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ANTI-JEWISH COLLECTIVE VIOLENCE IN RZESZÓW AND CRACOW IN 1945: A COMPARISON IN THE CONTEXT OF CRIMINAL PROSECUTIONS

In the early 1990s, a witness, an officer of the Railway Security Guard, detailed to patrol the streets of the Kazimierz district during the anti-Jewish tumult that took place in Cracow on 11 August 1945, testified:

A few months later, from a colleague of mine, a railway security guard on patrol duty, I learned that he had spent three months in jail in connection to his participation in a patrol in Miodowa Street. When I asked him for the reason for his arrest, he told me he had fancied climbing roofs, without giving any details about who had arrested him and where he was jailed. What he did tell me was he was not allowed to talk about it.¹

¹ Archiwum Oddziałowej Komisji Ścigania Zbrodni przeciwko Narodowi Polskiemu w Krakowie [Archives of the Branch Commission for the Prosecution of Crimes Against the Polish Nation in Cracow, hereinafter AOKŚZpNP Kr], S 111/2007/Zk, Vol. 1, Transcript of the testimony of witness Zbigniew Paliwoda, Cracow, 24 April 1992, fol. 12. Research failed to reveal the identity of the person mentioned by the witness.

This event was the first major and widely discussed collective act of anti-Jewish violence after the Second World War.² Importantly, two months earlier, on 11 and 12 June, anti-Jewish riots took place in Rzeszów too. The origins and course of these incidents and the reactions they provoked have already been discussed in many publications. An attempt to reconstruct the Rzeszów tumult was made by Krzysztof Kaczmarek.³ In turn, the first comprehensive publication on the Cracow pogrom was that by Anna Cichopek, released by the Jewish Historical Institute in 2000.⁴ She traced how political, economic, social, religious and psychological factors led to an outburst of violence. Next, she reconstructed the events of 11 August 1945 and described the reactions by the state and administrative authorities, opposition, society, Catholic Church and Jewish communities. It is worth noting that before her, already in 1988, this subject was discussed by Julian Kwiek in a chapter of his book *Żydzi, Łemkowie, Słowacy w województwie krakowskim w latach 1945–1949/50* (Jews, Lemkos, Slovaks in the Voivodeship of Cracow in 1945–1949/50).⁵ More recent relevant publications include Łukasz Krzyżanowski's article published in issue 15 of *Zagłada Żydów. Studia i Materiały* (Holocaust. Studies and Materials) that shed light on the investigation into the death of Róża Berger – the only victim of the anti-Jewish pogrom in Cracow.⁶

² See A. Grabski, "Wstęp," in *Pogromy Żydów na ziemiach polskich w XIX i XX wieku*, vol. 4: *Holokaust i powojnie (1939–1946)*, ed. by A. Grabski (Warsaw, 2019), p. 18.

³ K. Kaczmarek, *Pogrom, którego nie było. Rzeszów, 11–12 czerwca 1945 r. Fakty, hipotezy, dokumenty* (Rzeszów, 2008); *id.*, "Antyżydowskie zajścia 1945," in *Encyklopedia Rzeszowska*, ed. by Z. Budzyński (Rzeszów, 2011), pp. 18–20.

⁴ A. Cichopek, *Pogrom Żydów w Krakowie 11 sierpnia 1945 r.* (Warsaw, 2000). In 2003, another article by her appeared on this subject, *ead.*, "The Cracow Pogrom of August 1945. A Narrative Reconstruction," in *Contested Memories. Poles and Jews during the Holocaust and Its Aftermath*, ed. by J.D. Zimmerman (New Brunswick, 2003), pp. 221–238.

⁵ J. Kwiek, *Żydzi, Łemkowie, Słowacy w województwie krakowskim w latach 1945–1949/50* (Cracow, 1998), pp. 31–47. In 2002, this author also published documents on the Cracow pogrom: *id.*, "Wydarzenia antyżydowskie 11 sierpnia 1945 r. w Krakowie. Dokumenty," *Biuletyn Żydowskiego Instytutu Historycznego* 1 (2001), pp. 77–89. In 2019, he published another article on the pogrom: *id.*, "Pogrom antyżydowski w Krakowie 11 sierpnia 1945 r.," in *Pogromy Żydów*, vol. 4, pp. 161–181.

⁶ Ł. Krzyżanowski, "'To było między pierwszą a drugą.' Zabójstwo Róży Berger podczas pogromu w Krakowie 11 sierpnia 1945 r.," *Zagłada Żydów. Studia i Materiały*, 15 (2019), pp. 409–445. The author studied in depth the files of the criminal case against Jan Rodak (Oddziałowe Archiwum Instytutu Pamięci Narodowej w Krakowie [Branch Archives of the Institute of National Remembrance in Cracow], 110/393, Files in the criminal case against Jan Rodak; father's name Piotr, born on 26 June 1911 charged with illegal possession of firearms, participation in an anti-Semitic tumult and assaulting and fatally shooting a person of Jewish origin, under acts as defined in the Polish Army Criminal Code [kkWP],

Recently, the first attempts were made to compare the Cracow tumult of 11 August with other similar occurrences. In 2019, Anna Cichopek-Gajraj published an article in which she attempted to compare the Cracow pogrom with one in Topolčany, Slovakia.⁷ The next year saw the publication of another study by her in which she compared anti-Jewish violence in Cracow in 1918 and 1945.⁸ There are also publications available – as Bożena Szaynok wrote – in which the anti-Jewish tumults in Rzeszów and Cracow are discussed together, enabling to highlight the elements they had in common (the myth of ritual murder and involvement of uniformed officers).⁹ Among these publications, special attention is deserved by the 2021 monograph by Julian Kwiek on hostility towards Jews after the war in Poland.¹⁰

The purpose of this article is a comparison of the Rzeszów and Cracow pogroms and actions by law enforcement agencies and the administration of justice taken in connection with them in both the 1940s and after the watershed of 1989 when the pogroms attracted the attention of the District Commission for the Investigation of Crimes Against the Polish Nation (*Okregowa Komisja Badania Zbrodni przeciwko Narodowi Polskiemu*, OKBZpNP) and later the Branch Commission for the

Art. 102[2] & [4], in connection with the Criminal Code, Art. 240, and the Decree on State Protection of 30 October 1944, Art. 4[1][a]).

⁷ A. Cichopek-Gajraj, “Pogromy w Krakowie (Polska) i Topolczanach (Słowacja) w 1945 r. – analiza porównawcza,” in *Pogromy Żydów*, vol. 4, pp. 183–214.

⁸ *Ead.*, “Przemoc antyżydowska w Krakowie w 1918 i 1945 r. Analiza porównawcza,” in *Pytać mądrze. Studia z dziejów społecznych i kulturowych. Księga pamiątkowa dedykowana profesorowi Andrzejowi Chwalbie*, ed. by A. Czocher and B. Klich-Kluczevska (Cracow, 2020), pp. 373–389.

⁹ See B. Szaynok, “Polska historiografia po 1989 r. na temat pogromów,” in *Pogromy Żydów*, vol. 4, p. 522. I list following this author: J.T. Gross, *Strach. Antysemityzm w Polsce tuż po wojnie. Historia moralnej zapaści* (Cracow 2008); J. Tokarska-Bakir, *Legends o krwi. Antropologia przęsądu* (Warsaw, 2008); M. Zaremba, *Wielka trwoga. Polska 1944–1947. Ludowa reakcja na kryzys* (Warsaw, 2012). A comparative analysis of mob cries along the route followed by the Jewish residents of 12 Tannenbaum Street in Rzeszów escorted by the militia on 12 June 1945 and the mob gathered at 27 Miodowa Street in Cracow on 11 August 1945 (as well as ones at 7 Planty Street in Kielce on 4 July 1946) was made by Joanna Tokarska-Bakir (*ead.*, “Cries of the Mob in the Pogroms in Rzeszów (June 1945), Cracow (August 1945) and Kielce (July 1946) as a Source to the History of Mentality,” *East European Politics & Societies* 25/3 (2011), pp. 553–574; *ead.*, *Okrzyki pogromowe. Szkice z antropologii historycznej Polski lat 1939–1946* [Wołówiec, 2012], pp. 143–156).

¹⁰ J. Kwiek, *Nie chcemy Żydów u siebie. Przejawy wrogości wobec Żydów w latach 1944–1947* (Warsaw, 2021). In the attached calendar, covering the murders of Jewish individuals and other anti-Semitic acts in 1944–1947, there is no information on the events in Rzeszów on 11 and 12 June 1945 (although they are studied in the first part of the monograph).

Prosecution of Crimes Against the Polish Nation (*Oddziałowa Komisja Ścigania Zbrodni przeciwko Narodowi Polskiemu*, OKŚZpNP).

It is worth mentioning that historians' opinions varied on the use of the term "pogrom" with respect to the events in question.¹¹ This must have been a result of the serious problem posed by the fuzziness of the term.¹² Nevertheless, it seems that both occurrences in question can be called pogroms. In the opinion of Lech Nijakowski, the purpose of a pogrom is not the death of its victims, although it very often causes fatalities (according to this researcher, there can be a pogrom without fatalities). According to his definition, the purpose of a pogrom is usually "a collective punishment of the community of victims for actual or presumed actions. During a pogrom, the property of victims is looted or destroyed, symbols of group identity are defiled or destroyed, victims are raped, beaten and mutilated, but only rarely are they intentionally murdered."¹³ As we shall see below, most of these elements can be found in both cases of collective anti-Jewish violence under consideration.

Jews in Rzeszów and Cracow in 1945

To begin with, it is worth answering the question of how many Jews there were in the two cities when anti-Jewish violence broke out in June and August 1945. In Cracow, prior to the outbreak of the Second World War, there were about 60,000 residents of Jewish origin, making up about twenty-five percent of the population

¹¹ Bożena Szaynok wrote on this issue in her "Polska historiografia," p. 515. She quoted the work on the anti-Jewish tumult in Rzeszów: *Pogrom, którego nie było*. In 1998, in his *Żydzi, Lemkowie, Słowacy* Julian Kwiek, relying on what was known then, also questioned the use of this term with respect to the Cracow tumult. He wrote then that "an 'attempted pogrom' is a more suitable term" (Kwiek, *Żydzi, Lemkowie, Słowacy*, p. 46). However, over twenty years later, he described the events in Cracow as a pogrom (*id.*, "Pogrom antyżydowski w Krakowie," pp. 161–181). Interestingly, in a report by Intelligence Brigades, the Rzeszów events were also referred to as a pogrom: "Upon learning of this occurrence, people attacked Jews, holding a pogrom" (Oddziałowe Archiwum Instytutu Pamięci Narodowej w Rzeszowie [Branch Archives of the Institute of National Remembrance in Rzeszów, hereinafter AIPN Rz], 122/312, Attachment to a report of the Rzeszów District of Intelligence Brigades concerning incidents with Jews, [1945], p. 217; this document was published by Kaczmarek, see *id.*, *Pogrom, którego nie było*, p. 142).

