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Zyta or "Beata": The Convoluted Case of Poland's Deputy Prime Minister

On June 23, 2006, Polish Prime Minister Kazimierz Marcinkiewicz fired his deputy and the minister of finances Zyta Gilowska after she had been formally charged with perjury. Gilowska allegedly had lied about being an agent of the Communist secret police (*Sluzba Bezpieczeństwa*, SB) before 1989. Her codename was "Beata." Gilowska vehemently denied all charges.

The ensuing vetting trial of the politician and the accompanying public debate laid bare serious flaws in Poland's judicial and legislative process. They also exposed the impact of the nation's totalitarian past on its democratic present.

The Firing

The rumor mill churned out stories about Gilowska's alleged involvement with the Communist secret police for months. However, the firing of Gilowska surprised the public at large. After all, hardly anyone in Poland had suffered serious consequences for having served the totalitarian terror apparatus. Now many were inclined to look for reasons for her termination in current politics.

Initially, some Polish pundits speculated that the firing resulted from the rift within the center-right, albeit etatistic, Warsaw government. Non-party expert Gilowska was widely known to be the most pro-market member of the administration dominated by the conservative Law and Justice party (PiS). That supposedly grated most of her colleagues. Therefore they got rid of her at the first opportunity.

Other pundits, however, detected nefarious intentions on the part of the Ombudsman for Public Interest, Judge Włodzimierz Olszewski. The Ombudsman's constitutional duty is to vet Communist secret police agents. Judge Olszewski, however, is a vocal opponent of the vetting. He was nonetheless appointed by the outgoing post-Communist government in what was widely perceived as the last ditch attempt to halt, or at least retard the vetting process, the lustration (*lustracja*). Because the electoral winner Law and Justice party campaigned on the platform of the lustration, Olszewski compromised the conservative-dominated coalition government by falsely and maliciously outing one of its deputy prime ministers as a Communist secret police agent. Further, exposing Gilowska would serve to undermine the comprehensive vetting legislation coming up for vote in the Polish parliament. After all, if the deputy prime minister herself was prosecuted as a former snitch, what of other politicians with similarly unsavory past? It was obvious, the critics warned, that the vetting law would destabilize Poland. Gilowska herself complained that the Ombudsman's action were tantamount to political blackmail.

Still other pundits pointed out the murky circumstances leading to the politician's break with her former party, the opposition centrist Civic Platform (*Platforma Obywatelska*, PO). From

the early 1990s Gilowska had been active in self-government in Lublin, south-eastern Poland. In the mid-1990s she joined the center-left Freedom Union (UW) and then its successor, the Civic Platform, becoming one of its leading lights. However, in May of 2005, right before the national elections, Gilowska was expelled from the PO, ostensibly for nepotism. In reality, it was argued back then, the acrimonious political divorce occurred because her innate intelligence and popularity threatened the PO's top brass. Eventually, however, a conspiracy theory surfaced regarding the expulsion. One of the top PO leaders, Konstanty Miodowicz, knew about Gilowska's Communist secret police link. Hence, the PO leadership engineered an ouster to spare the party an embarrassment during the election year. How did Miodowicz know? First, his father had been a Communist Politburo member and, presumably, enjoyed access to classified information. Second, the younger Miodowicz himself served as a high-ranking officer of the post-Communist secret services after 1989, and saw the files of agents.

It soon became clear that the Gilowska case concerned not the hectic democratic present but the sordid Communist past.

Zyta

Born on July 7, 1949, in Nowe Miasto Lubawskie, Pommerania, Gilowska studied economics at the University of Warsaw. In March 1968, she was expelled as punishment for taking part in the anti-regime student demonstrations, which broke out against the backdrop of a massive anti-Jewish purge in the Communist party and government. Gilowska was readmitted to school in June 1968. Her subsequent involvement with the dissident movement was insignificant, if not practically nil, including "Solidarity."

Having completed her degree in 1972, she lectured in economics at the Marie Curie Skłodowska University (UMCS) in Lublin. In 1981, she successfully defended her doctoral dissertation there and was promoted to an assistant professorship. In 1985, she was hired as an assistant professor of economics by the Catholic University of Lublin (KUL). In addition to her domestic academic endeavors, she spent three consecutive summers as a research fellow in Germany between 1986 and 1989. In February 1993 Gilowska also visited Washington, D.C., compliments of the U.S. Agency for International Development.

