

**January 28, 1981**

**Memorandum from John N. McMahon to the Director  
of Central Intelligence, '[Redacted] Report'**

**Citation:**

"Memorandum from John N. McMahon to the Director of Central Intelligence, '[Redacted] Report'", January 28, 1981, Wilson Center Digital Archive, CIA declassification, 2008 <https://digitalarchive.umd.edu/document/165270>

**Summary:**

Translation of a Polish document describing procedures for introducing martial law. It includes suggestions on labor relations, safeguarding state security, and supplying the populace.

**Credits:**

This document was made possible with support from MacArthur Foundation

**Original Language:**

English

**Contents:**

Original Scan

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[Redacted]

**CENTRAL INTELLIGENCE AGENCY**  
WASHINGTON, D.C. 20505

28 January 1981

MEMORANDUM FOR: The Director of Central Intelligence  
FROM : John N. McMahon  
Deputy Director for Operations  
SUBJECT : [Redacted] Report

1. Enclosed is a [Redacted] report. For convenience of reference by NFIB agencies, the codeword [Redacted] has been assigned to the product of certain extremely sensitive agent sources of CIA's Directorate of Operations. The word [Redacted] is classified [Redacted] and is to be used only among persons authorized to read and handle this material.

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[Redacted]  
*for* JOHN N. MCMAHON

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HR70-14

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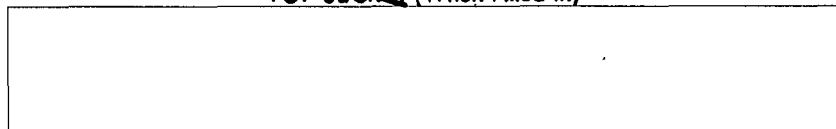
Page 1 of 40 Pages

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EXEMPTION: HR70-14  
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Page 2 of 40 Pages

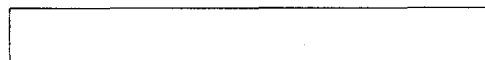
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41 pp



## Intelligence Information Special Report

COUNTRY Poland

FIRDB- 312/00268-81

DATE OF INFO. October 1980

DATE 28 January 1981

SUBJECT

Proposals on Introduction of a State of Martial Law in Poland

SOURCE Documentary

Summary:

This report is a translation of a SECRET document entitled "Proposals on the Procedure of Introducing a State of Martial Law, in the Interest of State Security, and Determination of the Effects of Introducing this State." The proposals are accompanied by six attachments, drafts of decrees on various aspects of martial law, including:

- safeguarding state security and public order
- labor relations
- supply of the populace.

The document proposes establishment of a special commission to draft laws and decrees bearing on a state of martial law, which will abrogate certain portions of the Constitution in the interest of state security.

[Note: for related information, see FIRDB-312/00067-81 and FIRDB-312/00269-81.]

End of Summary

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FIRDB-312/00268-81

Page 4 of 40 Pages

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PROPOSALS  
on the Procedure of Introducing a State  
of Martial Law\*, in the Interest of State  
Security, and Determination of the Effects  
of Introducing This State

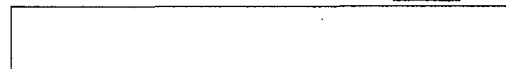
1. The constitution of the PPR, in article 33, subsection 2, states that "the Council of State may introduce a state of martial law on part or all of the territory of the Polish Peoples Republic, if consideration of defense or state security requires this."

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\* [Translator's Note: The expression "martial law" is an arbitrary translation of the Polish stan wojenny, literally "military or wartime state." This is a state of wartime law, lying between stan wojny (state of war) and stan wyjątkowy (state of emergency or martial law). The term stan wyjątkowy applies to capitalist countries or pre-communist Poland, and is not used in the present Polish regime. Stan wojenny is defined by the Encyklopedia Powszechna (General Encyclopedia) as a state law, the introduction of which suspends certain civil rights, and increases government authority and obligations of citizens. Martial law has certain consequences in internal state conditions, because of external or internal threat. In Poland martial law may be introduced by the Council of State on part or all of the PPR territory, if this is in the interest of state protection or security. Introduction may be in the form of a Council of State resolution, and the results of this state may be defined by law.]

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FIRDB-312/00268-81

Page 5 of 40 Pages

2. It is proposed to assume that introduction of martial law in the interest of state security would be made by way of an appropriate Council of State resolution. This resolution would define the extent of the territory in which martial law is in force (entire territory of PRL or individual provinces) as well as the effective date of this state, and also the scope of application of article 237 of the resolution on the general obligation for defense of the PPR (considering its following contents: "During the time martial law is in effect, regulations--laws on general defense obligations--obligations of military service, civil defense service, service in militarized units, and services on behalf of defense are in force as in wartime, unless the Council of State decrees otherwise").

As an example, the draft outline of the Council of State law on introducing martial law is presented in Attachment 1.

3. Because of the lack of constitutional regulations in effect, and other legal regulations concerning further effects of the introduction of martial law, determined by needs of assuring state security, the need arises for further legal measures.

The above, it appears, should pertain to:

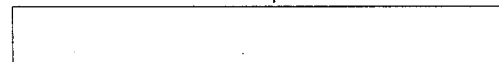
1) protection of state security and public order:

a) the capability of arresting citizens who are threatening state security or public order, for a period of up to 48 hours from the time of arrest, without the decision of a judge or public prosecutor--on the basis of an administrative decision of an appropriate organ such as the Citizens Militia;

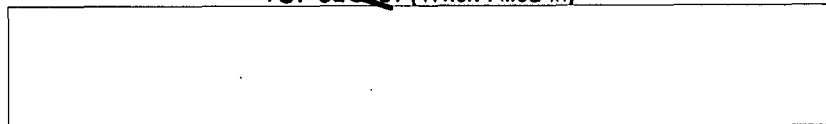
b) the capability of initiating restrictions on the movement of civilians, pertaining to prohibitions of travel in certain cities or at specific times (e.g., prohibition on leaving one's place of residence and being on streets during specific night hours);