¹² Grabski, *Wstęp*, p. 10; D. Grinberg, "Wokół idei pogromów. Definicje, główne szkoły interpretacji, źródła nieporozumień," in *Pogromy Żydów na ziemiach polskich w XIX i XX wieku*, vol. 3: *Historiografia, polityka, recepcja społeczna (do 1939 roku)*, ed. by K. Kijek, A. Markowski, and K. Zieliński (Warsaw, 2019), pp. 15–24.

¹³ See L.M. Nijakowski, *Rozkosz zemsty. Socjologia historyczna mobilizacji ludobójczej* (Warsaw, 2013), p. 68.

of the city.¹⁴ In Rzeszów, in turn, Jewish people, numbering about 14,000, represented about thirty percent of the city's residents.¹⁵ Most of the Jewish populations of both cities perished during the Second World War.¹⁶

Historians estimate that of the pre-war Jewish population of Cracow, about 2,000 people survived,¹⁷ while of that of Rzeszów – 700–800.¹⁸ It is not known how many returned to Cracow and Rzeszów after the war was over, as the number of Jews in the two cities varied a lot due to migrations of varied intensity. Available data suggests that at the outbreak of the anti-Jewish tumult, there were probably from one hundred to several hundred Jews in Rzeszów and several thousand in Cracow.¹⁹

Before comparing the 1945 events, it is worth remembering that already over a quarter of a century earlier, anti-Jewish tumults took place in these cities; notably, collective anti-Jewish violence broke out in Cracow towards the end of the First World War in April 1918.²⁰ A year later – in May 1919 – Rzeszów witnessed an anti-Jewish tumult in which many shops were looted and numerous people were beaten. This was underlain by a strained social and economic situation and, above all food, shortages for which Jews were held responsible, according to part of the public, because they dominated in commerce and some crafts.²¹ Not to be ignored,

¹⁴ In the early 1930s, the Jewish community in Cracow numbered almost 57,000. Immediately before the outbreak of the war, the city attracted Jewish refugees and migrants, making the Jewish community grow (M. Grądzka-Rejak, "Ocaleni z Zagłady – zarys demograficzny," *Studia nad Totalitaryzmem i Wiekami XX* 3 [2019], pp. 165–166).

¹⁵ W. Wierzbieniec, "Żydzi Rzeszowscy," in *Encyklopedia Rzeszowska*, p. 1023.

¹⁶ E. Rączy, *Zagłada Żydów w dystrykcie krakowskim w latach 1939–1945* (Rzeszów, 2014), pp. 284–285, 296–299.

¹⁷ E. Gawron, "Powojenna emigracja Żydów z Polski. Przykład Krakowa," in *Następstwa zagłady Żydów. Polska 1944–2010*, ed. by F. Tych and M. Adamczyk-Garbowska (Warsaw–Lublin, 2011), p. 414; See also Grądzka-Rejak, "Ocaleni z Zagłady," p. 171.

¹⁸ Wierzbieniec, "Żydzi Rzeszowscy," p. 1024.

¹⁹ Julian Kwiek, relying on the data from the Ministry of Public Administration, claimed that over 6,000 Jews lived in the Cracow Voivodeship in June 1945, while in the early 1946 their number grew to over 10,000 (Kwiek, *Żydzi, Łemkowie, Słowacy*, p. 15). Krzysztof Kaczmarek claimed that 413 Jews lived in Rzeszów County in the middle of March. In May their number dropped to 317 (Kaczmarek, *Pogrom, którego nie było*, p. 17). See also M.E. Ożóg, "Żydzi po wyzwoleniu," in *Dzieje Rzeszowa*, vol. 3, ed. by F. Kiryk (Rzeszów, 2001), p. 914.

²⁰ Another pogrom in Cracow took place a year later, in June 1919.

²¹ The tumult in Rzeszów took place on 3 May 1919. In two days, 200 Jews were injured, and almost 200 flats and 50 shops were looted. The Rzeszów prison took in 136 people charged with participation in the tumult (W. Wierzbieniec, "Antyżydowskie zajścia 1919," in *Encyklopedia Rzeszowska*, pp. 17–18). In Cracow, during the April tumult, the police arrested 60 people, against whom the Public Prosecutor's Office instituted criminal prosecutions. In the course of these events, intervening soldiers shot dead

the anomie, caused by over four years of war, was a contributing factor no doubt. The anti-Jewish tumults under discussion also took place after the end of a military conflict, but – as shall be shown below – had a slightly different underlying cause.

Comparison of the Course of Events

The direct spark for the anti-Jewish tumult in Rzeszów was the finding of the body of a murdered girl. Suspicion of murdering her fell on Jews who lived on the second floor of the house where the body had been found.²² The events of 11 August 1945 in Cracow, in turn, were preceded by rumours spread that Jews, during their religious practices, murdered Polish children and used their blood in rituals. Rumours about the finding of the bodies of murdered children were supposedly circulated in the so-called *tandeta* or a marketplace at Szeroka Street. At the same time, anti-Jewish incidents were recorded around the city.²³

In June 1945, the Citizens' Militia (*Milicja Obywatelska*, MO) in Rzeszów was notified that eight-year-old Bronisława Mendoń²⁴ had gone missing after she left home for a private lesson on June 7th.²⁵ On 11 June, MO officers went to the house at 12 Tannenbauma Street (today Okrzei Street) because one of its residents, Kazimierz Woźniak, found in the cellar a bag with books and school notebooks belonging to the missing girl. Several officers arrived at the scene. About 9.00 p.m., while inspecting the cellar in which the belongings of the missing girl had been found, her body was discovered under wood shavings. It was

a fourteen-year-old Catholic, Elżbieta Lempartówna, and Petache Meller, a Jew from Stryj, died probably of a heart attack (J.M. Małecki, "Zamieszki w Krakowie w kwietniu 1918 r. Pogrom czy rozruchy głodowe?," in *The Jews in Poland*, vol. 1, ed. by A.K. Paluch [Cracow, 1992], pp. 253–255).

²² For more on the anti-Jewish tumult of 11 and 12 June in Rzeszów see Kaczmarek, *Pogrom, którego nie było*, pp. 19–36.

²³ For the tracing of the origins and course of events of 11 August 1945 in Cracow see Kwiek, "Pogrom antyżydowski w Krakowie," pp. 165–171; Cichopek, *Pogrom Żydów w Krakowie*, pp. 67–93.

²⁴ In publications, her age is given as nine years (see Kaczmarek, *Pogrom, którego nie było*, p. 12; Zaremba, *Wielka trwoga*, p. 588; Kwiek, "Pogrom antyżydowski w Krakowie," p. 162), but according to her death certificate Bronisława Mendoń was born on 26 December 1936 so in June 1945 she was eight years of age (Archiwum Oddziałowej Komisji Ścigania Zbrodni przeciwko Narodowi Polskiemu w Rzeszowie [Archives of the Branch Commission for the Prosecution of Crimes Against the Polish Nation in Rzeszów, hereinafter AOKŚZpNP Rz], S 25/2002/Zn, Vol. 1, Complete Copy of Death Certificate, Rzeszów, 10 July 1998, fol. 9).

²⁵ *Ibid.*, Vol. 2, Letter to the Ministry of Justice, Rzeszów, 1 September 1945, fol. 235; AIPN Rz, 062/5, Letter of the Public Prosecutor of the District Court in Rzeszów to the Ministry of Justice in Warsaw, Rzeszów, 1 September 1945, fol. 19.

unclothed and mutilated (her face was skinned, and her muscles were cut from her hands and legs).²⁶

On that very night, MO officers searched two flats on the second floor of the house where the body of Bronisława Mendoń had been found and arrested over a dozen Jews who lived there.²⁷ Around midnight, the arrested men were escorted under guard to the MO County Headquarters at 13 3 Maja Street. Several hours later MO officers began their search and making arrests in other houses close to the one in Tannenbauma Street and neighbouring Sobieskiego Street. Jews found near the railway station were also arrested.²⁸ In an operation lasting several hours, probably about 130 people were arrested.²⁹ At the same time, a rumour spread around Rzeszów about Polish children being murdered by Jews, and this is probably why, from the early morning of 12 June, people started to gather close to the house where the body of the girl had been found: “It was a market day. Many residents flocked in and started mob justice, taking matters into their hands” – reads the Report of the Board of the Jewish Community in Rzeszów of 15 June 1945,³⁰ included in the investigation files (discontinued in 2003) into the use of, and connivance at, violence and unlawful threats against a group of persons of Jewish nationality during the events in Rzeszów in June 1945.

The attackers were both civilians and uniformed officers. Having gathered at the house at 12 Tannenbauma Street, they threw stones at the Jews and beat them. All this was happening in the presence of MO officers who escorted the arrested persons and did not react to the aggressive behaviour of the mob towards them. In fact, the officers used physical violence against them as well.³¹ The Jews were

²⁶ AIPN Rz, 062/5, Report of Cpl Jan Łukasz, Rzeszów, 12 June 1945, fol. 4; AOKŚZpNP Rz, S 25/2002/Zn, Vol. 2, Report of the Decision to discontinue investigation into the use of, and connivance at, violence and unlawful threats against a group of persons of Jewish nationality during the events in Rzeszów in June 1945, Rzeszów, 1 April 2003, fol. 290v.

²⁷ AOKŚZpNP Rz, S 25/2002/Zn, Vol. 1, Testimony of Jonas Landesmann, Cracow, 5 October 1945, fol. 133.

²⁸ *Ibid.*, Report of the Board of the Jewish Community in Rzeszów on the course of the anti-Jewish tumult in Rzeszów on 12 June 1945, Rzeszów, 15 June 1945, fol. 32; *ibid.*, Testimony of Jonas Landesmann, Cracow, 5 October 1945, fol. 133.

²⁹ *Ibid.*, Report of the Board of the Jewish Community in Rzeszów on the course of the anti-Jewish tumult in Rzeszów on 12 June 1945, Rzeszów, 15 June 1945, fol. 33.

³⁰ *Ibid.*, fol. 29.

