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FOR COORDINATION WITH State

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FM AMEMBASSY WARSAW  
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TAGS: ASEC, PFOR; PL, US

SUBJECT: "FREE POLAND": POLISH GOVERNMENT INQUIRY ON ATTITUDE OF  
DEPARTMENT OF JUSTICE TOWARDS GOVERNMENT IN EXILE  
REF: WARSAW 4245; WARSAW 4246

1. LAST WEEK, I ASKED VICE FOREIGN MINISTER SPASOWSKI FOR AN  
APPOINTMENT ON SEPTEMBER 9, WHICH WOULD PERMIT ME TO CALL ON  
HIM ACCOMPANIED BY DCM BROWN, WHO, BUT THAT TIME, WILL HAVE  
RETURNED FROM THE COPENHAGEN BRIEFING ON GRIEVANCE PROCEDURES.  
SPASOWSKI AGREED TO SCHEDULE SUCH A MEETING ON SEPTEMBER 10,  
WHEN WE COULD DISCUSS BILATERAL RELATIONS GENERALLY (IN  
PARTICULAR, I WANT TO TALK ABOUT DIVIDED FAMILIES AND SPONSOR-  
SHIP OF THE PRO-NORTH KOREAN RESOLUTION. IF THE DEPARTMENT HAS  
OTHER SUBJECTS I SHOULD RAISE, I WOULD APPRECIATE RECEIVING  
INSTRUCTIONS.)

2. HOWEVER, SPASOWSKI SAID THERE WAS A MATTER HE WISHED TO  
RAISE WITH ME WITHOUT WAITING UNTIL SEPTEMBER 10. CONSEQUENTLY,  
I WENT TO SEE HIM SEPTEMBER 7.

3. FOLLOWING AN EXTENDED EXCHANGE OF PLEASANTIRES AND IN A  
CALCULATEDLY LOW-KEY FASHION, SPASOWSKI HANDED ME A PHOTO-  
COPY OF A PRESS RELEASE ISSUED ON AUGUST 11, 1976, BY THE  
U.S. DEPARTMENT OF JUSTICE, LISTING "PERSONS AND FIRMS  
REGISTERED WITH THE REGISTRATION UNIT OF THE DEPARTMENT OF  
JUSTICE DURING JULY 1976 UNDER THE PROVISIONS OF THE  
FOREIGN AGENTS REGISTRATION ACT," PAGE 3 OF THE RELEASE  
CONTAINS THE ENTRY: "COMBAT ORGANIZATION FREE POLAND-  
ORGANIZACJA BOJAWA WOLNA POLSKA/NEW YORK/NEW YORK"; TYPE  
OF ACTIVITY: "POLITICAL ACTIVITIES"; FOREIGN PRINCIPAL:  
"THE PRESIDENT AND GOVERNMENT OF THE REPUBLIC OF POLAND  
IN EXILE, LONDON"; "SHORT-FORM REGISTRANT: KONSTANTY Z.  
HANFF."

4. SPASOWSKI SAID THAT VERY FEW PEOPLE IN THE MINISTRY KNEW  
ABOUT THIS. MINISTER OLSZOWSKI HAD ASKED WHAT THIS MEANT  
AND HOW IT SHOULD BE INTERPRETED. SPASOWSKI SAID THAT THIS

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ANNOUNCEMENT BY THE DEPARTMENT OF JUSTICE HAD "CREATED A FEELING OF SURPRISE" AMONG THOSE IN THE MINISTRY WHO WERE AWARE OF IT;

5. I SAID THAT I COULD NOT SPEAK OFFHAND TO THE QUESTION OF THE PRESS RELEASE; BUT THAT HE COULD ASSURE ANY OF HIS COLLEAGUES THAT THE UNITED STATES GOVERNMENT RECOGNIZED ONLY ONE GOVERNMENT OF POLAND, THAT LOCATED IN WARSAW.

6. SPASOWSKI SAID HE WISHED I COULD CONVINCE HIM OF THAT IN SUCH A WAY THAT HE, IN TURN, COULD ANSWER THE QUESTIONS RAISED BY HIS COLLEAGUES; IF THE DEPARTMENT OF JUSTICE RECOGNIZES SOME OTHER ENTITY AS A "FOREIGN PRINCIPAL," HOW COULD THIS BE EXPLAINED? AFTER ALL, THE DEPARTMENT OF JUSTICE IS THE SOURCE OF LEGAL ADVICE FOR THE U.S. GOVERNMENT. CAN THE U.S. GOVERNMENT'S OFFICIAL LEGAL

AUTHORITY DO SOMETHING WHICH HAS NO LEGAL BASIS OR SIGNIFICANCE? I SAID THAT THE ACT PROVIDED FOR REGISTRATION BY INDIVIDUALS IN THE U.S; THE FACT THAT SUCH AN INDIVIDUAL CLAIMED TO BE THE REPRESENTATIVE OF AN ENTITY ABROAD DID NOT CONFER UPON THAT ENTITY A LEGAL RECOGNITION OR STATUS IN THE EYES OF THE U.S. GOVERNMENT.

7. SPASOWSKI SAID THAT THE MINISTER HAD ASKED HIM HOW THIS COULD BE EXPLAINED. HE WOULD GREATLY APPRECIATE MY CONSIDERING THE MATTER, WE COULD DISCUSS IT AGAIN.

8. COMMENT: SPASOWSKI WAS VERY RESTRAINED AND CAUTIOUS THROUGHOUT THIS DISCUSSION. HE DID NOT ASK ME TO TRANSMIT THIS INQUIRY TO MY AUTHORITIES IN WASHINGTON, AT THE SAME TIME, HE IS OBVIOUSLY UNDER PRESSURE FROM THE FOREIGN MINISTER TO OBTAIN AN AUTHORITATIVE INTERPRETATION WHICH THE MINISTER CAN USE IN EXPLAINING TO HIS SENIOR COLLEAGUES WHAT SOME OF THEM MAY WELL INTERPRET AS A FURTHER STEP IN THE LEGITIMIZATION OF "FREE POLAND." END COMMENT:

9. ACTION REQUESTED: I SHOULD GREATLY APPRECIATE RECEIVING AN AUTHORITATIVE INTERPRETATION OF THE ISSUE RAISED BY THIS PRESS RELEASE IN TIME TO PRESENT IT TO SPASOWSKI EARLY IN THE MORNING OF SEPTEMBER 10. DAVIES

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