

Original article

## Analysis of Major Jerzy Sosnowski's letters to his father against the background of the criminal trial before the Military District Court No. I in Warsaw

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### INFORMATION

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### ABSTRACT

The study presents the contents of the letters from the private archive of Major Jerzy Sosnowski, a Polish military intelligence officer operating in Berlin in 1926-1934. The letters are addressed to his father and come from 1937 and 1938. The text presents Major Sosnowski's profile. Then the circumstances in which the letters were written and their meaning are discussed. Their content was analyzed against the background of the criminal trial before the Military District Court No. I in Warsaw and regarding the current state of knowledge about Major Sosnowski's fate from crossing the German-Polish border in April 1936 until the sentence in June 1939. The content of the letters proves their author's personal harm and violations of the law preceding criminal proceedings before the Polish military court, and to some extent, also provide insight into the trial for which the primary sources (court records) have not been preserved.

### KEYWORDS

espionage, intelligence, court, criminal trial



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## Introduction

Jerzy Sosnowski was born in December 1896 in Lviv in an educated family. In 1914, he graduated from high school and passed the matura exam. At the age of eighteen, Sosnowski joined the Austrian Army and, after graduating from an officer's cavalry school, commanded a platoon of lancers on the Russian front. He completed his service in the Austrian Army with the rank of lieutenant and was decorated several times for bravery at the front. After the end of World War I, he joined the resurgent Polish Armed Forces. During the Polish-Bolshevik War, he commanded a squadron of the 8<sup>th</sup> Uhlan Regiment of Prince Józef Poniatowski and was promoted to captain's rank. Then he served in the Vilnius and Warsaw garrisons. In January 1926, he began his secret service in Division II of the General Staff of the Polish Armed Forces. In March 1926, Sosnowski was sent to Berlin as a resident of Polish military intelligence, and the intelligence facility under his command received the code name "In.3". He faced the

ambitious and challenging task of reaching the German Reich<sup>1</sup> central military institutions, particularly the secret plans of the Reichswehrministerium<sup>2</sup>.

In the Reich capital, Sosnowski introduced himself as *Georg Sosnowski Ritter von Nalecz, Oberleutnant bei Ulanen*, thus emphasizing his noble origin. He disseminated information on significant income from land estates in Poland. He did not conceal his military career, but he explained his departure from the Polish Armed Forces by conflicts with his superiors because of a love story. He presented himself as a critic of Polish politics and government after the May Coup of Marshal Józef Piłsudski, a supporter of the Polish-German agreement, and an anti-communist. The main area of contact with the Berlin social circles was Sosnowski's equestrian passion and the successes achieved earlier in equestrian competitions. He was a person known in the environment of horse-riding enthusiasts, among whom it was also easy to find officers of the German Army. The acquaintances he made were deepened at banquets and at parties organized in his apartment, where Sosnowski hosted aristocrats, movie stars, diplomats, industrialists, and German officers.

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<sup>1</sup> Before and after the National Socialists led by Adolf Hitler came to power, the official name of the German state was "German Reich" (Verfassung des Deutschen Reichs vom 11. August 1919. Reichsgesetzblatt; 1919, p. 1383).

