



# POLISH AMERICAN CONGRESS

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February 7, 2018

The Honorable Rex Tillerson  
U.S. Department of State  
2201 C Street, NW  
Washington, D.C. 20520

Dear Secretary Tillerson,

Germany and France have enacted laws prohibiting Holocaust Denial. The United States Government never registered a protest against these laws on the grounds that they restrict freedom of academic inquiry. Historians in France and Germany are prohibited from testing the hypothesis that: the Holocaust never took place. The United States Government should be consistent and view with favor Poland's new law prohibiting the testing of the hypothesis that: Poland and the Poles collaborated with Nazi Germany in the mass murder of European Jewry. Why apply one standard to the French and German laws and a different one to the new Polish law?

This is why I am shocked and dismayed that you are convinced that the Polish State and the Polish Nation collaborated with Nazi Germany in perpetrating the mass murder of European Jewry during World War II.

This certainly is NOT the position recently taken in a statement for the press by Germany's Foreign Minister, Sigmar Gabriel, who squarely places blame on Nazi Germany for the mass murder of European Jewry. Moreover, Minister Gabriel correctly views Poland and the Poles as victims of Nazi German brutishness, and not as villains, who were co-perpetrators in the mass murder of European Jewry.

As President of the Polish American Congress (PAC), I represent the Polish American Community, approximately 11 million strong, who look forward to learning from you the source of your information for stating that the Polish State and the Polish Nation were co-perpetrators of the mass murder of European Jewry on conquered Polish territory. After October 3, 1939, when Modlin Fortress surrendered, Polish Armed Forces no longer had control over any part of Poland. Have you facts that refute this? If so, please share them with us.

Few challenge the truth of the German sociologist Max Weber's observation that: the essential attribute of the State is monopolistic control of the legitimate source of violence on territory it claims as its own. What evidence have you which shows that, after October 3, 1939, the Polish State exercised control over any territory within the borders of Poland before our homeland was

invaded by Nazi Germany on September 1, 1939? My understanding is that Poland was conquered by Nazi Germany and the Polish State had no control over its former territory.

I look forward to the favor of your reply to these two questions.

Please find attached a Statement on Poland and the Poles during World War II voted-up by the PAC Council of National Directors on September 17, 2016, which links persistent distortions of Poland's history during World War II with pressure by the United States Government on our ancestral country to pay extravagant compensation for private property formerly owned by Jews on conquered Polish territory that was despoiled by Nazi Germany and then nationalized by the communists.

Sincerely,



Frank J. Spula  
President



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## **POLISH AMERICAN CONGRESS STATEMENT ON POLAND AND THE POLES DURING WORLD WAR II**

On 17 March 2011, the Polish Government announced that it will suspend work on drafting a law on World War II era private property lump-sum compensation, or rough justice, a term coined by its principal advocate Ambassador Stuart Eizenstat, first head, and presently top adviser, to the United States State Department's Office of Holocaust Issues, which was established by President Clinton in tandem with the United States Holocaust Memorial Museum.

Resolutions enacted by both the Senate (2008) and the House (2005 and 2008) have demanded that Poland promptly enact lump-sum compensation legislation for two reasons. First, all the other European countries occupied by, or allied with, Nazi Germany have private property compensation laws. Second, the Polish Courts move too slowly in their adjudication of World War II era private property compensation claims cases.

Moreover, measured by money, World War II era private property compensation is the top contentious issue in United States relations with Poland. International Jewish organizations want today's Polish taxpayers to pay at least \$50 billion for private property formerly owned by Jews, which amounts to approximately 20% of the total. If all claimants are compensated at this rate, then today's Polish taxpayers are expected to pay \$250 billion, which amounts to approximately half of Poland's GDP.

The PAC is on record against United States Government pressure on Poland to pay such extravagant lump-sum compensation. PAC national president Frank J. Spula's letter to three members of the Illinois Congressional Delegation, of September 2008, requested them to call for the withdrawal of the House of Representatives Resolution of that year, which demanded that Poland enact lump-sum compensation legislation.

On 17 March 2011, Poland's then Foreign Minister Radoslaw Sikorski explained that by the terms of a 1960 treaty that was signed and ratified by the United States and Poland, the land of our ancestors satisfied all claims for restitution/compensation of private property in Poland owned, before 1 September 1939, by United States citizens. Moreover, Foreign Minister Sikorski observed that if the United States wishes to aid Polish Jews and World Jewry the time for doing so was in 1942, when Jan Karski informed President Franklin D. Roosevelt and Supreme Court Justice Felix Frankfurter that German Nazis were perpetrating the mass murder of Polish and European Jewry on Nazi German occupied Polish territory.