³¹ *Ibid.*, fols 29–31; *ibid.*, Report of the Voivodeship Jewish Historical Commission in Cracow on the events in Rzeszów on 12 June 1945, Cracow, 16 June 1945, fols 36–37; *ibid.*, Transcript of testimony of witness Leib Kaplan, Cracow, 13 June 1945, fol. 190.

verbally abused and threatened with death. One of the witnesses of these events, Leib Kapłan, testified: "When the Jews were escorted down the streets, the mob threw stones and cried 'kill the Jews.'"³² According to the Report of the Voivodeship Jewish Historical Commission, the course of events was influenced by anti-Jewish sentiments among MO officers.³³

The anti-Jewish tumult in Rzeszów took place mainly in the city centre or around Tannenbauma Street and along the route taken by the Jews and MO officers escorting them to the MO County Headquarters at 13 3 Maja Street. The Cracow tumult, in turn, engulfed chiefly several streets in the Kazimierz district, including Wolnica Square and Krakowska Street and it appears that its scale was larger. On the day of the pogrom in the morning, 11 August 1945 in the Kupa Synagogue in Kazimierz, a service was being held when several dozen hooligans interrupted it by throwing stones at the synagogue. Such incidents had already occurred earlier, and on that day, several congregation members ran out, caught one of the hooligans and beat him.³⁴ The grounds given for the investigation conducted by the District Commission for the Prosecution of Crimes Against the Polish Nation (*Okręgowa Komisja Ścigania Zbrodni przeciwko Narodowi Polskiemu*, OKŚZpNP) in Cracow (discontinued in 2009) read: "A probable witness of this incident could be a young boy present at the scene by the name of Antoni Nijaki. He was supposedly incited by an unknown man, who allegedly was an MO officer, to run around and cry that Jews wanted to abduct and kill him."³⁵ This sparked the mob into action, attacking the Kupa Synagogue in search of

³² *Ibid.*, Transcript of testimony of witness Leib Kapłan, Cracow, 13 June 1945, fol. 190.

³³ "We wish to stress that the above events resulted from the atmosphere that had been ten months in the making. For ten months since the entry of the Red Army into the Voivodeship of Rzeszów, we had been hearing the voices of MO officers who very often shouted to Jews: 'Germans have not finished you off; we will finish you off.'" (*ibid.*, Report of the Voivodeship Jewish Historical Commission in Cracow on the events in Rzeszów on 12 June 1945, Cracow 16 June 1945, fol. 39).

³⁴ Archiwum Instytutu Pamięci Narodowej [Archives of the Institute of National Remembrance, hereinafter AIPN], 915/770, Transcript of interview of witness Jehuda Landau, Cracow, 15 August 1945, fols 87–88.

³⁵ AOKŚZpNP Kr, S 111/2007/Zk, Vol. 5, Decision of Public Prosecutor to Discontinue Investigation, Cracow, 17 April 2009, fol. 882; see AIPN, 915/770, Transcript of interview of witness Antoni Nijaki, Cracow, 14 August 1945, fol. 71. Interestingly, three days earlier, the boy gave a different testimony (*ibid.*, Transcript of oral notification of an offence made by Antoni Nijaki, Cracow, 11 August 1945, fol. 69). For the comparison of these testimonies and their credibility, see A. Cichopek, *Pogrom Żydów w Krakowie*, pp. 71–73; Kwiek, "Pogrom antyżydowski w Krakowie," pp. 166–177.

the bodies of allegedly murdered or held children. In the attack, the interior of the synagogue was damaged and vandalised. Its annexe, home of the caretaker Mandel Hehcht and his sister Lola Welgrün, was attacked too, as was a shelter for Jews located nearby,³⁶ and in the afternoon the Kupa Synagogue was set on fire.³⁷ The mob, apart from civilians, consisted of MO officers, soldiers³⁸ and probably Railway Security Guards,³⁹ who entered nearby houses and flats under the pretext of searching for the bodies of murdered children and accusations that Jews had been shooting from windows and roofs.⁴⁰

Some of these acts were done under the influence of alcohol. For instance, defendant Sec. Lt Józef Konieczny was convicted pursuant to the Polish Army Criminal Code (kkWP), Art. 170,⁴¹ and sentenced to two years in prison for attempting on 11 August, “while being strongly excited with alcohol,” to catch a five-year-old Jewish girl running across a street.⁴² One of the witnesses in this case testified that “a child was chased first by a civilian followed by the defendant and that he heard two male voices of which one shouted the words ‘kill her, this a Jewish child,’ but he was not absolutely certain if these words were shouted by the defendant.”⁴³ On 19 February 1946, another defendant, Helena Jordan, received a two-year prison sentence (suspended for 3 years) for committing an

³⁶ AIPN, 829/1255, Indictment, Cracow, 5 September 1945, fol. 126.

³⁷ AOKŚZpNP Kr, S 111/2007/Zk, Vol. 5, Report of the Decision to discontinue investigation, Cracow, 17 April 2009, fols 882–883.

³⁸ AIPN, 824/267, Judgment of the Cracow District Military Court, 22 December 1945, fol. 14.

³⁹ AOKŚZpNP Kr, S 111/2007/Zk, Vol. 5, Transcript of interview of witness Zbigniew Paliwoda, Cracow, 24 April 1992, fols 1–13; *ibid.*, Decision to discontinue investigation, Cracow, 17 April 2009, fols 882–883; AIPN 915/770, Testimony of defendant Franciszek Baudys, Cracow, 22 October 1945, fols 225–226.

⁴⁰ AIPN, 915/770, Transcript of interview of witness Emil Rosenzweig, Cracow, 15 August 1945, fols 102–103; *ibid.*, Transcript of interview of witness Dawid Raber, Cracow, 11 August 1945, fols 98–99; see also Kwiek, “Pogrom antyżydowski w Krakowie,” p. 168.

⁴¹ Under the the Polish Army Criminal Code, Art. 170, “Any soldier who commits a deed disgraceful to the military honour or dignity of the Polish Army, even if the deed was not done in the line of duty, shall be subject to imprisonment of up to five years and/or arrest or sent to a penal company,” *Dziennik Ustaw* (The Journal of Laws) 6 (1944), item 27.

⁴² AIPN, 824/270, Judgment of the Cracow District Military Court, 14 January 1946, fol. 15.

⁴³ The court, on account of the defendant’s “impeccable record” suspended his sentence. Other considerations included his “participation in the war with the Germans, in the ranks of the 1st Tadeusz Kościuszko Division” and material support he provided to a Jewish woman, Maria Perlberger, during their stay in the Soviet Union (AIPN, 824/270, Judgment of the Cracow District Military Court, 14 January 1946, fol. 16).

offence contrary to the Criminal Code, Art. 170,⁴⁴ by publicly disseminating false information that “Jews murdered Polish children in the synagogue, that they drink child blood” on the day of the anti-Jewish tumult in Cracow.⁴⁵ While committing this offence, the defendant was – as the court found in the opinion to the judgement – “excited with alcohol, having drunk a few glasses of vodka on the occasion of her birthday.”⁴⁶ In Rzeszów, too, some violence against the Jewish population could have been committed in a state of inebriation.

Both tumults continued for more than ten hours. In the afternoon of 12 June in Rzeszów, the detained Jews started to be released without being interviewed,⁴⁷ supposedly on intervention from the NKVD.⁴⁸ Already on the very same day and on successive ones, most of the released Jews left Rzeszów.⁴⁹ Meanwhile, the crowds that had gathered in Tannenbaum Street were dispersed in the evening.⁵⁰ In Cracow, too, only in the evening, did officers of the MO Voivodeship Headquarters (KWMO) and Voivodeship Office of Public Security (*Wojewódzki Urząd Bezpieczeństwa Publicznego*, WUBP) as well as Internal Security Corps soldiers manage to restore order. Among people detained that day, besides civilians, there were also officers of uniformed services.⁵¹ Moreover, the available records do not show any person being arrested in Rzeszów in connection with the anti-Jewish tumult in June 1945.

⁴⁴ Under the Criminal Code, Art. 179, “Any person who publicly disseminates false information that may cause public unrest shall be subject to two years of arrest and a fine (*Dziennik Ustaw* 60 [1932], item 571).

⁴⁵ AIPN, 824/395, Judgment of the Cracow District Military Court, 19 February 1946, fol. 19.

⁴⁶ *Ibid.*, fol. 20.

⁴⁷ AOKŚZpNP Rz, S 25/2002/Zn, Vol. 1, Transcript of testimony of witness Leib Kapłań, Cracow, 13 June 1945, fol. 190.

⁴⁸ *Ibid.*, “Testimony of Jonas Landesmann,” Cracow, 5 October 1945, fol. 133; *ibid.*, A fragment of a report by Rzeszów District Intelligence Brigades, fol. 6. In Krzysztof Kaczmarek’s opinion, these were officers and soldiers of the 104th Border Regiment, 64th Division of NKVD Internal Forces (Kaczmarek, “Antyżydowskie zajścia 1945,” s. 19).

⁴⁹ AOKŚZpNP Rz, S 25/2002/Zn, Vol. 1, Report of the Board of the Jewish Community in Rzeszów on the course of the anti-Jewish tumult in Rzeszów on 12 June 1945, Rzeszów, 15 June 1945, fol. 33; *ibid.*, Report of the Voivodeship Jewish Historical Commission in Cracow on the events in Rzeszów on 12 June 1945, Cracow, 16 June 1945, fol. 38; *ibid.*, Transcript of testimony of witness Leib Kapłań, Cracow, 13 June 1945, fol. 190.

⁵⁰ *Ibid.*, Report of the Board of the Jewish Community in Rzeszów on the course of the anti-Jewish tumult in Rzeszów on 12 June 1945, Rzeszów, 15 June 1945, fol. 33.

⁵¹ AOKŚZpNP Kr, S 111/2007/Zk, Vol. 5, Report of the Decision to discontinue investigation, Cracow, 17 April 2009, fols 882–883.

During both tumults, there were cases of theft. In Rzeszów, “twenty-two Jewish flats were ransacked and fifty-seven Jewish families were robbed of their possessions.”⁵² Losses were estimated at about half a million zlotys.⁵³ Józef Landau’s candy factory was looted as well.⁵⁴ In Cracow, in turn, looting and beating took place in several Jewish flats.⁵⁵ A case in point is one where two MO officers, Józef Stawarski and Ludwik Sala, charged with forced entry “to the flat of one Meiteles, [...] where, threatening to shoot and beat him, made him buy vodka and offer them supper.” On 3 December 1945, the Cracow District Military Court sentenced (under the Criminal Code, Art. 286[1])⁵⁶ Stawarski to one year and Sala to one year and six months imprisonment.⁵⁷ The Court found them guilty of acting *ultra vires* to the detriment of public interest. The Court made the following findings of fact: about 9.00 p.m., the defendants, having drunk a large amount of alcohol and carrying service firearms, came to the Meiteles flat at 27 Józefa Street. There, Stawarski “punched Szymon Józef Meiteles in the face twice.”⁵⁸ Next, the defendants demanded to be given vodka. The Meiteleses offered them vodka and a snack. The defendants stayed in the flat until midnight and left. The court noted that testimonies given by the members of the Meiteles family at the trial were toned down when compared to those given during the inquiry when the witnesses said they had been terrorised and held at gunpoint. Whereas at the trial they testified that “they willingly treated the defendants to supper, considering the longest possible

⁵² AOKŚZpNP Rz, S 25/2002/Zn, Vol. 1, Report of the Voivodeship Jewish Historical Commission in Cracow on the events in Rzeszów on 12 June 1945, Cracow, 16 June 1945, fol. 37.