<sup>2</sup> Scientific literature concerning the so-called Sosnowski's case is rich. The following works are considered to be the most important: P. Kołakowski, A. Krzak. *Sprawa majora Jerzego Sosnowskiego w świetle dokumentów analitycznych Oddziału II SGWP i zeznań Franza Heinricha Pfeifera*. Warszawa: Demart; 2015; P. Kołakowski. *Czas próby. Polski wywiad wojskowy wobec groźby wybuchu wojny w 1939 r.* Warszawa: Demart; 2012; H. Ross. *Polen und Europa. Studien zur polnischen Außenpolitik 1931-1939*. Tübingen: Mohr; 1957; H. Höhne. *Canaris. Patriot im Zwielicht*. München: Bertelsmann; 1984; G. Buchheit. *Der deutsche Geheimdienst. Geschichte der militärischen Abwehr*. München: List Verlag; 1966; H. Cwiąg. *Przeciw Abwehrze*. Warszawa: Dom Wydawniczy Bellona; 2001; Idem. *Na tajnym froncie polsko-niemieckim. Kulisy działalności wywiadowczej rotmistrza Jerzego Sosnowskiego*. Częstochowa: Wydawnictwo Akademii im. Jana Długosza; 2005; Idem. *Rotmistrz Sosnowski. As wywiadu Drugiej Rzeczypospolitej*. Kraków: Wydawnictwo Literackie; 2010; Idem. *W tajnej służbie II Rzeczypospolitej. Wywiad Polski wobec Niemiec w latach 1918-1939*. Częstochowa: Wydawnictwo Akademii im. Jana Długosza; 2009; L. Gondek. *Wywiad Polski w III Rzeszy. Sukcesy i porażki*. Warszawa: Bellona; 2011; R. Majzner, T. Dubicki, A. Suchcitz. *W labiryncie oskarżeń. „Sprawa majora Żychonia” przed Morskim Sądem Wojennym w Londynie 1942-1943*. Częstochowa: Wydawnictwo im. Stanisława Podobińskiego Akademii im. Jana Długosza; 2015; R. Majzner. *Polski wywiad wojskowy wobec polityki III Rzeszy 1933-1939*. Toruń: Wydawnictwo Adam Marszałek; 2006; A. Pełtoński. *Wojna o tajemnice. W tajnej służbie Drugiej Rzeczypospolitej 1918-1944*. Kraków: Wydawnictwo Literackie; 2011; A. Woźny. *Niemieckie przygotowania do wojny z Polską w ocenach polskich naczelnych władz wojskowych w latach 1933-1939*. Warszawa: Neriton; 2000; M. Zgórnjak. „In.3” – sprawa Jerzego Sosnowskiego. *Studia Historyczne*. 1970;4(51); A. Krzak. „Afera Sosnowskiego” w świetle „sprawy Pfeifera”. In: *Kontrwywiad II RP (1914) 1918-1945 (1948)*. Vol. 1. Warszawa; Emów: Agencja Bezpieczeństwa Wewnętrznego. Centralny Ośrodek Szkolenia; 2013; Idem. „Afera Sosnowskiego”. *Nowe spojrzenie na działalność placówki wywiadowczej In.3 i jej kierownika – mjr. Jerzego Sosnowskiego*. In: P. Kołakowski, A. Pełtoński (eds.). *Wywiad wojskowy w II Rzeczypospolitej. Materiały*. Kraków: Avalon; 2011; Idem. *Jerzy Sosnowski – obraz życia i działalności wywiadowczej w opracowaniu pt. „Afera Sosnowskiego” (Synopsis)*. In: P. Kołakowski, A. Pełtoński (eds.). *Za kulisami wywiadu i dyplomacji. Polski wywiad wojskowy 1918-1945. Materiały*. Kraków: Avalon; 2014; Idem. *Major Jerzy Natęcz Sosnowski – genialny polski szpieg czy podwójny agent? Rocznik Nauk Politycznych*. 2007;10; J. Centek. *Niemiecki dokument w sprawie afery szpiegowskiej rtm. Jerzego Sosnowskiego*. *Przegląd Historyczno-Wojskowy*. 2008;2; K. Paduszek. *Polski Dreyfus czy międzynarodowy szpieg? Mjr Jerzy Sosnowski-Natęcz przed sądem polskim*. *Przegląd Historyczno-Wojskowy*. 2008;2; K. Graczyk. *Sprawa majora Jerzego Sosnowskiego przed Trybunałem Ludowym w Berlinie w 1935 r.* In: P. Vyšný, Š. Siskovič (eds.). *Pravno-historicke trendy a vyhl'ady II*, Krakov; 2017, p. 206-214.

significant income from land estates in Poland. He did not conceal his military career, but he explained his departure from the Polish Armed Forces by conflicts with his superiors because of a love story. He presented himself as a critic of Polish politics and government after the May Coup of Marshal Józef Piłsudski, a supporter of the Polish-German agreement, and an anti-communist. The main area of contact with the Berlin social circles was Sosnowski's equestrian passion and the successes achieved earlier in equestrian competitions. He was a person known in the environment of horse-riding enthusiasts, among whom it was also easy to find officers of the German Army. The acquaintances he made were deepened at banquets and at parties organized in his apartment, where Sosnowski hosted aristocrats, movie stars, diplomats, industrialists, and German officers.

The successes achieved by Sosnowski caused disbelief in the Head Office in Warsaw. Women's access to such documents has been questioned. The authenticity of the materials sent was doubted, and there was a search for possible inspiration from the enemy. That assessment has changed over time.

In February 1934, Sosnowski and his agents were arrested by Gestapo and then subjected to investigation. Less than a year later, on February 16, 1935, they were found guilty by the People's Court in Berlin. The Polish officer and Irene von Jena were sentenced to life imprisonment, while Benita von Falkenhayn and Renata von Natzmer were sentenced to death and beheaded with an ax.

In April 1936, Sosnowski was transferred to Poland as part of the Polish-German exchange of political prisoners. After crossing the Republic of Poland border, he was not rewarded for many years of service in Polish intelligence and the hardships of imprisonment in a German prison. He was arrested. However, it was done without a court order, informally, and in violation of the law. Such behavior was, in fact, the illegal deprivation of the Polish officer's liberty. He was taken to Warsaw, where he was interrogated in one of Division II of the General Staff of the Polish Armed Forces and held in complete isolation, also in the Division II employee's apartment. The interrogators were anxious to learn about the German arrangements regarding the Berlin mission, but most of all, they aimed at securing Sosnowski's confession of treason and entering into an agreement with the German services.

Under the influence of the experiences accompanying the isolation, the Polish officer suffered a nervous breakdown and attempted suicide. The lawlessness applied against him by Division II the employees was revealed after almost a year and a half (in October 1937) due to the letter being sent to his father, Józef Sosnowski, by an unknown person who could not endure the witnessed lawlessness.

