

## ZYGMUNT DUDZIŃSKI

Day 7 of the trial

31 December 1946

The hearing began at 9 a.m.

**Presiding Judge M. Güntner:** – I hereby resume the hearing of the Supreme National Tribunal for judging the case against Ludwig Fischer, Ludwig Leist, Josef Meisinger and Max Daume, charged under the Decree of 31 August 1944 Concerning the Application of Punishment for the Fascist-Nazi Criminals. Call witness Zygmunt Dudziński.

**Witness Zygmunt Dudziński, sworn in yesterday, 59 years old, attorney, currently employed as legal counsel in the State War Industry [Cotton?], Works in Łódź, residing in Łódź, unrelated to the parties.**

**President:** – May the Witness state what he knows in the case.

**Witness:** – I can inform the Supreme Tribunal about the facts that I know regarding the persecution of attorneys under the occupation, in the period when I was the head of the Warsaw Bar Association office. I held this function from 1933 until the occupation, and later, under the occupation, in the Commissioners Council.

The persecution of attorneys started shortly after Warsaw was seized. It was already in the late 1939 that many members of the last elected Council of the Bar were arrested, including, presently deceased, att. Leon Nowodworski, bless his memory. They were kept for weeks on end. After sustained efforts, some were released. In 1940, in the very early days, the methodical persecution of attorneys commenced. There were registers drawn up, all our Jewish colleagues were eliminated, regardless of whether they were of religious affiliation or descent, there were political lists, there were efforts to spy on the archives, which we naturally tried to impede. In the summer of 1940, there began an intensified persecution. It consisted in mass captures on the street, in court, or in dragging people directly from their dwellings.

What was our role as the Commissioners Bar Council? We intervened through the *Abteilung Justiz*. This had no effect whatsoever. All our applications were submitted to appropriate Government authorities, but we have never heard of their resulting in some of the detainees

being released. 1940–1941 brought about the heaviest persecution, which only increased in the forthcoming years. Hundreds of attorneys were detained in camps, hundreds of them perished. This is just about all that I know about the period.

**President:** – During the first arrests of attorneys in Warsaw, were there any charges made known?

**Witness:** – Not at all. I spoke with Nowodworski, who was released after several weeks of detention, and with a few other members of the Council of the Bar. They said that there had not been any charges, there had not been any questions asked, that they had been detained without ongoing investigation. This led to their profound depression. It was probably due to their being members of the highest authority.

**President:** – Was there a special way of treating Jewish attorneys?

**Witness:** – First of all, there was an order to draw up registers of all Jewish lawyers. The registers were later printed out. Since they included information on religious affiliation, all those on the list were immediately eliminated.

**President:** – Professional activities were banned?

**Witness:** – Yes. It was said that there would be a new organization for them, but later they were transferred to the ghetto and it was no longer relevant.

**President:** – In your view, what was the objective of this persecution? At what was it aimed?

**Witness:** – We had a clear understanding of it. After the Jews, the Aryans were next. We knew that it was aimed at the annihilation of prospering intelligentsia. Lawyers, naturally, have always been considered a part of the prosperous.

**President:** – What about destroying the organization of lawyers?

**Witness:** – It ceased to exist straight away. It lacked its very foundation – its people. Out of all of those detained or taken to Auschwitz, a few came back in such a deplorable state that it was beyond one's imagination.

**President:** – After they were detained, they didn't face any charges? There were no allegations made against them?

**Witness:** – Not at all. The mere fact of belonging to the Bar sufficed. A rumor had it that the Bar was given priority when it came to persecution.

**President:** – In what instance did you intervene? Was it done in person? Does the Witness recall the name of the official?

**Witness:** – Initially, Mr. Gollert was the head of the Bar department within the *Abteilung*. He was not the head of the *Abteilung* itself, but the head of the department and the commissioners' council would contact him directly. He would always respond that he would try to intervene in any case of arrest or deportation. But it went as follows: we submitted an application, it was accepted, and then probably thrown away as there was no effect whatsoever. It's impossible to say under what pretense they were arrested or released. Very few had come back: Chabielski, a senior attorney, and Sembrzycki, a young man who returned in such an appalling state that he spent nearly six months in the hospital. His body was entirely swollen.

**President:** – The reason for the release was never given?

**Witness:** – No, never.

**Judge Grudziński:** – In what manner was the order to dissolve the council communicated?

**Witness:** – It was an order given in the form of a statement made by Commissioner Wendorff in 1939 to Suligowski, the last secretary of the council [missing text]; Wendorff presented a written copy of the statement as well.

**Judge Grudziński:** – Whose signature was on it? Has the document been preserved?

**Witness:** – No. It stipulated that Wendorff is the commissioner of the council, that reorganization is to be made.

**Judge Grudziński:** – In 1940, where were attorneys summoned to in relation to Jewish attorneys being crossed out of the list?

**Witness:** – I have no knowledge of this case. I know that it took place, but I have no knowledge of any document.

**Judge Grudziński:** – Do you know that each attorney was made to report to the district individually?

**Witness:** – I didn't know that they had to report to the district. This activity took place in the premises of the council, in the presence of Gollert. This is where attorneys' personal data was collected. Our non-Aryan colleagues withdrew from it themselves.

**Judge Grudziński:** – Do you know that attorneys of Aryan descent were called upon to voice their opinion regarding crossing out the Jewish attorneys of the list?