Whereas her American trip entailed nothing more than a simple passport procedure, to travel to Germany before the collapse of Communism required routine dealing with the secret police. Gilowska, however, denied that she had agreed to snitch as the price for her foreign travels. Nonetheless, in 2006, she was formally accused of having had assisted the Security Service (SB) domestically. Technically, she was charged with perjury.

According to the post-1989 vetting law, every single high-ranking civil servant had to sign an affidavit clarifying whether he or she ever knowingly or willingly assisted the Communist terror apparatus. The affirmative carried no legal penalty. Gilowska answered in the negative. The Ombudsman argued that she lied. Hence, the vetting trial (*proces lustracyjny*) commenced in August 2006.

A Friend

According to court proceedings, Gilowska's links to the Communist secret police pre-date her German trips. More precisely, already in the mid-1970s, the young economist befriended a woman who subsequently would marry an SB officer, Witold Wieczorek. Despite that, the friends continued to meet casually.

In the mid-1980s, Captain Wieczorek endeavored to neutralize the activities of Gilowska's husband, who was loosely involved with the underground "Solidarity." Therefore the secret policeman held a number of "conversations" with Gilowska and registered her as a secret collaborator, codename "Beata," in 1986.

Twenty year later in court, Gilowska denied that she had ever consented to serve as an agent. Wieczorek confirmed her version. He claimed that he had registered the economist without her knowledge.

However, several former Communist secret police brass of Lublin testified that, although they did not participate in the recruitment process of this particular agent, Wieczorek had followed the stringent procedures for agent registration which virtually precluded the act of recruitment without the written authorization of the recruit. The former brass Antoni Kowalski, Janusz Slowikowski, Janusz Gembala, Marian Rapa, and Zygmunt Lebioda explained that it was virtually impossible to falsify the registration process successfully. Admittedly, in rare cases a few secret policemen did falsify records. They hoped to expedite their careers by fraudulently claiming high agent recruitment rates; or, they reported false collaborators to pocket the operational fees. Such anomalies did occur, however infrequently, but the rigorous cross-checking and inspection system, a part of any counter-intelligence operation, made a prolonged charade untenable. The rare cases of altering the records by individual secret policemen were thus almost invariably discovered through routine control. Nonetheless, most of the former secret police higher-ups testified in unison that they never heard that Gilowska had been an agent. Others experienced a lapse of memory.

Ultimately, the court declared Gilowska formally innocent. The presiding judge Malgorzata Mojowska pointed out, however, that the accused did meet with Captain Wieczorek a number of times and discussed a variety of issues, despite being aware that she was communing with a Communist secret policeman. Mojowska averred that Gilowska would be considered as an "individual source of information" (*osobowe źródło informacji - OZI*), a sort of an agent-in-the-process-of-recruitment, in the light of the legislation still pending in the Polish parliament. The justification of the "innocent" verdict was based on the fact that, aside from the inconvertible fact of her registration, which was noted in the secret police agent catalogue, there was virtually no documentary proof of Gilowska's activities: Neither the recruitment written authorization nor any of the reports were found. Hence, she was pronounced innocent.

The Judges and the Witnesses

Even as the trial was under way, many commentators expressed their reservations about the proceedings. They even pointed out that the Coat of Arms of Poland hanging in the courtroom directly over the judges failed to conform to the heraldical and legislative standards. None of the judges bothered to notice. More importantly, some experts skeptically reminded the public

that in the past seven years not a single guilty sentence had been passed by the vetting court. This included cases where the evidence against the accused was simply inconvertible, including the originals of hand written agent reports.

Once the verdict in the Gilowska case was announced, a veritable storm broke out. A staunch supporter of the ousted politician, the President of Poland Lech Kaczynski himself chafed openly that the verdict reflected the ambiguous role played by the presiding judge Mojowska. Her father had been one of Communist Poland's top propagandists as the editor-in-chief of the Communist party daily People's Tribune (*Trybuna Ludu*), the equivalent of Moscow's Pravda. The implication was clear: Judges tainted by totalitarianism were suspect.