Sosnowski's father informed the attorney Zygmunt Hofmoki-Ostrowski about the case. Hofmoki-Ostrowski intervened with the Inspector General of the Armed Forces, Marshal Edward Rydz-Śmigły, who ordered to proceed the matter following the law. In effect, Sosnowski was officially arrested and then illegally sentenced by the Military District Court No. I in Warsaw on June 17, 1939, to a total penalty of 15 years in prison, a fine of PLN 200,000.00 PLN, and additional penalties [1, p. 223-260].

It should be noted that the most recent findings of historiography cast doubt on the correctness of the most severe allegations concerning agreeing with the German secret services and disinformation of the Polish intelligence leadership, attributed to Sosnowski by the judgment of the military court in June 1939.

The study aims to analyze three letters from Major Jerzy Sosnowski to his father against the background of the Division II employees' conduct to him and the trial before the Military

District Court No. I in Warsaw. These letters document the personal situation, the perceived harm, and bitterness, and the pressure that Sosnowski was put under, first as an illegally isolated person, and then officially arrested and imprisoned in a Polish prison. The study is the implementation of the previously expressed research postulate<sup>3</sup> [1, p. 231]. Letters are family heirlooms and are kept in a private archive<sup>4</sup>. First, their meaning and the circumstances in which they were written will be discussed, and then their content will be presented. Due to the direct relationship between the letters and the so-called Polish trial, its result will be outlined.

## 1. The meaning of the letters

Jerzy Sosnowski addressed the preserved letters to his father. He described him as “the dearest and beloved papa” and “beloved and dear papa”, which suggests the existence of a strong emotional bond and the fact that Jerzy was giving his father due honor. All letters were drawn up with a pencil, on plain, blank, and linear paper (not Division’s or prison’s letterhead). It argues for covert correspondence, prepared without the guards’ knowledge, emerging from other sources. It also follows that the letters were not demonstrative, as they were addressed to relatives and thus reflected the author’s authentic, subjective experiences. The correspondence also provides a limited overview of the evidence taken before a military court. It is worth adding that the files of the Polish trial most likely burned down in September 1939 [2, p. 89].

The first letter – dated September 8, 1937 – fell during major Sosnowski’s illegal, unlawful imprisonment. Unlawful imprisonment lasted from April 23, 1936 (i.e., from the moment of crossing the German-Polish border as part of the exchange of political prisoners) [3] until October 9, 1937 (i.e., until the military prosecutor requested a military court to order temporary arrest) [4]. This letter most likely prejudged the disclosure of the case. Its effect was the involvement of a lawyer and an intervention with the highest military authorities, which resulted in proceedings essentially compliant with the law<sup>5</sup>.

<sup>3</sup> It should be noted, however, that a photocopy of a page of one of the letters and the content of one letter – of September 8, 1937 – was first published in work M. Zacharski. *Operacja Reichswehra. Kulisy wywiadu II RP*. Poznań: Zysk i S-ka Wydawnictwo; 2013, p. 915-9. The rereading of the letters revealed several minor inaccuracies in the published entry, resulting from the degree of distortion of the writing material and the illegibility of Major Sosnowski’s handwriting.

<sup>4</sup> The letters were made available to the author by Andrzej Sosnowski, the Polish officer’s relative, for which (as well as for consenting to their scientific use) the author expressed his sincere thanks. It should be emphasized that the circumstances in which they were made available and the family message regarding their fate did not raise any doubts as to the authenticity of the source. Jerzy Sosnowski was Józef Jan Sosnowski and Adela née Czarnowska’s child. He had a younger brother Janusz. Józef Jan Sosnowski was Arystarch Sosnowski and Lucylla née Meleniewska’s son, he had three brothers (Stefan, Jan January and Kazimierz) and five sisters (Józefa, Alina, Jadwiga, Maria and Wanda). Andrzej Sosnowski, with whom the author met at the end of September 2016 in Sopot and who made the letters that are the subject of this study available, is Adam Sosnowski and Alina née Lipińska’s son. Adam Sosnowski was Kalikst Sosnowski and Maria née Jabłońska’s child. Kalikst Sosnowski was one of the four children of Stefan Sosnowski and Stefania Dunin-Borkowska. According to the family message, the letters together with other family mementoes, after Janusz’s, Jerzy’s brother, death in the 1960s, were found at Andrzej Sosnowski’s grandmother – Alina Sosnowska née Lipińska’s place.

<sup>5</sup> The shortcomings and formal errors committed by the military prosecutor’s office at the stage of the preparatory proceedings and in the preparation of the indictment are discussed in the work of K. Graczyk. *Operacja „Reichswehrministerium”. Misja majora Jerzego Sosnowskiego. Niemiecki i polski proces karny*. Warszawa: Oficyna Wydawnicza RYTM; 2017, p. 223-63. They also touched upon this issue in their work, P. Kołakowski, A. Krzak. *Sprawa majora...*, op. cit., p. 84-97.