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FIRDB-312/00268-81

Page 6 of 40 Pages

c) the capability as needed of conducting house searches, in addition to those cases presently defined by legal regulations; including also those based on administrative decisions;

d) the capability of censoring mail and telecommunications, as well as monitoring telephone conversations;

e) the capability of expanded inspection and control of dissemination of all types of information and use of duplicating equipment;

f) the capability of introducing expanded restrictions on assemblies and rallies, marches, and demonstrations;

g) the capability of suspending the activities of legally existing associations (including trade unions);

2) pertaining to labor law:

a) the capability of introducing work obligation, by workers of socialized factories, employed on the basis of a work agreement or appointment, choice or cooperative work agreement, and by specific groups of citizens (e.g., men aged 18 to 60), who have not been employed up to the present;

b) the capability of prohibiting strikes (in all forms);

c) the capability of expanding the responsibilities of workers and citizens, in the violation of obligations and prohibitions, discussed in points a and b above, pertaining to regulations on criminal law and laws on misdemeanors;

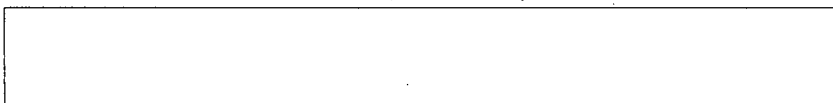
3) pertaining to substantive and trial criminal law and laws on misdemeanors:

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FIRDB-312/00268-81

Page 7 of 40 Pages

a) the capability of introducing simplified principles and procedures before organs of justice and prosecution;

b) the capability of introducing or intensifying criminal responsibilities for acts which appear to be a public menace, or increase after introduction of martial law, in the interest of state security;

4) pertaining to food economy and supply of the populace with basic items of daily use:

a) the capability of providing obligatory deliveries of agricultural products for the state, limiting turnover and economic processing of these products;

b) the capability of introducing general regulations of public supply based on items of daily use.

4. According to data in point 3 above, the need arises for preparing, approving and issuing--before or after the introduction of martial law--appropriate legal regulations (at least in the form of decrees) including:

1) a decree on protection of state security and public order in effect during the period of martial law, an example of which is presented in the draft outline, Attachment 2.

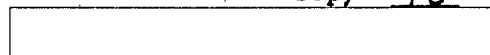
2) a decree on work conditions in effect during martial law, an example of which is presented in the draft outline, Attachment 3;

3) a decree on the administration of justice during a period of martial law, an example of which is presented in the draft outline, Attachment 4;

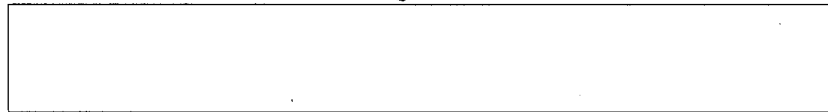
4) a decree on the supply of the populace during a period of martial law, an example of which is presented in the draft outline, Attachment 5.

TS #818027  
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FIRDB-312/00268-81

Page 8 of 40 Pages

The above drafts have been based on draft documents concerning martial law for protection of the state, which were prepared as a result of resolutions of the National Defense Committee, expressed in guidelines dated 18 March 1976 on action in improving the national defense system in 1976-1980. The attached drafts have not been coordinated with interested authorities and state administrations.

5. It is proposed, in connection with problems raised in points 2-4 above, to make a decision on:

1) the form of legal act pertaining to introduction of martial law by the Council of State;

2) during the period martial law is in force, determination of the scope of application of article 237 of the resolution on general obligation for defense of the PPR;

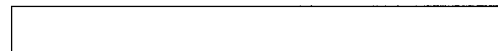
3) the need to submit to the Council of State draft decrees outlining further effects of martial law on the above matters;

4) further work on preparation of drafts of legal acts in connection with introduction of military law.

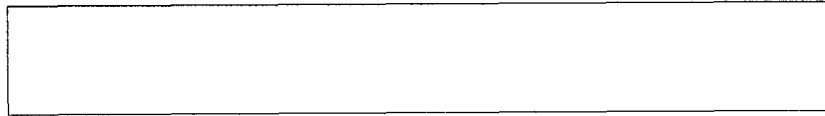
Considering that draft decrees on protection of state security and public order during a period of martial law, and on work conditions during a period of martial law, affect directly or indirectly the basic rights and obligations of citizens as outlined in chapter 8 of the Constitution of the Polish Peoples Republic, the need arises to consider and decide whether the preservation of principles of law and order should not occasion the introduction into regulations of the Constitution of appropriate addenda, or publication of appropriate resolutions of a constitutional nature, by the Sejm [Parliament] of the PPR.

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FIRDB-312/00268-81

Page 9 of 40 Pages

6. It is proposed to entrust the preparation of necessary drafts of legal regulations to a selected working commission, composed of individuals from:

- 1) Office of Parliamentary Affairs, Central Committee of PUWP;
- 2) Chancellory of the Council of State;
- 3) Department of the Council of Ministers;
- 4) Ministry of National Defense;
- 5) Ministry of Justice;
- 6) Ministry of Internal Affairs;
- 7) Ministry of Foreign Affairs;
- 8) Planning Commission of the Council of Ministers;
- 9) Ministry of Labor, Wages, and Social Affairs--in portions concerning problems of labor law;
- 10) Ministry of Food Industry and Purchases--in portions concerning obligatory deliveries;
- 11) Ministry of Domestic Trade and Services--in portions concerning regulation.

Material and documents prepared by this commission would be submitted to appropriate organs, contingent upon the decision of leading state organs.

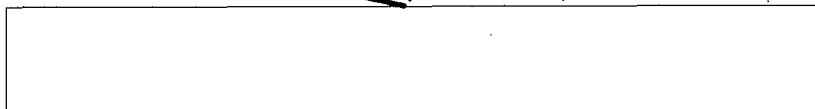
SECRETARY, NATIONAL DEFENSE COMMITTEE  
General of Arms Tadeusz TUCZAPSKI  
Deputy Minister of National Defense

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FIRDB-312/00268-81

Page 10 of 40 Pages

Attachment 1

Preliminary Draft

Attachment 1 to  
proposals on martial law

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RESOLUTION OF  
COUNCIL OF STATE  
dated .....  
on the Introduction of Martial Law

On the basis of article 33, subsection 2 of the Constitution of the Polish Peoples Republic (Official Gazette No. 18, 1979, item 111) the Council of State resolves the following:

Section 1

On the entire territory of the PPR martial law is invoked as of .....