To exacerbate the situation, a scandal broke out regarding judge Zbigniew Puzkarski, who presides over the chief vetting court that can ultimately hear the appeal in the Gilowska case. Among other things, Puzkarski was the lead judge in a 1986 corruption case manipulated by the secret police. The judge claims that he was completely unaware of the situation.

The malodorous cloud of suspicion surrounding the judges has validated the widespread conviction of many Poles about the persistence of a nefarious multi-generational continuity among the elite professions of the nation. Virtual Communist dynasties implanted themselves in law, journalism, medicine, academia, security, and, of course, politics during the reign of totalitarianism (1944-1990). Their members continue to dominate the nation's cultural, political, and economic business, often to the detriment of the due process, fairness, justice, transparency, and democracy.

The palpable distaste of Poland's judiciary rivals the universal revulsion of the nation's secret police. Many observers were jarred by the fact that the reputation of a democratic politician hinged on the testimonies of former secret policemen. Most questioned the morally dubious spectacle of the members of the Communist terror apparatus serving as the ultimate arbiters of guilt or innocence of an individual, who herself was a captive of totalitarianism. Some questioned the integrity of the witnesses. As in many other trials, the former secret police handlers tended to protect their assets. They frequently denied anyone's involvement with them or downplayed it at least. Some changed their testimonies.

The critics were livid. In particular, brazen cynicism welcomed the claim of Wieczorek that he had surreptitiously registered Gilowska without her knowledge to protect her and her family. Wieczorek was also skewered because he was found in possession of secret files implicating several local Lublin politicians in collaborating with the SB. Wieczorek and two fellow secret policemen stole the files when they lost their jobs after 1989. The files, which probably served for blackmail, were recovered in an operation by the post-1989 secret service. However, they contained no material on Zyta Gilowska.

Secret Police Documents

Nonetheless, some documentary evidence survives to permit better understanding of the "Beata" case. According to Dr. Piotr Gontarczyk, deputy head of the archives of the Institute of National Remembrance, which is home to all extant secret police files, Zyta Gilowska was registered as an agent on March 26, 1986. The registration affidavit was confirmed in the Lublin secret police registration daily log. Next, a few copies (not originals) of the reports by "Beata" were discovered in related operational files. Then, there are several operational

reports of the handler, Captain Wieczorek, based on the intelligence provided by "Beata." The reports concern foreign visitors at the Catholic University of Lublin and the German foundation that sponsored Gilowska's summer fellowships abroad. Additionally, there are records of the so-called operational fund listing the expenditures for running agent "Beata." Further, a 1989 internal review report of the secret police positively verifies the integrity of Beata's personal file. In other words, an internal review confirmed that the agent was recruited properly and provided intelligence as promised. Last but not least, the final report is extant of the official destruction, on January 29, 1990, of both the personal file and the operational file of the agent.

Strict internal security procedures preclude the possibility that any of the records were falsified.

Gilowska's Return

After Zyta Gilowska was cleared by the vetting court, the new prime minister, the presidential twin Jaroslaw Kaczynski, immediately invited her to rejoin the center-right Law and Justice coalition government. She consented, which was officially announced on Sept. 22. However, simultaneously, the government found itself in serious crisis. The radical populist Self-Defense Party (Samoobrona), led by the erratically demagogical Deputy Prime Minister Andrzej Lepper, resolved to leave the ruling coalition. The prospect for a reconciliation is very slim. Talks are under way with a moderate populist party, the Polish Peasant Party (PSL), to reconstitute the government. There may be a minority administration, or even an early election.

For now, the perception is that Gilowska replaced Lepper as deputy prime minister while a serious crisis was developing. Further, there is a lingering suspicion that Lepper's timing in leaving the government was tied to the attempts finally to resolve the burning problem of former Communist agents.

In this context, most conservatives consider Gilowska's return to threaten the credibility of the program of sweeping reforms under discussion in the parliament. In particular, the Gilowska case has visibly undercut the resolve of the politicians of the ruling coalition to enact comprehensive vetting legislation. And without that Poland will never shed the nefarious legacy of its Communist past.

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