The content of the first letter alone proves the tragic situation in which Sosnowski found himself and how he was subjected to mental torture. He warned his relatives – the addressees of the letter – against the influence of Division II and machinations aimed at preventing the case from leaking outside. These instructions resulted evidently from his experiences from the moment of his arrest after crossing the German-Polish border on April 23, 1936. The content of the first letter also highlights the instructions on the circulation of correspondence and the method of disclosing the case and the emphasis on the provisions and the need to stick strictly to the letter of the law.

In the first letter, Stefan Mayer and Stefan Maresch were mentioned among the employees of Division II. Against Mayer, who was then the head of intelligence, Sosnowski hurled insults and announced his destruction. However, regarding Maresch, he drew attention to possible intrigues or disapproval on the part of his brother, who was a colonel in the military judiciary. The insults at Mayer and a detailed description of the action, along with exhortations and warnings, resulted from Division II employees' actions towards the author of the letter. Jerzy Sosnowski expressed kind words and appreciation to the correspondence deliverer, who voluntarily and at-risk fulfilled his mission. The messenger's identity was not mentioned in the correspondence. Moreover, Sosnowski instructed his father to act during the planned intervention in such a way that the messenger would not even be suspicious.

The second letter was written on September 6, and the third one on October 31, 1938. These letters did not pass through the prosecutor's censorship. Their behavior may indicate that even after implementing formal prosecution proceedings, Sosnowski was deprived of correspondence with his family. Both letters were drawn up during the trial before the Military District Court No. I in Warsaw, which began on March 29, 1938 [5, p. 544]. For this reason, the correspondence – apart from natural fragments of an emotional nature, exhortations about the deliverer, or wishes – contains an account of the evidence proceedings, individual witnesses' attitudes, considerations of evidence conclusions, and instructions for the addressee to testify in court.

Sosnowski instructed his father as to how to testify in court. However, this instruction was not manipulative. The Polish officer suggested that he testify in a natural and truthful manner, rather not going into details, as this could lead to contradictions or inaccuracies due to the passage of time. The author of the letter also expressed his subjective feeling as to the reception of his explanations by the court, which did not believe the absolutely true testimony, but believed in a logically arranged lie. He also tried to bring in additional witnesses, his friends from Berlin and former agents for the trial, which most likely did not happen<sup>6</sup>.

The last letter was written at the stage of a significant advancement in the evidence proceedings before the court. In its content, Sosnowski, without mincing words, made a general assessment of the testimonies submitted up to that point. One can clearly distinguish the testimonies of Division II employees from those of other people. The first to testify for the accused Maj. Sosnowski was unfavorable and in his opinion the testimony constituted perjury. Others, according to Sosnowski, showed a lot of civil courage, testifying in his favor and

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<sup>6</sup> Interestingly, these people's personal details did not appear in the evidence application submitted by Sosnowski after the indictment was served. Therefore, Sosnowski had to think about the need to call additional witnesses later, already during the trial before the Military District Court No. I in Warsaw. CAW. AP. Major Jerzy Nałęcz Sosnowski. Sign. 1769/89/4775. Arkusz Referatowy, t. III, k. 34-38. *Odpis wniosku dowodowego mjr. Sosnowskiego z 8 marca 1938 r.*

even emphasizing his merits. The letter also mentioned the attitude of the experts who, in Sosnowski's opinion, tried to prove his guilt at all costs<sup>7</sup>.

## 2. The content of the letters

Efforts were made to follow the rules applicable to editing archival documents from the 20<sup>th</sup> century. Spelling and punctuation errors were corrected. Changes to the syntax were made only when necessary. The underlines present in the original have been retained. The footnotes provide basic biographical information about the persons mentioned in the correspondence.

### 2.1. The letter of September 8, 1937

Please destroy the letter after reading it in the presence of the deliverer!

September 8, 1937

My Dearest and Beloved Papa!

In today's situation, I do not need to describe or assure what I feel and experience and my feelings for Papa and our loved ones. Therefore, telegraphically, a few requests and current tips. Please exclude Januszek from the conference<sup>8</sup>.

Take the case, if possible, to Hofmokl-Ostrowski (father). The fact that he is "loud and likes advertising" is a good thing, because that is the case for him; Please advise him that I trust him that he will defend a just cause with courage, that I am asking for his replacement. I was reading his book, "Staff Officer". If necessary, a power of attorney. Please answer if it is needed? Once again, please do not let the gendarmerie animals blackmail or intimidate or deceive you. Talk to them only when necessary and only in the presence of a lawyer, believing and relying only on the data contained in the "complaint" to the prosecutor. Submit a complaint as soon as possible, without warning the authorities, and be careful not to hide them under the cloth. For those who are prejudiced may hinder through intrigues and perhaps even forcefully. The original of the complaint to the prosecutor should be kept in a place where the "lawlessness" cannot reach (not at home or with you). Make official copies, which should also be handed over, being witnessed, to the Supreme Commander<sup>9</sup> and the Minister of Justice to avoid "covering up the case". Not to let anyone dissuade anyone from this step, neither with my "panic" or the "importance of the state", nor with repressions against me, nor with promises of "moral and maternal compensation" (which I was also hinted at). The first condition is that I am either returned to freedom arrested and brought to legal grounds without delay. On the day of delay in the decision, disagree, take a strictly legal position; "If my son is at fault, I demand that he respond in the face of the law", this is the answer to blackmail. Otherwise it could go on forever. To charge with a word, all over the front, no matter what the losses – as far as my person was concerned. No negotiation with Mayer!<sup>10</sup>. I will either die or destroy it! On 26/27 May 37. in front of numerous witnesses, I shouted:

<sup>7</sup> The experts in the Polish criminal trial were Lt. Col. Wilhelm Heinrich, Capt. Jerzy Niezbrzycki, and Cpt. Mieczysław Dubik. K. Graczyk. *Operacja...*, op. cit., p. 257.

<sup>8</sup> It is about Jerzy Sosnowski's brother, Janusz.

<sup>9</sup> In fact, it is about the Inspector General of the Armed Forces, Marshal Edward Rydz-Śmigły, who at the outbreak of the war became the Commander-in-Chief (and not in the time of peace, when the letter was written).

<sup>10</sup> Lieutenant Colonel Stefan Mayer belonged to the top management of the Polish military intelligence in the 1930s. In the years 1922-1923 he headed the Branch No. 6 of Division II of the General Staff of the Polish Armed Forces in Brześć on the Bug, and in the years 1926-1928 he headed the Branch No. 1 in Vilnius.



please report the notes and announce to Mayer: "Mayer is a cattle, a criminal, his hands are bloodied, I will spit in his face!" Initially, a complaint should be filed with the prosecutor when it does not take immediate effect, or when they try to intimidate or act unlawfully, and by the authority of the chief of staff, they use the authority to protect themselves – automatically file my complaint as above. Do not be intimidated by the power of D. II<sup>11</sup> because where there is a legal basis, their power will turn out to be only a bogey. However, consider the possibility of retaliation and revision in search of the "complaint" written by me. It is a very sharp weapon, keep it well and wisely, and use the authorities ruthlessly. Make an appointment and finally agree with the donor. I emphasize once again for his great nobility, under no circumstances should a shadow of suspicion fall upon him. I think Papa realizes what this man is doing for us and that we are his moral debtors! Further, avoid, through pretending, that the "complaint" may have been treated indiscreetly. So, after receiving the notification, Papa took it personally "through the window" from me in order to prevent lawlessness and punish the guilty. "Advice" in the attachment. Please provide the final "version" by the donor (exactly). Please provide a detailed action plan with dates. The date on which the complaint was lodged and the attorney's opinion as well as his further evidence. plans. Reckon it is possible that when applying for the prosecutor's intervention, I will be 'hidden'. For this, I am going to leave a "trace" (to be explained by the donor). However, you should only tell about it to the attorney who will probably be there, not to the prosecutor, because he will not warn you about it or "on orders". Take into account the fact that we are dealing with the mafia; be based on the law and make noise, as long as it is written law, not their threats – allows. I know that Capt. Maresch's brother<sup>12</sup> is a colonel in military judiciary; so, bear in mind the risk of concealing or unfavorably accepting the matter. Cut the attached "plan" according to the supplier's instructions. If the deliverer will ever want to show such kindness and dedication, passing on some eminently urgent message, please contact him. (Meeting after telephone notification and advertisement in the newspaper). Always take into consideration the possibility of surveillance and use children during meetings. In the event of a loss of communication due to reasons beyond our control – I will wait every Sunday at a notification window, with a hit at noon. However, come to the meeting only in extremely important cases. Please act as quickly, energetically, and ruthlessly as possible, relying strictly on the law (after consulting with an attorney), but protect yourself. Each day of accelerating my dismissal is precious and important to me! Please, let me know what's up with Katia<sup>13</sup>, how is she doing, she didn't leave Warsaw as it was agreed? It worries me so much. Please know that I will never give up on her and I will overcome all difficulties!

Inverted note at the top of the last page: I kiss my Beloved, Dear Papa's hands, Loving son, Jurek

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From 1930, he was the Head of the Intelligence Department II in Division II. S. Ławniczak. *Stefan Antoni Mayer 1895-1981*. Wałcz: Sebastian Ławniczak; 2012, p. 101.

<sup>11</sup> Jerzy Sosnowski used the abbreviation of Division II of the General Staff of the Polish Armed Forces.

<sup>12</sup> Stefan Maresch was the Head of the Counterintelligence Department in Department IIb of Division II. His brother, Colonel Teofil Maresch, was the Head of the Justice Department of the Ministry of Military Affairs and the chief military prosecutor. P. Kofakowski, A. Krzak. *Sprawa majora...*, op. cit., p. 84; K. Graczyk. *Operacja...*, op. cit., p. 231.