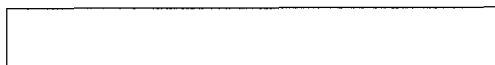
Section 2

1. During the period martial law is in force, in the field of obligations for military service, civil defense service, service in militarized units and services on behalf of defense, statutory regulations dated 21 November 1967 are applicable, on the general obligation for the defense of the PPR (Official Gazette No. 18, 1979, item 111) in force in wartime.



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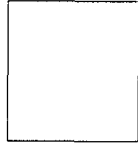
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FIRDB-312/00268-81

Page 11 of 40 Pages

2. During the time martial law is in effect citizens, organs of authority and state administration, and organs and directors of units of national economy and public organizations are bound by statutory regulations issued in connection with martial law, and regulations issued on their basis.



### Section 3

1. Provincial governors and presidents of city-provinces notify the public by proclamations of the effects of introducing martial law in the field of rights and obligations of citizens.

2. Proclamations discussed in subsection 1 are published in the regional mass media and posted in places of public access.

### Section 4

1. The resolution in question is published in the Official Gazette of the PPR, "Polish Monitor," and also published in mass media and posted in places of public access.

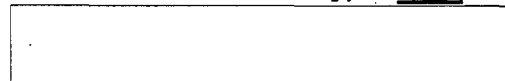
2. The resolution is effective on the date passed.

SECRETARY, COUNCIL OF STATE

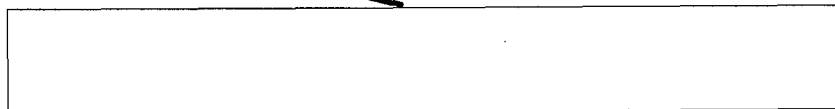
CHAIRMAN, COUNCIL OF STATE

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FIRDB-312/00268-81

Page 12 of 40 Pages

Attachment 2

DECREE  
of .....  
on Safeguarding State Security and Public  
Order in the Period When Martial Law is in Force

In order to safeguard state security and public order when martial law is in force the following declaration is passed:

Article 1

1. Persons whose freedom of movement would tend to endanger state security or public order may be interned in isolation centers as long as martial law is in force.
2. Subject to internment are Polish citizens in regard to whom there are justified suspicions that they may be engaged in activities which endanger state security or public order.
3. Persons who are 17 years old or older are subject to internment.

Article 2

1. The Citizens Militia provincial commandant initiates procedures in matters of internment and makes internment decisions.
2. Procedures in matters of internment are initiated officially when there are reasonable grounds to suspect that permitting the person referred to in article 1, subsection 2 to remain free would endanger state security or public order.

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FIRDB-312/00268-81

Page 13 of 40 Pages

3. Internment procedure takes place without participation of the person to whom it applies.
4. Internment decision is subject to immediate execution.

#### Article 3

1. The internee has the right to petition for revocation within 3 days from the date when the internment decision is delivered through the organ which issued it.
2. A revocation petition does not postpone execution of the internment decision.
3. The organ which issued the legal internment decision will reject the petition if it is made after the deadline or through improper legal channels.
4. The petition is considered at a session of the provincial court within 7 days after it has been made.
5. Provincial court judgement is final.

#### Article 4

1. Internment may be invalidated during the time martial law is in force if in the meantime reasons justifying its application cease to exist.
2. Internment invalidation decisions are officially issued by the Citizens Militia provincial commandant.

#### Article 5

The Prosecutor General of the Polish Peoples Republic and prosecutors subordinate to him monitor observance of the law on internment in accordance with principles and procedures of the prosecutor's observance of the law.

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FIRDB-312/00268-81

Page 14 of 40 Pages

Article 6

1. Internment principles and procedures are defined by the Council of Ministers by decrees.

2. Regulations for holding internees in isolation centers are established by the Minister of Justice in coordination with the Minister of Internal Affairs.

Article 7

1. During the period when martial law is in effect the Council of Ministers may initiate, by decree, censorship of mail, telegrams and telephone conversations.

2. The Minister of Internal Affairs will, in coordination with the Minister of Communications, organize censorship and communications monitoring organs and define the scope and principles of their activity.

3. Censorship and communications monitoring organs are authorized to withhold totally or partially mail service and telecommunications, and to interrupt telephone conversations if these are deemed dangerous to state security or public order.

4. Mail and telegrams withheld are confiscated by the State Treasury without compensation.

5. The Minister of Communications in coordination with the Minister of Internal Affairs may, in the interest of state security or public order, introduce restrictions in postal and telecommunications services.

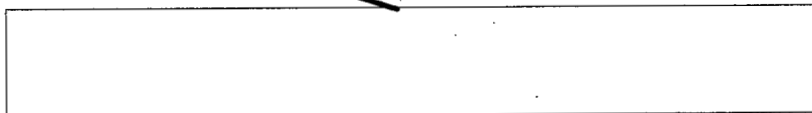
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FIRDB-312/00268-81

Page 15 of 40 Pages

#### Article 8

1. In the period when martial law is in force the Chairman of the Council of Ministers may introduce by decree the obligation to get advance permission from the Main Office for Control of Press, Publications and Exhibitions before dissemination of any kind of works or information by print, picture or the spoken word; this applies also to every public performance of literary, musical, or pantomime works as well as to utilization of duplicating establishments and facilities producing prints, illustrations and stampings by any means whatsoever.

2. The Chairman of the Council of Ministers defines by decree the methods for granting permission referred to in subsection 1, above; he may also exclude certain types of works and information and specific duplicating establishments and facilities, as well as state organs, from the obligation to obtain this permission.

#### Article 9

1. In the period when martial law is in force the Minister of Internal Affairs may introduce by decree the obligation to seek prior permission from provincial organs of state administration at the basic level for organizing and holding any kind of meeting.

2. Granting permission to organize and hold meetings will be in accordance with provisions of the law on public gatherings.

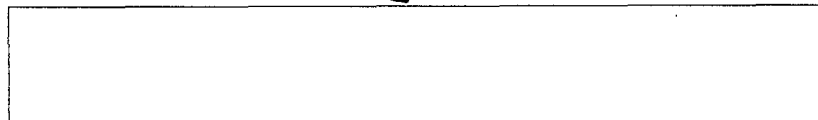
3. The Minister of Internal Affairs may by decree exclude, totally or in part, specific types of meetings, and also state organs, from the obligation to seek permission referred to in subsection 1, above.