⁵³ *Ibid.*, Report of the Board of the Jewish Community in Rzeszów on the course of the anti-Jewish tumult in Rzeszów on 12 June 1945, Rzeszów, 15 June 1945, fols 33–34; *ibid.*, Transcript of testimony of witness Leib Kaplan, Cracow, 13 June 1945, fol. 190.

⁵⁴ *Ibid.*, Report of the Voivodeship Jewish Historical Commission in Cracow on the events in Rzeszów on 12 June 1945, Cracow, 16 June 1945, fol. 37.

⁵⁵ See Kwiek, *Nie chcemy Żydów*, p. 377.

⁵⁶ Under the 1932 Criminal Code, Art. 286(1), “Any official who acting *ultra vires* or in dereliction of duty to the detriment of public or private interest shall be subject to imprisonment of up to five years” (*Dziennik Ustaw* 60 [1932], item 571).

⁵⁷ Anna Cichopek’s publication says that Ludwik Sala served his 18-month prison term (Cichopek, *Pogrom Żydów w Krakowie*, p. 91). Actually, on 4 September 1946, the Cracow District Military Court, at an *in camera* session, granted the convict a petition for parole (AIPN 824/271, Transcript of *in camera* session of the Cracow District Military Court, Cracow, 4 September 1946, fol. 26). Sala left the Koronów prison on 1 October 1946, that is, after serving eleven months and eighteen days in prison (*ibid.*, Notification of criminal prisoner release, Koronów, 2 October 1946, fol. 32).

⁵⁸ AIPN, 829/1255, Judgment of the Cracow District Military Court, 3 December 1945, fol. 146.

presence of the defendants as a protection of sorts.”⁵⁹ The court failed to find the reason for the discrepancies in the witness testimonies.⁶⁰

We know of Jews being beaten in the streets and their flats during both tumults.⁶¹ We cannot, however, find the precise number of victims. The records of the Rzeszów tumult identify by name and surname only a few people⁶² who suffered grievous bodily harm and mention “a countless number of beaten Jews without visible external injuries.”⁶³ Researchers believe that from over a dozen to several dozen people could have been harmed (in various ways) during the Cracow pogrom.⁶⁴ Krzysztof Kaczmarek maintained, relying on the records of Intelligence Brigades, that Jews were beaten in Rzeszów by, besides MO officers and civilians, “in part” Security Office (*Urząd Bezpieczeństwa*, UB) officers and soldiers of the Polish “People’s” Army.⁶⁵

The records mention a case of beating and robbing a person the mob took for a Jewess during the Cracow pogrom. It is not known if any similar cases occurred

⁵⁹ *Ibid.*

⁶⁰ The trial was presided over by Cpt Dr. Karol Peczenik, while Lt Mieczysław Kwapisz and Ensign Jan Baszek sat as lay judges (*ibid.*, fol. 145).

⁶¹ AIPN, 915/770, Testimony of Sara Stern recorded at the Jewish Committee in Cracow, 13 August 1945, fol. 81; *ibid.*, Transcript of interview of witness Lola Welgrün, Cracow, 15 August 1945, fol. 83; *ibid.*, Transcript of interview of witness Mandel Hecht, Cracow, 15 August 1945, fol. 83; *ibid.*, Transcript of interview of witness Max Apfelbaum, Cracow, 11 August 1945, fols 90–91; *ibid.*, Transcript of interview of witness Emil Rosenzweig, Cracow, 12 August 1945, fols 100–101; AIPN, 915/862, Testimony of Marian Pieprzyk, Cracow, 29 December 1945, fol. 40. According to the Report of the Board of the Jewish Community in Rzeszów, the first to be beaten were Jews living on the second floor of the house at 12 Tannenbaum Street (AOKŚZpNP Rz, S 25/2002/Zn, Vol. 1, Report of the Board of the Jewish Community in Rzeszów on the course of the anti-Jewish tumult in Rzeszów on 12 June 1945, Rzeszów, 15 June 1945, fol. 29).

⁶² These were, among others, Leon Nadel, Klemens Brandwein, Herman Kesler, Klemens Kosa and Juda Moses (AOKŚZpNP Rz, S 25/2002/Zn, Vol. 1, Report of the Board of the Jewish Community in Rzeszów on the course of the anti-Jewish tumult in Rzeszów on 12 June 1945, Rzeszów, 15 June 1945, fol. 30; *ibid.*, Report of the Voivodeship Jewish Historical Commission in Cracow on the events in Rzeszów on 12 June 1945, Cracow 16 June 1945, fol. 37).

⁶³ *Ibid.*, Report of the Board of the Jewish Community in Rzeszów on the course of the anti-Jewish tumult in Rzeszów on 12 June 1945, Rzeszów, 15 June 1945, fol. 30.

⁶⁴ Julian Kwiek in his 2019 article wrote that “in the course of the tumult over a dozen people were harmed (*id.*, “Pogrom antyżydowski w Krakowie,” p. 171), in a successive publication, he estimated the number of beaten people at several dozen (*id.*, *Nie chcemy Żydów*, p. 377). Anna Cichopek-Garaj, in turn, in an article, maintained that the accurate number of victims was not known. She believed that there were many (A. Cichopek-Gajraj, *Pogromy w Krakowie (Polska) i Topolczanach (Słowacja)*, p. 186).

⁶⁵ K. Kaczmarek, *Antyżydowskie zajścia 1945*, p. 18; see AOKŚZpNP Rz, S 25/2002/Zn, Vol. 1, Intelligence Report from the Rzeszów Voivodeship, fol. 6.

in Rzeszów. For instance, in the judgment of 21 December 1945, Cpl Jan Podstawski was found guilty of taking a wallet with money from Stanisława Saletnik on 11 August 1945. Under the Criminal Code, Art. 257(1),⁶⁶ he was sentenced to three years' imprisonment and degradation from the rank of corporal to private. On that day, Saletnik was taken for a Jewess and badly beaten by unknown assailants. At the trial, she denied that the defendant had beaten her or said to her: "A damn Jewess, if a Jewess, beat her."⁶⁷

During the anti-Jewish tumult, the people who came to the victims' defence risked being harassed.⁶⁸ For instance, the Report of the Board of the Jewish Community on the tumult in Rzeszów reads: "On many occasions Christians were beaten for giving help."⁶⁹ The Report also mentions two instances of beating Christians who came to Jews' defence.⁷⁰

In Rzeszów, there were no fatal casualties, whereas in the Cracow pogrom, there was one. In the house at 4 Wolnica Square, a Holocaust survivor, Róża Berger, lost her life. The circumstances of her death – as a Cracow OKŚZpNP public prosecutor claimed – showed that it "was not a result of an intended and direct action, but rather an accidental shot. The perpetrator, intending to break down the door of her flat, fired at the lock or handle while Róża Berger was standing behind it. It is impossible to tell if he was aware of her presence behind it."⁷¹ In the opinion of Łukasz Krzyżanowski, who has studied the criminal proceedings conducted in

⁶⁶ Under the 1932 Criminal Code, Art. 257(1), "Any person who takes another person's movable property to appropriate it shall be subject to imprisonment of up to five years" (*Dziennik Ustaw* 60 [1932], item 571).

⁶⁷ AIPN, 824/268, Judgment of the Cracow District Military Court, 21 December 1945, fols 18–19. Two months later, another defendant, Antoni Niedolistek, was found guilty of "a violent assault on a person, while taking part in the anti-Jewish tumult and shouting with the mob, by striking a Polish woman of unknown name whom the mob took for a Jewess." He was sentenced to one year's imprisonment under the Criminal Code, Art. 163 (AIPN, 824/393, Judgment of the Cracow District Military Court, Cracow, 18 February 1946, fol. 18). This judgment was appealed against to the Supreme Military Court which set it aside and committed the case for trial to a common court. In the studied supervisory files, a final judgment in the case was not found (*ibid.*, Decision of the Supreme Military Court, Warsaw, 22 March 1946, fol. 32).

⁶⁸ AIPN, 824/270, Judgment of the Cracow District Military Court, Cracow, 14 January 1946, fol. 16.

⁶⁹ AOKŚZpNP Rz, S 25/2002/Zn, Vol. 1, Report of the Board of the Jewish Community in Rzeszów on the course of the anti-Jewish tumult in Rzeszów on 12 June 1945, Rzeszów, 15 June 1945, fol. 32.

⁷⁰ *Ibid.*

⁷¹ AOKŚZpNP Kr, S 111/2007/Zk, Vol. 5, Decision of Public Prosecutor to Discontinue Investigation, Cracow, 17 April 2009, fol. 884.

this case, there is considerable evidence that Róża was fatally shot by an officer of the 2nd MO Station, located less than one hundred meters from the crime scene.⁷²

Criminal Prosecutions in the 1940s

As mentioned earlier, archival records do not show any criminal prosecutions in the 1940s of people involved in the anti-Jewish tumult in Rzeszów on 11 and 12 June 1945. Surprising as it may seem, law enforcement agencies did not react to it. Perhaps one of the reasons could have been the involvement of uniformed service officers. It appears, however, that the main reason was – as pointed out by the author of *Pogrom, którego nie było. Rzeszów, 11–12 czerwca 1945 r.* (The Pogrom that wasn't. Rzeszów, 11–12 June 1945) – the desire to hush up the whole affair by the Communist authorities. Krzysztof Kaczmarski wrote that “Any anti-Jewish pogrom did not suit the Communists in power in Poland at that time.”⁷³ He added that any pogrom could embarrass the Communist Provisional Government.⁷⁴

However, an investigation was conducted into what triggered the tumult: the brutal murder of Bronisława Mendoń.⁷⁵ The investigation was conducted by an examining magistrate of the Rzeszów District Court for almost four months and concerned a crime contrary to the Criminal Code, Art. 225(1) (homicide). The suspect was Jonas Landesmann,⁷⁶ who was arrested on 14 June at 2.00 p.m. He was one of the residents of the house at 12 Tannenbauma Street who had already been detained earlier, on the night of 11/12 June, by the MO officers who searched flats on the second floor of the house. Unfortunately, the main files of the case (file ref. III Ds. 1738/45) have not survived. In the 1960s, they were lost under unclear circumstances.⁷⁷ All that we have is the prosecutor's summary files. As Kaczmarski rightly observed, the investigation into this crime was initially conducted sluggishly.⁷⁸ According to him, the “holiday

⁷² Krzyżanowski, “To było między pierwszą a drugą,” p. 427.