<sup>13</sup> Katja Berberjan was most likely Sosnowski's agent, but she was not held criminally responsible before the People's Tribunal. We know that she ran a fashion salon in Berlin, whose client was Sosnowski, and she also shared her apartment with him to organize social events. German investigators determined that the handover of spy materials was taking place in the Berberjan fashion showroom. Interrogated Berberjan, however, denied that she had any idea of Sosnowski's espionage activities. K. Graczyk. *Operacja...*, op. cit., p. 125.

## 2.2. The letter of September 6, 1938

Warsaw, September 6, 1938

Beloved and Dear Papa!

Ad 1) Under no circumstances should I show the letter – as long as I live – by anyone or to anyone “there”. When I am gone – reveal a copy of the photo where necessary; consent for the latter – when Papa deems it appropriate. Then, however, it will naturally cover the beginning and place where the messenger is mentioned. In no way or under any circumstances should shadow fall on him. I know how to value heart and faithfulness; I know how to keep a secret even if by disclosing it I would gain freedom. And once a word was given by me, Papa is in the same measure. Besides, I know that Papa is of the same opinion – I even mention it unnecessarily. I have been able to keep faithfulness to the given word and be grateful for the services I have received. I am trying to imitate Mrs Benita<sup>14</sup> in this. That is why people entrusted me with their honor, freedom, and life. That was the only reason why I was able to recruit agents of this size and from this environment. This is what the court does not understand, which I am not even trying to explain. Were it not for the fear of to some extent discredit and exposure of some people who were devoted to me in hard times and who rendered me certain services – I would call them as witnesses – to repressions on the part of D. II. It would be of great benefit to me even. But without their consent, I would never have done it.

I was only “unfaithful” and inconsistent towards women – because I loved them all, so I could not allow myself to be “monopolized”; Anyway, I was, like every man, “not very faithful polygamist”. In this case I was in the customs of the East.

Keep the letter mentioned above in an absolutely safe place!

Ad 2) Please provide these sums – as consistent with reality – but only when asked. However, do not state that “they were transferred to Berlin<sup>15</sup> by the commercial bank”, because these are details that only cause confusion. If they want, let them find out how I had them at their disposal – this is another thing. Please only state how it was, i.e., that these sums were given by the liquidator of the companies. It was handed over to me through Papa. In general, please testify so that the testimony does not give the impression of a “learned lesson”, i.e., squint naturally. After all, it will be about things from 12 years ago, sometimes maybe even years. Please do not let yourself be changed by tricky questions or the disbelief of the court. Not to be suggested. Don’t go into details, because years have passed since the events in question. Better not to remember than to contradict. After all [illegible line – K.G.]. And with what you remembered, what is true, stand firm. For me it has been going on for six months or five years together. I know it well. And they look at me and consider me to be remarkably clever and cunning and use special tricks. They don’t believe me when I tell the absolute truth. However, when I told the court of logically arranged fairy tales, they believed me. Sometimes it is required and caught up in the investigation by a logical lie and does not believe in the truth, maybe fantastic but absolute truth. It’s not my fault my life is

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<sup>14</sup> Benita von Falkenhayn (from 1932 to 1935 von Berg) was for a long time the most important element of Sosnowski’s espionage network. It made it possible to recruit more agents to cooperate with Sosnowski: Irene von Jena and Renate von Natzmer. Benita von Falkenhayn was sentenced to death in 1935 by the People’s Tribunal and beheaded with an ax along with R. von Natzmer. Ibid, p. 63-4, 74-5, 180, 211.

<sup>15</sup> Most likely, it is one of the details of Sosnowski’s espionage mission in Berlin, about which his father was to be asked at the trial. It should be explained that by starting his intelligence activities in Berlin, Sosnowski, inter alia, he introduced himself as a nobleman who had a large land property in Poland, which brought him income. The income was to be transferred to him by his father – in person or by post. Ibid, p. 58, 62.



full of fantastic adventures and situations. Indeed, it is sometimes easier to prove the truth of a lie than the truth. Sometimes it is easier to defend yourself when you are guilty than by being blameless. Because you don't know where an attack can take place and how to repel it. In my present case, the accusations are so vague and sometimes unexpected and illogical that I don't know what to say to them, how to defend ourselves. The fact is that in Germany I defended a number of the guilty relatively easily and they were released after a short time – while the absolutely innocent ones stayed longer, and I was confused in sometimes simple situations in their defense.

The inverted note at the top of the first page: Please think about bringing in count Djavidan<sup>16</sup>, Katia, v. Falkenhayn<sup>17</sup> and Rudloff<sup>18</sup> (Countess Bocholtz's<sup>19</sup> friend). Perhaps it could be arranged by Countess Djavidan, but discreetly for the sake of not breaching the "business secret". Not in writing, but verbally if she wanted to come here. They are very important witnesses for me, especially the last two. I have the impression that the court is not honest enough and willing to summon them. Think, please, how to pay back and thank the deliverer of this. In the will that I will send next time – there will be a clause about him.

Note on the left margin of the first page: Please keep it. I kiss the hands of my beloved Papa. Loving and sincerely devoted son Jurek.

On purpose, I do not mention Papa's testimony, namely what Papa would squint so as not to suggest. I will tell you one thing – the truth – because I have nothing to hide or to embellish.

