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United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

March 29, 2018

The Honorable Mateusz Morawiecki
Prime Minister of the Republic of Poland
Al. Ujazdowskie 1/3
00-583 Warsaw, Poland

Dear Prime Minister Morawiecki:

I value the deep bilateral and people-to-people ties between the United States and Poland, which have served to enrich American cultural life and bolster our common prosperity and security. We are bound together by common values of democracy and human rights, which I fear face threats inside Poland today.

I am writing to express my concern about the law President Duda signed on February 6 criminalizing speech suggesting Polish complicity in crimes committed by Nazi Germany, including references to "Polish death camps." I appreciate your government's desire for accuracy in the portrayal of its war time experiences and recognize that Poland itself was largely a victim of Nazi occupation. I also salute the many brave Poles who fought against that occupation, including sheltering their fellow Jewish citizens from the Nazi onslaught. But I am concerned that this law potentially restricts freedom of expression and risks fueling a concerning rise in anti-Semitic incidents in Poland that threaten the renaissance of Poland's Jewish community in recent years. I urge your government to repeal this law, and until then, not to use it to punish individuals who peacefully express their views.

Poland has taken a number of commendable actions over the many years. Then-President Kwasniewski's 2001 apology for the 1941 massacre of Jews in Jedwabne and the 2013 opening of the museum in Warsaw on the history of Polish Jews have been important for social cohesion as Poland has grappled with painful aspects of its history during and after World War II. More recently, the Polish Ministry of Culture's work to map Jewish cemetery sites in the country and the government's initial steps to address questions of compensation for seized Holocaust-era properties are important steps to reconcile a challenging past that must continue to be tackled.

The law signed on February 6 risks eroding the progress Poland has made on these fronts, and potentially fomenting anti-Semitic sentiments reminiscent of darker times. After the law's passage, 23 Jewish organizations in Poland issued a joint statement expressing their heightened fears of bias-motivated hate crimes, while press reports have indicated a surge in anti-Semitic and anti-Israel sentiments aired on Polish television and at far-right demonstrations. I welcome recent, important statements from senior Polish officials decrying anti-Semitism, but will be critical to hold accountable those who perpetrate discrimination or attacks against individuals on account of their religious identity. Doing so will require a strong and independent judiciary that

equally protects the rights of all citizens. I urge your government to take necessary steps to bolster the independent rule of law and respect for human rights in Poland without bias or politicization.

This erosion of the rule of law only plays into the hands of those who aim to threaten the sovereignty and freedom of Poland, its citizens, and other democratic states. As undemocratic forces threaten to undermine Poland's successes and the Government of the Russian Federation actively seeks to undermine transatlantic alliances and European security, a threat Poland has long bravely withstood, it is all the more important that we redouble our efforts to advance our countries' shared democratic values. As such, I welcome continued dialogue and partnership with your government to these ends, and I urge you to take immediate steps to repeal this law, counter anti-Semitic activity, and bolster the democratic rule of law.

Sincerely,

A handwritten signature in blue ink, reading "Robert Menendez". The signature is fluid and cursive, with a prominent "R" and "M".

Robert Menendez
Ranking Member