Foreign Minister Sikorski correctly asserted that the time for "rough justice" legislation is long past, and that those who seek restitution or compensation for private property should file their claims in Polish courts since each case is different. Sikorski's observations are just as true in July 2015 as they were when he first delivered them in March 2011.

*SERVING THE INTERESTS OF POLISH AMERICANS SINCE 1944*

We, PAC National Directors, want the United States Government to cease bullying Poland. This is why we continue our strong disagreement with the anti-Polish position taken by the Co- Chairmen of the United States Committee on Security and Co-Operation in Europe (Helsinki Commission), Congressman Christopher Smith (R-NJ4) and Senator Benjamin Cardin (D-MD), who condemned and deplored, in May 2011, the Polish Government's most correct decision not to enact legislation on lump-sum compensation.

This is why we encourage you to sponsor a U.S. Senate Resolution on Poland and the Poles during World War II which puts forward before American public opinion the following five points:

1. Poland was a victorious World War II United Nations ally.
2. Polish armed forces were the fourth largest contingent (after the former Soviet Union, the former British Empire, and the United States of America) engaged in combat in Europe against the Axis Powers.
3. Nazi Germany did not want to set-up a collaborationist Nazi German satellite state on Nazi German conquered Polish territory.
4. Poland and the Poles were NOT partners in Nazi Germany's monstrous crime – the mass murder of European Jewry.
5. After the Soviet Union liberated Polish territory from Nazi German occupation, the Communists treated Poland, a victorious United Nations Ally, worse than defeated Axis allies also liberated by the Soviet Army, like Hungary or Romania. The Soviet Union then justified its treacherous treatment of their Polish ally on the bogus grounds that Poles needed to be restrained by Communism and Soviet military occupation, or else the Poles would continue the Judeocide which Hitler began. Many in the West believed this Stalinist propaganda at the end of World War II – far too many continue to believe it today.

Whether or not we are citizens of your home state, Maryland, Polish Americans have come to see you as our champion in the United States Senate. Over the past several years, the continuing distortion of Poland's historical record during World War II by the mass media (especially the false claim that Poland and the Poles perpetrated the mass murder of European Jewry in partnership with Nazi Germany) has coincided with repeated requests from the Congress of the United States that Poland enact lump-sum compensation legislation for World War II Era private property.

The most recent expression of this unwarranted pressure on Poland is the letter to Secretary of State John Kerry of July 2, 2015, signed by 46 members of the House of Representatives, who want Poland to pay lump-sum compensation for private property owned by Jews that, during the World war II era, was despoiled by Nazi Germany and then nationalized by the communists on conquered Polish territory.

This is why we ask you to correct the false views held by American public opinion about the role of Poland and the Poles during World War II. By registering the five points above before American and world public opinion, you will make it clear that the Polish State, the name of the governmental authority of Poland during the World War II era, did not collaborate with Nazi Germany in the mass murder of European Jewry on conquered Polish territory, and therefore its successor state, the Third Polish Republic should not be bullied into paying compensation for crimes the Polish State did not commit.

Moscow and Berlin are the proper addresses for lump-sum compensation claims, not Warsaw. Former owners of private property and their heirs should seek compensation through the Polish Courts. Though Poles as individuals displayed a wide range of behavior toward Jews during the World War II era, the Polish State did NOT collude with the Nazi German occupiers in the persecution, or mass murder of Jews. Collaboration is always at the invitation of the stronger party, and Nazi Germany DID NOT want collaboration with Poland. What Nazi Germany DID want was the elimination of Poland. Most of the countries in both eastern Europe and

western Europe set-up collaborationist pro-Nazi German governments; Poland did not. Americans need to understand this especially in the present context of resurgent Russian imperialism.

The prevailing wrong views about Poland's World War II record will likely affect American public opinion's willingness to honor NATO commitments if Poland is attacked from the east. Wrong views about Poland's World War II record legitimize pressure by the United States Government on Poland to enact lump-sum compensation. Numerous insiders say that Poland's refusal to enact lump-sum compensation legislation underlies United States Government opposition to Poland's accession to the State Department's Visa Waiver Program.

We will be very grateful to you if you agree to sponsor a United States Senate Resolution along the lines described above for the purpose of improving relations between America and Poland by putting forward the truth about Poland's record during World War II.

We look forward to your favorable action to fulfill this request. We believe it is the right thing to do for Poland and America.

Sincerely yours,

The National Directors of the Polish American Congress