Note on the left margin of the second page: Please do not forget to send me what I asked for!

### 2.3. The letter of October 31, 1938

October 31, 1938

My beloved Papa!

I am sending 4 attachments for safe keeping – for the future.

I am well, I fight as much as I can to prove the crimes committed by Lt. Mayer and Maj. Świtkowski<sup>20</sup>, and the entire mafia D.II. The unexpected villains of this D.II pigsty come to light. For them, perjury is apparently a form of submitting official reports. I do not talk about their lies to others, and most importantly, that they cannot lie, and I often show it to them. Naturally, these cattle seem to have impunity guaranteed – sometimes it seems to me that the court is looking at their fingers too – I don't know – I lost or lost all these passages. sometimes I lose my objective judgment and orientation.

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<sup>16</sup> During the Berlin period, Djavidan was a friend of Sosnowski, and after his arrest by the Gestapo, she tried to appoint a lawyer for him. Ibid, p. 113-4.

<sup>17</sup> Richard von Falkenhayn was the husband of Sosnowski's agent, Benita von Falkenhayn. He also collaborated with Sosnowski and was suspected of espionage by German investigators, but due to the lack of enough evidence, he was not brought to trial. He testified in a trial before the People's Tribunal. Ibid, p. 120, 164, 271, 273.

<sup>18</sup> From 1926 to 1928, Günther Rudloff was an employee of the Abwehr in Berlin. He also collaborated with Sosnowski. Before the People's Tribunal, Rudloff had only the status of a witness. His fate was sealed by the fact that the Germans found the files of the Polish intelligence, which revealed the fact and extent of cooperation between Rudloff and Poles. After being arrested, he committed suicide. Ibid, p. 71-72, 74, 269-272.

<sup>19</sup> Anna von Bocholtz had a friendly relationship with Rudloffem. Ibid, p. 74.

<sup>20</sup> Adam Świtkowski was the head of Bureau West in Department II. Ibid, p. 229.

All my colleagues, including all 4 generals who testified, stand behind me like a “wall” and showed a lot of civil courage. I did not know that I have so many devoted friends also from the old days. One hymn of praise. D. II testifies as unfavorably for me, but – so far – these are all generalities – in defense of his crimes and meanness. Appraisers use and I know according to the information readily available that they will use any means to discredit me. They will even use “forbidden tricks”, as I managed to say from other acts of cases – they practice it more than once – with impunity so far.

I fight with the example and the figure of Mrs. Benita in front of my eyes – I would not like to be left behind. My opponents have stated that “I am a strong opponent”. I am strengthened and the fact that I have already finished the bills with my life and at the end I am determined. It holds me up. Sometimes I get physically weak – then I attack with redoubled strength and calmness. At any cost, even to the detriment of myself, to avenge Mrs. Benita. No matter what it may be – for the future to end this epic, this great adventure with dignity – with pride like Mrs. Benita to die with dignity – as I lived! The fifth act of this tragedy is coming to an end!

Please send me the other way around, in a pink envelope, PLN 20, and in two weeks’ time again, PLN 20 to the following address: Mrs. Stanisława P [illegible surname – K.G.] – [name of the street illegible – K.G.] 2 Warsaw. Without a letter. In an urgent case, a short mention in changed handwriting or to possibly (there) discuss the visit at this address. Change the writing on the pink envelope – put a small ink “blot” in the lower right corner of the envelope – as a distinctive sign. I kiss the hands of and hug my beloved and dear Papa. Loving son Jurek.

Note on the left margin of the first page: Lt.Col. Chodacki<sup>21</sup> (the current minister) and General Rómmel<sup>22</sup> testified in a very hostile manner for D.II, praising me and raising my merits.

Note on the right margin of the first page: Rómmel directly ridiculed O.II. Chodacki spoke with shame about... O.II’s working methods. Both showed an enormous amount of civil courage.

### 3. The result of the Polish trial

Major Sosnowski was charged with three allegations in the indictment. Firstly, that he had committed a crime consisting in entering into an agreement with German intelligence and disclosing information that was state secrets to him, which exposed the interests of the state to great harm. Secondly, that he had committed the offense of misleading the Polish intelligence headquarters as to the extent of the intelligence network by introducing and maintaining fictitious agents. Thirdly, that he had committed the offense of providing films illustrating the document *Organisationskriegsspiel* as mobilization plans of the German Army, although “the knowledge of these documents was not important for the security of the Polish state” [6, p. 1-3].

The trial before the Military District Court No. 1 in Warsaw began on March 29, 1938 [7, p. 176] and lasted until June 17, 1939 [8]. Unfortunately, the contents of the evidence or the verdict are not known. However, the prosecutor’s handwritten note shows that the sentence was handed down on June 17, 1939 and Major Sosnowski was convicted. He was convicted of a crime under Art. 1 § 1, 2, 3 and 4 of the Ordinance of the President of the Republic of Poland of February 16, 1928 on penalties for espionage and some other crimes against

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<sup>21</sup> Marian Chodacki recruited Jerzy Sosnowski for Polish intelligence. Ibid, p. 53-54. In the second half of the 1930s, he was the General Commissioner of the Republic of Poland in the Free City of Gdańsk.

