president of the Gdańsk Interfactory Strike Committee in 1980, one of the leaders of the Gdańsk region, and a member of the NC. Lis co-organized underground opposition structures in the Tri-city area along with Bogdan Borusewicz. The fourth TCC member – Władysław Hardek – did not sit on the NC but was one of the union leaders in Nowa Huta and point man for the underground in Krakow. A couple of weeks later, the TCC was joined by Eugeniusz Szumiejko, another NC member, elected in November of 1981 to sit on the NC’s presidium. After December 13, Szumiejko coordinated resistance efforts in Gdańsk and tried to establish contact with other regions.¹⁴ Despite changes to the TCC personal composition due to arrests by the police, it remained a major center of power of the underground Solidarity until 1986.

The TCC functioned as the executive arm of the underground Solidarity, but it spoke on behalf of the entire union. This was a source of potential friction between the TCC and Lech Wałęsa after his release. No essential disagreements emerged, however. A division of responsibilities was drawn up – Wałęsa was to assume overall leadership over the delegalized union, as its mandate was still beyond any doubt.

¹⁴ The TCC continued with this lineup until October 1982, when first Frasyniuk was arrested, and then Piotr Bednarz, Frasyniuk’s replacement, who was then succeeded by Pinior (a member of the regional presidium prior to December 13). Pinior was arrested in April 1983, Hardek later that summer, and Lis in June 1984. The rest managed to evade arrest, despite considerable SB efforts to the contrary.

He was also to represent Solidarity in contacts with the Church but had no control over underground operations. The TCC emphasized that its mandate only covered the period of illegality, that it recognized Wałęsa's mandate as president of the union, and that its primary focus was to draw up objectives and methods of resistance that would be feasible given the circumstances in which Solidarity found itself. TCC also handled communications with the West through Solidarity's Coordination Bureau established in Brussels in the summer 1982.¹⁵ The underground executive arm of the union was a symbol of Solidarity's perseverance and a promise of continuity of resistance, as organized and coordinated as possible and based around commonly held principles.

Solidarity also carried on through diverse and diffuse forms of resistance and political opposition. High-level union activity was complemented with low-level efforts by individual factories, inter-factory coordination, and specialized activity groups. It was paramount to maintain contact at the upper, regional, inter-factory levels. Such an approach would give rise to an underground Solidarity armed with enough authority to engage in political resistance and block potential provocation attempts. Underground publishers and distribution networks were emerging separately, providing a channel through which flowed the lifeblood of any conspiracy – information, recommendations, discussions on what is and what still can be. The underground press gave dissidents a way to break the regime's media monopoly and allowed the newly initiated to orient themselves in their new realities.¹⁶

Street protests and demonstrations were other popular forms of civil resistance. The largest demonstration of this kind, held on August 31, 1982, gathered over 100,000 people in 100 cities (according to MIA data). However, the scale and intensity of this particular form were insufficient to force a highly determined regime to compromise and make concessions.

15 Cf. A. Friszke, 'Tymczasowa Komisja Koordynacyjna NSZZ „Solidarność” (1982-1987)', in: *Solidarność podziemna 1981-1989*, ed. A. Friszke, Warszawa: ISP PAN, 2006.

16 Ibidem; J. P. Ramotowski, *Sta razy głową w mur. Historia tych, co chcieli robić coś innego niż druk bibüły*, Warszawa: Wydawnictwo Instytutu Pamięci Narodowej, 2013; J. Olaszek, *Podziemne dziennikarstwo. Funkcjonowanie głównych pism informacyjnych podziemnej „Solidarności” w Warszawie w latach 1981-1989*, Warszawa: Wydawnictwo Instytutu Pamięci Narodowej, 2018.

The circumstances in which it had to function gradually pushed Solidarity's underground arm towards efforts involving people who were young, determined, intellectuals and students rather than blue-collar workers, although the latter were still far from a minority in Solidarity. The sociological character of the underground Solidarity was very different from the union's profile prior to December 13. "The mass working-class movement, expressed in an organizational framework of a labor union, was gone, replaced by a regular anti-communist conspiracy", says Modzelewski, also pointing out the shift in language, rhetoric, and values of the unions that followed.¹⁷ Nevertheless, resistance efforts continued to focus on pressing the regime to acquiesce to the dissidents' basic demands: abrogation of martial law, unconditional release of all prisoners and detainees, and restoring Solidarity's legal status. The overwhelming majority of members acknowledged the authority of the TCC, and nearly all saw Lech Wałęsa as the movement's leader.