⁷³ Kaczmarski, *Pogrom, którego nie było*, p. 54.

⁷⁴ *Ibid.*

⁷⁵ For more on the investigation, see *ibid.*, pp. 41–51.

⁷⁶ AOKŚZpNP Rz, S 25/2002/Zn, Vol. 1, Memo, Rzeszów, 21 May 1968, fol. 75.

⁷⁷ *Ibid.*, Criminal case against Jonas Landesmann accused of the killing of Bronisława Mendoń, Rzeszów, 8 June 1968, fol. 78. According to Kaczmarski, these files were secretly removed from a file depository, without leaving a so-called “placeholder,” between May 1960 and May–June 1968. A placeholder would show who, when and for what purpose had done that (Kaczmarski, *Pogrom, którego nie było*, p. 60).

⁷⁸ Kaczmarski, *Pogrom, którego nie było*, p. 47.

epidemic” that affected the examining magistrates of the Rzeszów court then, who were to work on the case, could have been caused by the fear of investigating it. Kaczmarek did not rule out an intervention by the WUBP or the NKVD.⁷⁹

Ultimately, the killer has not been identified. In September, Landesmann left prison.⁸⁰ A month later, Assistant Public Prosecutor Bronisław Gnatowski filed a motion to discontinue the investigation. Almost two months later, on 11 December, an examining magistrate of the District Court ruled to discontinue it.⁸¹ Gnatowski maintained that the homicide could have been perpetrated by one of the second-floor tenants of the house at 12 Tannenbaum Street. However, he also admitted that the crime could have been committed by a person who did not live there. He added, however, that this was rather unlikely, “nevertheless, it has to be considered as well.”⁸² The prosecutor assumed that Bronisława Mendoń had been murdered in the house in which her body was found.⁸³

Only half a century later, on 7 January 1999, did a prosecutor of the Regional Public Prosecutor’s Office delegated to the Main Commission for the Investigation of Crimes Against the Polish Nation (*Główna Komisja Badania Zbrodni przeciwko Narodowi Polskiemu*, GKBZpNP) in Rzeszów launch an investigation into “assaults on persons of Jewish nationality that took place in Rzeszów in 1945, taking the form of individual or collective attacks on persons of Jewish nationality or their groups constituting the physical components of offences against life and health, freedom and property provoked by the killing of Bronisława Mendoń.”⁸⁴ More on this investigation shall be said in the final part of this article.

In the case of the Cracow tumult of 11 August, the first arrests of anti-Jewish rioters were made already on the very same day. Sources say that at least two

⁷⁹ *Ibid.*, p. 48.

⁸⁰ AOKŚZpNP Rz, S 25/2002/Zn, Vol. 1, Criminal case against Jonas Landesmann accused of the killing of Bronisława Mendoń, Rzeszów, 8 June 1968, fol. 78.

⁸¹ AIPN Rz, 062/5, Decision of examining magistrate of the Rzeszów District Court, Rzeszów, 11 December 1945, fol. 30.

⁸² *Ibid.*, Letter to examining magistrate in Rzeszów, [Rzeszów], 12 October 1945, fol. 29.

⁸³ *Ibid.*

⁸⁴ That is offences contrary to the 1932 Criminal Code, Art. 237(1) (bodily injury), Art. 251 (terrorising a person into a specific conduct), Art. 251(1) (theft). AOKŚZpNP Rz, S 25/2002/Zn, Decision to institute investigation, 7 January 1999, fol. 46. The investigation, file no. S.25/02/Zk, was first described by Krzysztof Kaczmarek (see K. Kaczmarek, *Pogrom, którego nie było*, pp. 60–62).

or three score people could have been arrested on that day.⁸⁵ Two days later, on 13 August, the Minister of Public Security, Stanisław Radkiewicz, ordered that anti-Semitic tumults be “fought.” The order directed that – in the event of an anti-Jewish tumult – a formal investigation be instituted and a special report on such a development be filed. In turn, with respect to persons suspected of taking part in anti-Jewish riots or tumults, “an inquiry should be immediately launched, and they should be committed for trial to military courts as soon as possible.”⁸⁶

Arrests of anti-Jewish rioters from 11 August were also made on successive days. For instance, a stallholder on the so-called *tandeta* or a marketplace, Honorata Pieprzyk,⁸⁷ was arrested together with her husband only on 13 August,⁸⁸ or two days after the pogrom. Interestingly, the only witness for the prosecution at her trial was a WUBP investigation officer, Eliaz Grünfied, who prior to taking up employment with the security service (it was three days after the 11 August tumult) traded on the *tandeta* close to Pieprzyk.⁸⁹

Furthermore, WUBP officers employed inadmissible investigation methods in the course of preliminary proceedings and extorted testimonies from detainees. This was the case of suspect Tadeusz Janicki who was charged with publicly inciting to racial feuds and spreading false information that could cause public unrest by shouting “beat and shoot Jews because they have killed seven Polish children;

⁸⁵ See Kwiek, “Pogrom antyżydowski w Krakowie,” p. 171.

⁸⁶ Order no. 46 “On fighting anti-Semitic tumults” (quoted after Cichopek, *Pogrom Żydów w Krakowie*, p. 101).

⁸⁷ The judgement in Pieprzyk’s case, was entered by the military court on 31 December 1945. The defendant was found guilty of shouting at the *tandeta* on 11 August 1945 that those who were safekeeping Jewish belongings and gave help to a Jew “will bitterly pay for this.” Thus, she incited to ethnic feuds (Polish Army Criminal Code, Art. 102). Despite the fact that the offence carried a sentence from 3 years imprisonment to the death penalty, the defendant was sentenced only to one year’s imprisonment. The court extraordinarily mitigated the sentence, being guided by the opinion of Dr. Stanisław Paszkowski of the Jagiellonian University Neurological-Psychiatric Department, who was appointed as an expert witness and asked to examine the mental state of Honorata Pieprzyk. The examination showed that the defendant was in a “constitutional neuropsychopathic state,” having suffered from acute puerperal psychosis (AIPN, 915/862, Judgment of the Cracow District Military Court, Cracow, 31 December 1945, fols 42–43).

⁸⁸ *Ibid.*, Testimony of Marian Pieprzyk, Cracow, 29 December 1945, fol. 40.

⁸⁹ Łukasz Krzyżanowski found that Grünfied started to work in the security service on 14 August 1945 (Krzyżanowski, “To było między pierwszą a drugą,” p. 415). In other cases too, it was revealed that security service officers were witnesses for the prosecution (AIPN, 915/770, Transcript of interview of witness Edmund Łukawiecki, Cracow, 11 August 1945. fol. 89; *ibid.*, Testimony of Edmund Łukawiecki, Cracow, 22 October 1945, fol. 241).

while the militia instead of shooting them, protect them.”⁹⁰ On 16 November 1945, Maj. Tadeusz Juśkiewicz, a public prosecutor for the Military District, dropped the charges, “Since the suspect’s admission to having committed the acts he is charged with has been extorted by beating and since no witnesses have been interviewed in the course of the investigation.”⁹¹

Very soon several score people were charged with taking part in an anti-Jewish tumult or spreading anti-Semitic slogans. After presenting evidence against them, the cases and detainees were left at the disposal of a public prosecutor for the Cracow Military District. It appears that initially, the investigators intended to have a large trial with many defendants. The indictment of 5 September 1945, drafted by Irena Mycińska,⁹² a Cracow WUBP investigation officer, included as many as twenty-five defendants⁹³ (take note that these were not all detainees suspected of participating in the anti-Jewish tumult).⁹⁴ From among the ones named, Franciszek Baudys⁹⁵ stands out; he was charged with – besides taking part in assaults and robberies – being one of the instigators of the anti-Jewish tumult as a member of the National Armed Forces (*Narodowe Siły Zbrojne*, NSZ).⁹⁶ Working as the

⁹⁰ AIPN, 824/273, Decision to discontinue investigation, Cracow, 16 November 1945. fol. 3.

⁹¹ During an interview on 24 August 1945, Tadeusz Janicki admitted to having told “a lieutenant where Jews were hiding, in which shop, and having said that Jews murdered seven Polish children. I deny having shouted, and I did not incite to beat Jews. I have admitted to all this because during the interrogation, they beat me with a piece of rubber wrapped in pitch, and I had to sign what they wrote (AIPN, 824/273, Transcript of interview of suspect Tadeusz Janicki, Cracow, 24 August 1945, fol. 23).

⁹² Irena Mycińska-Grabowska, born on 17 June 1914, daughter of Jan, on 20 February 1945 started to work at the WUBP in Cracow, then on 15 August 1946 she was expelled from the security service (“Mycińska-Grabowska Irena,” in *Ludzie bezpieki województwa krakowskiego. Obsada stanowisk kierowniczych Urzędu Bezpieczeństwa i Służby Bezpieczeństwa w województwie krakowskim w latach 1945–1990. Informator personalny*, ed. by W. Frazik, F. Musiał, M. Szpytma, and M. Wenklar [Cracow, 2009], p. 434).

⁹³ AIPN, 829/1255, Indictment, Cracow, 5 September 1945, fols 125–137.

⁹⁴ Available records show that preliminary proceedings were also conducted against Tadeusz Janicki, Bolesław Dzierża, Julia Błażek, Antoni Niedolistek, Rudolf Świętoniowski, Helena Jordan, Stefan Zychowicz, Edward Zaraska, Bolesław Golczyk, Marian Kudra and Jan Rodak.

⁹⁵ In the relevant literature, he is sometimes wrongly referred to as “Bandys.” Actually, the defendant’s name was Baudys.

