

United States Senate

WASHINGTON, DC 20510

December 12, 2023

Ambassador Geraldine Byrne Nason
Ambassador of Ireland to the United States of America
Embassy of Ireland
2234 Massachusetts Ave., NW
Washington, DC 20008

Madame Ambassador:

I write to express concern about legislation pending in the Oireachtas that could undermine Ireland's commitment to universally prized freedoms, including the freedom of speech. The proposed legislation, called the "Criminal Justice (Incitement to Violence or Hatred and Hate Offences) Bill 2022," is full of vague prohibitions that would chill important public debate if they were to become law, particularly with respect to the most controversial and publicly significant matters. Given that President de Valera himself was imprisoned for sedition in 1918, I urge your government to consider the impact of this legislation on Ireland's proud tradition of free speech.

For example, the law criminalizes "behav[ing] in a public place in a manner . . . that is likely to incite . . . hatred against a person or a group of persons on account of their protected characteristics [while] being reckless as to whether . . . hatred is thereby incited." What on earth does that mean? Would the prohibition include "recklessly" attributing social ills, like crime, to increased immigration to Ireland? Would it include "recklessly" affirming that gender is biologically determined and that there are only two genders, male and female? Even if a court would not interpret the law to prohibit that sort of activity, Irish citizens could be forgiven for thinking that it does. And if those citizens self-censor to protect themselves from prosecution, Ireland will be robbed of the meaningful public discourse that all democracies need.

Although the proposed law is vague, one can guess at its frighteningly broad sweep from the comments of supportive legislators. Promoting the bill in a speech to the Seanad Éireann, Senator Pauline O'Reilly commented that this law was consistent with the purpose of "all law"—the "restriction of freedom."¹ Rather than allow people to speak their minds on sensitive

¹ Collin Rugg @CollinRugg, Twitter (November 27, 2023), <https://twitter.com/CollinRugg/status/1729132582145757402>.

United States Senate

WASHINGTON, DC 20510

subjects, O'Reilly claims the law would protect people from “discomfort” associated with “views” about their “identities.”²

The United States routinely condemns similar censorious conduct from China, Myanmar, or Iran. Indeed, earlier this year, the U.S. State Department imposed visa restrictions on Iranian government officials believed to be involved in censoring peaceful protestors and “inhibiting their rights to freedom of expression [and] peaceful assembly.”³ I am alarmed that one of our closest friends, a democracy dedicated to upholding cherished freedoms, should undertake such legislation.

I am particularly concerned by the following questions:

- If passed into law, would Ireland’s Criminal Justice (Incitement to Violence or Hatred and Hate Offences) Bill 2022 be consistent with all of Ireland’s treaty obligations?
- Would the bill be applicable to all classes of foreign visitors in Ireland if enacted? Would U.S. government officials be subject to its prohibitions if they visit Ireland on state business?
- If the bill becomes law, what steps will you take to ensure that Ireland’s departure from fundamental values like the freedom of expression does not damage its relationship with the United States?

I hope to have the opportunity to discuss this with you further.

Sincerely,



JD VANCE
United States Senator

² *Id.*

³ Antony J. Blinken, Secretary of State, *Designating Iranian Officials in Connection with Serious Human Rights Abuses Or Censorship in Iran*, U.S. Department of State, Apr. 24, 2023, <https://www.state.gov/designating-iranian-officials-in-connection-with-serious-human-rights-abuses-or-censorship-in-iran/>.