In that particular period, Solidarity did not command any significant means of coercing the authorities into making concessions. Yet, by continuing to resist the regime – passively, in the case of the masses; actively, in the case of the underground activists; or by persisting in steadfastness, in the case of Wałęsa and the most important detainees – Solidarity created the necessary context for coercion. It precluded normalization and prevented the authorities from achieving their primary objective – bringing the "era of Solidarity" to a close.

And bringing the "era of Solidarity" to a close fundamentally contradicted a prior objective of the authorities – launching a show trial to embarrass and discredit union leadership. Their steadfastness in the course of the investigation did not give the regime any reason to believe that they would behave any differently if indicted. Further, a show trial could become a political event, unfolding in front of the entire world, turning the tables and allowing the accused to accuse the regime of orchestrating the introduction of martial law. It would certainly stoke the political conflict in Poland and reintroduce Solidarity as a current topic with the ability to mobilize considerable social opposition.

¹⁷ K. Modzelewski, *Zajedzimy kobyłę historii. Wyznania poobijanego jeźdźca*, Warszawa: Iskry, 2013, pp. 340-341.

4. Strategic interaction

In early January of 1983, the lead investigator on the KOR CSSD case, Col. Włodzimierz Kubala of the Chief Military Prosecutor's Office, modified the indictment from violating Article 123 of the Criminal Code to violating Article 128 Section 1 with regards to Article 123 of the Criminal Code, which says: "Committing the crime outlined in Articles 122 and 123 (...) shall be punishable by a term of imprisonment from one year to ten years". The significance of this change cannot be overestimated – the prior indictments, charging the four KOR CSSD leaders and the seven Solidarity leaders (made in September and December, respectively) with violating Article 123, carried a minimum prison term of five years but gave the prosecutor the option to demand the death penalty. Colonel Kubala's decision to modify the indictments was, without a shadow of a doubt, politically motivated.

The regime aimed to temper its penal policy from early 1983. Before the middle of the year, the majority of detainees arrested on political grounds had their sentences commuted and were released. The amnesty of July 1983 covered a further 365 prisoners.¹⁸ Dissidents and union activists who refused to refrain from political activity, however, were still subject to arrest and prosecution – in May of 1984, a further 725 people were arrested on political grounds.

After the investigation was finished and the case file, along with the indictment, were transferred over to the Courts Martial for the Warsaw Military District on September 28, 1983, the regime was forced to face the prospect of a major political trial unfolding in front of the nation. The matter was further complicated when Lech Wałęsa was awarded the Nobel Peace Prize on October 5.

When the Episcopate issued a *pro memoria* on September 26, the document encouraged the authorities to seek out alternatives and ways of possibly avoiding a trial. In the *pro memoria*, the bishops explained that the regime could use "Article 5 of the Amnesty Law of July 21, 1983. The provisions included in the article allow the Supreme Court to discontinue, if petitioned to do so by the Prosecutor General, any proceedings, particularly in 'justified cases'".

¹⁸ For a detailed look at the data, see A. Friszke, 'Internowani, aresztowani, skazani. Pozbawieni wolności w okresie stanu wojennego 1981-1983/4', *Kwartalnik Historyczny*, no. 2, 2017, pp. 267-293.

The argument for forgoing further legal action against the dissidents was outlined by the author of one of the three expert reports commissioned by General Kiszczałk in October of 1983 (the remaining two argued in favor of the trial). Significantly, his argument did not recommend exile as a potential means of resolving the conflict. Although it was a fairly recent notion, the regime quickly grew comfortable with the idea of expelling the most troublesome political prisoners. During a negotiating session between Kiszczałk and Archbishop Dąbrowski and other Church representatives held on October 19, the former tried to steer the conversation in a direction that would eventually place at least a portion of the blame for the expulsion of the opposition leaders on the Church and dissidents associated with the clergy (such an intent was announced by Jerzy Urban, the regime's press secretary, in early November). Although Kiszczałk executed the plot, his recommendations and the final shape of the intrigue were submitted to Jaruzelski for approval, as indicated by Rakowski in his notes.