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FIRDB-312/00268-81

Page 16 of 40 Pages

Article 10

1. In the period when martial law is in force appropriate organs of state administration may, if consideration for state security and public order requires it, introduce restrictions on freedom of movement of the populace. These restrictions may consist of:

- a) order to remain in specific localities or installations or prohibition to leave them;
- b) prohibition to leave, at specified times, homes or farms;
- c) order or prohibition to travel in specified areas.

2. Decisions referred to in subsection 1, points a) and b) are made by the provincial organ of state administration at the basic level.

3. Decisions referred to subsection 1, point c) are made by:

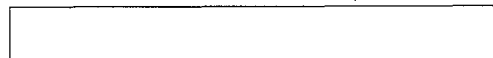
- a) provincial governors (president of a city-province) if the area covered by the order or prohibition lies within the limits of a single province,
- b) Minister of Internal Affairs, if the area covered by the order or prohibition lies within the borders of at least two provinces.

Article 11

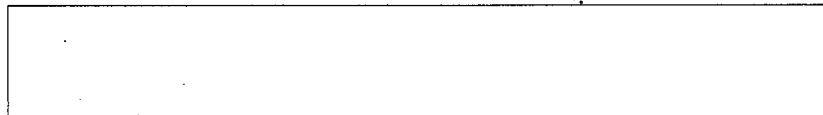
1. In the period when martial law is in force the Minister of Internal Affairs may introduce by decree the obligation to seek advance permission to change place of permanent residence (home address) or temporary stay for longer than 48 hours.

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FIRDB-312/00268-81

Page 17 of 40 Pages

2. The permission referred to in subsection 1, above, is issued by a provincial organ of state administration at basic level, appropriate to the location of the current permanent or temporary residence, lasting without interruption longer than 2 months; it is issued in the form of an administrative decision.

3. The decision of the provincial organ of state administration at basic level is final.

4. The Minister of Internal Affairs defines by decree the principles and procedures in regard to matters referred to in subsection 1; he may also exempt specific categories of persons from the obligation to seek permission for changing permanent or temporary residence (home address).

#### Article 12

1. In the period when martial law is in force the Chairman of the Council of Ministers may suspend activities of higher public service associations and the provincial governors (presidents of city-provinces) may do so in regard to registered or ordinary associations if this is required in the interest of state security or public order; excepted from this are churches and religious organizations recognized as such by the state.

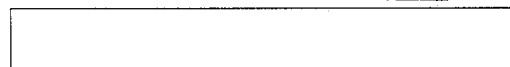
2. The organ which issues the decision on suspension of activities also determines its duration, and decides what is to be done with assets of the association.

#### Article 13

In the period when martial law is in force provincial governors (presidents of city-provinces) may issue--in the interest of preserving security, law, and public order--all necessary regulatory orders pertaining to matters not covered by statutory regulations.

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FIRDB-312/00268-81

Page 18 of 40 Pages

#### Article 14

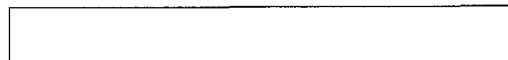
1. Articles 256 and 257 of the Criminal Code are also applicable to internment in isolation centers.
2. Whoever violates matters specified in articles 52, 54, 59, 63 section 1, 65 section 1, and 67 of the law on misdemeanors is also subject to arrest and detention of up to 3 months.
3. Whoever violates the restriction of freedom of movement is subject to arrest and detention of up to 3 months or to a fine of up to 5,000 zlotys.
4. Whoever disseminates, without necessary permission, works or information through print, pictures or spoken word, publicly performs literary, musical or pantomime productions, or uses duplicating establishments and facilities producing prints, illustrations, or seals by any means is subject to punishment by detention for up to 3 months or fine of up to 5,000 zlotys.
5. Whoever changes his permanent residence (home address) or temporary stay without the required permission is subject to arrest and detention of up to 3 months or fine of up to 5,000 zlotys.
6. Subsection 4 and 5 regulations are relevant when appropriate organs introduce obligations referred to in these regulations.
7. In case of introduction of an obligation to seek prior permission for changing permanent residence (home address) or temporary stay, the violation specified in article 147 of the code on misdemeanors may also result in arrest.

#### Article 15

1. In matters not covered by the decree regulations presently in force are applied, which are changed as a consequence of regulations resulting from the decree or acts issued on its basis.

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FIRDB-312/00268-81

Page 19 of 40 Pages

2. If the decree envisages issue of special or executive regulations, present regulations are applicable up to the day when they are issued.

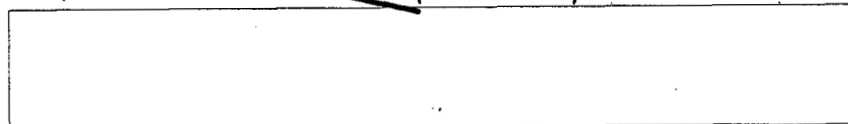
Article 16

The decree becomes effective on .....

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FIRDB-312/00268-81

Page 20 of 40 Pages

Attachment 3

DECREE  
of .....  
on Labor Relations in the Period When  
Martial Law is in Force

In order to assure proper conditions for work organization and strengthening work discipline when martial law is in force the following is promulgated:

Article 1

1. During the period when martial law is in effect a general obligation is introduced for work by persons who are at least 18 years old and who have not yet attained the age of retirement defined in regulations on retirement subsistence; this applies also to young people undergoing technical training.
2. The work obligation referred to in subsection 1 applies to employees of socialized work establishments working on the basis of work agreement, callup, selection, nomination or cooperative work agreement.
3. The work performance obligation referred to in subsection 1 above pertains to type and conditions of work specified in the contractual work relations and in labor law regulations.

Article 2

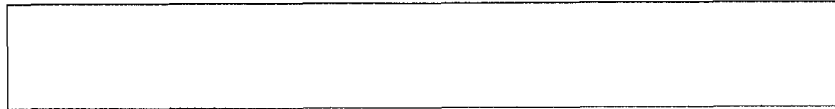
1. In the period when martial law is in force the local organs of state administration at the province level may introduce locally an obligation for work in socialized work establishments by men registered in a province as permanent residents, who are 18 years old, have not attained the age of 65, and are not already working in a socialized work establishment, but are capable of performing work from health, personal, and family points of view.