<sup>22</sup> Juliusz Rómmel was a major general, in the September campaign of 1939 he commanded the “Łódź” Army. L. Moczulski. *Wojna polska*. Warszawa: Bellona; 2009, p. 470.

the State [9] and for the crime under Art. 287 § 1 and 2 of the Penal Code [10], for a total penalty of 15 years in prison, for a fine of PLN 200,000 PLN with conversion, in the event of irrecoverability, into imprisonment, assuming one day of imprisonment for the equivalent of PLN 100 of a fine, for an additional penalty of loss of public rights and civil rights of honor for 10 years, for an additional penalty of expulsion from the Armed Forces, or with an order to extend police supervision over the accused for 5 years. The prosecutor noted that the sentence was not final, as the accused had announced a review [8].

It is not clear from the above-mentioned note what act the court imputed to the accused, but its legal qualification is known. Based on the content of the provisions cited in the prosecutor's note, it can be concluded that, in the first point of the sentence, Major Sosnowski was guilty of deliberately disclosing to another person messages, documents, or other items which, for the good of the Polish State, should be kept secret from the government of a foreign state, and the disclosed message, document, or other object concerned the military defense of the state or its Armed Forces, and was disclosed to a foreign government or a person acting in its interest, which caused great harm to state security, which the perpetrator could have foreseen. The second point of the sentence recognized Maj. Sosnowski guilty of a clerical crime consisting in certifying an untruth as to circumstances of legal significance by the perpetrator acting to gain financial or personal benefits for himself/herself or another person.

The judgment issued by the military district court was not final. He could be appealed against in the course of a search, which was announced by the convicted person after its announcement. Following an appeal, the case was referred to the Supreme Military Court, which, however, did not manage to recognize it before the outbreak of World War II [1, p. 263].

## Conclusions

The reference to the letters, which are a subjective but authentic testimony, to the conditions of the Polish trial of Major Jerzy Sosnowski known to us, allows questioning both the behavior of Division II employees towards the Polish officer after his transfer from Germany to Poland in 1936, as well as their stand before a military district court. The individual testimonies to date in the literature about the fabrication of evidence against Sosnowski are supported by the statements of the accused himself, who repeatedly blamed the intelligence officers testifying before the court for lying and perjury. The content of the letters makes it possible to raise the question of the quality of the evidence proceedings before the court and not whether, but to what extent, Division II manipulated the evidence provided to the military prosecutor's office and the military court. However, this question will be challenging to answer, as the trial files before the military court most likely did not survive September 1939.

In the content of the letters, one can also see an accusation against a powerful institution, which was Division II of the General Staff of the Polish Army, as well as the leading factors of the Polish state, uttered by a man who sacrificed a lot for his homeland, not avoiding mistakes. However, it seems that both the treatment of him by the employees of Division II (illegal imprisonment) and the sentencing by a military court to a penalty of 15 years in prison were disproportionately severe punishment to his crimes. It should be stressed that the latest scientific works on this subject, based on the analysis of archival materials from the trial before the People's Tribunal in Berlin in 1935, prove that the most severe allegations attributed to Sosnowski by the judgment of the Military District Court No. I in Warsaw, i.e., entering into an agreement with the German intelligence and disinforming Polish intelligence.

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The author declared no conflict of interests.

### Author contributions

The author contributed to the interpretation of results and writing of the paper. The author read and approved the final manuscript.

### Ethical statement

The research complies with all national and international ethical requirements.

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### Biographical note

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### **Analiza treści listów majora Jerzego Sosnowskiego do ojca na tle procesu karnego przed Wojskowym Sądem Okręgowym Nr I w Warszawie**

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#### **STRESZCZENIE**

W opracowaniu zaprezentowano treść pochodzących z archiwum prywatnego listów majora Jerzego Sosnowskiego, oficera polskiego wywiadu wojskowego działającego w Berlinie w latach 1926-1934. Listy są adresowane do ojca i pochodzą z 1937 i 1938 r. W tekście przybliżono sylwetkę majora Sosnowskiego. Następnie omówiono okoliczności, w jakich listy zostały napisane oraz ich znaczenie. Przeanalizowano ich treść na tle procesu karnego przed Wojskowym Sądem Okręgowym Nr I w Warszawie oraz w odniesieniu do dotychczasowego stanu wiedzy w zakresie losu majora Sosnowskiego od przekroczenia granicy niemiecko-polskiej w kwietniu 1936 r. do wydania wyroku skazującego w czerwcu 1939 r. Treść listów dowodzi osobistej krzywdy ich autora i naruszeń prawa poprzedzających postępowanie karne przed polskim sądem wojskowym, w pewnym zakresie daje także wgląd w sam proces, co do którego nie zachowały się podstawowe źródła (akta sądowe).

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**SŁOWA KLUCZOWE** szpiegostwo, wywiad, sąd, proces karny

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