The majority of detainees did not entertain the possibility of leaving the country, but they were not yet ordered to do so explicitly. Refusing such an offer would be much more difficult if it enjoyed the official support of the Primate and his high-ranking associates. This was what the authorities expected. Some in the regime even envisaged that the Pope himself would get involved (something that Jaruzelski himself tried to persuade Cardinal Glemp to facilitate during their conversation in early January of 1984). Michnik's letter of December 13, 1983, to General Kiszczałk was supposed to thwart this scenario, but it seems to have failed to achieve that result. Aware that negotiations had been ongoing since October of 1983, John Paul II issued a single instruction to the Church representatives – none of the "eleven" could go against the others. The agreement had to be unanimous. Ultimately, on February 3, the clergy communicated to Kiszczałk that the Church would no longer intercede on the matter of forced emigration.

At a Politburo session in mid-February of 1984, Kiszczałk presented a memorandum outlining three possible scenarios for resolving the political prisoner issue. The first scenario entailed proceeding with the trial and handing out five-to-seven-year-long prison sentences. The second scenario presumed negotiating with delegates of the Episcopate and then releasing the detainees under the provisions of Article 5 of the Amnesty Law, on the condition that they pledge to refrain from

political activism for five years. The third option involved trying the “four” and then the “seven” in separate trials but then discontinuing both after declaring an amnesty in July.

The following weeks saw the regime move forward with the second option. Together, Church and State representatives drew up a complete set of documents – including Glemp’s appeal to the prisoners, a draft of their response with the pledge to refrain from political activism for 30 months (Church negotiators rejected the five-year-long window), the Primate’s letter to the Chairman of the Council of State petitioning him to begin Article 5 proceedings, and the Chairman’s response. Dated April 18, the documents were then submitted for approval to several Politburo members on one side and Church officials on the other. Jan Józef Lipski also sent the entire dossier to the TCC, which later provided Lipski with appropriate instructions.

The negotiations also produced a procedure for arranging meetings between Episcopate advisors and the detainees – individually at first, and later collectively. The first of such meetings took place on April 20 – the “seven” were taken to Chylice, while the three KOR men (Michnik refused to leave his cell) were shipped to Otwock. Michnik’s refusal led to the group’s abandonment of the “no group conversations” principle – the KOR men deliberated as a group, mostly on ways of breaking Michnik’s resistance. As this was in the MIA’s interest, in the following days, security officials arranged several meetings between Michnik and Kuroń. In the end, however, Michnik staunchly refused to yield.

From April 30 to May 2, the jail at Rakowiecka Street was also a stage for a series of talks between Emilio Olivares, envoy of Secretary-General of the United Nations, and the ten prisoners (Michnik once again refused to leave his cell, which cost him the mattress from his prison bed). Olivares offered the prisoners a chance to leave the country for a couple of months, an all-expenses-paid trip courtesy of the United Nations. The authorities recorded the conversations between Olivares and the inmates. All of the inmates refused.

On May 5, the prisoners were shipped off – the KOR men to Otwock, the Solidarity six (Jurczyk was granted medical leave) to Chylice. The final negotiations – with nine of the prisoners – took place on May 12. After many hours of deliberations, a vote was ultimately held on whether the Primate’s proposal should be ac-

cepted. Four men voted for this, five against. The proposal was refused. It is also worth noting that shortly before the meeting, the Pope re-emphasized to Father Orszulik that if an arrangement with the regime were to be accepted, inmate approval would have to be unanimous – a condition already violated by Michnik’s refusal to participate in the negotiations; the vote was only the final nail in the proverbial coffin.

