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Lech Wałęsa

President of the Republic of Poland, 1990-1995

Nobel Peace Prize 1983

Lech Wałęsa Institute, Founder

House of Foreign Affairs Subcommittee on Europe

Thirty years ago when totalitarian regimes in Poland and all throughout East-Central Europe were collapsing, and less than a week after the fall of the Berlin Wall, I had the privilege of addressing a joint session of the U.S. Congress as a simple electrician from an already liberated Poland, but at the same time the leader of the ten-million-strong “Solidarity” trade union. At this temple of the free world, I began with the words: “We, the people!” on behalf of those who were awakening after the dark night of Communism. It was precisely here, at the Capitol, that the peoples aspiring to freedom found the best possible ally. The most powerful democracy on Earth was and is the beacon of shared values and shared causes. Today I am honored once again to say thank you at this very special place and on this exceptional date when we are celebrating 30 years of our freedom and that of most of our neighbors.

It was our shared victory—the victory of good over evil, of free people over dictatorship, of victorious democracy over a totalitarian regime. Polish Solidarity initiated the process, however, had it not been for the support of the free world, particularly of our indomitable great friend the United States, the path would have been longer and less certain.

Within the last thirty years, my country has become a democracy, a symbol of economic success (in part thanks to my colleague here, Professor Balcerowicz), of the economic advancement of millions of people who emerged from poverty to the middle class. We have tripled our GDP, we have absorbed billions of dollars in business investment. I said then that I wanted America to send us her best generals—General Motors and General Electric. We also host American troops in Poland, and joining NATO to protect ourselves and our allies was the new Poland’s crowning achievement.

All this, however, is not enough. The world in which we live is faced with new challenges and new types of threats have arisen alongside traditional conflicts and political crises. New types of questions have appeared: How are we going to handle the modern threats towards democracy, such as populism, demagoguery, nationalism, which threaten the rule of law as well as the independence and quality of the system of justice?

Today, some people are saying that solutions should be based on the letter of the law and its observance. I answer, the letter of the law will be empty if we do not base ourselves on values, which should form the basis of the system we build and improve.

After our successful transition and over two decades of continuous political and legal improvement, today Poland faces a new type of challenge which was hardly predictable.

Today, the Constitution is being violated, and laws are being passed and independent institutions subdued, democracy and free thought attacked and undermined.

The current government has led an unrelenting attack on the judiciary and its independence through various tools familiar to other regimes around the world. These include stuffing the Supreme Court and the Constitutional Tribunal, politicizing and weaponizing the attorney general's office, and also limiting the autonomy of lower courts throughout the land.

Why is the ruling populist party doing this? They claim they are actually building a real democracy by eliminating the last post-communist vestiges in those institutions. But even a cursory look at those judges and prosecutors that have suffered, many are not communist holdovers at all. Their only common denominator is not having played the executive's political games. Also paradoxical is that the current regime employs several former communists, as long as they are loyal tools of their political project. So their reasoning is not consistent but instrumental. I can only imagine what their true motives are, in addition to short-circuiting the system for political gain. I guess their awarding lucrative contracts to their friends, unchecked by inconvenient watchdog institutions, could not have possibly figured into their thinking.

The examples of law valuation or abuse, I refer above are as follows:

- an attempt to take over control over the Constitutional Tribunal by appointing three judges for posts that were already occupied at that time, the appointment of the President of the Constitutional Tribunal violating Polish Constitution and keeping the Tribunal fully under the control of the executive power and the parliamentary majority.
- changing the status of the Public Prosecutor General to be a member of the government, able to intervene in the work of the operational prosecutors, having power to downgrade experienced and independent prosecutors from top positions and replace them by people nominated by his own appointees, and to obstruct preparatory investigations in cases inconvenient for ruling party and fire up actions against the political enemies.
- deconstruction of the National Council of the Judiciary as constitutional organ, responsible for ensuring the independence of the courts and the judges by changing the way of appointing its members by the Parliament (Sejm), not the judges themselves.
- changes in the Supreme Court by establishing its two new Chambers, including the Disciplinary Chamber. Its remit of competence are disciplinary proceedings against judges, prosecutors, barristers, attorneys and other legal professions. Further, the new law on the Supreme Court was designed to introduce compulsory earlier retirement for the current judges to vacate a maximum of places for new appointments.
- amendments to the law governing the functioning of the ordinary courts, giving the Justice Minister – Prosecutor General the power to dismiss presidents of all ordinary Courts in Poland and replace them by his own appointees.
- Institutional attack on independent judges by the Ministry of Justice by taking actions aimed at the defamation of judges.

Without adherence to values and a real sense of what democracy is, populists who are able to come to power can damage the foundations of a state's democratic functioning. The changes in Polish legal system were criticized by a number of EU institutions, including the

European Commission and the European Court of Justice. A report from the Heritage Foundation down the street here, together with the Wall Street Journal, warned that economic freedom, property rights, and investment could be harmed by the concentration of power led by the current Polish authorities.

With a bigger population than Canada, Poland has significant geopolitical value. We not only help temper the anti-Americanism of our larger European partners, but, crucially, act as a bulwark against a revanchist Russia not only in the framework of our NATO responsibilities, but also by strengthening statehood and civil society in our vulnerable neighbors such as Ukraine and Belarus. Demolishing the system of law by the current regime and concentrating power in one office makes Poland itself vulnerable geopolitically, as we would be more open to capture by nefarious foreign active measures targeted at our leaders, as have other countries with weak institutions. Turning Poland into another Belarus would be a real coup for the enemies of freedom.

In addition to the vandalism of the constitutional order, the ruling populists are trying to change the perception of our history, including the role played by America in helping Solidarity in its darkest hours. This includes airbrushing out the real Solidarity leaders, including, of the history books and replacing us by others whose roles then were doubtful at best.

By coming here to help you win the American Revolution, our military strategist Thaddeus Kosciuszko also helped ensure that English became the language of freedom. Polish remains the language for the permanent struggle for freedom. Believe me, we have seen much darker times, and we have always survived and even liberated ourselves as well as others from tyranny. This seems to be our historical mission. We will overcome the current problems and emerge stronger and more confident, as we always do. After all, freedom, independence, democracy, rule of law, security, and solidarity are the most meaningful words in both our languages.

God bless America! God bless Poland! Thank you.