

United States Senate

WASHINGTON, DC 20510

March 26, 2018

The Honorable Mateusz Morawiecki
Prime Minister of the Republic of Poland

Dear Mr. Prime Minister,

First, we offer our congratulations to you on your appointment as Prime Minister of the Republic of Poland and to the Polish people on the 100th anniversary of Poland regaining its independence. The United States and Poland have a long and deep relationship stemming from the American Revolutionary War and continuing through our NATO partnership today. It is in this spirit—coupled with the recognition of the tremendous contributions made by Polish-Americans—that we are writing to express concern about legislation regarding Holocaust Era property restitution that has been proposed by the Polish Ministry of Justice. This draft legislation would adversely affect Holocaust victims and their heirs and is therefore of urgent importance to many of our constituents, millions of Americans, and Holocaust survivors around the world.

Poland suffered greatly during the Second World War and its aftermath. According to the U.S. Holocaust Memorial Museum, it is estimated that the Nazis killed at least 1.9 million non-Jewish Polish civilians during the Second World War and at least three million Polish Jews—approximately half of the Jewish victims of the Holocaust. This proud, culturally-rich, and long-standing community was utterly decimated by the murderous Nazi regime. Sadly, Jewish victims of Nazi crimes, including many American citizens, have found it difficult to secure compensation for, or the return of, property that was seized by the Nazis and subsequently nationalized by the Communists. Members of the U.S. Senate on both sides of the aisle stand united in seeking justice for victims of the Holocaust and their descendants.

In 2009, Poland, along with the United States, Israel, and 45 other countries, affirmed the Terezin Declaration on Holocaust Era Assets and Related Issues. Among other guidelines, the Declaration urges participating states to pass national legislation that facilitates restitution “in a fair, comprehensive and nondiscriminatory manner.” We have been disappointed that Poland remains the only major European country that has not passed a national, comprehensive law for the restitution of, or compensation for, private property, but are hopeful that this will soon happen.

The draft legislation, published on October 20, 2017, would eliminate the possibility of the return of actual property, provide only limited compensation, prevent compensation for ownership of companies that were destroyed, and bar claims by foreign citizens who did not benefit from eligible postwar treaties, including the one between Poland and the United States.

We believe that the draft falls short of the standards set forth in the Terezin Declaration and—if passed without amendment—would be a failure of justice. We are deeply concerned that the bill, in its current form, would discriminate against virtually all American survivors and heirs on the basis that they are not currently citizens of Poland and that they were not residents of Poland when their property was nationalized. The current draft law also would exclude individuals who

are not "first-line heirs" of Nazi victims or survivors. This provision would disproportionately impact Jewish victims and their families. As a result of the Nazi attempt to exterminate world Jewry, most European Jewish families were completely destroyed, including 90% of Poland's Jewish community. Therefore, the remaining Jewish heirs are often non-linear—such as nieces, nephews, and cousins. Furthermore, the one-year window for filing claims will be particularly difficult for foreign claimants as the draft legislation does not yet provide for a simple application process or easy access to archives.

As strong supporters of the critical and mutually beneficial U.S.-Polish relationship, we believe our alliance is rooted in our shared democratic ideals, including a respect for the rule of law and its ability to ensure justice for victims. We urge you to work with the Polish Parliament to pass fair and just restitution legislation that would both fully realize the goals of the Terezin Declaration and further strengthen the bond between our countries.

Sincerely,



Tammy Baldwin
United States Senator



Marco Rubio
United States Senator



Charles E. Schumer
United States Senator



Ted Cruz
United States Senator



Benjamin L. Cardin
United States Senator



John Cornyn
United States Senator



Jack Reed
United States Senator



John McCain
United States Senator



Bill Nelson
United States Senator



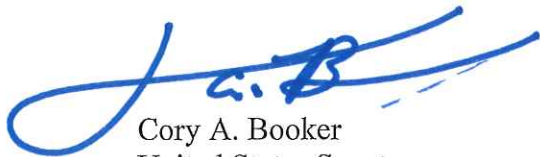
Tom Cotton
United States Senator



Sherrod Brown
United States Senator



M. Michael Rounds
United States Senator



Cory A. Booker
United States Senator



Cory Gardner
United States Senator



Richard Blumenthal
United States Senator



Chuck Grassley
United States Senator



Christopher A. Coons
United States Senator



John Hoeven
United States Senator



Edward J. Markey
United States Senator



Rob Portman
United States Senator



Ron Wyden
United States Senator



John Boozman
United States Senator



Kirsten Gillibrand
United States Senator



Steve Daines
United States Senator



Dianne Feinstein
United States Senator



Pat Roberts
United States Senator



Catherine Cortez Masto
United States Senator



David A. Perdue
United States Senator



Maria Cantwell
United States Senator



Thom Tillis
United States Senator




Gary Peters
United States Senator



Jerry Moran
United States Senator



Elizabeth Warren
United States Senator



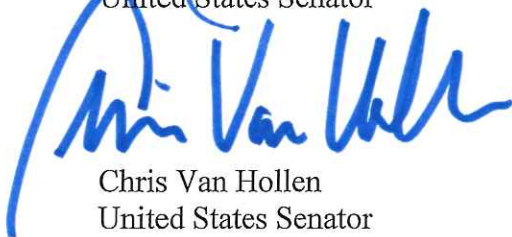
Roger F. Wicker
United States Senator



Joe Manchin III
United States Senator



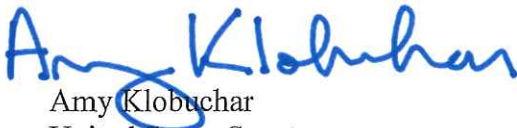
Susan M. Collins
United States Senator



Chris Van Hollen
United States Senator



Todd Young
United States Senator



Amy Klobuchar
United States Senator



Tim Scott
United States Senator





Margaret Wood Hassan
United States Senator




Ben Sasse
United States Senator


Thomas R. Carper
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Johnny Isakson
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Robert P. Casey, Jr.
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Mike Lee
United States Senator


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Doug Jones
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James M. Inhofe
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John Kennedy
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Tina Smith
United States Senator


Dean Heller
United States Senator


Debbie Stabenow
United States Senator


Lindsey Graham
United States Senator


Mark R. Warner
United States Senator


Heidi Heitkamp
United States Senator

A handwritten signature in blue ink that reads "Robert Menendez". The signature is fluid and cursive, with a period at the end.

Robert Menendez
United States Senator