In mid-May of 1984, it may have seemed that the collapse of the compromise worked out over the course of many months would exacerbate the prisoners’ situation, or at least result in their trial (the other side of the negotiating table was unaware that the Politburo had discussed other scenarios of resolving the conflict in February). A closer look at the course of negotiations between the Church’s representatives and Kiszczałk reveals a gradual convergence of their respective positions. As the Ministry slowly backed away from its most severe demands – emigration and loyalty pledges for the released inmates – the Church negotiators, as well as Archbishop Dąbrowski and Primate Glemp himself, inched towards embracing the main thrust of the compromise – the promise of abandoning legal action in return for the eleven inmates pledging to refrain from political activism for 30 months. The regime’s position was also buttressed by the fact that the Primate, not government officials, would be receiving the detainees’ pledges. This allowed the regime to paint itself as being beyond reproach – it compromised with the Primate, demonstrated goodwill, and could easily jail the dissidents again were they to break the provisions of the agreement and then condemn them for abusing the trust of the Primate of Poland. Releasing the “eleven” in May would bolster the government’s public image prior to the elections in June of 1984 and allow the regime to portray the agreement as a compromise between the state, the Church, and the trustworthy elements of Solidarity. Forced into silence by their pledge, the released dissidents would have no way of subverting that narrative. Over the long term, the “agreement” would have been used to demonstrate to the world that the political crisis in Poland had finally been resolved, paving the way for the return of the Polish People’s Republic to the international fold and the removal of the sanctions imposed on it after December 13. It seemed that accomplishing these objectives had driven the regime’s negotiation policy at least since the fall of 1983, which would

go a long way towards explaining the regime's stalwart support for the deal worked out with the Church.

The positions of advisers who tried to convince the "eleven" of the sensibility of the negotiated "deal" was far from irrational. In their view, the wave of civil resistance had passed, the underground attracted only the most determined, hardened dissidents, and the West would inevitably accept the fact that Poland had been steamrolled by its own government. Compromise, they argued, had to be adopted eventually as a means of achieving political goals. Without a doubt, there was a difference of opinion between staunch supporters of the "deal" – such as Stomma, Chrzanowski, and Olszewski – and the rest of the Solidarity advisory team, specially Geremek and Mazowiecki. The first ones believed that the dissident scene had to be overhauled and that Solidarity would lose its position as the beating heart of the opposition movement in favor of the Church, under whose auspices and leadership the future of the movement could bloom. The chief concern of the proponents of this approach was not disappointing the Church hierarchs and proving to them that they had considerable influence over the actions of the opposition. Mazowiecki and Geremek were much more restrained in their praises, as they continued to see Solidarity as the once and future leader of the broader dissident movement. Geremek outlined the reasoning behind their outlook in his letter to Bujak: the goal was to amend the dynamic of the transformation, establish a communications channel, and form a political partnership with the Church, rather than simply bind the former to the latter as a supplicant to a rising power.

If the "eleven" were to submit to the offer brought forth by the Church and its representatives, they would have lost their reputation as men unbroken by the regime. Further, the ambiguities of the arrangement would have proven unacceptable to the rank and file of Solidarity's underground faction, who were still actively involved in the struggle. This would have inexorably led to a leadership crisis in the union – which is what ultimately happened, as the underground continued to produce a new generation of leaders. However, the "eleven" kept their credentials impeccable, thus precluding anyone from accusing them of amenability or making secret deals with the regime. The inflexibility of their position was influenced by Adam Michnik's steadfast refusal to participate in the negotiations. Although rankling

to some, his behavior nevertheless encouraged a closer look at the ambiguity of the entire situation.

Given the fiasco of the second option, the MIA promptly began implementing option three. On June 12, ministry officials announced that the trial of the KOR CSSD leaders would begin the next day. Both Kuroń and Michnik insisted on the trial, as they planned to use the courtroom as a platform from which to attack the PUWP and the regime. The trial also attracted the attention of the international press and diplomatic personnel from NATO countries working in embassies in Warsaw. To counteract the regime's negative press abroad, Jerzy Urban was sent to Paris, where, at a press conference on June 28, he told the assembled journalists that the situation in Poland had returned to normal.