⁹⁶ The indictment charged him with “(a) being one of the instigators of the anti-Jewish tumult as a member of a secret, illegal, fascist and anti-state organisation known as the NSZ whose objective is to abolish the democratic system of government of the Polish State. For this purpose, he contacted, as follows from the defendant’s and witness Mazurkiewicz’s testimonies, an NSZ delegate from Warsaw, a certain Ługowski, on 9 August 1945 in Cracow; (b) actively participating in an attack on an annexe to the synagogue during the Cracow tumult into which he led MO officers whom he had incited for the purpose of robbing and beating Polish citizens of Jewish nationality. He badly beat Lola Welgrün

caretaker of a Jewish shelter at 26 Miodowa Street, allegedly acted “in the name of” the NSZ:

It is only for this purpose that he contacted a certain Ługowski, an NSZ member, already on 9 August 1945. Ługowski brought Baudys special instructions from Warsaw, from the organisation, directing to organise anti-Jewish tumults. Baudys, following the instructions, leading MO officers, forced their way into the quarters of the synagogue caretaker, dragged outside Lola Welgrün, the caretaker’s sister, and twisting her arms, beat her cruelly.⁹⁷

The charge that Baudys was a member of a “secret, illegal, fascist and anti-state organisation known as the NSZ” and an instigator of the “anti-Jewish tumult” was based on the testimony of the defendant himself and witness Bronisław Mazurkiewicz (according to the indictment this witness was held in the jail of the voivodeship security service in Inwalidów Square).⁹⁸ Unfortunately, in the available files, neither the transcript of the interview of this witness nor Baudys’ testimony could be found. Meanwhile, in the other available transcripts of defendant Baudys’ interviews, no reference to the NSZ has been found.

The grounds of the indictment read that the anti-Jewish tumult of 11 August “resulted from suitable propaganda by our home reactionaries, especially those from under the banner of the NSZ.”⁹⁹ Emphasis was also put on the effects of German anti-Jewish propaganda and comments were made that persons responsible for provoking the tumult “did not mean to fight Jews. They only served as

and publicly incited ethnic and racial feuds using the following words: “You old whores, Hitler has not finished you off, so we will finish you off, you are on Polish soil and you murder Polish children”; (c) attacking a Jewish flat at 26 Miodowa Street being in possession of a short firearm without a licence; (d) barging into the flat of citizen Ptasznik at 26 Miodowa Street threatening him with a revolver and an axe, and robbing Ptasznik of a pair of knee-high boots. These acts constitute in: (a) an offence contrary to the Polish Committee of National Liberation (Polski Komitet Wyzwolenia Narodowego [hereinafter PKWN]) Decree of 30 October 1944, Art. 1; (b) an offence contrary to the Polish Army Criminal Code, Art. 102(1) & (4); (c) an offence contrary to the PKWN Decree of 30 October 1944, Art. 4(1); (d) an offence contrary to the PKWN Decree of 30 October 1944, Art. 9 (AIPN, 829/1255, Indictment, Cracow, 5 September 1945, fol. 129).

⁹⁷ *Ibid.*, Indictment, Cracow, 5 September 1945, fol. 128.

⁹⁸ *Ibid.*, fols 129–136.

⁹⁹ *Ibid.*, fol. 126.

a springboard for large-scale anti-state riots.”¹⁰⁰ The investigators also found that the “tumult greatly intensified” because MO and army officers actively participated in it; instead of dispersing the mob, they joined in beating and robbing Jews.¹⁰¹ At the time the indictment was drafted, the suspects were incarcerated in St Michael’s Prison at 3 Senacka Street.¹⁰²

It is worth noting that the grounds of the indictment repeated the main propaganda claims included, for instance, in a resolution adopted immediately after the anti-Jewish tumult by the Voivodeship National Council in Cracow. It stressed that the events of 11 August were organised in advance and had a political character and pointed a finger of blame at the so-called bankrupt reactionaries from under the banner of the National-Radical Camp (*Obóz Narodowo-Radykalny*, ONR) and NSZ who:

Taking advantage of some petty-bourgeoisie’s resentments at people of Jewish origin, organised a tumult, having first prepared the grounds for it by spreading rumours of alleged crimes committed by Jews in the city of Cracow. At the same time as the tumult, action was taken against democratic parties, combining an attack on democracy with the Jewish question.¹⁰³

Ultimately, a large trial has never taken place. Early on, the decision was made to separate the cases of persons named in the document of 5 September 1945. For instance, in the indictment of 6 September 1945 charges were brought only against Franciszek Baudys and four other persons. Surprisingly, the document was dated 6 September, while the decision to join the cases against the defendants named in it was made only on 9 September 1945 or three days later.¹⁰⁴ From the second in-

¹⁰⁰ *Ibid.*

¹⁰¹ *Ibid.*, fol. 128.

¹⁰² *Ibid.*, fol. 135.

¹⁰³ Text of the August 14 resolution on the anti-Semitic tumult adopted at the session of the Voivodeship National Council, quoted after Kwiek, *Żydzi, Łemkowie, Słowacy*, p. 40. For its full text see Cichopek, *Pogrom Żydów w Krakowie*, pp. 155–156. See R. Śmietanka-Kruszelnicki, „Pogrom w Kielcach – Podziemie w roli oskarżonego,” in *Wokół pogromu kieleckiego*, ed. by Ł. Kamiński and J. Żaryn (Warsaw, 2006), pp. 27–33.

¹⁰⁴ There were three civilians – Franciszek Kucharski, Jan Wywrocki, and Kazimierz Rafa, and one MO officer – Bolesław Skrzypek (AIPN, 915/770, Decision to join investigation cases, Cracow, 9 September 1945, fol. 8).

dictment, the aspect of defendant Franciszek Baudys' ties to the NSZ was removed, and no mention was made in it of the activities of MO officers and soldiers who supposedly exacerbated the anti-Jewish tumult. This time, a mention was only made of "misinformed MO officers."¹⁰⁵ On 1 October, Maj Tadeusz Juśkiewicz, a public prosecutor for the Cracow Military District, approved the indictment and sent it to the Military Court for the Cracow Military District.¹⁰⁶ The trial of these defendants took place very soon, on 22, 26 and 29 October 1945.¹⁰⁷ All the defendants, except one, pleaded not guilty. Only Franciszek Baudys pleaded guilty to selected counts. In their testimonies at the trial all defendants spoke about inadmissible investigation methods being used with respect to them by interrogating officers. They testified that they had been beaten and coerced into giving false testimonies.¹⁰⁸ Additionally, some defendants called witnesses who were to testify to their positive attitude to the Jewish population during the Second World War. On 29 October 1945, the Military Court entered a judgment.¹⁰⁹ For taking part in the public riot that jointly committed offences against persons or property (Criminal Code, Art. 163), three persons were convicted: Franciszek Baudys, Franciszek Kucharski and Jan Wywrocki. Baudys was sentenced to 7.5 years' imprisonment.¹¹⁰ This was the highest sentence of all given to defendants convicted in connection with the Cracow pogrom. Kucharski was sentenced to 3 years' imprisonment, and Wywrocki was to serve 2 years in prison. In their case, the court took into consideration a mitigating circumstance, namely, the positive attitude of the defendants to the Jewish population, the absence of any criminal record and insensibility caused by alcoholic intoxication.¹¹¹ The court found that the offences they committed were

¹⁰⁵ *Ibid.*, Indictment, Cracow, 6 September 1945, fols 138–148.

¹⁰⁶ *Ibid.*, Decision to approve indictment, Cracow, 1 October 1945, fol. 181.

¹⁰⁷ *Ibid.*, Transcript of trial, Cracow, 22 October 1945, fol. 221; *ibid.*, Transcript of trial, Cracow, 26 October 1945, fol. 255; *ibid.*, Transcript of trial, Cracow, 29 October 1945, fol. 263.

¹⁰⁸ *Ibid.*, Transcript of trial, Cracow, 22 October 1945, fols 230–237.

¹⁰⁹ *Ibid.*, Judgment of the Cracow District Military Court in Cracow, Cracow, 29 October 1945, fol. 271.

¹¹⁰ While sentencing, the court applied the Polish Army Criminal Code, Art. 53(2), to the convicted person, and that is why the sentence was higher than the maximum statutory sentence provided for an offence contrary to Art. 163 (see fn. 65). The provision said that "the court may sentence a convicted person to a prison term a half longer than the maximum statutory prison term provided for a given offence, however, not exceeding the statutory limit of a given type of punishment [...], e) if the offence was committed in the presence of a public riot" (*Dziennik Ustaw* 6 [1944], item 27).

¹¹¹ Wywrocki supposedly hid "selflessly, as can be deduced from the testimony of witness Zabiegaj, a Jewess for two months in his home during the German occupation," while Kucharski allegedly helped

perpetrated individually and were unorganised and held that they did not have the physical components of the offences described in the Polish Army Criminal Code, Art. 102. It is worth mentioning that the provision covered incitement to ethnic, racial and religious violence and provided for very severe sanctions. If the offences described in it were committed during riots, a defendant faced a sentence from 3 years' imprisonment to the death penalty (Art. 102[4]).¹¹² Kazimierz Rafa and an MO officer, Bolesław Skrzypek, were acquitted.¹¹³ Three months after the judgment was delivered, on 31 January 1946, the governor of the prison at 3 Senacka Street in Cracow notified the Military District Court that on 28 January, convicts Kucharski and Baudys had escaped "from the convoy while on their way to the prison in Wronki."¹¹⁴ What happened to them next is not known. Jan Wywrocki, in turn, was granted an amnesty in 1947.¹¹⁵

It seems that trials could have been separated in an effort to conceal the participation of members of uniformed services in the pogrom. Among the persons named in the indictment of 5 September, there were in total seven MO officers and five soldiers (including two military police corporals). They were mostly charged with actively participating in the anti-Jewish tumult, battery, wrongful arrests, inciting to ethnic and racial feuds and theft. Most were convicted in separate trials in coming months. The highest sentence was given to Czesław Hynek convicted under the Criminal Code, Art. 286,¹¹⁶ (for abusing authority and acting *ultra vires*) to 6 years' imprisonment.¹¹⁷ Hynek was found guilty of "bringing Stanisława

witness Adolf Kleinman (AIPN, 915/770, Judgment of the Cracow District Military Court in Cracow, Cracow, 29 October 1945, fols 275–276).

¹¹² *Dziennik Ustaw* 6 (1944), item 27.

¹¹³ AIPN, 915/770, Judgment of the Cracow District Military Court *in Cracow*, Cracow, 29 October 1945, fol. 278.

¹¹⁴ The monograph by Anna Cichopek wrongly informs that they escaped from prison (Cichopek, *Pogrom Żydów w Krakowie*, p. 90). AIPN, 915/770, Notification of the escape of criminal prisoner Franciszek Kucharski, Cracow, 31 January 1946, fol. 289; *ibid.*, Notification of the escape of criminal prisoner Franciszek Ba[u]dys, 31 January 1946, fol. 290.

¹¹⁵ *Ibid.*, Decision to remit punishment, Cracow, 14 March 1947, fol. 327.

¹¹⁶ Under "Art. 286(1) Any official who, acting *ultra vires* or in dereliction of duty, acts to the detriment of public or private interest shall be subject to 5 years' imprisonment. § 2. If the perpetrator acts for financial or personal gain, for himself or another person, he shall be subject to up to 10 years' imprisonment" (*Dziennik Ustaw* 60 [1932], item 571).