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FIRDB-312/00268-81

Page 21 of 40 Pages

2. The obligation to work, referred to in subsection 1 above, does not pertain to owners of private farms or to members of their families needed to perform farm work, to persons in possession of handicraft permits, to other persons performing paid work subject to income tax or to tax on premiums, clergy of churches and religious organizations recognized by the state, or to foreigners.

### Article 3

1. Persons referred to in article 2, subsection 1, are obligated to report to a local organ of state administration at the basic level, appropriate to the location of their permanent residence, at a time and place announced publicly by such organ, in order to receive instructions on socialized establishment employment.

2. The local organ of state administration at the basic level makes assignments to a specific socialized work establishment, if possible in accordance with professional qualifications of the given individual, and his preference.

3. The socialized work establishment named in the assignment and the person assigned are obligated to reach work agreements based on principles defined by labor law regulations.

4. Work relations established on the basis of a work agreement, referred to in subsection 3, are subject to labor law regulations.

### Article 4

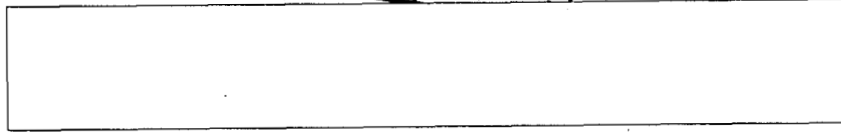
During the period when the obligation is in effect, as referred to in article 2, subsection 1, the socialized work establishments may not contract work relations with individuals who have no assignments, with the exception of those persons with whom relations are contracted on the basis of callup, selection, or nomination.

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FIRDB-312/00268-81

Page 22 of 40 Pages

Article 5

1. During the period when martial law is in force the workers' right to strike is suspended.
2. There will be no remuneration for time when work is not performed due to strike.

Article 6

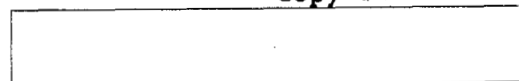
1. Whoever for reasons unjustified by a specific personal or family situation:
  - a) avoids performing work specified by a contractual work relation;
  - b) does not report to the local organ of state administration at basic level in order to receive an assignment;
  - c) refuses to conclude a work agreement specified in the assignment issued by an appropriate local organ of state administration at basic level,- is subject to arrest of up to 3 months, fine of up to 5,000 zlotys, or both.
2. Instigation is subject to punishment.

Article 7

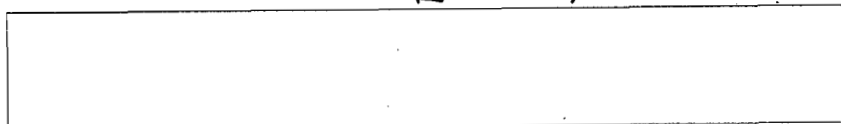
1. An employee who goes on strike is subject to deprivation of freedom for up to 3 years.
2. the court may desist from administration of punishment in regard to an individual guilty of the violation referred to in subsection 1 above who voluntarily ceases to participate in a strike and attempts to persuade other strikers to do the same.

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FIRDB-312/00268-81

Page 23 of 40 Pages

Article 8

The Minister of Labor, Wages and Social Affairs defines the principles of procedure of local organs of state administration and of socialized work establishments in connection with matters regulated by the decree.

Article 9

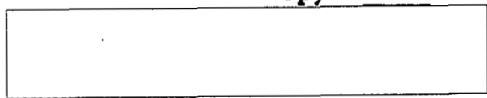
Each reference of the decree to the "socialized work establishment" is to be understood to indicate a state enterprise, office or other organizational state unit, a cooperative, social organization or handicraft shop which employs workers.

Article 10

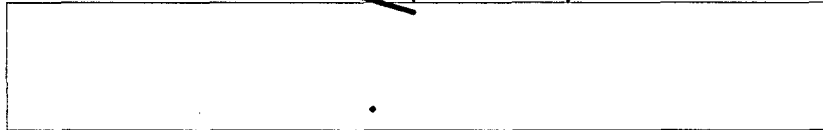
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FIRDB-312/00268-81

Page 24 of 40 Pages

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Attachment 4

DECREE  
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on Adminsterring Justice When  
Martial Law is in Effect

In order to ensure more effective safeguards of basic interests for the state and populace, as well as improvement in procedures for administering justice by organs when martial law is in effect, the following is decreed:

Chapter I

SUMMARY PROCEEDINGS

Article 1

1. When martial law is in effect, summary proceedings of the general and special courts within the whole territory of the Polish Peoples Republic in criminal matters are introduced, as specified in the following chapter of the criminal code: XIX, XXI, XXIX, XXX, XXXII, XXXIII, XXXIV, XXXVI, XXXVIII, XXXIX, XL, XLI, XLII and XLIII, and also in regulations of other statutes issued in connection with martial law, subject to minimum punishment of 5-year loss of freedom, in a case where a serious crime is committed against the basic interests of the Polish Peoples Republic.

2. Crimes subject to summary proceedings are submitted for prosecution if they were committed when martial law was in effect, or prior to its introduction, but their effects or consequences appeared during this state.

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FIRDB-312/00268-81

Page 25 of 40 Pages

#### Article 2

1. Perpetrators, accomplices and persons committing an unlawful act, as well as instigators and their assistants, are subject to summary proceedings.
2. Summary proceedings are applicable to any person who has committed a crime, or has made preparations for crimes which are punishable by law.
3. Summary proceedings are applicable exclusively to crimes subject to these proceedings, disregarding all crimes for which the accused is liable but is prosecuted in other procedures.

#### Article 3

Summary proceedings cannot be applied against persons who, at the time the crime was committed, had not reached the age of 17 years, or were pregnant, and also when there are justifiable doubts concerning their mental stability.

#### Article 4

1. Irrespective of the type of crime subject to summary proceedings, and statutory limitations on punishment, the court can pronounce a basic sentence of death, 25 years loss of freedom, or 15 years loss of freedom.
2. The court imposes loss of freedom for crimes subject to summary proceedings for a minimum of 5 years, unless a specific regulation provides for a higher minimum sentence under statutory limitations.
3. No other statute regulations on commutation of sentences are applicable in summary proceedings.