**Witness:** – Purportedly, there was such an offer. But I do not know the details.

**Judge Grudziński:** – Was Gollert a district official?

**Witness:** – Yes, he was responsible for the Bar.

**Judge Grudziński:** – Were you often in contact with the district [office]?

**Witness:** – We were in contact throughout the occupation period. That is, with Commissioner President [Edward] Gruber and his deputy [Stefan] Dembiński.

**Judge Grudziński:** – And the interventions on behalf of detained lawyers?

**Witness:** – President Gruber and Dembiński wrote reasoned requests, pledging to intervene with the district, but they were not effective at all.

**Prosecutor Siewierski:** – May the Witness present us the case of the attorneys' arrest that took place in the Bar Association headquarters canteen?

**Witness:** – I nearly witnessed it, I was one floor below. The canteen was located at Jerozolimskie Avenue, in the council's headquarters. It was where attorneys would come for lunch or merely to chat. Their wives and children used to come as well. One day, a Gestapo unit arrived, stormed upstairs and arrested everyone who was there. Including women and children. Later a selection was made. Some ladies were released, others were detained for months on end. No reason was made known. Many of those detained died in Auschwitz or in other camps. I do not recall in what camp Attorney Tychowski died.

**Prosecutor Siewierski:** – In July 1940, a major group of lawyers was arrested. Does the Witness recall such an event?

**Witness:** – I recall mass arrests. Several dozens of people daily. Within a few days about two hundred people were arrested.

**Prosecutor Siewierski:** – Does the Witness know the details behind the order made by Commissioner Wendorff to this *Beirat* regarding the non-Aryan attorneys?

**Witness Dudziński:** – These talks were conducted in a rather confidential fashion. None of the employees knows the details. There were only speculations, which I do not wish to repeat. There was pressure, archival investigation was conducted to establish whether there were no non-Aryans in the family. People were crossed off, this is how attorney Urbanowicz was removed, others just removed themselves.

**Prosecutor Siewierski:** – Does the Witness have knowledge of the exact figures? How many out of 2,136 lawyers appearing on the pre-war list? I mean how many survived.

**Witness:** – I do not recall.

**Prosecutor Siewierski:** – Does the Witness not recall that it was 635?

**Witness:** – I cannot tell how many exactly.

**Attorney Chmurski:** – What was Wendorff's position? The Witness has mentioned that he was Commissioner, and that later Gruber was Commission President. What was their relationship?

**Witness:** – First, Wendorff, a district official was appointed.

**Attorney Chmurski:** – Wasn't he a lawyer?

**Witness:** – We considered him to be a district official.

**Attorney Chmurski:** – But he was a lawyer indeed.

**Witness:** – He featured on the list of lawyers once.

**Attorney Chmura:** – What list?

**Witness:** – The list of German lawyers.

**Attorney Chmurski:** – As *Reichsdeutsch*?

**Witness:** – Yes.

**Attorney Chmurski:** – What was Wendorff's relationship with President Gruber?

**Witness:** – As long as Wendorff was in office, Gruber's position did not exist. A few months later, Wendorff said one day: 'Now there will be a Polish Commissioners council, an advisory body, including seven Polish attorneys, chaired by Att. Gruber'. As of this moment, Wendorff no longer held office. They did not have any professional relationship.

**Attorney Chmurski:** – When was that?

**Witness:** – Mid-1940. The commission president stayed in office until the end.

**Attorney Chmurski:** – And what happened to Wendorff?

**Witness:** – He disappeared. We don't know what happened to him.

**Attorney Chmurski:** – Wasn't he present during the candidacy exam?

**Witness:** – Yes, during the first exam in the late 1940. He was a member of the examining committee.

**Attorney Chmurski:** – Do you have any knowledge as to interventions with the authorities? Who made them?

**Witness:** – The interventions were made in person by the commission president, or, to some extent, by his deputy Demiński. They talked to Gollert and his deputy or to the head of the justice department.

**Attorney Chmurski:** – Did Wendorff intervene as well?

**Witness:** – When he was commissioner, he intervened when particular attorneys were arrested.

**Attorney Chmurski:** – He did not intervene later? Weren't attorneys released as a result of his interventions?

**Witness:** – I do not know.

**Attorney Śliwowski:** – To which German institution did the Bar report under the occupation?

**Witness:** – To the *Abteilung Justiz*, which reported to the district.

**Defendant Fischer:** – Supreme Tribunal, regarding the question of treatment of the Bar, I wish to note as follows: the Gestapo was given general orders to vet all attorneys with

regards to their political inclination. This is why it carried out the detentions under its own jurisdiction. The district justice department was allowed to give approval solely to the attorneys whom the Gestapo had recommended as presenting no doubts. Generally speaking, German civil authorities could accept only such Poles to whom the Gestapo issued certificates of irreproachability. I know that the justice department often intervened on behalf of attorneys, judges, and other parties, but the decision was made strictly by the Gestapo. The detentions were carried out based on the Gestapo's jurisdiction, without our participation or asking us any questions. May I ask the Witness whether he knew about this?

**President:** – Does the Witness know who issued arrest orders, who issued permits for professional practice?

**Witness Dudziński:** – I can answer that question, as I have made it known at the beginning, by saying that everywhere, be it in Warsaw or the rest of the country, it was the Gestapo that was responsible for detentions of people, not necessarily only attorneys. Perhaps the Gestapo did not ask any questions of anyone. I am merely stating the fact that there were many detentions within the Bar and that the interventions with the *Abteilung Justiz* had no effect.

**President:** – The Witness may be excused.