¹¹⁷ AIPN 915/846, Judgment of the Cracow District Military Court, Cracow, 7 December 1945, fols 81–82.

Saletnik who had been beaten by the mob and bleeding, to an MO headquarters and hitting her twice with a rifle butt and saying ‘you rotten Jewess, you whore, you have murdered two children’ on the day of the tumult whereby he abused authority and acted to the detriment of public and private interest.”¹¹⁸ (Stanisława Saletnik was not a Jewess, but was taken for one). This convict, too, escaped from a convoy to the Wronki prison on 28 January 1946.¹¹⁹ For several months he was hiding at his brother Stefan Hyniek’s place, who was an officer of the County Public Security Office (PUBP) in Drawsko.¹²⁰ On 12 April 1947, he was captured and then served his sentence in the Nowy Wiśnicz prison.¹²¹ Upon amnesty, his sentence was reduced by half to 3 years.¹²²

Among the defendants named in the indictment of 5 September, there were also women. They were mainly charged with offences contrary to the Criminal Code, Art. 170, or spreading false information that might cause public unrest and offences contrary to the Polish Army Criminal Code, Art. 102(1) & (4), or inciting ethnic or racial feuds. For instance, Honorata Pieprzyk, during the anti-Jewish tumult, from 11.00 a.m. to 1.00 p.m. supposedly shouted in public that “Polish citizens of Jewish nationality have murdered two Polish children.”¹²³ Likewise, Ludwika Sienkiewicz and Kazimiera Stalmach allegedly publicly spread information that “Jews have murdered sixty Christian children in the synagogue,”¹²⁴ Stefania Kramarska reportedly said that “Jews have murdered eighteen children, that their bones and hair have been seen,”¹²⁵ and Zofia Danek reportedly shouted loudly in the crowd: “we have not been raising our children for Jews to murder them now.”¹²⁶ Ultimately, in respect of most women, charges were dropped because, as respective decisions read, their acts “did not bring about any serious consequences.”¹²⁷

¹¹⁸ *Ibid.*, fol. 82.

¹¹⁹ AIPN, 915/846, Notification of the escape of a criminal prisoner, Cracow, 31 January 1946. fol. 91.

¹²⁰ *Ibid.*, Request for pardon, Drawsko, 10 April 1947, fol. 97.

¹²¹ *Ibid.*, Report, Nowy Wiśnicz, 29 August 1947, fol. 111.

¹²² *Ibid.*, Decision of the Public Prosecutor for the Cracow Military District, Cracow, 25 March 1947, fol. 93.

¹²³ AIPN, 829/1255, Indictment, Cracow, 5 September 1945, fol. 133.

¹²⁴ *Ibid.*

¹²⁵ *Ibid.*, fol. 135.

¹²⁶ *Ibid.*, fol. 133.

¹²⁷ AIPN, 829/1256, Decision to discontinue investigation, Cracow, 6 November 1945, fol. 31; *ibid.*, Decision to discontinue investigation, Cracow, 14 November 1945, fol. 55; *ibid.*, Decision to discontinue

This opinion may raise doubts when the surviving records of the Cracow tumult are considered. It appears that the real reason for dropping the charges was insufficient evidence of the women's guilt (this aspect, however, was not mentioned in the respective decisions).

Altogether, in the span of several months, the Cracow District Military Court sentenced to imprisonment in connection with the Cracow pogrom over a dozen people.¹²⁸ Most were convicted under the Criminal Code, Art. 163 (participation in a public riot that committed an offence) and sentenced to imprisonment from one to seven years.¹²⁹ It appears that in some of these cases the Military Court lacked jurisdiction and should have transferred them for trial to common courts. For instance, Antoni Niedolistek filed an appeal from the judgment of the Cracow District Military Court of 18 February 1946, sentencing him to a term of imprisonment of 1 year under the Criminal Code, Art. 163.¹³⁰ Already next month, on 22 March, the Supreme Military Court set aside the judgment of the lower court and transferred Niedolistek's case to a common court for trial. In the decision, it held that:

investigation, Cracow, 14 November 1945, fol. 101; *ibid.*, Decision to discontinue investigation, Cracow, 13 November 1945, fol. 116.

¹²⁸ Anna Cichopek counted that between October 1945 and February 1946, 14 people were convicted (Cichopek, *Pogrom Żydów w Krakowie*, p. 90). Julian Kwiek, in turn, maintained that altogether 15 people were convicted. He pointed out that Cichopek had left out MO Cpl Jan Podstawski, sentenced to three years of imprisonment and degradation (Kwiek, "Pogrom antyżydowski w Krakowie," p. 172). It must be noted that these authors include Stanisław Jedynowicz in the number of the convicted. He was convicted of an act committed a day after the Cracow pogrom. On 19 December 1945, the Cracow District Military Court sentenced Jedynowicz to serve in a penal unit for 6 months for a deed disgraceful to the military honour and dignity of the Polish Army. "On 12 August 1945 in Cracow, he shouted while intoxicated in the street – in connection to an argument with other soldiers – the words: 'They want communism, I'll show them communism, they defend Jews, while it is Jews that do all this' whereby he committed an offence contrary to the Polish Army Criminal Code, Art. 170." (AIPN, 824/269, Judgment of the Cracow District Military Court, Cracow, 19 December 1945, fol. 15).

¹²⁹ Under the Polish Army Criminal Code, Art. 170 (deed disgraceful to military honour and dignity of the Polish Army), two people were convicted and sentenced to imprisonment from six months to two years. Under the Criminal Code, Art. 286 (abuse of authority and acting *ultra vires*) three people were convicted and sentenced to imprisonment from one year to six years. Under the Criminal Code, Art. 170 (spreading false information that may cause public unrest), one person was convicted and sentenced to two years of imprisonment. Under the Criminal Code, Art. 257 (theft of movable property), one person was convicted and sentenced to three years of imprisonment.

¹³⁰ AIPN, 824/393, Appeal to the Supreme Military Court in Warsaw, [Cracow], [filing date: 25 February 1946], fols 24–27.

The jurisdiction of the Military Court over this case was originally justified by the fact that the indictment charged the defendant with an offence defined in the Polish Army Criminal Code, Art. 102 [...]. Upon, however, the finding by the Military Court, based on hearing the results and all circumstances revealed in the course of the trial, that the defendant's act covered the physical components of an offence contrary to the Criminal Code, Art. 163, and not an offence contrary to the Polish Army Criminal Code, Art. 102 or possibly another that would make the Military Court competent to deal with the defendant's case, it should have recognised on its own motion its lack of jurisdiction and transferred the case to a competent common court.¹³¹

Thus, it was the District Court that had jurisdiction over Niedolistek's case. It appears that with respect to other civilian defendants, an error as to jurisdiction was also the case. This subject, however, calls for further study.

After 1989 – the Commission Investigations

Accusations of triggering “anti-Jewish tumults,” in both Rzeszów and Cracow were made very soon. In both cases, the regime press strongly suggested that the tumults had been instigated by underground anti-Communist organisations. In the special edition of the *Dziennik Rzeszowski* of 12 June 1945, local residents could read the following words: “We all must be very watchful so that anti-Semitic provocations, initiated in all consciousness by the reaction to disrupt our life and discredit us in the eyes of foreign countries, are exposed in time by society that should respond to them as a society and democratic justice require.”¹³² In respect of the Cracow pogrom, press editorials condemned “anti-Jewish” tumults and pointed the finger of blame at their organisers who were referred to as “criminal reactionary elements.”¹³³ In neither case did the press give a detailed report of events, while the participation of uniformed services in violent attacks on Jews was covered up. On the other hand, independence organisations claimed that the

¹³¹ *Ibid.*, Decision of the Supreme Military Court, Warsaw, 22 March 1946, fol. 32.

¹³² AOKŚZpNP Rz, S 25/2002/Zn, Certified copy of the special edition of *Dziennik Rzeszowski* of 12 June 1945, fol. 26.

¹³³ Cichopek, *Pogrom Żydów w Krakowie*, pp. 109–110.

tumult of 11 August could have been triggered by the UB and NKVD that wanted to obtain an argument to be used in their propaganda.¹³⁴ Moreover, with respect to the Rzeszów tumult, security services supposedly acted to cover up the entire matter.¹³⁵

The hypothesis that the anti-Jewish tumults in Rzeszów and Cracow were provoked by the security services was the reason why the OKBZpNP launched investigations in the 1990s. On 24 June 1991, public prosecutor Włodzimierz Konarski, delegated to the OKBZpNP in Cracow, launched an investigation into the matter “of abusing authority by the officials and other persons from the top administrative and law-enforcement circles of Cracow by allowing incidents, triggering an uncontrolled hostile reaction of residents towards Jews, which led to a pogrom and the killing of Jews on 11 August 1945.”¹³⁶ The reason for launching the investigation was press stories and the relation of witness Idzi Ćwiąg. It followed from it that the anti-Jewish tumult in Cracow had allegedly been provoked by the then authorities, with the leading role being played by the WUBP in Cracow. Two years later, the investigation was joined with another concerning the criminal actions by the officials of the former WUBP in Cracow (S 2/91/UB).¹³⁷

An investigation into the Rzeszów tumult was launched in 1998 on the basis of a memo by Waldemar Tomczyk, research documentation assistant at the OKBZpNP in Rzeszów. While reviewing the file of “Exhibits in the case of Klaus Jozef,” he came across information on the killing of Bronisława Mendoń in a report of Intelligence Brigades on the tumult of 11 and 12 June.¹³⁸ According to it, the killing was supposedly “the result of a provocation organised by the Security Service from Rzeszów.”¹³⁹ On 7 January 1999, a public prosecutor of the Rzeszów City Office, delegated to the Rzeszów Commission, launched an investigation.¹⁴⁰ Its subject matter was “assaults on persons of Jewish nationality that took place in

¹³⁴ AOKŚZpNP Kr, S 111/2007/Zk, Vol. 5, Decision of public prosecutor to discontinue investigation, Cracow, 17 April 2009, fol. 886.

¹³⁵ AOKŚZpNP Rz, S 25/2002/Zn, Vol. 1, Intelligence report from Rzeszów Voivodeship, fols 5–6.

¹³⁶ AOKŚZpNP Kr, S 111/2007/Zk, Vol. 1, Decision to launch investigation, Cracow, 24 June 1991, fol. 4.

¹³⁷ *Ibid.*, Decision to join cases, Cracow, 30 December 1993, fol. 3.