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FIRDB-312/00268-81

Page 26 of 40 Pages

4. For crimes subject to summary proceedings the court imposes an additional sentence of deprivation of civil rights, announcing the verdict in a specific manner; the court can also decide on confiscation of all or part of possessions.

#### Article 5

1. The public prosecutor makes a decision on conducting the case in summary proceedings at the time accusations are submitted.

2. Prior to the decision on closing preliminary proceedings, the prosecutor can annul the previously issued decision on trying a case in summary proceedings.

3. Before directing the case to criminal court, the court in session decides on the validity of the case to be tried in summary proceedings.

4. In case the public prosecutor or court decline to decide on trying a case in summary proceedings, criminal proceedings of the case are then conducted under regular procedures.

5. There is no right of appeal in a decision to conduct a case in summary proceedings.

#### Article 6

Criminal code regulations are applicable in summary proceedings unless regulations of this decree state otherwise.

#### Article 7

1. Preliminary proceedings in cases of crimes subject to summary proceedings must be completed within 30 days of their initiation.

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FIRDB-312/00268-81

Page 27 of 40 Pages

2. Regulations of article 263 section 2, and articles 266 sections 2 and 3 of criminal proceedings are not applicable.

3. The deadline specified in criminal code proceedings article 259 is shortened to 10 days, deadlines specified in article 269 section 3, article 277 section 1, article 284 section 2 and article 410 to 3 days, and deadline specified in article 277 section 2 to 1 day.

#### Article 8

1. In cases of crimes subject to summary proceedings temporary detention is applicable.

2. If it is decided to decline prosecution of a case as summary proceedings, a new decision is issued after justification for temporary custody is considered.

3. No right of appeal exists against temporary arrest imposed in accordance with statute 1.

#### Article 9

1. The president of the court submits the case to be tried within 7 days after the indictment is received.

2. In case the accused is ill, his trial can be postponed until after his recovery.

3. The deadlines specified in criminal code proceedings articles 302 section 1 and 305 section 1 are shortened to 3 days.

4. In case of justifiable apprehension that a witness or expert may try to avoid appearing or fail to appear, the president of the court may ordain that force be used to bring the witness or expert before the court.

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FIRDB-312/00268-81

Page 28 of 40 Pages

Article 10

A provincial court (or equivalent) consisting of five judges decides in a hearing which offenses are liable to summary proceedings.

Article 11

1. A defendant in criminal court must have a defense counsel.
2. In case the defendant has no defense counsel of his choice, the court president appoints one from his office or the lawyers' cooperative, the director of which delegates a defense counsel.

Article 12

1. Civil complaint is inadmissible.
2. Criminal code proceedings regulations article 363 is not applicable.
3. Participation of an alternate plaintiff and public representative in proceedings is inadmissible.
4. Regulations of articles 347, 350, and 358 of criminal code proceedings are not applicable.

Article 13

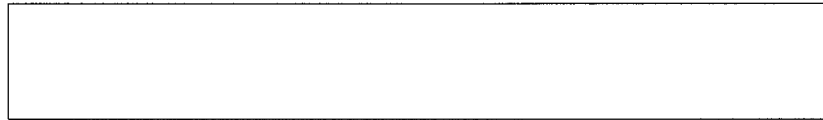
1. The court decrees the death penalty only if there is unanimity in regard to the guilt as well as the death sentence.

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FIRDB-312/00268-81

Page 29 of 40 Pages

2. In the verdict, the court can waive application of summary proceedings.

Article 14

1. The court president announces the verdict publicly immediately after it is signed.

2. A written justification of the verdict is drawn up in any case within 7 days of the date it was rendered.

3. There is no revocatory vested right to the judgment of the court.

Article 15

1. Criminal code proceedings regulations article 500 is applicable as appropriate.

2. Within 3 days of preparing a justification the court must submit the records to the trial President of the Supreme Court.

3. Pardon proceedings must be completed within 14 days from the date the records were submitted.

4. Each death sentence must be publicly announced.

Article 16

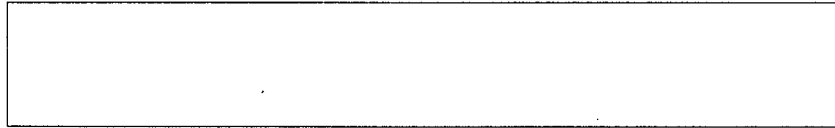
1. In extraordinary retrial proceedings the Supreme Court applies appropriate regulations on retrial procedures.

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FIRDB-312/00268-81

Page 30 of 40 Pages

2. The Supreme Court consisting of five judges examines the case.

#### Article 17

1. In case proceedings are reopened or a verdict is annulled by extraordinary retrial, the court reviews the case in common proceedings.

2. In the matter of reopening proceedings the Supreme Court consisting of three judges makes the decision.

#### Article 18

As of the date martial law is revoked, all uncompleted cases are transferred to common proceedings; the death sentence is suspended, and at the same time the case is transferred to retrial proceedings.

#### Chapter II

#### OTHER PROCEEDINGS

#### Article 19

1. During the time martial law is in effect in the whole territory of the Polish Peoples Republic, accelerated proceedings are applicable, as discussed in the criminal proceedings code chapter 45 pertaining to crimes specified in the following chapters: XXI, XXII, XXXIII, XXXIV and XXXVI of the criminal code and also regulations of other statutes issued in connection with martial law, a sentence of loss of freedom up to 3 years is imposed, even if the crimes are not of a rowdy nature.

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FIRDB-312/00268-81

Page 31 of 40 Pages

2. The regulations of article 447 section 3 sentence 2, as well as article 451 of the criminal proceedings code, are not applicable.

#### Article 20

1. For the duration of martial law in the whole territory of the Polish Peoples Republic, accelerated proceedings for offenses are in effect, as discussed in part IV of the statute on proceedings for offense cases.