The trial began on July 13, and after formal matters were settled and incidents resolved (the public was barred from attending), it concluded with the arraignment. The international press published accounts of the trial, and even the Pope released an official statement on the matter. In late June, the Interior Ministry produced a memorandum concerning the provisions of a new amnesty law, which included a recommendation to broaden the scope of the amnesty to include all political prisoners. However, the memo stipulated that a return to "criminal activity" before December 31, 1986, would result in the immediate reopening of criminal investigations or activations of suspended sentences. As a result, at the July 10 session of the Politburo, MIA officials presented a memorandum on the general amnesty that was to be declared during the state celebrations of the fortieth anniversary of the Polish People's Republic and a draft bill. The issue of amnesty was highly controversial. Its chief opponents included Mirosław Milewski, the third most powerful man in the Party, whose position in the regime had become precarious in April of 1984 when the MIA opened an investigation into the notorious "Żelazo" ("Iron") affair, a 1970s scandal in which Milewski played a leading role. The MIA report reached Jaruzelski on July 12.¹⁹ The draft bill of the new amnesty, covering all political prisoners including the "eleven", was ul-

¹⁹ Afera „Żelazo” w dokumentach MSWiPZPR, eds. W. Bagieński, P. Gontarczyk, Warszawa: Wydawnictwo Instytutu Pamięci Narodowej, 2013.

timately approved at the July 17 session of the Politburo. The amnesty was formally proposed on July 16 by the State Council of the Patriotic Movement for National Rebirth. The Sejm passed the amnesty bill on Saturday, July 21, scheduling the prisoner releases for late July and early August. Ultimately, the amnesty resulted in the release of 630 prisoners arrested on political grounds.²⁰

Conclusions

A closer look at the resolution of the problem of the “eleven” leaders and other political prisoners set free by the 1984 amnesty necessarily reveals that its favorable outcome was, to a large extent, the product of their inflexible attitude, which gave the regime no hope of settling the dispute in its own favor. The continued survival of Solidarity ensured the trial would be accompanied by a spirited underground media campaign that would raise public awareness of the case. Maintaining the prestige of Solidarity in the West was also important, as it guaranteed that the Warsaw trial would be widely discussed in Western media, thus negatively impacting the public image of the regime abroad, a development which the authorities could not afford given growing economic strain and the regime’s own bid to join the International Monetary Fund.

These circumstances were conducive to the Church’s efforts, especially the talks between the Secretary of the Episcopate, his representatives, and General Kiszczałk. The position of Archbishop Dąbrowski, assisted by Father Orszulik and blessed in his efforts by the Pope, was more or less unassailable and granted the clergy considerable leeway in the negotiations. The changes that swept through the upper echelons of the regime in 1983 strengthened Kiszczałk’s political position to such an extent that he could make highly unusual decisions discussed with no one except Jaruzelski himself. The considerable influence of his chief opponent, Mirosław Milewski, was nullified by the investigation into the “Żelazo” affair, leading to his ultimate dismissal from

²⁰ AAN PZPR LI 117, b. p. “Memorandum on the implementation of the 1984 amnesty, drafted by the Ministry of Internal Affairs”; AAN PZPR LI 128 b. p. “Memorandum on the implementation of Amnesty Law of July 21, 1984” from September 24, 1984.

the PUWP leadership in 1984. The remaining high-ranking members of the leadership had neither the influence nor the cadres to resist the duumvirate effectively. However, Jaruzelski and Kiszczak still had to contend with other powerful interest groups, such as party cadres or government and law enforcement officials, all of whom were highly critical of any moves that could weaken the regime's grip on the country and diminish their own privileges. They also had to consider the position of Moscow, which critiqued the regime's approach to dissidents and the clergy as insufficiently principled. Despite these castigations, however, the regime ultimately decided to go through with the July amnesty. Still, the decision to release the prisoners in no way implied that the regime was ready to introduce necessary reforms, relax its grip on society, or allow some degree of pluralism in the labor movement – all of which the Church expected. The regime, on the other hand (the duumvirate included), ultimately planned to use the resolution of the political prisoner problem to close the book on Solidarity conclusively.

The deep economic crisis did not work in favor of overcoming the political impasse in Poland. What created more favorable circumstances was a liberal shift in the policy in the Soviet Union. The 1986-1988 period was characterized by the quest for new political opportunities. The duumvirate of Jaruzelski and Kiszczak sought the Church's backing to escape the political crisis but still excluded Solidarity from the process. In August of 1988, the ruling party finally started talks with the leaders of Solidarity.

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