

United States Senate  
WASHINGTON, DC 20510

January 11, 2024

The Honorable Antony Blinken  
Secretary of State  
U.S. Department of State  
2201 C Street NW  
Washington, DC 20520

Dear Secretary Blinken,

I write to express concern about actions recently taken by Poland’s new government against influential Polish public broadcasters. The firings of personnel at Telewizja Polska (TVP), Polskie Radio, and the Polish Press Agency, initiated promptly after Prime Minister Donald Tusk and his political allies took power, raise questions about this new government’s commitment to media freedom and the rule of law.

Reuters reports that in December 2023, “Tusk’s government took a public news channel off the air and dismissed executives from state media, saying the move was designed to restore impartiality.”<sup>1</sup> According to a December 23, 2023 Associated Press article, “[t]he culture minister replaced the heads of state media and TVP Info, a 24-hour news network, which went off air on Wednesday and is not yet broadcasting again [...] Poles have been debating whether [Tusk’s] government was setting new negative examples in the way it took control over public media.”<sup>2</sup>

These are moves which the elected Polish president and current head of state, Andrzej Duda, has said are “completely illegal.”<sup>3</sup> The Helsinki Foundation for Human Rights, a non-governmental organization, has said “the way in which the changes in the public media have begun raises serious legal doubts” and issued a statement expressing that “the position that it is up to a

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<sup>1</sup>Alan Charlish and Pawel Florkiewicz, *Polish president denounces Tusk’s state media overhaul as ‘anarchy’*, Reuters, December 21, 2023, <https://www.reuters.com/world/europe/polish-president-denounces-tusks-state-media-overhaul-anarchy-2023-12-21/>

<sup>2</sup>*Polish president says he’ll veto a spending bill, in a blow to the new government of Donald Tusk*, Associated Press, December 23, 2023, <https://apnews.com/article/poland-president-veto-spending-tusk-teachers-media-3ba887756dea1c7a7f6697b0da21f35d>

<sup>3</sup>Alan Charlish and Pawel Florkiewicz, *Polish president denounces Tusk’s state media overhaul as ‘anarchy’*, Reuters, December 21, 2023, <https://www.reuters.com/world/europe/polish-president-denounces-tusks-state-media-overhaul-anarchy-2023-12-21/>

government member (a minister who exercises the ownership rights of the State Treasury) to decide on the staffing of the public media bodies also raises serious doubts in light of constitutional standards.”<sup>4</sup> Biden administration officials, at least publicly, have said nothing. This was not the case when Trump administration officials’ actions—which did not involve taking a major network off air—were nonetheless characterized in strikingly similar terms. A lawsuit that the individual later designated by President Biden as interim head of the United States Agency for Global Media (USAGM) joined as a plaintiff alleged that President Trump’s USAGM head “purged from their positions...the former leaders of USAGM” and that this conduct was “unconstitutional retaliation.”<sup>5</sup> Another lawsuit claimed that he, “within days of taking the reins...attempted the wholesale purge of the officers and directors of the Open Technology Fund, Radio Free Europe, Radio Free Asia, and the Middle East Broadcasting Networks” and (so the lawsuit argued) “[lacked] any legal authority whatsoever to remove its officers or directors.”<sup>6</sup> While I disagree with the aforementioned plaintiffs, it is not clear to me why concerns of this nature are not reflected in the Biden administration’s posture towards the new Polish government.

It is not immediately obvious how the Biden administration’s silence on the situation in Poland can be reconciled with past administration rhetoric regarding press freedom in Central Europe. Indeed, in recent years administration officials have appeared eager to comment on the state of media in neighboring countries, particularly Hungary after its citizens elected a conservative government. At an April 2021 roundtable on World Press Freedom Day, Secretary Blinken stated that “we have real concern [...] over the decline of media pluralism in Hungary” and intend to “make very clear both our concerns and our principles when it comes to human rights, the strength of democracy and its institutions, and freedom of the press.”<sup>7</sup> This echoed similar reprobations about media freedom issued by European Union (EU) entities and their leaders against Hungary and the right wing Polish government in office when now-Prime Minister Tusk was a high-ranking EU official.<sup>8</sup> Some have wondered whether appeals to press freedom and the rule of law are used as a reminder of values which must be committed to or as cudgels with which to call down the wrath of international institutions and non-governmental organizations upon political opponents. It is my hope that it will always be the former, but I fear the reaction to Prime Minister Tusk’s handling of the media may suggest otherwise.

The United States and Poland have traditionally enjoyed close bilateral relations reinforced by our shared appreciation for liberty and democracy. Poland is a valuable ally and one of the few

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<sup>4</sup> *Position statement by the Helsinki Foundation for Human Rights on the changes in the public media*, Helsinki Foundation for Human Rights, December 22, 2023, <https://hfhr.pl/en/news/statement-changes-in-the-public-media>

<sup>5</sup> *Turner v. U.S. Agency for Glob. Media*, No. 20-CV-2885, Dkt. 36 (D.D.C. 2020)

<sup>6</sup> *Open Tech. Fund v. Pack*, No. 20-CV-1710, Dkt. 1 (D.D.C. 2020)

<sup>7</sup> *World Press Freedom Day Roundtable with Secretary Blinken*, U.S. Department of State, April 28, 2021, <https://www.state.gov/briefings-foreign-press-centers/world-press-freedom-day-roundtable-with-secretary-blinken/>

<sup>8</sup> *Poland fury over ‘attack’ by EU’s Tusk*, BBC, November 20, 2017, <https://www.bbc.com/news/world-europe-42049973>

countries to meet its two percent NATO defense spending benchmark in 2023. I urge you to encourage Poland's new government to reconsider any actions that could undermine it or the freedoms Polish and American citizens both hold dear.

Sincerely,

A handwritten signature in black ink, appearing to read 'JD Vance', with a stylized flourish at the end.

JD Vance  
United States Senator