2. Proceedings discussed in subsection 1 include offenses specified in the following: article 49, article 50, article 52 section 1, article 54, article 63 section 1, article 65 section 1, article 66 section 1, article 67 section 1, article 118 section 1, article 119 section 1, article 122 section 1 and 2, article 124 section 1, article 132 section 1 and 2, article 134 section 1, article 135, article 143 section 1, article 147 section 1 and 2, and article 156 section 1 of the misdemeanor code, as well as regulations of other statutes issued in connection with martial law.

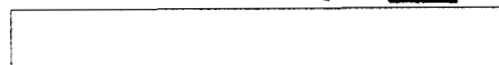
#### Article 21

1. During the time martial law is in effect, offenses described in article 66 section 1, article 118 section 1, article 122 section 2, article 135, article 147 section 1 and 2, as well as article 156 section 1, are also subject to a sentence of detention up to 3 months.

2. During the time martial law is in effect, offenses described in article 54, article 66 section 1, article 118 section 1, and article 122 section 2 of the misdemeanor code are subject to up to 5,000 zlotys fine.

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FIRDB-312/00268-81

Page 32 of 40 Pages

Chapter III

FINAL REGULATIONS

Article 22

During the time martial law is in effect, public order directives issued by provincial national councils, or regional government administrative organs at provincial level, are authorized to impose a fine of up to 5,000 zlotys for violating the regulations.

Those cases not completed, and still in accelerated proceedings, by the day martial law is repealed, must be transferred as of that day to common proceedings.

Article 24

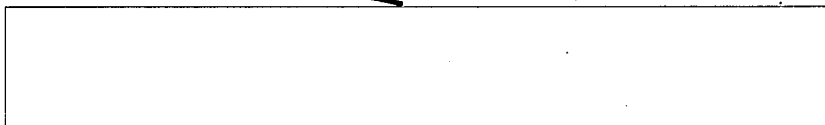
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FIRDB-312/00268-81

Page 33 of 40 Pages

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Attachment 5

DECREE  
dated .....  
Concerning Supply of the Populace  
When Martial Law is in Effect

In order to provide for basic consumption needs of the populace when martial law is in effect--the following is resolved:

Article 1

During the existence of martial law, the Council of Ministers may, be decree, impose on organizational state, collective, and social units having farms, and also on owners of private farms, hereinafter called "producers":

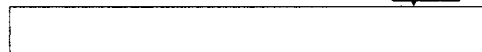
- 1) the obligation to deliver specific farm products to the state,
- 2) restrictions on turnover and processing of certain farm products.

Article 2

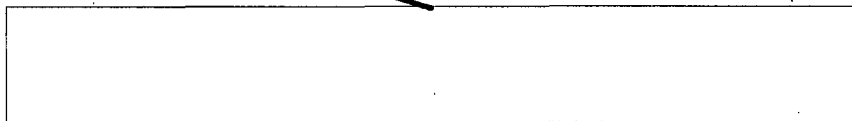
The obligation to deliver specific farm products to the state, hereinafter called "delivery obligation," is based on the delivery of grain, potatoes, oil plants, sugar beets, fruits, vegetables, animals for slaughter, poultry, as well as milk subject to mandatory quality norms, in the deadlines established for appropriate, objectively socialized purchasing centers; this is to be accomplished at the producer's effort and expense.

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FIRDB-312/00268-81

Page 34 of 40 Pages

### Article 3

1. The local organs of state administration at basic level establish the size of delivery obligations and deadlines for carrying them out, and local organs of state administration at provincial level for farms of the Ministry of Agriculture.

2. According to the decision cited in subsection 1 the producer has the right to appeal to the state administrative organ of the next higher level within 7 days from the date of receiving the decision on the size of the delivery obligation.

3. Review of the appeal follows within 14 days from the date of its receipt.

4. The obligation resulting from the legally valid decision of the appropriate state administrative organ, cited in article 2, in case it is not being carried out, is subject to regulations on executive procedures in administration.

### Article 4

1. The Minister of Food Industry and Purchases, in coordination with the Minister of Agriculture, determines the principles of establishing the size of the delivery obligation, deadline for carrying it out, types and assortments of agricultural products needed to fulfil this obligation, and procedures in these matters of local organs of state administration.

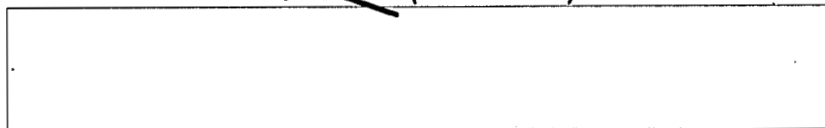
2. The Minister of Food Industry and Purchases may exclude from the delivery obligation some types of agricultural products, and also exempt certain groups of producers from the delivery obligation.

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FIRDB-312/00268-81

Page 35 of 40 Pages

3. The Chairman of the State Price Commission, in coordination with the Minister of Food Industry and Purchases, Minister of Agriculture, and Minister of Finance, determines the purchase price of agricultural products included in the delivery obligation, and agricultural products delivered outside this obligation.

#### Article 5

1. Restriction of turnover and processing of certain agricultural products is based on allowing the sale of agricultural products included in the delivery obligation by producers exclusively in appropriate, objectively nationalized purchasing centers, and also on introduction of the obligation of obtaining prior permission from the state local administrative organ at basic level for agricultural milling of grain and slaughtering of fattened animals.

2. The Minister of Food Industry and Purchases, in appropriate coordination with the Minister of Domestic Trade and Services, and the Minister of Agriculture, determines the principles of observing the restrictions mentioned in subsection 1 and procedures in these matters of basic level state administrative organs.

#### Article 6

During the existence of martial law, the Council of Ministers may, by decree, introduce regulation of supplying the populace with basic articles of food and certain nonfood articles.

#### Article 7

1. The regulation on supplying the populace, discussed in article 6, is based on restricted sales to the agricultural and nonagricultural sector of food articles and certain nonfood articles for tickets and coupons in state and collective trade and gastronomic establishments designated by basic-level state and local administrative organs.

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FIRDB-312/00268-81

Page 36 of 40 Pages

2. Individuals entitled to receive tickets and coupons have the right to submit an appeal to basic-level state administrative organs in case of inappropriate or unjustified allotment of tickets or coupons authorized for purchase of articles included in the regulations. The decision of the basic-level state administrative organ is final.