¹³⁸ AOKŚZpNP Rz, S 25/2002/Zn, Vol. 1, Intelligence report from the Rzeszów Voivodeship, fols 5–6.

¹³⁹ *Ibid.*, Memo, Rzeszów, 12 March 1998, fol. 1.

¹⁴⁰ AOKŚZpNP Rz, S 25/2002/Zn, Decision to launch investigation, Rzeszów, 7 January 1999, fol. 46.

Rzeszów in 1945, taking the form of individual or collective attacks on persons of Jewish nationality or their groups and constituting physical components of offences against life and health, freedom and property, the reason of which was the killing of Bronisława Mendon.

¹⁴¹

Due to the coming into force of the Act on the Institute of National Remembrance – Commission for the Prosecution of Crimes Against the Polish Nation, the investigations were suspended.¹⁴² The Rzeszów investigation was resumed by the OKŚZpNP IPN in Rzeszów in April 2002 and focused on the serious persecution of a group of persons of Jewish nationality and toleration thereof by public security officers; it consisted in the use of violence and unlawful threats towards the persecuted because of their membership of a specific ethnic group during the anti-Semitic tumult in Rzeszów, June 1945, sparked by the killing of Bronisława Mendon.¹⁴³ In 2007, Artur Wrona – a public prosecutor at the OKŚZpNP in Cracow – pursuant to the Code of Criminal Procedure, Art. 34(8), decided to make evidence of the dereliction of duty by the Cracow WUBP officials and administrative and law-enforcement authorities the subject-matter of separate proceedings. The dereliction of duty, it is argued, brought about the so-called Cracow pogrom of persons of Jewish nationality on 11 August 1945.¹⁴⁴ In this case, proceedings were conducted in the matter of “dereliction of duty and acting *ultra vires* by Cracow administrative officials by triggering an uncontrolled hostile reaction of residents towards persons of Jewish nationality, or tolerating same. This led to killings, beatings and destroying as well as robbing of property in Cracow on 11 August 1945 (so-called Cracow pogrom).”¹⁴⁵

¹⁴¹ *Ibid.*

¹⁴² AOKŚZpNP Rz, S 25/2002/Zn, Decision to suspend investigation, 28 January 1999, fol. 171.

¹⁴³ An act contrary to the Criminal Code, Art. 119(1), in connection with Art. 3 of the Act of 18 December 1998 on the Institute of National Remembrance – Commission for the Prosecution of Crimes Against the Polish Nation (*ibid.*, Decision to resume a suspended investigation, 4 April 2002, fol. 172).

¹⁴⁴ AOKŚZpNP Kr, S 111/2007/Zk, Vol. 1, Decision to exclude materials for separate proceedings, Cracow, 1 October 2007, fol. 1.

¹⁴⁵ Offences contrary to the 1932 Criminal Code, Art. 225(1), the 1943 Criminal Code, Art. 240, and the 1932 Criminal Code, Art. 257(1) and Art. 263(1) in connection with the 1932 Criminal Code, Art. 291(1) and Art. 26 and in connection with the Act of 18 December 1998 on the Institute of National Remembrance – Commission for the Prosecution of Crimes Against the Polish Nation, Art. 2(1) (*Dziennik Ustaw*, 155 [1988], item 1016, as amended); AOKŚZpNP Kr, S 111/2007/Zk, Vol. 5, Decision to discontinue investigation, Cracow, 17 April 2009, fol. 881.

Ultimately, both investigations were discontinued, and nobody was charged. The Rzeszów one was already dropped first in 2003,¹⁴⁶ without identifying any persons who had first-hand information related to the case in question or interviewing MO officers working at that time.¹⁴⁷ Relying on the accumulated evidence, the finding was made that in June 1945, an anti-Jewish tumult occurred during which “persons of Jewish nationality were beaten and abused by Rzeszów residents.”¹⁴⁸ All this happened in the presence of the MO officers who escorted the detainees but tolerated aggressive behaviour towards them and themselves used physical violence against them. It was also found that the behaviour of public officials constituted serious persecution because of the membership of victims of a specific group. This, in turn, was held to have been a “crime against humanity” described in the Act of 18 December 1998 on the Institute of National Remembrance – Commission for the Prosecution of Crimes Against the Polish Nation.¹⁴⁹ The investigation, however, did not identify those directly responsible for it, hence the investigation was discontinued due to the failure to identify its perpetrators.¹⁵⁰ The provocation aspect was not discussed in the decision to discontinue the investigation.

The Cracow investigation was discontinued six years later¹⁵¹ due to a lack of evidence that would make the commission of a prohibited act sufficiently probable.¹⁵² The public prosecutor found that:

There is no evidence whatsoever for accepting that an uncontrolled and hostile reaction towards persons of Jewish nationality during which a person was killed, other persons were beaten and property was damaged and robbed in Cracow on 11 August 1945 was planned, instigated, triggered or tolerated by WUBP or

¹⁴⁶ AOKŚZpNP Rz, S 25/2002/Zn, Decision to discontinue investigation, Rzeszów, 1 April 2003, fol. 290.

¹⁴⁷ Because – as the public prosecutor wrote – they had died or were not included in the PESEL data base.

¹⁴⁸ AOKŚZpNP Rz, S 25/2002/Zn, Decision to discontinue investigation, Rzeszów, 1 April 2003, fol. 291.

¹⁴⁹ Under the Act of 18 December 1998 on the Institute of National Remembrance – Commission for the Prosecution of Crimes Against the Polish Nation, Art. 3, such persecution – because of membership of a specific ethnic, political, social, racial or religious group – if perpetrated, instigated or tolerated by public officials, constitutes a crime against humanity (*ibid.*, fol. 291v).

¹⁵⁰ *Ibid.*

¹⁵¹ AOKŚZpNP Kr, S 111/2007/Zk, Vol. 5, Decision to discontinue investigation, Cracow, 17 April 2009, fol. 880.

¹⁵² *Ibid.*, fol. 887.

MO officers and the administrative officials of the city of Cracow, and others for the purpose of sparking persecutions because of the membership of victims of a specific ethnic, racial or religious group.¹⁵³

Thus, the provocation hypothesis was rejected.¹⁵⁴

Conclusion

What were the causes of hostility towards Jews in the post-war period? The research carried out hitherto points to the consequences of the war (social demoralisation and loss of respect for human life), desire to loot and rob, anti-Semitism, belief in rumours about ritual killings, the experience of the Holocaust and the siding of some Jews with the Communist authorities.¹⁵⁵ In 1945, the greatest outbursts of anti-Jewish violence occurred in Rzeszów and Cracow.

To recapitulate, the June 1945 tumult was sparked by the finding of the dead body of an eight-year-old girl who had been murdered a few days earlier. This tragic occurrence led to the outburst of violence directed at Jews whom residents suspected of the murder, whereas the Cracow pogrom was instigated by rumours of a ritual murder. During both events, Jews were beaten, abused and robbed. The precise number of victims cannot be known. During the Rzeszów tumult there were not any fatal casualties in contrast to Cracow, where Róża Berger was shot dead. With respect to the Rzeszów tumult, no evidence has been found that anyone was ever brought to account for actions perpetrated then. The reason could have been the desire by the Communist authorities, as Krzysztof Kaczmarski quoted earlier wrote, to hush up the whole matter. After the 1989 watershed, it was not possible either – obviously due to the considerable lapse of time – to bring to justice the participants in the 1945 events. This was different with respect to the

¹⁵³ Thus, there was no evidence whatsoever for the commission of an offence contrary to the 1932 Criminal Code, Art. 225(1), Art. 240, Art. 257(1) and Art. 263(1) in connection with the 1932 Criminal Code, Art. 291(1), and Art. 26 and in connection with the Act of 18 December 1998 on the Institute of National Remembrance – Commission for the Prosecution of Crimes Against the Polish Nation, Art. 2(1) (*Dziennik Ustaw* 155 [1988], item 1016, as amended); AOKŚZpNP Kr, S 111/2007/Zk, Vol. 5, Decision to discontinue investigation, Cracow, 17 April 2009, fol. 887.

¹⁵⁴ *Ibid.*, fol. 885.

¹⁵⁵ See Szaynok, "Polska historiografia," p. 524; Zaremba, *Wielka trwoga*, pp. 585–643.

Cracow pogrom. Within several months, over a dozen people were convicted of their participation in the anti-Jewish tumult. The available files of criminal proceedings conducted then enabled us to learn in greater detail about the robberies and anti-Jewish violence. In this context, it must be remembered that the investigations were manipulated by law-enforcement agencies of those times. Hence, it might be worthwhile to study them further, especially as, in this article, certain questions have only been sketched out.

The studies carried out so far elicit further questions about offences committed against Jews in the post-war period. Above all, what was the nature of the prosecution and trials of the perpetrators of such offences in the latter half of the 1940s? What was the effectiveness of prosecutions conducted then, how many prosecutions were discontinued, and in how many cases were indictments filed? Who were the people charged? Were these cases used as a means to other ends? To what degree were prosecutions entangled in current politics? What was the nature of judicial decisions in the cases of people charged with the offences in question? Were such cases used for propaganda purposes?

The research conducted hitherto shows that acts of violence against the Jewish population took place in Cracow and Rzeszów Voivodeships both before and after the 1945 tumults.¹⁵⁶ It would be worthwhile to study the reactions of Communist law enforcement agencies to particular acts of violence, killings and anti-Jewish tumults in various regions in the post-war period. Any comparisons that could be then made would be a valuable contribution to what we know of various manifestations of aversion towards Jews in Poland after the end of the Second World War.

¹⁵⁶ See E. Rączy, "Zabójstwa dokonane na Żydach w województwie rzeszowskim w latach 1944–1947 w świetle akt organów bezpieczeństwa," in *Z dziejów stosunków polsko-żydowskich w XX wieku*, ed. by E. Czop and E. Rączy (Rzeszów, 2009), pp. 128–142; J. Kwiek "Zabójstwa ludności żydowskiej w Krakowskiem w latach 1945–1947. Fakty i mity," *Kwartalnik Historii Żydów* 4 (2013), pp. 679–695.

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SUMMARY

This article attempts to compare the course of two acts of collective anti-Jewish violence that occurred in post-war Poland, first in Rzeszów on 11–12 June 1945 and two months later on 11 August in Cracow, and criminal proceedings launched in relation thereto. Actions by law enforcement agencies and the administration of justice, taken in the 1940s and after 1989, are discussed. In the latter period, the Rzeszów and Cracow tumults were investigated by the District Commission for the Investigation of Crimes Against the Polish Nation and later by the Branch Commission for the Prosecution of Crimes Against the Polish Nation.

KEYWORDS

anti-Jewish violence • anti-Semitism • Jews in Poland after 1944