#### Article 8

As of the day the regulation on supplying the populace is introduced, the right of workers to receive articles as allowances or purchases, included in the regulation, is suspended as a result of individual regulations, with the exception of preventive and recovery provisions issued at the place of work.

#### Article 9

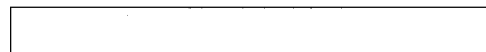
1. The Council of Ministers determines, by decree, the scope and principles of the regulation on supply of the populace, and also the procedures in these matters of state administration organs.

2. The Minister of Domestic Trade and Services, in coordination with the Chairman of the Planning Commission attached to the Council of Ministers, determines monthly norms and continuous sale of food articles for particular categories of tickets and coupons, and norms for continuous sale of nonfood articles for coupons.

3. Provincial governors (presidents of city-provinces), according to the state of reserve supplies of articles included in the regulation, may periodically reduce in the provincial locality the sales norms determined by the Minister of Domestic Trade and Services on the basis of subsection 1.

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FIRDB-312/00268-81

Page 37 of 40 Pages

Article 10

1. Whoever:

1) being obligated to make deliveries of specific agricultural products to the state, evades this obligation,

2) impedes or frustrates obligatory deliveries of agricultural products to the state by a person having this obligation,

3) engages in turnover or processing of specific agricultural products in spite of restrictions introduced,

4) violates the principles of the regulation on supplying the populace,

is liable to a penalty of arrest for up to 3 months and fine of 5,000 zlotys.

2. In case of penalty for the offenses specified in subsection 1, point 3, it may be ordered that the item which is the subject of the offense is to be forfeited, even if it is not owned by the violator.

3. Incitement and abetting are punishable.

Article 11

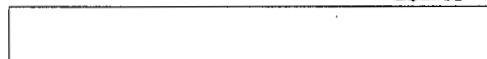
In matters not regularized in the decree, the hitherto obligatory rules apply with changes resulting from rules of the decree and acts published on its basis.

Article 12

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FIRDB-312/00268-81

Page 38 of 40 Pages

Preliminary Draft

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[Attachment 6]

PROCLAMATION  
of the Provincial Governor of .....  
dated ..... on the Declaration  
of a State of Martial Law

The Council of State, on the basis of article 33, subsection 2 of the Constitution of the Polish Peoples Republic, has declared a state of martial law throughout the PPR effective .....

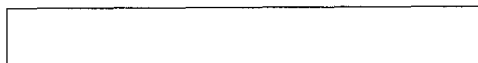
In accordance with paragraph 3 of the Resolution of the Council of State as of ....., concerning the declaration of martial law, it is being publicly announced that when a state of martial law is in effect, in particular:

1) Reservists, irrespective of their assignment, may be called up at anytime by their appropriate military organs for active military duty.

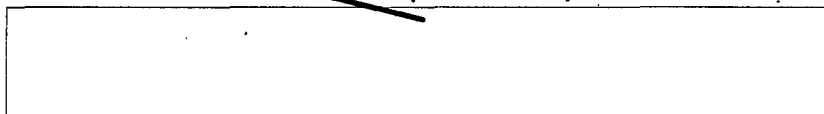
2) Men, who will complete their 19th year of age (conscripts) during the current calendar year, are obligated to present themselves for conscription, by order of the Minister of National Defense, at a time and place designated by the Chief of the Provincial Military Headquarters.

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FIRDB-312/00268-81

Page 39 of 40 Pages

3) Individuals who have been given organizational-mobilizational civil defense (self-defense) unit assignments are obligated to report to that service at the time and place designated on the assignment card or summons card, as well as to perform service in those units according to principles defined in the regulations of Section VI of the Law of 21 November 1967 concerning universal obligation for the defense of the PPR (Official Gazette, 1979, No. 18, item 111), applicable to wartime.

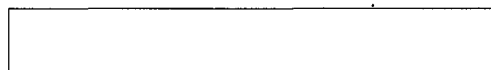
4) Individuals engaged at places of work defined by the National Defense Committee as being in the category of national administration and economy, or their individual sections or organizational units subject to militarization, and individuals who were given organizational-mobilizational assignments in these activities and units, are obligated to report for service to designated organizational units at a time and place designated by the director of the particular place of work, or as indicated in the organizational-mobilizational assignment, and also to fulfill this service according to the principles defined in Section VII of the law of 21 November 1967 concerning universal obligation for defense of the PPR (Official Gazette, 1979, No. 18, item 111), applicable to wartime.

5) Individuals called upon by appropriate organs to perform services in support of defense (personnel services, material support services or services in the area of transferring transport means, tools, machines and appliances) are obligated to perform these services according to the principles and at times established in the summons of local organs at basic levels of state administration.

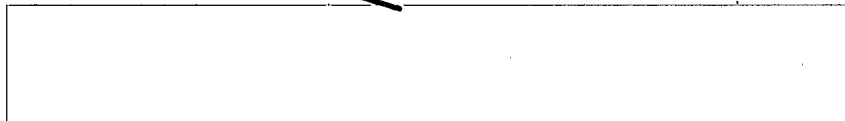
6) Civil rights have been restricted in the matter of questions related to the safeguarding of state security and public order--in the area of and on the principles defined in the decree of ....., on safeguarding state security and public order during the period of martial law, which was announced in the Official Gazette for the current year No. ....., under item .....

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FIRDB-312/00268-81

Page 40 of 40 Pages

7) Specific obligations and restrictions have been introduced in the matter of conditions of work--in the area and on principles defined in the decree of ....., on conditions of work during the period of martial law, which was announced in the Official Gazette for the current year, No. ....., under item .....

8) Specific responsibilities and regulations regarding citizenry have been introduced on the matter of provisioning the populace--in the area and on principles defined in the decree of ....., on the provisioning of the populace during the period of martial law, which was announced in the Official Gazette for the current year, No. .... under item .....

9) Persons evading the fulfillment of obligations resulting from statutory regulations put into effect during the existence of a state of martial law, or violating these regulations, incur specific responsibilities for their offenses and violations--on the basis of principles and procedures of Section IX of the law dated 21 November 1967 on the universal obligation for defense of the PPR (Official Gazette, 1979, No. 18, item 111), as well as other statutory requirements, including the regulations of the decree dated ....., on the administration of justice during the existence of a state of martial law, announced in the official Gazette of the current year, No. ....., under item .....

Governor .....

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